N.J.A.C. 7:25

Division of Fish and Wildlife Rules


Date last amended: February 22, 2022

For regulatory history and effective dates, see the New Jersey Administrative Code

Table of Contents


7:25-1.1 Scope
7:25-1.2 Construction
7:25-1.3 Practice where rules do not govern
7:25-1.4 Definitions
7:25-1.5 License, permit and stamp fees
7:25-1.6 (Reserved)
7:25-1.7 Penalties

Subchapter 2. Use of All Land and Water Areas Under the Control of the Division

7:25-2.1 Cutting or damaging vegetation
7:25-2.2 All motor vehicles and other forms of conveyances
7:25-2.3 Vehicle traffic controls in Wildlife Management Areas
7:25-2.4 Alcoholic beverages
7:25-2.5 Restricted areas and hours
7:25-2.6 Division Fish Hatcheries
7:25-2.7 Outboard motors
7:25-2.8 Horseback riding
7:25-2.9 Swimming
7:25-2.10 Camping, picnicking and vending
7:25-2.11 Fires
7:25-2.12 Target practice
7:25-2.13 Daily use permit
7:25-2.14 Field trail activities
7:25-2.15 Rental of clubhouses
7:25-2.16 Revocation
7:25-2.17 Securing permits
7:25-2.18 Wildlife Management Areas
7:25-2.19 Higbee Beach
7:25-2.20 Dog training
7:25-2.21 Waterfowl blinds
7:25-2.22 Special Events Permits
7:25-2.23 Boat Ramp Maintenance Permit
7:25-2.24 Fishing tournaments
7:25-2.25 Severability
7:25-2.26 Restrictions on use

Subchapter 3. Use of Mechanical Noise Making Devices

7:25-3.1 Procedure for securing permit
7:25-3.2 Devices
7:25-3.3 Standards on distance
7:25-3.4 Hours of operation
7:25-3.5 Revocation

Subchapter 4. Endangered, Nongame and Exotic Wildlife

7:25-4.1 Definitions
7:25-4.2 Permit required
7:25-4.3 Exotic species and nongame species requiring a permit for possession
7:25-4.4 Exempted species
7:25-4.5 Additional species
7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required
7:25-4.7 General possession criteria
7:25-4.8 Potentially dangerous species
7:25-4.9 Criteria for the possession of potentially dangerous species
7:25-4.10 Endangered species prohibited
7:25-4.11 Miscellaneous provisions
7:25-4.12 Notice of denial or permit, procedure, review, time limitations, hearing
7:25-4.13 List of endangered species
7:25-4.14 Requirements for possession of endangered wildlife species
7:25-4.15 Protection of animal and welfare of public
7:25-4.16 Violations
7:25-4.17 List providing conservation status of New Jersey’s indigenous nongame wildlife species
7:25-4.18 Endangered and Nongame Species Advisory Committee
7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes
7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous
Subchapter 5. Game Code

7:25-5.1 General provisions
7:25-5.2 Pheasant-Chinese ringneck (Phasianus colchicus tortuatus), English or blackneck (P.c. colchicus), Mongolian (P. mongolicus), Japanese green (Phasianus versicolor); including mutants and crosses of above
7:25-5.3 Cottontail rabbit (Sylvilagus floridanus), black-tailed jackrabbit (Lepus californicus), white-tailed jackrabbit (Lepus townsen dii), European hare (Lepus europeus), chukar partridge (Alectoris graeca), Hungarian partridge (Perdix perdix), and bobwhite quail (Colinus virginianus)
7:25-5.4 Ruffed grouse (Bonasa umbellus)
7:25-5.5 Eastern grey squirrel (Sciurus carolinensis)
7:25-5.6 Black bear (Ursus americanus), bobcat (Felis rufus)
7:25-5.7 Wild turkey (Meleagris gallapavo)
7:25-5.8 Mink (Mustela vison), muskrat (Ondatra zibethicus), and nutria (Myocaster coypus) trapping only
7:25-5.9 Beaver (Castor canadensis) trapping
7:25-5.10 River otter (Lontra canadensis) trapping
7:25-5.11 Raccoon (Procyon lotor), red fox (Vulpes vulpes), gray fox (Urocyon cinereoargenteus), Virginia opossum (Didelphis virginiana), stripped skunk (Mephitis mephitis), long-tailed weasel (Mustela frenata), short-tailed weasel (Mustela erminea), fisher (Martes pennanti), and coyote (Canis latrans) trapping only
7:25-5.12 General trapping
7:25-5.13 Migratory birds
7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets
7:25-5.15 Crow (Corvus spp.)
7:25-5.16 General falconry rules
7:25-5.17 Raccoon (Procyon lotor) and Virginia opossum (Didelphis virginiana) hunting
7:25-5.18 Woodchuck (Marmota monax) hunting
7:25-5.19 Red fox (Vulpes vulpes), gray fox (Urocyon cinereoargenteus) and coyote (Canis latrans) hunting
7:25-5.20 Dogs
7:25-5.21 Squirrel (Sciurus spp.), raccoon (Procyon lotor), opossum (Didelphis virginiana), skunk (Mephitis mephitis), weasel (Mustela spp.), woodchuck (Marmota monax), coyote (Canis latrans), gray fox (Urocyon cinereoargenteus), and red fox (Vulpes vulpes) damage
7:25-5.22 Wild animals; possession, killing
7:25-5.23 Firearms and missiles, etc.
7:25-5.24 Bow and arrow, general provisions
7:25-5.25 White-tailed deer (Odocoileus virginianus) fall bow season
7:25-5.26 White-tailed deer winter bow season
7:25-5.27 White-tailed deer six-day firearm season
7:25-5.28 White-tailed deer muzzleloader rifle permit season
7:25-5.29 White-tailed deer shotgun permit season
7:25-5.30 White-tailed deer bow permit season
7:25-5.31 White-tailed deer permit shotgun season and permit muzzleloader season, Great Swamp National Wildlife Refuge (Zone 38)
7:25-5.32 Special Wildlife Management Permits
7:25-5.33 Pheasants and quail stamp designated areas
7:25-5.34 Controlled hunting – hunting restrictions on wildlife management areas
7:25-5.35 Special wildlife salvage permit
7:25-5.36 White-tailed deer (Odocoileus virginianus) special biological permit
7:25-5.37 Special permit to inhibit wildlife reproduction
7:25-5.38 Fish and Game Law Enforcement Region Headquarters
7:25-5.39 Severability

Subchapter 6. Fish Code

7:25-6.1 General provisions
7:25-6.2 Definitions
7:25-6.3 Trout
7:25-6.4 Special regulations trout fishing areas – catch and release only
7:25-6.5 Special regulations trout fishing areas – Trout Conservation Areas
7:25-6.6 Special regulations trout fishing areas – Trout Stocked Wild Brown Trout Managed Waters
7:25-6.7 Special regulations trout fishing areas – Wild Trout Streams
7:25-6.8 Special regulations trout fishing areas – Trophy Trout Lakes
7:25-6.9 Special regulations trout fishing areas – Holdover Trout Lakes
7:25-6.10 Baitfish
7:25-6.11 Nets and alternative gear
7:25-6.12 Snagging prohibited
7:25-6.13 Warmwater fish
7:25-6.14 Ice fishing
7:25-6.15 Bow and arrow fishing
7:25-6.16 Closed waters
7:25-6.17 Emergency closure notice
7:25-6.18 Wanton waste of fish prohibited; tagging and marking of fish
7:25-6.19 Greenwood Lake
7:25-6.20 Delaware River between New Jersey and Pennsylvania
7:25-6.21 (Reserved)
THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT’S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

7:25-6.22 Snapping turtles, bull frogs, and green frogs
7:25-6.23 Special limited fishing licenses
7:25-6.24 Permits issued to scientific or educational organizations
7:25-6.25 Water lowering
7:25-6.26 Fish stocking; fish culture facilities
7:25-6.27 Revocation of permits; penalties
7:25-6.28 Requests for adjudicatory hearings

Subchapter 7. Miscellaneous Shellfish Rules

7:25-7.1 through 7.9 (Reserved)
7:25-7.10 Taking of oysters
7:25-7.11 Mussels
7:25-7.12 through 7.13 (Reserved)

Subchapter 8. Clam Licenses

7:25-8.1 Scope and authority
7:25-8.2 Purpose
7:25-8.3 Construction
7:25-8.4 Applicability
7:25-8.5 Licenses
7:25-8.6 License fees

Subchapter 9. Hard Clam Size Limits

7:25-9.1 Scope
7:25-9.2 Purpose
7:25-9.3 Construction
7:25-9.4 Definitions
7:25-9.5 Taking of hard clams
7:25-9.6 Penalties

Subchapter 10. Possession, Propagation, Liberation, Sale and Importation of Game Animals and Game Birds

7:25-10.1 Scope
7:25-10.2 Construction
7:25-10.3 Purpose
7:25-10.4 Definitions
7:25-10.5 Permit required
7:25-10.6 Game animals and game birds for which a permit is required for possession
7:25-10.7 Categories of permits, expiration, fees, sales receipt required,
records and reports required
7:25-10.8 General possession criteria
7:25-10.9 Emergency possession
7:25-10.10 Potentially dangerous species
7:25-10.11 Criteria for the possession of potentially dangerous species
7:25-10.12 Denial, suspension, revocation and hearings
7:25-10.13 Miscellaneous provisions

Subchapter 11. (Reserved)

Subchapter 12. Surf Clams

7:25-12.1 Scope and authority
7:25-12.2 Purpose
7:25-12.3 Construction
7:25-12.4 Severability
7:25-12.5 Definitions
7:25-12.6 Applicability
7:25-12.7 General control methods
7:25-12.8 Season
7:25-12.9 Prohibited surf clam harvest areas; reopening of closed surf clam harvest areas
7:25-12.10 Harvest limitations; surf clam harvest quota
7:25-12.11 Bait clams
7:25-12.12 Landing fees, tags, transfers of tags
7:25-12.13 Weekly reporting
7:25-12.14 Issuance of surf clam licenses
7:25-12.15 Issuance of bait clam vessel licenses
7:25-12.16 Licensing fees
7:25-12.17 Renewal of surf clam licenses and bait clam vessel licenses
7:25-12.18 Signatories; certification
7:25-12.19 Penalties
7:25-12.20 Hearings

Subchapter 13. Leased Tidal Grounds

7:25-13.1 Marking of leased tidal grounds; Delaware River and Bay

Subchapter 14. Crab and Lobster Management

7:25-14.1 Definitions
7:25-14.2 Use of crab pots and trot lines
7:25-14.3 Hours of fishing
7:25-14.4 Commercial licenses for crab pots/trot lines and crab dredges
7:25-14.5 Non-commercial licenses for crab pots/trot lines and crab
dredges
7:25-14.6 Placement and marking of pots and trot lines
7:25-14.7 Use of crab dredges
7:25-14.8 Landing crabs
7:25-14.9 Female crabs with eggs attached
7:25-14.10 Size of crabs taken
7:25-14.11 Harvesting crabs
7:25-14.12 Filing of reports
7:25-14.13 Size of lobster taken
7:25-14.14 Lobster possession limits
7:25-14.15 Prohibitions
7:25-14.16 Eligibility for lobster pot permit and pot allocation
7:25-14.17 Lobster pot tag program
7:25-14.18 Exceptions for research
7:25-14.19 Administrative notice
7:25-14.20 Penalties
7:25-14.21 Request for adjudicatory hearing

Subchapter 15. Clam Relay Program

7:25-15.1 Relay of hard clams

Subchapter 16. Defining Fish Lines

7:25-16.1 Defining lines upstream of which license is required to fish with handline, rod and line or long bow and arrow

Subchapter 17. Disposal and Possession of Dead Deer

7:25-17.1 Scope
7:25-17.2 Purpose
7:25-17.3 Construction
7:25-17.4 Authorized person and disposal or possession
7:25-17.5 Dead deer on private property
7:25-17.6 Possession of dead deer
7:25-17.7 Information required

Subchapter 18. Marine Fisheries

7:25-18.1 Size, season, and possession limits
7:25-18.2 Pound nets
7:25-18.3 Net identification tags
7:25-18.4 Spearfishing
7:25-18.5 General net regulations
7:25-18.5A Artificial reefs
7:25-18.6 Delaware Bay commercial and non-commercial gill net permit
7:25-18.7 Eligibility for Delaware Bay commercial and non-commercial gill net permits during the 60 days following June 3, 1991
7:25-18.8 Eligibility for Delaware Bay commercial and non-commercial gill net permits after the 60 days following June 3, 1991
7:25-18.9 Application for Delaware Bay commercial and noncommercial gill net permits
7:25-18.10 Issuance of Delaware Bay commercial and non-commercial gill net permits after August 2, 1991
7:25-18.11 Transfer of Delaware Bay commercial and non-commercial gill net permits
7:25-18.12 Commercial fishing seasons, quotas, and trip limits
7:25-18.13 Striped bass bonus program
7:25-18.14 Otter and beam trawls
7:25-18.15 Atlantic sturgeon management
7:25-18.16 Horseshoe Crab (Limulus polyphemus)
7:25-18.17 Request for adjudicatory hearing

Subchapter 18A. Fisheries Closures and Advisories for Striped Bass, American Eel, Bluefish, White Perch and Catfish Taken from the Northeast Region of the State

7:25-18A.1 Authority
7:25-18A.2 Scope and construction
7:25-18A.3 Definitions
7:25-18A.4 Closure of fisheries
7:25-18A.5 Public advisories concerning fisheries
7:25-18A.6 Public notice of fisheries closures and advisories
7:25-18A.7 Violations

Subchapter 19. Atlantic Coast Harvest Season

7:25-19.1 Scope
7:25-19.2 Purpose
7:25-19.3 Construction
7:25-19.4 Definitions
7:25-19.5 Method and season of harvest

Subchapter 20. (Reserved)

Subchapter 21. Terrapin Regulations

7:25-21.1 Designation of terrapin season
7:25-21.2 Taking of terrapin
7:25-21.3 Size requirement
Subchapter 22. Menhaden

7:25-22.1 Taking of Atlantic menhaden for fish meal reduction
7:25-22.2 Definitions
7:25-22.3 Atlantic menhaden annual quota and season
7:25-22.4 Taking Atlantic menhaden utilizing a purse seine
7:25-22.5 Menhaden Landing and Personal Use and Limited Sale licenses
7:25-22.6 Transferability of certain licenses
7:25-22.7 Vessel boarding
7:25-22.8 Menhaden Dealer License
7:25-22.9 Penalties

Subchapter 23. Permit to Kill Wild Deer

7:25-23.1 Scope
7:25-23.2 Purpose
7:25-23.3 Construction
7:25-23.4 Definitions
7:25-23.5 Permit required; authorized permittee; agents
7:25-23.6 Permit conditions
7:25-23.7 Liability
7:25-23.8 Penalties

Subchapter 24. Leasing of Atlantic Coast Bottom for Aquaculture

7:25-24.1 Scope and Authority
7:25-24.2 Construction
7:25-24.3 Severability
7:25-24.4 Definitions
7:25-24.5 Lease applications for new ground
7:25-24.6 Considerations of lease applications for new ground
7:25-24.7 Hydrographic survey charges; annual lease fees
7:25-24.8 Lease renewal
7:25-24.9 Lease transfers
7:25-24.10 Staking of leases
7:25-24.11 Improper staking of leases
7:25-24.12 Protection of leased lands from invasion
7:25-24.13 Disposition of condemned lease areas
7:25-24.14 Disposition of terminated lease areas
7:25-24.15 Research/education activities
7:25-24.16 Signatories; certification
7:25-24.17 Penalties
SUBCHAPTER 1. General Provisions

7:25-1.1 Scope

Unless otherwise provided, the following shall constitute supplements to the statutes governing fish and game law.

7:25-1.2 Construction

These rules shall be liberally construed to permit the department, the Division of Fish and Wildlife and its various agencies to discharge its statutory functions.

7:25-1.3 Practice where rules do not govern

The Fish and Game Council may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

7:25-1.4 Definitions

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

"Closed season" means the time during the year when fish, game, birds, or animals, as the case may be, may not be captured, taken, killed or had in possession.

"Code" means the New Jersey Administrative Code.

"Compendium" means the regularly published summary of applicable rules, regulations and statutes.

"Conservation officer" means a law enforcement officer of the division.

"Council" means the Fish and Game Council in the Division.

"Division" means the Division of Fish and Wildlife in the Department of Environmental Protection.

"Open season" means the time during the year when fish, game, birds or animals, as the case may be, may be captured, taken, killed or had in possession.

7:25-1.5 License, permit, and stamp fees

Pursuant to N.J.S.A. 23:3-1a, the fees for hunting and fishing licenses, permits and stamps issued by the Division are as follows. The listed fees include, where applicable, a
nonrefundable $2.00 application fee as set by the Legislature in N.J.S.A. 23:3-1c and an issuance fee of $.50 as set by the Legislature in N.J.S.A. 23:3-1.1, 23:3-4 and 23:3-4.1.

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7:25-1.6 (Reserved)

7:25-1.7 Penalties

(a) Pursuant to N.J.S.A. 50:2-1 no person shall take or catch any clams without either a recreational or commercial license. Any person violating this provision shall be liable to a penalty of $20.00 for the first offense and $40.00 for each subsequent offense.

(b) Pursuant to N.J.S.A. 50:2-2, no person shall take or catch more than 150 clams a day with only a recreational license or no license. Any person violating this provision shall be liable to a penalty of $100.00 for the first offense and $200.00 for each subsequent offense.

(c) Pursuant to N.J.S.A. 50:2-5, each licensee, while at all times engaged in operating under his license who fails to have his clamming license in his possession or who fails to
exhibit his clamming license for inspection upon proper request, shall be liable to a penalty of $ 10.00 for the first offense and $ 20.00 for each subsequent offense.

SUBCHAPTER 2. Use of All Land and Water Areas Under the Control of the Division

7:25-2.1 Cutting or damaging vegetation

No person or persons shall at any time cut, fell, dig up, pull up, damage, gather, carry away, take, remove or destroy any tree, shrub, vine or other vegetation or part thereof without written permission or other authorization of the Division. Nothing in this section shall apply to public utility companies or their agents engaged in the maintenance of existing utility company rights of way, provided that prior notice is given to the Division.

7:25-2.2 All motor vehicles and other forms of conveyances

a) No person shall operate any motor vehicle, motorboat, or other conveyance on or over any State Wildlife Management Area unless the motor vehicle or motorboat is properly registered and displays the proper and valid registration numbers. All boats used on the waters under the control of the Division are subject to N.J.S.A. 12:7-1 et seq. and N.J.A.C. 13:82 and shall be operated in accordance with those provisions.

(b) All motor vehicles or other conveyances are restricted to established roads or designated parking areas. Motor vehicles or other conveyances shall not be operated at any time on or over any road, trail, survey line, dam, boundary or transmission line or other area designated as "closed" by signs or barriers, nor shall a vehicle or other conveyance be operated on or over any cultivated or planted areas or woods and fields in any Wildlife Management Area unless written permission or other authorization is granted by the Division.

1. Special permits may be granted to organized motorcyclists to operate on an established course or trail under regulations prescribed by the Division for a fee of $ 100.00, plus a charge of $ 1.00 for each participating motorcycle.

(c) No person shall operate motor vehicles, including conveyances, commonly known as off-road vehicles, all terrain vehicles, snowmobiles, dog sleds, dog carts or trail bikes, on State Wildlife Management Areas at any time without first obtaining a written permit or other authorization from the Division.

(d) No motor vehicle or other conveyances shall be stopped or parked so as to block any travelled portion of any road or restrict the free movement of any vehicle thereon, in any State Wildlife Management Area.
(e) A person operating a motor vehicle or other conveyance in any State Wildlife Management Area shall comply with all posted speed limits or other vehicle control signs. See N.J.A.C. 7:25-2.3 for specific vehicle control restrictions.

7:25-2.3 Vehicle traffic controls in Wildlife Management Areas
(a) In the Assunpink Wildlife Management Area, the following motor vehicle speed limits are established:

1. Clarksburg-Robbinsville Road speed limits are as follows:
   i. Zone 1--15 mph between Englishtown Road and Millstone-Hightstown Road.
   ii. Zone 2--25 mph between Millstone-Hightstown Road and Sharon Station-East Branch Road (AKA Eldridge Road).
   iii. Zone 3--35 mph between Sharon Station-East Branch Road (AKA Eldridge Road) and Roosevelt Road.

2. East Branch-Stone Tavern Road--35 mph.


4. Roosevelt Road speed limits are as follows:
   i. Zone 1--15 mph between the southernmost jurisdictional line and Clarksburg-Robbinsville Road.
   ii. Zone 2--35 mph between Clarksburg-Robbinsville Road and the northernmost jurisdictional line.

5. Sharon Station-East Branch Road (AKA Eldridge Road)--25 mph.

(b) In the Assunpink Wildlife Management Areas the following intersections are designated as stop intersections:

1. Clarksburg-Robbinsville Road and Roosevelt Road (southerly approach), stop on Roosevelt Road.

2. Clarksburg-Robbinsville Road and Sharon Station, stop on Sharon Station-East Branch Road (AKA Eldridge Road).

3. Sharon Station-East Branch Road (AKA Eldridge Road) and East Branch-Stone Tavern Road, stop on East Branch-Stone Tavern Road.
4. Millstone-Hightstown Road and Clarksburg-Robbinsville Road (westerly approach), stop on Clarksburg-Robbinsville Road.

(c) In the Assunpink Wildlife Management Area the following intersection is designated as a stop and yield intersection:

1. Clarksburg-Robbinsville Road and Roosevelt Road (northerly approach), stop sign on the left turn lane of Roosevelt Road (northerly approach) and yield sign on the right turn lane of Roosevelt Road (northerly approach).

(d) In the Prospertown Lake Wildlife Management Area, all vehicles over 30,000 Gross Vehicle Weight Rating are prohibited from using the parking area.

7:25-2.4 Alcoholic beverages

No person or persons shall consume or have in possession or control any intoxicating beverage or any beverage containing alcohol while on any land or water area under the control of the Division, except that organized groups may, with written permission or other authorization from the Division, possess or consume alcoholic beverages on designated Wildlife Management Areas.

7:25-2.5 Restricted areas and hours

(a) No unauthorized person or persons shall enter upon in any manner any land or water areas controlled by the Division between the hours of 9:00 P.M. and 5:00 A.M. (2100 and 0500 hours) EST or EDT as listed in Trenton, New Jersey, whichever is in effect on the given date.

1. This shall not preclude a person engaged in lawful and proper hunting, trapping or fishing activity or other activities authorized by the Division.

2. No person shall enter any area designated with signs by the Division as "restricted" or "closed" without first obtaining written permission from the Division.

7:25-2.6 Division Fish Hatcheries

(a) No unauthorized person shall take or attempt to take fish by any means, or feed, molest, disturb, kill, net or attempt to net any fish in or from the waters of State Fish Hatcheries, except the public may take or attempt to take fish in or from those waters specifically posted for public fishing by the Division.

(b) In the Pequest Wildlife Management Area, no unauthorized person shall take or attempt to take fish by any means, or feed, molest, disturb, kill, net or attempt to net any
fish within the restricted area posted as being a portion of, or adjacent to, the outflow of the Pequest Trout Hatchery.

(c) In the Pequest Trout Hatchery, the taking or attempting to take fish by any means, or feeding, molesting, disturbing, killing, netting or attempting to net any fish in the "Fishing Education Pond" is prohibited unless specifically authorized by the Division.

7:25-2.7 Outboard motors

(a) No person shall operate or use any boat or other flotation device using an engine commonly known as an outboard motor, inboard motor or inboard-outboard motor on any freshwater lake or pond located within a Wildlife Management Area (note (c) below) without written permission from the Division.

1. This section does not preclude the use of battery-powered electric motor on these areas, with exception as noted in (b) below.

(b) On Prospertown Lake in Ocean County only manually operated boats are permitted.

(c) On Union Lake Wildlife Management Areas in Cumberland County, a person may operate a boat equipped with not more than one outboard motor, and this motor shall not exceed 10 horsepower.

7:25-2.8 Horseback riding

(a) No person shall ride a horse in or on any land or water area controlled by the Division without first procuring a proper and valid permit from the Division. The permit is to be in the possession of the horseback rider at all times when riding a horse in these areas.

1. The riding of horses on or over any wildlife food area, dams, cultivated fields, gardens or lawns shall be unlawful at all times.

2. On State Wildlife Management Areas where such activity may be permitted, it shall be done only in designated areas.

(b) The fee for any individual permit for horseback riding on State Wildlife Management Areas shall be $25.00 per calendar year. All horseback riding permits will expire on December 31, of each year.

1. The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of $100,000/$300,000 personal liability and $50,000 property damage, or $300,000 aggregate.
2. Each application to ride horseback must be accompanied by a statement from the applicant's insurance carrier denoting the insurance coverage as it applies to the riding of a horse on a State Wildlife Management Area.

(c) The Division may issue group horseback riding permits, covering a specified time period, to the Equine Advisory Board of the State Department of Agriculture. No fee will be charged for these permits.

1. The Department of Agriculture when applying for such a permit will provide the Division with a complete application for a permit, on a form to be provided by the Division. A copy of the valid permit must be posted at the New Jersey Horse Park facility or in possession of the event coordinator. Each participant must possess a copy of a completed registration form, which will be provided by the Division.

   i. The Department of Agriculture will be required to provide proof of insurance in the amounts specified at (b)1 above for the group permits they sponsor.

(d) The Division may also issue group horseback riding permits to clubs or organizations on a daily basis. The fee for such a permit will be $75.00 per day.

   1. The prospective group permittee shall maintain public liability and property damage insurance according to the insurance requirements delineated at (b)1 above.

   2. At least five days before the event, the club or organization applying for such a permit will provide the Division with an application for a permit which includes a roster of riders who will be participating in the event.

   3. Each group permit application must be accompanied by a statement from the applicant's insurance company specifying the insurance coverage as it applies to the riding of horses on State WMA's.

   4. A copy of the valid permit and roster must be in possession of at least one of the participating riders. For the purpose of this section, a group will be defined as two or more riders.

(e) The Division may determine and designate the areas where the riding of horses is permitted and the number of permits to be issued per area during any one time period. Permittees shall be liable for any damage that may occur as a result of their horseback riding activities.

(f) This section shall not preclude a person participating in a field trial, during the period of time stated in the field trial permit under authority of N.J.A.C. 7:25-2.14, from riding a horse in designated Wildlife Management Areas without a horseback riding permit.
(g) The use of horse drawn carriages on all designated wildlife management areas will require an individual or group permit from the Division. The insurance coverage requirements set forth in (b)1 above for horseback riders shall apply to horse drawn carriage riders.

7:25-2.9 Swimming
(a) Swimming and bathing are prohibited on all State Wildlife Management Areas except those designated by the Division where a State appointed lifeguard is on duty.

1. No wading is permitted except for the purpose of hunting, trapping or fishing.

2. For the purpose of this section, the use of such devices as vehicle inner tubes, surf boards, inflatable mats or underwater breathing devices commonly known as "scuba" (self contained underwater breathing apparatus) gear shall be considered as swimming or bathing.

7:25-2.10 Camping, picnicking and vending
(a) Camping or picnicking is prohibited on all Division controlled areas, including State Wildlife Management Areas. For the purpose of this section, "camping" means any temporary shelter such as a tent, trailer, recreation vehicle, sleeping bag, hut or other structure that a person or persons use as sleeping, resting, or living quarters.

(b) This shall not preclude a person with proper permission or other authorization from the Division from picnicking on the designated areas of the Pequest Trout Hatchery.

(c) No person shall sell or offer for sale any food, beverage or other merchandise on any State Wildlife Management Area without first obtaining a written permit from the Division.

7:25-2.11 Fires
No person shall set or cause to be set, start, build or maintain any fire on any State Wildlife Management Area without written permission of the Division. This shall not preclude State Fire wardens from setting fires as required to check or extinguish any fire on such areas, under authority of N.J.S.A. 13:9-15.

7:25-2.12 Target practice
(a) No target practice of any kind is permitted on State Wildlife Management Areas except within designated areas provided by the Division. This shall not preclude the use of shotguns, muzzleloaders, .22 rifles, or bow and arrows for the purpose of authorized hunter education or other authorized purposes in designated areas.
(b) The following regulations apply to all activities on the archery range, shotgun range, muzzleloading rifle and shotgun slugs range, and rifle range:

1. Hours of operation are from 8:00 A.M. to sunset daily.

2. No person shall stand beyond the shooting line while shooters are firing.

3. At least one member of each shooting group shall have a valid New Jersey hunting license in his or her possession.

4. No littering shall be permitted.

5. All spectators shall stand behind all firing positions at the range.

6. All hunter education classes shall have priority use of the range facility.

7. Violation of any of the foregoing restrictions, or of any requirement listed in (c), (d), (e) or (f) below, may result in expulsion from the range, the imposition of fines, or license revocation pursuant to N.J.S.A. 23:3-22.

(c) In addition to the requirements listed in (b) above, the following requirements shall apply to all training activities on the archery range:

1. No arrows other than field tips or target points shall be used.

2. No broadheads shall be used.

3. All targets used shall be paper, foam or straw. Targets constructed of other materials are prohibited.

4. No damaged or unsafe equipment shall be used. Prior to shooting all shooters shall be sure of their target and beyond.

5. Archers shall shoot only from marked shooting positions and shall shoot only at backstops.

6. No archer shall nock an arrow or draw a bow when any other person is in front of him or her or is down range.

7. When drawing his or her bow, no archer shall raise his or her arrow point higher than the top of the backstop.

8. All shooting shall cease when a cease fire is called.
(d) In addition to the restrictions listed in (b) above, the following requirements shall apply to all training activities on the shotgun range:

1. No weapons other than shotguns and muzzleloading shotguns shall be used at the range.

2. Only fine shot smaller than No. 4 Lead or No. T Steel ammunition shall be used.

3. No slugs or buckshot shall be used.

4. Only clay birds and paper pattern boards shall be used. All other forms of targets are prohibited.

5. The pointing of a firearm loaded or unloaded at anything except a target is prohibited.

6. Muzzles shall always be kept pointed in a safe direction and prior to shooting all shooters shall be sure of their target and beyond.

7. Shooting shall only occur from marked firing positions into marked shotfall areas.

8. All shotgun actions shall be kept open at all times except when on the firing line.

9. All uncased shotguns being carried to or from the firing line shall be unloaded and shall have their actions open.

10. Eye and ear protection equipment shall be used.

11. When any person is down range of the firing line, the handling of shotguns is prohibited. In addition, all shotguns shall be unloaded and shall have their actions opened.

12. No person shall smoke on the firing line when a black powder shotgun is being used.

13. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and shall have their actions open.

14. A target change may be made by calling a cease fire on the hour and the half hour.
(e) In addition to the requirements listed in (b) above the following requirements shall apply to all activities on the muzzleloading rifle and shotgun slugs range:

1. No weapons other than muzzleloading rifles and shotguns shall be permitted at the range.

2. Only paper type targets are permitted to be used. All other forms of targets are prohibited.

3. All persons using the range shall observe the primary safety rule of treating every gun as if it were loaded.

4. All muzzles shall be kept pointed in a safe direction and prior to shooting all shooters shall be sure of their target and beyond.

5. Eye and ear protection equipment shall be used.

6. All shooting shall occur only from marked firing line positions into the designated backstop area.

7. No muzzle of a loaded firearm shall be raised higher than the top of the backstop.

8. All firearms actions shall be kept open at all times except when the shooter is on the firing line.

9. All uncased firearms being carried to or from the firing line shall be unloaded and shall have their actions opened.

10. When any person is down range of the firing line, all firearms shall be unloaded and shall have their actions opened.

11. When any person is down range, no handling of firearms shall occur, including the adjustment of sights.

12. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and shall have their actions open.

13. A target change may be made by calling a cease fire on the hour and the half hour.

14. No smoking shall occur on the firing line when a black powder firearm is being used.
(f) In addition to the requirements listed in (b) above, the following requirements shall apply to all activities on the rifle range:

1. No firearms shall be used except modern action rim-fire or center fire rifles and muzzleloading rifles.

2. Shooters may load and fire only one round at a time.

3. Only paper type targets are permitted to be used. All other types of targets are prohibited.

4. The primary safety rule of treating every gun as if it were loaded shall be observed.

5. All shooters shall keep all muzzles pointed in a safe direction and prior to shooting shall be sure of their target and beyond.

6. Eye and ear protection equipment shall be used.

7. No shooting shall occur except from marked firing line positions into the designated backstop area.

8. No muzzle of a loaded firearm shall be raised higher than the top of the backstop.

9. All firearms actions shall be kept open at all times except when the shooter is on the firing line.

10. When any person is down range of the firing line, all firearms shall be unloaded and all firearms actions shall be opened.

11. All uncased firearms being carried to or from the firing line shall be unloaded and shall have their actions opened.

12. When any person is down range, no handling of a firearm, including the adjusting of sights, shall occur.

13. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and all firearm actions shall be opened.

14. Target changes may be made by calling a cease fire on the hour and on the half hour.

15. No smoking shall occur on the firing line when a black powder firearm is being used.
7:25-2.13 Daily use permit

On designated State Wildlife Management Areas, a charge of not more than $2.00 per each passenger vehicle other than a bus, and not more than $10.00 for each bus shall be charged. This section shall not apply to properly licensed hunters, anglers or trappers.

7:25-2.14 Field trial activities

(a) Permits for the use of State Fish and Wildlife Management Areas for conducting field trials or retrieving field trials as defined in (c) below may be granted by the Division in accordance with the provisions of this section. General authority for this section is found in N.J.S.A. 23:4-26.

(b) No person shall conduct a field trial or retrieving field trial on any fish and wildlife management area without a permit from the Division.

(c) Definitions include the following:

1. "Field trial" means an organized training or competitive event in which dogs are used to locate and/or pursue game animals while their performance is evaluated in a manner as prescribed by the standards set forth by the sponsoring organization. Retrieving and firearms are not employed.

2. "Retrieving field trial" means a training or competitive event in which dogs are used to locate and/or pursue game animals culminated by the retrieving of said animals. The performance of each dog is evaluated as prescribed by the standards set forth by the sponsoring organization. Firearms may be employed in this type of event.

3. "Division" means the Division of Fish and Wildlife or its successor in the Department of Environmental Protection.

(d) Application procedures are:

1. A permit for a field trial or retrieving field trial may be issued to an organization that is organized as a "field trial club". The Division shall describe the form of the permit and the form of the application.

2. An application for the holding of a spring field trial or retrieving field trial shall be made no later than January 1. An application for the holding of a fall field trial or retrieving field trial shall be filed no later than August 1.

3. Fees: A fee of $100.00 per day shall be charged for all field trials or retrieving field trials using the designated course or areas and building facilities provided by
the Division on Wildlife Management Areas. A fee of $50.00 per day shall be charged for all field trials or retrieving field trials using only the designated course or area on the Wildlife Management Areas.

(e) Field trials and retrieving field trials may be authorized during the period of February 15 to April 30 and September 1 to October 31 except, however, field trials and retrieving field trials may be authorized for the Assunpink wildlife management area from February 15 through October 31 inclusive. A permit will specify the location within the wildlife management area in which the permitted event shall be conducted.

(f) General provisions include:

1. Only birds in excellent physical condition shall be liberated for any event. Birds with clipped wings or otherwise mutilated shall not be liberated. Birds are not to be mishandled, handled cruelly, or injured at the time of liberation. The club is responsible for the liberation of the birds.

2. At retrieving field trials, only pen reared game birds and domestic mallards may be used. Only birds specified in the permit may be liberated. Any bird carcass must be tagged before it is removed from the event location. Tags shall be secured from the Division at a fee of $0.25 each. All bird carcasses shall be properly disposed of by the permittee at another location outside the designated Wildlife Management Area in use.

3. All individuals using firearms shall possess and display a firearms hunting license valid for the current calendar year.

4. The riding of horses by field trial judges, entrants, handlers and trainers without riding permits required by Regulation No. 4 (N.J.A.C. 7:25-2.8) is allowed, providing the field trial sponsoring organization or association has first obtained the proper field trial permit, and promulgates and maintains a written roster of the names of persons participating in the field trial in the listed capacities, who will be horseback riding on the dates listed in the field trial permit.

   i. The valid roster shall be available for inspection by conservation officers, deputy conservation officers or other law enforcement officers at any time during the dates listed on the field trial permit.

   ii. Spectators, gallery and observers of field trials who ride horses, or persons engaged in leasing or renting of riding horses at field trials, must obtain and, while riding, have in their possession a valid horseback riding permit.
These regulations are not intended to prohibit the running of coonhound trials utilizing a laid trial and live raccoon placed in a tree at the end of the chase. The owner of a raccoon utilized for the laid trail must be licensed by the Division for the possession of a live raccoon.

Liability rules are:

1. The prospective permittee shall maintain public liability and property damage insurance for the requested period of use, with an insurance company recognized to do business in the State of New Jersey, in the amount of $100,000/$300,000 personal liability and $50,000 property damage. Certificate for such coverage shall be submitted with the application for field trial permits and/or the application for retrieving field trial permits.

2. All persons shall use every precaution to prevent damage, destruction, or fire. The permittee shall be completely responsible for any damage occurring in the location and at the time the field trial or retrieving field trial is being conducted. No permit shall be issued to any organization or persons who have damaged or destroyed state lands or property and who have failed to reimburse the state.

The organization or persons sponsoring the event shall be responsible for the removal of all litter, trash, the cleaning of barns, the cleaning of dog kennels, clubhouse facilities including kitchen facilities and sanitary facilities. The permittee shall be billed by the state for any expenses necessary to clean the facilities used by the permittee. No permit shall be issued to any organization or person who has failed to reimburse the state.

7:25-2.15 Rental of clubhouses

(a) Use of clubhouses or designated facilities for outings, trap shoots, or other events will be authorized at a fee of $100.00 a day: use for meeting purposes will be permitted at a $50.00 daily fee. Permittee shall be responsible and liable for any damage which may occur.

(b) The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of $100,000/$300,000 personal liability and $50,000 property damage. Certificates of such coverage shall be submitted with each application before a permit is issued.

7:25-2.16 Revocation

The Division may revoke any permit or other authorization issued hereunder for due cause or for violation of any provision set forth herein, whether or not prosecution is brought as provided in N.J.S.A. 23:7-9.
7:25-2.17 Securing permits

Information on securing any of the permits described in this subchapter may be obtained by writing or telephoning the Division of Fish and Wildlife, PO Box 400, Trenton, New Jersey 08625-0400. Telephone (609) 984-1401.

7:25-2.18 Wildlife Management Areas

(a) This subchapter applies to the following designated Wildlife Management Areas:

1. Absecon
2. Amwell Lake
3. Assunpink
4. Baldwin Lake
5. Beaver Swamp
6. Belvidere
7. Berkshire Valley
8. Berrytown
9. Millville
10. Black River
11. Butterfly Bogs
12. Capoolong Creek
13. Cedarville Pond
14. Clarks Pond
15. Clinton
16. Colliers Mills
17. Corson
18. Kingwood
19. Holland Church
20. Dennis Creek
21. Dix
22. Egg Island
23. Flatbrook
24. Forked River Game Farm
25. Fortescue
26. Glassboro
27. Great Bay Boulevard
28. Greenwood Forest
29. Greenwood Pond
30. Hackettstown
31. Hainesville
32. Hamburg Mountain
33. Harrisonville Lake
34. Heislerville
35. Higbee Beach
36. Imlaystown Lake
37. Ken Lockwood Gorge
38. Logan Pond
39. Tuckahoe
40. Mad Horse Creek
41. Manahawkin
42. Manasquan River
43. Manchester
44. Marmora
45. Maskels Mill Pond
46. Medford
47. Menantico Ponds
48. Nantuxent
49. New Sweden
50. Old Wharf
51. Osborne
52. Oyster Creek
53. Pasadena
54. Peaslee
55. Pequest
56. Port Republic
57. Prospertown Lake
58. Rockport Game Farm
59. Round Valley Angler Access
60. Rowands Ponds
61. Roy
62. Saw Mill Creek
63. Sedge Islands
64. Stafford Forge
65. Swan Bay
66. Turkey Swamp
67. Union Lake
68. Van Nest Refuge
69. Walpack
70. Wanaque
71. Whiting
72. Whittingham
73. Winslow
74. Bear Swamp
75. Cape May Wetlands
76. Columbia Lake
77. Hummers Beach
78. Knowlton
79. Lebanon Laboratory
80. Makepeace Lake
81. Mannington
82. New Sweden
83. Oyster Creek
84. Elmer Lake
85. Pemberton Lake
86. Maple Lake
87. Point Pleasant Canal Access
88. Budd Lake
89. Feather Bed Lane
90. Musconetcong River Access
91. Pork Island

(b) Interested persons may obtain information on Wildlife Management Areas by contacting the Division at (609) 292-2965. A Guide to Wildlife Management Areas, containing maps of each area, is available from:

Division of Fish and Wildlife
New Jersey Department of Environmental Protection
PO Box 400
Trenton, New Jersey 08625-0400

7:25-2.19 Higbee Beach

(a) In addition to all regulations prescribed in this subchapter affecting the designated Wildlife Management Areas listed at N.J.A.C. 7:25-2.18, the following additional regulations shall apply to the public use of the Higbee Beach Wildlife Management Area (HBWMA):

1. From 12:01 A.M. on September 15 until 8:00 A.M. on November 1 of each year, use of the HBWMA shall be limited to trails designated on the map posted at the HBWMA parking lot, and on maps available at the division's Endangered and Nongame Species Program office located at the HBWMA.

2. Fields on the HBWMA shown on the map described at (a)1 above may be designated as "refuge areas" from 12:01 A.M. on September 15 until 8:00 A.M. on November 1 of each year. Observations of these refuge areas will be permitted only from blinds established and maintained by the division's Endangered and Nongame Species Program. Permits for observation from established trails within these refuge areas may be issued by the division's Endangered and Nongame Species Program office upon written request received in the division's Trenton office (CN 400, Trenton NJ 08625) at least five days in advance of the effective date of the permit and provided the specific permitted activity is consistent with the intent of this section.

3. During the time period specified at (a)1 above, group size will be limited to six people. Permits for groups numbering more than six people will be available at no
4. No person may hunt or trap on the HBWMA from 12:01 A.M. on September 1 to 12:01 A.M. on the first Monday after the white-tailed deer (Odocoileus virginianus) six day firearm season ends in accordance with the provisions of N.J.A.C. 7:25-5.27.

5. Motor vehicles may be used on designated roads and on the beach area (the area seaward of the dunes) of the HBWMA only as follows:

   i. The operator must have in possession a valid permit issued for use on the HBWMA and available at no charge upon written request received in the division's Trenton office (CN 400, Trenton, NJ 08625);

   ii. Motor vehicles may not be present on the beach area from two hours before high tide to two hours after high tide, as the times of such tides are posted at the HBWMA parking lot;

   iii. Motor vehicles may not be present on the beach area between Memorial Day (the last Monday in May) and Labor Day (the first Monday in September) from 10:00 A.M. to 5:00 P.M. and as further limited at (a)5ii above; and

   iv. Motor vehicles may be excluded from the beach area upon departmental determination that this action is necessary to maintain and enhance the use of HBWMA by migratory and resident endangered and threatened species of wildlife.

6. From 12:01 A.M. on April 15 until 12:01 A.M. on September 15 of each year, that part of the HBWMA designated as the south-end beach area, as described on the maps posted at the HBWMA parking lot, available at the Division's Endangered and Nongame Species office located at the HBWMA and at the Division's Trenton office (501 E. State Street, Station Plaza 5, Third Floor, CN 400, Trenton, N.J. 08625), and on file with the Office of Administrative Law, shall be closed to all public access and use, except upon prior written approval from the Department, which may be obtained from the Division's Trenton office.

7. That part of the HBWMA designated as the north-end beach area, as described on the maps posted and available in accordance with (a)6 above, shall be open year-round to public access and use for those activities permissible under N.J.A.C. 7:25-2.

8. At all times, the dune areas of HBWMA are closed to all public access and use, except upon prior written approval from the Department, which may be
obtained from the Division's Trenton office at the address listed in (a)6 above. Dune areas may be observed from established trails as designated and described on the maps posted and available in accordance with (a)6 above. Entry onto the dunes from established trails is prohibited at all times.

7:25-2.20 Dog training

(a) A person may exercise or train dogs on State Fish and Wildlife Management Areas from May 1 to August 31, inclusive, on the following designated Wildlife Management Areas:

1. Assunpink;
2. Millville;
3. Black River;
4. Clinton;
5. Colliers Mills;
6. Glassboro;
7. Hainesville;
8. Tuckahoe;
9. Manasquan;
10. Stafford Forge; and
11. Whittingham.

(b) A person may exercise or train dogs on any State Wildlife Management Area from September 1 to April 30.

(c) There shall be no exercising or training of dogs on any Wildlife Management Area on the Friday before the opening day of the regular small game season.

(d) All dogs involved with training activities must be properly licensed according to State law.

(e) Pheasants, quail and partridge may be released for dog training on wildlife management areas. The game birds must be obtained from a licensed game breeder. Any person releasing pheasants, quail or partridge in a Wildlife Management Area must have
in their possession a "Game Animal--Game Bird Sales Receipt" for the birds to be released. These receipts are provided to licensed game breeders by the Division and are issued by the breeder to the purchaser of game birds.

(f) Pigeons may be used for dog training. However, the shooting of pigeons for dog training is prohibited.

(g) Game birds used for dog training on Wildlife Management Areas may not be brailed or tethered to restrain the bird in any way after release. Mechanical bird holding devices may be used to restrain game birds prior to release. Upon release the game birds used for dog training are subject to all rules and regulations pertaining to seasons, bag limits and methods and means of take specified in the New Jersey Game Code.

(h) No firearms may be used outside of the prescribed hunting seasons for the training of dogs. Starter pistols, dummy launchers and other noise making devices which are not capable of firing a projectile that could cause harm may be used.

(i) Frozen or otherwise preserved game birds obtained during the legal hunting season may be used for dog training purposes.

(j) The release of rabbits, hares, raccoons, and foxes for dog training is prohibited.

(k) The use of call back pens for game birds on any Wildlife Management Area is prohibited

7:25-2.21 Waterfowl blinds

(a) No permanent waterfowl blinds, including pit blinds, shall be constructed, hunted from or used in any manner in any of the following wildlife management areas:

1. Assunpink;
2. Black River;
3. Colliers Mills;
4. Hainesville;
5. Tuckahoe;
6. Manahawkin;
7. Stafford Forge;
8. Whittingham;
9. Beaver Swamp;

10. Sedge Island WMA;

11. Mannington; or


(b) Any blind used in the areas in (a) above must be portable and shall be completely removed at the end of the day. Blinds remaining in the Wildlife Management Areas in (a) above will be classified as abandoned property and will be subject to confiscation and disposal by the Division.

7:25-2.22 Special Events Permits

(a) Any person or group wishing to conduct an activity within a Wildlife Management Area ("WMA"), other than those specifically permitted pursuant to this chapter, shall apply for and receive a Special Events Permit from the Superintendent of the Wildlife Management Areas and the Regional Captain of the Bureau of Law Enforcement prior to commencement of such activities. For assemblies of 10 or fewer persons, an application shall be filed with the Division at least 30 days prior to the date of the assembly. For assemblies of more than 10 persons, an application for a special events permit shall be filed at least 90 days before the date of the event.

(b) A map listing the designated locations within the State's Wildlife Management Areas available for public assemblies shall be available in the office of the Superintendent. Locations suitable for public assemblies will be chosen based upon the environmental sensitivity of such areas, the safety of all users of the Wildlife Management Areas, the likelihood of interference with the facilities, services and other activities in the Wildlife Management Area and the ability of the participants to make their presence known and to communicate their message to the group they wish to target.

(c) Such permit application shall be submitted on the form provided by the Division and shall set forth the name of the applicant; the date, time, duration, and requested location for the proposed event; the type of event to be conducted; an estimate of the number of persons expected to attend the event; and a list of the type(s) of equipment and/or facilities to be used for such event. No Special Event permit shall be valid until the permittee submits a security deposit in the form of a certified or bank check or bond in an amount sufficient to ensure full compliance with the terms and conditions of the permit and to protect the Department for the cost of any damage to the WMA or its facilities which may occur as a result of the event. If the security deposit is not received by the Superintendent of the WMAs within five business days of the scheduled event, the permit shall be void and the event may not occur on the WMA. If upon expiration or termination of the permit, the agency determines that a permittee has not complied with the terms and
conditions of the permit, has violated any law, ordinance, statute or rule, or the event has resulted in damage to the Wildlife Management Area or its facilities, the following applies:

1. Any security submitted by the permittee to the Department shall be forfeited and retained by the Department to the extent necessary to remedy or compensate the Department for the damage(s);

2. The permittee shall be liable for any additional sum necessary to correct or compensate the Department for such damage; and

3. Neither forfeiture of any security nor payment for such damage shall in any way relieve the permittee of civil or criminal liability arising from the permittee's actions.

(d) The Superintendent and the Regional Captain of the Bureau of Law Enforcement shall, jointly, issue a permit within 10 days of receipt of a complete permit application.

(e) Such permit shall be issued unless:

1. A prior permit application for a permit for the same time and location has been made to the Division and will be granted and such permitted activities do not allow multiple occupancy or use of the designated area;

2. The Division has scheduled an event for the same time and location which does not allow multiple occupancy or use of the designated areas;

3. The event is expected to include activities which will present a clear and present danger to the public health or safety or which are prohibited pursuant to Federal or State law;

4. The event is of such a scale or duration that it may result in damage or disruption to the Wildlife Management Area's environment, resources or facilities; or

5. Within the preceding four years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, statute or regulation or cause damage to a WMA or its facilities.

(f) If a permit application is denied, the applicant shall be informed, in writing, within five days of the reason(s) for such denial.

(g) A permit may contain conditions consistent with the protection and continued use of the Wildlife Management Area in conformance with the purpose for which such WMAs
were established; to provide wildlife oriented recreation through the proper protection and management of fish and wildlife habitat for the benefit of all New Jersey's citizens. It may also contain limitations on the type(s) of equipment to be used. Any permittee aggrieved by the conditions contained within a permit may request an administrative hearing pursuant to the procedures delineated at (n) below.

(h) A permit shall be issued for a period not to exceed seven days. A permit, however, may be extended for another seven day period upon the submission of a new application and provided that another applicant has not previously requested use of the same location for an activity for which multiple occupancy of said location is impossible.

(i) Activities authorized pursuant to a permit will be allowed within the WMA only if such activities are performed in strict accordance with the terms and conditions set forth in the permit. Permittees and their agents, employees and invitees shall comply with all applicable local, State and Federal laws, rules and regulations.

(j) All persons participating in an event permitted by a Special Events Permit including, but not limited to, the permittee and its agents, employees and/or invitees, shall comply with the lawful direction or command of any Police Officer, Conservation Officer, WMA or Department Employee and any, written or printed, WMA sign, except upon order of a Police Officer, Conservation Officer or WMA or Department Employee.

(k) Permittees and their agents, employees and invitees shall not obstruct or impede pedestrians or vehicle and may not prevent any person from engaging in activities authorized to be conducted within the WMA.

(l) Violation of any of the provisions of this section may result in revocation or suspension of a permit and imposition of penalties as provided in N.J.S.A. 23:7-9. Notice of such revocation or suspension shall be made in writing and shall clearly set forth the reason(s) for the revocation or suspension.

(m) Violation of the terms and conditions of a permit issued in accordance with this section may result in suspension or revocation of the permit in addition to the penalties provided in N.J.S.A. 23:7-9.

(n) Any applicant or permittee who is aggrieved by the conditions placed upon a Special Events Permit issued to them, by the denial of their application for the same, or the suspension or revocation of their Special Events permit may request an administrative hearing. Requests for administrative hearings shall be submitted in writing within 10 days from the date of the issuance of the permit or other Department decision and shall set forth the reasons why the Department's action is improper, specifying all legal and factual issues to be raised in support of the applicant's position. A request for a hearing shall be sent to:

Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Requests
Department of Environmental Protection
401 East State Street
PO Box 402
Trenton, NJ 08625-0402

Upon receipt of such a request, the Commissioner may conduct the hearing or refer the matter to the Office of Administrative Law which shall conduct a hearing on the matter pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Within 45 days of receipt of the Administrative Law Judge's decision, the Commissioner shall affirm, reject, or modify the decision. The Commissioner's final decision affirming, rejecting or modifying the recommended findings by the Office of Administrative Law shall constitute final agency action pursuant to R.2:2-3(a)2 and shall be subject only to judicial review as provided in the Rules of Court.

7:25-2.23 Boat Ramp Maintenance Permit

(a) Any vehicle used to transport or launch a vessel or water conveyance on the following wildlife management areas must have affixed to the lower corner of the driver's side rear window a boat ramp maintenance permit or receipt from a valid hunting, fishing or trapping license. The boat ramp maintenance permit shall be purchased for a fee of $15.00 from the Division.

1. Round Valley Angler Access;
2. Kingwood;
3. Assunpink;
4. Dennis Creek;
5. Tuckahoe;
6. Mad Horse Creek;
7. Union Lake;
8. Menantico Ponds; or

(b) Any vehicle found in violation of N.J.A.C. 7:25-2.23 shall subject the driver or registered owner to prosecution under N.J.S.A. 23:7-9, possible license revocation pursuant to N.J.S.A. 23:3-22 and penalties in the amount of $50.00 to $200.00.
7:25-2.24 Fishing tournaments

(a) No person or persons shall conduct a fishing tournament on or from any fish and wildlife management area without a permit from the Division.

(b) "Fishing tournament" means any organized competitive fishing event, from shoreline or from boat, with or without remuneration of any form, that is engaged in by more than 10 anglers or five boats, whichever is less.

(c) Permits for the use of any fish and wildlife management area for conducting fishing tournaments may be granted by the Division in accordance with the provisions of this section.

(d) Application procedures are as follows:

1. A permit for a fishing tournament may be issued to any organization, including, but not limited to, sportsmen's organizations, civic organizations and governmental councils or agencies.

2. An application for the holding of a fishing tournament shall be made to the Division at PO Box 400, Trenton, NJ 08625-0400, no later than 60 days in advance of the proposed date for the event.

3. Such application will contain the following information:

   i. The name of the tournament organizer and/or sponsor;

   ii. The address and telephone number of the tournament organizer and/or sponsor;

   iii. The proposed date of the tournament;

   iv. The number of participants and boats;

   v. The starting time and ending time; and

   vi. The rules and restrictions placed on the event by the organizer and/or sponsor.

4. A $15.00 per day fee shall be included with the application for all fishing tournaments conducted on or from a Wildlife Management Area. The fee may be waived for charitable-oriented events.
(e) The organizer or sponsor of the tournament will be responsible for, and required to report, the number of tournament participants, hours fished and the species, number and sizes of fish caught and released, and the species, number and sizes of fish harvested. Failure to report this information will result in future denial of fishing tournament permits.

(f) Issuance of a permit for a fishing tournament does not convey any special privileges in regards to the taking of fish or in the use of boat motors. All tournament participants must comply with all of the provisions of the Fish Code and Wildlife Management Area regulations in effect at the time of the tournament. All tournament participants, that fish, must possess and display a fishing license valid for the calendar year in which the tournament occurs.

(g) Issuance of a permit does not grant an exclusive right to use the designated area. Tournament organizers, sponsors and/or participants shall not impede the rights of others to use the area.

(h) By issuing a permit, the Division does not assume any responsibility or liability for such fishing tournament. Judging and awarding of prizes is the sole responsibility of the permittee, organizer and/or sponsor.

(i) The permittee organizer and/or sponsor of the tournament shall be responsible for the proper disposal of all litter and trash generated by the event.

(j) All persons shall use every precaution to prevent damage, destruction, or fire to the Wildlife Management Area. The permittee shall be completely responsible for any damage as a result of the fishing tournament. No permit shall be issued to any organization or persons who have damaged or destroyed State lands or property and who have failed to reimburse the State for such damage and/or destruction.

7:25-2.25 Severability

If any clause, sentence, paragraph, or part of this subchapter or the application thereof to any person or circumstances, shall for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subchapter.

7:25-2.26 Restrictions on use

(a) Nothing contained in N.J.A.C. 7:25-2 shall preclude the Division from limiting, or closing from, public use any specific land and water areas under its control, effective immediately upon making the finding that prevailing conditions warrant such restriction to protect the users, or to protect and preserve the land and water areas, or both, and continuing for so long as such conditions warrant.
(b) Notice of the restrictions shall be given by the posting of signs on or about the restricted area or other appropriate location and one of the following:

1. Distribution of a press release to the news media;
2. Public notice published in the New Jersey Register; or
3. Public notice published in a newspaper in the locale

SUBCHAPTER 3. Use of Mechanical Noise Making Devices

7:25-3.1 Procedure for securing permit

(a) A formal application form as prepared by the Division will be completed by the landowner, who will then arrange an onsite inspection with the Division to determine the facts and approve or disapprove a permit. Upon approval by the conservation officer or a wildlife control representative, the application shall be forwarded to the Trenton office of the Division. If disapproved, the property owner may apply to the Director of the Division for timely review of the application.

(b) In case of emergency, the conservation officer or wildlife control representative may give verbal approval for use of the device for a period of five days pending processing of the application.

(c) The need for protection of agricultural crops must be established prior to the issuance of any permit. The term of the permit will be the period for which protection of the crop specified will actually be necessary.

(d) The application shall state the type of device to be used, location of farm where device will be in operation, bird or animal threatening or causing damage, crop or crops to be protected, period for which protection is needed, and name and address of the owner of the agricultural land to be protected

7:25-3.2 Devices

(a) Only LP exploders, acetylene exploders, carbide exploders and such other devices as are approved by the Division of Fish and Game shall be permitted. The permit shall not authorize use of firecrackers.

(b) No device shall be used which has a sound level in excess of 128 decibels at 100 feet from the device.

(c) Any mechanical repelling device to be used is to be provided by the landowner
7:25-3.3 Standards on distance

(a) No device shall be set in any manner or in any location that will endanger the public.

(b) No device shall be set within 25 feet of any public road and the exhaust from any device shall be directed away from the road.

(c) No device shall be set, erected or maintained within 300 feet of any dwelling occupied by another person except with permission of that occupant.

7:25-3.4 Hours of operation

(a) Noise devices to repel or scare birds may be operated from 1/2 hour before sunrise to 1/2 hour after sunset only.

(b) Noise devices to repel or scare deer or other marauding wild animals may be operated 24 hours daily if necessary

7:25-3.5 Revocation

The Division of Fish and Game shall have the right to revoke a permit issued pursuant to this regulation for violation of any provision set forth in this subchapter.

SUBCHAPTER 4. Endangered, Nongame and Exotic Wildlife

7:25-4.1 Definitions

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

"Breeding population" means, for birds, the species' population, or assemblage of individuals of a species, present in the State during the nesting season (actual dates of the nesting season vary among species).

"Butt-end band" means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

"Captive-bred bird" means any bird that is hatched in captivity from eggs produced by captive parent birds.

"Color mutation" means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly
recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant (mutated) color-producing genes.

"Department" means the State's Department of Environmental Protection.

"Director" means the Director of the Division or its successor within the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

"Endangered" (E) means a species whose prospects for survival within the State are in immediate danger due to one or many factors: a loss of or change in habitat, overexploitation, predation, competition, disease. An endangered species requires immediate assistance or extinction will probably follow. See N.J.A.C. 7:25-4.13(b) for listing.

"Exotic mammal, bird, reptile or amphibian", means any nongame species or mammal, bird, reptile or amphibian not indigenous to New Jersey.

"Non-breeding population" means, for birds, the species' population, or assemblage of individuals of a species, present in the State during the parts of the year outside of the nesting season (actual dates of the nesting season vary among species).

"Nongame species" means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

"Person" shall be defined to include but not limited to corporations, companies, associations, societies including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.

"Seamless leg band" means a solid ring leg band from a source approved by the Department, inscribed with a code approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

"Secure-stable" (S) means a species that appears to be secure in the State and not in any immediately foreseeable danger of becoming "endangered," "threatened," or "special concern."

"Special concern" (SC) means a species that warrants special attention by the Department because of inherent vulnerability to environmental deterioration or habitat modification that would result in its becoming threatened if conditions surrounding the species begin
or continue to deteriorate. Factors that can lead to classification as special concern include, but are not limited to, species rarity in the State, highly specialized food and/or habitat requirements, low reproductive rate, isolated populations of the species within the State and/or other characteristics that make the species particularly susceptible to environmental or habitat changes. This category includes a species that meets the foregoing criteria and for which there is little understanding of its current population status in the State.

"Threatened" (T) means a species that may become endangered if conditions surrounding it begin to or continue to deteriorate.

"Undetermined-unknown" (U) means a species that cannot be assigned a status of endangered, threatened, special concern or secure-stable because not enough information exists on which to base such a determination.

"Wild bird" means any bird other than a native, introduced, or feral game bird as defined in N.J.S.A. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. "Wild bird" also means the egg of a wild bird

7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or Federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation is false, and who has submitted the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims
(b) No person shall liberate within this State any nongame species or exotic mammal, bird, reptile or amphibian unless such person has first received a permit from the Department which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall take effect until final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or Superior Court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person residing outside of New Jersey in accordance with that state's laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulation appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty plea in municipal or Superior Court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which
affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger or its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director other than those animals authorized by the Director and originally possessed by the permittee and the offspring from interbreeding between those individual animals. No animal may be possessed pursuant to a hobby permit extended by discretion of the Director if possession of the animal violates any Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation, as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, or in any separately-mailed notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

7:25-4.3 Exotic species and nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to, the following:
1. Birds:
   i. Red-fronted parrot--Amazona viridigenalis;
   ii. Turquoise-fronted parrot--Amazona aestiva;
   iii. Yellow-cheeked parrot--Amazona a. autumnalis;
   iv. Half-moon conure--Aratinga canicularis eburnirostrum;
   v. Jenday parrot--Aratinga jendays;
   vi. African gray parrot--Psittacus erithacus;

2. Mammals:
   i. Ferrets--Mustela pertorius furo;
   ii. Kinkajou--Potos flavus;
   iii. Coatimundi--Nasua spp.;
   iv. European hedgehog--Erinaceus europeaus;
   v. Exotic Sheep--Except Ovis aries;
   vi. Exotic Goats--except Capra hircus.

3. Reptiles:
   i. Pythons--Family Pythonidae;
   ii. Rat Snakes--Elaphe spp.;
   iii. Boa--Family Boidae (other than Boa Constrictors);
   iv. King Snakes--Lampropeltis spp.;
   v. Racer--Coluber spp.;
   vi. Ringneck Snakes--Diadophis punctatus;
vii. Green Snakes--Opheodrys spp.;
viii. Collared Lizard--Crotaphytus collaris;
ix. Monitor--Varanus spp.;
x. Skinks--Family Scincidae;
xi. Ameiva--Ameiva spp.;

xii. Chuckwalla--Sauromalus obesus;

xiii. Alligator Lizard--Gerrhonitus spp.;
xiv. Geckos-family--Gekkonidae other than Tokay Gecko;
xv. Armadillo Lizard--Cordylus cataphractus;

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

7:25-4.4 Exempted species

(a) The following listed species of exotic or nongame mammals, birds, reptiles, or amphibians may be possessed in this State without a permit.

1. Birds:
   
i. Budgerigar--Melopsittacus undulatus;

   ii. Cockatiel--Nymphicus hollandicus;

   iii. Peafowl--Pavo cristatus;

   iv. Rock dove--Columba livia;

   v. Canary--Serinus canaria;

   vi. House sparrow--Passer domesticus;

   vii. European starling--Sturnis vulgaris;

   viii. Zebra finch--Poephila guttatus;
ix. Society finch--Lonchura domesticus;

x. Ostrich--Struthio camelus;

xi. Greater Rhea--Rhea americana;

xii. Lesser Rhea--Rhea pennata;

xiii. Emu--Dromaius novaehollandiae.

2. Mammals:

i. Hamster--Mesocricetus auratus;

ii. Gerbil--Meriones mongolinensis;

iii. Guinea pig-Cavia porcellus;

iv. Pigmy goats-Carpa hircus;

v. Mice and Rats-Mus spp. and Rattus spp.;

vi. Chipmunk-Tamias spp. & Eutamias spp.;

vii. Red Squirrel-Tamiasciurus hudsonicus & douglasii;

viii. Flying Squirrel--Glaucompys spp.;

ix. Alpaca--Vicugna pacos;

x. Guanaco--Lama guanicoe;

xi. Llama--Lama glama;

xii. Bison (American buffalo)--Bison bison.

3. Reptiles:

i. American anole-Anolis carolinensis;

ii. Common iguana-Iguana iguana;

iii. Boa Constrictor-Constrictor constrictor;
iv. Eastern painted turtles-Chrysemys picta picta;

v. Snapping turtles-Chelydra serpentina;

vi. Fence lizard-Sceloporus occidentalis & undulatus;

vii. Garter snake-Thanamophis spp. (except T. sirtalis tetrataenia);

viii. Tokay gecko-Gekko gecko;


4. Amphibians:

i. Leopard frogs-Rana pipiens;

ii. Green frogs-Rana clamitants;

iii. American toad-Bufo woodhousei americana;

iv. Fowlers toad-B.w.fowleri;

v. Bullfrogs-Rana catesbiana;

vi. Red Newts-Notophthalmus viridescens;

vii. Dusky salamanders-Desmognathus fuscus.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation

7:25-4.5 Additional species

A permit shall be required for any other exotic mammals, birds, reptiles or amphibians or nongame species not specifically exempted by N.J.A.C. 7:25-4.4.

7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required

(a) The Division may issue, but shall not be limited to, the following categories of permits:

1. Individual hobby--issued to persons holding exotic mammals, birds, reptiles or amphibians or nongame species for hobby purposes or as pets.
2. Scientific holding--issued to qualified persons holding exotic mammals, birds, reptiles or amphibians or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.

3. Zoological holding--issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians or nongame species, including possession, importation, exportation and sale of species listed in the permit.

4. Pet shop--issued to individuals and establishments engaged in the retail sale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

5. Animal Dealer--issued to individuals and establishments engaged in the wholesale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

6. Animal Exhibitor--issued to exhibitors of exotic mammals, birds, reptiles or amphibians or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.

7. Animal Theatrical Agencies--issued to persons owning exotic mammals, birds, reptiles or amphibians or nongame species to be hired for advertising, acting or theatrical appearances, including importation, exportation and sale of species listed in the permit.

8. Scientific Collecting--issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. Special Purpose Salvage--issued to persons or institutions to salvage dead migratory birds or parts thereof for scientific or educational purposes.

10. Special Wildlife Salvage--issued to persons or institutions to salvage dead nongame species or parts thereof, other than migratory birds, for scientific or educational purposes.

11. Endangered Species--issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. Depredation Control--issued to persons or establishments to control nongame species which are creating a hazard to public safety, crops, livestock or similar concerns.
13. Rehabilitation--issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. Bird Breeder--issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety (see N.J.A.C. 7:25-4.19). This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue, unless otherwise indicated.

(c) The possession permits shall require an annual application and inspection fee as listed:

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<thead>
<tr>
<th>Categories of Permits</th>
<th>Annual Application and Inspection Fee</th>
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<tr>
<td>Bird Breeder</td>
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</table>

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an
"Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of acquisitions, sales and exchanges, and white copies of temporary permits issued for sale of any regulated species, upon expiration or renewal of their permits.

(f) Zoos and nature centers must submit quarterly reports of birth, deaths, acquisitions and disposals.

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic mammals, birds, reptiles or amphibians or nongame species, their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

(i) Persons holding permits listed above at (a)8 to 12 shall submit reports to the Division of permit activities no more than one month after the expiration of their permits.

(j) Any person holding an Exotic or Nongame Species Possession Permit pursuant to this subchapter which expires or is revoked shall file a report with the Division within 15 days after expiration or revocation explaining the final disposition of all animals in his or her possession during the calendar year of issue. The explanation shall set forth the following information: the species and number of individuals of each species possessed; the date of birth and current age of each animal; births; deaths and cause of each death; the complete name, address and telephone number of the person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

(k) Pet shops or other establishments dealing in birds other than canary, budgerigar and cockatiel shall prominently display a sign visible to the public on the premises where such birds are offered for sale, which states: After December 10, 1991, only captive-bred birds or birds legally in possession pursuant to New Jersey regulations prior to December 10, 1991 may be offered for sale or purchased in New Jersey. All birds offered for sale except those exempted by New Jersey regulations, must also be marked with a band or micro-chip approved by the New Jersey Division of Fish and Wildlife. To report violations, or questions, call (908) 735-5450.

7:25-4.7 General possession criteria
Prior to the issuance of any permit permitted by these regulations, every applicant shall, on the forms provided by the Department, demonstrate that:

1. The animal will be fed an adequate diet; and

2. The animal is housed or caged in a manner that:
   
   i. Allow the animal to perform the normal behavior patterns of its species; and
   
   ii. Prevents disease, liberation or accidental injury to the animal and the public; and

3. The method of acquisition did not violate the laws and regulations of this State, any other state or the Federal Government; and

4. The animal shall receive prompt treatment for any illness or injury from a licensed veterinarian; and

5. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock or people of the State, provided that the Division may request certification that the animal for which the permit is being sought is free from infectious diseases and parasites from a licensed New Jersey veterinarian or a person recognized as qualified to make such certification by the Director of the Division of Fish, Game and Shellfisheries.

7:25-4.8 Potentially dangerous species

"Potentially dangerous species" is defined as any exotic mammals, birds, reptiles or amphibians or nongame species which, in the opinion of the Division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest or a menace to the public health or indigenous wildlife populations, including, but not limited to the following:

<table>
<thead>
<tr>
<th>Class/Order</th>
<th>Family/Genus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primates</td>
<td>Cebidae--New World Monkeys</td>
</tr>
<tr>
<td></td>
<td>Cercopithecidae--Old World Monkeys and Baboons</td>
</tr>
<tr>
<td></td>
<td>Pongidae--Apes</td>
</tr>
<tr>
<td>Carnivora</td>
<td>Canidae--Nondomestic dogs</td>
</tr>
<tr>
<td></td>
<td>Ursidae--Bears</td>
</tr>
<tr>
<td></td>
<td>Felidae--Nondomestic cats</td>
</tr>
<tr>
<td>Saura (Venomous)</td>
<td>Helodermatidae--Gila Monsters</td>
</tr>
</tbody>
</table>
Serpentes (Venomous)  
Elapidae--Coral snakes and cobras  
Viperidae--Vipers  
Crotalidae--Pit Vipers

Crocodilia  
Alligatoridae--Alligators and caiman  
Crocodylidae--crocodiles  
Gavialidae--gavials

Psittaciformes  
Psittaculis spp.--Ring-necked parakeets  
Myiopsitta spp.--Monk parakeets  
Cyanoliseus patagonus--Patagonian Conures

Rodentia  
Cynomys spp.--Prairie dogs  
Spermophilus spp.--Ground Squirrels

(b) The Department, in its discretion, may issue a permit for possession of a potentially dangerous species only after a clear showing that the criteria for the possession of such potentially dangerous species contained in N.J.A.C. 7:25-4.9 have been met.

7:25-4.9 Criteria for the possession of potentially dangerous species

(a) In addition to the general criteria enumerated above in N.J.A.C. 7:25-4.7, every person applying for a permit to possess potentially dangerous species shall meet each and every of the following criteria to the satisfaction of the Division.

1. Education and Background: Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species.

2. Knowledge: Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired.

3. Protection of the Public: The housing facilities shall also be constructed to prevent public access to and contact with the animal. The potentially dangerous species shall not be kept as a pet, for hobby purposes or in situations, which, in the judgment of the Department, could adversely affect the health of the animal or which could constitute a hazard to the public.

4. Purpose and Intent: Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species.
5. Housing and Feeding: Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required. A summary must be submitted of a continuous source of food for the specific diet of the animals. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

6. Other restrictions: Under no circumstances shall a person issued a pet shop or animal dealer permit possess any potentially dangerous species on the commercial premises, except in emergencies and for a limited period of time as stipulated by the Department in writing and subsequently agreed to by the animal dealer or pet shop owner, who shall assume full responsibility for the safety and welfare of both the animal and the public during its temporary storage. A potentially dangerous animal already on display at the premises of a pet shop or animal dealer and already under a permit for such display as of January 17, 1995 may remain so displayed under the terms and conditions of that permit for the lifetime of that animal.

7:25-4.10 Endangered species prohibited

(a) Except as specifically hereinafter provided, no permit shall be issued for the possession of any species designated as endangered by the U.S. Department of the Interior or the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 23:2A-4.

(b) The Department, in its discretion, may issue a permit for the possession of any designated endangered species only after a clear showing by the applicant that all the requirements for the possession of endangered species (N.J.A.C. 7:25-4.14) are met. If the designated endangered species is also designated as an exotic mammal, bird, reptile or amphibian or nongame species or potentially dangerous species, the criteria established by 7:25-4.7 and 7:25-4.9 must also be met.

7:25-4.11 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any animal for which a permit has been issued shall, within 48 hours, report to the Division exactly which animals were transferred and the name and address of the person to whom the animals were transferred.

(b) (Reserved)

(c) Exotic mammals, birds, reptiles or amphibians, or nongame species possessed under these permits may be dispatched in a manner as directed by the Commissioner and consistent with the provisions of the permit for legitimate purposes, including, but not limited to, the following:
1. Euthanasia of sick, injured or surplus animals, to cull individuals to prevent overcrowding or spread of disease; such euthanasia can also be ordered by the Commissioner when necessary to prevent spread of disease;

2. To use as food, or to utilize the hide, skin, or other body parts;

3. Euthanasia by an agent of the Division or as ordered by the Commissioner;

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or

5. Euthanasia of research animals held under the scientific holding permits or scientific collecting permit

7:25-4.12 Notice of denial or permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may request a hearing for a review of such determination within 30 days from the date of issuance of the denial, pursuant to the applicable provisions of the Administrative Procedure Act. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402.

(c) Any permittee shall permit division personnel, at any reasonable time to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

7:25-4.13 List of endangered species

(a) N.J.S.A. 23:2A-4 provides that the Department shall conduct investigations concerning wildlife in order to develop information relating to populations, distributions, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data, the Department may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following species are determined to be endangered:

1. Shortnose Sturgeon, Acipenser brevirostrum

2. Blue-spotted Salamander, Ambystoma laterale
3. Eastern Tiger Salamander, Ambystoma tigrinum tigrinum
4. Southern Gray Treefrog, Hyla chrysocelis
5. Bog Turtle, Glyptemys muhlenbergi
6. Timber Rattlesnake, Crotalus horridus horridus
7. Corn Snake, Elaphe guttata guttata
8. Bald Eagle, Haliaeetus leucocephalus (Breeding population)
9. Peregrine Falcon, Falco peregrinus (Breeding population)
10. Northern Goshawk, Accipiter gentilis (Breeding population)
11. Northern Harrier, Circus cyaneus (Breeding population)
12. Red-shouldered Hawk, Buteo lineatus (Breeding population)
13. Short-eared Owl, Asio flammeus (Breeding population)
14. Pied-billed Grebe, Podilymbus podiceps (Breeding population)
15. Upland Sandpiper, Bartramia longicauda
16. Sedge Wren, Cistothorus platensis
17. Loggerhead Shrike, Lanius ludovicianus (Non-breeding population)
18. Henslow's Sparrow, Ammodramus henslowii
19. Vesper Sparrow, Pooecetes gramineus (Breeding population)
20. Piping Plover, Charadrius melodus
21. Roseate Tern, Sterna dougallii
22. Least Tern, Sterna antillarum
23. Black Skimmer, Rynchops niger
24. Atlantic Hawksbill, Eretmochelys imbricata imbricata
25. Atlantic Loggerhead, Caretta caretta
26. Atlantic Ridley, Lepidochelys kempi
27. Atlantic Leatherback, Dermochelys coriacea coriacea
28. Sperm Whale, Physeter macrocephalus
29. Blue Whale, Balaenoptera musculus
30. Finback Whale, Balaenoptera physalus
31. Sei Whale, Balaenoptera borealis
32. Humpback Whale, Megaptera novaeangliae
33. Northern Right Whale, Balaena glacialis
34. Bobcat, Lynx rufus
35. Eastern Woodrat, Neotoma floridana
36. Mitchell's Satyr, Neonympha mitchellii mitchellii
37. Northeastern Beach Tiger Beetle, Cicindela dorsalis dorsalis
38. American Burying Beetle, Nicrophorus americanus
39. Dwarf Wedgemussel, Alasmidonta heterodon;
40. American Bittern, Botaurus lentiginosus (Breeding population)
41. Appalachian Grizzled Skipper (butterfly), Pyrgus wyandot;
42. Arogos Skipper (butterfly), Atrytone arogos arogos;
43. Bronze Copper (butterfly), Lycaena hyllus;
44. Queen Snake, Regina septemvittata
45. Brook Floater (mussel), Alasmidonta varicosa;
46. Green Floater (mussel), Lasmigona subviridis.
47. Black Rail, Laterallus jamaicensis (Breeding population)
48. Golden-winged Warbler, Vermivora chrysoptera (Breeding population)
49. Red Knot, Calidris canutus (Non-breeding population)
50. Indiana Bat, Myotis sodalis
51. Gray Petaltail (dragonfly), Tachopteryx thoreyi.

7:25-4.14 Requirements for possession of endangered wildlife species

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey nongame and exotic species permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a) above, and who:

1. Has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;
2. Has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgment of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question;

   i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

3. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division in accordance with the scientific protocol approved by the Division.

(c) Amateur attempts or intent to propagate an endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has a reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on 24 hours notice. Should the Division determine that the applicant has failed to meet these conditions, the
Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined in this section, executed by the president, director or other employee of the organization with authority to so bind the organization;

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which will be useful to the other
researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division no later than the 15th day following the end of each three month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgement releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages of whatsoever nature arising from the suspension of revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

7:25-4.15 Protection of animal and welfare of public

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal, including all animals used for exhibition purposes. The animal may not be kept as a pet, for hobby purposes or in situations which, in the judgment of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division
personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

7:25-4.16 Violations

Any person violating any provision of these rules and regulations will be subject to the penalties imposed by N.J.S.A. 23:2A-1 et seq.

7:25-4.17 List providing conservation status of New Jersey’s indigenous nongame wildlife species

The following table sets forth the list and conservation status of nongame wildlife species indigenous to New Jersey in their respective taxonomic classes. For the vertebrate classes of mammals, birds, reptiles, and amphibians, the list is intended to include all indigenous nongame species, that is, all species for which a legal hunting or trapping season has not been established or that have not been classified as an endangered species and that are native to the eastern United States and regularly and predictably occur within the State or its waters. Freshwater and marine fish are not included on this list because none are currently considered "nongame." For the invertebrate classes, the list includes only those species for which the Department has determined that their status is either "threatened" or "special concern." The list is ordered alphabetically by species' common names within each taxonomic class.

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>Species Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creeper</td>
<td>Strophitus undulates</td>
<td>SC</td>
</tr>
<tr>
<td>Eastern Lampmussel</td>
<td>Lampsilis radiate</td>
<td>T</td>
</tr>
<tr>
<td>Eastern Pondmussel</td>
<td>Ligumia nasuta</td>
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<td>Tidewater Mucket</td>
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</tr>
<tr>
<td>Triangle Floater</td>
<td>Alasmidonta undulate</td>
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</tr>
<tr>
<td>Yellow Lampmussel</td>
<td>Lampsilis cariosa</td>
<td>T</td>
</tr>
<tr>
<td>Allegheny River Cruiser</td>
<td>Macromia alleghaniensis</td>
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<tr>
<td>Arrowhead Spiketail</td>
<td>Cordulegaster oblique</td>
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</tr>
<tr>
<td>Banner Clubtail</td>
<td>Gomphus apomyius</td>
<td>T</td>
</tr>
<tr>
<td>Brook Snaketail</td>
<td>Ophiogomphus asperses</td>
<td>T</td>
</tr>
<tr>
<td>Brush-tipped Emerald</td>
<td>Somatochlora walshii</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Insect Name</th>
<th>Scientific Name</th>
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<td>Checkered White</td>
<td>Pontia protodice</td>
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<td>Cobra Clubtail</td>
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<td>Copperey Emerald</td>
<td>Somatochlora Georgiana</td>
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<td>Crimson-ringed Whiteface</td>
<td>Leucorrhinia glacialis</td>
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<td>Dotted Skipper</td>
<td>Hesperia attalus slossonae</td>
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<td>Frosted Elfin</td>
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<td>Georgia (Lakehurst) Satyr</td>
<td>Neonympha areolatus septentrionalis</td>
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<td>Golden-winged Skimmer</td>
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<td>Superb Jewelwing</td>
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### AMPHIBIANS

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<td>Barking Treefrog</td>
<td>Hyla gratiosa</td>
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<td>Lithobates virgatipes</td>
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<td>Eastern American Toad</td>
<td>Anaxyrus americanus americanus</td>
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<td>Eastern Spadefoot</td>
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<td>Eurycea l. longicauda</td>
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### REPTILES

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**BIRDS**

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<td>Recurvirostra americana</td>
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<td>American Bittern</td>
<td>Botaurus lentiginosus</td>
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American Golden-Plover  Pluvialis dominica  S
American Goldfinch  Spinus tristis  S  S
American Kestrel  Falco sparverius  T  T
American Oystercatcher  Haematopus palliates  SC  SC
American Pipit  Anthus rubescens  S
American Redstart  Setophaga ruticilla  S  S
American Robin  Turdus migratorius  S  S
American Tree Sparrow  Spizella arborea  S
Baird's Sandpiper  Calidris bairdii  S
Bald Eagle  Haliaeetus leucocephalus  E  T
Baltimore Oriole  Icterus galbula  S  S
Bank Swallow  Riparia riparia  S  S
Barn Owl  Tyto alba  SC  SC
Barn Swallow  Hirundo rustica  S  S
Barred Owl  Strix varia  T  T
Bay-breasted Warbler  Dendroica castanea  S
Belted Kingfisher  Megaceryle aleuron  S  S
Black-and-white Warbler  Mniotilta varia  S  S
Black Rail  Laterallus jamaicensis  E  T
Black Vulture  Coragyps atratus  S  S
Black-bellied Plover  Pluvialis squatarola  S
Black-billed Cuckoo  Coccyzus erythropthalmus  SC  S
Blackburnian Warbler  Dendroica fusca  SC  S
Black-capped Chickadee  Poecile atricapillus  S  S
Black-crowned Night-Heron  Nycticorax nycticorax  T  SC
Black-headed Gull  Chroicocephalus ridibundus  S
Black-legged Kittiwake  Rissa tridactyla  S
Blackpoll Warbler  Dendroica striata  S
Black-throated Blue Warbler  Dendroica caerulescens  SC  S
Black-throated Green Warbler  Dendroica virens  SC  S
Blue Grosbeak  Passerina caerulea  S  S
Blue Jay  Cyanocitta cristata  S  S
Blue-gray Gnatcatcher  Polioptila caerulea  S  S
Blue-headed Vireo  Vireo solitarius  SC  S
Blue-winged Warbler  Vermivora cyanoptera  S  S
Boat-tailed Grackle  Quiscalus major  S  S
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Downy Woodpecker   Picoides pubescens  S  S
Dunlin   Calidris alpina  S
Eastern Bluebird   Sialia sialis  S  S
Eastern Kingbird   Tyrannus tyrannus  S  S
Eastern Meadowlark   Sturnella magna  SC  SC
Eastern Phoebe    Sayornis phoebe  S  S
Eastern Screech-Owl   Megascops asio  S  S
Eastern Towhee   Pipilo erythrophthalmus  S  S
Eastern Whip-poor-will   Caprimulgus vociferus  SC  U
Eastern Wood Pewee   Contopus virens  S  S
Evening Grosbeak   Coccothraustes vespertinus  S
Field Sparrow    Spizella pusilla  S  S
Forster's Tern    Sterna forsteri  S  S
Fox Sparrow    Passerella iliaca  S
Glaucous Gull   Larus hyperboreus  S
Glossy Ibis    Plegadis falcinellus  SC  S
Golden Eagle   Aquila chrysaetos  S
Golden-crowned Kinglet   Regulus satrapa  S  S
Golden-winged Warbler   Vermivora chrysoptera  E  SC
Grasshopper Sparrow   Ammodramus savannarum  T  SC
Gray Catbird    Dumetella carolinensis  S  S
Gray-cheeked Thrush   Catharus minimus  SC
Great Black-backed Gull   Larus marinus  S  S
Great Blue Heron    Ardea herodias  SC  S
Great Cormorant   Phalacrocorax carbo  S
Great Crested Flycatcher   Myiarchus crinitus  S  S
Great Egret    Ardea alba  S  S
Great Horned Owl   Bubo virginianus  S  S
Greater Shearwater   Puffinus gravis  S
Greater Yellowlegs   Tringa melanoleuca  S
Green Heron    Butorides virescens  S  S
Gull-billed Tern   Gelochelidon nilotica  SC  SC
Hairy Woodpecker   Picoides villosus  S  S
Hermit Thrush    Catharus guttatus  S  S
Herring Gull   Larus argentatus  S  S
Hooded Warbler   Wilsonia citrina  SC  S
Horned Grebe   Podiceps auritus  S
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<td>Tennessee Warbler</td>
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The following is a list of bird species found in New Jersey, along with their scientific names and status codes:

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<th>Scientific Name</th>
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7:25-4.18 Endangered and Nongame Species Advisory Committee

(a) The Endangered and Nongame Species Advisory Committee (committee) shall consist of 11 members appointed by the Commissioner. Prior to the making of any said appointments, the Commissioner shall consult with the committee as to their recommendations.

1. Members shall be reflective of various public groups concerned with, and supportive of, the endangered and nongame species program established by P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13, and shall possess special knowledge, expertise, and/or interest relating to endangered and nongame species of New Jersey. Member affiliation shall be as follows:

- Northern Flying Squirrel: Glaucomys sabrinus U
- Northern Yellow Bat: Lasiurus intermedius U
- Pine Vole: Ptyomys pinetorum U
- Porcupine: Erethizon dorsatum U
- Pygmy Sperm Whale: Kogia breviceps U
- Red Bat: Lasiurus borealis U
- Red Squirrel: Tamiasciurus hudsonicus U
- Red-backed Mouse: Clethrionomys gapperi U
- Risso's Dolphin: Grampus griseus U
- Short-beaked Common Dolphin: Delphinus delphis U
- Short-finned Pilot Whale: Globicephala macrorhyncus U
- Short-tailed Shrew: Blarina brevicauda U
- Silver-haired Bat: Lasionycteris noctivagans U
- Small-footed Myotis: Myotis subulatus U
- Smokey Shrew: Sorex fumeus U
- Southern Bog Lemming: Synaptomys cooperi U
- Southern Flying Squirrel: Glaucomys volans U
- Star-nosed Mole: Condylura cristata U
- Striped Dolphin: Stenella coeruleoalba U
- Tri-colored Bat: Perimyotis subflavus U
- True's Beaked Whale: Mesoplodon mirus U
- Tuckahoe Masked Shrew: Sorex cinereus nigricus U
- Water Shrew: Sorex palustris U
- White-footed Mouse: Peromyscus leucopus U
- Woodland Jumping Mouse: Napaeozapus isignis U

Affiliation                               Number of Members
i. Academic/research communities          4

ii. Public health/veterinary medicine     1

iii. Qualified non-profit organization (as defined by the Internal Revenue Code at § 501(c)(3))
     with strong interest in promoting the nonconsumptive use of wildlife 3

iv. Public at large (that is, not in the capacity of an organizational representative) 3

2. Of the 11 members to be appointed by the Commissioner, initially, two shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve, after the expiration of their terms, until their respective successors are appointed. Any vacancy occurring in the appointed membership of the committee, by expiration of term or otherwise, shall be filled by the Commissioner in the identical manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

3. The Commissioner may remove any member of the committee for cause upon notice and opportunity to be heard.

4. The committee shall select its chairperson from its membership, subject to the approval of the Commissioner, for a term of four years, and consecutive terms shall be permitted.

(b) The committee shall advise and assist the Commissioner in matters related to the intent of "The Endangered and Nongame Species Act," P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13. Notwithstanding subsequent departmental action, the Commissioner shall respond in writing to all reasonable written comments on policy received from the committee.

(c) The committee shall transmit its business during regular meetings, held once each month, at a time and place designated by the committee. Adequate notice, as defined under the "Open Public Meetings Law," P.L. 1975, c.231, codified at N.J.S.A. 10:4-6 to -21, shall be given to the Secretary of State. Six members present shall constitute a quorum.
(d) Members of the committee shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending committee meetings and in the performance of their duties as members thereof.

7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes

(a) No permit shall be issued for the purpose of selling any wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be cross-bred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and background, as follows:

   i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purpose, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

   ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturalist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department
shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M., Monday through Saturday, in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept; and

6. Except as stated in this section, no person or organization shall possess for any purpose any wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.
ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferors of both pre-Act and post-Act birds shall maintain written documentation as per (b)6i above showing that all birds are either captive-bred or were legally possessed pursuant to these regulations before December 10, 1991. Copies of such documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.

(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;

2. Subcutaneous coded identification as provided in this section;

3. clipped flight feathers of wing; or

4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A proper-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall
have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by micro-chips (subcutaneous implants or coded information) obtained solely from manufacturers expressly authorized by the Department.

SUBCHAPTER 5. Game Code

7:25-5.1 General provisions

(a) Judicial Notice. N.J.S.A. 13:1B-34 provides in pertinent part, "Copies of the State Fish and Game Code, and its amendments, duly certified by the Chairman of the council shall be received in evidence in all court or other judicial proceedings in the State."

(b) Time: The hours listed in this Code are EST or EDT at date and are based on Trenton time. A copy of the official time table for Trenton is on file at the Office of Administrative Law and is available from that agency or the Division. Time tables for Trenton time are also published in the annual Summary of Game Regulations and Trenton time shall be the Statewide official time.

(c) This Code, when adopted and when effective, shall supersede the provisions of the 2006-2012 Game Code.

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

1. "Air gun" means any shoulder-mounted firearm which by the force of a spring, air or other non-ignited compressed gas expels a missile or projectile and has a rifled or smooth barrel, using ammunition no smaller than .177 caliber and no larger than .22 caliber producing projectile velocities of not less than 600 feet per second measured at the muzzle. Noise reduction systems, which are included in the definition of "firearm silencer," at N.J.S.A. 2C:39-1.g, are prohibited at N.J.S.A. 2C:39-3.c.

2. "Antlered deer" means any deer with at least one antler measuring at least three inches in length.

3. "Antlered muzzleloader permit," "antlered shotgun permit," or "antlered bow permit" means the additional purchase to the regular muzzleloader, shotgun, or bow zone-specific antlerless permit that contains an antlered deer transportation tag and allows for the pursuit and harvest of an antlered deer only.
4. "Antlerless deer" means any deer which does not have any antler measuring at least three inches in length. For the purposes of this definition, shed antlered deer and deer with broken antlers which measure less than three inches are considered antlerless deer.

5. "Antler length" means the maximum length of a deer antler measured from the lowest outside edge of the antler burr along the outer curve to the most distant point of what is or appears to be the main antler beam. For the purposes of this definition, the antler length does not include the pedicel or portion of skull between the skull plate and base of the antler burr.

6. An "antler point" is defined as at least one inch long from its tip to its baseline, and the length must exceed the width at some location at least one inch down from the tip.

7. "Apprentice license" means a resident or non-resident firearm or bow and arrow license issued to a person who is at least 18 years of age for firearms and at least 14 years of age for bow and arrow without meeting the requirement of a hunter safety education course. The apprentice license holder shall only hunt with an accompanying firearm or bow and arrow licensed hunter at least 21 years of age. A person may not serve as an accompanying firearm hunting license holder to more than one holder of an apprentice firearm hunting license at a time. A holder of an apprentice license may hunt in any open season, as defined by license type, except as provided at N.J.A.C. 7:25-5.6 and 5.19. The apprentice license shall be void after December 31 of the year of its issuance and may be issued to a person only twice during the person's lifetime.

8. "Automated Harvest Report System" or "AHRS" replaces live check stations for designated species and is the means by which a hunter registers a harvested animal via the Internet or telephone.

9. "Bag limit" means the amount of permitted take per person per season, except in a permit season the "bag limit" is the amount of permitted take per permit per season.

10. "Checking station" means the place or method of registering a harvest, as required by this subchapter, for any game animal with a legal hunting or trapping season. A checking station may be considered either a physical location or the Automated Harvest Report System (AHRS), as designated by the Division pursuant to N.J.S.A. 23:4-47.

11. "Conservation ID Number" means the lifetime identification number assigned to sportsmen and sportswomen when they initially obtain a license, permit, or child support certification through the electronic licensing system (ELS) beginning in 2006 and thereafter.
12. "Deer check station" means a physical location, as designated by the Division, where a hunter must bring his or her deer on the day of kill to be registered as a legally harvested deer; or an "Automated Harvest Report System" (AHRS) by which a hunter registers the harvested deer via the Internet or telephone as designated by the Division.

13. "Earn-a-buck" requirement means that deer hunters must harvest an antlerless deer from within a specified zone or zones before taking or attempting to take an antlered deer in the prescribed season or season period, and deer management zone.

14. "Electronic License System" or "ELS" means the integrated web-based and license agent-based automated electronic license purchasing system used by the Division of Fish and Wildlife to sell hunting, fishing, and trapping licenses and permits.

15. "Enclosed foothold trap" means a live-capture trap with a trigger which is activated by pulling, as enumerated in N.J.A.C. 7:25-5.12(g)1 through 5.

16. "Immediate family," for the purpose of determining eligibility for permits within the special farmer turkey, deer, and bear permit sections of this Code, means the spouse, child, stepchild, stepparent, legal guardian, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, grandchild, brother, sister, stepsister, stepbrother, brother-in-law, and sister-in-law of the farm owner or lessee who resides thereon.

17. "Leftover permits" means those permits within the amount presented as the permit quota remaining after closure of the initial permit-granting process.

18. "Limited quota, special deer permits" means bow, muzzleloader, or shotgun special deer seasons permits for special management areas including military bases, National Wildlife Refuges, State and county parks, and other areas that require application or issuance of special deer permits through the Division issued by random drawing because demand for permits is expected to exceed the supply.

19. "Local time" means the time applicable in the State, reflecting either daylight saving or eastern standard time, on the date the rule is to be applied.

20. "New Jersey Supplemental Deer Transportation Tag" means the paper deer permit and transportation tag issued by mandatory deer check stations after registration of a deer taken on a regular license or special season permit. The "New Jersey Supplemental Deer Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable sections of this
The transportation tag is completed and affixed to a deer immediately upon killing by the hunter.

21. "Permit quota" means the maximum amount of permits allocated for a given locality, season, or species category.

22. "Possession tag" means the tag or metal seal affixed to the animal by Division personnel or designated agent.

23. "Regulation Set" means a group of deer management zones, as designated by the Division, that all have the same season dates and bag limits.

24. "Relaxing lock" means that component of a live capture cable restraint intended to create and maintain a loop; and that stops tightening when the captured animal stops pulling against the cable restraint. Cam-locks and spring-assisted locking systems are prohibited for the purposes of this definition.

25. "Special Areas" are deer management zones where hunter access is controlled by a regulating authority, and may include, but are not limited to, Federal, State, county, and private lands, as designated by the Division.

26. "Traditional muzzleloader rifle" means a single shot, single barrel, side-lock percussion or flintlock firearm with iron or peep sights and a wooden stock. In-line ignition, center-hammer, and under-hammer muzzleloaders are not included in this definition. Scopes, Sabot slugs, and jacketed projectiles are prohibited for the purposes of this definition.

27. "Transportation tag" or "harvest report stub" means the tag portion of the hunting license or special permit that is removed and affixed to the animal immediately upon kill or removal from the trap. It is also a tag supplied by the Division with the beaver and otter trapping license.

28. "Youth hunter" means the possessor of the Youth Hunting License or the immediate family member of a qualified occupant farmer who is at least 10 years of age. Youth hunter status continues until December 31 of the year in which the youth turns 16 years old.

29. "Youth Hunting License" means the free hunting license issued by the Division to persons 10 through 15 years of age upon the successful completion of an approved hunter education course. The license is valid, unless revoked for due cause, from the time of issuance until December 31 of the year in which the youth attains the age of 16 years.

(e) For the purpose of this subchapter, "Trenton Office" shall mean the Bureau of Wildlife Management, Division of Fish and Wildlife, New Jersey Department of
Hunters may purchase no more than one All Around Sportsman License, or one Bow and Arrow Hunting License and one Firearm Hunting License for any calendar year.

The Director, with the approval of the Fish and Game Council, may close any hunting or trapping season state-wide or in a designated area, when necessary to respond to emergencies or special circumstances when it is deemed necessary to protect wildlife or human health or safety. Such closure shall be announced by press, radio, Division website (www.njfishandwildlife.com) and listserve, found at http://www.state.nj.us/dep/fgw/lstsub.htm.

All farmers, as defined in N.J.A.C. 7:25-5.7(i)1 or 5.28(i)1 and 2, and their immediate family who participate in deer hunting must obtain a free Conservation Identification number (CID) from the ELS by January 2012 to check in game animals harvested pursuant to N.J.S.A. 23:3-1e via the AHRS.

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 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 surveillance area has been established, all provisions of this subsection shall be in effect.

1. No person shall remove from the disease 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 surveillance area may be established by the Division. Any susceptible animal, as defined by the Division, taken within the disease surveillance area during an open hunting season shall be registered at a special designated Division check station within the 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 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 surveillance area including times of operation.

i. All animals taken within the disease 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 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.

3. Notwithstanding the provision 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 surveillance area, if applicable, or any susceptible animal collected 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 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 at a wildlife rehabilitator within the disease surveillance area shall be surrendered to the Division of Fish and Wildlife.

7:25-5.2 Pheasant-Chinese ringneck (Phasianus colchicus tortuatus), English or blackneck (P.c. colchicus), Mongolian (P. mongolicus), Japanese green (Phasianus versicolor); including mutants and crosses of above
(a) The annual season for hunting pheasant with shotgun or bow and arrow shall begin on the Saturday following the first Monday in November and conclude the third Monday of the following February, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season. The Director, with the approval of the Council, may establish season dates for special, experimental pheasant management zones for research purposes.

(b) The Statewide daily bag limit is two pheasants of either-sex. The Director, with the approval of the Council, may establish bag limits for special, experimental pheasant management zones for research purposes.

(c) The annual season for hunting pheasant by properly licensed persons engaged in falconry shall begin on September 1 and conclude the following March 31, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season.

(d) The hours for hunting pheasant on the opening day of the season are 8:00 A.M. to ½ hour after sunset. The hours for hunting pheasants on all other days on which pheasant hunting is legal are sunrise until ½ hour after sunset.

(e) The Director, with the approval of the Council, may designate special, experimental pheasant management zones for research purposes.

(f) Nothing contained in this section shall preclude properly licensed and permitted youth hunters from hunting pheasants from and including the Saturday before the opening of the pheasant season to the Friday before the opening of the pheasant season on selected wildlife management areas or portions thereof, if such activity is authorized by the Division. Youth hunters must be under the direct supervision of a non-hunting adult (21 years or older), who must possess a proper and valid firearm license. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter shall not hunt independently of the supervising adult. Hunting hours, application procedures, permit quotas and the form of the permit shall be determined by the Division.

(g) The annual season for hunting pheasant on properly licensed semi-wild preserves shall begin on the Saturday following the first Monday in November and conclude the following March 15, inclusive; except that nothing contained herein shall preclude properly licensed and permitted youth hunters from hunting pheasant on the Saturday before the regular opening of the pheasant season on semi-wild preserves licensed for pheasant. Youth hunters must be under the direct supervision of a non-hunting adult (21 years or older) who must possess a proper and valid firearm license. Direct supervision means the youth hunter and the supervising adult are together at the same location. The
youth hunter shall not hunt independently of the supervising adult. The Director, with approval of the Council, may extend the pheasant season on licensed semi-wild preserves for a period not to exceed 20 days.

1. There is no daily bag limit and pheasants of either sex may be taken on properly licensed semi-wild shooting preserves. The total number of pheasants taken on a semi-wild shooting preserve in the season may not exceed the number specified for release on the semi-wild shooting preserve application.

(h) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:3-32, 23:4-2, 23:4-8, and other applicable statutes.

7:25-5.3 Cottontail rabbit (Sylvilagus floridanus), black-tailed jackrabbit (Lepus californicus), white-tailed jackrabbit (Lepus townsenii), European hare (Lepus europaeus), chukar partridge (Alectoris graeca), Hungarian partridge (Perdix perdix), and bobwhite quail (Colinus virginianus)

(a) The annual season for hunting cottontail rabbit, black-tailed jackrabbit, white-tailed jackrabbit, and European hare with shotgun, bow and arrow, or air gun shall begin the last Saturday in September and conclude the Saturday after the third Monday of the following February, inclusive; except the season shall be closed during the six-day firearm deer season as 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 chukar partridge and Hungarian partridge with shotgun or bow and arrow shall begin on the Saturday following the first Monday in November and conclude the third Monday of the following February, inclusive; except the season shall be closed during the six-day firearm deer season as 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 quail with shotgun or bow and arrow at Greenwood Forest WMA and Peaslee WMA shall begin on the Saturday following the first Monday in November and conclude the following January 31, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season. Hunting for quail in all other portions of the State is prohibited at all times except on properly licensed semi-wild and commercial preserves in accordance with (e) below.

1. No person shall at any time liberate quail for any purposes, including dog training, and hunting, in the following State wildlife management areas:

   i. Buckshutem WMA, Cumberland County;

   ii. Dix WMA, Cumberland County;

   iii. Egg Island WMA, Cumberland County;
iv. Fortescue WMA, Cumberland County;

v. Millville WMA, Cumberland County;

vi. New Sweden WMA, Cumberland County;

vii. Nantuxent WMA, Cumberland County; and

viii. Stafford Forge WMA, Ocean County.

(b) The annual season for hunting the animals listed in (a) above for properly licensed persons engaged in falconry shall begin on September 1 and conclude the following March 31, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season. The falconry season for quail is closed except at Greenwood Forest WMA and Peaslee WMA as noted in (a) above.

(c) The daily bag limit is one jackrabbit or hare, seven chukar partridge, seven Hungarian partridge, and four cottontail rabbits. The daily bag limit for quail at Greenwood Forest WMA and Peaslee WMA is four quail.

(d) The hunting hours for the animals enumerated in this section 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.

(e) The annual season for hunting chukar partridge, Hungarian partridge, and quail on properly licensed semi-wild preserves shall begin on the Saturday following the first Monday in November and conclude the following March 15 inclusive. Properly licensed and permitted youth hunters may hunt quail and/or partridge on the Saturday before the regular opening of the quail and partridge season on semi-wild preserves licensed for quail and/or partridge or for hunting quail on that same Saturday on the Peaslee and Greenwood Wildlife Management Areas. Youth hunters must be under the direct supervision of a non-hunting adult (21 years or older), who must possess a proper and valid firearm license. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter may not hunt independently of the supervising adult. The Director, with approval of the Council, may extend the quail and partridge season on licensed semi-wild preserves for a period not to exceed 20 days.

1. There is no daily bag limit for quail, chukar partridge, and Hungarian partridge taken on properly licensed semi-wild shooting preserves. The total number of quail, chukar partridge, and Hungarian partridge taken on a semi-wild shooting preserve in the season may not exceed the number specified for release on the semi-wild shooting preserve application.
7:25-5.4 Ruffed grouse (Bonasa umbellus)

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

(b) (Reserved)

(c) (Reserved)

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

7:25-5.5 Eastern grey squirrel (Sciurus carolinensis)

(a) The annual season for hunting eastern gray squirrel with shotgun, bow and arrow, or air gun shall begin on the last Saturday in September and conclude the Saturday following the third Monday of the following February, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season. Within the areas described as portions of Passaic, Mercer, Hunterdon, Warren, Morris, and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with Rt. 511; then south along Rt. 511 to its intersection with Rt. 46; then west along Rt. 46 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15; then north along Rt. 15 to its intersection with the Morris-Sussex County line; then south along the Morris-Sussex County line to the Warren County line; then southwest along the Morris-Warren County line to the Hunterdon County line; then southeast along the Morris-Hunterdon County line to the Somerset County line; then south along the Somerset-Hunterdon County line to its intersection with the Mercer County line; then west and south along the Hunterdon-Mercer County line to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546 to the Delaware River; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May, and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along Rt. 536 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with the southern bank of the Great Egg Harbor Bay in Cape
May County; then west along the southern bank of the Great Egg Harbor Bay to its intersection with North Shore Road (Rt. 9); then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersection with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their current firearm hunting license may hunt for squirrels between the last Saturday in September and the Friday following the first Monday in November, inclusive; and between the first Saturday in January and the Saturday following the third Monday in February, inclusive, using a .36 caliber or smaller muzzleloading rifle loaded with a single projectile.

(b) The annual season for hunting eastern gray squirrel by properly licensed persons engaged in falconry shall begin on September 1 and conclude the following March 31, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season.

(c) Daily bag limit: Five squirrels. No season limit.

(d) Hunting hours for squirrels 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.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

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 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 shall be consistent with the approved CBBMP. The season 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 at N.J.A.C. 7:25-5.27(a). During each segment, black bear may only be harvested by the means specified 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. Special black bear hunting permit requirement: All black bear hunters must have a current and valid firearm or archery hunting license and a current and valid special "black bear hunting permit" which will be issued by the Division. Apprentice licenses are not valid for the taking of black bear. A total of 11,000 special black bear hunting permits, allocated by bear management zone (BMZ), will be available to properly licensed hunters. Black bear hunting permits and special farmer black bear permits are not transferable and must be in the possession of the hunter while hunting black bears. Hunters are limited to hunting in no more than two BMZs per season. Hunters are limited to purchasing up to two black bear hunting permits per year, as per (a)1iii below, one for each BMZ hunted, until the end of Segment A. Juvenile hunters aged 10 through 13 years of age must have a black bear hunting permit and be under the direct supervision of a properly licensed adult (21 years of age or older) while bear hunting. The adult must also possess a black bear hunting permit. Direct supervision means the juvenile hunter and the supervising adult are together at the same location. The juvenile hunter may not hunt independently of the adult.

i. Black bear hunting permits will be issued on an individual basis to holders of valid and current firearm and/or archery hunting licenses. Apprentice licenses are not valid for the taking of black bear. Black bear hunting permits and special farmer black bear permits are valid only in the BMZ and year designated on the permit, and are not transferable.

ii. Black bear hunting permits consist of a back display and include a "Black Bear Transportation Tag." The back display shall be conspicuously
worn in the middle of the back in addition to the valid firearm or archery license.

iii. Black bear hunting permits shall be issued on an individual basis to holders of valid and current firearm or archery hunting licenses, including juvenile licenses, via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. All persons, while their hunting licenses are void under authority of law or as imposed by a court, are prohibited from procuring a black bear hunting permit. Any permit obtained by fraud shall be void.

iv. Special Farmer Black Bear Permits shall be applied for as follows:
   
   (1) Only the owner or lessee of a farm, who resides thereon, or immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a special farmer black bear permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of $500.00 and is tax assessed as farmland. Special farmer black bear permits will be issued only in those Black Bear Management Zones where a season is prescribed.

   (2) Application forms may be obtained from the Division of Fish and Wildlife, MC 501-03, PO Box 420, Trenton, N.J. 08625-0420.

   (3) The application shall be filled in to include Conservation ID Number or name, age, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office no later than August 31. There is no fee required and all qualified applicants will receive a Special Farmer Black Bear Permit delivered by mail. Information and instructions on whether permits are to be mailed or claimed will be posted on the Division's website at www.njfishandwildlife.com and in the Hunting and Trapping Digest.

   (4) Application for a farmer black bear permit shall not preclude a farmer from procuring, as stated in (a) iii above, a regular black bear season permit as a holder of a valid hunting license.

2. Bag limit: One bear of either sex and any age may be harvested per permit, but only one bear may be harvested per segment, regardless of the number of permits the hunter holds. It is unlawful to take or attempt to take or continue to hunt for more than the number of black bear permitted. Properly licensed hunters who harvest a black bear shall immediately complete and affix to the bear the "Black Bear Transportation Tag" from their Black Bear Hunting Permit. Information
included on the black bear transportation tag shall include: the hunters name, address and current firearm or archery license number; date and time of kill; BMZ, county, and municipality of kill; and the sex of the black bear. Successful hunters must take the black bear to a designated check station by 9:00 P.M. on the day of the kill during Segment A or by 7:00 P.M. on the day of the kill during Segment B. Hunters shall surrender the black bear transportation tag and will be issued a legal possession tag. Any legally killed black bear recovered too late to be brought to a designated black bear check station by 9:00 P.M. on the day of the kill during Segment A or by 7:00 P.M. on the date of the kill during Segment B must be reported immediately by telephone to the nearest regional Bureau of Law Enforcement office. Hunters must provide their name, address, and a telephone number where they can be reached on the telephone message recording device, if a Division representative is not available. Said black bear must be brought to a designated black bear check station on the next weekday to be registered and to receive a legal possession tag.

3. The black bear management zones are located as follows:

   i. Zone 1. That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of the Portland Bridge and the Delaware River at Columbia; then northward along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to Rt. 519; then south along Rt. 519 to its intersection with Rt. 627; then south along Rt. 627 to its intersection with Rt. 626; then south along Rt. 626 to its intersection with Rt. 521; then southwest along Rt. 521 to its intersection with Rt. 94 in Blairstown; then southwest along Rt. 94 to the Portland Bridge, the point of beginning in Columbia. The islands of Labar, Tocks, Poxono, Depew, Namanock, Minisink and Mashipaong lying in the Delaware River are also included within this Hunting Area.

   ii. Zone 2. That portion of Sussex, Warren and Morris Counties lying within a continuous line beginning at Portland Bridge in Columbia; then northward along Rt. 94 to its intersection with Rt. 521 in Blairstown; then north along Rt. 521 to its intersection with Rt. 626; then north along Rt. 626 to its intersection with Rt. 627; then north along Rt. 627 to its intersection with Rt. 519 in Branchville; then north along Rt. 519 to the New York State Line; then southeast along the New York State line to Rt. 517; then south along Rt. 517 to its intersection with Rt. 94; then south on Rt. 94 to its intersection with Rt. 23 in Hamburg Borough; then south along Rt. 23 to its intersection with Rt. 517 in Franklin; then south along Rt. 517 to its intersection with Rt. 15 in Sparta; then south along Rt. 15 to its intersection with Interstate 80 in Dover; then west along interstate 80 to its intersection with Rt. 94; then south along Rt. 94 to the intersection with
iii. Zone 3: That portion of Sussex, Passaic, Morris, and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 15 in Dover; then north along Rt. 15 to its intersection with Rt. 517 in Sparta; then north along Rt. 517 to its intersection with Rt. 23 in Franklin; then north along Rt. 23 to its intersection with Rt. 94 in Hamburg Borough; then north along Rt. 94 to its intersection with Rt. 517; then north along Rt. 517 to the New York State Line; then east along the New York State Line to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15 the point of beginning in Dover.

iv. Zone 4. That portion of Sussex, Warren, Morris, Somerset and Hunterdon Counties lying within a continuous line beginning at the intersection of Route 78 and the Delaware River; then north along the east bank of the Delaware River to the Portland Bridge at Columbia; then northeast along Rt. 94 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 287; then southwest along Rt. 287 to its intersection with Rt. 78; then west along Rt. 78 to the Delaware River the point of beginning.

v. Zone 5. That portion of Hunterdon, Mercer, Morris, Passaic, Somerset, and Warren Counties lying within a continuous line beginning at the intersection of Rt. 78 and the Delaware River; then east along Rt. 78 to its intersection with Rt. 287; then northeast along Rt. 287 to its intersection with Rt. 202 in Oakland; then south along Rt. 202 to its intersection with Rt. 23; then south along Rt. 23 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with the Passaic River; then west along the north bank of the Passaic River to its intersection with Rt. 80; then west on Rt. 80 to its intersection with Rt. 280; then south along Rt. 280 to its intersection with Rt. 632; then south along Rt. 632 to its intersection with Rt. 608; then south along Rt. 608 to its intersection with Rt. 124; then southwest along Rt. 124 to its intersection with Rt. 638; then south along Rt. 638 to its intersection with Rt. 531; then south along Rt. 531 to its intersection with Rt. 527; then south along Rt. 527 to its intersection with Rt. 533; then south along Rt. 533 to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 518; then west along Rt. 518 to its intersection with Rt. 165; then west along Rt. 165 to its intersection with Rt. 179; then west along Rt. 179 to the Delaware River; then north along the east bank of the Delaware River to its intersection with Rt. 78, the point of beginning.
vi. Zone 6. That portion of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Rt. 287 and the New York state line; then southeast along the New York state line to the Hudson River; then south along the west shore of the Hudson River to Upper New York Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Rt. 533; then north along Rt. 533 to its intersection with Rt. 527; then north along Rt. 527 to its intersection with Rt. 531; then north along Rt. 531 to its intersection with Rt. 638; then north along Rt. 638 to its intersection with Rt. 124; then northwest along Rt. 124 to its intersection with Rt. 608; then north along Rt. 608 to its intersection with Rt. 632; then north along Rt. 632 to its intersection with Rt. 280; then northwest along Rt. 280 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with the Passaic River; then east along the north bank of the Passaic River to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 23; then north along Rt. 23 to its intersection with Rt. 202; then north along Rt. 202 to its intersection with Rt. 287; then north along Rt. 287 to its intersection with the New York state line, the point of beginning.

vii. Zone 7. That portion of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, and Somerset Counties lying within a continuous line beginning at the intersection of Rt. 179 and the Delaware River; then east along Rt. 179 to its intersection with Rt. 165; then east along Rt. 165 to its intersection with Rt. 518; then east along Rt. 518 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 533; then north along Rt. 533 to its intersection with Rt. 287; then east along Rt. 287 to its intersection with Rt. 440; then east along Rt. 440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to the Delaware Bay shore; then north and west along the shore of Delaware Bay to its intersection with the Delaware River; then north along the east bank of the Delaware River to its intersection with Rt. 179, the point of beginning.

4. During the entirety of Segment A, bows as described in N.J.A.C. 7:25-5.24 may be used. During the last three days of Segment A, muzzleloader rifles of .44 or larger caliber may also be used. During Segment A, no shotgun shall be used to
hunt black bears. During Segment B, only shotguns no smaller than 20 gauge or larger than 10 gauge with rifled slugs, and/or muzzleloader rifles of .44 or larger caliber shall be used. In either segment, persons hunting with muzzleloader rifle must also possess a current and valid rifle-hunting permit.

5. Hunting manner shall be by stand hunting, still-hunting, or drive hunting with bow, shotgun, or muzzleloader rifle. Black bears may not be taken from dens. No person shall attempt to take or kill a black bear or have in their possession or control any firearm, or other weapon of any kind, while elevated in a standing tree or in a structure of any kind within 300 feet of a baited area (N.J.S.A. 23:4-24.2). Persons hunting black bears with a firearm must wear a cap made of daylight fluorescent orange or an outer garment containing at least 200 square inches of fluorescent orange material visible from all sides at all times while hunting.

6. A Black Bear Management Zone Map is on file at the Office of Administrative Law and is available from the Division. The Black Bear Hunting Season Permit Quotas are as set forth by Zone as follows:

<table>
<thead>
<tr>
<th>BLACK BEAR HUNTING SEASON PERMIT QUOTAS</th>
<th>Portions of Counties Involved</th>
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</thead>
<tbody>
<tr>
<td>Bear Management Zone</td>
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</table>

(b) If the season harvest rate of black bears is less than 20 percent at the conclusion of the last day of Segment B, the season shall be extended for four additional consecutive days, beginning the Wednesday after the six-day firearm season as enumerated in N.J.A.C. 7:25-5.27(a), as an extension of Segment B. This extension shall be announced by press, radio, the Division's website (www.njfishandwildlife.com), and other media.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4.1 and other applicable statutes

7:25-5.7 Wild turkey (Meleagris gallapavo)
(a) The duration of the Fall Either Sex Wild Turkey Hunting Season for Turkey Hunting
Areas 1 through 22 shall include a hunting period "N" of seven consecutive days
excluding Sunday beginning on the Saturday before the last Monday in October and
ending on the following Saturday. The hunting periods for all Spring Wild Turkey
Gobbler Seasons shall be as set forth in (a)1 through 6 below as follows:

1. Hunting Period A: A period of five consecutive days beginning the fifth
   Monday before Memorial Day;

2. Hunting Period B: A period of five consecutive days beginning the fourth
   Monday before Memorial Day;

3. Hunting Period C: A period of five consecutive days beginning the third
   Monday before Memorial Day;

4. Hunting Period D: Two periods of five consecutive days, one beginning the
   second Monday before Memorial Day, and the other beginning the Monday
   before Memorial Day;

5. Hunting Period E: A period of four days including the fifth, fourth, third and
   second Saturdays before Memorial Day;

6. Hunting Period Y, exclusively applicable to youth hunters 10 to 16 years of
   age: The sixth Saturday before Memorial Day, as designated in ( o) below. If no
   turkey is harvested on this special youth spring turkey hunting day, the Y permit
   may be used for the duration of the Spring Wild Turkey Gobbler season until a
   bird has been harvested, as defined in (d) below.

(b) Bag Limit: The bag limit for the spring turkey hunting season is one male wild
   turkey with each special wild turkey, general turkey hunting, private land turkey hunting
   permit and with each special farmer turkey permit. Only one turkey may be taken in a
   given day. The bag limit for the fall season is one wild turkey of either-sex per permit.

(c) The hunting hours for wild turkey gobblers in the spring season shall be 1/2 hour
   before sunrise to noon daily for Hunting Periods A, B, and C and the first three Saturdays
   of hunting Period E; and 1/2 hour before sunrise to sunset daily for Hunting Period D and
   the last Saturday of hunting Period E. A youth hunting with a Hunting Period Y permit
   on any day of the spring turkey season other than the sixth Saturday before Memorial
   Day will follow the hunting hours of that hunting period. Hunting hours for the fall either
   sex turkey season shall be 1/2 hour before sunrise to 1/2 hour after sunset daily.

(d) Special wild turkey hunting permits are valid only during the hunting period
   designated and only in the designated turkey hunting area. Permittees aged 10 to less than
   14 years of age shall be accompanied by and under the direct supervision of a properly
   licensed adult who is at least 21 years of age. For the purposes of this section, direct
supervision is defined as both the juvenile hunter and properly licensed adult set up together at the same location, hunting as a unit and not hunting independently of each other for different birds. Youth hunters, 10 to 16 years of age, may obtain only one permit for Hunting Period Y per season. Youth hunters may use their Hunting Period Y permit in the designated zone at any time the season is open, including the special youth spring turkey hunting day enumerated in (o) below. Youth hunters possessing permits for Hunting Periods A, B, C, D or E may only use these permits during the periods specified and on the special youth spring turkey hunting day. Youth hunters are not required to use their Hunting Period Y permit before using other permits. After taking their bird with a permit for Hunting Period Y, youth hunters are subject to the same area and hunting period that any additional regular period hunting permit designates. Permits are not transferable.

(e) The methods and restrictions for wild turkey hunting are as follows:

1. Hunting methods shall be restricted to calling or stand hunting during the spring gobbler season.

2. No person shall stalk or attempt to approach a wild turkey for the purpose of taking or attempting to take the bird.

3. All persons must have a turkey calling device in their possession while turkey hunting.

4. No person shall use an electronic calling device for calling turkeys at any time during the open season.

5. Persons may not drive or chase wild turkeys for the purpose of putting them in range of hunters, except that fall hunters may rush turkeys for the purpose of causing the flock to scatter.

6. No group of hunters larger than five individuals may hunt turkeys at any time.

7. The use of dogs is prohibited in the spring gobbler season.

8. No live or electronically operated decoys may be used.

9. Fluorescent hunters orange is not required on outer clothing for turkey hunting.

10. No shot size larger than No. 4 fine shot or smaller than No. 7 1/2 fine shot may be used for turkey hunting.

11. No shotgun larger than 10 gauge or smaller than 20 gauge may be used for turkey hunting.
12. A person hunting turkeys shall not have in possession or control, a firearm or other weapon within 300 feet of a baited area during the turkey hunting seasons. A baited area is defined as the collection, deposit, concentration or unnatural gathering of feed including, but not limited to, corn, wheat, oats, or other substance that may constitute a lure or enticement to turkeys.

(f) Method: The taking of one male wild turkey in the spring gobbler season with firearm or bow and arrow or one wild turkey of either sex during the fall turkey season per special turkey permit with firearm, bow and arrow or falconry is permitted in any designated turkey hunting areas by holders of a special wild turkey permit.

1. Except as provided in (h)1 below, special wild turkey permits will be issued on an individual basis to holders of valid and current firearm or archery hunting licenses. Only one application per person may be submitted for the spring wild turkey season and only one application per person may be submitted for the fall turkey season during the initial application period. Only one application per person may be submitted for a left over permit during the initial application period. All persons, while their hunting licenses are void under authority of law or as imposed by a court, are prohibited from making application for, or otherwise procuring a turkey hunting permit.

(g) Special permits consist of a back display the AHRS which includes a wild turkey harvest tag. The back portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm or archery license. Any wild turkey killed must be tagged immediately with a completed wild turkey transportation tag and registered at a turkey check station, or registered via the AHRS. A completed wild turkey transportation tag allows for transportation of the wild turkey. Personnel at the checking station will issue a "possession tag." Hunters registering their wild turkey via the AHRS will receive a "confirmation number" that can be written on the harvest tag. Any permit holder killing a wild turkey must transport this wild turkey to an authorized checking station or register the turkey via the AHRS by 3:00 P.M. on the day killed on the youth turkey hunting day, Hunting Periods A, B, and C, and the first three Saturdays of Hunting Period E or by 9:00 P.M. during Hunting Period D and the last Saturday of Hunting Period E during the spring gobbler hunting season or by 7:00 P.M. on the day killed during the fall turkey season to secure the legal "possession tag" or "confirmation number." The possession of a wild turkey after 3:00 P.M. on the date killed on the youth turkey hunting day, Hunting Periods A, B, and C, and the first three Saturdays of Hunting Period E or after 9:00 P.M. during Hunting Period D and the last Saturday of Hunting Period E during the spring gobbler season or after 7:00 P.M. on the date killed during the fall season without a legal "possession tag" or "confirmation number" shall be deemed illegal possession.

(h) Wild Turkey Hunting Permits shall be applied for as follows:

1. For the spring turkey hunting season, holders of valid and current firearm or archery hunting licenses, including juvenile licenses, shall apply by submitting an
application. Applications shall be submitted via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. First time permit applicants who do not yet possess a valid hunting license may apply for a wild turkey hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application.

2. Only one application for an initial permit and only one application for a leftover permit may be submitted by any one individual during the prescribed application period. Duplicate applications will cause all applications by an individual to be void.

3. The application shall be filled in to include the applicant's Conservation ID Number or name, address, turkey hunting areas applied for, hunting periods applied for, and any other information requested. Only those applications will be accepted for participation in random selection that are received during the period of January 25--February 22, inclusive. Applications received after February 22 will not be considered for the initial drawing. Selection of permits will be by random drawing except that: applicants 10-16 years of age who have a valid youth hunting license will receive a spring hunting season permit for Hunting Period Y for the turkey hunting area of their choice separate from the spring permit quota; and applicants who possess a "Permit to Shoot From A Standing Vehicle," granted by the Division who have a valid license, will receive a spring hunting season permit for their first choice hunting area and hunting period separate from the spring permit quota. Persons possessing a Permit to Shoot From A Standing Vehicle shall apply for a spring turkey season permit on separate applications provided by the Division during the regular application period.

4. Unless otherwise indicated, the non-refundable permit application fee payable to "Division of Fish and Wildlife", must accompany the completed application. If selected to receive a permit, the full permit fee will be payable to the Division.

5. Unsuccessful applicants will be notified. Any permit obtained by fraud is void.

6. Nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any properly licensed bow and arrow hunter, firearm hunter or qualified farmer after the permit selection process.

7. For the fall turkey season, permits will be issued on an individual basis to holders of valid and current firearm or archery licenses via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate systems as may be designated by the Division. These permits may be issued as authorized by the Division, through the
last day of the season. Qualified applicants may purchase permits for Turkey Hunting Areas 1 through 22. Qualified farmers may obtain permits as provided in (i) below.

(i) Special Farmer Turkey Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a special farmer turkey permit for the spring season and the fall season. Under this section a farm is an area of five acres or more and producing a gross income in excess of $ 500.00 and is tax assessed as farmland. Special farmer spring turkey permits will be issued only in those Turkey Hunting Areas where a spring gobbler season is prescribed. Special farmer fall turkey permits will be issued only in those Turkey Hunting Areas where a fall turkey season is prescribed.

2. Application forms may be obtained from the Division of Fish and Wildlife, Mail Code 501-03, P.O. Box 420, Trenton, N.J. 08625-0420.

3. The application shall be filled in to include Conservation ID Number or name, age, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office only during the period of February 1-22. There is no fee required and all qualified applicants will receive a Special Farmer Spring Turkey Permit or Special Farmer Fall Turkey Permit delivered by mail.

4. Only one farmer application may be submitted per individual during the initial application period. Application for a farmer turkey permit shall not preclude a farmer from applying for and the Division’s issuing one regular turkey season permit as a holder of a valid hunting license.

(j) Turkey Hunting Permits and Special Farmer Turkey Permits shall be used as follows:

1. The turkey hunting permit is valid only in the turkey hunting area (THA) designated, during the time period designated, and is not transferable. The turkey hunting permit hunter is responsible for hunting in the correct THA and time period as indicated and in ascertaining the boundaries. The Special Farmer Turkey Permit for the spring season is valid for all five turkey hunting periods and only on the farm designated on the application and is not transferable. The special farmer turkey permit for the fall season is valid only on the farm designated in the application and is not transferable.

2. The turkey hunting permit is not transferable from turkey hunting area to turkey hunting area, or from hunting period to hunting period, from individual to
individual or from farm to farm. The permit must be used in the Turkey Hunting Area, in the hunting period, and by the individual to whom it was issued.

**(k)** A turkey hunting area map is on file at the Office of Administrative Law and is available from that agency or the Division. The Spring Turkey Hunting Season Permit Quotas are as set forth in (k)1 below:

1. Spring Turkey Hunting Season Permit Quotas are as follows:

   **SPRING TURKEY HUNTING SEASON PERMIT QUOTAS**
   For Hunting Periods A, B, C, D and E

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<td>160</td>
<td>800</td>
<td>Essex, Middlesex, Morris, Somerset, Union, Bergen, Hudson, Passaic</td>
</tr>
<tr>
<td>11</td>
<td>300</td>
<td>1,500</td>
<td>Middlesex, Mercer, Hunterdon, Somerset</td>
</tr>
<tr>
<td>12</td>
<td>175</td>
<td>875</td>
<td>Mercer, Middlesex, Monmouth, Ocean</td>
</tr>
<tr>
<td>14</td>
<td>450</td>
<td>2,250</td>
<td>Burlington, Ocean, Monmouth, Mercer</td>
</tr>
<tr>
<td>15</td>
<td>100</td>
<td>500</td>
<td>Burlington, Atlantic, Gloucester, Camden</td>
</tr>
<tr>
<td>16</td>
<td>160</td>
<td>800</td>
<td>Burlington, Atlantic, Ocean, Cape May</td>
</tr>
<tr>
<td>20</td>
<td>750</td>
<td>3,750</td>
<td>Cumberland, Salem, Gloucester</td>
</tr>
</tbody>
</table>
**Applied to each of the five Turkey Hunting Permit hunting periods (A, B, C, D, E) in all areas enumerated in (a)1 through 5 above.**

**Authority:** The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-2, 23:4-11, 23:4-12 and other applicable statutes.
Turkey Hunting Areas are as follows:

1. Turkey Hunting Area No. 1: That portion of Sussex County lying within a continuous line beginning at the intersection of Routes 206 and 519 at Branchville; then northwest along Rt. 206 to its intersection with Rt. 560; then west along Rt. 560 to its intersection with the Delaware River at Dingman's Ferry; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to Rt. 519; then south along Rt. 519 to the point of beginning at Branchville. The islands of Namanock, Minisink and Mashipacong lying in the Delaware River are included in the Hunting Area.

2. Turkey Hunting Area No. 2: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 94 and Bridge Street at Blairstown; then north on Bridge Street to the Blairstown-Millbrook Road; then northwest along the Blairstown-Millbrook Road to Millbrook Village; then northwest along the Millbrook-Flatbrookville Road to its intersection with the Flatbrook at Flatbrookville; then south along the west bank of the Flatbrook to its confluence with the Delaware River; then north along the east bank of the Delaware River to the intersection with Rt. 560 at Dingman's Ferry; then east along Rt. 560 to its intersection with Rt. 206; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 94 at Newton; then southwest along Rt. 94 to the point of beginning at Blairstown.

3. Turkey Hunting Area No. 3: That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of the Portland Bridge and the Delaware River at Columbia; then north along the east bank of the Delaware River to its confluence with the Flatbrook; then north along the east bank of the Flatbrook at its intersection with the Millbrook-Flatbrookville Road at Flatbrookville; then southeast along the Millbrook-Flatbrookville Road to Millbrook Village, then south on the Blairstown-Millbrook Road to its intersection with Bridge Street; then south on Bridge Street to Rt. 94 at Blairstown; then southwest along Rt. 94 to the Portland Bridge, the point of beginning at Columbia. The islands of Tocks and Labar lying in the Delaware River are also included within this Hunting Area.

4. Turkey Hunting Area No. 4: That portion of Sussex, Warren and Morris Counties lying within a continuous line beginning at the intersection of Routes 94 and 206 at Newton; then south along Rt. 206 to its intersection with Rt. 183 at Netcong; then southeast along Rt. 183 to its intersection with Rt. 46; then west along Rt. 46 to the Delaware River at Manunkachunk; then north along the east bank of the Delaware River to the Portland Bridge at Columbia; then northeast along Rt. 94 to the point of beginning at Newton.
5. Turkey Hunting Area No. 5: That portion of Sussex County lying within a continuous line beginning at the intersection of Routes 206 and 517 at Andover; then north along Rt. 206 to its intersection with Rt. 519 at Newton; then north along Rt. 519 to the New York State Line; then east along the New York State Line to its intersection with Rt. 517; then south along Rt. 517 to the point of origin at Andover.

6. Turkey Hunting Area No. 6: That portion of Sussex, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 23 and Rt. 517 at the Hardystonville; then north along Rt. 517 to the New York State Line; then east along the New York State Line to its intersection with Rt. 202; then south along Rt. 202 to its intersection with Rt. 23; then west along Rt. 23 to the point of beginning at Hardystonville.

7. Turkey Hunting Area No. 7: That portion of Sussex, Passaic and Morris Counties lying within a continuous line beginning at the intersection of Route 23 and Route 517 at Hardystonville; then east along Rt. 23 to its intersection with Rt. 202 at Wayne; then south and west along Rt. 202 to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 183 at Netcong; then east along Rt. 183 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 517; then northeast along Rt. 517 to the point of beginning at Hardystonville.

8. Turkey Hunting Area No. 8: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the Delaware River at Manunkachunk; then east along Rt. 46 to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 12 at Flemington; then west along Rt. 12 to its intersection with the Delaware River at Frenchtown; then north along the east bank of the Delaware River to the point of beginning at Manunkachunk.

9. Turkey Hunting Area No. 9: That portion of Hunterdon, Warren, Somerset and Morris Counties lying within a continuous line beginning at the intersection of Rts. 31 and 46 at Butzville; then east along Rt. 46 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 202; then south and west along Rt. 202 to its intersection with Rt. 31 at Flemington; then north along Rt. 31 to the point of beginning at Butzville.

10. Turkey Hunting Area No. 10: That portion of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 206 and 80; then east along Route 80 to its intersection with Route 287; then north along Route 287 to its intersection with Route 202; then north and east along Route 202 to the New York State line; then southeast along the New York state line to the Hudson River; then south along the west shore of the Hudson River to Upper New York
Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287; then north along Route 287 to its intersection with Route 206; then north along Route 206 to the point of beginning.

11. Turkey Hunting Area No. 11: That portion of Hunterdon, Mercer, Middlesex and Somerset Counties lying within a continuous line beginning at the intersection of Route 12 and the Delaware River at Frenchtown; then east along Route 12 to its intersection with Route 202; then east along Route 202 to its intersection with Route 287; then south and east along route 287 to its intersection with Route 1; then south and west along Route 1 to its intersection with the Delaware River at Trenton; then north along the east bank of the Delaware River to the point of beginning. The islands of Skyhawks, Rush, Bull, Treasure and Eagle are included in this area.

12. Turkey Hunting Area No. 12: That portion of Mercer, Middlesex, Ocean and Monmouth Counties lying within a continuous line beginning at the intersection of Route 1 and Route 206 at Trenton; then north and east along Route 1 to its intersection with Route 287; then south and east along Routes 287 and 440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to Sixteenth Avenue at Belmar; then west on Sixteenth Avenue to Route 35; then south on Route 35 to Route 138; then west along Route 138 to its intersection with Route 195; then west along Route 195 to its intersection with Route 524; then north along Route 524 to its intersection with Route 206; then north along Route 206 to the point of beginning.

13. Turkey Hunting Area No. 14: That portion of Burlington, Mercer, Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Route 1 and the Delaware River; then east along Route 1 to its intersection with Route 206; then south along Route 206 to its intersection with Route 524; then east along Route 524 to its intersection with Route 195; then east along Route 195 to its intersection with Route 138; then east along Route 138 to Route 35; then north on Route 35 to Sixteenth Avenue; then east on Sixteenth Avenue to the Atlantic Ocean at Belmar; then south along the Atlantic Ocean to Ship Bottom; then north and west along Route 72 to its intersection with Route 70; then west along Route 70 to its intersection with Route 38 at Cherry Hill; then west along Route 38 to its intersection with Route 30; then west along Route 30 to the Delaware River; then north along the east bank of the Delaware River to the point of beginning. Newbold Island is additionally included in Turkey Hunting Area No. 14.
14. Turkey Hunting Area No. 15: That portion of Atlantic, Burlington, Camden and Gloucester Counties lying within a continuous line beginning at the intersection of Routes 70 and 206 at Red Lion; then south along Route 206 to Hammonton; then south along Route 54 from Hammonton to its intersection with the Atlantic City Expressway; then west along the Atlantic City Expressway to its intersection with Route 42; then north on Route 42 to its intersection with Interstate 76; then north along Interstate 76 to its intersection with the Delaware River; then north along the east bank of the Delaware River to its intersection with Route 30 at Camden; then east along Route 30 to its intersection with Route 38; then east along Route 38 to its intersection with Route 70; then east along Route 70 to the point of beginning.

15. Turkey Hunting Area No. 16: That portion of Burlington, Ocean, Cape May and Atlantic Counties lying within a continuous line beginning at the intersection of Routes 206 and 70 at Red Lion; then east along Route 70 to its intersection with Route 72; then southeast along Route 72 to Ship Bottom and the Atlantic Ocean; then south along the Atlantic Ocean to Great Egg Harbor Inlet; then west through Great Egg Harbor Bay to the Great Egg Harbor River; then north along the Great Egg Harbor River to its intersection with Route 50; then north along Route 50 to its intersection with Route 30; then north and west along Route 30 to its intersection with Route 206; then north along Route 206 to the point of beginning.

16. Turkey Hunting Area No. 20: That portion of Cumberland, Gloucester, Camden and Salem Counties beginning at the intersection of the east bank of the Delaware River and Interstate 76; then southeast on Interstate 76 to its intersection with Route 42; then south on Route 42 to its intersection with the Atlantic City Expressway; then south on the Atlantic City Expressway to its intersection with Route 536; then south along Route 536 to its intersection with Route 322; then west along Route 322 to its intersection with Route 47; then south along Route 47 to its intersection with Route 40; then west along Route 40 to its intersection with Route 553; then south along Route 553 to its intersection with Route 49; then west along Route 49 to Bridgeton and its intersection with the Cohansey River; then south along the west bank of the Cohansey River to its confluence with the Delaware River; then north along the east bank of the Delaware River to the point of beginning.

17. Turkey Hunting Area No. 21: That portion of Atlantic, Cumberland, Gloucester, Camden and Salem Counties lying within a continuous line beginning at the intersection of Routes 40 and 553; then east along Route 40 to its intersection with Route 47; then north along Route 47 to its intersection with Route 322; then east along Route 322 to its intersection with Route 536; then north along Route 536 to its intersection with the Atlantic City Expressway; then south along the Atlantic City Expressway to its intersection with Route 54; then
south on Route 54 to Lincoln Ave. (Route 655), in Buena Vista; then southwest along Lincoln Ave. to its intersection with Route 55 in Vineland; then south along Route 55 to its intersection with Route 49; then west along Route 49 to the Maurice River; then south along the west bank of the Maurice River to its confluence with Delaware Bay; then west along the Delaware Bay shore to the Cohansey River; then north along the east bank of the Cohansey River to its intersection with Route 49 at Bridgeton; then east along Route 49 to its intersection with Route 553; then north along Route 553 to the point of beginning.

18. Turkey Hunting Area No. 22: That portion of Atlantic, Cape May and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 55 and Lincoln Avenue (Route 655); then northeast along Lincoln Avenue to its intersection with Wheat Road (Route 619) at Buena; then east on Wheat Road to its intersection with Route 54; then northeast along Route 54 to its intersection with Route 206; then north along Route 206 to its intersection with Route 30, then southeast along Rt. 30 to its intersection with Rt. 50; then southwest along Rt. 50 to its intersection with the Great Egg Harbor River; then south along the Great Egg Harbor River to Great Egg Harbor Bay; then east through Great Egg Harbor Bay to Great Egg Harbor Inlet; then south along the Atlantic Coast to the Delaware Bay shore; then north and west along the shore of Delaware Bay to its intersection with the Maurice River; then north along the east bank of the Maurice River to its intersection with Rt. 49 at Millville; then east along Rt. 49 to its intersection with Rt. 55; then north along Rt. 55 to its intersection with Lincoln Avenue (Route 655) the point of beginning.

(o) A special youth spring turkey hunting day with shotgun or bow and arrow will be the sixth Saturday before Memorial Day. Youth hunters must possess a current and valid Youth Hunting License and a valid permit for the hunting area. Youth hunters, 10 to 16 years of age, who qualify to hunt as provided for in (i) above must have a valid permit for the farm designated on the application. All youth hunters must be under the direct supervision of a non-hunting adult (21 years or older), who must possess a proper and valid firearm license if the youth is hunting with a shotgun; or a proper and valid bow and arrow license if the youth hunter is hunting with a bow and arrow. Direct supervision means the youth hunter and the supervising adult are set up together at the same location and hunting as a unit. The youth hunter may not hunt independently of the supervising adult. All other hunting requirements for the regular Spring Wild Turkey Gobbler Season shall apply.

7:25-5.8 Mink (Mustela vison), muskrat (Ondatra zibethicus), and nutria (Myocaster coypus) trapping only

(a) Mink, muskrat and nutria are to be taken by trapping only.

(b) The annual mink, muskrat, and nutria trapping season is as follows:
1. Northern Zone: 6:00 A.M. on November 15 through the following March 15, inclusive.

2. Southern Zone: 6:00 A.M. on December 1 through the following March 15, inclusive.

3. Trapping Zone Boundaries: Trapping zones shall be defined as follows: That section of New Jersey situated North (or South) of a line starting at the intersection of U.S. Route 1 and the Pennsylvania border at Trenton, then Northeast along Route 1 to its intersection with Route 287 in Middlesex County, then east along Route 287 to its intersection with the New York State line at Staten Island.

(c) General provisions: No trap stakes or traps shall be placed or set before the times as indicated in this section.

(d) Authority: N.J.S.A. 23:4-37, 23:3-1, 23:4-1 and other applicable statutes.

(e) See N.J.A.C. 7:25-5.12, General trapping rules

7:25-5.9 Beaver (Castor canadensis) trapping

(a) Beaver may only be taken by means of a trap approved by the Division of Fish and Wildlife.

(b) The annual beaver trapping season shall begin 6:00 A.M. EST on December 26 and conclude the following February 9, 11:59 P.M. EST, inclusive, except on State Fish and Wildlife Management Areas enumerated in N.J.A.C. 7:25-5.33(a)2. On State Fish and Wildlife Management Areas enumerated in N.J.A.C. 7:25-5.33(a)2, the trapping season for beaver shall begin 6:00 A.M. EST on January 1 and conclude February 9, 11:59 P.M. EST, inclusive. If the anticipated harvest of beaver has not been accomplished during this season, up to 14 additional days may be authorized by the Director.

(c) Special Permit: A special permit obtained from the Division of Fish and Wildlife shall be required to trap beaver. If the number of applications received exceeds the quotas listed, a random drawing will be held to determine permit holders. Application for special permits shall be made via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division during the period October 1-31, annually. Unclaimed beaver permits may be issued over-the-counter. Applicants may apply for only one beaver trapping permit and shall provide their Conservation ID Number, or name, age, address, and any other information requested thereon. Successful applicants must trap with a valid, current trapping license. The annual Special Beaver Trapping Permit quota is as follows:

ANNUAL SPECIAL BEAVER PERMIT QUOTAS
Beaver Management Zone Number* | Annual Permit Quota | Portions of Counties Involved
--- | --- | ---
1 | 8 | Sussex
2 | 17 | Sussex
3 | 9 | Bergen, Morris, Passaic, Sussex
4 | 7 | Sussex, Warren
5 | 12 | Sussex, Warren
6 | 22 | Morris, Passaic, Sussex, Warren
7 | 10 | Essex, Morris, Passaic
8 | 8 | Ocean
9 | 7 | Burlington, Ocean
10 | 8 | Atlantic, Burlington, Camden
11 | 6 | Atlantic, Burlington, Ocean
12 | 3 | Atlantic, Camden, Gloucester
13 | 7 | Atlantic, Cape May, Cumberland
14 | 2 | Atlantic, Cumberland, Gloucester, Salem
15 | 2 | Cumberland, Salem
16 | 16 | Atlantic, Burlington
17 | 5 | Atlantic
18 | 3 | Atlantic, Cape May
19 | 3 | Hunterdon, Morris, Warren
20 | 7 | Hunterdon, Morris
21 | 21 | Hunterdon, Morris, Somerset
22 | 1 | Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union
23 | 1 | Bergen, Hudson, Passaic
24 | 3 | Hunterdon, Mercer, Somerset
25 | 6 | Burlington, Mercer, Middlesex, Somerset
26 | 3 | Mercer, Middlesex, Monmouth
27 | 2 | Monmouth, Ocean
28 | 11 | Burlington, Mercer, Middlesex, Monmouth
29 | 12 | Burlington, Camden, Gloucester
30 | 8 | Camden, Cumberland, Gloucester, Salem

Total 200

*Beaver and otter management zones are described in N.J.A.C. 7:25-5.10(h)1 through 30.

**(d)** Beaver Damage Control Permit: Special permits, known as Beaver Damage Control Permits, may be issued by the Director, in his or her discretion, for the control of beavers. These permits may be issued to the owner or lessee of any land to control beavers that are causing damage on that land.

1. The permittee and their agents shall conform to all Federal, State, and local statutes, rules, codes, and ordinances pertaining to the use and discharge of firearms, and the setting of traps.

2. The permittee and their agents shall comply with the means, methods of take, hours, recordkeeping requirements, and other conditions prescribed by the Division and listed on the Beaver Damage Control Permit.

3. The conditions set forth in N.J.A.C. 7:25-5.32(b)3 through 6, 8, 9, 10, and 12 through 15 apply to Beaver Damage Control Permits.
4. For Beaver Damage Control Permits issued during the dates of the annual beaver trapping season, the trapper must have first applied for a special permit for the current beaver trapping season. Beaver taken outside the recreational trapping season cannot be possessed or sold by the damage control trapper. Permit conditions for a Beaver Damage Control Permit issued during the annual season may include provisions for possession of beavers caught under the permit, in which case the beavers must be tagged and checked in accordance with (f) below. A valid trapping license is required for trapping under a Beaver Damage Control Permit issued during the annual trapping season.

(e) The season limit for beaver trapping is eight beaver per special permit.

(f) A "beaver transportation tag" provided by the Division shall be affixed to each beaver taken immediately upon taking possession of the beaver or any part thereof, and all beaver pelts shall be taken to a designated beaver checking station at the times and dates specified on the beaver permit and, in any case, no later than 20 days after the close of the season.

(g) Each beaver trapper shall be restricted to a maximum of five traps daily in any given management zone. Each trap shall be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice. The Division, in its discretion, may designate and suitably post certain beaver colonies and prohibit all trapping within their dams, or within 500 feet thereof, during the beaver trapping season as indicated in this section.

(h) Special Beaver Permits and Beaver Damage Control Permits are valid only in the zone or site designated and are not transferable from person to person.


7:25-5.10 River otter (Lontra canadensis) trapping

(a) Otter may only be taken under special permit by means of a trap approved by the Division of Fish and Wildlife.

(b) The annual river otter trapping season shall begin 6:00 A.M. EST on December 26 and conclude the following February 9, 11:59 P.M. EST, inclusive, except on State Fish and Wildlife Management Areas enumerated in N.J.A.C. 7:25-5.33(a)2. On State Wildlife Management Areas enumerated in N.J.A.C. 7:25-5.33(a)2, the trapping season for otter shall begin 6:00 A.M. EST on January 1 and conclude February 9, 11:59 P.M. EST, inclusive. If the anticipated harvest of otter has not been accomplished, up to 14 additional days may be authorized by the Director.
(c) Special Permit: A special permit obtained from the Division of Fish and Wildlife shall be required to trap otter. If the number of applications received exceeds the quotas listed, a random drawing will be held to determine permit holders. Beaver permit holders will be given first opportunity for otter permits in their respective zones. Applications shall be submitted via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division during the period October 1-31, annually. Unclaimed otter permits may be issued over-the-counter. Only one application per person may be submitted for trapping otter and applicants shall provide their Conservation ID Number, or name, age, address, and any other information requested thereon. Permits will be allotted on a zone basis as follows: Zone 1-4, Zone 2-4, Zone 3-3, Zone 4-3, Zone 5-5, Zone 6-5, Zone 7-4, Zone 8-8, Zone 9-6, Zone 10-2, Zone 11-6, Zone 12-2, Zone 13-7, Zone 14-6, Zone 15-15, Zone 16-5, Zone 17-2, Zone 18-6, Zone 19-3, Zone 20-7, Zone 21-1, Zone 22-1, Zone 23-1, Zone 24-3, Zone 25-6, Zone 26-3, Zone 27-2, Zone 28-11, Zone 29-6, and Zone 30-9. Total: 146. Successful applicants must trap with a valid, current trapping license.

(d) The season limit for otter trapping is one otter.

(e) The "otter transportation tag" provided by the Division must be affixed to each otter taken immediately upon taking possession of the otter or any part thereof. All otter pelts and carcasses shall be taken to a beaver-otter check station at dates specified on the otter permit and, in any case, no later than 20 days after the close of the season, where a pelt tag will be affixed and the carcass surrendered.

(f) Each otter trapper is restricted to a maximum of three traps daily and each trap must be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice.


(h) Beaver and Otter Management Zones are described as follows:

1. Zone 1: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on Rt. 636 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 521, then southwest on Rt. 521 to its intersection with County Rt. 617, then south on Rt. 617 to its intersection with Rt. 624 near Fairview Lake, then northwest on Rt. 624 to its intersection with Big Flatbrook River; then southwest along the southern bank of the Big Flatbrook River to its confluence with the Delaware River, then north
along the Delaware River to the New York-New Jersey state line, then south along the New York-New Jersey state line to Rt. 519, the point of beginning.

2. Zone 2: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on County Rt. 636 to its intersection with Rt. 206, then southeast on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then north on Rt. 517 to its intersection with Rt. 23, then east on Rt. 23 to its intersection with Rt. 515 at Stockholm, then north on Rt. 515 to its intersection with Rt. 94 at Vernon, then north on Rt. 94 to the state line, then west along the state line to its intersection with Rt. 519, the point of beginning.

3. Zone 3: That portion of Sussex, Passaic, Morris and Bergen Counties lying within a continuous line beginning at the intersection of the state line and Rt. 94; then south on Rt. 94 to its intersection with Rt. 515 at Vernon; then south on Rt. 515 to its intersection with Rt. 23 at Stockholm then east on Rt. 23 to its intersection with Rt. 202 near Wayne; then north on Rt. 202 to the state line at Suffern; then west along the state line to its intersection with Rt. 94, the point of beginning.

4. Zone 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the confluence of the Delaware and Big Flatbrook River; then northeast along the southern bank of Big Flatbrook River to its intersection with Rt. 624, then south on Rt. 624 to its intersection with Rt. 617, then north on Rt. 617 to its intersection with Rt. 521, then northeast on Rt. 521 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 94 at Newton, then south on Rt. 94 to its intersection with Rt. 608 at Marksboro, then south on Rt. 608 to its intersection with Rt. 521, then south on Rt. 521 to its intersection with Rt. 80 near Hope, then west on Rt. 80 to its intersection with Rt 94 at Columbia, then south on Rt. 94 to its intersection with the Delaware River, then north and northeast along the Delaware River to its confluence with the Big Flatbrook River, the point of beginning.

5. Zone 5: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of the Delaware River and Rt. 94 at Columbia, then north on Rt. 94 to its intersection with Rt. 80, then east on Rt. 80 to its intersection with Rt. 521 near Hope, then north on Rt. 521 to its intersection with Rt. 608, then northeast on Rt. 608 to its intersection with Rt. 94 at Marksboro, then north and east on Rt. 94 to its intersection with Rt. 206 at Newton, then north on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then southwest on Rt. 517 to its intersection with Rt. 46 at Hackettstown, then west on Rt. 46 to its intersection with Water
Street in Belvidere, then south along Water Street to its intersection with the Delaware River, then north on the Delaware River to its intersection with Rt. 94, the point of beginning.

6. Zone 6: That portion of Warren, Morris, Sussex and Passaic Counties lying within a continuous line beginning at the intersection of Rt. 46 and Rt. 517 in Hackettstown, then north on Rt. 517 to its intersection with Rt. 23 at Franklin, then south on Rt. 23 to its intersection with Rt. 699 (Berkshire Valley Rd.) at Oak Ridge, then south on Rt. 699 to its intersection with Rt. 15, then south on Rt. 15 to its intersection with Rt. 80, then west on Rt. 80 to its intersection with Rt. 10 near Ledgewood, then east on Rt. 10 to its intersection with Rt. 513, then west on Rt. 513 to its intersection with Rt. 517 at Long Valley, then north on Rt. 517 to its intersection with Rt. 182, then north on Rt. 182 to its intersection with Rt. 46, then northwest on Rt. 46 to its intersection with Rt. 517 at Hackettstown, the point of beginning.

7. Zone 7: That portion of Morris, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 699 (Berkshire Valley Rd.) and Rt. 23 at Oak Ridge, then southeast on Rt. 23 to its intersection with Rt. 80 near Singac, then west on Rt. 80 to its intersection with Rt. 287, then south on Rt. 287 to its intersection with Rt. 10 near Whippany, then west on Rt. 10 to its intersection with Rt. 80 at Ledgewood, then east on Rt. 80 to its intersection with Rt. 15, then north on Rt. 15 to its intersection with Rt. 699 at Mt. Hope, then north on Rt. 699 to its intersection with Rt. 23 at Oak Ridge, the point of beginning.

8. Zone 8: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then east on Rt. 72 to its intersection with Rt. 532, then east on Rt. 532 to its termination at Barnegat Bay, then continuing eastward across Barnegat Bay and through Barnegat Inlet to the Atlantic Ocean, then north along the Atlantic Ocean to its intersection with Rt. 528 at Mantoloking, then west along Rt. 528 (527/528) to its intersection with Rt. 195 near Jackson Mills, then west along Rt. 195 to its intersection with Rt. 537 near Holmeson, then southwest along Rt. 537 to its intersection with Rt. 539 at Hornerstown, the point of beginning.

9. Zone 9: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then northwest on Rt. 72 to its intersection with Rt. 532, then west on Rt. 532 to its intersection with Rt. 206 near Tabernacle, then north on Rt. 206 to its intersection with Rt. 537 at Chambers Corner, then east on Rt. 537 to its intersection with Rt. 539 at Chambers Corner, the point of beginning.
10. Zone 10: That portion of Burlington, Camden and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 73 and Rt. 561 near Blue Anchor, then north on Rt. 73 to its intersection with Rt. 70 at Marlton, then east on Rt. 70 to its intersection with Rt. 541 at Medford, then southeast on Rt. 541 to its intersection with Rt. 532 at Medford Lakes, then east on Rt. 532 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 54, then southwest on Rt. 54 to its intersection with Rt. 561 near Hammonton, then northwest on Rt. 561 to its intersection with Rt. 73 near Blue Anchor, the point of beginning.

11. Zone 11: That portion of Ocean, Burlington and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth, then east on Rt. 532 to its intersection with Rt. 72, then southeast on Rt. 72 to its intersection with Rt. 532 near Howardsville, then east on Rt. 532 to its termination at Barnegat Bay; then continuing eastward across Barnegat Bay and through Barnegat Inlet to the Atlantic Ocean, then south along the Atlantic Ocean to the Absecon Lighthouse in Atlantic City, then northwest on Rt. 30 to its intersection with Rt. 563 in Egg Harbor, then north on Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

12. Zone 12: That portion of Atlantic, Gloucester and Camden Counties lying in a continuous line beginning at the intersection of Rt. 322 and Spur 536 Williamstown, then northeast on Spur 536 to its intersection with Rt. 73 near Tansboro, then south on Rt. 73 to its intersection with Rt. 561 at Blue Anchor, then southeast on Rt. 561 to its intersection with Rt. 54 near Hammonton, then southwest on Rt. 54 to its intersection with Rt. 557 at Buena, then northwest on Rt. 557 to its intersection with Rt. 322/536 near Williamstown, then east on Rt. 322/536 to its intersection with Spur 536 Williamstown, the point of beginning.

13. Zone 13: That portion of Cape May, Atlantic and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 557 and County Rt. 671 at Buena, then southeast on Rt. 557 to its intersection with Rt. 50 near Buck Hill, then south on Rt. 50 to its intersection with Rt. 9 at Seaville, and south on Rt. 9 to its intersection with Sea Isle Boulevard (Rt. 625) at Ocean View, then east on Sea Isle Boulevard to the Atlantic Ocean, then south along the Atlantic Ocean to the Delaware Bay, then north along the Delaware Bay to its intersection with East Point Rd. in Heislerville Wildlife Management Area, then north on East Point Rd. to its intersection with Rt. 616 (Dorchester-Heislerville Rd.), then north on Rt. 616 to its intersection with Rt. 740, then northeast on Rt. 740 to its intersection with Rt. 47, then north on Rt. 47 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.) near Port Elizabeth, then north on Rt. 646 to its intersection with Rt. 49 near Cumberland, then west on Rt. 49 to its intersection with Rt. 671 (Union Rd.), then north on Rt. 671/71 to its intersection with Rt. 557 near Buena, the point of beginning.
14. Zone 14: That portion of Cumberland, Salem, Gloucester and Atlantic Counties lying within a continuous line beginning at the intersection of Delaware Bay and the west bank of the Maurice River, then north along the west bank of the Maurice River to Rt. 631, then north along Rt. 631 to its intersection with Rt. 553, then north along Rt. 553 to its intersection with Rt. 536/322 at Glassboro, then east along Rt. 322/536 to its intersection with Rt. 555 near Williamstown, then south along Rt. 555/557 to its intersection with Rt. 671 (Union Rd.) near Buena, then south on Rt. 671 to its intersection with Rt. 49 at Cumberland, then east on Rt. 49 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.), then south on Rt. 646 to its intersection with Rt. 47 at Port Elizabeth, then south on Rt. 47 to its intersection with Rt. 740, then southwest on Rt. 740 to its intersection with Rt. 616 (Dorchester-Heislerville Rd.), then south on Rt. 616 to its intersection with East Point Rd. in Heislerville Wildlife Management Area, then south on East Point Rd. to the Delaware Bay, then west along the Delaware Bay to its intersection with the west bank of the Maurice River, the point of beginning.

15. Zone 15: That portion of Salem and Cumberland Counties lying within a continuous line beginning at the intersection of the Delaware River at Rt. 625 at Oakwood Beach, then east on Rt. 625 to its intersection with Rt. 49 at Salem, then southeast on Rt. 49 to its intersection with Pecks Corner-Cohansey Road, then east on Pecks Corner-Cohansey Road to its intersection with Rt. 540, then east on Rt. 540 to its intersection with Rt. 553, at Centerton, then south on Rt. 553 to its intersection with Rt. 631 near Port Norris, then south on Rt. 631 to the Delaware Bay, then northwest along the Delaware Bay and Delaware River to its intersection with Rt. 625 at Oakwood Beach, the point of beginning.

16. Zone 16: That portion of Burlington and Atlantic Counties lying with a continuous line beginning at the intersection of Rt. 206 and Rt. 532 near Tabernacle, then southeast on Rt. 532 to its intersection with Rt. 563 at Chatsworth, then south on Rt. 563 to its intersection with Rt. 30 at Egg Harbor, then northwest on Rt. 30 to its intersection with Rt. 206, then north on Rt. 206 to its intersection with Rt. 532 near Tabernacle, the point of beginning.

17. Zone 17: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rt. 557 and Rt. 54 at Buena, then northeast on Rt. 54 to its intersection with Rt. 30 at Hammonton, then southeast along Rt. 30 to its intersection with Rt. 50 at Egg Harbor, then southeast along Rt. 50 to its intersection with Rt. 557 near Buck Hill, then northwest on Rt. 557 to its intersection with Rt. 54 at Buena, the point of beginning.

18. Zone 18: That portion of Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 50 and Rt. 557 near Buck Hill, then northeast along Rt. 50 to its intersection with Rt. 30/563 at Egg Harbor, then southeast on Rt. 30/563 to the Absecon Lighthouse in Atlantic City, then south
along the Atlantic Ocean to Sea Isle Boulevard (Rt. 625) in Sea Isle, then west on Sea Isle Boulevard to its intersection with Rt. 9, then north on Rt. 9 to its intersection with Rt. 50 at Seaville, then northwest on Rt. 50 to its intersection with Rt. 557 near Buck Hill, the point of beginning.

19. Zone 19: That portion of Warren, Morris and Hunterdon Counties lying within a continuous line beginning at the intersection of Water Street and the Delaware River; then north on Water Street to its intersection with Route 46 and continuing east on Route 46 to its intersection with Route 182 at Hackettstown; then south on Route 182 to its intersection with Route 517; then south along Route 517 (517/24) to Schooleys Mountain; then south on Pleasant Grove Road to Pleasant Grove; then southeast on Califon Road to its intersection with Sliker Road; then southeast on Sliker Road to its intersection with East Hill Road; then south on East Hill Road to its intersection with Route 628 at Woodglen; then southwest on Route 628 to its intersection with Route 645 at Glen Gardner; then northwest on Route 645 to its intersection with Route 635 at Hampton; then south on Route 635 (Charlestown Road) to its intersection with Route 78/22; then west on Route 78/22 to its intersection with Route 614 near Perryville; then southwest on Route 614 to its intersection with Route 519 at Spring Mills; then south on Route 519 to the Delaware River at Milford; then northward along the Delaware River to its intersection with Water Street in Belvidere, the point of beginning.

20. Zone 20: That portion of Morris and Hunterdon Counties lying within a continuous line beginning at the intersection of Route 517 (517/124) and Pleasant Grove Road at Schooleys Mountain; then south on Pleasant Grove Road to Pleasant Grove; then southeast on Califon Road to its intersection with Sliker Road; then southeast on Sliker Road to its intersection with East Hill Road; then south on East Hill Road to its intersection with Route 628 at Woodglen; then southwest on Route 628 to its intersection with Route 645 at Glen Gardner; then northwest on Route 645 to its intersection with Route 635 at Hampton; then south on Route 635 (Charlestown Road) to its intersection with Route 78/22; then west on Route 78/22 to its intersection with Route 614 near Perryville; then southwest on Route 614 to its intersection with Route 519 at Spring Mills; then south on Route 519 to the Delaware River at Milford; then south on the Delaware River to the intersection of Route 29 and Route 523 at Stockton; then northeast on Route 523 to its intersection with Route 517 near Oldwick; then north on Route 517 to its intersection with Route 513 (513/24) at Long Valley; then northwest on Route 517 (517/124) to Schooleys Mountain, the point of beginning.

21. Zone 21: That portion of Hunterdon, Somerset and Morris Counties lying within a continuous line beginning at the intersection of Route 517 and Route 513 at Long Valley; then north and east along Route 513 to its intersection with Route 10; then east along Route 10 to its intersection with Route 287 at Malapardis; then southwest along Route 287 to its intersection with Route 525 (Mt. Airy Road); then south along Route 525 to its intersection with Route 22 near Bound Brook;
then west along Route 22 to its intersection with Route 523 at Whitehouse; then north along Route 523 to its intersection with Route 517 near Oldwick; then north along Route 517 to Long Valley, the point of beginning.

22. Zone 22: That portion of Somerset, Union, Essex, Hudson, Middlesex, Morris, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of the north shore of the Raritan River and the Garden State Parkway; then north on the Garden State Parkway to its intersection with Route 440; then west on Route 440 to Route 287; then west on Route 287 to its intersection with Route 22; then east on Route 22 to its intersection with Route 525 (Thompson Avenue) near Bound Brook; then north on Route 525 to its intersection with Route 287; then north on Route 287 to its intersection with Route 80; then east along Route 80 to Exit 53 and its intersection with Route 46; then east on Route 46 to its intersection with Route 3; then southeast on Route 3 to the Hudson River at the Lincoln Tunnel; then south along the New Jersey shore of the Hudson River to the Kill Van Kull; then west along the New Jersey shore of the Kill Van Kull to Newark Bay; then west following the New Jersey boundary along Newark Bay; then south along the Arthur Kill following the New Jersey boundary to Raritan Bay; then west along the north shore of the Raritan River to the point of beginning at the Garden State Parkway.

23. Zone 23: That portion of Bergen, Passaic and Hudson Counties lying within a continuous line beginning at the intersection of Route 202 and the New York/New Jersey border; then southwest on Route 202 to its intersection with Route 23; then south on Route 23 to its intersection with Route 46 at Route 80 Exit 53; then east on Route 46 to its intersection with Route 3; then southeast on Route 3 to the Hudson River at the Lincoln Tunnel; then north along the Hudson River to the New York/New Jersey border; then northwest along the New York/New Jersey border to Route 202, the point of beginning.

24. Zone 24: That portion of Hunterdon, Mercer and Somerset Counties lying within a continuous line beginning at the Delaware River near the intersection of Route 29 and Route 523 at Stockton; then northeast on Route 523 to its intersection with Route 22; then east on Route 22 to its intersection with Route 206; then south on Route 206 to its intersection with Route 295 near Lawrenceville; then west on Route 295 to Route 95; then west on Route 95 to the Delaware River; then north along the Delaware River to Stockton, the point of beginning.

25. Zone 25: That portion of Somerset, Middlesex, Mercer and Burlington Counties lying within a continuous line beginning at the Delaware River at the confluence of Black Creek at Bordentown; then eastward along Black Creek to the point at which Black Creek intersects Route 130; then northeast on Route 130 to its intersection with Route 1; then northeast on Route 1 to its intersection with Route with Route 287; then west on Route 287 to its intersection with Route 22;
then west on Route 22 to its intersection with Route 206; then south on Route 206 to its intersection with Route 295 near Lawrenceville; then west on Route 295 to Route 95; then west on Route 95 to the Delaware River; then south along the Delaware River to Bordentown, the point of beginning.

26. Zone 26: That portion of Mercer, Middlesex and Monmouth Counties lying within a continuous line beginning at the intersection of the north shore of the Raritan River and the Garden State Parkway; then north on the Garden State Parkway to its intersection with Route 440; then west on Route 440 to Route 287; then west on Route 287 to its intersection with Route 1; then southwest on Route 1 to its intersection with Route 130; then south on Route 130 to its intersection with Route 33 at Hightstown; then east on Route 33 to its intersection with Route 537; then northeast on Route 537 to its intersection with Route 79 at Freehold; then north on Route 79 to its intersection with Lloyd Road at Morganville; then north on Lloyd Road to Broadway in Keyport; then north on Broadway to the Matawan Creek confluence with the Raritan Bay; then northwest along the New Jersey shoreline to the Raritan River intersection with the Garden State Parkway, the point of beginning.

27. Zone 27: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the Atlantic Ocean at Route 528 at Mantoloking; then west on Route 528 (527/528) to its intersection with Route 195 near Jackson Mills; then west on Route 195 to its intersection with Route 537 near Holmeson; then northeast on Route 537 to its intersection with Route 79 at Freehold; then north on Route 79 to its intersection with Lloyd Road at Morganville; then north on Lloyd Road to Broadway in Keyport; then north on Broadway to the Matawan Creek confluence with the Raritan Bay; then southeast along the New Jersey coastline of the Atlantic Ocean at Raritan Bay; then south along the New Jersey coastline of the Atlantic Ocean to Mantoloking, the point of beginning.

28. Zone 28: That portion of Mercer, Middlesex, Monmouth and Burlington Counties lying within a continuous line beginning at the Delaware River at the confluence of Black Creek at Bordentown; then eastward along Black Creek to the point at which Black Creek intersects Route 130; then northeast on Route 130 to its intersection with Route 33 at Hightstown; then east on Route 33 to its intersection with Route 537; then south on Route 537 to its intersection with Route 206 at Chambers Corner; then south on Route 206 to its intersection with Route 530 (Pemberton Road); then northwest on Route 530 to its intersection with Route 541 at Mt. Holly; then north on Route 541 to the Delaware River at Burlington; then north on the Delaware River to Bordentown, the point of beginning.

29. Zone 29: That portion of Burlington, Camden and Gloucester Counties lying within a continuous line beginning at the Delaware River at Route 541 in Burlington; then southward along the Delaware River to Route 30 at Camden;
then east along Route 30 to its intersection with Route 130; then south along Route 130 to its intersection with Interstate 76; then south along Interstate 76 to its intersection with Route 42; then southeast along Route 42 to its intersection with Spur 536 (Williamstown-Mt. Freedom Road) at Williamstown; then northeast along Spur 536 to its intersection with Route 73 near Berlin; then north along Route 73 to its intersection with Route 70 at Marlton; then east on Route 70 to its intersection with Route 541 at Medford; then southeast on Route 541 to its intersection with Route 532 at Medford Lakes; then east on Route 532 to its intersection with Route 206; then north on Route 206 to its intersection with Route 530 (Pemberton Road); then northwest along Route 530 to its intersection with Route 541 at Mt. Holly; then north along Route 541 to the Delaware River at Burlington, the point of beginning.

30. Zone 30: That portion of Camden, Cumberland, Gloucester and Salem Counties lying within a continuous line beginning at the intersection of the Delaware River and Route 30 at Camden; then east along Route 30 to its intersection with Route 130; then south on Route 130 to its intersection with Route 76; then south on Route 76 to its intersection with Route 42; then southeast on Route 42 to its intersection with Spur 536 near Williamstown; then south on Spur 536 to its intersection with Route 322 (322/536) at Williamstown; then west on Route 322/536 to its intersection with Route 553 at Glassboro; then south on Route 553 to its intersection with Route 540 at Centerton; then west on Route 540 to its intersection with Pecks Corner-Cohansey Road; then west on Pecks Corner-Cohansey Road to its intersection with Route 49; then northwest along Route 49 to its intersection with Route 625 at Salem; then west on Route 625 to its intersection with the Delaware River at Oakwood Beach; then northward along the Delaware River to Route 30 at Camden, the point of beginning.

(i) Special otter permits are valid only in the zone designated and are not transferable from person to person.

7:25-5.11 Raccoon (Procyon lotor), red fox (Vulpus vulpus), gray fox (Urocyon cinereorargenteus), Virginia opossum (Didelphis virginiana), striped skunk (Mephitis mephitis), long-tailed weasel (Mustela frenata), short-tailed weasel (Mustela erminea), fisher (Martes pennanti), and coyote (Canis latrans) trapping only

(a) The trapping of raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote shall be permitted as fur bearing animals under the authority of a proper and valid trapping license.

(b) The annual season for trapping raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote with cage traps, enclosed foothold traps and live capture cable restraints shall begin at 6:00 A.M. on November 15 and conclude the following March 15, inclusive, except on State Fish and Wildlife Management Areas, enumerated in N.J.A.C. 7:25-5.33(a)2. There is no open season for fisher.
(c) The annual season for trapping raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote with cage traps, and enclosed foothold traps on State Fish and Wildlife Management Areas specified in N.J.A.C. 7:25-5.33(a)2 shall begin at 6:00 A.M. on November 15 and conclude the following March 15, inclusive. The annual season for trapping these species with live capture cable restraints on State Wildlife Management Areas specified in N.J.A.C. 7:25-5.33(a)2 shall begin at 6:00 A.M. on January 1 and conclude March 15, inclusive. There is no open season for fisher.

(d) Special Permits: The Division in its discretion may issue a special permit for trapping of raccoon, red fox, gray fox, coyote and opossum.

(e) There shall be no daily or season bag limit for any species enumerated in this section having an open season.

(f) Farmers or their agents may trap fox and coyote by lawful procedures at any time when found destroying poultry, crops or property subject to State law and local ordinances.

(g) Any person including a farmer trapping a coyote shall report said harvest via the AHRS no later than 8:00 P.M. of the day of harvest. Should the trapper be unable to access the AHRS by the designated time, the trapper shall immediately report the harvest of a coyote by telephone to the nearest Division of Fish and Wildlife law enforcement regional office and shall register that harvest via AHRS the next day.

(h) Authority: The authority of the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-2, and other applicable statutes.

7:25-5.12 General trapping

(a) All traps set or used in this State must bear a durable and legible tag with the name and address of the person setting, using and maintaining the traps. A Division-issued trap identification number or Conservation Identification Number (CID) may be used in lieu of a name and address.

(b) No trap of any kind shall be permitted to remain set on any property at the close of the trapping season. It shall be illegal to possess, in the woods or fields of this State, any body gripping killer-type trap with a jaw spread greater than six inches except under permit for the trapping of beaver or otter.

(c) No person shall set, use, or maintain any type of body gripping killer-type trap for the purpose of trapping any muskrat or other furbearing animal in this State unless such trap is completely submerged underwater. This shall not preclude the setting of body gripping killer-type traps in tidal waters of this State for the purpose of taking muskrats, whereby
the traps may be exposed above the surface of the water due to the ebb and flow of the tide, and provided that all such traps shall be completely submerged at mean high tide.

(d) No body gripping killer-type traps with a jaw spread larger than six inches shall be used or set in this State except for the trapping of beaver or otter. No body gripping killer-type traps with a jaw spread larger than 10 inches shall be used, set, or maintained at any time in this State for the purpose of trapping any animal. Jaw spread shall be measured across the trigger of a set trap to the inner edges of the jaws.

(e) Steel-jaw leghold type trap:

1. Effective October 27, 1985, and thereafter, no person in this State shall:
   
   i. Manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type;

   ii. Take or attempt to take any animal by means of a trap of the steel-jaw leghold type; or

   iii. Use a steel-jaw leghold type trap.

2. The possession of a trap of the steel-jaw leghold type shall be prima facie evidence of a violation of these regulations except under the conditions prescribed by N.J.S.A. 23:4-22.5 which are:

   i. The use of steel-jaw leghold traps for the purpose of exhibition by humane or educational institutions or organizations; or

   ii. The possession of such traps by a person in the act of turning over the traps to a law enforcement agency.

(f) Live capture cable restraints shall be subject to the following requirements.

1. No person shall set, use or maintain any type of cable restraint unless they have first satisfactorily completed a division-approved cable restraint training course and carry on their person appropriate certification thereof.

2. Except when submerged underwater or when set for weasel, mink, and muskrat as provided herein, all live capture cable restraints used in trapping must be constructed of aircraft cable or crucible wire measuring up to 3/16 inches in diameter and be equipped with a swivel and a relaxing lock. Weasel, mink, and muskrat live capture cable restraints must be constructed of aircraft cable or crucible wire measuring 1/32, 3/64, or 1/16 inches in diameter, equipped with a swivel. Mink and muskrat cable restraints must be set within 50 feet of the mean high water line.
3. Except when submerged underwater or when set for weasel, mink, and muskrat as provided in this subsection, no live capture cable restraints shall be set, used, or maintained with a loop diameter average (arithmetic mean) greater than 12 inches. Weasel, mink, and muskrat live capture cable restraints must be equipped with a stop to prevent the average (arithmetic mean) diameter of the loop opening from exceeding four inches.

4. Except when set for weasel, mink, and muskrat as provided in this subsection, no live capture cable restraints shall be set, used, or maintained with the distance between the ground or walking surface to the top of the loop greater than 24 inches. No weasel, mink, or muskrat live capture cable restraints shall be set, used, or maintained with a distance between the ground or walking surface to the top of the loop greater than seven inches.

5. Except when submerged underwater or when set for weasel, mink, and muskrat as provided in this subsection, no live capture cable restraints shall be set, used, or maintained unless it is equipped with a stop six inches from the end to restrict loop closure to no less than six inches in circumference.

6. All natural baits consisting of fish, bird or mammal carcasses or flesh used in trapping with live capture cable restraints must be covered or concealed from view except when placed or located at a distance of 30 feet or greater from any set cable restraint.

(g) Enclosed foothold traps may be used to harvest furbearing animals during the prescribed open seasons and shall be subject to the following requirements:

1. All triggering and restraining mechanisms shall be enclosed by a housing;

2. The triggering and restraining mechanism is accessible only by a single opening when the trap is set;

3. The access opening does not exceed two inches in diameter or when measured diagonally;

4. The triggering mechanism can be activated only by a pulling force; and

5. The trap has a swivel-mounted anchoring system.

(h) Legally licensed trappers possessing a valid and proper rifle permit may carry and use a .22 caliber rifle and .22 caliber short rimfire cartridges only, to kill legally trapped animals other than muskrats. Legally licensed trappers may also carry and use an air gun, no smaller than .177 caliber, to kill legally trapped animals other than muskrats. Legally licensed trappers under 14 years of age using a rifle or air gun in accordance with a valid
and proper rifle permit to dispatch legally trapped animals shall be accompanied by and under the direct supervision of a properly licensed adult who is at least 21 years of age.

(i) All traps set or in use must be checked, tended, and maintained at least once per calendar day for trapping of semi-aquatic species in tidal areas and at least once in every 24 hours for all other trappings.

(j) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-13, 23:4-37, 23:4-38.2, 23:4-39 and 23:4-41 et seq. and other applicable statutes.

7:25-5.13 Migratory birds

(a) Should any open season on migratory game birds, including waterfowl, set by Federal regulation include the opening day of the pheasant season (see N.J.A.C. 7:25-5.2(d)), the starting time for hunting of the migratory game bird season on such date will be 8:00 A.M. to coincide with the opening of the pheasant season on that date on Wildlife Management areas stocked with pheasants and quail as enumerated in N.J.A.C. 7:25-5.33(a)2. However, this shall not preclude the hunting of migratory game birds, including waterfowl, on the tidal marshes of the State as regularly prescribed throughout the season by Federal regulations.

(b) Unless otherwise provided, methods for taking migratory birds shall be in accordance with the code of Federal hunting regulations described in the current regulatory announcement, U.S. Department of the Interior, U.S. Fish and Wildlife Service.

(c) A person shall not take, attempt to take, hunt for, or have in possession, any migratory game birds, including waterfowl, except at the time and in the manner prescribed in the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the current hunting season or during the period that a U.S. Department of Interior, U.S. Fish and Wildlife Service Conservation Order or Managed Take Option is in effect. During the period that any Federal Conservation Order or Managed Take Option for Canada geese is in effect, the take of Canada geese will be limited to private, agricultural lands during August 1-31. For the purposes of this section, agricultural lands means an area of five acres or more, producing a gross income in excess of $ 500.00 and tax assessed as farmland. Any Federal Conservation Order or Managed Take Option for Canada geese would be implemented only after the Division requests, and is granted authority from, the U.S. Department of the Interior. Farmers or other individuals participating in any Federal Conservation Order or Managed Take Option for Canada geese shall obtain a permit from the Division of Fish and Wildlife. The species of migratory game birds, including waterfowl, that may be taken or possessed and, unless otherwise provided, the daily bag limits shall be the same as those prescribed by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the current hunting season or during the period that a Conservation Order or Managed Take Option is in effect. Anyone engaged in hunting migratory birds including waterfowl, woodcock, mourning doves, rails, gallinules, and light geese under a Conservation Order
must comply with the rules of the Migratory Bird Harvest Information Program ( HIP) as specified in 50 C.F.R. § 20.20 Migratory Bird Harvest Information Program; Final Rule, incorporated herein by reference, wherein licensed hunters are required to supply their names, addresses, and migratory bird harvest information to the hunting license authority of the state in which they hunt. Hunters are required to have evidence of participation in the Migratory Bird Harvest Information Program on their person while hunting migratory game birds. Evidence of participation shall include a HIP certification on his or her valid hunting license. The HIP certification shall be obtained via the Division's ELS.

(d) Herring Island: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, in the following designated area of Barnegat Bay including all of Herring Island in the Township of Brick and that portion of Barnegat Bay lying between the northern and southern tips of Herring Island easterly to the adjacent shoreline of the Borough of Mantaloking in the County of Ocean.

(e) Shark River: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, on the Shark River in Monmouth County, or the shores thereof.

(f) State laws and regulations can be more stringent but not more lenient than the time and manner prescribed by the Code of Federal Regulations (Title 50) for taking migratory birds during a hunting season or the period that a Conservation Order or Managed Take Option is in effect.

(g) Hunting hours for waterfowl shall be those hours that are prescribed by the Department of the Interior, United States Fish and Wildlife Service for the current hunting season or during the period that a Conservation Order or Managed Take Option is in effect except that hunting hours for snow geese shall end at sunset from October 1 until the closing of the special winter Canada goose season.

(h) A special swan permit shall be required to hunt swans, if the appropriate prescribed special season is established by Federal regulations. If a special season for swan is established by Federal regulations, the special swan hunting area shall be that portion of the State designated by Federal regulations. The September Canada Goose hunting area shall be that portion of the State designated by Federal regulations. The late season Canada goose hunting areas shall be that portion of the State established by Federal regulations. Hunting areas for any other migratory bird special season shall be that portion of the State designated by Federal regulations. Permitting requirements for pursuing snow geese and/or Canada geese will conform to requirements prescribed in the Code of Federal Regulations during the period of any Conservation or Managed Take Option, authorized by Federal Regulations, is in effect.

(i) Valid and signed Federal and State waterfowl stamps are required for hunting ducks and geese for everyone 16 years of age or over. Federal stamp requirements for pursuing snow geese and/or Canada geese during any period that a Conservation Order or
Managed Take Option is in effect will be as prescribed by Federal Regulations. State stamps are required for pursuing snow geese and/or Canada geese during any period that a Conservation Order or Managed Take Option is in effect. Regular state valid hunting license is also required to hunt ducks and geese and to pursue snow geese and/or Canada geese during the period that a Conservation Order or Managed Take Option is in effect that may be authorized by Federal Regulations.

(j) Waterfowl hunting on Delaware River is governed by State boundaries and restricted to respective State seasons.

(k) The prohibition against shooting waterfowl or placing a boat or other structure at a greater distance than 100 feet from shore shall not apply in all the waters of the State and Atlantic Ocean.

(l) A person shall not take or attempt to take migratory game birds:

1. With a shotgun capable of holding more than three shells at one time or that may be fired more than three times without reloading except as may be provided for by Federal regulations during a hunting season or period that a Conservation Order or Managed Take Option is in effect;

2. With a trap, net, cable restraint, rifle, pistol, shotgun larger than 10 gauge, fish hook, poison, drug, or explosive;

3. From a sinkbox (a low floating device affording the hunter a means of concealment beneath the surface of the water);

4. From any motorboat or sailboat unless the motor has been shut off and/or the sail furled and the boat has stopped. However, crippled birds may be shot from craft under power in the sea duck area;

5. From a car or other motor-driven conveyance, or any aircraft;

6. Using live birds as decoys, or by the use or aid of livestock as a blind or means of concealment;

7. Using records or tapes of migratory birdcalls, or electrically amplified imitations of birdcalls, except for snow geese and/or Canada geese as provided for by Federal regulations and for crows;

8. By driving or chasing birds with any motorized conveyance or any sailboat to put them in range of hunters;

9. By the aid of baiting (placing feed seeds such as corn, wheat, salt, or other feed to constitute a lure or enticement) in or over any baited area. The prohibition
contained in this paragraph does not apply to crows (Corvus spp.). A baited area is considered to be baited for 10 days after the removal of the bait;

10. Without making reasonable effort to retrieve dead or crippled birds and including them in the daily limit, crippled birds must be immediately killed;

11. Before 8:00 A.M. on the opening day of the pheasant season (see N.J.A.C. 7:25-5.2(d)) on Wildlife Management areas stocked with pheasants and quail as enumerated in N.J.A.C. 7:25-5.33(a)2. However, this shall not preclude the hunting of migratory game birds on tidal waters or tidal marshes of the State;

12. In or on the shores of Shark River;

13. In that portion of the Manasquan River from the ocean inlet upstream to Route 70 bridge;

14. Except at the time and manner prescribed by the State or Federal regulation, or by the current Game Code;

15. With shotgun shells loaded with pellets larger than No. 4 fine shot except those persons engaged in hunting waterfowl may use nothing larger than T (.200 inch) steel shot and nothing larger than T (.200 inch) fine shot for other forms of non-toxic shot authorized by Federal regulations;

16. And possess more than one daily bag while in the field or while returning from the field to one's car, hunting, camping, home, etc.;

17. And leave them at any place or in the custody of another person unless the birds are tagged by the hunter with the following information:

   i. The hunter's signature and address.

   ii. The total number and species of birds involved.

   iii. The date such birds were killed.

18. And ship them unless the package is marked on the outside with:

   i. The name and address of person sending the birds.

   ii. The name and address of the person to whom the birds are being sent.

   iii. The number of each species contained in the package.
19. And completely field dress them and transport them from the field. The head or one fully feathered wing must remain attached to all such birds while being transported from the field to one's home or to a commercial preservation facility.

20. On the non-tidal waters of the Cox Hall Creek Wildlife Management Area.

21. In the waters or shoreline of Barnegat Inlet. For the purpose of this section, Barnegat Inlet is defined as the shoreline and waters westward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Line as designated at 33 CFR 80.501; to the north end of Broadway in Barnegat Light (39.763133 N; 074.108317 W); then northwest to Red Buoy 14 in the channel (39.763783 N; 074.109283 W); then northeast to the westernmost section of rock jetty at Island Beach State Park (39.771617 N; 074.103017 W).

(m) Seasons and bag limits are as follows:

1. Mourning dove (Zenaida macroura) and sandhill crane (Grus canadensis) are protected. There is a closed season for mourning dove and sandhill crane.

2. The duration of the season and bag limits for hunting clapper rail (Rallus longirostris), Virginia rail (Rallus limicola), sora rail (Porzana carolina), 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) American woodcock zones and hunting hours are as follows:

1. North Zone: That portion of the State situated north of Route 70 from Point Pleasant west to Camden.

2. South Zone: That portion of the State situated south of Route 70 from Point Pleasant west to Camden.

3. Hunting hours for American woodcock are sunrise to sunset except on the opening day of pheasant season, as specified in N.J.A.C. 7:25-5.2(d), when the hunting hours are 8:00 A.M. to sunset.

(o) The special sea duck hunting area for New Jersey is defined as all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further as designated at 33 CFR 80.165, 80.501, 80.502, and 80.503.
The special scaup hunting area for New Jersey is defined as the Delaware Bay, Delaware River and tidal waters east of the Garden State Parkway (tributaries of the Delaware Bay, Delaware River, or the non-tidal section of the Delaware River above Trenton Falls are not included).

Parker Creek and Oceanport Creek: There shall be no open firearm season for hunting any game bird or mammal including waterfowl on Parker Creek and Oceanport Creek, Monmouth County, or the shores thereof, southwest or upstream of the Conrail R.R. bridge.

Special Youth Waterfowl Hunting Days will be held on the dates and in the manner prescribed at 50 CFR Part 20 for the current hunting season. Youth hunters must possess a current and valid youth firearms license or be less than 16 years of age on the season date and qualified to hunt without a license under the farmer license exemption. All youth hunters must be under the direct supervision of a licensed, non-hunting adult 21 years of age or older. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter may not hunt independently of the supervising adult.


7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets

No person shall have in possession or use in hunting waterfowl and coot or any snipe, rail or gallinules any shotgun shell containing lead shot or lead pellets or have in possession or use any shotgun containing lead shot in New Jersey including all territorial waters.

1. Only shotgun shells containing steel pellets not larger than T(.200 inch) or bismuth pellets or other non-toxic shot authorized by Federal regulations not larger than T(.200 inch) and only shotguns containing steel pellets, bismuth pellets or other non-toxic shot authorized by Federal regulations not larger than T(.200 inch) shall be used for hunting waterfowl, coot or any snipe, rail or gallinule.

A person found in possession of any of the following items at (b)1 to 3 below, while hunting for, pursuing, taking or attempting to take waterfowl, coot or any snipe, rail or gallinule is in violation of this section. Each violation shall constitute an additional, separate and distinct offense subjecting the person to a penalty of $ 20.00 for each offense.

1. Each shotgun shell containing lead shot or pellets;
2. Each shotgun loaded with lead shot or pellets; or

3. Any lead shot or any pellets or each cartridge or each charge containing lead shot or pellets.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30 and N.J.S.A. 23:4-12, et seq.

7:25-5.15 Crow (Corvus spp.)

(a) Duration for the season for hunting the crow shall be Monday, Thursday, Friday and Saturday from the second Monday in August through the third Saturday in March or as otherwise 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 inclusive, except closed during the six-day firearm deer season, as specified in N.J.A.C. 7:25-7.27(a).

(b) There is no daily bag limit. There is no season limit.

(c) The hours for hunting crows shall be sunrise to 1/2 hour after sunset, except on opening day of pheasant season, as specified in N.J.A.C. 7:25-5.2(d), when the hours are 8:00 A.M. to 1/2 hour after sunset.

(d) Hunting methods shall be in accordance with Federal regulations as adopted by the U.S. Department of the Interior, U.S. Fish and Wildlife Service.

7:25-5.16 General falconry rules

(a) The following rules govern the taking, possession, training, transfer, marking, and housing facilities of raptors, the classification of permittees, and the use of raptors for falconry, to take, kill, or pursue wild birds or wild animals.

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

   i. Falconry: The sport of hunting with trained raptors--including the training of raptors. The use of raptors to hunt, take, kill, pursue to attempt to take wild game animals.

   ii. Raptors: Live birds of the family Accipitrididae, other than the American bald eagle (Haliaeetus leucocephalus) or of the family Falconidae or the great horned owl (Bubo virginianus) of the family Strigidae.

   iii. Take: To trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.
iv. Facilities: Equipment and shelters necessary to protect, house and train raptors.

v. Nestlings or eyasses: Young raptors not yet capable of flight.

vi. Passage birds: Raptors in their first year of life.

vii. Permit Year: All permits expire on June 30 of the third calendar year after issue.

viii. Transfer: To convey, carry, remove or send from one person, place, or position to another.

ix. Sponsor: A holder of a general or master falconry permit who has accepted the responsibility for the conduct and training of an apprentice falconer.

x. Endangered, threatened: Includes all raptors appearing on a U.S. Department of Interior or N.J. Division of Fish and Wildlife list of endangered, threatened or rare species.

xi. Captive bred: Raptors hatched and raised in captivity by breeders with necessary Federal permits.

xii. Hacking-back: Return of a captive raptor to the wild through the gradual process, eliminating any dependency on man.

xiii. Imping: The replacement of broken or damaged wing or tail feathers by affixing previously molted feathers to the damaged feather.

2. Classes of permits are as follows:

i. Apprentice: Permittee shall be at least 14 years of age.

   (1) A sponsor who is holder of a general or master falconry permit is required for all permittees in the apprentice class. Apprentice permittee must notify the Division of Fish and Wildlife in writing 10 days after his or her sponsorship has been withdrawn for any reason.

   (2) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.
(3) Permittee may possess a red-tailed hawk (Buteo jamaicensis).

ii. General: Permittee shall be at least 18 years of age.

(1) Permittee shall have been licensed at least two years as an apprentice falconer and have had a raptor in possession for at least 12 months. Permittee shall have had two seasons of active field flying experience with a raptor. Sponsor for apprentice must certify in writing that the apprentice is now qualified to become a general falconer.

(2) Except as provided below, a permittee may not have more than two raptors in possession and may not take more than two raptors for replacement birds during any one permit year. A General Class falconer may apply for approval to possess a third raptor. A General Class falconer who wishes to possess three raptors shall first contact the Division and demonstrate that the falconer has the time, equipment, and facilities to ensure all birds are properly housed, adequately exercised and used for hunting.

(3) Permittee may not take, transport or possess any golden eagle (Aquila chrysaetos) or any species listed as endangered or threatened by the U.S. Department of the Interior or the N.J. Division of Fish and Wildlife provided, however, that captive bred birds, or a species legally acquired from the wild from states outside New Jersey where it is not classified as endangered or threatened, may be possessed. Eyass birds or nestlings of threatened or endangered raptors may not be taken within New Jersey. Passage peregrine falcons (Falco peregrinus) may be taken in compliance with this Code (N.J.A.C. 7:25-5) and Federal regulations.

(4) Permittee who refused sponsorships of any apprentice applicant for any reason shall report his or her reasons for his or her refusal to the N.J. Division of Fish and Wildlife in writing within 10 days upon written request of the Division.

iii. Master: Permittee shall have at least five years of falconry experience in the practice of falconry at the general class. A raptor shall have been in possession for no less than 36 months during this time.

(1) Except as provided below, a permittee may not possess more than three raptors, and may not take more than two raptors for replacements during any permit year. A Master Class falconer may apply for approval to possess up to an additional two raptors. A
Master Class falconer who wishes to possess more than three and up to five raptors shall first contact the Division and demonstrate that the falconer has the time, equipment, and facilities to ensure all birds are properly housed, adequately exercised and used for hunting.

(2) A permittee may not take, transport or possess any species listed as endangered on an U.S. Department of Interior or N.J. Division of Fish and Wildlife list, provided, however, that captive bred birds, or a species legally acquired from the wild from outside New Jersey where it is not classified as endangered or threatened may be possessed. Eyass birds or nestlings of threatened or endangered species may not be taken within New Jersey. Passage peregrine falcons (Falco peregrinus) may be taken in compliance with this Code (N.J.A.C. 7:25-5) and Federal regulations.

(3) Permittee may not take, transport or possess any golden eagle for falconry purposes unless authorized in writing by the N.J. Division of Fish and Wildlife.

(4) A permittee may not take, transport or possess as part of his or her three bird limitation, more than one raptor listed as threatened on U.S. Department of the Interior or New Jersey Division of Fish and Wildlife list and then only in compliance with all Federal requirements and written permission from the New Jersey Division of Fish and Wildlife.

(5) Permittee who refuses sponsorship of an applicant for any reason shall report his reasons for this refusal to the Division in writing within 10 days upon written request of the Division.

(6) A Federal permit is required for master falconers engaged in raptor propagation, sale, purchase or barter.

3. The examination and assignment of class of falconry permit holders are as follows:

   i. All persons desiring a falconry permit will be required to answer correctly at least 80 per cent of the questions on a supervised examination. All falconry examinations will be provided or approved by the U.S. Fish and Wildlife Service.

   ii. The examinations may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.
4. Facilities and equipment: Falconry equipment shall be inspected and certified by a representative of the Division as meeting the following standards:

   i. Facilities: The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators or undue disturbance. The applicant shall have the following facilities:

      (1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

      (2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.

   ii. Equipment: The following items shall be in the possession of the applicant before he can obtain a permit or license:

      (1) Jesses--At least one pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. This flying jess should have no slits, only one hole no longer than 0.1 inch in diameter. Traditional one piece jesses may be used on raptors when not being flown.

      (2) Leashes and swivels--At least one flexible weather-resistant leash and one strong swivel of acceptable falconry design.

      (3) Proper glove with a snap and falconer's bag with food storage area.

      (4) Bath container--At least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.
(5) Outdoor perches--At least one weathering area perch of an acceptable design shall be provided for each raptor.

(6) Weighing device--A reliable scale or balance suitable for weighing the raptor(s) held shall be provided.

(7) Hoods--A well fitted hood should be available for use with each bird during transport. (Birds need not necessarily be hooded for transport.)

iii. Maintenance: All facilities and equipment shall be kept at or above the preceding standards at all times.

iv. Transportation: temporary holding--A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances, for a period not to exceed 30 days.

v. Veterinary care: The falconer shall prove to the satisfaction of the Division that he has on call consultation for medical care of the raptor. (Name and telephone number of veterinarian shall be supplied on application.)

5. Restrictions on taking and breeding raptors are as follows:

i. No person shall take, possess, transport or obtain a raptor unless they are in possession of a current falconry permit, nongame permit as described in N.J.A.C. 7:25-4.2(a) or endangered species permit as described in N.J.A.C. 7:25-4.10(b). Apprentice falconers shall take or attempt to take their first raptor while in the accompaniment of a general or master falconer.

ii. Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer and only during the period April 1 to July 15 inclusive. No more than two eyasses may be taken by the same permittee during the specified period. No more than one eyass per nest may be taken, leaving at least one eyass in the nest. A three-foot metal flashing painted a dark color must be fastened completely around the nest tree at least four feet from the base of the tree. The flashing shall be removed after the nestlings have fledged.

iii. First year (passage) birds may only be taken during the period September 1 to December 31 inclusive.
iv. Captive bred raptors may be used for falconry in accordance with Federal regulations. Captive bred raptors in possession of a permittee shall be counted as part of the possession limit of said permittee.

v. Raptor propagation and activities associated with the captive breeding of raptors for falconry purposes are permitted by master falconers with Federal captive breeding permits only, in accordance with Title 50, Code of Federal Regulations, Part 21, 30. No additional State permit is required for captive propagation of raptors of captive bred origin.

vi. Adult American kestrels (Falco sparverius) and great horned owls (Bubo virginianus) may only be taken during the period September 1 to December 31 inclusive. No other adult raptors may be taken with the exception that any raptor other than endangered or threatened species that may be taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

vii. A master or general permittee may trade or transfer a raptor to another master or general permittee if the transaction occurs entirely within the state and no money or other consideration is involved. A master or general permittee may transfer a raptor to another master or general permittee in an interstate transaction if the prior written approval of the State agency which issued the permit is obtained and no money or other consideration is involved in the transaction.

viii. Bal-Chatri type live traps, other live traps and nets may be used for taking raptors providing they are used in such a manner which would minimize any danger of injuring the raptor. All traps or nets used must have attached thereto a tag or label clearly showing the name and address, permit number and class of the permittee.

ix. Owners of escaped raptors marked in accordance with these regulations may recapture these marked raptors at any time. However, all other banded raptors trapped while attempting to capture a raptor for falconry shall immediately be released unharmed and a report containing the date, time, band number, location and species shall be submitted to the Division within 10 days of capture.

x. Restrictions on take of passage peregrine falcons (Falco peregrinus) are as follows:

(1) Passage peregrine falcons may only be taken by General or Master Class falconers who possess a valid Special Peregrine Falcon Permit issued by the Division.
(2) Passage peregrine falcons may only be taken during the period September 20 through October 20, inclusive, except as provided in (a)5iii above.

(3) One passage peregrine falcon of either sex may be taken.

(4) Banded peregrine falcons may not be taken. Banded peregrine falcons must be released immediately upon capture. Band numbers must be reported to the Division within 48 hours of capture.

(5) All Special Peregrine Falcon Permit conditions shall be complied with.

(6) Resident and non-resident falconers who wish to obtain a Special Peregrine Falcon Permit should apply to the Division for the permit between January 1 and July 31. The New Jersey passage peregrine falcon permit quota will be established on a yearly basis by the U.S. Department of the Interior, U.S. Fish and Wildlife Service. The initial selection of permits will be conducted by random drawing from the pool of resident applicants. In the event the permit quota is not filled during the initial drawing, a second selection of permits will be conducted by random drawing from the pool of non-resident applicants. Successful applicants will be notified by September 1. After September 1, any remaining permits will be issued on a first-come, first-served basis.

6. Marking of raptors shall be as follows:

i. Wild-caught birds must be tagged with the falconer's name and phone number on the jesses or bells. Captive bred birds must have a seamless Federal marker affixed to one leg.

ii. Any marker, mutilated or lost, shall be reported in writing within 72 hours to the Division of Fish and Wildlife, Trenton. Markers no longer legible shall be reported in the same manner. Markers causing leg damage must be removed and reported.

iii. It shall be unlawful for any person to alter or deface a marker. However, the falconer may smooth any imperfect surface provided the integrity of the marker and numbering is not affected. It shall be unlawful to use or possess a counterfeit marker.

iv. Markers shall be removed from birds which die or are intentionally released into the wild and shall be forwarded to the Trenton office within 10 days along with a report of the probable cause of death or the area of
the release. When possible, a U.S. Fish and Wildlife Service numbered band should be put on the raptor before release. Raptors of a species not indigenous to New Jersey shall not be released intentionally without written authorization of the Division.

7. Hunting with raptors shall be as follows:

   i. The flying and training of raptors by holders of valid falconry permits may be conducted on a year round basis.

   ii. Game species may be hunted only in accordance with the Game Laws and the seasons and bag limits established each year for falconry by the Division. The hunting of pheasants, rabbits, jackrabbits, hares, chukar partridge, quail, squirrels, wild turkeys and woodchuck on Sundays with raptors is permitted during the prescribed seasons. The hunting of waterfowl on Sundays with raptors is prohibited.

   iii. Raptors may be used to take game birds on a licensed semi-wild or commercial game preserve by holders of valid falconry permits.

8. Rules for non-resident falconers are as follows:

   i. Non-residents of New Jersey who possess a valid falconry permit from another state may bring any raptor legally possessed by them under authority of their falconry permit into New Jersey to attend falconry meets or to hunt, provided:

      (1) No laws or regulations of other states are violated;

      (2) No Federal laws are violated; and

      (3) Non-resident New Jersey hunting license is obtained and all hunting regulations are observed.

   ii. Non-residents of New Jersey who possess a valid falconry permit from another state, and who move into New Jersey for the purpose of becoming a resident may bring any raptors with them that they legally possess provided that they construct required facilities within 30 days and apply for New Jersey Falconry Permit no later than 60 days after moving into New Jersey. A permit in the same classification as one they held in their previous state of residence may be issued without a written examination.

   iii. Non-residents of New Jersey who possess a valid falconry permit from another state may request permission to take or attempt to take a raptor for falconry purposes by writing to the Division. Non-resident falconers
attempting to take raptors in New Jersey for falconry purposes must possess written authorization from the Division and a valid non-resident firearm hunting license.

(1) The falconry permit issued by the former state of residence will be authority to possess and exercise raptors until a New Jersey permit is obtained provided no raptors are taken from the wild and raptors are not used to take any quarry without a valid New Jersey hunting license.

9. Miscellaneous rules are as follows:

i. A proper and valid firearm hunting license must be displayed while hunting with or attempting to take raptors. The falconry permit, or a photocopy thereof, must be carried by permittee when engaged in the sport of falconry.

ii. Persons having and holding raptors under authority of a falconry permit whose facilities do not meet the established standards shall take immediate action to have the facilities comply within 30 days. No permit will be renewed at any time after adoption of these rules if the facilities do not meet the required standards.

iii. Persons having raptors in their possession whose falconry permits are not renewed or are revoked with cause shall have 30 days to return their birds to the wild by "hacking back", transfer to a licensed general or master falconer, or shall forfeit the raptors to the Division.

iv. Whoever, while engaged in the sport of falconry, should unintentionally kill any wildlife for which there is no open season, shall leave the killed specimen at the site and notify a Regional Law Enforcement Office or the Trenton Office of the Division of Fish and Wildlife, within 12 hours of such killing.

v. Another person may care for the raptors of a permittee if written authorization, showing period covered, from the permittee accompanies the raptors when transferred, provided that if the period of care will exceed 30 days, written permission shall be obtained from the Division.

vi. Feathers that are molted or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Carcasses of birds which die in captivity must be turned over to the Division for disposal.

vii. A sponsor may have more than three apprentices at any one time.
viii. A person who lawfully possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors provided facility requirements are met and the birds are included on the falconry permit. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

ix. Species of raptors not native to the state of New Jersey or otherwise covered by the regulations shall be allowed for the purpose of falconry provided they are legally acquired and are in compliance with all applicable Federal and State regulations. A falconer may not possess more than six species of raptors not native to the North American Continent during any one year.

x. The possession of firearms while engaged in falconry is illegal.

10. Reporting shall be as follows:

i. Whenever a raptor is acquired, transferred, released or lost, due to escape or death, a copy of Federal Form 3-186A must be submitted to the division within 10 days of the transaction or occurrence.

ii. A report is also required upon termination of the permit for any reason.

iii. This report must be an accurate account of all activities carried on under authority of the permit.

11. Penal Provisions: It shall be unlawful to hunt for, take, possess, transfer any raptor, or practice falconry contrary to the rules and regulations adopted by the Division or to make a false statement on any required report or document. Any person who violates any provision of N.J.S.A. 23:1-1 et seq., N.J.A.C. 7:25-6, or this chapter, is subject to the revocation of any permits issued pursuant to this section and any other penalties prescribed by law.


7:25-5.17 Raccoon (Procyon lotor) and Virginia opossum (Didelphis virginiana) hunting

(a) Except as noted in (c) below, the season of hunting raccoons and Virginia opossum shall begin on October 1, annually (except in years when October 1 is a Sunday in which case the season shall begin on October 2) and shall conclude on the following March 1,
inclusive. The hours for hunting are one hour after sunset to one hour before sunrise, except on opening days hunting may begin at one hour after sunset.

(b) There shall be no daily bag limit. There shall be no season limit.

c) A person shall not hunt for raccoon or opossum with dogs and firearms or weapons of any kind during the six day firearm deer season as set forth in N.J.A.C. 7:25-5.27(a) or on the Wednesday of shotgun permit deer season, immediately following the six-day firearm deer season as set forth in N.J.A.C. 7:25-5.29(d).

d) A person shall not train a raccoon or opossum dog other than during the period from September 1-30, inclusive, and from March 2-May 1, inclusive. The training hours are one hour after sunset to one hour before sunrise.

e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-2, 23:4-12, 23:4-24 and 23:4-25 and other applicable statutes.

7:25-5.18 Woodchuck (Marmota monax) hunting

(a) Duration for the hunting of woodchucks with a rifle including a muzzleloading rifle shall begin on March 1 (except in years when March 1 is a Sunday in which case the season shall begin on March 2) and conclude on the Wednesday before the opening of the fall bow and arrow deer season specified in N.J.A.C. 7:25-5.25(a)1, inclusive. Licensed hunters may also take woodchuck with shotgun or bow and arrow or by means of falconry during the regular woodchuck rifle season and during the upland game season established in N.J.A.C. 7:25-5.3, 5.4, and 5.5.

(b) The hours for the hunting of woodchuck shall be sunrise to 1/2 hour after sunset.

c) No person shall hunt a woodchuck with a rifle without a proper and valid rifle permit issued by the division.

d) There shall be no rifle hunting for woodchuck on the State Fish and Wildlife Management Areas, and State Parks, Forests and Recreation Areas.

e) There shall be no bag limit.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-13 and other applicable statutes.

7:25-5.19 Red fox (Vulpes vulpes), gray fox (Urocyon cinereoargenteus) and coyote (Canis latrans) hunting

(a) The duration of the red fox, gray fox, and coyote hunting season is as follows:
1. Bow and Arrow Only: Begins concurrently with the white-tailed deer fall bow season, as specified in N.J.A.C. 7:25-5.25(a)1, and concludes the Friday following the first Monday in November, inclusive.

2. Firearm or Bow and Arrow: Beginning on the Saturday following the first Monday in November and concluding the following March 15, inclusive.

3. Notwithstanding (a)1 and 2 above, coyote may be taken by licensed turkey hunters when encountered incidental to hunting turkey in accordance with N.J.A.C. 7:25-5.7. Turkey hunters may not have coyote calls or coyote decoys in their possession or take any action intended to attract coyote for take.

(b) The use of dogs shall not be allowed for fox and coyote hunting during the bow and arrow only, fox and coyote season listed in (a)1 above. The use of dogs for fox and coyote hunting is permitted during the regular firearm or bow and arrow season enumerated in (a)2 above, except dogs shall not be allowed for fox and coyote hunting during the six-day firearm deer season set forth in N.J.A.C. 7:25-5.27(a), or on the Wednesday of the shotgun permit deer season, immediately following the six-day firearm deer season and set forth in N.J.A.C. 7:25-5.29(d), or when persons are engaged in hunting coyote or fox under the special season provisions included in (h) and (i) below. Properly licensed persons may continue to hunt fox or coyote with dogs through the end of the regular fox and coyote season as set forth in (a)2 above pursuant to regular season regulations including the requirement to wear fluorescent hunter's orange. Properly licensed persons hunting deer during the six-day firearm, muzzleloader rifle permit or shotgun permit deer seasons may kill fox or coyote, if the fox or coyote is encountered before said person has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

(c) The hours for hunting fox and coyote during the regular bow and arrow season included in (a)1 above and during the regular firearm or bow and arrow season included in (a)2 above are 1/2 hour before sunrise to 1/2 hour after sunset, except on the opening day of the regular small game season enumerated in N.J.A.C. 7:25-5.2(a) and 5.3(a) when hunting hours shall be 8:00 A.M. until 1/2 hour after sunset.

(d) There is no bag limit for fox.

(e) The duration of the special eastern coyote, red fox and gray fox hunting season is January 1 (except in years when January 1 is a Sunday in which case the season will begin January 2) through March 15, inclusive and it is open Statewide.

(f) The hours for the hunting of coyote, red fox, and gray fox during the special eastern coyote, red fox and gray fox hunting season listed in (e) above are 1/2 hour before sunrise to 1/2 hour after sunset. The hours for the hunting of coyote during the special coyote season as noted in (h) and (i) below which allows coyote hunting at night are 1/2 hour after sunset to 1/2 hour before sunrise with 10 or 12 gauge shotguns only.
1. Apprentice licenses are not valid for the taking of coyote, red fox, and gray fox.

(g) There is no bag limit for coyote.

(h) While hunting under the special provisions of this subsection and (i) below during the special eastern coyote, red fox and gray fox hunting season listed in (e) above, exclusively, hunting methods shall be restricted to calling and stand hunting. No person shall stalk or attempt to approach a coyote, red fox or gray fox for the purpose of taking or attempting to take the animal. A predator calling device must be in possession while hunting. The use of dogs or bait is prohibited. Portable lights are permitted. Fluorescent hunter's orange is not required on outer clothing for fox and coyote hunting during the special fox and eastern coyote hunting season. A special eastern coyote, red fox and gray fox hunting season permit is required and must be in possession while hunting under the special provisions of this subsection and (i) below. Permits shall be applied for via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. Persons purchasing a special season permit must have a valid hunting license.

(i) During the special eastern coyote, red fox, and gray fox hunting season listed in (e) above, exclusively, coyotes and foxes may be hunted with bow and arrow, shotgun, center-fire rifles, rim-fire rifles, and single barrel muzzleloader rifles between ½ hour before sunrise to ½ hour after sunset. Compound bows must have a minimum peak weight of 35 pounds. All other bows must have a minimum draw pull weight of 35 pounds. Shotguns shall be no smaller than 20 gauge nor larger than 10 gauge. Coyote and fox hunters shall possess and use shotgun shells loaded with shot sizes no smaller than "BB" (.18 caliber) and no larger than #3 Buckshot (.25 caliber) for coyote and fox hunting with a shotgun. Pellets must be lead or tungsten-nickel-iron hybrid pellets. Muzzleloader rifles shall be no less than .44 caliber. Smoothbore muzzleloaders shall be single barreled. Center-fire rifles shall be a maximum of .25 caliber loaded with soft point or hollow point bullets with a maximum weight of 80 grains. Rim-fire rifles shall be a maximum of .22 caliber loaded with soft point or hollow point bullets with a maximum weight of 50 grains. Between ½ hour after sunset and ½ hour before sunrise, only 10 or 12 gauge shotguns and fine shot no smaller than #4 (.13 inches in diameter) or larger than #T (.20 inches in diameter) may be used.

(j) Any coyote killed during regular or special hunting seasons shall be reported via the AHRS no later than 8:00 P.M. of the day of harvest. Should the hunter be unable to access the AHRS by the designated time, the hunter shall immediately report the harvested coyote by telephone to the nearest Division of Fish and Wildlife law enforcement regional office and register that harvest via the AHRS the next day.

(k) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42 and 23:4-58.1 and other applicable statutes.
7:25-5.20 Dogs

(a) A person shall not exercise or train dogs on State Fish and Wildlife Management Areas May 1 to August 31, inclusive, except on portions of various wildlife management areas designated as dog training areas, and there shall be no exercising or training of dogs on any Wildlife Management Area on the Friday following the first Monday in November, the day preceding the opening of the regular small game season, enumerated in N.J.A.C. 7:25-5.3(a).

(b) This section shall not preclude a properly licensed field trial association from conducting a field trial or from handling and working dogs during the period of time covered by the field trial license on the Assunpink Wildlife Management Area, only.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-25 and other applicable statutes.

7:25-5.21 Squirrel (Sciurus spp.), raccoon (Procyon lotor), opossum (Didelphis virginiana), skunk (Mephitis mephitis), weasel (Mustela spp.), woodchuck (Marmota monax), coyote (Canis latrans), gray fox (Urocyon cinereoargenteus), and red fox (Vulpes vulpes) damage

(a) Property owners and occupants of dwellings suffering damage from squirrel, raccoon, opossum, skunk, weasel, woodchuck, gray fox, red fox and coyote, or their agents designated in writing, may control these animals by lawful procedures at any time subject to State law and local ordinances. Persons controlling coyotes under this provision shall notify one of the Regional Law Enforcement Offices within 24 hours.

(b) Farmers or their agents may control squirrels, raccoon, opossum, skunk, weasel, woodchuck, gray fox, red fox and coyotes, by lawful procedures at any time when found destroying livestock, crops or poultry, subject to State law and local ordinances. Farmers or their agents controlling coyotes under this provision shall notify one of the Regional Law Enforcement Offices within 24 hours.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-9 and other applicable statutes.

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 and then only during the respective open seasons fixed by the New Jersey Fish and Game Laws or Code, except as provided 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. No person shall administer or attempt to administer any chemical or biological substance, including, but not limited to, drugs, pesticides, vaccines, disease prevention or treatment, immobilization drug, or growth stimulant, nor make any alterations or affix any device to any free-ranging vertebrate wildlife without first obtaining a permit approved by the Director in consultation with the Fish and Game Council, and issued by the Division. Prior to the submission of an application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the procedure, the credentials of the person(s) who will administer the substance or device, the purpose or intent of the procedure and an assessment of environmental impacts. The Division, in cooperation with the Department of Animal Science, Cook College--Rutgers University and other scientists who may be selected by the Division, will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and anticipated environmental impacts affecting both wildlife and humans and the probability of success in achieving the intent listed in the application. The permit shall identify the time, place and methodology to be utilized and any special conditions established by the Council. This subsection does not apply to those substances or devices used in order to control species of the genera Mus, Peromyscus or Rattus in or around buildings; or to those species possessed under a permit defined under N.J.A.C. 7:25-4 or 10.

2. No person shall hunt from or shoot at any wild animal or bird from any airborne conveyance, including an unmanned aircraft or drone. Except when authorized through a permit issued pursuant to N.J.A.C. 7:25-5.32, no person shall disturb wildlife utilizing any unmanned aircraft or drone for the purpose of:

   i. Hunting, concentrating, driving, rallying, or stirring up any migratory game bird to put them in the range of hunters; or

   ii. Herding any wild animal or bird for the purpose of scouting, hunting, or trapping.

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) This section shall not apply to the taking of English sparrows, European starlings, or blackbirds that are doing damage to crops or property; nor shall it apply to the taking of household pests such as Norway rats and house mice.

1. Under Federal regulations, a person may kill yellow-headed, red-winged, bicolored red-winged, tricolored red-winged, and Brewer's blackbirds, cow-birds, all grackles, common crows and magpies when found committing or about to commit serious depredations upon any ornamental or shade tree, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. None of the birds killed, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

2. Nothing in this section shall preclude a person from taking resident Canada geese or their nests or eggs as permitted by 50 CFR 21.49 through 21.61 as authorized by the U.S. Department of the Interior, Fish and Wildlife Service. Persons taking resident Canada geese or their nests or eggs under this section may be required to report on or keep a log of their activities if authorized by the U.S. Department of the Interior, Fish and Wildlife Service, as defined in 50 CFR Part 21.49 through 21.61. Methods and circumstances established by the U.S. Department of the Interior, Fish and Wildlife Service governing where Canada geese, or their nests or eggs, may be taken will be authorized by the Director, with the approval of the Council.

(c) Persons holding valid permits issued by the New Jersey Division of Fish and Wildlife for the possession or taking of any specific bird or mammal shall not be in violation of this section.

(d) The fact that a bird or mammal is not native to this State shall not constitute a defense to the possession, taking or attempting to take any wild bird or mammal in violation of this section.

(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. Those in the business of processing deer, bear, or turkey, that is butchers, taxidermists, etc., shall keep a ledger of all of their customers. Each customer's name, current address, day and evening telephone number, hunting license number, and the possession seal or confirmation number of any black bear, deer, or turkey being processed shall be included in the ledger. For deer, the gender and age (fawn or adult) of the animal shall also be included. This ledger shall be made
available for inspection upon request made during the hours of 9:00 A.M. to 5:00 P.M. by any law enforcement officer or employee of the Division of Fish and Wildlife.

2. The possession seal which is issued at a designated black bear, deer, or turkey check station or the confirmation number issued by the AHRS shall always stay with the carcass, and with the meat after processing. If the black bear, deer, or turkey is to be mounted by a taxidermist, the antlers, or in the case of a black bear, an antlerless deer, or turkey, those parts of the animal being mounted, shall be labeled with the possession seal or confirmation number and the name and address of the owner.

3. Nothing in this section shall preclude a person from collecting and possessing naturally shed deer antler(s).

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

(f) Not for profit and non-commercial organizations, including civic associations, volunteer fire departments and first aid squads, the New Jersey State Federation of Sportsmen's Clubs and their county affiliates, sportsmen's clubs and other conservation organizations, may conduct "wild game or venison dinner" fund raising events. These dinners/events may include prepared and ready-to-eat game and fur-bearing animal meat on a per serving basis. The game meat, the sale of which is otherwise prohibited, and fur-bearer animal meat, must be harvested, registered if required, stored and processed in accordance with applicable State, county, and local laws and regulations.

(g) In addition to the wildlife species and/or parts listed in N.J.S.A. 23:4-27, the pelt including the tail of the eastern gray squirrel (Sciurus carolinensis) may be sold, as defined in N.J.S.A. 23:4-27.

(h) The following activities shall be considered the wanton waste of a game animal and are illegal:

  1. It is unlawful for any person who kills or wounds any white-tailed deer; black bear; wild turkey; rabbit species as defined in N.J.A.C. 7:25-5.3; squirrel; pheasant as defined in N.J.A.C. 7:25-5.2; quail, chukar, or Hungarian partridge; ruffed grouse; and all migratory game birds as defined in N.J.A.C. 7:25-5.13 while engaged in any hunting activities to refuse or neglect to make a reasonable effort to retrieve, retain, or lawfully take into possession such game or wildlife.
2. It is unlawful for any person to take, kill, or capture any game mammal or game bird and remove from the carcass the head, hide, or antlers and leave the edible portions of the carcass and meat to waste except for those species in N.J.A.C. 7:25-5.8, 5.9, 5.10, 5.11, 5.15, 5.17, 5.18, 5.19, and 5.21, except with the permission of the owner or tenant as provided at (h)3 below.

i. As used in this paragraph, "edible portions" means:

(1) For white-tailed deer and black bear:

(A) Front quarters as far as the distal joint of the radius-ulna (knee);

(B) Hind quarters as far as the distal joint of the tibia-fibula (hock); and

(C) Backstrap/tenderloin - the meat along the backbone, between the front and hind quarters;

(2) For rabbit and squirrel:

(A) Front shoulders;

(B) Thighs; and

(C) Backstrap;

(3) For game birds:

(A) For turkey, the meat of the breast, legs and thighs; and

(B) For game birds other than turkey, the meat of the breast; and

(4) Edible portions do not include meat from the head or neck; meat that has been damaged by the method of taking; bones, sinew, and meat reasonably lost as a result of butchering, boning, or close trimming of bones; or viscera. Edible portions do not include meat from diseased or scavenged carcasses.

3. It is unlawful for any person to place, leave, dump, or abandon a game mammal, game bird, or wildlife carcass or parts of it along or upon a public right-of-way or highway, or on public property, including a waterway or stream, or on private property without the permission of the owner or tenant, or on any Wildlife Management Area or State Park.
7:25-5.23 Firearms and missiles, etc.

(a) Except when legally engaged in deer or black bear hunting during the prescribed firearm seasons, respectively, no person shall have in his or her possession in the woods, fields, marshlands, or on the water any shell or cartridge with missiles of any kind larger than No. 4 fine shot. This shall not apply to persons properly licensed for hunting during the cottontail rabbit, black-tailed jackrabbit, white-tailed jackrabbit, European hare, and eastern gray squirrel seasons, exclusively, who may use an air gun, as defined in N.J.A.C. 7:25-5.1(d)1. Air guns may use wadcutter, domed or pointed, or hollow point pellets; spherical BBs are not permitted. This shall not apply to persons properly licensed and permitted for hunting during the special eastern coyote, red fox, and gray fox hunting season, exclusively, who may use 10 to 20-gauge shotgun ammunition loaded with shot sizes no smaller than "BB" (.18 caliber) and no larger than #3 Buckshot (.25 caliber). Pellets must be lead or tungsten-nickel-iron hybrid pellets. This shall not preclude farmers or their agents from using shot not larger than No. 4 buckshot to control woodchuck causing damage or a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. For hunting woodchuck, center-fire rifles of .25 caliber or smaller or rim-fire rifles may be used. Center-fire rifles larger than .25 caliber may also be used provided that the bullets used do not exceed 80 grains in weight. All center-fire rifle ammunition used in hunting woodchucks must be hollow point, soft point, or expanding lead core bullets. All rim-fire rifle ammunition used in hunting woodchuck must be hollow point or soft point type not exceeding 50 grains in weight. Also excepted is the use of a muzzleloading rifle, .36 caliber or smaller, loaded with a single projectile during the prescribed portion of the squirrel season in designated areas. Waterfowl hunters may possess and use shotgun shells loaded with T (.200") steel fine shot or smaller or other non-toxic shot authorized by Federal regulations no larger than T (.200") shot and properly licensed persons hunting for raccoon or opossum with hounds or engaged in trapping for furbearing animals may possess and use a .22 caliber rifle or air gun, as defined in N.J.A.C. 7:25-5.1(d)1, for raccoon, or opossum or legally trapped furbearing animals other than muskrat. Notwithstanding the foregoing, this subsection shall not preclude agents and/or permittees operating under an approved Special Deer Management Permit (N.J.A.C. 7:25-5.32) from shooting deer with a rifle or a rifle equipped with a silencer or suppressor if that permit so specifically provides. Rifles for this purpose shall be restricted as specifically provided in that permit to include only .22, .223, .270, and .45 caliber or other calibers approved by the Division. Only highly frangible bullets shall be employed in .223 and .270 caliber rifles. Bullets employed in .22 and .45 caliber rifles shall be restricted to those designed to provide maximum expansion and limited penetration. As a part of a Special Deer Management Permit, use of .22 rim-fire ammunition is restricted to euthanasia of captive deer only. All firearms used to take or attempt to take any wild animal or bird shall be fired only by human-
controlled, manually-operated mechanical triggers. No person shall use a smart rifle or
gun to take or attempt to take wild animals.

1. "Smart rifle or gun" means any firearm that is equipped with one or more of
the following: a target tracking system; an electronically-controlled,
electronically-assisted, or computer-linked trigger; or a ballistics computer.

(b) All persons in possession of a rifle while hunting or trapping must have in addition to
their proper license, a valid and proper rifle permit.

(c) Except as may be permitted for waterfowl hunting in accordance with Federal
regulations and as provided for agents and/or permittees operating under an approved
Special Deer Management Permit (N.J.A.C. 7:25-5.32), no person shall use in hunting
fowl or animals of any kind, any shotgun capable of holding more than three shells at one
time or that may be fired more than three times without reloading. Except as provided for
agents and/or permittees operating under an approved Special Deer Management Permit
(N.J.A.C. 7:25-5.32), no person shall use in hunting or trapping of any kind, a rifle loaded
with more than three cartridges. No person shall have in his or her possession while deer
hunting on Monmouth Battlefield State Park any shell or cartridge with missiles of any
kind other than shotgun slugs or No. 4 or No. 000 buckshot.

(d) It shall be legal to use a .22 caliber rifle and .22 caliber short cartridge for hunting
raccoon and opossum with hounds and for killing legally trapped animals other than
muskrats on State wildlife management areas. Legally licensed trappers may also carry
and use an air gun, not smaller than .177 caliber, to kill legally trapped animals other than
muskrats.

(e) (Reserved.)

(f) Except as specifically provided in (a) above or in this subsection for waterfowl
hunters, hunting in semi-wild and commercial preserves, trappers, woodchuck hunters,
raccoon and opossum hunters, hare and rabbit hunters, squirrel hunters, fox and coyote
hunters, muzzleloader deer hunters, and muzzleloader bear hunters, it shall be illegal to
use a firearm of any kind other than a shotgun. Nothing in this subsection shall prohibit
the use of a shotgun not smaller than 20 gauge nor larger than 10 gauge with a rifled bore
for deer and black bear hunting only. Persons hunting black bear shall use a shotgun not
smaller than 20 gauge or larger than 10 gauge with lead, lead alloy or copper slug only.
Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10
gauge with the lead, lead alloy, or copper slug only; or a shotgun not smaller than 20
gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in
possession while deer hunting any firearm missile except the 20, 16, 12, or 10 gauge lead,
lead alloy, or copper slug; or, if hunting deer the 12, 10, 16, or 20 gauge buckshot shell.
Shotgun shells containing a single spherical projectile may not be possessed or used in
deer or black bear hunting. (This does not preclude a person legally engaged in hunting
on semi-wild or commercial preserves for the species under license or a person legally
engaged in hunting woodcock from being possessed solely of shotgun(s) and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than T (.200 inch) steel shot or other bismuth non-toxic shot authorized by Federal regulations during the shotgun deer seasons). A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rim-fire cartridge only while tending his or her trap line. Farmers or their agents may use shot not larger than No. 4 buckshot to control coyote or woodchuck causing damage.

1. Persons who are properly licensed may hunt for deer with a muzzleloader rifle during the six day firearm deer season and the permit muzzleloader rifle deer season. Persons who are properly licensed may hunt for black bear with a muzzleloader rifle during a prescribed black bear season. Muzzleloader rifles used for hunting deer or black bear are restricted to single-shot single barreled weapons with flintlock or percussion actions, shall not be less than .44 caliber and shall fire a single missile or projectile. Only one muzzleloader rifle may be possessed while hunting. Double barrel and other types of muzzleloader rifles capable of firing more than one shot without reloading or holding more than one charge are prohibited. Persons who are properly licensed may hunt for deer with a single-shot, single barreled, flintlock or percussion action, smoothbore muzzleloader during the permit muzzleloader rifle season. Single shot, smoothbore muzzleloaders used during the permit muzzleloader season shall fire a single missile or projectile and shall not be smaller than 20 gauge or larger than 10 gauge. Double barrel and other types of smoothbore muzzleloaders capable of firing more than one shot without reloading or holding more than one charge are prohibited during the permit muzzleloader season. Persons who are properly licensed may hunt deer with double barrel, smoothbore muzzleloader during the six day firearm and permit shotgun deer seasons. Smoothbore muzzleloaders used for deer hunting during the six day firearm and permit shotgun deer seasons shall not be smaller than 20 gauge or larger than 10 gauge, and shall fire a single missile or projectile, or buckshot no smaller than No. 4 (.24 inch) or larger than 000 (.36 inch). Only one muzzleloader rifle or smoothbore muzzleloader may be possessed while deer hunting.

2. Properly licensed persons 10 years of age and older engaged in hunting with a muzzleloader rifle must have in possession a proper and valid rifle permit. Properly licensed persons 10 years of age or older, hunting during the muzzleloader rifle permit deer season with a smoothbore muzzleloader, must also have in possession a proper and valid rifle permit. Rifle permits for 10 to 17 year olds will be valid for muzzleloader deer hunting, muzzleloader squirrel hunting, muzzleloader woodchuck hunting, muzzleloader bear hunting, and dispatching legally trapped animals other than muskrats with a .22 caliber rifle.

3. A muzzleloader is considered unloaded when, in the case of a percussion cap rifle or shotgun, the percussion cap has been removed from the nipple; in the case
of a flintlock, when the powder is removed from the pan and a boot or cover made of a nonmetallic material is placed over the frizzen.

4. Only black powder or black powder equivalents, including Clean Shot, GOEX Clear Shot and Pyrodex, may be used with a muzzleloading firearm when engaged in hunting any game species during the prescribed seasons enumerated within the current Game Code. Modern smokeless powder is strictly prohibited while hunting game with a muzzleloading firearm.

5. Whenever a firearm is in a motor vehicle, in addition to the requirements found in N.J.A.C. 7:25-5.23(f)4 (unloaded), it shall be enclosed in a securely fastened case.

(g) No person shall hunt, hunt for, or attempt to capture, kill, take, injure or destroy game birds or animals except at the time and in the manner provided by N.J.S.A. Title 23 and the valid State Game Code and any regulation required for a special permit deer hunt.

(h) Wild waterfowl, migratory game birds, rabbits, hares, jack rabbits, squirrels, grouse, chukar partridge, Hungarian partridge, pheasants, and quail shall not be hunted for or taken on Sunday. However, pheasants, quail, Hungarian partridge, and chukar partridge may be hunted for or taken on Sunday on semi-wild and commercial shooting preserve lands that are properly licensed for the taking thereof.

(i) Except for conservation officers and their deputies, no person shall carry or possess a bow and arrow, firearm of any kind or any instrument capable of firing or throwing a projectile of any type within the limits of a state game refuge unless authorized by the Division.

(j) Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof, or on Wildlife Management Areas or private property during prescribed seasons.

(k) No person shall, for the purpose of hunting for, pursuing, taking, or killing, or attempting to hunt, pursue, take, or kill any bird or animal, have in an automobile or vehicle of any kind, any firearm loaded with missiles of any kind, except as provided for in (f)3 above, under a penalty of not less than $20.00 nor more than $50.00.

(l) The Division may issue special permits without fee, to shoot or hunt from a standing vehicle that is parked off the road to licensed hunters who have demonstrated in writing the nature of their disability and the need for an exemption. The applicant shall provide medical documentation on the form(s) provided by the Division, which must be certified by a physician licensed to practice medicine. Permittees are subject to all applicable New Jersey Fish and Wildlife laws and regulations. Violation of any Fish and Wildlife law or regulation may result in the revocation of any special permit issued by the Division.
Individuals hunting with a permit to hunt or shoot from a motor vehicle shall mark the vehicle being used for the purpose of hunting in one of the following ways: The vehicle shall display handicapped license plates issued by the New Jersey Division of Motor Vehicles or display a sign, provided by the Division, in the rear window of the vehicle being utilized.

Permits issued to individuals under this subsection and under (o) below may be revoked by the Division when the applicant is found to have made false statements on their application or the applicant had been convicted of any violation of Fish and Wildlife laws and regulations.

No person shall have both a firearm and a bow and arrow in his or her possession or under his or her control in the woods or fields or on the water while hunting any wild bird or mammal. This does not preclude a person from carrying both a firearm and bow and arrow in a motor vehicle. This does not apply to duly constituted law enforcement officers.

No person shall hunt with the aid of a deer decoy, except during the fall bow, special permit bow, and winter bow seasons. Any person while carrying or moving deer decoys in the woods and fields for the purpose of hunting shall wear a cap of fluorescent hunters orange or some other garment containing at least 200 square inches of fluorescent orange material which shall be visible from all sides. No person shall hunt for deer with the aid of an electronic calling device, or any device which projects a beam of light upon the target. A hunter engaged in firearm hunting and utilizing a ground blind must display 200 square inches of orange atop the blind and visible from all sides, or within five feet outside of the blind and higher than the blind or at least three feet off the ground, whichever is higher, except as enumerated in N.J.A.C. 7:25-5.7(e) and N.J.S.A. 23:4-13.1. A "ground blind" is defined as a temporary man-made structure used for the purpose of concealing from sight a person who is hunting. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

Physically challenged persons whose need for alternative methods of taking game animals can not be addressed by the provisions of (l) above and N.J.A.C. 7:25-5.24(e) may apply to the Director of the Division of Fish and Wildlife for further exemption from the existing regulations concerning methods of taking wildlife including alternative equipment on forms provided by the Division. Applicants must demonstrate in writing the nature of the disability and the need for an exemption and must provide medical documentation on the form(s) provided by the Division, which must be certified by a physician licensed to practice medicine. The Division will review each request submitted under (l) above, this subsection, and N.J.A.C. 7:25-5.24(e) and may determine the need to schedule interviews with the applicants and/or their physician to verify the circumstances and determine the specific requirements of each applicant, and assess the ability of each applicant to safely and effectively use alternative equipment or methods. Additional medical information and/or evaluation may be required if deemed necessary by the Division in order to make a determination of the validity of the application.
cost of the additional medical testing is the responsibility of the applicant. Each permit shall designate the specific alternative methods to take wildlife, including equipment permitted and the term of the permit for each individual determined to be qualified. All handicapped permit applications will be accepted during the period of January 1 to August 31 of each year. Within 60 calendar days from the denial of any application by the Division, the applicant may appeal to the Fish and Game Council. Any further right of appeal shall be determined and handled in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Such disputes will be referred to the Office of Administrative Law for hearing.

(p) No person shall carry or possess a shotgun and any shotgun slug in the woods and fields or on the water while hunting unless he or she has in possession a shotgun which has adjustable open iron or peep sights or a scope affixed. No person shall use any shotgun containing shotgun slugs for the purpose of hunting unless it has adjustable open iron or peep sights or a scope affixed.

(q) Persons required by law to wear corrective lenses to operate a motor vehicle shall wear corrective lenses when hunting with a bow or a firearm of any kind.

(r) Nothing in this subchapter shall be construed to prevent the Director of the New Jersey Division of Fish and Wildlife from authorizing personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using hand held pistol-like devices which launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance wildlife; or from possessing, carrying or using animal immobilization rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals or from possessing, carrying or using rifles or shotguns, upon completion of approved training course, in order to dispatch sick, injured, or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife. All such duly authorized personnel of the New Jersey Division of Fish and Wildlife, except Conservation Officers, shall possess a firearms purchaser card, a valid New Jersey hunting license and a rifle permit issued by the New Jersey Division of Fish and Wildlife.

(s) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from the possession and use of any other Division approved device or equipment for the capture, marking or killing of wildlife for scientific, enforcement or public safety purposes. This section applies to all non-domestic animals whether native or exotic, irrespective to season status, or other restrictions in any statute or rule.

(t) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to black bears or other animals by the State Director of Animal Health and
which produces temporary physical discomfort though being vaporized or otherwise dispensed in the air for the purpose of repelling animal attacks or for the aversive conditioning of nuisance wildlife.

(u) Notwithstanding the foregoing, this section shall not preclude the Director from authorizing, on a case by case basis, Federal Government employees operating under a State of New Jersey Depredation Control Permit, Special Wildlife Management Permit and/or a Federal Fish and Wildlife permit that is co-signed by the New Jersey Division of Fish and Wildlife, to shoot wildlife specifically listed on that permit with an air rifle or a rifle when that permit specifically authorizes the use of air rifles and/or rifles. Air rifles used for this purpose shall be restricted to .22 caliber or smaller only. Rifles used for this purpose shall be restricted to .22 caliber or other calibers approved by the Division.


7:25-5.24 Bow and arrow, general provisions

(a) A bow means longbow, recurved bow, compound bow, or crossbow. A crossbow means a device capable of propelling an arrow by means of traverse limbs and a string, mounted on a stock of at least 25 inches in length, and having a working safety. Cocking levers and other devices may be used on crossbows. Hand-held releasing devices are permitted.

(b) No person shall use a bow and arrow for deer hunting during the permit muzzleloader or permit shotgun seasons. Nothing in this section shall preclude a properly licensed person from hunting with a bow and arrow when other seasons run concurrent and in the same deer management zones as the six-day firearm, permit muzzleloader or permit shotgun seasons or on any additional days if declared open. A bow and arrow may be used to harvest antlered deer during the six-day firearm season only if the hunter has a current and valid firearm license in addition to a current and valid archery license, or a current and valid all-around license. If an antlered deer is harvested with a bow and arrow during the six-day firearm season, the antlered transportation tag for the six-day firearm season from a firearm or all-around license must be used. Bow and arrow hunting is not permitted between 1/2 hour after sunset and 1/2 hour before sunrise during other seasons. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof, or on Wildlife Management Areas or private property during the prescribed seasons.

(c) During the seasons for taking deer, bear, coyote, fox, woodchuck or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows used for taking deer, bear, coyote, fox, woodchuck or turkey must be fitted with an edged head of the following specifications:
1. Minimum width shall be 3/4 inch.

2. Minimum length--None.

3. Cutting edges shall be of well-sharpened metal only.

4. Arrows fitted with heads other than specified in (c)1 through 3 above may be carried in the woods and fields during the Upland Game Season or other seasons which overlap with the Bow and Arrow Deer Season, in addition to arrows specified for deer. It is legal to carry blunt or judo tips in the field for the purpose of discharging crossbows. It is unlawful to hunt with any device propelled by any means that is used for the purpose of injecting or delivering any type of drug into an animal. Whenever a crossbow is in or upon a motor vehicle, it shall be uncocked.

5. All bows, except compounds and crossbows, must have a minimum draw pull weight of 35 pounds at the archers draw length. Compound bows must have a minimum peak weight of 35 pounds. Crossbows must have a minimum draw pull weight of 75 pounds.

(d) No person shall hunt deer with the aid of a deer decoy except during the fall bow, winter bow, and special bow seasons. No person shall hunt for deer with an electronic calling device, or any other device which projects a beam of light upon the target. A bowhunter utilizing a ground blind during a time period when the bowhunting season is concurrent with a deer or bear firearm season, must display 200 square inches of hunter orange atop the blind and visible from all sides, or within five feet outside of the blind and higher than the blind or at least three feet off the ground, whichever is higher. A "ground blind" is defined as a temporary man-made structure used for the purpose of concealing from sight a person who is hunting. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

(e) No person shall take or attempt to take flying game birds with arrows equipped with heads as described in (c)1, 2, and 3 above. Persons may only take or attempt to take flying game birds with flu-flu type arrows. Canada geese and turkey which are not in flight may be taken with arrows with standard fletching and edged heads as described in (c)1, 2, and 3 above.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-12, 23:4-16, 23:4-43, 23:4-44, 23:4-45 and other applicable statutes.

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

(a) Duration of the fall bow season is as set forth 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 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. A special youth deer hunting day with bow and arrow will be held on the Saturday prior to the opening day of the fall bow season as specified in (a)1 above. The season will be open in all zones that are open for the fall bow season. Youth hunters must possess a current and valid youth bow license or be less than 16 years of age on the season date and qualified to hunt without a license under the farmer license exemption. All youth hunters must be under the direct supervision of a non-hunting adult (21 years of age or older), who must possess a proper and valid bow license. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter may not hunt independently of the supervising adult. Any bow and edged arrowhead approved for deer hunting may be used. Legal hunting hours are 1/2 hour before sunrise to 1/2 hour after sunset EST. All other hunting requirements for the fall bow season shall apply, except as noted in (b)3 below.

(b) Bag Limit: Only one antlered deer may be taken Statewide during the fall bow season. Hunters must use an antlered deer transportation tag from their bow and arrow or all around sportsman license, which is designated for use during the fall bow season, when registering an antlered deer. The standard bag limit is two deer, either one antlered and one antlerless or two antlerless in zones in Regulation Sets 1 and 3. The standard bag limit is two deer, one antlered and one antlerless, in zones in Regulation Set 2. 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. In zones in Regulation Sets 4, 7, and 8 and zones 37, 39, 53, 54, and 68, the bag limit is one antlered deer and an unlimited number of antlerless deer. In zones in Regulation Set 0, the bag limit is one antlered or one antlerless deer. In Regulation Sets 4, 5, 6, 7, and 8 and in Zones 39, 53, and 68, an antlerless deer must be taken before an antlered deer from the second Saturday in September through the first Friday in October except for youth hunters, as defined in N.J.A.C. 7:25-5.1(d)15. All deer must be legally registered either at a deer check station or via the automated harvest report system. 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, 66, and 68, where the limit is two deer at a time until the season concludes. Properly licensed hunters who harvest their first antlerless deer during the bow season subject to the provisions of this section will be assigned a confirmation number via an automated harvest report system as designated by the Division. This confirmation number will be valid for the taking of additional antlerless deer, as applicable by zone bag limit specified above. The confirmation number may be used in any zone that is open for the season subject to the limitations of this section. After taking a second deer in any zone in Regulation Sets 0, 1, 2, or 3, hunters may not hunt deer during the fall bow season in the zones in Regulation Sets 0, 1, 2, or 3. All
confirmation numbers are valid on the date of issuance in all zones that are open for this season. Deer shall be tagged immediately with completely filled in "transportation tag" and shall be transported to a deer checking station before 8:00 P.M. local time on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The supplemental tag shall be valid on the day of issuance and all registration requirements apply. If the deer check station system is no longer in use, then with the exception of the confirmation number, the possession tag on the license shall be filled out immediately upon killing. Additionally, 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 automated harvest report system, as designated by the Division, in lieu of a deer check station prior to the attempt to take an additional deer, and no later than 8:00 P.M. local time of the day of harvest. Hunters must record the confirmation number given via this system, which replaces the legal possession tag.

1. The possession of a deer after 8:00 P.M. on the date killed without a legal confirmation number shall be deemed illegal possession under the deer check station system. Possession of a deer after 8:00 P.M. on the date killed without a legal confirmation number shall be deemed illegal under the AHRS. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted. Should the hunter be unable to access the AHRS by the designated time, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters and registered via the AHRS the next day. Within 48 hours of registering a 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.

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, and 63, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. The bag limit for the special youth hunting day provided in (a)3 above is one deer of either sex and any age. The requirement that hunters take an antlerless deer first is waived for this day. All tagging and deer checking requirements shall apply. The provisions of (b)2 above, requiring that antlered deer must have at least three antler points on one side, is waived for the special youth hunt on this day only.

(c) This season shall be open only to holders of a valid and current bow and arrow hunting license or all around sportsman license that contains an attached fall bow and arrow deer harvest report stub. If the anticipated harvest of deer has not been accomplished during this season, additional days of bow and arrow deer hunting may be
authorized by the Director, in consultation with the Council. Such authorization and dates thereof shall be announced by press and radio.

1. If the yearly antlered harvest in any deer management zone in the deer management zones in Regulation Sets 4 through 8 is below the stated buck goal specified in N.J.A.C. 7:25-5.29(r) by 15 percent, the Council may, upon consultation with the Director, suspend the requirement to take an antlerless deer before an antlered deer in any deer management zone as is determined to be appropriate to provide for harvest which will meet the stated goals. The Council, upon consultation with the Director, may also reinstate the requirement, as needed, if the antlered harvest exceeds the buck goal by 15 percent. Such actions will be made by publication of a notice of administrative change in the New Jersey Register, as well as by posting notice on the Division's website at www.njfishandwildlife.com, and in the Hunting and Trapping Digest.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42, 23:4-43, 23:4-45, 23:4-47 and other applicable statutes.

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 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; 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) Bag Limit: Hunters must use the antlered buck transportation tag from their bow and arrow or all around sportsman license, which is designated for use during the winter bow season, when registering an antlered deer. The standard bag limit is two deer, one antlered and one antlerless, or two antlerless in zones in Regulation Sets 1, 2, and 3, and Zone 53. 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. In zones in Regulation Sets 4, 7, and 8 and in Zones 37, 39, 64, 66, and 68, the bag limit is one antlered deer and an unlimited number of antlerless deer. In zones in Regulation Set 0, the bag limit is one antlered deer or one antlerless deer. 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, 61, 64, 66, 67, and 68, where the limit is two deer at a time until the season concludes. All deer must be legally registered via the automated harvest report system. After taking a second deer in any zone in Regulation Sets 0, 1, 2, and 3, hunters may not hunt deer during the winter bow season in the zones in Regulation Sets 0, 1, 2, and 3. Upon harvesting a deer, hunters must immediately fill out with the exception of the confirmation number the "transportation tag" on the license. Additionally, 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. Hunters must register their deer via an AHRS, as designated by the Division, prior to the attempt to take an additional deer and no later than 7:00 P.M. local time of the day of harvest. Hunters must record the confirmation number given via this system, which replaces the legal possession tag.

1. 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. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted. Should the hunter be unable to access the AHRS by the designated time, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters and the harvest registered via the AHRS the next day. Within 48 hours of registering a 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.

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, and 63, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(c) This season will be open only to holders of a valid and current bow and arrow hunting license or all around sportsman license which contains an attached winter bow season harvest report stub. If the anticipated harvest of deer has not been accomplished during this season, additional days of special winter bow and arrow deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-45, 23:4-42, 23:4-43, 23:4-47 and other applicable statutes.

7:25-5.27 White-tailed deer six-day firearm season

(a) Duration for this season will be the second Monday after Thanksgiving through the following Saturday, inclusive with shotgun, muzzleloader rifle, or bow and arrow, exclusively. Bow and arrow hunters participating in the six-day firearm season must possess a current and valid firearm license in addition to a current and valid archery license, or an all-around license; deer taken during this season will be tagged with the six-day transportation tag from either the firearm or all-around license.

1. A special youth deer hunting day with shotgun or muzzleloader rifle will be held on the second Saturday preceding the opening of the Permit Muzzleloader season, as specified in N.J.A.C. 7:25-5.28(d)2. Youth hunters must possess a current and valid youth firearms license or be less than 16 years of age on the season date and qualified to hunt without a license under the farmer license exemption. Possession of a proper and valid rifle permit is also required if a
muzzleloading rifle is used. All youth hunters must be under the direct supervision of a non-hunting adult (21 years of age or older), who must also possess a proper and valid firearm license and a rifle permit, if the youth hunter is using a muzzleloading rifle. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter may not hunt independently of the supervising adult. Any firearm and ammunition approved for deer hunting may be used. Legal hunting hours are 1/2 hour before sunrise to 1/2 hour after sunset EST. All other hunting requirements for the six-day firearm season shall apply, except as noted in (b)3 below.

(b) Bag Limit: Two antlered deer, with one antler at least three inches long. All deer must be legally registered via the AHRS. 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. Immediately upon harvest, the harvest report stub on the license appropriate for the season shall be completely filled in with the exception of the confirmation number. Additionally, 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 and no later than 7:00 P.M. local time of the day of harvest. Hunters must record the confirmation number given via the automated system, which replaces the legal possession tag. Hunters who take two antlered deer during the six-day firearm season are prohibited from taking an antlered buck during the regular permit shotgun season. It is unlawful to attempt to take or to continue to hunt for more than the number of deer permitted. Should the hunter be unable to access the AHRS by the designated time on the day of harvest, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters, and the harvest registered via the AHRS the next day. Within 48 hours of registering a 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.

1. (Reserved.)

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47 and 63, it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. The bag limit for the special youth hunting day provided for in (a)1 is one deer of either sex and any age. All tagging and deer checking requirements shall apply. The provisions of (b)2 above shall not apply.

(c) This season shall be open only to holders of a valid and current firearm hunting or all around sportsman license which contains an attached six-day firearm season harvest report stub. If the anticipated harvest of deer has not been accomplished during this
season, additional days of deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) Hunting Hours: Legal hunting hours for the six-day firearm season shall be 1/2 hour before sunrise to 1/2 hour after sunset with shotgun, muzzleloader rifle, or bow and arrow.

(e) No person shall take, attempt to take, hunt or attempt to hunt, kill or attempt to kill, shoot at or attempt to shoot at, in any one day or in any one year more than the number of deer permitted by this Code.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42, 23:4-43, 23:4-45, 23:4-47, 23:4-48 and other applicable statutes.

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

(a) The Director with the approval of the Council may authorize the issuance of permits for the taking of deer with a muzzleloader rifle or smoothbore muzzleloader loaded with a single projectile anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, additional days of muzzleloader rifle permit deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and the date thereof shall be announced by press and radio.

(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, 61, 66, 67, 68, and 70, except as noted below and 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, 61, 66, and 68 where the limit is two deer at a time until the season concludes. In zones in Regulation Set 7, 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 at N.J.A.C. 7:25-5.27(a). In Zone 68, only antlerless deer may be taken during the dates concurrent with the six-day firearm season as specified 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 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 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 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. In Zone 67, an antlerless deer must be taken in each year before taking or attempting to take an antlered deer during the prescribed muzzleloader deer seasons.

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, 63, and 67, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted. Should the hunter be unable to access the AHRS by the designated time on the day of harvest, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters, and registered via the AHRS the next day. Within 48 hours of registering a 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.

(d) Duration of the muzzleloader rifle permit season is as set forth at (d)1 through 15 below. There is no season in Zone 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 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 61.

2. The Monday and Tuesday the week preceding the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), the Monday and Tuesday of the week following the six-day firearm season, and the Saturday following the six-day firearm season through the last Tuesday in December, excluding Christmas Day, and the first nine days in January, excluding Sundays, in zones in Regulation Set 1.

3. The Monday and Tuesday preceding the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), the week of the six-day firearm season, the Monday and Tuesday following the six-day firearm season, and the Saturday following the six-day firearm season through December 31, exclusive of Christmas Day, and January 1 through the second Saturday in February in zones in Regulation Set 7.

4. The Monday and Tuesday of the week preceding the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), and the week of the six-day firearm season, and the Monday and Tuesday of the week following the six-day firearm season, and the Saturday following the six-day firearm season through December 31 exclusive of Christmas Day, and January 1 through January 31 in Zone 68.

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. The Monday and Tuesday of the week preceding the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), and the Monday and Tuesday of the week following the six-day firearm season, and the Saturday following the six-day firearm season through December 31 exclusive of Christmas Day, and January 1 through January 31 in zones in Regulation Set 6.

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. The Monday and Tuesday the week preceding the six-day firearm season as specified in 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 in zones in Regulation Set 2.

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. 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. (Reserved.)

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 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. (Reserved.)

15. The Monday through Wednesday and the Friday of Thanksgiving week, the Monday and Tuesday preceding the six-day firearm season as specified in
N.J.A.C. 7:25-5.27 the week of the six-day firearm season, the Monday and Tuesday following the six-day firearm season, and the Saturday following the six-day firearm season through December 31, exclusive of Christmas Day, and January 1 through the second Saturday in February in zones in Regulation Set 8.

16. The Monday and Tuesday the week preceding the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), and November 27 and 28 and December 16, 18, 19, 20, 23, 26-31, 2017; November 26 and 27 and December 15, 17, 18, 19, 24, 26-31, 2018; December 2, 3, 21, 23, 24, 26-31, 2019 in zones in Regulation Set 0.

17. At other times as determined by the Director.

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

(f) Method: The taking of two deer, one antlered and one antlerless, or two antlerless, except as noted 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, 61, 66, 67, and 68. 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.
2. All other deer permits for muzzleloader rifle permit season will be issued on an individual basis to holders of valid and current firearm licenses and rifle permits via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division for the following deer management zones: 1-19, 21-31, 34-36, 41-43, 45, 46-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below. Only one muzzleloader rifle permit season permit may be purchased per zone.

\textbf{(g)} Permits for muzzleloader rifle permit season consist of back display which includes a "deer transportation tag" or proper and valid supplemental tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in the case of the farmer muzzleloader season permit.

\textbf{(h)} Muzzleloader Rifle Permit Season limited quota, special deer permits shall be applied for as follows:

1. Holders of valid and current firearm hunting licenses shall apply by submitting an application which has been properly completed in accordance with instructions. First time permit applicants who do not yet possess a valid hunting license may apply for a muzzleloader rifle deer season permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application.

2. Youth Hunting license holders are eligible.

3. Only one application whether for limited quota antlerless and antlered muzzleloader rifle or shotgun permit season or as provided for in (h)1 above, may be submitted by any regular firearm license holder during the initial permit application period. During the initial application period, regular firearm license holders may also submit one application for either a left-over shotgun or muzzleloader deer permit in the event such permits are available following the initial 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.

4. The application shall be filled in to include: Conservation ID Number or name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted
for participation in random selection, which are received during the period of June 1-August 31 inclusive. Applications submitted after August 31 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified. Any permit obtained by fraud shall be void.

6. Successful applicants will be notified. Unless otherwise indicated, the non-refundable permit application fee payable to "Division of Fish and Wildlife" must accompany the completed application. If selected to receive a permit, the full permit fee will be payable to the Division.

7. Nothing contained herein shall preclude the Division from issuing unfilled or unclaimed limited quota, special deer permits on a first come-first served basis to any properly licensed hunter or qualified farmer after the permit selection process.

(i) Pursuant to the provisions of N.J.S.A. 23:3-56.1, occupant and non-occupant Farmer Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate family of that farmer 10 years of age or older who reside in the farmer's household, may apply on forms provided for an occupant farmer, muzzleloader rifle permit season permit. Under this subsection, a farm is an area of five acres or more and producing a gross income in excess of $500.00 and is tax assessed as farmland. Farmer muzzleloader rifle permit season permits will be issued only in those deer management zones where a muzzleloader rifle, permit season is prescribed.

2. The owner or lessees of a farm, who does not reside thereon, and their immediate family 10 years of age or older who reside with them, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, or their immediate family aged 10 years and older.

3. Application forms may be obtained from the County Agricultural Agent, the Division of Fish and Wildlife, Mail Code 501-03, P.O. Box 420, Trenton, N.J. 08625-0420, or other Division offices.

4. The application form shall be filled in to include: Conservation ID Number or name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be
accepted during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and all qualified applicants will receive a farmer muzzleloader rifle permit season permit, delivered by mail.

5. Qualified farmers may apply for one shotgun antlerless and one antlered permit season permit in any management zone in addition to one muzzleloader antlerless and one antlered rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may also apply for either the muzzleloader rifle permit season permits or shotgun permit season permits as a regular firearm hunting license applicant. No farmer may use more than one antlered permit for any season. Application for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void.

6. Nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any qualified farmer or properly licensed hunter after the permit selection process.

(j) Muzzleloader Rifle, Occupant and Farmer Muzzleloader Rifle and Non-occupant Farmer Muzzleloader Rifle Season Permits shall be used as follows:

1. The antlerless muzzleloader rifle permit season permits are valid only in the deer management zone (DMZ) designated; the antlered muzzleloader rifle permit is valid in any zone for which the farmer has an antlerless permit for the season; neither are transferable from individual to individual. The muzzleloader rifle permit season permit hunter is responsible for hunting in the correct DMZ as indicated and in ascertaining the boundaries.

2. The occupant farmer antlerless muzzleloader rifle permit season permit is valid only on the farm occupied and designated in the application and are not transferable from deer management zone to deer management zone, or from farm to farm, or from individual to individual. The occupant farmer antlered muzzleloader rifle permit is valid in any zone which the farmer has an antlerless permit for the season. The occupant farmer muzzleloader rifle permit season permit hunter is responsible for hunting on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer antlerless muzzleloader rifle season permits are valid only on private land within the deer management zone designated in the permit and are not valid on public lands within the DMZ. The non-occupant farmer antlered muzzleloader rifle permit is valid in any zone which the farmer has an antlerless permit for the season. The permits are not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer muzzleloader rifle permit season permit hunter is
responsible for hunting on private lands in the DMZ as indicated and in ascertaining the boundaries.

(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:

<table>
<thead>
<tr>
<th>MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTAS</th>
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<tr>
<td>Deer Mgt. Zone No.</td>
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THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT’S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

<table>
<thead>
<tr>
<th>Zone</th>
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</table>

(l) See (d)1 through 13 above for corresponding season date codes.

(m) Permit quotas in Zones 37, 38, 39, 53, 54, 61, 66, 67, and 68 are contingent upon approval by appropriate land management agencies for those zones.

(n) Muzzleloader rifle permit season permits not applied for by the deadlines enumerated in (h)4 and (i)4 above, may be reallocated to shotgun season applicants.

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

(a) The Director with the approval of the Council may authorize the issuance of shotgun permit season permits for the taking of deer anywhere within the State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, additional days of shotgun permit deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and the dates thereof shall be announced by press and radio.

1. If the yearly antlered or antlerless harvest in any deer management zone is above or below the stated buck goal by 15 percent, the Council may, upon consultation with the Director, move a deer management zone into a more liberal or more conservative regulation set for subsequent deer seasons, as is determined to be appropriate to provide for harvests which will meet the stated goals, as specified in (r) below. The appropriate regulation set will be determined by estimating the resulting harvest of antlered or antlerless deer under various regulation sets having varying season lengths and/or bag limits. Such regulation set changes will be made by publication of a notice of administrative change in the New Jersey Register, as well as by posting notice on the Division's website.
(c) Bag limit: A properly licensed hunter who did not take two antlered deer during the current year, six-day firearm season may take one antlered deer during the shotgun permit season. Only one antlered deer may be taken Statewide during the shotgun permit season, regardless of the number of permits obtained. One deer, either antlered or antlerless, may be taken in zones in Regulation Sets 0, 1, and 2. Two deer, either one antlered and one antlerless or 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, 61, 64, 66, and 68. In zones in Regulation Set 7, 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 at N.J.A.C. 7:25-5.27(a). In Zones 64 and 68, only antlerless deer may be taken during the dates concurrent with the six-day firearm season, as specified 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 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, 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 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. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, and 63, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(d) Duration of the permit shotgun deer season is as set forth 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. The Wednesday through Friday of the week following the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a) in zones in Regulation Sets 1, 2, 3, and 4.

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.

3. The Wednesday through Friday of the week following the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a) in zones in Regulation Set 0.

4. The week of the six-day firearm season, the Wednesday through Friday of the week following the six-day firearm season, and the first Saturday in January through the second Saturday in February in zones in Regulation Set 7.

5. The week of the six-day firearm season as specified 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 Zone 68.

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. The Wednesday through Friday of the week following the six-day firearm season as specified in N.J.A.C. 7:25-5.27(a), and the first Saturday in January through January 31 in zones in Regulation Set 6.

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. (Reserved.)

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, 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 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. (Reserved)

13. (Reserved)

14. The Monday through Wednesday and Friday of Thanksgiving week, the week of the six-day firearm season, the Wednesday through Friday of the week following the six-day firearm season, and the first Saturday in January through the second Saturday in February in zones in Regulation Set 8.

15. December 7-12 and 16-18, 2015; and December 5-10 and 14-16, 2016, in Zone 61.

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.

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. At other times as determined by the Director.

19. The permit shotgun season for persons possessing farmer shotgun permit season permits includes the six-day firearm season in addition to the day or days the season is open for applicable zones by qualified farmers on the farm occupied and designated in the application, or in the zone designated on a non-occupant farmer permit. All other regulations applicable to the zone and farmer shotgun permits shall apply.

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

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, 61, 64, 66, 67, and 68. Only one antlerless shotgun permit season permit may be purchased per zone. Only one antlered shotgun permit season permit with antlered deer transportation tag may be purchased per season.

2. All other special deer permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits from authorized agents for the following deer management zones: 1-31, 34-36, 41, 42, 43, 45-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below. Only one shotgun permit season permit may be purchased per zone.

(g) Permits for shotgun permit season consist of a back display, which includes a harvest report stub. The back display portion of the permit will be conspicuously displayed on the outer clothing in the case of the farmer shotgun permit season permit. All deer must be legally registered via the automated harvest report system. Under the AHRS, the harvest report stub on the permit must be filled out, with the exception of the confirmation number, immediately upon killing, 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. This filled in harvest report stub allows legal
transportation of the deer of either sex to a location where the hunter may register his or her deer via an automated harvest report system as designated by the Division only. Possession of a deer after 7:00 P.M. local time on the date killed without a legal confirmation number shall be deemed illegal under the AHRS. Hunters must register their deer via an automated harvest report system prior to the attempt to take an additional deer, except as in (c) above, and no later than 7:00 P.M. local time of the day of harvest. The hunter must record the confirmation number given by the AHRS. Should the hunter be unable to access the AHRS by the designated time on the day of harvest, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters, and registered via the AHRS the next day. Within 48 hours of registering a 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. This confirmation number will allow this person to continue hunting and take one additional antlerless deer during the shotgun permit season, provided the season is open the following day(s) or on any additional days that shotgun permit season hunting is authorized. The confirmation number will allow this hunter to continue hunting and take one additional antlerless deer during the shotgun permit season, provided the season is open or on any additional days that shotgun permit season hunting is authorized. Permittees will be able to continue hunting on the designated season dates after registration of deer and issuance of confirmation numbers. 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 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 open or at the time of the purchase of the initial antlerless shotgun permit if the season has already begun.

(h) Shotgun Permit Season limited quota, special deer permits shall be applied for as follows:

1. Holders of valid and current firearm hunting licenses, including juvenile firearm license holders, may apply by submitting an application properly completed in accordance with instructions. First time permit applicants who do not yet possess a valid hunting license may apply for a shotgun deer hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application.

2. Permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses, and persons with hunter education courses pending as indicated in (h)1 above. Only one application, whether for antlerless or antlered shotgun or muzzleloader, permit season or as provided for in
(h)1 above, may be submitted by any one individual during the initial application period and only one application, whether for a leftover shotgun or leftover muzzleloader permit, may be submitted by any one individual during the initial application period. Applications for more than the allowable number of permits during the initial application period will cause all applications to be void and subject the applicant to prosecution.

3. The application shall be filled in to include: Conservation ID Number or name, address, current firearm hunting license number or as provided for in (h)1 above, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection, which are received during the period of June 1-August 31. Applications submitted after August 31 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

4. Unsuccessful applicants will be notified. Any permit obtained by fraud is void.

5. Successful applicants will be notified. Unless otherwise indicated, the non-refundable permit application fee payable to "The Division of Fish and Wildlife" shall accompany the completed application. If selected to receive a permit, the full permit fee will be payable to the Division.

6. Nothing herein contained shall preclude the Division from issuing unfilled and unclaimed permits on a first come-first served basis to any properly licensed hunter after the permit selection process.

(i) Pursuant to the provisions of N.J.S.A. 23:3-56.1, Occupant and Non-occupant Farmer Shotgun Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate family of that farmer 10 years of age or older who reside in the farmers household, may apply on forms provided for an occupant farmer shotgun permit season permit. Under this section, a farm is an area of five acres or more and producing a gross income in excess of $500.00 and is tax assessed as farmland. The occupant Farmer Shotgun Permit Season Permit will be issued in all deer management zones.

2. The owner or lessees of a farm, who does not reside thereon, and their immediate family 10 years of age or older, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, or their immediate family aged 10 years and older.
3. Application forms may be obtained from the County Agricultural Agent, the Division of Fish and Wildlife, Mail Code 501-03, P.O. Box 420, Trenton, N.J. 08625-0420, or Division field offices.

4. The application form shall be filled in to include: Conservation ID Number or name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be accepted during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and all qualified applicants will receive a farmer shotgun permit season permit, delivered by mail.

5. Qualified farmers may apply for one antlerless and one antlered shotgun permit season permit in any management zone in addition to one antlerless and one antlered muzzleloader rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may also apply for either the permit shotgun or permit muzzleloader season permit as a regular firearm hunting license applicant. No farmer may use more than one antlered permit for any season. Application 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.

6. In deer management zones where no regular permit shotgun season has been authorized, the season for qualified and permitted farmers will include the six-day firearm season and the Wednesday following the six-day firearm season and as provided for in (d)19 above, and the bag limit will be one deer per permit. Only one antlerless deer may be taken on this permit.

(j) Shotgun, Occupant Farmer Shotgun and Non-occupant Farmer Shotgun Permit Season Permits shall be used as follows:

1. The antlerless shotgun permit season permit is valid only in the deer management zone (DMZ) designated and are not transferable from individual to individual. The antlered shotgun permit is valid in any zone which the farmer has a antlerless permit for that season. The shotgun permit season permit hunter is responsible for hunting in the correct DMZ as indicated and in ascertaining the boundaries.

2. The occupant farmer antlerless shotgun permit season permit is valid only on the farm occupied and designated in the application and are not transferable from deer management zone to deer management zone, or from farm to farm or from individual to individual. The antlered shotgun occupant permit is valid in any zone which the farmer has a season antlerless permit for that season. The occupant farmer shotgun permit season permit hunter is responsible for hunting
on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer antlerless shotgun season permit is valid only on private land within the deer management zone designated in the permit and are not valid on public lands within the DMZ. The antlered shotgun non-occupant permit is valid in any zone which the farmer has a season antlerless permit for that season. These permits are not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer shotgun permit season hunter is responsible for hunting on private lands in the correct DMZ as indicated and in ascertaining the boundaries.

(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:

<table>
<thead>
<tr>
<th>Deer Mgt. Zone No.</th>
<th>Season Dates Code</th>
<th>Permit Quota</th>
<th>Portions of Counties Involved</th>
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<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>645</td>
<td>Sussex</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>3,250</td>
<td>Sussex</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>303</td>
<td>Sussex, Passaic, Bergen, Morris</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>744</td>
<td>Sussex, Warren</td>
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<td>5</td>
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<td>Sussex, Warren</td>
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<td>6</td>
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<td>2,210</td>
<td>Sussex, Morris, Passaic, Essex, Warren</td>
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<tr>
<td>7</td>
<td>4</td>
<td>3,490</td>
<td>Warren, Hunterdon</td>
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<td>4</td>
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<td>Warren, Hunterdon, Morris, Somerset</td>
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<td>Warren, Hunterdon</td>
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<td>11</td>
<td>4</td>
<td>2,370</td>
<td>Hunterdon</td>
</tr>
<tr>
<td>12</td>
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<td>Mercer, Hunterdon, Somerset</td>
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<tr>
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<td>Ocean</td>
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<tr>
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<td>Ocean, Monmouth, Mercer, Burlington</td>
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<td>31</td>
<td>2</td>
<td>390</td>
<td>Cumberland</td>
</tr>
<tr>
<td>34</td>
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<tr>
<td>35</td>
<td>2</td>
<td>2,910</td>
<td>Gloucester, Salem</td>
</tr>
<tr>
<td>36</td>
<td>4</td>
<td>1,000</td>
<td>Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex, Passaic</td>
</tr>
<tr>
<td>37 Lakehurst)</td>
<td>6</td>
<td>100</td>
<td>Burlington, Ocean (Joint Base McGuire-Dix-Lakehurst)</td>
</tr>
<tr>
<td>38</td>
<td>7</td>
<td>200</td>
<td>Morris (Great Swamp National</td>
</tr>
</tbody>
</table>
THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT’S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

<table>
<thead>
<tr>
<th>Zone No.</th>
<th>Permit Quotas</th>
<th>Wildlife Refuge</th>
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</thead>
<tbody>
<tr>
<td>39</td>
<td>8</td>
<td>160 Monmouth (Earle Naval Weapons Station)</td>
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<tr>
<td>41</td>
<td>4</td>
<td>1,300 Mercer, Hunterdon</td>
</tr>
<tr>
<td>42</td>
<td>5</td>
<td>1,330 Atlantic</td>
</tr>
<tr>
<td>43</td>
<td>43</td>
<td>55 Cumberland</td>
</tr>
<tr>
<td>45</td>
<td>3</td>
<td>170 Cumberland, Atlantic, Cape May</td>
</tr>
<tr>
<td>46</td>
<td>3</td>
<td>146 Atlantic</td>
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<td>47</td>
<td>2</td>
<td>850 Atlantic, Cumberland, Gloucester</td>
</tr>
<tr>
<td>48</td>
<td>5</td>
<td>1,760 Burlington</td>
</tr>
<tr>
<td>49</td>
<td>4</td>
<td>310 Burlington, Camden, Gloucester</td>
</tr>
<tr>
<td>50</td>
<td>4</td>
<td>1,780 Middlesex, Monmouth</td>
</tr>
<tr>
<td>51</td>
<td>4</td>
<td>1,510 Monmouth, Ocean</td>
</tr>
<tr>
<td>53</td>
<td>2</td>
<td>100 Ocean (Joint Base McGuire-Dix-Lakehurst)</td>
</tr>
<tr>
<td>54</td>
<td>11</td>
<td>50 Morris (Picatinny Arsenal-ARRAD Com)</td>
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<tr>
<td>55</td>
<td>1</td>
<td>80 Gloucester</td>
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<tr>
<td>56</td>
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<td></td>
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<tr>
<td>58</td>
<td></td>
<td>Not designated</td>
</tr>
<tr>
<td>61</td>
<td>15</td>
<td>100 Atlantic (Atlantic County Park System)</td>
</tr>
<tr>
<td>63</td>
<td>2</td>
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<td>100 Monmouth (Monmouth Battlefield State Park)</td>
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<td>120 Gloucester, Camden</td>
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<td>17</td>
<td>80 Atlantic (Federal Aviation Administration William J. Hughes Technical Center)</td>
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<td>0</td>
<td>Sussex (High Point State Park)</td>
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<td>68</td>
<td>5</td>
<td>170 Burlington (Parker Preserve)</td>
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<td>70</td>
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<td>Not designated</td>
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<tr>
<td>Total</td>
<td>78,959</td>
<td></td>
</tr>
</tbody>
</table>

(l) Shotgun permit season permits not applied for by the deadlines enumerated in (h)3 and (i)4 above may be reallocated to muzzleloader rifle, permit season applicants.

(m) See (d)1 through 19 for corresponding season date codes.

(n) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-56.2, 23:4-42, 23:4-43, 23:4-47, 23:4-48 and all other applicable statutes.

(o) Permit quotas for Zones 37, 38, 39, 53, 54, 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. Zone No. 1: That portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 521 (River Rd.) and Mashipacong Rd.; then west along the northern boundary of the Delaware Water Gap National Recreation Area to the east bank of the Delaware River; then north along the east bank of the Delaware River to the New York State line; then east along the New York State line to Rt. 519; then south along Rt. 519 to its intersection with Rt. 206 at Branchville; then northwest along Rt. 206 to the intersection with Rt. 633; then south along Rt. 633 to its intersection with Rt. 521; then northwest along Rt. 521 to its intersection with Rt. 206; then northwest on Rt. 521/Rt. 206 to its
intersection with Rt. 560; then west along Rt. 560 to the intersection with Ridge Rd; then north on Ridge Rd. to the intersection with Rt. 646; then east on Rt. 646 to the intersection with Rt. 645 in Hainesville; then north on Rt. 645 to the intersection with Rts. 206 and 521; then north on Rts. 206 and 521 to Montague; then north on Rt. 521 (River Rd.) to the intersection with Mashipacong Rd, the point of beginning. The island of Mashipacong lying in the Delaware River is included in this zone. High Point State Park (Zone 67) is excluded from Zone 1.

2. Zone No. 2: That portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then south along Rt. 94 to its intersection with Rt. 23 at Hamburg, then southeast along Rt. 23 to its intersection with Rt. 517 at Franklin; then south along Rt. 517 to its intersection with Rt. 206 at Andover; then north along Rt. 206 to its intersection with Rt. 519 at Newton; then north along Rt. 519 to the New York State line; then east along the New York State line to Rt. 94 to the point of beginning.

3. Zone No. 3: That portion of Sussex, Morris, Passaic, and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then east along the New York State line to its intersection with Rt. 202 near Suffern; then south along Rt. 202 to its intersection with Rt. 287 in Oakland; then south on Rt. 287 to its intersection with Rt. 23 in Riverdale; then west along Rt. 23 to its intersection with Rt. 94 at Hamburg; then north along Rt. 94 to the point of beginning on the New York State line.

4. Zone No. 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 521 (River Rd.) and New Mashipacong Rd; then running along Rt. 521 to the intersection with Rt. 206 in Montague; then south on Rt. 206 to the intersection with Rt. 645 (Layton-Hainesville Road); then south on Rt. 645 to the intersection with Rt. 646 in Hainesville (Jagger Road); then west on Rt. 646 to the intersection with Ridge Rd; then south on Ridge Rd. to the intersection with Rt. 560 (Dingman's Bridge Road); then southeast along Rt. 560 to its intersection with Rt. 206; then south on Rt. 206 to the intersection with Rt. 521; then south along Rt. 521 to its intersection with Beavans Road at the Hampton Township-Frankford Township border; then northwest along Beavans Road to its intersection with the base of the Kittatiny Ridge; then southwest along the east base of the Kittatinny Ridge to the Delaware River at the Delaware Water Gap north and west of Quarry Road; then north along the east bank of the Delaware River to the northern park boundary of the Delaware Water Gap National Recreation Area; then east along the northern park boundary of the Delaware Water Gap National Recreation Area to Rt. 521 (River Rd.), the point of beginning. Namanock, Minisink, Depew, Tocks, Poxono and Labar Islands in the Delaware River are included in this zone.

5. Zone No. 5: That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 521 and Beavans Road at
Hampton Township-Franford Township border; then southeast on Rt. 521 to its intersection with Rt. 633; then north on Rt. 633 to its intersection with Rt. 206 in Branchville; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 206 at Newton; then south along Rt. 206 to its intersection with Rt. 517 at Andover; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with the Delaware River at Manunkachunk; then north along the east bank of the Delaware River to its intersection with the Zone 4 boundary at the Delaware Water Gap north and west of Quarry Road; then northeast along the base of the Kittatinny Ridge to its intersection with Beavans Road at the Hampton Township--Frankford Township border; then southeast along Beavans Road to its intersection with Rt. 521 at the point of beginning.

6. Zone No. 6: That portion of Morris, Sussex, Passaic, Warren and Essex Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 517 at Allamuchy; then northeast along Rt. 517 to its intersection with Rt. 23 at Franklin; then southeast along Rt. 23 to its intersection with Rt. 618; then south along Rt. 618 to its intersection with Rockaway Valley Road; the southwest along Rockaway Valley Road to its intersection with Diamond Spring Road; the south along Diamond Spring Road to its intersection with West Main Street in Denville; then south along West Main Street to its intersection with Rt. 80; then west along Rt. 80 to the point of beginning at Allamuchy. Picatinny Arsenal (Zone 54) is excluded from Zone 6.

7. Zone No. 7: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 78 at Clinton; then north along Rt. 31 to its intersection with Rt. 46 at Buttzville; then west on Rt. 46 to the Delaware River at Manunkachunk; then south along the east bank of the Delaware to its intersection with Rt. 78 at Phillipsburg; then east along Rt. 78 to the point of beginning at Clinton.

8. Zone No. 8: That portion of Hunterdon, Morris, Somerset and Warren Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 near Somerville; then north along Rt. 206 to its intersection with Rt. 80 near Netcong; then west along Rt. 80 to its intersection with Rt. 517 at Allamuchy; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with Rt. 31 at Buttzville; then southeast along Rt. 31 to its intersection with Rt. 22 at Clinton; then east along Rt. 22 to the point of beginning at Somerville.

9. Zone No. 9: Those portions of Morris and Somerset Counties lying within a continuous line beginning at the intersection of Rt. 206 and Rt. 80 near Netcong; then east along Rt. 80 to its intersection with Rt. 46; then east on Rt. 46 to the intersection with Rt. 10 in Ledgewood; then east on Rt. 10 to the intersection with Morris Tpk.; then east and south on Morris Tpk. to Calais Rd.; then west on
10. Zone No. 10: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 12 in Flemington; then north along Rt. 31 to its intersection with Rt. 78 at Clinton; then west along Rt. 78 to the Delaware River at Phillipsburg; then south along the east bank of the Delaware River to Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington.

11. Zone No. 11: That portion of Hunterdon County lying within a continuous line beginning at the intersection of Rts. 12 and 31 and 202 at Flemington; then southwest along Rt. 202 to the Delaware River; then northwest along the east bank of the Delaware River to its intersection with Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington. Shyhawks, Treasure, Rush, Bull and Eagle Islands lying in the Delaware River are in this zone.

12. Zone No. 12: That portion of Somerset, Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rts. 31 and 22 at Clinton; then east on Rt. 22 to its intersection with Rt. 206 at Somerville; then south along Rt. 206 to its intersection with Rt. 546 at Lawrenceville; then west on Rt. 546 to its intersection with Rt. 31 at the Pennington traffic circle; then north along Rt. 31 to the point of beginning at Clinton. That portion of Round Valley Recreation Area designated as open to deer hunting is included in Zone 12.

13. Zone No. 13: That portion of Morris, Somerset and Union Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 at Somerville; then north on Rt. 206 to the intersection with Rt. 78 near Pluckemin; then east on Rt. 78 to the intersection with Rt. 525; then north on Rt. 525 to Mountain Ave. in Mendham; then north and west on Mountain Ave. to Calais Rd.; then north on Calais Rd. to Combs Hollow Rd.; then north on Combs Hollow Rd. to Calais Rd.; then east on Calais Rd. to Morris Tpk.; then north and west on Morris Tpk. to Rt. 10; then west on Rt. 10 to Rt. 46 in Ledgewood; then west on Rt. 46 to the intersection with Rt. 80 near Netcong; the east on Rt. 80 to the intersection with Rt. 511; then south on Rt. 511 to the intersection with Rt. 124 in Morristown; then southeast along Rt. 124 to the intersection with Rt. 82; then southwest along Rt. 82 to the intersection with Rt. 22; then southwest along Rt. 22 to the point of beginning at Somerville. The Great Swamp National Wildlife Refuge (Zone 38) is excluded from Zone 13.
14. Zone No. 14: That portion of Mercer, Middlesex, Somerset and Burlington Counties lying within a continuous line beginning at the intersection of Routes 22 and 206 at Somerville; then east along Route 22 to its intersection with Interstate 287; then south on Interstate 287 to its intersection with Route 18; then south on Route 18 to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Route 545; then northwest on Route 545 which becomes Farnsworth Avenue; then continuing northwest on Farnsworth Avenue to its intersection with W. Burlington Street; then southwest on W. Burlington Street to its intersection with Interstate 295; then north on Interstate 295 to its intersection with the Delaware River at Bordentown; then northwest along the east bank of the Delaware River to Route 546 at Washington's Crossing; then east on Route 546 to its intersection with Route 206 at Lawrenceville; then north along Route 206 to the point beginning at Somerville. Rotary and Blaugar Islands lying in the Delaware River are in this zone.

15. Zone No. 15: That portion of Monmouth, Mercer and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then south on the Turnpike to its intersection with Rt. 195; then east on Rt. 195 to its intersection with Rt. 537 near Holmeson; then northeast on Rt. 537 to its intersection with Rt. 522 in Freehold; then northwest on Rt. 522 to its intersection with the New Jersey Turnpike, the point of beginning. Monmouth Battlefield State Park is excluded from this zone.

16. Zone No. 16: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 571 near Holmeson; then southeast on Rt. 571 to the intersection with Rt. 547; then northeast on Rt. 547 through Farmingdale to the intersection with Tinton Falls Rd.; then north on Tinton Falls Rd. to the intersection with Rt. 33 and Rt. 34; then north on Rt. 34 to the intersection with the fenced boundary of the Earle Naval Weapons Depot property; then westward along the fenced border of the Earle Depot to the intersection with Rt. 33; then west along Rt. 33 to the intersection with Rt. 537 in Freehold; then southwest on Rt. 537 to the intersection with Rt. 571 near Holmeson, the point of beginning.

17. Zone No. 17: That portion of Mercer, Monmouth, Burlington, and Ocean Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Interstate 195; then east along Interstate 195 to the intersection with Rt. 537 near Holmeson; then southwest along Rt. 537 to the intersection with Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640); then southeast along Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640) to the intersection with Colliers Mills Road; then west along Colliers Mills Road to its intersection with Woodruff Rd.; then southwest along Woodruff Rd. to the intersection with Rt. 539; then southeast along Rt. 539 to the border of Joint Base McGuire-Dix-Lakehurst; then westward along the Joint Base McGuire-Dix-
Lakehurst boundary to Rt. 545 near Wrightstown; then northwest along Rt. 545 to the intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Interstate 195 the point of beginning.

18. Zone No. 18: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then west along Rt. 530 to the intersection with Rt. 70; then west along Rt. 70 to the border of Joint Base McGuire-Dix-Lakehurst; then northward along the Joint Base McGuire-Dix-Lakehurst boundary to the northernmost intersection of the Joint Base McGuire-Dix-Lakehurst border and Rt. 539; then northwest along Rt. 539 to the intersection with Woodruff Rd.; then northeast along Woodruff Rd. to the intersection with Colliers Mills Road; then east along Colliers Mills Road to the intersection with Hawk in Road (Prospertown-Colliers Mills Road: Rt. 640); then northwest along Hawk in Road (Prospertown-Colliers Mills Road: Rt. 640) to the intersection with Rt. 537 near Prospertown; then northeast along Rt. 537 to the intersection with Rt. 571 near Holmeson; then southeast along Rt. 571 to the Garden State Parkway; then south along the Garden State Parkway to the point of beginning near South Toms River.

19. Zone No. 19: That portion of Burlington and Camden Counties lying within a continuous line beginning at the intersection of Rt. 530 and Rt. 646 (New Lisbon-Four Mile Rd.); then southeast on Rt. 646 to its intersection with Turkey Buzzard Bridge Road; then west on Turkey Buzzard Bridge Rd. to its intersection with Rt. 644 (Buddtown-Ong's Hat Road); then southeast on Rt. 644 to its intersection with Rt. 70 at Four Mile Circle; then west on Rt. 70 to its intersection with Burr's Mill Road; then southwest on Burr's Mill Rd. to its intersection with Avenue Road; then south on Avenue Rd. to its intersection with Sooy Place Road; then south on Sooy Place Rd. to its intersection with Irick's Causeway; then southwest on Irick's Causeway to its intersection with Rt. 532 (Chatsworth Road); then west along Rt. 532 to its intersection with Butterworth's Bogs Rd.; then south and west along Butterworth's Bogs Rd. to its intersection with Brace Lane; then west along Brace Lane to its intersection with Bozarthtown Rd.; then southwest along Bozarthtown Rd. to its intersection with Dingletown Rd.; then southwest along Dingletown Rd. which becomes Forked Neck Rd. and curves to the west; then west along Forked Neck Road to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 541, Stokes Road; then northwest along Rt. 541 to its intersection with Willow Grove Road; then southwest on Willow Grove Road to its intersection with Atsion Road; then northwest on Atsion Road to its intersection with Rt. 534, Jackson Road; then west along Rt. 534 to its intersection with Rt. 73; then north along Rt. 73 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 38; then east along Rt. 38 to its intersection with Rt. 530; then east along Rt. 530 to its intersection with Rt. 616 (Vincentown-Pemberton Road); then northeast on Rt. 616, Hanover Street, into the town of Pemberton to its intersection with Elizabeth Street; then east on Elizabeth Street, which becomes
Pemberton-Brown's Mills Road (Rt. 687) to its intersection with Rt. 530 (Pemberton-By-Pass Road); then east on Rt. 530 to its intersection with Rt. 646 (New Lisbon-Four Mile Road), the point of beginning. Joint Base McGuire-Dix-Lakehurst (Zone 37) is excluded from Zone 19. Franklin Parker Preserve and Four Mile Spring Preserve (Zone 68) are excluded from Zone 19.

20. Zone No. 20: Not designated.

21. Zone No. 21: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway near South Toms River; then south along the Parkway to its intersection with Rt. 72; then northwest along Rt. 72 to its intersection with Rt. 644 (Buddtown-Ong's Hat Road) at Four Mile Circle; then northwest on Rt. 644 to its intersection with Turkey Buzzard Bridge Road; then northeast on Turkey Buzzard Bridge Rd. to its intersection with Rt. 646 (New Lisbon-Four Mile Road); then northwest on Rt. 646 to its intersection with Rt. 530 (Pemberton-Brown's Mills Road); then east along the southern border of Joint Base McGuire-Dix-Lakehurst to its intersection with Rt. 70; then east on Rt. 70 to its intersection with Rt. 539 and Rt. 530 near Whiting; then east along Rt. 530 to its intersection with the Garden State Parkway near South Toms River, the point of beginning. Joint Base McGuire-Dix-Lakehurst (Zone 37) is excluded from Zone 21.

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 Road 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.

23. Zone No. 23: That portion of Burlington, Atlantic and Camden Counties lying with a continuous line beginning at the intersection of Rt. 563 and the Mullica River at the Atlantic-Burlington County line near Green Bank; then north and west along the north bank of the Mullica River to its intersection with Rt. 542 at Pleasant Mills; then west along Rt. 542 to its intersection with Nescochague Creek; then northwest along Nescochague Creek to Great Swamp Branch; then westward along Great Swamp Branch to its intersection with Rt. 206 (just south of the intersection of Rt. 206 and Middle Road); then south along Rt. 206 to its intersection with Rt. 30; then northwest along Rt. 30 to its intersection with Rt. 73; then north on Rt. 73 to its intersection with Rt. 534, Jackson Road; then east along Rt. 534 to its intersection with Atsion Road; then southeast on Atsion Road
to its intersection with Willow Grove Road; then northeast on Willow Grove Road to its intersection with Rt. 541, Stokes Road; then southeast along Rt. 541 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Forked Neck Road; then east along Forked Neck Rd. which becomes Dingletown Rd. curving to the northeast; then northeast along Dingletown Rd. to its intersection with Bozarthtown Rd.; then northeast on Bozarthtown Rd. to its intersection with Brace Lane; then east on Brace Lane to its intersection with Butterworth's Bogs Rd.; then north on Butterworth's Bogs Rd. to its intersection with Rt. 532 (Chatsworth Rd.); then east on Rt. 532 to its intersection with Irick's Causeway; then northeast on Irick's Causeway to its intersection with Sooy Place Road (Vincentown-South Park Road); then northwest on Sooy Place Rd. to its intersection with Avenue Road; then northeast on Avenue Rd. to its intersection with Burr's Mill Road; then northeast on Burr's Mill Rd. to its intersection with Rt. 70; then east on Rt. 70 to its intersection with Rt. 72 at Four Mile Circle; then southeast on Rt. 72 to its intersection with Rt. 563; then southwest along Rt. 563 to its intersection with the Mullica River at the Atlantic-Burlington County line, the point of beginning near Green Bank. The Franklin Parker Preserve and Four Mile Spring Preserve (Zone 68) are excluded from Zone 23.

24. Zone No. 24: That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 72; then southeast along Rt. 72 to its intersection with the Garden State Parkway; then south along the Parkway to its intersection with Stage Road; then west along Stage Road to its intersection with Leektown Road; then west along Leektown Road (which turns into Rt. 563) 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 west along the north bank of the Mullica River to its intersection with Rt. 563 near Green Bank; then north along Rt. 563 to its intersection with Rt. 72, the point of beginning.

25. Zone No. 25: That portion of Salem, Gloucester, Atlantic, and Camden Counties lying within a continuous line beginning at the intersection of Rt. 54 and Rt. 40 near Buena; then west on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to its intersection with Rt. 610 (Aura Road); then southeast on Rt. 610 to its intersection with Rt. 655 (Fries Mills Road); then north on Rt. 655 to its intersection with Rt. 322; then west on Rt. 322 to its intersection with Rt. 47 at Glassboro; then north on Rt. 47 to its intersection with County Road 635 (Hurfordville-Grenloch Road); then eastward on County Road 635 to its intersection with County Road 705 (County House Road); then southeast along Rt. 705 to its intersection with County Road 688 (Turnerville-Hickstown Road); then eastward along County Road 688 to its intersection with County Road 689 (Berlin-Crosskeys Road); then northeast along County Road 689 to its intersection with Rt. 73 at Berlin; then south on Rt. 73 to its intersection with Rt. 30; then southeast along Rt. 30 to its intersection with Weymouth Road (Rts. 640-559); then southward on Weymouth Rd. to its intersection with the Atlantic City
Expressway; then west along the Atlantic City Expressway to its intersection with Eighth Street; then south along Eighth Street to its intersection with Rt. 322; then westward on Rt. 322 to its intersection with Rt. 54; then southward on Rt. 54 to its intersection with Rt. 40 near Buena, the point of beginning. Zone 65 is excluded from Zone 25.

26. Zone No. 26: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rts. 40 and 54 near Buena; then southeast on Rt. 40 to its intersection with Rt. 50; then north on Rt. 50 to its intersection with Rt. 322; then east on Rt. 322 to its intersection with Cologne Avenue; then north on Cologne Avenue to its intersection with Duere Street; then east on Duere Street to its intersection with Jimmie Leeds Rd.; then east on Jimmie Leeds Rd. to its intersection with Great Creek Rd.; then east on Great Creek Rd. to its intersection with Rt. 9; then north on Rt. 9 to its intersection with the Garden State Parkway; then to its intersection on the south shore of the Mullica River; then west along the south bank of the Mullica River to its intersection with Rt. 542 at Pleasant Mills; then west on Rt. 542 to its intersection with Nescochague Creek at Pleasant Mills; then north along the west bank of Nescochague Creek to its intersection with Great Swamp Branch; then westward along Great Swamp Branch to its intersection with Rt. 206 (just past the intersection of Rt. 206 and Middle Rd.); then south on Rt. 206 to its intersection with Rt. 30 (White Horse Pike), near Hammonton; then south on Rt. 30 to its intersection with Weymouth Road (Rts. 640-559); then south on Weymouth Road to its intersection with the Atlantic City Expressway; then northwest along the Atlantic City Expressway to its intersection with Eighth Street; then southwest along Eighth Street to its intersection with Rt. 322 (Black Horse Pike); then northwest along Rt. 332 to its intersection with Rt. 54; then southwest along Rt. 54 to its intersection with Rt. 40 at Buena, the point of beginning. The Atlantic County Park System (Zone 61) is excluded from Zone 26.

27. Zone No. 27: That portion of Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at Pole Tavern; then northwest on Rt. 40 to its intersection with Rt. 48; then west on Rt. 48 through Penns Grove to the Delaware River; then south along the east bank of the Delaware River to its intersection with the Salem Canal at Deepwater; then eastward along the south bank of the Salem Canal to its intersection with the Salem River; then southward along the west bank of the Salem River to its intersection with Rt. 49 at Salem; then southeast on Rt. 49 to its intersection with Salem County Rt. 667 (Pecks Corner-Cohansey Road) at Pecks Corner; then eastward along Rt. 667 to its intersection with Rt. 540; then east along Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to its intersection with Rt. 40 at Pole Tavern, the point of beginning.

28. Zone No. 28: That portion of Gloucester, Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at
Pole Tavern; then east on Rt. 40 to its intersection of Rt. 47 at Malaga; then south on Rt. 47 to its intersection of Rt. 49 in Millville; then west on Rt. 49 to its intersection with Salem County Rt. 667 (Pecks Corner-Cohansey Road) at Pecks Corner; then eastward along Rt. 667 to its intersection with Rt. 540; then east on Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to Pole Tavern, the point of beginning.

29. Zone No. 29: That portion of Salem and Cumberland Counties lying within a continuous line beginning with the intersection of Rts. 77 and 49 at Bridgeton; then northwest on Rt. 49 to its intersection with Alloway Creek at Quinton; then southwest along the northern bank of the Alloway Creek to its intersection with the Delaware River; then south along the eastern bank of the Delaware River to the Cohansey River; then along the northwest bank of the Cohansey River to Bridgeton, the point of beginning.

30. Zone No. 30: That portion of Cumberland County lying within a continuous line beginning at Fairton on the Cohansey River; then west along the south bank of the Cohansey River to the Delaware River; then southeast along the east bank of the Delaware River to the Maurice River; then north along the west bank of the Maurice River to Haleyville-Mauricetown Road (County Road 676); then west on Haleyville-Mauricetown Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.); then west along the C.R.R.N.J. line to its intersection with Newport-Centre Grove Road (County Road 629); then southwest on Newport-Centre Grove Road to its intersection with Rt. 553; then northwest on Rt. 553 to Fairton, the point of beginning.

31. Zone No. 31: That portion of Cumberland County lying within a continuous line beginning at the intersections of Rts. 77 and 49 at Bridgeton; then east on Rt. 49 to the Maurice River near Millville; then south along the west bank of the Maurice River near Millville; then south along the west bank of the Maurice River to Buckshutem Creek; then west on the north bank of Buckshutem Creek to its intersection with Buckshutem Road (County Road 670); then northwest on Buckshutem Road to its intersection with Cedarville Road (County Road 610); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 629); then southwest on Newport Centre Grove Road to its intersection with Rt. 553; then northwest along Rt. 553 to the Cohansey River at Fairton; then north on the east bank of the Cohansey River to Bridgeton, the point of beginning.

32. Zone No. 32: Not designated.

33. Zone No. 33: Not designated.

34. Zone No. 34: That portion of Cumberland and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 47 and Rt. 548 in Port
Elizabeth; then east on Rt. 548 to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with the Tuckahoe River at Head of the River; then eastward along the south bank of the Tuckahoe River and Atlantic-Cape May County line to Great Egg Harbor Bay; then continuing eastward along the Atlantic-Cape May County line to the Atlantic Ocean at the Great Egg Harbor Inlet; then southwest along the Atlantic Ocean to Delaware Bay; then north and west along the east bank of Delaware Bay to the Maurice River; then north along the east bank of the Maurice River to Port Elizabeth and Rt. 548, the point of beginning.

35. Zone No. 35: That portion of Salem and Gloucester Counties lying within a continuous line beginning at the east bank of the Delaware River at Penns Grove; then southeast on Rt. 48 to its intersection with Rt. 40; then southeast on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to the intersection with Rt. 610 (Aura Road); then southeast on Rt. 610 to its intersection with Rt. 47 at Clayton; then north on Rt. 47 to its intersection with County Rt. 635 (Lambs Road) at Glassboro; then west on Rt. 635 to its intersection with Mantua Creek at Glassboro; then northwest along the Mantua Creek to the Delaware River; then southwest along the east bank of the Delaware River, to Penns Grove, the point of beginning. Chester and Mond's Islands lying in the Delaware River are in this zone.

36. Zone No. 36: That portion of Bergen, Hudson, Essex, Passaic, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 287 in Oakland; then south along Rt. 287 to its intersection with Rt. 23; then northwest along Rt. 23 to its intersection with Rt. 618; then south along Rt. 618 to its intersection with Rockaway Valley Road; then southwest along Rockaway Valley Road to its intersection with Diamond Spring Road; then south along Diamond Spring Road to its intersection with West Main Street in Denville; then south along West Main Street to its intersection with Rt. 80; then east along Rt. 80 to intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 124 at Morristown; then southeast on Rt. 124 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the New Jersey Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line to Arthur Kill and west bank of the Hudson River; then west along the New Jersey-New York border to the point of beginning near Suffern.


39. Zone No. 39: That portion of Naval Weapons Station Earle, U.S. Department of the Navy designated as open for deer hunting, lying within Monmouth County. The Waterfront Section (formerly Zone 40) is now included in Zone 39.

40. (Reserved)

41. Zone No. 41: That portion of Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rt. 31 and Rt. 202 at Ringoes; then south along Rt. 31 to its intersection with Rt. 546 at then Pennington traffic circle; then west along Rt. 546 to the Delaware River; then north along east bank of Delaware River to its intersection with Rt. 202; then north along Rt. 202 to the point of beginning at Ringoes.

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 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. Zone No. 43: That portion of Cumberland County lying within a continuous line beginning at the intersection of Buckshutem Road (County Road 670) and Cedarville Road (County Road 610); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 629); then southwest on Newport Centre Grove Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.); then east on the C.R.R.N.J. line to its intersection with Haleyville Road (County Road 676) at Mauricetown Station; then east on
Haleyville Road to its intersection with the Maurice River at Mauricetown; then north along the west bank of the Maurice River to the north bank of Buckshutem Creek at Laurel Lake; then west along the north bank of Buckshutem Creek to Buckshutem Road; then northwest on Buckshutem Road to its intersection with Cedarville Road, the point of beginning.

44. Zone No. 44: Not designated.

45. Zone No. 45: That portion of Cumberland, Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Broad Street (Rt. 552 spur) and Delsea Drive (Rt. 47); then northeast along Rt. 552 spur to Rt. 552; then continuing northeast along Rt. 552 to its intersection with the Tuckahoe River at MilmAY; then south along the west bank of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill; then southeast on Rt. 49 to its intersection with Rt. 548; then west on Rt. 548 to its intersection with Delsea Drive (Rt. 47) and the Manumuskin River in Port Elizabeth; then west along the south bank of Manumuskin River to its intersection with the Maurice River; then north along the east bank of the Maurice River to its intersection with Rt. 49 in Millville; then east on Rt. 49 to its intersection with Delsea Drive (Rt. 47); then north on Rt. 47 to its intersection with Broad Street (Rt. 552 spur), the point of beginning.

46. Zone No. 46: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rt. 49 and the Tuckahoe River at Hunter's Mill; then southeast along Rt. 49 to its intersection with the Tuckahoe River and the Atlantic-Cape May County line at Head of River; then eastward along the north bank of the Tuckahoe River to Great Egg Harbor Bay and the Egg Harbor Township line on the Egg Harbor River; then northwest along the west bank of the Egg Harbor River to its intersection with Rt. 40 at Mays Landing; then west on Rt. 40 to its intersection with Estell Ave.; then south on Estell Ave. to its intersection with Rt. 552 then southwest on Rt. 552 to its intersection with the Tuckahoe River at MilmAY; then south along the east bank of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill the point of beginning. The Atlantic County Park System (Zone 61) is excluded from Zone 46.

47. Zone No. 47: That portion of Gloucester, Atlantic and Cumberland lying within a continuous line beginning at the intersection of Rts. 47 and 40 at Malaga; then southeast on Rt. 40 to its intersection with Estell Avenue; then south on Estell Avenue to its intersection with Rt. 552; then southwest on Rt. 552 to spur 552; then west on spur 552 to its intersection with Rt. 47 at Millville; then north on Rt. 47 to Malaga, the point of beginning.

48. Zone No. 48: That portion of Burlington County lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Route 38 near Moorestown; then east along Route 38 to its intersection with Route 530; then
east along Route 530 along the Pemberton by-pass to its intersection with the southern boundary of Joint Base McGuire-Dix-Lakehurst; then northward along the western Joint Base McGuire-Dix-Lakehurst boundary to its intersection with County Road 670; then east on County Road 670 to its intersection with Route 545 at Wrightstown; then northwest on Route 545 which becomes Farnsworth Avenue; then continuing northwest on Farnsworth Ave. to its intersection with W. Burlington Street; then southwest on W. Burlington Street to its intersection with Interstate 295; then north on Interstate 295 to its intersection with Crosswicks Creek at Bordentown; then west along the south bank of Crosswicks Creek to its intersection with the Delaware River at Bordentown; then southwest along the east bank of the Delaware River to Route 541 at the City of Burlington; then southeast along Route 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Route 38, the point of beginning. New Bold and Burlington Islands lying in the Delaware River are in this zone.

49. Zone No. 49: That portion of Gloucester, Camden and Burlington Counties lying within a continuous line beginning at the mouth of Mantua Creek on the Delaware River; then northeast along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along the Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 73; then south along Rt. 73 to its intersection with County Road 689 (Cross Keys Road) at Berlin; then southwest along County Road 689 to its intersection with County Road 688 (Turnersville-Hickstown Road); then west along County Road 688 to its intersection with County Road 705; then northwest along County Road 705 (County House Road) to its intersection with County Road 635 (Grenlode-Hurfville Road); then southwest on County Road 635 to its intersection with Mantua Creek; then northwest along Mantua Creek to its mouth at the Delaware River, the point of beginning. Petty Island lying in the Delaware River is in this zone.

50. Zone No. 50: That portion of Monmouth and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then southeast on Rt. 522 to the intersection with Rt. 537 at Freehold; then southwest on Rt. 537 to the intersection with business Rt. 33; then east on Rt. 33 to the intersection with the western edge of the fenced boundary of the Earle Naval Weapons Depot; then north and east along the fenced boundary of the Earle Depot to the intersection of County Route 38 (Wayside Rd.) and Rt. 547 at the most eastern point of the fenced boundary of Naval Weapons Station--Earle; then northeast on Rt. 547 to the intersection with the Garden State Parkway; then north on the Garden State Parkway to the intersection
with Rt. 36 near Eatontown; then east on Rt. 36 to the Atlantic Ocean; then north along the Atlantic coastline to the Raritan Bay; then south and west along the southern shore of Raritan Bay to Raritan River; then continuing west along the south bank of the Raritan River to the intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to the intersection with Rt. 522, the point of beginning. Monmouth Battlefield State Park (Zone 64), Naval Weapons Station, Earle (Zones 39 and 40), and Fort Monmouth (Zone 62), are excluded from this zone.

51. Zone No. 51: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 547 and Rt. 571 near Lakehurst; then southeast along Rt. 571 to the intersection with the Garden State Parkway; then south on the Garden State Parkway to its intersection with Rt. 72 near Manahawkin; then east along Rt. 72 to the Atlantic Ocean at Ship Bottom; then north along the Atlantic coastline to the intersection with Rt. 36 in Long Branch; then west on Rt. 36 to the intersection with the Garden State Parkway near Eatontown; then south on the parkway to the intersection with Rt. 547; then south on Rt. 547 to the intersection with county route 38 (Wayside Road) at the eastern fenced boundary of Naval Weapons Station, Earle; then south along the eastern fenced boundary of Naval Weapons Station, Earle to the intersection with Rt. 34; then south on Rt. 34 to the intersection with Tinton Falls Rd. and Rt. 33; then south on Tinton Falls Rd. to the intersection with Rt. 547 (Asbury Rd.); then south on Rt. 547 through Farmingdale to the intersection with Rt. 571, the point of beginning.

52. Zone No. 52: Not designated.


54. Zone No. 54: That portion of U.S. Army Armament Research and Development Command (ARRADCOM), U.S. Department of the Army, designated as open for deer hunting, lying within Morris County.

55. Zone No. 55: That portion of Gloucester County lying within a continuous line beginning at the intersection of Rts. 47 and 322 at Glassboro; then east along Rt. 322 (County Rt. 536) to its intersection with Rt. 655 (Fries Mill Road); then south on Rt. 655 to its intersection with Rt. 610 (Academy Avenue); then west on Rt. 610 to its intersection with Rt. 47 (Delsea Drive) at Clayton; then north along Rt. 47 to its intersection with Rt. 322 at Glassboro, the point of beginning.

56. Zone No. 56: Not designated.

57. Zone No. 57: Not designated.
58. Zone No. 58: Not designated.

59. Zone No. 59: Not designated.

60. Zone No. 60: Not designated.

61. Zone No. 61: Those portions of the Atlantic County Park System, County of Atlantic, designated as open for deer hunting, lying within Atlantic County.


63. Zone No. 63: That portion of Salem County lying within a continuous line beginning at the intersection of the Salem Canal and the Delaware River at Deepwater; then eastward along the south bank of the Salem Canal to its intersection with the Salem River; then southward along the west bank of the Salem River to its intersection with Rt. 49 at Salem; then southeastward on Rt. 49 to its intersection with Alloway Creek at Quinton; then, southwest along the northern bank of the Alloway Creek to its intersection with the Delaware River; then northward along the east bank of the Delaware River and New Jersey State line to Finns Point and Fort Mott State Park; then northward along the New Jersey State Line to the Delaware River; then northwest along the east bank of the Delaware River; then northwestward along the east bank of the Delaware River and New Jersey State line to its intersection with the Salem Canal at Deepwater, the point of beginning.

64. Zone No. 64: That portion of Monmouth Battlefield State Park, designated as open for deer hunting, lying within Monmouth County.

65. Zone No. 65: That portion of Camden and Gloucester Counties lying within a continuous line beginning at the intersection of Rt. 322 and County Road Rt. 659 (Malaga-New Brooklyn Road) in Monroe Township, Gloucester County; then northeast along Rt. 659 to its intersection with County Road Rt. 536 at New Brooklyn; then northward along Rt. 536 to its intersection with County Road Rt. 720 (Brooklyn-Blue Anchor Road); then southeast on Rt. 720 to its intersection with Rt. 73 near Blue Anchor; then southward along Rt. 73 to its intersection with Piney Hollow Road; then southwest along Piney Hollow Road to its intersection with Dutch Mill Rd. then west along Dutch Mill Rd. to its intersection with County Road Rt. 557 (Tuckahoe Rd.); then Northwest on Rt. 557 to its intersection with County Road Rt. 659 (Malaga Rd.); then North on Rt. 659 to its intersection with County Road Rt. 633 (Blue Bell Rd.); then south on Rt. 633 to its intersection with County Road Rt. 538 (Coles Mill Rd.); then east along Rt. 538 to its intersection with Rt. 322; then west along Rt. 322 to its intersection with County Road Rt. 659, the point of beginning.
66. Zone No. 66: That portion of Atlantic County including lands, roads, right of ways and easements within the contiguous boundary of the Federal Aviation Administration William J. Hughes Technical Center, excluding Laurel Memorial Park Cemetery. Lands open for deer hunting only and persons authorized to hunt deer on the facility shall be determined by the Federal Aviation Administration William J. Hughes Technical Center, the administrative agency.

67. Zone No. 67: That portion of High Point State Park, located north and east of Deckertown Turnpike (Rt. 650), designated as open to hunting, lying within Sussex County.

68. Zone No. 68: That portion of the Franklin Parker Preserve and Four Mile Spring Preserve, designated as open for hunting, lying within Woodland Township, Burlington County.

69. Zone No. 70: 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 table identifies the applicable regulation set, special area or undesignated status of each deer management zone.

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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. The following is a summary, for information purposes only, of the season lengths and the opening and closing dates, as well as other conditions applicable to each regulation set. Actual season lengths and other conditions and limitations are specified in N.J.A.C. 7:25-5.25 through 5.30. Should there be any inconsistency between the information below and the corresponding provision of N.J.A.C. 7:25-5.25 through 5.30, the provisions of N.J.A.C. 7:25-5.25 through 5.30 shall govern.

### Regulation Sets by Season Length and Bag Limits

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Note: The number of days per season may vary slightly from year to year due to annual calendar changes.

* Bag limits include one antlered deer per season except during the six-day firearm season where the bag limit is two antlered deer only; the bag limit in Regulation Set 0 is one deer of either sex; the antlerless bag limit is one antlerless deer only in Regulation Set 1, in all other regulation sets as stated.

(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 at N.J.A.C. 7:25-5.25 through 5.30.

Buck Goals and Management Strategies by Deer Management Zone

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47 1.03 54 Decrease 56
48 4 86 Stabilize 344
49 0 68 Decrease 0
50 1 137 Decrease 137
51 51 153 Decrease 153
52 Not designated
53 2 7.5 Decrease 15
54 3 10 Stabilize 30
55 5 5.6 Decrease 28
56 Not designated
57 Not designated
58 Not designated
59 Not designated
60 Not designated
61 2 5 Stabilize 10
62 Not designated
63 5 21 Stabilize 105
64 3 3 Decrease 9
65 65 17 Stabilize 85
66 2 3.3 Decrease 7
67 4 15 Decrease 60
68 1 16.3 Decrease 16
70 Not designated

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

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

(a) The Director with the approval of the Council may authorize the issuance of bow permit season permits for the taking of deer anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of bow permit deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and date thereof shall be announced by press and radio.

(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, 61, 66, and 68, except as noted 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, 61, 66, and 68 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 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 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. (Reserved.)

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, and 63, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. (Reserved.)

(d) Duration of the bow permit season is as set forth at (d)1 through 6 below. There is no season in Zones 38, 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 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.

2. The Saturday following the close of the fall bow season as specified 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, 61, 66, and 68.

3.-4. (Reserved.)
5. The Saturday following the close of the fall bow season as specified in N.J.A.C. 7:25-5.25(a)1 through the second to last Saturday in November in zones in Regulation Set 0.

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

(f) Method: The taking of two deer one antlered and one antlerless or two antlerless except as noted in (c) and (c)1 above or the taking of deer as designated for special hunts with a bow under a bow permit season permit or a farmer bow permit season permit, is permitted in designated deer management zones by holders of a bow permit season permit and on the farm occupied and designated in the application by holders of a farmer bow permit season permit.

1. Bow permit season permits will be issued on an individual basis to holders of valid and current bow licenses, persons who have a bow hunter education course pending as of the permit application period and qualified farmers.

2. For special deer management zones where the agency administering the affected lands requires hunters to attend a mandatory orientation session as a condition of access, failure to attend the designated session shall result in invalidation of the special bow season permit for the zone.

3. Limited quota, special deer permits for bow permit season will be issued on an individual basis to holders of valid and current bow licenses and qualified farmers. Limited quota, special deer permit zones include the following deer management zones: 37, 38, 39, 53, 54, 57, 58, 59, 61, and 66. Only one antlerless bow permit season permit may be purchased per zone. Only one antlered bow permit with antlered deer transportation tag may be purchased per season.

4. All other special deer permits for bow permit season will be issued on an individual basis to holders of valid and current firearm licenses and rifle permits via the Division's ELS or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate systems as may be designated by the Division. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits for the following deer management zones: 1-19, 21-31, 34-36, 41, 42, 43, 45-51, 55, 63, 65 and 68. Qualified farmers may obtain permits as provided in (i) below. Only one antlerless bow permit season permit may be purchased per zone. Only one
antlered bow permit with antlered deer transportation tag may be purchased per season.

(g) Permits consist of back display which includes a deer harvest report stub. The back display portion of the permit will be conspicuously displayed on the outer clothing in the case of the farmer bow and arrow permit season permit. The harvest report stub portion of the permit must be completely filled out and affixed to the deer immediately upon killing. This completely filled in deer transportation tag allows legal transportation of the deer of either sex to a location where the hunter may register his or her deer via an automated harvest report system. Hunters must use an antlered deer harvest report stub from their antlered bow permit, which is designated for use during the permit bow season, when registering an antlered deer. The antlered bow 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 bow permit. The antlered bow 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 bow permit with antlered deer harvest report stub must be purchased prior to the season open or at the time of the purchase of the initial antlerless bow permit if the season has already begun. Possession of a deer after 7:00 P.M. local time on the date killed without a legal confirmation number shall be deemed illegal under the AHRS.

(h) Bow Permit Season limited quota, special deer permits shall be applied for as follows:

1. Holders of valid bow and arrow licenses, including juvenile bow license holders, and all around sportsman licenses shall apply by submitting an application which has been properly completed in accordance with instructions. First time permit applicants who do not yet possess a valid hunting license may apply to a bow permit season hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application.

2. Application for a bow permit season permit shall not preclude an individual from applying for either the muzzleloader rifle or shotgun season permits.

3. Only one application for limited quota, bow permits may be submitted per regular bow license holder during the initial application period and only one application for a left-over permit may be submitted by any one individual during the initial application period. Application 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 bow deer permit.
4. The application shall be filled in to include: Conservation ID Number or name, address, current bow and arrow hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection, which are received during the period of June 1 to August 31. Applications made after August 31 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified. Any permit obtained by fraud is void.

6. Unless otherwise indicated, the non-refundable permit application fee payable to "Division of Fish and Wildlife" must accompany the completed application. If selected to receive a permit, the full permit fee will be payable to the Division.

7. Successful applicants will receive their permit by mail.

8. Nothing herein contained shall preclude the Division from issuing unfilled or unclaimed permits on a first-come, first-served basis to any properly licensed hunter or qualified farmer, after the permit selection process.

(i) Pursuant to the provisions of N.J.S.A. 23:3-56.1, Occupant and Non-occupant Farmer Bow Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate family of that farmer 10 years of age or older who reside in the farmer's household, may apply on forms provided for a farmer bow permit season permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of $500.00 and is tax assessed as farmland. Farmer bow permit season permits will be issued only in those deer management zones where a bow permit season is prescribed.

2. The owner or lessees of a farm, who does not reside thereon, and their immediate family 10 years of age or older, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, or their immediate family aged 10 and older.

3. Application forms may be obtained from:

   i. County Agricultural Agent,

   ii. Division of Fish and Wildlife, Mail Code 501-03, P.O. Box 420, Trenton, NJ 08625-0420; and
iii. Division field offices.

4. The application form shall be filled in to include: Conservation ID Number or name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be accepted during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and all qualified applications will receive a farmer permit bow season permit, delivered by mail.

5. Only one farmer application may be submitted per individual. Application for a farmer bow permit season permit shall not preclude an individual from applying for either the farmer muzzleloader rifle or shotgun permit seasons permits, or from applying for one regular bow permit season permit as a bow hunting license applicant. Application for more than the allowable number of permits during the initial application period will cause all applications by the individual to be void.

(j) Bow, Occupant Farmer Bow and Non-occupant Farmer Bow Permit Season Permits shall be used as follows:

1. The antlerless bow and arrow permit season permits are valid only in the deer management zone (DMZ) designated and are not transferable from individual to individual. The antlered bow permit is valid in any zone which the farmer has an antlerless permit for that season. The bow and arrow permit season permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. The occupant farmer antlerless bow permit season permits are valid only on the farm occupied and designated in the application and are not transferable from deer management zone to deer management zone, or from farm to farm or from individual to individual. The occupant farmer antlered bow permit is valid in any zone which the farmer has an antlerless permit for that season. The occupant farmer bow permit season permit hunter is responsible for hunting on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer antlerless bow season permits are valid only on private land within the deer management zone designated in the permit and are not valid on public lands within the DMZ. The non-occupant farmer antlered bow permit is valid only on private land within the deer management zone designated on the non-occupant farmer antlerless permit, or in any other zone for which the farmer has purchased an antlerless bow permit. The permits are not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer bow permit season hunter is responsible for
hunting on private lands in the correct DMZ as indicated and in ascertaining the boundaries.

(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:

<table>
<thead>
<tr>
<th>Deer Mgmt. Zone No.</th>
<th>Season Dates Code</th>
<th>Permit Quota</th>
<th>Portions of Counties Involved</th>
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(l) See (d)1 through 7 above for corresponding season date codes.

(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) Limited quota, bow and arrow permit season permits not applied for by the deadlines enumerated in (h)4 and (i)4 above may be reallocated to muzzleloader rifle or shotgun permit season permit applicants

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

(a) This section applies only to the Great Swamp National Wildlife Refuge. (Zone 38).

(b) Nothing in this section shall affect the validity or operation of any other section of this Code.

(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: 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 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.

(d) Bag Limit: Two deer, one antlered and one antlerless, or two antlerless, may be taken provided that the hunter has the appropriate antlered season permit in addition to the Zone 38 antlerless season permit. All tagging and registration regulations apply.
(e) Great Swamp permit shotgun season permits and permit muzzleloader season permits are valid only in designated portions of the Great Swamp National Wildlife Refuge and are not transferable.

(f) Method: The taking of the designated bag limit of deer with a Great Swamp (Zone 38) permit shotgun season permit or permit muzzleloader season permit will be permitted in designated areas of the Great Swamp National Wildlife Refuge. A total of 200 Great Swamp, shotgun permit season permits and 200 muzzleloader permit season permits will be issued. Daily hunter quotas, hunt procedures and hunting methods in this area shall be provided by the U.S. Fish and Wildlife Service.

(g) Procedures for applying for a Great Swamp permit shotgun season permit and a permit muzzleloader season permit will be the same as outlined in N.J.A.C. 7:25-5.28 and 5.29. Applicants for the Great Swamp Permit Shotgun Season Permit and Permit Muzzleloader Season Permit must indicate Zone 38 on the application in the space reserved for deer management zone number.

(h) All hunters shall comply with the instructions of State conservation officers, State deputy conservation officers, other Division personnel and instructions of U.S. Fish and Wildlife Service personnel.


7:25-5.32 Special Wildlife Management Permits

(a) Special permits, known as special wildlife management permits, may be issued by the Director, in his or her discretion for the taking of any game species, indigenous animal, exotic animal, potentially dangerous indigenous animal, or potentially dangerous exotic animal by any lawful manner and means and at any time subject to the requirements of this section. Such permits shall be valid for the times, conditions and areas or installations indicated thereon and need not conform to the provisions applicable to general permits.

(b) In granting this special wildlife management permit, the Director shall consider any data available to him including, but not limited to, damage being done to crops or property, the hazard posed to safe airport operations, the biological condition of the animal or any other special management problem. The permittee and their agent(s) shall adhere to the following conditions:

1. The permittee and their agents shall conform to applicable Federal, State, and local statutes, rules, codes, and ordinances pertaining to the use and discharge of firearms, and the setting of traps.
2. The permittee and their agents shall comply with the means, methods of take, dates, hours, recordkeeping requirements and other conditions prescribed by the Division and listed on the special wildlife management permit. Failure to comply with any of the conditions or requirements of the permit or the provisions of this subchapter may be cause for revocation of the permit and may cause denial of issuance of subsequent permits.

3. Only firearms prescribed by the Division may be used to kill wild deer, wild turkey, black bear, coyote, woodchuck, fox, raccoon, opossum, skunk or other wildlife listed on the permit. For situations involving the use of a firearm, the permit will not be issued until a field investigation is performed by Division personnel. Under exigent circumstances, the Division may issue a permit for one day only without prior confirmation of necessity by field investigation; provided that a field investigation can be performed by Division personnel within seven days.

4. Firearms shall not be discharged from any vehicle.

5. No loaded firearm shall be possessed and no firearm may be discharged within 450 feet of an occupied building or school playground unless the permittee or their agent has written authorization in hand from the owners or lessees of said building(s).

6. The permit is valid only for the lands, species, times and dates specified on the permit.

7. Permits issued to airports to control wildlife on or near runways will be valid only during the hours in which the airport runway(s) is/are operational, unless otherwise specified on the permit.

8. Permits must be made available for visual inspection to any interested party.

9. Division representatives must have access to lands listed on the permit at any reasonable time.

10. Permittees must keep written daily records of all shooting activity and mortality, including the date, species and sex of any animal killed. Said records must be available to the Division for inspection at any time.

11. Wildlife killed pursuant to the permit must be disposed of as prescribed by the permit. No wildlife killed under a permit may be sold or bartered; however, the Division may authorize the permittee to annually keep for consumption of meat only up to ten deer or five wild turkey or one black bear shot under a permit and/or may designate a not for profit or non-commercial organization that may
receive deer killed under the permit. Wildlife taken on the permit and designated for consumption shall be tagged immediately with possession seals provided by the Division. A written record including the date, possession seal number and person or organization receiving wildlife shall be made and provided to the Division within two weeks of the expiration of the permit. Deer antlers, turkey feathers, skins and other inedible parts must be disposed of and may not be kept by the permittee or their agents.

12. Wildlife carcass disposal shall be the responsibility of the permittee and shall be in compliance with State and local statutes, rules, codes, ordinances and the conditions of the permit. Transportation of wildlife carcasses for disposal shall be as directed by the Division.

13. All agents listed on the permit who are involved in the handling or shooting of firearms under the permit must have a valid New Jersey firearm license and a valid State of New Jersey Firearms Purchaser Identification Card. Persons listed on the permit that do not have a valid New Jersey Firearm License and a valid State of New Jersey Firearms Purchaser Identification Card may assist by holding lights, driving a vehicle, or other ways, but are prohibited from handling or shooting of firearms.

14. Within two weeks of the expiration of the permit, the permittee shall file a written report of activities. The report shall include the date, species and number of wildlife taken; the sex of any deer, black bear or turkey killed; and any additional information that may be required.

15. Failure to comply with any of the provisions of the subchapter or requirements of the permit may be reason to cause revocation of the permit or denial of subsequent permits.

(c) Issuance of additional permit shotgun and muzzleloader season deer permits for specific farms within oversubscribed deer management zones shall be based on the following criteria:

1. The farm must include an area of 10 acres or more, produce a gross income in excess of $500.00, be assessed as farm land and have a documented history of deer damage;

2. The permit shall only be valid for the specific farm applied for and shall not be transferable; and

3. Site specific permits shall be issued for use only on farms with a history of deer damage. Site specific shotgun permits will only be issued if the regular permits are sold out. Site specific muzzleloader permits will only be issued if the regular quota of muzzleloader permits is sold out. There will be no limit on the
number of site specific permits that can be issued. The permits shall be for antlerless deer only.

(d) Subject to the requirements of the subsection, the Director may, in his or her discretion, designate special deer management areas and issue Special Deer Management Permits to administer alternative deer control methods as part of an approved community based deer management plan.

1. As used in this section, except as otherwise noted:

"Agent" means a volunteer(s) or paid individual(s) listed by the cooperator on their Special Deer Management Permit to employ alternative deer control methods. Agents are restricted to weapons and/or ammunition as specified in the Game Code at N.J.A.C. 7.25-5.23 and 5.24.

"Alternative deer control methods" means those techniques other than traditional hunting employed to reduce deer populations, which techniques may include, but not be limited to, shooting by agents, capture and euthanize, capture and remove, the use of materials and methods to limit reproduction and controlled hunting.

"Biological carrying capacity" means the maximum number of deer that a given land area can support in good health over an extended period of time.

"Community based deer management plan" is a plan submitted by a cooperator in accordance with N.J.S.A. 23:4-42.4 and this section involving the use of alternate control methods to reduce the number of deer in an area designated as a special deer management area.

"Controlled hunting" means an alternative deer control method involving the capturing, taking or killing of deer during a modified season which is usually more restrictive than traditional hunting in terms of hunter density, methods of take, size of huntable area, etc. than deer hunting elsewhere in New Jersey as approved by the Council.

"Cooperator" means the local authority(ies), including airports, county boards of agriculture, county and municipal governing bodies, or a combination thereof, and/or instrumentalities thereof that have secured the approval of their applicable governing body(ies), cooperating in the administration of a community based deer management plan.

"Coordinator" means the Division of Fish and Wildlife employee(s) designated by the Director as the Division's official representative who with the local authority(ies) will develop and monitor the administration of the community based deer management plan.
"Council" means the Fish and Game Council which is an 11-member body which has legislative authority to determine seasons, bag limits and manners and means of take for game species, and establishes policy regarding these matters.

"Cultural carrying capacity" means the number of deer that can co-exist compatibly with the local human population in a given area.

"Deer" means white-tailed deer (Odocoileus virginianus).

"Director" means the Director of the Division of Fish and Wildlife.

"Division" means the New Jersey Department of Environmental Protection, Division of Fish and Wildlife.

"Huntable" means those sites on which, due to their size, location and available habitat, traditional or controlled deer hunting seasons can be conducted.

"Special Deer Management Area" is an area designated by the Division as an area having excessive agricultural or property damage caused by an over abundance of white-tailed deer or an area within and adjacent to an airport where deer constitute a hazard to the safe operation of aircraft.

"Special Deer Management Permit" is a permit issued to the cooperator by the Division upon approval of the community based deer management plan by the Division and the Council authorizing the reduction of a deer population within a designated special deer management area, subject to conditions set by the Division and Council.

"Traditional hunting" means the pursuit of deer by licensed hunters during annual prescribed open seasons as approved by the Council and provided by the game code (firearm and bow) without additional restrictions.

2. A cooperator experiencing significant agricultural or property damage caused by deer or a significant number of deer-vehicle collisions caused by deer or a hazard to the safe operation of aircraft caused by deer may request assistance from the Division in order to develop an application requesting designation of a special deer management area(s) for lands under their jurisdiction. Such applications shall contain a quantitative description of the significant damage caused by deer to agricultural crops or property, or the number of deer-vehicle collisions within the proposed special deer management area; and a map and description of the proposed deer management area, including the approximate acreage of the proposed deer management area. Whenever possible, the boundaries of the area shall coincide with readily recognizable boundaries such as roads, natural features such as streams or already established legal boundaries such as well posted property or administrative boundaries.
i. A cooperator may submit an application for designation as a special Deer Management Area concurrently with an application for approval of a community based deer management plan. Two or more municipalities may submit a single application for a special deer management area that covers more than one municipality.

ii. The Division or the county board of agriculture may request the Center for Wildlife Damage Control of Rutgers University to coordinate and facilitate the development of a special deer management area and a community based deer management plan for an agricultural area.

iii. After consultation with the cooperator, the Division and Council may modify the area proposed for designation in an application.

3. Following the designation of a Special Deer Management Area or concurrent with the application for such an area, the cooperator, with the Division coordinator and, if applicable, the Center for Wildlife Damage, may submit for approval by the Division and Council a community based deer management plan. Such plan shall be submitted to the Division 120 days prior to the proposed date of implementation and shall:

i. Include a quantitative estimate of the current deer population or deer population density and the intended target population or density necessary to reduce the damage caused by deer;

ii. Describe the proposed alternative control methods to reduce the number of deer in the special deer management area including the extent to which traditional hunting is or is not applicable. The description of the proposed alternative method shall include detailed information, including but not limited to, the capture methodology, the type of traps and destination of deer to be removed or the method of euthanasia; the culling methodology including type of weapons, type of ammunition, hours of culling activities, shooting methodology such as baiting, shooting from platforms or detailed information on other methods to be employed. Any proposal for reduction by limiting reproduction shall also adhere to the provisions of N.J.A.C. 7:25-5.37, in addition to those applicable provisions of this section N.J.A.C. 7:25-5.32;

iii. Identify any organization that shall participate in the implementation of the alternative control methods proposed in the plan, and describe their qualifications. Cooperators shall include documentation denoting that volunteers or employees of the cooperator, or their agents which will cull deer using firearms possess a valid firearm hunting license, a valid rifle permit if required, and a valid New Jersey Firearms Purchaser
Identification Card or proof that the person is in compliance with the applicable laws of the person's state of residence. Cooperators shall provide a notarized letter that all agents involved in culling deer using firearms have passed the following shooting qualifications. Agents using rifles are required to pass that portion of the New Jersey Division of Criminal Justice, Scoped Rifle Qualifications from 50 and 25 yards which requires shooting two-inch and one and one-half inch targets from a sitting or kneeling position with artificial support. Agents using shotguns with slugs must be able to shoot a three-inch group, twice at 40 yards. Unless otherwise authorized, qualified agents using rifles must shoot deer at no more than 50 yards. Unless otherwise authorized, qualified agents using shotguns must shoot deer at no more than 40 yards;

iv. Describe the methods and timing thereof that shall be used to notify the public, including residents located within and adjacent to the special deer management area, of the alternative control methods proposed in the plan and the specific times and places when and where they will be used. Such methods shall at a minimum include written notice to adjacent landowners when the control method includes culling deer;

v. Describe the precautions that will be taken to ensure the safety of the public. Such provisions shall at a minimum include the use of local police or appropriate law enforcement authority to enforce the closure of roads if necessary, the restriction of the normal use of public land not normally open to hunting, when deemed necessary by the Division or Council, or if required by the county prosecutor as a condition for the use of silencers or suppressors;

vi. Document the written consent of each affected landowner for access to that person's land if access to private property is necessary to implement the plan;

vii. Attach a resolution adopted by the cooperator's governing body endorsing the application for approval of a community based deer management plan and special deer management permit. If the proposed alternate control methods require exemptions from restrictions concerning traditional weapons and/or ammunition used for deer hunting, exemptions regarding the hunting by the aid of lights and/or motor vehicles, the transportation of weapons within motor vehicles and/or the normal hours authorized for hunting deer, a resolution endorsing the plan adopted by the governing body of the municipality(ies) in which the special deer management area is located shall also be included;

viii. Include a description of a plan to implement the following measures: discouragement of deer feeding, support of traditional hunting where
practicable, reasonable efforts to utilize deer killed by non-traditional means, including a plan by the cooperator to ensure donation of venison to the needy;

**ix.** If the alternate deer control includes the use of silencers or suppressors, include prior written authorization from the county prosecutor of the county in which the special deer management area is located; and

**x.** Include such additional information as the Division or the Council may determine to be necessary to properly review a community based deer management plan.

4. All costs associated with the application of alternative deer control options, including, but not limited to, those associated with the processing of venison, shall be borne by the Cooperator.

5. Fertility control methodologies, including contraception, contragestation and sterilization materials and procedures, may be used by the cooperator and/or its agents who have been issued the Special Permit to Inhibit Wildlife Reproduction approved by the Council and issued by the Division at N.J.A.C. 7:25-5.37. Approval for such efforts shall be restricted to bona fide researchers, following review and approval of a study plan by the Council and the Department of Animal Science, Cook College-Rutgers University. Any experimental use of chemicals and vaccines to inhibit wildlife reproduction on free-ranging deer populations shall be restricted to those individuals granted an Investigational Exemption for a New Animal Drug (INAD) by the U.S. Food and Drug Administration and the Special Permit to Inhibit Wildlife Reproduction, for use of those specific substances at specified locations.

6. Upon approval of the Special Deer Management Area and community based deer management plan by the Division and the Council, the Division shall issue a special deer management permit authorizing the cooperator to implement the alternate control method(s). The permit shall incorporate the community based deer management plan by reference and shall identify duration of the permit, the time, place and alternate control method authorized by the Division and Council, the name of each individual authorized to administer the alternate control method, any exemption or variance from a law, rule or regulation authorized by the Council and any special conditions established by the Council.

**i.** Individuals administering the alternative control method must not have been convicted of any violation of the fish and game laws of this State or any other state, or of any violation of any provision of the New Jersey Fish or Game Codes within five years of the issuance of the special deer management permit; or of violation of any law or rules authorized by these
7. No person shall implement an alternate control method except when in possession of a Special Deer Management Permit issued by the Division. The permittee shall provide a copy of the permit issued by the Division to that individual named in the permit that is authorized to administer the alternate control method.

8. During the implementation of the alternate control method, the Division may monitor operations in order to ensure compliance, ensure public safety, ensure the proper treatment of any animals captured, ensure proper disposition of deer remains, carcasses and/or venison. Unless otherwise authorized on the permit, antlers and other parts not disposed of are the property of the State.

9. Upon expiration of a special deer management permit, the cooperator shall file a report, which shall include information on the costs, and efficacy of the alternate control method(s) employed to reduce the deer population and reduce deer damage.

10. Failure to comply with any of the provisions or requirements as contained in the Special Deer Management Permit and any applicable law may be cause for revocation of the permit or denial of subsequent permits.


7:25-5.33 Pheasants and quail stamp designated areas

(a) A person, attempting to hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or possess any pheasant or quail on any Division-stocked Wildlife Management Area or Federal property must be in possession of a valid "pheasant and quail" stamp.

1. No person shall at any time hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or have in possession any pheasant or quail in the following designated wildlife management areas unless such person has first procured and has in possession a valid special "pheasant and quail" stamp.

2. Designated wildlife management areas:

   Assunpink
   Berkshire Valley
   Manahawkin
   Manasquan River
Black River Medford
Clinton Millville
Colliers Mills Peaslee
Dix Pequest
Flatbrook-Roy Port Republic
Fort Dix Rockport
Glassboro
Greenwood (including Winslow Pasadena-Howardsville)
Heislerville Tuckahoe
Mad Horse Walpack
And Federal property: Whittingham
Delaware River Gap National Recreation Area.

3. Any person subject to this section, while engaged in hunting for small game with firearms on Wildlife Management Areas enumerated in this section, shall wear a cap of fluorescent hunter's orange meeting the specifications set forth in N.J.S.A. 23:4-13.1.

4. Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-61.1, 23:3-61.2, 23:3-61.3, 23:3-61.4, and other applicable statutes

7:25-5.34 Controlled hunting – hunting restrictions on wildlife management areas

(a) No wildlife management areas have been selected for limited hunter density.

(b) Authority: 13:1B-30, 23:4-1, 23:4-12, 23:7-9 and other applicable statutes

7:25-5.35 Special wildlife salvage permit

(a) Special permits known as scientific salvage permits may be issued by the Director for the salvage and possession of accidentally killed or naturally dead wildlife other than migratory birds and nongame birds and endangered wildlife species that are named on the State of New Jersey and the federal lists of each endangered species.

(b) The special permits may be issued to properly accredited persons associated with educational or scientific institutions for strictly educational or scientific purposes only. In the event that the permittee separates from the educational or scientific institution, the special permit shall become void. Specimens collected by the permittee will remain with the educational or scientific institution. If the educational or scientific institution does not want to retain the specimen collection or ceases to exist, the permittee shall contact the Division for proper disposition of specimens.

(c) The scientific salvage permit issuance fee shall be $7.00 to defray expenses attending granting the permit and the permit shall be valid until revoked for cause and shall not be transferable. The permittee shall submit an annual report of activities by January 31 to the Division. The report shall include the species and number of specimens collected, the date of acquisition of each specimen and the disposition of each specimen.
Failure to submit an annual report of activities by the due date shall result in permit revocation.

(d) Upon proof that a holder of the special salvage permit has killed, injured, destroyed or attempted to kill, injure or destroy with any weapon, trap, cable restraint or other device of any kind any wild animal, except as provided by N.J.S.A. Title 23 or the proper Game Code, or has in possession any species of wildlife other than those named in this permit or other wildlife possession permit, the special permit shall become void and the permit holder shall be subject to the penalties provided by law.


7:25-5.36 White-tailed deer (Odocoileus virginianus) special biological permit

(a) Notwithstanding any other provision in this Code, Division personnel may issue a second permit to a hunter who presents a lawfully taken deer found unfit for human consumption.

(b) Special permits, known as Deer Management Assistance Program (DMAP) permits, may be issued by the Director, in his or her discretion, for the taking of antlerless deer during the Permit Bow, Permit Shotgun, or Permit Muzzleloader seasons subject to the requirements of this subsection. All requirements applicable to the aforementioned hunting seasons pursuant to this subchapter apply. DMAP permits are non-transferable.

1. In granting DMAP permits, the Director shall consider any data available to him or her including, but not limited to, damage done to crops or property, ecological damage, the hazard posed to safe airport operations, the biological condition of the herd, or any other special management problem occurring on the property for which the DMAP permit(s) are requested. The applicant shall also provide any existing management plans for the property which support the need for DMAP permit(s); and any available biological data collected from previous deer management efforts. The applicant and the hunters receiving DMAP permits and acting as agent(s) of the applicant shall adhere to the following conditions:

   i. The applicant and their agents shall conform to applicable Federal, State, and local statutes, rules, codes, and ordinances pertaining to the use and discharge of firearms.

   ii. The applicant and their agents shall comply with the means, methods of take, dates, hours, recordkeeping requirements, and other conditions prescribed by the Division and listed on the DMAP application. Failure to comply with any of the conditions or the provisions of this subsection or previous sections may be the cause for revocation of the permits and may cause the denial of subsequent permits.
iii. Only the bows or firearms prescribed for the hunting of deer by the Division in N.J.A.C. 7:25-5.23 and 5.24 may be used to kill deer. The permit(s) will not be issued until a field investigation is performed by Division personnel.

iv. The permits are valid only for the lands specified on the application.

v. All deer taken pursuant to the DMAP shall be tagged immediately with the transportation tag included on the permit. Any applicant or their agent killing a deer on a DMAP permit must transport this deer to an authorized checking station by 7:00 P.M. on the date killed to secure the legal possession tag. If the deer check station system is no longer in use, deer harvested under this permit shall be tagged immediately and checked in via the AHRS.

vi. Applicants or their agents must keep written daily records of all hunting activity and mortality, including the date, sex, age, weight, number of antler points, antler beam measurement, and possession tag number of any animal killed. Said records must be available to the Division for inspection upon request.

vii. Within two weeks of the conclusion of the deer season, the applicant shall file a written report of activities. The report shall include the conservation identification number (CID) of the agent(s), and the dates, sex, age, number of antler points, antler beam measurement, and weights of any deer taken, and any additional biological information that may be applicable. If no deer are killed, the agent’s CID number and dates of activity shall be listed.

2. Permits will only be issued to properties in deer management zones with a limited antlerless bag limit, or if the regular zone quota of permits is sold out. Permits will be issued at a rate of one per 10 acres.

i. DMAP permits will be priced at the same rate as regular deer season permits. Permits will be issued by the Division. Up to two DMAP permits may be issued per agent, per property.

ii. Each DMAP permit allows for the taking of two antlerless deer only.

iii. Pursuant to the provisions of N.J.S.A. 23:3-56.1, a farmer and his or her immediate family will be issued one DMAP permit per person, without charge.
iv. Applicants or agents hunting under the DMAP must have a valid and current hunting license and permits required for the appropriate season, with the exception of the farmer hunting license exemption, as specified in N.J.S.A. 23:3-1(e).


7:25-5.37 Special permit to inhibit wildlife reproduction

(a) No person shall administer or otherwise employ the use of fertility control materials and/or methodologies including, but not limited to, those which result in contraception, contragestation and/or sterilization to any species of free ranging wildlife without first procuring a permit approved by the Council and issued by the Division under this section. No person shall employ any physical alteration or device that would alter the reproduction potential of any free-ranging wildlife species without first procuring a permit as required. The possession of such unauthorized materials or devices in the field shall be considered the attempt to take wildlife contrary to the provisions of the code. Prior to submission of an application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the fertility control procedure, the credentials of the person(s) who will administer the contraceptive procedure, the purpose or intent of the procedure and an assessment of environmental impacts. The Division in cooperation with the Department of Animal Science, Cook College-Rutgers University and other scientists who may be selected by the Division will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and the anticipated environmental impacts affecting both wildlife and humans and the probability of success in controlling free-ranging wildlife populations. The permit shall identify the time, place and methodology to be utilized and any special conditions established by the Council.

(b) The authority for the adoption of the foregoing subsection is found in N.J.S.A. 13:1B-30, 23:4-1, 23:4-11, 23:4-42, 24:4-488, and other applicable statutes.

7:25-5.38 Fish and Game Law Enforcement Region Headquarters

(a) Northern Region Office--Clinton WMA Region Office, 26 Rt. 173 West, Hampton, N.J. 08827, (908) 735-8240.

(b) Central Region Office--Assunpink WMA, 1 Eldridge Road, Robbinsville, NJ 08691 (609) 259-2120.

(c) Southern Region Office--Winslow WMA, 220 Blue Anchor Road, Sicklerville, NJ 08081, (856) 629-0555.

(d) DEP Action Line, 1-877-WARN DEP (927-6337)
7:25-5.39 Severability

If any provision of this Code adopted hereunder or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to persons and circumstances other than those to which it is held invalid, shall not be affected thereby.

SUBCHAPTER 6. Fish Code

7:25-6.1 General provisions

(a) Authority. This Code is adopted pursuant to the provisions of N.J.S.A. 13:1B-29 et seq. and the provisions of N.J.S.A. 23:1-1 et seq.

(b) Judicial notice. N.J.S.A. 13:1B-34 provides in pertinent part, "(C)opies of the State Fish & Game Code, and its amendments, duly certified by the chairman of the council, shall be received in evidence in all court or other judicial proceedings in the State."

(c) Time. The hours listed in this Code are EST or EDT at date.

(d) Fishing for all species of freshwater fish is permitted 24 hours daily except on those days that certain trout waters are closed for stocking during March, April and May, pursuant to N.J.A.C. 7:25-6.3 and 6.4.

(e) Freshwater fish in excess of the daily limit may be caught, when permitted, provided they are immediately returned to the water unharmed.

(f) Except as provided in N.J.A.C. 7:25-6.20, or when fishing from a boat, canoe, kayak or similar vessel, the number of rods, and lines or hand lines shall not exceed three per person.

(g) The possession and/or release of live potentially dangerous fish species, identified in N.J.A.C. 7:25-6.2, is strictly prohibited. Potentially dangerous fish species encountered while angling shall be destroyed. There are no season, minimum size or creel limits on these species.

(h) Except 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, respectively, species of indigenous fish, identified in N.J.A.C. 7:25-6.2, that do not have specified daily creel limits, may not be taken or possessed at any time. For all other species of freshwater fish that do not have specified daily creel and possession limits, the daily creel and possession limit in waters other than Greenwood Lake and the Delaware River between New Jersey and Pennsylvania shall be 25 in total.
(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 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. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice. 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 email list. Members of the public can subscribe to the list from the Division's website at www.NJFishandWildlife.com.

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.

"Baitfish" means the following species:

1. Alewife (landlocked form)  
   Alosa pseudoharengus;
2. American Eel  
   Anguilla rostrata, greater than nine inches in length;
3. Banded Killifish  
   Fundulus diaphanus;
4. Creek Chub  
   Semotilus atromaculatus;
5. Fallfish  
   Semotilus corporalis;
6. Fathead Minnow  
   Pimephales promelas;
7. Gizzard Shad  
   Dorosoma cepedianum;
8. Golden Shiner  
   Notemigonus crysoleucas;
9. Margined Madtom  
   Noturus insignis;
10. Mummichog  
    Fundulus heteroclitus; and
11. Tadpole Madtom  
    Noturus gyrinus.

"Brook Trout Conservation Zone" means all waters within the northwest region of the State, delineated by Interstate 287 to the east, Route 202 to the south, the New York/New Jersey border to the north, and extending to, but not including, the Delaware River to the west.

"Closed season" shall mean a period of time during which the taking of one or more species of fish is not permitted.

"Closed waters" means those waters in which angling is not permitted, particularly in reference to time.

"Code" means the State Fish Code.

"Creel or possession limit" means the total number of fish that are legally retainable. Most normally this is expressed on a daily basis.
"Creeled trout" shall mean any trout which a fisherman has in his possession.

"Director" means Director of the Division.

"Division" means the Division of Fish and Wildlife.

"Fathom" shall mean a unit of measure equal to six feet.

"Foodfish" for the purpose of N.J.A.C. 7:25-6.11 only, means the following species:

1. American Eel Anguilla rostrata;
2. American Shad Alosa sapidissima;
3. Black Bullhead Ameiurus melas;
4. Bowfin Amia calva;
5. Brown Bullhead Ameiurus nebulosus;
6. Common Carp Cyprinus carpio;
7. Channel Catfish Ictalurus punctatus;
8. Gizzard Shad Dorosoma cepedianum;
9. White Catfish Ameiurus catus;
10. White Perch Morone americana;
11. White Sucker Catostomus commersoni;
12. Yellow Bullhead Ameiurus natalis;
13. Yellow Perch Perca flavescens; and
14. Any other marine fish species that is legal for taking with net in marine waters, except Striped Bass, Alewife and Blueback Herring.

"Indigenous fish" means the following species and all hybrids and strains thereof, including the young or eggs of any such species:

1. Alewife Alosa pseudoharengus
2. American Eel Anguilla rostrata
3. Banded Killifish Fundulus diaphanus
4. Blueback Herring Alosa aestivalis
5. Bullhead, Brown Ameiurus nebulosus
6. Bullhead, Yellow Ameiurus natalis
7. Catfish, White Ameiurus catus
8. Creek Chub Semotilus atromaculatus
9. Creek Chubsucker Erimyzon oblongus
10. Dace, Blacknose Rhinichthys atratulus
11. Dace, Longnose Rhinichthys cataractae
12. Darter, Shield Percina peltata
13. Darter, Swamp Ethoestoma fusiforme
14. Darter, Tesselated Ethoestoma olmstedi
15. Eastern Mosquitofish Gambusia holbrooki
16. Eastern Mudminnow Umbra pygmaea
17. Fallfish Semotilus corporalis
18. Hogchoker Trinectes maculatus
19. Hogsucker, Northern Hypentelium nigricans
20. Lamprey, American Brook Lampetra appendix
21. Lamprey, Sea Petromyzon marinus
22. Longnose Gar Lepisosteus osseus
23. Madtom, Margined Noturus insignis
24. Madtom, Tadpole Noturus gyrinus
25. Minnow, Cutlips Exoglossum maxillimina
26. Minnow, Eastern Silvery Hybognathus regius
27. Mummichog Fundulus heteroclitus
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<th>Fish Name</th>
<th>Scientific Name</th>
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<tr>
<td>28.</td>
<td>Perch, Pirate</td>
<td>Aphredoderus sayanus</td>
</tr>
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<td>29.</td>
<td>Perch, White</td>
<td>Morone americana</td>
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<tr>
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<td>Perch, Yellow</td>
<td>Perca flavescens</td>
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<tr>
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<td>Pickerel, Chain</td>
<td>Esox niger</td>
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<tr>
<td>32.</td>
<td>Pickerel, Redfin</td>
<td>Esox americanus</td>
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<tr>
<td>33.</td>
<td>Pumpkinseed</td>
<td>Lepomis gibbosus</td>
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<td>Quillback</td>
<td>Carpiodes cyprinus</td>
</tr>
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<td>35.</td>
<td>Sculpin, Slimy</td>
<td>Cottus cognatus</td>
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<td>36.</td>
<td>Shad, American</td>
<td>Alosa sapidissima</td>
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<td>37.</td>
<td>Shad, Gizzard</td>
<td>Dorosoma cepedianum</td>
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<td>38.</td>
<td>Shad, Hickory</td>
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<td>Shiner, Golden</td>
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<td>45.</td>
<td>Shiner, Spotfin</td>
<td>Cyprinella spiloptera</td>
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<td>Shiner, Swallowtail</td>
<td>Notropis proce</td>
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<td>Stickleback, Fourspine</td>
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<td>Sturgeon, Shortnose</td>
<td>Acipenser brevirostrum</td>
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<td>54.</td>
<td>Sucker, White</td>
<td>Catostomus commersonii</td>
</tr>
<tr>
<td>55.</td>
<td>Sunfish, Banded</td>
<td>Emmeacanthus obesus</td>
</tr>
<tr>
<td>56.</td>
<td>Sunfish, Blackbanded</td>
<td>Emmeacanthus chaetodon</td>
</tr>
<tr>
<td>57.</td>
<td>Sunfish, Bluespotted</td>
<td>Emmeacanthus gloriosus</td>
</tr>
<tr>
<td>58.</td>
<td>Sunfish, Mud</td>
<td>Acantharchus pomotis</td>
</tr>
<tr>
<td>59.</td>
<td>Sunfish, Redbreasted</td>
<td>Lepomis auritus</td>
</tr>
<tr>
<td>60.</td>
<td>Trout, Brook</td>
<td>Salvelinus fontinalis</td>
</tr>
</tbody>
</table>

"In-season stocking period" shall mean April 12, 2021 through May 28, 2021, for the 2021 trout season, April 11, 2022 through May 27, 2022, for the 2022 trout season, April 10, 2023 through May 26, 2023, for the 2023 trout season, April 8, 2024 through May 24, 2024, for the 2024 trout season, and April 7, 2025 through May 23, 2025, for the 2025 trout season.

"Natural bait" means any bait that in its live, preserved or original form would be consumed by fish.

"Open waters" (all sections except N.J.A.C. 7:25-6.9) means those waters in which angling is permitted, particularly in reference to time.

"Open waters" (N.J.A.C. 7:25-6.9) means those waters not covered with ice.

"Opening day" shall mean 8:00 A.M. on April 10, 2021, for the 2021 trout season, 8:00 A.M. on April 9, 2022, for the 2022 trout season, 8:00 A.M. on April 8, 2023, for the 2023 trout season, 8:00 A.M. on April 6, 2024, for the 2024 trout season, and 8:00 A.M. on April 5, 2025, for the 2025 trout season.
"Oswego bass" or "black bass" shall mean largemouth and smallmouth bass.

"Possession" means all fish, live or dead, under the control of the fisherman. No more than the daily creel limit of any fish for one person may be held on a stringer or in a container. On board containers, in boats, may only contain the combined daily creel limit of any fish for each legal fisherman aboard.

"Potentially dangerous fish" means the following species:

1. Asian Swamp Eel Monopterus albus
2. Bighead Carp Hypophthalmichthys nobilis
3. Black Bass species other than Micropterus spp. other than M. salmoides and M. dolomieu
4. Largemouth Bass and Smallmouth Bass
5. Blue Catfish Ictalurus furcatus
6. Flathead Catfish Pylodictis olivaris
7. Grass Carp (diploid) Ctenopharyngodon idella
8. Green Sunfish Lepomis cyanellus
9. Oriental Weatherfish Misgurnus anguillicaudatus
10. Round Goby Neogobius melanostomus
11. Snakeheads Channa spp.
12. Silver Carp Hypophthalmichthys molitrix
13. Warmouth Lepomis gulosus

"Pre-season closure" shall be the period from midnight March 21, 2021 to 8:00 A.M. on April 10, 2021, for the 2021 trout season, the period from midnight March 21, 2022 to 8:00 A.M. on April 9, 2022, for the 2022 trout season, the period from midnight March 20, 2023 to 8:00 A.M. on April 8, 2023, for the 2023 trout season, the period from midnight March 18, 2024 to 8:00 A.M. on April 6, 2024, for the 2024 trout season, and the period from midnight March 17, 2025 to 8:00 A.M. on April 5, 2025, for the 2025 trout season. Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout.

"Private fishing club" shall mean an incorporated or unincorporated organization that as an organization owns or leases a section of a river for the purposes of fishing that is not open to the general public.

"Set line" means a line(s) to which a hook(s) is attached placed in freshwaters of the State for the purpose of taking fish or turtles, that is secured to shore, or to a fixed or buoyant object, except as permitted when ice fishing. All rods, reels, or hand lines not under immediate control will be considered unattended and considered a set line. In accordance with N.J.S.A. 23:5-13, set lines are prohibited in any State water inhabited by Pickerel, Pike, Pike Perch, Black Bass, Oswego Bass, White Bass, Calico Bass, Perch, or Trout.

"Size limit" means the legal length of fish and may be expressed as a minimum size or a maximum size of a fish that may be retained. Length shall be the maximum total length.

"Snagging" means the hooking of fish other than inside the mouth, through the action of the fisherman.
"Trout" shall include the following species and all hybrids and strains thereof:

1. Atlantic (landlocked) Salmon Salmo salar
2. Brook Trout Salvelinus fontinalis
3. Brown Trout Salmo trutta
4. Lake Trout Salvelinus namaycush
5. Rainbow Trout Oncorhynchus mykiss

"Unattended" means user not available for questioning by officer at the time of inspection.

"Warmwater fish" includes the following species and all hybrids and strains thereof:

1. Banded Sunfish Enneacanthus obesus
2. Blackbanded Sunfish Enneacanthus chaetodon
3. Black Crappie Pomoxis nigromaculatus
4. Bluegill Lepomis macrochirus
5. Bluespotted Sunfish Enneacanthus gloriosus
6. Brown Bullhead Ameiurus nebulosus
7. Chain Pickerel Esox niger
8. Channel Catfish Ictalurus punctatus
9. Largemouth Bass Micropterus salmoides
10. Longear Sunfish Lepomis megalotis
11. Mud Sunfish Acantharchus pomotis
12. Muskellunge Esox masquinongy
13. Northern Pike Esox lucius
14. Pumpkinseed Lepomis gibbosus
15. Redbreast Sunfish Lepomis auritus
16. Redear Sunfish Lepomis microlophus
17. Redfin Pickerel Esox americanus americanus
18. Smallmouth Bass Micropterus dolomieu
19. Striped Bass Morone saxatilis
20. Walleye Sander vitreus
21. White Catfish Ameiurus catus
22. White Perch Morone americana
23. White Crappie Pomoxis annularis; and
24. White Sucker Catostomus commersoni
25. Yellow Bullhead Ameiurus natalis
26. Yellow Perch Perca flavescens

7:25-6.3 Trout

(a) Except as provided in N.J.A.C. 7:25-6.4, 6.5(a), 6.7 to 6.9, 6.19, 6.20 and (b)1 below, trout season shall commence 12:01 A.M. January 1 and extend to the pre-season closure. The trout season shall re-open on opening day and extend to include midnight December 31.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.5(a), and 6.7 to 6.9, (b)1 and (j) below, it shall be unlawful to fish for any species of fish during the pre-season closure in ponds, lakes, or those portions of streams that are listed herein for stocking.

1. Lake Hopatcong, Morris/Sussex County; Lawrence Brook, from Davidson's Mill Road bridge downstream to Farrington Lake dam, Middlesex County; Mountain Lake, Warren County; Swartswood Lake, Sussex County; Shenandoah Lake, and Prospertown Lake, Ocean County, will remain open to angling year-
round. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.

(c) There shall be a nine-inch minimum size for Brook Trout, Brown Trout, Rainbow Trout, or hybrids and strains thereof except as designated for Brook Trout in (e)1 below, and within special regulation trout fishing areas, N.J.A.C. 7:25-6.4 to 6.9. Except within the Pequest River drainage, purchased 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 for Trophy Trout Lakes, N.J.A.C. 7:25-6.8, the minimum size for Atlantic (landlocked) salmon shall be 12 inches with a daily bag and possession limit of two and the minimum size limit for Lake Trout shall be 15 inches with a daily bag and possession limit of two.

(e) Except as provided in special regulation trout fishing areas, N.J.A.C. 7:25-6.4 through 6.9, the daily possession limit for Brook Trout, Brown Trout, Rainbow Trout, or their hybrids and strains thereof is as follows:

1. All Brook Trout caught within the Brook Trout Conservation Zone, regardless of size, shall be immediately released unharmed.

2. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from January 1 to the pre-season closure.

3. A person shall not take, kill or have in possession, in one day, more than six in total from opening day until May 31.

4. A person shall not take, kill or have in possession, in one day, more than four in total from June 1 until December 31.

(f) Except as provided in N.J.A.C. 7:25-6.4, 6.5(a), and 6.7, waters with listed stocking dates shall be closed to all fishing from 5:00 A.M. to 5:00 P.M. on listed dates; included in these waters are all feeder and tributary streams for a distance of 100 feet from the main channel.

(g) Except as provided in N.J.A.C. 7:25-6.4, 6.5(a), and 6.7, no person shall catch, take, kill or possess trout during the closed period (5:00 A.M. to 5:00 P.M.) on any of the waters listed for in-season closures.

(h) This subsection sets forth trout-stocked waters subject to in-season closures. Except as provided in N.J.A.C. 7:25-6.4, 6.5(a), and 6.7, these waters will be closed from 5:00 A.M. to 5:00 P.M. for stocking on the dates and at the locations indicated below. In the
event of emergent conditions, the Division may suspend stocking of any or all of these waters.

1. Each Monday during the in-season stocking period.
   
i. Manasquan River--Route 9, Howell Twp. downstream to Allenwood-Lakewood Rd. (Rt. 21), Wall Twp.

   ii. Metedeconk River, N. Br.--Aldrich Rd. Bridge to Ridge Avenue, Howell/Lakewood Twp.

   iii. Metedeconk River, S. Br.--Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood Twp.

   iv. Rockaway River--Longwood Lake dam, Jefferson Twp. to Boonton Reservoir (also known as Jersey City Reservoir), Town of Boonton.

   v. Toms River--Ocean County--Route 528, Jackson, Twp., to confluence with Maple Root Branch and Route 70 to County Route 571, Toms River/Manchester Twps.

2. Each Tuesday during the in-season stocking period.

   i. Pohatcong Creek--Route 31, Washington Twp. to Delaware River.

   ii. Raritan River, S. Br.--Mill dam located 200 feet upstream from Schooleys Mountain Rd. (Rt. 517), Long Valley to Raritan River N. Br.

3. Each Wednesday during the in-season stocking period.

   i. Raritan River, N. Br.--Peapack Rd., Far Hills Borough/Bedminster Twp. to Raritan River S. Br.

4. Each Thursday during the in-season stocking period.

   i. Paulinskill River and E. Br. and W. Br.--Limecrest Railroad Spur Bridge on E. Br., Sparta Twp., and Warbasse Junction Rd., Route 663, on W. Br., Lafayette Twp., to Columbia Lake.

   ii. Ramapo River--State line to Pompton Lake, Oakland.

5. Each Friday during the in-season stocking period.
i. Big Flat Brook--100 ft. above Crigger Rd., Stokes State Forest, Sandyston Twp. to Delaware River.

ii. Musconetcong River--Lake Hopatcong dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong Borough.

iii. Pequest River--Pequest Rd., Green Twp. to Delaware River.

iv. Wanaque River--Greenwood Lake dam, West Milford, Twp. to Wanaque Reservoir dam, Wanaque Borough and section from Wanaque Avenue Bridge, Pompton Lakes Borough to Pequannock River, excluding Wanaque Reservoir and Monksville Reservoir.

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force. Road names referenced below, unless otherwise indicated, refer to the bridge where the road crosses the river. Municipal references are provided to assist in identifying the locations of upstream and downstream boundaries on streams and canals, to which pre-season stocking closures apply, and to describe general locations of ponds, lakes, and reservoirs. The municipal references are not intended to identify all municipalities through which the identified water passes.

1. Atlantic County
   Birch Grove Park Ponds--Northfield
   Hammonton Lake--Town of Hammonton
   Heritage Pond--Absecon
2. Bergen County
   Dahnert's Lake--Garfield
   Hackensack River--Lake Tappan to Harriot Avenue, Harrington Park Borough
   Hohokus Brook--Parsons Pond Rd., Frank Lakes Borough/Mahway Twp. to Saddle River
   Indian Lake--Little Ferry Borough
   Mill Pond--(also known as Silver Lake) Park Ridge Borough
   Pascack Brook--Woodcliff Lake dam to Emerson Rd., Harrington Park Borough
   Potash Lake--Oakland
   Saddle River--Lake Street, Upper Saddle River to West Century Rd., Fair Lawn
   Tenakill Brook--Closter Borough, entire length
   Whites Pond--Waldwick Borough
3. Burlington County
   Crystal Lake--Willingboro Twp.
   Laurel Pond--Mt. Laurel Twp.
   Pemberton Lake - Pemberton Twp.
   Rancocas Creek, Southwest Branch --Mill Street Park to Rt. 70, Medford Twp.
   Sylvan Lake - Burlington Twp.
4. Camden County
   Gloucester City Pond--Gloucester
   Haddon Lake - Audubon Borough
   Oak Pond--Sicklerville, Winslow Twp.
   Rowand Lake--Clementon Borough
5. Cape May County
   Ponderlodge Pond - Villas, Lower Twp.
   Tuckahoe Lake - Tuckahoe, Upper Twp.
6. Cumberland County
Cohansey River - Dam at Seeley's Pond to powerline above Sunset Lake, Upper Deerfield Twp.
Giampietro Park Lake--Vineland
Mary Elmer Lake--Bridgeton
Maurice River--Willow Grove Lake dam to Sherman Avenue, Vineland
Shaw's Mill Pond --Down/Lawrence Twps.
South Vineland Park Pond-Vineland
7. Essex County
Branch Brook Park Lake--Newark
Diamond Mill Pond--Milburn Twp.
Rahway River W/Br--Campbells Pond to Essex St., Milburn Twp.
Verona Lake--Verona Twp.
8. Gloucester County
Greenwich Lake--Greenwich, Twp.
Grenloch Lake--Washington Twp.
Harrisonville Lake--Pilesgrove/South Harrison Twps.
Iona Lake--Franklin Twp.
Swedesboro Lake--(also known as Narraticon Lake) Swedesboro Borough
Westville Lake--Westville
9. Hudson County
North Hudson Park Lake--(also known as JJ Braddock Park Lake), North Bergen Twp.
West Hudson County Park Pond--Town of Harrison
10. Hunterdon County
Alexaunken Creek--West Amwell Twp., entire length
Amwell Lake--East Amwell Twp.
Capoolong Creek--(also known as Cakepoulin Creek) Franklin Twp., entire length
Delaware--Raritan Feeder Canal--source to Wilburtha Rd., Ewing Twp.
(Mercer)
Hakihokake Creek--Little York-Mount Pleasant Rd, Little York, Alexandria Twp. to Delaware River
Lockatong Creek--Rt. 12 bridge, Kingwood Twp. to Delaware Raritan Feeder Canal
Mannys Pond--Union Twp.
Mountain Farm Pond--Lebanon Twp.
Mulhockaway Creek--Pattenburg, source to Spruce Run Reservoir, Clinton/Union Twps.
Neshanic River--confluence of First and Second Neshanic Rivers to Route 514, Raritan Twp.
Nishisakawick Creek--Frenchtown/Alexandria Twp., entire length
Rockaway Creek--Readington Twp., entire length
Round Valley Reservoir--Clinton Twp.
Sidney Brook--Franklin/Union Twps., entire length
Spruce Run--Glen Gardner Borough/Lebanon Twp., entire length
Stony Brook--See Mercer Co.
Wickecheoke Creek--Covered Bridge County Rt. 604, Sergeantsville to Delaware River
11. Mercer County
Assumpink Creek--Assunpink Site 5 dam upstream of Rt. 130 Bridge to
Carnegie Rd., Hamilton Twp.
Colonial Lake--Lawrence Twp.
Delaware--Raritan Canal--Mulberry Street, Trenton, to Alexander St., Princeton
Delaware--Raritan Feeder Canal--(See Hunterdon Co.)
Rosedale Lake--Hopewell Twp.
Stony Brook--Hopewell Twp., entire length
12. Middlesex County
Ireland Brook--500 ft. upstream of Riva Ave to Farrington Lake, North Brunswick Twp.
Lake Papaianni--Edison Twp.
Lawrence Brook--Davidson's Mill Pond dam to 2nd RR Bridge (Raritan Railroad) below Main St., Milltown Borough
Manalapan Lake--Monroe Twp.
Roosevelt Park Pond--Edison Twp.
13. Monmouth County
Echo Lake--Howell Twp.
Englishtown Mill Pond--(also known as Weamaonk Lake) Englishtown Borough
Franklin Lake-West Long Branch Borough
Garvey's Pond--Middletown Twp.
Hockhockson Brook--Rt. 18, Colts Neck Twp. to Garden State Parkway bridge (northbound), Tinton Falls Borough
Holmdel Park Pond--Holmdel Twp.
Mac's Pond--Manasquan Borough
Mingamahone Brook--Birdsall Rd. to Manasquan River, Howell Twp.
Mohawk Pond--Red Bank Borough
Shark River--Hamilton, Route 33, Wall Twp., to Remsen Mill Rd., Neptune/Wall Twp.
Spring Lake--Spring Lake Borough
Topanemus Lake--Freehold Twp.
Yellow Brook--Heyers Mill Rd. to Muhlenbrink Rd., Colts Neck Twp.
14. Morris County
Black River--Route 206 Chester, to the posted Black River Fish and Game Club property at the lower end of Hacklebarney State Park.
Beaver Brook--Rockaway Twp/Borough, entire length
Burnham Park Ponds (Upper and Lower)--Town of Morristown
Drakes Brook--Mt. Olive/Roxbury Twps., entire length
Hibernia Brook--Rockaway Twp., entire length
India Brook--Mountainside Ave. to Rt. 24, Mendham Borough
Lake Hopatcong--Hopatcong/Jefferson/Mt. Arlington/Roxbury
Lake Musconetcong--Netcong Borough/Roxbury Twp./Stanhope Borough
Mt. Hope Pond--Rockaway Twp.
Passaic River--Black Brook confluence to Rt. 24, Chatham Borough
Pequannock River--(See Passaic Co.)
Pompton River--(see Passaic Co.)
Russia Brook--Ridge Rd. to Lake Swannanoa, Jefferson Twp.
Speedwell Lake--Town of Morristown
Whippany River--Tingley Rd., Morris Twp., to Ridgedale Ave., Town of Morristown
15. Ocean County
Lake Shenandoah--Ocean County Park, Lakewood Twp.
Pohatcong Lake--Borough of Tuckerton
Prospectown Lake--Jackson Twp.
16. Passaic County
Barbour Pond--Woodland Park Borough
Clinton Reservoir--Newark Watershed, West Milford Twp.
Oldham Pond--North Haledon Borough
Pequannock River--Route 23, Smith Mills to Paterson-Hamburg Turnpike,
Pompton Lakes/Riverdale Boroughs
Pompton River--confluence with Ramapo River to NY Susquehanna R.R. bridge, Wayne Twp.
Ramapo River - Pompton Lake dam to confluence with Pompton River
Ringwood Brook--State line to Sally's Pond, Ringwood State Park, Ringwood Borough
Sheppard Lake--Ringwood State Park, Ringwood Borough
17. Salem County
Harrisonville Lake--Pilesgrove/South Harrison Twps.
Maurice River--Willow Grove Lake dam to Sherman Avenue, Vineland
Schadler's Sand Wash Pond--Carneys Point Twp.
18. Somerset County
Lamington River--Rt. 523 (Lamington Rd.), Bedminster Twp. to Raritan River N. Br.
Middle Brook, E/Br.--Bridgewater/Warren Twps., entire length
Passaic River--See Morris Co.
Peapack Brook--Peapack-Gladstone Borough, entire length
Raritan River--confluence of Raritan River N. Br. and S. Br. to Rt. 206
Bridge, Hillsborough Twp./Somerville Borough
Rock Brook--Hillsborough/Montgomery Twps., entire length
Spooky Brook Park Pond--Franklin Twp.
19. Sussex County
Alm's House Pond--Frankford Twp.
Andover Junction Brook--Andover Borough, entire length
Big Flat Brook, Upper--Sawmill Pond, High Point State Park, Montague Twp.
to 100 ft. above Crigger Rd., Stokes State Forest, Sandyston Twp.
Blue Mountain Lake--Delaware Water Gap National Recreation Area, Walpack Twp.
Clove Brook--Junction of Route 23 and Mt. Salem Rd. to Route 565 source to
Clove Acres Lake, Wantage Twp.
Culver's Creek--Frankford Twp., entire length
Dry Brook--Branchville Borough/Frankford Twp., entire length
Franklin Pond Creek--Hamburg Mountain Wildlife Management Area, Hardyston
Twp/Franklin Borough, entire length
Glenwood Brook--Glenwood Lake dam to New York State line
Lake Aeroflex--Andover Borough
Lake Hopatcong--Hopatcong/Mt Arlington Boroughs, Jefferson/Roxbury Twp.
Lake Musconetcong--Netcong/Stanhope Boroughs/Roxbury Twp.
Lake Ocquittunk--Stokes State Forest, Sandyston Twp.
Little Flat Brook--Sandyston Twp., entire length
Little Swartswood Lake--Hampton Twp.
Lubbers Run--Byram Twp., entire length
Neldon Brook--Stillwater Twp., entire length
Papakating Creek--George Hill Rd., Frankford Twp. to Route 565, Lewisburg
Papakating Creek, W. Br.--Wantage Twp., entire length
Pond Brook--Stillwater Twp., entire length
Sawmill Pond--High Point State Park, Montague Twp.
Silver Lake--Hamburg Mountain Wildlife Management Area, Hardyston Twp.
Stony Lake--Stokes State Forest, Sandyston Twp.
Swartswood Lake--Stillwater Twp.
Wallkill River--Lake Mohawk Dam to Route 23, Hardyston Twp.
Wawayanda Creek--Vernon Twp., entire length
Wawayanda Lake--Vernon Twp.
20. Union County
Green Brook--Route 527, Berkeley Heights Twp., to Route 22, Scotch Plains Twp.
Lower Echo Lake--Mountainside Borough
Milton Lake--Rahway
Nomahegan Park Lake--Cranford Twp.
Passaic River - (see Morris Co.)
Rahway River--I-78 Bridge, Springfield, to Lawrence St. (Route 514), Rahway
Seeleys Pond--Berkeley Heights Twp.
Warinanco Park Lake--Roselle Borough
21. Warren County
Beaver Brook--Silver Lake Dam to Pequest River, White Twp.
Blair Creek--Bass Lake dam, Hardwick Twp. to Blair Lake, Blairstown Twp.
Blair Lake--Blairstown Twp.
Brookaloo Swamp--Hope Twp., entire length
Buckhorn Creek--Harmony Twp., entire length
Columbia Lake--Knowlton Twp.
Furnace Brook--Oxford Twp., entire length
Furnace Lake--Oxford Twp.
Honey Run--Knowlton-Hope Township Line to Beaver Brook, Hope Twp.
Jacksonburg Creek--Blairstown Twp., entire length
Lopatcong Creek--Route 519, Harmony Twp. to South Main Street, Phillipsburg
Merrill Creek Reservoir--Harmony Twp.
Mountain Lake--Liberty Twp.
Pohatcong Creek--source to Route 31, Washington Twp.
Pophandusing Creek--White Twp., entire length
White Lake--Hardwick Twp.

(j) Private fishing clubs located within the upstream and downstream limits of trout
stocked rivers identified in (h) and (i) above, may fish for trout during the pre-season
closure provided:
Fishing is restricted to section(s) of the trout stocked river where the club leases or owns both sides of the river;

2. All fish, including trout, are immediately released unharmed;

3. Club property boundaries are clearly marked along the river;

4. The club obtains Fish Stocking Permit(s) for the stocking of trout;

5. By March 1, of each year, the club submits a letter indicating the intent to fish during the pre-season closure to the Bureau of Freshwater Fisheries PO Box 394 Lebanon, NJ 08833. The letter shall include the following enclosures:

   i. A map of the club property clearly depicting sections of the river that the club owns or leases on both sides of the river where catch and release will take place; and

   ii. A copy of all Fish Stocking Permits issued to the club the previous year.

7:25-6.4 Special regulations trout fishing areas – catch and release only

(a) The following stream segments are designated as catch and release only areas for trout and are subject to the provisions at (b) below governing these areas on a year-round basis:

1. Big Flat Brook, Sussex County--from the concrete bridge on Route 206 downstream to the Roy Bridge on Mountain Road, a distance of approximately four miles, including the section of the Flat Brook, from the junction of the Big Flat Brook and the Little Flat Brook downstream to the Roy Bridge.

2. Raritan River, S. Br., Hunterdon County--the stretch of water known as the "Ken Lockwood Gorge," a distance of approximately 2 1/2 miles.

(b) The following regulations shall apply to the above designated catch and release only waters.

1. Fishing in catch and release only areas is permitted year-round, including during pre-season and in-season fishing closures which may apply to the remainder of the respective rivers where these areas exist;

2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used;
3. A person shall not have in possession while fishing any natural bait, live or preserved;

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait; and

5. A person shall not kill or have in possession while fishing any trout. All trout must be returned to the water immediately and unharmed.

7:25-6.5 Special regulations trout fishing areas – Trout Conservation Areas

(a) The following stream segments are designated as Year-Round Trout Conservation Areas and are subject to the provisions at (c) below governing these areas on a year-round basis:

1. Toms River, Ocean County--a one mile stretch of river from the downstream end of Riverwood Park in Dover Township, defined by markers, downstream to the Route 571 bridge; and

2. Musconetcong River, Hunterdon and Warren counties--an approximate 1.2-mile stretch of the Musconetcong River near Point Mountain extending from the Penwell Rd. bridge downstream to the Point Mountain Rd. bridge.

(b) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (c) below governing these areas during the periods of January 1 up to, but not including, opening day and from the seventh Monday following opening day, through December 31.

1. Pequest River, Warren County--An approximate 1.0 mile portion, within the Pequest Wildlife Management Area, extending from the County bridge on Pequest Furnace Rd. at Pequest upstream to the Conrail Railroad Bridge upstream of the Pequest Trout Hatchery Access Rd.

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

(c) The following regulations shall apply to the Year-Round and Seasonal Trout Conservation Areas designated at (a) and (b) above:

1. Fishing in Year-Round and Seasonal Trout Conservation Areas is permitted during their respective seasons specified in (a) and (b) above. Fishing in Year-Round Trout Conservation Areas is permitted year-round, including during pre-
season and in-season fishing closures which may apply to the remainder of the respective rivers where these areas exist;

2. Only artificial lures and flies may be used;

3. A person shall not have in possession while fishing any natural bait, live or preserved;

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;

5. Except as specified in (c)7 below for Brook Trout, a person shall not take, kill, or have in possession, while fishing, any trout less than 15 inches;

6. Except as specified in (c)7 below for Brook Trout, a person shall not take, kill, or have in possession, while fishing, any more than one legally sized dead, creel, or otherwise appropriated trout daily, except that no trout may be retained during pre-season and in-season closures, which apply to the remainder of the respective rivers where these areas exist. In Year-Round Conservation Areas designated in (a) above, additional trout may be caught provided they are immediately returned to the water unharmed; and

7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.

7:25-6.6 Special regulations trout fishing areas – Trout Stocked Wild Brown Trout Managed Waters

(a) The following streams, or portions thereof, are designated as "Trout Stocked Wild Brown Trout Managed Streams":

1. Hakihokake Creek--Little York-Mount Pleasant Rd, Little York, Alexandria Twp., Hunterdon to Delaware River;

2. Lopatcong Creek--Rt. 519, Harmony Twp., Warren to Delaware River;

3. Pophandusing Creek--White Twp., entire length;

4. Raritan River, S. Br.--Mill dam located 200 feet upstream from Schooleys Mountain Rd. (Rt. 517), Washington Twp., Hunterdon, downstream to Lake Solitude dam, High Bridge Borough, excluding 2.5 mile catch and release only stretch within Ken Lockwood Gorge WMA; and
5. Saddle River--Lake Street, Upper Saddle River Twp., to West Century Rd., Fairlawn/Paramus Boroughs, Bergen.

(b) The following regulations shall apply to the Trout Stocked Wild Brown Trout Managed Waters designated at (a) above:

1. Wild Brown Trout Managed Waters are stocked with trout and subject to pre-season and in-season fishing closures which apply to the remainder of the respective rivers where these areas exist;

2. Except as specified in (b)3i below for Brook Trout, there shall be a nine-inch minimum size for Brook Trout and Rainbow Trout, and a 12-inch size limit for Brown Trout, or hybrids and strains thereof;

3. Except as specified in (b)3i below for Brook Trout, the daily possession limit for Brook Trout, Brown Trout, Rainbow Trout, or their hybrids and strains thereof is as follows:

   i. All Brook Trout caught within the Brook Trout Conservation Zone, regardless of size, must be immediately released unharmed;

   ii. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from January 1 to the pre-season closure, of which no more than two may be Brown Trout;

   iii. A person shall not take, kill or have in possession, in one day, more than six in total from opening day until May 31, of which no more than two may be Brown Trout; and

   iv. A person shall not take, kill, or have in possession, in one day, more than four in total from June 1 until December 31, of which no more than two may be Brown Trout.

7:25-6.7 Special regulations trout fishing areas – Wild Trout Streams

(a) There are three classifications of wild trout stream; Native Brook Trout Streams, Wild Trout Streams, and Wild Brown Trout Enhancement Streams. Identification of the streams designated under each classification and the regulations applicable to each classification are specified in (b) through (g) below.

(b) The following streams, or portions thereof, are designated as "Native Brook Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.
1. Beatty's Brook--Lebanon Twp., Hunterdon;
2. Bear Swamp Brook--Mahwah Twp., Bergen;
3. Hickory Run--Lebanon Twp., Hunterdon;
4. Lake Ames Tributary--Picatinny Arsenal boundary to Lake Ames, Rockaway Twp., Morris;
5. Primrose Brook--Harding Twp., Morris;
6. Raritan River, S. Br.--Budd Lake dam to dam approx. 400 feet upstream of Flanders-Drakestown Rd., Mt. Olive Twp., Morris;
7. Rinehart Brook--Hacklebarney State Park, Chester Twp., Morris;
8. Rocky Run--Lebanon Twp., Hunterdon;
10. Stony Brook--Stokes State Forest, Sandyston Twp., Sussex; and
11. Trout Brook--Hacklebarney State Park, Morris.

(c) The following regulations shall apply to the Native Brook Trout Streams designated at (b) above.

1. Fishing in Native Brook Trout Waters is permitted year-round;
2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used;
3. A person shall not have in possession, while fishing, any natural bait, live or preserved;
4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;
5. During the period extending from opening day to September 15 no person shall have in possession while fishing any more than two dead, creel, or otherwise appropriated Brown or Rainbow Trout, of any size. No trout may be killed or possessed during other times of the year.
6. All Brook Trout, regardless of size, must be immediately released unharmed.

(d) The following streams, or portions thereof, are designated as "Wild Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.

1. Brass Castle Creek--Washington Twp., Warren;

2. Dismal Brook--Mendham Twp., Morris;

3. Dunnfield Creek--Worthington State Forest, Warren;

4. Flanders Brook--Mt. Olive Twp., Morris;

5. India Brook--Source to Mountainside Ave., Mendham Twp., Morris;

6. Indian Grove Brook--Bernardsville Twp., Somerset;

7. Ledgewood Brook--Roxbury Twp., Morris;

8. Lomerson Brook, also known as Herzog Brook--Tewksbury Twp., Hunterdon;

9. Merrill Creek--Merrill Creek Reservoir dam to Pohatcong Creek, Greenwich Twp., Warren;

10. Raritan River, S. Br.--dam approx. 400 feet upstream of Flanders-Drakestown Rd. to 200 feet upstream from Schooleys Mountain Rd. (Rt. 517), Washington Twp., Hunterdon;

11. Stony Brook--Washington Twp., Morris;

12. Teetertown Brook--Lebanon Twp., Hunterdon/Washington Twp., Morris;

13. Turkey Brook--Mount Olive Twp., Morris;

14. Van Campens Brook--Source to upper water waterfall in Van Campens Glen, Delaware Water Gap National Recreation Area;

15. West Brook--Source downstream to Windbeam Club Property, Ringwood Twp., Passaic;

16. Whippany River--Source to Tingley Rd., Mendham Twp., Morris;
(e) The following regulations shall apply to the Wild Trout Streams designated at (d) above.

1. Fishing in Wild Trout Streams is permitted year-round.

2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used.

3. A person shall not have in possession while fishing any natural bait, live or preserved.

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

5. Except as specified in (e)7 below for Brook Trout, a person shall not, take, kill, or have in possession, while fishing, any trout less than nine inches;

6. Except as specified in (e)7 below for Brook Trout, from opening day to September 15, a person shall not take, kill, or have in possession, while fishing, any more than two legally sized dead, creeled, or otherwise appropriated trout. Trout may not be killed or possessed during other times of the year.

7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.

(f) The following streams, or portions thereof, are designated as "Wild Brown Enhancement Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.

1. Beaver Brook--Town of Clinton/Clinton Twp., Hunterdon;

2. Burnett Brook--Chester/Mendham Twps., Morris;

3. Cold Brook--Tewskbury Twp., Hunterdon;

4. Hakihokake Creek--(also known as Little York Bk) source to Little York-Mount Pleasant Rd, Little York, Alexandria Twp., Hunterdon;

5. Jackson Brook--Source to Hedden Park Lake, Mine Hill Twp., Morris;
6. Mill Brook--Randolph Twp., Morris;

7. Passaic River--Source to Rt. 202, Bernardsville Twp., Morris;

8. Pequannock River--Oak Ridge Rd. bridge (Newark Watershed) to railroad bridge immediately upstream of Charlottesburg Reservoir; and from Rt. 23 bridge at Smoke Rise to the Rt. 23 bridge at Smith Mills, Kinnelon Twp., Morris;

9. Rockaway Creek, N. Br.--Tewksbury Twp., Hunterdon;

10. Saddle River--State line to Lake St., Upper Saddle River Borough, Bergen;

11. Spring Mills Brook - Holland Twp., Hunterdon;

12. Van Campens Brook--upper waterfall in Van Campens Glen, located approx. 0.8 miles upstream of Old Mine Rd., to Delaware River, Delaware Water Gap Natural Recreation Area); and


(g) The following regulations shall apply to the "Wild Brown Enhancement Streams" designated at (f) above.

1. Fishing is permitted year-round.

2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used.

3. A person shall not have in possession while fishing any natural bait, live or preserved.

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

5. Except as specified in (g)7 below for Brook Trout, a person shall not, take, kill, or have in possession, while fishing, a Brown Trout less than 12 inches, or a Brook or Rainbow Trout less than nine inches.

6. Except as specified in (g)7 below for Brook Trout, from opening day to September 15, a person shall not take, kill, or have in possession while fishing any more than two legally sized dead, creeled, or otherwise appropriated Brook,
Brown, or Rainbow Trout. Trout may not be killed or possessed during other times of the year.

7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.

7:25-6.8 Special regulations trout fishing areas – Trophy Trout Lakes

(a) The following lakes are designated as Trophy Trout Lakes:

1. Round Valley Reservoir; and
2. Merrill Creek Reservoir.

(b) The following regulations shall apply to the Trophy Trout Lakes designated in (a) above:

1. The minimum size of Brown Trout, Rainbow Trout, and Atlantic (landlocked) Salmon and all hybrids and strains thereof shall be 15 inches. Daily bag and possession limit for Brown Trout, Rainbow Trout, and Atlantic (landlocked) salmon shall be two in total.

2. There shall be no closed season for Brown Trout, Rainbow Trout, and Atlantic (landlocked) salmon and all hybrids and strains thereof.

3. The minimum size for Lake Trout shall be 15 inches at Merrill Creek Reservoir with a daily creel and possession limit of two. The daily creel and possession limit shall be six fish, 15 inches to less than 24 inches in length, and one additional fish, 24 inches or greater, for a total of seven Lake Trout at Round Valley Reservoir.

4. During the period from midnight September 15 to December 1, the possession of Lake Trout is prohibited and all Lake Trout caught shall be immediately returned to the water unharmed.

5. A person shall not have in possession, while on the waters or adjacent lands of any designated Trophy Trout Lake, any fish, or any part thereof, which has been mutilated so that its size at capture cannot be determined, or so that it is unidentifiable as to species, except that this restriction shall not apply to fish which are being prepared for immediate on-site consumption.

7:25-6.9 Special regulations trout fishing areas – Holdover Trout Lakes

(a) The following lakes are designated as Holdover Trout Lakes:
1. Aeroflex Lake (Sussex);
2. Clinton Reservoir (Passaic);
3. Sheppard Lake (Passaic);
4. Tilcon Lake (Morris);
5. Wawayanda Lake (Sussex); and

(b) The following regulations shall apply to Holdover Trout Lakes designated at (a) above:

1. Fishing is permitted year-round.

2. There shall be a nine-inch minimum size limit for any species of Brown Trout, Rainbow Trout or hybrids and strains thereof.

3. The daily possession limit for Brown Trout, Rainbow Trout or hybrids and strains thereof is as follows:
   
   i. A person shall not take, kill or have in possession, in one day, more than two in total during the period extending from January 1 to the pre-season closure.

   ii. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.

   iii. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from opening day to May 31.

   iv. A person shall not take, kill or have in possession, in one day, more than two in total from June 1 until December 31.

4. The minimum length for Atlantic (landlocked) salmon shall be 12 inches with a daily bag and possession limit of two.

7:25-6.10 Baitfish

(a) Any person, who has a fishing license or is under the age of 16 or over 70 years of age, may take up to 35 baitfish, except Alewife and/or Blueback Herring, per person per day from the freshwaters of the State. Alewife and Blueback Herring may only be possessed, taken, attempted to be taken, sold, or purchased in accordance with (b)
through (d) below. Except as provided in (d) below, no person shall possess, in any location, more than one day's limit, regardless of when the fish were taken and whether the fish are intended to be used as bait or food.

(b) The possession, take, attempt to take, sale, or purchase of Alewife or Blueback Herring from any freshwater stream or river is prohibited.

(c) Up to 35 Alewife or Blueback Herring, no greater than six inches in length, may be taken for personal use from freshwater lakes in Morris, Passaic, Sussex, and Warren Counties, and from Spruce Run Reservoir, located in Hunterdon County. Landlocked herring taken from lakes within these counties may only be used on the lake from which they were taken, on the day they were taken. Any unused herring must be returned to the waterbody upon the conclusion of the angler's fishing trip on the day that they were taken. Landlocked herring taken pursuant to this subsection shall not be transported away from the shoreline of the lake by any mechanism. They shall not be sold.

(d) In freshwater lakes, other than those specified in (c) above, only purchased herring, no greater than six inches in length, may be possessed for up to seven days from date of purchase, when accompanied by a receipt. The receipt must list the name, address, and telephone number of the place of purchase, the date of purchase, and the quantity purchased. This receipt must be without erasures or alterations of any kind and must have a control number. Purchased herring may be possessed in excess of the daily limit.

(e) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3 through 6.9 and (f) below, baitfish, except for Alewife and Blueback Herring, up to the daily limit may be taken from freshwaters of the State by the following means: hook and line; dip net not more than 24 inches in diameter; minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter; a cast net no greater than eight feet in diameter, and an umbrella net no greater than 3.5 feet square.

1. Seines may also be used subject to the following limitations:

   i. In lakes and ponds under 100 acres, the seine shall not be over 30 feet in length.

   ii. In lakes at or over 100 acres, the seine shall not be over 50 feet in length.

   iii. In streams, the seine shall not exceed 30 feet in length, or one-half the width of the stream at the point of use, whichever is less.

(f) In trout-stocked waters and special regulation areas, listed in N.J.A.C. 7:25-6.3 to 6.9, it is prohibited to net, trap, or attempt to net or trap baitfish from the pre-season closure through June 15 except where the taking is otherwise provided for in this subchapter. For the remainder of the year, baitfish, except for Alewife and Blueback Herring, up to the
daily limit, may be taken with a seine not over 10 feet in length and four feet in depth or a minnow trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter or an umbrella net no greater than 3.5 feet square. The use of cast nets is not permitted in these waters at any time.

(g) Baitfish other than alewife (anadromous and landlocked) and blueback herring may be taken from the freshwaters of the State, in numbers greater than the daily limit for the purpose of sale under special permit issued by the Division in its discretion. Alewife may be taken from lakes, 250 acres or greater, in numbers greater than the daily limit for the purpose of sale, under special permit issued by the Division in its discretion.

1. In lakes and ponds under 100 acres, a seine not over 30 feet in length may be used, and in lakes over 100 acres, a seine not over 50 feet in length may be used. Minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter, and an umbrella net no greater than 3.5 feet square may be used in any of the freshwaters of the State.

2. To obtain a special permit, an application may be obtained from:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

3. Applications shall be directed to:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394

4. The permittee shall agree to:
   i. Submit harvest reports by the 15th day of the following month;
   ii. Return species, other than baitfish, to the water immediately and unharmed;
   iii. Display name and address on any devices left in the water unattended;
   iv. Operate only one device per permit;
   v. Be present during the operation of the device;
   vi. Not transfer the permit to other operators;
vii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and

viii. Comply with any local ordinances or other State laws or regulations.

7:25-6.11 Nets and alternative gear

(a) Except as provided for the taking of baitfish, it shall be illegal to take fish from the freshwaters of the State by means of nets except under special permit issued by the Division at its discretion and as hereafter provided for in the tidal freshwaters of New Jersey, other than the Delaware River:

1. No person shall catch or take or attempt to catch and take fish of any kind or description by means of a net, or use a net of any character except for fyke nets and bait seines used for the purpose of taking of baitfish, from Saturday at 2:00 P.M. until the following Sunday at 12 midnight.

2. It shall be legal to take and sell foodfish as defined in N.J.A.C. 7:25-6.2 by the means identified in (a)2i through v below. American Shad may only be taken from the Delaware River.

i. Haul seines, the mesh of which shall not be less than two and three quarter inches stretched while being fished and not to exceed 70 fathoms in length, whether singly or attached, for all species may be used from November 1 to April 30. Permits for haul seines exceeding 70 fathoms in length will be issued for the Delaware River, upstream of the wing dam at Lambertville, only for permittees which have obtained approval from the Division prior to January 1, 2004. All permits issued by the Division after January 1, 2004 will restrict seines to a length not to exceed 70 fathoms in this section of the Delaware River.

ii. Fykes, with leaders shall not exceed 30 feet in length and no part of the net or leaders to be larger than three inches stretched mesh or less than three quarter inch stretched measure while being fished, for all species may be used from November 1 to April 30.

iii. Miniature fykes or pots for the taking of carp, catfish, suckers and eels, the same not to exceed 16 inches in diameter may be used from March 15 to December 15. All other species of fish which may be caught must be immediately returned, unharmed, to the waters from which they were taken.

iv. Drifting gill nets, the smallest of which shall be five and one quarter inches stretched measure while being fished and shall not exceed 100 feet in length, for all species may be used from March 1 to June 15. Drifting gill nets may not be
used in freshwater rivers or streams where migratory Alewife or Blueback Herring are known to occur.

v. Gill nets with a mesh not smaller than two and three quarters stretched measure, while being fished and not exceeding 200 feet in length may be used from May 1 to June 10 for the purpose of taking White Perch. Gill nets may not be used in freshwater rivers or streams where migratory Alewife or Blueback Herring are known to occur.

3. Not more than one gill net or hauling seine shall be used from a boat.

4. To obtain a special permit, an application may be obtained from:
   New Jersey Division of Fish and Wildlife
   Bureau of Freshwater Fisheries
   PO Box 394
   Lebanon, New Jersey 08833

5. Applications shall be directed to:
   New Jersey Division of Fish and Wildlife
   Bureau of Freshwater Fisheries
   PO Box 394
   Lebanon, New Jersey 08833

6. The permittees shall agree to:

   i. Submit annual harvest reports, including species, and number of fish harvested, by date, by December 31;

   ii. Return species, other than foodfish, to the water immediately and unharmed;

   iii. Legibly display name and address on any and all devices left in the water unattended;

   iv. Operate only one device per permit;

   v. Be present during the operation of the device;

   vi. Not transfer the permit to other operators;

   vii. Notify and obtain permission from the owner of the water body or access to the water body named in the permit; and

   viii. Comply with any local ordinances and other State laws or regulations.
7:25-6.12 Snagging prohibited

The snagging of any fish species is prohibited. Any fish so hooked must be immediately returned to the water. This shall not apply to fish so taken through the ice.

7:25-6.13 Warmwater fish

(a) (Reserved)

(b) (Reserved)

(c) (Reserved)

(d) During the period of April 15 through June 15, the possession of Largemouth and Smallmouth Bass is prohibited and all bass caught shall be immediately returned to the water unharmed.

(e) The minimum length for Largemouth and Smallmouth Bass shall be 12 inches with a daily creel and possession limit of five in total, except for Alloway Lake (Salem County), Assunpink Lake (Monmouth County), Boonton Reservoir (Morris County), Delaware Lake (Warren County), Parvin Lake (Salem County), and Splitrock Reservoir (Morris County) where the minimum length for Largemouth and Smallmouth Bass shall be 15 inches with a daily creel and possession limit of three in total and Ryker Lake where the minimum length shall be 15 inches with a daily creel and possession limit of two in total.

(f) There is no closed season for Northern Pike, Muskellunge, and Tiger Muskie except, during the period of March 20 through May 20, the possession of Muskellunge and Tiger Muskie taken from Echo Lake Reservoir (Passaic County), Mercer Lake (Mercer County), Mountain Lake (Warren County), and Monksville Reservoir (Passaic County) is prohibited and all Muskellunge and Tiger Muskie caught from these waters shall be immediately returned to the water unharmed.

(g) The minimum length for Northern Pike shall be 24 inches, with a daily creel and possession limit of two. The minimum length for Muskellunge and Tiger Muskie shall be 40 inches, except for Echo Lake Reservoir (Passaic County), Lake Hopatcong (Morris), and Monksville Reservoir (Passaic) where the minimum length shall be 44 inches. The daily creel and possession limit for Muskellunge and Tiger Muskie shall be one in total.

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

(i) The minimum length for 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 Redfin Pickerel shall be 15 inches.

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

(l) The minimum length for 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 shall be eight inches. The daily creel and possession limit for these species shall be 10 in aggregate. There is no closed season.

(n) For Ryker Lake, the daily creel and possession limit for sunfish and for 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) Except as provided for the Delaware River in N.J.A.C. 7:25-6.20, American Shad may not be taken or possessed at any time.

(p) Striped 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 is one fish at least 28 inches and less than 38 inches in length.

(r) Hybrid 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.

(s) The minimum length for 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 one fish at least 28 inches and less than 38 inches in length.

(t) Eels may not be taken from non-tidal waters of this State by use of eel baskets, fykes, or traps of any kind, except that eel weirs may be operated under permit of the Division, for purposes of sale, in accordance with N.J.S.A. 23:3-55. The minimum length for American Eel shall be nine-inches with a daily creel and possession limit of 25.

(u) Mud Sunfish, Blackbanded Sunfish, Bluespotted Sunfish, and Banded Sunfish may not be taken or possessed at any time.

(v) Except 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, respectively, the daily creel and possession limit for Brown Bullhead, Pumpkinseed, Redbreast
Sunfish, Yellow Bullhead, Yellow Perch, White Catfish, White Perch, and White Sucker shall be 25 in total.

7:25-6.14 Ice fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, ice fishing shall be permitted whenever ice is present.

(b) A person, while fishing through the ice, may use not more than five devices for the taking of fish. Devices may consist of any combination of ice supported tip-ups, fishing rods, or hand lines. Each device may have only one single line attached.

1. Ice supported tip-ups or hand lines may have only one single pointed hook attached.

2. The line from a fishing rod may have attached either one single pointed hook, or an artificial lure with not more than three single hooks and one burr of three hooks. On artificial lures, single hooks may not measure more than 1/2 inch from point to shaft, and hooks on burrs may not exceed 1/2 inch from point to point.

(c) Natural and artificial bait may be used with any ice fishing device.

(d) All devices that are not hand-held must be clearly marked with the name and address of the user and shall not be left unattended.

(e) All established creel, season, and size limits apply.

7:25-6.15 Bow and arrow fishing

Except as provided 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, including Bighead, Common, Grass, and Silver, American Eels, Flathead Catfish, American Shad (Delaware River only), 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, compound bow, or crossbow, that is hand-held. 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.

7:25-6.16 Closed waters

(a) During the period of March 1 through June 30, it is illegal to fish, place any contrivance for the taking of fish, or attempt to catch or kill fish by any manner or means
in any fish ladder, or within 100 feet or as posted feet of any fish ladder entrance or exit or 100 feet upstream from the crest of the spillway at Deal Lake.

(b) It is illegal to fish or attempt to catch or kill fish by any manner or means in waters within the boundaries of the State Fish Hatcheries, except where specifically permitted, that is, the Musconetcong River and Pequest River.

7:25-6.17 Emergency closure notice

It shall be illegal to fish or attempt to catch or kill fish by any manner or means in any waters for which the Director of the Division, upon approval of the Fish and Game Council, issues an Emergency Closure Notice. Such notice shall be effective and/or rescinded immediately upon public notification. It shall be based upon imminent threat to the wellbeing of the fishery resource and/or its users, and may include any exceptions to the total ban on fishing that the Director deems practical.

7:25-6.18 Wanton waste of fish prohibited; tagging and marking of fish

(a) Fish, of any species, taken, by any means, which are purposely killed, become part of the fisherman's daily creel or possession limit and must be removed from the waters from which they were taken, and adjacent lands, pursuant to N.J.S.A. 23:5-28. This section shall not apply to those fish which are released while still alive, by the angler, and subsequently die as a result of stress or hooking mortality.

(b) No person may tag or mark and release fish without first obtaining a special permit issued by the Division after a determination that the action will provide information that will be beneficial to the management of the fisheries resource and will not detract from any studies being planned or conducted by the Division or other scientific or educational organization. "Educational or scientific organization" means a governmental unit or a private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

1. Required permit information shall be as follows:

   i. The permittee's name;

   ii. The permittee's address;

   iii. The species of fish to be tagged or marked;

   iv. The type of tag or mark to be used;

   v. The location in which the marked fish will be released; and
vi. The purpose of the tagging or marking of fish.

2. Applications shall be directed to:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394

3. The permittee shall agree to:

i. Submit a report of the results of the tagging study to the Division;

ii. Display permittee's name and address or phone number on fish tags;

iii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and

iv. Comply with any local ordinances or other State laws or regulations.

7:25-6.19 Greenwood Lake

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish and Wildlife, the following regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey, and partly in Orange County, New York, are made a part of the New Jersey State Fish and Game Code and will be enforced on the whole lake by the conservation authorities of both states.

<table>
<thead>
<tr>
<th>Species</th>
<th>Season</th>
<th>Size Limit</th>
<th>Daily Bag Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trout</td>
<td>No closed season</td>
<td>No minimum</td>
<td>3</td>
</tr>
<tr>
<td>Largemouth bass and smallmouth bass</td>
<td>third Saturday in June until Dec. 1 Dec. 1 until third Saturday in June</td>
<td>12 inch minimum</td>
<td>5 in total Catch and release only</td>
</tr>
<tr>
<td>Chain pickerel</td>
<td>No closed season</td>
<td>15 inch minimum</td>
<td>5</td>
</tr>
<tr>
<td>Muskellunge and any hybrid thereof taken</td>
<td>No closed season before April 1, 2019</td>
<td>36 inch minimum</td>
<td>1</td>
</tr>
<tr>
<td>Muskellunge and any hybrid thereof taken on or after April 1, 2019</td>
<td>No closed season</td>
<td>44 inch minimum</td>
<td>1</td>
</tr>
<tr>
<td>Walleye</td>
<td>Jan. 1-last day of February and May 1-December 31</td>
<td>18 inches</td>
<td>3</td>
</tr>
<tr>
<td>Channel catfish</td>
<td>No closed season</td>
<td>12 inches</td>
<td>5</td>
</tr>
<tr>
<td>Black crappie and white crappie</td>
<td>No closed season</td>
<td>8 inches</td>
<td>10 in total</td>
</tr>
<tr>
<td>Yellow perch</td>
<td>No closed</td>
<td>No minimum</td>
<td>50</td>
</tr>
</tbody>
</table>
2. On Greenwood Lake, it shall be legal for any ice fisherman to use up to five tip-ups and two hand-held devices for the taking of fish. All devices that are not hand-held must be plainly marked with the name and address of the angler. The ice fishing season is from ice-in to ice-out (when ice is present in a sufficient quantity to support fishing activities).

3. On Greenwood Lake, fishing will be permitted 24 hours a day.

4. Either New York or New Jersey fishing licenses will be honored on all of Greenwood Lake.

5. Bow and arrow fishing for carp, suckers, herring, catfish and eels by properly licensed fishermen, will be permitted on Greenwood Lake.

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.

<table>
<thead>
<tr>
<th>Species</th>
<th>Season</th>
<th>Size Limit</th>
<th>Daily Bag Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trout</td>
<td>8:00 A.M. on the first Saturday after April 11 to Oct. 15</td>
<td>No minimum</td>
<td>5</td>
</tr>
<tr>
<td>American Shad</td>
<td>No closed season</td>
<td>No minimum</td>
<td>3</td>
</tr>
<tr>
<td>Hickory Shad</td>
<td>Closed season</td>
<td>Closed season</td>
<td>Closed season</td>
</tr>
<tr>
<td>Largemouth Bass and Smallmouth Bass</td>
<td>Jan. 1 to the first Friday after April 10, and the first Saturday after June 11 to Dec. 31</td>
<td>12 inch minimum</td>
<td>5 in total</td>
</tr>
<tr>
<td>Walleye</td>
<td>No closed season</td>
<td>18 inch min.</td>
<td>3</td>
</tr>
<tr>
<td>Channel Catfish</td>
<td>No closed season</td>
<td>12 inch min.</td>
<td>5</td>
</tr>
<tr>
<td>Chain Pickerel</td>
<td>No closed season</td>
<td>12 inch min.</td>
<td>5</td>
</tr>
<tr>
<td>Muskellunge and any hybrid thereof</td>
<td>No closed season</td>
<td>40 inch min.</td>
<td>1</td>
</tr>
<tr>
<td>Northern Pike</td>
<td>No closed season</td>
<td>24 inch min.</td>
<td>2</td>
</tr>
<tr>
<td>Alewife and Blueback</td>
<td>No closed season</td>
<td>No minimum</td>
<td>50</td>
</tr>
<tr>
<td>Herring (anadromous forms)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shortnose Sturgeon</td>
<td>Closed-endangered species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atlantic Sturgeon</td>
<td>Closed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Striped Bass and Striped Bass x White Bass hybrid</td>
<td>Downstream of Calhoun Street Bridge season open March 1-30 and June 1-Dec 31</td>
<td>at least 28 inches and less</td>
<td>1</td>
</tr>
</tbody>
</table>
2. Angling may be done with three rods each with one line or two lines or one of each. Not more than three single hooks or three burrs of three hooks each may be used per line.

3. Ice fishing shall be legal whenever ice is present. Open (unfrozen) water creel and size limits shall apply. The maximum size of the ice hole shall not exceed 10 inches in diameter. Five tip-ups or any combination of five devices that will include tip-ups of not more than two rods and lines or two hand lines or one of each may be used.

4. Spears (not mechanically propelled), longbows, and recurved, 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. Bait fish may be taken and possessed for personal uses only but not to exceed 50 per day. The minimum length for American Eel shall be nine-inches with a daily creel and possession limit of 25.

6. Eel weirs for the catching of carp, catfish, eels, and suckers only, may be operated under permit from the Division of Fish and Wildlife, for the purposes of sale, at any time of the year and at any time of day.

7. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait during the months of April and May downstream of the Calhoun Street Bridge to the Commodore Barry Bridge. This restriction shall apply only to hooks of size 2 and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

7:25-6.21 (Reserved)

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, 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 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 May 15 to June 30, 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 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
   PO Box 420
   Trenton, NJ 08625

2. Applications shall be directed to:
   New Jersey Division of Fish and Wildlife
   PO Box 420
   Trenton, NJ 08625

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, and number and approximate total weight of sub-legal and legal sized snapping turtles released;
   
   ii. Display his or her name and address on any traps left in the water unattended;
iii. Notify and obtain permission from the owner of the waterbody where the trap is set;

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

v. Not transfer the permit to other operators;

vi. Use only those traps that provide a means of escape, or survival, of species of turtles other than snapping turtles;

vii. Set traps in a manner that allows at least the topmost two inches of the trap to remain exposed, at all times, above the surface of the water;

viii. Use flotation devices that have sufficient strength to support the weight of the trap and keep it afloat for at least 24 hours;

ix. Comply with any local ordinances and other State laws or regulations;

x. Not harvest from any water subject to a Department of Environmental Protection fish consumption advisory, for the general population, for any fish species of "do not harvest," "do not eat," or "no more than one meal per year";

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

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


(e) Those species of frogs and turtles listed as State endangered or threatened may not be pursued, taken, killed, or possessed. The possession of other species of frogs and turtles not regulated in this Code is regulated under N.J.S.A. 23:2A-6.

7:25-6.23 Special limited fishing licenses

(a) The Director of the Division may issue a permit to organizations that provide care for disabled persons authorizing those disabled persons to fish in a specified body of water, on a designated date, provided they are escorted by the staff of the organization, without a license or stamp as required by Title 23 of the New Jersey Statutes. This permit allows the taking of any species at any location at any time, subject to the following
requirements. For the purposes of this section, an "organization that provides care for the disabled" shall mean a governmental or licensed private care facility that is responsible for the physical or mental developmental health of persons who have a lifelong need of supervised care. "Disabled person" shall mean a person who has a condition that substantially limits one or more of the major life functions such as caring for themself, or limited mental development that prevents a person's caring for themself, seeing, hearing, or speaking.

(b) Applications shall be made to the Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 400, Trenton, New Jersey 08625-0400. Applications, in the form of a letter of request, shall be submitted at least 21 days prior to the event upon the organization's letterhead stationery. Applications shall contain the date or dates of the proposed event, the body of water involved, the number of disabled persons who will be authorized by the permit, and the number of care providers. Angling under the authority of this permit shall be in accordance to season, size, creel limit and equipment restrictions. The permit shall be issued when the Director determines that the event will provide a natural resource educational experience for disabled persons consistent with the goals of the Division.

7:25-6.24 Permits issued to scientific or educational organizations

(a) Educational or scientific organizations may apply to the Director, subject to approval by the Fish and Game Council, for a permit that shall authorize their participation in fisheries notwithstanding the requirements of N.J.A.C. 7:25-6. This permit would allow the taking of any species at any location at any time, subject to the requirements of this section. This permit shall satisfy any licensing requirement associated with such activity. Such permit shall be effective and/or rescinded immediately upon public notification. For the purposes of this section, "educational or scientific organization" shall mean a governmental unit or private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

(b) An application for a scientific collecting permit shall be made on an application form obtained from and filed with the Division in accordance with (c) below. Applications shall include:

1. The applicant name;
2. The applicant address;
3. The applicant telephone number;
4. The dates of proposed sampling;
5. The body or bodies of water involved;
6. The purpose of the activity;

7. A listing of any equipment that is expected to be used;

8. The species to be collected;

9. The disposition of species collected;

10. The names of persons who will be authorized by the permit; and

11. If the activity is related to research or environmental study or assessment, a copy of the project proposal must be attached to the application.

(c) Application forms may be obtained from and, when complete, shall be submitted to the Division at:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

(d) The Director shall grant the permit, subject to the requirements of this section, after a determination that the event will provide a natural resource educational experience or a scientific investigation consistent with the goals of the Division that cannot otherwise be accomplished in conformance with N.J.A.C. 7:25-6.

(e) The permittee shall agree to:

1. Abide by all permit conditions;

2. With the exception of sampling for educational purposes, notify the nearest regional law enforcement office 48 hours prior to sampling;

3. Notify and obtain permission from the owner of the waterbody prior to sampling;

4. Use standardized sampling protocols, as applicable;

5. Not transfer the permit to other persons;

6. Submit a report of field data by December 31;

7. Submit a copy of the final report, as soon as it becomes available, to New Jersey Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 394, Lebanon, New Jersey 08833; and
8. Comply with any local ordinances and other State laws or regulations.

7:25-6.25 Water lowering

(a) Except as otherwise permitted in this section, no person shall shut off water to, or draw off waters from any pond, stream or lake, public or private within the State.

(b) Water withdrawals authorized for water supply purposes pursuant to N.J.A.C. 7:19 or for agricultural, aquacultural or horticultural uses pursuant to N.J.A.C. 7:20A shall not require a water lowering permit pursuant to this section.

(c) Water lowering permits are issued for the sole purpose of protecting the State's aquatic biological resources.

(d) An application for a water lowering, including all information required by this section, shall be submitted at least 60 days prior to the requested lowering date. In the event the lowering is required due to unsafe or hazardous dam conditions, as determined by the Department's Division of Dam Safety, the dam owner or the owner or operator of the outlet structure shall submit a completed application form within 15 days of notification from the Division of Dam Safety. The application shall include a copy of the written documentation received from the Department's Division of Dam Safety.

(e) Application forms may be obtained from and, when complete, shall be submitted to the Division at:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
P.O. Box 394
Lebanon, New Jersey 08833

(f) An application for a water lowering permit shall include the following information, as well as any supplemental information required by this section:

1. Applicant name;
2. Applicant address;
3. Applicant phone number;
4. Waterbody location;
5. Reason the lowering is requested;
6. Date requested to begin;
7. Refill date;

8. Water body size;

9. Maximum depth;

10. Extent of drawdown requested;

11. Method of water release;

12. Department of Environmental Protection permits applied for relative to the project;

13. Applicant signature;

14. Property owner's certification; and

15. Contact information for agent acting on behalf of the applicant, if applicable.

(g) For applications submitted for flood control purposes, the application shall additionally include a written justification identifying the need for the water lowering, flood storage capacities gained and their beneficial impacts to the community, as well as the adverse impacts of repeated lowerings on the associated waterway.

(h) If information submitted to the Division is incomplete, the Division may either deny the application or request that the applicant provide additional information within a specified timeframe. Failure to provide the additional information within the time frame specified shall result in denial of the application.

(i) Except as provided in (s) below, the following time restrictions shall apply:

1. Lowering may not occur from February 1 to March 15, when reproducing populations of rainbow trout may be adversely impacted;

2. Lowering may not occur from March 1 to June 30, when anadromous fish populations may be adversely impacted;

3. Lowering may not occur from March 15 to June 15, when trout maintenance waters and/or the stocking of trout may be adversely impacted by the lowering;

4. Except when the extent of the lowering requires the collection and relocation of aquatic biota, lowering may not occur from April 1 to June 15, when warmwater fish populations, which include pickerel are present, otherwise lowering may not occur from May 1 to June 15;
5. Except in the event the Division determines that the lowering will have no adverse impacts to aquatic biota present, lowerings may not occur from July 1 to September 15;

6. Lowering may not occur from September 15 to March 15, when reproducing populations of brook and brown trout may be adversely impacted;

7. Lowering may not occur from September 15 to December 1, when reproducing populations of lake trout may be adversely impacted;

8. For waterways located north of Route 195, water levels must be lowered to the full approved extent by November 1; or

9. For waterways located south of Route 195, water levels must lowered to the full approved extent by November 15.

(j) Additional timing restrictions may be imposed pursuant to (i) above to minimize impacts to growth, spawning, breeding, and or hibernation, of threatened or endangered species, in accordance with N.J.A.C. 7:25-4.13 and 4.17, which may also be adversely affected by the lowering.

(k) In the event multiple timing restrictions would apply, the Director will assess the impacts to the spawning, breeding, growth and hibernation of biota present and determine the most appropriate timing for the lowering.

(l) Except as otherwise provided in this section, an application for a water lowering permit shall be approved if the Director determines that the lowering is necessary, timing restrictions, pursuant to (i) above, are satisfied and the applicant demonstrates, to the satisfaction of the Director, that impacts to aquatic biota, as a result of the lowering, have been minimized to the maximum extent possible. In determining whether to approve a water lowering permit application, the Director shall consider potential impacts to growth, spawning, stocking, breeding and hibernation of biota, as well as impacts to endangered species dependent upon the waterbody, or otherwise affected by the lowering.

(m) A water lowering permit shall be authorized by the Division when a draw down is required due to unsafe or hazardous dam conditions, as determined by the Department's Division of Dam Safety. Emergency water lowering permits issued pursuant to this subsection will be exempt from timing restrictions, as specified in (i) through (k) above. The permittee, however, must abide by all other permit conditions, including the collection and relocation of biota if determined necessary by the Division.

(n) In no event shall a water lowering permit be approved if maximum minimization of impacts continues to result in the potential for significant mortality to the aquatic biota present.
In the event the Division determines the lowering is necessary, and the extent and duration necessary poses an unavoidable threat to aquatic biota present, permittees may be required to collect and relocate aquatic biota to waters designated by the Division, or hold biota for reintroduction purposes. Appropriate timing restrictions shall still apply. A scientific collecting permit, scientific holding permit and/or stocking permit may also be required for the collection, relocation or retention of biota.

For the duration of the lowering, permittees are responsible for the welfare of aquatic biota and are required to alleviate harmful conditions that may result from either the water level manipulation or from unforeseen changes in environmental conditions, including, but not limited to, unseasonably warm temperatures or periods of low water.

The following general conditions shall apply to any permit for water lowering:

1. The permittee shall notify the Division 24 hours prior to lowering, and again 24 hours prior to refilling;

2. Initial water lowering shall not begin prior to the effective date of the water lowering permit, and refilling must commence no later than the expiration date;

3. At no point shall the water lowering exceed the amount specified on the permit;

4. For water lowering to be accomplished by a release of water from the waterbody, the rate of release at the time of lowering must be controlled to prevent any over-bank flow of the primary downstream channel, or increased turbidity; and

5. During the period that the waterbody is lowered downstream flow must be maintained at a flow equivalent, including amount and rate of flow, to conditions present immediately upstream of the waterbody for which the permit is issued.

Requests to modify the expiration date of an existing water lowering permit must be submitted by the permittee in writing. Requests to extend the permit's expiration date must be submitted at least 21 days prior to the original expiration date. Requests shall include the permit number, waterbody name, location, owner, the change requested and the reason the modification is necessary. Requests shall be submitted to the Division at: New Jersey Division of Fish and Wildlife Bureau of Freshwater Fisheries P.O. Box 394 Lebanon, New Jersey 08833

1. In determining whether to approve a modification to an existing water lowering permit, the Director shall consider the impacts to the growth, spawning,
stocking, breeding and hibernation of biota present, as well as impacts to endangered species dependent upon the waterbody, that may result from the change.

(s) For water lowering permits issued for flood control purposes, lowering may begin within 24 hours prior to a forecasted storm event of one inch of rain or more in the area. Permits are valid from January 1 to December 31. A written log, including the date, extent of lowering, forecasted amount of rain, source of the weather forecast, resulting water elevation after the rain event, the duration and the date the waterbody level was returned to full pool, must be recorded and submitted to the Division.

7:25-6.26 Fish stocking; fish culture facilities

(a) No person may release any live indigenous or exotic fish, or their eggs, into the aquatic environment without a permit. For the purposes of this subchapter, indigenous and exotic fish shall include all fish species, their subspecies and hybrids.

(b) An application for a fish stocking permit must be submitted at least four weeks prior to the requested stocking date. Applications may be obtained from and, when complete, shall be submitted to the Division at:
New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
P.O. Box 394
Lebanon, New Jersey 08833

(c) An application for a fish stocking permit shall include the following information, as well as any supplemental information required by this section:

1. Applicant name;
2. Applicant address;
3. Applicant phone number;
4. If different, pond owner's name and address;
5. Pond owner's signature;
6. Waterbody location;
7. Water body size;
8. Fish species present in the waterbody;
9. Waterbody access, public or private;
10. Species of fish requesting to stock;

11. Number of fish requesting to stock;

12. Size range of fish requesting to stock;

13. Source of fish;

14. If stocking is relative to an event or tournament, date of event;

15. If the fish are marked or tagged, the type of tag to be used;

16. Anticipated stocking date;

17. Applicant signature; and

18. If requesting to stock grass carp, the following additional information is required:
   
   i. Percent of weed cover;
   
   ii. Description of weed problem, including species; and
   
   iii. Photographs of inlet and outlet structures.

(d) If information submitted to the Division is incomplete, the Division may either deny the application or request that the applicant provide additional information within a specified timeframe. Failure to provide the additional information within the time frame specified shall result in denial of the application.

(e) An application for a fish stocking permit shall be approved if the Director determines that the introduction of the fish species, the number of fish proposed to be introduced, and the source of the fish proposed to be introduced will not create a potential risk to the freshwater resources of the State, and the proposed fish stocking is consistent with Division management plans and established stocking programs.

(f) The permit must be in the possession of the individual(s) performing the stocking on the day of the stocking event.

(g) Except for triploid grass carp for weed control purposes, the stocking of carp, including koi or goldfish, is prohibited. Any carp, including koi and goldfish and potentially dangerous fish collected as a result of a permitted lowering must be destroyed.
Only sterile triploid grass carp may be approved for stocking, strictly for the purposes of biological weed control, provided:

1. The waterbody is less than 10 surface acres in size;

2. Inlet or outlet structures in the impoundment are situated and constructed in a way that prevents escape of fish from the impoundment and are permanently affixed; and

3. No more than a total of 100 grass carp may be stocked into any single impoundment.

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

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.

Except for fish taken from one waterbody and reintroduced to another waterbody pursuant to N.J.A.C. 7:25-6.25, the source of all fish to be introduced to the waters of the State must be from an approved fish culture facility. A list of approved fish culture facilities shall be provided by the Division with the application for a fish stocking permit.

To be approved, fish culture facilities must:

1. Submit a completed "Fish Health History Request" form to the Division on an annual basis. The Fish Health History Request form shall include the following information, as well as any supplemental information required by this section:

   i. Name of the fish culture facility;

   ii. Address of the facility;

   iii. Identification of the owner of the facility;

   iv. Contact information for facility;

   v. Fish species offered for sale;

   vi. Origin of all fish stocks;
vii. Occurrence of disease outbreaks within the facility;

viii. Confirm that fish health inspections were performed at the facility over the last year;

ix. Origin of any eggs brought into the facility; and

x. For facilities offering triploid grass carp, contact information for the agency that performed triploid certification;

2. Obtain a Fish Health History Request form from, and when complete, submit to, the Division at:
New Jersey Division of Fish and Wildlife
Office of Fish and Wildlife Health and Forensics
605 Pequest Road
Oxford, NJ 07863;

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), Infectious 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 all 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), Bacterial redmouth (BRM), and whirling disease, *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;

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. Sixty 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;

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

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. Accept the responsibility for, and cost of any fish health inspections required for approval;

8. Keep accurate records of fish health inspections and transfers of fish into and out of the facility. These records shall be open for inspection by Division employees or representatives, at reasonable hours; and

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. In addition to fish health requirements specified in (i)1 through 8 above, for salmonids provide documentation that all stocks of fish reared in the hatchery have been inspected and found free of Proliferative Kidney Disease (PKD), caused by the myxozoan parasite *Tetracapsuloides bryosalmonae*, and *Ceratovexa Shasta*, formerly known as *Ceratomyxa shasta*; and

ii. Supply only fertilized eggs that have been subjected to iodine disinfection. No salmonid fish (fry, fingerling, or adult) other than
certified, disinfected eggs may be brought into New Jersey from areas where Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses are enzootic in salmonid stocks.

7:25-6.27 Revocation of permits; penalties

(a) Violation of any condition of a permit issued under this subchapter may result in revocation of the permit.

(b) A permittee who violates any condition of a permit issued under this subchapter may be subject to penalties under N.J.S.A. 23:4-1 and 5-11, or any other applicable statute

7:25-6.28 Requests for adjudicatory hearings

(a) Any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to a permit decision made by the Division may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A request for an adjudicatory hearing must be received by the Department within 30 calendar days after the person requesting the hearing receives notice of the Division's decision. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.

(c) A person requesting a hearing shall provide the following information in writing to the Department at the address in (f) below:

1. The name, address, and telephone number of the person requesting the hearing;

2. A copy of the decision document;

3. A description of any facts or issues which the petitioner believes constitute a defense to the decision made by the Division;

4. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;

5. An estimate of the time required for the hearing (in days and/or hours); and

6. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(d) If the person fails to include all of the information required by (c)1 through 6 above, the Department may deny the hearing request.
SUBCHAPTER 7. Miscellaneous Shellfish Rules

7:25-7.10 Taking of oysters

(a) No person shall catch, take or attempt to catch or take by tonging or by any hand-operated device any oysters in the waters of this State unless such person has in his or her possession a valid oyster license issued by the Bureau of Shellfisheries of the Division of Fish and Wildlife.

1. The fee for an oyster license shall be $10.00 and it shall expire at the end of the calendar year in which it was issued, except that no fee shall be charged for a recreational license issued to a resident of this State who is 62 or more years old.

7:25-7.11 Mussels

(a) No person shall take mussels (Mytilus edulis) by any means whatsoever upon any of the lands lying under the tidal waters of this State before sunrise or after sunset or at any time on Sunday.

(b) "Person," as used in this section, shall include, but not be limited to, the captain or other person responsible for the operation of any vessel

SUBCHAPTER 8. Clam Licenses

7:25-8.1 Scope and authority

This subchapter constitutes the rules governing the issuance and use of recreational resident and non-resident, juvenile and commercial clam licenses pursuant to the authority of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

7:25-8.2 Purpose

The purpose of this subchapter is to establish the fees for recreational resident and non-resident, juvenile and commercial clam licenses, to provide necessary restrictions on the use of these licenses, and to establish the Shellfisheries Enforcement Fund, into which these fees shall be deposited.

7:25-8.3 Construction
This subchapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

7:25-8.4 Applicability

This subchapter applies to the harvest of clams from any of the natural clam grounds in the waters of the State.

7:25-8.5 Licenses

(a) Any person engaged in the harvest of clams from any of the natural clam grounds in the waters of the State shall first obtain the appropriate license, as set forth in (b)1 to 3 below, issued by the Division, Bureau of Shellfisheries, or its designated agents. Licenses to harvest clams shall only be available to natural persons and only licensees may harvest clams from the natural clam grounds of the State.

(b) The following licenses are available for the harvest of clams:

1. Any person harvesting clams not in excess of 150 clams per day shall first obtain either a resident recreational clam license or a nonresident recreational clam license;

2. Any person under 14 years of age harvesting clams not in excess of 150 clams per day shall obtain a juvenile recreational clam license; and

3. Any person of any age harvesting more than 150 clams per day shall first obtain a commercial clam license.

(c) Whenever a person in possession of a commercial clam license in any vessel or vehicle is engaged in any clamming activity, all other persons on or in that vessel or vehicle harvesting clams shall also possess a commercial clam license.

(d) Clams harvested by a person in possession of a recreational clam license shall not be commingled with clams harvested by a person in possession of a commercial clam license.

7:25-8.6 License fees

(a) The license fees for the license described in N.J.A.C. 7:25-8.5 shall be as follows:

1. Resident recreational clam license, persons under 62 years of age: $ 10.00;
2. Resident recreational clam license, persons 62 or more years of age: No Fee;
3. Nonresident recreational clam license: $ 20.00;
4. Juvenile clam license: $ 2.00; and
5. Commercial clam license: $ 50.00.
(b) All clam license fees collected pursuant to this subchapter shall be deposited into the Shellfisheries Law Enforcement Fund.

SUBCHAPTER 9. Hard Clam Size Limits

7:25-9.1 Scope

This subchapter constitutes the rules governing the minimum size of hard clams allowed to be harvested in New Jersey. Nothing in this subchapter or in N.J.A.C. 7:12 or 7:17 shall prevent the harvest and replanting of hard clams with shell length less than one and one-half inches when such harvest and replanting are an express part of a program designed and directed by the department to prevent the loss of hard clams which might occur under conditions such as channel dredging or other destructive action.

7:25-9.2 Purpose

The purpose of this subchapter is to provide a means to control the minimum size of hard clams harvested in New Jersey.

7:25-9.3 Construction

These rules shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1-5.

7:25-9.4 Definitions

The following term, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Clam hatchery" means any operation which obtains clams through the process of artificial spawning and culture methods.

7:25-9.5 Taking of hard clams

(a) No person shall take, attempt to take, possess, sell, offer for sale, purchase, or attempt to purchase hard clams. Mercenaria mercenaria, with a shell length less than one and one-half inches provided, however, where all clams are in containers, no violation shall be deemed to have occurred where no more than three percent of the number of clams in possession in any single container have a shell length less one and one-half inches, and where non-containerized clams are in possession, no violation shall be deemed to have occurred where no more than three percent of total number of clams in possession have a shell length less than one and one-half inches.
(b) Clams shall be culled by the harvester where taken, and all clams less than one and one-half inches in shell length shall be redeposited immediately on the bottom from where they were harvested.

(c) Possession and sale of hatchery-reared clams by a clam hatchery and purchase and possession of hatchery-reared clams from a clam hatchery shall be exempt from the provisions of (a) and (b) above provided that the purpose of this possession and sale or purchase is for planting and rearing hard clams to market size (that is, not less than one and one-half inches). Possession and/or sale of hatchery-reared seed clams less than one and one-half inches in length for the purpose of marketing and consumption shall not be exempt from the provisions of (a) and (b) above and shall not be permitted.

(d) Enforcement personnel shall seize all hard clams less than one and one-half inches in length which are in violation of N.J.A.C. 7:25-9.5 and return them to estuarine waters.

7:25-9.6 Penalties

(a) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where no more than 100 hard clams fail to meet the regulatory minimum, shall be as follows:

<table>
<thead>
<tr>
<th>Number of clams</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1- 20</td>
<td>$ 20.00</td>
</tr>
<tr>
<td>21- 40</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>41-100</td>
<td>$ 100.00</td>
</tr>
</tbody>
</table>

(b) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where more than 100 hard clams fail to meet the regulatory minimum, shall be as prescribed at N.J.S.A. 23:2B-14a(1) for the first offense, that is, not less than $ 100.00 or more than $ 3,000 for the first offense.

(c) The penalty for any subsequent offense, regardless of number of hard clams involved, shall be as prescribed at N.J.S.A. 23:2B14(a)1 for any subsequent offense, that is, not less than $ 200.00 or more than $ 5,000.

SUBCHAPTER 10. Possession, Propagation, Liberation, Sale and Importation of Game Animals and Game Birds

7:25-10.1 Scope

This subchapter shall constitute the rules governing the possession, propagation, liberation, sale and importation of game mammals and game birds pursuant to N.J.S.A. 23:3-28 through 39.
7:25-10.3 Purpose

This subchapter is promulgated to regulate the possession, propagation, liberation, sale, and importation of game mammals and game birds through a permit system, with conditions associated therewith, to be issued at the discretion of the division.

7:25-10.4 Definitions

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

"Department" means the New Jersey Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

"Director" means the Director of Fish and Wildlife or his successor within the Department of Environmental Protection.

"Game animal" means any mammal for which a legal hunting or trapping season has been established in New Jersey, identified in this subchapter, or designated a game animal by the Fish and Game Council in the annual game code.

"Game bird" means any bird for which a legal hunting season has been established in New Jersey, identified in this subchapter, or designated a game bird by the Fish and Game Council in the annual game code.

"Person" shall include, but is not limited to, corporations, companies, associations, societies including nonprofit organizations, firms, partnerships, joint stock companies, individuals, and governmental entities.

"Qualified person" means a natural person presenting to the division the written testimonials from two well-known scientists certifying to the good character and fitness of the person to be entrusted with the privilege of holding the relevant permit.

7:25-10.5 Permit required

(a) Except as hereinafter provided, no person shall have in possession any game animal or game bird unless that person has first received a permit from the division. The permit form and permit application form shall be prescribed by and be obtainable from the division.
(b) No person shall liberate within this state any game animal or game bird unless that person has first received a permit therefor from the division.

(c) No person shall import into this state any game animal or game bird unless that person has first received a permit therefor from the division.

(d) The permit requirement pursuant to this section shall not apply to game animals and game birds legally taken or killed pursuant to the general hunting and fishing license statutes, N.J.S.A. 23:3-1 through 22, and during the season therefor.

7:25-10.6 Game animals and game birds for which a permit is required for possession

(a) A permit shall be required for possession of game animals including the following mammals:

1. Eastern cottontail rabbit (Sylvilagus floridanus);
2. Whitetail jackrabbit (Lepus townsendi);
3. Blacktail jackrabbit (Lepus californicus);
4. European hare (Lepus europaeus);
5. Eastern gray squirrel (Sciurus carolinensis);
6. Woodchuck (Marmota monax);
7. Beaver (Castor canadensis);
8. River otter (Lutra canadensis);
9. Muskrat (Ondatra zibethicus);
10. Nutria (Myocaster coypus);
11. Mink (Mustela vison);
12. Weasel (Mustela spp.);
13. Virginia opossum (Didelphis virginiana);
14. Striped skunk (Mephitis mephitis);
15. Raccoon (Procyon lotor);
16. Red fox (Vulpes vulpes);
17. Gray fox (Urocyon cinereoargenteus);
18. Coyote (Canis latrans);
19. Black bear (Ursus americanus);
20. Bobcat (Felis rufus);
21. Whitetail deer (Odocoileus virginianus).

(b) A permit shall be required for possession of the following game birds:

1. Family Anatidae:
   i. Geese;
   ii. Brant;
   iii. Tundra swans; and
   iv. Whistling, dabbling, diving, and sea ducks;

2. Family Rallidae:
   i. Rails;
   ii. Moorhens;
   iii. Coots; and
   iv. Mud hens;

3. Family Charadriidae:
   i. Plovers;
   ii. Surf birds; and
   iii. Shorebirds;

4. Family Scolopacidae:
   i. Sand pipers;
ii. Woodcock;

iii. Snipe;

iv. Curlews; and

v. Tattlers;

5. Family Meleagrididae:

i. Wild turkeys;

6. Family Tetraonidae:

i. Grouse; and

ii. Prairie chickens;

7. Family Phasianidae:

i. Pheasants;

ii. Partridges; and

iii. Quails;

8. Family Columbidae:

i. Mourning dove; and

9. Family Corvidae:

i. Common crow.

(c) The division may issue a permit for the possession of the mammals or birds listed in (a) and (b) above provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-10.8.

7:25-10.7 Categories of permits, expiration, fees, sales receipt required, records and reports required

(a) The division, when it appears to be in the public interest, may issue the following permits:
1. "Individual Hobby" may be issued to persons holding game animals for hobby purposes or as pets;

2. "Scientific Holding" may be issued to qualified persons holding game animals or game birds for scientific observation, captive breeding attempts and other scientific or educational study;

3. "Zoological" may be issued to private and public institutions which exhibit game animals or game birds for possession, importation, exportation, and sale of species listed in the permit;

4. "Propagation and Sales" may be issued to persons engaged in the propagation and/or sale of game animals or game birds for importation, exportation, and sale of species listed in the permit;

5. "Animal Exhibitor" may be issued to exhibitors of game animals or game birds other than zoos, including traveling exhibits, small exhibitions not qualifying as zoos, and circuses;

6. "Animal Theatrical Agency" may be issued to persons owning game animals or game birds to be used for advertising, acting, or theatrical appearances, permitting importation, exportation, and sale of species listed in the permit;

7. "Fur Farming" may be issued to persons engaged in the business of fur farming the species listed at N.J.A.C. 7:25-10.6(a)7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20; and

8. "Cooperator" may be issued to persons who are deemed qualified by the Division under the criteria set forth in the most current edition of the "Cooperator's Manual" or, in the absence of such manual, based on the need as determined by the Division to rear orphaned juvenile wildlife species and rehabilitate injured wildlife species listed under N.J.A.C. 7:25-10.6(a) and (b). Persons issued this permit must also maintain applicable federal permits where required.

(b) All possession permits shall expire on December 31 of the year of issue.

(c) The license fee for each permit shall be $ 5.00; provided, however, that there shall be no fee for the Cooperator permit.

(d) All permits must be displayed in a prominent place. The sale of game animals or game birds to any person must be accompanied by a "Game Animal or Game Bird Sales Receipt," the form of which shall be prescribed by and obtainable from the Division, and which shall serve as a temporary possession permit for a period of 20 days after the date of sale.
(e) Propagation and sales dealers shall submit to the Division an annual inventory of acquisitions, sales, and exchanges upon expiration or renewal of their permits.

(f) Zoological, Exhibitor, Theatrical, and Cooperator permit holders must submit quarterly reports of births, deaths, acquisitions, and disposals.

(g) Periodic inspections may be made by Division-designated personnel and shall consist of examination of game animal or game bird, their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by their permits in order to allow inspection of the activity by Division personnel.

7:25-10.8 General possession criteria

(a) Prior to the issuance of any permit under this subchapter, the applicant shall, on forms provided by the Division, demonstrate the following:

1. The origin of the animal is not from the wild stock of this State or any other state except where authorized by the Division for rehabilitative, scientific or other purposes consistent with the purposes of this subchapter as determined by the Division.

2. The animal will be fed an adequate diet;

3. The animal is housed or caged in a manner that:
   i. Allows the animal to perform the normal behavior patterns of its species; and
   ii. Prevents disease, liberation, or accidental injury to the animal and the public;

4. The method of acquisition did not violate the laws and regulations of this State, any other state, or the federal government;

5. Competent and adequate licensed veterinary services for the care and treatment of the animal are readily available; and

6. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock, or people of the State. The Division may request certification from a licensed New Jersey veterinarian or a person recognized as
qualified by the director to make such certification that the animal for which the permit is being sought is free from infectious diseases and parasites.

7:25-10.9 Emergency possession

(a) Persons may temporarily possess without permit a game animal or game bird, other than a potentially dangerous species defined at N.J.A.C. 7:25-10.10, which is orphaned, injured, or displaced provided that:

1. The Division law enforcement office of jurisdiction, DEP Emergency Hotline, or the Wildlife Control Unit is notified of such emergency possession within 12 hours of acquisition;

2. The Division Wildlife Control Unit reviews the case for the purpose of prescribing a course of action that is in the best interest of the animal or bird so possessed; and

3. The emergency possession of the game animal or game bird does not violate any local ordinances or requirements;

4. Contact phone numbers for cases of emergency possession are as follows:

   i. Northern Region Law Enforcement Office (201) 735-8240;

   ii. Central Region Law Enforcement Office (201) 259-2120;

   iii. Southern Region Law Enforcement Office (609) 629-0555;

   iv. DEP Emergency Action Hotline (24 hours) (609) 292-7172; and

   v. Wildlife Control Unit (201) 735-8793.

(b) The game animal or bird held without a permit therefor shall be surrendered upon demand by the Division.

7:25-10.10 Potentially dangerous species

(a) "Potentially dangerous species" is defined as any game animal or game bird which, in the opinion of the Division, is potentially capable of inflicting serious or fatal injuries, of being an agricultural pest, of being detrimental to existing or future wild populations, or of being a menace to public health, including, but not limited to, the following:

<table>
<thead>
<tr>
<th>Order</th>
<th>Family</th>
<th>Canid--Nondomestic dogs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnivora</td>
<td>Canidae--Nondomestic dogs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ursidae--Bears</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Felidae--Nondomestic cats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cervidae--Deer</td>
<td></td>
</tr>
<tr>
<td>Artiodactyla</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) "Potentially dangerous species" is defined as any game animal or game bird which, in the opinion of the Division, is potentially capable of inflicting serious or fatal injuries, of being an agricultural pest, of being detrimental to existing or future wild populations, or of being a menace to public health, including, but not limited to, the following:

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<td></td>
</tr>
<tr>
<td>Artiodactyla</td>
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</tbody>
</table>
(b) The Division, in its discretion, may issue a permit for possession of a potentially dangerous game animal or game bird only after a clear showing that the criteria for the possession of such potentially dangerous game animal or game bird have been met.

7:25-10.11 Criteria for the possession of potentially dangerous species

(a) In addition to the general criteria enumerated in N.J.A.C. 7:25-10.8, every person applying for a permit to possess potentially dangerous species shall meet each of the following criteria to the satisfaction of the Division:

1. Education and background: Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species;

2. Knowledge: Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired;

3. Other licenses and permits: Persons applying to possess potentially dangerous species must obtain, in addition to New Jersey Captive Game Animal or Game Bird Permit, all other applicable permits covering the possession of such species. Any permit issued for the possession of such animal by the Division shall not exempt an applicant from compliance with any other law of the State, or subdivision of the State, any municipality, or the Federal government, regarding construction necessary to house the animal, or other local requirements;

4. Purpose and intent: Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species;

5. Housing and feeding: Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required including a summary detailing a continuous source of food appropriate for the specific diet of the animals. Facilities must be constructed to prevent the possible escape of the animal. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the game animal or game birds; and

6. Protection of the public: The housing facilities must also be constructed to prevent public access to, and contact with, the animal. The potentially dangerous species may not be kept as a household pet except when compelled by the infancy of the animal. The public must not be allowed access to the animal, including animals used for exhibition purposes.

7:25-10.12 Denial, suspension, revocation and hearings
(a) The department may suspend the permits described in N.J.A.C. 7:25-10.7 and 7:25-10.10 for periods of time up to their duration upon the violation of any permit condition or any regulation appearing in this subchapter. The department may revoke the permits described in N.J.A.C. 7:25-10.7 and 7:25-10.10 upon finding in any five-year period two or more violations of any permit condition(s) or any regulation appearing in this subchapter. After revocation, no permit shall be issued to the violator within two years from the date of the second violation, or within three years from the date of the third or subsequent violation.

(b) In the event the department determines the necessity for denial of a permit application for, suspension of, or revocation of, any permit described in N.J.A.C. 7:25-10.7 and 7:25-10.10, the department shall issue a notice of intent to deny, suspend, or revoke, setting forth the reasons for such action. Where appropriate, a compliance directive shall accompany the notice of intent.

(c) The recipient of the notice of intent may request a contested case hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, by filing a written request with the Department therefor within 20 days from the receipt of the notice of intent described above at (b). The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402.

1. A request for a contested case hearing shall clearly state:
   i. The name of the recipient;
   ii. The departmental decision from which the recipient seeks relief;
   iii. The details of how the departmental decision aggrieves the recipient; and
   iv. The findings of fact incorporated within the notice of intent that the recipient contests.

2. The department shall review each hearing request and, upon a determination that the matter constitutes a contested case, grant a hearing. The denial of a request for a contested case hearing shall be considered to be final agency action on the matter.

3. The granting of a request for a contested case hearing shall not automatically stay the suspension or revocation.
(d) In the case of a notice of suspension or revocation of a permit issued pursuant to N.J.A.C. 7:25-10.10(b), the recipient of such notice shall immediately comply with any departmental directive as to disposal of the captive potentially dangerous species.

(e) Notwithstanding the provision at (c)3 above, in the case of a notice of suspension or revocation of a permit issued pursuant to N.J.A.C. 7:25-10.7, the recipient of such notice shall comply with any departmental directive as to disposal of the captive species upon final suspension or revocation.

7:25-10.13 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any game animal or game bird for which a permit has been issued, shall, within 48 hours, report in writing to the division exactly which animal(s) was transferred, the name and address of the person to whom the animal(s) was transferred and the location to which the animal(s) was transferred. No transfer shall be permitted without prior written approval of the division of a potentially dangerous species as defined at N.J.A.C. 7:25-10.10.

(b) Any person, issued a permit, who violates or fails to continually conform to the criteria established for the issuance of his permit, shall be considered to have violated an express condition of the permit and shall be deemed to be in possession of the animal or bird without a permit. Permit violators shall be subject to prosecution for possession of the animal or bird without a permit, and may be subject to the penalty prescribed by statute.

(c) No person shall acquire additional game animals or game birds under any one permit without prior written permission from the division. Progeny of permitted captive game animals or game birds are exempt from this requirement provided the permittee can biologically substantiate the increase in numbers from permitted captive game animals or game birds and reports the increase on the annual inventory report.

(d) As a condition of any permit issued under this subchapter the division may require the permitted game animal or game bird be quarantined for the period specified by the division.

(e) Any permittee shall allow division personnel, at any reasonable time, to inspect the housing facilities of the permitted species to determine compliance with the permit requirements and criteria.

(f) Nothing in this subchapter relative to the possession of Game Animals and Game Birds is intended to preempt any federal, state, or local requirement that is more stringent nor exempt any person from obtaining any permit required by these governmental entities.
Game animals and birds possessed under these permits may be dispatched in a manner as directed by N.J.S.A. 23:3-31 for legitimate purpose, including, but not limited to, the following:

1. Euthanasia of sick, injured or surplus animals, in order to cull individuals to prevent overcrowding or spread of disease; such euthanasia can also be ordered by the Commissioner when necessary to prevent spread of disease;

2. To utilize as food, or to utilize the hide, skin, or other body parts; record-keeping and tagging requirements must comply with those described in N.J.S.A. 23:3-28 to 39;

3. Euthanasia by an agent of the Division or as ordered by the Commissioner;

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or

5. Euthanasia of research animals held under the scientific holding permit

**SUBCHAPTER 11. (Reserved)**

**SUBCHAPTER 12. Surf Clams**

**7:25-12.1 Scope and authority**

This subchapter constitutes the rules of the Department of Environmental Protection governing the protection, conservation, management and improvement of the surf clam resource and industry in New Jersey.

**7:25-12.2 Purpose**

The purpose of this subchapter is to regulate the harvest of surf clams from New Jersey waters in order to conserve, protect, manage and improve the surf clam resource and industry. The surf clam harvest regulatory program includes a limitation on the number of available licenses, a limitation on harvest to specific fishing times and areas, establishment of a seasonal harvest quota and other control methods as may be necessary.

**7:25-12.3 Construction**

These rules shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1.5, 50:2-6.1 through 50:2-6.3 and 23:2B-14.

**7:25-12.4 Severability**
If any section, subsection, provision, clause or portion of this subchapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subsection, provision, clause, portion or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this subchapter or the application thereof to other persons.

7:25-12.5 Definitions

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

"Approved waters" means waters meeting established sanitary standards for approved shellfish harvesting, as delineated at N.J.A.C. 7:12.

"Bait clams" means surf clams taken from condemned waters, not for human consumption but only for use as bait.

"Bait clam vessel" means a vessel holding a bait clam vessel license issued pursuant to N.J.A.C. 7:25-12.15.

"Bushel" means 1.88 cubic feet of clams within the shell.

"Cage" means a container with a standard unit of measure containing 60 cubic feet (1,700 liters). The outside dimensions of a standard cage generally are three feet (91 cm) wide, four feet (122 cm) long, and five feet (152 cm) high.

"Commissioner" means the Commissioner of Environmental Protection or his or her designee.

"Condemned waters" means waters not meeting the established sanitary standards for approved shellfish harvesting, including waters designated as Prohibited, Special Restricted, Seasonal Special Restricted and Seasonal, as delineated at N.J.A.C. 7:12.

"Council" means the Atlantic Coast Section of the New Jersey Shell Fisheries Council.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife in the Department of Environmental Protection.

"Fishing trip" means a departure from port, transit to the fishing grounds, fishing and return to port.
"Land" means to transfer the catch of surf clams from any vessel to any land, pier, wharf, dock, or other man-made structure.

"Licensee" means the holder of a surf clam license or a bait clam vessel license or his or her agent.

"Offload" or "offloading" means to separate physically a cage from a vessel.

"Person" includes the captain, owner or other person responsible for the operation of a vessel.

"Season quota" means the total amount of surf clams, excluding bait clams, that may be harvested by all surf clam license holders from State waters during the annual surf clam season.

"Standing stock" means the amount of the surf clam resource in State waters, measured in bushels as determined by surf clam inventories conducted by the Division.

"Surf clams" means the species Spisula solidissima. Unless otherwise specified, the term "surf clams" includes bait clams.

"Surf clam vessel" means a vessel equipped to harvest surf clams by means of a dredge or dredges.

"Vessel," in addition to its normal meaning, includes the captain, owner or other person responsible for the operation of a vessel.

7:25-12.6 Applicability

(a) The rules in this subchapter shall apply to all taking, attempting to take, harvesting, or dredging of surf clams, or the participation therein, in State waters, except the following:

1. Research, inventory or educational activities involving surf clams conducted under a certificate issued by the Division pursuant to N.J.S.A. 23:4-52 or a permit issued by the Department pursuant to N.J.S.A. 50:2-6.1 for research, inventory or educational purposes;

2. Gathering from beaches of surf clams cast there by the sea, in areas adjacent to approved waters. Such harvest activities are subject to the provisions of N.J.S.A. 50:2-1 through 50:2-5 and 50:4-2, and a clamming license is required therefor as described in N.J.A.C. 7:25-8; and

3. Harvest of surf clams for personal consumption and not for sale from areas in approved waters. Such harvest activities are subject to the provisions of N.J.S.A.
THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

50:2-1 through 50:2-5 and 50:4-2, and a clamming license is required therefor as described in N.J.A.C. 7:25-8.

(b) Compliance with this subchapter shall not exempt any person from compliance with shellfish rules adopted to protect the public health by the Department, under authority of N.J.S.A. 58:24-1 et seq., or by any department of State government or any Federal agency.

7:25-12.7 General control methods

(a) Except as provided at N.J.A.C. 7:25-12.6(a), a person or vessel shall not take, attempt to take, harvest, or dredge for surf clams, or participate therein, in any State waters without first obtaining a surf clam license and harvest tags as described in N.J.A.C. 7:25-12.12 and 7:25-12.14, or bait clam vessel license as described in N.J.A.C. 7:25-12.15.

(b) The general methods by which the Department shall control the harvest of surf clams from State waters are as follows:

1. The captain of a surf clam vessel possessing a surf clam license, or of a licensed bait clam vessel, or his or her designee, shall notify the Department of the intended fishing location of the vessel and the intended port and time of landing each day it fishes in State waters. The notification shall be made by calling the Division's Marine Enforcement Unit, Bureau of Law Enforcement, at (609) 748-2050, prior to fishing in State waters and prior to change of location. Changes in port of landing or time of landing must be given four hours prior to landing.

2. Any person fishing for surf clams at any time, or who has reported his intention to fish, in State waters shall have the vessel's entire harvest for that fishing trip counted as part of the licensed season allocation of surf clams.

3. A person shall not transfer surf clams from a surf clam vessel or bait clam vessel to any other vessel. All surf clams harvested in State waters shall be landed in this State. Specific hours of landing may be designated by the Division. A person shall not operate a surf clam vessel or bait clam vessel to fish in or land surf clams from both State and Federal waters on a single fishing trip. A surf clam vessel shall not land any quahogs or surf clams taken from Federal waters during the same fishing trip for which the Division's Marine Enforcement Unit, Bureau of Law Enforcement, has received notification of intent to use that vessel in State waters to harvest surf clams.

4. All surf clams shall be landed in their shells and offloaded in cages. All surf clam cages containing surf clams shall be tagged with tags obtained from the Division before offloading. The tags must be used sequentially as issued. Tags
shall not be removed until cages are emptied at the processing plant, at which point the removed tags shall be destroyed and discarded.

5. It shall be unlawful to possess an empty cage to which a tag required at (b)4 above is affixed.

7:25-12.8 Season

Except for bait purposes as provided in N.J.A.C. 7:25-12.11, the annual season for taking surf clams in State waters shall begin on October 1 and extend through and including May 31.

7:25-12.9 Prohibited surf clam harvest areas; reopening of closed surf clam harvest areas

(a) The area in which surf clams may not be taken are as follows:

1. Those areas closed to shellfishing by N.J.A.C. 7:12; and

2. For the purpose of surf clam resource conservation, the Commissioner, with the advice of the Council, may close surf clam harvest areas in regions in which the average size of the surf clams is less than four inches in length (longest dimension) as determined by the Department's annual New Jersey surf clam stock assessment survey, by filing a public notice for publication in the New Jersey Register and sending notice to all license holders by first class mail.

   i. At such time as the average size of surf clams within these prohibited surf clam harvest areas exceeds four inches in length (longest dimension) as determined by the Department's annual New Jersey surf clam stock assessment survey, the Commissioner, with the advice of the Council, may reopen these areas, by filing a public notice for publication in the New Jersey Register and sending notice to all license holders by first class mail.

7:25-12.10 Harvest limitations; surf clam harvest quota

(a) The Commissioner, with the advice of Council, shall establish annually a season quota of between 250,000 and 1,000,000 bushels of surf clams. The season quota shall not exceed 10 percent of the State's estimated standing stock of surf clams.

(b) By September 15 of each year the Department shall send notice to all license holders by first class mail, and file notice for publication in the New Jersey Register, of the season quota for the upcoming surf clam harvest season.

(c) If the Department does not give notice of the season quota for the surf clam harvest season pursuant to (b) above, the season quota for the upcoming season shall be 500,000 bushels.
(d) Each surf clam license allocation shall be 1/57th of the season quota.

7:25-12.11 Bait clams

(a) A person or vessel shall not take, attempt to take, harvest, or dredge for bait clams, or participate therein, in any State waters without first obtaining:

1. A bait clam vessel license as provided for at N.J.A.C. 7:25-12.15; and

2. A special permit for bait clam harvest from the Division of Water Resources, as provided for at N.J.A.C. 7:12.

(b) Bait clam vessel licensees shall harvest bait clams only from condemned waters, as delineated at N.J.A.C. 7:12 and illustrated in the current Shellfish Growing Water Classification Charts, but not from condemned waters located within the prohibited fishing areas delineated at N.J.A.C. 7:25-12.9(a)1 and 2.

(c) Bait clam vessel licensees shall report fishing area daily as provided at N.J.A.C. 7:25-12.7(b)1 and file weekly harvest reports as provided at N.J.A.C. 7:25-12.13.

(d) The season for taking bait clams shall extend throughout the year.

(e) The time for taking bait clams shall be as follows:

1. October 1 through May 31: Daily, between 6:00 A.M. and 6:00 P.M. Eastern Standard Time; and

2. June 1 through September 30: Monday through Saturday, between one half-hour before sunrise (Trenton Time) and 4:00 Eastern Standard Time.

(f) A weekly bait clam vessel quota may be set by the Commissioner with notice by mail to all license holders.

(g) A person shall not operate the identical vessel to take surf clams in the waters of this State for bait purposes and for human consumption on the same day.

7:25-12.12 Landing fees, tags, transfers of tags

(a) Holders of surf clam license shall pay a landing fee of 15 cents ($0.15) for each bushel landed by the purchase of tags to be attached to each 32 bushel cage ($4.80 for each tag). Tags will be available from the Division's Nacote Creek Shellfish Office, Port Republic, New Jersey, in batches of 50 or more tags. Tags provided under this section shall be valid only for the season for which issued.
(b) Bait clam vessel licensees shall pay a landing fee of 15 cents ($ 0.15) for each bushel of bait clams harvested from the waters of this State at the time of providing to the Division their weekly surf clam harvest report as required at N.J.A.C. 7:25-12.13.

(c) A licensee may transfer part or all of his or her assigned surf clam tags to another licensee, provided that the other licensee meets all statutory and regulatory criteria for licensing, and receives the Department's approval of a notarized statement of transferor's intent to transfer such tags. The statement of intent shall be signed by the transferor, and shall include the respective sequential surf clam tag numbers. Each license holder shall be limited to a maximum of three tag transfer actions during the term of the license. A transfer which would result in an allocation of tags to a single vessel greater than that allowed under three licenses is prohibited and will not be approved by the Department.

7:25-12.13 Weekly reporting

(a) All surf clam licensees and bait clam vessel licensees shall provide to the Division weekly surf clam harvest reports on forms supplied by the Division. Weekly reports shall include the following:

1. The harvest vessel name and New Jersey surf clam license or bait clam vessel license number;

2. The dates fished and, for each date fished, the fishing time in hours, the numbers of bushels harvested and the number of the New Jersey Inshore Surf Clam Harvest Zone fished;

3. For each surf clam or bait clam landing, the port at which the clams were landed;

4. The name and signature of the captain of the surf clam vessel or bait clam vessel, or the captain's agent, attesting to the validity of the report (see N.J.A.C. 7:25-12.18); and

5. Sequential listing of surf clam tags used.

(b) The week for surf clam and bait clam harvest reporting purposes shall begin on Sunday and run through the following Saturday.

(c) Weekly surf clam bait harvest reports shall be mailed, together with a check or money order for the proper amount of the landing fee, as determined pursuant to N.J.A.C. 7:25-12.12, made payable to the "Treasurer, State of New Jersey," to: Nacote Creek Shellfish Office New Jersey Department of Environmental Protection PO Box 418, Route 9 Port Republic, New Jersey 08241-0418
(d) Weekly surf clam harvest and bait clam harvest reports shall be submitted to the Division by Saturday, 6:00 P.M. of the week following the week fished.

(e) If a surf clam vessel or bait clam vessel does not fish in State waters during a given week, the licensee shall provide a weekly report to that effect. If a surf clam licensee has harvested his or her total season allocation, a final report shall be filed to that effect.

(f) The Division will furnish total State surf clam harvest information to all licensees on an annual basis.

(g) Except for the total State surf clam harvest in bushels, information provided on weekly surf clam and bait clam harvest reports is confidential and shall not be available for public inspection.

7:25-12.14 Issuance of surf clam licenses

(a) An applicant for a surf clam license or licenses shall be the bona fide owner of a surf clam vessel or vessels and a resident of New Jersey.

(b) No more than three surf clam licenses may be fished by a single license holder on a single surf clam vessel, to be identified at the time of application. The top and sides of the surf clam vessel shall be marked with the New Jersey surf clam license number or numbers in markings at least 18 inches in size, clearly legible and in good repair with no obstruction.

(c) Application for a surf clam license shall be made in person by the vessel owner or agent of the owner to:
Nacote Creek Shellfish Office
Division of Fish and Wildlife
New Jersey Department of Environmental Protection
PO Box 418, Route 9
Port Republic, New Jersey 08241-0418
(609) 748-2040

(d) The license year for surf clam licenses shall be July 1 to June 30.

(e) A licensee may transfer a surf clam license to a new licensee, provided that the new licensee meets all statutory and regulatory criteria for licensing (including, without limitations, application for a license under (c) above and payment of the fee stipulated in N.J.A.C. 7:25-12.16(a)), and receives the Department's approval of a notarized statement of transferor's intent to transfer such tags. The statement of intent shall be signed by the transferor. A license may be transferred no more than three times during its term.
(f) A person shall not transfer a surf clam license or surf clam tags while an enforcement action by the Department for violation of this subchapter is pending. An enforcement action is pending against a license holder from the time the Department issues a Summons or Notice of Violation to the license holder until such time as a final legal disposition of the enforcement action has been rendered. If the final legal disposition of the enforcement action requires that a monetary penalty be paid or orders a suspension of the surf clam license, the surf clam license or surf clam tags shall not be transferred until the monetary penalty has been paid or the suspension time has run, whichever is later.

7:25-12.15 Issuance of bait clam vessel licenses

(a) An applicant for a bait clam vessel license shall be the bona fide owner of the bait clam vessel and a resident of New Jersey, as required by N.J.S.A. 50:2-6.1. Applicants shall submit proof of vessel ownership and proof of residency as part of the bait clam vessel license application.

(b) Application for a bait clam vessel license shall be made in person by the bait clam vessel owner or agent of the vessel owner to:
   Nacote Creek Shellfish Office
   Division of Fish and Wildlife
   New Jersey Department of Environmental Protection
   PO Box 418, Route 9
   Port Republic, New Jersey 08241-0418

(c) The license year for bait clam vessel license shall be July 1 to June 30.

(d) The top and sides of the bait clam vessel shall be marked with the New Jersey bait clam vessel license number in markings at least 18 inches in size, clearly legible and in good repair and with no visual obstruction.

7:25-12.16 Licensing fees

(a) The annual fee for each surf clam license shall be the minimum provided for at N.J.S.A. 50:2-6.3.

(b) The annual fee for a bait clam vessel license shall be the minimum provided for at N.J.S.A. 50:2-6.3.

7:25-12.17 Renewal of surf clam licenses and bait clam vessel licenses

(a) Surf clam licenses and bait clam vessel licenses shall be renewed annually by payment of the annual license fee on or before the June 30 immediately preceding the license year. If a surf clam licensee has not paid the annual license fee on or before the expiration date, the Department shall retire that surf clam license from the surf clam fishery.
(b) Surf clam license and bait clam vessel license renewal is specifically conditioned on the continuing compliance of the licensee with all the requirements of this subchapter and all statutory criteria for licensing and harvest. The Department shall not renew a surf clam license or a bait clam vessel license for a licensee who, by June 30, has not filed the required weekly reports in a timely fashion, as specified at N.J.A.C. 7:25-12.13, and, in the case of bait clams, paid the required landing fee in a timely fashion, as specified at N.J.A.C. 7:25-12.12, for any part of the preceding license year.

7:25-12.18 Signatories; certification

(a) All applicants and licensees shall, upon submission of initial, renewal, replacement applications, transfer applications or weekly harvest reports, sign the following certification on the application or report forms:

1. "I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil penalties for submitting false, inaccurate or incomplete information and significant criminal penalties, including fines and/or imprisonment for submitting false, inaccurate or incomplete information or information which I do not believe to be true."

(b) Penalties for false swearing or false reporting may include the penalties set forth in N.J.S.A. 2C:28-3 and the penalties set forth in N.J.A.C. 7:25-12.19.

7:25-12.19 Penalties

Violation of any section of this subchapter, or any license or order issued pursuant to it, shall subject the violator to the penalties set forth in the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq., at N.J.S.A. 23:2B-14. Penalties may include monetary penalties of $ 100.00 to $ 3,000 for a first violation, and $ 200.00 to $ 5,000 for any further violations. Penalties may also include confiscation of any vessel or equipment used in committing a violation, and revocation of any license issued under this subchapter and N.J.S.A. 50:2-6.1 through 50:2-6.3. The Department may compromise and settle any claim for a penalty under this subsection in such amount as in the discretion of the Department may appear appropriate and equitable under all the circumstances.

7:25-12.20 Hearings

(a) Except as provided in (b) below, prior to the suspension or revocation of any license, the licensee has a right to a hearing, upon the licensee's request to the Department. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection PO Box 402, Trenton, New Jersey 08625-0402. The hearing shall be conducted pursuant to the

(b) When necessary to protect the public health, safety or welfare, the Department may immediately suspend a license without a pre-suspension hearing. In that case, the hearing shall be conducted on an expedited basis.

SUBCHAPTER 13. Leased Tidal Grounds

7:25-13.1 Marking of leased tidal grounds; Delaware River and Bay

No leased shellfish ground in the Delaware River and Bay shall be dredged upon unless it is properly staked or buoyed. Proper stakes or buoys shall extend at least four feet above mean high water; each corner marked with a stake or buoy shall have on it the number of the lots marked. Numbers shall be four inches high on a background of contrasting color. Corners that have to be marked shall be the same as those shown on the approved shellfisheries maps.

SUBCHAPTER 14. Crab and Lobster Management

7:25-14.1 Definitions

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

"Blind crab pot line" means a length of submerged line to which crab pots are attached.

"Blue crab" means the crab Callinectis sapidus.

"Commercial crab pot" means a cube or rectangular shaped device not larger than 30 inches on a side with openings inward for the entrance of crabs. Any similar device may be approved by the Division. The material of which the pot is constructed shall have a mesh not less than one inch across measured on its longest axis. The openings into the interior of the pot shall be oval and not larger than seven inches wide and four inches high.

1. Effective January 1, 1998, no person shall possess on marine waters or sell or offer for sale a commercial crab pot which does not include a biodegradable panel or other mechanism which is designed to create an opening to allow the escape of crabs or other marine organisms after a pot has been abandoned or lost, and which meets the following criteria:
The opening covered by the panel, or created by another approved mechanism as identified in subparagraph 1iii below shall be oval or rectangular and measure at least six and one-half inches wide and five inches high, shall be located in the upper portion of the pot, and shall be in a position which allows the unobstructed exit of crabs or fish from the pot;

ii. The panel shall be constructed of, or fastened to the pot with one of the following materials: wood lath; cotton, hemp, sisal or jute twine not greater than 3/16 inch in diameter; or nonstainless, uncoated ferrous metal not greater than 3/32 inch in diameter, except that plastic floatable panels may be fastened to the pot on the top side only by nonbiodegradable material and fastened on any other side by one of the biodegradable materials listed above;

iii. The door or a side panel of the pot may serve as the ghost panel if the door or side panel is fastened to the pot with a material specified in subparagraph 1ii above; and

iv. Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

2. Effective January 1, 1998, all commercial crab pots set in any body of water, less than 150 feet wide from shoreline to shoreline at mean low water or in any man made lagoon shall include terrapin excluder devices attached to the inside of all pot entrance funnels which meet the following criteria:

i. The terrapin excluder device shall be rectangular or diamond shaped and no larger than six inches wide and two inches high; and

ii. The terrapin excluder device shall be securely fastened inside each funnel to effectively reduce the size of the funnel opening to no larger than six inches wide and two inches high; and

iii. Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

"Crab" means any species commonly known as a crab except horseshoe crab (Limulus polyphemus). A Jonah crab is not considered a crab for the purposes of this subchapter except when specifically mentioned in a particular rule or provision.

"Crab dredge area" means all marine waters of the State including the Atlantic Ocean, with the exception of the Newark Bay Complex, the State oyster beds defined in N.J.A.C. 7:25-19.1, and the Delaware Bay north and west of a line:
1. Beginning at a point (corner 1) on the shore line of Cape May County (Lat. 39 deg 04.35' N; Long. 74 deg 54.81' W) thence running 247 deg 38.08'(T) 21,127 feet to a point (Corner 2) where the Clam Line intersects the Brandywine-Dennis Creek Line (Lat. 39 deg 05.67' N; Long. 74 deg 58.94' W);

2. Thence running 221 deg 14.32'(T) 4,871 feet to a point (Corner 3) (Lat. 39 deg 05.07' N; Long. 74 deg 59.62' W) located on the Dennis Creek Range Line:

3. Thence running 319 deg 56.61'(T) 25,329 feet to a point (Corner 4) (Lat. 39 deg 08.25' N; Long. 75 deg 03.08' W) located in Delaware Bay;

4. Thence running 270 deg 16.96'(T) 17,346 feet to a point (Corner 5) (Lat. 39 deg 08.25' N; Long. 75 deg 10.60' W) located in Delaware Bay;

5. Thence running 324 deg 07.80'(T) 22,527 feet to a point (Corner 6) (Lat. 39 deg 11.24' N; Long. 75 deg 13.42' W) located in the Delaware Bay;

6. Thence running 246 deg 44.27'(T) 11,924 feet to a point on the State boundary 3,400 feet southeasterly of Elbow of Cross Ledge Lighthouse (Lat. 39 deg 10.46' N; Long. 75 deg 15.73' W) in Delaware Bay.

"Delaware Bay," for the purpose of this subchapter, consists of the marine waters under the jurisdiction of the State of New Jersey north and west of the COLREGS Demarcation Line which runs from the Cape May Point Lighthouse in Cape May, New Jersey to F1 5sec Horn at Cape Henlopen, Delaware.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Land" means to transfer the catch of crabs from any vessel to any land, pier, wharf or dock.

"Lobster" means the American lobster Homarus americanus.

"Newark Bay Complex" means the tidal Passaic River, the tidal Hackensack River, the Newark Bay, the Arthur Kill, and the Kill Van Kull.

"Trot line" means a single length of anchored line no longer than 3,000 feet to which baits or baited barbless hooks are attached.

7:25-14.2 Use of crab pots and trot lines

(a) No individual shall tend or remove crabs from any pot or trot line unless he or she is the holder of a valid license, or as otherwise herein provided.
1. An individual tending crab pots or trot lines shall have in his or her possession his or her numbered license which corresponds to the vessel number and the number marker on the pots or trot lines tended;

2. A commercial licensee may authorize an agent to tend his or her pots or trot lines provided the agent is in possession of his or her own license, the license of the individual whose pots are to be tended and a letter of authorization from said licensee, issued and notarized by the Division indicating the number marker of the pots or trot lines that the agent is authorized to tend. In cases of hardship due to illness or vessel repairs, an authorized agent is not required to possess his or her own license, and can, for a maximum of 30 days, tend said licensee's pots or trot lines upon satisfying all other conditions of this paragraph.

3. In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 for the violation of provisions of this subchapter actually committed by the agent based upon the apparent authority of the agent to act for his or her principal.

(b) No person shall cut or break the lines or otherwise tamper with or damage in any way, any pot, trot line or buoy which he does not own or is not authorized to tend.

(c) All other organisms other than crabs and conchs shall be immediately released to the waters from which such organisms were taken.

(d) All crab pots must be checked and emptied of all crabs and other organisms at least once every 72 hours.

(e) No license holder shall fish more than 600 crab pots in Delaware Bay nor more than 400 crab pots in all other waters.

(f) No license holder shall set any crab pots except between April 6 to December 4 in Delaware Bay and between March 15 to November 30 in all other waters.

(g) All gear associated with crab potting must be removed from the water within three days of the end of the season

7:25-14.3 Hours of fishing

Crab pots and trot lines may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.) prevailing time, in Delaware Bay and 24 hours a day in all other waters.

7:25-14.4 Commercial licenses for crab pots/trot lines and crab dredges
(a) No individual shall take or attempt to take crabs by any means for the purpose of sale or barter without having in his or her possession his or her valid commercial crab pot/trot lines or crab dredge license issued by the Division pursuant to N.J.S.A. 23:5-35.2. A Delaware Bay commercial crab dredge license is valid to harvest crabs only within that portion of the "Delaware Bay" defined at N.J.A.C. 7:25-14.1 as part of the "crab dredge area." An Atlantic Coast commercial crab dredge license is valid to harvest crabs in all areas defined at N.J.A.C. 7:25-14.1 as the "crab dredge area," except the area defined as the "Delaware Bay."

1. To be eligible for a commercial crab pot/trot line license, the applicant must provide a copy of a previously valid commercial crab pot/trot line license held by the applicant from the previous year. The Department shall issue no more than one commercial crab pot/trot line license to any individual at any time.

2. No additional crab pot/trot line licenses will be issued until the number of licenses issued decreases below 180 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

3. To be eligible for an Atlantic Coast commercial crab dredge license, the applicant must provide a copy of a previously valid Atlantic Coast crab dredge license held by the applicant from the previous year. The Department shall issue no more than one valid Atlantic Coast crab dredge license to any individual at any time.

4. No additional Atlantic Coast commercial crab dredge licenses will be issued until the number of licenses issued decreases below 100 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

5. To be eligible for a Delaware Bay commercial crab dredge license, the applicant shall provide a copy of a previously valid Delaware Bay commercial crab dredge license held by the applicant from the preceding year.

6. No additional Delaware Bay commercial crab dredge licenses shall be issued until the number of licenses issued decreases below 50 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

7. A commercial crab pot/trot line and crab dredge licensee may transfer the right to the license at any time to the license holder's spouse, father, mother, son, daughter, brother, or sister upon application to the Division, provided the license is not pending revocation, suspension, or court action for any violation. In addition, the holder of a valid commercial crab pot/trot line or crab dredge license not pending revocation or court action due to violation of a provision of this
subchapter may transfer the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister subject to (a)7i through v below, as applicable. The new licensee shall have a license issued in his or her name after payment of the fee specified at (a)8 below.

i. An active crab pot/trot line licensee who has harvested 200 or more bushels of hard crabs or 2,000 or more peeler crabs in the prior year, or an inactive crab pot/trot line licensee who has harvested less than 200 or less bushels of hard crabs or less than 2,000 peeler crabs in the prior year, shall apply to the Department for a transfer of the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister by no later than February 28 of the year in which the license holder wishes to transfer the license. If the Department receives 20 or fewer transfer applications from active crab pot/trot line licensees, or five or fewer transfer applications from inactive crab pot/trot line licensees, the Department will proceed with the transfer process for all requests. If the Department receives more than 20 applications from active crab pot/trot line licensees, or more than five applications from inactive crab pot/trot line licensees, the Department will institute the lottery system pursuant to (a)7v below to determine the order in which licensees will be allowed to transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister.

ii. An Atlantic Coast crab dredge licensee may not transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister until the number of available licenses falls below 100 licenses. Once the number of available Atlantic Coast crab dredge licenses falls below 100 licenses, the Department will allow unlimited license transfers of Atlantic Coast crab dredge licenses to any person.

iii. A Delaware Bay crab dredge licensee must apply to the Department for a transfer of the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister by no later than February 28 of the year in which the license holder wishes to transfer the license. If the Department receives five or fewer transfer applications from Delaware Bay crab dredge licensees, the Department will proceed with the transfer process for all requests. If the Department receives more than five applications from Delaware Bay crab dredge licensees, the Department will institute the lottery system pursuant to (a)7v below to determine the order in which licensees will be allowed to transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister.

iv. Once the number of available crab pot/trot line licenses falls below 180 licenses or the number of available Delaware Bay crab dredge
licenses falls below 50 licenses, the Department will allow unlimited license transfers to any person of crab pot/trot line licenses or Delaware Bay crab dredge licenses each calendar year.

v. If the number of license transfer requests to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister exceeds the number at (a)7i or iii above in a calendar year, the Department will institute a lottery and generate a list of licensees based upon the lottery results. Any licensee requesting a transfer of a crab pot/trot line, or crab dredge license will be given the first opportunity to transfer a license in the order in which the licensees are placed on the list.

vi. The Department shall provide notice by first class mail to the licensee at the top of the crab pot/trot line or crab dredge lottery list about the opportunity to transfer a license. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. A licensee has 30 days from the postmark date of the notice to respond to the Department.

vii. The Department shall remove an individual's name from the transfer license list if the individual is offered an opportunity to transfer a license under this paragraph, regardless of whether the individual transfers a license or not. Applications for a transfer shall be available from the Department. Only applications that are complete will be considered by the Department. The crab pot/trot line or crab dredge lottery will remain in place until the number of licenses falls below the number of licenses at (a)2 or 6 above, at which time the Department will allow unlimited license transfers to any person.

8. The license fee for New Jersey residents shall be $100.00 for a commercial crab pot/trot line license, $100.00 for a Delaware Bay commercial crab dredge license and $100.00 for an Atlantic Coast commercial crab dredge license. The license fee for non-residents will be the same as that for a resident if a New Jersey fisherman can obtain a license to harvest crabs in the state of residence of the non-resident applicant for the same fee as a resident of that state. Otherwise, the non-resident license fee shall be an amount equal to five times the $100.00 New Jersey resident license fee. All licenses shall expire on December 31 of the calendar year for which they were issued.

9. For crab pots and trot lines, the gear number shall be displayed on both sides of the crabber's boat amidship, in numerals not less than 12 inches high of a color contrasting with the background, and such numerals shall be illuminated during the hours of darkness.
10. When any additional commercial crab pot/trot line or crab dredge license becomes available pursuant to (a)2, 4, or 6 above, the individual(s) remaining on the lottery list of prior unsuccessful applicants will be given the first opportunity to obtain the license in the order in which they are placed on the list, provided the individual(s) purchase a license within 30 days of being notified by the Department. The Department shall provide notice by first class mail to the individual(s) on the list about the opportunity to obtain an available license. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. Once the existing list is exhausted, the Department shall notify commercial docks and fishing organizations by e-mail or first class mail as to the availability of licenses. Applications for a license shall be available from the Department, and successful applicants shall be chosen by lottery, if necessary, from all completed applications received by the Department. The Department shall remove an individual's name from the crab pot/trot line license list, the Atlantic Coast crab dredge license lottery list, or Delaware Bay crab dredge license lottery list if the individual is offered an opportunity to purchase an available license under this paragraph, regardless of whether the individual purchases the license or for the crab pot/trot line license and the Atlantic Coast crab dredge license, if the individual acquires a license from an immediate family member pursuant to (a)7 above.

(b) For the purposes of this section and N.J.S.A. 23:5-35.1, the possession of more than one bushel of crabs shall be considered as taking for the purpose of sale or barter. A bushel shall be defined as a U.S. standard bushel equivalent to four pecks or 32 quarts.

(c) An applicant who is otherwise eligible for a license under (a)1, 3, or 5 above, but who fails to provide a copy of his or her license before the December 31 expiration of that license, may request an extension of time to renew in accordance with this subsection and (d) through (f) below.

1. The written request, along with any supporting documentation, shall be submitted to:
   New Jersey Division of Fish and Wildlife
   Mail Code 501-03
   PO Box 420
   Trenton, New Jersey 08625

2. The request shall:

   i. Identify the specific license for which the extension of time to renew is requested;

   ii. Explain in detail why the extension of time to renew is needed, including a statement of the type and degree of hardship that prevented the
timely renewal of the license, and the hardship that will result to the applicant if the license is not renewed; and

iii. Provide appropriate documentation as necessary to support the request for the extension.

(d) The Department shall approve an extension request under (c) above only if it determines that the request and documentation demonstrate that:

1. By reason of extraordinary hardship or exceptional situation or condition, the applicant was precluded from renewing his or her commercial crab pot and/or dredge license(s) during the 12-month application period preceding the year for which the license is requested;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (a)1, 3 or 5 above would result in exceptional and undue hardship upon the applicant; and

3. The circumstances supporting (d)1 and 2 above were not created by the applicant or persons under his or her control, and the approval of the extension will not unreasonably interfere with the orderly administration of this licensing program.

(e) The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension.

(f) The denial of an extension request may be appealed pursuant to the procedures outlined in N.J.A.C. 7:25-14.21, Request for adjudicatory hearing.

7:25-14.5 Non-commercial licenses for crab pots/trot lines and crab dredges

(a) No individual shall take or attempt to take crabs by means of crab pots, trot lines or crab dredges without having in his or her possession a valid license issued by the Division.

1. The Division will issue a noncommercial crab pot/trot line license for no more than two crab pots or two trot lines. Trot lines shall not exceed 150 feet in length with a maximum of 25 baits attached. Pots and trot lines shall be marked with the licenses number. There is no fee for this noncommercial license. All licenses shall expire on December 31 of the calendar year for which they were issued.

2. The Division shall issue a non-commercial crab dredge license subject to the following provisions:

i. The number of dredges on any one vessel shall not exceed two;
ii. The maximum weight of each dredge shall be 80 pounds;

iii. The maximum length of the tooth bar shall be 38 inches;

iv. The maximum length of teeth shall be three inches;

v. The minimum space between teeth shall be two and three-quarters inches measured at the base;

vi. Mechanical dredge haulers are prohibited;

vii. No person shall catch, take or attempt to catch or take crabs by means of a crab dredge except during the times and seasons set forth in N.J.A.C. 7:25-14.7(d) and (e);

viii. All organisms other than crabs taken by crab dredge shall be immediately returned to the water; and

ix. There is a fee of $15.00 for this noncommercial license.

3. Crabs taken under provisions of a noncommercial license may not be sold or used for barter. The maximum harvest and/or possession of crabs for the noncommercial crabber is one bushel per day per person.

7:25-14.6 Placement and marking of pots and trot lines

(a) Each crab pot shall be clearly and visibly marked with a buoy, stake or permanent identification tag bearing the license number of the owner, and all blind crab pot lines shall be clearly and visibly marked with a stake or buoy at both ends of the line. All crab pot buoys and all blind crab pot line buoys and stakes shall be marked with fluorescent or reflective paint, tape or other reflective material or reflectors. Floating line shall not be used or any crab pot or crab pot buoys.

(b) Each trot line shall be marked at both ends with a clearly visible stake or buoy. No trot line shall be set within 100 feet of another trot line.

(c) No pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water unless approved by the Division. No pot, blind crab pot line or trot line shall be placed in any man-made lagoon or in any marked or charted channel except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no larger than twice the depth of the water at that point. Any pot placed in any body of water less than 150 feet wide from shoreline to shoreline at mean low water or in any man-made lagoon shall contain terrapin excluder devices pursuant to N.J.A.C. 7:25-14.1.
(d) No pot or trot line shall be placed in areas designated by the Division after consultation with the Shellfisheries Council and the Marine Fisheries Council, as off limits for the catching of crabs by means of pots or trot lines, except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

(e) At no time shall any pot or trot line be placed to obstruct or impede navigation.

7:25-14.7 Use of crab dredges

(a) An individual shall not catch or take crabs by dredges without having his or her valid crab dredge license in his or her possession. A Delaware Bay commercial crab dredge licensee may authorize an agent to operate the said licensee's crab dredge vessel if the agent is in possession of the said licensee's license and a letter of authorization from said licensee, issued and notarized by the Division, indicating the license number and vessel registration number of the vessel that the agent is authorized to operate. In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 for the violation of provisions of this subchapter actually committed by the agent based upon the apparent authority of the agent to act for his or her principal.

1. No boat shall have more than four dredges working at the same time, except in Delaware Bay where no boat shall have more than two dredges working at the same time.

2. The maximum length of each tooth bar shall be 75 inches north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum length of each tooth bar shall be 96 inches. The maximum length of each tooth bar shall be 54 inches in Delaware Bay, but if no more than one dredge is in possession in Delaware Bay then the maximum length of each tooth bar shall be 96 inches. The maximum length of the tooth bar in all other crab dredge areas shall be 38 inches.

3. The maximum weight of each dredge shall be 400 pounds north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum weight of each dredge shall be 500 pounds. There is no weight limit for dredges used in Delaware Bay. The maximum weight of each dredge in all other crab dredge areas shall be 80 pounds. All weights refer to the weight of the dredge and collecting bag.

4. The maximum length of teeth shall be six inches north of Route 36 (Highlands Bridge), the Delaware Bay and in the Atlantic Ocean and three inches in all other crab dredge areas.
5. Shellfish harvested from Delaware Bay Areas 2 and 3 may be retained as provided under N.J.S.A. 50:3-16.13 and N.J.S.A. 50:3-16.20. Simultaneous possession of shellfish and a dredge larger than specified in N.J.S.A. 50:3-16.20 shall be prima facie evidence of a violation of this section.

6. The minimum space between teeth shall be two and three-quarters inches in all crab dredge areas, measured at the base.

7. A toothless bar shall be allowed in place of a tooth bar in all waters, provided each toothless bar is no greater in length than the tooth bar lengths, specified at (a)2 above.

8. Chains shall be allowed in place of a tooth bar or toothless bar in all waters provided that the width of each dredge opening or mouth and the distance between the chain attachment points on the dredge are no greater in width than the tooth bar lengths specified at (a)2 above.

9. The collecting bag of a dredge, if material, shall have mesh not less than two inches bar measure or four inches stretched measure; if wire, shall not be less than two inches bar mesh (inside measurement) or two and one-half inches inside diameter if circular; if metal, the O-rings shall not be less than two inches in diameter and shall be connected with no more than six "S" hooks that measure not less than two inches in length as measured to the inside of the "S" configuration.

10. Each dredge shall be independently and separately attached to a vessel by a single cable or tow line; except that two dredges can be towed by a single line in the Atlantic Ocean, Delaware Bay and north of Route 36 (Highlands Bridge) provided that the dredges are not solidly attached to each other in any way and are fastened to the tow line by a bridle that allows the dredges to act independently of each other.

(b) No person shall catch, take, or attempt to take crabs by dredge from any area except the "crab dredge area" as defined in the definitions section. No person shall dredge or attempt to dredge crabs on any marked leased shellfish grounds. No person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds.

(c) No person, while engaged in the catching and taking of crabs by dredge, shall have in his or her boat or possession any organisms other than crabs and conchs obtained from any source, except as provided under N.J.S.A. 50:3-16.13. Conchs may be retained in the crab dredge fishery. The possession of dredges and any organisms other than crabs and conchs simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this section.
(d) No person shall catch, take or attempt to catch or take crabs or conchs by means of a crab dredge except from one-half hour after sunrise to one-half hour before sunset from November 15 through April 15 in Delaware Bay; and from December 1 through March 31 in all other waters. The possession of dredges and crabs or conchs simultaneously in the boat of any person when the crab dredge season is closed shall constitute prima facie evidence of the violation of this section.

(e) No person shall catch, take or attempt to catch or take crabs by means of a crab dredge at any time on Sunday except north of Route 36 (Highlands Bridge), in Delaware Bay, or in the Atlantic Ocean.

7:25-14.8 Landing crabs

All crabs harvested commercially in State waters shall be landed in this State.

7:25-14.9 Female crabs with eggs attached

No person shall take from any of the waters of this State, or have in his possession any female Jonah crab or any female crustacean, commonly known as a crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

(a) No person shall take from any tidal waters of this State or have in his or her possession any peeler or shedder blue crab measuring less than three inches across the back from the tip of the longest lateral spine to the other or a soft blue crab measuring less than three and one-half inches across the back from the tip of the longest lateral spine to the other, or hard blue crab measuring less than four and one-half inches across the back from tip to tip of spike.

1. For purposes of this section, a peeler or shedder blue crab shall mean a hard blue crab which has a fully formed soft shell beneath the hard outer shell and the impending shedding process is evidenced by the white sign along the outer rim of the paddle-like appendages on the crab's fifth pair of legs.

(b) A person shall not purchase, sell, offer for sale, or expose for sale any hard blue crab measuring less than four and three-quarter inches across from tip to tip of spike except as noted in (b)1 below. Any commercially licensed vessel or person in possession of more than one bushel of blue crabs shall be presumed to possess all blue crabs for the purpose of sale.

1. A person shall not purchase, sell, offer for sale, or expose for sale any mature female blue crab measuring less than four and one-half inches across from tip to tip of spike.
(c) A person shall not possess, purchase, sell, offer for sale, or expose for sale any Jonah crab measuring less than four and three-quarter inches in carapace width or any Jonah crab claw less than two and three-quarter inches in total length. The minimum claw length requirement does not apply if the volume of claws detached at sea is less than five gallons or if the claws are detached from a landed Jonah crab that meets the minimum carapace width requirement.

7:25-14.11 Harvesting crabs

(a) No person shall take or attempt to take any crabs by any means in the Newark Bay Complex.

(b) Crabs may be taken by licensed bait seines authorized pursuant to N.J.S.A. 23:5-24.2 and N.J.A.C. 7:25-18.5. Crabs taken by bait seines shall not be sold or used for barter and the maximum harvest and/or possession of crabs taken by bait seines is one bushel per day per individual; except that crabs taken by licensed bait seines during the crab pot/trot line season pursuant to N.J.A.C. 7:25-14.2(f) may be sold and may exceed one bushel per day per individual provided the individual also possesses his or her valid commercial crab pot/trot line license specified at N.J.A.C. 7:25-14.4(a).

(c) The recreational possession limit for Jonah crab shall be 50 Jonah crabs per person per day, which shall not be bartered, sold, offered for sale, or exposed for sale.

(d) A person taking Jonah crabs as by-catch with a fish or conch pot shall not land, for the purpose of sale or barter, more than 1,000 Jonah crabs or 2,000 Jonah crab claws per trip. The total weight of Jonah crabs or Jonah crab claws harvested as by-catch shall not exceed the total weight of the targeted species at any time during a trip.

7:25-14.12 Filing of reports

(a) All persons commercially licensed to take crabs shall keep, on forms provided by the Division, accurate records of the number of bushels of hard crabs, peelers and soft crabs caught, the type of gear used and the area fished. These records shall be filed by the 10th day of each month with the Division and said filing must be current before a commercial license for crab pot/trot lines or crab dredges is issued for the subsequent year. If no crabs were harvested during the month, a report to that effect shall be provided. Failure to file on or before the 10th of the month following the month of record may lead to suspension or permanent revocation of said license by the Department according to the following schedule:

1. First offense: no suspension;

2. Second offense: 120 days suspension; and

3. Third offense: permanent revocation.
(b) All license suspensions shall be imposed during the open season for the respective fishery; any period of suspension not occurring during the existing season shall be applied during the next open season even if such season falls in a different calendar year. Prior to suspension of the license, the licensee may request a hearing in accordance with the procedures at N.J.A.C. 7:25-14.21.

(c) The Department shall automatically remove and reduce to zero the number of previous reporting offense(s) on a licensee's record if the licensee does not commit any other violation of this section for 18 months from the date of the first reporting offense on record or from the date of completion of a suspension imposed as a result of a second reporting offense on record.

(d) A licensee cited for violation of this section may submit a nullification request to nullify a reporting offense and any resulting penalty due to an extraordinary hardship or exceptional circumstance in accordance with this subsection and (e) through (f) below. The licensee shall submit the nullification request as part of the request for an adjudicatory hearing on the reporting offense. The licensee shall file the request for adjudicatory hearing in accordance with N.J.A.C. 7:25-14.21, with a copy of the nullification request and any supporting documentation. The nullification request shall:

1. Identify the specific reporting offense for which the nullification is requested;

2. Explain in detail why the licensee was not able to comply with the reporting requirements at (a) above, including a statement of the type and degree of hardship that prevented compliance with the reporting requirements and the hardship that will result to the licensee if the reporting offense is not nullified; and

3. Provide appropriate documentation as necessary to support the request for nullification.

(e) The Department shall nullify an offense and any resultant penalty under (a) above if it determines that:

1. By reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the reporting requirements;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the reporting requirements at (a) above would result in exceptional and undue hardship upon the licensee;

3. The circumstances supporting (e)1 and 2 above were not created by the licensee or persons under his or her control; and
4. The approval of the nullification will not unreasonably interfere with the orderly administration of these reporting requirements.

(f) The Department shall provide written notice to the licensee of its decision to approve or deny the nullification request. If the Department denies the nullification request, the request for an adjudicatory hearing on the reporting offense shall be deemed to include a request for an adjudicatory hearing on the denial of the nullification request. If the Department approves the nullification request, the request for an adjudicatory hearing on the reporting violation shall be deemed withdrawn as moot.

7:25-14.13 Size of lobster taken

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster of the genus and species Homarus americanus, which when measured from the rear end of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell is less than the lengths listed below after the dates stipulated.

<table>
<thead>
<tr>
<th>Date</th>
<th>Minimum Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 19, 2002</td>
<td>3 1/4</td>
</tr>
<tr>
<td>July 1, 2002</td>
<td>3 5/16</td>
</tr>
<tr>
<td>July 1, 2003</td>
<td>3 11/32</td>
</tr>
<tr>
<td>July 1, 2004</td>
<td>33/8</td>
</tr>
</tbody>
</table>

(b) A person fishing in Atlantic States Marine Fisheries Commission (ASMFC) Lobster Management Area (LMA) 3 or that has designated Lobster Management Area 3 for fishing on their Federal Fisheries Permit or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is less than the length listed below after the dates stipulated:

<table>
<thead>
<tr>
<th>After Date</th>
<th>Minimum Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2005</td>
<td>3 13/32</td>
</tr>
<tr>
<td>July 1, 2006</td>
<td>3 7/16</td>
</tr>
<tr>
<td>July 1, 2007</td>
<td>3 15/32</td>
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<td>July 1, 2008</td>
<td>3 1/2</td>
</tr>
<tr>
<td>January 1, 2013</td>
<td>3 17/32</td>
</tr>
</tbody>
</table>

(c) A person fishing in ASMFC Lobster Management Area 3, 4 and/or 5 or that has designated Lobster Management 3, 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer for sale any American lobster with a length as measured in (a) above that is greater than the length listed below after the dates stipulated.

<table>
<thead>
<tr>
<th>ASMFC Lobster Management Area</th>
<th>Dates</th>
<th>Maximum Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LMA 3</td>
<td>after July 1, 2012</td>
<td>6 3/4</td>
</tr>
<tr>
<td>LMA 4</td>
<td>after July 1, 2002</td>
<td>5 1/4</td>
</tr>
<tr>
<td>LMA 5</td>
<td>after July 1, 2004</td>
<td>5 1/4</td>
</tr>
</tbody>
</table>

(d) A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell any American lobster that does not comply with the size limits for the Lobster Management Areas as stipulated in (a) through (c) above.
(e) The maximum size limits stipulated in (c) above apply to the recreational harvest of American lobster. The minimum size limit for American lobster harvested for recreational purposes shall comply with those stipulated in (a) above and shall not be sold, offered for sale or bartered.

(f) A State Lobster Pot Permittee possessing a Type A, B, C, E or F Permit shall report to the Department the initial ASMFC Lobster Management Area(s) he or she intends to fish and notify the Department prior to relocating to a different Lobster Management Area(s). Notification shall be sent to:
NJ Lobster Pot Permit Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

1. If the permittee identifies more than one ASMFC Lobster Management Area as an area he or she intends to fish, then the more restrictive maximum and/or minimum size limit of those identified areas shall apply to that permittee's possession, landing and sale of lobsters.

(g) A person shall not take from the marine waters of this State by any means, possess at sea or offload at any port an American lobster, which is damaged or mutilated to the extent that its length as specified in (a) above cannot be determined.

(h) A person shall not import, export, have in his or her possession, buy, sell, or offer to buy or sell, any detached American lobster tail, if the sixth abdominal segment (that segment closest to the fan of the tail), when measured along its dorsal center line with the tail flexed, is less than one and one-eighth inches in length.

7:25-14.14 Lobster possession limits

American lobster taken by otter trawl or fish pot shall be limited to 100 lobster per day per vessel (based on a 24-hour period) up to a maximum of 500 lobsters per trip per vessel, for trips of five days or longer. American lobster taken by hand, or any gear or methods other than otter trawl, fish or lobster pot or fish or lobster trap shall be limited to six lobster per person in possession or taken in any one calendar day.

7:25-14.15 Prohibitions

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster with eggs attached, or from which the egg have been removed.

(b) All commercial lobster permit holders authorized to fish in Lobster Management Area (LMA) 5 must, prior to discarding, apply a v-shaped notch in the base of the tail
flipper of each egg-bearing female American lobster. The v-shaped notch must be at least 1/4 inch deep and placed in the base of the pelvic flipper immediately to the right of the center flipper as viewed from the back of the lobster.

(c) A person fishing in ASMFC Lobster Management Area (LMA) 4 or that has designated LMA 4 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4. During the closed season, all lobster traps in LMA 4 must be removed from the water. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

(d) A person fishing in ASMFC Lobster Management Area (LMA) 5 or that has designated LMA 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of February 1 through March 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 5. During the closed season, all lobster traps in LMA 5 must be removed from the water. However, a licensee shall have a two-week period from when the season closes to accomplish removal of all lobster traps. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

(e) A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut with or without setal hairs, at least one-eighth inch in depth and tapering to a sharp point) as viewed from the rear of the female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

(f) A person shall not use any spear, gig, gaff or other penetrating device as a method of capture of lobsters.

7:25-14.16 Eligibility for lobster pot permit and pot allocation

(a) As of December 31, 2001, a vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner, except as provided for at N.J.A.C. 7:25-18.5(g)11i(4).
I. To be eligible for a Type A, B, C and F Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2001. To be eligible for a Type E Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2002. Applications may be mailed to:
New Jersey Lobster Pot Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

i. For a Type A Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from March 25, 1991 to September 3, 1998, and participated in the harvest of lobster by lobster pot, pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type A Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster (Federal Lobster Permit), to be fished in Federal and/or State waters. For the purpose of this section, lobster pots will be assumed to last for five years with a 10 percent loss of pots per year.

(2) Documented proof of participation in an ASMFC Management Area pot fishery shall consist of one or more of the following:

(A) Federal logbook reporting forms identifying the vessel, number of pots fished, date of landings and National Marine Fisheries Service Statistical Area from where lobster were harvested;

(B) A personal logbook in combination with a notarized statement from the applicant attesting to its authenticity; and/or

(C) Gear damage compensation reports.

ii. For a Type B Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed
and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to March 25, 1991 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type B Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

iii. For a Type C Lobster Pot Permit, the applicant shall document that the vessel owner has possessed a valid New Jersey Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998 and landed and sold a minimum of 2,000 pounds of lobster in New Jersey during the year of the valid New Jersey Lobster and Fish Pot License submitted by the applicant.

(1) A Type C Commercial Lobster Pot permittee shall receive an allocation for 500 lobster pots to be fished in State waters only.

(2) An applicant seeking eligibility for a Type C New Jersey Lobster Pot Permit and pot allocation shall not have received or applied for pot or trap tags from any other lobster pot or trap tag issuing jurisdiction.

iv. For a Type E Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 500 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to September 3, 1998, and participated in the harvest of lobster by otter trawl or lobster pot, pursuant to (a)4 or (a)5 below, during the year of documented landings submitted by the applicant.

(1) A Type E Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

(2) A Type E Lobster Pot Permittee that does not possess a Federal Fisheries Permit for American Lobster shall receive a lobster pot (trap) allocation of 500 pots (traps) to be fished in State waters only.

(3) A Type E Lobster Pot Permittee shall not possess otter trawl gear aboard his or her permitted vessel when fishing with pot gear.
The simultaneous possession of otter trawl gear and lobster pot gear on board a vessel shall constitute prima facie evidence of a violation of this section.

v. For a Type F Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from September 3, 1998 to December 31, 2000, and participated in the harvest of lobster by lobster pot pursuant to (a)4 below during the year of documented landings submitted by the applicant.

(1) A Type F Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

2. Documented proof of a Federal Lobster Permit or State Lobster/Fish Pot License shall consist of a copy of said permit or license submitted with the application that can be confirmed by Federal and State records.

3. Documented proof of landings shall consist of one or more of the following:

   i. Weigh-out slips from the purchaser totaling the weight and the date the lobster was harvested; or

   ii. A notarized statement from the applicant and the purchaser(s), attesting to the weight and date the lobster were landed and sold. A copy of the business records supporting the statement(s) must accompany the application.

4. Documented proof of participation in the lobster pot fishery shall be established through one or more of the following:

   i. Federal logbook reporting forms identifying the vessel, number of pots fished and date of landings in New Jersey;

   ii. A personal logbook in combination with bait and pot receipts;

   iii. Gear damage compensation reports; or

   iv. A notarized statement from the applicant and pot manufacturer or retailer attesting to the number of lobster pots and the date that the pots were purchased. A copy of the business records supporting the statement(s) must accompany the application.
5. Documented proof of participation in the lobster otter trawl fishery shall be established through one or more of the following:

   i. Federal logbook reporting forms identifying the vessel, fishing gear and date of landings in New Jersey; or

   ii. A copy of New Jersey license to fish with an otter trawl that can be confirmed by State records.

6. Other documentation similar to that in (a)3, 4 and 5 above may be accepted at the discretion of the Commissioner after his or her review.

7. The applicable New Jersey Lobster Pot Permit shall be on board the vessel to which it is issued at all times. The permit and pot allocation is valid upon issuance and in subsequent years unless revoked as part of a penalty action pursuant to N.J.A.C. 7:25-14.19 or as modified by the Commissioner, pursuant to N.J.A.C. 7:25-14.19. The applicable permit is issued to a specific vessel in the name of the owner.

8. The owner of a vessel permitted pursuant to this subsection may transfer his or her Lobster Pot Permit, upon application to the Department as follows:

   i. To his or her replacement vessel. The vessel being replaced shall no longer be eligible for a New Jersey Lobster Pot Permit or pot allocation based upon the vessel's history, but shall be eligible for a permit transfer from another permitted vessel.

   ii. Along with the sale of his or her vessel to a new owner, the owner selling the vessel shall no longer be eligible for a New Jersey Lobster Pot Permit based on the harvesting history of the vessel being sold.

   iii. Transfer of a permit to a new vessel shall be limited to the same pot allocation and Lobster Permit Type as the original permitted vessel or as modified by the Commissioner pursuant to N.J.A.C. 7:25-14.19.

   iv. No permit shall be transferred without the prior approval of the Department, based upon satisfaction of (a)8i through iii above.

9. Any harvester or vessel landing lobster in New Jersey for the purpose of sale shall sell all lobster only to a permitted Federal lobster dealer.

10. All New Jersey Lobster Permit holders landing lobster in New Jersey shall be required to complete monthly reports signed by the permittee attesting to the validity of the information. The monthly report forms shall be supplied by and
11. All New Jersey Lobster Permit holders shall allow research personnel from the Department or a person designated by the Department aboard the permitted vessel at any time following a 48 hour notification to sample lobster pot catches at sea.

7:25-14.17 Lobster pot tag program

(a) All lobster pots as defined under N.J.A.C. 7:25-18.5(g)11 in State or Federal waters or aboard a vessel shall be tagged with appropriate tags to be issued by the Federal or State agency given authority for the pot tag program.

1. Pot tags shall be placed on the pot bridge or main cross member clearly visible for inspection.

2. Pot tags shall be a permanently affixed and not transferable to another pot once attached to a pot.

3. A person or permitted lobster pot vessel shall only have on board or lift pots that have the valid identification as assigned to said person or vessel.

4. A person or vessel shall not have on board or fish more lobster pots than that vessel is allocated under the permittee's New Jersey Lobster Pot Permit.

5. Pot tags shall be issued annually and shall be valid for one year.

6. Permit holders shall be issued tags based upon their allocation of tags plus 10 percent to cover routine losses.

7. Catastrophic tag loss shall be defined as losses above the 10 percent routine loss rate established by the issuing authority due to gear conflicts, storms or other circumstance which may be accepted at the discretion of the Federal or State agency given authority for the pot tag program.

i. When a catastrophic loss occurs, an entirely new allotment of tags shall be dispersed and the original tags shall be invalid upon replacement.

ii. Permittees shall be allowed to fish new pots with a letter of exemption from the issuing authority until new tags are re-issued for a time period not be exceed two months.
iii. The issuing authority shall have the right to invoke emergency measures to suspend pot tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two months.

8. Permittees shall purchase pot tags only from the issuing authority

7:25-14.18 Exceptions for research

N.J.A.C. 7:25-14.13(a), 14.13(b), 14.15(a) and 14.15(b) shall not apply to the taking or possession of lobster bearing a tag that has been issued or affixed by the Department of Environmental Protection or by any other state or Federal agency with which the Department cooperates in a research project.

7:25-14.19 Administrative notice

(a) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, quotas, possession limits, or reporting requirements in this subchapter by notice in order to maintain 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, New England Fishery Management Council, or South Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service or any plan implemented by the National Marine Fisheries Service. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements in this subchapter by notice in order to provide for the optimal utilization of any quotas specified in this subchapter. Additionally, where seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements have been developed in accordance with (a)1 below and differ from those specified in the fishery management plan, but have been approved by the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service through the conservation equivalency process as achieving the same quantified level of conservation for the fishery governed by that plan, such seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements may be modified by notice. The Commissioner will review the catch rate for a particular species in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted, to maximize utilization of the available quota within a specific
season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification by filing and publishing a notice of administrative change in the New Jersey Register, on the Department's website, and a notice in the Division's commercial regulation publication or in the New Jersey Marine Digest. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.

1. Proposed seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements to be included in a submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service as being conservationally equivalent to the criteria determined to be eligible for conservation equivalency, as specified in the applicable fishery management plan, shall be established as follows:

   i. The Commissioner shall consider the following factors in a conservation equivalency proposal:

      (1) The temporal and spatial distributions of the species in State waters;

      (2) The species' life history characteristics;

      (3) The potential impact on the number of participants able to participate in the fishery;

      (4) The ability of supporting industries to provide necessary services to optimize participation, for example, charter and day-fishing fleet availability;

      (5) Consideration for the open seasons for other recreational and/or commercial fisheries; and

      (6) Enforcement efficiency.

2. The conservation equivalency proposal must be approved by the New Jersey Marine Fisheries Council at a public meeting prior to submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service. Public notice of the meeting, including an agenda, shall be provided on the Department's website at
https://www.nj.gov/dep/fgw/marcncl.htm. The agenda shall specify that the meeting will include discussion of a potential conservation equivalency proposal.

7:25-14.20 Penalties

(a) Any person violating any of the provisions of this subchapter relating to crabs shall be liable to the penalties provided by N.J.S.A. 23:2B-14 except for (b), (c) and (d) below.

(b) Any person not having a valid license in possession or failing to exhibit same for inspection by an authorized law enforcement officer while tending a pot or trot line or dredging crabs, or violating the provisions of N.J.A.C. 7:25-14.5(a)1 or 2 or 14.6 shall be liable to a penalty of $30.00 for the first offense and $50.00 for each subsequent offense.

(c) Any person failing to check crab pots at least once every 72 hours pursuant to N.J.A.C. 7:25-14.2(d) shall be liable to a penalty of $30.00 for each pot in violation.

(d) Any person violating the provisions of N.J.A.C. 7:25-14.9 or 14.10 shall be liable to a penalty of $30.00 for each crab taken or had in possession.

(e) Any person using or possessing a crab pot which does not contain a biodegradable panel or other mechanism specified in N.J.A.C. 7:25-14.1 shall be subject to a penalty of $30.00 for each pot in violation.

(f) Any person dredging crabs outside of the "crab dredge area" or dredging crabs on unauthorized marked leased shellfish grounds pursuant to N.J.A.C. 7:25-14.7(b) shall be subject to the penalties provided by N.J.S.A. 23:2B-14 in addition to a mandatory 12 month crab dredge license privilege revocation and seizure of the entire catch in possession. The commercial licensee shall be held liable and subject to license privilege revocation and catch seizure for violations actually committed by an agent based upon the apparent authority of the agent to act for his or her principal.

(g) Any person violating the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size and landing of lobster parts; N.J.A.C. 7:25-14.14, possession limits; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobsters and the prohibition of the use of a penetrating device; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11i, lobster pot maximum size or N.J.A.C. 7:25-18.5(g)11iv, escape vents, shall be subject to a penalty of $30.00 for each lobster, lobster part or lobster pot in violation.

(h) Failure to comply with the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size, and landing of lobster parts; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobster; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11ii, lobster pot maximum size; or N.J.A.C. 7:25-18.5(g)11vii, escape vents, shall result in the suspension during the period which extends from April 1 to November 30, or revocation
of the vessel's lobster pot permit and/or the lobster pot license of the operator according to the following schedule:

1. First offense: 60 days suspension;
2. Second offense: 120 days suspension;
3. Third offense: permanent revocation.

4. In calculating the period of suspension or revocation applicable under (h)1 through 3 above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this paragraph; therefore, a permit holder who incurs more than one suspension within a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this paragraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

(i) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in violation of the provisions of this subchapter may be seized and forfeited.

(j) The assessment of any administrative penalty shall not preclude the Department from prosecuting for a larger amount in the event the administrative penalty is not paid by the time requested.

(k) Nothing in this section shall require the Department to assess an administrative penalty before instituting prosecution.

7:25-14.21 Request for adjudicatory hearing

(a) Any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to a license and/or permit decision made by the Department under this subchapter may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A request for an adjudicatory hearing must be received by the Department within 30 calendar days after the person requesting the hearing receives notice of the Division's decision. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.
A person requesting a hearing shall provide the following information in writing to the Department at the address in (f) below:

1. The name, address, and telephone number of the person requesting the hearing;
2. A copy of the decision document;
3. A description of any facts or issues which the petitioner believes constitute a defense to the decision made by the Department;
4. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
5. An estimate of the time required for the hearing (in days and/or hours); and
6. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

If the person fails to include all of the information required by (c)1 through 6 above, the Department may deny the hearing request.

A request for an adjudicatory hearing shall be submitted to the Department at the address listed below, with a copy to the Division of Fish and Wildlife at the address given at N.J.A.C. 7:25-14.4(c):
Office of Legal Affairs
New Jersey Department of Environmental Protection
Mail Code 401-04L; 7th Floor
PO Box 402
Trenton, New Jersey 08625-0402
Attention: Adjudicatory Hearing Requests

SUBCHAPTER 15. Clam Relay Program

7:25-15.1 Relay of hard clams

This rule is intended to implement the hard clam relay program administered statewide by the Department of Environmental Protection (department). This rule must be read together with the shellfish growing water classification rules and definitions which appear at N.J.A.C. 7:12 and are subject to amendment at anytime. N.J.S.A. 58:24-2 requires the department to condemn immediately shellfish beds subject to pollution.

The general intent of this rule is to control the relay of hard clams, (Ercanaria mercenaria) from Special Restricted, Seasonal Special Restricted, or Condemned Waters
within the Atlantic Coast Section. These designated Special Restricted, Seasonal Special Restricted, or Condemned Waters will be charted by the department and such charts will be issued to participants and available to the public. Anyone who meets the requirements set forth below in this rule may participate in this program. If it becomes necessary to limit the number of participants, then applicants will be admitted in order of their application.

(c) The department will schedule areas for harvest and designate the landing site and so notify the participants. The department will designate certain specific areas as off limits to the use of clam rakes and tongs for the harvest of hard clams in such shallow water areas as it deems abundant with soft clams. Charts of the designated soft clam areas will be provided to all participants by the department. In these designated soft clam areas, the harvest of hard clams shall be permitted only by treading.

(d) Participants shall be furnished numbered receipt forms, with the date they are to be used, by the Division. These forms shall be completed in their entirety and signed by the harvester and also signed by the buyer if the shellfish are to be sold at the landing site, for each date used. Completed and all used receipt forms shall be sent to the Division’s Bureau of Shellfisheries’ Nacote Creek Office no later than one week after the forms are completed.

(e) Any person who wishes to participate in this program must comply with the following conditions in order to be eligible for participation:

1. Possess a current, valid, commercial clamming license issued by the division (see N.J.S.A. 50:2 et seq.);

2. Possess one of the following special permits issued by the Division of Water Resources (N.J.S.A. 58:24-3 and N.J.A.C. 7:12-2) to harvest and/or buy and/or sell hard clams from condemned waters:

   i. Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED SEASONAL SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; or

   ii. Permit 5b: SPECIAL PERMIT TO HARVEST HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED, SEASONAL SPECIAL RESTRICTED, OR CONDEMNED WATERS FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; and

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All
permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be department charts of the harvest areas showing specific sections within the estuaries that may be harvested on any particular day, as determined by the department.

(f) Any person applying for a permit 5a must have acquired a special relay lease from the department for three one-half acre lots of shellfish cleansing grounds on which the relayed shellfish are to be planted by the means hereinafter set forth. No person shall hold more than one relay lease. Applications for leases must be made in person at the Nacote Creek Shellfish Office for the department. The lease shall be subject to the following additional conditions:

1. This special relay lease shall be issued for only one year and shall be reapplied for annually on or before December 31 for the following calendar year.

2. The annual fee for this lease, to be paid at the time of application, shall be $5.00.

3. Once the lease lots have been marked by the division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement.

4. This special relay lot shall be used for relay from the specified harvest areas only. No special relay lease will be renewed if the lessee did not actively participate in the previous year's program unless such inactivity was due to unusual hardship, as determined by the department, or was due to the department's failure to administrate or operate a hard clam relay program during the previous year.

   i. Upon termination of the program by the department, special relay lessees, subject to (h) below shall retain exclusive rights, for a period of 18 months, to the clams planted on their leased grounds before the termination date and may thereafter reapply to lease the grounds;

5. A lessee vacating a relay lot shall have exclusive right to hard clams planted before the date of vacation for a period of six months from that date.

6. Signs, having a white background with six-inch black lettering giving the participant's special relay permit number or code symbol and relay lot "Section A" "B," or "C," shall be placed and maintained on the participant's relay lot corners. Failure to mark lots as specified shall be deemed a violation of these rules.

7. The participant's harvest boat shall be marked on both sides, amidships, with six-inch black letters on a white background giving the participant's first initial,
last name, and special relay permit number while he is engaged in any phase of the program.

8. The designated enforcement unit shall have the authority to inspect any relay lot to ensure compliance with all relay program rules. Shellfish found on any relay lot contrary to these and other applicable statutes and rules shall be subject to seizure.

9. Nonleased lots within designated relay lease areas are not open to harvest of shellfish at any time. No person shall harvest or attempt to harvest shellfish within 50 yards of any designated relay planting area except the lessee of any leased grounds that may exist within the prohibited area who may harvest on his own leasehold.

10. As a condition precedent to participation in the relay program, participants consent to the following: The designated enforcement unit may stop and inspect any vehicles involved in the hard clam relay program from the time loading begins at the landing site until the off loading at the planting site. All such stops and inspections shall be expressly for the purpose of ensuring compliance with the hard clam relay regulations and protection of the public's health.

(g) All clams harvested from the Special Restricted, Seasonal Special Restricted or Condemned Waters shall be landed at the site and at the time specified by the enforcement unit.

(h) All clams harvested by the participant shall be bagged, three-quarter bushel to the bag, in bags approved by the department. All bags shall be marked "RELAY CLAMS," with two-inch letters stenciled on the side. No unstenciled bags will be allowed in the harvester's or buyer's vehicle or boat at the harvest, landing, planting, off-loading, or transplant sites. Each bag shall be marked with the harvester's name and permit number.

1. The bags will be counted by the relay harvester and listed on the numbered three-part relay receipt forms which shall be certified by the harvester. The forms must be filled out in their entirety before the clams are transported. Receipts for all clams must be in the transporting vehicle. In the event that the clams are to be sold to the holder of a Permit 5a, the form shall be signed by both the harvester and the buyer-planner at the landing site. The department shall provide receipt forms and seals and designate procedures for their use.

2. The harvester shall retain one copy, forward one copy to the Bureau of Shellfisheries' Nacote Creek Office each Friday, and give the third copy to the buyer who shall carry it with the bagged clams directly to the relay lot. Unused, spoiled, or voided forms shall be returned to the Bureau of Shellfisheries' Nacote Creek Office with the completed forms each Friday.
3. Participants will place their counted bags in the truck, said vehicle provided by the participants and approved by the enforcement unit, for transportation to the planting area. The truck will be sealed by department personnel or their designated agents at the harvest landing site and opened by same at the planting off-loading site. The enforcement unit may specify the route to be taken from the harvest landing site to the planting off-loading site. Deviation from a specified route will not be tolerated except in an emergency. In the case of a mechanical failure or act of God interrupting this process, the transporter will notify the enforcement unit immediately in order to receive further instructions with which he shall comply.

4. Clams in bags shall be transported to the participant's leased lots and planted within the time frame specified by the enforcement unit. The bags of clams will be directly transported to the respective planting lots and immediately planted thereon. All clams shall be removed from the bags as they are planted on the relay lots.

5. Participants shall not harvest any shellfish on the same trip they plant clams from the day's relay. Persons harvesting clams from relay lots after receipt of written permission from the Bureau of Shellfish Control shall not have any stenciled transport bags in their boats at the time they harvest.

6. The Bureau of Shellfisheries shall notify the participants of the dates the relay shall be conducted, the area to be harvested, the hours clams must be landed and planted, and the landing site to be used. Relay clams shall be planted on the sublot designated by the department.

(i) Clams shall be relayed to the leased lots on a schedule set by the department and shall remain upon said leased lots until written permission for harvest has been granted by the Division of Water Resources, Bureau of Shellfish Control. Further, relay clams shall only be planted on the sublot designated by the department. Planting on sublots already in the cleansing period, or released for harvest, is a violation of these regulations and will jeopardize the entire program.

(j) Only the lessee or his designated substitute harvester shall remove clams from the leased lots. The designated substitute harvester must process a letter of permission, issued by the division's Bureau of Shellfisheries, from the lessee giving the dates for which he is allowed harvest privileges and the lessee's Division of Water Resources Permit 5a number at all times during harvest operations.

(k) The department shall establish a schedule of dates and times for the relay and the areas of the Special Restricted, Seasonal Special Restricted, or Condemned Waters which shall be opened to participants in this program for the harvest of clams. The truck will be sealed at the landing site and unsealed at the planting off-loading site at times established
and announced to all participants by the enforcement unit. Any truck carrying relay clams not under seal, or with a broken seal shall be in violation of these regulations.

(l) The department may terminate this program, or anyone's participation therein, at any time for just cause and upon notice to the affected participants. Just cause shall include, but not be limited to, peril to public health, excessive depletion or threat thereof to the shellfish stocks, lack of industry participation, and violation of the rules of the relay program deemed by the department detrimental to the program. Possession of any unmarked bag of clams, or loose clams, in a vessel which has left the relay lots after planting, or any misrepresentation on the receipt form by the harvester or buyer, shall be prima facie evidence of a violation of these rules.

(m) Penalty:

1. Any participant violating this rule or the terms of the special relay permit issued by the Division of Water Resources may have his permits revoked or suspended. This participant may also be subject to prosecution, including fine, imprisonment, and forfeiture of vessel, vehicle, and all equipment.

2. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License or Special Permit mentioned in (e)2 above shall have this lease terminated by the department; provided, however, that upon lessee's giving notice to the division within 10 days of departmental notice of termination of said lease, the lessee shall be given the opportunity to show why his lease should not be terminated. Upon issuance of summons to lessee, any transfer of lease will be stayed pending final disposition of said summons. If notice is given within the aforementioned 10-day period, termination of the lease will not be effective until the next regularly scheduled meeting of the Atlantic Coast Section of the Shell Fisheries Council. The Atlantic Coast Section of the Shell Fisheries Council shall have the authority to permanently suspend such termination for good cause shown.

3. Nothing in this section shall allow the termination of a lease because of a violation of N.J.S.A. 50:2-1 or N.J.S.A. 50:2-5. A violation of this rule is a violation of N.J.S.A. 50:1-5 and is subject to a penalty under N.J.S.A. 23:2B-14a (first offense $ 100.00 to $ 3,000.00; subsequent offense $ 200.00 to $ 5,000.00); except that anyone in violation of N.J.A.C. 7:25-15.1(d) and (h)1 (failure to complete report), (f)6 (failure to properly post lot), and (f)7 (failure to mark harvest boat) shall be subject to a penalty of $ 20.00 for the first offense and $ 40.00 for each subsequent offense.

SUBCHAPTER 16. Defining Fish Lines
7:25-16.1 Defining lines upstream of which license is required to fish with handline, rod and line or long bow and arrow

(a) The following table defines lines upstream of which a license is required to fish with handline, rod and line or long bow and arrow:

<table>
<thead>
<tr>
<th>Name of Water</th>
<th>License required upstream of this location</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATLANTIC COUNTY</td>
<td></td>
</tr>
<tr>
<td>Absecon Creek</td>
<td>Dam at Lower Atlantic City Reservoir</td>
</tr>
<tr>
<td>Great Egg Harbor River</td>
<td>Power lines at confluence of Gravelly Run</td>
</tr>
<tr>
<td>Middle River</td>
<td>None--all saline water</td>
</tr>
<tr>
<td>Mullica River</td>
<td>Seventh Ave. Sweetwater and ramp at Crowley's Landing</td>
</tr>
<tr>
<td>Nacote Creek</td>
<td>Port Republic Dam</td>
</tr>
<tr>
<td>Patcong Creek</td>
<td>Bargaintown Lake Dam</td>
</tr>
<tr>
<td>South River</td>
<td>Power Lines immediately below Route 50</td>
</tr>
<tr>
<td>Tuckahoe River</td>
<td>First northerly tributary downstream of Rt. 49 Bridge (McNeal's Branch)</td>
</tr>
<tr>
<td>BERGEN COUNTY</td>
<td></td>
</tr>
<tr>
<td>Hackensack River</td>
<td>Cedar Lane Bridge between Hackensack and Teaneck</td>
</tr>
<tr>
<td>Hudson River</td>
<td>None--all saline water</td>
</tr>
<tr>
<td>Passaic River</td>
<td>Required whole length</td>
</tr>
<tr>
<td>BURLINGTON COUNTY</td>
<td></td>
</tr>
<tr>
<td>Assicunk Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Bass River</td>
<td>Fir Bridge on State Road in Bass River State Forest</td>
</tr>
<tr>
<td>Batsto River</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Blacks Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Crafts Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Crosswicks Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Delaware River</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Mullica River</td>
<td>Line between Seventh Ave. Sweetwater and ramp at Crowley's Landing</td>
</tr>
<tr>
<td>Pennsauken Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Pompeston Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Rancocas Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Swedes Run</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Wading River</td>
<td>Charcoal Landing, Chips Folly Campground</td>
</tr>
<tr>
<td>CAMDEN COUNTY</td>
<td>License required on Delaware River and all other waters.</td>
</tr>
<tr>
<td>CAPE MAY COUNTY</td>
<td></td>
</tr>
<tr>
<td>Bidwell's Creek</td>
<td>None--all saline water</td>
</tr>
<tr>
<td>Cedar Swamp Creek</td>
<td>None--all saline water</td>
</tr>
<tr>
<td>Dennis Creek</td>
<td>None--all saline water</td>
</tr>
<tr>
<td>East Creek</td>
<td>100 ft. below East Creek Lake Dams, Eldora</td>
</tr>
<tr>
<td>Tuckahoe River</td>
<td>First Northerly tributary downstream of lower Rt. 49 Bridge (McNeal's Br.) 100 feet below West Creek Lake Dams (Pickle Factory Pond)</td>
</tr>
<tr>
<td>West Creek</td>
<td></td>
</tr>
</tbody>
</table>
CUMBERLAND COUNTY

<table>
<thead>
<tr>
<th>Creek/Avenue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrews Creek</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Back Creek</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Cedar Creek</td>
<td>100 ft. downstream of Cedar Lake Dam</td>
</tr>
<tr>
<td>Cohansay River</td>
<td>Route 49 Bridge at Bridgeton</td>
</tr>
<tr>
<td>Dividing Creek</td>
<td>Route 55 Bridge</td>
</tr>
<tr>
<td>Fishing Creek</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Fortescue Cr., Br. or Oranoken Cr.</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Manumuskin River</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Maurice River</td>
<td>Mouth of Manumuskin River near Port Elizabeth</td>
</tr>
<tr>
<td>Menantico Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Mill Cr.—Tributary of Cohansay at Fairton</td>
<td>Route 553 Bridge, Fairton</td>
</tr>
<tr>
<td>Muskree Creek</td>
<td>S. side of bridge on Weatherby Rd.</td>
</tr>
<tr>
<td>Nantuxent Creek (Page Run)</td>
<td>Route 553, North of Frames Corner</td>
</tr>
<tr>
<td>Oranoken Creek</td>
<td>Whitecar Mill, North of Beaver Dam</td>
</tr>
<tr>
<td>Oyster Creek</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Riggins Ditch</td>
<td>Route 47</td>
</tr>
<tr>
<td>Sow and Pigs Br. of Nantuxent</td>
<td>Buckhorn Rd. Bridge, Jericho</td>
</tr>
<tr>
<td>Stow Creek</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Straight Creek</td>
<td>100 Ft. below West Creek Lake Dams (Pickle Factory Pond)</td>
</tr>
<tr>
<td>West Creek</td>
<td></td>
</tr>
</tbody>
</table>

ESSEX COUNTY

<table>
<thead>
<tr>
<th>Creek/Avenue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passaic River</td>
<td>Erie Railroad Bridge between Newark (at Verona Ave.) and Kearny</td>
</tr>
<tr>
<td>Peddie Ditch</td>
<td>None—saline water</td>
</tr>
</tbody>
</table>

GLOUCESTER COUNTY

<table>
<thead>
<tr>
<th>Creek/Avenue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Timber Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Delaware River</td>
<td>Commodore Barry Bridge at Bridgeport</td>
</tr>
<tr>
<td>Mantua Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Oldmans Creek</td>
<td>Route I-295 Bridge</td>
</tr>
<tr>
<td>Raccoon Creek</td>
<td>Required whole length</td>
</tr>
<tr>
<td>Woodbury Creek</td>
<td>Required whole length</td>
</tr>
</tbody>
</table>

HUDSON COUNTY

<table>
<thead>
<tr>
<th>Creek/Avenue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackensack River</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Hudson River</td>
<td>None—saline water</td>
</tr>
<tr>
<td>Passaic River</td>
<td>Railroad bridge between Newark (at Verona Ave.) and Kearny</td>
</tr>
</tbody>
</table>

HUNTERDON COUNTY

License required on Delaware River and all other waters.

MERCER COUNTY

License required on Delaware River and all other waters.

MIDDLESEX COUNTY

<table>
<thead>
<tr>
<th>Creek/Avenue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheesequake Creek</td>
<td>Dam at Cheesequake Lake, Cheesequake State Park</td>
</tr>
<tr>
<td>Lawrence Brook</td>
<td>N.J. Turnpike Bridge, East Brunswick</td>
</tr>
<tr>
<td>Raritan River</td>
<td>Landing Lane Bridge on Franklin Blvd., New Brunswick</td>
</tr>
<tr>
<td>South River</td>
<td>Route 527 Bridge (New Brunswick-Old)</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Woodbridge River</td>
<td>Bridge Tpk.)</td>
</tr>
<tr>
<td>MONMOUTH COUNTY</td>
<td>N.J. Turnpike Bridge</td>
</tr>
<tr>
<td>Black Creek</td>
<td>Spillway at Ocean Rd.</td>
</tr>
<tr>
<td>Branchport Creek</td>
<td>Mouth of Turtle Mill Brook</td>
</tr>
<tr>
<td>Deal Lake</td>
<td>Top of Dam</td>
</tr>
<tr>
<td>Hockhocksen (Pine) Brook</td>
<td>Garden State Parkway, Northbound Bridge</td>
</tr>
<tr>
<td>Little Silver Creek</td>
<td>Little Silver Creek Brook</td>
</tr>
<tr>
<td>Manasquan River</td>
<td>Bennets Bridge, Manasquan Wildlife Management Area</td>
</tr>
<tr>
<td>Matawan Creek</td>
<td>Lefferts Lake Dam</td>
</tr>
<tr>
<td>Oceanport Creek</td>
<td>Mouth of Husky Brook</td>
</tr>
<tr>
<td>Parkers Creek</td>
<td>Mouth of Parkers Creek Brook</td>
</tr>
<tr>
<td>Shark River</td>
<td>Remsen Mills Road</td>
</tr>
<tr>
<td>Swimming River</td>
<td>Swimming River Road Bridge</td>
</tr>
<tr>
<td>Wreck Pond Creek</td>
<td>Old Mill Road Bridge</td>
</tr>
<tr>
<td>OCEAN COUNTY</td>
<td></td>
</tr>
<tr>
<td>Beaver Dam Creek</td>
<td>Route 88</td>
</tr>
<tr>
<td>Cedar Creek</td>
<td>Route 9</td>
</tr>
<tr>
<td>Cedar Run</td>
<td>Route 9</td>
</tr>
<tr>
<td>Dinner Point Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Double Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Forked River</td>
<td>All Branches, Route 9</td>
</tr>
<tr>
<td>Gunning River</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Jakes Branch</td>
<td>Above Atlantic City Blvd.</td>
</tr>
<tr>
<td>Jeffrey's Creek</td>
<td>Ocean Gate Road at Ocean Gate</td>
</tr>
<tr>
<td>Kettle Creek</td>
<td>Route 549</td>
</tr>
<tr>
<td>Lake of Lillies</td>
<td>Entire Lake</td>
</tr>
<tr>
<td>Long Swamp Creek</td>
<td>Washington Street Bridge</td>
</tr>
<tr>
<td>Manahawkin Creek</td>
<td>Dams for Manahawkin Fish and Wildlife Management Area</td>
</tr>
<tr>
<td>Metedeconk River</td>
<td>Route 70 Bridge, Laurelton</td>
</tr>
<tr>
<td>Mill Creek</td>
<td>Mouth of Creek at Lagoons In Beach</td>
</tr>
<tr>
<td>Mill Creek</td>
<td>Haven West</td>
</tr>
<tr>
<td>Oyster Creek</td>
<td>Pine Beach-Ocean Gate Road</td>
</tr>
<tr>
<td>Parker Run</td>
<td>Route 9</td>
</tr>
<tr>
<td>Potters Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Stout Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Stout Creek; S. Br.</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Toms River</td>
<td>Bayside East Parkway</td>
</tr>
<tr>
<td>Tuckerton Creek</td>
<td>Garden State Parkway, Northbound Bridge</td>
</tr>
<tr>
<td>Waretown Creek</td>
<td>Dam at Route 9</td>
</tr>
<tr>
<td>West Creek</td>
<td>Route 9</td>
</tr>
<tr>
<td>PASSAIC COUNTY</td>
<td></td>
</tr>
<tr>
<td>License required on all waters.</td>
<td></td>
</tr>
<tr>
<td>SALEM COUNTY</td>
<td></td>
</tr>
<tr>
<td>Alloway Creek</td>
<td>Route 540 Bridge at Alloway</td>
</tr>
<tr>
<td>Black Ditch</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Delaware River</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Fishing Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Hope Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Mad Horse Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Mill Creek</td>
<td>None—all saline water</td>
</tr>
<tr>
<td>Oldmans Creek</td>
<td>Route I-295 Southbound Bridge</td>
</tr>
</tbody>
</table>
Salem River
Salem Canal
Stow Creek
Straight Ditch

SOMERSET COUNTY
License required on all waters.

SUSSEX COUNTY
License required on all waters.

UNION COUNTY
Elizabeth River
Great Ditch
Morses Creek
Oyster Creek
Peddie Ditch
Piles Creek
Rahway River

WARREN COUNTY
License required on all waters.

(b) Absence of a river, creek, brook or other waterway from subsection (a) does not preclude the requirement of possessing a license to fish in the fresh waters thereof.

(c) Names of waters conform to those given on the United States Geological Survey 7.5 Minute Topographic Series Maps.

SUBCHAPTER 17. Disposal and Possession of Dead Deer

7:25-17.1 Scope

This subchapter shall constitute the rules governing the disposal and possession of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.2 Purpose

The purpose of this subchapter is to provide for efficient, effective and utilitarian removal of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 23:4-43.

7:25-17.4 Authorized person and disposal or possession
Deer found dead on or along any New Jersey public highway shall be disposed of by New Jersey State or municipal police officers or persons authorized by them at a sanitary landfill or other site approved by the Division of Waste Management of the Department of Environmental Protection or the police agency may authorize possession, as conditioned in N.J.A.C. 7:25-17.6.

7:25-17.5 Dead deer on private property

Deer found dead on any private property shall be disposed of by State or municipal police officers, or personnel authorized by them, upon request of the property owner, in the manner prescribed in N.J.A.C. 7:25-17.4. The owner or lessee of cultivated lands who kills deer under permit of the Division on such property shall dispose of the dead deer as directed by the Division.

7:25-17.6 Possession of dead deer

(a) New Jersey State or municipal police officers shall issue a written permit to possess the accidentally killed deer for consumption, or to transfer the deer carcass to another person for consumption, on forms provided by the Division upon satisfaction of both of the following conditions:

1. The deer was killed by an accidental collision with a motor vehicle; and

2. The accidental collision was reported to the New Jersey State or municipal police as soon as possible.

(b) The permit described in (a) above shall be valid for 90 days from date of issue.

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the Division on a quarterly basis of the following information on forms provided by the Division:

1. The location where the deer was killed;

2. The sex of the deer;

3. The date of the accidental deer kill; and

4. The name and address of the permittee.
SUBCHAPTER 18. Marine Fisheries

7:25-18.1 Size, season, and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Eel</td>
<td>Anquilla rostrata</td>
</tr>
<tr>
<td>Atlantic Cod</td>
<td>Gadus morhua</td>
</tr>
<tr>
<td>Atlantic Croaker</td>
<td>Micropogon undulatus</td>
</tr>
<tr>
<td>Atlantic Mackerel</td>
<td>Scomber scombrus</td>
</tr>
<tr>
<td>Atlantic Menhaden</td>
<td>Brevoortia tyrannus</td>
</tr>
<tr>
<td>Black Drum</td>
<td>Pogonias cromis</td>
</tr>
<tr>
<td>Black Sea Bass</td>
<td>Centropristis striata</td>
</tr>
<tr>
<td>Blueline Tilefish</td>
<td>Caulolatilus microps</td>
</tr>
<tr>
<td>Bluefish</td>
<td>Pomatomus saltatrix</td>
</tr>
<tr>
<td>Cobia</td>
<td>Rachycentron canadum</td>
</tr>
<tr>
<td>Conch</td>
<td>Busycon carica</td>
</tr>
<tr>
<td>Dolphin</td>
<td>Coryphaena hippurus</td>
</tr>
<tr>
<td>Goosefish (Monkfish)</td>
<td>Lophius americanus</td>
</tr>
<tr>
<td>Haddock</td>
<td>Melanogrammus aeglefinus</td>
</tr>
<tr>
<td>Hybrid striped bass</td>
<td>Morone saxatilis x Morone spp.</td>
</tr>
<tr>
<td>Kingfish</td>
<td>Menticirrhus saxatilis</td>
</tr>
<tr>
<td>King Mackerel</td>
<td>Scomberomorus cavalla</td>
</tr>
<tr>
<td>Pollock</td>
<td>Pollachius virens</td>
</tr>
<tr>
<td>Red Drum</td>
<td>Sciadapus ocellatus</td>
</tr>
<tr>
<td>River herring</td>
<td>Alosa aestivalis (alewife)</td>
</tr>
<tr>
<td>Scup (Porgy)</td>
<td>Alosa psuedoharengus (blueback herring)</td>
</tr>
<tr>
<td>Shad</td>
<td>Alosa sapidissima (American shad)</td>
</tr>
<tr>
<td></td>
<td>Alosa mediocris (hickory shad)</td>
</tr>
<tr>
<td>Shark</td>
<td>Aggregated Large Coastal Group</td>
</tr>
<tr>
<td></td>
<td>Ginglymostoma cirratum (Nurse Shark)</td>
</tr>
<tr>
<td></td>
<td>Carcharhinus limbatus (Blacktip Shark)</td>
</tr>
<tr>
<td></td>
<td>Carcharhinus leucas (Bull Shark)</td>
</tr>
<tr>
<td></td>
<td>Negaprion brevirostris (Lemon Shark)</td>
</tr>
<tr>
<td></td>
<td>Carcharhinus falciformis (Silky Shark)</td>
</tr>
<tr>
<td></td>
<td>Carcharhinus brevipinna (Spinner Shark)</td>
</tr>
<tr>
<td></td>
<td>Galeocerdo cuvieri (Tiger Shark)</td>
</tr>
<tr>
<td></td>
<td>Hammerhead Group</td>
</tr>
<tr>
<td></td>
<td>Sphyra mokarran (Great Hammerhead)</td>
</tr>
<tr>
<td></td>
<td>Sphyra lewini (Scalloped Hammerhead)</td>
</tr>
<tr>
<td></td>
<td>Sphyra zygaena (Smooth Hammerhead)</td>
</tr>
<tr>
<td></td>
<td>Non-Blacknose Small Coastal Group</td>
</tr>
<tr>
<td></td>
<td>Sphyra tiburo (Bonnethead)</td>
</tr>
<tr>
<td></td>
<td>Carcharhinus isodon (Finetooth Shark)</td>
</tr>
<tr>
<td></td>
<td>Rhizoprionodon terraenovae (Atlantic Sharpnose Shark)</td>
</tr>
<tr>
<td></td>
<td>Blacknose Group</td>
</tr>
<tr>
<td></td>
<td>Charcharhinus acronotus (Blacknose Shark)</td>
</tr>
<tr>
<td></td>
<td>Pelagic Group</td>
</tr>
</tbody>
</table>
A person shall not purchase, sell, offer for sale, expose for sale, barter, trade, or exchange for money or for any other thing of value, or attempt to purchase, sell, offer for sale, barter, trade, or exchange for money or for any other thing of value, any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed or permitted vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Eel</td>
<td>9</td>
</tr>
<tr>
<td>Atlantic Cod</td>
<td>19</td>
</tr>
<tr>
<td>Atlantic Croaker</td>
<td>No Limit</td>
</tr>
<tr>
<td>Atlantic Mackerel</td>
<td>7</td>
</tr>
<tr>
<td>Atlantic Menhaden</td>
<td>No Limit</td>
</tr>
<tr>
<td>Black Drum</td>
<td>16</td>
</tr>
<tr>
<td>Black Sea Bass</td>
<td>11</td>
</tr>
<tr>
<td>Blueline Tilefish</td>
<td>No Limit</td>
</tr>
<tr>
<td>Bluefish</td>
<td>9</td>
</tr>
<tr>
<td>Cobia</td>
<td>37</td>
</tr>
<tr>
<td>Conch</td>
<td>5</td>
</tr>
<tr>
<td>Dolphin</td>
<td>No Limit</td>
</tr>
<tr>
<td>Goosefish (Monkfish)</td>
<td>17</td>
</tr>
<tr>
<td>Haddock</td>
<td>16</td>
</tr>
<tr>
<td>Kingfish</td>
<td>8</td>
</tr>
<tr>
<td>King Mackerel</td>
<td>23</td>
</tr>
<tr>
<td>Pollock</td>
<td>19</td>
</tr>
<tr>
<td>Red Drum</td>
<td>18</td>
</tr>
<tr>
<td>River herring (Alewife, blueback herring)</td>
<td>No Limit</td>
</tr>
<tr>
<td>Scup (Porgy)</td>
<td>9</td>
</tr>
<tr>
<td>Shad</td>
<td>No Limit</td>
</tr>
<tr>
<td>American</td>
<td>No Limit</td>
</tr>
</tbody>
</table>
1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

4. A person commercially fishing for shark under a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for a gear allowed in the commercial shark fishery shall not possess a shark from the shark groups listed at (b)1 above smaller than the minimum size limit determined by the National Marine Fisheries Service as published in the Federal Register.

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section, as may be provided elsewhere in this subchapter, shall be subject to the specific provisions of any such section. Fish length shall measure from the tip of the snout to the tip of the tail (total length), except as noted below:

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size In Inches</th>
<th>Open Season</th>
<th>Possession Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Eel</td>
<td>9</td>
<td>Jan. 1--Dec. 31</td>
<td>25</td>
</tr>
<tr>
<td>Atlantic Cod</td>
<td>21</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Species</td>
<td>Limit</td>
<td>Season</td>
<td>Limit</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------</td>
<td>----------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Atlantic Croaker</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Black Drum</td>
<td>16</td>
<td>Jan. 1--Dec. 31</td>
<td>3</td>
</tr>
<tr>
<td>Black Sea Bass</td>
<td>12.5</td>
<td>May 15--June 22</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>July 1--Aug. 31</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oct. 8--Oct. 31</td>
<td>10</td>
</tr>
<tr>
<td>Blueline Tilefish</td>
<td>No Limit</td>
<td>May 1--Oct. 31</td>
<td>15</td>
</tr>
<tr>
<td>Bluefish</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Cobia</td>
<td>37</td>
<td>Jan. 1--Dec. 31</td>
<td>1 per vessel</td>
</tr>
<tr>
<td>Dolphin</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Haddock</td>
<td>18</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Hybrid striped bass</td>
<td></td>
<td>Jan 1--Dec 31</td>
<td>1 as specified at (h)1 below</td>
</tr>
<tr>
<td>Atlantic Ocean</td>
<td>28</td>
<td>Jan 1--Dec 31</td>
<td>1 as specified at (h)1 below</td>
</tr>
<tr>
<td>Delaware River and tributaries</td>
<td>28</td>
<td>Mar 1--Mar 31 and</td>
<td>1 as specified at (h)1 below</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jun 1--Dec 31</td>
<td>1 as specified at (h)1 below</td>
</tr>
<tr>
<td>All other marine waters</td>
<td>28</td>
<td>Mar 1--Dec 31</td>
<td>1 as specified at (h)1 below</td>
</tr>
<tr>
<td>Kingfish</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>King Mackerel</td>
<td>23</td>
<td>Jan. 1--Dec. 31</td>
<td>3</td>
</tr>
<tr>
<td>Pollock</td>
<td>19</td>
<td>Jan. 1--Dec. 31</td>
<td>No Limit</td>
</tr>
<tr>
<td>Red Drum</td>
<td>18</td>
<td>Jan. 1--Dec. 31</td>
<td>1, not greater than 27 inches</td>
</tr>
<tr>
<td>River herring</td>
<td>No Limit</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>(Alewife, blueback herring)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scup (Porgy)</td>
<td>9</td>
<td>Jan. 1--Dec. 31</td>
<td>50</td>
</tr>
<tr>
<td>Shad</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaware Bay, and Delaware River and its tributaries</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>6, as specified in (c)4 below</td>
</tr>
<tr>
<td>All other marine waters</td>
<td>No Limit</td>
<td>Jan. 1--Dec. 31</td>
<td>6, as specified in (c)4 below</td>
</tr>
<tr>
<td>Shark</td>
<td>As specified in (c)2 below</td>
<td>As specified in (c)2 below</td>
<td>As specified in (c)2 below</td>
</tr>
<tr>
<td>Aggregated Large Coastal Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hammerhead Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Blacknose</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Coastal Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blacknose Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pelagic Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smoothhound Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spanish Mackerel</td>
<td>14</td>
<td>Jan. 1--Dec. 31</td>
<td>10</td>
</tr>
<tr>
<td>Summer Flounder (Fluke)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaware Bay and tributaries</td>
<td>17</td>
<td>May 22--Sept. 19</td>
<td>3</td>
</tr>
<tr>
<td>Island Beach State</td>
<td>16</td>
<td>May 22--Sept. 19</td>
<td>2</td>
</tr>
</tbody>
</table>
1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. Shark length shall be measured from the tip of the snout to the V-shaped indentation between the two separate tail segments (fork length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line or rod and reel. The minimum size, open season, and possession limit for shark, as listed at (a) above, shall be the minimum size, open season, and possession limit as determined by the National Marine Fisheries Service, as published in the Federal Register and posted at https://www.fisheries.noaa.gov/rules-and-announcements/notices-and-rules.

3. Anglers may take no more than 25 eels per day; however, anglers may keep more than 25 eels in storage for personal use, provided they possess no more than 25 eels per person for bait purposes while fishing. Any crew member of a party/charter vessel for hire carrying recreational fishermen may possess no more than 50 eels for bait purposes while fishing.

4. In the Delaware Bay, and the Delaware River and its tributaries, the maximum possession limit for American shad is three. In all other marine waters, the possession limit for American shad is zero.

5. The following provisions are applicable to the recreational harvest of summer flounder.

   i. In Delaware Bay, which includes all New Jersey waters within the Delaware Bay and tributaries west of the COLREGS line from Cape May
Point Light to Cape Henlopen, a person shall not take, or possess, more than three summer flounder greater than or equal to 17 inches, total length, during the summer flounder recreational open season. The Cape May Canal is not considered a tributary of the Delaware Bay. Therefore, the authorization to take or possess summer flounder meeting the 17-inch size limit and three fish possession limit is inapplicable to the Cape May Canal beginning at its confluence with the Delaware Bay at the Cape May Ferry Terminal; the waters of Cape May Canal are instead subject to limits specified in (c)5ii below.

ii. In all other waters of the State, a person shall not take, or possess, more than three summer flounder greater than or equal to 18 inches, total length, during the summer flounder recreational open season.

iii. Except as provided in (c)5iv below, a person may only elect to take and possess summer flounder in accordance with either (c)5i or ii above in any one day.

iv. At Island Beach State Park (IBSP), an angler fishing from a pier, jetty, beach, bank, or marsh utilizing a hook and line and who has a date and time stamped proof of IBSP entry receipt may possess no more than two summer flounder greater than or equal to 16 inches (total length) on the day of entry during the summer flounder open season. The proof of entry receipt shall be presented upon the request of a State Conservation Officer or New Jersey Park Police Officer. The proof of entry to IBSP must be retained with the fish until just prior to utilization. The one or two fish harvested at IBSP shall count toward the applicable possession limit specified in (c)5i or ii above in waters outside IBSP.

v. A vessel may transport summer flounder greater than or equal to 17 inches but less than 18 inches from the waters of the Delaware Bay designated in (c)5i above to areas accessed via the Cape May Canal, north to the northern boundary of State Highway Route 47 (George Redding Bridge), excluding the open waters of the Atlantic Ocean. Vessels transporting in this manner shall not stop to fish and all gear must be stowed with rigs removed.

6. The following provisions are applicable to the recreational harvest of blueline tilefish:

i. Any party/charter vessel landing blueline tilefish from the Exclusive Economic Zone (Federal waters) must hold a valid Northeast open access golden tilefish party/charter vessel permit, issued by the National Marine Fisheries Service.
ii. Any person fishing from a vessel that is not fishing under a valid Northeast open access golden tilefish commercial or party/charter vessel permit issued by the National Marine Fisheries Service, may land up to three blueline tilefish per trip.

iii. Any person fishing from a for-hire vessel under a valid Northeast open access golden tilefish party/charter vessel permit issued by the National Marine Fisheries Service that has not been issued a valid U.S. Coast Guard Certificate of Inspection may land up to five blueline tilefish per person per trip.

iv. Any person fishing from a for-hire vessel under a valid Northeast open access golden tilefish party/charter vessel permit issued by the National Marine Fisheries Service that has been issued a valid U.S. Coast Guard Certificate of Inspection may land up to seven blueline tilefish per person per trip.

(d) A person shall not take, possess, land, purchase, sell or offer for sale, except as specified below, any of the following species:

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic Angel Shark</td>
<td>Squatina dumerili</td>
</tr>
<tr>
<td>Atlantic Sturgeon</td>
<td>Acipenser oxyrhynchus</td>
</tr>
<tr>
<td>Basking Shark</td>
<td>Cetorhinidae maximus</td>
</tr>
<tr>
<td>Bigeye Sand Tiger Shark</td>
<td>Odontaspis noronhai</td>
</tr>
<tr>
<td>Bigeye Sixgill Shark</td>
<td>Hexanchus vitulus</td>
</tr>
<tr>
<td>Bigeye Thresher Shark</td>
<td>Alopias superciliousus</td>
</tr>
<tr>
<td>Bignose Shark</td>
<td>Carcharhinus altimus</td>
</tr>
<tr>
<td>Carribean Reef Shark</td>
<td>Carcharhinus perez</td>
</tr>
<tr>
<td>Carribean Sharprnose Shark</td>
<td>Rhizoprionodon porosus</td>
</tr>
<tr>
<td>Dusky Shark</td>
<td>Carcharhinus obscurus</td>
</tr>
<tr>
<td>Galapagos Shark</td>
<td>Carcharhinus galapagensis</td>
</tr>
<tr>
<td>Longfin Mako Shark</td>
<td>Isurus paucus</td>
</tr>
<tr>
<td>Narrowtooth Shark</td>
<td>Carcharhinus brachyurus</td>
</tr>
<tr>
<td>Night Shark</td>
<td>Carcharhinus signatus</td>
</tr>
<tr>
<td>River Herring</td>
<td>Alosa aestivalis</td>
</tr>
<tr>
<td>Sand Tiger Shark</td>
<td>Alosa psuedoharengus</td>
</tr>
<tr>
<td>Sandbar (Brown) Shark</td>
<td>Odontaspis taurus</td>
</tr>
<tr>
<td>Sharprnose Sevengill Shark</td>
<td>Carcharhinus plumbeus</td>
</tr>
<tr>
<td>Shortnose Sturgeon</td>
<td>Heptranchias perlo</td>
</tr>
<tr>
<td>Sixgill Shark</td>
<td>Acipenser brevirostrum</td>
</tr>
<tr>
<td>Silky Shark (recreational fishery only)</td>
<td>Hexanchus griseus</td>
</tr>
<tr>
<td>Smalrtail Shark</td>
<td>Carcharhinus falciformis</td>
</tr>
<tr>
<td>Whale Shark</td>
<td>Carcharinus porosus</td>
</tr>
<tr>
<td>White Shark</td>
<td>Rhincodon typus</td>
</tr>
<tr>
<td></td>
<td>Carcharodon carcharias</td>
</tr>
</tbody>
</table>

1. Vessels fishing exclusively in the Exclusive Economic Zone (Federal waters) while operating under a valid Federal permit for Atlantic mackerel and/or Atlantic herring, may possess river herring up to a maximum of five percent, by weight, of all species possessed.
2. A person shall not barter, sell, offer for sale, or expose for sale, any river herring possessed pursuant to (d)1 above.

(e) Except as provided in (e)2 and (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

1. A shark or dogfish may be eviscerated prior to landing. The fins may not be removed from a shark or spiny dogfish, except after fishing has ceased and such shark or spiny dogfish has been landed as specified in (e) above.

2. A person may use parts of one legal sized summer flounder as bait. The carcass of the fish minus the fillets, commonly known as the rack, of the summer flounder used must be retained by the person and counted as part of the person's daily bag limit for that day. The rack shall be kept fully intact so it can be measured for minimum size limit. One summer flounder caught on the person's current fishing trip can be used for this purpose. No parts of fish caught on previous fishing trips shall be in possession. No other species of flat fish or fish listed under (b) or (c) above shall be used for this purpose.

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea;

2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing;

3. The Special Fillet Permit shall be subject to the following conditions:

   i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water;

   ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined;
iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch;

iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30;

v. No fish of any species less than the minimum size limit specified in (c) above shall be filleted and no fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Fillet or Part Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic Cod</td>
<td>14 inches</td>
</tr>
<tr>
<td>Atlantic Croaker</td>
<td>No Limit</td>
</tr>
<tr>
<td>Black Drum</td>
<td>9 inches</td>
</tr>
<tr>
<td>Black Sea Bass</td>
<td>5 inches</td>
</tr>
<tr>
<td>Bluefish</td>
<td>No Limit</td>
</tr>
<tr>
<td>Cobia</td>
<td>26 inches</td>
</tr>
<tr>
<td>Haddock</td>
<td>14 inches</td>
</tr>
<tr>
<td>Hybrid striped bass</td>
<td>11 to 20 inches</td>
</tr>
<tr>
<td>(24 to less than 28 inches)</td>
<td>15 to 28 inches</td>
</tr>
<tr>
<td>(28 to less than 38 inches)</td>
<td>No Limit</td>
</tr>
<tr>
<td>Kingfish</td>
<td>16 inches</td>
</tr>
<tr>
<td>King Mackerel</td>
<td>13 inches</td>
</tr>
<tr>
<td>Pollock</td>
<td>13 inches</td>
</tr>
<tr>
<td>Red Drum</td>
<td>4 inches</td>
</tr>
<tr>
<td>Scup</td>
<td>11 to 20 inches</td>
</tr>
<tr>
<td>Striped bass</td>
<td>15 to 28 inches</td>
</tr>
<tr>
<td>(24 to less than 28 inches)</td>
<td>11 to 20 inches</td>
</tr>
<tr>
<td>(28 to less than 38 inches)</td>
<td>15 to 28 inches</td>
</tr>
<tr>
<td>Tautog</td>
<td>7 inches</td>
</tr>
<tr>
<td>Weakfish</td>
<td>9 inches</td>
</tr>
</tbody>
</table>

vi. Spanish mackerel shall be landed with head, tail and fins attached.

vii. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip;

viii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner of the Special Fillet Permit according to the following schedule:

(1) First offense: 60 days suspension;

(2) Second offense: 120 days suspension; and
(3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

ix. In calculating the period of suspension or revocation applicable under (f)3viii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

x. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

(g) Any person violating the provisions of (b), (c), (d), or (e) above shall be liable to a penalty of $ 30.00 for each fish taken or possessed, except that the penalty shall be $ 100.00 for each tautog taken or possessed. Each fish taken or possessed shall constitute an additional separate and distinct offense.

(h) The following provisions are applicable to the recreational harvest of striped bass and striped bass hybrids:

1. Except as permitted pursuant to N.J.A.C. 7:25-18.13, a person shall not take from the marine waters or other waters of the State in any one day, or have in the person's possession at any time, more than one striped bass. The striped bass taken in accordance with this subsection shall be at least 28 inches but less than 38 inches in total length.

2. A person shall not fillet, or remove the head or tail, or parts thereof, of any striped bass at sea, except in accordance with N.J.A.C. 7:25-18.1(f).
3. A person shall not take, attempt to take, or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the Delaware River or its tributaries from the upstream side of the Calhoun Street Bridge to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through the last day of February of each year.

4. Hook and line fishermen are restricted to the use of non-offset circle hooks while fishing with bait. Bait is defined as any marine or aquatic organism live or dead, whole, or parts thereof. This restriction shall not apply to an artificial lure with bait attached. A circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. Non-offset means that the point and barb are in the same plane as the shank. Striped bass caught using an unapproved method of take must be returned to the water immediately without unnecessary injury.

(i) Except for the products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine waters of this State any striped bass hybrids, being hybrids of the Morone genus, less than the striped bass minimum size limits as specified at (h)1 above.

1. For the purposes of this section, commercial aquaculture shall mean the culture or husbandry of striped bass hybrids in non-wild systems for the purpose of egg and larval production and/or increasing size.

2. For the purposes of this section, parents of striped bass hybrids shall include Morone saxatiles (striped bass), M. chrysops (white bass), M. americana (white perch), and M. mississippiensis (yellow bass).

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not possess more than the possession limit or less than the minimum size limits as specified in (h)1 above, whether striped bass or striped bass hybrid, while on or angling in the marine waters of this State.

(k) A person shall not remove the head, tail or skin from any striped bass hybrid except immediately prior to preparation or serving as food.

(l) All hybrid striped bass which are the products of commercial aquaculture shall be accompanied by accurate and dated documentation of quantity, original description and destination.

(m) Wanton waste of fish is prohibited.

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from
the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of $100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

1. Any party/charter vessel carrying recreational fishermen for hire to fish for, possess, or land bluefish shall have a valid Federal party/charter vessel permit.

2. Any person may take or possess up to three bluefish in accordance with (c) above in any one day, except as provided at (o)3 below.

3. Any person fishing from a party/charter vessel on a for-hire trip, captained by a properly credentialed operator with a valid United States Coast Guard endorsement, may take or possess up to five bluefish in accordance with (c) above in any one day.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, size limits, possession limits, and the list of shark species contained within any of the shark groups specified in this section 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, New England Fishery Management Council, or South Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service or any plan implemented by the National Marine Fisheries Service. Additionally, where fishing seasons, size limits, possession limits, or the list of shark species contained within any of the shark groups specified in this section have been developed in accordance with (p)1 below and differ from those specified in a fishery management plan and have been approved by the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service through the conservation equivalency process as being estimated to achieve the same quantified level of conservation for the fishery governed by that plan, such fishing seasons, size limits, possession limits, or the list of shark species contained within any of the shark groups specified in this section may be modified by notice. The Department shall provide notice of any such modification in the New Jersey Marine Digest, the New Jersey Register, on the Department's website, through email, when provided, to commercial license holders, and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.
1. Proposed fishing seasons, size limits, possession limits, or the list of shark species contained within any of the shark groups specified in this section to be included in a submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service as being conservationally equivalent to the criteria determined to be eligible for conservation equivalency, as specified in the applicable fishery management plan, shall be established, as follows:

   i. The Commissioner shall consider the following factors in a conservation equivalency proposal:

      (1) The temporal and spatial distributions of the species in State waters;

      (2) The species' life history characteristics;

      (3) The potential impact on the number of participants able to participate in the fishery;

      (4) The ability of supporting industries to provide necessary services to optimize participation, for example, charter and day-fishing fleet availability;

      (5) Consideration for the open seasons for other recreational and/or commercial fisheries; and

      (6) Enforcement efficiency.

   ii. The conservation equivalency proposal must be approved by the New Jersey Marine Fisheries Council at a public meeting prior to submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service. Public notice of the meeting, including an agenda, shall be provided on the Department's website at https://www.nj.gov/dep/fgw/marcncl.htm. The agenda shall specify that the meeting will include discussion of a potential conservation equivalency proposal.

   (q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule. After any
instructions, signals or other communication from an authorized law enforcement officer indicating the officer's intent to perform an inspection, it shall be unlawful for any person to dispose of fish, fish parts or any other matter in any manner until such time as the inspection is complete. Violation of this provision shall subject the violator to the penalties established pursuant to N.J.S.A. 23:2B-14.

(r) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division.

7:25-18.2 Pound nets

(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the New Jersey Department of Environmental Protection.

"Heart" means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.

"Leader" means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.

"Navigable channel" means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.

"Pocket" means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.

"Pound net" means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.

"Staked or anchored gill net" means an upright fence of monofilament or nylon netting, held in place at each end by stakes or anchors, that catches fish by snagging their gill covers as they try to pass through the mesh of the net.

"Submarine pound net" means a pound net that is totally submerged beneath the water and held in place by anchors.

(b) General requirements for all pound net users are as follows:

1. No person may install, operate or maintain a pound net in the marine waters of the State without having first obtained a license from the Department.
2. The Department may establish limits on the number of licenses to be issued for pound nets in Raritan Bay and Sandy Hook Bay and in the Atlantic Ocean within three nautical miles of the coastline.

3. Licenses must be renewed annually.

4. Holders of pound net licenses from the previous year shall have first priority in obtaining a new license, provided they apply before March 1 of the current year.

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all species less than the minimum size limits specified pursuant to N.J.A.C. 7:25-18.1.

6. No person may, by boat, anchor, dredge or otherwise, willfully and without reasonable cause, interfere with, break, damage or destroy any fish net or associated equipment being lawfully used by a license holder.

7. The Department may require any licensee to submit a money surety bond to insure removal of pound net poles and apparatus as required by these rules.

8. Violation of the rules in this section will subject the violator to money penalties, loss of license and/or injunctive relief under N.J.S.A. 23:2B-14.

(c) Specific requirements for pound net users in Raritan, Sandy Hook and Delaware Bays are as follows:

1. Any person applying for a pound net license must indicate the specific proposed site for the net, as designated by a chart developed by the Department. Sites which have not previously been located on the approved chart must be approved by the Department prior to issuance of a license.

2. New pound net sites must be at least 3,000 feet from a previously located pound net site, when measured parallel to the shoreline, and must be at least 1,000 feet from any navigable channel.

3. Any pound net license holder has priority in retaining a pound net site previously licensed by him or her, provided that he or she has actively and lawfully fished that site during the previous year and has submitted a license application prior to March 1 of the current year. After March 1, any citizen may apply for any available site on a first-come basis.

4. No staked or anchored shad net may be placed within 3,000 feet of an operating pound net. However, shad nets may be set on licensed pound net sites
by the license holder or on unoccupied, approved pound net sites, provided the shad nets are set end-to-end with and in line with any existing pound nets.

5. Pound nets must be placed end-to-end so as to form a straight line, perpendicular to the shoreline.

6. The maximum allowable length of a pound net, including leader and hearts, is 750 feet.

7. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline.

8. A pound net license holder must maintain a nameplate, on the offshore pole of the net not less than six inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

9. A flashing, amber light must be displayed between sunset and sunrise on each of the two end poles of a pound net or a continuous row of pound nets. These lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the pound net license holder.

11. The pound net license holder will be responsible for the cost of pole and/or stake removal where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 10 above.

(d) Specific requirements for pound net users in the Atlantic Ocean are as follows:

1. When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site-location for placement of each net. Upon site approval, the Department may issue the license. (Note: Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.)

2. No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline.

3. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline.
4. No more than two pound nets may be joined together.

5. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between individual or paired pound nets set in a row.

6. A row of ocean or submarine pound nets must form a straight line with the nets placed end-to-end.

7. The maximum allowable length of an ocean or submarine pound net, including leader and pocket, is 1,100 feet.

8. The minimum mesh size for ocean or submarine pound nets is two inches, stretched.

9. Ocean pound nets shall be maintained in compliance with the following additional requirements:

   i. White reflectors must be placed around the top of each pole so as to reflect in all directions;

   ii. Flashing amber lights must be displayed on the inshore and offshore poles of nets or rows of nets, between sunset and sunrise; these lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Submarine pound nets shall be maintained in compliance with the following additional requirements:

   i. At least eight fluorescent orange floats, at least 12 inches in diameter, shall be maintained along the length of each net, including the inshore and offshore ends.

   ii. The pound net license holder shall maintain a nameplate, not less than 12 inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

11. The license holder must completely remove all pound net poles and stakes, within ten months of the termination of fishing activities.

12. The pound net license holder will be responsible for the cost of pole and/or stake removal, where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 11 above.
7:25-18.3 Net identification tags

(a) Any identification tag furnished by the Division for a licensed net shall be displayed in a prominent and easily accessible place on such net.

(b) No identification tag furnished by the division may be counterfeited or transferred

7:25-18.4 Spearfishing

It shall be lawful to take, catch, or kill all species of fish by means of spearfishing, during the respective open season, except for those species of fish specifically protected. For the purpose of this rule, spearfishing shall mean the taking of fish by means of a spear, harpoon, or other missile, or by hand, while completely submerged in the marine waters of the State.

7:25-18.5 General net regulations

(a) No person shall take, catch, kill or attempt to take, catch or kill any fish within the marine waters of the State by any means except in the manner commonly known as angling with hand line or with rod and line unless specifically permitted by statute or regulation.

(b) All stakes used in fyke nets, pound nets, parallel nets or gill nets shall be marked with at least one of the following which shall be placed at least two feet above mean high water and be visible from all sides:

1. Reflectors of not less than two inches in diameter;

2. Reflecting tape not less than two inches in width;

3. Light colored flags not less than two square feet; or

4. Light colored jugs or buoys not less than 12 inches in diameter.

(c) It shall be illegal to catch fish or attempt to catch fish by means of a rod and line or hand line, commonly called angling, within 300 feet of a set (operating) fish net as licensed pursuant to this section.

(d) It shall be illegal to set a fish net as licensed pursuant to this section within 300 feet of any person actively fishing with a rod and line or hand line, commonly called angling.

(e) All nets licensed pursuant to this section must be legibly and indelibly marked with the gear identification number of the owner.
(f) No person shall set, tend, tamper with or damage in any way or remove fish or other organisms from any net requiring a license without having in his possession the numbered license issued to said person which corresponds to the gear identification number marked on such net.

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible for a gill net license, an applicant must provide a copy of a previously valid gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net licenses to which they are entitled annually. Any licenses not purchased will be forfeited. The holder of a valid gill net license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to purchase all of the gill net licenses he or she is entitled to purchase to another individual at any time, upon notification to the Department. The new licensee shall have a license(s) issued in his or her name after payment of the fee specified in (g)5vi or 6ix below. Any licenses not purchased by the new entrant will be forfeited. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application, and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

1. Haul seines shall have a mesh not smaller than 2.75 inches stretched and shall not exceed 70 fathoms in length, whether used singly or in series. Haul seines may be used for all species except those specifically protected.

   i. The haul seine season shall begin on November 1 and end on April 30;

   ii. A person shall not use or attempt to use a haul seine for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake;

   iii. American eel may be taken by haul seine during the season of January 1 through April 30. Any American eel taken by haul seine from November 1 through December 31 shall not be retained and must be immediately returned to the water.

   iv. The haul seine resident fee shall be $ 25.00 per net.

2. Fykes shall have a length, including leaders, which shall not exceed 30 fathoms and no part of the net or leaders shall be constructed of monofilament or have a mesh larger than five inches stretched or smaller than three eight inches stretched (inside measurement). Fyke nets may be used for all species except those specifically protected.

   i. The fyke season shall begin on November 1 and end on April 30;
ii. A person shall not use or attempt to use a fyke net for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake, or in the area commonly known as Collins Cove off the Mullica River between a line starting at aid to navigation channel marker flashing red number 8 (latitude 39°33.36'N, longitude 74°28.39'W), bearing approximately 229°T to a point on the western shore of Collins Cove at latitude 39°33.09'N, longitude 74°28.72'W and the Garden State Parkway where it crosses the Mullica River;

iii. No fyke net nor any part of a fyke net shall be set in the middle one third of any river, stream or tributary.

iv. All stakes used for the setting of fyke nets must be removed within 30 days of the close of the season;

v. Submerged anchored fyke nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker.

vi. Winter flounder may be taken by fyke net during the season of November 1 through February 19. Any winter flounder taken by fyke net from February 20 through April 30 shall not be retained and must be immediately returned to the water.

vii. American eel may be taken by fyke net during the season of January 1 through April 30. Any American eel taken by fyke net from November 1 through December 31 shall not be retained and must be immediately returned to the water.

viii. The fyke resident fee shall be $12.00 per net. Each licensee shall notify the Department in their license application of the specific estuary in which they intend to fish the fyke net(s). Licensees shall notify the Department as to any change in the specific estuary within which the fyke net is located no later than seven days following the change in estuary. Such notice shall be in writing to:
Division of Fish and Wildlife
Marine Fisheries Administration
PO Box 400
Trenton, New Jersey 08625-0400.
3. Miniature fyke or pots shall only be used for the taking of catfish, suckers, killifish (Cyprinodontidae), and eels. The mesh of this net type shall be no smaller than one-half inch by one-half inch bar, inside measurement. The net type shall not have leaders or wings and shall not exceed 16 inches in diameter if cylindrical or 201 square inches in cross section if any other configuration in any of the marine waters of this State.

i. The miniature fyke or pot season shall begin on January 1 and end on December 31;

ii. The miniature fyke or pot resident fee shall be $100.00 regardless of the number of miniature fykes or pots employed;

iii. One or two miniature fykes or pots may be used for the taking of killifish or eels only for bait without application for or granting of a license, provided, however, that killifish or eels taken without having a valid license in possession may not be sold or used for barter.

iv. No miniature fyke or pot shall be placed in any man-made lagoon or in any marked or charted channel except noncommercial pots or miniature fykes fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

v. No license holder shall use more than 300 miniature fykes or pots for the taking of catfish, suckers, killifish, and eels.

vi. All persons holding a miniature fyke net license shall keep, on forms provided by the Division, accurate records of their catch and effort using that gear, including name, amount of gear used, fishing time, area fished, species caught, total amount of each species taken, and any other data required by the Division that is relevant to the management of the fishery. These forms shall be completed for all fishing activity with miniature fyke nets for the months of January through December, inclusive; signed by the licensee attesting to the validity of the information; and filed within 10 days following the end of the reported month with the Division at the address shown on the reporting form. Said filing must be current before a license for miniature fyke nets is issued for the subsequent year. If there was no harvest for a given month, a report to that effect shall be submitted to the Division. Failure to file on or before the 10th of the month following the month of record may lead to suspension or permanent revocation of said license by the Department according to the following schedule:

(1) First offense: no suspension;
(2) Second offense: 120 days suspension; and

(3) Third offense: permanent revocation;

vii. Prior to suspension or revocation of the license, the licensee shall have the opportunity to request a hearing in accordance with the procedures at N.J.A.C. 7:25-18.17.

viii. The Department shall automatically remove and reduce to zero the number of previous reporting offense(s) on a licensee's record if the licensee does not commit any other reporting offenses under (g)3v above for 18 months from the date of the first reporting offense on record or from the date of completion of the suspension imposed as a result of a second reporting offense on record.

ix. A licensee cited for violation of (g)3v above may submit a nullification request to nullify the reporting offense and any resulting penalty be nullified due to extraordinary hardship or exceptional circumstance in accordance with this subsection and (g)3x through xi below. The licensee shall submit the nullification request as part of the request for an adjudicatory hearing on the reporting offense filed in accordance with N.J.A.C. 7:25-18.17. The nullification request shall:

(1) Identify the specific reporting offense for which the nullification is requested;

(2) Explain in detail why the licensee was not able to comply with the reporting requirements outlined at (g)3v above, including a statement of the type and degree of hardship that prevented compliance with the reporting requirements and the hardship that will result to the licensee if the reporting offense is not nullified; and

(3) Provide appropriate documentation as necessary to support the request for nullification.

x. The Department shall nullify an offense and any resultant penalty under (g)3v above, if it determines that:

(1) By reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the reporting requirements;

(2) By reason of extraordinary or exceptional situation or condition, strict compliance with the reporting requirements at
(g)3v above would result in exceptional and undue hardship upon the licensee;

(3) The circumstances supporting (g)3x(1) and (2) above were not created by the licensee or persons under his or her control; and

(4) The approval to nullify will not unreasonably interfere with the orderly administration of these reporting requirements.

xi. The Department shall provide written notice to the licensee of its decision to approve or deny the nullification request. If the Department denies the nullification request, the request for an adjudicatory hearing on the reporting offense shall be deemed to include a request for an adjudicatory hearing on the denial of the nullification request. If the Department approves the nullification request, the request for an adjudicatory hearing on the reporting violation shall be deemed withdrawn as moot.

4. The bait net season shall begin on January 1 and shall end on December 31. Except as provided in N.J.S.A. 23:5-24.2, bait net resident fees shall be $10.00 per license.

i. Bait nets shall be limited to one or more of the following types:

(1) Hand held dip nets 24 inches in diameter or less;

(2) Bait seines not exceeding 150 feet and mesh not less than three eighths inches stretched, inside measurements, and not more than 2.5 inches stretched;

(3) Cast nets not exceeding 30 feet in diameter;

(4) Lift or umbrella nets not exceeding four feet square; and

(5) Killipots with mesh not less than three sixteenth inches bar, inside measurements, and not exceeding 10 inches in diameter or 25 inches in length if cylindrical or 2,000 cubic inches for any other conformation for the taking of killifish (Cyprinodontidae spp.) only; and

ii. No person shall harvest or attempt to harvest fish by any means from the Deal Lake flume, the Lake Takanassee spillway or Wreck Pond spillway on Monday, Wednesday, and Friday, during the months of April and May in any year.
Drifting gill nets shall be used only in the Atlantic Ocean, Delaware Bay, and the tributaries of Delaware Bay. The smallest mesh of any drifting gill net shall be not less than five inches stretched from February 12 through February 29. Except as provided in (g)5iii below for drifting gill nets in the Atlantic Ocean, from March 1 through December 15, the smallest mesh of any drifting gill net in the Delaware Bay, the tributaries of Delaware Bay, and in the Atlantic Ocean within two nautical miles of the mean high water line shall not be less than 2.75 inches stretched; for areas of the Atlantic Ocean not within two nautical miles of the mean high water line, the smallest mesh of any drifting gill net shall not be less than 3.25 inches stretched mesh during this period. Drifting gill nets are subject to the permitting and reporting requirements specified in (g)5vii below and in N.J.A.C. 7:25-18.12. These nets shall not individually exceed 200 fathoms in length. Individual drifting gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length beginning February 12 through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15. Drifting gill nets may be used for all species except those specifically protected.

i. Separate drifting gill nets or a series of joined drifting gill nets shall not be set or fished closer than 100 fathoms from any other net or series of nets;

ii. Separate drifting gill nets or a series of joined drifting gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each end marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Drifting gill nets shall be used in the Atlantic Ocean only from February 12 through December 15. Drifting gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. From September 1 through December 15, if using nets with four inches or greater stretched mesh, a licensee may utilize no more than two drifting gill nets subject to the requirements of this paragraph or two staked/anchored gill nets subject to the requirements of (g)6 below, and the nets shall be tended at all times. For the purpose of this subparagraph, "tended" means an operator shall be no more than one-half nautical mile (3,040 feet) from the nearest portion of the nets and both nets must be fully brought into the boat within five hours of the initial set. Drifting gill nets between 2.75 inches stretched mesh and 3.25 inches stretched mesh shall be subject to the permitting and reporting requirements specified in (g)5vii below, and:
(1) Shall only be fished within two miles of the MHWL;

(2) Shall only be fished between the hours of sunrise and sunset;

(3) Shall be no higher than eight feet (off the bottom) while fishing; and

(4) A maximum of 200 fathoms per licensed fisherman shall be in the water at any one time;

iv. Drifting gill nets shall be used in the tributaries of Delaware Bay only for the season extending from February 12 through May 15 and July 15 through December 15;

v. Drifting gill nets shall be used in Delaware Bay only from February 12 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12. For the purpose of this section, that portion of Delaware Bay defined by the New Jersey-Delaware boundary on the west, Loran C27180 on the east, and Loran C42830 on the north, during the period from May 15 through June 15, shall be known as the Brandywine Shoal Restricted Area.

(1) No more than two drifting gill nets shall be permitted to be set or operated within the Brandywine Shoal Restricted Area by any vessel.

(2) No more than one drifting gill net shall be permitted to be set or operated, nor shall any net be left unattended, within the Brandywine Shoal Restricted Area by any vessel at night (from sunset to sunrise) or on any public holiday as specified at N.J.S.A. 36:1-1 or weekend. For the purpose of this section, "unattended" means that set of circumstances where the operator is more than 100 feet from the nearest portion of his net.

vi. The drifting gill net resident fee shall be $20.00 per net.

vii. Individuals utilizing drifting, staked or anchored gill nets less than 3.25 inches stretched mesh in the Atlantic Ocean or in the Delaware Bay after February 29 in any calendar year shall possess a Gill Net Mesh Exemption Permit.

(1) An individual shall apply annually for the permit.

(2) All permittees shall submit monthly reports of their catch and effort and other information as may be determined by the
Department on forms provided by the Department. These reports shall be filed with the Division no later than 10 calendar days after each monthly reporting period. If no fishing activity was conducted under this permit during the month, a report to that effect shall be provided. Gill Net Mesh Exemption permittees shall be personally responsible for guaranteeing the timely delivery of reports to the Division as well as the accuracy of all information contained therein. The Department may demand that a permittee provide proof of the truth of any data contained in any report submitted to the Division under this program. If the permittee fails to file a true, complete monthly report with the Division by the 15th day of any month, the Division, in its discretion, may contact the permittee by the most expeditious method available in order to secure a complete report.

(3) If the Division is unable to secure a true, complete monthly report from the permittee by such informal means or the Division has credible evidence that the data on any report is false, the Division shall notify the permittee in writing of the Division's intention to revoke the permittee's Mesh Exemption privilege for the reasons stipulated in the notice, effective 20 business days after the date on the written notice (excluding the date on the notice) and of the Division's suspension of the permittee's Mesh Exemption privileges in the interim, effective on a date stipulated in the notice but no sooner than 10 business days after the date of the notice (excluding the date on the notice).

(4) The permittee may request a hearing to contest a proposed revocation of Mesh Exemption privileges in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The request for an administrative hearing must be received in writing by the Department within 20 business days from the date on the Division's notice of suspension and intention to revoke, excluding the date on the notice. However, if a timely request for a hearing is not received by the Department, any allegation contained in the notice shall be deemed admitted by the permittee and Mesh Exemption privileges shall be revoked as of the date stipulated in the notice, without any further action by the Division.

(5) The Division Director may, in his or her sole discretion, stay the suspension of Mesh Exemption privileges pending a hearing on the notice of proposed revocation of Mesh Exemption privileges for any good cause set forth in a written petition from the permittee, including sworn statements from the permittee or other
persons with knowledge relevant to the allegations on which the Division action is based. The petition and its supporting statements and documentation shall be made available to the court and all parties in advance of any hearing.

(6) The Division shall reinstate Mesh Exemption privileges suspended for late or incomplete reports, but no more than three times per permittee in any single permit year, if that permittee personally delivers any missing reports, completed, along with a credible written explanation for the delay and/or omissions to the Division within 20 business days from the date on the notice of suspension.

(7) Any permittee who has had a Mesh Exemption privilege revoked shall be disqualified from exercising any privilege associated with a Mesh Exemption permit for 24 months following:

(A) The effective date of an uncontested notice of proposed revocation of privileges;

(B) The date of the Commissioner's Final Decision affirming revocation of Mesh Exemption privileges; or

(C) The filing date of the court order affirming the Commissioner's Final Decision revoking Mesh Exemption privileges, whichever is applicable.

(8) The Division shall issue a Mesh Exemption permit to an applicant pending resolution of a contested Division proposal to revoke that applicant's Mesh Exemption privilege, but that permittee shall not exercise or enjoy any Mesh Exemption privilege if the Division has already suspended that permittee's Mesh Exemption privilege pending resolution of a proposed revocation until:

(A) The Division Director lifts the suspension of that permittee's Mesh Exemption privileges;

(B) The Commissioner issues a Final Decision reinstating that permittee's Mesh Exemption privileges; or

(C) A court of competent jurisdiction orders reinstatement of that permittee's Mesh Exemption privileges, as the case may be.
6. Staked and anchored gill nets shall be used only in the Atlantic Ocean, Raritan Bay, Sandy Hook Bay, and the Delaware Bay and its tributaries. No unattended, overnight staked, or anchored gill net shall be set in the Atlantic Ocean from June 15 through October 31. No unattended, overnight anchored gill net shall be set in Delaware Bay from June 15 through September 30. For the purpose of this paragraph, "unattended" means that set of circumstances where the operator is more than 1/2 nautical mile (3,040 feet) from the nearest portion of his or her net. Staked or anchored gill nets shall not be fastened together to form a series of net exceeding 400 fathoms in length from the beginning of the season through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12.

i. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall not be set closer than 20 fathoms from any other net or series of nets;

ii. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Staked and anchored gill nets may be used in the Atlantic Ocean for any species except those specifically protected only beginning February 12 through December 15, where individual gill net length shall not exceed 50 fathoms. The smallest mesh of any such net used in the Atlantic Ocean shall not be less than five inches stretched beginning February 12 through February 29 and not less than 3.25 inches stretched beginning March 1 through December 15. From September 1 through December 15, if using nets with four inches or greater stretched mesh, a licensee may utilize no more than two staked/anchored gill nets subject to the requirements of this paragraph or two drifting gill nets subject to the requirements of (g)5 above, and the nets shall be tended at all times. For the purpose of this subparagraph, "tended" means an operator may be no more than one-half nautical mile (3,040 feet) from the nearest portion of the nets and both nets must be fully brought into the boat within five hours of the initial set. Staked or anchored gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet;
iv. Subject to N.J.A.C. 7:25-18.12(e), staked and anchored gill nets shall be used only for shad in the Raritan Bay or Sandy Hook Bay and only beginning February 1 through May 15, where individual gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in Raritan Bay or Sandy Hook Bay shall not be less than five inches stretched;

v. Staked gill nets may be used in the tributaries of Delaware Bay for any species except those specifically protected only beginning January 1 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of any such net used in the tributaries of Delaware Bay shall not be less than 2.75 inches stretched nor greater than 3.25 inches stretched beginning January 1 through February 29 and no mechanical means shall be utilized to retrieve such net. The mesh of any net shall not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net shall be set across the middle one third of any tributary or the mouth of any tributary, nor shall any net be set in a manner that impedes navigation;

vi. Staked gill nets may be used in Delaware Bay only from February 1 through December 15, except as further defined by statute and/or rule. Individual staked gill net length shall not exceed 30 fathoms. The mesh of any such net used in Delaware Bay shall be 2.75 inches stretched beginning February 1 through February 29 except that staked gill nets of a mesh not less than 2.75 inches stretched or greater than 3.25 inches stretched may be used within one half nautical mile of the MHWL from January 1 through February 29 provided no mechanical means are utilized to retrieve such nets. From March 1 through December 15 the smallest mesh of any staked gill net shall not be less than 3.25 inches stretched except within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched and subject to the permitting and reporting requirements specified in (g)5vii above and N.J.A.C. 7:25-18.12. Staked gill nets shall not be used in that portion of Delaware Bay known as the Brandywine Shoal Restricted Area as defined in (g)5v above;

vii. The use of anchored gill nets is permitted in the tributaries of Delaware Bay for any species, except those specifically protected, only beginning January 1 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of any such net used in the tributaries of Delaware Bay shall not be less than 2.75 inches stretched nor greater than 3.25 inches stretched beginning January 1 through February 29 and no mechanical means shall be utilized to retrieve such net. The mesh of any net shall not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net
shall be set across the middle one third of any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation;

viii. The use of anchored gill nets is permitted in the Delaware Bay only from February 1 through December 15, except as further defined by statute and/or rule. Individual anchored gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in the Delaware Bay shall not be less than five inches stretched beginning February 1 through February 29 except that anchored gill nets of a mesh not less than 2.75 inches stretched or greater than 3.25 inches stretched may be used within one half mile of the mean high water line from January 1 through February 29 provided no mechanical means are utilized to retrieve such nets. From March 1 through December 15 the smallest mesh of any anchored gill net shall not be less than 3.25 inches stretched except within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched and subject to the additional conditions specified in N.J.A.C. 7:25-18.12. Anchored gill nets shall not be used in that portion of the Delaware Bay known as the Brandywine Shoal Restricted Area as defined in (g)5v above;

ix. The staked and anchored gill net resident fee shall be $ 3.00 per net.

7. Pound nets shall have a mesh not smaller than two inches stretched and may be used for all species except those specifically protected. These nets shall be used only in Raritan Bay, Sandy Hook Bay, Delaware Bay and the Atlantic Ocean.

i. The pound net season shall begin on February 15 and end on May 15 in the Delaware Bay and begin on January 1 and end on December 31 in all other areas;

ii. No person shall possess or harvest American eel from a pound net between September 1 and December 31.

iii. The pound net resident fee shall be $ 100.00 per net.

8. Wire pound nets shall not extend into the Delaware Bay further than 300 feet from the mean low water mark nor 300 feet from the outside of the flats which fall bare at low water and may be set and used in the Delaware Bay only.

i. The wire pound net season shall begin on March 1 and end on December 31.

ii. American eel may be taken by wire pound net during the season of March 1 through August 31. Any American eel taken by wire pound net
from September 1 through December 31 shall not be retained and must be immediately returned to the water.

**iii.** The wire pound net resident fee shall be $25.00 per net.

9. **Parallel net** may be used to take carp, catfish and suckers only and shall be used only in Delaware Bay and its tributaries. Parallel nets shall have a mesh not smaller than 3.5 inches stretched and not exceed 100 fathoms in length. They shall be set approximately parallel to the shore and only at the low water mark. No net shall be set across any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation.

**i.** The parallel net season shall begin on September 1 and end on May 31;

**ii.** The parallel net resident fee shall be $10.00 per net.

10. **Shrimp trawls** shall be used for the taking of grass shrimp (Palaemonetes spp.) or sand shrimp (Crangon spp.) only. Any organisms other than these shrimp taken with a shrimp trawl shall immediately be returned to the waters from which such organisms were taken. The internal opening of the trawl shall have a maximum width of 60 inches and a maximum height of 12 inches. The mesh of the net shall not be greater than one-half inch stretched. No boat shall have more than two trawls working at the same time, and each trawl shall be independently and separately attached to the vessel by a single cable or tow line.

**i.** The shrimp trawl season shall begin on April 15 and end on December 15;

**ii.** The shrimp trawl resident fee shall be $12.00 per net.

11. Lobster or fish pots may be used for the taking of all species except those specifically protected and pursuant to the specific requirements of N.J.A.C. 7:25-14.3 through 14.20 and shall be used only in the Atlantic Ocean, Delaware Bay, Raritan Bay, and Sandy Hook Bay except as provided in N.J.A.C. 7:25-18.5A or (g)11x below.

**i.** To be eligible for a lobster or fish pot license in 2003, an applicant must provide a copy of a previously valid New Jersey lobster or fish pot license held by the applicant in one of the years from 1995 through March 31, 2002. To be eligible for a lobster or fish pot license in all subsequent years, an applicant must provide a copy of a previously valid lobster or fish pot license held by the applicant from the preceding year.

(1) No additional lobster or fish pot licenses shall be issued until the number of licenses decreases below the number issued in 2003.
(2) Applications for a license shall be available from the Department; and successful applicants shall be chosen by lottery, if necessary, from all completed applications received by the Department. When additional licenses are available, unsuccessful applicants from the previous lottery will be given the first right to the license provided they purchase a license within 30 days of being notified by the Department. Notification by the Department shall be by first class mail. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. Once a lottery list is exhausted, the Department shall notify commercial docks and fishing organizations as to the availability of licenses.

(3) The holder of a valid lobster or fish pot license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to the license at any time, upon application to the Department. The new licensee shall have a license issued in his or her name after payment of the fee specified at (g)11xii below and pursuant to the specific requirements of N.J.A.C. 7:25-14.13 through 14.20.

(4) Individuals intending to harvest lobsters by lobster pots for recreational purposes must purchase a fish and lobster pot license. Individuals holding a fish and lobster pot license issued for the recreational harvest of lobsters shall receive an allocation for 10 lobster pots to be fished in State waters only and shall not harvest more than six lobsters per license per day. Lobsters taken under the provisions of a fish and lobster pot license for recreational purposes may not be sold, offered for sale or used for barter.

(5) Fish and lobster pot licenses issued for the recreational harvest of lobster shall not be included in the total of fish and lobster pot licenses identified in (g)11i(1) above.

ii. All lobster and fish pots shall have a maximum size less than a volume equivalent to 22,950 cubic inches (376,082 cubic cm) when deployed in the waters as specified in (g)11 above, except as provided in (g)11x below.

iii. Any fish or lobster pot license holder shall have priority in retaining the same license number previously issued to him or her provided that he or she has submitted a license application requesting the previously issued license number prior to March 1 of the current year and that the license number applied for was assigned to an active license not more than two years prior to the application;
iv. Effective January 1, 1986, each fishing vessel subject to this regulation must display its license number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be visible from above. The license number affixed to each vessel subject to this paragraph must be of block Arabic numerals at least 10 inches in height and of a color contrasting the background;

v. Effective January 1, 1986, all lobster or fish pots or traps and associated buoys and other gear deployed in the salt waters of this State and not permanently attached to the vessel must be legibly and indelibly marked with one of the following codes of identification:

(1) The State lobster or fish pot gear identification number; or

(2) The full name and address of the State lobster or fish pot license holder.

vi. No person other than the license holder shall remove fish or lobsters from any pot or trap. Anyone tending fish or lobster pots or traps after January 1, 1986, shall have in his or her possession the numbered license which corresponds to the gear identification number on the vessel and the gear identification number or name and address affixed to the pots and buoys being tended. The license must be displayed for inspection upon request of any authorized officer. No one shall cut or break the lines or otherwise tamper with or damage any pot, trap, or buoy which he or she does not own;

vii. All lobster and fish pots shall be constructed to include one of the following escape vents in the parlor section of the pot located in such a manner that it would not be blocked or obstructed in normal use by any portion of the pot, associated gear, or the sea floor:

(1) In a fishery in which the possession of lobster on board a vessel or landed from a vessel exceeds 100 lobsters per trip day (based on a 24-hour period) up to a maximum of 500 lobster per trip for trips of five days or longer, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 1.9375 inches (49.2 mm) by 5.75 inches (146.0 mm). Effective July 1, 2003 the unobstructed opening shall be increased to not less than 2 inches (50.8 mm) by 5.75 inches (146.0 mm). Effective July 1, 2010, the unobstructed
opening shall be increased to not less than 2 and 1/16 inches (52.4 mm) by 5.75 inches (146.0 mm); or

(B) Two circular portals with unobstructed openings not less than 2.688 inches (68.3 mm) in diameter;

(2) In a fishery in which the possession of more than 100 pounds of scup on board a vessel or landed from a vessel occurs, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 2.25 inches (57.2 mm) by 2.25 inches (57.2 mm); or

(B) A circular portal with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter.

(3) In a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs, the escape vent(s) shall be not less than:

(A) A square portal with an unobstructed opening not less than 2.0 inches (50.8 mm) by 2.0 inches (50.8 mm);

(B) A rectangular portal with an unobstructed opening not less than 1.375 inches (34.9 mm) by 5.75 inches (146.0 mm); or

(C) A circular portal with an unobstructed opening not less than 2.5 inches (63.5 mm) in diameter.

(D) Effective January 1, 2007, all lobster and fish pots used for the harvest of black sea bass shall have at least two escape vents.

(4) In a fishery in which more than one of the escape vents listed in (g)11vii(1) through (3) above is applicable, the pots shall be constructed with the largest of the applicable escape vents.

(viii) All lobster and fish pots shall be constructed to include a ghost panel or other mechanism which is designed to create an opening to allow the escape of lobsters and fish after a pot has been abandoned or lost, and which meets the following specifications:
(1) The opening covered by the panel or created by other approved mechanism shall be located in the outer parlor section(s) of the pot, shall be in a position which allows the unobstructed exit of lobsters or fish from the pot and shall be of the following dimensions:

(A) Not less than 3.75 inches (95.25 mm) by 3.75 inches (95.25 mm), or

(B) Not less than three inches (76.2 mm) by six inches (152.4 mm) when used in a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs.

(2) The panel shall be constructed of, or fastened to the pots with, one of the following materials: untreated wood lath; untreated cotton, hemp, sisal or jute twine not greater than 3/16 inch (4.76 mm) in diameter; non-stainless, ungalvanized, uncoated ferrous metal not greater than 3/32 inch (2.4 mm) in diameter; or magnesium alloy, timed float release (pop-up device), or similar magnesium alloy fasteners;

(3) The door of the pot may serve as the ghost panel if the door is fastened to the pot with a material specified in (g)11viii(2) above;

(4) The escape vent specified in (g)11vii above may serve as a ghost panel if the escape vent is incorporated into a panel constructed of, or attached to the pot with, a material specified in (g)11viii(2) above, and, upon breakdown of the degradable materials, will create an opening of at least the dimensions specified in (g)11viii(1)(A) and (B) above for the exit of lobster and fish; and

(5) Pots constructed entirely or partially of wood shall be considered to be in compliance with this subparagraph if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in (g)11viii(1)(A) and (B) above.

ix. No person shall land or attempt to land for the purpose of sale any Jonah crabs harvested with a lobster, fish, or conch pot without a valid New Jersey lobster pot permit.

x. A modified lobster or fish pot may be used for the taking of conchs or whelks and spider crabs in all marine waters of the State including the
Atlantic Ocean with the exception of the Newark Bay Complex and except as provided in N.J.A.C. 7:25-18.5A.

(1) Any such conch pot is defined as a rectangular shaped device no larger than 30 inches on any side; or a cylindrical shaped device not greater than 34 inches in diameter and 30 inches in height. Conch pots must allow for an unobstructed opening on their top surface measuring not less than eight by eight inches square or nine inches in diameter. Conch pots using horseshoe crabs as bait must contain a bait-saving device containing a horseshoe crab or parts of a horseshoe crab as bait which, by design, extends the effective fishing time of the horseshoe crab bait in the water. Conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. Any similar configuration may be approved for use upon application to the Division and receipt of written approval. Such applications must contain a diagram detailing the shape and dimensions of the requested conch pot configuration.

(2) Conch pots may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.).

(3) No conch pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon;

xi. The lobster or fish pot season shall begin on January 1 and end on December 31;

xii. The resident fee for lobster or fish pots shall be $100.00 regardless of the number of pots employed.

12. Subject to N.J.A.C. 7:25-18.12(e), shad nets for the Hudson River shall be held in place by either stakes or anchors and shall not exceed 200 fathoms in length. The smallest mesh of any shad net shall not be less than five inches stretched.

i. Shad nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least two feet above the mean high waterline.

ii. Shad nets shall be used in the Hudson River for the taking of shad only.

(h) Nonresident license fees shall be the same as resident fees established in this section if a resident of this State may obtain a license to fish for similar species of fish with
similar gear in the nonresident applicant's state for the same fee as a resident of that state. Otherwise, the license fee for a nonresident is 10 times the license fee charged to a resident.

(i) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, acceptable materials for fastening ghost panels to pots and traps, or reporting requirements specified in this section, 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, New England Fishery Management Council, or South Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service or any plan implemented by the National Marine Fisheries Service. Additionally, where fishing seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, acceptable materials for fastening ghost panels to pots and traps, or reporting requirements have been developed in accordance with (i)1 below and differ from those specified in the fishery management plan, but have been approved by the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service through the conservation equivalency process as achieving the same quantified level of conservation for the fishery governed by that plan, such fishing seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, acceptable materials for fastening ghost panels to pots and traps, or daily, weekly, or monthly reporting requirements may be modified by notice. The Department shall provide notice of any such modification in the New Jersey Register, on the Department's website, through email, when provided, to commercial license holders, and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.

1. Proposed fishing seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, acceptable materials for fastening ghost panels to pots and traps, or reporting requirements to be included in a submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service as being conservationally equivalent to the fishing seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, acceptable materials for fastening ghost panels to pots and traps, or reporting requirements specified in the applicable fisheries management plan shall be established, as follows:
i. The Commissioner shall consider the following factors in determining the fishing seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes, daily, weekly, or monthly reporting requirements, or acceptable materials for fastening ghost panels to pots and traps to be included in a conservation equivalency proposal:

(1) The temporal and spatial distributions of the species in State waters;

(2) The species' life history characteristics;

(3) The potential impact on the number of participants able to participate in the fishery;

(4) The ability of supporting industries to provide necessary services to optimize participation, for example, charter and day-fishing fleet availability;

(5) Potential conflicts with the open seasons for other recreational and/or commercial fisheries; and

(6) Enforcement efficiency.

ii. The conservation equivalency proposal must be approved by the New Jersey Marine Fisheries Council at a public meeting prior to submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service. Public notice of the meeting, including an agenda, shall be provided on the Department's website at https://www.nj.gov/dep/fgw/marcncl.htm. The agenda shall specify that the meeting will include discussion of a potential conservation equivalency proposal.

(j) An applicant who is otherwise eligible for a Gill Net or Lobster or Fish Pot license under (g)11 above, but who fails to provide a copy of his or her license before the December 31 expiration of that license, may request an extension of time to renew in accordance with this subsection and (k) through (m) below.

1. The written request, along with any supporting documentation, shall be submitted to:
New Jersey Division of Fish and Wildlife
PO Box 400
Trenton, New Jersey 08625-0400
2. The request shall:

   i. Identify the specific license for which the extension of time to renew is requested;

   ii. Explain in detail why the extension of time to renew is needed, including a statement of the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the applicant if the license is not renewed; and

   iii. Provide appropriate documentation as necessary to support the request for extension.

(k) The Department shall approve an extension request under (j) above only if it determines that the request and documentation demonstrate that:

1. By reason of extraordinary hardship or exceptional situation or condition, the applicant was precluded from renewing his or her Gill Net License or Lobster or Fish Pot License during the 12-month application period preceding the year for which the license/permit is requested;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (g)11 above would result in exceptional and undue hardship upon the applicant; and

3. The circumstances supporting (k)1 and 2 above were not created by the applicant or persons under his or her control, and the approval of the extension will not unreasonably interfere with the orderly administration of the licensing program.

(l) The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension.

(m) The denial of an extension request may be appealed pursuant to the procedures outlined in N.J.A.C. 7:25-18.17, Request for adjudicatory hearing.

7:25-18.5A Artificial reefs

(a) This section establishes the location of the artificial reefs located in State waters and the full access zones located within certain reefs. The artificial reefs are open to all recreational and commercial activities except no person shall use, leave, deploy, or tend any lobster, fish, or conch pot within an artificial reef located in State waters except in an area designated as a full access zone under this section. Persons who use, leave, deploy,
or tend lobster, fish, or conch pots in a full access zone may do so only in compliance with (d) below.

(b) The locations and boundaries of the Sandy Hook Reef site and the Axel J. Carlson Jr. Reef site are as follows:

1. The Sandy Hook Reef site is located approximately 1.4 miles east of Sea Bright, Monmouth County. The site is located approximately 5.7 nautical miles at a compass bearing of 157 degrees from Sandy Hook Channel. The boundaries of the Sandy Hook Reef site are as follows (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes):

<table>
<thead>
<tr>
<th>Boundaries</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE Corner</td>
<td>40 23.300'</td>
<td>73 55.880'</td>
</tr>
<tr>
<td>NW Corner</td>
<td>40 23.300'</td>
<td>73 56.600'</td>
</tr>
<tr>
<td>SE Corner</td>
<td>40 20.880'</td>
<td>73 55.880'</td>
</tr>
<tr>
<td>SW Corner</td>
<td>40 20.880'</td>
<td>74 56.600'</td>
</tr>
</tbody>
</table>

2. The Axel J. Carlson Jr. Reef site is located approximately 2.0 miles east of Mantoloking, Ocean County. The site is located approximately 4.4 nautical miles at a compass bearing of 166 degrees from Manasquan Inlet. The boundaries of the Axel J. Carlson Jr. Reef site are as follows (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes):

<table>
<thead>
<tr>
<th>Boundaries</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE Corner</td>
<td>40 03.720'</td>
<td>73 58.570'</td>
</tr>
<tr>
<td>NW Corner</td>
<td>40 04.180'</td>
<td>73 59.750'</td>
</tr>
<tr>
<td>SE Corner</td>
<td>39 59.830'</td>
<td>73 59.400'</td>
</tr>
<tr>
<td>SW Corner</td>
<td>40 00.350'</td>
<td>74 00.650'</td>
</tr>
</tbody>
</table>

(c) The boundaries of the full access zones are as follows:

1. At the Sandy Hook Reef site, the full access zone is that portion of the Sandy Hook Reef site lying within a continuous line beginning at 40 22.800' 73 56.600' to 40 22.800' 73 55.880'; then south to 40 22.500' 73 55.880'; then west to 40 22.500' 73 56.300'; then south to 40 22.400' 73 56.300' and west to 40 22.400' 73 56.600' (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes).

2. At the Axel J. Carlson, Jr. Reef site, there are two full access zones, the North full access zone and the South full access zone.

i. The North full access zone is that portion of the Axel J. Carlson, Jr. Reef site lying within a continuous line beginning at 40 04.180' 73 59.750' to 40 04.110' 73 59.600'; then south to 40 03.500' 73 59.600'; then west to 40 03.500' 73 59.906' (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes); and

ii. The South full access zone is that portion of the Axel J. Carlson, Jr. Reef site lying within a continuous line beginning at 40 00.900' 74 00.499'
(d) Any person intending to use, leave, deploy, or tend any lobster, fish, or conch pot within a full access zone shall hold the appropriate license as provided under N.J.A.C. 7:25-18.5(g)11 and shall comply with the following:

1. Lobster, fish, and conch pots shall be used, left, deployed, or tended only:
   
   i. In an area designated as a full access zone under this section; and

   ii. Between sunrise and sunset.

2. When deploying lobster, fish, and conch pots or setting strings of such pots, the following requirements shall be met:

   i. All deployed lobster, fish, and conch pots shall be marked with buoys or flags, either individually or at the beginning and end of a string. All buoys, flags, and strings shall meet the requirements of the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Greater Atlantic Region's Atlantic Large Whale Take Reduction Plan and Harbor Porpoise Take Reduction Plan, and the NOAA Office of Protected Resources' Bottlenose Dolphin Take Reduction Plan, 50 CFR Part 229, and any amendments thereto, incorporated herein by reference. The Atlantic Large Whale Take Reduction Plan is available from NOAA at http://www.nero.noaa.gov/Protected/whaletrp/, the Harbor Porpoise Take Reduction Plan is available at http://www.nero.noaa.gov/protected/porptrp/, and the Bottlenose Dolphin Take Reduction Plan is available at http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm.

   ii. Strings of lobster, fish, and conch pots shall contain no more than 20 pots.

3. Two hours' notice shall be provided to the Marine Law Enforcement Unit by calling (609) 748-2050 prior to any lobster, fish, or conch pot being deployed. The notice shall include the operator's name; vessel name; license number for the lobster, fish, and conch pots or traps being tended; date, time, and port of landing; and on what reef and in what zone the pots will be deployed.

(e) Any person who violates any provision of this section shall be subject to the following penalties and/or suspension or revocation of the applicable license:
1. Deployment or tending of lobster, fish, or conch pots outside a designated full access zone or between sunset and sunrise:
   i. First offense: $100.00 penalty and 30-day suspension of lobster, fish, or conch pot license.
   ii. Second offense: $200.00 penalty and permanent revocation of lobster, fish, or conch pot license.

2. Deployment or tending of gear not marked or not properly marked with a buoy or flag, or setting strings with more than 20 pots or strings not meeting the requirements of (d)2 above:
   i. First offense: $100.00 penalty and 30-day suspension of lobster, fish, or conch pot license.
   ii. Second offense: $200.00 penalty and 45-day suspension of lobster, fish, or conch pot license.
   iii. Third offense: $200.00 penalty and permanent revocation of lobster, fish, or conch pot license.

3. Failure to provide notification in accordance with (d)3 above:
   i. First offense: $100.00 penalty.
   ii. Second offense: $200.00 penalty.
   iii. Third or subsequent offenses: $200.00 penalty and 30-day suspension of lobster, fish, or conch pot license.

(f) In calculating the period of suspension or revocation applicable pursuant to (e) above, the number of previous suspensions imposed pursuant to (e)1, 2, or 3 above, respectively, shall be reduced by one for each three-year period in which the license holder does not commit any other violation subject to penalty and/or suspension or revocation under the same paragraph in (e) above. If more than one suspension is imposed under the same paragraph (for example, two violations subject to (e)2 above) within a three-year period, only one of those suspensions may be forgiven under this subsection. Therefore, a license holder who incurs more than one suspension under a single paragraph of (e) above within a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. Any reduction in suspensions as provided in this subsection applies only to the determination of the period of suspension. All prior suspensions shall be taken into account in calculating monetary penalties in accordance with section (e) above.
7:25-18.6 Delaware Bay commercial and non-commercial gill net permit

(a) An individual utilizing a drifting, staked or anchored gill net in that portion of Delaware Bay or its tributaries defined as the area east of the New Jersey-Delaware boundary enclosed by a line from Cape Henlopen, Delaware to Cape May Point Light, New Jersey and the "southwest line" as defined in N.J.S.A. 50:3-11 shall have a commercial or non-commercial gill net permit for each gill net license in their possession. The person shall have the permit on his or her person at all times while fishing in that portion of Delaware Bay or its tributaries defined in this subsection.

(b) For a period of 60 days following June 3, 1991, Delaware Bay commercial and non-commercial gill net permits shall be issued in accordance with N.J.A.C. 7:25-18.5.

(c) No new Delaware Bay commercial or non-commercial gill net permits shall be issued after August 2, 1991 until the combined number of Delaware Bay commercial and non-commercial gill net permits falls below either 800 for staked or anchored gill nets or 200 for drifting gill nets.

(d) An individual possessing a Delaware Bay Gill Net Permit shall obtain the number of gill net licenses authorized by the Delaware Bay Gill Net Permit in each calendar year. Failure to do so will result in the number of nets authorized by the permit being reduced to the number of net licenses actually obtained in that calendar year beginning in 1994, or in the event no licenses are purchased, invalidation of the permit immediately following the end of that calendar year.

7:25-18.7 Eligibility for Delaware Bay commercial and non-commercial gill net permits during the 60 days following June 3, 1991

(a) To be eligible for a Type A Delaware Bay commercial gill net permit during the 60-day period following June 3, 1991 allowing the use or possession on the waters of the Delaware Bay or its tributaries of no more than the maximum number of gill nets of the same type for which the applicant held valid New Jersey gill net licenses in any one calendar year during the period of January 1, 1985 through September 6, 1990 but no more than four drifting gill net permits and/or 25 staked or anchored gill net permits, the applicant shall, as part of the applicant's application for a commercial gill net permit:

1. Document that the applicant sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990; and

2. Provide a copy of a valid New Jersey gill net license(s) held by the applicant in any one calendar year from January 1, 1985 through September 6, 1990 for each gill net permit requested.
(b) To be eligible for a Type B Delaware Bay commercial gill net permit during the 60-day period following June 3, 1991 allowing the use or possession on the waters of the Delaware Bay or its tributaries of no more than two drifting gill nets and/or up to six staked or anchored gill nets, the applicant shall, as part of the applicant's application for a commercial gill net permit document that the applicant sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990.

(c) To comply with the requirement that to be eligible for a Delaware Bay commercial gill net permit under (a) or (b) above an applicant shall have sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990, an applicant shall include as part of the applicant's application:

1. Weigh-out slips issued to the applicant by a wholesaler(s) that acquired fish from the applicant establishing that the applicant sold 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one of the five years; or

2. Notarized statements of wholesaler(s) that the wholesaler(s) records establish that the applicant sold 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one of the five years and that such records are available for inspection by the Division.

(d) An individual who does not meet any of the requirements in (a) or (b) above may apply for a maximum of two Delaware Bay non-commercial gill net permits during the 60-day period following June 3, 1991. The Delaware Bay non-commercial gill net permits shall allow the holder to use in or possess on the waters of Delaware Bay or its tributaries no more than one drifting gill net not to exceed 360 feet in length or two staked or anchored gill nets not to exceed 180 feet in length each.

7:25-18.8 Eligibility for Delaware Bay commercial and non-commercial gill net permits after the 60 days following June 3, 1991

(a) To be eligible for a Delaware Bay commercial gill net permit issued after the 60-day period following June 3, 1991, the applicant shall, at the time that the application is submitted to the Division, have three years of commercial fishery experience. The applicant shall include with the application a notarized affidavit by a commercial fisherman that the applicant has served as a crew member on a commercial fishing boat for a minimum of three years.

(b) If, at the time that an application for a Delaware Bay gill net permit is submitted to the Division, the applicant does not satisfy the eligibility requirement for a Delaware Bay
commercial gill net permit set forth in (a) above, the applicant shall be eligible for a Delaware Bay non-commercial gill net permit.

7:25-18.9 Application for Delaware Bay commercial and noncommercial gill net permits

(a) An individual who wishes to enter the Delaware Bay gill net fishery shall submit an application for a Delaware Bay gill net permit to the Division. All applications shall be submitted on forms available from the Division and shall be accepted yearround. All permit application forms shall be obtained from and mailed to the Division at:
Department of Environmental Protection
Division of Fish and Wildlife
Marine Fisheries Permits
PO Box 400
501 East State Street
Trenton, New Jersey 08625-0400

(b) A complete Delaware Bay gill net permit application shall consist of:

1. A completed application form signed by the applicant; and

2. For a Delaware Bay commercial gill net permit to be issued during the 60-day period following June 3, 1991, full documentation establishing that the applicant satisfies the requirements for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), as appropriate; or

3. For a Delaware Bay commercial gill net permit to be issued after August 2, 1991 full documentation establishing that the applicant satisfies the requirements for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.8(a).

(c) The Division shall review each application received to determine whether the application is complete as provided in (b) above. If the Division determines that an application is not complete, the application shall be returned to the applicant.

(d) If the Division determines that an application for a Delaware Bay gill net permit received by the Division at the address set forth in (a) above during the 60-day period following June 3, 1991 is complete and that the applicant satisfies the eligibility requirements for issuance of a Delaware Bay commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), the applicant shall be issued Delaware Bay commercial gill net permits up to the limits set forth in N.J.A.C. 7:25-18.7(a) or (b) as appropriate. If the applicant does not satisfy the eligibility requirements for issuance of a Delaware Bay commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), the applicant shall be issued Delaware Bay non-commercial gill net permits up to the limits set forth in N.J.A.C. 7:25-18.7(d).
(e) If the Division determines that an application for a Delaware Bay gill net permit received by the Division at the address set forth in (a) above after August 2, 1991 is complete, the applicant shall be placed on the waiting list maintained by the Division under (f) below based on whether the Division determines that the applicant qualifies for a Delaware Bay commercial or non-commercial gill net permit. If the Division determines that an applicant for a Delaware Bay commercial gill net permit has not documented that the applicant satisfies the requirement for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.8(a), the applicant shall be placed on the non-commercial gill net permit waiting list. Delaware Bay commercial and non-commercial gill net permits shall be issued in accordance with the procedures set forth in N.J.A.C. 7:25-18.10.

(f) The Division shall maintain separate waiting lists for Delaware Bay commercial and noncommercial gill net permits based on the chronological order of the date that each complete permit application is postmarked. Applications shall not be placed on both the commercial and the noncommercial gill net permit list.

(g) An applicant shall annually confirm that the applicant wants to remain on the permit waiting list. Confirmation shall be made by letter postmarked between January 1 and January 31 sent to the Division at the address set forth in (a) above. Failure to send confirmation to the Division as above provided shall result in cancellation of the application and removal of the applicant from the permit waiting list without the Division giving notice to the applicant.

7:25-18.10 Issuance of Delaware Bay commercial and non-commercial gill net permits after August 2, 1991

(a) When, after August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets falls below 800 for staked or anchored gill nets or 200 drifting gill nets as set forth in N.J.A.C. 7:25-18.6(c), the Commissioner may issue new permits for the type of net allowed by the available permit.

(b) After August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets issued under (a) above shall be limited to no more than 800 for staked or anchored gill nets and 200 drifting gill nets.

(c) Delaware Bay commercial and non-commercial gill net permits shall be issued in the name of the applicant that appears at the top of the permit waiting lists maintained by the Division of Fish, Game, and Wildlife under N.J.A.C. 7:25-18.9(f).

(d) Applicants for commercial and non-commercial gill net permits shall remain at the top of the permit waiting list and shall be issued permits as they become available until the applicant has been offered the type and number of new gill net permits that the
applicant applied for not to exceed the limits in (d)1 and 2 for each type of permit. Upon reaching the limits in (d)1 and 2 below, as appropriate, the applicant's name shall be removed from the permit waiting list.

1. Delaware Bay commercial gill net permits shall be issued for no more than four drifting gill nets and/or 25 staked or anchored gill nets.

2. Delaware Bay non-commercial gill net permits shall be issued for no more than one drifting gill net not to exceed 360 feet in length or two staked or anchored gill nets not to exceed 180 feet in length each.

(e) Delaware Bay non-commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay commercial gill net permits.

(f) Delaware Bay commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay non-commercial gill net permits.

7:25-18.11 Transfer of Delaware Bay commercial and non-commercial gill net permits

(a) Except as provided in (b) below, Delaware Bay commercial and non-commercial gill net permits are non-transferable.

(b) The Commissioner shall transfer a Delaware Bay commercial or non-commercial gill net permit to the spouse, father, mother, son, daughter, brother or sister of the holder of the commercial or non-commercial permit provided that:

1. The Division receives a written request at the address set forth in N.J.A.C. 7:25-18.9(a) signed by the holder of a Delaware Bay commercial or non-commercial gill net permit requesting transfer of the holder's permit to a designated spouse, father, mother, son, daughter, brother or sister;

2. For the transfer of a Delaware Bay commercial gill net permit, the written request under (b)1 above shall be accompanied by documentation that establishes that the designated spouse, father, mother, son, daughter, brother or sister has three years of commercial fishing experience; and

3. The number and type of commercial or non-commercial permits transferred shall be the same number and type issued to the holder.

7:25-18.12 Commercial fishing seasons, quotas, and trip limits

(a) The following provisions are applicable to the commercial harvest of weakfish:

1. A vessel shall not possess or land in any one day more than 100 pounds of weakfish harvested by the gear specified below, provided the amount of weakfish
2. A person shall not possess or land by any gear any weakfish less than 13 inches in length.

3. A vessel shall not possess or land by any gear other than the specified in (a)1 above more than 100 pounds of weakfish in any one day, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold, except during the respective open season specified in (a)1 above.

4. A dealer shall not accept more than 100 pounds of weakfish landed in New Jersey taken by the respective gear specified in (a)1 above, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold, except during the respective open season specified above. A dealer shall not accept from any vessel more than 100 pounds of weakfish landed in New Jersey during the respective open season for the gear types specified in (a)1 above.

5. A dealer shall not accept more than 100 pounds of weakfish a day landed in New Jersey taken by gear other than that specified in (a)1 above at any time, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold.

(b) The following provisions are applicable to the commercial harvest of bluefish:

1. A vessel shall not land for the purpose of sale nor sell any bluefish unless such vessel is in possession of a valid Federal commercial permit for bluefish.

2. New Jersey's annual allocation of bluefish as determined by the National Marine Fisheries Service shall be allocated according to gear type as follows:

   i. Gill Net: 60.9 percent;

   ii. Pound Net: 14.9 percent;

   iii. Otter Trawl: 14.7 percent;
iv. Hook and Line: 1.8 percent; and

v. By-catch for gill net, pound net, and otter trawl fisheries during the closed season for that gear: 7.5 percent.

3. A vessel shall not land nor sell any bluefish taken by the gear type specified in (b)2 above except during the respective open season specified below.

<table>
<thead>
<tr>
<th>Gear</th>
<th>Open Season</th>
</tr>
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<tbody>
<tr>
<td>Gill Net</td>
<td>Jan. 1 through Dec. 31</td>
</tr>
<tr>
<td>Pound Net</td>
<td>Jan. 1 through Dec. 31</td>
</tr>
<tr>
<td>Otter Trawl</td>
<td>Jan. 1 through Dec. 31</td>
</tr>
<tr>
<td>Hook Line</td>
<td>June 16 through August 7</td>
</tr>
</tbody>
</table>

i. As specified in (b)2v above, 7.5 percent of the annual bluefish quota shall be allocated each year for by-catch landings during a closed period for the gill net, pound net, and otter trawl fisheries. No vessel shall have in possession or land more than 150 pounds of bluefish in any one day as by-catch during the closed season for the gear being utilized. The amount of bluefish landed from any vessel as by-catch shall not exceed 50 percent, by weight, of the total weight of all species landed and sold.

4. A dealer shall not accept any bluefish landed in New Jersey taken by the respective gear specified in (b)2 above except during the respective open season specified in (b)3 above, or as specified in (b)4i below:

i. A dealer may accept 150 pounds or less of bluefish from any one vessel a day during the closed season for bluefish for the gear utilized by the vessel, provided the amount of bluefish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold, during a gill net, pound net, or otter trawl closed season.

5. If any of the annual gear-specific quotas at (b)2 above is exceeded in any one calendar year and the total annual New Jersey bluefish quota is exceeded in that calendar year, the overharvest shall be deducted from that gear-specific quota in the next subsequent calendar year(s).

6. No fish dealer shall accept any bluefish from any vessel or harvester unless such dealer is in possession of a valid Federal dealer permit.

7. No dealer shall accept any bluefish from any vessel unless said vessel is in possession of a valid Federal commercial permit for bluefish.

8. Any individual or vessel landing bluefish in New Jersey for the purpose of sale shall sell all bluefish to a Federally permitted bluefish dealer.
9. All permitted bluefish dealers shall provide weekly landing reports to the Division on a form supplied by the Commissioner or by any other method approved by the Department.

10. A party or charter vessel possessing a Federal permit to commercially harvest bluefish by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

   i. Crew size shall be limited to no more than five persons, including the captain; and

   ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the bluefish permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The Commissioner, or his or her designee, shall close the season for the respective gear in (b)3 above upon two days public notice of the projected date the quota for the respective gear shall be landed. Such notice shall be provided by the posting of a notice on the Department's website, and either an e-mail or first class mail to all permit holders, commercial docks, and commercial fishing organizations on the mailing list of the Division.

12. If the Commissioner, or his or her designee, has closed the season under (b)11 above and if unanticipated events result in the quota not being landed by the projected date stated in the closure notice, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days' public notice. Public notice shall be given as specified in (b)11 above.

(c) The following provisions are applicable to the commercial harvest of tautog:

1. The possession of more than 100 pounds of tautog on board a vessel or landed from a vessel shall constitute a directed fishery for tautog.

2. A vessel shall not land more than 100 pounds of tautog in New Jersey on any one trip, after January 1, 1997 unless said vessel is in possession of its valid New Jersey Tautog Permit to participate in a directed fishery for tautog. The permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

   i. Applicants for a New Jersey Tautog Permit shall complete an application provided by the Department and submit their application no later than December 31, 2002 including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)2ii below;
ii. To be eligible for a New Jersey Tautog permit, the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed at least 1,000 pounds of tautog in New Jersey and subsequently sold at least 1,000 pounds of tautog in each of two years during the period 1982 through 1993;

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)2(ii)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

3. The possession of 100 pounds or less of tautog on board a vessel or landed from a vessel for the purpose of sale shall constitute a non-directed fishery for tautog.

4. A harvester or vessel shall not land tautog for the purpose of sale or sell any tautog after March 1, 1998 unless such harvester or vessel is in the possession of a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit.

5. A New Jersey Non-Directed Fishery Tautog Permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Non-Directed Fishery Tautog Permit shall complete an application provided by the Department and submit their application no later than December 31, 2002 including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)5ii below;

ii. To be eligible for a New Jersey Non-Directed Fishery Tautog Permit, the vessel's owner shall meet the following criteria:
(1) The vessel or owner shall have landed at least 100 pounds of tautog in New Jersey and subsequently sold at least 100 pounds of tautog in each of two years during the period 1982 through 1997.

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)5ii(1)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

6. The New Jersey Tautog Permit or the New Jersey Non-Directed Fishery Tautog Permit shall be on board the vessel to which it is issued at all times. The applicable permit is valid upon issuance and in subsequent years unless revoked as part of a penalty action. The applicable permit is issued to a specific vessel in the name of the owner. The vessel, when engaged in a tautog fishery, may only have on board the gear type(s) listed on that vessel's permit.

7. The owner of a vessel permitted pursuant to this subsection may transfer his or her tautog permit provided the permit is not pending revocation or court action, upon application to the Department, as follows:

i. To his or her replacement vessel, provided the replacement vessel has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower as compared to the originally permitted vessel. The vessel being replaced shall no longer be eligible for a tautog permit; or

ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a tautog permit based on the harvesting history of the vessel being sold.

8. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

9. No permit shall be transferred without prior approval of the Department. Before final approval of a permit transfer, any unused tautog harvest tags issued pursuant to (c)11 below must be returned to the Department's Nacote Creek
10. A vessel possessing a permit to commercially harvest tautog by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

   i. Crew size shall be limited to no more than five persons, including the captain; and

   ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the tautog permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. No person shall possess, for the purpose of sale, buy, sell, barter, or trade, or offer to buy, sell, barter, or trade, any tautog, unless it has been affixed with a tautog harvest tag in accordance with the following:

   i. A harvester or vessel shall affix to any tautog being landed for the purpose of sale, barter, or trade, a tautog harvest tag prior to offloading or the vessel's crew disembarking. The tautog harvest tag shall be firmly affixed to the bony portion of the left side gill cover (operculum), such that the tag number faces outward from the body and can be readily viewed. All tautog tagged with a New Jersey commercial tautog harvest tag must be landed in New Jersey.

   ii. The Commissioner, or his or her designee, shall issue tautog harvest tags to vessel owners in possession of a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit upon application by the permittee on a form provided by the Department. The Department shall make available tautog harvest tags at its Nacote Creek Research Station at the address provided at (c)9 above.

   iii. If the permittee requires additional tautog harvest tags after exhausting the initial allotment granted, the permittee may apply to the Department for additional allotments, so long as they have met the reporting requirements pursuant to (c)12vii below.

   iv. Tautog harvest tags shall only be valid for the year in which they are issued and are non-transferable. Any unused tautog harvest tags from the previous year must be returned to the Department's Nacote Creek Research Station at the address below. The new permittee shall be issued their tautog harvest tags at the time of transfer.

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418
Research Station at the address provided at (c)9 above no later than January 10 of the year following issuance. No vessel shall land any tautog in New Jersey and no dealer shall accept any tautog that is untagged or tagged with an invalid tautog harvest tag and no tag may be reused, altered, or modified.

v. A permittee issued tautog harvest tags shall report any used, lost, stolen, or damaged tautog harvest tags pursuant to (c)12vii below. No vessel shall land in New Jersey and no dealer shall accept any tautog tagged with a tautog harvest tag that has been reported as lost, stolen, or damaged.

vi. In addition to tautog harvest tags, a vessel must also have on-board a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit during the open season.

12. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i. The commercial season for tautog shall be from January 1 through May 1 and September 19 through December 31.

ii. The Commissioner, or his or her designee, shall close the season for the commercial tautog fishery upon two days public notice of the projected date the annual quota shall be caught. Public notice shall be provided by the posting of a notice on the Department's website, and either an e-mail or first class mail to all New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders.

iii. Once the season has been closed for the commercial tautog fishery, no vessel shall land any tautog in New Jersey and no dealer shall accept any tautog landed in New Jersey.

iv. If the Commissioner, or his or her designee, has closed the season under (c)11ii above and if unanticipated environmental events result in the quota not being landed by the projected date stated in the closure notice and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days public notice. Public notice shall be given as specified in (c)11ii above.

v. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.
vi. Beginning in 1997, the Department shall notify the holders of New Jersey Tautog Permits and New Jersey Non-Directed Fishery Tautog Permits of the season allocations no later than January 31 of the year to which the allocation applies. Notification shall be by first class mail to permit holders.

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, the number of tautog harvest tags used, the number of tautog harvest tags lost, stolen, or damaged, landing port, date sold, and buyer. This information shall be provided for any trip in which tautog are landed.

(2) If no trips for tautog were taken and no tautog were landed during the month, a report to that effect shall be required.

13. Any person violating the provisions of this section shall be subject to the penalties prescribed at N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of tautog landed as specified in (c)2ii(2) and (c)5ii(1) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions at (c)12iii above, landing tautog after the season has been closed, or (c)12vii above, failure to submit accurate and timely monthly reports, shall result in the suspension during open seasons for tautog or revocation of the vessel's tautog permit according to the following schedule:
(1) First Offense: 60 days suspension

(2) Second Offense: 120 days suspension

(3) Third Offense: permanent revocation

iv. In calculating the period of suspension or revocation applicable pursuant to (c)13iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven pursuant to the subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender pursuant to this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

v. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) The following provisions are applicable to the commercial harvest of sharks:

1. A person shall not possess more sharks than the number specified in the possession limit at N.J.A.C. 7:25-18.1(c) without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit of sharks from the Aggregated Large Coastal shark species group and the Hammerhead shark species group combined, the Non-Blacknose Small Coastal shark species group, the Blacknose shark species group, and the Pelagic shark species group is the number determined by the National Marine Fisheries Service, as published by notice in the Federal Register and posted at https://www.fisheries.noaa.gov/rules-and-announcements/notices-and-rules. The Commissioner, or his or her designee, shall provide notice of any changes to the maximum possession limit for the Aggregated Large Coastal shark species group and the Hammerhead shark species group combined, the Non-Blacknose Small Coastal shark species group, the Blacknose shark species group, or the Pelagic shark species group, as determined by the National Marine Fisheries Service and published by notice in the Federal Register.
Register. Public notice shall include posting of a notice on the Department's website and either an email or first-class mail to all holders of a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license. A person shall not sell or attempt to sell any sharks without a valid permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.

1. Any harvester or vessel landing shark in New Jersey for the purpose of sale shall sell all sharks only to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service. Each shark dealer shall report weekly shark landings electronically through the Standard Atlantic Fisheries Information System (SAFIS).

3. A person shall not sell and a dealer shall not receive any aggregated large coastal shark, any hammerhead shark, any non-blacknose small coastal shark, any blacknose shark, any smoothhound shark, or any pelagic shark, as identified in N.J.A.C. 7:25-18.1(a), after the effective date that the quota for that group of sharks has been reached or is projected to be reached by the National Marine Fisheries Service.

4. The commercial fishing season for shark shall be January 1 through December 31, except as specified below.

   i. It shall be unlawful for any person to take, harvest, land, or possess any species belonging to the aggregated large coastal shark group or hammerhead group, as identified at N.J.A.C. 7:25-18.1(a), in State waters from May 15 through July 15 of any calendar year. Any above-named shark species harvested in Federal waters, under a valid annual vessel permit for sharks, issued by the National Marine Fisheries Service, may be transported through State waters during the closed season, provided:

      (1) The vessel does not engage in fishing within State waters while possessing the above species;

      (2) The sharks possessed were not caught in a closed area; and

      (3) All fishing gear is stowed and not available for immediate use.

5. The following gear types may be used for commercial shark harvest in State marine waters: gillnets, trawl nets, and pound nets. Large-mesh gill nets are defined as having a stretch mesh greater than or equal to five inches.
6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing, except that commercial fishermen may completely remove the fins of any of the species in the Smoothhound Shark Group from January 1 through December 31 each year, provided:

i. If the fins are removed from any species in the Smoothhound Shark Group, the total wet weight of the fins shall not exceed 12 percent of the dressed weight of the carcasses of any species in the Smoothhound Shark Group landed or found on board a vessel.

ii. If the fins are removed from smooth dogfish, in addition to the requirement at (d)6i above, at least 25 percent of the total retained catch of all marine species, by weight, shall be comprised of smooth dogfish.

7. The Smoothhound Shark Group annual quota shall be determined by the Atlantic States Marine Fisheries Commission and the trip limit is unlimited. All landings of the Smoothhound Shark Group species in New Jersey shall be applied to the New Jersey annual Smoothhound Shark Group quota.

i. Any closure of the Smoothhound Shark Group fishery by the Atlantic States Marine Fisheries Commission for areas including New Jersey shall automatically close all New Jersey waters to the harvest of the Smoothhound Shark Group species and to the commercial landings of Smoothhound Shark Group species. The Commissioner, or his or her designee, shall provide public notice of any such closure. Public notice shall include posting of a notice on the Department's website and either an e-mail or first class mail to all gill net, trawl net, and pound net license holders.

ii. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following year's quota for that season.

(e) The following provisions are applicable to the commercial harvest of shad:

1. An individual shall not take or attempt to take, possess or land any shad in the State, without a valid Shad Commercial Net Permit or a Shad Incidental Harvest Permit issued by the Department, except as provided in (e)1i, (e)1ii, or (e)10 below. No person shall harvest or possess more than 300 pounds of shad per day without a Shad Commercial Net Permit, except as provided (e)1i, (e)1ii, or (e)10 below.

i. An individual may possess the recreational possession limit for American shad as established in N.J.A.C. 7:25-18.1(c) provided that the
American shad are taken in the Delaware Bay and River or tributaries by hook and line only and are not sold, offered for sale, or exposed for sale.

ii. An individual may possess the recreational possession limit for hickory shad as established in N.J.A.C. 7:25-18.1(c) provided that the hickory shad are taken by hook and line only and are not sold, offered for sale, or exposed for sale.

2. To qualify for a Shad Commercial Net Permit, an applicant shall meet the following criteria:

i. The applicant shall submit an application provided by the Department by December 21, 2005 including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)2ii and iii below. Except as provided by (p) below, applications for a Shad Commercial Net Permit received after the above date shall be denied. Completed applications should be submitted to:
New Jersey Shad Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

ii. The applicant shall have landed at least 3,000 pounds of shad in each of three years from 1994-1998 inclusive;

iii. Documented proof of landings shall be one of the following:

(1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

(2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 3,000 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application and the original business records shall be made available for inspection by the Department; or

(3) Other documentation similar to that in (e)2iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and

iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.
3. Failure to attach the required documentation under (e)2iii above to the application shall result in the denial of the permit.

4. Falsification or misrepresentation of any information on the Shad Commercial Net Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

5. A Shad Incidental Harvest Permit shall be issued to qualifying applicants which will allow the harvest or possession of not more than 300 pounds of shad per day from New Jersey's waters. To qualify for a Shad Incidental Harvest Permit, an application shall comply with the following provisions:

   i. The applicant shall submit an application provided by the Department by December 21, 2005 including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)5ii and iiii below. Except as provided by (p) below, applications for a Shad Incidental Harvest Permit received after the above date shall be denied. Completed applications should be submitted to: New Jersey Shad Permit Nacote Creek Research Station PO Box 418 Port Republic, NJ 08241-0418

   ii. The applicant shall submit documented proof establishing that the applicant landed at least 150 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive;

   iii. Documented proof shall be one of the following:

       (1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

       (2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 150 pounds of shad during each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application; or

       (3) Other documentation similar to that in (e)5iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and
iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

6. Failure to attach the required documentation under (e)5iii to the application shall result in the denial of the permit.

7. Falsification or misrepresentation of any information on the Shad Incidental Harvest Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

8. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders shall have their permit on their person at all times when engaged in any phase of harvesting, transporting, selling or possessing shad.

9. Shad Commercial Net Permits and Shad Incidental Harvest Permits are non-transferable except that the holder of a valid permit not pending suspension or revocation may transfer the right to the permit at any time to the permit holder's spouse, father, mother, son, daughter, brother or sister upon application to the Department.

10. A person shall not:

   i. Land nor sell any American shad taken in the Delaware Bay or River except during the season from January 1 through December 31;

   ii. Land or possess any American shad taken in any marine waters other than the Delaware Bay, or the Delaware River and its tributaries, except as provided in (e)10ii below;

   iii. Barter, sell, offer for sale, or expose for sale, any American shad landed from vessels fishing exclusively in the Exclusive Economic Zone (Federal waters) while operating under a valid Federal permit for Atlantic mackerel and/or Atlantic herring. These vessels may possess American shad up to a maximum of five percent, by weight, of all species possessed.

11. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders shall be required to complete annual reports on forms supplied by the Department. The annual report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than January 15 of the following calendar year at the following address:
Division of Fish and Wildlife
American Shad Program
PO Box 418
i. The annual report shall include:

(1) The daily harvest and sale, in pounds, of American shad;

(2) The buyer(s) name;

(3) The name and address of the permit holder; and

(4) Any other requested information pertinent to management of the American shad resource including catch/effort, length and sex data, by-catch data and tagging information from a representative size range of shad.

12. Research personnel from the Department shall be allowed to sail aboard any permitted vessel at any time, provided the Department notifies the permittee at least two days in advance.

13. Any person or permittee violating the provisions of this section shall be subject to the penalties described in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (e)1 above, landing shad without the applicable shad permit or landing greater than the allowable limit authorized by the applicable shad limit, (e)10 above, landing shad outside the open season or (e)11 above, timely submission of annual reports, shall subject the violator to suspension during the period from March 1 to May 15 or revocation of the Shad Commercial Net Permit or Shad Incidental Harvest Permit according to the following schedule:

(1) First offense: 60 day suspension

(2) Second offense: 120 day suspension

(3) Third offense: Permanent revocation of permit.

ii. In calculating the period of suspension or revocation applicable under (e)13i above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of
the length of any subsequent period without violation. The reduction in
suspensions provided in this subparagraph applies only to determination of
suspension periods; all prior suspensions shall be taken into account in

iii. Prior to the suspension or revocation of the permit, the permittee shall
have the opportunity to request a hearing pursuant to the Administrative
Procedures Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the

(f) The following provisions are applicable to the commercial harvest of black drum:

1. A vessel shall not possess or land by any gear more than 10,000 pounds of
black drum in any one day;

2. A dealer shall not accept from a vessel or person more than 10,000 pounds of
black drum a day landed in New Jersey;

3. The annual black drum harvest quota for New Jersey shall be 65,000 pounds;
and

4. The Commissioner, or his or her designee, shall close the season upon two
days public notice of the projected date the quota shall be landed. Such notice
shall be provided by posting of a notice on the Department's website and either an
e-mail or first class mail sent to all commercial docks and commercial fishing
organizations on the mailing list of the Division of Fish and Wildlife.

(g) The following provisions are applicable to the commercial harvest of spiny dogfish:

1. A person or vessel shall not possess for sale any spiny dogfish nor shall a
person sell or attempt to sell spiny dogfish without a valid annual vessel permit
for spiny dogfish issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive spiny dogfish without a valid annual
dealer permit for spiny dogfish issued by the National Marine Fisheries Service.

3. No person or vessel shall have in possession or land and no dealer shall accept
from any one vessel more than the daily trip limit set by the National Marine
Fisheries Service or the Atlantic State Marine Fisheries Commission.

4. Any closure of the spiny dogfish fishery by the National Marine Fisheries
Service in adjacent Federal waters or recommended closure by the Atlantic States
Marine Fisheries Commission for areas including New Jersey automatically
closes New Jersey waters to the harvest of spiny dogfish and to the commercial
landings of spiny dogfish.
(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. After December 31, 2002, a vessel shall not land more than 100 pounds of black sea bass during the period of January 1 through March 31 or more than 50 pounds of black sea bass during the period April 1 through December 31 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Black Sea Bass Permit. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Black Sea Bass Permit shall complete and submit an application provided by the Department by December 31, 2002 that includes information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified in (h)1ii below. Applications for a New Jersey Black Sea Bass Permit received after the above date shall be denied.

ii. To be eligible for a New Jersey Black Sea Bass Permit, the vessel's owner shall meet the following criteria:

   (1) The vessel shall have landed and sold a minimum cumulative total of 10,000 pounds of black sea bass in New Jersey during the period 1988 through May 3, 2001;

   (2) The vessel shall have possessed a valid Federal Black Sea Bass Moratorium Permit or appropriate New Jersey gear license for each year of submitted landings documentation; and

   (3) Documented proof of landings shall consist of one or more of the following:

      (A) Weigh-out slips totaling the weight harvested;

      (B) A notarized statement from the applicant and the purchaser(s) attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application);

      (C) Other documentation similar to that in (h)1ii(3)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

2. The New Jersey Black Sea Bass Permit shall be on board the vessel to which it is issued at all times. The permit is valid from the date of issuance and for any subsequent years unless revoked as part of a penalty action. The vessel, when
engaged in a black sea bass fishery, may only have on board the gear type(s) listed on that vessel's New Jersey Black Sea Bass Permit.

3. The owner of a vessel permitted pursuant to this subsection not pending revocation or court action may transfer his or her Black Sea Bass Permit, upon application to the Department, as follows:

   i. To his or her replacement vessel, provided the replacement vessel is not greater than 10 percent larger in vessel length, gross registered tonnage and net tonnage and not more than 20 percent greater in horsepower than the originally permitted vessel. The vessel being replaced shall no longer be eligible for a black sea bass permit; or

   ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a Black Sea Bass Permit based on the harvesting history of the vessel being sold.

4. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

5. Applicants for permit transfer shall complete an application provided by the Department, and no permit may be transferred without the prior approval of the Department.

6. A vessel possessing a valid Black Sea Bass Permit to commercially harvest black sea bass by angling or hook and line and when operating under the permit shall be subject to the following:

   i. Crew size shall be limited to no more than five persons, including the captain; and

   ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire the Black Sea Bass Permit is not valid and the recreational possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

7. A vessel that does not possess a New Jersey Black Sea Bass Permit shall be permitted to land not more than 100 pounds of black sea bass during the period of January 1 through December 31 on any trip, provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold. Vessels taking black sea bass by angling or hook and line that do not possess a New Jersey Black Sea Bass Permit shall be subject to the possession limits established at N.J.A.C. 7:25-18.1 and the seasonal by-catch limits and 10 percent criteria specified above.
8. Annual black sea bass quotas shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission.

i. The Commissioner, or his or her designee, shall implement annual black sea bass quotas determined by the Atlantic States Marine Fisheries Commission upon four days' public notice. Public notice shall include letters by first class mail to all New Jersey Black Sea Bass Permit holders. The implemented quotas shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

ii. Ten percent of the New Jersey annual black sea bass quota shall be allocated each year for by-catch landings when any of the seasons for the directed commercial fishery defined at (h)8iii below are closed. The by-catch landings shall be divided between seasons as identified at (h)8iii below at the same percentage apportioned to each season as specified at (h)8iii below.

(1) Any by-catch not landed during the season allocated shall be added to the directed fisheries quota of the following season except during the last season.

(2) If any of the by-catch allowance has not been landed by December 1 in any calendar year the remaining amount shall be added to the directed black sea bass fishery quota.

(3) For the purpose of this section, all directed fishery seasons identified at (h)8iii below shall start on the first calendar day of the applicable month.

iii. The balance of the New Jersey annual quota for the black sea bass fishery remaining after deducting the by-catch allowance specified at (h)8ii above shall be divided into seasons, percentage of the annual quota apportioned into each season, daily trip limits, and number of allowable landing days in each period. The first period of each season shall start on the first calendar day of that season and shall end on the first Saturday of that season. Each subsequent one- or two-week period will begin on Sunday and end on the first or second following Saturday. The final period of each season shall end on the last day of the final month of that season. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) January--February: 21.96 percent, 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea
bass, or 3,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(2) March--April: 20.9 percent, 750 pound trip limit and a maximum of four days per week that a vessel may land black sea bass, or a 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or a 3,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(3) May--June: 16.53 percent, 1,000 pound trip limit a maximum of five days per week that a vessel may land black sea bass or a 2,500 pound trip limit a maximum of two days per week that a vessel may land black sea bass.

(4) July--August: 9.1 percent, 800 pound trip limit a maximum of five days per week that a vessel may land black sea bass, or a 1,000 pound trip limit a maximum of four days per week that a vessel may land black sea bass, or a 2,000 pound trip limit and a maximum of two days per week that a vessel may land black sea bass.

(5) September--October: 13.53 percent, 1,000 pound trip limit a maximum of six days per week that a vessel may land black sea bass, 2,000 pound trip limit a maximum of three days per week that a vessel may land black sea bass, or a 3,000 pound trip limit a maximum of two days per week that a vessel may land black sea bass.

(6) November--December: 17.97 percent, 750 pound trip limit a maximum of four days per week that a vessel may land black sea bass, or a 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or a 3,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(7) If a minimum of 50 percent of a New Jersey black sea bass seasonal quota remains unlanded when there is at least 50 percent of the season remaining, the Commissioner, or his or her designee, may set a daily trip limit for the remainder of that specified season to achieve optimal utilization of the available quota upon two days' public notice. Public notice shall be given as specified in (h)8v below.
(8) Any daily landing of black sea bass not exceeding 100 pounds during the period of January 1 through March 31 or 50 pounds during the period of April 1 through December 31 shall not be applied to maximum weekly landing days during any season as specified in (h)8iii(1) through (4) above, provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold.

iv. No vessel shall have in possession or land and no dealer shall accept from any one vessel or person more than the daily trip limit of black sea bass set by the Commissioner in any one calendar day.

v. The Commissioner, or his or her designee, shall close the season for the commercial black sea bass fishery upon two days' public notice of the projected date the seasonal percentage of the annual quota shall be caught. Public notice shall be provided by posting of a notice on the Department's website and either an e-mail or first class mail sent to all New Jersey Black Sea Bass Dealers and New Jersey Black Sea Bass Permit holders.

vi. Once the season has been closed for the directed commercial black sea bass fishery, no vessel or person shall land or sell any black sea bass and no dealer or person shall accept or purchase any black sea bass landed in New Jersey in excess of the by-catch allowances specified in (h)1 and 7 above and provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight of all species landed and sold. If the entire season and/or annual quota including the by-catch allowance has been landed, then no vessel or person shall land or sell any black sea bass and no dealer or person shall accept or buy any black sea bass landed in New Jersey.

vii. If the Commissioner, or his or her designee, has closed the season under (h)8v above and if unanticipated events result in the quota not being landed by the projected date stated in the closure notice, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days' public notice. Public notice shall be given as specified in (h)8v above.

(1) The Commissioner or his or her designee may set daily trip limits when reopening a prematurely closed season.

viii. If the quota for a particular season is not taken, the balance shall be reallocated for the following season, except that any balance existing as of December 31 of any year shall not be reallocated.
ix. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following season. The amount overharvested shall also be deducted from the following years seasonal quota in pounds and reallocated to the season from which it was deducted the previous year.

x. Any vessel participating in the black sea bass fishery shall notify the Department of the time and place of unloading of the vessel at least two hours in advance of such unloading. Such unloading shall not occur except between the hours of 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The vessel shall also report how many times that week (Sunday through Saturday) the vessel will have landed, including the trip being called in. For example, "This will be my third landing this week." Notification shall include a phone call to (609) 748-2050 unless changed by notice to permit holders via first class mail.

9. After December 31, 2002, no dealer shall accept or purchase any black sea bass from any vessel or harvester unless such dealer is in possession of a valid New Jersey Black Sea Bass Dealers Permit. A New Jersey Black Sea Bass Dealers Permit may be obtained by completing an application supplied by the Department and submitting it to:
New Jersey Black Sea Bass Dealers Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

10. After December 31, 2002, no dealer shall accept or purchase from any one vessel more than the amounts of black sea bass specified at (h)1 above unless said vessel is in possession of its valid New Jersey Black Sea Bass Permit.

11. After December 31, 2002, any harvester or vessel landing black sea bass in New Jersey for the purpose of sale shall sell all black sea bass to a permitted New Jersey Black Sea Bass Dealer.

12. All permitted New Jersey Black Sea Bass Dealers shall provide daily reports during the period January 1 through April 15 and weekly reports during the period April 16 through December 31 to the Division listing the amount of black sea bass landed on a daily basis and any other information that may be required by the Commissioner. If no black sea bass were landed, a report to that effect shall be required. Such report shall be faxed to the Division at the number listed on the reporting form no later than 10:00 A.M. on the following day for daily reports and 12:01 P.M. on Monday following the week's end for weekly reports or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.
13. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to an application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on an application including documentation provided to verify the amount of black sea bass landed as specified in (h)1ii(3) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (h)6 above, criteria under which a vessel may harvest black sea bass by angling or hook and line, (h)8 above, exceeding daily trip limits and landing black sea bass after the season has been closed, (h)9 above, accepting or purchasing black sea bass without a New Jersey Black Sea Bass Dealers Permit, (h)10 above, accepting or purchasing from any non-permitted vessel more than the amount of black sea bass stipulated pursuant to (h)1 and 7 above, and (h)11 above, selling black sea bass to a non-permitted dealer shall result in the suspension during open season(s) or revocation of the vessel's and/or dealer's Black Sea Bass Permit according to the following schedule:

(1) First offense: 60 days suspension;

(2) Second offense: 120 days suspension;

(3) Third offense: permanent revocation;

iv. In calculating the period of suspension or revocation applicable under (h)13iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

v. Any person who has had his or her New Jersey Black Sea Bass Dealers Permit suspended or revoked shall not land or permit the landing of any
black sea bass at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Black Sea Bass Dealers Permit.

vi. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(i) The following provisions are applicable to the commercial harvest of summer flounder:

1. A vessel shall not land more than 100 pounds of summer flounder during the period of May 1 through October 31 or more than 200 pounds of summer flounder during the period of November 1 through April 30 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Summer Flounder Permit to participate in the directed fishery for summer flounder. Vessels fishing under the special terms of a quota transfer or combination program as provided in (i)3 below may be exempt from this requirement if such terms specify that a New Jersey Summer Flounder Permit is not necessary to land summer flounder in New Jersey. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Summer Flounder Permit shall complete an application provided by the Department. Applicants applying to use hook and line shall submit their applications no later than May 31, 1994. Applicants applying for a New Jersey Summer Flounder permit for any other gear type shall submit their applications no later than January 1, 2000. Applications for a New Jersey Summer Flounder Permit received after the above dates shall be denied.

ii. To be eligible for a New Jersey Summer Flounder Permit the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed and sold at least 1,000 pounds of summer flounder in New Jersey in each of two years during the period of 1985-1992;

(2) The vessel shall have possessed a valid New Jersey otter trawl, pound net, or gill net license or a valid Federal summer flounder permit during each of the two years it qualified based upon the pounds of summer flounder landed and sold in (i)1ii(1) above. Vessels providing documentation regarding the amount of summer flounder landed for two years between January 1, 1985 to
November 2, 1988 or vessels providing documentation of harvest by hook and line are exempt from this requirement; and

(3) Applicants shall provide weigh out slips to document the amount of summer flounder landed and copies of their New Jersey otter trawl, pound net or gill net license or Federal summer flounder permit for the respective years.

iii. The New Jersey Summer Flounder Permit shall be on board the vessel to which it is issued at all times. The permit is valid from the date of issuance and for any subsequent years unless revoked as part of a penalty action. The vessel, when engaged in the directed summer flounder fishery, may only have on board the gear type(s) listed on the New Jersey Summer Flounder Permit.

(1) The owner of a permitted vessel pursuant to this subsection not pending revocation or court action may transfer his or her New Jersey Summer Flounder Permit, upon application to the Department, as follows:

(A) To his or her replacement vessel, provided the replacement vessel is not greater than 10 percent larger in vessel length, gross registered tonnage and net tonnage and not more than 20 percent greater in horsepower than the originally permitted vessel. The vessel being replaced shall no longer be eligible for a New Jersey Summer Flounder Permit; or

(B) Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a New Jersey Summer Flounder Permit based on the harvesting history of the vessel being sold.

(2) Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

(3) Applicants for permit transfer shall complete an application provided by the Department, and no permit may be transferred without the prior approval of the Department.

iv. A vessel possessing a valid New Jersey Summer Flounder Permit to commercially harvest summer flounder by angling or hook and line and when operating under the permit shall be subject to the following:
(1) Crew size shall be limited to no more than five persons, including the captain; and

(2) The vessel shall not carry any passengers for hire. When carrying passengers for hire the New Jersey Summer Flounder Permit is not valid and the recreational possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

v. A vessel that does not possess a New Jersey Summer Flounder Permit shall be permitted to land not more than 100 pounds of summer flounder during the period of May 1 through October 31, or not more than 200 pounds of summer flounder during the period of November 1 through April 30 on any trip provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold, except that vessels taking summer flounder by angling or hook and line shall be subject to the possession limits established in N.J.A.C. 7:25-18.1.

2. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid-Atlantic Fishery Management Council, as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota, unless New Jersey enters into an agreement with another state(s) to transfer or combine summer flounder commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

i. Ten percent, but not more than 200,000 pounds of the New Jersey annual summer flounder quota, shall be allocated each year for by-catch landings when any of the six seasons for the directed commercial fishery are closed. The by-catch landings shall be divided between the six seasons as identified at (i)2ii below at the same percentage as for the directed fishery specified at (i)2ii below or as modified by the Commissioner.

(1) Any by-catch not landed during the season allocated shall be added to the directed fishery of the following season except during the last season.

(2) If any of the by-catch allowance has not been landed by December 1 in any calendar year, the remaining amount shall be added to the directed summer flounder fishery quota.

(3) For the purpose of this section, all directed fishery seasons identified at (i)2ii below shall start on the first calendar day of the applicable month.
ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after the by-catch allowance specified at (i) above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits, and the number of allowable landing days in each one- or two-week period. The first period of each season shall start on the first calendar day of that season and shall end on the first Saturday of that season. Each subsequent one- or two-week period will begin on Sunday and end on the first or second following Saturday. The final period of each season shall end on the last day of the final month of that season. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) January--February: 28 percent, 2,000 pound trip limit and a maximum of two days per week that a vessel may land summer flounder or 4,000 pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(2) March--April: 11 percent, 400 pound trip limit and a maximum of six days per week that a vessel may land summer flounder, 1,250 pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or 2,500 pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(3) May--June: 10.5 percent, 350 pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or 625 pound trip limit and a maximum of four days a week that a vessel may land summer flounder, or 1,250 pound trip limit and a maximum of two days per week that a vessel may land summer flounder;

(4) July--August: 10.5 percent, 350 pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or 625 pound trip limit and a maximum of four days per week that a vessel may land summer flounder, or 1,250 pound trip limit and a maximum of two days per week that a vessel may land summer flounder;

(5) September--October: 29 percent, 500 pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, 875 pound trip limit and a maximum of four days per week that a vessel may land summer flounder, 1,750 pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or 3,500 pound trip limit and a maximum of one day per week that a vessel may land summer flounder;
November--December: 11 percent, 400 pound trip limit and a maximum of five days per week that a vessel may land summer flounder, 1,000 pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or 2,000 pound trip limit and a maximum of one day per week that a vessel may land summer flounder; and

Any daily landing of summer flounder not exceeding 100 pounds during the period of May 1 through October 31 or 200 pounds during the period November 1 through April 30 shall not be applied to maximum weekly landing days during any season as specified in (i)2ii(1) through (6) above, provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold.

iii. No vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit of summer flounder in any one calendar day.

iv. Any vessel participating in a directed summer flounder fishery shall notify the Department of the time and place of unloading of the vessel at least two hours in advance of such unloading. Such unloading shall not occur except between the hours of 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The vessel shall also report how many times that week (Sunday through Saturday) the vessel will have landed, including the trip being called in. For example, "This will be my third landing this week." Notification shall include a phone call to (609) 748-2050 unless changed by notice to permit holders via first class mail.

v. If a minimum of 50 percent of a New Jersey summer flounder seasonal quota remains unlanded where there is at least 50 percent of the season remaining, the Commissioner, or his or her designee, may set a daily trip limit for the remainder of that specified season to achieve optimal utilization of the available quota or until the quota specified in (i)2 above is landed, whichever occurs first, upon two days' public notice. Public notice shall be given as specified in (i)2vi below.

vi. The Commissioner, or his or her designee, shall close the season for the directed and/or by-catch commercial summer flounder fishing season upon two days' public notice of the projected date the seasonal percentage of the annual quota shall be caught. Public notice shall be provided by posting of notice on the Department's website and either an e-mail or first
class mail sent to all permitted New Jersey Summer Flounder Dealers and New Jersey Summer Flounder Permit holders.

vii. Once the season has been closed for the directed commercial summer flounder fishery, no vessel shall land any summer flounder and no dealer shall accept any summer flounder landed in New Jersey in excess of the by-catch allowances specified in (i)1 above and provided the amount of summer flounder landed from any vessel shall not exceed 10 percent by weight of the total weight of all species landed and sold. If the entire season and/or annual quota including the by-catch allowance has been landed, then no vessel or person shall land or sell any summer flounder and no dealer or person shall accept or buy any summer flounder landed in New Jersey.

viii. If the Commissioner, or his or her designee, has closed the season under (i)2vi above and if unanticipated events result in the quota not being landed by the projected date stated in the closure notice, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days' public notice. Public notice shall be given as specified in (i)2vi above.

(1) The Commissioner, or his or her designee, may set daily trip limits when reopening a prematurely closed season.

ix. If the quota for a particular season is not taken, the balance shall be reallocated for the following season, except that any balance existing as of December 31 of any year shall not be reallocated.

x. If the quota for any of the first five seasons is exceeded, the amount overharvested shall be deducted from the following season.

xi. If the quota for any year is exceeded, the amount overharvested will be deducted from the following year's annual quota. The remaining annual quota will then be allocated as defined in (i)2i and ii above.

xii. Beginning in 1994, the Department shall notify the holders of New Jersey Summer Flounder Permits of the season allocations no later than January 31 of the year to which the allocation applies. Notification shall be accomplished by first class mail to permit holders.

xiii. All New Jersey Summer Flounder Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than 15
working days following the end of the reported month at the following address:
New Jersey Summer Flounder Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, New Jersey Summer Flounder Permit number of the vessel, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which summer flounder are landed. New Jersey Summer Flounder Permit holders who also possess a Federal summer flounder permit and are required to report monthly to the Federal government may submit the "STATE" copy of their Federal log book in satisfaction of the New Jersey reporting requirements.

(2) If no trips for summer flounder were taken and no summer flounder were landed during the month, a report to that effect shall be required.

3. Pursuant to Amendment 5 of the Mid-Atlantic Fishery Management Council's Summer Flounder Management Plan, the Commissioner may enter into agreements with other states to transfer or combine summer flounder commercial quotas. Such agreements shall specify the terms and conditions under which vessels not in possession of a New Jersey Summer Flounder Permit may land summer flounder in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

4. No fish dealer shall accept any summer flounder from any vessel or harvester unless such dealer is in possession of a valid New Jersey Summer Flounder Dealers Permit. A New Jersey Summer Flounder Dealers Permit may be obtained by completing an application supplied by the Department and submitting it to:
New Jersey Summer Flounder Dealers Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418
5. No dealer shall accept from any vessel more than the amounts of summer flounder specified at (i)1 above unless said vessel is in possession of its valid New Jersey Summer Flounder Permit.

6. No vessel shall land and no dealer shall accept any summer flounder which have been frozen, filleted or processed in any way. Only whole, fresh summer flounder may be landed, except that by-catch amounts of summer flounder as specified in (i)1 above may be landed frozen provided that each fish is individually frozen whole and can be individually weighed and measured without thawing.

7. Any harvester or vessel landing summer flounder in New Jersey for the purpose of sale shall sell all summer flounder to a permitted New Jersey Summer Flounder Dealer.

8. All permitted New Jersey Summer Flounder Dealers shall provide daily reports during the period January 1 through February 28 and weekly reports during the period March 1 through December 31 to the Division listing the amount of summer flounder landed on a daily basis by size category and any other information that may be required by the Commissioner or as a result of any agreement with other states pursuant to (i)3 above. If no summer flounder were landed, a report to that effect shall be required. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division not later than 10:00 A.M. on the following day for daily reports and 12:01 P.M. on Monday following the week's end for weekly reports or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

9. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

   i. Failure to submit the application by May 31, 1994 for use of hook and line or to attach the required documentation to the application shall result in the denial of the permit.

   ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of summer flounder landed as specified in (i)1ii(3) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

   iii. Failure to comply with the provisions of N.J.A.C. 7:25-18.14(i)2, minimum mesh sizes, (i)2iii above, landing, possession or accepting in excess of the daily trip limit for summer flounder, (i)2iv above, failure of notification of landing of summer flounder, (i)2vii above, landing summer flounder.
flounder after the directed fishery and/or by-catch season has been closed, (i)2xiii above, failure to submit accurate and timely monthly reports, (i)5 above accepting more than by-catch amounts from nonpermitted vessels, (i)6 above accepting any summer flounder other than fresh product, or N.J.A.C. 7:25-18.14(a), (b), (d), (e), (f) or N.J.S.A. 23:3-46 through 47 shall result in the suspension during open seasons or revocation of the vessel's New Jersey Summer Flounder Permit or the dealers New Jersey Summer Flounder Dealers Permit according to the following schedule:

1. First offense: 60 days suspension
2. Second offense: 120 days suspension
3. Third offense: permanent revocation

iv. In calculating the period of suspension or revocation applicable under (i)9iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

v. Any person who has had his or her New Jersey Summer Flounder Dealers Permit suspended or revoked shall not land or permit the landing of any summer flounder at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Summer Flounder Dealers Permit.

vi. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(j) The following provisions are applicable to the commercial harvest of winter flounder:

1. No person shall fish for or land any winter flounder taken by any net, trap, dredge or commercial gear in New Jersey waters, except during the open season of December 1 through May 31. No dealer shall accept any winter flounder taken in New Jersey waters except during such open season. No person shall have in
possession, and no dealer shall accept from any person, more than the daily possession limit of 38 winter flounder taken in New Jersey waters. The harvest of winter flounder by the use of fyke net is subject to the provisions of N.J.A.C. 7:25-18.5(g)2 in addition to the daily possession limit specified in this paragraph.

(k) The following provisions are applicable to the commercial harvest of scup:

1. Annual coastwide scup quotas and daily trip limits for the periods of January 1 through April 30 and October 1 through December 31, and an annual New Jersey scup quota for the period from May 1 through September 30 shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission. All landings of scup in New Jersey during the period from May 1 through September 30 shall be applied to the New Jersey scup quota.

   i. Any closure of the scup fishery by the National Marine Fisheries Service in adjacent Federal waters or any closure that includes New Jersey marine waters during the periods January 1 through April 30 and October 1 through December 31 would automatically close New Jersey to commercial landings of scup.

   ii. The Commissioner, or his or her designee, shall implement annual and seasonal scup quotas and daily trip limits as determined by the Atlantic States Marine Fisheries Commission upon two days public notice. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

   iii. The Commissioner, or his or her designee, shall close the season for the commercial scup fishery upon two days' public notice of the projected date the New Jersey seasonal quota shall be caught. Public notice shall be provided by posting of notice on the Department's website and either an e-mail or first class mail sent to all New Jersey Scup Dealer Permit holders and Federal scup moratorium permit holders that are New Jersey residents.

   iv. Once any season has been closed for the commercial scup fishery, no vessel shall land any scup and no dealer shall accept any scup landed in New Jersey.

   v. If the Commissioner, or his or her designee, has closed the New Jersey season under (k)1iii above and if unanticipated events result in the quota not being landed by the projected date stated in the closure notice, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days' public notice. Public notice shall be given as specified in (k)1iii above.
vi. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following year's quota for that season.

2. No vessel shall have in possession or land and no dealer shall accept from any vessel more than the lesser of the daily trip limits set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission for the season of January 1 through April 30 and October 1 through December 31 and no vessel shall have in possession or land and no dealers shall accept from any one vessel more than the daily trip limit of 5,000 pounds of scup during the season of May 1 through September 30 or as provided for in (k)2i below.

i. If a minimum of 25 percent of the New Jersey scup quota is projected to remain unlanded as of September 1 in any calendar year, then there shall be a 10,000 pound trip limit for the remainder of the season or until the season is closed as provided in (k)1i above.

ii. The trip limit for scup shall be seven trips per week (Sunday through Saturday) with landings not to exceed 50,000 pounds per trip from January 1 through April 30 and a daily limit as established by the National Marine Fisheries Service from October 1 through December 31. During the period of January 1 through April 30, the daily trip limit will be reduced to 1,000 pounds when it is projected that 80 percent of the period quota will be harvested.

3. No fish dealer shall accept any scup from any vessel or harvester unless such dealer is in possession of a valid New Jersey Scup Dealer Permit. A New Jersey Scup Dealer Permit may be obtained by completing an application supplied by the Department and submitting it to:
   New Jersey Scup Dealer Permit
   Nacote Creek Research Station
   PO Box 418
   Port Republic, NJ 08241-0418

4. A harvester or vessel shall not land scup for the purpose of sale or sell any scup unless such harvester or vessel is in possession of a valid scup moratorium permit issued by the National Marine Fisheries Service.

5. Any harvester or vessel landing scup in New Jersey for the purpose of sale shall sell all scup to a permitted New Jersey Scup Dealer.

6. All permitted New Jersey Scup Dealers shall provide weekly reports to the Division listing the amount of scup landed on a daily basis and any other information that may be required by the Commissioner or as a result of an agreement with other states pursuant to (k)9 below. Such report shall be faxed to
the Division at the number specified on the reporting forms supplied by the Division no later than two days following the week's end or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

7. All scup moratorium permit holders landing scup in New Jersey shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than 15 working days following the end of the reported month at the following address:

New Jersey Scup Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-041

i. The monthly report shall include, but not be limited to, the following information: name, scup moratorium permit number, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which scup are landed. Scup moratorium permit holders may submit the "STATE" copy of the Federal log book in satisfaction of the New Jersey reporting requirements.

8. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (k)1iv above, landing or accepting scup after the season has been closed; (k)2 above, landing or accepting more than the daily trip limit; (k)3 above, accepting scup from a vessel without first having obtained a valid New Jersey Scup Dealer Permit; (k)4 above, landing for the purpose of sale or selling scup without first having obtained a valid scup moratorium permit; (k)5 above, selling scup to a non-permitted fish dealer; or (k)6 and 7 above, failure to submit accurate and timely reports, shall result in the suspension during the open seasons or revocation of the dealer's New Jersey Scup Dealer Permit according to the following schedule:

(1) First offense: 60 days suspension.

(2) Second offense: 120 days suspension.

(3) Third offense: Permanent revocation.
**ii.** In calculating the period of suspension or revocation applicable under (k)8i above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

9. Pursuant to Amendment 8 of the Mid-Atlantic Fishery Management Council's Fishery Management Plan for the Summer Flounder and Scup Fishery, the Commissioner may enter into agreements with other states to transfer or combine scup commercial quotas. Such agreements shall specify the terms and conditions under which vessels may land scup in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

(l) Special provisions applicable to an Atlantic herring fishery are as follows:

1. The possession of more than 5,000 pounds of Atlantic herring on board a vessel or landed from a vessel shall constitute a directed fishery for Atlantic herring.

2. A person shall not fish for or land any Atlantic herring in excess of 5,000 pounds using any vessel in excess of 165 feet in length and in excess of 3,000 horsepower in a directed fishery for Atlantic herring.

3. Atlantic herring taken in a directed fishery for Atlantic herring shall not be processed for use as fish meal or oil.

4. Any closure of the Atlantic herring fishery by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in adjacent Federal waters or in any area which includes New Jersey marine waters would automatically close New Jersey waters to the commercial harvest of Atlantic herring.

5. If any of the management areas identified in the joint New England Fishery Management Council Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Herring are closed by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the landing
of Atlantic herring harvested from any management area that is closed shall be prohibited in New Jersey.

(m) The following provisions are applicable to the commercial harvest of tilefish:

1. A vessel shall not possess or land from the Exclusive Economic Zone (Federal waters) in any one day more than the possession limit determined by the National Marine Fisheries Service, as published by notice in the Federal Register and posted at https://www.fisheries.noaa.gov/rules-and-announcements/notices-and-rules, of blueline tilefish during the open season of January 1 to December 31. Any vessel landing blueline tilefish from the Exclusive Economic Zone (Federal waters) must hold a valid Northeast open access golden tilefish commercial vessel permit, issued by the National Marine Fisheries Service.

2. Any closure of the commercial blueline tilefish fishery by the National Marine Fisheries Service in adjacent Federal waters or in any area that includes New Jersey marine waters will automatically close New Jersey waters to the commercial harvest of blueline tilefish. The Commissioner, or his or her designee, shall give public notice of any such closure. Public notice shall include posting of a notice on the Department's website.

(n) The following provisions are applicable to the commercial harvest of American eel:

1. The annual American eel harvest quota for New Jersey shall be determined by the Atlantic States Marine Fisheries Commission. All landings of American eel in New Jersey shall be applied to the New Jersey annual American eel quota.

2. Any closure of the American eel fishery by the Atlantic States Marine Fisheries Commission for areas including New Jersey automatically closes all New Jersey waters to the harvest of American eel and to the commercial landings of American eel. The Commissioner, or his or her designee, shall give public notice of any such closure. Public notice shall include posting of a notice on the Department's website and either an e-mail or first class mail sent to all miniature fyke or pot license holders.

(o) The following provisions are applicable to the commercial harvest of cobia:

1. In accordance with N.J.A.C. 7:25-18.1(b), no person shall take in any one day or possess more than two cobia and no vessel shall take in any one day or possess more than six cobia.

2. The commercial fishing season for cobia shall be January 1 through December 31.
3. Any closure of the Atlantic commercial cobia fishery by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in adjacent Federal waters or in any area that includes New Jersey marine waters would automatically close New Jersey waters to the commercial harvest of Atlantic cobia. The Commissioner, or his or her designee, shall give public notice of any such closure.

(p) Dealer business records may be used as admissible evidence in any proceeding to document violations of trip limits, weekly landing limits or closed seasons specified in this section.

(q) For the purpose of this section, "land" or "landing" shall mean to begin offloading fish, to offload fish, or to enter port with fish.

(r) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, trip limits, and/or seasons, quota allocation by gear type, as well as gear types and gear restrictions, incidental and by-catch allowance, application of the incidental and by-catch allowance to the quota, or reporting requirements, specified in this section, 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, New England Fishery Management Council, or South Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service or any plan implemented by the National Marine Fisheries Service. Additionally, where quotas, trip limits and/or seasons, quota allocations by gear type, gear types and gear restrictions, incidental and by-catch allowances, applications of the incidental and by-catch allowances to annual quotas, or reporting requirements have been developed in accordance with (r)1 below that differ from those specified in the fishery management plan, but have been the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service through the conservation equivalency process as achieving the same quantified level of conservation for the fishery governed by that plan, such quotas, trip limits and/or seasons, quota allocations by gear type, gear types and gear restrictions, incidental and by-catch allowances, applications of the incidental and by-catch allowances to annual quotas, or reporting requirements may be modified by notice. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, trip limits, and/or seasons, quota allocation by gear type, as well as gear types and gear restrictions, incidental and by-catch allowance, application of the incidental and by-catch allowance to the annual quota, or reporting requirements specified in this section, by notice, in order to provide for the optimal utilization of any quotas specified in this section. The Commissioner will review the catch rate for a particular species in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to
achieve optimal utilization of the total allowable catch. The Department shall provide notice of any such modification in the New Jersey Register, on the Department's website, through email, when provided, to commercial license holders, and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.

1. Proposed quotas, trip limits, and/or seasons, quota allocations by gear type, gear types, gear restrictions, incidental by-catch allowances, applications of the incidental and by-catch allowances to the quota, or reporting requirements to be included in a submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service as being conservationally equivalent to the quotas, trip limits, and/or seasons, quota allocations by gear type, gear types and gear restrictions, incidental by-catch allowances, applications of the incidental and by-catch allowances to the quota, or reporting requirements specified in the applicable fisheries management plan shall be established as follows:

i. The Commissioner shall consider the following factors in determining the quotas, trip limits, and/or seasons, quota allocations by gear type, gear types and gear restrictions, incidental and by-catch allowances, applications of the incidental and by-catch allowances to annual quotas, reporting requirements, and any other management criteria to be included in a conservation equivalency proposal:

(1) The temporal and spatial distributions of the species in State waters;

(2) The species' life history characteristics;

(3) The potential impact on the number of participants able to participate in the fishery;

(4) The ability of supporting industries to provide necessary services to optimize participation, for example, charter and day-fishing fleet availability;

(5) Potential conflicts with the open seasons for other recreational and/or commercial fisheries; and

(6) Enforcement efficiency.

ii. The conservation equivalency proposal must be approved by the New Jersey Marine Fisheries Council at a public meeting prior to submission to
the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service. Public notice of the meeting, including an agenda, shall be provided on the Department's website at https://www.nj.gov/dep/fgw/marcncl.htm. The agenda shall specify that the meeting will include discussion of a potential conservation equivalency proposal.

(s) An applicant who is otherwise eligible for a license or permit under (c)2 and 5; (e)2 and (5); or (h)1 above, but who fails to apply prior to the application deadline, may request an extension of time to apply in accordance with this subsection and (t) through (v) below.

1. The written request, along with any supporting documentation, shall be submitted to:
   New Jersey Division of Fish and Wildlife
   PO Box 400
   Trenton, New Jersey 08625-0400

2. The request shall:
   i. Identify the specific permit for which the extension of time to apply is requested;
   
   ii. Explain in detail why the extension of time to apply is needed, including a statement of the type and degree of hardship that prevented the timely application of the permit, and the hardship that will result to the applicant if the permit is not granted; and
   
   iii. Provide appropriate documentation as necessary to support the request for extension.

(t) The Department shall approve an extension request under (s) above only if it determines that the request and documentation demonstrate that:

1. By reason of extraordinary hardship or exceptional situation or condition, the applicant was precluded from applying for his or her Tautog, Non Directed Fishery Tautog, Shad Commercial Net, Shad Incidental Harvest, or New Jersey Black Sea Bass permit during the 12-month application period preceding the year for which the permit is requested;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (c)2 and 5; (e)2 and 5; or (h)1 above would result in exceptional and undue hardship upon the applicant; and
3. The circumstances supporting (t)1 and 2 above were not created by the applicant or persons under his or her control, and the approval of the extension will not unreasonably interfere with the orderly administration of the permitting program.

(u) The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension.

(v) The denial of an extension request may be appealed pursuant to the procedures outlined in N.J.A.C. 7:25-18.17, Request for adjudicatory hearing.

(w) All persons shall comply with all commercial provisions of the approved Atlantic States Marine Fisheries Commission fisheries management plan for Spanish mackerel, spot, and spotted seatrout implemented by the National Marine Fisheries Service. The Federal provisions shall apply in both Federal and New Jersey territorial waters.

(x) For the purposes of this section, a "fish dealer" or "dealer" shall mean any person who receives fish managed under this subchapter for any commercial purpose. Commercial purposes shall include sale and offering for sale, as well as the actual or attempted barter, trade, or exchange of fish for money or for any other thing of value.

(y) Any Federally permitted vessel or person shall complete the required Federal Trip Reports prior to landing any species of marine fish.

7:25-18.13 Striped bass bonus program

(a) The possession of one "bonus sized" striped bass, measuring greater than or equal to 24 inches but less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.A.C. 7:25-18.1(h)1, pursuant to (b) through (o) below.

(b) Any person intending to take one "bonus sized" striped bass, as defined in (a) above, in addition to his or her striped bass possession limit as specified at N.J.A.C. 7:25-18.1(h)1 shall apply to the Division to participate in the striped bass bonus program. Applications may be obtained from the following:

1. Division of Fish and Wildlife
   Striped Bass Bonus Fish Program
   Nacote Creek Research Station
   PO Box 418
   Port Republic, NJ 08241-0418

(c) The application form shall be completed to include the name, address and telephone number of the applicant.

(d) Applications to participate in the striped bass bonus program shall be processed in order of receipt by the Division.

(e) Successful applicants will receive a non-transferable fish possession permit, the number to be determined by the Commissioner or his or her designee based on the available quota and the number of applicants. Each permit shall be filled out completely upon retention of a bonus striped bass. A finite number of permits shall be available to participating party and charter boat captains in the name of the vessel and owner. Fish possession permits issued to party and charter boats are for the use of patrons on that vessel and shall not be sold, offered for sale or used for barter.

(f) Fish possession permits shall be valid from May 15 through December 31 in the calendar year for which they were issued except during those periods in which the Department has closed the State's waters to harvesting as provided at (l) below.

(g) Successful applicants may keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include the name, address, and permit number(s) of the fishermen, the days and hours fished, the lengths of striped bass caught, the location of fishing activity and the type of fishing. Party and charter boat captains shall be required to maintain and submit logbooks developed by the Division.

(h) A person shall not have in his or her possession at any time more than the number of striped bass provided for in N.J.A.C. 7:25-18.1(h)1, nor shall such striped bass be less than the size provided for in N.J.A.C. 7:25-18.1(h)1. One additional striped bass may be possessed and shall not be less than the size defined in (a) above. Said person shall have a properly completed and legal fish possession permit, as provided for at (e) above.

(i) A person shall not present for registration or permit to be registered in his or her name a striped bass which he or she did not catch. Any person who legally takes a striped bass under this section may report the catch electronically at http://www.njfishandwildlife.com/bonusbas.htm or shall immediately mail his or her fish possession permit to the address presented at (b) above.

(j) A person shall not possess any striped bass taken or tagged under the provisions of this section which is damaged or mutilated to the extent that its length cannot be determined, other than immediately prior to preparation or being served as food.

(k) An additional fish possession permit may be provided to the angler as determined by the Commissioner or his or her designee based upon the available remaining quota and the number of applicants upon recording of his or her prior legally harvested bonus.
striped bass electronically or via mail as presented at (i) above, provided the season has not been closed pursuant to (l) below.

(l) When, at any time during the calendar year, the Division has projected that the quota established by the Atlantic States Marine Fisheries Commission for striped bass will have been harvested, the Division will close the State's waters to any further harvesting upon two days public notice by distribution of a news release to individuals on the Division outdoor writers mailing list and via the Division's website at www.njfishandwildlife.com. A notice shall also be published in the New Jersey Register.

(m) The quota described in (l) above shall be 215,912 pounds until such time as another quota is duly promulgated by the Atlantic States Marine Fisheries Commission. A portion of this quota will be allotted to party and charter boats.

(n) The Division will provide public notice via a news release to individuals on the Division outdoors writers mailing list and to all participants in the striped bass bonus program as to the number of fish possession permits pursuant to (e) above, the availability of additional fish possession permits pursuant to (k) above, and changes to the quota described in (l) above. A notice shall also be published in the New Jersey Register.

(o) Any person violating the striped bass size and possession limits as provided for in N.J.A.C. 7:25-18.1, or this section shall be liable for penalty of $100.00 per fish for each offense. In addition, any person violating any provision of this section shall be subject to revocation, applicable to both the vessel and the owner, from the Striped Bass Bonus Program. Revocation would render the vessel and the owner ineligible for participation in the program regardless of vessel ownership. Any fish possession permit in such person's possession shall be invalid and shall be returned to the Division upon such person's receipt of notification of such revocation. Failure to return the permits upon notification shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

7:25-18.14 Otter and beam trawls

(a) Vessels greater than 165 feet in length and in excess of 3,000 horsepower shall not fish in the marine waters of this State with an otter or beam trawl nor may any such vessel have an otter or beat trawl available for immediate use while on the marine waters of this State as defined in (b) below.

1. All trawl net doors possessed on the waters of the State of New Jersey must contain the official documentation number or the state registration number of the vessel to whom they belong indelibly branded or stamped in block letters no less than two inches in height on the surface of each door.

   i. Trawl doors shall be used only by the vessel which corresponds to the branded or stamped numbers. A vessel may utilize another vessel's trawl
doors provided the vessel owner utilizing such doors contacts the
Division's Bureau of Law Enforcement at 609-748-2050 in advance and
provides the following information: name of owner and vessel borrowing
doors, name of owner, vessel and branded or stamped number of borrowed
doors. The vessel owner borrowing the trawl doors shall also be
responsible for contacting the Bureau of Law Enforcement in advance to
indicate when he will begin utilizing his own trawl doors.

(b) No vessel may have available for immediate use any otter or beam trawl while on the
marine waters of this State during the hours between sunset and sunrise except on the
Atlantic Ocean, at a distance of greater than two miles from the coast line. An otter or
beam trawl that conforms to one of the following is considered not "available for
immediate use":

1. A net stowed below deck, provided:
   i. It is located below the main working deck from which the net is
deployed and retrieved;

   ii. The towing wires, including the "leg" wires are detached from the net;
   and

   iii. It is fan-folded (flaked) and bound around its circumference;

2. A net stowed and lashed down on deck, provided;
   i. It is securely fastened to the deck of the vessel;

   ii. The towing wires, including the leg wires are detached from the net;
   and

   iii. It is fan-folded (flaked) and bound around its circumference; or

3. A net is on a reel and is covered and secured; provided:
   i. The entire surface of the net is covered with canvas or other similar
material and held in place by line bound securely around the entire net in
such a manner so that no section of the net is exposed;

   ii. The towing wires or towing lines located between the net and the trawl
doors shall be completely detached from the trawl doors; and

   iii. The cod end closure rope shall be removed from the cod end.
(c) To determine compliance with any established minimum mesh requirement for an otter or beam trawl, the following procedures shall be employed. Stretched mesh sizes are measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of two and three-tenths millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size of the cod end of the net will be the average measurement of any series of 20 consecutive meshes measured at least 10 meshes from the lacings, beginning at the after end and running parallel to the long axis.

(d) No person shall use any device or method which would have the effect of reducing an established minimum mesh size; provided, however, that chafing gear which does not obstruct the meshes of the top half of the cod end may be attached and net strengtheners may be attached to the cod end of the trawl net if such net strengtheners consist of mesh material similar to the material of the cod end and have a mesh size of at least twice the authorized minimum mesh size.

(e) A vessel or person utilizing a roller rig trawl gear shall not utilize rollers greater than 18 inches in diameter.

(f) The operator of, or any other person aboard, any fishing vessel shall immediately comply with instructions and signals issued by an authorized law enforcement officer and comply with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch, for the purpose of enforcement of this section.

(g) Any vessel in the act of fishing, upon being boarded and instructed by an authorized law enforcement officer, shall haul back, or retrieve from the waters for inspection, all gear being utilized. After being so instructed, the operator of the vessel, or any other person so instructed, shall have a 30 minute time period to commence haul back and shall continue haul back or retrieval at an ordinary rate and without interruption until the gear is on board and available for inspection.

(h) Possession of an otter trawl and doors shall subject said vessel to inspection for compliance with this section by authorized enforcement personnel. Any nets or doors possessed or used in violation of this section shall be subject to forfeiture under authority of N.J.S.A. 23:10-21.

(i) Violation of any section of this subchapter, or any license or order issued pursuant to it, shall subject the violator to the penalties prescribed in N.J.S.A. 23:2B-14, Penalties consist of $ 100.00 to $ 3,000 for the first offense and $ 200.00 to $ 5,000 for any subsequent offense.

(j) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(k) The Commissioner, with the approval of the New Jersey Fisheries Council, may modify quotas, mesh sizes, minimum size limits, seasons, trip limits, by-catch allocations
and the amount of fish that shall constitute a directed fishery specified in this section by notice in order to maintain 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 Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify mesh sizes, minimum size limits, seasons, trip limits, by-catch allocations and the amount of fish that shall constitute a directed fishery specified in this section by notice in order to provide for the optimal utilization of any quotas specified in this section. The Commissioner will review the catch rate for a particular species in relation to the season quota and if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of such modification by filing and publishing in the New Jersey Register and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

(I) Special provisions applicable to the commercial harvest of summer flounder are as follows:

1. The possession of more than 100 pounds of summer flounder during the period of May 1 through October 31 or the possession of more than 200 pounds of summer flounder during the period of November 1 through April 30 on board a vessel or landed from a vessel shall constitute a directed fishery for summer flounder.

2. A person utilizing an otter or beam trawl in the directed fishery for summer flounder shall not use a net of less than 5.5 inches stretched diamond mesh or 6.0 inches minimum stretched square mesh, inside measurement. The mesh size shall be applied throughout the body, extensions and cod end portions of the net upon adoption in the Federal Register of essentially the same criteria. Until such time, the mesh size shall be applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum specified above in this paragraph, on board a vessel engaged in a directed fishery for summer flounder is prohibited unless such net is not available for immediate use as defined in (b) above or is one of the following:

i. Vessels fishing in the fly net fishery are exempt from the minimum mesh size requirement. A fly net is a two seam otter trawl with the following configuration:

   (1) The net has large mesh webbing in the wings with a stretch mesh measure of eight inches to 64 inches;
(2) The first body (belly) section of the net consists of 35 meshes or more of eight inch stretch mesh webbing or larger; and

(3) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of two inch stretch mesh.

(m) Special provisions applicable to commercial weakfish and Atlantic croaker fisheries are as follows:

1. The possession of any weakfish or more than 100 pounds of Atlantic croaker on board a vessel or landed from a vessel shall constitute a directed fishery for weakfish or Atlantic croaker.

2. A person shall not possess any weakfish less than 13 inches in length that have been harvested by otter or beam trawl during the period from September 1 through December 31. During the period of January 1 through August 31, the minimum size limit for weakfish harvested by otter or beam trawl is 13 inches in length pursuant to N.J.A.C. 7:25-18.12(a).

3. A person utilizing a beam or otter trawl in a directed fishery for weakfish or Atlantic croaker shall not use a net of less than 3.75 inches stretched diamond mesh or 3.375 inches stretched square mesh, inside measurement, applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum mesh specified above in this paragraph on board any vessel in a directed fishery for weakfish or Atlantic croaker is prohibited.

4. A person shall not land more than 100 pounds of weakfish harvested by otter trawl except during the open seasons of January 1 through July 31 and October 13 through December 31. No dealer shall accept more than 100 pounds of weakfish landed in New Jersey taken by otter trawl except during such open seasons.

(n) Special provisions applicable to a directed winter flounder fishery are as follows:

1. The possession of more than 100 pounds of winter flounder on board a vessel or landed from a vessel shall constitute a directed fishery for winter flounder.

2. A person utilizing an otter or beam trawl in a directed fishery for winter flounder shall not use a net of less than 6.5 inches stretched mesh inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net.
3. Except during the open season specified at N.J.A.C. 7:25-18.12(j)1, a vessel with any winter flounder on board shall not have any otter or beam trawl available for immediate use while on the marine waters of this State. An otter or beam trawl that conforms to the provisions at (b)1 through 3 above is considered not "available for immediate use."

(o) Special provisions concerning the harvest of bluefish are as follows:

1. The annual bluefish allocation to the otter trawl fishery shall be 14.7 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service.

2. A person shall not land any bluefish by otter trawl except during the open season of January 1 through December 7.

(p) Special provisions applicable to a directed scup fishery are as follows:

1. The possession of more than 500 pounds of scup during the period of October 1 through April 30 and more than 200 pounds of scup during the period of May 1 through September 30 on board a vessel or landed from a vessel shall constitute a directed fishery for scup.

2. A person utilizing an otter or beam trawl in a directed fishery for scup shall not use a net of less than 5.0 inches stretched mesh inside measurement applied for a minimum of 75 continuous meshes forward of the terminus of the net.

   i. Nets not large enough to accommodate the number of minimum meshes listed in (p)2 above shall not contain any meshes less than 5.0 inches stretched mesh inside measurement throughout the entire net.

3. The possession of any net with a mesh less than the minimum specified in (p)2 above on board a vessel in a directed fishery for scup is prohibited unless it is not available for immediate use as defined in (b) above.

(q) Special provisions applicable to a directed black sea bass fishery are as follows:

1. The possession of more than 500 pounds of black sea bass during the period of January 1 through March 31 or more than 100 pounds of black sea bass during the period of April 1 through December 31 on board a vessel or landed from a vessel shall constitute a directed fishery for black sea bass for the purpose of requiring minimum mesh sizes as defined in (q)2 below.

2. A person utilizing an otter or beam trawl in a directed fishery for black sea bass shall not use a net of less than 4.5 inches stretched diamond mesh or 4.0 inches minimum stretched square mesh, inside measurement applied throughout
the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum specified in this paragraph on board a vessel in a directed fishery for black sea bass is prohibited unless it is not available for immediate use as defined in (b) above.

    i. Nets not large enough to accommodate the number of minimum meshes listed in (q)2 above shall not contain any meshes less than 4.5 inches stretched diamond mesh or 4.0 inches stretched square mesh inside measurement throughout the entire net.

    (r) Special provisions concerning the harvest and possession of American eel are as follows:

    1. American eel may be taken by otter trawl except any American eel taken by otter trawl from September 1 through December 31 shall not be retained and must be immediately returned to the water.

7:25-18.15 Atlantic sturgeon management

An individual shall not take or attempt to take, possess or land any Atlantic sturgeon in the State.

7:25-18.16 Horseshoe Crab (Limulus polyphemus)

(a) An individual shall not catch, take, or attempt to catch or take, land or possess horseshoe crabs from any beach or shoreline or from the marine waters of this State unless such individual has in his or her possession a valid permit to take horseshoe crabs issued by the Commissioner of Environmental Protection. Subject to the limitations of this section, including any quotas specified in (d) below, any individual who wishes to harvest horseshoe crabs may be eligible to obtain a permit by completing an application available from the Division of Fish and Wildlife, Bureau of Marine Fisheries, PO Box 400, Trenton, N.J. 08625-0400. The following persons, in the following circumstances, are not subject to this section:

    1. Property owners, tenants or agents of property owners may, at any time, remove dead horseshoe crabs from their property for purposes of disposal. No sale, trade, or barter of horseshoe crabs is permitted under this paragraph.

    2. Persons collecting horseshoe crabs for strictly scientific purposes only and operating under the terms and conditions specified by a required scientific collecting permit issued pursuant to N.J.S.A. 23:4-52 by the Administrator of the Marine Fisheries Administration within the Division.
3. Individuals in possession of a valid New Jersey miniature fyke or a valid New Jersey lobster or fish pot license and in possession of bona fide written documentation that the horseshoe crabs were obtained from a legal source.

(b) An individual is eligible for a horseshoe crab permit if the individual in each of two calendar years during the period of January 1, 1993 through May 29, 1997:

1. Possessed a valid New Jersey miniature fyke or lobster or fish pot license;

2. Possessed a valid New Jersey horseshoe crab permit; and

3. Reported landings of horseshoe crabs in New Jersey as verified by the Department on the basis of the reports submitted by the individual to the Department as required under this section since May 3, 1993.

(c) Horseshoe crab permits shall be nontransferable except that a horseshoe crab permit holder may transfer the right to the horseshoe crab permit at any time to the permittee's spouse, father, mother, son or daughter upon application to the Division. No permit shall be transferred without the prior determination by the Department that the transfer complies with this subsection.

(d) The annual horseshoe crab harvest quota for New Jersey from May 15, 2006 to December 31, 2007 shall be zero or as modified by the Commissioner pursuant to (h) below. Thereafter, the annual horseshoe crab harvest quota for New Jersey shall be no more than 150,000 or as modified by the Commissioner pursuant to (h) below. All landings of horseshoe crabs in New Jersey shall be applied to the New Jersey annual horseshoe crab quota.

1. The season for horseshoe crabs shall be April 1 through April 30 and June 8 through August 15. No person shall harvest or take any horseshoe crabs, dead or alive, during the period May 1 through June 7.

2. The Commissioner, or his or her designee, shall close the season for the commercial horseshoe crab fishery upon four days public notice of the projected date the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Horseshoe Crab Permit holders.

3. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (d)2 above.
4. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.

5. Beginning in 2001, the Department shall notify the previous year's holders of New Jersey Horseshoe Crab Permits of the current year's annual quota no later than January 31 of the year to which the annual quota applies. Notification shall be by first class mail to the previous year's permit holders.

(e) A person shall not harvest horseshoe crabs from the beaches and the adjacent waters and uplands within 1,000 feet of the bayfront mean high water line in that portion of Delaware Bay extending from the Cape May Canal in Cape May County to Stow Creek in Cumberland County at any time. Additionally, a person shall not harvest horseshoe crabs from the beaches and shoreline and the adjacent waters and uplands in the back bay area near Thompson's Beach bordered by, but not including, Adlers Ditch and Riggins Ditch in Cumberland County.

(f) An individual shall not harvest or land horseshoe crabs that have been taken by any method other than by hand harvest. The use of any implement (nets, rakes, spears, shovels, forks, etc.) to assist hand harvest is prohibited. Hand harvest is permitted in areas other than specified in (e) above only on Tuesdays and Thursdays during the season established under (d) above.

(g) It shall be illegal to possess horseshoe crabs on any vessel while having in possession any harvest gear except miniature fykes, conch pots, lobster pots, fish pots or minnow pots. The simultaneous possession of horseshoe crabs and any other harvest gear except those listed shall be prima facie evidence of a violation of this section.

(h) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the annual quota and/or season in this section 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). The Department shall publish notice of any such modification by filing a notice of administrative change with the Office of Administrative Law for publication in the New Jersey Register and publishing notice of the modification in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

(i) All horseshoe crab permit holders shall telephone the Division's designated telephone number for horseshoe crab harvest each Friday during the horseshoe crab season and report the number of horseshoe crabs harvested during the previous week. If no horseshoe crabs were harvested during the previous week, a telephone report to that effect shall be provided. Any person harvesting horseshoe crabs shall also provide monthly reports within five working days following the end of the reported month to the Department on forms supplied to the permit holder. The monthly report shall include the number of horseshoe crabs harvested, the area of collection and any other information as the
Department may deem necessary for management of the horseshoe crab resource. If no horseshoe crabs were harvested during the month, a report to that effect shall be provided. The permittee shall be personally responsible for guaranteeing the timely delivery of reports to the Division as well as the accuracy of all information contained therein. The Department may demand that a permittee provide proof of the truth of any data contained in any report submitted to the Division under this program. If the permittee fails to file a true, complete monthly report with the Division by the fifth day of any month, the Division, in its discretion, may contact the permittee by the most expeditious method available in order to secure a complete report.

(j) Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the suspension or revocation of the permittee's horseshoe crab harvesting privileges, according to the following procedures:

1. The Division shall notify the permittee in writing of the Division's intention to revoke the permittee's horseshoe crab harvesting privilege for the reasons stipulated in the notice, effective 20 business days after the date on the written notice (excluding the date on the notice) and of the Division's suspension of the permittee's horseshoe crab harvesting privileges in the interim, effective on a date stipulated in the notice but not sooner than 10 business days after the date of the notice (excluding the date on the notice).

2. The permittee may request a hearing to contest a proposed revocation of horseshoe crab harvesting privileges in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The request for an administrative hearing must be received in writing by the Department within 20 business days from the date on the Division's notice of suspension and intention to revoke, excluding the date on the notice. However, if a timely request for a hearing is not received by the Department, any allegation contained in the notice shall be deemed admitted by the permittee and horseshoe crab harvesting privileges shall be revoked as of the date stipulated in the notice, without any further action by the Division.

3. The Division Director may, in his or her sole discretion, stay the suspension of horseshoe crab harvesting privileges pending a hearing on the notice of proposed revocation of horseshoe crab harvesting privileges for any good cause set forth in a written petition from the permittee, including sworn statements from the permittee or other persons with knowledge relevant to the allegations on which the Division action is based. The petition and its supporting statements and documentation shall be made available to the court and all parties in advance of any hearing.

4. The Division shall reinstate horseshoe crab harvesting privileges suspended for late or incomplete reports, but no more than one time per permittee in any single permit year, if that permittee personally delivers any missing reports, completed,
along with a credible written explanation for the delay and/or omissions to the Division within 20 business days from the date on the notice of suspension.

5. Any permittee who has had his or her horseshoe crab harvesting privilege revoked shall be disqualified from exercising any privilege associated with a horseshoe crab harvesting permit for 24 months following the effective date of an uncontested notice of proposed revocation of privileges, or whichever of the following is applicable:

   i. The date of the Commissioner's Final Decision affirming revocation of horseshoe crab harvesting privileges, or

   ii. The filing date of the court order affirming the Commissioner's Final Decision revoking horseshoe crab harvesting privileges.

6. The Division shall issue a horseshoe crab permit to an applicant pending resolution of a contested Division proposal to revoke that applicant's horseshoe crab harvesting privilege, but that permittee shall not exercise or enjoy any horseshoe crab harvesting privilege pending resolution of a proposed revocation until, as appropriate, one of the following occurs:

   i. The Division Director lifts the suspension of that permittee's horseshoe crab harvesting privilege;

   ii. The Commissioner issues a Final Decision reinstating that permittee's horseshoe crab harvesting privilege; or

   iii. A court of competent jurisdiction orders reinstatement of that permittee's horseshoe crab harvesting privileges.

7:25-18.17 Request for adjudicatory hearing

Any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to a license and/or permit decision made by the Department under this subchapter may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., in accordance with the provisions set forth in N.J.A.C. 7:25-14.21, Request for adjudicatory hearing.

SUBCHAPTER 18A. Fisheries Closures and Advisories for Striped Bass, American Eel, Bluefish, White Perch and Catfish Taken from the Northeast Region of the State

7:25-18A.1 Authority
7:25-18A.2 Scope and construction

(a) The following shall constitute the rules governing the issuance by the Department, of fisheries closures and advisories concerning PCB contaminated fish taken from the waters of the Northeast Region of the State.

(b) These rules shall be liberally construed to permit the Department to effectuate the purpose of these rules.

7:25-18A.3 Definitions

"Advisory" means a Departmental warning to limit consumption of designated fish species taken from designated regions of the State's waters.

"Closure" or "closed" means prohibition of sales of designated fish species taken from designated regions of the State's waters.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Limited consumption" or "limit consumption" means that in order to reduce exposure to and bioaccumulation of PCBs, persons of high risk, including but not limited to pregnant women, nursing mothers, women of child-bearing age, and young children, should not eat any designated fish species taken from designated regions of the State's waters and all other persons should not consume more than one meal per week of any designated fish taken from designated regions of the State's waters.

"Northeast Region" means the region encompassing the New Jersey portion of Sandy Hook and Raritan Bay; the tidal portions of the Raritan River upstream to the Route 1 Bridge in New Brunswick; the Arthur Kill and Newark Bay; the Passaic River upstream to the Dundee Dam; the Hackensack River up to Oradel Dam; the Kill Van Kull and Upper New York Bay; and the Hudson River upstream to the New Jersey-New York State border, approximately four miles above Alpine, New Jersey.

"PCBs" means polychlorinated biphenyls

7:25-18A.4 Closure of fisheries
(a) The Commissioner finds, based upon specific investigations, that to protect the public health of the citizens of the State the following designated regions of the State's waters shall be closed and the sale prohibited of the following fish species:

1. Prohibition of the sale of Striped Bass (Morone saxatilis) taken from the Hudson River, Upper New York Bay, Newark Bay, Lower Passaic River, Lower Hackensack River, Arthur Kill and Kill Van Kull; and


(b) No person may expose for sale, offer for sale, or sell striped bass (Morone saxatilis) in this State.

7:25-18A.5 Public advisories concerning fisheries

(a) The Commissioner finds, based upon scientific investigation, that to protect the citizens of the State, the following advisories concerning the taking of designated fish species from designated regions of the State's waters shall be set forth below:

1. Advisory for the limited consumption of Striped Bass (Morone saxatilis) taken from the Northeast Region, including offshore State waters in the northern coastal area;

2. Advisory for the limited consumption of American Eel (Anguilla rostrata) taken from the entire State, especially the Northeast Region;

3. Advisory for the limited consumption of Bluefish (Pomatomus saltatrix) taken from the Northeast Region, including offshore State waters in the northern coastal area;

4. Advisory for the limited consumption of White Perch (Morone american) from the Northeast Region; and

5. Advisory for the limited consumption of White Catfish (Ictalurus catus) from the Northeast Region.

(b) The Department further advises that even said designated fish species to be consumed not more than one meal per week should be carefully prepared as set forth below:

1. Remove fat areas from designated fish species, for example, fish belly flaps or abdomens and dark meat portions; and
2. Bake or broil fish on an elevated rack, which allows PCB contaminated fat areas to drip free and away from the fish.

7:25-18A.6 Public notice of fisheries closures and advisories

(a) The Department shall utilize all reasonable and effective methods to publicize and educate the citizens of the State concerning all fishery closures and advisories pursuant to this subchapter, including but not limited to the following:

1. Schedule appropriate press conferences;

2. Prepare and distribute appropriate press releases on May 15 and August 15 of each year, and as otherwise deemed necessary;

3. Post informational notices and signs in appropriate locations;

4. Advertise public notices in State newspapers on May 15 and August 15 of each year, and as otherwise deemed necessary;

5. Distribute public informational notices according to appropriate Departmental mailing lists; and

6. Compliance with notification requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the regulations promulgated thereto

7:25-18A.7 Violations

Any person who violates any provision of this subchapter shall be liable to the full range of penalties set forth in Section 14 of the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-14.

SUBCHAPTER 19. Atlantic Coast Harvest Season

7:25-19.1 Scope

This subchapter shall constitute the rules governing the method and season for harvest of oysters from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River, and the Middle River on the Atlantic Coast.

7:25-19.2 Purpose

The purpose of these rules is to regulate the harvest of oysters from the beds enumerated at N.J.A.C. 7:25-19.1.
7:25-19.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 50:1-5.

7:25-19.4 Definitions

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

"Commissioner" means the Commissioner of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Seed oysters" means all oysters planted on the beds listed at N.J.A.C. 7:25-19.1.

7:25-19.5 Method and season of harvest

(a) No person shall catch or take oysters or clams by any means from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River and the Middle River except with hand tongs during the harvest season.

(b) The harvest season for these oyster beds shall be determined by the size of the seed oysters planted, the time of planting, and the growth and survival rate of the seed oysters.

(c) Based upon the data referred to in (b) above, the harvest season for these oyster beds shall be established by the Commissioner or his designee in the Division, pursuant to N.J.S.A. 50:1-5, with the advice of the Atlantic Coast Section of the Shell Fisheries Council, except that no harvesting shall be permitted between June 30 and September 1 of any year.

(d) Nothing contained herein shall prevent or prohibit the harvest of oysters by mechanical power from any of the leased oyster grounds within the boundaries of the beds enumerated in (a) above by the lessee or his substitute harvester.

(e) Nothing contained herein shall prevent or prohibit the appropriate State authorities from conducting oyster management programs during the closed harvest season.

SUBCHAPTER 20. (Reserved)

SUBCHAPTER 21. Terrapin Regulations
7:25-21.1 Designation of terrapin season

No person shall take, catch, possess, expose for sale or attempt to catch or take any Malaclemys palustris, commonly known as diamondbacked terrapin, except between November 1 and March 31.

7:25-21.2 Taking of terrapin

No person shall catch, take or attempt to catch or take any terrapin from any of the waters of this State by means of a trap, pot, fyke, seine, weir or net of any description.

7:25-21.3 Size requirement

No person shall take, catch, or possess any terrapin less than five inches long, measured lengthwise along the under shell, nor take or destroy the eggs of any terrapin.

SUBCHAPTER 22. Menhaden

7:25-22.1 Taking of Atlantic menhaden for fish meal reduction

The taking of Atlantic menhaden (Brevoortia tyrannus) from the marine waters of the State of New Jersey by any means for fish meal reduction is prohibited. This prohibition does not apply to the taking of menhaden for bait or the taking of menhaden in whole form and freezing them for consumption by humans.

7:25-22.2 Definitions

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

"Bait net" means a net including, but not limited to, a bait seine, cast net, dip net, lift or umbrella net, or killi-pot.

"Dealer" means a person who has been issued a Menhaden Dealer License to purchase or barter menhaden landed in the State and who is the first point of sale for the purchase or barter of menhaden.

"Division" means the Division of Fish and Wildlife.

"Fishing" means the taking of menhaden from State or Federal waters.

"Gill net vessel" means a vessel that is used in the deployment of a gill net.

"Land" means to enter port with fish, begin offloading fish, or to offload fish.
"Menhaden set vessel" means the smaller of two vessels, often employed in conjunction with a purse seine catch vessel, used as a replacement for the weight of a purse seine to assist in setting the net.

"Other authorized gear" means the gear types listed at N.J.S.A. 23:5-24.2, and includes haul seines, fyke nets, and wire pound nets, which are licensed for the taking of menhaden.

"Pound net vessel" means a vessel that is used in the deployment of a pound net.

"Purse seine" means purse seine or shirred net gear.

"Purse seine carry vessel" means a vessel that is used to carry and land or sell menhaden and which works with a purse seine catch vessel or menhaden set vessel.

"Purse seine catch vessel" means a vessel that is used in the deployment of a purse seine, which may work in conjunction with a purse seine carry vessel or menhaden set vessel.

"Trawl vessel" means a vessel that is used in the deployment of a trawl net.

7:25-22.3 Atlantic menhaden annual quota and season

(a) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the annual quota as determined by the Atlantic States Marine Fisheries Council, seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, incidental catch allowance, application of the incidental catch allowance to the annual quota, reporting requirements, trip limits, or gear marking requirements specified in this subchapter by notice in order to maintain consistency with any fishery management plan approved by the Atlantic States Marine Fisheries Council or to maintain consistency with fishery management plan approved by the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council, or the South Atlantic Fishery Management Council and adopted by the National Marine Fisheries Service to provide for the optimal utilization of any quotas specified in this section. The Commissioner will review the catch rate in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification in the New Jersey Register, on the Department's website, through email to every menhaden license holder, and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.
(b) The Atlantic menhaden annual quota shall be divided among the various gear types, with the purse seine fishery being allocated 95 percent of the quota, and pound nets, wire pound nets, gill nets, trawls, bait nets, and other authorized gear being allocated the remaining five percent, combined. If the quota for any gear type is exceeded, the overharvested amount shall be deducted from the following year's quota.

1. The season for fishing and landing menhaden in the State shall be:

   i. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by purse seine;

   ii. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by gill net;

   iii. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by pound net or wire pound net;

   iv. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by trawl;

   v. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by bait net; and

   vi. January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by other authorized gear not otherwise specified above.

2. The daily trip limits during the open season for menhaden in the State shall be:

   i. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by purse seine;

   ii. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by gill net;

   iii. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by pound net or wire pound net;

   iv. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by trawl;

   v. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by bait net; and
vi. The daily trip limit shall be unlimited for licensees taking menhaden, or landing menhaden taken, by other authorized gear not otherwise specified above.

(c) The Department shall close the menhaden season for each respective gear type, by giving not less than two days' notice of the projected date that the year's quota for that gear type will be landed.

(d) If the Commissioner, or his or her designee, has closed the season and if unanticipated events result in the quota not being landed by the projected date stated in the closure notice, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days' public notice.

(e) Public notice shall be provided by a posting on the Department's website and by email sent to all licensees under this subchapter. Each licensee shall, at the time of licensure, provide the Department with the licensee's email address to facilitate the provision of notice pursuant to this section.

(f) If the season for a particular gear type is closed because the quota amount allocated to that gear type has been harvested and landed, then:

1. The holder of a Menhaden Landing License for that gear type or the holder of a Menhaden Personal Use and Limited Sale License may continue to land an incidental catch as established by the Atlantic States Marine Fisheries Commission, or by the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council, or the South Atlantic Fishery Management Council, as adopted by the National Marine Fisheries Service;

2. The holder of a Menhaden Dealer License may continue to accept incidental catch from the holder of a Menhaden Landing License or the holder of a Menhaden Personal Use and Limited Sale License, as established by a fishery management plan for menhaden; and

3. The incidental catch allowance shall be applied to the annual menhaden catch quota as provided by a fishery management plan for menhaden.

7:25-22.4 Taking Atlantic menhaden utilizing a purse seine

(a) Persons licensed to fish for, or in any way participate in the fishery for, Atlantic menhaden with a purse seine in the marine waters of New Jersey must be in possession of a Menhaden Purse Seine Fishing Vessel License or a Menhaden Purse Seine Fishing Vessel Operator's License for the purpose of taking Atlantic menhaden for bait or in whole frozen form for consumption by humans only.
1. A Menhaden Purse Seine Fishing Vessel License may only be issued to an owner and a vessel that have a valid Menhaden Purse Seine Fishing Vessel License from the previous year.

2. A menhaden set vessel that participates only in the setting of a purse seine in conjunction with a purse seine catch vessel is exempt from licensure.

3. A licensee shall not use, have on board the licensed vessel, or work in conjunction with any other vessel that uses any type of fishing gear other than purse seine.

4. A license issued pursuant to (b) and (c) below shall remain on board the licensed vessel at all times.

5. A license is good for one calendar year and the licensee must reapply every year for a license. Failure to renew a Menhaden Purse Seine Fishing Vessel License shall result in forfeiture of the license.

(b) Menhaden Purse Seine Fishing Vessel Licenses shall be issued only to vessels and owners who have a valid Menhaden Purse Seine Fishing Vessel License.

1. The following types of vessels and owners that intend to take menhaden must obtain a Menhaden Purse Seine Fishing Vessel License:
   
   i. A purse seine catch vessel that takes menhaden from State waters on an individual trip basis; and
   
   ii. Any purse seine carry vessel that works in conjunction with the purse seine catch vessel except for a menhaden set vessel.

2. To obtain a license, an applicant must:
   
   i. Complete the application form each year and submit it by December 31 in the year the license to be replaced is valid;
   
   ii. Provide an email address to receive notifications from the Department;
   
   iii. Submit the correct fee, based upon the gross tonnage of a vessel using Custom House measurements, as follows:

   (1) For a New Jersey resident, excluding a New Jersey resident who leases a vessel from out-of-State:

   (A) $ 125.00 for each vessel not less than 30 nor more than 100 tons in gross tonnage;
(B) $250.00 for each vessel not less than 100 nor more than 150 tons in gross tonnage;

(C) $400.00 for each vessel not less than 150 nor more than 175 tons in gross tonnage;

(D) $550.00 for each vessel not less than 175 nor more than 200 tons in gross tonnage;

(E) $900.00 for each vessel more than 200 tons in gross tonnage; and

(F) $20.00 for each vessel up to 300 tons in gross tonnage, which is used to take menhaden for bait purposes only;

(2) For a non-resident, including a New Jersey resident who leases a vessel from out-of-State:

(A) $450.00 for each vessel not less than 30 nor more than 100 tons in gross tonnage;

(B) $700.00 for each vessel not less than 100 nor more than 150 tons in gross tonnage;

(C) $1,000 for each vessel not less than 150 nor more than 175 tons in gross tonnage;

(D) $1,150 for each vessel not less than 175 nor more than 200 tons in gross tonnage; and

(E) $1,500 for each vessel more than 200 tons in gross tonnage; and

iv. Submit the name of the vessel and the name of the vessel's owner. If the vessel owner is not the operator, then the vessel owner shall apply for a Menhaden Purse Seine Fishing Vessel License and the vessel operator shall apply for a Menhaden Purse Seine Fishing Vessel Operator's License pursuant to (c) below.

3. A license shall be issued in the name of the owner and the vessel.

4. When a holder of a Menhaden Purse Seine Fishing Vessel License wishes to increase or decrease the vessel's length or the engine's horsepower or, if a carry vessel, the vessel's hold capacity, whether at the time of license application, when
transferring the license pursuant to N.J.A.C. 7:25-22.6, or any time, the licensee must submit:

i. Documentation attesting to the overall length and horsepower of the vessel; and

ii. If the vessel is a purse seine carry vessel, submit a certification of the hold capacity as determined by one of the following:

   (1) An individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors;

   (2) An individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors;

   (3) Employees or agents of a classification society approved by the United States Coast Guard;

   (4) A professionally licensed and/or registered Marine Engineer; or

   (5) A Naval Architect with a professional engineer license.

(c) Menhaden Purse Seine Fishing Vessel Operator's Licenses shall be issued as follows:

1. Only a vessel operator who is not the owner may apply for a Menhaden Purse Seine Fishing Vessel Operator's License;

2. To obtain a license, an applicant must:

   i. Complete the application form each year and submit it by December 31;

   ii. Provide an email address to receive notifications from the Department; and

   iii. Submit a fee of $50.00 if the applicant is a New Jersey resident, or a fee of $75.00 if the applicant is a non-resident; and

3. A license shall be issued in the name of the vessel operator only.

(d) Persons licensed to fish for Atlantic menhaden with a purse seine in the marine waters of New Jersey, shall be subject to the following:
1. Fishing, for the purpose of this section, shall be defined as having a purse seine in the marine waters of this State within three nautical miles of the State coastline.

2. Fishing shall be restricted to not closer than 0.6 nautical miles of any point along the shore, jetties, or fishing piers in the Atlantic Ocean, in the portion of the Delaware Bay south and east of LORAN C line 42850, and in Raritan Bay and Sandy Hook Bay. It will be incumbent upon the captain of a purse seine vessel to determine the possibility of drifting inside the limit while fishing, before setting his or her net. The drifting of a purse seine into the restricted area along the shore or around the jetty or pier while fishing shall be considered a violation of this subchapter.

3. The maximum length overall of any vessel fishing under the provisions of this section shall be 90 feet as reported on the vessel's Coast Guard documentation. A licensee may increase a carry vessel's hold capacity up to 10 percent, and increase any purse seine vessel's horsepower by up to 20 percent and/or increase the overall length up to 10 percent, as long as the overall length of the vessel is 90 feet or less. The increased capacity, horsepower, or length may be achieved by upgrading the vessel or replacing the vessel with a new vessel. The increases may be made one time during the life of the vessel or a licensee may incrementally increase a vessel's capacity, horsepower, and/or length over the life of the vessel, as long as the overall increases do not exceed 10 percent for the hold capacity, 20 percent for the horse power, and 10 percent for the length, as long as the vessel is 90 feet or less at all times.

4. Purse seine shall not exceed 150 fathoms in length.

5. A person shall not fish for, or land, menhaden on Saturdays and Sundays. A person shall not fish on the days on which a public holiday is officially observed by the State of New Jersey.

6. Fishing shall be conducted only during the hours between sunrise and sunset.

7. Removal of fish from the purse seine shall be by brailing or dip net only. No fish pump shall be on board any vessel operating under a license for the purpose of taking Atlantic menhaden, unless the pump is completely covered and securely fastened with a brightly colored tarp, and the pump intake or hose is disconnected from the pump and is securely stowed away from the pump, so that it is not readily available for use when the vessel is fishing in State waters.

8. The possession of more than 500 pounds of any fish other than Atlantic menhaden, as defined at N.J.S.A. 23:2B-3e, on a purse seine licensed vessel harvesting Atlantic menhaden is prohibited.
i. The simultaneous possession of Atlantic menhaden and more than 500 pounds of any other fish, as defined at N.J.S.A. 23:2B-3e, and a purse seine, aboard a licensed vessel or any vessel conducting menhaden fishing operations, shall constitute prima facie evidence of the violation of this subchapter.

9. No refuse, litter, or garbage of any kind shall be thrown overboard or released from the vessel or its net(s). Dead fish shall not be thrown overboard or otherwise released from the vessel or its net(s), except for an incidental amount of dead fish that results during the course of fishing operations. The licensee shall immediately notify the Division's Marine Enforcement Unit at (609) 748-2050 of a release of dead fish.

10. The licensee is responsible for cleaning up any fish, fish-part, refuse, litter, or garbage of any kind that is released during any fishing operation or as a result of a fishing operation and must initiate such cleanup no later than 24 hours after the release begins. If the licensee fails to initiate such cleanup within the 24-hour period, the Department may conduct or arrange for the performance of the cleanup. In addition to any other penalties and remedies provided by law, the licensee shall be liable for all costs associated with such cleanup, including any administrative costs incurred by the Department. Such cleanup shall include, but not be limited to, the marine and estuarine waters of the State and adjacent beaches, shorelines, and marshes.

11. No stakes, markers, or buoys designating channels, crab pots, lobster pots, fish pots, or traps, or staked leased shellfish grounds, shall be disturbed by the act of fishing.

12. Any vessel operating under a license for the purpose of taking Atlantic menhaden shall be required to notify the Department of the intent to fish for menhaden and the intended fishing location of the vessel. The notification shall be made by calling the Division's Marine Enforcement Unit at (609) 748-2050, or if made available by the Department, by electronic means, prior to fishing in State waters and prior to change of location.

13. No vessel or person shall fish or utilize any other gear type in the same day it has called in and declared that it is fishing for menhaden.

7:25-22.5 Menhaden Landing and Personal Use and Limited Sale licenses

(a) No person shall land for the purposes of sale or barter, or otherwise sell or barter, more than 100 pounds of menhaden at any time in the State, unless the person is in possession of a Menhaden Landing License that authorizes the person to participate in the directed bait and whole frozen human food fishery for menhaden.
(b) Any person who intends to take menhaden from State waters for personal use as bait using a gill net, with the option to sell or barter 500 pounds or less in excess of the amount needed by the person for bait per day, shall obtain a Menhaden Personal Use and Limited Sale License pursuant to (l) below.

(c) Nothing in this section shall prohibit a person who does not possess a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License from landing 100 pounds or less of menhaden for sale or barter, at any time, and on any trip or day.

(d) A person with a valid Menhaden Landing License who intends to land for the purposes of sale or barter, or otherwise sell or barter, more than 100 pounds of menhaden at any time shall obtain a Menhaden Landing License as follows:

   1. The licensee must:

      i. Complete the application form each year and submit it by December 31;

      ii. Provide an email address to receive notifications from the Department; and

      iii. Submit the correct fee as follows:

         (1) The fee for a New Jersey resident using a purse seine is $150.00;

         (2) The fee for a New Jersey resident using a gear type other than a purse seine is $50.00;

         (3) The fee for a non-resident using a purse seine is $750.00 or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater; or

         (4) The fee for a non-resident using a gear type other than a purse seine is $250.00 or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater.

(e) The following types of vessels, and their owners or operators, must obtain a Menhaden Landing License prior to landing any menhaden:

   1. A gill net vessel that is used, or is intended to be used, to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;
2. A pound net vessel that is used, or is intended to be used, to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;

3. A trawl vessel that is used, or is intended to be used, to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;

4. A vessel that is used, or is intended to be used, to land, on an individual trip basis, and for the purposes of sale or barter, more than 100 pounds of menhaden taken by bait net or other authorized gear;

5. A purse seine carry vessel that is used, or is intended to be used, to land, on an individual trip basis, and for the purposes of sale or barter, more than 100 pounds of menhaden taken from State or Federal waters; and

6. A purse seine catch vessel that functions as a purse seine carry vessel and that is used, or is intended to be used, to land, on an individual trip basis, and for the purposes of sale or barter, more than 100 pounds of menhaden taken from State or Federal waters.

(f) A purse seine catch vessel that does not function as a purse seine carry vessel is exempt from licensure as a Menhaden Landing vessel. However, the owner or operator of a purse seine carry vessel that works in conjunction with a purse seine catch vessel shall identify the purse seine catch vessel on the landing report.

(g) No purse seine carry vessel or purse seine catch vessel functioning as a purse seine carry vessel shall hold a Menhaden Landing License to land menhaden taken from State waters, unless the vessel is 90 feet or less in overall length. Nothing in (a) above shall prohibit the licensure of a purse seine carry vessel or purse seine catch vessel that is greater than 90 feet in overall length, as long as the vessel lands menhaden taken only from Federal waters.

(h) A Menhaden Landing License shall be issued:

1. In the name of the vessel and the vessel's owner or operator. If a purse seine carry vessel or a purse seine catch vessel functioning as a purse seine carry vessel is operated by a person who is not the owner of the vessel, the vessel operator shall be licensed separately and apart from the vessel owner; or

2. For bait net licensees, if no vessel will be used in the landing or sale of menhaden, in the name of the person applying for the license.

(i) Any Menhaden Landing License issued pursuant to this section shall specify the types of gear that may be used by the licensee in the taking of menhaden to be landed thereby.
(j) The holder of a Menhaden Landing License shall not use, have on board the licensed vessel, or work in conjunction with any other vessel that uses any type of fishing gear other than the type of gear specifically identified in the license.

(k) A Menhaden Landing License shall remain on board the licensed vessel, or, if no vessel is used, in the possession of the licensee at all times.

(l) A person with a valid Menhaden Personal Use and Limited Sale License who intends to use a gill net to take menhaden from State waters for personal use as bait, with the option to sell or barter 500 pounds or less in excess of the amount needed by the person for bait per day, shall obtain a Menhaden Personal Use and Limited Sale License and comply with the following:

1. The applicant shall hold a valid gill net license and a pot fishery license;

2. The applicant must:
   i. Complete the application form each year and submit it by December 31;
   ii. Provide an email address to receive notifications from the Department; and
   iii. Submit the correct fee, as follows:

   (1) The fee for a New Jersey resident using a purse seine is $150.00;

   (2) The fee for a New Jersey resident using a gear type other than a purse seine is $50.00;

   (3) The fee for a non-resident using a purse seine is $750.00 or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater; or

   (4) The fee for a non-resident using a gear type other than a purse seine is $250.00 or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater;

3. A person who is issued a Menhaden Personal Use and Limited Sales License may only take menhaden with a gill net. The use of any other gear type is prohibited; and
4. Except for the excess 500 pounds or less that may be sold or bartered, the licensee shall only make personal use of menhaden as bait for the licensee's commercial fishing pots and shall not use menhaden for any other purpose.

(m) A Menhaden Landing License and Menhaden Personal Use and Limited Sale License issued pursuant to this section shall be valid only for the calendar year for which it is issued and shall be renewed on an annual basis. The failure of a licensee to annually renew a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License by December 31 in the year the license is valid shall result in forfeiture of the right to obtain such a license in future years, except as provided at (n) below.

(n) A licensee who is eligible for renewal of the licensee's Menhaden Landing License or Menhaden Personal Use and Limited Sale License may request an extension of time to renew the license.

1. A licensee seeking a license renewal extension shall complete and submit the application to the Department at:
   Division of Fish and Wildlife
   PO Box 420
   Trenton, NJ 08625

2. The application shall:
   i. Include the name of the licensee and licensed vessel, if any;
   ii. Include the licensee's Menhaden Landing License or Menhaden Personal Use and Limited Sale License number;
   iii. Include a detailed explanation as to why the extension is needed, including a statement specifying the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the licensee if the license is not renewed;
   iv. Include any other appropriate documentation as may be necessary to support the application; and
   v. Be submitted by no later than December 31 in the year the license would be valid if purchased by December 31.

3. An application for license renewal extension shall be approved if the Department determines that:
   i. By reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the renewal requirements;
ii. Strict compliance with the renewal requirements provided by law would result in exceptional and undue hardship to the licensee;

iii. The circumstances supporting the conclusions made at (n)3i and ii above were not created by the licensee or persons under the licensee's control; and

iv. Approval of the extension will not unreasonably interfere with the orderly administration of the directed bait or whole frozen human food fishery for menhaden.

4. Within 30 days after receipt of a completed application for an extension of a license renewal, the Department shall approve or deny the application, and shall provide written notice of this determination to the licensee. A licensee whose application for extension is denied may appeal the decision by submitting an adjudicatory hearing request to the Department at the address listed below, with a copy to the Division of Fish and Wildlife at the address at (n)1 above:
   Office of Legal Affairs
   New Jersey Department of Environmental Protection
   Mail Code 401-04L
   PO Box 402
   Trenton, New Jersey 08625-0402
   Attention: Adjudicatory Hearing Requests

(o) The holder of a Menhaden Landing License or Menhaden Personal Use and Limited Sale License shall complete and submit, on or before the 10th day of the month, the monthly report electronically or on a form to the Department at:
   Nacote Creek Marine Fisheries Office
   PO Box 418
   Port Republic, NJ 08241
   The licensee shall attest to the validity of the information contained in the monthly report. If no landing, sale, or barter of menhaden occurred during the month, the licensee shall submit a report to that effect to the Division.

(p) The monthly report shall include, at a minimum, the following information, which shall be reported on an individual trip basis:

1. The name of the licensee and licensed vessel, if any;

2. The licensee's Menhaden Landing License or Menhaden Personal Use and Limited Sale License number;

3. The name of the purse seine catch vessel, if any, which was used in conjunction with the licensed vessel;
4. The total amount, in pounds, of menhaden landed by the licensee or licensed vessel;

5. The total amount, in pounds, of menhaden discarded by the licensee or licensed vessel;

6. The location of harvest;

7. The type of gear used for harvest;

8. The ports used for the landing of menhaden;

9. The date on which, and the dealer to whom, any landed menhaden was sold or bartered by the licensee; and

10. Any other information required by the Division.

(q) Any licensee who fails to submit a monthly report on or before the 10th day of the month following the month of record shall be subject to a fine of $50.00 for a first offense, $100.00 for a second offense, and $200.00 for any subsequent offense.

(r) No refuse, litter, or garbage of any kind shall be thrown overboard or released from the vessel or its net(s). Dead fish shall not be thrown overboard or otherwise released from the vessel or its net(s), except incidental amounts of dead fish released during fishing operations. The licensee shall immediately notify the Division's Marine Enforcement Unit at (609) 748-2050 of a release.

1. Menhaden Landing licensees are responsible for cleaning up any fish, fish-part, refuse, litter, or garbage of any kind that is released during any fishing operation or as a result of a fishing operation and must initiate such cleanup no later than 24 hours after the release begins.

2. If the licensee fails to initiate such cleanup within the 24-hour period, the Department may conduct or arrange for the performance of the cleanup. In addition to any other penalties and remedies provided by law, the licensee shall be liable for all costs associated with such cleanup, including any administrative costs incurred by the Department. Such cleanup shall include, but not be limited to, the marine and estuarine waters of the State and adjacent beaches, shorelines, and marshes.

7:25-22.6 Transferability of certain licenses
(a) Upon application to and approval by the Division, the holder of a Menhaden Purse Seine Fishing Vessel License, a Menhaden Landing License, or a Menhaden Personal Use and Limited Sale License may transfer the license as follows:

1. To a replacement vessel when the vessel named in the license is replaced by the licensee;

2. To a new owner of the vessel named in the license when the vessel is sold or otherwise transferred to another person; or

3. If the Menhaden Landing licensee uses a bait net and has no vessel, to any person.

(b) The following limitations shall apply to a license transfer:

1. A license shall only be transferrable to a replacement vessel that employs the same type of fishing gear identified in the original license;

2. A license that is applicable to a purse seine catch vessel, including the Menhaden Landing License designated as a purse seine-catch, shall only be transferrable to a replacement purse seine catch vessel, and a license that is applicable to a purse seine carry vessel shall only be transferrable to a replacement purse seine carry vessel;

3. A license that is applicable to a purse seine catch vessel or a purse seine carry vessel shall be transferrable to a replacement vessel only if the replacement vessel is not more than 10 percent larger in overall length and has an engine no more than 20 percent more powerful in terms of horsepower, than the originally licensed vessel.

4. A license that is applicable to a purse seine carry vessel shall be transferrable to a replacement carry vessel only if the replacement carry vessel has a hold capacity no more than 10 percent larger than the originally licensed carry vessel.

   i. Hold capacity for both the current carry vessel and the new carry vessel shall be determined by one of the persons or entities listed at N.J.A.C. 7:25-22.4(b)2vi. Proof of the hold capacity shall be in the form of a certification and shall be submitted to the Division at the time of application for a license transfer.

(c) A person who transfers a Menhaden Landing License or Menhaden Personal Use and Limited Sale License shall no longer be eligible to obtain a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License based upon the landing history of the vessel being sold.
(d) An applicant for a license transfer shall complete and submit the application to the Department at the address provided at N.J.A.C. 7:25-22.5(o), and no license shall be transferred without the prior approval of the Department.

(e) A license shall not be eligible for transfer if:

1. The license is pending suspension or has been suspended; or
2. The licensee is subject to court action for a violation.

7:25-22.7 Vessel boarding

The operator of, or any other person on board, a fishing vessel subject to this subchapter, shall immediately comply with the instructions and signals issued by any law enforcement officer and facilitate a safe boarding and inspection of the vessel, its gear, equipment, catch, and any area where fish may be stored.

7:25-22.8 Menhaden Dealer License

(a) No person shall purchase or barter for menhaden landed in the State, as the first point of sale, unless the person is in possession of a Menhaden Dealer License. No menhaden landed in the State shall be sold or traded to any person who is not licensed under this section.

(b) Any person who intends to purchase or barter for menhaden landed in the State shall complete and submit an application for a Menhaden Dealer License to the Division. A Menhaden Dealer License issued pursuant to this section shall be valid only for the calendar year for which it is issued and shall be renewed on an annual basis.

1. An applicant shall:
   i. Complete the application form each year and submit it by December 31;
   ii. Provide an email address to receive notifications from the Department; and
   iii. Submit the correct fee, as follows:

      (1) The fee for a New Jersey resident is $ 100.00; or

      (2) The fee for a non-resident is $ 500.00 or an amount equal to the non-resident fee charged to a non-resident in the non-resident's state, whichever is greater.
(c) A person shall not act as a first point of sale for menhaden prior to the menhaden being landed. A person shall not act as the first point of sale for menhaden landed in the State unless the person is in possession of a Menhaden Landing or Menhaden Personal Use and Limited Sale License, and a Menhaden Dealer License. Any person in possession of a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License and not selling landed menhaden to a licensed Menhaden dealer shall also possess a Menhaden Dealer License and shall report any sales on a weekly basis.

(d) The holder of a Menhaden Dealer License, issued pursuant to this section, shall not accept 100 pounds or more of menhaden per day from any person, unless that person is in possession of a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License.

(e) The holder of a Menhaden Dealer License shall complete and submit the weekly report form either electronically or on a form provided by the Division to the Division at the address provided at N.J.A.C. 7:25-22.5(o). The licensee shall attest to the validity of the information contained in the weekly report. If no purchase or trade of menhaden occurred during the week, the licensee shall submit a report to that effect to the Department. For the purposes of this section, a week shall begin on Sunday and end on Saturday.

(f) The weekly report shall include, at a minimum, the following information:

1. The name of the licensee;
2. The licensee's Menhaden Dealer License number;
3. The Menhaden Landing License number of each person selling or trading menhaden to the dealer during the preceding week;
4. The total amount, in pounds, of menhaden purchased or traded during the preceding week;
5. The location of harvest for menhaden purchased or traded during the preceding week;
6. The type of gear used for the harvest of menhaden purchased or traded during the preceding week;
7. The date of purchase or trade; and
8. Any other information required by the Department.

(g) If a licensed menhaden dealer fails to submit a weekly report either on or before noon on the Tuesday following the week of record, the licensee shall be subject to a fine of $
7:25-22.9 Penalties

(a) A person who violates any provision of this section shall be subject to the penalties provided at N.J.S.A. 23:2B-14.

(b) In addition to the penalties at N.J.S.A. 23:3-14, if a licensee falsifies or misrepresents any information contained in a report submitted to the Division, fails to report a release, fails to initiate a clean-up of a release, or fishes in, or allows a purse seine to drift into, any restricted fishing area, the licensee shall be subject to the following periods of license suspension:

1. A 30-day suspension of the license for a first offense;
2. A 60-day suspension of the license for a second offense; and
3. A 180-day suspension of the license for a third or subsequent offense.

(c) In calculating the period of suspension applicable pursuant to (b) above, the number of previous suspensions imposed shall be reduced by one for each three-year period in which the license holder does not commit any other violation subject to the suspension schedule at (b) above. If more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subsection. Therefore, a license holder who incurs more than one suspension within a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without a violation.

(d) The forgiveness of prior offenses provided for by this section shall apply only to those determinations that pertain to the calculation of applicable license suspension periods. All prior offenses shall be taken into account in the calculation of any monetary penalties.

(e) A license suspension imposed pursuant to this section shall be applicable to both the licensee and the licensed vessel, if any.

SUBCHAPTER 23. Permit to Kill Wild Deer

7:25-23.1 Scope

This subchapter shall constitute the rules governing the killing of deer, reasonably believed to be causing damage to crops on lands under cultivation, which, absent these
rules, would be proscribed by the State Game Code, N.J.A.C. 7:25-5. Provisions for this exception to the State Game Code appears therein at N.J.A.C. 7:25-5.31.

7:25-23.2 Purpose

These rules provide the owner or lessee of cultivated lands a permit to kill wild deer reasonably believed to be causing damage to seeded cultivated grasses or planted crops.

7:25-23.3 Construction

These rules shall be liberally construed to permit the Department and the division to effectuate the purpose of N.J.S.A. 23:4-42.

7:25-23.4 Definitions

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

"Agent" means the person designated on the permit as an authorized agent of the permittee and whose signature is affixed to the permit.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Lands under cultivation" means pasture fields seeded with cultivated grass or land on which planted crops are growing.

"Permit" means the Permit to Kill Wild Deer.

"Permittee" means the owner or lessee or any member of the immediate family thereof of lands under cultivation to whom a permit is issued by the Division.

"State Game Code" means the regulations providing for the management of game birds, game animals and fur-bearing animals promulgated by the Fish and Game Council pursuant to N.J.S.A. 13:1B-30 and appearing at N.J.A.C. 7:25-5.

7:25-23.5 Permit required; authorized permittee; agents

(a) No person shall hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound a deer of any description prohibited by the provisions of the State Game Code N.J.A.C. 7:25-5 or hunt for, pursue, shoot at, take, kill, wound, or attempt to take, kill, or wound any wild deer at any time except during the period permitted by the State Game Code, or kill in any one year more than the number of deer permitted by the State Game
(a) No person shall be issued the permit unless he or she is the owner or lessee of any land, at least five acres of which constitutes lands under cultivation.

(c) A permit for anticipated damage may be issued upon demonstration to the satisfaction of the Division of documented history of damage.

(d) Except as provided at (c) above, a person shall not be issued the permit unless and until he makes a reasonable showing to the Division, confirmed by a field investigation performed by Division personnel, of substantial deer-caused damage to seeded, cultivated grasses or planted crops. Under exigent circumstances, the permit may be issued for one day only without prior confirmation of necessity by field investigation; provided that within seven days thereafter a field investigation shall be performed by Division personnel. Should the Division then determine that conditions failed to warrant the issuance of the permit, no permit shall subsequently be issued to the same person without a prior field investigation confirming the necessity therefor.

(e) Any permittee or agent shall be in possession of the permit or a copy of the permit at all times when attempting to shoot deer.

(f) A permittee convicted of any two violations of any laws or regulations pertaining to hunting of this or any other state during a five-year period shall not be allowed to shoot deer pursuant to a permit for a period of two years from the date of such second conviction or of three years from the date of the latter of a third or subsequent conviction. A person convicted of any two violations of any law or regulation pertaining to fish, game and wildlife of this State or any other state during a five-year period shall not be allowed to be an agent for a period of two years from the date of such second conviction or three years from the date of the latter of a third or subsequent conviction.

1. A permittee killing deer under the permit on lands on which he does not reside must possess a New Jersey firearm purchaser identification card.

2. An agent killing deer on any land under the permit must possess a valid and proper New Jersey firearm hunting license and New Jersey firearm purchaser identification card.

7:25-23.6 Permit conditions

(a) The permittee and the agent shall adhere to the following conditions:

1. Conform with all Federal, State, and local statutes, rules, codes, and ordinances pertaining to the discharge of firearms;
2. Use only 10, 12, 16, or 20 gauge shotguns loaded with rifled slugs or 10 or 12 gauge buckshot to kill wild deer;

3. Firearms shall not be discharged from any vehicle;

4. Hunt or kill deer pursuant to the permit only on those lands of the permittee specified on the permit and only during those hours specified on the permit;

5. Display the permit to any person requesting visual inspection thereof and provide any Division representative access to the land under permit at any reasonable time;

6. Keep a daily record of hunting activity and deer mortality during the permit period and submit it to the Division upon request; failure to comply may be cause for revocation of the permit;

7. Deer killed pursuant to the permit shall not be sold or bartered by the permittee or the agent; however, the Division may authorize the permittee to keep for consumption one deer shot under permit annually for each separate, non-contiguous parcel of land under permit;

8. Deer killed pursuant to the permit may be donated by the permittee only as authorized by the division;

9. Dead deer disposal shall be the responsibility of the permittee and shall be effected in compliance with State and local statutes, rules, codes, and ordinances;

10. Dead deer shall be transported for disposal only as authorized by the division;

11. The permit shall expire as specified on the permit;

12. Within two weeks of the expiration of the permit, the permittee shall file with the division a written report giving the date and sex of every deer killed under the permit;

13. Failure to comply with any of the provisions of this subchapter or requirements of a permit may be cause for denial of subsequent permits; and

14. Persons other than the permittee or agent are prohibited from assisting in any way in the shooting activities including, but not limited to, the driving of deer or the driving of a vehicle.

7:25-23.7 Liability
The permittee shall assume all liability for any damage or injury caused while attempting to kill wild deer under the permit and shall keep, save, and hold the Division, the Department and the State of New Jersey harmless from loss from all claims, loss, liability, expense or damage in connection with the issuance of, and activities taken pursuant to, the permit.

7:25-23.8 Penalties

Pursuant to N.J.S.A. 23:4-48, any person violating any provision of this subchapter shall be liable to a penalty of not less than $ 100.00 nor more than $ 500.00 for the first offense and not less than $ 300.00 nor more than $ 1,000 for the second and each subsequent offense.

SUBCHAPTER 24. Leasing of Atlantic Coast Bottom for Aquaculture

7:25-24.1 Scope and Authority

This subchapter constitutes the rules of the Department of Environmental Protection governing the leasing of bottom on New Jersey's Atlantic Coast for the culturing of shellfish as authorized by N.J.S.A. 50:1-18 and 50:1-23 through 50:1-31. The objective of the leasing program is to provide bottom for use in the planting and cultivating of shellfish, including aquaculture (growout of hatchery reared seed) and layout (wet storage). If bottom will be used for cleansing (relay) activities, its use is subject to the requirements of N.J.A.C. 7:12-9.7 and 7:25-15.1 instead of this subchapter.

7:25-24.2 Construction

This subchapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1-5 et seq.

7:25-24.3 Severability

If any section, subsection, provision, clause, or portion of this subchapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subsection, provision, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this subchapter or the application thereof to other persons.

7:25-24.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:
"Bottom" means lands of the State under the tidal waters of the State except in the tidal waters of the Delaware River, Delaware Bay and their tributaries.

"Bureau" means the Bureau of Shellfisheries in the Division of Fish and Wildlife.

"Commercial Shellfish License" means the commercial clam license required and available as specified in N.J.S.A. 50:2-1 to 50:2-5 and N.J.A.C. 7:25-8.1; or the oyster dredge boat license available as specified in N.J.S.A. 50:3-1 and N.J.A.C. 7:25A; or the oyster shucker, planter or dealer license available as specified in N.J.S.A. 50:3-20.11.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his or her designee.

"Council" means the Atlantic Coast Section of the New Jersey Shell Fisheries Council.

"Department" means the Department of Environmental Protection.

"Lessee" means that person or persons holding a lease of bottom to be exclusively used and enjoyed by the lessee for the planting and cultivating of shellfish, approved by a majority of the Council and approved and signed by the Commissioner.

"New ground" means bottom not leased as of September 18, 1989, and any leased bottom not subject to a valid lease after September 18, 1989.

"Overstaking" means the placement of stakes or buoys so as to delineate an area greater than that described in the lease.

"Productive" means a determination by the Bureau that the bottom surveyed exhibits significant natural recruitment of one or more shellfish species, as evidenced by one or more of the following factors: shellfish density, shellfish year class strength, presence of juvenile shellfish, size distribution of shellfish population, environmental parameters (such as salinity), and historical production record.

"Public bottom" means bottom not subject to a valid lease on which shellfish may be harvested by members of the public subject to the provisions of this subchapter and any other applicable statutes and regulations.

"Shellfish" means hard clams (Mercenaria mercenaria), soft clams (Mya arenaria), sea clams (surf clams) (Mactra solidissima, also known as Spisula solidissima) and oysters (Crassostrea virginica).

"Shellfish Certificate" means any of the classifications of licenses or certificates issued by the New Jersey Department of Health pursuant to N.J.A.C. 8:13.
"Staking" means the placement of stakes or buoys to mark the boundaries of a leased area.

7:25-24.5 Lease applications for new ground

(a) Lease applications for new ground shall be submitted in person, on forms provided by the Department, to:
Nacote Creek Shellfish Office
P.O. Box 418, Route 9
Port Republic, New Jersey 08241-0418
(609) 441-3284

(b) An application for a shellfish lease for new ground may be submitted by any person who must meet the statutory requirements for leasing specified at N.J.S.A. 50:1-23 through 50:1-31, who, in the five years prior to making application, has not been convicted of violation of N.J.S.A 50:4-3 or N.J.S.A. 58:24-3 or of any administrative rule promulgated pursuant to those statutory provisions, and who also satisfies the following requirements:

1. Holds a valid New Jersey Commercial Shellfish License; or
2. Holds a valid New Jersey Shellfish Certificate.

(c) The biological survey fee for a lease of new ground is $15.00 per application, payable upon application.

(d) Except pursuant to (e) below, no single lease application for new ground shall cover more than two acres.

(e) An application for a single lease of new ground of more than two acres will be accepted only for those lots located within the interior of a block of leased lots, containing more than two acres but less than three acres, which have already been mapped by the Department as of September 18, 1989.

(f) An individual may have only a single lease application for new ground pending at any time. Once an individual's application is denied by the Council or granted by the Council and approved by the Commissioner, that individual may submit an additional lease application for new ground.

(g) Applications for leases of new ground in areas classified as Prohibited, Special Restricted, or Seasonal Special Restricted, as defined in N.J.A.C. 7:12, will not be accepted.
Applications for leases of new ground in areas classified as Approved or Seasonal, as defined in N.J.A.C. 7:12, will be accepted subject to the provisions of this subchapter and N.J.S.A. 50:1-23.

7:25-24.6 Considerations of lease applications for new ground

(a) Once the Department has received a fully completed lease application and biological survey fee, submitted by a person satisfying the requirements at N.J.A.C. 7:25-24.5(b), (d), (f) and (g), the Department shall consider the area of new ground applied for closed to use by the public and the applicant until the Council decides to deny the lease or until the applicant receives the executed lease from the Department.

(b) Once an applicant satisfying the requirements at N.J.A.C. 7:25-24.5(b), (d), (f), and (g) has submitted a fully completed lease application and biological survey fee to the Department, the applicant shall delineate the approximate boundary of the proposed lease area with temporary corner stakes or buoys marked with the applicant's last name, to enable the Bureau to conduct the biological survey specified in (c) below.

(c) Except as specified in (c)1 and 2 below, before the Council grants any lease application for new ground, the Bureau will conduct a biological survey to determine the shellfish productivity of the proposed lease area. If the applicant fails to place temporary stakes on the proposed lease area within six months of submitting the lease application, the Council shall automatically deny the application.

1. Any application to lease new ground in the area west of the exterior line delineated by lot numbers 2239, 2240, 2224, 2236.1, 2262.1, 2262, 2261, 2267, 2271, 2269, 2252, 2251, 2254, 2213.1, 2213, and 2282, on the Bureau's Section B, Chart 24.2, available for public inspection at the Nacote Creek Shellfish Office, in the region known as Dry Bay/Hammock Cove shall be exempt from the requirement of a biological survey and from payment of the biological survey fee.

2. Any application to lease new ground in the following areas will be exempt from the requirement of a biological survey and from payment of the biological survey fee, provided, however, that after September 18, 1989 applications for new ground in the following areas will only be accepted from applicants who possess no other leases:

   i. Big Creek (Great Bay) lot numbers: 398, 399, 400.1, 401.1, 402.1, 403.1, 404.1, 405.1, 406, 407.1, 408.1, 409.1, 410, 411.1, 412.1, on the Bureau's Section B, Chart 10, available for inspection at the Nacote Creek Shellfish Office; and

   ii. Mordecai Island (Little Egg Harbor Bay) lot numbers: 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, on the Bureau's Section
B, Chart 13.1, available for inspection at the Nacote Creek Shellfish Office.

(d) The leasing of new ground in areas classified as productive is discouraged.

1. Applications to lease new ground will not be accepted for the following productive areas, as delineated by the Bureau by reference to the National Oceanic and Atmospheric Administration Nautical Chart 12316 (23rd Ed., November 15/86), available for inspection at the Nacote Creek Shellfish Office:
   i. Cape Horn (Great Bay);
   ii. Goosebar (Little Egg Harbor Bay);
   iii. Lakes Bay; and
   iv. Sunflower Island.

2. For lease applications in all other areas, the Bureau will classify the productivity of the proposed lease area based on the results of the biological survey, and provide this information to the Council to aid the Council's evaluation of the lease application.

(e) Consideration of lease applications by the Council shall be governed by the following:

1. Upon completion of the biological survey, the Bureau shall place the application to lease new ground on the agenda, filed with the Secretary of State pursuant to N.J.S.A. 10:4-6 et seq., of the next regularly scheduled Council meeting for the Council's consideration;

2. At each regularly scheduled meeting, the Council will receive public comment on all lease applications on its agenda; and

3. The Council shall render a decision to deny a lease application or grant a lease application subject to approval by the Commissioner by the second regularly scheduled meeting after receiving public comment on the lease application.

(f) The applicant shall attend at least one of the Council meetings at which the lease application is discussed in order to answer any questions that the Council might have about the lease application. Failure to attend at least one of the Council meetings at which the lease application is discussed shall constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.
(g) Once the Council and the Commissioner have decided whether to grant or deny the lease application, the applicant shall remove any temporary corner stakes or buoys placed pursuant to (b) above. If a lease application is approved by the Council and the Commissioner, the lessee is subject to the staking requirements of N.J.A.C. 7:25-24.10 upon receiving the executed lease from the Department.

7:25-24.7 Hydrographic survey charges; annual lease fees

(a) Following approval of a lease of new ground by the Council and the Commissioner, the Bureau shall perform a hydrographic survey of the lease area described in the application to verify its location and boundaries. Before the Department issues an executed lease to the applicant, the applicant shall reimburse the Bureau for the expense of the hydrographic survey at the rate of $ 30.00 per corner. Failure to reimburse the Bureau within 30 days of the Council's approval of the lease will constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.

(b) The annual lease fee for Atlantic coast shellfish leases is $ 2.00 per acre for those areas measured in acres.

(c) The annual lease fee for Atlantic coast shellfish leases is $ 2.00 per 100 linear feet of shoreline for those areas measured in linear feet of shoreline (Mullica River and tributaries, Motts Creek and tributaries).

(d) Notwithstanding (b) and (c) above, the minimum annual lease fee for any lessee leasing bottom on the Atlantic Coast is $ 5.00.

7:25-24.8 Lease renewal

(a) Lessees may renew their leases by submitting the annual lease fee in person at the Nacote Creek Shellfish Office by December 31 for the following calendar year. If illness or other extenuating circumstances prevent a lessee from renewing a lease by December 31, the Council in its discretion may extend the payment deadline by one month if an extension is requested by the lessee or the lessee's agent at the January Council meeting. If a lessee does not either renew the lease by the payment deadline or receive an extension of the payment deadline from the Council, the lease shall be terminated for non-payment after the January Council meeting and the area described in the terminated lease shall revert to the public bottom.

(b) Renewal of the lease is subject to the lessee's meeting all statutory criteria for leasing, specified at N.J.S.A. 50:1-23 through 50:1-31.

(c) Renewal of the lease is subject to the lessee's maintaining a valid Commercial Shellfish License or Shellfish Certificate.
(d) Renewal of the lease is subject to the lessee's not having been convicted in the year prior to renewal of any violation of N.J.S.A. 50:4-3 or N.J.S.A. 58:24-3 or of any administrative rule promulgated pursuant to those statutory provisions.

(e) At the time of renewal, the lessee shall file a completed report indicating the number of days the lease was worked during the past lease term. The Bureau will provide reporting forms to all lessees by September 15 of each year.

7:25-24.9 Lease transfers

(a) Leases may be transferred only with the approval of both the Council and the Commissioner and only under the following circumstances:

1. The new lessee shall meet all statutory criteria for leasing specified at N.J.S.A. 50:1-23 through 50:1-31, shall be the holder of a valid Commercial Shellfish License or a Shellfish Certificate and shall not have been convicted in the five years prior to the transfer of violation of N.J.S.A. 50:4-3 or N.J.S.A. 58:24-3 or any administrative rule promulgated pursuant to those statutory provisions;

2. The new lessee and the current lessee shall apply for the lease transfer in person at the Nacote Creek Shellfish Office;

3. A lease of new ground acquired through the application process shall not be transferred for a period of one year following the grant of the lease;

4. An application for a lease transfer shall be placed on the agenda of the next regularly scheduled Council meeting for consideration. At that meeting, the Council will receive public comment on the transfer application and shall render a decision to deny the lease application or shall grant the transfer application subject to approval by the Commissioner. A hydrographic survey of the lease area will be required only if the Council or the Department request at the Council meeting that the Bureau perform such a survey to verify the lease area location and/or boundaries; and

5. Following approval of a transfer by the Council and the Commissioner for which a hydrographic survey is requested by either the Council or the Department, the Bureau shall perform a hydrographic survey of the lease area described in the transfer application to verify its location and boundaries. Before the Department issues an executed lease to the new lessee, the new lessee shall reimburse the Bureau for the expense of the hydrographic survey at a rate of $30.00 per corner. Failure to reimburse the Bureau within 30 days of the Council's approval of the transfer will constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.

7:25-24.10 Staking of leases
(a) All leases must be staked before working or by May 1 of each year, whichever occurs first, as specified below:

1. There shall be at least two stakes or buoys at each corner;
2. Line stakes or buoys shall be placed no greater than 150 feet apart so as to delineate a definite line between corners;
3. All stakes and buoys must project at least four feet above high water;
4. If the lessee of record holds leases for two or more adjacent leased areas, it is only necessary that the outside perimeter of the lessee's combined area be staked as specified in (a)1, 2 and 3 above; and
5. The above staking requirements do not apply where corner or line stakes or buoys would fall within a designated navigation channel. The placement of corner or line stakes or buoys within designated navigation channels is prohibited.

(b) Failure to stake leases as specified at (a) above before working or by May 1 of each year shall subject the violator to termination of the lease upon the recommendation of the Council and the approval of the Commissioner.

7:25-24.11 Improper staking of leases

(a) Any person who stakes an area for which he or she does not possess a valid lease or lease application shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

(b) If a survey by the Bureau of Shellfisheries reveals that a lease is overstaked the lessee shall be required to:

1. Pay the expense of the survey;
2. Pay a monetary penalty as provided in N.J.A.C. 7:25-24.17; and
3. Relocate corner and line stakes to their proper positions immediately.

(c) Failure to relocate corner or line stakes, or both, immediately upon notification of overstaking shall subject the violator to termination of the lease upon the recommendation of the Council and the approval of the Commissioner.

(d) More than one instance of overstaking shall subject the violator to termination of the lease upon the recommendation of the Council and approval of the Commissioner.
(e) Removal of a lessee's stakes or buoys by a person other than the lessee or the lessee's agent is prohibited. Violators shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

7:25-24.12 Protection of leased lands from invasion

A person shall not dredge upon, throw, cast or drag an oyster dredge, use oyster tongs, rakes, forks or other instruments or appliances used for catching oysters or clams, or tread for clams, upon any of the leased lands of the State lying under the tidal waters of the Atlantic seaboard or tributaries thereof, above Cape May Point, other than land or ground for which such person or his or her employer then holds a lease from the Council. Violators shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

7:25-24.13 Disposition of condemned lease areas

(a) Any bottom leased through the application process after September 18, 1989 and subsequently condemned for the harvest of shellfish pursuant to N.J.S.A. 58:24-1 et seq., as implemented by N.J.A.C. 7:12, shall be governed by the following:

1. The lessee shall be given a period of two years from the date the lease area was condemned during which time the lessee may move any shellfish present to a lease in approved water. To exercise the option to remove shellfish to approved waters, the lessee of a condemned lease area shall maintain a valid Commercial Shellfish License or Shellfish Certificate, and renew the lease if necessary, as specified in N.J.A.C. 7:25-24.8;

2. Prior to moving any shellfish, the lessee shall apply for and receive a special permit for this purpose, issued pursuant to N.J.S.A. 58:24-1 et seq., as implemented by N.J.A.C. 7:12, from the Division of Water Resources, Bureau of Marine Water Classification and Analysis;

3. During the two year period following the condemnation of a lease area, the lease shall not be transferred except by descent or distribution upon the death of the lessee, using the procedure in N.J.A.C. 7:25-24.9. The new lessee shall meet all criteria for the transfer of a lease specified in N.J.A.C. 7:25-24.9(a). A transfer occurring because of the lessee's death does not affect the two year period allowed for removal of shellfish; and

4. At the end of the two year period specified in (a) above, the lease shall be terminated. The lease shall not be renewed or extended unless the lessee demonstrates the need to continue the lease to the Council and the Commissioner. Grounds for extension of the lease may include illness. Failure to obtain a permit for transplanting shellfish shall not be grounds for extension of the lease.

7:25-24.14 Disposition of terminated lease areas
If a lease governed by this subchapter is terminated for any reason, the lease area shall be considered public bottom available for harvesting or lease application provided not prohibited by this subchapter or other statutes or rules.

7:25-24.15 Research/education activities

(a) The Council may grant, subject to the approval of the Commissioner, leases of new ground to educational institutions for the purpose of research or education, or both. Such leases shall be in the name of the institution and the responsible investigator.

(b) The application for a research/education lease shall be accompanied by a written proposal explaining the need for the lease and describing the research to be conducted.

(c) The holder of a research/education lease shall apply for annual lease renewal prior to December 31 of each year. Renewal of a research/education lease is contingent upon a written report on the use of the lease during the past lease term. The report shall explain the research and education activities conducted and the results obtained. In addition, a proposal for use of the lease for the coming year shall be submitted as part of the report.

(d) Applications, reports and proposals for research/education leases and research/education lease renewals shall be reviewed by Bureau staff who shall recommend to the Council and to the Commissioner whether to grant, renew or deny each lease for the purpose of research or education, or both.

(e) A lease issued for the purpose of research or education, or both, shall not be used as a commercial venture or profit making activity for any institution, investigator, student or any other person. Shellfish or other items obtained through a research/education lease shall not be sold under any circumstances.

(f) Leases for research/education purposes are subject to the provisions of this subchapter except as follows:

1. A commercial shellfish license or shellfish certificate is not required for obtaining or renewing the lease (see N.J.A.C. 7:25-24.5);

2. The Bureau will not conduct a biological survey unless requested by the Council. If the Bureau conducts a biological survey, a biological survey fee will not be charged unless requested by the Council in its discretion (see N.J.A.C. 7:25-24.6(c));

3. A lease fee will not be charged (see N.J.A.C. 7:25-24.7);
4. The Bureau will not conduct a hydrographic survey and will not charge a hydrographic survey fee; however the lessee shall follow the provisions of N.J.A.C. 7:25-24.10 concerning staking (see N.J.A.C. 7:25-24.7); and

5. The Council, with the approval of the Commissioner, may grant a research/education lease of more than two acres if, in the opinion of the Council, the written proposal accompanying the lease application justifies the need for the increased lease size.

(g) The lessee of record shall comply with all other provisions of this subchapter.

(h) Failure to comply with the specific provisions of this section may result in termination of the lease by the Council, with the approval of the Commissioner.

7:25-24.16 Signatories; certification

(a) All applicants shall, upon submission of initial or renewal applications, transfer applications, or annual reports, sign the following certification on the application or report forms:

1. "I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil penalties for submitting false, inaccurate or incomplete information and significant criminal penalties, including fines and/or imprisonment, for submitting false, inaccurate or incomplete information or information which I do not believe to be true."

(b) Penalties for false swearing or false reporting may include the penalties set forth in N.J.S.A. 2C:28-3, and the penalties set forth in N.J.A.C. 7:25-24.17.

7:25-24.17 Penalties

Violations of any section of this subchapter, or any lease or order issued pursuant to it, shall subject the violator to the penalties set forth in the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq., at N.J.S.A. 23:2B-14. Penalties may include monetary penalties of $ 100.00 to $ 3,000 for a first violation, and $ 200.00 to $ 5,000 for any further violations. Penalties may also include confiscation of any vessel or equipment used in committing a violation. The Department may compromise and settle any claim for a penalty under this subsection in such amount in the discretion of the Department as may appear appropriate and equitable under all the circumstances.