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

Oysters


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SUBCHAPTER 4. (RESERVED)
SUBCHAPTER 1. OYSTER MANAGEMENT

7:25A-1.1 Purpose and scope

This chapter constitutes the rules governing the issuance, renewal, substitution and transfer of oyster dredging licenses, the leasing of oyster ground in Section E in Delaware Bay, the taking and reporting of oysters from the Delaware River, Delaware Bay and their tributaries, with the exception of the leased areas, and the imposition, collection and dedication of fees to finance an oyster cultch and resource enhancement program to facilitate the protection, conservation, management and improvement of the oyster resource and industry in New Jersey. The oyster management program, which includes, as a component, the oyster cultch and resource enhancement program, includes a limitation on the number of available licenses, a limitation on harvest to specific fishing times and areas and the establishment of a seasonal harvest quota.

7:25A-1.2 Construction

These rules shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 23:2B-14, 23:3-12.2, 50:1-1 et seq., 50:2-7 through 50:2-10, 50:2-11, 50:2-12, and 50:3-1 et seq.

7:25A-1.3 Definitions

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

"Annual harvest quota" means the total amount of the oyster resource from the State's natural seed beds that may be harvested by all licensed oyster vessels during a direct market harvest season or oyster transplant season.

"Annual tag allotment" means the harvest tags issued by the Division to an oyster dredge vessel license holder in an amount equal to a harvester's individual allocation.

"Bushel" means the volume of oysters within the shell containerized in baskets or bags having a capacity of not more than one standard bushel, as defined at N.J.S.A. 51:1-16.

"Cage" means a container used during a direct market harvest season or oyster transplant season containing 29.87 cubic feet (842.7 liters) and having a capacity of not more than 24 bushels of oysters within the shell.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his or her designee.
"Consolidated license" means an oyster dredge vessel license that combines up to six oyster dredge vessel licenses originally held in accordance with N.J.S.A. 50:3-1 and the licenses' quotas. The consolidated license is issued to a designated harvest vessel in accordance with N.J.A.C. 7:25A-1.4.

"Container" means a holding or transporting apparatus used to retain oysters, in 24-bushel cages or in baskets or bags with a capacity of not more than one U.S. standard bushel.

"Council" means the Delaware Bay Section of the New Jersey Shellfisheries Council.

"Culling" means the act of sorting and discarding undersized oysters, dead shell and/or debris.

"Cultch" means shell and other material placed on the bottom of a waterbody that is capable of functioning as a substrate for the attachment or setting of oyster larvae. Cultch is deployed in selected locations to either enhance recruitment or restore or maintain oyster habitat.

"Delaware Bay Office" means the Division's Delaware Bay region field office located at 1672 E. Buckshutem Road, Millville, New Jersey 08332. The office telephone number is (856) 785-0730.

"Department" means the Department of Environmental Protection.

"Designated harvest vessel" means a licensed oyster dredge vessel that has been designated by the owner in accordance with N.J.A.C. 7:25A-1.4 to harvest the annual harvest quota for that vessel as well as the annual harvest quota of up to five of the owner's other licensed oyster dredge vessels (for a maximum harvest of the quota attributable to up to six oyster dredge vessel licenses).

"Direct market harvest season" means April 1 to June 30, the season, as established at N.J.S.A. 50:3-8 and 50:3-9, during which the natural seed beds may be legally opened for the taking of oysters for the purpose of direct market sale. Pursuant to N.J.S.A. 50:3-8, the duration of the direct market harvest season may be modified by the Commissioner after consultation with the Council.

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

"Gross tonnage" means a vessel's approximate volume as determined by a U.S. Coast Guard authorized measurement system, in accordance with the 46 CFR 69.9.

"Harvest" or "harvesting" means the act of collecting oysters with dredge, tongs or other means.
"Harvester" means the captain, license holder, or other person responsible for the operation of a vessel engaged in the act of collecting oysters with dredge, tongs or other means.

"Harvest trip" means a departure from port, transit to the State's natural seed beds, harvesting and return to port.

"Haskin Shellfish Research Laboratory" means the Rutgers University Haskin Shellfish Research Laboratory, located in Port Norris, New Jersey.

"Individual allocation" means an oyster dredge vessel license holder's equal fraction of the annual harvest quota that is available for harvest pursuant to N.J.A.C. 7:25A-2.

"Land" means to enter port in possession of oysters, to dock to a man-made structure in possession of oysters or to begin offloading harvested oysters.

"Landing sites" means all Division-approved offloading sites.

"Licensed oyster dredge vessel" means a vessel licensed pursuant to this chapter and N.J.S.A. 50:3-1, equipped to harvest oysters by means of a dredge or dredges.

"Market oyster" means any seed oyster taken from the State's natural seed beds as part of a direct market harvest season or oyster transplant season with a minimum size of two and one-half inches in height from hinge to lip.

"Minimum tonnage license" means an oyster dredge vessel license issued to a vessel which is five gross tons or less.

"Natural seed beds" means any of the natural beds or grounds in Delaware Bay or Delaware River above the southwest line, except that area known as Section "E".

"Offload" or "offloading" means to separate physically a container of oysters from a vessel.

"Oyster cultch program" means the program governing the purchase and planting of shell or other cultch material in order to increase oyster recruitment or for general bed maintenance. The program also includes other enhancement activities such as, but not limited to, the transplanting of seed oysters within the Delaware River, Delaware Bay and their tributaries and other support activities.

"Oyster dealer" means any person who purchases oysters harvested by individuals from the Delaware River, Delaware Bay and their tributaries, in the shells as they are offloaded from oyster vessels, and who is licensed pursuant to N.J.S.A. 50:3-20.11.
"Oyster dredge vessel license holder" means the owner who has legal title or right to a vessel that is licensed to harvest oysters with dredge from any of the natural beds or grounds in the Delaware River or in the Delaware Bay above the Southwest line, except in that area known as Section E.

"Oyster resource development account" means the dedicated account into which are deposited all revenues received through the sale of oyster harvest tags from oysters harvested from the Delaware River, Delaware Bay and their tributaries, including, but not limited to, all license fees collected pursuant to this chapter and N.J.S.A. 50:1-18, 50:3-2 and 50:3-20.13. The monies in the account are allocated to the Division and shall be disbursed only for the enhancement and management of the oyster resource in the Delaware Bay in the amounts and manner prescribed by the Commissioner, after consultation with the Delaware Bay Section of the New Jersey Shellfisheries Council.

"Oyster transplant season" means April 1 to June 30, the season, as established at N.J.S.A. 50:3-8 and 50:3-9, during which the natural seed beds may be legally opened for the taking of seed oysters for the purpose of transplanting oysters to the leased grounds. Pursuant to N.J.S.A. 50:3-8, the duration of the oyster transplant season may be modified by the Commissioner after consultation with the Council.

"Person" shall include, but is not limited to, corporations, companies, associations, societies including nonprofit organizations, firms, partnerships, joint stock companies, individuals, and governmental entities.

"Planting" means to physically move oysters off a vessel onto a leased ground.

"Section 'E' " means the leased area above the southwest line described at N.J.S.A. 50:1-23.

"Seed oysters" means all oysters harvested from any of the lands lying under the tidal waters of the Delaware River, Delaware Bay and their tributaries, with the exception of the leased areas. For purposes of fee calculations pursuant to N.J.A.C. 7:25A-2.6 and 3.6, oysters that have been removed from natural seed beds and planted on leased areas are not considered to be seed oysters subsequent to planting in the leased area.

"Southwest line" means a line running directly from the mouth of Straight Creek to Crossledge Lighthouse in Delaware Bay, as described at N.J.S.A. 50:3-11.

"Time" means Eastern Standard time (EST) or Eastern Daylight Savings time (EDT), whichever is in effect that date.

"Tongs" means a device used in catching oysters that consists of two shafts or handles attached to opposable and complementary pincers, baskets or containers operated entirely by hand from the surface of the water and that has no external or internal power source.
"Validly licensed" means a vessel which has been licensed and operated as required by the provisions of this chapter and either:

1. Is operable, that is, entirely capable of the commercial dredging harvest of oysters under its own motive power at the time of license application or renewal unless exempted from this requirement by the Commissioner, upon the recommendation of the Council and its finding that exigent circumstances warranted such recommendation; or

2. Is a vessel from which the license has been consolidated to a designated harvest vessel under a consolidated license.

"Wholly owned" means a licensed oyster dredge vessel legally documented by either the U.S. Coast Guard (if five net tons or over) or the New Jersey Motor Vehicle Commission (if under five net tons) as being solely owned by one person who has legal title or right to said vessel.

7:25A-1.4 Licenses; residence of vessel owners; tonnage determination; consolidation of licenses and annual harvest quotas; license fees

(a) No licenses authorized by N.J.S.A. 50:3-1 shall be issued except as a renewal for those vessels validly licensed during the year prior to that of the license to be issued.

(b) The owner of a licensed oyster dredge vessel shall be legally domiciled or incorporated in the State of New Jersey.

(c) No vessel owned wholly or in part by a nonresident and licensed in any other state to catch oysters on natural beds or grounds in such other state shall be licensed in this State within the same year in which such license to catch oysters in such other state shall have been or shall be issued.

(d) For the purposes of licensing, gross tonnage shall be determined based on one of the following:

1. For vessels five gross tons or less that are not eligible for a United States Coast Guard Certificate of Documentation and were built in the United States, the applicant shall provide a current New Jersey Motor Vehicle Registration for the vessel and shall certify that the vessel is not eligible for a United States Coast Guard Certificate of Documentation.

2. For vessels greater than five gross tons that were built in the United States, the applicant shall provide a current copy of the United States Coast Guard Certificate of Documentation for the vessel. The Certificate of Documentation shall include
the owner's name and address as well as the dimensions and gross tonnage of the vessel.

3. For any vessel built outside of the United States, the applicant shall provide gross tonnage documentation in accordance with N.J.A.C. 7:25A-1.5(k).

(e) A person who wholly owns more than one licensed oyster dredge vessel may consolidate up to six licenses and the remaining amount of each vessel's assigned annual harvest quota to a single designated harvest vessel and obtain a consolidated license, provided the following conditions are met:

1. All licensed oyster dredge vessels proposed for consolidation under a single license, including the designated harvest vessel, are wholly owned by that person.

2. The person seeking to consolidate licenses shall file with the Department a notarized Statement of Intent indicating that the person wishes to consolidate the license(s) and the entire unharvested amount of the annual harvest quota for a maximum of six licensed oyster dredge vessels to a designated harvest vessel. The license of the designated harvest vessel shall be included as one of the maximum of six licenses that may be consolidated. The Statement of Intent shall identify the vessel or vessels from which the annual harvest quota(s) is requested to be consolidated as well as the designated harvest vessel to receive the annual harvest quota(s) and the amount of the annual harvest quota(s) to be transferred from each vessel to the designated harvest vessel. A new notarized Statement of Intent is not required to be filed with an application to renew a consolidated license if there is no change in the licenses to be consolidated.

3. Upon issuance by the Department of a consolidated license approving the consolidation of licenses and annual harvest quotas, with associated annual tags, of multiple vessels to a designated harvest vessel, the license holder of the consolidated license shall harvest the annual tag allotment assigned to each licensed oyster dredge vessel one allotment at a time. Only upon exhaustion of one vessel's tag allotment may the license holder of the consolidated license begin to harvest the annual tag allotment of another licensed oyster dredge vessel included under the consolidated license. The tags for each allotment shall be used sequentially in the order issued for the specific oyster harvest license.

4. Once a license and annual harvest quota have been consolidated on a designated harvest vessel in accordance with (e)1 through 3 above, that license and any remaining annual harvest quota attributable to that license may be consolidated on to a different designated harvest vessel only one time during the term of the license. A person who wishes to consolidate a license and the associated annual harvest quota from the original designated harvest vessel to a different designated harvest vessel shall provide the documentation and information specified in (e)2 above, for the vessels involved in the requested
consolidation. The second transfer shall comply with all requirements specified in this subsection.

5. Notwithstanding the limitation on transfer of a consolidated license to a different designated harvest vessel specified in (e)4 above, a consolidated license may be unconsolidated for the purpose of transferring ownership of a vessel and license in accordance with N.J.A.C. 7:25A-1.5(c)2.

6. A consolidated license shall not be issued if it would result in an annual harvest quota to a single designated harvest vessel greater than that allowed under six individual annual harvest quotas.

(f) For vessels five gross tons or less qualifying under (d)1 above, the minimum annual license fee of $ 10.00 established at N.J.S.A. 50:3-2 applies. For vessels qualifying under (d)2 or 3 above, the annual license fee of $ 2.00 per gross ton established at N.J.S.A. 50:3-2 applies.

7:25A-1.5 Substitutions, exchanges, or transfers of licensed oyster dredge vessel; license renewal

(a) Any person who owns a vessel validly licensed pursuant to N.J.S.A. 50:3-1 may substitute a new vessel for the previously licensed vessel, except that no substituted vessel shall have a greater gross tonnage than the previously licensed vessel.

(b) Two persons owning vessels validly licensed pursuant to N.J.S.A. 50:3-1 may exchange their vessels with the approval of the Commissioner and the Council and be exempt from the tonnage limitation set forth in (a) above.

(c) A person replacing or transferring ownership of the person's licensed oyster vessel shall do one of the following:

1. File a notarized Statement of Intent with the Department indicating that he or she has sold the vessel and wishes to replace it with another vessel within one year. If transfer of the license to the replacement vessel is to occur after the expiration date of the current license, the license holder shall renew the license prior to expiration and pay the annual license fee specified in N.J.A.C. 7:25A-1.4(f) to retain the right for the license to be transferred;

2. File a notarized Statement of Intent with the Department indicating that the person will waive all rights and conditions of that license, not apply for a replacement license, and transfer the right to a license with the vessel to its new owner who shall meet all statutory and regulatory criteria for licensing. If transfer of the licensed vessel is to occur after the expiration date of the current license, the license holder shall renew the license prior to expiration and pay the annual
license fee specified in N.J.A.C. 7:25A-1.4(f) to retain the right to the licensed vessel to be transferred; or

3. File a notarized Statement of Intent with the Department indicating that the person wishes to consolidate up to five additional licenses and all or the remaining amount of annual harvest quotas of licensed oyster dredge vessels to a designated harvest vessel in accordance with N.J.A.C. 7:25A-1.4. The Statement of Intent shall include all information specified at N.J.A.C. 7:25A-1.4(e)2.

(d) The new owner of a transferred vessel for which the previous owner has filed a notarized Statement of Intent with the Department under (c)2 above indicating that he or she will waive all rights and conditions of that license intending to transfer the right to the license with the vessel to its new owner, must have the license reissued in his or her own name. Application for reissue must include documentation as to ownership of the vessel, the current year's license, documentation of the gross tonnage of the vessel as specified in (k) below and the annual license fee specified in N.J.A.C. 7:25A-1.4(e).

(e) A licensed vessel that is lost, destroyed or disabled may be replaced within four years of December 31 of the year for which the lost, destroyed, or disabled vessel was licensed. The owner shall file a Statement of Intent with the Department, on or before December 31 of the year for which the lost, destroyed, or disabled vessel was licensed, that he or she will replace the vessel. If transfer of the license to the new vessel is to occur after the expiration date of the current license, the license holder shall renew the license prior to expiration and pay the annual license fee specified in N.J.A.C. 7:25A-1.4(e) to retain the right to the license to be transferred. The replacement vessel shall be licensed upon proof of loss and of replacement of the previously licensed vessel. No replacement vessels shall have more than a 10-percent greater gross tonnage than the previously licensed vessel.

(f) In order to maintain licensing during subsequent years, oyster dredge vessel licenses shall be renewed annually on or before December 31. Except for renewals under (c)1 and (e) above, application for renewal shall include proof of ownership of the vessel, an affidavit attesting that the vessel was validly licensed and evidence of compliance with N.J.A.C. 7:25A-1.4.

(g) A license not renewed within the calendar year shall be retired.

(h) License renewal is specifically conditioned on the continuing conformance of the licensee with all the requirements of this chapter.

(i) Nothing in this subchapter shall allow the issuance of two licenses for one.

(j) Only vessels propelled under their own motive power are eligible for license renewal, except for vessels for which the license has been consolidated on to a designated harvest vessel pursuant to N.J.A.C. 7:25A-1.4.
(k) The application for license reissuance, including renewal and reissuance to a new licensee as a result of a transfer, shall include documentation as to ownership and vessel gross tonnage, including the following:

1. A valid Certificate of Title; or

2. A current New Jersey Motor Vehicle Registration, and as applicable:

   i. If the vessel is eligible for a United States Coast Guard Certificate of Documentation, in accordance with N.J.A.C. 7:25A-1.4(d)2, a current copy of the Certificate; or

   ii. If the vessel is not eligible for a United States Coast Guard Certificate of Documentation, a certificate of measurement (survey) from a United States Coast Guard authorized certification organization indicating that an admeasurement of the vessel had been conducted. The applicant shall provide the Division with an official copy of the survey with raised seal, which must indicate the gross tonnage of the vessel prior to completion of the transfer and subsequent issuance of the license.

7:25A-1.6 Leasing of Section E

The owner of an operable vessel which is licensed to dredge oysters pursuant to N.J.S.A. 50:3-1 may lease ground in Section E upon application and approval of the Council.

7:25A-1.7 Expiration and Renewal of Section E lot leases

(a) Each Section E lot lease will expire at the end of the calendar year in which it was issued. Lease holders or their heirs and assigns will have the option to renew each year.

(b) Nothing in this chapter shall be construed to affect the exclusive power of the Council, subject to approval by the Commissioner, to lease shellfish ground as defined in N.J.S.A. 50:1-18.

7:25A-1.8 Fees; Oyster Resource Development Account

(a) In accordance with N.J.S.A. 50:1-18(e), the Commissioner, in consultation with the Council, shall fix the fee for all oysters harvested from the Delaware River, Delaware Bay and their tributaries, with the exception of the leased areas. The fee for all oysters harvested from the Delaware River, Delaware Bay and their tributaries, with the exception of the leased areas, shall be $ 2.00 per bushel. The fee pursuant to this section
will be collected by the Division prior to harvest through the purchase of tags from the Division's Delaware Bay Office.

(b) The fee imposed pursuant to this section, except as may otherwise be provided by law, shall be collected by and allocated to the Division and shall be deposited in the Oyster Resource Development Account, established pursuant to section 8 of P.L. 1996, c. 112 (N.J.S.A. 23:3-12.2). The fees shall be disbursed only for the enhancement and management of the oyster resource from the Delaware River, Delaware Bay and their tributaries in the amounts and manner prescribed by the Commissioner after consultation with the Council.

7:25A-1.9 Designation of landing sites

(a) All oysters harvested from Delaware River, Delaware Bay and their tributaries shall be landed at one of the following designated landing sites: the Maurice River section of Commercial Township, the Cohansey River section of Greenwich Township, Fortescue Creek or the area known as Money Island on Nantuxent Creek.

(b) No oysters shall be landed except at designated landing sites. A list of designated landing sites will be posted at the Division's Delaware Bay Office.

7:25A-1.10 Requirements and conditions for commercial harvest of oysters with tongs

(a) No person shall catch, take or attempt to catch or take by tonging or by any hand-operated device any oysters in the Delaware River, Delaware Bay and their tributaries without first obtaining a commercial shellfish license required by N.J.S.A. 50:2-2 and, if applicable, oyster harvest tags as described in (c) below. In specific areas of the Delaware River, Delaware Bay and their tributaries, as described at N.J.S.A. 50:3-14 and 50:3-16.3, oysters may be harvested by hand tongs only.

(b) The commercial harvest of oysters with tongs from Delaware River, Delaware Bay and their tributaries, excluding the leased areas, shall be subject to the following requirements.

1. All oysters harvested using tongs shall be landed in their shells and shall be containerized in one-bushel containers. Each container shall be tagged with tags obtained from the Division. Tags shall be affixed to containers immediately upon use, regardless of the volume of oysters placed in the container. Tags shall be used sequentially as issued. Tags shall remain in place until the oysters are landed and officially delivered for sale by the harvester to the oyster dealer, at which point the exact number of bushels offloaded shall be recorded on the oyster dealer's weekly report as described in N.J.A.C. 7:25A-1.12.
2. No container shall be tagged prior to being filled with oysters. Tags affixed to empty containers shall be subject to removal and confiscation by Division personnel. No empty container with tags affixed shall be placed onboard any vessel being prepared to harvest oysters.

3. A harvester, or any other person aboard any vessel employed in the harvesting of oysters with tongs, shall immediately comply with instructions and signals issued by an authorized law enforcement officer or other Division representative and comply with his or her instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this subchapter.

(c) Commercial shellfish license holders harvesting oysters with tongs shall pay a landing fee for each bushel of oysters landed in accordance with N.J.A.C. 7:25A-1.8(a). Tags will be available from the Division's Delaware Bay Office in batches of 50 or more. Tags provided under this section shall be valid only for the season for which issued and are non-transferable. Refunds will not be given for unused tags.

7:25A-1.11 Commercial shellfish license records required

(a) All commercial shellfish license holders harvesting oysters with tongs from the Delaware Bay, Delaware River and their tributaries, excluding the leased areas, shall provide to the Division weekly oyster harvest reports on forms supplied by the Division. Weekly reports shall include the following information:

1. The name of the license holder and the commercial shellfish license number;

2. The harvest dates and, for each date, the numbers of bushels harvested, the corresponding tag numbers and the name of the area of harvest;

3. For each harvest date, the designated landing site at which the oysters were landed and the name of the oyster dealer to whom the oysters were sold; and

4. The name and signature of the license holder attesting to the validity of the report.

(b) Weekly harvest reports shall be submitted to:
    Delaware Bay Office
    New Jersey Department of Environmental Protection
    Division of Fish and Wildlife
    1672 E. Buckshutem Road
    Millville, NJ 08332
(c) Weekly harvest reports must be received by the Division no later than five business days after the end of the week during which oysters were harvested.

(d) The renewal of a commercial shellfish license for the harvest of oysters with tongs from the Delaware River, Delaware Bay and their tributaries is specifically conditioned on compliance by the licensee with all the requirements of this chapter. The Department shall not renew a commercial shellfish license for a licensee who has not submitted the required weekly reports in a timely fashion, as specified in this section.

(e) Disclosure of information provided in an individual's weekly harvest report submitted to the Division is subject to the limitations and requirements of N.J.S.A. 23:2B-9.

7:25A-1.12 Oyster dealer records required

(a) Each oyster dealer receiving oysters harvested from the Delaware River, Delaware Bay, and their tributaries shall provide to the Division weekly oyster dealer reports containing the information specified in (b) below on forms supplied by the Division.

(b) Whenever oysters are delivered for sale by the harvester to the oyster dealer, the oyster dealer shall make an entry on the weekly oyster dealer report form obtained from the Division noting the date, oyster dredge vessel license number, oyster planter license number or commercial shellfish license number, and the number of bushels landed by the harvester and received by the oyster dealer. Each entry shall be signed by the oyster dealer.

(c) Weekly oyster dealer reports shall be submitted to:
   Delaware Bay Office
   New Jersey Department of Environmental Protection
   Division of Fish and Wildlife
   1672 E. Buckshutem Road
   Millville, NJ 08332

(d) Weekly oyster dealer reports must be received by the Division no later than five business days after the end of the week during which oysters were purchased.

(e) Division personnel may inspect the premises of any dealer and, in accordance with N.J.S.A. 23:2B-9, inspect any report including entries referred to in (b) above.

(f) The renewal of an oyster dealer license is specifically conditioned on the compliance by the licensee with all the requirements of this chapter. The Department shall not renew an oyster dealer license for a licensee who has not submitted the required weekly reports in a timely fashion, as specified in this section.

(g) Disclosure of information provided in an oyster dealer's weekly report submitted to the Division is subject to the limitations and requirements of N.J.S.A. 23:2B-9.
7:25A-1.13 Signatories; certification

(a) Each applicant or licensee shall, upon submission of any report or application required under this chapter, sign the following certification on the application or report form:

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 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 by an applicant or licensee may include those set forth in N.J.S.A. 2C:28-3 and/or those set forth in N.J.S.A. 23:2B-14, as referenced in N.J.A.C. 7:25A-1.14.

7:25A-1.14 Penalties and remedies for violations

Violation of any provision of this chapter, or any license or order issued pursuant to it, shall subject the harvester and license holder to the applicable penalties and remedies established under N.J.S.A. 23:2B-14.

7:25A-1.15 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 license and/or permit decision made by the Department under this chapter 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 addresses in (e) 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.

(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.

(e) 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. 7:25A-1.12(c):
   Office of Legal Affairs
   Attention: Adjudicatory Hearing Requests
   New Jersey Department of Environmental Protection
   401 East State Street, Fourth Floor
   PO Box 402
   Trenton, New Jersey 08625-0402

7:25A-1.16 Review

The Division and the Council shall review this chapter annually at a regularly scheduled meeting.

SUBCHAPTER 2. DIRECT MARKET HARVEST SEASON

7:25A-2.1 Purpose and scope

This subchapter regulates the direct market harvest of oysters from the State's natural seed beds in Delaware Bay in order to conserve, protect, manage and improve the oyster resource and industry. This subchapter provides for the direct harvest and sale of oysters from the State's natural seed beds. The direct market harvest program includes the specification of harvest times and areas, establishes an annual harvest quota, provides a mechanism for the collection of fees for oysters harvested from the State's natural seed beds, and establishes a requirement for weekly reporting by harvesters.
7:25A-2.2 Applicability

(a) This subchapter applies to all taking, attempting to take, harvesting, or dredging of oysters during a designated direct market harvest season in State waters, except for the harvest of oysters for research, inventory or educational activities conducted under a scientific collecting permit issued by the Division pursuant to N.J.S.A. 23:4-52.

(b) Compliance with this subchapter shall not exempt any person from compliance with the Shellfish Growing Water Classification rules, N.J.A.C 7:12, under authority of N.J.S.A. 58:24-1 et seq., the Shellfish rules of the State Department of Health and Senior Services at N.J.A.C. 8:13, or with any applicable Federal or State law or rule.

7:25A-2.3 General control methods for direct market harvest season

(a) Except as provided at N.J.A.C. 7:25A-2.2(a), no person or vessel shall take, attempt to take, harvest, or dredge for oysters, on the State's natural seed beds without possessing a licensed oyster dredge vessel and harvest tags as described in N.J.A.C. 7:25A-1.8(a) and 2.6.

(b) The requirements and conditions for the direct market harvest of oysters from natural seed beds in Delaware Bay are as follows:

1. Oysters shall be harvested from the State's natural seed beds only on Monday through Friday between sunrise and 3:30 P.M. Eastern Time, unless otherwise determined by the Division in consultation with the Council. Notice of any change in these times shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

2. The harvester shall notify the Department of the intended harvest location and port of landing of the vessel prior to commencement of harvesting for each harvest trip. Prior to offloading, the harvester shall notify the Department of the vessel's total harvest for that harvest trip. The notifications shall be made by telephoning the Division's Delaware Bay Office, Bureau of Shellfisheries, at (856) 785-0730. Notification of changes in port of landing shall be given two hours prior to landing.

3. The minimum size limit for seed oysters taken for direct market sale shall be two and one-half inches in height from hinge to lip.

4. Any harvester who has reported his or her intention to harvest on the State's natural seed beds shall have the vessel's entire harvest for that harvest trip counted as part of the licensed vessel's individual allocation for that season.
5. A harvester shall not transfer oysters from any oyster vessel to any other vessel. All oysters harvested from the natural seed beds shall be landed at one of the designated landing sites described at N.J.A.C. 7:25A-1.9. Specific hours of landing may be established by the Division as conditions attendant to the opening of the direct market harvest oyster season pursuant to N.J.A.C. 7:25A-2.4(a). Notice of any change in hours of landing shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

6. During a direct market harvest season, all harvesters must notify the Delaware Bay Office of the intent to work any leased grounds. No vessel shall take or possess oysters from the natural seed beds above the southwest line on the same day such vessel harvests on leased shellfish grounds.

7. The top and sides of licensed oyster dredge vessels shall be marked with the license number, each number at least 18 inches in height, clearly legible and in good repair and with no obstruction to view.

8. The harvester and any other person aboard any licensed oyster dredge vessel shall immediately comply with instructions and signals issued by an authorized law enforcement officer or other Division representative and comply with his or her instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch.

(c) All oysters harvested for direct market shall be landed in their shells and offloaded in 24-bushel cages or one-bushel containers and shall be subject to the following:

1. All oysters harvested for direct market shall be stored in a container and each container shall be tagged with tags obtained from the Division for the total number of bushels of oysters within the container.

2. Tags shall be affixed to containers immediately upon use, regardless of the volume of oysters placed in the container. The tags shall be used sequentially as issued for the specific licensed oyster harvest vessel. Tags shall remain in place until the oysters are landed and delivered for sale by the harvester to the oyster dealer, at which point the exact number of bushels offloaded must be recorded by the oyster dealer on the weekly oyster dealer report in accordance with N.J.A.C. 7:25A-1.12 and signed by the oyster dealer.

3. No container shall be tagged prior to being filled with oysters. Tags affixed to empty containers shall be subject to removal and confiscation by Division personnel. No empty container with tags affixed shall be placed onboard any licensed oyster vessel being prepared to harvest oysters from the seed beds. Only 24-bushel bulk tags shall be affixed to cages. Single one-bushel tags may be affixed to a maximum of one partially filled cage.
4. Tags shall not be altered in any manner.

5. For culling purposes during harvesting operations, harvesters may utilize, without tagging, one one-bushel capacity basket per deckhand to temporarily hold oysters prior to transferring to a cage.

(d) Harvesters who elect to plant all or part of their individual allocation, assigned in accordance with N.J.A.C. 7:25A-2.5(b), on their leased ground shall do so in accordance with the following conditions:

1. The Division, in consultation with the Council, may limit the times and manner in which individuals may plant all or part of their direct market harvest season allocation on their leased grounds as conditions attendant to the opening of the direct market harvest oyster season pursuant to N.J.A.C. 7:25A-2.4(a). Notice of any change in times or manner of planting shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

2. The harvester shall notify the Delaware Bay Office by telephone (856-785-0730) at least three days prior to the anticipated planting day as well as the morning of the actual planting day prior to the initiation of harvesting from the natural seed beds.

3. Prior to harvest, the harvester shall purchase and retain on the harvest vessel the number of tags corresponding with the anticipated bushel volume to be transplanted. Containerization of oysters harvested during the direct market harvest season is optional when the harvester elects to transplant the oysters to leased ground.

4. Prior to leaving the harvest area, the harvester shall notify the Delaware Bay Office by telephone (856-785-0730) of the anticipated time of arrival at a specified lease section and lot number.

5. No oysters shall be planted until after the volume is confirmed by the Division during an inspection conducted in accordance with (d)6 below or the Division has given the harvester approval to plant the oysters by telephone (856-785-0730) or VHF radio communication, should circumstances prevent an on-water inspection.

6. Prior to commencement of planting, Division personnel may meet the harvest vessel to confirm the volume of oysters being transplanted. At that time, the harvester shall provide Division personnel with the appropriate number of tags for the volume to be planted. Tags shall be used sequentially as issued for the specific, appropriately licensed oyster harvest vessel. If an on-water inspection is not conducted, the harvester shall return the number of tags corresponding to the
actual bushel volume transplanted to the Delaware Bay Office within five business days.

7. To reduce the potential removal of oysters less than two and one-half inches in height by harvesters who elect to transplant all or part of their allocation during a direct market harvest season, the Division, in consultation with the Council, may close specific seed beds to such transplant harvest. Notice of any closure shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

8. Any harvester unable to plant seed oysters because of mechanical problems, water conditions or other verifiable emergency shall immediately telephone the Delaware Bay Office at (856) 785-0730 and obtain the Division's direction as to how to proceed.

9. The Division, in consultation with the Council, may require harvesters authorized to harvest seed oysters from the natural seed beds to move specified quantities of seed oysters from one location on the natural seed beds to another. Notice of any such requirement shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

7:25A-2.4 Direct market harvest season; closed harvest areas

(a) The Division, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, shall determine the season for the direct market harvest of oysters from the State's natural seed beds. The annual season for direct market harvest of oysters from the State's natural seed beds in Delaware Bay shall open no earlier than April 1 and close no later than November 30. Specific opening and closing dates shall take into account temperatures and other environmental conditions present that year. Notice of the open and close dates for each season, as well as any conditions attendant to the opening of the season, shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

(b) The Division, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, may open or close certain oyster beds or groups of oyster beds as may be necessary for the conservation of the oyster resource and the preservation of the oyster industry. Notice of the opening or closure of oyster beds or groups of oyster beds shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program. A list of closed areas will be posted at the Division's Delaware Bay Office.

1. It shall be illegal to harvest oysters from any closed areas or beds.
2. It shall be prima facie evidence of the violation of (b) 1 above if any vessel is observed by Radar or Global Positioning System or other reliable means to be on closed beds with dredge in water.

3. The Division shall furnish coordinates to all eligible license holders of any boundary line or lines of closed areas established in consultation with the Council.

(c) Any oysters harvested, transported, planted or otherwise handled in violation of this subchapter may be seized and replanted upon the State's natural seed beds.

7:25A-2.5 Direct market harvest limitations; quota; control dates

(a) The Commissioner, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, shall establish annually a season quota for the direct market harvest of oysters from the State's natural seed beds above the southwest line.

(b) The Division, in consultation with the Council, may establish control dates for the annual direct market harvest season, which may include deadlines by which license holders must indicate their intention to participate in that year's direct market harvest program. Subsequently, the annual direct market harvest quota, as described at (a) above, shall be divided equally by the number of license holders indicating their interest in participating in the harvest by the established control date.

(c) In order to maximize utilization of the annual direct market harvest quota, the Division, in consultation with the Council, may establish other control dates by which all or portions of a harvester's annual tag allotment (described at N.J.A.C. 7:25A-2.6) must be purchased.

7:25A-2.6 Fees; tags; transfers of tags; refunds prohibited

(a) As described at N.J.A.C. 7:25A-1.8(a), oyster dredge boat license holders shall pay a landing fee of $ 2.00 for each bushel of oysters harvested by purchasing tags to be attached to each container. Tags will be available from the Division's Delaware Bay Office. One-bushel tags will be available in batches of 200 or more, unless a lesser amount is needed to fulfill an oyster dredge vessel's annual tag allotment prior to the close of a season. Twenty-four-bushel bulk tags will be available in batches of eight or more, unless a lesser amount is needed to fulfill an oyster dredge vessel's annual tag allotment prior to the close of a season. Tags provided under this section shall be valid only for the season for which they are issued and are non-transferable. Refunds will not be given for unused tags, unless harvest for the direct market harvest season is terminated or suspended by the Division.
(b) Only owners of vessels that are propelled under their own motive power are eligible to purchase tags and harvest oysters.

7:25A-2.7 Direct market harvest records required

(a) All oyster dredge vessel license holders shall provide to the Division weekly direct market harvest reports on forms supplied by the Division. Weekly reports shall include the following information:

1. The oyster dredge vessel name and oyster dredge vessel license number;
2. The harvest dates and, for each date, the numbers of bushels harvested, the corresponding tag numbers and the name of the seed bed harvested in accordance with a chart supplied by the Division;
3. For each harvest date, the designated landing site at which the direct market harvest oysters were landed and the dealer to whom the oysters were sold; and
4. The name and signature of harvester attesting to the validity of the report (see N.J.A.C. 7:25A-1.13).

(b) Weekly direct market harvest reports shall be submitted to:
Delaware Bay Office
New Jersey Department of Environmental Protection
Division of Fish and Wildlife
1672 E. Buckshutem Road
Millville, New Jersey 08332

(c) Weekly oyster harvest reports must be received by the Division no later than five business days after the end of the week during which oysters were harvested.

(d) If the holder of an oyster dredge vessel license has harvested his or her total season allocation, the license holder shall submit a final weekly report indicating that the total allocation has been utilized.

(e) The renewal of an oyster dredge vessel license is specifically conditioned on compliance by the licensee with all the requirements of this subchapter. The Department shall not renew an oyster dredge vessel license for a licensee who has not filed the required weekly reports in a timely fashion, as specified in this section.

(f) Disclosure of information provided in an individual's weekly harvest report submitted to the Division is subject to the limitations and requirements of N.J.S.A. 23:2B-9.
SUBCHAPTER 3. OYSTER TRANSPLANT SEASON

7:25A-3.1 Purpose and scope

This subchapter regulates the harvest of seed oysters from the State's natural seed beds in Delaware Bay for the purpose of transplant in order to conserve, protect, manage and improve the oyster resource and industry. This subchapter provides for the transplanting of seed oysters from the State's natural seed beds directly to industry leased grounds. The oyster transplant program includes the specification of harvest times and areas as well as establishment of an annual harvest quota, provides a mechanism for the collection of fees for seed oysters harvested from the State's natural seed beds and establishes a requirement for weekly reporting by harvesters.

7:25A-3.2 Applicability

(a) This subchapter applies to the taking, attempting to take, harvesting, or dredging of oysters during a designated oyster transplant season in State waters, except for harvest of oysters under a scientific collecting permit issued by the Division pursuant to N.J.S.A. 23:4-52 for research, inventory or educational activities.

(b) Compliance with this subchapter shall not exempt any person from compliance with the Shellfish Growing Water Classification rules, N.J.A.C. 7:12, under authority of N.J.S.A. 58:24-1 et seq., the Shellfish rules of the State Department of Health and Senior Services at N.J.A.C. 8:13 or with any applicable Federal or State law or rule.

7:25A-3.3 General control methods for oyster transplant season

(a) Except as provided at N.J.A.C. 7:25A-3.2(a), no person or vessel shall take, attempt to take, harvest, or dredge for oysters on the State's natural seed beds without possessing a licensed oyster dredge vessel and harvest tags as described in N.J.A.C. 7:25A-1.8(a) and 3.6.

(b) The requirements and conditions for the harvest of seed oysters from the State's natural seed beds in Delaware Bay are as follows:

1. Oysters shall only be harvested from the State's natural seed beds daily Monday through Friday between sunrise and 3:30 P.M. Eastern Time, unless otherwise determined by the Division in consultation with the Council. Notice of any change in these times shall be provided by first class mail to each oyster dredge vessel license holder participating in the oyster transplant program.
2. Prior to commencement of harvesting for each transplant harvest trip, the harvester shall notify the Department of the intended harvest location and planting ground(s) of the vessel. Immediately upon completion of harvesting and prior to planting on leased grounds, the harvester shall notify the Department of the vessel's entire harvest for that harvest trip. These notifications shall be made by telephoning the Division's Delaware Bay Office, Bureau of Shellfisheries, at (856) 785-0730. Notice of any change in which leased ground(s) will be planted shall be given two hours prior to planting.

3. Prior to leaving the harvest location, the harvester shall notify the Delaware Bay Office by telephone at (856) 785-0730 of the anticipated time of arrival at a specified lease section and lot number.

4. Prior to commencement of planting, Division personnel may meet the harvest vessel to confirm the volume of oysters being transplanted. At that time, the harvester shall provide Division personnel with the appropriate number of tags (as described at N.J.A.C. 7:25A-3.6) for the volume to be planted. Tags shall be used sequentially as issued for the specific, appropriately licensed oyster harvest vessel. The Division will verify the harvest total and collect the required harvest tags. No oysters shall be planted until after the volume is confirmed or the Division has given the harvester approval to plant the oysters by telephone at (856) 785-0730 or VHF radio should circumstances prevent an on-water inspection. If an on-water inspection is not conducted, the harvester shall return the number of tags corresponding to the actual bushel volume transplanted to the Delaware Bay Office within five business days. Containerization of oysters harvested from the natural seed beds during the oyster transplant season is optional when the harvester elects to transplant to leased ground.

5. Any harvester who has reported his or her intention to harvest on the State's natural seed beds shall have the vessel's entire harvest for that harvest trip counted as part of the licensed vessel's individual allocation for that season.

6. A harvester shall not transfer oysters to or from any oyster vessel to any other vessel.

7. A harvester shall not operate a vessel to harvest or land oysters from both the natural seed beds and the leased oyster grounds on a single day. During an oyster transplant season, each oyster harvester shall notify the Delaware Bay Office each day the harvester intends to work any leased grounds.

8. The top and sides of licensed oyster dredge vessels shall be marked with the license number, each number at least 18 inches in height, clearly legible and in good repair and with no obstruction to view.
9. Any harvester unable to plant seed oysters because of mechanical problems, water conditions or other verifiable emergency must immediately telephone the Delaware Bay Office at (856) 785-0730.

10. The harvester and any other person aboard any licensed oyster dredge vessel shall immediately comply with instructions and signals issued by an authorized law enforcement officer or other Division representative and comply with his or her instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment and catch.

11. All seed oysters shall be planted loosely on the bottom, not in bags, baskets or other containers, on the day taken. All oysters taken from the natural beds are considered to be seed oysters until planted in the manner prescribed in this section. Seed oysters shall not be marketed or sold for any other purpose unless the Division, in consultation with the Council, designates times, manner and section(s) of the natural seed beds from which seed oysters may be taken for market during any period when the natural seed beds are legally opened.

12. If a licensed oyster dredge vessel works any part of the day on the seed beds during an oyster transplant season, all oysters in possession shall be deemed seed oysters and must be planted as required in (b)11 above in accordance with all requirements of this subchapter before the vessel may return to harvesting from the seed beds. Harvesters authorized to take seed oysters for market during a designated oyster transplant season shall also be required to comply with all of the provisions governing the direct market harvest season at N.J.A.C. 7:25A-2.

(c) The Division, in consultation with the Council, may require harvesters authorized to harvest oysters from the natural seed beds to move specified quantities of seed oysters from one location on the natural seed beds to another. Notice of any required relocation of seed oysters shall be provided by first class mail to each oyster dredge vessel license holder participating in the direct market harvest program.

7:25A-3.4 Oyster transplant season; closed harvest areas

(a) The Division, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, shall determine the season for the oyster transplant season. Notice of the season established as well as any conditions attendant to the opening shall be provided by first class mail to each oyster dredge vessel license holder participating in the oyster transplant program. Pursuant to N.J.S.A. 50:3-8 and 50:3-9, the oyster transplant season shall open no earlier than April 1 and close no later than June 30. Specific opening and closing dates shall take into account temperatures and other environmental conditions present that year.
(b) The Division, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, may open or close certain beds or groups of beds as may be necessary for the conservation of the oyster resource and the preservation of the oyster industry. Notice of the opening or closure of oyster beds or groups of beds shall be provided by first class mail to each oyster dredge vessel license holder participating in the oyster transplant program.

(c) Seed oysters may be taken for the purpose of planting at the times and in the manner established under (a) above on leased grounds:

1. Below the southwest line;
2. In Section E; or
3. In the Atlantic Coast Section, as described at N.J.S.A. 50:1-18(d), only on days and at times established by prior written agreement with the Division.

(d) An Advisory Committee may be appointed by the Commissioner for the purposes specified in (e) below and shall be composed of two members of the Council, two members of the Haskin Shellfish Research Laboratory of Rutgers University, and the Director of the Division or his or her designee(s).

(e) The Advisory Committee may undertake physical tests of all areas opened pursuant to this subchapter near the end of each week, for the purpose of providing a recommendation to the Division to close any or all beds opened as provided under (a) above.

(f) Based upon the results of the tests undertaken pursuant to (e) above and the recommendation of the Advisory Committee, the Division, in consultation with the Council, may immediately close those beds as may be necessary for the preservation and improvement of the shellfish industry.

1. It shall be illegal to harvest oysters from any closed beds.
2. It shall be prima facie evidence of the violation of (f)1 above if any vessel is observed by Radar or Global Positioning System or other reliable means to be on closed beds with dredge in water.
3. The Division shall furnish coordinates to all eligible license holders of any boundary line(s) of closed areas established in consultation with the Council by first class mail. Notice of any change in these closed areas shall be provided by first class mail to each oyster dredge vessel license holder participating in the program. A list of closed areas will be posted at the Division's Delaware Bay Office.
(g) Any oysters harvested, transported, planted or otherwise handled in violation of this subchapter may be seized and replanted upon the State's natural seed beds.

7:25A-3.5 Oyster transplant harvest limitations; quota; control dates

(a) The Commissioner, in consultation with the Council and with the advice of the Haskin Shellfish Research Laboratory, shall establish annually a season quota for the harvest of seed oysters from the State's natural seed beds above the southwest line.

(b) The Division, in consultation with the Council, may establish control dates for the oyster transplant season, which may include deadlines by which license holders must indicate their intention to participate in that year's oyster transplant program.

7:25A-3.6 Fees; tags; transfers of tags; refunds prohibited

(a) As described at N.J.A.C. 7:25A-1.8(a), during an oyster transplant season, oyster dredge vessel license holders shall purchase tags for the harvest of oysters at a harvest fee of $2.00 for each bushel of oysters harvested. Tags will be available from the Division's Delaware Bay Office. One-bushel tags will be available in batches of 200 or more. One hundred bushel bulk tags will be available in batches of two or more. Tags provided under this section shall be valid only for the season for which they are issued and are non-transferable. Refunds will not be given for unused tags, unless harvest for the oyster transplant season is unexpectedly terminated or suspended by the Division.

(b) Only owners of vessels that are propelled under their own motive power are eligible to purchase tags and harvest oysters.

7:25A-3.7 Transplant harvest records required

(a) All oyster dredge vessel license holders shall provide to the Division weekly oyster transplant harvest reports on forms supplied by the Division. Weekly reports shall include the following information:

1. The oyster dredge vessel name and oyster dredge vessel license number;

2. The harvest dates and, for each date, the numbers of bushels harvested, the corresponding tag numbers, the name of the seed bed harvested in accordance with a chart supplied by the Division and the section and lot number of the leased ground(s) planted; and

3. The name and signature of the harvester attesting to the validity of the report (see N.J.A.C. 7:25A-1.13).
(b) Weekly harvest reports shall be submitted to:
   Delaware Bay Office
   New Jersey Department of Environmental Protection
   Division of Fish and Wildlife
   1672 E. Buckshutem Road
   Millville, NJ 08332

(c) Weekly oyster harvest reports must be received by the Division no later than five business days after the end of the week during which oysters were harvested.

(d) The renewal of an oyster dredge vessel license is specifically conditioned on compliance by the licensee with all the requirements of this subchapter. The Department shall not renew an oyster dredge vessel license for a licensee who has not filed the required weekly reports in a timely fashion, as specified in this section.

(e) Disclosure of information provided on an oyster dealer's weekly harvest report submitted to the Division is subject to the limitations and requirements of N.J.S.A. 23:2B-9.

SUBCHAPTER 4. (RESERVED)