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## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH AND WILDLIFE**

#### **Fish and Game Council**

#### **2005-2006 Fish Code**

#### **Proposed Amendments: N.J.A.C. 7:25-6**

Authorized By: Fish and Game Council, W. Scott Ellis, Chairman

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

DEP Docket Number:

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

Proposal Number:

A public hearing concerning the proposed amendments will be held on:

September 14, 2004 at 7 pm

NJ DEP Division of Fish and Wildlife - Central Regional Office

East Branch - Eldridge Road

Assunpink Wildlife Management Area

Robbinsville, New Jersey 08691

Submit written comments by October 1, 2004 to:

Martin J. McHugh, Director

NJ Department of Environmental Protection

Division of Fish and Wildlife

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PO Box 400

Trenton, NJ 08625

The agency proposal follows:

#### SUMMARY

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

The proposed amendments to N.J.A.C. 7:25-6 for the 2005 - 2006 fishing season are as follows:

- 1) Opening day of the 2005 trout season is proposed for April 9, 2005 (N.J.A.C. 7:25-6.3(a)). All of the dates, throughout the Code, which are dependent on this date have been adjusted accordingly.
- 2) Unlike 2004, 2005 is not a leap year and therefore, season dates beginning or ending on the last date in February have been adjusted accordingly in N.J.A.C. 7:25-6.13(q-r) and N.J.A.C. 7:25-6.19.
- 3) Due to serious concerns with the future of Atlantic sturgeon along the entire Atlantic coast, in 1998 the Atlantic States Marine Fisheries Commission (ASMFC) issued a moratorium on the harvest and possession of Atlantic sturgeon. As a result, N.J.A.C. 7:25-18.1(d) prohibits the possession of

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Atlantic sturgeon in marine waters. Atlantic sturgeon are long lived and may not reach sexual maturity until 30 years of age. They are anadromous and spawn in the Lower portion of the Delaware River. As a result, a closed season on the harvest of Atlantic sturgeon is proposed to be included in N.J.A.C. 7:25-6.20(a)(1). The Council is also proposing to remove Atlantic Sturgeon from the list of foodfish allowed for the taking with nets at N.J.A.C. 7:25-6.2. Atlantic sturgeon are only infrequently caught by recreational anglers and there are no commercial netting activities currently permitted in the lower freshwater section of the Delaware River so no impact to recreational or commercial anglers is anticipated.

- 4) The scientific name of walleye has been changed from *Stizostedion vitreum vitreum* to *Sander vitreus* by the American Fisheries Society. This change is reflected in the definition of warmwater fish at N.J.A.C. 7:25-6.2.
- 5) References to the number of times a waterway is stocked with trout during the in-season stocking period is proposed to be removed under N.J.A.C. 7:25-6.3(f). The number of times a waterbody is stocked is a function of the Division of Fish and Wildlife (Division) trout stocking and management programs. These programs are continuously modified as new information on the state's aquatic resources becomes available.
- 6) In N.J.A.C. 7:25-6.3(f), Mill Brook is proposed for deletion from the list of trout stocked waters in Morris County due to limited angler access and use.
- 7) In N.J.A.C. 7:25-6.3(f), duplicative references for trout stocked streams which are found in more than one county are clarified by including cross references

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where a stream is listed under another county. Specifically, there is a reference to Passaic County under the Pequannock River in Morris County, and a cross reference to Morris County under the Passaic River in Somerset County.

- 8) In N.J.A.C. 7:23-6.3(f), the stocking of Rancocas Creek, located in Burlington County, is further clarified to indicate that it is the South/West Branch of the Creek that is stocked by the Division.
- 9) Due to a declining holdover, trout fishery and poor returns on stocked trout, Monksville Reservoir is proposed for deletion from the Division's trout stocking program under N.J.A.C. 7:25-6.3(f). Also under N.J.A.C. 7:25-6.3(f), Green Turtle Pond is proposed to replace Monksville Reservoir. Located only several miles from the reservoir, Green Turtle's smaller size should provide better angler returns and improve trout angling opportunities in this area.
- 10) Creel limits for lake trout are prescribed under the general trout regulations in N.J.A.C. 7:25-6.3(h) and for waters designated as Trophy Trout or Holdover Trout waters in N.J.A.C. 7:25-6.8 and N.J.A.C. 7:25-6.9(b). The current minimum size limits for lake trout apply only to New Jersey's regulated trophy trout lakes which are currently the only two locations lake trout are stocked. The Department is considering stocking other lakes not classified as Trophy Trout Lakes with lake trout. Under the current rules, lake trout stocked into additional locations would only be subject to a limit of four to six fish per day, depending on the time of year, with no required minimum size

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limit for this slow growing species. Therefore, to assure only appropriate size fish are taken, a statewide size limit of 15 inches, and a daily possession limit of two fish per day, is proposed for lake trout in N.J.A.C. 7:25-6.3(i). As a result of this amendment, the reference to lake trout in N.J.A.C. 7:25-6.3(h) and N.J.A.C. 7:25-6.9(b) is unnecessary since these lakes would now be covered by the statewide standards.

- 11) N.J.A.C. 7:25-6.10 is proposed for clarification by replacing the phrase “persons entitled to fish without a license” with a reference to persons under the age of 16 and over 70. Fishing licenses are not required for these age groups.
- 12) The prohibited use of cast nets in trout stocked waters as well as in special regulated trout fishing areas is further clarified in N.J.A.C. 7:25-6.10(b). Cast nets are already prohibited in trout stocked waters and special regulation areas pursuant to N.J.A.C. 7:25-6.10(c).
- 13) Methods for the commercial harvest of baitfish are proposed to be defined in N.J.A.C. 7:25-6.10(e)(1). Although net and gear restrictions for the commercial harvest of baitfish have not previously been prescribed within the Code, they have been implemented through the commercial harvest permitting process so this change imposes no new restrictions on commercial harvesters. Methods are consistent with size and types of nets prescribed in N.J.S.A. 23:5-11 and provide an effective means of harvesting fish while minimizing impacts to the State’s aquatic resources.

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- 14) Proposed changes to N.J.A.C. 7:25-6.11(a)(2)(v) would permit the harvest of white perch from May 1 to June 10, in addition to blueback herring, by permitted commercial gill netters. White perch are routinely captured as by-catch and are an abundant species which would not be adversely affected by a limited commercial harvest.
- 15) An increase in the size limit, from 12 inches to 15 inches, is proposed for largemouth bass in Boonton Reservoir under N.J.A.C. 7:25-6.13(d). The current size limit for smallmouth bass is already 15 inches. This change is proposed to provide consistency in the bass regulations for the reservoir since both largemouth and smallmouth bass are present and to further protect the reservoir's excellent largemouth bass fishery.
- 16) Proposed changes to N.J.A.C. 7:25-6.16 remove the restrictions on the taking of fish from the flumes at Deal Lake, Wreck Pond and Lake Takanasee. The flumes of these lakes are below the freshwater license line and therefore are beyond the jurisdiction of the Freshwater Code. The freshwater line of Deal Lake, as defined in N.J.A.C. 7:25-16.1, is the crest of the spillway and a 100 foot area upstream is still restricted for the taking of fish. This 100 foot area above the spillway is a point of congregation for fish moving through the narrow spillway structure and is easily accessible by commercial netters making fish vulnerable to over-harvest.
- 17) For consistency with regulations between New York and New Jersey governing Greenwood Lake, and to prevent over harvest, a creel limit of 50 fish per day is proposed for yellow perch and sunfish under N.J.A.C. 7:25-

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6.19(a). Currently, there is no established daily creel limit for either yellow perch or sunfish for New Jersey anglers fishing Greenwood Lake.

18) In N.J.A.C. 7:25-6.20, April 16<sup>th</sup> is set for the start of trout season on the Delaware River. Since Pennsylvania stocks the Delaware River, the opening day of trout season for Pennsylvania is used.

19) For clarification and consistency purposes, the term “aggregate” is replaced with “total” in N.J.A.C. 7:25-6.19 and 6.20. There is no change to the meaning.

20) For American shad, the Council is deleting “singly or in aggregate” under daily limit at N.J.A.C. 7:25-6.20 since the limit only applies to American shad. Previously, hickory shad were also included in the daily limit but an amendment to the 2004 Code resulted in a closure for the harvest of hickory shad.

21) A catch and release season for smallmouth and largemouth bass, April 16 to June 10, is proposed for the Delaware River under N.J.A.C. 7:25-6.20(a). Currently, there is a catch and release season for largemouth and smallmouth bass on all other State waters except the Delaware River. The season protects bass during their critical spawning period. The Pennsylvania Fish and Boat Commission will be proposing a similar change for the Delaware River. This change would provide consistency in the regulations governing this multi-state waterway.

22) The current upstream limit of Route 1, for the closed season on spawning striped bass and their hybrids in the Delaware River, is proposed to be

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extended upstream to the Calhoun Street bridge, at N.J.A.C. 7:25-6.20(a) and 6.20(a)(7). This amendment is to fully encompass the tidal freshwater spawning area for striped bass and would assist in the protection of this important migratory species during their critical spawning period.

23) In N.J.A.C. 7:25-6.23, the title “Special permit to organizations providing care to disabled persons”, is proposed to be changed to “Special limited fishing licenses” to clarify the intent of these permits.

### **Social Impacts**

The proposed amendments to the Code attempt to balance opportunities for recreational fishing with adequate protection of the natural resource. The proposed regulations which add locations are designed to increase the overall fishing opportunities in their specific regions. Even the loss of stocked locations are to the benefit of the angler since fish can then be reallocated to waters which provide better angling success.

A social impact is anticipated for recreational anglers who currently fish for striped bass between the Calhoun Street bridge and Route 1 bridge on the Delaware River. Proposed amendments will close the season on striped bass from April 1 to May 30 along this section of the river. These social impacts are offset by protecting the entire striped bass tidal spawning area which assures the long term continuation of fishing opportunities in the future. In addition, miles of river above the Calhoun Street bridge (above the spawning grounds) are still open to anglers for striped bass.



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Amendments proposed to make New Jersey regulations consistent with Pennsylvania, as they relate to the Delaware River, and New York as they pertain to Greenwood Lake, are expected to have positive social benefits. Having consistent regulations on boundary waters provides for better understanding and adherence to the regulations by anglers. It also demonstrates a unified approach between states in the management of collective fishery resources.

A number of changes are administrative in nature and do not result in any social impacts.

### **Economic Impact**

Overall, an increase in angling opportunities is anticipated as a result of these amendments which will provide increased revenue for those businesses that support and serve fishermen. A positive economic benefit is anticipated for commercial gill netters with the proposed harvest of white perch often collected as by-catch.

### **Environmental Impact**

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

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minimum size limits have positive environmental impacts in providing for the protection of species while allowing recreational and commercial harvest which also have positive environmental ramifications in preventing overpopulation.

### **Federal Standards Statement**

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

The United States Fish and Wildlife Service regulates the harvesting of freshwater fish in National Wildlife Refuge Areas in New Jersey pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd (1966), and regulations (50 CFR 32-49).

However, in all other areas of the State, where there are no Federal regulations pertaining to the harvest of freshwater fish, the State's Code applies.

Therefore, the Fish and Game Council has determined that the proposed amendments to the Code do not contain any standards or requirements that exceed any standards or requirements imposed by Federal law. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require further analysis.

### **Job Impacts**

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The proposed amendments will not result in the creation or loss of jobs in the State. The amendments provide for continued recreational and economic benefits to the citizens of the State and the regulated use and proper management of the State's freshwater fisheries resource.

### **Agricultural Impact Statement**

N.J.S.A. 52:14B-4(a)2 requires that agencies proposing a rule include a statement on the impact that the proposal will have on the agricultural industry. The Fish and Game Council has determined that the proposed rule will have no impact on the agricultural industry.

### **Regulatory Flexibility Statement**

In accordance with the New Jersey Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Fish and Game Council has determined these amendments would not impose reporting, record keeping, or other compliance requirements on small businesses, because small businesses are not regulated by N.J.A.C. 7:25-6.

### **Smart Growth Impact Statement**

Executive Order No. 4 (2002) requires State agencies which adopt, amend or repeal any rule adopted pursuant to Section 4 (a) of the Administrative Procedure Act, to describe

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the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey Development and Redevelopment Plan (State Plan). The Fish and Game Council has evaluated this rule making to determine the nature and extent of the proposed amendments' impact on smart growth and the implementation of the State Plan. The proposed amendments do not involve land use policies or infrastructure development and therefore, do not impact the achievement of smart growth. As to the implementation of the State Plan, the proposed amendments are intended to conserve the State's natural resources, which is one of the overall goals of the State Plan.

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

[2004 – 2005] **2005-2006** FISH CODE

### **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.

• • •

"Foodfish" for the purpose of N.J.A.C. 7:25-6.11 only, means the following species:

- [1. Atlantic sturgeon Acipenser oxyrhynchus;]
- [2. – 16.] **1. – 15.** (No change in text.)

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"Warmwater fish" includes the following species and all hybrids and strains thereof:

1.-12. (No change.)

13. Walleye [Stizostedion vitreum vitreum] **Sander vitreus**

14.-26. (No Change.)

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

(a) Except as provided in N.J.A.C. 7:25-6.4, 6.6 to 6.9, 6.19, 6.20 and (i) below, the trout season for [2004] **2005** shall commence 12:01 A.M. January 1, [2004] **2005** and extend to midnight March [22] **20**, [2004] **2005**. The trout season shall re-open at 8:00 A.M. Saturday, April [10] **9**, [2004] **2005** and extend to include midnight March [21] **19**, [2005] **2006**.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 to 6.9 and (i) below, it shall be unlawful to fish for any species of fish from midnight March [22] **20**, [2004] **2005** to 8:00 A.M. on April [10] **9**, [2004] **2005** in ponds, lakes or those portions of streams that are listed herein for stocking during [2004] **2005**.

(c) (No Change.)

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(d) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, in trout-stocked waters for which in-season closures will be in force, 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, provided that in the event of emergent conditions, the Division may suspend stocking of any or all of the waters listed below:

1. Monday, April [12, 19, 26; May 3, 10, 17, 24] **11, 18, 25; May 2, 9, 16, 23:**

i. – vi. (No change.)

2. Tuesday, April [13, 20, 27; May 4, 11, 18, 25] **12, 19, 26; May 3, 10, 17, 24:**

i. – ii. (No change.)

3. Wednesday, April [14, 21, 28; May 5, 12, 19, 26] **13, 20, 27; May 4, 11, 18,**

**25:**

i. (No change.)

4. Thursday, April [15, 22, 29; May 6, 13, 20, 27] **14, 21, 28; May 5, 12, 19,**

**26:**

i. – iii. (No change.)

5. Friday, April [16, 23, 30; May 7, 14, 21, 28] **15, 22, 29; May 6, 13, 20, 27:**

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i. – iv. (No change.)

(e) (No Change.)

(f) This subsection sets forth trout stocked waters for which no in-season closures will be in force. [The figure in parenthesis indicates the anticipated number of stockings to be carried out from April 12 through May 28, provided that, in the event of emergency conditions, the Division may suspend stocking of any or all of the following:]

1. Atlantic County

Birch Grove Park Pond - Northfield [-(4)]

Hammonton Lake - Hammonton [-(4)]

2. Bergen County

Hackensack River - Lake Tappan to Harriot Avenue, Harrington

Park [-(4)]

Hohokus Brook - Forest Road to Whites Pond [-(4)]

Indian Lake - Little Ferry [-(4)]

Mill Pond - Park Ridge [-(3)]

Pascack Creek - Orchard Street, Hillsdale, to Lake Street,

Westwood [-(4)]

Saddle River - State Line to Dunkerhook Road, Fair Lawn [-(5)]

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Scarlet Oak Pond - Mahwah [- (0)]

Tenakill Creek - Closter, entire length [- (3)]

Whites Pond - Waldwick [- (4)]

3. Burlington County

Crystal Lake - Willingboro [- (4)]

Laurel Pond - Mt. Laurel [- (3)]

Rancocas Creek, South/West Branch - Medford, Mill Street Park to  
Branch St. Bridge [- (4)]

Sylvan Lake - Burlington [- (3)]

4. Camden County

Haddon Lake - Audubon [- (0)]

Oak Pond - Sicklerville [- (4)]

Rowands Pond - Clementon [- (4)]

5. Cape May County

Dennisville Lake - Dennisville [- (3)]

West Pond - Cape May Courthouse [- (4)]



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6. Cumberland County

Bostwick Lake - Friesburg [- (3)]

Cohansey River - Dam at Seeley's Pond to Powerline above Sunset Lake,  
Bridgeton [- (4)]

Giampietro Park Lake - Vineland [- (3)]

Mary Elmer Lake - Bridgeton [- (3)]

Maurice River - Willow Grove Lake dam to Sherman Avenue, Vineland  
[- (4)]

Shaw's Mill Pond - Newport [- (3)]

7. Essex County

Branch Brook Park Lake - Newark [- (4)]

Clarks Pond - Bloomfield [- (0)]

Diamond Mill Pond - Millburn [- (3)]

Verona Park Lake - Verona [- (4)]

8. Gloucester County

Greenwich Lake - Gibbstown [- (3)]

Grenloch Lake - Turnersville [- (3)]

Harrisonville Lake - Harrisonville [- (3)]

Iona Lake - Iona [- (3)]

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Mullica Hill Pond - Mullica Hill [- (3)]

Swedesboro Lake - Swedesboro [- (3)]

Westville Lake - Westville [- (0)]

9. Hudson County

West Hudson County Park Pond - Harrison [- (0)]

Woodcliff Lake - North Bergen, James J. Braddock Park [- (4)]

10. Hunterdon County

Amwell Lake - East Amwell [- (3)]

Beaver Brook - Clinton Township, entire length [- (2)]

Capoolong Creek - Pittstown, entire length [- (5)]

Delaware - Raritan Feeder Canal - Bulls Island to Hunterdon - Mercer  
County line [- (6)]

Hakihokake Creek - Holland Township, entire length [- (2)]

Lockatong Creek - Opdyke Road Bridge, Kingwood

Township to Delaware Raritan Feeder Canal [- (5)]

Mulhockaway Creek - Pattenburg, source to Spruce Run Reservoir [- (5)]

Neshanic River - Kuhl Road to Hunterdon County Route 514 [- (2)]

Nishisakawick Creek - Frenchtown/Everittstown, entire length [- (2)]

Rockaway Creek - Readington Township, entire length [- (4)]

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Rockaway Creek, S/Br. - Lebanon to Whitehouse, entire length [- (5)]

Round Valley Reservoir - Clinton Township [- (3)]

Sidney Brook - Grandin, entire length [- (1)]

Spring Mills Brook - Spring Mills, entire length [- (2)]

Spruce Run - Glen Gardner and Lebanon Township, entire length [- (5)]

Spruce Run Reservoir - Clinton [- (3)]

Wickecheoke Creek - Covered Bridge County Rt. 604, Sergeantsville to  
Delaware River [- (2)]

11. Mercer County

Assunpink Creek - Assunpink Site 5 dam upstream of Rt. 130

Bridge to Carnegie Road, Hamilton Township [- (4)]

Colonial Lake - Lawrence Township [- (3)]

Delaware - Raritan Canal - Mulberry Street, Trenton, to

Alexander St., Princeton [- (4)]

Delaware - Raritan Feeder Canal - Hunterdon-Mercer County line

to Upper Ferry Road Bridge [- (6)]

Rosedale Lake - Rosedale [- (3)]

Stony Brook - Woodsville to Port Mercer [- (4)]

12. Middlesex County

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Farrington Lake - North Brunswick [- (3)]

Hook's Creek Lake - Cheesequake State Park [- (4)]

Ireland Brook - Farrington Lake to point 500 ft. upstream of

Riva Avenue [- (2)]

Lake Papaiani - Edison [- (0)]

Lawrence Brook - Dam at Farrington Lake to 2nd RR Bridge

(Raritan Railroad) below Main St.[-], Milltown [- (4)]

Roosevelt Park Pond - Edison Township [- (3)]

13. Monmouth County

Englishtown Mill Pond - Englishtown [- (3)]

Garvey's Pond - Navesink [- (3)]

Hockhocksens Brook - Hockhocksens Road to Garden State Parkway

Bridge (northbound) [- (5)]

Holmdel Park Pond - Holmdel [- (3)]

Mac's Pond - Manasquan [- (0)]

Manasquan Reservoir - Howell Township [- (3)]

Mingamahone Brook - Farmingdale, Hurley Pond Road to

Manasquan River [- (5)]

Mohawk Pond - Red Bank [- (4)]

Shadow Lake - Red Bank [- (3)]

Shark River - Hamilton, Route 33 to Remsen Mill Road [- (5)]

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Spring Lake - Spring Lake [- (3)]

Takanassee Lake - Long Branch [- (4)]

Topenemus Lake - Freehold [- (3)]

Yellow Brook - Heyers Mill Road to Muhlenbrink Rd., Colts

Neck Township [- (2)]

14. Morris County

Beaver Brook - Rockaway, entire length [- (3)]

Burnham Park Pond - Morristown [- (4)]

Drakes Brook - Flanders, entire length [- (3)]

Hibernia Brook - Hibernia, entire length [- (5)]

India Brook - Mountainside Ave. to Rt. 24, Ralston [- (5)]

Lake Hopatcong - Lake Hopatcong [- (3)]

Lake Musconetcong - Netcong [- (3)]

[Mill Brook - Center Grove, entire length [- (2)]

Mt. Hope Pond - Mt. Hope [- (3)]

**Pequannock River – (See Passaic Co.)**

Passaic River - White Bridge Rd. to Rt. 24,

Chatham Boro [- (4)]

Pompton River - Pequannock Township (see Passaic Co.) [- (4)]

Russia Brook - Jefferson Township, Ridge Road to Lake

Swannanoa [- (2)]

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Speedwell Lake - Morristown [- (4)]

Whippany River - Tingley Road, Morris Township, to

Ridgedale Ave., Morristown [- (2)]

15. Ocean County

Lake Shenandoah - Lakewood, Ocean County Park [- (3)]

Pohatcong Lake - Tuckerton [- (4)]

Prospertown Lake - Prospertown [- (3)]

16. Passaic County

Barbour's Pond - West Paterson [- (3)]

Clinton Reservoir - Newark Watershed [- (3)]

**Green Turtle Pond – Wanaque Wildlife Management Area - Hewitt**

[Monksville Reservoir - Hewitt – (3)]

Oldham Pond - North Haledon [- (3)]

Pequannock River - Route 23, Smoke Rise to Paterson-Hamburg

Turnpike, Pompton Lakes [- (6)]

Pompton Lake - Pompton Lakes [- (3)]

Pompton River - Pompton Lake to Newark-Pompton Turnpike [- (4)]

Ringwood Brook - State line to Sally's Pond, Ringwood Park [- (5)]

Sheppard's Lake - Ringwood State Park [- (3)]

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17. Salem County

Harrisonville Lake - Harrisonville [- (3)]

Maurice River - Willow Grove Lake Dam to Sherman Avenue,  
Vineland [- (4)]

Riverview Beach Pond - Pennsville Township [- (4)]

Schadler's Sand Wash Pond - Penns Grove [- (3)]

18. Somerset County

Lamington River - Rt. 523 (Lamington Road) at Burnt Mills to Jct. with  
North Branch of Raritan River [- (4)]

Middle Brook, E/Br.- Martinsville, entire length [- (2)]

Passaic River – [White Bridge to Dead River – (4)] **See Morris Co.**

Peapack Brook - Peapack-Gladstone, entire length [- (5)]

Raritan River - Jct. of Raritan River N/Br. and S/Br. to Rt. 206 Bridge  
[- (4)]

Rock Brook - Zion, entire length [- (1)]

Spooky Brook Park Pond - Franklin [- (0)]

19. Sussex County

Alm's House Pond - Myrtle Grove, Hampton Township [- (3)]

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Andover Junction Brook - Andover, entire length [- (2)]

Bier's Kill - Shaytown, entire length [- (2)]

Big Flat Brook, Upper - Saw Mill Pond, High Point State

Park, to 100 ft. above Steam Mill Bridge on Crigger Road [- (4)]

Blue Mountain Lake - Delaware Water Gap National Recreation

Area [- (3)]

Canistear Reservoir - Newark Watershed [- (3)]

Clove River - Junction of Route 23 and Mt. Salem Road to

Route 565 Bridge [- (5)]

Cranberry Lake - Byram Township [- (3)]

Culver's Creek- Frankford Township, entire length [- (5)]

Dry Brook - Branchville, entire length [- (3)]

Franklin Pond Creek - Hamburg Mountain Wildlife Management

Area, entire length [- (5)]

Glenwood Brook - Lake Glenwood to State line [- (2)]

Lake Aeroflex - Andover [- (3)]

[Lake Musconetcong – Netcong – (3)]

Lake Hopatcong - Lake Hopatcong [- (3)]

**Lake Musconetcong - Netcong**

Lake Ocquittunk - Stokes State Forest [- (3)]

Little Flat Brook - Sandyston Township, entire length [- (5)]

Little Swartswood Lake - Swartswood [- (3)]

Lubbers Run - Byram Township, entire length [- (5)]



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Neldon Brook - Swartswood, entire length [- (2)]

Papakating Creek - Plains Road bridge to Route 565,

Lewisburg [- (2)]

Papakating Creek, W. Br. - Libertyville, entire length [- (2)]

Pond Brook - Middleville, entire length [- (5)]

Roy Spring Brook - Stillwater, entire length [- (1)]

Saw Mill Pond- High Point State Park [- (3)]

Shimers Brook - Montague Township, entire length [- (2)]

Silver Lake - Hamburg Mountain Wildlife Management Area [- (0)]

Stony Lake - Stokes State Forest [- (3)]

Swartswood Lake - Swartswood [- (3)]

Trout Brook - Middleville, entire length [- (2)]

Tuttles Corner Brook - Tuttles Corner, entire length [- (2)]

Wawayanda Creek [- (0)]

Wawayanda Lake - Vernon [- (3)]

20. Union County

Green Brook - Route 527, Berkeley Heights, to Route 22,

Scotch Plains [- (2)]

Lower Echo Park Pond - Mountainside [- (3)]

Milton Lake - Madison Hill Road Bridge to Milton Lake Dam,

Rahway [- (4)]

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Rahway River – [Route] I-78 Bridge, Springfield, to St. George

Ave. (Route 27), Rahway [– (4)]

Seeleys Pond - Berkeley Heights [– (3)]

Warinanco Park Pond - Roselle [– (0)]

21. Warren County

Barker's Mill Brook - Vienna, entire length [– (1)]

Beaver Brook - Silver Lake Dam to Pequest River [– (4)]

Blair Creek - Hardwick Center to Blair Lake [– (2)]

Blair Lake - Blairstown [– (3)]

Buckhorn Creek - Roxburg, entire length [– (2)]

Columbia Lake and Gatehole - Knowlton Township [– (3)]

Furnace Brook - Oxford, entire length [– (2)]

Furnace Lake - Oxford [– (3)]

Honey Run - Swayze's Mill Road to Route 519, Hope Township [– (2)]

Jacksonburg Creek - Jacksonburg, entire length [– (2)]

Lopatcong Creek - Route 519 to South Main Street,

Phillipsburg [– (5)]

Merrill Creek Reservoir - Stewartsville [– (0)]

Mountain Lake - Butzville [– (3)]

Pohatcong Creek - Mt. Bethel to Route 31 [– (2)]

Pophandusing Creek - Oxford Road, Hazen, to Delaware River [– (2)]

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Roaring Rock Brook - Brass Castle, entire length [- (2)]

Trout Brook - Hackettstown, entire length [- (2)]

Trout Brook - Hope, entire length [- (2)]

White Lake - Hardwick Township [- (3)]

(g) (No change.)

(h) A person shall not take, kill or have in possession in one day more than six in total of brook trout, brown trout, rainbow trout, [lake trout] or hybrids thereof during the period extending from 8:00 A.M. April [10] 9, [2004] 2005 until midnight May 31, [2004] 2005 or more than four of these species during the periods of January 1, [2004] 2005 to midnight March [22] 20, [2004] 2005 and June 1, [2004] 2005 through midnight March [22] 19, [2004] 2006 except as designated in N.J.A.C. 7:25-6.4 to 6.9.

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

[(i)] **(i)** Spruce Run Reservoir, Hunterdon County; Farrington Lake, Middlesex County; Lake Hopatcong, Morris/Sussex County; Shenandoah Lake, Prospertown Lake, Ocean County; Pompton Lake, Passaic County; and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March [22] 20, [2004] 2005 and extending to 8:00 A.M. April [10] 9, [2004] 2005 must be returned to the water immediately and unharmed.

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**7:25-6.4 Special Regulation Trout Fishing Areas - Fly Fishing Waters**

(a) Beginning January 1, [2004] 2005 to midnight March [22] 20, [2004] 2005 and from 5:00 A.M. on Monday, April [19] 18, [2004] 2005 to midnight March [21] 19, [2005] 2006 the following stretch is open to fly-fishing only, and closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking:

1. (No change.)

(b) Beginning January 1, [2004] 2005 to midnight March [22] 20, [2004] 2005 and from 8:00 A.M. on April [10] 9, [2004] 2005 to midnight March [21] 19, [2005] 2006 the following stretch is open to fly-fishing only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

1. (No change.)

(c) The following rules shall apply to the above designated fly-fishing waters:

1. (No change.)
2. Not more than 6 trout may be killed daily during the April [10] 9 through May 31 portion of the season; at other times the limit is four. Trout in excess of the creel limit may be caught provided such trout are immediately returned to the water unharmed.

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3.-6. (No change.)

**7:25-6.5 Special Regulation Trout Fishing Areas-Seasonal Trout Conservation Areas**

(a) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (b) below governing these areas during the periods of January 1, [2004] 2005 through April [9] 8, [2004] 2005 and May [24] 23, [2004] 2005 through April [8] 7, [2005] 2006.

1.-3. (No change.)

(b) (No change.)

**7:25-6.6 Special Regulation Trout Fishing Areas - Wild Trout Streams**

(a) (No change.)

(b) The following regulations shall apply to the Wild Trout Streams designated at (a) above.

1.-4. (No change.)

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5. During the period extending from 8:00 A.M. April [10] **9**, [2004] **2005** to September 15, [2004] **2005**, no person shall have in possession while fishing any more than two legally sized dead, creeled or otherwise appropriated trout. No trout may be killed or possessed during other times of the year. Any number of trout may be caught provided they are immediately returned to the water unharmed.

6. (No change.)

**7:25-6.8 Special Regulation Trout Fishing Areas - Trophy Trout Lake**

(a) (No change.)

(b) The following regulations shall apply to the Trophy Trout Lakes designated in (a) above.

1.-3. (No change.)

4. The season for lake trout shall extend from January 1, [2004] **2005** to midnight September 15, [2004] **2005** and from December 1, [2004] **2005** to midnight September 15, [2005] **2006**.

5. (No change.)

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**7:25-6.9 Special Regulation Trout Fishing Areas - Holdover Trout Lakes**

(a) (No change.)

(b) The following regulations shall apply to Holdover Trout Lakes designated at (a) above:

1. – 2. (No change.)

3. A person shall not take, kill or have in possession, in one day, more than four in total of brook trout, brown trout, rainbow trout, [lake trout] or hybrids thereof, during the period extending from 8:00 A.M. April [10] **9**, [2004] **2005** until May 31, [2004] **2005** or more than two of these species during the periods of January 1, [2004] **2005** to midnight March [22] **20**, [2004] **2005** and June 1, [2004] **2005** to midnight March [21] **19**, [2005] **2006**. Trout, if taken during the period commencing at midnight, March [22] **20**, [2004] **2005** and extending to 8:00 A.M., April [10] **9**, [2004] **2005** must be returned to the water immediately and unharmed.

**7:25-6.10 Baitfish**

(a) Any person, who has a fishing license or is [entitled to fish without a license,] **under the age of 16 or over 70 years of age**, may take up to 35 baitfish per day from the freshwaters of the State.

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(b) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3 to 6.9 and (c) and (d) below, up to 35 baitfish per person per day may be taken from the freshwater streams with a seine not to exceed 30 feet in length, or half the width of the stream at the point of use, whichever is less, year-round. 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. A cast net no greater than eight feet in diameter may be used in freshwater streams provided it is not **a trout stocked water or** [classified as] a special regulation trout fishing area, **listed in N.J.A.C. 7:25-6.3 to 6.9.**

(c) – (d) (No change.)

(e) Baitfish other than alewife (anadromous and landlocked) and blueback herring may be taken from the freshwaters of the State, in numbers greater than 35 per day 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 35 per day for the purpose[s] 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**



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**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.**

[1. – 3.] **2. – 4.** (No change in text.)

#### **7:25-6.11 Nets**

(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 change.)

2. It shall be legal to take and sell foodfish as defined in N.J.A.C. 7:25-6.2 by the following means:

i.-iv. (No change.)

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 blueback herring [only.] **and white perch.**

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3.-6. (No change.)

### **7:25-6.13 Warmwater fish**

(a)-(c) (No change.)

(d) The minimum size of smallmouth bass and largemouth bass shall be 12 inches, except for Parvin Lake, Ryker Lake, Delaware Lake, Assunpink Lake, **Boonton Reservoir** and Splitrock Reservoir where it shall be 15 inches. [and for Boonton Reservoir where it shall be 15 inches for smallmouth bass only.]

(e) – (p) (No change.)

(q) Striped bass may not be taken or possessed during the period of January 1 through February [29] **28**.

(r) Hybrid striped bass may not be taken in the Raritan River downstream of the Duke Island Park dam during the period of January 1 through February [29] **28**.

(s) – (t) (No change.)

### **7:25-6.16 Closed Waters**

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(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 flumes located at Deal Lake, Wreck Pond and Lake Takanasee] 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) (No change.)

**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.

1.

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Daily Bag Limit</u>
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth	Jan. 1 - April 14, and June 16 - Dec. 31	12 inch minimum	5 singly or in [aggregate] <b><u>total</u></b>

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bass	April 15 - June 15	Catch and release only	
Chain pickerel	No closed season	15 inch minimum	5
Muskellunge and any hybrid thereof	No closed season	36 inch minimum	1
Walleye	Jan. 1-Feb. [29] <b>28</b> and May 1, [2004] <b>2005</b> - Feb. 28, [2005] <b>2006</b>	18 inches	3
Channel catfish	No closed season	12 inches	5
Black crappie and white crappie	No closed season	8 inches	10 singly or in total
<b><u>Yellow perch</u></b>	<b><u>No closed season</u></b>	<b><u>No minimum</u></b>	<b><u>50</u></b>
<b><u>Sunfish</u></b>	<b><u>No closed season</u></b>	<b><u>No minimum</u></b>	<b><u>50</u></b>
All other species	No closed season	No minimum	No limit

2.- 5. (No change.)

**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.

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1.

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Daily Bag Limit</u>
Trout	April [17] <b>16</b> – Sept. 30	No minimum	5
American Shad	No closed season	No minimum	6 [singly or in aggregate]
Hickory shad	Closed season	Closed season	Closed season
[Largemouth bass and smallmouth bass]	No closed season	12 inch minimum	5 in total
<b><u>Largemouth bass and smallmouth bass</u></b>	<b><u>Jan. 1 - April 15, and June 11 - Dec. 31</u></b>	<b><u>12 inch minimum</u></b>	<b><u>5 singly or in total</u></b>
	<b><u>April 16 - June 10</u></b>		<b><u>Catch and release only</u></b>
Walleye	No closed season	18 inch minimum	3
Chain pickerel	No closed season	12 inch minimum	5
Muskellunge and any hybrid thereof	No closed season	30 inch minimum	2
Northern pike	No closed season	24 inch minimum	2
Baitfish, fish bait	No closed season	No minimum	50
Alewife and blueback (anadromous forms)	No closed season	No minimum	35 in [aggregate]
			<b><u>total</u></b>
Shortnose sturgeon	Closed-endangered species		

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**Atlantic sturgeon**

**Closed**

[Striped bass and striped bass X white bass hybrid	Downstream of Route 1		2 in total
	Bridge March 1 - 30	24 inches to	
	and June 1 - Dec. 31	less than 28 inches	1
	Upstream of Route 1	28 inches or greater	1
	Bridge March 1 - Dec. 31]		

**Striped bass and striped bass X white bass hybrid**

**Downstream of**

**2 in total**

**Striped bass and striped bass X white bass hybrid**

**Calhoun Street Bridge**

**24 inches to**

**Bridge season open**

**less than 28 inches**

**1**

**March 1 – 30 and**

**28 inches or greater**

**1**

**June 1 – Dec. 31**

**Upstream of**

**2 in total**

**Calhoun Street Bridge**

**24 inches to**

**Bridge season open**

**less than 28 inches**

**1**

**March 1 – Dec. 31**

**28 inches or greater**

**1**

All other freshwater species	No closed season	No minimum	No limit
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2.-6. (No change.)

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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 [Route 1 Bridge] **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).

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

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

(c) The open season for taking of snapping turtles shall extend from January 1, [2004] **2005** through April 30, [2004] **2005** and from June 16, [2004] **2005** through April 30, [2005] **2006**. The open season for the taking of bull frogs and green frogs shall be from January 1, [2004] **2005** through March 31, [2004] **2005** and from July 1, [2004] **2005** through March 31, [2005] **2006**.

(d)-(e) (No change.)

**7:25-6.23 Special [permit to organizations providing care for disabled persons] limited fishing licenses**

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

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Based on consultation with staff, I hereby certify that the above statements, including Federal Standards statement addressing the requirements of Executive Order 27 (1994), permit the public to understand accurately and plainly the purposes and expected consequences of those proposed amendments. I hereby authorize the proposal of these amendments.

\_\_\_\_\_  
W. Scott Ellis, Chairman  
New Jersey Fish and Game Council

Date: \_\_\_\_\_