

SEA TURTLES AND MARINE MAMMALS

It is illegal to intentionally molest, kill or possess sea turtles or marine mammals, or to possess any part of one.

STRIPED BASS

It is illegal to take, catch or kill any striped bass from or in any marine waters of this State, by means of a net of any description, or by any methods other than angling with a hook and line or by spearfishing. It is illegal to sell, barter or offer for sale any striped bass or part thereof.

LIMITED ENTRY PROGRAMS (General)

Historically, the policy of open entry fisheries has resulted in the devastation of many fish stocks. Within more recent years, fishery managers have had to resort to controlled access (i.e. limited entry) to restore and sustain publicly owned fishery resources. Fishery management plans for many species utilize quotas or reductions in effort (i.e. reduce the number of participants or establish closed seasons) to control landings.

When a fishery management plan requires an annual commercial quota, fishery managers generally establish control dates for no new entry into the fishery and establish eligibility criteria for defined past years of participation to protect traditional harvesters whose landings usually serve as the basis for the required annual quota. Fishermen permit systems are usually developed to identify the participants in a fishery and track their landings in monitoring seasonal and annual quotas. Permits may also be developed to determine gear allocations and daily trip limits. When a projected seasonal or annual quota is projected to be taken, fishery managers can then easily notify all permit holders in a timely manner to avoid exceeding established quotas. Quota overages within a season or year are usually subtracted from the following seasonal or annual quota. At the present time, New Jersey or the NMFS issues species specific permits to qualifying individuals to control harvest or document harvest for these quota-based, or new and/or expanding fisheries: American lobster, American shad, Atlantic menhaden (purse seine bait fishery), black sea bass, bluefish, horseshoe crabs, scup, sharks (other than prohibited species), spiny dogfish, summer flounder, and tautog. Usually, species-specific dealer permits are also issued to track commercial landings on a more frequent basis. Fishery managers develop permit transferability allowances to provide for new entrants into these fisheries.

In other instances, fishery managers will establish effort controls by restricting licenses for certain gear types or controlling the allocation of the number of nets, pots, etc. allowed to be fished by each license holder. Previously, New Jersey implemented limited entry programs for gill netting and fish potting to control the proliferation of these gears throughout marine waters. The lobster fishery is controlled through the set allocation of lobster pots to each fisherman based on historical participation and the lobster permit for which he or she qualifies. License transferability allowances are provided for new entrants into these fisheries.

Additionally, crab pot, trot line, and crab dredge licenses are capped to control growth in these fisheries but lotteries exist to allow for new entrants into these fisheries when the number of licenses falls below the threshold level due to attrition. A Delaware Bay Gill Net Permit system exists to restrict the growth of gill net activity in the lower bay and a Gill Net Mesh Exemption Permit exists to allow fishermen to pursue their small mesh traditional fishery for white perch and other species at a time when larger mesh gill nets are required to protect weakfish stocks.

For more detail on limited entry programs to specific species or gear types, see the appropriate section below.

REGULATIONS PERTAINING TO SPECIFIC SPECIES

AMERICAN EEL

An individual shall not take or possess any American eel less than six inches total length. To take more than 25 American eels a day from the Delaware estuary requires a Delaware Bay Commercial Eel license or a miniature fyke/pot license.

NOTICE: As a compliance requirement to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Eel, the Department has proposed and is in the process of adopting mandatory reporting for commercial eel harvesters in 2007. See NOTICE: on page 7 under MINIATURE FYKES OR POTS.

BLACK DRUM

Commercial fishermen should be aware that an annual black drum quota of 65,000 pounds is in effect for New Jersey. A vessel shall not possess or land and a dealer shall not accept from any person or vessel greater than 10,000 pounds in any one day.

BLACK SEA BASS

A vessel shall not land more than 100 pounds of black sea bass during the period of January 1 through March 31 or more than 50 pounds of black sea bass during the period April 1 through December 31 in New Jersey on any one trip unless the vessel is in possession of a valid New Jersey Black Sea Bass permit. Commercial fishermen should be aware that an annual black sea bass harvest quota is in effect for New Jersey. The Department is setting aside 10% of New Jersey's black sea bass quota for by-catch landings. The New Jersey quota is divided into four seasons (January 1 to April 15; April 16 to June 30; July 1 to September 30; and, October 1 to December 31). All commercial landings of black sea bass are applied to the annual quota. Daily trip limits and the number of landings a vessel may make in any one week (Sunday through Saturday) have been established for each season. New Jersey Black Sea Bass Permit holders will be notified of daily trip limits and allowable landing days for each season via letter by first class mail. No vessel can have in possession or land, and no dealer can accept from any one vessel, more than the daily trip limit of black sea bass in any one calendar day. Once the season has been closed for the commercial black sea bass fishery, no vessel can land and no dealer can accept any black sea bass landed in New Jersey. Any harvester or vessel landing black sea bass in New Jersey for the purpose of sale must sell all black sea bass to a permitted New Jersey Black Sea Bass Dealer. A New Jersey Black Sea Bass Dealers Permit is required of all dealers buying black sea bass. New Jersey Black Sea Bass dealers must submit daily landing reports during the period January 1 through April 15 and weekly reports during the period April 16 through December 31.

The application period for black sea bass permits has closed and no additional permits are being issued. Black sea bass permits may be transferred to replacement vessels that are up to 10% larger in length and tonnage and up to 20% greater horsepower of the originally permitted vessel. Permit transfers cannot occur if the vessel's black sea bass permit is pending revocation or court action.

Unloading of black sea bass can only occur between 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and between 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The Department must be notified of the time and place of unloading of the vessel at least two hours in advance by calling 609-748-2050.

NOTICE: In a letter dated November 17, 2006, all New Jersey Black Sea Bass Dealers were offered the option of having their electronically reported black sea bass landings to the Standard Atlantic Fisheries Information System (SAFIS) satisfy the State reporting requirement of submitting the paper form supplied by the Division of Fish and Wildlife. While using SAFIS satisfies both the Federal and State reporting requirements, the continuance of using only the existing paper form supplied by the Division of Fish and Wildlife does not satisfy any Federal reporting requirements. The frequency of State mandated reporting of landings takes precedence over the frequency of SAFIS reporting under Federal requirements.

BLUE CRABS

Harvest, sale and consumption of crabs from the Newark Bay Complex is prohibited. (The Newark Bay Complex includes Newark Bay, Passaic River (up to Dundee Dam), Hackensack River (up to Oradell Dam), Arthur Kill, Kill Van Kull, and tidal portions of all tributaries.

Taking of females with eggs attached or from which eggs have been removed is prohibited.

NOTICE: The Department has proposed several amendments to blue crab regulations which will enhance the enforceability of regulations pertaining to the illegal tampering of crab pots; establish a two tier commercial crab pot/trot line licensing system (including license transfer provisions). Look for the revised Commercial Regulations – 2007 upon adoption during the spring of 2007 for final details.

BLUEFISH

Commercial fishermen should be aware that an annual bluefish harvest quota is in effect for New Jersey. All commercial landings of bluefish in New Jersey are applied to the annual quota. All vessels engaged in the commercial harvest of bluefish must possess a valid commercial bluefish permit issued by the National Marine Fisheries Service (NMFS). No fish dealer shall accept any bluefish from any vessel or harvester unless such dealer is in possession of a valid Federal bluefish dealer permit. Contact NMFS at 1-978-281-9370 for a permit application. Any individual or vessel landing bluefish in New Jersey for the purpose of sale must sell all bluefish to federally-permitted bluefish dealers.

NOTICE: In a letter dated November 17, 2006, all Federal Bluefish Dealers in New Jersey were offered the option of having their electronically reported bluefish landings to the Standard Atlantic Fisheries Information System (SAFIS) satisfy the State reporting requirement of submitting the paper form supplied by the Division of Fish and Wildlife as long as they also entered the gear type for each landing. Federal reporting requirements under SAFIS do not require gear types to be specified for each landing, State reporting requirements include the gear type to be entered. While using SAFIS and adding the gear type satisfies both the Federal and State reporting requirements, the continuance of using only the existing paper form supplied by the Division of Fish and Wildlife does not satisfy any Federal reporting requirements.

A person shall not land and a dealer shall not accept any bluefish landed in New Jersey taken by the gear type specified below during the closed season for that gear type. All bluefish dealers shall provide weekly reports to the Division. The Department may close the season upon 4 days notice for any gear.

<u>Gear</u>	<u>Closed Season</u>
Gill Net	November 7 - December 31
Pound Net	No Closed Season
Otter Trawl	December 8 - December 31
Hook and Line	January 1 - June 15 & August 8 - December 31
Purse Seine	No Closed Season

No purse seine vessel shall land any bluefish in excess of the purse seine quota or after the purse seine season has been closed.

DIAMONDBACK TERRAPIN

OPEN SEASON -- November 1 to March 31. No person may possess any diamondback terrapin except during the open season.

SIZE LIMIT -- Five (5) inches bottom shell length.

May not be taken by means of a trap, pot, fyke, seine, weir or net of any description.

HORSESHOE CRABS

The commercial horseshoe crab bait fishery in New Jersey is closed in 2007. An individual shall not catch, take, or attempt to catch or take or land any horseshoe crabs from any beach or shoreline or from the marine waters of this State. The possession of horseshoe crabs is allowed only in the following circumstances: 1) Property owners, tenants or agents of property owners may, at any time, remove dead horseshoe crabs from their property for purposes of disposal. No sale, trade, or barter of these horseshoe crabs is allowed; 2) Persons collecting horseshoe crabs strictly for scientific purposes only and operating under the terms and conditions specified by a required scientific collecting permit issued by the Administrator of the Marine Fisheries Administration within the Division of Fish and Wildlife; and 3) those individuals in possession of a valid New Jersey miniature fyke or a valid New Jersey lobster or fish pot license and in possession of bona fide written documentation that the horseshoe crabs were obtained from a legal source.

LOBSTER

A vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner. There are six (6) different types of lobster pot permits (Types A, B, C, D, E, and F) which determine a lobster pot fisherman's pot allocation, areas where these pots may be fished (i.e. Lobster Management Areas), reporting requirements, and any applicable maximum size limits. The Lobster Pot Permit application period is closed and permit Types A, B, C, E and F are no longer available. Only lobster pot permit Type D, for recreational fishing, is available at this time. However, for a Type D permit to be valid, the holder must also possess a valid New Jersey lobster and fish pot license. The operator of a vessel participating in the lobster pot fishery must sell all lobster to a federally-permitted lobster dealer and have individual pot tags affixed to all pots. Permitted vessels have a limited pot allocation established by the NMFS for those that possess a Federal Limited Access American Lobster Permit or by the Department for those that possess a New Jersey Lobster Pot Permit for State waters only. The New Jersey Lobster Pot Permit provides for transfer limitations. Lobster permit transfer limitations for vessel upgrade in length and horsepower have been eliminated. A license to fish lobster pots will be required only if pots are fished in State waters.

Effective July 1, 2003, the escape vents in all lobster and fish pots were increased in size to 2 inches by 5 inches for a rectangular opening and 2 5/8 inches in diameter for circular vents to be consistent with the increase in lobster size limits.

American lobsters taken by otter trawl or fish pot are limited to 100 lobsters per day up to a maximum of 500 lobsters per five days or longer trip. Lobsters taken by any other gear or method other than pot, trap, or otter trawl are limited to a daily possession limit of 6 lobsters per person.

The possession at sea or the landing of lobster parts or any whole lobster damaged to the extent that its carapace length cannot be determined is prohibited.

The taking or possession of female lobsters with eggs attached or from which eggs have been removed is prohibited. The taking or possession of female lobsters with a v-notched tail is prohibited. The use of any spear, gig, gaff, or other penetrating device is prohibited.

NOTICE: The Department's multi-species regulatory proposal is recommending the elimination of the Type D Recreational Lobster Pot Permit for the recreational harvest of lobsters. Only a lobster or fish pot license will be required and it will specifically state that the license is for recreational lobster harvest only which allows the permittee an allocation for 10 lobster pots to be fished in State waters only and the permittee is limited to six lobsters per day. Look for the revised Commercial Regulations – 2007 upon adoption during the spring of 2007 for final details.

PORGY (SCUP)

A harvester or vessel shall not land scup for the purpose of sale or sell any scup unless that harvester or vessel is in the possession of a valid Scup Moratorium Permit issued by the National Marine Fisheries Service (NMFS). Commercial fishermen should be aware that coastwide scup quotas and daily trip limits are in effect for the periods from January 1 through April 30 and November 1 through December 31 and a New Jersey scup quota is in effect for the period from May 1 through October 31. All landings of scup in New Jersey during the period from May 1 through October 31 are applied to the New Jersey quota. No vessel shall land and no dealer shall accept from any one vessel more than the daily trip limit set by the NMFS or the Atlantic States Marine Fisheries Commission for the seasons from January 1 through April 30 and November 1 through December 31 or more than the daily trip limit of 1,000 pounds of scup during the season of May 1 through October 31 or as otherwise notified. Once the season has been closed for the commercial scup fishery, no vessel may land and no dealer may accept any scup landed in New Jersey. Any harvester or vessel landing scup in New Jersey for the purpose of sale must sell all scup to a permitted New Jersey Scup Dealer. New Jersey Scup Dealers must provide weekly landing reports to the Division. All Scup Moratorium Permit holders landing scup in New Jersey must provide monthly landing reports to the Division.

NOTICE: In a letter dated November 17, 2006, all New Jersey Scup Dealers were offered the option of having their electronically reported scup landings to the Standard Atlantic Fisheries Information System (SAFIS) satisfy the State reporting requirement of submitting the paper form supplied by the Division of Fish and Wildlife. While using SAFIS satisfies both the Federal and State reporting requirements, the continuance of using only the existing paper form supplied by the Division of Fish and Wildlife does not satisfy any Federal reporting requirements. The frequency of State mandated reporting of landings takes precedence over the frequency of SAFIS reporting under Federal requirements.

RIVER HERRING

No person shall harvest or attempt to harvest fish by any means from the Deal Lake flume, the Lake Takanassee spillway or Wreck Pond spillway on Monday, Wednesday and Friday, during the months of April and May in any year.

No person shall take more than 35 river herring (the term "river herring" applies to both alewife and blueback herring) in the aggregate per day with any dip net, cast net, lift or umbrella net or bait seine.

SHAD

Any individual or vessel landing shad for sale shall be in possession of the appropriate shad permit based on the poundage of shad in possession. The possession of more than 300 pounds of shad on board a vessel or landed from a vessel requires a New Jersey Shad Commercial Net Permit. The possession of up to 300 pounds of shad on board a vessel or landed from a vessel requires a New Jersey Shad Incidental Harvest Permit. Except that no person shall take or land from the Atlantic Ocean or possess while on the waters of the Atlantic Ocean any shad which exceeds 5 percent, by weight, of all species taken or possessed. All permit holders must have their permit on their person at all times when engaged in any phase of harvesting, transporting, selling or possessing shad. All New Jersey Shad Commercial Net Permit or New Jersey Shad Incidental Harvest Permit holders are required to complete annual reports on forms supplied by the Division. Failure to submit required reports may lead to suspension or revocation of the appropriate permit. The application period for shad permits is closed and permits are not transferable.

NOTICE: The Department's multi-species regulatory proposal recommends allowing for the transferability of both the Shad Commercial Net Permit and the Shad Incidental Harvest Permit to immediate family members consistent with language allowing for the transfer of other fishing permits to immediate family members to preserve a fishing family's ability to participate in the fishery. Look for the revised Commercial Regulations – 2007 upon adoption of these recommendations during the spring of 2007 for final details.

SHARK

A valid annual vessel permit for sharks, issued by the National Marine Fisheries Service, is required to possess greater than two sharks per vessel or to sell or offer for sale greater than two sharks. All sharks sold in New Jersey must be sold to federally permitted shark dealers.

A valid annual dealer permit for sharks, issued by the National Marine Fisheries Service is required for a dealer to purchase or receive a shark.

A person may not sell and a dealer may not receive any sharks within the small coastal group, large coastal group or pelagic group during a seasonal closure by the National Marine Fisheries Service for that group of sharks.

The fins may not be removed from a shark until fishing has ceased and such shark has been landed at a pier, dock or wharf where it may be inspected.

Sharks may be eviscerated and the head removed prior to landing, provided that the alternate length, as measured from the origin of the first dorsal fin to the pre-caudal pit is not less than 23 inches in length.

DOGFISH

A valid annual vessel permit for spiny dogfish, issued by the National Marine Fisheries Service (NMFS), is required to sell or offer to sell spiny dogfish. A valid annual dealer permit for spiny dogfish, issued by the NMFS, is required to purchase or accept spiny dogfish.

No person or vessel shall possess and no dealer shall accept from any one person or vessel more than the daily trip limit as set by the NMFS or the Atlantic States Marine Fisheries Commission.

The fins may not be removed from any dogfish until fishing has ceased and such dogfish has been landed at a pier, dock, or wharf where it may be inspected.

SUMMER FLOUNDER

A vessel shall not land more than 100 pounds of summer flounder during the period of May 1 through October 31 or more than 200 pounds of summer flounder during the period of November 1 through April 30 in New Jersey on any one trip unless the vessel is in possession of a valid New Jersey Summer Flounder Permit. Commercial fishermen should be aware that an annual summer flounder harvest quota is in effect for New Jersey. All commercial landings of summer flounder, whether from a directed fishery or a by-catch fishery, are applied to the annual quota. The New Jersey directed fishery quota is divided into six seasons of two months duration each. Every directed fishery season will start on the first Sunday of the appropriate month. Daily trip limits and the number of landings a vessel may make in any one week (from Sunday through Saturday) for the directed commercial summer flounder fishery have been established for each season. New Jersey Summer Flounder Permit holders will be notified of daily trip limits and allowable landings days for each season via letter. No vessel can have in possession or land, and no dealer can accept from any one

vessel, more than the daily trip limit of summer flounder in any one calendar day. Any vessel participating in a directed summer flounder fishery must notify the Division of Fish and Wildlife of the time and place of unloading of the vessel at least two hours in advance of unloading by calling 609-748-2050

Unloading of summer flounder can only occur between 6:00AM and 6:00PM from November 1 through April 30 and between 6:00AM and 8:00PM from May 1 through October 31. When a vessel contacts the Division regarding the time and place of unloading, the vessel must also report how many landings will have been made that week, including the proposed landing being called in. Once the season has been closed in the directed commercial summer flounder fishery, no vessel can land and no dealer can accept any summer flounder landed in New Jersey in excess of the by-catch allowances specified above, provided the amount of summer flounder landed from any vessel cannot exceed 10%, by weight, of the total weight of all species landed and sold. A portion of the annual quota is dedicated to a by-catch fishery. Once the directed and by-catch quotas for a season have been landed, no vessel can land any summer flounder and no dealer can accept any summer flounder landed in New Jersey. Only whole fresh summer flounder can be landed, except that individually frozen summer flounder can be landed in amounts not exceeding by-catch allowances specified above provided they can be measured for total length. No vessel can land and no dealer can accept any summer flounder which have been filleted or processed in any way. Any harvester or vessel landing summer flounder in New Jersey for the purpose of sale must sell all summer flounder to a permitted New Jersey Summer Flounder Dealer. A New Jersey Summer Flounder Dealers permit is required of all dealers buying summer flounder. New Jersey Summer Flounder dealers must submit daily landing reports during the January-February season and weekly landing reports during all other seasons to the Division not later than 10:00AM on the following day for daily reports and 12:01PM on Monday following the week's end. New Jersey Summer Flounder Permit holders must submit monthly landing reports to the Division. Failure to submit required reports may lead to suspension or revocation of the appropriate permit.

The application period for summer flounder permits has closed and no additional permits are being issued. Summer flounder permits may be transferred to replacement vessels that are up to 10% larger in length and tonnage and up to 20% greater horsepower of the originally permitted vessel. Permit transfers cannot occur if the vessel's summer flounder permit is pending revocation or court action.

NOTICE: In a letter dated November 17, 2006, all New Jersey Summer Flounder Dealers were offered the option of having their electronically reported summer flounder landings to the Standard Atlantic Fisheries Information System (SAFIS) satisfy the State reporting requirement of submitting the paper form supplied by the Division of Fish and Wildlife. While using SAFIS satisfies both the Federal and State reporting requirements, the continuance of using only the existing paper form supplied by the Division of Fish and Wildlife does not satisfy any Federal reporting requirements. The frequency of State mandated reporting of landings takes precedence over the frequency of SAFIS reporting under Federal requirements.

TAUTOG

Any vessel landing tautog for sale shall be in possession of the appropriate tautog permit based on the poundage of tautog in possession. The possession of more than 100 pounds of tautog on board a vessel or landed from a vessel shall constitute a directed fishery for tautog. A vessel participating in a directed fishery for tautog shall be in possession of a valid New Jersey Directed Fishery Tautog Permit. Fishermen landing 100 pounds or less of tautog for sale shall be in possession of a Non-Directed Fishery Tautog Permit. The directed fishery and non-directed fishery permits are issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit. The application period for tautog permits has closed and no additional permits are being issued.

Party and charter boats in possession of either tautog permit are ineligible to operate under that permit when carrying passengers for hire.

Commercial fishermen should also be aware that an annual harvest quota of 103,000 pounds is in effect for New Jersey and all commercial landings of tautog in New Jersey shall be applied to the New Jersey annual tautog quota. The commercial season for tautog shall be from January 1 through January 15, from April 15 through June 30, and from November 1 through December 31. However, the Commissioner shall close the season for the commercial tautog fishery upon four days public notice of the projected date the annual quota shall be caught. Once the season has been closed for the commercial tautog fishery, no vessel shall land any tautog in New Jersey and no dealer shall accept any tautog landed in New Jersey for purposes of sale. All permit holders must provide monthly reports to the Division. Failure to submit required reports may lead to suspension or revocation of the vessel's tautog permit. Tautog permits may be transferred to replacement vessels that are up to 10% larger in length and up to 20% greater horsepower of the originally permitted vessel. Permit transfers cannot occur if the vessel's tautog permit is pending revocation or court action.

WEAKFISH

A vessel shall not land and a dealer shall not accept more than 150 pounds of weakfish in any one day taken by any type of gear not listed below at any time or by the gear types specified below during the closed season for that gear type.

<u>Gear</u>	<u>Closed Season</u>
Gill Net	May 21 - September 2 & October 20 - October 26
Pound Net	June 7 - June 30
Otter Trawl	August 1 - October 12

WINTER FLOUNDER

A person shall not fish for or land and a dealer shall not accept any winter flounder taken by the gear types listed below in New Jersey waters during the closed season for that gear type.

<u>Gear</u>	<u>Closed Season</u>
Fyke Net	February 20 - October 31 (See fyke net section for seasons for taking of other species.)
All Other Commercial Gear	June 1 - November 30

GENERAL NOTE: To "land" any fish shall mean to begin offloading fish, to offload fish or to enter port with fish.

REGULATIONS PERTAINING TO SPECIFIC GEAR TYPES

GENERAL GEAR MARKING REQUIREMENTS

All gear (except purse seines and crab dredges) must be legibly and indelibly marked with the gear identification number (ID) of the owner. Stakes used to mark the various nets shall be marked with at least one of the following which shall be placed at least 2 feet above mean high water and be visible from all sides: reflectors of not less than 2 inches in diameter; reflecting tape not less than 2 inches in width; light colored flags not less than 2 feet square; or light colored jugs or buoys not less than 12 inches in diameter.

See Otter Trawls for specific gear marking requirements for this gear.

LICENSE FEES

All fees listed apply to New Jersey residents. For most licenses, non-resident fees are the same as resident fees if a resident of New Jersey is not charged a higher fee than a resident for the same license in the applicant's state. Otherwise, the non-resident fee is ten times the resident fee.

GILL NETS (General)

A limited entry program for the gill net fishery was established in 2003. To be eligible for a gill net license in 2004, an applicant must provide a copy of a valid New Jersey gill net license held by the applicant in 2003. To be eligible for a gill net license in all subsequent years, an applicant must provide a copy of a previously valid gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net licenses to which they are entitled annually. Any licenses not purchased will be forfeited. All gill net licenses must be renewed annually; any licenses not purchased in any year will be forfeited. An individual may transfer the right to purchase all of the gill net licenses to which he is entitled to another individual at any time, upon application to the Department.

TAKE NOTICE - Under the authority of the Marine Mammal Protection Act, the National Marine Fisheries Service has implemented gill net regulations that are enforceable in both State and Federal waters. These regulations significantly affect gill nets with mesh larger than 5 inches from January through April 30. For more information contact the NMFS at (301) 713-2322.

DELAWARE BAY GILL NET PERMIT

Anyone fishing a drifting, staked or anchored gill net in that portion of Delaware Bay or its tributaries defined as the area east of the New Jersey-Delaware boundary enclosed by a line from Cape Henlopen, Delaware to Cape May Point Light, New Jersey and the "south-west line" as defined in N.J.S.A. 50:3-1 must have a Delaware Bay Gill Net Permit in addition to their gill net licenses. No new permits are being issued at this time. Individuals interested in being put on the waiting list for a Delaware Bay Gill Net Permit should request an application from the Nacote Creek Office. After being placed on the waiting list it is the applicant's responsibility to notify the Division in writing each January of his interest to remain on the waiting list.

An individual possessing a Delaware Bay Gill Net permit must purchase the number of gill net licenses authorized by the Delaware Bay Gill Net Permit in each calendar year. Failure to do so will result in the number of nets authorized by the permit being reduced to the number of net licenses actually obtained in that calendar year or in the event no licenses are purchased, invalidation of the permit immediately following the end of that calendar year. Delaware Bay Gill Net Permits are transferable among immediate family members only.

GILL NET MESH EXEMPTION PERMIT (GNMEP)

Anyone fishing drifting, staked or anchored gill nets less than 3.25 inches stretched mesh in the Atlantic Ocean or in Delaware Bay after February 29 in any calendar year must possess a Gill Net Mesh Exemption Permit. In the Atlantic Ocean the permit allows the use of drifting gill nets between 2.75 inches stretched mesh and 3.25 inches stretched mesh within two nautical miles of the MHWL. A maximum of 200 fathoms of gill net may be in the water at any one time, the nets shall be no higher than eight feet (off the bottom) while fishing and they may only be fished between the hours of sunrise and sunset.

In Delaware Bay the permit allows the use of drifting, staked, or anchored gill nets between 2.75 inches stretched mesh and 3.25 inches stretched mesh within two nautical miles of the MHWL.

All permit holders must submit monthly reports of their catch and effort. Failure to submit the monthly report may result in revocation of the permit.

DRIFTING GILL NET

SEASON: Atlantic Ocean, Delaware Bay, February 12 to December 15; Delaware Bay tributaries, February 12 to May 15, July 15 to December 15. See additional seasonal closures under Special Restrictions, Weakfish, and Bluefish.

AREA: Atlantic Ocean, Delaware Bay and its tributaries.

GEAR: Minimum mesh: 5 inches stretched - February 12 to February 29; 3.25 inches stretched - March 1 to December 15 except in the tributaries of Delaware Bay and in Delaware Bay within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched (see GNMEP) and shall not individually exceed 200 fathoms in length. Individual drifting gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length from February 12 through May 15 or exceeding 200 fathoms in length May 16 through December 15. Separate drifting gill nets or a series of joined drifting gill nets may not be set or fished closer than 100 fathoms from any other net or series of nets and shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. In addition to the general gear marking requirements, drifting gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least three feet above the water. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker.

SPECIAL RESTRICTIONS: No more than two drifting gill nets shall be permitted to be set or operated by any vessel within that section of Delaware Bay known as the Brandywine Shoal Restricted Area: defined by the New Jersey-Delaware boundary on the west, LORAN C 27180 on the east, and LORAN C 42830 on the north, during the period from May 15th through June 15th. At night (sunset to sunrise), on any public holiday, and on weekends no more than one net shall be permitted to be set or operated, nor shall any net be left unattended, within the Brandywine Shoal Restricted Area. Unattended means that the operator is more than 100 feet from the nearest portion of his net.

FEE: \$20.00 per net.

STAKED AND ANCHORED GILL NET

SEASON: Atlantic Ocean - February 12 to December 15. Raritan Bay and Sandy Hook Bay - February 1 to May 15 -and only for shad. Staked nets in Delaware Bay - February 1 to December 15; tributaries of Delaware Bay - January 1 to May 15 and July 15 to December 15. Anchored nets in Delaware Bay - February 12 to December 15; tributaries of Delaware Bay - February 12 to May 15 and July 15 to December 15. No unattended, overnight staked or anchored gill nets in the Atlantic Ocean from June 15 through October 31. No unattended, overnight anchored gill nets in Delaware Bay from June 15 through September 30. Unattended means that the operator is more than 1/2 nautical mile from the nearest portion of the net. See additional seasonal closures under Special Restrictions, Weakfish and Bluefish.

AREA: Atlantic Ocean, Raritan Bay, Sandy Hook Bay, Delaware Bay and Delaware Bay tributaries. Staked and anchored gill nets shall not be used in that portion of Delaware Bay known as the Brandywine Shoal Restricted Area: defined by the New Jersey-Delaware boundary on the west, LORAN C 27180 on the east, and LORAN C 42830 on the north, during the period from May 15th through June 15th.

GEAR: Staked or anchored gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length from the beginning of the season through May 15 or exceeding 200 fathoms in length May 16 through December 15. In Raritan Bay and Sandy Hook Bay individual net length shall not exceed 30 fathoms and mesh not less than five inches stretched. No staked or anchored shad net may be placed within 3000 feet of any operating pound net. Shad nets may be placed on licensed pound net sites by the license holder or on unoccupied, approved pound net sites, provided the shad nets are set end to end with and in line with any existing pound nets. Staked and anchored gill nets may be used in the Atlantic Ocean February 12 through December 15, where individual gill net length shall not exceed 50 fathoms. The smallest mesh of any such net used in the Atlantic Ocean shall not be less than five inches stretched February 12 through February 29 and not less than 3.25 inches stretched March 1 through December 15. Such nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. In addition to the general gear marking requirements, staked and anchored gill nets shall be marked at the end of a net or series of nets with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least three feet above the water. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker.

Staked and anchored gill nets may be used in the tributaries of Delaware Bay January 1 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of any such net used in the tributaries of Delaware Bay shall not be less than 2.75 inches stretched, nor greater than 3.25 inches stretched January 1 through February 29 and no mechanical means shall be utilized to retrieve such net, and shall not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net shall be set across the middle one third of any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation. Staked and anchored gill nets may be used in Delaware Bay February 1 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of staked gill nets used in Delaware Bay shall be 2.75 inches stretched beginning February 1 through February 29. The mesh of anchored gill nets used in Delaware Bay shall not be less than five inches stretched beginning February 1 through February 29. Staked or anchored gill nets of a mesh not less than 2.75 inches or greater than 3.25 inches may be used within 0.5 nautical mile of the mean high water line from January 1 through February 29 provided no mechanical means are utilized to retrieve such nets. The mesh of any such net shall not be less than 3.25 inches beginning March 1 through December 15 except within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched (see GNMEP).

SPECIAL RESTRICTION: Raritan and Sandy Hook Bay - staked and anchored gill nets may be used only for shad.

Delaware Bay - Staked and anchored gill nets shall not be used in that portion of the Delaware Bay known as the Brandywine Shoal Restricted area defined above.

FEE: \$3.00 per net.

HUDSON RIVER SHAD NET

SEASON: Legal period from Saturday midnight until Friday noon. March 15 to June 15.

AREA: Hudson River

GEAR: Shad nets for the Hudson River shall be held in place by either stakes or anchors and shall not exceed 200 fathoms in length. The smallest mesh of any shad net shall not be less than five inches stretched. Shad nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least two feet above the mean high water line.

See General Gear Marking Requirements and the shad section beginning on page 3 also.

SPECIAL RESTRICTION: Shad only.

FEE: \$60.00 per net.

BAIT NET

SEASON: January 1 to December 31.

AREA: All marine waters, bays, coves, rivers and creeks; Atlantic Ocean within 3 nautical miles of coast.

GEAR: 1. Hand held dip nets 24 inches in diameter or less; 2. Bait seines not exceeding 150 feet and mesh not less than 3/8 inches stretched, inside measurement, and not more than 2.5 inches stretched; 3. Cast nets not exceeding 30 feet in diameter; 4. Lift or umbrella nets not exceeding four feet square; 5. Killipots with a mesh of not less than 3/16 inches bar, inside measurement, and not exceeding 10 inches in diameter and 25 inches in length, if cylindrical, or 2000 cubic inches for any other configuration. *See General Gear Marking Requirements.*

SPECIAL RESTRICTION: The bait net license would not allow a person to harvest over 1 bushel or sell any crabs, nor take more than 35 river herring (alewife and blueback herring) per day. Killiepots are for the harvest of killifish only.

FEE: \$10.00 per license.

A license is not required for the following gear provided that the fish taken are not sold or bartered and the following additional gear restrictions are observed: 1. Dip nets 24 inches in diameter or less (for herring only); 2. Bait seines not exceeding 50 feet; 3. Cast nets not exceeding 20 feet in diameter; 4. Lift or umbrella nets not exceeding 4 feet square; and, 5. Five killipots or less measuring not over 10 inches in diameter or 25 inches in length, if cylindrical, or 2,000 cubic inches for any other configuration.

NOTE: Under N.J.S.A. 23:5 - 35.2, no license is required to take edible crabs for personal consumption with a scoop net (commonly called dip net) operated by hand.

MINIATURE FYKES OR POTS

SEASON: January 1 to December 31

AREA: All marine waters, bays, coves, rivers and creeks; Atlantic Ocean within 3 nautical miles of coast. No miniature fyke or pot may be placed in any man-made lagoon or in any marked or charted channel. Sale of eels taken from the Hudson River, upper New York Bay, Newark Bay, lower (tidal) Passaic and Hackensack Rivers, the Arthur Kill and the Kill Van Kull prohibited. Sale and consumption of any species taken from the tidal Passaic is prohibited.

GEAR: Diameter not to exceed 16 inches if cylindrical or 201 square inches in cross section if any other configuration.

Mesh no smaller than 3/16 inches bar inside measurement. *See General Gear Marking Requirements.*

SPECIAL RESTRICTION: Only to be used for the taking of catfish, suckers, killifish (Cyprinodontidae spp.), and eels. Up to two miniature fykes or pots may be used for the taking of killifish or eels for bait without a license provided the killifish or eels are not sold or used for barter.

FEE: \$100.00 per license.

NOTICE: As a compliance requirement to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Eel, the Department has proposed and is in the process of adopting mandatory reporting for commercial eel harvesters in 2007. Upon adoption, all miniature fyke net licensees will be required to provide monthly reports of their fishing activity on forms supplied by the Department. Also, license suspension and revocation penalties for failure to file monthly reports have been proposed. Look for the revised Commercial Regulations – 2007 upon adoption during the spring of 2007 for final details.

PARALLEL NET

SEASON: September 1 to May 31

AREA: Delaware Bay and its tributaries.

GEAR: Minimum mesh: 3.5 inches stretched and length not greater than 100 fathoms (600 feet) may be used to take carp, catfish and suckers only. To be set parallel to shore at the low water mark. Must not be set across any tributary or mouth of any tributary nor set in a manner that impedes navigation. *See General Gear Marking Requirements.*

FEE: \$10.00 per net.

FYKE NET

SEASON: November 1 to April 30.

AREA: All marine waters, bays, coves, rivers and creeks and Atlantic Ocean within three nautical miles of coast except fyke netting is not permitted in Lake Takanassee, Spring Lake, Wreck Pond, Deal Lake and in the area commonly known as Collins Cove off the Mullica River between a line starting at aid to navigation channel marker flashing red number 8 (latitude 39°33.36'N, longitude 74°28.39'W), bearing approximately 229° to a point on the western shore of Collins Cove at latitude 39°33.09'N, longitude 74°28.72'W and the Garden State Parkway where it crosses the Mullica River. No fyke net nor part thereof shall be set in the middle one third of any river, stream or tributary.

GEAR: Length, including leaders, not to exceed 30 fathoms (180 feet). Mesh no smaller than 3/8 inches stretched (inside measurement) or larger than 5 inches stretched. No part of the net or leaders may be constructed of monofilament. All fyke nets must be marked. See section on general net marking requirements. In addition, submerged anchored fyke nets shall be marked at each end with a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water or a fluorescent orange flag at least 12 inches in diameter. All stakes used for setting of fyke nets must be removed within 30 days of the close of season.

SPECIAL RESTRICTIONS: Each licensee must specify on their license application the specific estuary in which they intend to fish the fyke net(s). Licensees must notify the Division of Fish and Wildlife, Marine Fisheries Administration, as to any change in the specific estuary within which the fyke net is located no later than seven days following the change in estuary. Winter flounder may be taken by fyke net during the season of November 1 through February 19. Any winter flounder taken by fyke net from February 20 through April 30 shall not be retained and must be immediately returned to the water.

FEE: \$12.00 per net.

HAUL SEINE

SEASON: November 1 to April 30

AREA: Inland marine waters, bays, coves, rivers and creeks except Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake; Atlantic Ocean but not within 300 feet of coastline. No haul seine may be used beneath the ice in any waters.

GEAR: Mesh not less than 2.75 inches stretched and length not to exceed 70 fathoms (420 feet), whether singly or in series. *See General Gear Marking Requirements.*

FEE: \$25.00 per net.

POUND NET

SEASON: Atlantic Ocean, Raritan Bay, and Sandy Hook Bay - January 1 to December 31. Delaware Bay - February 15 to May 15.

AREA: Delaware Bay, Atlantic Ocean, Raritan Bay and Sandy Hook Bay. Pound net site priority is given to the previous year's license holder until March 1.

GEAR: Raritan, Sandy Hook and Delaware Bays: When submitting a request for a pound net license, the applicant must specify the proposed site location for placement of each net. New sites must be at least 3000 feet from a previously leased pound net site, when measured parallel to the shoreline, and 1000 feet from any navigable channel. Sites which have not been previously located on an approved chart must be approved by the Department. Pound nets must be placed end to end so as to form a straight line, perpendicular to the shoreline. Maximum length, including leader and hearts, is 750 feet. Mesh not less than two inches stretched. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline. A name plate not less than six inches square with a legible and indelibly marked gear identification number (ID) must be maintained on the offshore pole. A flashing, amber light must be displayed between sunset and sunrise on the two end poles. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the license holder.

Atlantic Ocean: When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site location for placement of each net. (Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.) No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline. No more than two pound nets may be joined together. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between individual or paired pound nets set in a row. A row of ocean or submarine pound nets must form a straight line with the nets placed end-to-end. The maximum allowable length of an ocean or submarine pound net, including leader and pocket is 1,100 feet. The minimum mesh size for ocean or submarine pound nets is two inches, stretched. White reflectors must be placed around the top of each pole so as to reflect in all directions. Flashing amber lights must be displayed on the inshore and offshore poles of nets or rows of nets, between sunset and sunrise; these lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions at such times and under such weather conditions as would allow visibility of 10 miles. Submarine pound nets shall be maintained in compliance with the following additional requirements; at least eight fluorescent orange floats, at least 12 inches in diameter, shall be maintained along the length of each net, including the inshore and offshore ends. A nameplate, not less than 12 inches square, shall have the identification number (ID) legibly marked. The license holder must completely remove all pound net poles and stakes, within ten months of the termination of fishing activities.

FEE: \$100.00 per net.

WIRE POUND NET

SEASON: March 1 to December 31.

AREA: Delaware Bay only.

GEAR: Not to extend farther than 300 feet from the mean low water mark. *See General Gear Marking Requirements.*

FEE: \$25.00 per net.

SHRIMP TRAWL

SEASON: April 15 to December 15.

AREA: No restrictions.

GEAR: The maximum internal opening of the trawl is 60 inches by 12 inches. The mesh cannot be greater than 0.5 inches stretched. No boat shall have more than two trawls working at the same time, and each trawl shall be separately and independently attached to the vessel by a single cable or tow line. *See General Gear Marking Requirements.*

SPECIAL RESTRICTION: For taking grass shrimp (*Palaemonetes* spp.) or sand shrimp (*Crangon* spp.) only. Any organisms other than shrimp taken with a shrimp trawl must be immediately returned to waters from which such organisms were taken.

FEE: \$12.00 per net.

LOBSTER, FISH, and CONCH POTS

A limited entry program for the lobster, fish, and conch pot fisheries was established in 2003. To be eligible for a lobster and fish pot license an applicant must provide a copy of a previously valid lobster and fish pot license held by the applicant from the preceeding year. If the number of lobster and fish pot licenses issued in any year falls below the number issued in 2003, the Department will conduct a lottery for any available licenses. The limited entry program for the lobster and fish pot license established in 2003 does not apply to individuals applying for a Type D Recreational Lobster Pot Permit

NOTICE: The Department's multi-species regulatory proposal is recommending the elimination of the Type D Recreational Lobster Pot Permit for the recreational harvest of lobsters. Only a lobster or fish pot license will be required and it will specifically state that the license is for recreational lobster harvest only which allows the permittee an allocation for 10 lobster pots to be fished in State waters only and the

permittee is limited to six lobsters per day. Look for the revised Commercial Regulations – 2007 upon adoption during the spring of 2007 for final details.

SEASON: January 1 to December 31.

AREA: Atlantic Ocean within 3 nautical miles of the coast, Delaware Bay, Raritan Bay and Sandy Hook Bay.

GEAR: Lines to be marked at both ends with a buoy. All gear must be legibly and indelibly marked with the gear identification number (ID) of the owner. The gear ID number must also be displayed on the port and starboard sides of the deck-house or hull and on a weather deck so as to be visible from above. The number displayed must be at least 10 inches in height and of a color contrasting to the background.

All lobster and fish traps must be constructed in such a manner that it does not exceed 22,950 cubic inches in volume and to include the largest of the applicable unobstructed escape vents in the parlor section of the pot as follows: in a fishery in which the possession of at least 100 pounds of scup occurs, the escape vent(s) must be at least 2.25 inches by 2.25 inches if square or at least 3.1 inches in diameter if circular; in a fishery in which the possession of more than 100 lobster per vessel occurs, the escape vent(s) must be at least 2 inches by 5.75 inches if rectangular or 2 vents at least 2.625 (2-5/8) inches in diameter if circular; in a fishery in which the possession of black sea bass occurs, two escape vents must be at least 2.0 inches by 2.0 inches if square, at least 1.375 (1-3/8) inches by 5.75 inches if rectangular or at least 2.5 inches in diameter if circular. All lobster and fish traps must be constructed to include a ghost panel or other mechanism to allow the unobstructed escapement of fish or lobsters after a pot is abandoned or lost which meets the following specifications: an opening not less than 3.75 inches by 3.75 inches or not less than 3 inches by 6 inches when used in a fishery in which the possession of black sea bass occurs. The ghost panel shall be constructed of, or fastened to the pot with one of the following materials: untreated wood lath; untreated cotton, hemp, sisal or jute twine not greater than 3/16 inches in diameter; non-stainless, ungalvanized, uncoated ferrous metal not greater than 3/32 inches in diameter or magnesium alloy, timed float releases.

A modified lobster or fish pot may be used for taking conchs in all marine waters of the state except the Newark Bay Complex, creeks less than 50 feet wide at mean low water, marked or charted channels or any manmade lagoon. Such pots shall not be larger than 30 inches on a side if rectangular or if cylindrical shaped, not greater than 34 inches in diameter and 30 inches in height. Conch pots must have an unobstructed opening on the top surface not less than 8 x 8 inches, square or 9 inches in diameter and cannot contain a parlor, funnel or other entrapping mechanism in the interior of the pot. Conch pots may only be tended between the hours of 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.). Conch pots using horseshoe crabs as bait must contain a bait-saving device containing a horseshoe crab or parts of a horseshoe crab which, by design, extends the effective fishing time of the horseshoe crab bait in the conch pot. Conch potters may retain spider crabs taken in conch pots. **FEE:** \$100.00 per license.

CRAB POT / TROT LINE

SEASON: Delaware Bay and its tributaries - April 6 to December 4; all other waters - March 15 to November 30.

AREA: The following waters are closed to the use of crab pots and trot lines: Cumberland County - Cohansey River, Back Creek, Cedar Creek, Nantuxent Creek, Fortesque Creek, Oranoken Creek, Dividing Creek; Cape May County - West Creek, Bidwell Creek and the Cape May Canal; Atlantic County - Hammock Cove also known as Dry Bay. Ocean County - On the eastern shore of Barnegat Bay, that area of the Sedge Islands Wildlife Management Area enclosed by a line drawn from the northern bank of Fishing Creek on Island Beach State Park to the northern tip of the Sedge Islands (Hensler Island), then south from point to point along the western side of the Sedge Islands Wildlife Management Area and terminating on the most southwestern point of Island Beach State Park.

GEAR: Crab pots shall be a cube or rectangular shaped device not larger than 30 inches on a side. Minimum mesh size shall be not less than 1 inch. The openings to the interior of the pot shall be oval and not larger than 7 inches wide and 4 inches in height. Trot lines shall have a maximum length of 3,000 feet and marked at both ends with a clearly visible stake or buoy. No trot line shall be set within 100 feet of another trot line. All gear must be legibly and indelibly marked with the gear identification number (ID) of the owner.

All crab pot buoys shall be marked with fluorescent or reflective paint, tape or other reflective material or reflectors. All blind crab pot lines shall be marked with a stake or buoy at both ends of the line and such stakes or buoys must be marked with fluorescent or reflective paint, tape, reflectors or other reflective material. Floating line cannot be used on any crab pot or crab pot buoy. No license holder shall fish more than 600 crab pots in the Delaware Bay nor more than 400 crab pots in all other waters. All crab pots must be checked and emptied of all crabs and other organisms at least once every 72 hours. All gear associated with crab potting must be removed from the water within three days of the end of the season. No crab pot or blind crab pot line shall be placed in any creek less than 50 ft. wide or in any marked or charted channel or man-made lagoon. Crab pots and trot lines may be tended only between the hours of 4:00 AM and 9:00 PM prevailing time in Delaware Bay and 24 hours a day in all other waters. All organisms other than crabs and conchs shall be immediately released to the waters from which such organisms were taken.

All commercial crab pots sold, offered for sale or possessed on marine waters must include a biodegradable panel or other mechanism which is designed to create an opening to allow the escape of crabs or other marine organisms after a pot has been abandoned, or lost, and which meets the following criteria:

1. The opening covered by the panel or created by another approved mechanism as identified in 3. below shall be oval or rectangular and measure at least 6.5 inches wide and 5 inches high, shall be located in the upper section of the pot, and shall be in a position which allows the unobstructed exit of crabs or fish from the pot;
2. The panel shall be constructed of, or fastened to the pot with one of the following materials: wood lath; cotton, hemp, sisal or jute twine no greater than 1/16 inch in diameter; or non-stainless, uncoated ferrous metal not greater than 3/32 inch in diameter; and
3. The door or side panel of the pot may serve as the ghost panel if the door or side panel is fastened to the pot with a material specified in the above.

All commercial crab pots set in any body of water less than 150 feet wide from shoreline to shoreline at mean low water or in any man-made lagoon shall include terrapin excluder devices attached to the inside of all pot entrance funnels which meet the following criteria:

1. The terrapin excluder device shall be rectangular or diamond shaped and no larger than six inches wide and two inches high;
2. The terrapin excluder device shall be securely fastened inside each funnel to effectively reduce the size of the funnel opening to no larger than six inches wide and two inches high; and
3. Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

FEE: Resident-\$100.00; Non-Resident-\$500.00.

SPECIAL RESTRICTIONS: Crab Pot/Trot Line and Crab Dredge: Commercial fishermen should be aware that the number of crab pot/trot line and crab dredge licenses is now limited. Only individuals renewing their license in the current year will be eligible to purchase a license for the next year. Commercial Crab Pot/Trot Line and Crab Dredge Licenses are transferable among immediate family members only.

All persons commercially licensed to take crabs by means of pots or trot lines in this State shall keep, on forms furnished by the Division of Fish and Wildlife, accurate records that shall include the number of bushels of crabs, and the areas fished. These records will be filed monthly on or before the 10th of the month following the month of record with the Division of Fish and Wildlife.

NOTICE: see Notice: on page 3 under BLUE CRABS regarding proposed amendments to crab pot/trot line commercial regulations for 2007. Look for the revised Commercial Regulations – 2007 upon adoption of these proposed amendments during the spring of 2007 for final details.

CRAB DREDGE

SEASON: November 15 through April 15 in Delaware Bay; December 1 through March 31 in all other waters. Sunday dredging allowed only north of Rt.36, in the Atlantic Ocean and Delaware Bay.

HOURS: One-half hour after sunrise to one-half hour before sunset, statewide. Consult the Hunting Issue of the NJ Fish & Wildlife Digest for official times of sunrise and sunset.

AREA: Atlantic coast and sections of Delaware Bay.

GEAR: The maximum length of the tooth bar shall be 75 inches north of Route 36 and in the Atlantic Ocean, 54 inches in Delaware Bay, and 38 inches in all other waters. The maximum weight of the dredge shall be 400 pounds north of Route 36 and in the Atlantic Ocean and 80 pounds in all other waters. There is no weight limit in Delaware Bay. If two or fewer dredges are in possession north of Route 36 or in the Atlantic Ocean, or if no more than one dredge is in possession in Delaware Bay, the maximum length of the tooth bar shall be 96 inches and the maximum weight of the dredge shall be 500 pounds (except no weight limit in Delaware Bay). The maximum length of the teeth shall be six inches north of Route 36, in Delaware Bay, and in the Atlantic Ocean and three inches in all other waters. The minimum space between teeth shall be 2 3/4 inches measured at the base. A toothless bar is allowed in place of a tooth bar in all waters, provided each toothless bar is no greater than the previously specified tooth bar lengths. Chains are allowed in place of a tooth bar or toothless bar in all waters, provided that the width of each dredge opening or mouth and the distance between the chain attachment points on the dredge are no greater in width than the previously specified tooth bar lengths. The collecting bag of a dredge, if material, shall have mesh not less than two inches bar measure or four inches stretched measure, if wire, shall not be less than two inches bar mesh (inside measurement) or two and one-half inches inside diameter if circular; if metal, the O-rings shall not be less than two and one-half inches diameter and be connected with no more than five "S" hooks that measure not less than two and one-half inches in length as measured to the inside of the "S" configuration. Each dredge shall be independently and separately attached to the vessel by a single cable or tow line. No boat shall have more than four dredges working at the same time, except in Delaware Bay where no boats shall have more than two dredges working at the same time. The maximum weight of the dredge includes the weight of the frame, tooth bar or chain, fasteners and bag.

SPECIAL RESTRICTION: Crab Dredge: No person shall catch, take, or attempt to take crabs by crab dredge from any of the marked leased shellfish grounds; and no person shall dredge or attempt to dredge crabs on any State oyster beds or grounds and no person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds. Any clams, oysters, scallops, mussels or other bivalve mollusks, or finfish which may be caught incidentally to the catching of the crabs by dredge shall be redeposited immediately in the water from which such clams, oysters, scallops, mussels or other bivalve mollusks, or finfish are caught; nor shall any person, while engaged in the catching and taking of crabs by dredge, have in his boat or possession any clams, oysters, scallops, mussels or other bivalve mollusks, or finfish obtained from any source, except as provided under N.J.S.A. 50:3-16.13. Conchs may be kept as a by catch in the crab dredge fishery. When the crab dredge season is closed, the dredging of conch is also not permitted.

All persons commercially licensed to take crabs by means of crab dredges in this State shall keep, on forms supplied by the Division of Fish and Wildlife, accurate records that shall include the number of bushels of crabs, and the areas fished. These records will be filed monthly on or before the 10th of the month following the month of record with the Division of Fish and Wildlife.

Harvest, sale and consumption of crabs from the Newark Bay Complex is prohibited. (The Newark Bay Complex includes Newark Bay, Passaic River (up to Dundee Dam), Hackensack River (up to Oradell Dam), Arthur Kill, Kill Van Kull, and tidal portions of all tributaries.

Also see SPECIAL RESTRICTIONS for crab pot/trot line.

FEES: Resident Delaware Bay Crab Dredge License - \$100.00. Non-Resident Delaware Bay Crab Dredge License - \$500.00.

Resident Atlantic Coast Crab Dredge License - \$100.00. Non-Resident Atlantic Coast Crab Dredge License - \$500.00.

NOTICE: The Department is proposing to reduce the number of Atlantic Coast commercial crab dredge licenses available to commercial fishermen in 2007. The number of Delaware Bay crab dredge licenses will remain the same in 2007. Look for the revised Commercial Regulations – 2007 upon adoption during the spring of 2007 for final details.

SHIRRED OR PURSE SEINES, OTTER OR BEAM TRAWLS

SEASON: January 1 to December 31

AREA: Atlantic Ocean not closer than two miles from the coastline.

GEAR: License issued for an individual vessel. Vessels greater than 165 feet in length and in excess of 3,000 horsepower are prohibited. All trawl net doors possessed on the waters of the State of New Jersey must contain the official documentation number or the state registration number of the vessel to whom they belong indelibly branded or stamped in block letters no less than two inches in height on the surface of each door. Trawl doors may be used only by the vessel which corresponds to the branded or stamped numbers. A vessel may utilize another vessel's trawl doors provided the vessel owner utilizing such doors contacts the Division's Bureau of Law Enforcement in advance. No vessel may have available for immediate use any otter or beam trawl while on the marine waters of this State during the hours between sunset and sunrise except on the Atlantic Ocean, at a distance of greater than two miles from the coast line. Contact the Marine Fisheries Office for definition of "not available for immediate use". A vessel or person utilizing a roller rigged trawl gear shall not utilize rollers greater than 18 inches in diameter. To "land" any fish shall mean to begin off loading, to off load or to enter port with fish.

SPECIAL RESTRICTIONS:

ATLANTIC CROAKER: A person utilizing an otter or beam trawl in a directed fishery for Atlantic croaker may not use or possess a net of less than 3.75 inches stretched diamond mesh or 3.375 inches stretched square mesh, inside measurement, applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of at least 100 pounds of Atlantic croaker onboard a vessel or landed from a vessel shall constitute a directed fishery for Atlantic croaker.

BLACK SEA BASS: A person utilizing an otter or beam trawl in a directed fishery for black sea bass may not use a net of less than 4.5 inches stretched diamond mesh or 4 inches stretched square mesh applied throughout the cod-end for at least 75 continuous meshes forward of the terminus of the net. Nets not large enough to accommodate the number of minimum meshes listed above may not contain any meshes less than 4.5 inches diamond or 4 inches square stretched mesh. The possession of more than 500 pounds during the period January 1 through March 31 or 100 pounds during the period April 1 through December 31 of black sea bass shall constitute a directed fishery for black sea bass..

SCUP: A person utilizing an otter or beam trawl in a directed fishery for scup shall not use a net of less than 5.0 inches stretched mesh inside measurement applied for a minimum of 75 continuous meshes forward of the terminus of the net. Nets not large enough to accommodate these number of meshes cannot contain any meshes less than 5.0 inches stretched mesh inside measurement throughout the entire net. A directed fishery for scup is defined as the possession of more than 500 pounds of scup during the period of November 1 through April 30 and more than 200 pounds of scup during the period of May 1 through October 31 on board a vessel or landed from a vessel.

SUMMER FLOUNDER: A person utilizing an otter or beam trawl in a directed summer flounder fishery may not use a net of less than 5.5 inches stretched diamond mesh or 6.0 inches minimum stretched square mesh, inside measurement applied throughout the body, extensions and cod end portions of the net. The possession of more than 100 pounds during the period of May 1 through October 31 or more than 200 pounds during the period of November 1 through April 30 of summer flounder onboard a vessel or landed from a vessel shall constitute a directed fishery for summer flounder.

WINTER FLOUNDER: A person utilizing an otter or beam trawl in a directed winter flounder fishery may not use a net of less than 6.5 inches stretched mesh inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The

possession of more than 100 pounds of winter flounder onboard a vessel or landed from a vessel shall constitute a directed fishery for winter flounder. See winter flounder section for seasonal restrictions.

WEAKFISH: A person utilizing an otter or beam trawl in a directed fishery for weakfish may not use or possess a net of less than 3.75 inches stretched diamond mesh or 3.375 inches stretch square mesh, inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of more than 100 pounds of weakfish onboard a vessel or landed from a vessel shall constitute a directed fishery for weakfish. See weakfish section for seasonal restrictions.

FEE: \$100.00 per license.

SHIRRED OR PURSE SEINES FOR MENHADEN FOR FISH MEAL REDUCTION

The taking of Atlantic menhaden by any means for the purpose of fish meal reduction is prohibited.

SHIRRED OR PURSE SEINES FOR MENHADEN FOR BAIT

SEASON: January 1 to December 31.

AREA: Atlantic Ocean - between 0.6 and 3 nautical miles from shore, jetties or piers; Raritan Bay and Sandy Hook Bay - not closer than 0.6 nautical miles from shore, jetties or piers; Delaware Bay - that portion of Delaware Bay south and east of LORAN C line 42850 not closer than 0.6 nautical miles from shore, jetties or piers.

GEAR: Purse or shirred net.

SPECIAL RESTRICTION: Applicants must apply for a bait permit between January 1 and March 1 in every calendar year. No applications shall be accepted after March 1 in any calendar year. Maximum length of vessel is 90 feet. Maximum length of net is 150 fathoms (900 feet). Removal of fish from purse seine shall be by brailing or dip netting only. Fish pumps are prohibited aboard harvest vessels permitted to purse seine menhaden for bait. All fishing and related activities may not occur any closer to the shore, jetties or piers than 0.6 nautical miles in the Atlantic Ocean, Delaware Bay and Raritan and Sandy Hook bays. No fishing permitted between sunset and sunrise. No fishing permitted on Saturdays, Sundays or any holiday officially observed by the State of New Jersey (New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, and Christmas Day). No stakes, markers, buoys, crab pots, lobster pots, fish pots, or staked shellfish grounds shall be disturbed by the act of fishing. Possession of any fish other than menhaden is prohibited.

Any vessel engaged in fishing for Atlantic menhaden for bait must obtain a bait permit and shall display, on both sides of the vessel amidships, a yellow capital letter "B" not less than five feet in height on a black square background not less than six feet on a side, or as otherwise specified in the regulation. In all cases, however, each side of the black background shall be no less than three-quarters of the height of the gunwale at amidships from the waterline.

A permit suspension/revocation schedule exists for violation of authorized fishing areas. Any vessel operating under this permit is required to notify the Division's Marine Enforcement Unit (609-748-2050) on a daily basis of the identity of the vessel, the intended fishing locations of the vessel or any change in intended fishing location prior to the onset of fishing activity. All persons licensed to take Atlantic menhaden for bait purposes only shall keep and submit accurate records of the amount and location of Atlantic menhaden harvested.

FEE: Based upon gross tonnage - range \$20-\$700.

REGULATIONS PERTAINING TO SHELLFISH

GENERAL

Shellfish cannot be taken from condemned waters. Shellfish growing water classification charts are revised annually and should be obtained (no charge) from licensing agents. Shellfish cannot be taken before sunrise, after sunset or on Sunday. A license is required for the commercial harvest of hard clams, soft clams, oysters and surf clams. Shellfish harvested can only be sold to Certified Dealers (or used for personal consumption). Licensee is required to have the appropriate license on his/her person at all times while operating under said license.

Stakes are used to mark leased grounds. Harvesting within these lots is restricted to the lessee or his designee. Maps of leased grounds on the Atlantic Coast are on file at the Nacote Creek Shellfish Office, 360 Route 9 No. (Milepost 51), Port Republic, NJ. Maps of leased grounds in Delaware Bay are on file at the Bivalve Shellfish Office, 6959 Miller Avenue, Bivalve, NJ.

Questions regarding water quality classification should be directed to the Bureau of Marine Water Monitoring, PO Box 405, Leeds Point, NJ 08220 (phone 609-748-2000).

For information regarding the requirements to become a certified shellfish dealer, please contact the NJ Department of Health and Senior Services, Consumer and Environmental Health Services, PO Box 369, Trenton, NJ 08625 (phone 609-588-3123).

HARD CLAMS

The minimum size for hard clams is 1-1/2 inches (longest dimension). Whenever a person in possession of a commercial clam license in any vessel or vehicle is engaged in any clamming activity, all other persons harvesting clams on or in that vessel or vehicle shall also possess a commercial clam license.

FEE: \$50.00 per license.

OYSTERS

The holder of an oyster license is permitted to take oysters in the waters of this State by means other than power dredging or as otherwise stated in Title 50. Contact the Shellfish Office for specific dates of harvest seasons along the Atlantic coast and Delaware Bay. All oyster shells and other material except oysters shall be thrown back upon the beds from which they have been taken.

FEE: Tonger's License: \$10.00.

Delaware Bay Oyster Dredge Boat License: \$2.00 per gross ton with a \$10 minimum.

SURF CLAMS

The harvest of surf clams is subject to the provisions of Title 50 and N.J.A.C. 7:25-12. The surf clam fishery is a limited-entry fishery. The licensee must be the bona fide owner of a surf clam vessel and a resident of New Jersey. Only the holder of a valid surf clam license or their agent may harvest surf clams for human consumption by means of dredging in the Atlantic Ocean. Based upon current stock assessment data, an annual harvest quota is established for the fishery operating from October 1 to May 31 in New Jersey territorial waters with the quota divided equally among all surf clam license holders. A bait clam vessel license may be obtained for the purpose of harvesting bait clams only from condemned waters as delineated at N.J.A.C. 7:12, exclusive of prohibited fishing areas as delineated at N.J.A.C. 7:25-12.9(a) 1 and 2. An applicant for a bait clam license shall be the bona fide owner of a surf clam vessel and a resident of New Jersey.

FEE: Surf Clam License: \$600.00 per license.

Bait Clam Vessel License: \$100.00 per license.

LOCATIONS OF NEW JERSEY REEFS
Advisory to Commercial Fishermen and Marine Contractors
Regarding the Location of Sea Floor Structures

The New Jersey Department of Environmental Protection's Division of Fish and Wildlife is currently constructing 15 reef sites in the ocean along the New Jersey coast. These sites are located between 2 and 25 nautical miles offshore from Sandy Hook to Cape May. Information regarding scheduled reef deployments will be posted two weeks prior to the deployment date on the Division of Fish and Wildlife's web site at (www.njfishandwildlife.com) and notices will be sent out via the Division's "List Serve" for marine fisheries. Please check the Division's web site and sign up for the "List Serve" to be up to date on reef construction activities.

Reefs are constructed by intentionally placing very heavy structures, such as old ships, concrete debris, rock, obsolete army tanks and prefabricated concrete artificial reef units on the sea floor. The structures are placed within areas designated as reef sites by the U.S. Army Corps of Engineers.

Reef sites should be avoided by operations using equipment on the sea floor, such as trawl, net and dredge fisheries, unattended fishing gear (pots and traps), cable or pipeline projects and sand or mineral mining projects. Unattended fishing gear disrupts planned reef building activities when placed on ocean reef sites. Reef structures may impede, entangle or destroy sea floor equipment and endanger operators. The use of heavy equipment on reef sites may cause damage to and move reef structures as well. Structures dragged outside reef boundaries by commercial fishing gear or other activities become unknown, uncharted hazards to all sea floor operations.

This notice provides the boundaries, in both LORAN C and latitude and longitude, of New Jersey's 15 reef sites. All of the reef sites have been plotted as "Fish Havens" on current NOAA nautical charts. Fish havens (reef sites) are delineated as blue-shaded areas on NOAA nautical charts. Please retain this notice on your vessel and refer to appropriate nautical charts to identify the location of reefs in the area of ocean you are working.

See next page for the coordinates of all 15 reef sites.

Locations of New Jersey's Fifteen Reef Sites¹

SANDY HOOK REEF SITE-1.4 Nautical Miles off Sea Bright NJ

	Latitude	Longitude	LORAN C	
NE Corner	40°23.300'	73°55.800'	26945.2x	43663.6y
NW Corner	40°23.300'	73°56.600'	26950.5x	43664.3y
SE Corner	40°20.880'	73°55.880'	26938.1x	43638.3y
SW Corner	40°20.880'	73°56.600'	26943.6x	43639.0y

SEA GIRT REEF SITE-3.6 Nautical Miles off Sea Girt NJ

	Latitude	Longitude	LORAN C	
NE Corner	40°08.220'	73°55.520'	26902.7x	43510.0y
NW Corner	40°08.630'	73°55.730'	26905.5x	43514.6y
ME Corner	40°07.300'	73°55.670'	26908.9x	43501.5y
MW Corner	40°07.480'	73°57.150'	26912.9	43503.7y
SE Corner	40°06.130'	73°57.120'	26909.3x	43490.0y
SW Corner	40°06.170'	73°57.570'	26912.7x	43490.6y

GARDEN STATE NORTH REEF SITE-6.5 Nautical Miles off Harvey Cedars NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°38.050'	74°00.700'	26870x	43200y
NW Corner	39°37.980'	74°02.200'	26880x	43200y
SE Corner	39°37.050'	74°01.000'	26870x	43190y
SW Corner	39°37.000'	74°02.500'	26880x	43190y

GARDEN STATE SOUTH REEF SITE-5.1 Nautical Miles off Spray Beach NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°33.820'	74°05.750'	26895x	43157y
NW Corner	39°33.800'	74°07.200'	26905x	43157y
SE Corner	39°33.330'	74°05.850'	26895x	43152y
SW Corner	39°33.330'	74°07.350'	26905x	43152y

LITTLE EGG REEF SITE-4.0 Nautical Miles off Holgate NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°29.000'	74°10.000'	26912.9x	43106.5y
NW Corner	39°29.000'	74°12.000'	26926.1x	43106.6y
SE Corner	39°28.000'	74°10.000'	26910.8x	43095.9y
SW Corner	39°28.000'	74°12.000'	26924.1x	43096.0y

ATLANTIC CITY REEF SITE-12.2 Nautical Miles off Atlantic City NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°16.900'	74°15.280'	26921x	42976y
NW Corner	39°16.220'	74°16.180'	26925x	42968y
SE Corner	39°13.930'	74°11.800'	26892x	42946y
SW Corner	39°13.300'	74°12.700'	26897x	42938y

GREAT EGG REEF SITE-7.2 Nautical Miles off Atlantic City NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°15.000'	74°21.000'	26953.3x	42955.5y
NW Corner	39°15.000'	74°22.000'	26959.6x	42955.5y
SE Corner	39°14.000'	74°21.000'	26951.2x	42944.8y
SW Corner	39°14.000'	74°22.000'	26957.5x	42944.6y

OCEAN CITY REEF SITE-4.5 Nautical Miles off Ocean City NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°10.750'	74°32.450'	27014.5x	42906.5y
NW Corner	39°11.100'	74°32.850'	27017.5x	42910.5y
SE Corner	39°09.400'	74°34.620'	27025.5x	42892.5y
SW Corner	39°09.820'	74°34.970'	27027.5x	42896.5y

SHARK RIVER REEF SITE-15.6 Nautical Miles off Manasquan NJ

	Latitude	Longitude	LORAN C	
NE Corner	40°07.330'	73°41.080'	26793x	43490y
NW Corner	40°07.330'	73°41.800'	26799x	43491y
SE Corner	40°06.200'	73°41.080'	26790x	43479y
SW Corner	40°06.200'	73°41.800'	26796x	43480y

AXEL CARLSON REEF SITE-2.0 Nautical Miles off Mantoloking NJ

	Latitude	Longitude	LORAN C	
NE Corner	40°03.720'	73°58.570'	26914.2x	43465.9y
NW Corner	40°04.180'	73°59.750'	26924.1x	43471.5y
SE Corner	40°59.830'	73°59.400'	26910.8x	43426.5y
SW Corner	40°00.350'	74°00.650'	26921.1x	43432.6y

BARNEGAT LIGHT REEF SITE-3.1 Nautical Miles off Barnegat NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°45.870'	74°01.100'	26890.0x	43282.5y
NW Corner	39°45.870'	74°01.950'	26895.9x	43282.7y
SE Corner	39°44.620'	74°01.100'	26887.2x	43269.4y
SW Corner	39°44.620'	74°01.950'	26893.1x	43269.7y

WILDWOOD REEF SITE-4.5 Nautical Miles off Wildwood NJ

	Latitude	Longitude	LORAN C	
NE Corner	38°57.850'	74°39.700'	27029.9x	42761.1y
NW Corner	38°58.800'	74°41.900'	27038.8x	42770.5y
SE Corner	38°56.580'	74°41.400'	27036.4x	42746.8y
SW Corner	38°57.550'	74°42.600'	27045.6x	42757.0y

DEEPWATER REEF SITE-23.6 Nautical Miles off Ocean City NJ

	Latitude	Longitude	LORAN C	
NE Corner	38°59.000'	74°10.500'	26856.5x	42786.5y
NW Corner	38°59.000'	74°11.500'	26862.6x	42786.1y
SE Corner	38°58.000'	74°10.500'	26854.7x	42775.8y
SW Corner	38°58.000'	74°11.500'	26860.8x	42775.4y

CAPE MAY REEF SITE-8.5 Nautical Miles off Cape May NJ

	Latitude	Longitude	LORAN C	
NE Corner	38°53.450'	74°39.430'	27018x	42713y
NW Corner	38°53.970'	74°40.620'	27026x	42719y
SE Corner	38°50.070'	74°42.250'	27027x	42674y
SW Corner	38°50.670'	74°43.250'	27034x	42679y

TOWNSENDS INLET REEF-3.8 Nautical Miles off Avalon, NJ

	Latitude	Longitude	LORAN C	
NE Corner	39°06.700'	74°36.000'	27027.2x	42861.2y
NW Corner	39°06.700'	74°37.500'	27036.3x	42860.6y
SE Corner	39°06.250'	74°36.000'	27026.2x	42856.2y
SW Corner	39°06.250'	74°37.500'	27035.3x	42855.7y

¹ All latitudes and longitudes are given in dd mm.mmm' (degrees minutes and thousandths of minutes). In previous Commercial Regulations, latitudes and longitudes were given in the dd mm'ss"(degrees minutes and seconds) format. The formatting was changed to better accommodate DGPS users.