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## **ENVIRONMENTAL PROTECTION**

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

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

#### **2012-2013 Fish Code**

**Proposed Amendments: N.J.A.C. 7:25-6.1 to 6.3, 7:25-6.8, 7:25-6.12 to 6.13, 7:25-6.15, 7:25-6.20, 7:25-6.22, and 7:25-6.25 to 6.26.**

Authorized By: Fish and Game Council, Dave Burke, Acting Chair

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

DEP Docket Number: 10-11-06

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 13, 2011 at 7 :00 p.m. at:

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 September 30, 2011 to:

Gary J. Brower, Esq.  
Attention: Docket Number: 10-11-06  
Office of Legal Affairs  
New Jersey Department of Environmental Protection  
Mail Code 401-04L  
401 East State Street, 4<sup>th</sup> Floor  
P.O. Box 402  
Trenton, New Jersey 08625-0402

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The Fish and Game Council (Council) requests that commenters submit comments on CD or DVD as well as on paper in order to facilitate incorporation of submitted comments into its comment-response document. For this purpose, the comments on CD or DVD should not be access-restricted (locked or read-only). The Department prefers Microsoft Word 6.0 or above. MacIntosh formats should not be used. Submission of a CD or DVD is not a requirement. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment

The Council proposal follows:

#### SUMMARY

The Fish Code (Code), N.J.A.C. 7:25-6, states when, by what means, 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 2012 and 2013 fishing seasons are as follows:

1. N.J.A.C. 7:25-6.13(c) provides that species of warmwater fish that do not have specific daily creel and possession limits shall have a daily creel and possession limit of 25 in total. The Council is proposing to recodify this provision to N.J.A.C. 7:25-6.1(h) and expanded its applicability to include all species of freshwater fish that do not have a designated creel limit.

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This proposed change expands protection already afforded to warmwater species, identified in N.J.A.C. 7:25-6.13 such as pumpkinseed, *Lepomis gibbosus*, bluegill, *Lepomis macrochirus*, bowfin, *Amia calva*, brown bullhead, *Ameiurus nebulosus*, rock bass, *Ambloplites rupestris*, and white catfish, *Ameiurus catus*, which have no specified creel limit, to all other species of fish that are not currently protected by a specified daily creel limit. This includes, but is not limited to, species such as creek chubsucker, *Erimyzon oblongus*, gizzard shad, *Dorosoma cepedianum*, quillback, *Carpiodes cyprinus*, and white sucker, *Catostomus commersoni*. This proposed amendment proactively protects these and other non-typical game species in New Jersey as future trends in the targeting of fish species is unknown. It also serves to protect smaller typically non-targeted species such as the slimy sculpin, and darters, such as tessellated, *Etheostoma olmstedi*, shield, *Percina peltata*, and swamp, *Etheostoma fusiforme*.

The proposed amendment would not be applicable to Greenwood Lake and the Delaware River, for which limits are specified at N.J.A.C. 7:25-6.19 and N.J.A.C. 7:25-6.20 respectively. The Fish Code does not currently establish creel limits on species typically not targeted by anglers in these waters. Since, to the extent feasible, the Fish and Game Council maintains consistency with the regulations of neighboring states on multi-jurisdictional waters such as Greenwood Lake and the Delaware River where the other state's regulations are determined to adequately protect the New Jersey portion of the resource, this amendment is proposed not to affect these waters.

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2. In accordance with N.J.S.A. 23:4-63.3, which specifies restrictions on the release of “indigenous”, “exotic”, and potentially dangerous” animals into the environment, sixty-one species of fish that are native to the fresh waters of New Jersey are proposed to be defined under the term “Indigenous fish” in N.J.A.C. 7:25-6.2. The list originated from the “Classification of Freshwater Fish Species of Northeastern United States for Use in the Development of Indices of Biological Integrity, with Regional Applications of Assessing the Sustainability of Biological Integrity of Water Resources Using Fish Communities” by Thomas P. Simon 1999. The list of fish species for New Jersey is periodically updated with input from the Department of Environmental Protection, United States Geological Survey, United States Environmental Protection Agency and the Academy of Natural Science’s Patrick Center for Environmental Research to reflect a consensus of ichthyologists familiar with New Jersey fishes based on field collections and review of scientific literature.
3. In N.J.A.C. 7:25-6.2, the Council is proposing to amend the definition of the term “opening day” to include the dates for the opening day of the 2013 to 2016 trout seasons. Dates for established in-season stocking periods, and pre-season closures for the 2012 to 2016 trout seasons, which are established in N.J.A.C. 7:25-6.2 in the definitions of the terms “in-season stocking period” and “pre-season closure”, are dependent on opening day and have been adjusted accordingly to reflect these dates. The pre-season closure is the three week time period preceding the opening day of trout season when waters are closed to fishing for stocking purposes. The in-season stocking period describes the dates during the 2012 to 2016 trout seasons when stocking will occur after the season opens.

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4. The Council proposes to remove the definition of “other fish species” in N.J.A.C. 7:25-6.2 along with the fourteen species identified under this term. The term states that these are species “which are provided for by the provisions of this Code, either directly or implied.” However, the term “other fish species” is not referenced within any provision of the current Fish Code. The species identified are regulated specifically throughout various sections of the Code. Accordingly, this term has been deemed unnecessary.
  
5. As indicated above in summary item #1, N.J.A.C. 7:25-6.13(c), which currently establishes a possession limit of 25 fish per day for those warmwater species with no specific creel or possession limit, is proposed to be recodified to N.J.A.C. 7:25-6.1(h) and expanded to include all species of fish. As a result of this proposed change, eight species of warmwater fish that have no specified creel or possession limit that will no longer be regulated under the warmwater provisions of the Fish Code at N.J.A.C. 7:25-6.13. Accordingly, black bullhead, *Ameiurus melas*, bowfin, *Amia calva*, Brown bullhead, *Ameiurus nebulosus*, carp, *Cyprinus carpio*, rock bass, *Ambloplites rupestris*, white catfish, *Ameiurus catus*, white perch, *Morone Americana*, and yellow bullhead, *Ameiurus natalis* are proposed to be removed from the list of fish species identified as “warmwater fish” in N.J.A.C. 7:25-6.2.

Green sunfish, *Lepomis cyanellus*, is also proposed to be removed from the list of fish species identified as “warmwater fish” in N.J.A.C. 7:25-6.2. Green sunfish is one of ten species of fish identified as “potentially dangerous fish” at N.J.A.C. 7:25-6.2 in amendments to the Fish Code adopted in 2010 (see 41 N.J.R. 3004(a); 42 N.J.R. 63(a)). Green sunfish possess a larger mouth than the State’s native sunfish species, thus having a competitive feeding

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advantage over native fish. As such, there are no season, minimum size or creel limits on this species. Potentially dangerous fish are regulated under the General provisions subsection of the Code, under N.J.A.C. 7:25-6.1, not N.J.A.C. 7:25-6.13 Warmwater.

6. The Council proposes to amend N.J.A.C. 7:25-6.3(i) to add two waterbodies, South Vineland Park Pond (Cumberland County) and Brookaloo Swamp (Warren County), to the Division's trout stocking program. South Vineland Park Pond is a 20-acre sand pond located in Vineland. For its size, the pond is surprisingly deep with a maximum depth of 35 feet. A dissolved oxygen temperature profile performed on August 24, 2009 documented a one foot band of trout supporting water, a rarity in the State's southern waters. The lake offers good shoreline access, a boat ramp, ample parking and a handicapped fishing pier.

Two trout stocking points historically stocked as part of Honey Run (Warren County) were recently identified as being actually located on a stream known as Brookaloo Swamp. Since the locations are popular among local anglers, the Council is proposing to formally add Brookaloo Swamp to the list of trout stocked waters so that stocking may be continued and proper pre-season closures would apply.

7. In addition to proposing to add the above waters to the list of trout stocked waters, the Council proposes to amend N.J.A.C. 7:25-6.3(i) to remove four waterbodies, Clarks Pond (Essex County), Mullica Hill Pond – Mullica Hill (Gloucester County), Riverview Beach Pond (Salem County), and Trout Brook – Hope (Warren County). Clarks Pond was added to the trout stocking program due to its urban setting and location near an area high school.

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The lake had become very shallow and was dredged in 2007. Unfortunately, the lake's on-stream location resulted in sediment quickly refilling the lake soon after dredging was completed. The lake in its current state poses little attraction for area trout anglers.

The Council proposes to remove Riverview Beach Pond and Trout Brook-Hope due to low angler interest. An abundance of waterfowl at Riverview Beach Pond results in frequent algal blooms giving the lake a "polluted" appearance. Anglers are wary of eating trout caught from the pond. Due to the poor aesthetic appearance angler utilization has dramatically declined. Trout Brook-Hope is stocked in only two locations and angler interest has been minimal in recent years.

The Council proposes to remove Mullica Hill Pond due to safety concerns with the lake's only stocking location. Housing sub-divisions have infringed on this area which was once dominated by rural farmland. The population increase has had a direct effect on the number of motorists traveling on Rt. 322, the only access point for stocking. Roadway traffic proves a significant risk to Division employees and volunteers during trout stocking, and anglers traversing the road.

8. In N.J.A.C. 7:25-6.3(i)11, the Council proposes to change the downstream limit of the trout-stocked section of the Delaware-Raritan Feeder Canal from the Upper Ferry Road bridge to Wilburtha Road. Currently trout are stocked at various locations in the Delaware-Raritan Feeder Canal (Mercer County), beginning near the Hunterdon-Mercer County line and extending down to, and including, the Upper Ferry Road bridge. Due to the current delineation

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- tion, fishing is prohibited during the pre-season period upstream of the bridge, but not prohibited on the immediate downstream side of the bridge. This change would properly extend the pre-season fishing closure an additional one-half mile to the next bridge downstream at Wilburtha Road.
9. In N.J.A.C. 7:25-6.3(i)16, the Council proposes to clarify the location of Sally's Pond, the downstream limit of the trout stocked section of Ringwood Brook, by replacing "Ringwood Park" with "Ringwood State Park." This change does not impact in any way the area stocked.
  10. In N.J.A.C. 7:25-6.3(i)21, the Council proposes to change the upstream and downstream boundary of the trout-stocked section on Honey Run. The current limits, Swayze's Mill Road to Route 519, Hope Township do not encompass the entire trout stocked section of Honey Run. To rectify this, the Council proposes the trout stocked stretch be delineated as "Knowlton-Hope Township Line to Beaver Brook, Hope Township." The Knowlton-Hope Township line is the next recognizable boundary upstream of the uppermost stocking point on Honey Run. From the lowermost stocking point (Rt. 519 bridge) Honey Run flows a distance of 0.2 miles before entering Beaver Brook. An additional three miles of stream would be closed during the pre-season stocking period as a result of this change.
  11. Also in N.J.A.C. 7:25-6.3(i)16, the Council proposes to clarify the upstream limit of Lopatcong Creek. The upper boundary for this trout-stocked stream is Rt. 519, which crosses Lopatcong Creek at two locations. One bridge is in Lopatcong Township and the other is lo-



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cated further upstream, in Harmony Township. Trout are stocked in the creek between these two bridges. To avoid angler confusion (and protect stocked trout during the pre-season period) the Council proposes to clarify the upstream limit as the Route 519 bridge located in Harmony Township.

12. In N.J.A.C. 7:25-6.8(b)3, the creel limit on lake trout in Round Valley Reservoir is proposed to be increased from three fish, 15 inches to less than or equal to 20 inches in length, and one additional fish, 24 inches or greater, for a total of four lake trout, to six fish, 15 inches to less than 24 inches in length, and one additional fish, 24 inches or greater, for a daily creel total of seven lake trout.

Both the Bureau's annual gill netting data and recent Round Valley Trout Association's tournament data confirm an abundance of medium-sized lake trout (15 to 24 inches) and relatively few lake trout of trophy proportions. Increased competition for food among lake trout at this size has resulted in diminished condition, slowed growth, and fewer large fish. Since lake trout reproduce within the reservoir and are not stocked, their numbers are not as easily controlled. Data indicate that the current 3 fish per day between 15 and 20 inches and one fish greater than 24 inches limit applicable to lake trout, in effect since 2008, successfully allowed lake trout to grow beyond the 15 to 20 inch range. However, there still appears to be a surplus of fish less than 24 inches that can be utilized by anglers.

The Council believes that further liberalizing the harvest of lake trout to encourage anglers to harvest more lake trout will address the current surplus issue. The management of the

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reservoir for a trophy trout fishery will continue by allowing anglers to harvest one fish daily that is greater than 24 inches. The regulation would allow anglers to harvest up to 6 lake trout from 15 to 24 inches and one over 24 inches, for a total of seven fish per day.

13. For clarification purposes the term “foul hooking” is proposed to be replaced with the term “snagging” in N.J.A.C. 7:25-6.12 Snagging Prohibited. The two terms are used interchangeably, however the term “foul hooking” is not defined within N.J.A.C. 7:25-6.2 Definitions. In addition, the Council proposes to expand the prohibition on snagging to include yellow perch and white perch. These are the only two species for which snagging is currently allowed. Yellow perch are a quality game species, and white perch are sought as a desirable food species. The Council proposes to extend these two species the same protection afforded to all other fish species.

As a result of this proposed change, current references that prohibit the snagging of any fish species in Swartswood Lake and its tributaries, including Neldon Brook, and Monksville Reservoir and its tributaries, including the Wanaque River are no longer needed since the proposed change results in prohibiting snagging for all species on a statewide basis. Accordingly, this language is proposed for deletion.

14. Also in N.J.A.C. 7:25-6.12, for clarification purposes the Council proposes to remove the phrase “during the ice fishing season” from the exemption of snagging for fish taken through the ice. There is no defined “ice fishing season” in N.J.A.C. 7:25-6.14 Ice Fishing. As defined in N.J.A.C. 7:25-6.14 ice fishing rules apply “whenever ice is present.”

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15. As indicated in summary item 1, the provision establishing a daily creel and possession limit of 25 for warmwater fish which do not have a specific daily creel and possession limit is proposed to be expanded to include all species of freshwater fish. As previously discussed, this provision is proposed to be recodified from N.J.A.C. 7:25-6.13(c) to N.J.A.C. 7:25-6.1(h), General Provisions. N.J.A.C. 7:25-6.13(c) is proposed to be reserved.
  
16. In N.J.A.C. 7:25-6.13(e) the Council proposes to establish a 15 inch minimum size limit and a daily creel and possession limit of three for largemouth bass in Alloway Lake in Salem County. As a result of a dam failure in 2000, the 120 acre impoundment remained lowered for almost ten years before the spillway was repaired in 2008. Since the dam failure, Alloway Township purchased a portion of the shoreline to allow public access to anglers. To protect the developing fishery the Township instituted a catch and release only fishing ordinance. The Division has been working closely with the Township since the lake was reopened to ensure that the fishery is managed correctly. Electrofishing surveys completed in September and October 2009 and in July 2010 documented an abundant largemouth bass population in excellent condition. A few dominant year classes were identified which were the result of the increased habitat and water body size after the dam reconstruction was completed. Prior to the 2000 dam failure, Alloway Lake was considered one the best largemouth bass lakes in South Jersey. The Township has agreed to repeal the catch and release only ordinance when the 15 inch minimum size and three fish per day creel limit becomes effective.

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17. For clarification and consistency, the Council also proposes to list waters in N.J.A.C. 7:25-6.13(e) alphabetically and identify county locations.
  
18. Provisions for bowfishing apply statewide with the intended exception of trout stocked waters, where trout cannot be taken with a bow and arrow, and boundary waters. Bow fishing in boundary waters (Greenwood Lake and the Delaware River) is separately regulated in N.J.A.C. 7:25-6.19(a)(5) and 6.20(a)(4) due to the desire to keep regulations in these waters consistent with the regulation of neighboring states, where appropriate. The Council also proposes to amend N.J.A.C. 7:25-6.15 to correct the citation in the list of exceptions to N.J.A.C. 7:25-6.15(a) to refer to the rule regulating fishing in the Delaware River, N.J.A.C. 7:25-6.20 (the rule currently erroneously refers to regulations pertaining to wanton waste of fish codified at N.J.A.C. 7:25-6.18).
  
19. Also in N.J.A.C. 7:25-6.15, the Council proposes in to restrict the species of fish which may be taken while fishing with a bow and arrow. Currently, twelve species of fish including, brook trout, lake trout, brown trout, rainbow trout, landlocked Atlantic salmon, largemouth bass, smallmouth bass, striped bass, chain pickerel, northern pike, walleye, and muskellunge are prohibited to be taken with a bow and arrow. Since catch and release cannot be practiced while bow fishing, these game species, which have established minimum size limits, are prohibited from being taken by this method. Only game species having specified minimum size limits are prohibited from being taken; however, there are numerous other species of fish, many of which are too small to be targeted by bow anglers, that are allowed to be taken by this method. As such, the Council proposes to identify those species of fish which

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may be taken by bow anglers. These species include carp, including bighead, common, grass and silver, as well as, eels, flathead catfish, shad, both American and gizzard, snakeheads, and suckers. These species encompass the majority of species typically targeted by bow anglers with the exception of channel catfish and herring. In New Jersey's inland waters channel catfish have a twelve inch minimum size limit. Due to distortions caused by viewing fish through the water column an undersized fish may mistakenly be taken. However, any undersized fish taken by bow and arrow cannot be released immediately and unharmed as the law requires. In addition, channel catfish do not reproduce in the majority of the State's inland waters, and their populations are maintained through an aggressive stocking program. The Council also proposes to exclude herring from the taking by bow and arrow due to concerns with declines of river herring throughout the entire east coast. Channel catfish and river herring are not typically targeted by bow anglers in New Jersey's inland waters; therefore their omission is not anticipated to impact bow angler.

20. For consistency with regulations with the Pennsylvania Fish and Boat Commission (PA. CODE § 58.61 (2012) the Council proposes to increase the current rod limit from two to three for the Delaware River. The limit applies to both shoreline and boat anglers. The Pennsylvania Fish and Boat Commission is expanding the current rod limit throughout Pennsylvania including the Delaware River to three rods effective January 1, 2012. The three rod limit is consistent with the rod limit established for New Jersey shoreline anglers in 2008.
21. In N.J.A.C. 7:25-6.20, the Council proposes to clarify the types of bows allowed for bow-

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fishing by New Jersey anglers. Recurve and compound bows, as well as longbows, already identified in N.J.A.C. 7:25-6.20, are permitted. In accordance with N.J.A.C. 7:25-6.15 New Jersey does not allow the use of crossbows for bow fishing.

22. For consistency with regulations with the Pennsylvania Fish and Boat Commission pertaining to the Delaware River (PA. CODE § 58.61 (2012)), the Council proposes to prohibit the taking of eels, herring, and bullheads and to allow the taking of catfish and snakeheads. Channel, white and the invasive flathead catfish are present in the Delaware River. In contrast to New Jersey's inland waters, channel catfish reproduce in the Delaware River. By allowing the take of catfish, the taking of flathead catfish, a highly invasive fish species present in the Delaware River, is also allowed since it is difficult to distinguish between channel and flathead catfish through the water column.
23. For clarification proposes, the Council proposes in N.J.A.C. 7:25-6.22 to clarify that the closed season for snapping turtles, May 1 to June 15, or bull frogs and green frogs, from April 1 to June 30, means that it is not only illegal to take or possess snapping turtles during their critical reproductive period, but also to attempt to take them.
24. In N.J.A.C. 7:25-6.25 the Council proposes to require permittees that have received an approved water lowering permit for the purposes of flood control to maintain a written log. Permits issued for the purpose of flood control allow water levels to be reduced within 24 hours of a forecasted rain event of one inch or more. The Council proposes requiring a written log to document the frequency and extent of these occurrences since these permits are

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valid for an entire calendar year. The log would document the date, extent of lowering, forecasted amount of rain, source of the weather forecast, resulting water elevation after the rain event, duration, and the date the waterbody level was returned to full pool, and the log must be submitted to the Division. This information is useful in determining the potential effect these lowering events are having on fish populations present within the waterway.

25. In N.J.A.C. 7:25-6.26(a)(h)(2) the Council proposes that requirements for the approval of the stocking of triploid grass carp for biological weed control purposes require that the inlet and outlet structures must be constructed in such a way that would permanently prevent the escape of fish from the impoundment. Numerous applications are submitted each year with pictures of temporary rudimentary modifications made to outlet structures in attempt to meet fish containment requirements. These types of modifications afford little long term protection against the escapement of grass carp. Grass carp are a long lived species, and although beneficial in a pond environment for weed control purposes, they can cause harm in downstream waters where vegetation may be scarce and control is not warranted or desired.

### **Social Impacts**

The proposed amendments to the Code balance opportunities for recreational fishing with adequate protection of the natural resource and are anticipated to have a positive social impact. The proposed amendments which add trout stocking locations are designed to increase the overall fishing opportunities in their specific regions. Even the loss of stocked locations benefit the angler since

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fish can then be reallocated to waters which provide better angling success or access. Negative social impacts will be offset by the alternative fishing opportunities which already exist in these areas.

Amendments that extend designated stretches of current trout stocked waters will have positive social benefits by applying appropriate preseason closures to these areas so that anglers familiar with trout stocking locations in these areas which are not publicized would no longer have an unfair advantage. There will be negative social impacts to anglers who currently fish these stretches during the preseason stocking period as allowed under the current designations, but the benefits to the resource and to the public participating in fishing recreationally from putting the limited preseason closure in place will outweigh any impact experienced during the pre-season stocking period.

Amendments to replace township implemented catch and release regulations on Alloway Lake with restricted harvest regulations for largemouth and smallmouth bass will have positive social benefits. The proposed regulations will provide continued protection of this developing fishery which will result in increasing long-term benefits while allowing some harvest by anglers.

Amendments proposed that improve consistency between New Jersey regulations with those of Pennsylvania as they relate to Delaware River are expected to have positive social impacts. Greater consistency of regulations on boundary waters provides for better understanding and adherence to the regulation by anglers. The amendment to increase the limit on fishing rods allowed to be used at one time by an angler from two to three will have positive social benefits as it potentially increases the probability of angler success in catching a fish.



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Amendments which clarify the species of fish which may be taken with a bow and arrow, and the types of bows that may be used will have positive social benefits. Presenting regulations in a clear and concise manner provides better understanding and adherence to the regulation by anglers. Restricting the overall number of species which may be taken with a bow and arrow is anticipated to only have minimal negative social impacts as many of these species are small in size and are not targeted by bow anglers.

Amendments that identify the 61 species of fish which are native to the fresh waters of New Jersey will have positive social benefits. Identifying native species helps increase awareness among anglers, environmental, and watershed groups on the diverse nature of New Jersey aquatic resources.

### **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. There may be slight negative economic impacts in localized areas where trout stocking is proposed to be discontinued. However, other existing trout fishing opportunities that occur in these areas will offset these impacts. Positive economic benefits are anticipated in areas where new trout stocking opportunities are proposed.

Amendments that require water lowering permittees to keep written logs documenting, the date, duration and extent of lowerings for the duration of the permit, is anticipated to have minimal, if any, economic impact to permittees. The written log is requires only very basic information to be re-

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corded and is only required for permits issued for flood control purposes, or permits where multiple lowering will occur over the duration of the permit.

Amendments that require that any modifications made to a pond's inlet or outlet in order to meet fish containment requirements for the introduction of grass carp be permanently constructed and affixed to a pond's inlet/outlet structure may have some economic impact to applicants. These costs are offset by the protection afforded the downstream aquatic resource by preventing the escape of this exotic species

The amendments to the Fish Code do not affect the current costs associated with how the Division of Fish and Wildlife manages the freshwater fisheries resource and are not expected to result in increased expenditures by anglers. The 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation estimated that the total expenditure by anglers in the State of New Jersey was \$752 million per year. Additionally, the Survey showed expenditures for wildlife watching activities in New Jersey totaled \$537 million per year. The sale of fishing licenses and trout stamps generates over \$ 3.5 million for the Department's Division of Fish and Wildlife annually. These funds are used towards the protection, propagation and managements of the State's freshwater resources directly benefitting the State's 8 million residents.

### **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

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their current population, distribution, and habitat status. Amendments which protect species during their critical spawning periods or set creel or minimum size limits have positive environmental impacts in providing for the protection of species while allowing appropriate recreational and commercial harvest which creates positive environmental impacts by preventing overpopulation.

Amendments identifying the indigenous fish species found in New Jersey waters are anticipated to have positive environmental benefits through increased awareness to anglers, conservation and environmental groups on the diversity of New Jersey's aquatic resources.

Amendments expanding protection of a twenty-five per day creel limit already afforded to a select number of warmwater species to all other species of fish that are not currently protected by a specified daily creel limit are anticipated to have positive environmental benefits. It serves to protect smaller typically non-targeted species such as the slimy sculpin, and species of darters, as well as some larger species such as gizzard shad and quillback that are occasionally caught by anglers but are not protected by species specific regulations. This amendment proactively protects non-typical game species in New Jersey as future trends in targeting of fish species are unknown.

Amendments further liberalizing the daily creel limit on lake trout at Round Valley Reservoir will have positive environmental benefits. The expanded creel limits will help reduce the stockpiling of lake trout occurring from 15" to 24". The stockpiling is a result of increased competition for forage among lake trout at this size. This results in the diminished condition, slowed growth, and fewer large fish being documented. Reducing the number of lake trout at this size will reduce the competition for forage and improve growth helping to restore this trophy fishery.

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Amendments establishing a 15-inch size limit and a reduced creel of three largemouth and small-mouth bass per day in lakes with a history of a quality bass fishery, such as Alloway Lake, will have positive environmental impacts. The increased size limit and reduced creel limit permits angling to occur while protecting this recovering fishery from the effects of an almost decade long drawdown.

Amendments prohibiting the snagging of white perch and yellow perch will have positive environmental benefits by affording these species additional protection.

Amendments requiring water lowering permit holders issued for flood control purposes to maintain written logs to document the frequency and extent of these occurrences will have positive environmental benefits. The logs will provide documentation to the frequency of these events to help assess the impacts on aquatic biota within the waterway.

### **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). In all other areas of the State, where there are no Federal regulations pertaining to the harvest of freshwater fish, the State's Fish Code applies. The proposed amendments

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to the Fish Code do not contain any standards or requirements that exceed Federal regulations involving the National Wildlife Refuge Areas. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require further analysis.

### **Job Impacts**

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. Amendments which protect species during their critical spawning periods or set creel or minimum size limits or provide consistency with regulations on waters bordering other states are not expected to produce any job impacts. These amendments impact recreational fisheries and no impact on fishing related businesses is anticipated. As addressed under Economic Impacts, there may be slight negative economic impacts in localized areas where trout stocking is proposed to be discontinued. However, other existing trout fishing opportunities that occur in these areas will offset these impacts. Positive economic benefits are anticipated in areas where new trout stocking opportunities are proposed. However, these economic impacts, whether positive or negative, are not anticipated to result in either the creation or loss of jobs.

### **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. In New Jersey, the raising of fish for sale for food or for stocking purposes falls within the realm of agriculture. The proposed amendments are

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not anticipated to have any impacts on the agricultural industry.

### **Regulatory Flexibility Statement**

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Council has determined that the proposed amendments will have a minimal effect on "small businesses" as defined in the Act. Amendments that require water lowering permittees to keep written logs documenting, the date, duration and extent of lowerings for the duration of the permit, are anticipated to have minimal, if any, economic impact to permittees and no impact to small businesses as the applicants for these permits are generally municipalities. However, even if a small business were to apply for a water lowering permit, as indicated in the Economic Impact statement, only very basic information is required to be recorded. Amendments that require that any modifications made to a pond's inlet or outlet in order to meet fish containment requirements for the introduction of grass carp be permanently constructed and affixed to a pond's inlet/outlet structure are similarly not anticipated to impact small businesses, which have historically not been involved in applications in this area. If an application were to be made by a small business, the requirement is the minimum protection determined to be appropriate. Accordingly, no lesser standard is provided for small businesses.

### **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 the impact of the pro-

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posed 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 rulemaking 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.

### **Housing Affordability Impact**

Pursuant to N.J.S.A. 52:14B-4, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Council has evaluated the proposed amendments to determine their impact, if any, on the affordability of housing. The Council has evaluated this rulemaking to determine the nature and extent the proposed amendments impact on housing affordability. Since the proposed amendments relate to daily creel and season limits for fish, and the State's trout stocking program, the Council has determined the proposed amendments do not impact housing affordability.

### **Smart Growth Development Impact**

In accordance with N.J.S.A. 52:14B-4, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Department has evaluated the proposed amendments for purposes of determining their impact, if any, on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan (State Plan).

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The proposed amendments regulate the means, locations, numbers and sizes that freshwater fish may be pursued, caught, killed, or possessed and therefore will have no impact on housing production in Planning Areas 1 or 2, or within designated centers, under the State Plan.

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



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## TITLE 7. ENVIRONMENTAL PROTECTION

### CHAPTER 25. DIVISION OF FISH AND WILDLIFE RULES

#### SUBCHAPTER 6. [2010-2011] **2012 – 2013** FISH CODE

##### 7:25-6.1 General provisions

(a)-(g) (No change.)

**(h) Except for Greenwood Lake and the Delaware River between New Jersey and Pennsylvania, for which limits are specified in N.J.A.C. 7:25-6.19 and N.J.A.C. 7:25-6.20, for those species of freshwater fish that do not have specified daily creel and possession limits, the daily creel and possession limit shall be 25 in total.**

##### 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.

• • •

**“Indigenous fish” means the following species and all hybrids and strains thereof, including the young or eggs of any such species:**

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1.	<b>alewife</b>	<b><i>Alosa pseudoharengus</i></b>
2.	<b>American eel</b>	<b><i>Anguilla rostrata</i></b>
3.	<b>banded killifish</b>	<b><i>Fundulus diaphanous</i></b>
4.	<b>blueback herring</b>	<b><i>Alosa aestivalis</i></b>
5.	<b>bowfin</b>	<b><i>Amia calva</i></b>
6.	<b>bullhead, brown</b>	<b><i>Ameiurus nebulosus</i></b>
7.	<b>bullhead, yellow</b>	<b><i>Ameiurus natalis</i></b>
8.	<b>catfish, white</b>	<b><i>Ameiurus catus</i></b>
9.	<b>creek chub</b>	<b><i>Semotilus atromaculatus</i></b>
10.	<b>creek chubsucker</b>	<b><i>Erimyzon oblongus</i></b>
11.	<b>dace, blacknose</b>	<b><i>Rhinichthys atratulus</i></b>
12.	<b>dace, longnose</b>	<b><i>Rhinichthys cataractae</i></b>
13.	<b>darter, shield</b>	<b><i>Percina peltata</i></b>
14.	<b>darter, swamp</b>	<b><i>Etheostoma fusiforme</i></b>
15.	<b>darter, tessellated</b>	<b><i>Etheostoma olmstedii</i></b>
16.	<b>eastern mosquitofish</b>	<b><i>Gambusia holbrooki</i></b>
17.	<b>eastern mudminnow</b>	<b><i>Umbra pygmaea</i></b>
18.	<b>fallfish</b>	<b><i>Semotilus corporalis</i></b>
19.	<b>hogchoker</b>	<b><i>Trinectes maculatus</i></b>
20.	<b>hog sucker, northern</b>	<b><i>Hypentelium nigricans</i></b>
21.	<b>lamprey, American brook</b>	<b><i>Lampetra appendix</i></b>
22.	<b>lamprey, sea</b>	<b><i>Petromyzon marinus</i></b>
23.	<b>longnose gar</b>	<b><i>Lepisosteus osseus</i></b>
24.	<b>madtom, margined</b>	<b><i>Noturus insignis</i></b>
25.	<b>madtom, tadpole</b>	<b><i>Noturus gyrinus</i></b>
26.	<b>minnow, cutlips</b>	<b><i>Exoglossum maxillingua</i></b>

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27.	minnow, eastern silvery	<i>Hybognathus regius</i>
28.	mummichog	<i>Fundulus heteroclitus</i>
29.	perch, pirate	<i>Aphredoderus sayanus</i>
30.	perch, white	<i>Morone americana</i>
31.	perch, yellow	<i>Perca flavescens</i>
32.	pickerel, chain	<i>Esox niger</i>
33.	pickerel, redfin	<i>Esox americanus</i>
34.	pumpkinseed	<i>Lepomis gibbosus</i>
35.	quillback	<i>Carpiodes cyprinus</i>
36.	sculpin, slimy	<i>Cottus cognatus</i>
37.	shad, American	<i>Alosa sapidissima</i>
38.	shad, hickory	<i>Alosa mediocris</i>
39.	shad, gizzard	<i>Drosoma cepedianum</i>
40.	shiner, bridle	<i>Notropis bifrenatus</i>
41.	shiner, comely	<i>Notropis amoenus</i>
42.	shiner, common	<i>Luxilis cornutus</i>
43.	shiner, golden	<i>Notemigonus crysoleucas</i>
44.	shiner, ironcolor	<i>Notropis chalybaeus</i>
45.	shiner, satinfin	<i>Cyprinella analostana</i>
46.	shiner, spotfin	<i>Cyprinella spiloptera</i>
47.	shiner, spottail	<i>Notropis husdonius</i>
48.	shiner, swallowtail	<i>Notropis procne</i>
49.	stickleback, fourspine	<i>Apletes quadracus</i>
50.	stickleback, threespine	<i>Gasterosteus aculeatus</i>
51.	stickleback, ninespine	<i>Pungitius pungitius</i>
52.	striped bass	<i>Morone saxatilis</i>

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53.	sturgeon, Atlantic	<i>Acipenser oxyrinchus</i>
54.	sturgeon, shortnose	<i>Acipenser brevirostrum</i>
55.	sucker, white	<i>Catostomus commersoni</i>
56.	sunfish, banded	<i>Enneacanthus obesus</i>
57.	sunfish, blackbanded	<i>Enneacanthus chaetodon</i>
58.	sunfish, bluespotted	<i>Enneacanthus gloriosus</i>
59.	sunfish, mud	<i>Acantharchus pomotis</i>
60.	sunfish, redbreasted	<i>Lepomis auritus</i>
61.	trout, brook	<i>Salvelinus fontinalis</i>

"In-season stocking period" shall mean [April 7, 2008 through May 23, 2008 for the 2008 trout season, April 13, 2009 through May 29, 2009 for the 2009 trout season, April 12, 2010 through May 28 for the 2010 trout season, April 11, 2011 through May 27, 2011 for the 2011 trout season, and] April 9, 2012 through May 25, 2012 for the 2012 trout season, **April 8, 2013 through May 22, 2013 for the 2013 trout season, April 7, 2014 through May 23, 2014 for the 2014 trout season, April 6, 2015 through May 22, 2015 for the 2015 trout season, and April 11, 2016 through May 27, 2016 for the 2016 trout season.**

• • •

"Opening day" shall mean 8:00 A.M. on [April 5, 2008 for the 2008 trout season, 8:00 A.M. on April 11, 2009 for the 2009 trout season, 8:00 A.M. on April 10, 2010 for the 2010 trout season, 8:00 A.M. on April 9, 2011 for the 2011 trout season, and 8:00 A.M. on] April 7, 2012 for the 2012

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trout season, **8:00 A.M. on April 6, 2013 for the 2013 trout season, 8:00 A.M. on April 5, 2014 for the 2014 trout season, 8:00 A.M. on April 4, 2015 for the 2015 trout season, and 8:00 A.M. on April 9, 2016 for the 2016 trout season.**

• • •

["Other fish species," and all hybrids and strains thereof, which are provided for by the provisions of this Code, either directly or implied, are as follows:

- |                              |  |
|------------------------------|--|
| 1. Alewife (anadromous form) | <i>Alosa pseudoharengus</i>                            |
| 2. American eel              | <i>Anguilla rostrata</i>                               |
| 3. American shad             | <i>Alosa sapidissima</i>                               |
| 4. Atlantic sturgeon         | <i>Acipenser oxyrinchus</i>                            |
| 5. Blueback herring          | <i>Alosa aestivalis</i>                                |
| 6. Creek chubsucker          | <i>Erimyzon oblongus</i>                               |
| 7. Gizzard shad              | <i>Dorosoma cepedianum</i>                             |
| 8. Goldfish                  | <i>Carassius auratus</i>                               |
| 9. Grass carp                | <i>Ctenopharyngodon idella</i>                         |
| 10. Hickory shad             | <i>Alosa mediocris</i>                                 |
| 11. Sea lamprey              | <i>Petromyzon marinus</i>                              |
| 12. Shortnose sturgeon       | <i>Acipenser brevirostrum</i>                          |
| 13. Striped bass hybrid      | <i>Morone saxatilis</i> x <i>Morone chrysops</i> ; and |
| 14. White sucker             | <i>Catostomus commersoni</i> ]                         |

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• • •

"Pre-season closure" shall be the period from [midnight March 16, 2008 to 8:00 A.M. April 5, 2008 for the 2008 trout season, the period from midnight March 22, 2009 to 8:00 A.M. April 11, 2009 for the 2009 trout season, the period from midnight March 21, 2010 to 8:00 A.M. April 10, 2010 for the 2010 trout season, the period from midnight March 20, 2011 to 8:00 A.M. April 9, 2011 for the 2011 trout season, and the period from] midnight March 18, 2012 to 8:00 A.M. April 7, 2012 for the 2012 trout season, **the period from midnight March 17, 2013 to 8:00 A.M. April 6, 2013 for the 2013 trout season, the period from midnight March 16, 2014 to 8:00 A.M. April 5, 2014 for the 2014 trout season, the period from midnight March 15, 2015 to 8:00 A.M. April 4, 2015 for the 2015 trout season, the period from midnight March 20, 2016 to 8:00 A.M. April 9, 2016 for the 2016 trout season.** Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout.

• • •

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

- |                             |                        |
|-----------------------------|------------------------|
| 1. Banded sunfish           | Enneacanthus obesus    |
| 2. Blackbanded sunfish      | Enneacanthus chaetodon |
| [3. Black bullhead          | Ameiurus melas]        |
| [4.] 3. Black crappie       | Pomoxis nigromaculatus |
| [5.] 4. Bluegill            | Lepomis macrochirus    |
| [6.] 5. Bluespotted sunfish | Enneacanthus gloriosus |

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[7. Bowfin	Amia calva
8. Brown bullhead	Ameiurus nebulosus
9. Carp	Cyprinus carpio]
[10.] <b>6.</b> Chain pickerel	Esox niger
[11.] <b>7.</b> Channel catfish	Ictalurus punctatus
[12. Green sunfish	Lepomis cyanellus]
[13.-20] <b>8.-15.</b> (No change in text.)	
[21.] <b>16.</b> Redfin pickerel	Esox americanus americanus
[22. Rock bass	Ambloplites rupestris]
[23.-24] <b>17.-</b> (No change in text.)	(No change in text.)
<b>18.</b>	
[25.] <b>19.</b> Walleye	Sander vitreus
[26. White catfish	Ameiurus catus]
[27.] <b>20.</b> White crappie	Pomoxis annularis
[28. White perch	Morone Americana
29. Yellow bullhead	Ameiurus natalis; and]
[30.] <b>21.</b> Yellow perch	Perca flavescens

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

(a)-(h) (No change.)

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force.

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1.-5. (No change.)

6. Cumberland County

Cohansey River--Dam at Seeley's Pond to Powerline above

Sunset Lake, Bridgeton

Giampietro Park Lake—Vineland

Mary Elmer Lake—Bridgeton

Maurice River--Willow Grove Lake dam to Sherman Avenue,

Vineland

Shaw's Mill Pond—Newport

**South Vineland Park Pond-Vineland**

7. Essex County

Branch Brook Park Lake—Newark

[Clarks Pond—Bloomfield]

Diamond Mill Pond—Millburn

Rahway River W/Br--Campbells Pond to Glen Ave.

Verona Park Lake—Verona

8. Gloucester County

Greenwich Lake—Gibbstown

Grenloch Lake—Turnersville

Harrisonville Lake—Harrisonville

Iona Lake—Iona

[Mullica Hill Pond--Mullica Hill]

Swedesboro Lake—Swedesboro

Westville Lake—Westville

9.-10. (No change.)

11. Mercer County

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



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Bridge to Carnegie Road, Hamilton Township

Colonial Lake--Lawrence Township

Delaware--Raritan Canal--Mulberry Street, Trenton, to

Alexander St., Princeton

Delaware--Raritan Feeder Canal—Hunterdon-Mercer County line

to [Upper Ferry Road Bridge] **Wilburtha Road**

Rosedale Lake—Rosedale

Stony Brook--Woodsville to Port Mercer

12.-15. (No change.)

16. Passaic County

Barbour's Pond--West Paterson

Clinton Reservoir--Newark Watershed

Green Turtle Pond—Hewitt

Oldham Pond--North Haledon

Pequannock River--Route 23, Smith Mills to Paterson-Hamburg

Turnpike, Pompton Lakes

Pompton River--Pompton Lake to Newark-Pompton Turnpike

Ringwood Brook--State line to Sally's Pond, Ringwood **State** Park

Sheppard Lake--Ringwood State Park

17. Salem County

Harrisonville Lake—Harrisonville

Maurice River--Willow Grove Lake Dam to Sherman Avenue,

Vineland

[Riverview Beach Pond--Pennsville Township]

Schadler's Sand Wash Pond--Penns Grove

18.-20. (No change.)

21. Warren County

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Beaver Brook--Silver Lake Dam to Pequest River

Blair Creek--Hardwick Center to Blair Lake

Blair Lake—Blairstown

**Brookaloo Swamp – entire length**

Buckhorn Creek--Roxburg, entire length

Columbia Lake and Gatehole--Knowlton Township

Furnace Brook--Oxford, entire length

Furnace Lake—Oxford

Honey Run—[Swayze's Mill Road] **Knowlton-Hope Township Line** to [Route 519] **Beaver**

**Brook**, Hope Township

Jacksonburg Creek--Jacksonburg, entire length

Lopatcong Creek--Route 519, **Harmony Township** to

South Main Street, Phillipsburg

Merrill Creek Reservoir--Stewartsville

Pohatcong Creek--Mt. Bethel to Route 31

Pophandusing Creek--Oxford Road, Hazen, to Delaware River

Trout Brook--Hackettstown, entire length

[Trout Brook--Hope, entire length]

White Lake--Hardwick Township

7:25-6.8 Special regulation trout fishing areas--Trophy Trout Lake

(a) (No change.)

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

1. The minimum size of brook trout, brown trout, rainbow trout and all hybrids and strains thereof shall be 15 inches. Daily bag and possession limit for brown trout and rainbow trout shall be two in total.

2. There shall be no closed season for brook trout, brown trout, rainbow trout and all hybrids and strains thereof.

3. The minimum size for lake trout shall be 15 inches at Merrill Creek Reservoir with a daily creel and possession limit of two. The daily creel and possession limit shall be [three] **six** fish, 15 inches to less than [or equal to 20] **24** inches in length, and one additional fish, 24 inches or greater, for a total of [four] **seven** lake trout at Round Valley Reservoir.

4.-5. (No change.)

#### 7:25-6.12 Snagging prohibited

The [foul hooking] **snagging** of any fish species[, other than yellow perch and white perch,] is prohibited. Any fish[, other than yellow perch and white perch,] so hooked must be immediately returned to the water. This shall not apply to fish so taken through the ice[ during the ice fishing season]. [Snagging of any species is prohibited in Swartswood Lake and its tributaries, including Neldon Brook, and Monksville Reservoir and its tributaries, including the Wanaque River.]

#### 7:25-6.13 Warmwater fish

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(a) (Reserved)

(b) (Reserved)

(c) [For those species of warmwater fish, which do not have specific daily creel and possession limits, the daily creel and possession limit shall be 25 in total.] **(Reserved)**

(d) (No change.)

(e) The minimum length for smallmouth bass and largemouth bass shall be 12 inches with a daily creel and possession limit of five in total, except for [Parvin Lake, Delaware Lake, Assunpink Lake, Boonton Reservoir and Splitrock Reservoir] **Alloway Lake (Salem County), Assunpink Lake (Monmouth County), Boonton Reservoir (Morris County), Delaware Lake (Warren County), Parvin Lake (Salem County), and Splitrock Reservoir (Morris County)** where the minimum length for largemouth and smallmouth bass shall be 15 inches with a daily creel and possession limit of three in total and Ryker Lake where the minimum length shall be 15 inches with a daily creel and possession limit of two in total.

(f)–(u) (No change.)

#### 7:25-6.15 Bow and arrow fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, [6.18 and] 6.19 **and 6.20**, it shall be legal to take [any species of fish except brook trout, lake trout, brown trout, rainbow trout, landlocked Atlantic salmon, largemouth bass, smallmouth bass, striped bass, chain pickerel, northern pike, walleye,

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muskellunge,] **carp, including bighead, common, grass and silver, eels, flathead catfish, shad,**

**American and gizzard, snakeheads, and suckers,** or any hybrids of any of these species, at any

time by use of bow and arrow with line attached, provided a person has a proper fishing license.

For the purpose of this section a bow means any longbow, recurved or compound bow that is hand-held and hand-drawn.

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.

1. (No change.)

2. Angling may be done with [two]**three** rods each with one line or two lines or one of each.

Not more than three single hooks or three burrs of three hooks each may be used per line.

3. (No change.)

4. Spears (not mechanically propelled) and longbows, **recurved bows or compound bows,** may be used to take shad, [eels,] carp, suckers, [herring and bullheads] **catfish and snakeheads** by properly licensed fishermen, except within 50 rods (825 feet) of an eel weir.

5.-7. (No change.)

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

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

(c) A person shall not take, **attempt to take**, kill or have in possession snapping turtles from May 1 to June 15, or bull frogs and green frogs from April 1 to June 30.

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

#### 7:25-6.25 Water lowering

(a)-(r) (No change.)

(s) For water lowering permits issued for flood control purposes, lowering may begin within 24 hours prior to a forecasted storm event of one inch of rain or more in the area. Permits are valid from January 1 to December 31. **A written log, including the date, extent of lowering, forecasted amount of rain, source of the weather forecast, resulting water elevation after the rain event, the duration and the date the waterbody level was returned to full pool must be recorded and submitted to the Division.**

#### 7:25-6.26 Fish stocking; fish culture facilities

(a)-(g) (No change.)

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(h) Only sterile triploid grass carp may be approved for stocking, strictly for the purposes of biological weed control, provided:

1. The waterbody is less than 10 surface acres in size;
2. Inlet or outlet structures in the impoundment are situated and constructed in a way that prevents escape of fish from the impoundment **and are permanently affixed**; and
3. No more than a total of 100 grass carp may be stocked into any single impoundment.

(i)-(l) (No change.)