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**ENVIRONMENTAL PROTECTION**

**DIVISION OF FISH AND WILDLIFE**

**Fish and Game Council**

**2018-2019 Fish Code**

**Proposed Amendments: N.J.A.C. 7:25-6.1 to 6.9, 7:25-6.11, 7:25-6.13, and 7:25-6.18 to 6.20.**

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

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

DEP Docket Number: 15-17-08

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 November 14, 2017 at 7:00 p.m. at:

NJDEP Division of Fish and Wildlife - Assunpink Conservation Center  
East Branch - Eldridge Road  
Assunpink Wildlife Management Area  
Robbinsville, New Jersey 08691

Submit written comments by December 1, 2017 at <http://www.nj.gov/dep/rules/comments>.

The Fish and Game Council (Council) encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Larry Herrighty, Director, Division of Fish and Wildlife  
New Jersey Department of Environmental Protection  
Mail Code 501-03  
2018-2019 Fish Code Comments  
Division of Fish and Wildlife  
P.O. Box 420  
Trenton, New Jersey 08625-0420

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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 2018 and 2019 fishing seasons are as follows:

1. In March 2016, the Division of Fish and Wildlife (Division) completed the first status assessment of 53 species of freshwater fish in New Jersey using the Delphi Process. The Delphi Process is a statistically verifiable investigation process for establishing consensus of a group of experts; in this case, a group of wildlife experts. These experts, including individuals both from within and from outside the Department, review the status of wildlife species and share expert opinions and data through an anonymous iterative process administered by the Department (Clark et al. 2006, An Objective Means of Species Status Assessment: Adapting the Delphi Technique, Wildlife Society Bulletin 34(2):419-425). These experts consider data on species populations, distribution, habitat needs, and threats to populations and their habitats. The reviewers reach consensus on the appropriate status of each species using the classifications of endangered, threatened, special concern, stable-secure, unknown or not applicable (which includes species that have been extirpated from the State). The

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Delphi process has been utilized in New Jersey to reach consensus in a variety of natural resource management contexts, including in determining species status (see, for example, 43 N.J.R. 87(a)) for a variety of other taxonomic groups including freshwater mussels, butterflies (Lepidoptera), dragonflies and damselflies (Odonata), and birds.

11 native fish species that are exhibiting significant distribution declines that warrant future listing as endangered (Shortnose Sturgeon, Ironcolor Shiner, and Bridle Shiner), threatened (Slimy Sculpin), or as a species of special concern (American Brook Lamprey, Blackbanded Sunfish, Brook Trout, Comely Shiner, Mud Sunfish, Northern Hog Sucker, and Shield Darter) were identified. The Shortnose Sturgeon has been Federally listed as endangered since the inception of the Endangered Species Act in 1973. The take and possession of Blackbanded and Mud Sunfish is prohibited at N.J.A.C. 7:25-6.13(u). The Brook Trout is the only one of the 11 species that is specifically targeted by anglers. Although angler harvest is not considered a factor related to the decline of wild Brook Trout populations, the Council seeks to protect the remaining, fragmented populations. Therefore, the Council is proposing at N.J.A.C. 7:25-6.3(e)1 to implement catch and release only restrictions for Brook Trout within a designated area of the State where wild populations still exist (see summary item 4).

Four of the 11 species identified as exhibiting significant distribution declines (Bridle, Comely, and Ironcolor Shiners, and American Brook Lamprey) may currently be taken as baitfish with a recreational limit of 35 per day. Any harvest in excess of this limit is only allowed by permit. The remaining species, including Northern Hog Sucker, Shield Darter,

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and Slimy Sculpin, although not directly targeted by anglers, have no defined season or creel limit and therefore up to 25 per day can be taken in accordance with N.J.A.C. 7:25-6.1(h).

Review of the current distribution information for freshwater fish species not only heightened concern for these 11 species, but also for several other indigenous species having declining distributions or that serve as important life cycle hosts to other aquatic biota, such as mussels, whose populations are also in decline. Other indigenous fish species also closely resemble several of the potentially endangered or threatened species. Due to these concerns, and to emphasize the importance of protecting the State's indigenous species, the Council proposes to amend N.J.A.C. 7:25-6.1(h) to prohibit the possession of indigenous fish species that do not have a specified daily creel, while still allowing a 25 per day limit for remaining nonindigenous species that have no established creel. Indigenous fish species are identified in N.J.A.C. 7:25-6.2.

Several species of indigenous fish that currently do not have specified daily creel and possession limits, and are thus subject to the current daily creel and possession limit of 25 in total specified in existing N.J.A.C. 7:25-6.1(h), are quite common, well distributed throughout the State, and routinely caught by anglers. In recognition of the more robust nature of these species, the Council proposes to maintain the existing default creel and possession limit by specifying a 25 per day limit for Brown Bullhead, Pumpkinseed, Redbreast Sunfish, Yellow Bullhead, Yellow Perch, White Catfish, White Perch, and White Sucker at N.J.A.C. 7:25-6.13(v).

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These changes do not affect creel limits established for Greenwood Lake and the Delaware River at N.J.A.C. 7:25-6.19 and 6.20, respectively.

2. The Council proposes to remove the general reference to “All shiner, dace, and minnow of the following genera: *Cyprinella*, *Exoglossum*, *Hypognathus*, *Luxilis*, *Notropis*, *Rhinichthys* and *Semotilus*.” from the list of baitfish species in N.J.A.C 7:25-6.2. This reference encompasses 14 indigenous species, two of which were identified through the Delphi process as potentially endangered, and one as a species of special concern. Particularly, the Bridle, Comely, and Ironcolor Shiners belong to the genera, *Notropis*. Other species falling under the “all shiner, dace, and minnow” category, such as Cutlip Minnow (*Exoglossum*), Eastern Silvery Minnow (*Hypognathus*), and Spotfin Shiner (*Cyprinella*), have reduced distributions and are not common. The remaining six species, Satinfin Shiner (*Cyprinella*), Common Shiner (*Luxilis*), Spottail and Swallowtail Shiners (*Notropis*), and Blacknose and Longnose Dace (*Rhinichthys*), closely resemble and are difficult to distinguish from those species with limited distributions. As such, 12 of the 14 indigenous species are proposed to be removed from the list of baitfish. The Council is proposing to continue to allow the harvest of two common and well distributed species, the Fallfish and Creek Chub, genus *Semotilus*, by identifying them specifically within the list of species that may be taken as baitfish.

The Council proposes to also remove the American Brook Lamprey, Bluntnose Minnow, Rainwater and Spotfin Killifish from the list of baitfish species. The American Brook Lam-

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prey has exhibited significant population declines throughout the State. The Bluntnose Minnow is not commonly distributed and closely resembles two potential endangered species, the Bridle and Ironcolor Shiners. The Rainwater and Spotfin Killifish are predominantly marine species with limited distribution within their own environment.

Collectively, these proposed changes, in conjunction with those described in summary paragraph 1 above prohibiting the possession of indigenous fish species without a defined creel limit, amending the list of species which may be taken as baitfish, and establishing creel limits for eight commonly targeted and well distributed indigenous fish species, protect indigenous fish species, including those identified as potentially endangered, threatened or a species of concern, while continuing to allow harvest of well distributed species commonly targeted by anglers or used as baitfish.

3. For consistency with New Jersey marine fisheries regulations, and in compliance with Addendum III of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Eel (2014), the Council proposes to increase the minimum size limit for American Eel from six to nine inches in N.J.A.C. 7:25-6.2, 6.13, 6.19, and 6.20 and to limit harvest to no more than 25 per day. American Eel is the only native freshwater eel in the United States. They are catadromous, living in freshwater and migrating to marine waters to spawn. The 2012 American Eel Stock Assessment found the American Eel population in U.S. waters depleted. The assessment found the stock at or near historically low levels due to a combination of historical overfishing, habitat loss and alteration, productivity

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and food web alterations, predation, turbine mortality, changing climatic and oceanic conditions, toxins and contaminants, and disease.

4. The Brook Trout, New Jersey's State fish, is the only salmonid native to the State of New Jersey. It is recreationally important and wild populations that were once common within the northern portion of the State have declined. Sensitive to change, Brook Trout's presence is an indicator of excellent water and habitat quality. Over time, impacts from urbanization, sedimentation, dams, and other forms of land and water disturbances have taken their toll. Wild Brook Trout are now present in less than half of the subwatersheds that composed their original range, their populations are fragmented, and their presence in many streams is relegated to headwater areas. Competition from more tolerant exotic trout species poses additional stressors to these struggling populations. During the 2016 freshwater fish species status assessment, Brook Trout were identified as a species of Special Concern. Due to growing concern over the plight of New Jersey's State fish, the Council is proposing at N.J.A.C. 7:25-6.3(e)1, that all Brook Trout caught within a designated "Brook Trout Conservation Zone" must be immediately released unharmed. The zone, established at N.J.A.C. 7:25-6.2, consists of all waters within the northwest region of the State, where most remaining wild Brook Trout populations occur. The zone is delineated by Interstate 287 to the east, Route 202 to the south, the New York/New Jersey border to the north, and the Delaware River to the west. A catch and release regulation protects larger Brook Trout that currently may be creeded, allowing them to survive, reproduce and perpetuate the species.

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Anglers that fish for wild trout are in favor of catch and release regulations. Additionally, the Division has observed a growing trend in the practice of catch and release amongst all anglers. In the Division's 2012 trout angler survey, 64 percent of trout anglers indicated they released most, or all, trout caught – an 11 percent increase over results from a similar survey conducted in 2003. In the Division's 2016 online wild trout angler survey, 74 percent of respondents either moderately, or strongly, supported catch-and-release-only regulations on wild trout streams.

Many waters within the zone either contain or are connected to streams containing wild Brook Trout populations. Thus, the stocking of Brook Trout will also be discontinued within the Conservation Zone. This will prevent further cross breeding between hatchery-reared and wild Brook Trout, and preserve native Brook Trout gene pools. For waters within the zone that only seasonally support trout, and are not connected to streams containing wild Brook Trout populations, continued stocking of Brook Trout would not be appropriate as the stocked fish that will not be allowed to be harvested would succumb to elevated water temperatures by the end of spring. Due to a disease outbreak in Brook and Brown Trout reared at the state operated Pequest Trout Hatchery, the Division has been rearing strictly Rainbow Trout since 2015. The private stocking of any species of fish requires a Fish Stocking permit, issued by the Division. Eleven private clubs or waterbody owners currently obtain annual fish stocking permits to stock Brook Trout that they purchase from private hatcheries. These clubs have been made aware of the proposed change. Almost all are supportive of stocking alternative trout species.



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A zone-based approach to the catch-and-release area, as opposed to a Statewide regulation, minimizes the impact on anglers who would like to fish for and keep a stocked Brook Trout outside of the zone where these stocked fish do not pose a threat to wild populations. Private clubs and waterbody owners outside of the zone will be allowed to continue to stock Brook Trout. If Brook Trout are re-introduced into the Division's fish culture operations, stocking will be limited to areas outside the zone.

5. The 2016 Delphi review panel not only identified eleven species warranting status listing (see summary item 1), but after reviewing information concerning the Bowfin's native range and distribution trends within the State also reclassified the species as nonindigenous. As a result, the Council is proposing at N.J.A.C. 7:25-6.2 to remove Bowfin from the list of indigenous fish species. This action will maintain the existing daily creel and possession limit of 25 per day.
  
6. 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 2021 trout season and to remove season dates for 2016 and 2017. Dates for established in-season stocking periods, and pre-season closures for the 2021 trout season, found at 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 amendment to the definition of "in-season stocking period"

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describes the dates during the 2021 trout season when stocking will occur after the season opens.

7. The Division stocks 90 streams with trout each year, with trout stocked waters totaling over 300 miles of stream. To allow all waters to be stocked prior to opening day, waters stocked with trout by the Division are closed for a three-week pre-season period. The upstream and downstream limits for sections of streams stocked by the Division are identified at N.J.A.C. 7:25-6.3(h) through (i). Private fishing clubs located within the boundaries of these publicly stocked sections of rivers are subject to the same three-week pre-season fishing closure even though, in many cases, the portion of the river located on their properties are stocked by the clubs with trout purchased from private fish hatcheries, pursuant to a Division permit which ensures that stocking practices do not negatively impact the waters or other fish in those sections of river. At the request of private fishing clubs located on these waters, the Council is proposing at N.J.A.C. 7:25-6.3(j) to allow private clubs located on delineated sections of trout stocked rivers that stock a segment of the water on which they own or lease both sides of the stream segment to fish, catch and release only, during the pre-season closure provided certain conditions are satisfied. Particularly, club members may only fish within areas where the club leases or owns both sides of the river, club boundaries (upstream and downstream limits) are clearly marked on the river, and the club obtains annual fish stocking permits for trout. Clubs wishing to participate must submit specified information in writing to the Division's Bureau of Freshwater Fisheries each year by March 1. The required information includes copies of all stocking permits issued the previous year, a map of the club property where catch and release fishing will occur and a letter of intent to practice catch

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and release during the pre-season fishing closure. This proposed change does not result in any change to existing stocking practices by the Division. As these sections of river are not open to the public, the proposed change does not affect anglers fishing in public waters. The Council proposes to define private fishing clubs at N.J.A.C. 7:25-6.2, as an incorporated or unincorporated organization that owns or leases a section of a river for the purposes of fishing that is not open to the general public.

8. As addressed in summary item 1, the Council is proposing to establish a daily creel and possession limit of 25 in total for common indigenous species that are regularly targeted by anglers. These include warmwater species such as Brown Bullhead, Pumpkinseed, Redbreast Sunfish, White Catfish, White Perch, White Sucker, Yellow Bullhead, and Yellow Perch. As a result of the proposed change, Brown Bullhead, White Catfish, White Perch, White Sucker, and Yellow Bullhead are proposed to be included with species identified as "warmwater fish" at N.J.A.C. 7:25-6.2. The list identifies species of fish regulated under N.J.A.C. 7:25-6.13 Warmwater Fish. Pumpkinseed, Redbreast Sunfish, and Yellow Perch are already included within the list of species identified in the definition of "warmwater fish" at N.J.A.C. 7:25-6.2.
9. N.J.A.C. 7:25-6.3, Trout season and angling in trout stocked waters, establishes size, seasons, and possession limits for trout, and identifies trout stocked waters. Additional regulations for multiple special regulation areas, including Trophy and Holdover Trout lakes, which are also trout stocked, are found at N.J.A.C. 7:25-6.4 to 6.5 and N.J.A.C. 6.7 to 6.9. For consistency with N.J.A.C. 7:25-6.13, Warmwater fish, which establishes the seasons,

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- size limits, and creel and possession limits for warmwater fish species, the Council is proposing to rename N.J.A.C. 7:25-6.3 "Trout." This change is intended to clarify that the seasons, size limits, and creel and possession limits for trout found in this section are applicable Statewide and not only to trout-stocked waters.
10. As indicated in summary item 41 below, the Council is proposing to consolidate Trout Conservation Area regulations under one subsection by recodifying Year-Round Trout Conservation Area regulations from N.J.A.C. 7:25-6.7 into N.J.A.C. 7:25-6.5, where they will be codified with current provisions related to Seasonal Trout Conservation Areas. Other changes summarized in summary item 44 below include incorporating restrictions applicable to Wild Trout Streams in proposed N.J.A.C. 7:25-6.7. To reflect changes proposed to N.J.A.C. 7:25-6.5 and 6.7, the Council proposes to amend references to exceptions to Statewide season closures for trout. Particularly, Catch and Release Only Areas, Year-Round Trout Conservation Areas, Trophy Trout Lakes and Holdover Trout Lakes are open year-round to fishing and are exempt from season closures. Wild Trout Streams are not stocked with trout and, therefore, pre-season stocking closures do not apply. Since Greenwood Lake and the Delaware River are interstate waters that are not stocked with trout by the Division, trout season dates for these border waters are determined by Pennsylvania and New York states, respectively, which do stock those waters. These dates are included at N.J.A.C. 7:25-6.19, and 20, respectively.
11. The Council is proposing to clarify that certain special regulation trout fishing areas are not subject to the Statewide size limits at N.J.A.C. 7:25-6.3(c) and (d), and possession limits at N.J.A.C. 7:25-6.3(d) and (e). Instead, these areas are subject to the area-specific size and

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possession limits specified in the existing rules at N.J.A.C. 7:25-6.4 through 6.9. The special regulation trout fishing areas support distinct fisheries due to their unique habitats requiring specialized and often more restrictive regulations. In addition to adding reference to the term “special regulation trout fishing areas” to describe the sections containing special size and possession limits, the Council is proposing to amend the current citations specified in the rule to include reference to N.J.A.C. 7:25-6.4, Special regulation trout fishing areas – catch and release only. As indicated in the section title, no fish may be retained in these areas, regardless of size.

12. Sixteen trout stocked waters listed at N.J.A.C. 7:25-6.3(h)1-5 are subject to in-season closures during listed stocking dates. With limited exceptions cross-referenced in the rules, these waters are closed to fishing from 5:00 A.M. to 5:00 P.M. on designated weekly stocking days following opening day. Some of the listed waters include sections designated as special regulation trout fishing areas within which fishing is allowed during specified in-season closures. The rules currently cross-reference exceptions to the in-season closures as including sections of water designated as Wild Trout Streams, Year-Round Trout Conservation Areas, Trophy Trout Lakes and Holdover Trout Lakes. As indicated in summary item 41 below, the Council is proposing to consolidate Year-Round and Seasonal Trout Conservation Area regulations under one section by recodifying Year-Round Trout Conservation Area regulations from N.J.A.C. 7:25-6.7 into proposed N.J.A.C. 7:25-6.5(a). Other changes summarized in summary item 44 below include incorporating restrictions applicable to Wild Trout Streams in proposed N.J.A.C. 7:25-6.7. To reflect changes proposed to N.J.A.C. 7:25-6.5 and 6.7, and to properly exempt year-round Catch and Release Only Areas identified in

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N.J.A.C. 7:25-6.4, the Council proposes to amend references to exceptions to in-season fishing closures at N.J.A.C. 7:25-6.3(h). Particularly, the Council proposes to amend N.J.A.C. 7:25-6.3(h) to recognize as exempt from in-season closure requirements sections of waters regulated as Catch and Release Only, Year-Round Trout Conservation Areas, or as Wild Trout Streams, as they are open year-round to fishing and are exempt from in-season closures pursuant to existing N.J.A.C. 7:25-6.4(b), 6.7(b)1 (proposed N.J.A.C. 7:25-6.5(c)1), and 6.6(b)1 (proposed N.J.A.C. 7:25-6.7(c)1, (e)1 and (g)1), respectively. In addition to being open to fishing year-round, segments of waters identified in N.J.A.C. 7:25-6.3(h) that are designated as Wild Trout Streams are also not subject to in-season closures under N.J.A.C. 7:25-6.3(h) as these water segments are not stocked with trout in accordance with existing N.J.A.C. 7:25-6.6(a) (proposed N.J.A.C. 7:25-6.7(b), (d) and (f)). As indicated above, the existing list of exceptions to the in-season closure requirements applicable to the waters listed in N.J.A.C. 7:25-6.3(h) includes reference to Trophy and Holdover Trout Lakes, at N.J.A.C. 7:25-6.8 and 6.9 respectively. As none of the waters listed in N.J.A.C. 7:25-6.3(h) are lakes and it is not the Council's current intention to apply in-season closures to lakes, references to these waters are also proposed to be removed at N.J.A.C. 7:25-6.3(f) through (h).

13. For consistency and clarification, the Council is proposing amendments at N.J.A.C. 7:25-6.3(h) and (i) to more clearly identify the locations of trout stocked waters with the appropriate municipality designation. Locations for trout stocked waters often reference unincorporated towns or local references that do not appear on most maps. Municipality information is also proposed to be included for all upstream and downstream stocking limits for streams,

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and to identify park locations. For consistency, existing and proposed municipality information will appear after road and location references.

The Council proposes to clarify that road names within stream delineations reference where the roadway crosses the river thereby negating the need for “bridge” references throughout N.J.A.C. 7:25-6.3(h)-(i). For consistency, all existing references to townships are also proposed to be replaced with “Twp.” Unless necessary to denote particular boundary locations, the terms “Jct. with” or “confluence” are also proposed to be removed.

The Council is also proposing to clarify that references to municipalities in the rules are purely intended to identify the location of the upstream and downstream boundaries of referenced waterbodies and are not intended to identify an inclusive list of all the municipalities that a regulated, trout-stocked section of stream may traverse.

These changes are for consistency and clarification purposes and, unless addressed separately, do not affect the way the areas are stocked.

14. The trout stocked section of the Manasquan River is currently delineated as the Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area at N.J.A.C. 7:25-6.3(h)1i. Bennetts Bridge was washed out in a storm event several years ago and no longer serves as an identifiable boundary for the stocked section of the Manasquan River, which has both pre-season and in-season fishing closures. The closest identifiable freshwater boundary is Allenwood-Lakewood Road, Wall Twp. which is located just downstream of

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the lowermost stocking point within Brice Park. The Council is proposing to use Allenwood –Lakewood Rd. as the new lower boundary for the trout stocked section of the Manasquan River. This change results in a reduction of 0.2 miles of the stocked section of the Manasquan River.

15. At N.J.A.C. 7:25-6.3(h), the Council proposes to remove the Black and Wallkill Rivers from the list of trout stocked waters with in-season fishing closures. The rivers are two of 16 trout stocked waters closed to fishing from 5:00 A.M. to 5:00 P.M. on designated stocking days during the seven-week in-season stocking period that follows opening day. In-season closures give recently stocked fish an opportunity to spread out before anglers begin fishing.

The Council is proposing to eliminate the in-season closure from the trout stocked section of the Black River as it lies primarily within Hacklebarney State Park, and access and parking to this section is nearly one-half mile from the water's edge. The distance limits angler use as well as hampers proper enforcement of the in-season fishing closure.

Angling activity on the Wallkill River is relatively low compared to the other trout stocked waters with in-season closures. Stream levels are often quite low nearing the end of the stocking season and the lower 2.2 miles of the trout stocked section supports only a seasonal fishery for trout. Based on the Division's trout stocking formula, waters with in-season fishing closures are stocked each of the seven weeks following opening day. Removing the Wallkill River from the list of waters with in-season closures will allow the Division to better align stocking with the seasonal nature of the fishery. It will allow the Division to limit



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stocking to the first few weeks after opening day when water temperatures and stream flows are more conducive to the survival of stocked trout. Stocking frequency for the upper section of the Wallkill will occur at a greater frequency than the lower section as it supports a year-round trout fishery.

Conservation Officers support the removal of in-season closures on the two rivers as it allows them to maximize their positive public interaction by patrolling when anglers are fishing rather than enforcing a fishing closure where few anglers are generally encountered.

Thus, the Black River and Wallkill River will be included in the list of trout stocked waters with no in-season closures at N.J.A.C. 7:25-6.3(i)14 and 19, respectively.

16. At N.J.A.C. 7:25-6.3(h)2ii, the Council proposes to change the upstream limit of the trout-stocked section of the Raritan River South Branch (abbreviated in the rule text as Raritan River, S. Br.) from its source at Budd Lake dam to the mill dam located 200 feet upstream of Schooleys Mountain Rd. The Raritan River South Branch supports not only a strictly native population of Brook Trout, in its most upstream section, but also abundant Brook and Brown Trout populations in the section upstream of Schooleys Mountain Rd. to the Old YMCA breached dam site. As addressed in summary item 44, the Council is proposing to regulate these two upstream sections of the South Branch as a Native Brook Trout Stream, and designated Wild Trout Stream, respectively. Stocking at the four most upstream locations will be discontinued to reduce competition of the native population with stocked hatchery reared trout. As discussed in summary item 42, the 1.1-mile section known as the

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Claremont will no longer be regulated as a Year-Round Trout Conservation Area. These changes will eliminate the pre-season fishing closure on three miles of stream, downstream to just before Schooleys Mountain Rd.

For consistency with other trout stocked waters listed at N.J.A.C. 7:25-6.3(h), the Council also proposes to remove the list of counties that the Raritan River South Branch traverses.

For consistency with similar references to other streams, the Council is proposing at N.J.A.C. 7:25-6.3(h)2ii, (h)3i, and (i), and N.J.A.C. 7:25-6.4(a)2 to reference the major branches of the Raritan River, as the Raritan River N. Br and S. Br.

17. The Big Flat Brook is trout stocked from Saw Mill Pond in High Point State Park to the Delaware River. Crigger Rd., located near the Steam Mill campground in Stokes State Forest, divides the river into upper and lower trout stocked sections. In-season closures apply only to the lower section of the river. Although the bridge is located near the Steam Mill campground, both the upstream boundary of the lower section, and the downstream boundary of the upper section, improperly reference the bridge as the Steam Mill Bridge. The Council proposes to remove the reference “Steam Mill Bridge” from both N.J.A.C. 7:25-6.3(h)5i and N.J.A.C. 7:25-6.3(i)19. For consistency, the reference to the location of Crigger Rd. within Stokes State Forest is added in N.J.A.C. 7:25-6.3(i)19. These changes do not impact in any way the areas stocked.

18. In N.J.A.C. 7:25-6.3(h)5iii, the Council proposes to change the upstream limit of the trout-

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stocked section of the Pequest River from its source to Pequest Rd., Green Twp. Due to poor access, stocking at the three upstream stocking points has been discontinued. As Pequest Road is 5.5 miles downstream of the source of the Pequest River, this change will reduce the pre-season and in-season fishing closures by 5.5 miles.

19. For consistency, waterbody names within the trout stocked waters not subject to in-season closures listing, N.J.A.C. 7:25-6.3(i), were compared to names found in the National Hydrography Dataset (NHD) and the State's Surface Water Quality Standards (SWQS), at N.J.A.C. 7:9B-1.15. In cases where waterbody names were distinctly different between the two datasets, both names are proposed to appear within the listing. In cases where a waterbody is unnamed in the NHD, the SWQS name is utilized. In absence of a named reference for a waterbody in either the NHD or SWQS, the waterbodies commonly referenced names were utilized. Waterbodies may also have more than one name. Thus, the alternate name is proposed to appear as "also known as" within the listing.

Most changes are minor in nature. For example, changes considered to be minor include proposed changes like amending the names of Pascack Creek to Pascack Brook; Tenakill Creek to Tenakill Brook; Rancocas Creek, South/West Branch to Rancocas Creek, Southwest Branch; Rowands Pond to Rowand Lake; Topenemus Lake to Topanemus Lake; Barbour's Pond to Barbour Pond; Green Turtle Pond to Green Turtle Lake; Saw Mill Pond to Sawmill Pond; Lower Echo Park Pond to Lower Echo Lake; and Warinanco Park Pond to Warinanco Park Lake.

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Several waterbodies with noted aliases include Swedesboro Lake, also known as Narraticon Lake; Capoolong Creek, also known as Cakepoulin Creek; and Englishtown Mill Pond, also known as Weamaconk Lake. One extreme example is Woodcliff Lake, identified as North Hudson Park Lake within the NHD layer, and more commonly known as JJ Braddock Park Lake but located on Woodcliff Ave. In N.J.A.C. 7:25-6.3(i)9, the Council proposes to change the waterbody name from Woodcliff Lake to North Hudson Park Lake (also known as JJ Braddock Park Lake).

In addition to changes reflective of the comparison of the existing trout stocked water list in the Code to the NHD and SWQS lists referenced above, the Council is proposing to change the name of Birch Grove Pond at N.J.A.C. 7:25-6.3(i)1 and Burnham Park Pond at N.J.A.C. 7:25-6.3(i)14 to make each plural as more than one pond is stocked with trout at each of these parks.

20. The Council is proposing to amend N.J.A.C. 7:25-6.3(i) to remove four waterbodies from the Division's trout stocking program: Beaver Brook (Hunterdon), Rockaway Creek, S. Br. (Hunterdon), Trout Brook (Sussex) and Hamilton Fire Pond (Monmouth) from the Division's trout stocking program. Beaver Brook, Rockaway Creek South Branch, and Trout Brook all have reproducing Brown Trout populations. All three waters are small streams for which there is little angling interest, as indicated by poor opening day angler turnout and few anglers observed throughout the spring season. Beaver Brook, which has a more robust Brown Trout population than the other two streams, is proposed to be regulated as a Wild Brown Enhancement Stream in N.J.A.C. 7:25-6.7(e) (see summary item 44). There are

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many other angling opportunities for both stocked and wild trout within a short distance of all three streams.

Additionally, the Hamilton Fire Company, owners of Hamilton Fire Pond, have requested that the pond no longer be stocked with trout due to problems with trash and fishing line left by anglers. The pond was last stocked with trout in 2015.

21. Trout are currently stocked at various locations in the Hohokus Brook with the existing Code indicating that stocking occurs beginning at Forest Rd. and extending downstream to the Saddle River. Forest Rd. does not cross the brook as the name of the road changes to Pulis Rd. just before the stream crossing. Pulis Rd. crosses the brook, at this location, and at additional locations upstream, all located within Franklin Lakes Borough. To provide a definitive upstream boundary, the Council is proposing at N.J.A.C. 7:25-6.3(i)2 to change the upstream limit of the trout-stocked section of the Hohokus Brook from Forest Rd. to Parsons Pond Rd. This change reduces the pre-season fishing closure by 0.4 miles but still encompasses the entire trout stocked section of the brook. This change will not affect how the brook is stocked.

22. The Council proposes at N.J.A.C. 7:25-6.3(i)2 to extend the upstream limit of the trout-stocked section of Pascack Brook from Orchard St. to Woodcliff Lake dam. Currently trout are stocked at various locations in Pascack Brook, beginning around Orchard Street and extending downstream to Lake Street in Westwood. Orchard Street does not actually cross the

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brook and does not provide a definitive upstream limit for pre-season fishing closures pursuant to N.J.A.C. 7:25-6.3(b). The Woodcliff Lake dam is located 0.7 miles upstream and provides a discernable boundary for anglers.

The Council also proposes to extend the downstream limit of Pascack Brook from Lake St. to Emerson Rd., Harrington Park Borough. Historically trout have been stocked downstream of the current boundary. These changes to the upstream and downstream boundaries will properly encompass the section of the river that is trout stocked and extend the pre-season fishing closure an additional 3.1 miles.

23. At N.J.A.C. 7:25-6.3(i)2, the Council proposes to change the downstream limit of the trout-stocked section of the Saddle River from Dunkerhook Rd. to West Century Rd., Fair Lawn. Trout are currently stocked at various locations in the Saddle River, beginning at Lake Street and extending downstream to Dunkerhook Rd. Due to the current delineation, fishing is prohibited in accordance with N.J.A.C. 7:25-6.3(b) during the pre-season period upstream of Dunkerhook Rd. but not prohibited on the immediate downstream side of the bridge. This change would properly extend the area subject to the pre-season fishing closure an additional 0.5 miles downstream to West Century Rd.

24. At N.J.A.C. 7:25-6.3(i)3, the Council proposes to change the downstream limit of the trout-stocked section of the Southwest Branch of Rancocas Creek from Branch St. to Rt. 70, Medford Twp. Trout are currently stocked at various locations in the Southwest Branch of Rancocas Creek beginning at Mill Street Park and extending downstream to Branch Street

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Bridge. Due to the current delineation, fishing is prohibited during the pre-season period upstream of Branch Street but not prohibited on the immediate downstream side of the bridge. This change would properly extend the pre-season fishing closure an additional 0.3 miles upstream to Rt. 70.

25. At N.J.A.C. 7:25-6.3(i)7, the Council proposes to change the downstream limit of the trout-stocked section of the Rahway River W/Br from Glen Ave to Essex Street. Currently trout are stocked at various locations in the Rahway River W/Br, beginning at Campbells Pond and extending downstream to Glen Ave. Due to the current delineation, fishing is prohibited during the pre-season period upstream of Glen Ave. Bridge but not prohibited on the immediate downstream side of the bridge. This change will extend the area subject to the pre-season fishing closure in accordance with N.J.A.C. 7:25-6.3(b) an additional 0.3 miles downstream to Essex St.

26. At N.J.A.C. 7:25-6.3(i), which identifies by county trout stocked waters with no in-season closure, where a stream crosses into more than one county, the existing rules include a reference to the stream in each county through which it passes. The Delaware-Raritan Feeder Canal is stocked in locations within both Hunterdon and Mercer Counties. The trout stocked section of the canal is currently split between the two listings of each county, with upstream and downstream limits specific to each county listing. For consistency with other trout stocked waters that traverse more than one county, the Council is proposing at N.J.A.C. 7:25-6.3(i)10 to include the upstream and downstream limits of the entire trout stocked section of the canal under Hunterdon County. The Council is additionally proposing to amend

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the corresponding entry for this waterbody in N.J.A.C. 7:25-6.3(i)11 to reflect that the feeder canal additionally passes through Mercer County by replacing the description of the section of the canal in that county with a cross-reference to the Hunterdon entry that delineates the entire extent of the trout stocked waters not subject to in-season closure for the Delaware Raritan Feeder Canal.

The Council also proposes to properly define the upstream limit of the trout stocked section of the feeder canal as its source which is located within Bulls Island State Park to eliminate any uncertainty as to whether the trout stocked section begins there or at the boundary of the park.

27. At N.J.A.C. 7:25-6.3(i)10, the Council is proposing to change the upstream limit of Hakhokake Creek, a tributary to the Delaware River, from its source to Little York-Mount Pleasant Rd., Little York in Alexandria Twp. Hakhokake Creek supports a wild Brown Trout population and is not stocked with trout upstream of Little York-Mount Pleasant Rd. The change more accurately reflects current trout stocking practices and accommodates the proposed Wild Trout Stream designation for the section of the creek upstream of Little York-Mount Pleasant Rd (see summary item 44). This change reduces the pre-season fishing closure under N.J.A.C. 7:25-6.3(b) by 0.1 mile.
28. At N.J.A.C. 7:25-6.3(i)10, the Council proposes to change the upstream limit of the trout-stocked section of the Neshanic River from Kuhl Rd. to the confluence of the First and Second Neshanic Rivers. Currently trout are stocked at various locations in the Neshanic River,



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beginning at Kuhl Rd. and extending downstream to the Rt. 514 bridge. Due to the current delineation, fishing is prohibited under N.J.A.C. 7:25-6.3(b) during the pre-season period downstream of Kuhl Rd. but not prohibited on the immediate upstream side of the bridge. This change will extend the pre-season fishing closure an additional 0.03 miles upstream to confluence of the First and Second Neshanic Rivers.

29. At N.J.A.C. 7:25-6.3(i), which identifies by county trout stocked waters with no in-season closure, where a stream crosses into more than one county, the existing rules include a reference to the stream in each county through which it passes. At N.J.A.C. 7:25-6.3(i)10, the Council proposes to reflect that Stony Brook additionally passes through Hunterdon County with a cross-reference to the existing entry for the brook in Mercer County.

Stony Brook is currently stocked in various locations from Woodsville to Port Mercer. As the trout stocked section of Stony Brook encompasses almost the entire length of Stony Brook, the Council proposes at N.J.A.C. 7:25-6.3(i)11 to amend the trout stocked boundaries of Stony Brook to entire length. This extends the pre-season closure that applies to the Stony Brook pursuant to N.J.A.C. 7:25-6.3(b) an additional 2.5 miles.

30. The current description of the trout stocked waters of the Ireland Brook in Middlesex County describes the stream segment from its lower boundary to its upstream boundary. For consistency with the boundary delineations of other trout stocked streams, the Council proposes at N.J.A.C. 7:25-6.3(i)12 to list the limits for Ireland Brook in order from upstream to downstream. This change will not affect how the stream is stocked.

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31. At N.J.A.C. 7:25-6.3(i)13, the Council is proposing to change the upstream limit of the trout-stocked section of the Hockhockson Brook from Hockhockson Rd. to Rt. 18, Colts Neck Twp. Currently, trout are stocked at various locations in the Hockhockson Brook beginning at Hockhockson Rd. and extending downstream to the Garden State Parkway (northbound). Due to the current delineation, fishing is prohibited during the pre-season period downstream of Hockhockson Rd. but is not prohibited on the immediate upstream side of the bridge. This change would properly extend the pre-season fishing closure an additional 1.3 miles upstream to Rt. 18.
  
32. At N.J.A.C. 7:25-6.3(i)13, the Council proposes to change the upstream limit of the trout-stocked section of the Mingamahone Brook from Hurley Pond Rd. to Birdsall Rd., Howell Twp. Currently trout are stocked at various locations in the Mingamahone Brook, beginning at Hurley Pond Rd. and extending downstream to the Manasquan River. Due to the current delineation, fishing is prohibited during the pre-season period downstream of Hurley Pond Rd. but not prohibited on the immediate upstream side of the bridge. This change would properly extend the pre-season fishing closure an additional 0.6 miles upstream to Birdsall Rd.
  
33. Two trout stocking points historically stocked as part of Pompton River are actually part of the Ramapo River. In-season fishing closures that apply to the Ramapo River were not applied to the section of the Ramapo River, from Pompton Lake to the Pompton River, be-

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cause this section was included within the designated trout stocking boundaries of the Pompton River. Pompton Lake is not stocked with trout, and the river downstream has historically not had in-season fishing closures following opening day. The Council proposes at N.J.A.C. 7:25-6.3(i)16 to properly identify this stream section as the Ramapo River and to continue to allow anglers to fish this section on in-season stocking days. To reflect this correction, the Council is additionally proposing to amend the upstream boundary of the Pompton River at N.J.A.C. 7:25-6.3(i)16, defining it as the confluence with the Ramapo River. This results in no change to current stocking practices or in-season closures for this section of the Ramapo River.

The Council also proposes to extend the downstream boundary of the Pompton River from Newark-Pompton Turnpike to the NY Susquehanna R.R. bridge in Wayne Twp. Historically trout have been stocked downstream of the current boundary. This change will properly encompass the section of the river that is trout stocked and extend the pre-season fishing closure pursuant to N.J.A.C. 7:25-6.3(b) an additional 0.5 miles.

34. At N.J.A.C. 7:25-6.3(i)19, the Council proposes to change the trout stocked boundaries of Clove Brook. The boundaries currently are designated as the Junction of Route 23 and Mt. Salem Rd. to Route 565 bridge. The proposed boundaries are from the source of the brook to Clover Acres Lake, Wantage Twp. Rt. 23 and Mt. Salem Rd. do not intersect, and Route 565 no longer extends over the brook. This extends the pre-season closure upstream pursuant to N.J.A.C. 7:25-6.3(b) by approximately 0.4 miles, and reduces the pre-season closure downstream by 0.25 miles. This does not change in any way the way the stream is stocked.

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35. At N.J.A.C. 7:25-6.3(i)19, the Council proposes to change the upstream limit of the trout-stocked section of the Papakating Creek from Plains Rd. to George Hill Rd. Currently trout are stocked at various locations in the Papakating Creek, beginning at Plains Rd and extending downstream to Rt. 565, Wantage Twp. Due to the current delineation, fishing is prohibited during the pre-season period downstream of Plains Rd. but not prohibited on the immediate upstream side of the bridge. This change would properly extend the pre-season fishing closure an additional 0.8 miles upstream to George Hill Rd.
  
36. The Council proposes at N.J.A.C. 7:25-6.3(i)20 to extend the downstream boundary of the trout-stocked section of the Rahway River from St. Georges Ave. (Route 27), Rahway to Lawrence St. (Route 514), Rahway. This section of the Rahway River offers great angler access along the Rahway River Park greenway. It is one of the more scenic sections of the river with an abundance of pools that can be easily fished. This proposed change would extend the trout stocked section of the Rahway River by almost two miles. Similar to other trout stocked sections of the Rahway River, it would be stocked once pre-season and four additional times after opening day. The three-week pre-season fishing closure under N.J.A.C. 7:25-6.3(b) would apply to this newly extended section.
  
37. At N.J.A.C. 7:25-6.3(i)21, the Council proposes to change the upstream limit of the trout stocked section of Blair Creek from Hardwick Center to Bass Lake dam, Hardwick Twp. Currently trout are stocked at various locations in the Blair Creek, within Hardwick Twp. and extending downstream to Blair Lake, Blairstown Twp. Hardwick Center is a general

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local reference that does not cross the creek and thus, does not provide anglers an identifiable stream boundary for which pre-season closures apply. This does not in any way change the way the creek is stocked.

38. At N.J.A.C. 7:25-6.3(i)21, the Council proposes to remove the reference to the gatehole from the Columbia Lake trout stocking listing. The gatehole is a deep pool area located on the immediate downstream side of the Columbia Lake dam at the outlet of a small nonoperational hydropower facility. This area has not been stocked with trout in several years.
39. At N.J.A.C. 7:25-6.3(i)21, the Council proposes to amend the trout stocking boundaries of Pophandusing Creek, from Oxford Rd. to the Delaware River. Oxford Rd. does not actually cross Pophandusing Creek and does not provide anglers an identifiable stream boundary. As the source of the creek is located a short distance from the most upstream stocking point and various locations are stocked along the creek until it reaches the Delaware River, the Council proposes to amend the trout stocked section of Pophandusing Creek to its entire length. This change will extend the pre-season fishing closure an additional 1.0 mile upstream. This change does not affect how the stream is stocked.
40. In 2014, the Council created two Catch and Release Only areas for trout, one a 4.2 mile stretch of the Big Flat Brook, and the other on a 2.5 mile stretch of the Raritan River South Branch known as the Ken Lockwood Gorge. Both areas support wild trout populations and are stocked weekly during trout season with trout. Catch and Release Only areas are limited to artificial lures and flies only. In the absence of specific hook restrictions, the default hook

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point limit of three treble hooks, or a total of nine hook points, established by statute at N.J.S.A. 23:5-15, applies. Anglers supportive of the regulation at the time commented they would have preferred more stringent hook requirements (barbless, single hook, etc.) for these areas (see 47 N.J.R. 2416(a), 48 N.J.R. 1290(a)).

Angler interest in limiting hook points and barbs when targeting wild trout remains high as 78 percent of respondents to a 2016 online survey of anglers targeting wild trout were not in support of the current nine hook points regulation. Sixty-nine percent of the respondents support barbless hooks only, while 65 percent support the use of only single hooks. Scientific literature indicates little difference in mortality between barbed and barbless hooks, and the extent of any differences in mortality between single and treble hooks is dependent on fish size. Smaller fish are more inclined to engulf single hooks, while treble hooks pose more risk to larger fish. Most scientific studies, however, focus on mortality and significance to overall populations and not on the extent of injury to individual fish. Due to continued angler interest in limiting hook points and barbs when targeting wild trout and to reduce the potential for injury to individual fish the Council proposes at N.J.A.C. 7:25-6.4(b)2 to limit hook points in the two Catch and Release Only areas for trout to no more than three, all of which must be barbless. This is consistent with regulations proposed at N.J.A.C. 7:25-6.7 for designated Wild Trout Streams.

Also at N.J.A.C. 7:25-6.4, the Council proposes to further clarify that fishing is allowed in the two Catch and Release Only areas for trout during both the pre-season and in-season

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fishing closures that apply to the remainder of the rivers where these areas exist. For consistency, the term “rules” is replaced with “regulations” at N.J.A.C. 7:25-6.4(b).

41. The Council proposes to consolidate Trout Conservation Area regulations under one subsection by recodifying Year-Round Trout Conservation Area regulations from N.J.A.C. 7:25-6.7 to N.J.A.C. 7:25-6.5, which currently contains requirements applicable to Seasonal Trout Conservation Areas. The consolidation combines similar regulation types into one section. The consolidation additionally allows proposed regulations pertaining to the State’s Wild Trout Stream resources to be codified at N.J.A.C. 7:25-6.7 where they will be grouped with other special regulation trout fishing area provisions at N.J.A.C. 7:25-6.4 to 6.9. To reflect the expanded content of the section, the ‘Seasonal’ designation is proposed to be removed from the title of N.J.A.C. 7:25-6.5 because this section will now include regulations for both Year-Round and Seasonal Trout Conservation Areas.

For consistency with language used in other subsections at N.J.A.C. 7:25-6.3, the Council also proposes to rephrase and re-order rule text relative to Year-Round and Seasonal Trout Conservation Areas at N.J.A.C. 7:25-6.5. This change is administrative and does not affect the times, dates, or waters for which these regulations are applied.

Reference to the catch and release restrictions applicable to Brook Trout caught within the Brook Trout Conservation Zone in accordance with proposed N.J.A.C. 7:25-6.3(e)1, (see summary item 4) has also been incorporated to ensure that the applicability of this restriction to Year-Round and Seasonal Trout Conservation Areas that are located in the Brook Trout

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Conservation Zone is clear.

42. The existing Year-Round Trout Conservation Areas specified at N.J.A.C. 7:25-6.7(a) include a 1.1-mile section of the South Branch of the Raritan River known as the Claremont Stretch as a Year-Round Trout Conservation Area. The Council is proposing to combine this section with an additional section of the South Branch of Raritan River (see summary items 16 and 44) to be regulated as a Wild Trout Stream at proposed N.J.A.C. 7:25-6.7(d). The Claremont Stretch is one of New Jersey's most productive streams for wild Brook and Brown Trout and, unlike other Trout Conservation Areas, it is not stocked with trout. Currently, as a Year-Round Trout Conservation Area, this stream segment is subject to a 15-inch minimum size limit for trout and a possession limit of one fish. As a Wild Trout Stream, the segment will be subject to a nine-inch minimum size limit for Brown and Rainbow Trout and a possession limit of two fish. Because the majority of Brown Trout within the Claremont Stretch are less than nine inches, the proposed decrease in minimum size and increased creel limit of two per day will have little impact on the fishery. As there are few, if any, wild Rainbow Trout present in the Claremont, the proposed decrease in minimum size from 15 to nine inches and increased creel to two per day will have little impact to the resource. Because this stream segment is located within the proposed Brook Trout Conservation Zone, Brook Trout will subject to Catch and Release Only regulations.
43. The Division's recent three-year effort in reevaluating the State's wild trout streams identified five additional streams that provide anglers opportunities for both cultured and wild



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trout. These streams not only receive generous stockings of Rainbow Trout, but also support abundant wild Brown Trout populations that reach impressive sizes. To protect the wild Brown Trout while minimizing impacts to cultured trout fishing opportunities, the Council proposes to regulate these streams as Trout Stocked Wild Brown Trout Managed Waters, with a reduced creel and an increased size limit for Brown Trout at N.J.A.C. 7:25-6.6. Daily creel limits of six per day still apply from opening day through May 31, with a four per day limit for the rest of the year, except during pre-season closures. At all times, however, only two fish taken may be Brown Trout. The minimum size will be 12 inches for Brown Trout compared to nine-inch limit for Brook and Rainbow Trout. Conservation measures proposed for Brook Trout, consisting of catch and release for waters within the designated zone, will apply. As Brook Trout are not present within these stream sections, these protective regulations for exotic Brown Trout will not hinder Brook Trout Conservation efforts. Unlike regulations pertaining to designated Wild Trout Streams, anglers fishing these waters will continue to be allowed to use bait, and up to nine hook points. All pre-season and in-season fishing closures would remain in effect.

For organizational purposes, the newly proposed Wild Trout Stream regulations (see summary item 44) are proposed to be recodified at N.J.A.C 7:25-6.7. This allows the special regulation trout fishing area subsections that pertain to trout stocked rivers and streams to appear collectively from N.J.A.C. 7:25-6.4 to 6.6, beginning with the most conservative to the more liberal regulations.

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44. There are nearly 200 coldwater streams or stream segments in New Jersey that support reproducing populations of Brook, Brown, and Rainbow Trout. Since 1990, 36 of these streams have been regulated under the Wild Trout Stream (WTS) regulations with more conservative gear and creel restrictions. Three designated WTS streams that produce larger Brown Trout have a higher minimum size limit of 12 inches for Brown Trout compared to the nine-inch minimum size limit that is applied in the other 33 waters. However, the existing regulations offer limited management strategies for the diverse nature of wild trout populations. In New Jersey, indigenous Brook Trout are a species of concern due to shrinking distribution; wild Brown Trout can tolerate a wider range of environmental conditions and can reach impressive sizes compared to Brook Trout; wild Rainbow Trout occur only in a few streams. A stream inhabited by reproducing trout may have one, two, or all three species of trout present.

Between 2014 and 2016, the Division collected data and information to aid in developing new Wild Trout Stream regulations. The Division sampled wild trout populations by electrofishing 95 streams. The data collected was analyzed to assess the sustainability and recreational value of those wild trout populations. Historical data collected from streams with reproducing populations of trout were also reviewed. An online survey of New Jersey wild trout anglers was conducted to gauge public opinion on fishing, regulations, and management strategies for wild trout. Lastly, the Division reviewed scientific journals to research the effect of different fishing gear (single and treble hooks, barbed and barbless hooks) on

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trout mortality. Collectively, this information was used to formulate new Wild Trout Stream regulations that highlight the variety of wild trout fishing opportunities in New Jersey.

The Council proposes at N.J.A.C. 7:25-6.7(a) through (g), new regulations that broaden management strategies to identify opportunities to tailor management measures for specific trout species as well as for larger trout within a single species. Included are streams that support strictly native populations of wild Brook Trout, streams that have multiple wild trout species, and streams that support populations of larger-sized wild Brown Trout.

Certain aspects of the proposed regulations remain unchanged from current regulations governing Wild Trout Streams. Particularly, the streams will remain open to fishing year-round, will not be stocked with trout, and gear will be limited to artificial lures and flies only. The possession of natural bait or synthetic bait compounds while fishing a WTS is still prohibited. The existing Wild Trout Stream rules at N.J.A.C. 7:25-6.6(b)5 limit the take of fish to the period from opening day to September 15, with no trout allowed to be killed or possessed at any other time. These restrictions are also proposed to continue to apply.

As many Wild Trout Streams, both existing and newly proposed, traverse private property, existing rule text reminding anglers that these regulations do not convey the right to trespass is repeated for each Wild Trout Stream category.

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To supplement the above continuing requirements, the Council proposes to amend requirements applicable to hooks that may be utilized on the waters subject to the proposed rules. Particularly, the Council proposes to restrict gear that may be used to that having no more than three hook points in total, all of which must be barbless to reduce injury to fish. Currently, the general limit of nine hook points imposed by N.J.S.A. 23:5-15, as discussed above in summary item 40, applies to all waters, including Wild Trout Streams. This allows the use of large lures with multiple treble hooks. Limiting the number of hook points to three still allows the use of spinners, a common lure type used for trout that has one treble hook, when fishing small waters, but prohibits more damaging lures having multiple treble hooks. Seventy-eight percent of anglers that participated in the wild trout stream angler survey oppose the use of lures with multiple treble hooks.

Scientific literature indicates there is no significant difference in mortality between barbed and barbless hooks, even when the reduced handling time required to remove barbless hooks is considered. However, barbless hooks can reduce the potential for nonlethal injury, which is often not assessed in the studies. Sixty-nine percent of anglers that participated in the wild trout stream angler survey support the use of only barbless hooks when fishing streams with wild trout.

In addition to the above requirements applicable to all streams subject to the new section, the proposed regulation includes measures designed to address specific management objectives that result in varying minimum size and creel limits for select species.

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At N.J.A.C. 7:25-6.7(b), the Council proposes eleven streams to be regulated as Native Brook Trout Streams. These waters are almost exclusively inhabited by Brook Trout. The creel and size limits proposed for these waters at N.J.A.C. 7:25-6.7(c), which are limited to Brown and Rainbow Trout, are intended to protect Brook Trout by requiring all Brook Trout caught to be released. This is consistent with the stream locations within the proposed Brook Trout Conservation Zone discussed in summary item 4. The proposal to impose no minimum size limit for Brown and Rainbow Trout will help reduce competition with these more adaptive exotic trout species in these native trout waters.

At N.J.A.C. 7:25-6.7(d), the Council is proposing to continue the management of 14 streams for their diverse wild trout populations under Wild Trout Stream regulations. These streams support robust populations of wild Brown and/or Rainbow Trout. A small proportion of Brook Trout may also be present within or in neighboring tributaries. Other than in the Brook Trout Conservation Zone established in N.J.A.C. 7:25-6.3(c)1, Brook Trout may be caught and kept in these waters. These waters provide unique opportunities for anglers to catch multiple wild trout species.

Three new waters are proposed to be included in the Wild Trout Stream regulations; Brass Castle Brook, Dismal Brook, and the section of the Raritan River S. Br. from the dam approximately 400 feet above Flanders-Drakestown Road downstream to the mill dam located 200 feet upstream from Schooleys Mountain Rd., Long Valley. These streams also offer angling opportunities for multiple trout species. As a result of this proposed change, a three-mile section of the Raritan River S. Br., from Flanders-Drakestown Road downstream to the

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Bartley Wildlife Management Area, will no longer be stocked with trout. This section of the S. Br. is considerably smaller than other downstream sections and stocking has been suspended several times in the past due to low flow conditions. Accordingly, the stream segment is better suited to be managed for wild trout.

The nine-inch minimum size limit currently applicable to the majority of designated Wild Trout Streams in accordance with existing N.J.A.C. 7:25-6.6(b)4 remains unchanged. While the proposed size limit is applicable to all three species of trout caught outside of the Brook Trout Conservation Zone established at proposed N.J.A.C. 7:25-6.3(c)1, no Brook Trout will be taken in the waters proposed to be designated as Wild Trout Streams as all 17 streams are located within the proposed Brook Trout Conservation Zone.

Brown Trout in some streams reach impressive sizes. In situations where it does not encroach upon the goal of protecting native Brook Trout populations, Brown Trout populations can be enhanced through increased size limits. Currently, three Wild Trout Streams (Pequannock River, Van Campens Brook, and Wanaque River) have a size limit of 12 inches for Brown Trout, in accordance with existing N.J.A.C. 7:25-6.6(b)4. The Council proposes in Wild Trout Streams regulations recodified at N.J.A.C. 7:25-6.7(f) to regulate 10 additional sections of streams as Wild Brown Trout Enhancement Streams. One stream, Beaver Brook, is currently trout-stocked. As discussed in summary item 20, the Council is proposing to remove Beaver Brook from the Division's trout stocking program due to low angler interest for stocked trout.

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The current nine-inch size limit for Rainbow Trout and Brook Trout outside of the proposed Brook Trout Conservation Zone for the thirteen waters remains unchanged. However, similar to the stream segments regulated as Wild Trout Streams, no Brook Trout will be taken in the waters proposed to be designated as Wild Brown Trout Enhancement Streams as all 13 streams are located within the proposed Brook Trout Conservation Zone.

Five waters are proposed to no longer be regulated under any form of Wild Trout Stream regulations due to the extremely low abundance of trout inhabiting the streams. These include Black Brook (Clinton Wildlife Management Area), Hance's Brook (Penwell), Mill Brook (Montague), Merrill Creek (above Merrill Creek Reservoir) and Parker Brook (Montague). Two additional waters, Bear Creek (Southtown) and Dark Moon Brook (Johnsonburg) are also proposed to no longer be regulated under this section as these streams flow almost entirely through private property and afford little to no access to the general public.

45. The Division began stocking Atlantic (landlocked) Salmon in 2006 to provide anglers with an opportunity to fish for this unique coldwater sport fish close to home. Only a handful of deep lakes in New Jersey have suitable habitat (cold, sufficiently oxygenated water) to support coldwater fish like trout and salmon year-round. These lakes are regulated as Holdover Trout or Trophy Trout Lakes. Currently, Atlantic (landlocked) Salmon are stocked in three Holdover Trout Lakes with a 12-inch minimum size limit and a limit of two per day. These three lakes now have attractive salmon fisheries that are very popular with anglers.

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The State's two Trophy Trout Lakes were stocked with both Rainbow and Brown Trout until 2014. At that time, the Division discontinued rearing and stocking Brown Trout due to a disease at the Pequest Trout Hatchery. Atlantic (landlocked) Salmon are closely related to Brown Trout. The stocking of salmon in one or both of the Trophy Trout Lakes will fill the void left when Brown Trout stocking was discontinued and provide additional recreational opportunities for anglers interested in catching this novel sportfish.

Before stocking salmon in a designated Trophy Trout Lake, a minimum size and possession limit that regulates the take of salmon must be established. The current Trophy Trout Lake regulation establishes minimum size and creel limits only for Brook, Brown, and Rainbow Trout (and their hybrids) and Lake Trout. In keeping with the "trophy trout" strategy for these reservoirs, the Council is proposing to add Atlantic (landlocked) Salmon to the 15-inch minimum size and daily creel/possession limit of two in total that is currently in place for Brown and Rainbow Trout at N.J.A.C. 7:25-6.8.

In addition to the changes specified above for salmon, all references to Brook Trout at N.J.A.C. 7:25-6.8 are proposed to be removed as both Merrill Creek and Round Valley reservoirs are within the Brook Trout Conservation Zone. As such, neither reservoir will be stocked with Brook Trout in the future.

46. To reflect changes in taxonomic nomenclature established by the American Fisheries Society in the Seventh edition of Common and Scientific Names of Fishes from the United States, Canada, and Mexico, April 2013, the Council is proposing to capitalize the common



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names of trout species found at N.J.A.C. 7:25-6.8 and 6.9.

47. In 2014, New Jersey closed commercial and recreational American Shad fisheries in State waters (except for the Delaware Bay, Delaware River, and its tributaries) to comply with Amendment 3 of the Atlantic States Marine Fisheries Commission's (ASMFC) and the Delaware River Basin Fish and Wildlife Management Cooperative's (COOP) management plans for American shad. Amendment 3 requires all states to demonstrate the sustainability of their shad fisheries. Although the ASMFC and COOP allowed shad fisheries within the tributaries of the Delaware River to remain open the Council opted to close fisheries in freshwater tributaries as many continue to be impacted by impediments to historic spawning runs while others are in the early stages of recovery due to recent dam removals or fish passage projects. Therefore, the Council proposes at N.J.A.C. 7:25-6.11(a)2 to remove an overlooked reference to tributaries to the Delaware River in identifying where American Shad may be taken.
  
48. Lake Audrey is a 120-acre borrow pit that was acquired by the State in 2004. At that time, the lake was unable to support any fish due to extremely low pH levels. In 2006, members of the South Jersey Bass Club Association, NJ Federation of Sportsmen members, Division staff, and other volunteers added 136 tons of lime to neutralize the pH level of the lake. In addition, artificial habitat structures were deployed to provide fish habitat. The lake was stocked from 2007 to 2012 with Smallmouth Bass to provide a unique fishery in the southern portion of the State, where the species is rare. In 2008, the lake was closed to all fishing and re-opened in 2010 with catch and release regulations intended to protect the developing

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fishery.

However, catch and release regulations have not provided the intended results due to illegal harvest of Smallmouth Bass, angler introduction of Largemouth Bass, and unstable pH levels. Electrofishing surveys conducted from 2007 through 2016 showed declines in both the Smallmouth Bass population and Largemouth Bass population. The pH levels in the lake are declining from over eight immediately following the introduction of lime in 2006, to now ranging between 4.4 to 4.6. These low pH levels are not conducive to supporting a reproducing bass population. Therefore, the Council is proposing at N.J.A.C. 7:25-6.13(d) to remove year-round catch and release regulations applicable to Lake Audrey and to instead, manage the lake under the Statewide regulations for bass.

49. In 2013, the Division's Bureau of Freshwater Fisheries initiated the Coolwater Assessment Project, an effort to assess waterbodies that have been annually stocked with coolwater fish species which includes Muskellunge and Tiger Muskellunge (collectively, "muskie"). Ten waterbodies were sampled from 2013 to 2016, including eight waters covered under the Statewide size limit of 36 inches and two waters regulated as trophy waters with a 40-inch size limit. Data collected, including data from hatchery broodstock collection efforts and data supplied by Muskies Inc., a muskie-focused angling group, indicate that muskies are reaching and often exceeding current size limits. Seventy-four percent of the muskies captured, or 57 out of 77, were larger than 36 inches, and 25 percent were at least or greater than 44 inches. As muskie populations are innately sparse and most individuals captured were larger than 36 inches, the Council proposes at N.J.A.C. 7:25-6.13(g) to increase the

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Statewide minimum size limit to 40 inches. The proposed increased size limit will more effectively align regulations with current size structure of the population while still allowing harvest.

Current exceptions to the Statewide size limit exist on Mountain Lake (Warren) and Echo Lake Reservoir (Passaic), where the minimum length is 40 inches. Data from the Coolwater Assessment Project on four waterbodies, Echo Lake Reservoir (Passaic), Greenwood Lake (Passaic), Lake Hopatcong (Morris), and Monksville Reservoir (Passaic) indicate that 40 to 70 percent of the muskies captured were at least 40 inches in size and 20 to 26 percent exceeded 44 inches. Three of the four lakes had muskies over 50 inches. Based on this data, the Council proposes at N.J.A.C. 7:25-6.13(g) to increase the size limit from 40 to 44 inches on Echo Lake Reservoir, Lake Hopatcong, and Monksville Reservoir, and, at N.J.A.C. 7:25-6.19, on Greenwood Lake. This will align regulations with the exceptional fisheries that have developed while allowing some anglers the opportunity to keep a trophy specimen. Since Greenwood Lake is located in both New York and New Jersey, the increased size limit for Muskies for Greenwood Lake will not become effective until April 1, 2019 to align with the New York Department of Conservation's rule schedule for implementing the same change in their rules for portions of the lake within New York's jurisdiction. When possible, the Council strives for consistent regulations with waters shared with other states.

At this time the Council is not proposing a change to the current 40-inch minimum size limit for Muskellunge in Mountain Lake (Warren). Trap netting and electrofishing data indicates an over-abundant population exhibiting stunted growth. A decline in their preferred forage

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base of Yellow Perch and Creek Chubsucker results in a less than ideal forage base comprised primarily of stunted Bluegills. Thus, the Council recommends that Mountain Lake continue to be managed under the proposed Statewide 40-inch size limit.

Existing season closures and creel limits remain unchanged.

### **Social Impact**

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. Even the loss of stocked locations benefit the angler since fish can then be reallocated to waters which provide better angling success or access. Any negative social impact will be offset by the alternative fishing opportunities which already exist in these areas.

The addition of Atlantic (landlocked) Salmon to one of the State's Trophy Trout Lakes is anticipated to have a positive social impact because it will fill a niche left by the discontinued rearing of Brown Trout at the Pequest Trout Hatchery and offer anglers a unique fishing experience.

Amendments that extend designated stretches of current trout stocked waters will have positive social benefits by applying appropriate preseason fishing 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

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during the preseason trout stocking period as allowed under the current designations, but the benefits to the resource and to the public participating in fishing recreationally will outweigh any impact experienced during the pre-season stocking period.

The establishment of new categories of Wild Trout Streams, identified as Native Brook Trout Streams and Wild Brown Enhancement Streams, and additions to the Wild Trout Stream designation are anticipated to have positive social benefits for anglers who target wild trout. In addition to the conservation benefits afforded to wild trout populations, the regulation sets serve as a guide to anglers in selecting a specific type of wild trout fishing experience.

The establishment of a Brook Trout Conservation Zone will result in some negative social impact because cultured Brook Trout will no longer be allowed to be stocked within the zone and any Brook Trout caught within the zone must be immediately released. Social impacts will be minimized by a zone approach instead of a Statewide catch and release regulation for Brook Trout. The zone still allows the stocking of Brook Trout in areas of the State where they will not impact wild Brook Trout populations. Social impacts are offset by the protection afforded to these struggling populations.

The proposed amendments to remove the in-season fishing closures on the Black and Walkkill Rivers will have a positive social impact because the amendments will provide an additional 12 hours of angling opportunity during the seven days the rivers are stocked. This will allow anglers with flexible schedules the opportunity to begin fishing earlier in the day. There are also positive benefits for Conservation Officers, who will no longer have to enforce a closure on a remotely accessed

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stream with relatively few anglers. The amendments align stocking on the Wallkill River with the seasonal nature of the fishery.

Amendments to replace catch and release regulations on Lake Audrey with general harvest regulations for largemouth and smallmouth bass will have positive social benefits. The proposed regulations will provide protection of the existing bass fishery while allowing some harvest by anglers.

### **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 the impacts. Positive economic benefits are anticipated in areas where new trout stocking opportunities are proposed.

The proposed 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 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation estimated that the total expenditure by freshwater anglers in New Jersey was \$408 million per year, with over \$32 million generated in State and local tax revenues annually. The sale of fishing licenses and trout stamps generates over \$3.5 million for the Depart-

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ment's Division of Fish and Wildlife annually. These funds are used towards the protection, propagation and management of the State's freshwater resources that directly benefit 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 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.

The establishment of a Brook Trout Conservation Zone, where all Brook Trout, regardless of size, must be released immediately and unharmed is anticipated to have positive environmental benefits. The Brook Trout, New Jersey's State fish, is the only salmonid native to the State of New Jersey. Over time, impacts from urbanization, sedimentation, dams, and other forms of land and water disturbances have taken their toll. Wild Brook Trout are now present in less than half of the subwatersheds that comprised their original range, their populations are fragmented, and their presence in many streams is relegated to headwater areas. The proposed zone consists of all waters within the northwest region of the state, where most remaining wild Brook Trout populations occur. A catch and release regulation protects larger Brook Trout that currently may be creeled, allowing them to survive, reproduce, and perpetuate the species.

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As many waters within the zone either contain or are connected to streams containing wild Brook Trout populations, the discontinued stocking of Brook Trout within the zone will prevent further cross breeding between hatchery reared and wild Brook Trout and preserve native Brook Trout gene pools. For waters within the zone that only seasonally support trout, the catch and release regulation makes the stocking of Brook Trout undesirable as not only can these fish not be harvested, they would succumb to elevated water temperatures by the end of spring.

The proposed regulations that reduce hook points and require the use of barbless hooks in designated Wild Trout Streams and Catch and Release Only Areas, are anticipated to have a minimal environmental impact. Scientific literature indicates that the use of barbless hooks does not significantly reduce mortality. However, they are anticipated to reduce injury to individual fish which would provide some positive environmental benefit. The benefits of reducing hook points is dependent on the fish size, smaller fish can benefit from use multi-faceted hooks, such as trebles, while these hook types pose more of an issue for larger fish. As smaller fish are more likely to engulf single hooks, not requiring single hooks and allowing multi-faceted hooks, such as trebles to continue to be utilized provides an environmental benefit as the majority of the state's wild trout populations are less than nine inches.

The proposed amendment to remove the in-season fishing closure on the Black and Wallkill Rivers is anticipated to have a minimal environmental impact. Although in-season closures do give recently stocked fish an opportunity to spread out, before anglers may fish for them, they are more of a socially driven regulation as they afford anglers, regardless of employment and/or student status,



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an equal opportunity to fish for freshly stocked trout.

The proposed amendments that add or remove trout stocking locations are designed to increase the overall fishing opportunities in their specific regions. As trout stocked in these locations are short term seasonal fisheries, the addition or loss of trout in these waters pose neither an environmental benefit or impact.

### **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 at 50 CFR Parts 25 through 38. In 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 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 proposed amendments provide for continued recreational and economic benefits to the citizens

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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 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. However, these economic impacts, whether positive or negative, are not anticipated to result in either the creation or loss of jobs.

### **Agricultural Industry Impact**

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 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 no effect on "small businesses" as defined in the Act. None of the proposed amendments impose any additional reporting, recordkeeping or other compliance requirements on small businesses. The proposed amendments will impact an-

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glers who are fishing recreationally, either individually or as part of a recreational club, and not commercially or as part of a small business. Accordingly, no lesser standard is provided for small businesses.

### **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, gear types, migratory 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).

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.

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

#### 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 6.20, respectively, [for those] species of [freshwater fish] **indigenous fish, identified in N.J.A.C. 7:25-6.2, that do not have specified daily creel limits, may not be taken or possessed at any time. For all other species of freshwater fish that do not have specified daily creel and possession limits, the daily creel and possession limit in waters other than Greenwood Lake and the Delaware River between New Jersey and Pennsylvania shall be 25 in total.**

(i) (No change.)

#### 7:25-6.2 Definitions

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

"Baitfish" means the following species:

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- |   |  |
|---|--|
| 1. Alewife (landlocked form)                                  | <i>Alosa pseudoharengus</i> ;  |
| [2. American Brook Lamprey                                    | <i>Lampetra appendix</i> ;   |
| [3.] 2. American Eel  | <i>Anguilla rostrata</i> , greater than<br>[six] <b>nine</b> inches in length;   |
| [4.] 3. Banded Killifish                                      | <i>Fundulus diaphanus</i> ;  |
| [5. Bluntnose Minnow  | <i>Pimephales notatus</i> ;  |
| <b>4. Creek Chub</b>  | <b><i>Semotilus atromaculatus</i></b> ;  |
| <b>5. Fallfish</b>  | <b><i>Semotilus corporalis</i></b> ;   |
| 6. Fathead Minnow   | <i>Pimephales promelas</i> ;   |
| 7. Gizzard Shad   | <i>Dorosoma cepedianum</i> ;   |
| 8. Golden Shiner  | <i>Notemigonus crysoleucas</i> ;   |
| 9. Margined Madtom  | <i>Noturus insignis</i> ;  |
| 10. Mummichog   | <i>Fundulus heteroclitus</i> ; <b>and</b>  |
| [11. Rainwater Killifish                                      | <i>Lucania parva</i> ; ]   |
| [12. Spotfin Killifish  | <i>Fundulus luciae</i> ;   |
| [13] 11. Tadpole Madtom                                       | <i>Noturus gyrinus</i> [; and].  |
| [14. All shiner, dace, and minnow<br>of the following genera: | <i>Cyprinella</i> , <i>Exoglossum</i><br><i>Hybognathus</i> , <i>Luxilus</i> , <i>Notropis</i> ,<br><i>Rhinichthys</i> and <i>Semotilus</i> ]. |

**“Brook Trout Conservation Zone” means all waters within the northwest region of the State, delineated by Interstate 287 to the east, Route 202 to the south, the New York/New Jersey border to the north, and extending to, but not including the Delaware River to the west.**

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

1.-4. (No Change.)

[5. Bowfin *Amia calva*]

[6.-61] **5.-60.** (No Change in text.)

"In-season stocking period" shall mean [April 11, 2016, through May 27, 2016, for the 2016 trout season, April 10, 2017, through May 26, 2017, for the 2017 trout season,] April 9, 2018, through May 25, 2018, for the 2018 trout season, April 8, 2019, through May 24, 2019, for the 2019 trout season, and April 13, 2020, through May 29, 2020, for the 2020 trout season, **April 12, 2021, through May 28, 2021, for the 2021 trout season.**

• • •

"Opening day" shall mean [8:00 A.M. on April 9, 2016, for the 2016 trout season, 8:00 A.M. on April 8, 2017, for the 2017 trout season,] 8:00 A.M. on April 7, 2018, for the 2018 trout season, 8:00 A.M. on April 6, 2019, for the 2019 trout season, [and] 8:00 A.M. on April 11, 2020, for the 2020 trout season, **and 8:00 A.M. on April 10, 2021, for the 2021 trout season.**

• • •

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"Pre-season closure" shall be the period from [midnight March 20, 2016, to 8:00 A.M. April 9, 2016, for the 2016 trout season, the period from midnight March 19, 2017, to 8:00 A.M. on April 8, 2017, for the 2017 trout season,] the period from midnight March 18, 2018, to 8:00 A.M. on April 7, 2018, for the 2018 trout season, the period from midnight March 17, 2019, to 8:00 A.M. on April 6, 2019, for the 2019 trout season,[ and] the period from midnight March 22, 2020, to 8:00 A.M. on April 11, 2020, for the 2020 trout season, **and the period from midnight March 21, 2021, to 8:00 A.M. on April 10, 2021.** Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout.

**“Private Fishing Club”** shall mean an incorporated or unincorporated organization that as an organization owns or leases a section of a river for the purposes of fishing that is not open to the general public.”

• • •

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

1.-5. (No Change.)

**6. Brown Bullhead**

**Ameiurus nebulosus**

[6.-19.] **7.-20.** (No Change in text.)

**21. White Catfish**

**Ameiurus catus**

**22. White Perch**

**Morone americana**

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[20.] **23.** (No Change in text.)

**24. White Sucker**

***Catostomus commersoni***

**25. Yellow Bullhead**

***Ameiurus natalis***

[21.] **26.** (No Change in text.)

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

(a) Except as provided in N.J.A.C. 7:25-6.4, [6.6] **6.5(a), 6.7** to 6.9, 6.19, 6.20 and (b)1 below, trout season shall commence 12:01 A.M. January 1 and extend to the pre-season closure. The trout season shall re-open on opening day and extend to include midnight December 31.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.5(a), and 6.7 to 6.9 [and], (b)1 **and (j)** below, it shall be unlawful to fish for any species of fish during the pre-season closure in ponds, lakes, or those portions of streams that are listed herein for stocking.

1. Lake Hopatcong, Morris/Sussex County; Lawrence Brook, from Davidson's Mill Rd. bridge downstream to Farrington Lake dam, Middlesex County; Mountain Lake, Warren County; Swartswood Lake, Sussex County; Shenandoah Lake, and Prospertown Lake, Ocean County, will remain open to angling year-round. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.

(c) There shall be a nine-inch minimum size for Brook Trout, Brown Trout, Rainbow Trout, or hybrids and strains thereof except as designated [in] **for Brook Trout in (e)1 below, and within special regulation trout fishing areas**, N.J.A.C. [7:25-6.5] **7:25-6.4** to 6.9. Except within the



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Pequest River drainage, purchased Brown and Rainbow Trout less than the nine-inch minimum size limit may be possessed, strictly for use as bait, provided a receipt of purchase, dated within 14 days, and indicating the place of purchase is in possession and provided upon request. No trout species, purchased or otherwise obtained, may be used as bait within the Pequest River drainage.

(d) Except as designated [in] **for Trophy Trout Lakes**, N.J.A.C. 7:25-6.8, the minimum size limit for Lake Trout shall be 15 inches with a daily bag and possession limit of two.

(e) Except as provided in **special regulation trout fishing areas**, N.J.A.C. 7:25-6.4 through 6.9, the daily possession limit for Brook Trout, Brown Trout, Rainbow Trout, or their hybrids and strains thereof is as follows:

**1. All Brook Trout caught within the Brook Trout Conservation Zone, regardless of size, shall be immediately released unharmed.**

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

(f) Except as provided in N.J.A.C. [7:25-6.6 to 6.9] **7:25-6.4, 6.5(a), and 6.7**, waters with listed stocking dates shall be closed to all fishing from 5:00 A.M. to 5:00 P.M. on listed dates; included in these waters are all feeder and tributary streams for a distance of 100 feet from the main channel.

(g) Except as provided in N.J.A.C. [7:25-6.5 to 6.8] **7:25-6.4, 6.5(a), and 6.7**, no person shall catch, take, kill or possess trout during the closed period (5:00 A.M. to 5:00 P.M.) on any of the waters listed for in-season closures.

(h) This subsection sets forth trout-stocked waters subject to in-season closures. Except as provided in N.J.A.C. [7:25-6.6 to 6.9] **7:25-6.4, 6.5(a), and 6.7**, these waters will be closed from 5:00

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A.M. to 5:00 P.M. for stocking on the dates and at the locations indicated below. In the event of emergent conditions, the Division may suspend stocking of any or all of these waters.

1. Each Monday during the in-season stocking period.

i. Manasquan River--Route 9 [bridge], **Howell Twp.** downstream to [Bennetts Bridge, Manasquan Wildlife Management Area] **Allenwood-Lakewood Rd. (Rt. 21), Wall Twp.**

ii. Metedeconk River, N. Br.--Aldrich [Road] **Rd.** Bridge to Ridge Avenue, **Howell/Lakewood Twp.**

iii. Metedeconk River, S. Br.--Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood **Twp.**

iv. Rockaway River--Longwood Lake dam, **Jefferson Twp.** to **Boonton Reservoir (also known as Jersey City Reservoir)**[ in], **Town of Boonton.**

v. Toms River--Ocean County--Route 528, [Holmansville] **Jackson, Twp.**, to confluence with Maple Root Branch and Route 70 to County Route 571, **Toms River/Manchester Twps.**

[vi. Wallkill River--Lake Mohawk Dam to Route 23, Hamburg.]

2. Each Tuesday during the in-season stocking period.

i. Pohatcong Creek--Route 31, **Washington Twp.** to Delaware River.

ii. Raritan River, S. Br.--[Budd Lake dam] **Mill dam located 200 feet upstream from Schooleys Mountain Rd. (Rt. 517), Long Valley** [through Morris, Hunterdon, and Somerset Counties] to [Jct. with N. Br.] Raritan River **N. Br.**

3. Each Wednesday during the in-season stocking period.

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i. Raritan River, N. Br.--Peapack [Road Bridge in] **Rd.**, Far Hills **Borough/Bedminster Twp.** to [Jct. with S. Br.] Raritan River **S. Br.**

4. Each Thursday during the in-season stocking period.

[i. Black River--Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park.]

ii. Paulinskill River and E. Br. and W. Br.--Limecrest Railroad Spur Bridge on E. Br., Sparta [Township] **Twp.**, and Warbasse Junction [Road] **Rd.**, Route 663, on W. Br., Lafayette Twp., to Columbia Lake.

iii. Ramapo River--State line to Pompton Lake, **Oakland.**

5. Each Friday during the in-season stocking period.

i. Big Flat Brook--100 ft. above [Steam Mill Bridge on] Crigger [Road] **Rd.**, [in] Stokes State Forest, **Sandyston Twp.** to Delaware River.

ii. Musconetcong River--Lake Hopatcong [Dam] **dam** to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong **Borough.**

iii. Pequest River--[Source] **Pequest Rd., Green Twp.** to Delaware River.

iv. Wanaque River--Greenwood Lake [Dam] **dam, West Milford, Twp.** to Wanaque Reservoir [Dam] **dam, Wanaque Borough** and section from Wanaque Avenue Bridge, Pompton Lakes **Borough** to [Jct. with] Pequannock River, excluding Wanaque Reservoir and Monksville Reservoir.

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force. **Road names referenced below, unless otherwise indicated, refer to the bridge where the**

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**road crosses the river. Municipal references are provided to assist in identifying the locations of upstream and downstream boundaries on streams and canals, to which pre-season stocking closures apply, and to describe general locations of ponds, lakes, and reservoirs. The municipal references are not intended to identify all municipalities through which the identified water passes.**

1. Atlantic County

Birch Grove Park [Pond] **Ponds--Northfield**

Hammonton Lake—**Town of Hammonton**

• • •

2. Bergen County

• • •

Hackensack River--Lake Tappan to Harriot Avenue, Harrington Park **Borough**

Hohokus Brook—[Forest Road] **Parsons Pond Rd., Franklin Lakes Borough/Mahway Twp.**

to Saddle River

Indian Lake--Little Ferry **Borough**

Mill Pond--(also known as **Silver Lake**) Park Ridge **Borough**

Pascack [Creek] **Brook**—[Orchard Street, Hillsdale, to Lake Street, Westwood] **Woodcliff**

**Lake dam to Emerson Rd., Harrington Park Borough**

• • •

Saddle River--Lake Street, Upper Saddle River to [Dunkerhook Road] **West Century Rd., Fair**

Lawn

Tenakill [Creek]**Brook**—Closter **Borough**, entire length

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Whites Pond—Waldwick **Borough**

3. Burlington County

Crystal Lake--Willingboro **Twp.**

Laurel Pond--Mt. Laurel **Twp.**

**Pemberton Lake – Pemberton Twp.**

• • •

Rancocas Creek, [South/West] **Southwest** Branch --[Medford,] Mill Street Park to [Branch St.

Bridge] **Rt. 70, Medford Twp.**

Sylvan Lake – Burlington **Twp.**

4. Camden County

• • •

Haddon Lake – Audubon **Borough**

Oak Pond—Sicklerville, **Winslow Twp.**

Rowand[s Pond] **Lake--Clementon Borough**

5. Cape May County

Ponderlodge Pond – Villas, **Lower Twp.**

Tuckahoe Lake – Tuckahoe, **Upper Twp.**

6. Cumberland County

Cohansey River – Dam at Seeley’s Pond to powerline above Sunset Lake, [Bridgeton] **Upper**

**Deerfield Twp.**

• • •

Shaw's Mill Pond--[Newport] **Down/Lawrence Twps.**

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7. Essex County

• • •

Diamond Mill Pond – Milburn **Twp.**

Rahway River W/Br--Campbells Pond to [Glen Ave.] **Essex St., Milburn Twp.**

Verona [Park] Lake--Verona **Twp.**

8. Gloucester County

Greenwich Lake--[Gibbstown] **Greenwich, Twp.**

Grenloch Lake--[Turnersville] **Washington Twp.**

Harrisonville Lake--[Harrisonville] **Pilesgrove/South Harrison Twps.**

Iona Lake--[Iona] **Franklin Twp.**

Swedesboro Lake--(also known as Narraticon Lake) Swedesboro **Borough**

• • •

9. Hudson County

**North Hudson Park Lake - (also known as JJ Braddock Park Lake), North Bergen Twp.**

West Hudson County Park Pond--**Town of Harrison**

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

10. Hunterdon County

Alexauken Creek--West Amwell [Township] **Twp.**, entire length

Amwell Lake--East Amwell **Twp.**

[Beaver Brook--Clinton Township, entire length]

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Capoolong Creek--(also known as Cakepoulin Creek) [Pittstown] **Franklin Twp.**, entire length

Delaware--Raritan Feeder Canal--source [Bulls Island to Hunterdon - Mercer County line] to **Wilburtha Rd., Ewing Twp. (Mercer)**

Hakihokake Creek—[Holland Township, entire length] **Little York-Mount Pleasant Rd, Little York, Alexandria Twp. to Delaware River**

Lokatong Creek-- Rt. 12 bridge, Kingwood [Township] **Twp.** to Delaware Raritan Feeder Canal

Mannys Pond--Union [Township] **Twp.**

Mountain Farm Pond--Lebanon [Township] **Twp.**

Mulhockaway Creek--Pattenburg, source to Spruce Run Reservoir, **Clinton/Union Twps.**

Neshanic River--[Kuhl Road] **confluence of First and Second Neshanic Rivers** to [Hunterdon County] Route 514, **Raritan Twp.**

Nishisakawick Creek--Frenchtown/[Everittstown] **Alexandria Twp.**, entire length

Rockaway Creek--Readington [Township] **Twp.**, entire length

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

Round Valley Reservoir--Clinton [Township] **Twp.**

Sidney Brook--[Grandin] **Franklin/Union Twps.**, entire length

Spruce Run--Glen Gardner **Borough**[ and ]/Lebanon [Township] **Twp.**, entire length

**Stony Brook – See Mercer Co.**

•••

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

Carnegie [Road] **Rd.**, Hamilton [Township] **Twp.**

Colonial Lake--Lawrence [Township] **Twp.**

•••

Delaware--Raritan Feeder Canal--[Hunterdon-Mercer County line to Wilburtha

Road] (**See Hunterdon Co.**)

Rosedale Lake--[Rosedale] **Hopewell Twp.**

Stony Brook—[Woodsville to Port Mercer]**Hopewell Twp., entire length**

12. Middlesex County

Hook's Creek Lake--Cheesequake State Park, **Old Bridge Twp.**

Ireland Brook--[Farrington Lake to point 500 ft. upstream of Riva Avenue] **500 ft. upstream of Riva Ave to Farrington Lake, North Brunswick Twp.**

Lake Papaianni--Edison **Twp.**

Lawrence Brook--Davidson's Mill Pond dam to 2nd RR Bridge (Raritan Railroad) below Main St., Milltown **Borough**

Manalapan Lake - Monroe [Township] **Twp.**

Roosevelt Park Pond--Edison [Township] **Twp.**

13. Monmouth County

Echo Lake--[Southard] **Howell Twp.**

Englishtown Mill Pond--(**also known as Weamaconk Lake**) Englishtown **Borough**

Franklin Lake--West Long Branch **Borough**

Garvey's Pond--[Navesink] **Middletown Twp.**



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[Hamilton Fire Pond—Neptune]

Hockhockson Brook--[Hockhockson Road] **Rt. 18, Colts Neck Twp.** to Garden State Parkway bridge (northbound), **Tinton Falls Borough**

Holmdel Park Pond--Holmdel **Twp.**

Mac's Pond--Manasquan **Borough**

Mingamahone Brook--[Farmingdale, Hurley Pond Road] **Birdsall Rd.** to Manasquan River, **Howell Twp.**

Mohawk Pond--Red Bank **Borough**

Shark River--Route 33, **Wall Twp.**, to Remsen Mill [Road] **Rd.**, **Neptune/Wall Twp.**

Spring Lake--Spring Lake **Borough**

[Topenemus] **Topanemus Lake**--Freehold **Twp.**

Yellow Brook--Heyers Mill [Road] **Rd.** to Muhlenbrink Rd., Colts Neck [Township] **Twp.**

14. Morris County

**Black River--Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park**

Beaver Brook--Rockaway **Twp/Borough**, entire length

Burnham Park [Pond] **Ponds (Upper and Lower)-Town of Morristown**

Drakes Brook--[Flanders,] **Mt. Olive/Roxbury Twps.**, entire length

Hibernia Brook--[Hibernia] **Rockaway Twp.**, entire length

India Brook--Mountainside Ave. to Rt. 24, [Ralston] **Mendham Borough**

Lake Hopatcong--[Lake] **Hopatcong/Jefferson/Mt. Arlington/Roxbury**

Lake Musconetcong--Netcong **Borough/Roxbury Twp./Stanhope Borough**

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Mt. Hope Pond--[Mt. Hope] **Rockaway Twp.**

Passaic River--Black Brook confluence to Rt. 24, Chatham [Boro] **Borough**

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

Russia Brook--[Jefferson Township], Ridge [Road] **Rd.** to Lake Swannanoa, **Jefferson Twp.**

Speedwell Lake--**Town of Morristown**

Whippany River--Tingley [Road] **Rd.**, Morris [Township] **Twp.**, to Ridgedale Ave.,

**Town of Morristown**

15. Ocean County

Lake Shenandoah--[Lakewood,] Ocean County Park, **Lakewood Twp.**

Pohatcong Lake—**Borough of Tuckerton**

Prospertown Lake--[Prospertown] **Jackson Twp.**

16. Passaic County

Barbour[']s Pond—[West Paterson] **Woodland Park Borough**

Clinton Reservoir--Newark Watershed, **West Milford Twp.**

Green Turtle [Pond] **Lake**--[Hewitt,] Long Pond Iron Works State Park, **West Milford Twp.**

Oldham Pond--North Haledon **Borough**

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

Pompton Lakes/**Riverdale Boroughs**

Pompton River—[Pompton Lake] **confluence with Ramapo River** to [Newark-Pompton Turnpike] **NY Susquehanna R.R. bridge, Wayne Twp.**

**Ramapo River – Pompton Lake dam to confluence with Pompton River**

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

Sheppard Lake--Ringwood State Park, **Ringwood Borough**

17. Salem County

Harrisonville Lake--[Harrisonville] **Pilesgrove/South Harrison Twps.**

Maurice River--Willow Grove Lake [Dam] **dam** to Sherman Avenue, Vineland

Schadler's Sand Wash Pond--[Penns Grove] **Carneys Point Twp.**

18. Somerset County

Lamington River--Rt. 523 (Lamington [Road] **Rd.**) [at Burnt Mills], **Bedminster Twp.** to [Jct. with North Branch of] Raritan River N. Br.

Middle Brook, E/Br.--[Martinsville] **Bridgewater/Warren Twps.**, entire length

• • •

Peapack Brook--Peapack-Gladstone **Borough**, entire length

Raritan River--[Jct.] **confluence** of Raritan River [N/Br] **N. Br.** and [S/Br] **S. Br.** to Rt. 206

Bridge, **Hillsborough Twp./Somerville Borough**

Rock Brook--[Zion] **Hillsborough/Montgomery Twps.**, entire length

Spooky Brook Park Pond—Franklin **Twp.**

19. Sussex County

Alm's House Pond--[Myrtle Grove, Hampton Township] **Frankford Twp.**

Andover Junction Brook--Andover **Borough**, entire length

Big Flat Brook, Upper--[Saw Mill] **Sawmill Pond**, High Point State Park, **Montague Twp.** to 100 ft.

above [Steam Mill Bridge] Crigger [Road] **Rd.**, [bridge] **Stokes State Forest, Sandyston Twp.**

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Blue Mountain Lake--Delaware Water Gap National Recreation Area, **Walpack Twp.**

Clove Brook--[Wantage, Junction of Route 23 and Mt. Salem [Road] **Rd.** to Route 565 bridge] **source to Clove Acres Lake, Wantage Twp.**

Culver's Creek- Frankford [Township] **Twp.**, entire length

Dry Brook—Branchville **Borough/Frankford Twp.**, entire length

Franklin Pond Creek--Hamburg Mountain Wildlife Management Area, **Hardyston Twp/Franklin Borough**, entire length

Glenwood Brook—[Lake] Glenwood **Lake** dam to New York State line

Lake Aeroflex—Andover **Borough**

Lake Hopatcong—[Lake] Hopatcong/**Mt Arlington Boroughs, Jefferson/Roxbury Twps.**

Lake Musconetcong—Netcong/**Stanhope Boroughs/Roxbury Twp.**

Lake Ocquittunk--Stokes State Forest, **Sandyston Twp.**

Little Flat Brook--Sandyston [Township] **Twp.**, entire length

Little Swartswood Lake—[Swartswood] **Hampton Twp.**

Lubbers Run--Byram [Township] **Twp.**, entire length

Neldon Brook—[Swartswood] **Stillwater Twp.**, entire length

Papakating Creek—[Plains Road bridge] **George Hill Rd., Frankford Twp.** to Route 565,

Lewisburg

Papakating Creek, W. Br.—[Libertyville] **Wantage Twp.**, entire length

Pond Brook—[Middleville] **Stillwater Twp.**, entire length

[Saw Mill] **Sawmill Pond**--High Point State Park, **Montague Twp.**

Silver Lake--Hamburg Mountain Wildlife Management Area, **Hardyston Twp.**

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Stony Lake--Stokes State Forest, **Sandyston Twp.**

Swartswood Lake—[Swartswood] **Stillwater Twp.**

[Trout Brook--Middleville, entire length]

**Wallkill River--Lake Mohawk Dam to Route 23, Hardyston Twp.**

Wawayanda Creek—Vernon **Twp., entire length**

Wawayanda Lake—Vernon **Twp.**

20. Union County

Green Brook--Route 527, Berkeley Heights **Twp.**, to Route 22, Scotch Plains **Twp.**

Lower Echo [Park Pond] **Lake—Mountainside Borough**

• • •

Nomahegan Park [Pond] **Lake--Cranford Twp.**

• • •

Rahway River--I-78 Bridge, Springfield, to [St. George Ave. (Route 27)] **Lawrence St. (Route**

**514), Rahway**

Seeleys Pond--Berkeley Heights **Twp.**

Warinanco Park [Pond] **Lake--Roselle Borough**

21. Warren County

Beaver Brook--Silver Lake Dam to Pequest River, **White Twp.**

Blair Creek—[Hardwick Center]**Bass Lake dam, Hardwick Twp.** to Blair Lake, **Blairstown**

**Twp.**

Blair Lake--Blairstown **Twp.**

Brookaloo Swamp--Hope **Twp.**, entire length

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Buckhorn Creek—[Roxburg] **Harmony Twp.**, entire length

Columbia Lake [and Gatehole]--Knowlton [Township] **Twp.**

Furnace Brook--Oxford **Twp.**, entire length

Furnace Lake--Oxford **Twp.**

Honey Run--Knowlton-Hope Township Line to Beaver Brook, Hope [Township] **Twp.**

Jacksonburg Creek—[Jacksonburg] **Blairstown Twp.**, entire length

Lopatcong Creek--Route 519, Harmony [Township] **Twp.** to South Main Street,

Phillipsburg

Merrill Creek Reservoir—[Stewartsville] **Harmony Twp.**

Mountain Lake--Liberty [Township] **Twp.**

Pohatcong Creek—[Mt. Bethel] **source** to Route 31, **Washington Twp.**

Pophandusing Creek—[Oxford Road, Hazen, to Delaware River] **White Twp.**, **entire length**

White Lake--Hardwick [Township] **Twp.**

**(j) Private fishing clubs located within the upstream and downstream limits of trout stocked rivers identified in (h) and (i) above, may fish for trout during the pre-season closure provided:**

- 1. Fishing is restricted to section(s) of the trout stocked river where the club leases or owns both sides of the river;**
- 2. All fish, including trout, are immediately released unharmed;**
- 3. Club property boundaries are clearly marked along the river;**
- 4. The club obtains Fish Stocking Permit(s) for the stocking of trout;**

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**5. By March 1, of each year, the club submits a letter indicating the intent to fish during the pre-season closure to the Bureau of Freshwater Fisheries PO Box 394 Lebanon, NJ 08833. The letter shall include the following enclosures:**

**(a) A map of the club property clearly depicting sections of the river that the club owns or leases on both sides of the river where catch and release will take place; and**

**(b) A copy of all Fish Stocking Permits issued to the club the previous year.**

7:25-6.4 Special regulation trout fishing areas--catch and release only

(a) The following stream segments are designated as catch and release only areas for trout and are subject to the provisions at (b) below governing these areas on a year-round basis:

1. (No change.)

2. [South Branch of the ] **Raritan River, S. Br.**, Hunterdon County--the stretch of water known as the "Ken Lockwood Gorge," a distance of approximately 2 1/2 miles.

(b) The following [rules] **regulations** shall apply to the above designated catch and release only waters.

1. Fishing in catch and release only areas is permitted year-round, **including during pre-season and in-season fishing closures which may apply to the remainder of the respective rivers where these areas exist;**

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2. Only artificial lures and flies, **with no more than three hook points in total, all of which must be barbless**, may be used.

3. - 5. (No change.)

7:25-6.5 Special regulation trout fishing areas—[Seasonal] Trout Conservation Areas

**(a) The following stream segments are designated as Year-Round Trout Conservation Areas and are subject to the provisions at (c) below governing these areas on a year-round basis:**

**1. Toms River, Ocean County--a one mile stretch of river from the downstream end of Riverwood Park in Dover Township, defined by markers, downstream to the Route 571 bridge; and**

**2. Musconetcong River, Hunterdon and Warren Counties--an approximate 1.2-mile stretch of the Musconetcong River near Point Mountain extending from the Penwell Rd. bridge downstream to the Point Mountain Rd. bridge.**

[(a)] **(b)** The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at [(b)] **(c)** below governing these areas during the periods of January 1



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up to, but not including, opening day and from the seventh Monday following opening day, through December 31.

1. Pequest River, Warren County--An approximate 1.0 mile portion, within the Pequest Wildlife Management Area, extending from the County bridge on Pequest Furnace [Road] **Rd.** at Pequest upstream to the Conrail Railroad Bridge upstream of the Pequest Trout Hatchery Access [Road] **Rd.**

2. Pequannock River, Morris and Passaic Counties--An approximate 1.3 mile stretch of river extending from the railroad trestle located immediately downstream of Appelt Park, Bloomingdale to Hamburg Turnpike bridge, Pompton Lakes.

[(b)] (c) The following **regulations** shall apply to the **Year-Round and Seasonal Trout Conservation Areas** designated at (a) **and (b)** above:

1. [No bait or lures of any kind may be used except artificial lures and flies] **Fishing in Year-Round and Seasonal Trout Conservation Areas is permitted during their respective seasons specified in (a) and (b) above. Fishing in Year-Round Trout Conservation Areas is permitted year-round, including during pre-season and in-season fishing closures which may apply to the remainder of the respective rivers where these areas exist;**

**2. Only artificial lures and flies may be used;**

[2.] **3. A person shall not have in possession while fishing any natural bait, live or preserved;**

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[3.] **4.** A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;

[4.] **5. Except as specified in (c)7 below for Brook Trout, [A] a person shall not, take, kill or have in possession, while fishing, any trout less than 15 inches; [and]**

[5.] **6. Except as specified in (c)7 below for Brook Trout, [A] a person shall not take, kill, or have in possession, while fishing, any more than one legally sized dead, creeled or otherwise appropriated trout daily, except that no trout may be retained during pre-season and in-season closures, which apply to the remainder of the respective rivers where these areas exist. In Year-Round Conservation Areas designated in (a) above, additional trout may be caught provided they are immediately returned to the water unharmed; and**

**7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.**

7:25-6.6 Special regulation trout fishing areas—[Wild Trout Streams] **Trout Stocked Wild Brown Trout Managed Waters**

(a) [The following streams, or portions thereof, are designated as "Wild Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.

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1. Bear Creek (Southtown);
2. Bear Swamp Brook (Mahwah);
3. Black Brook (Clinton Wildlife Management Area);
4. Burnett Brook (Ralston);
5. Cold Brook (Oldwick);
6. Dark Moon Brook, also known as Bear Brook (Johnsonburg);
7. Dunnfield Creek (Worthington State Park)
8. Flanders Brook (Flanders);
9. Hance's Brook (Penwell);
10. Hickory Run (Califon);
11. India Brook (Source to Mountainside Ave., Mendham);
12. Indian Grove Brook (Bernardsville);
13. Jackson Brook (Source to Hedden Park Lake, Mine Hill Twp.);
14. Ledgewood Brook (Ledgewood);
15. Little York Brook (Little York);
16. Lomerson Brook, also known as Herzog Brook (Pottersville);
17. Merrill Creek (Stewartsville)
18. Mill Brook (Montague);
19. North Branch of Rockaway Creek (Mountainville);
20. Parker Brook (Montague);
21. Passaic River (Source to Rt. 202, Bernardsville);
22. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to rail road bridge; immediately upstream of Charlottesburg Reservoir; and from Rt. 23

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bridge at Smoke Rise downstream to the Rt. 23 bridge at Smith Mills);

23. Rinehart Brook (Hacklebarney State Park);
24. Rocky Run (Clinton Twp.);
25. Saddle River (State Line to Lake Street, Upper Saddle River);
26. Stephensburg Creek (Stephensburg);
27. Stony Brook (Stokes State Forest);
28. Stony Brook (Washington Twp., Morris County);
29. Teetertown Brook (Lebanon Twp. (Hunterdon); Washington Twp. (Morris));
30. Trout Brook (Hacklebarney State Park);
31. Turkey Brook (Mount Olive);
32. Van Campens Brook (Delaware Water Gap National Recreation Area);
33. Wanaque River (Wanaque Reservoir dam to Wanaque Avenue bridge);
34. West Brook (Source downstream to Windbeam Club Property); and
35. Whippany River (Source to Tingley Road, Mendham Twp.);
36. Willoughby Brook, also known as Buffalo Hollow Brook (Clinton Twp.).

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

1. Fishing in Wild Trout Streams is permitted year-round.
2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited.

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3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

4. A person shall not take, kill or have in possession, while fishing the portions of the Pequannock River, Van Campens Brook and the Wanaque River, designated as Wild Trout Streams, any brown trout less than 12 inches. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River, Van Campens Brook, and the Wanaque River, the minimum length for trout shall be nine inches.

5. During the period extending from opening day to September 15 no person shall have in possession while fishing any more than two legally sized dead, creeled or otherwise appropriated trout. No trout may be killed or possessed during other times of the year.]

**(a) The following streams, or portions thereof, are designated as "Trout Stocked Wild Brown Trout Managed Streams:"**

- 1. Hakhokake Creek - Little York-Mount Pleasant Rd, Little York, Alexandria Twp., Hunterdon to Delaware River**
- 2. Lopatcong Creek - Rt. 519, Harmony Twp., Warren to Delaware River**
- 3. Pophandusing Creek - White Twp., entire length**
- 4. Raritan River, S. Br. - Mill dam located 200 feet upstream from Schooleys Mountain Rd. (Rt. 517), Washington Twp., Hunterdon, downstream to Lake Solitude dam, High Bridge Borough, excluding 2.5 mile catch and release only stretch within Ken Lockwood Gorge WMA**

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**5. Saddle River - Lake Street, Upper Saddle River Twp., to West Century Rd., Fairlawn/Paramus Boroughs, Bergen**

**(b) The following regulations shall apply to the Trout Stocked Wild Brown Trout Managed Waters designated at (a) above.**

**1. Wild Brown Trout Managed Waters are stocked with trout and subject to pre-season and in-season fishing closures which apply to the remainder of the respective rivers where these areas exist;**

**2. Except as specified in (b)3i below for Brook Trout, there shall be a nine-inch minimum size for Brook Trout and Rainbow Trout, and a 12-inch size limit for Brown Trout, or hybrids and strains thereof.**

**3. Except as specified in (b)3i below for Brook Trout, the daily possession limit for Brook Trout, Brown Trout, Rainbow Trout, or their hybrids and strains thereof is as follows:**

**i. All Brook Trout caught within the Brook Trout Conservation Zone, regardless of size, must be immediately released unharmed;**

**ii. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from January 1 to the pre-season closure, of which no more than two may be Brown Trout;**

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**ii. A person shall not take, kill or have in possession, in one day, more than six in total from opening day until May 31, of which no more than two may be Brown Trout; and**

**iii. A person shall not take, kill or have in possession, in one day, more than four in total from June 1 until December 31, of which no more than two may be Brown Trout.**

7:25-6.7 Special regulation trout fishing areas -[Year-Round Trout Conservation Areas] **Wild Trout Streams**

[ (a) The following stream segments are designated as Year-Round Trout Conservation Areas and are subject to the provisions at (b) below governing these areas on a year-round basis:

1. Toms River, Ocean County--a one mile stretch of river from the downstream end of Riverwood Park in Dover Township, defined by markers, downstream to the Route 571 bridge;

2. Musconetcong River, Hunterdon and Warren Counties--an approximate 1.2-mile stretch of the Musconetcong River near Point Mountain extending from the Penwell Road bridge downstream to the Point Mountain Road bridge; and

3. South Branch Raritan River, Morris County--an approximate 1.1 mile stretch of river, locally known as the Claremont Stretch extending from the downstream end of the posted Anglers Anonymous property downstream to its junction with Electric Brook.

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(b) The following shall apply to the Year-Round Trout Conservation Areas designated at (a) above:

1. Fishing in Year-Round Trout Conservation Areas is permitted year-round;
2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited;
3. A person shall not kill or have in possession, while fishing, any trout less than 15 inches;
4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait; and
5. A person shall not have in possession, while fishing, any more than one dead, creeled or otherwise obtained trout, except that trout may not be retained during pre-season and in-season stocking closures which apply to the remainder of the respective rivers where these areas exist. Additional trout may be caught provided they are returned to the water immediately and unharmed.]

**(a) There are three classifications of wild trout stream; Native Brook Trout Streams, Wild Trout Streams, and Wild Brown Trout Enhancement Streams. Identification of the streams designated under each classification and the regulations applicable to each classification are specified in (b) through (g) below.**

**(b) The following streams, or portions thereof, are designated as "Native Brook Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.**

**1. Beatty's Brook - Lebanon Twp., Hunterdon**



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**2. Bear Swamp Brook - Mahwah Twp., Bergen**

**3. Hickory Run - Lebanon Twp., Hunterdon**

**4. Lake Ames Tributary - Picatinny Arsenal boundary to Lake Ames, Rockaway Twp.,**

**Morris**

**5. Primrose Brook - Harding Twp., Morris**

**6. Raritan River, S. Br. - Budd Lake dam to dam approx. 400 feet upstream of Flanners-Drakestown Rd., Mt. Olive Twp., Morris**

**7. Rinehart Brook - Hacklebarney State Park, Chester Twp., Morris**

**8. Rocky Run - Lebanon Twp., Hunterdon**

**9. Stephensburg Brook - Washington Twp., Warren**

**10. Stony Brook - Stokes State Forest, Sandyston Twp., Sussex**

**11. Trout Brook - Hacklebarney State Park, Morris**

**(c) The following regulations shall apply to the Native Brook Trout Streams designated at (b) above.**

**1. Fishing in Native Brook Trout Waters is permitted year-round;**

**2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used;**

**3. A person shall not have in possession, while fishing, any natural bait, live or preserved;**

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**4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;**

**5. During the period extending from opening day to September 15 no person shall have in possession while fishing any more than two dead, creeled or otherwise appropriated Brown or Rainbow Trout, of any size. No trout may be killed or possessed during other times of the year.**

**6. All Brook Trout, regardless of size, must be immediately released unharmed.**

**(d) The following streams, or portions thereof, are designated as "Wild Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.**

**1. Brass Castle Creek - Washington Twp., Warren**

**2. Dismal Brook - Mendham Twp., Morris**

**3. Dunnfield Creek - Worthington State Forest, Warren**

**4. Flanders Brook - Mt. Olive Twp., Morris**

**5. India Brook - Source to Mountainside Ave., Mendham Twp., Morris**

**6. Indian Grove Brook - Bernardsville Twp., Somerset**

**7. Ledgewood Brook - Roxbury Twp., Morris**

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- 8. Lomerson Brook, also known as Herzog Brook - Tewksbury Twp., Hunterdon**
- 9. Merrill Creek - Merrill Creek Reservoir dam to Pohatcong Creek, Greenwich Twp., Warren**
- 10. Raritan River, S. Br. - dam approx. 400 feet upstream of Flanders-Drakestown Rd. to 200 feet upstream from Schooleys Mountain. Rd. (Rt. 517), Washington Twp., Hunterdon**
- 11. Stony Brook - Washington Twp., Morris**
- 12. Teetertown Brook - Lebanon Twp., Hunterdon/Washington Twp., Morris**
- 13. Turkey Brook - Mount Olive Twp., Morris**
- 14. Van Campens Brook - source to upper water waterfall in Van Campens Glen, Delaware Water Gap National Recreation Area**
- 15. West Brook - Source downstream to Windbeam Club Property, Ringwood Twp., Passaic**
- 16. Whippany River - Source to Tingley Rd., Mendham Twp., Morris**
- 17. Willoughby Brook - (also known as Buffalo Hollow Brook) Lebanon Twp., Hunterdon**

**(e) The following regulations shall apply to the Wild Trout Streams designated at (d) above.**

- 1. Fishing in Wild Trout Streams is permitted year-round;**
- 2. Only artificial lures and flies, with no more than three hook points in total, all of**

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**which must be barbless, may be used;**

**3. A person shall not have in possession while fishing any natural bait, live or preserved;**

**4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.**

**5. Except as specified in (e)7 below for Brook Trout, a person shall not, take, kill or have in possession, while fishing, any trout less than 9 inches;**

**6. Except as specified in (e)7 below for Brook Trout, from opening day to September 15 a person shall not take, kill, or have in possession, while fishing, any more than two legally sized dead, creel or otherwise appropriated trout. Trout may not be killed or possessed during other times of the year.**

**7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.**

**(f) The following streams, or portions thereof, are designated as "Wild Brown Enhancement Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.**

**1. Beaver Brook - Town of Clinton/Clinton Twp., Hunterdon;**

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- 2. Burnett Brook - Chester/Mendham Twps., Morris;**
- 3. Cold Brook - Tewksbury Twp., Hunterdon;**
- 4. Hakihokake Creek - (also known as Little York Bk) source to Little York-Mount Pleasant Rd, Little York, Alexandria Twp., Hunterdon;**
- 5. Jackson Brook - source to Hedden Park Lake, Mine Hill Twp., Morris;**
- 6. Mill Brook - Randolph Twp., Morris;**
- 7. Passaic River - source to Rt. 202, Bernardsville Twp., Morris;**
- 8. Pequannock River - Oak Ridge Rd. bridge (Newark Watershed) to railroad bridge immediately upstream of Charlottesburg Reservoir; and from Rt. 23 bridge at Smoke Rise to the Rt. 23 bridge at Smith Mills, Kinnelon Twp., Morris;**
- 9. Rockaway Creek, N. Br. - Tewksbury Twp., Hunterdon;**
- 10. Saddle River - state line to Lake St., Upper Saddle River Borough, Bergen;**
- 11. Spring Mills Brook – Holland Twp., Hunterdon;**
- 12. Van Campens Brook - upper waterfall in Van Campens Glen, located approx. 0.8 miles upstream of Old Mine Rd., to Delaware River, Delaware Water Gap Natural Recreation Area); and**
- 13. Wanaque River - Wanaque Res. dam downstream to Wanaque Ave., Pompton Lakes Borough, Passaic.**

**(g) The following regulations shall apply to the "Wild Brown Enhancement Streams" designated at (f) above:**

- 1. Fishing is permitted year-round.**

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**2. Only artificial lures and flies, with no more than three hook points in total, all of which must be barbless, may be used.**

**3. A person shall not have in possession while fishing any natural bait, live or preserved;**

**4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.**

**5. Except as specified in (g)7 below for Brook Trout, a person shall not, take, kill or have in possession, while fishing, a Brown Trout less than 12 inches, or a Brook or Rainbow Trout less than nine inches.**

**6. Except as specified in (g)7 below for Brook Trout, from opening day to September 15 a person shall not take, kill, or have in possession while fishing any more than two legally sized dead, creled or otherwise appropriated Brook, Brown or Rainbow Trout. Trout may not be killed or possessed during other times of the year.**

**7. All Brook Trout, regardless of size, caught within the Brook Trout Conservation Zone must be immediately released unharmed.**

7:25-6.8 Special regulation trout fishing areas--Trophy Trout [Lake] **Lakes**

(a) (No change.)

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

1. The minimum size of [brook trout, brown trout, rainbow trout] **Brown Trout, Rainbow Trout and Atlantic (landlocked) Salmon** and all hybrids and strains thereof shall be 15 inches. Daily bag and possession limit for [brown trout and rainbow trout] **Brown Trout, Rainbow Trout and Atlantic (landlocked) salmon** shall be two in total.

2. There shall be no closed season for [brook trout, brown trout, rainbow trout] **Brown Trout, Rainbow Trout and Atlantic (landlocked) salmon** and all hybrids and strains thereof.

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

4. During the period from midnight September 15 to December 1, the possession of [lake trout] **Lake Trout** is prohibited and all [lake trout] **Lake Trout** caught shall be immediately returned to the water unharmed.

5. (No change.)

7:25-6.9 Special regulation trout fishing areas--Holdover Trout Lakes

(a) (No change.)

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

1. (No change.)

2. There shall be a nine-inch minimum size limit for any species of [brook trout, brown trout, rainbow trout,] **Brown Trout, Rainbow Trout** or hybrids and strains thereof.

3. The daily possession limit for [brook trout, brown trout, rainbow trout,] **Brown Trout, Rainbow Trout** or hybrids and strains thereof is as follows:

i. - iv. (No change.)

4. (No change.)

#### 7:25-6.11 Nets and alternative gear

(a) Except as provided for the taking of baitfish, it shall be illegal to take fish from the freshwaters of the State by means of nets except under special permit issued by the Division at its discretion and as hereafter provided for in the tidal freshwaters of New Jersey, other than the Delaware River:

1. (No change.)

2. It shall be legal to take and sell foodfish as defined in N.J.A.C. 7:25-6.2 by the means identified in (a)2i through v below. American Shad may only be taken from the Delaware River[ and its tributaries].



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7:25-6.13 Warmwater fish

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

(d) During the period of April 15 through June 15, the possession of Largemouth and Smallmouth Bass is prohibited and all bass caught shall be immediately returned to the water unharmed[, except for Lake Audrey (Cumberland County) where Largemouth and Smallmouth Bass caught shall be immediately returned to the water unharmed at all times].

(e) - (f) (No change.)

(g) The minimum length for Northern Pike shall be 24 inches, with a daily creel and possession limit of two. The minimum length for Muskellunge and Tiger Muskie shall be [36] **40** inches, except for [Mountain Lake (Warren County) and] Echo Lake Reservoir (Passaic County), **Lake Hopatcong (Morris), and Monksville Reservoir (Passaic)** where the minimum length shall be [40] **44** inches. The daily creel and possession limit for Muskellunge and Tiger Muskie shall be one in total.

(h) - (s) (No change.)

(t) Eels may not be taken from non-tidal waters of this State by use of eel baskets, fykes, or traps of any kind, except that eel weirs may be operated under permit of the Division, for purposes of sale, in accordance with N.J.S.A. 23:3-55. **The minimum length for American Eel shall be nine-inches with a daily creel and possession limit of 25.**

(u) (No change.)

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(v) Except for Greenwood Lake and the Delaware River between New Jersey and Pennsylvania, for which limits are specified in N.J.A.C. 7:25-6.19 and 6.20, respectively, the daily creel and possession limit for Brown Bullhead, Pumpkinseed, Redbreast Sunfish, Yellow Bullhead, Yellow Perch, White Catfish, White Perch, and White Sucker shall be 25 in total.

7:25-6.19 Greenwood Lake

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish and Wildlife, the following regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey, and partly in Orange County, New York, are made a part of the New Jersey State Fish and Game Code and will be enforced on the whole lake by the conservation authorities of both states.

1. Species	Season	Size Limit	Daily Bag Limit
•••			
Chain pickerel	No closed season	15 inch minimum	5
Muskellunge and any hybrid thereof <b>taken before</b>	No closed season	36 inch minimum	1

**April 1, 2019**

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1. Species	Season	Size Limit	Daily Bag Limit
<b>Muskellunge and any hybrid thereof taken on or after April 1, 2019</b>	<b>No closed season</b>	<b>46 inch minimum</b>	<b>11</b>
•••			
<b>American Eel</b>	<b>No closed season</b>	<b>9 inches</b>	<b>25</b>

2. - 5. (No change.)

7:25-6.20 Delaware River between New Jersey and Pennsylvania

1.- 4. (No change.)

5. Bait fish may be taken and possessed for personal uses only but not to exceed 50 per day.

**The minimum length for American Eel shall be nine-inches with a daily creel and possession limit of 25.**