



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

### ADMINISTRATIVE ORDER 2011-05

WHEREAS, N.J.S.A. 23:2B-22 directs the Commissioner to establish and implement a registry program for recreational saltwater anglers, herein referred to as the New Jersey Saltwater Recreational Registry Program ("NJSRRP"); and

WHEREAS, pursuant to N.J.S.A. 23:2B-22.a(1)-(2), the NJSRRP shall provide that individuals engaged in recreational fishing and owners and operators of vessels that carry individuals who engage in recreational fishing and require consideration as a condition of carriage ("for-hire vessels," as described in 50 C.F.R. 600.1400(f)), shall be registered with the New Jersey Department of Environmental Protection ("Department") when recreational fishing:

- (a) in the Exclusive Economic Zone;
- (b) for anadromous species;
- (c) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; or
- (d) in the tidal waters of the State; and

WHEREAS, 16 U.S.C.S. 1881(g) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 ("MSA"), 16 U.S.C. 1801 *et seq.*, establishes a regionally based registry program ("federal registry program") administered by the National Marine Fisheries Service ("NMFS") for recreational fishermen in each of the eight (8) fishery management regions; and

WHEREAS, pursuant to 16 U.S.C.S. 1852(a)(1)(B), New Jersey is in the Mid-Atlantic Region, which is governed by the Mid-Atlantic Fishery Management Council; and

WHEREAS, pursuant to 16 U.S.C. 1881(g)(2), the Secretary of Commerce "shall exempt from registration under the [federal] program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries;" and

WHEREAS, 50 C.F.R. 600.1415 provides procedures by which a State may obtain exempted status from the federal registry program, including annual submission of state angler and for-hire vessel license holder data to NMFS for inclusion in a national or regional registry database; and

WHEREAS, pursuant to 50 C.F.R. 600.1415(b)(2), if NMFS determines that the NJSRRP meets the requirements for exempted state designation based on the State's submission of state data collected consistent with 50 C.F.R. 600.1416, NMFS and the State may negotiate a Memorandum of Agreement ("MOA") setting forth the terms and conditions of the data-sharing program; and

WHEREAS, recreational saltwater fisherpersons and owner and operators of for-hire vessels shall be exempt from registering with the federal registry program if New Jersey is designated as an exempted State pursuant to 16 U.S.C. 1881(g)(2), 50 C.F.R. 600.1415, and 50 C.F.R. 660.1416; and

WHEREAS, the Department's intent in issuing this Administrative Order is to receive federal approval for exempted state designation under 50 C.F.R. 600.1415 and 50 C.F.R. 660.1416;

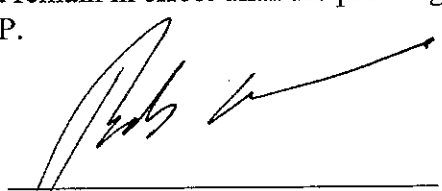
NOW, THEREFORE, I, Bob Martin, Commissioner of the Department, pursuant to the authority of N.J.S.A. 13:1B-3 and 4, and as directed by the Legislature pursuant to N.J.S.A. 23:2B-22, and consistent with the MSA, hereby DIRECT the Department to implement the NJSRRP which complies with the MSA and implements the provisions of N.J.S.A. 23:2B-22 as indicated below:

1. Pursuant to N.J.S.A. 23:2B-22, a person shall not take or attempt to take, and owners or operators of each for-hire vessel shall not allow a person to take or attempt to take fish for recreational purposes from the marine and fresh tidal waters of the State of New Jersey or the marine waters outside the State of New Jersey and land their catch in New Jersey by the method commonly known as recreational fishing, with a hand line or rod and line as described in N.J.A.C. 7:25-18.1(c), or by spearfishing or by hand as described in N.J.A.C. 7:25-18.4, unless the person or the owners and operators of each for-hire vessel have first registered with the NJSRRP.
2. Starting May 4, 2011, individual saltwater recreational fisherpersons and owners and operators of for-hire vessels must be registered, and may register on-line at [www.saltwaterregistry.nj.gov](http://www.saltwaterregistry.nj.gov). Each registrant must keep the registration certificate on his or her person or on the vessel, and available to be produced upon request by a State law enforcement officer.
3. As provided in N.J.S.A. 23:2B-22.a(1), registration for individual recreational anglers shall include the name, date of birth, address, telephone number and other contact information required by NMFS in the MOA with the State and as provided on the NJSRRP website.
4. As provided in N.J.S.A. 23:2B-22.a(2), registration for owners and operators of for-hire vessels that carry passengers who engage in recreational saltwater fishing shall include the ownership, operator and identification of the vessel and other contact information required by NMFS in the MOA with the State and as provided on the NJSRRP website.

5. Saltwater recreational fisherpersons and owners and operators of for-hire vessels shall register annually with the NJSRRP, consistent with the annual registration requirement in the federal registry program in 50 C.F.R. 600.1405(b)(1). All registrations obtained by a saltwater recreational fisherpersons or owners and operators of for-hire vessels pursuant to this Administrative Order shall be valid for the calendar year, expiring on December 31 of each year, and each registrant must register again for the subsequent year to maintain a valid registration.
6. Upon request of State law enforcement officers, saltwater recreational fisherpersons and owners and operators of for-hire vessels shall make available a NJSRRP registration certificate for inspection, consistent with 50 C.F.R. 600.1405(c), and additional required vessel documentation as outlined in Nos. 7 and 8 below.
7. The owner or operator of each for-hire vessel that can accommodate a maximum of six (6) passengers for hire shall also possess and produce upon request documentation of a valid Operator of Uninspected Passenger Vessel license issued by the United States Coast Guard, consistent 46 C.F.R. 11.467.
8. The owner or operator of each for-hire vessel that can accommodate greater than six (6) passengers for hire shall possess and produce upon request a Certificate of Inspection for said vessel and a Master's license for the operator of said vessel both issued by the United States Coast Guard, consistent with 46 C.F.R. 11.428.
9. As provided in N.J.S.A. 23:2B-22.d, individuals less than sixteen (16) years of age are exempt from the NJSRRP, and individuals fishing solely on a for-hire vessel where the owners or operators of such vessel have obtained a valid NJSRRP registration are exempt from the NJSRRP.
10. Any person who fails to register with the NJSRRP or fails to produce the NJSRRP registration certificate shall be subject to a penalty pursuant to N.J.S.A. 23:2B-14.a(1).
11. Any owner or operator of a for-hire vessel who fails to register with the NJSRRP or fails to produce the NJSRRP registration certificate and/or the documentation referenced in Nos. 7 and 8 above, shall be subject to a penalty pursuant to N.J.S.A. 23:2B-14.a(1).
12. The Department shall promulgate regulations to further implement the NJSRRP.
13. This Order shall take effect May 4, 2011 and remain in effect until the promulgation of regulations to further implement the NJSRRP.

Dated:

*4/26/2011*

  
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Bob Martin, Commissioner