

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

SUBCHAPTER 19. Atlantic Coast Harvest Season

7:25-19.1 Scope

This subchapter shall constitute the rules governing the method and season for harvest of oysters from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River, and the Middle River on the Atlantic Coast.

7:25-19.2 Purpose

The purpose of these rules is to regulate the harvest of oysters from the beds enumerated at N.J.A.C. 7:25-19.1.

7:25-19.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 50:1-5.

7:25-19.4 Definitions

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

"Commissioner" means the Commissioner of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Seed oysters" means all oysters planted on the beds listed at N.J.A.C. 7:25-19.1.

7:25-19.5 Method and season of harvest

(a) No person shall catch or take oysters or clams by any means from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River and the Middle River except with hand tongs during the harvest season.

(b) The harvest season for these oyster beds shall be determined by the size of the seed oysters planted, the time of planting, and the growth and survival rate of the seed oysters.

(c) Based upon the data referred to in (b) above, the harvest season for these oyster beds shall be established by the Commissioner or his designee in the Division, pursuant to N.J.S.A. 50:1-5, with the advice of the Atlantic Coast Section of the Shell Fisheries Council, except that no harvesting shall be permitted between June 30 and September 1 of any year.

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(d) Nothing contained herein shall prevent or prohibit the harvest of oysters by mechanical power from any of the leased oyster grounds within the boundaries of the beds enumerated in (a) above by the lessee or his substitute harvester.

(e) Nothing contained herein shall prevent or prohibit the appropriate State authorities from conducting oyster management programs during the closed harvest season.