

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 23. Permit to Kill Wild Deer

7:25-23.1 Scope

This subchapter shall constitute the rules governing the killing of deer, reasonably believed to be causing damage to crops on lands under cultivation, which, absent these rules, would be proscribed by the State Game Code, N.J.A.C. 7:25-5. Provisions for this exception to the State Game Code appears therein at N.J.A.C. 7:25-5.31.

7:25-23.2 Purpose

These rules provide the owner or lessee of cultivated lands a permit to kill wild deer reasonably believed to be causing damage to seeded cultivated grasses or planted crops.

7:25-23.3 Construction

These rules shall be liberally construed to permit the Department and the division to effectuate the purpose of N.J.S.A. 23:4-42.

7:25-23.4 Definitions

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

"Agent" means the person designated on the permit as an authorized agent of the permittee and whose signature is affixed to the permit.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Lands under cultivation" means pasture fields seeded with cultivated grass or land on which planted crops are growing.

"Permit" means the Permit to Kill Wild Deer.

"Permittee" means the owner or lessee or any member of the immediate family thereof of lands under cultivation to whom a permit is issued by the Division.

"State Game Code" means the regulations providing for the management of game birds, game animals and fur-bearing animals promulgated by the Fish and Game Council pursuant to N.J.S.A. 13:1B-30 and appearing at N.J.A.C. 7:25-5.

7:25-23.5 Permit required; authorized permittee; agents

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(a) No person shall hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound a deer of any description prohibited by the provisions of the State Game Code N.J.A.C. 7:25-5 or hunt for, pursue, shoot at, take, kill, wound, or attempt to take, kill, or wound any wild deer at any time except during the period permitted by the State Game Code, or kill in any one year more than the number of deer permitted by the State Game Code unless having on their person a current, valid permit to kill wild deer issued by the division.

(b) No person shall be issued the permit unless he or she is the owner or lessee of any land, at least five acres of which constitutes lands under cultivation.

(c) A permit for anticipated damage may be issued upon demonstration to the satisfaction of the Division of documented history of damage.

(d) Except as provided at (c) above, a person shall not be issued the permit unless and until he makes a reasonable showing to the Division, confirmed by a field investigation performed by Division personnel, of substantial deer-caused damage to seeded, cultivated grasses or planted crops. Under exigent circumstances, the permit may be issued for one day only without prior confirmation of necessity by field investigation; provided that within seven days thereafter a field investigation shall be performed by Division personnel. Should the Division then determine that conditions failed to warrant the issuance of the permit, no permit shall subsequently be issued to the same person without a prior field investigation confirming the necessity therefor.

(e) Any permittee or agent shall be in possession of the permit or a copy of the permit at all times when attempting to shoot deer.

(f) A permittee convicted of any two violations of any laws or regulations pertaining to hunting of this or any other state during a five-year period shall not be allowed to shoot deer pursuant to a permit for a period of two years from the date of such second conviction or of three years from the date of the latter of a third or subsequent conviction. A person convicted of any two violations of any law or regulation pertaining to fish, game and wildlife of this State or any other state during a five-year period shall not be allowed to be an agent for a period of two years from the date of such second conviction or three years from the date of the latter of a third or subsequent conviction.

1. A permittee killing deer under the permit on lands on which he does not reside must possess a New Jersey firearm purchaser identification card.

2. An agent killing deer on any land under the permit must possess a valid and proper New Jersey firearm hunting license and New Jersey firearm purchaser identification card.

7:25-23.6 Permit conditions

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(a) The permittee and the agent shall adhere to the following conditions:

- 1.** Conform with all Federal, State, and local statutes, rules, codes, and ordinances pertaining to the discharge of firearms;
- 2.** Use only 10, 12, 16, or 20 gauge shotguns loaded with rifled slugs or 10 or 12 gauge buckshot to kill wild deer;
- 3.** Firearms shall not be discharged from any vehicle;
- 4.** Hunt or kill deer pursuant to the permit only on those lands of the permittee specified on the permit and only during those hours specified on the permit;
- 5.** Display the permit to any person requesting visual inspection thereof and provide any Division representative access to the land under permit at any reasonable time;
- 6.** Keep a daily record of hunting activity and deer mortality during the permit period and submit it to the Division upon request; failure to comply may be cause for revocation of the permit;
- 7.** Deer killed pursuant to the permit shall not be sold or bartered by the permittee or the agent; however, the Division may authorize the permittee to keep for consumption one deer shot under permit annually for each separate, non-contiguous parcel of land under permit;
- 8.** Deer killed pursuant to the permit may be donated by the permittee only as authorized by the division;
- 9.** Dead deer disposal shall be the responsibility of the permittee and shall be effected in compliance with State and local statutes, rules, codes, and ordinances;
- 10.** Dead deer shall be transported for disposal only as authorized by the division;
- 11.** The permit shall expire as specified on the permit;
- 12.** Within two weeks of the expiration of the permit, the permittee shall file with the division a written report giving the date and sex of every deer killed under the permit;
- 13.** Failure to comply with any of the provisions of this subchapter or requirements of a permit may be cause for denial of subsequent permits; and

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- 14.** Persons other than the permittee or agent are prohibited from assisting in any way in the shooting activities including, but not limited to, the driving of deer or the driving of a vehicle.

7:25-23.7 Liability

The permittee shall assume all liability for any damage or injury caused while attempting to kill wild deer under the permit and shall keep, save, and hold the Division, the Department and the State of New Jersey harmless from loss from all claims, loss, liability, expense or damage in connection with the issuance of, and activities taken pursuant to, the permit.

7:25-23.8 Penalties

Pursuant to N.J.S.A. 23:4-48, any person violating any provision of this subchapter shall be liable to a penalty of not less than \$ 100.00 nor more than \$ 500.00 for the first offense and not less than \$ 300.00 nor more than \$ 1,000 for the second and each subsequent offense.