

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 9. Hard Clam Size Limits

7:25-9.1 Scope

This subchapter constitutes the rules governing the minimum size of hard clams allowed to be harvested in New Jersey. Nothing in this subchapter or in N.J.A.C. 7:12 or 7:17 shall prevent the harvest and replanting of hard clams with shell length less than one and one-half inches when such harvest and replanting are an express part of a program designed and directed by the department to prevent the loss of hard clams which might occur under conditions such as channel dredging or other destructive action.

7:25-9.2 Purpose

The purpose of this subchapter is to provide a means to control the minimum size of hard clams harvested in New Jersey.

7:25-9.3 Construction

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

7:25-9.4 Definitions

The following term, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Clam hatchery" means any operation which obtains clams through the process of artificial spawning and culture methods.

7:25-9.5 Taking of hard clams

(a) No person shall take, attempt to take, possess, sell, offer for sale, purchase, or attempt to purchase hard clams. Mercenaria mercenaria, with a shell length less than one and one-half inches provided, however, where all clams are in containers, no violation shall be deemed to have occurred where no more than three percent of the number of clams in possession in any single container have a shell length less one and one-half inches, and where non-containerized clams are in possession, no violation shall be deemed to have occurred where no more than three percent of total number of clams in possession have a shell length less than one and one-half inches.

(b) Clams shall be culled by the harvester where taken, and all clams less than one and one-half inches in shell length shall be redeposited immediately on the bottom from where they were harvested.

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(c) Possession and sale of hatchery-reared clams by a clam hatchery and purchase and possession of hatchery-reared clams from a clam hatchery shall be exempt from the provisions of (a) and (b) above provided that the purpose of this possession and sale or purchase is for planting and rearing hard clams to market size (that is, not less than one and one-half inches). Possession and/or sale of hatchery-reared seed clams less than one and one-half inches in length for the purpose of marketing and consumption shall not be exempt from the provisions of (a) and (b) above and shall not be permitted.

(d) Enforcement personnel shall seize all hard clams less than one and one-half inches in length which are in violation of N.J.A.C. 7:25-9.5 and return them to estuarine waters.

7:25-9.6 Penalties

(a) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where no more than 100 hard clams fail to meet the regulatory minimum, shall be as follows:

Number of clams	Penalty
1- 20	\$ 20.00
21- 40	\$ 50.00
41-100	\$ 100.00

(b) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where more than 100 hard clams fail to meet the regulatory minimum, shall be as prescribed at N.J.S.A. 23:2B-14a(1) for the first offense, that is, not less than \$ 100.00 or more than \$ 3,000 for the first offense.

(c) The penalty for any subsequent offense, regardless of number of hard clams involved, shall be as prescribed at N.J.S.A. 23:2B14(a)1 for any subsequent offense, that is, not less than \$ 200.00 or more than \$ 5,000.