

i. All of the ocean waters east of a line connecting the northernmost point of Sandy Hook and the southwesternmost point of Rockaway Point and south of the New York State line and extending to and following the New Jersey three nautical mile jurisdiction limit in a southerly direction until it intersects a line bearing approximately 270 degrees T connecting a point with coordinates of latitude 40 degrees 23 minutes 38.58 seconds N., longitude 73 degrees 54 minutes 35.15 seconds W., then along that line in a westerly direction for approximately 1.3 nautical miles to a point with coordinates of latitude 40 degrees 23 minutes 38.99 seconds N., longitude 73 degrees 56 minutes 15.98 seconds W., then bearing approximately 183 degrees T and continuing in a southerly direction for approximately 7.2 nautical miles to a point with coordinates of latitude 40 degrees 16 minutes 34.36 seconds N., longitude 73 degrees 56 minutes 56.45 seconds W., then bearing approximately 270 degrees T toward the spire located at the northwest corner of Lake Drive and Ocean Avenue, City of Long Branch, with coordinates of latitude 40 degrees 16 minutes 39.71 seconds N., longitude 73 degrees 59 minutes 10.21 seconds W., to a point approximately 1.0 nautical miles offshore with the coordinates of latitude 40 degrees 16 minutes 36.38 seconds N., longitude 73 degrees 57 minutes 44.97 seconds W., then proceeding in a southerly direction approximately 1.0 nautical miles offshore from that point of intersection approximately 7.95 nautical miles to a point with coordinates of latitude 40 degrees 8 minutes 54.89 seconds N., longitude 74 degrees 0 minutes 0 seconds W., until it intersects a line beginning at the water tank located on 509 Monmouth Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08 minutes 48 seconds N., longitude 74 degrees 2 minutes 12 seconds W., and bearing approximately 085 degrees T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 8 minutes 48 seconds N., longitude 74 degrees 2 minutes 30 seconds W., then proceeding from that point of intersection in an easterly direction along that line towards the above noted dome until it is approximately 0.5 nautical miles directly offshore, then continuing in a southerly direction approximately 0.5 nautical miles offshore for approximately 3.90 nautical miles to a point with coordinates of latitude 40 degrees 5 minutes .9 seconds N., longitude 74 degrees 1 minute 39.07 seconds W., then bearing approximately 280 degrees T (reciprocal 100 degrees T) toward the water tank located next to the junction of New York Avenue and the Con Rail Railroad tracks, Borough of Point Pleasant Beach, with coordinates of latitude 40 degrees 5 minutes 10.6 seconds N., longitude 74 degrees 2 minutes 49.1 seconds W., to a point with coordinates of latitude 40 degrees 5 minutes 4.44 seconds N., longitude 74 degrees 2 minutes 4.96 seconds W., then in a southerly direction approximately 1,000 feet offshore to a point with the

coordinates of latitude 40 degrees 2 minutes 39.08 seconds N., longitude 74 degrees 2 minutes 35.39 seconds W., then bearing approximately 102 degrees T to a point at latitude 40 degrees 2 minutes 24.36 seconds N., longitude 74 degrees 0 minutes 0 seconds W., then in a southerly direction to a point at latitude 40 degrees 1 minute 18.70 seconds N., longitude 74 degrees 1 minute 14.39 seconds W. then bearing approximately 282 degrees T to the shore at latitude 40 degrees 1 minute 36.58 seconds N., longitude 74 degrees 3 minutes 7.39 seconds W. and terminating. This closure adjoins those Prohibited waters in (a)3v above and those Special Restricted waters defined in N.J.A.C. 7:12-3.2;

ii. (Reserved);

iii. All of the Ocean waters inshore of a line beginning at the water tank located on the corner of Barnegat Avenue and 12th Avenue, Borough of Seaside Park, with coordinates of latitude 39 degrees 54 minutes 52.4 seconds N., longitude 74 degrees 4.0 minutes 57.7 seconds W., and bearing approximately 096 degrees T to a point approximately 1.5 nautical miles from the shoreline with coordinates of latitude 39 degrees 54 minutes 40.0 seconds N., longitude 74 degrees 02 minutes 36.4 seconds West. The line continues from this point parallel to the shoreline in a southerly direction 1.5 nautical miles offshore for approximately 1.1 nautical miles to a point with coordinates of latitude 39 degrees 53 minutes 35.1 seconds N., longitude 74 degrees 02 minutes 42.2 seconds W., then bearing approximately 276 degrees T (reciprocal 096 degrees T) for approximately 1.6 nautical miles to the cupola located on top of Island Beach State Park's Maintenance Center (the old Coast Guard Station 110), with coordinates of latitude 39 degrees 53 minutes 44.6 seconds N., longitude 74 degrees 04 minutes 54.1 seconds W., and terminating;

iv. All of the ocean waters inshore of a line beginning at the water tank located on 813 Boulevard, Borough of Surf City, with coordinates of latitude 39 degrees 39 minutes 37.39 seconds N., longitude 74 degrees 10 minutes 3.71 seconds W., and bearing approximately 120 degrees T for approximately 1.5 nautical miles from the shoreline to a point with coordinates of latitude 39 degrees 38 minutes 47.8 seconds N., longitude 74 degrees 8 minutes 12.1 seconds W., then from this point which is approximately 1.5 nautical miles offshore, the line runs parallel to the shoreline in a southerly direction for approximately 1.2 nautical miles to a point with coordinates of latitude 39 degrees 37 minutes 46.6 seconds N., longitude 74 degrees 9 minutes 7.0 seconds W., then bearing approximately 300 degrees T for approximately 1.7 nautical miles to the water tank located on 112 West 17th Street, Borough of Ship Bottom, with coordinates of latitude 39 degrees 38 minutes 39.5 seconds N., longitude 74 degrees 10 minutes 52.5 seconds W., and terminating;

v. All the ocean waters inshore of a line beginning at the light charted as Fl G 4 sec 29 ft 6M (7) at the end of Absecon Inlet's southwest jetty and bearing approximately 230 degrees T for 2.26 nautical miles until it intersects a line bearing approximately 155 degrees T from the northeast corner of Trop World Casino (Brighton Avenue and the Boardwalk, Atlantic City) at a point located approximately 0.64 nautical miles offshore with the coordinates of latitude 39 degrees, 20.0 minutes 32.3 seconds North, longitude 74 degrees, 26 minutes 22.6 seconds West; thence in a southeasterly direction bearing approximately 148 degrees T for approximately 1.75 nautical miles to a point with the coordinates of latitude 39 degrees 19 minutes 15.4 seconds North, longitude 74 degrees 25 minutes 20.0 seconds West; then proceeding in a southwesterly direction parallel to the coastline, approximately 242 degrees T, for approximately 1.57 nautical miles to a point with the coordinates of 39 degrees 18 minutes 32.2 seconds North, longitude 74 degrees, 27 minutes 7.6 seconds West; thence 2.05 nautical miles in a northwesterly direction bearing approximately 335 degrees T toward the southwestern corner of a brown apartment building (Oxford Avenue and the beach, City of Ventnor) to a point with the coordinates of latitude 39 degrees, 20 minutes 18.1 seconds North, longitude 74 degrees, 28 minutes 23.9 seconds West and terminating.

vi. All of the ocean waters inshore of a line beginning at the base of the jetty located on the beach near the intersection of Seaspray Road and Waverly Boulevard, City of Ocean City (first stone jetty projecting into Great Egg Harbor Inlet on the northeasternmost end of the city), and continuing along that jetty in a southeasterly direction to its outermost tip, then in a general southerly direction, the line continues and connects the tips of the stone jetties projecting into the ocean until reaching the tip of the stone jetty located at the end of the 15th Street (just south of the Ocean City Fishing Club Pier), then bearing approximately 230 degrees T for approximately 2.8 nautical miles to the water tank located at 4600 Haven Avenue (46th Street intersects across from this location), Ocean City, with coordinates of latitude 39 degrees 14 minutes 5.8 seconds N., longitude 74 degrees 37 minutes 24.9 seconds W., and terminating;

vii. All of the ocean waters inshore of a line beginning at the beach front opening for 43rd Street, Ocean City, with coordinates of Latitude 39 degrees 14 minutes 21.5 seconds N., Longitude 74 degrees 37 minutes 12.1 seconds W., which is the fourth beach front street opening north of the water tank located at 4600 Haven Avenue (46th Street intersects across from this location), Ocean City, with coordinates of latitude 39 degrees 14 minutes 30 seconds N., longitude 74 degrees 37 minutes 28.7 seconds W., and bearing approximately 126 degrees T for approximately 1.5 nautical miles from the shoreline to a point with coordinates of latitude 39 degrees 13 minutes 41.5 seconds N., longitude 74 degrees 35 minutes 21.5 seconds W., then bearing approximately 216 degrees T along the shoreline in a southwesterly direction 1.5 nautical miles offshore, for approximately 1.1 nautical miles to a point with coordinates of latitude 39 degrees 12 minutes 40.9 seconds N., longitude 74 degrees 36 minutes 17.6 seconds W., then bearing approximately 306 degrees T for approximately 1.6 nautical miles to the belfry on top of the Union Chapel By-the-Sea on the corner of 55th Street and Asbury Avenue, Ocean City, with coordinates of latitude 39 degrees 13 minutes 39.7 seconds N., longitude 74 degrees 38 minutes 6.25 seconds W., and terminating;

viii. All of the ocean waters inshore of a line beginning at the base of the jetty located on the beach at the end of 78th Street, City of Sea Isle City, and continuing along that jetty in a southeasterly direction to its outermost tip, then, in a general southerly direction, the line continues and connects the outermost tips of the jetties located at the street ends of 83rd and 88th Streets, City of Sea Isle City, then along the 88th Street jetty to the shore and terminating;

ix. All of the ocean waters inshore of a line beginning at the water tank located on the corner of 13th Street and Dune Drive, Borough of Avalon, with coordinates of latitude 39 degrees 06 minutes 21.6 seconds N., longitude 74 degrees 42 minutes 47.9 seconds W., and bearing approximately 127 degrees T for approximately 1.5 nautical miles from the shoreline to a point with coordinates of latitude 39 degrees 05 minutes 18 seconds N., longitude 74 degrees 40 minutes 58.7 seconds West. The line continues from this point along the shoreline in a southerly direction 1.5 nautical miles offshore for approximately 1.1 nautical miles to a point with coordinates of latitude 39 degrees 04 minutes 22.7 seconds N., longitude 74 degrees 41 minutes 53.7 seconds W., then bearing approximately 307 degrees T (reciprocal 127 degrees T) for approximately 1.7 nautical miles to the water tank located on the corner of 38th Street and Dune Drive, Borough of Avalon, with coordinates of latitude 39 degrees 05 minutes 26.7 seconds N., longitude 74 degrees 43 minutes 40.1 seconds W., and terminating;

x. All of the ocean waters inshore of a line beginning at the east end of the Windrift Motel Building located on the beach between 79th and 80th Streets, Borough of Avalon, and bearing approximately 176 degrees T to the outermost tip of the jetty located at the end of 84th Street, Borough of Stone Harbor, then proceeding in a southwesterly direction, the line continues and consecutively connects the tips of the stone jetties located at the end of 92nd, 98th, 106th, 111th, and 114th Streets, Borough of Stone Harbor, then bearing approximately 262 degrees T for approximately 0.2 nautical miles to the cupola on top of the American Legion Post 331 Building, 11617 Second Avenue, Borough of Stone Harbor, with coordinates of latitude 39 degrees 2 minutes 23.3 seconds N., longitude 74 degrees 46 minutes 10 seconds W., and terminating;

xi. All of the ocean waters inshore of a line beginning at the base of the groin located on the beach near the intersection of Ocean Avenue and 2nd Avenue, City of North Wildwood, and continuing along that groin in a southeasterly direction to its outermost tip, then bearing approximately 147 degrees T towards a point with coordinates of latitude 38 degrees 59 minutes 0.0 seconds N., longitude 74 degrees 46 minutes 12.0 seconds W. (generally marked by a buoy charted as RW "H"MO (A) whistle) for approximately 0.5 nautical miles until it intersects a line bearing 044 degrees T from the light at the end of the eastern jetty of Cape May Inlet charted as Fl R 4s 6m "4" and passing tangent to the southeasternmost point of land of the City of North Wildwood. This point of intersecting lines has coordinates of latitude 38 degrees 59 minutes 54.0 seconds N., longitude 74 degrees 47 minutes 0.0 seconds W. The line then continues from the point of intersection bearing approximately 224 degrees T (reciprocal 44 degrees T) along that line towards the above noted light at the end of the eastern jetty of Cape May Inlet for approximately 2.8 nautical miles until it intersects a line bearing approximately 130 degrees T from the standpipe located on the corner of Park Boulevard and Myrtle Road, Borough of Wildwood Crest, with coordinates of latitude 38 degrees 58 minutes 24.0 seconds N., longitude 74 degrees 50 minutes 24.0 seconds W. This point of intersecting lines is approximately 0.4 nautical miles from the shoreline and has coordinates of latitude 38 degrees 57 minutes 54.0 seconds N., longitude 74 degrees 49 minutes 36.0 seconds W. Then proceeding in a southeasterly direction along that line to a point approximately 1.5 nautical miles from the shoreline with coordinates of latitude 38 degrees 57 minutes 12.0 seconds N., longitude 74 degrees 48 minutes 30.0 seconds W., then proceeding parallel to the shoreline in a southwesterly direction 2.5 nautical miles offshore for approximately 2.4 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 24.0 seconds N., longitude 74 degrees 50 minutes 30.0 seconds W., then bearing approximately 310 degrees T (reciprocal 130 degrees T) for approxi-

mately 1.2 nautical miles to the light noted above at the end of the eastern jetty of Cape May Inlet then along that jetty to the shore and terminating;

xii. All of the ocean waters inshore of a line beginning at the base of the western jetty of Cape May Inlet and continuing along that jetty in a southeasterly direction to the light at the end of the jetty charted as Fl G 4 sec 20 ft 7M5 then bearing approximately 295 degrees T (reciprocal 115 degrees T) to the water tank located on the United States Coast Guard Training Center, City of Cape May, with coordinates of latitude 38 degrees 56 minutes 46.9 seconds N., and longitude 74 degrees 53 minutes 34.6 seconds W., and terminating;

xiii. All of the waters of the Cold Spring Inlet Hopper and Bucket Dredge Disposal Area contained within a line beginning at an offshore point with coordinates of latitude 38 degrees 55 minutes 56.9 seconds N., and longitude 74 degrees 53 minutes 7.3 seconds W., and bearing approximately 156 degrees T for approximately 0.35 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 38.8 seconds N., and longitude 74 degrees 52 minutes 57.5 seconds W., then bearing approximately 248 degrees T for approximately 0.5 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 28.8 seconds N., and longitude 74 degrees 53 minutes 34.3 seconds W., then bearing approximately 332 degrees T for approximately 0.3 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 47 seconds N., and longitude 74 degrees 53 minutes 43 seconds W., then bearing approximately 66 degrees T for approximately 0.5 nautical miles to its point of origin and terminating; and

xiv. All those waters inshore of a line beginning at the water tank located on the United States Coast Guard Training Center, City of Cape May, with coordinates of latitude 38 degrees 56 minutes 44.6 seconds N., and longitude 74 degrees 53 minutes 35.8 seconds W., and bearing approximately 151 degrees T for approximately 0.25 nautical miles from the shoreline to a point with coordinates of latitude 38 degrees 56 minutes 11.8 seconds N., and longitude 74 degrees 53 minutes 9.4 seconds W., then parallel along the shoreline in a westerly direction, 0.25 nautical miles offshore, for approximately 2.4 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 28.5 seconds N., longitude 74 degrees 56 minutes 3.6 seconds W., then bearing approximately 356 degrees T (reciprocal 176 degrees T) for approximately 0.2 nautical miles to the southern tip of Third Avenue groin located at the western end of Beach Avenue, City of Cape May, then along that groin to the shore and terminating.

Amended by R.1988 d.206, effective May 2, 1988.

See: 20 N.J.R. 450(a), 20 N.J.R. 980(b).

Delineates the boundaries of those shellfish growing waters classified as prohibited.

Amended by R.1989 d.390, effective July 17, 1989.

See: 21 N.J.R. 1041(b), 21 N.J.R. 2032(a).

At (a)3., added reference to Middlesex county and at 20. added new x. and xi. and recodified x. to xii. with amendments to coordinates. Amended by R.1990 d.399, effective August 6, 1990.

See: 22 N.J.R. 1304(a), 22 N.J.R. 2285(a).

Manasquan River added; Ludlam Thorofare, Ware Thoro-Mill Creek, Atlantic Ocean, Great Channel, Jenkins Sound and Grassy Sound/Richardson Sound deleted.

Amended by R.1991 d.592, effective December 16, 1991 (operative January 1, 1992).

See: 23 N.J.R. 2993(a), 23 N.J.R. 3751(a).

Grassy Sound deleted; deleted portion of Delaware Bay at pumping station at the mouth of Fishing Creek; changed delineation of waters inshore City of Wildwood and changed delineation of water inshore around United States Coast Guard Training Center, City of Cape May. Amended by R.1992 d.508, effective December 21, 1992 (operative January 1, 1993).

See: 24 N.J.R. 3657(a), 24 N.J.R. 4518(b).

Amended designation at (a)20iii; made technical changes upon adoption at (a)3v; 12iii; 16i; 17viii and 20ix and x.

Amended by R.1994 d.201, effective April 18, 1994.

See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).

Petition for Rulemaking.

See: 26 N.J.R. 4450(a), 27 N.J.R. 244(d).

Amended by R.1995 d.81, effective February 6, 1995.

See: 26 N.J.R. 4475(b), 27 N.J.R. 484(a).

Amended by R.1996 d.16, effective January 2, 1996.

See: 27 N.J.R. 3874(a), 28 N.J.R. 145(a).

Amended by R.1996 d.586, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 4315(a), 28 N.J.R. 5229(a).

Added text to 16i "to a line . . . and Stites Creek", deleted (a)16x through (a)16xiii, recodified (a)16xiv to (a)16x, added (a)16xi; and amended (a)20iii.

Amended by R.1998 d.2, effective January 5, 1998.

See: 29 N.J.R. 4223(a), 30 N.J.R. 224(a).

In (a)20vii and viii, amended boundary coordinates.

Amended by R.1998 d.590, effective December 21, 1998 (operative January 1, 1999).

See: 30 N.J.R. 3570(a), 30 N.J.R. 4351(a).

In (a), rewrote 15, and inserted new viii, recodified former viii as ix, inserted a new x, recodified former ix through xii as xi through xiv, and rewrote the new ix in 20.

Amended by R.2000 d.57, effective February 7, 2000.

See: 31 N.J.R. 3885(a), 32 N.J.R. 595(a).

Rewrote (a)20i.

Amended by R.2001 d.85, effective March 5, 2001.

See: 32 N.J.R. 4428(a), 33 N.J.R. 869(a).

Rewrote (a)7 and (a)20v.

Amended by R.2002 d.33, effective January 22, 2002.

See: 33 N.J.R. 3631(b), 33 N.J.R. 3775(c), 34 N.J.R. 593(a).

In (a), rewrote 3i, 3v, 20i and 20ii.

Amended by R.2003 d.242, effective June 16, 2003.

See: 34 N.J.R. 3903(a), 35 N.J.R. 2654(a).

In (a), amended latitudes and longitudes in 3i, 3v, 6ii, 7, 14iv, 20i, 20iii through 20vii, and 20ix through 20xiv.

Amended by R.2005 d.224, effective July 5, 2005.

See: 37 N.J.R. 402(a), 37 N.J.R. 2495(a).

In (a), added 3vii, rewrote 20v.

Case Notes

Department of Environmental Protection relied on inapplicable surveys in denying dock building permit on basis that proposed site was protected shellfish habitat. *Hanna v. Department of Environmental Protection*, 96 N.J.A.R.2d (EPE) 80.

Application for permit to construct dock was properly denied given adverse impact on shallow aquatic environment. *Mangel v. Njdepe/LUR*, 95 N.J.A.R.2d (EPE) 133.

Petitioner obligated to construct a treatment works: failure to do so violates discharge permit. *Lentine Aggregates v. Dept. of Environmental Protection*, 4 N.J.A.R. 117 (1981), affirmed per curiam Dkt. No. A-3424-80 (App.Div.1982).

7:12-2.2 Use of shellfish grown in waters classified as Prohibited for human consumption

Shellfish grown in waters classified as Prohibited may not be utilized for human consumption except under conditions as may be established by the ISSC.

New Rule, R.1992 d.508, effective December 21, 1992 (operative January 1, 1993).

See: 24 N.J.R. 3657(a), 24 N.J.R. 4518(b).

Amended by R.1994 d.201, effective April 18, 1994.

See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).

SUBCHAPTER 3. SHELLFISH GROWING WATER CLASSIFICATION—SPECIAL RESTRICTED

7:12-3.1 Use of shellfish grown in waters classified as Special Restricted for human consumption

Shellfish grown in waters classified as Special Restricted may be utilized for human consumption only pursuant to a special permit issued by Department under N.J.A.C. 7:12-9.

7:12-3.2 Shellfish growing waters that are classified as Special Restricted

(a) The following shellfish growing waters are classified as Special Restricted: