

CHAPTER 12

SHELLFISH GROWING WATER CLASSIFICATION

Authority

N.J.S.A. 13:1D-9 and 58:24-1 et seq.

Source and Effective Date

R.2003 d.242, effective May 22, 2003.
See: 34 N.J.R. 3903(a), 35 N.J.R. 2654(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 12, Shellfish Growing Water Classification, expires on November 18, 2008. See: 40 N.J.R. 529(a).

Chapter Historical Note

Rules concerning shellfish growing water classification were originally codified as N.J.A.C. 7:25-7.1 and were filed and became effective on February 10, 1972 as R.1972 d.29. See 4 N.J.R. 4(b), 4 N.J.R. 45(b). Subsequent revisions to these rules were filed and became effective October 13, 1972 as R.1972 d.203. See: 4 N.J.R. 265(b).

1974 Revisions: On February 20, 1974 the original rules were repealed and replaced by R.1974 d.44, which was codified as N.J.A.C. 7:12 on June 30, 1974. See: 5 N.J.R. 80(a), 6 N.J.R. 103(b). R.1974 d.44 was repealed and replaced by R.1974 d.99 on April 23, 1974. See: 6 N.J.R. 101(a), 6 N.J.R. 175(b). Subsequent amendments were filed and became effective December 6, 1974 as R.1974 d.336. See: 7 N.J.R. 6(b).

1975 Revisions: Amendments became effective January 27, 1975 as R.1975 d.18. See: 7 N.J.R. 102(a). Further amendments became effective February 10, 1975 as R.1975 d.27, see 7 N.J.R. 102(c); and March 7, 1975 as R.1975 d.51, see 7 N.J.R. 152(a). On May 1, 1975, R.1975 d.116 repealed and replaced Chapter 12 with new rules. See: 7 N.J.R. 149(a), 7 N.J.R. 260(a). Amendments to the new rules were filed and became effective November 14, 1975 as R.1975 d.341. See: 7 N.J.R. 463(a), 7 N.J.R. 547(b).

1976 Revisions: Amendments became effective February 18, 1976 as R.1976 d.54. See: 8 N.J.R. 10(c), 8 N.J.R. 108(a); and November 23, 1976 as R.1976 d.372. See: 8 N.J.R. 548(b).

1977 Revisions: Amendments became effective March 8, 1977 as R.1977 d.73. See: 9 N.J.R. 69(b), 9 N.J.R. 169(a); and March 8, 1977 as R.1977 d.74. See: 9 N.J.R. 71(a), 9 N.J.R. 169(b).

1978 Revisions: Amendments became effective February 24, 1978 as R.1978 d.69. See: 10 N.J.R. 144(a). On June 30, 1978 the entire text of Chapter 12 was replaced by new rules adopted as R.1978 d.219. See: 10 N.J.R. 328(a). Further amendments became effective September 5, 1978 as R.1978 d.299. See: 10 N.J.R. 422(a); and September 16, 1987 as R.1987 d.327. See: 10 N.J.R. 425(b).

1979 Revisions: Amendments became effective May 9, 1979 as R.1979 d.184. See: 11 N.J.R. 170(b), 11 N.J.R. 276(a).

1980 Revisions: Amendments became effective January 9, 1980 as R.1980 d.12. See: 12 N.J.R. 71(c). Further amendments became effective January 29, 1980 as R.1980 d.48. See: 12 N.J.R. 112(b); and May 23, 1980 as R.1980 d.230. See: 12 N.J.R. 179(b), 12 N.J.R. 391(a).

1981 Revisions: Amendments became effective June 4, 1981 as R.1981 d.190. See: 13 N.J.R. 191(b), 13 N.J.R. 339(b). Further amendments became effective November 2, 1981 as R.1981 d.431. See: 13 N.J.R. 566(a), 13 N.J.R. 755(b).

1982 Revisions: Amendments became effective June 21, 1982 as R.1982 d.182. See: 14 N.J.R. 310(a), 14 N.J.R. 655(a).

1983 Revisions: Chapter 12 was readopted effective June 20, 1983 as R.1983 d.249. See: 15 N.J.R. 595(a), 15 N.J.R. 1020(a).

1984 Revisions: Amendments became effective February 21, 1984 as R.1984 d.42. See: 15 N.J.R. 2103(a), 16 N.J.R. 365(b). Further amendments became effective March 30, 1984 as R.1984 d.134. See: 16 N.J.R. 929(a); and May 7, 1984 as R.1984 d.199. See: 16 N.J.R. 558(a), 16 N.J.R. 1199(a). Section 1.7 expired on May 29, 1984. See: 19 N.J.R. 888(a). Further amendments became effective June 18, 1984 as R.1984 d.233. See: 16 N.J.R. 786(a), 16 N.J.R. 1495(b).

1985 Revisions: Amendments became effective February 19, 1985 as R.1985 d.64. See: 16 N.J.R. 3112(a), 16 N.J.R. 3379(a), 17 N.J.R. 433(a). Further amendments became effective June 3, 1985 as R.1985 d.290. See: 17 N.J.R. 661(a), 17 N.J.R. 1412(a); and December 16, 1985 as R.1985 d.634. See: 17 N.J.R. 2185(a), 17 N.J.R. 2971(a).

1987 Revisions: Chapter 12 was substantially amended and recodified effective November 16, 1987 as R.1987 d.488. See: 19 N.J.R. 1129(a), 19 N.J.R. 2136(a).

1988 Revisions: Chapter 12 was readopted pursuant to Executive Order No. 66(1978) effective April 11, 1988 with amendments effective May 2, 1988 as R.1988 d.206. See: 20 N.J.R. 450(a), 20 N.J.R. 980(b).

Pursuant to Executive Order No. 66(1978), Chapter 12, Shellfish Growing Water Classification, was readopted as R.1992 d.508, effective November 24, 1992. See: 24 N.J.R. 3657(a), 24 N.J.R. 4518(b).

Pursuant to Executive Order No. 66(1978), Chapter 12, Shellfish Growing Water Classification, was readopted as R.1998 d.2, effective November 24, 1997. See: 29 N.J.R. 4223(a), 30 N.J.R. 224(a).

Chapter 12, Shellfish Growing Water Classification, was readopted as R.2003 d.242, effective May 22, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. CLASSIFICATION OF CERTAIN SHELLFISH WATERS

7:12-1.1 General provisions

(a) It is the intent of the Department pursuant to statutory authority to establish regulations and specifications, to be known as the Shellfish Growing Water Classification Code.

(b) The Department recognizes that the shellfish industry and regulatory standards are subject to change as technological data becomes available; accordingly it is the desire of the Department that the code be revised as necessary.

(c) The enforcement of the provisions of this code by the Department or its agents shall be coordinated with and be in conjunction with any and all other State and federal agencies exercising jurisdiction over practices of the shellfish industry.

(d) If any provision of this code or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

(e) Pursuant to N.J.S.A. 58:24-7 and N.J.S.A. 13:1D-7a the Department shall have free access to "all oyster or clam beds, places of business and all other places where oysters, clams or other shellfish are grown, kept, stored, had in

possession with intent to distribute or sell, or sold, and also to all streams, tributaries thereof and land adjacent thereto, the waters draining from which may come in contact with such shellfish.

(f) The Department of Environmental Protection, together with the Department of Health and Senior Services, may make such inspection of such places and take such samples of oysters, clams or other shellfish or other substances as it may deem necessary to carry out the purposes of this chapter.

(g) No person shall obstruct or interfere with any officer or employee of the State while such officer or employee is engaged in the performance of duties related to shellfish sanitation.

(h) Special shellfish buoys, signs, and markers showing areas other than Approved are considered to be under the control of the State as provided by RS 12:4-2 and any person who removes or destroys these buoys, signs and/or markers shall be liable to a penalty of \$60.00; or any person who damages or removes any shellfish sign, buoy, or marker showing a shellfish area classified other than Approved may be prosecuted for criminal mischief, N.J.S.A. 2C:17-3. These signs, markers and buoys are provided as a means of public information only.

(i) Charts designating growing water classifications as hereinafter referenced are available from the Bureau of Marine Water Monitoring Offices, Marine Police Stations and Shellfisheries Field Offices at Bivalve and Nacote Creek. However, all persons are cautioned that emergency closures may be necessary and may not be charted. These Shellfish Growing Water Classification Charts are developed from Nautical Charts Number 12327 New York Harbor, 93rd Edition, January 15, 2000; Number 12324 Intracoastal Waterway, Sandy Hook to Little Egg Harbor, 29th Edition, April 7, 2001; Number 12316 Intracoastal Waterway, Little Egg Harbor to Cape May, 28th Edition, August 25, 2001; and Number 12304 Delaware Bay, 41st Edition, April 22, 2000. The Department of Environmental Protection hereby condemns all shellfish growing waters as described in this chapter and other places from which shellfish are or may be taken as listed in N.J.A.C. 7:12-9 at all times of the year except when otherwise noted in N.J.A.C. 7:12-4 and 5.

(j) Designated areas utilized in conjunction with one of the Special Permit Programs under N.J.A.C. 7:12-9 which are leased from the State and may contain shellfish harvested from the Seasonal Special Restricted or Special Restricted area, are under the Relay Program, N.J.A.C. 7:12-9.8, Transfer Program, N.J.A.C. 7:12-9.9, and Transplant Programs, N.J.A.C. 7:12-9.10, and may be harvested only upon notification by the Bureau of Marine Water Monitoring. Nonleased lots within these designated areas are not available to harvest of shellfish at any time.

i. All of Baremore Quarters inside of a line from the northern end of 10th Street South and bearing approximately 332 degrees T to 470 West Shore Drive and terminating.

9. Atlantic City area (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4):

i. All of Clam Creek and contiguous harbors;

ii. All of Inside Thorofare and West Canal;

iii. All of Beach Thorofare from a line across Beach Thorofare bearing approximately 225 degrees T from the eastern side of the mouth of Penrose Canal at its junction with Beach Thorofare to a line from the northernmost tip of runway number 22 (North-South runway) at Bader Field in Atlantic City and bearing approximately 033 degrees T across Beach Thorofare; and

iv. All of an unnamed lagoon at the northwest corner of Lakes Bay.

10. Great Egg Harbor River (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4).

i. All Great Egg Harbor River and tributaries upstream from a line starting at a Department maintained marker at the mouth of Powell Creek and bearing approximately 248 degrees T across the river to another Department maintained marker.

11. Ocean City area: All of the body of water known as The Lagoon (location of Coast Guard Station, Ocean City).

12. Strathmere and Sea Isle City area (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4):

i. An area adjacent to the Town of Strathmere inshore from a line along the western side of the Ocean Drive Bridge to the portion that opens, then bearing approximately 212 degrees T to the boat ramp at the end of Bayview Avenue, Strathmere;

ii. All of the unnamed tributary to the east of Whale Creek;

iii. All of Ludlam Thorofare from a line bearing approximately 229 degrees T through Flashing Red light 350 (Fl R 8ft "350") to a line bearing approximately 122 degrees T through Flashing Red light 8ft 362 (Fl R 8ft "362").

iv. All of Sunks Creek and tributaries thereof.

13. Avalon area:

i. All those waters contained within a line from the Avalon Yacht Club proceeding in a southwest direction across the mouth of Cornell Harbor, then along that shoreline and across the mouth of Pennsylvania Harbor,

then continuing along that shoreline and across the mouth of Princeton Harbor, then continuing along the eastern shoreline of Gravens Thorofare to its junction with Long Reach, then along the northeast shoreline of Long Reach in a southeasterly direction across the mouths of several lagoons, then to the end of 51st Street, Avalon, then along Ocean Drive in a northerly direction, then along 7th Street, Avalon, to the point of origin at the Avalon Yacht Club and terminating.

14. Stone Harbor area (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4):

i. All the body of water running parallel with Seven Mile Beach, not including tributaries;

ii. All of Oldman Creek;

iii. All of Oyster Creek;

iv. All of Scotch Bonnet northwest of the line defined by two Department maintained markers beginning at the southeast point of the mouth of Mulford Creek and bearing approximately degrees 072 T;

v. All of Ludlam Gut;

vi. All of Muddy Hole;

vii. All of Stone Harbor Canal;

viii. All of Hetty Creek;

ix. All of Crooked Creek;

x. All of Mulford Creek and the creek connecting it with Crooked Creek; and

xi. All of Holmes Creek upstream of a line across the creek beginning at the first drainage ditch on the north bank inside the creeks' mouth.

15. Jenkins Sound Area:

i. All of Shellbed Creek;

ii. All of Slab Creek;

iii. All of Back Creek;

iv. All of Charles Creek; and

v. All of Josh Creek.

16. The Wildwoods Area (Note: Portions are also designated as Special Restricted and Seasonal. See: N.J.A.C. 7:12-3 and 4):

i. All of Grassy Sound Channel and tributaries thereof south of a line defined by Department maintained makers on either shoreline approximately 100 yards. south of Fl R 8ft "459" to a line beginning at a Department maintained marker at the western end of Aster Street, Wildwood Crest and bearing approximately 290 degrees T to a Department maintained marker on the south end of Ephraims Island, then bearing approxi-

mately 240 degrees T to a Department maintained marker on Shaw Island, then along the shoreline in a westerly direction to a Department maintained marker then bearing approximately 273 degrees T across Shaw Cutoff to a Department maintained marker on the north side of the mouth of Stingaree Creek including all of Richardson Channel and tributaries, Sedge Creek and Stites Creek;

ii. All those waters lying between North Wildwood Boulevard and Jenkins Channel and Jenkins Sound, including Gravelly Run and Turtle Gut;

iii. All of Beach Creek and tributaries thereof;

iv. All of Richardson Sound within a line beginning at the western end of the Route 47 bridge to a Department maintained marker at the mouth of Gar Creek, then proceeding easterly to the northernmost tip of Wishbone Island, then along the shoreline of Wishbone Island to its easternmost point, then proceeding easterly to another Department maintained marker on the northernmost tip of Hildreth Meadow, then southwesterly along the shoreline of Hildreth Meadow to the eastern end of the Route 47 bridge, then northwesterly along the bridge to the point of origin at the western end of the bridge;

v. All of Old Turtle Thorofare and its tributaries north and east of its junction with Tempe Creek;

vi. All of Tempe Creek and tributaries thereof;

vii. All of Cresse Creek and tributaries thereof;

viii. All of the tributaries of Richardson Sound northwest of the Intracoastal Waterway;

ix. All of Post Creek and Ottens Harbor and tributaries thereof;

x. All of Reubens Thorofare and tributaries thereof; and

xi. All of Taylor Creek, Jones Creek, Meadow Creek, Shell Thorofare and Punyard Creek.

17. Cape May (Note: A portion is also designated as a Special Restricted area. See N.J.A.C. 7:12-3):

i. All of Upper Thorofare and tributaries thereof;

ii. All of Middle Thorofare and tributaries thereof;

iii. All of Lower Thorofare and tributaries thereof;

iv. All of Skunk Sound and tributaries thereof;

v. All of Cape Island Creek and tributaries thereof;

vi. All of Cape May Canal and tributaries thereof; and

vii. That area of Cape May Harbor described in N.J.A.C. 7:12-3(a)32i which lies adjacent to the U.S.C.G. harbor area inshore from a line connecting Flashing Green light Number 5 (FL G 4 sec. "5") with G "9" PA.

18. Delaware Bay area (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4):

i. All that portion of Delaware Bay contained within a line beginning at the Cape May Point Light-house (Fl 15(s) 165ft 24M) and bearing approximately 336 degrees T to Red Number 8 (Fl R 2.5s Bell) then bearing approximately 054 degrees T to the standpipe at North Cape May and terminating;

ii. All of Cox Hall Creek and Fishing Creek;

iii. All of Dias Creek;

iv. All of the Bidwell Creek upstream of the easterly side of the Route 47 bridge;

v. All that portion of Delaware Bay inshore of a line from the marker (Department maintained) on the point of land on the west shore of West Creek and bearing approximately 142 degrees T to the mainland south of Goshen Creek and terminating:

(1) All of Goshen Creek and tributaries thereof;

(2) All of Dennis Creek and tributaries thereof;

(3) All of East Creek and tributaries thereof; and

(4) All of West Creek and tributaries thereof;

vi. All of Riggins Ditch and tributaries thereof;

vii. All of Maurice River and tributaries upstream of a line from the end of Berry Avenue (Shellpile) and bearing approximately 214 degrees T across the river to a Department maintained marker and terminating; and

viii. All of Cohansey River and tributaries upstream of a line from QG 24ft 5M "1" and bearing approximately 097 degrees T across the mouth, to a Department maintained marker and terminating.

19. All of the New Jersey portion of the Delaware River and tributaries thereof lying northwest of a straight line beginning at the southern dome (Salem Nuclear Power Plant) and bearing approximately 230 degrees T towards the point of land, on the southern shore, at the mouth of Blackbird Creek.

20. Atlantic Ocean:

(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 approximately 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.

Amended by R.2006 d.87, effective February 21, 2006.

See: 37 N.J.R. 3897(a), 38 N.J.R. 1187(a).

In (a)20i, adjusted the boundary of the Prohibited area around Neptune Sewage Authority's effluent discharge.

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:

30. The Wildwoods area:

i. Those waters of Grassy Sound Channel from the Ocean Drive Bridge (Route 619) North Wildwood, southwest to a line bearing approximately 062 degrees T through Fl R 4s "442";

ii. All of Sunset Lake south of a line beginning at a Department maintained marker at the end of Aster Street, Wildwood Crest and bearing approximately 290 degrees T to a Department maintained marker on the south end of Ephraims Island then bearing approximately 240 degrees T to a Department maintained marker at Shaw Island then along the shoreline in a westerly direction to a Department maintained marker then bearing approximately 273 degrees T across Shaw Cutoff to a Department maintained marker at the north side of the mouth of Stingaree Creek then across the mouth of Stingaree Creek to a Department maintained marker on the other side of Stingaree Creek then continuing in a westerly direction along the shoreline of Swain Channel and including Swain Channel to a Department maintained marker at the junction of Taylor Sound and Swain Channel. All that portion of Taylor Sound beginning at a Department maintained marker at the junction of Swain Channel and Taylor Sound then continuing along the shoreline in a northwesterly direction to Terrapin Thorofare and including Terrapin Thorofare, then continuing along the shoreline to a Department maintained marker at the north side of the mouth of Taylor Creek bearing approximately 213 degrees T to a Department maintained marker on the south side of the mouth of Jones Creek, then continuing along the shoreline in an easterly direction to a Department maintained marker on the west side of the mouth of Reubens Thorofare, then bearing 123 degrees T across the mouth of Reubens Thorofare to a Department maintained marker on the other side of Reubens Thorofare, then continuing easterly along the shoreline of Swain Channel to Jarvis Sound Thorofare and including Jarvis Sound Thorofare and continuing east to Old Turtle Creek and including Old Turtle Creek, then continuing in an easterly direction along the shoreline of Swain Channel to an unnamed body of water known as the Intracoastal waterway (ICW) then turning in a southerly direction at the junction with the ICW and continuing along the shoreline of the ICW to Jarvis Sound at a point at latitude 38 degrees 58 minutes 24.9 seconds N, longitude 74 degrees 51 minutes 41.7 seconds W, then bearing approximately 137 degrees T to a point at latitude 38 degrees 58 minutes 19.9 seconds N, longitude 74 degrees 51 minutes 35.6 seconds W, then turning in an easterly direction at the junction of the ICW and Sunset Lake then following the shoreline around back to a Department maintained marker at the point of origin and terminating.

iii. All of the waters in the south portion of Jarvis Sound from a Department maintained marker north of

the mouth of Upper Thorofare at latitude 38 degrees 58 minutes 12.4 seconds N, longitude 74 degrees 52 minutes 39.1 seconds W, bearing approximately 222 degrees T across to a Department maintained marker on the south side of the mouth of Upper Thorofare then continuing along the shoreline in an easterly direction to a Department maintained marker on the west side of the mouth of Middle Thorofare bearing approximately 125 degrees T across the mouth of Middle Thorofare to a Department maintained marker on the other side then again continuing east to a Department maintained marker on the west side of the mouth of Lower Thorofare and bearing approximately 084 degrees T across the mouth of Lower Thorofare to a Department maintained marker on the other side then continuing along the shoreline in a northerly direction to a Department maintained marker at latitude 38 degrees 57 minutes 38.4 seconds N, longitude 74 degrees 51 minutes 56.6 seconds W, then bearing approximately 316 degrees T to a Department maintained marker at latitude 38 degrees 57 minutes 54.7 seconds N, longitude 74 degrees 52 minutes 16.6 seconds W, and back to the point of origin and terminating.

31. Cape May area: All of Cape May Inlet and Cape May Harbor inside a line beginning at Flashing Light 7M (Fl 4 sec. 30 ft. 7M) Fl R 4s 30 ft. 6M "4" at the outermost end of east jetty at Cape May Inlet, along the jetty and shoreline until it intersects a line connecting the 641 ft. Loran Tower on the north side of the inlet and range light Q 22 ft. marking the entrance channel through Cape May Inlet, then along the shoreline in a westerly direction and across Skunk Sound to a line connecting flashing red light (Fl R 4 sec.) marking the entrance to Cape May Canal and the radio tower at the U.S.C.G. Receiving Station, along that line to the shoreline along the shoreline to a line beginning at the tank on the U.S.C.G. Training Center and bearing approximately 331 degrees T to buoy G "9" PA then along a line connecting buoy G "9" PA with flashing green light 5 (Fl G 4 sec. "5") then to the shore bearing approximately 157 degrees T, then along the shoreline to the light (Fl G 4 sec. 20 ft. 5m "5") at the end of the jetty then across the inlet to the Flashing light "4" (Fl R 4 sec. 30 ft. 6M "4") and terminating.

32. Delaware Bay area (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4):

i. Maurice River and Maurice River Cove: Maurice River and tributaries thereof and that portion of Maurice River Cove between the following two lines:

(1) All of the water upstream of a line beginning at the East Point Lighthouse and bearing approximately 226 degrees T to Flashing Green 2.5 second "5" (Fl G 2.5 sec "5") in the Maurice River Approach Channel then bearing approximately 323 degrees T to a Department maintained marker at latitude 39 degrees 11 minutes 47.9 seconds N, longitude 75 de-

grees 2 minutes 41.6 seconds W, then bearing approximately 323 degrees T to a Department maintained marker at latitude 39 degrees 12 minutes 16.7 seconds N, longitude 75 degrees 3 minutes 10.0 seconds W, then bearing approximately 323 degrees T to a Department maintained marker at latitude 39 degrees 12 minutes 52.5 seconds N, longitude 75 degrees 3 minutes 45.2 seconds W on the western bank of the Maurice River Cove and terminating;

(2) A line from the end of Berry Avenue (Shell-pile) and bearing approximately 214 degrees T across the River to a Department maintained marker; and

ii. Dividing Creek (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4): All of Dividing Creek and tributaries upstream from a line beginning on the southerly bank at the entrance to Ogdens Creek and bearing 251 degrees T to the opposite shore of Dividing Creek;

iii. Oranoaken Creek (Note: A portion is also designated as Seasonal. See: N.J.A.C. 7:12-4): All of Oranoaken Creek in the area known as The Glades and north of Weir Creek;

iv. The Glades: All the water known as The Glades north from their confluence with Weir Creek, including that portion of Oranoaken Creek north from Weir Creek;

v. Straight Creek: All of Straight Creek;

vi. Nantuxent Cove area (Note: A portion is also designated as Seasonal. See: N.J.A.C. 7:12-4):

(1) All of Nantuxent Creek upstream from a straight line across the creek beginning at the confluence of the next large tributary (unnamed) on the south side of Nantuxent Creek downstream from Hay Cut Creek and bearing approximately 300 degrees T;

(2) All of Cedar Creek upstream from a straight line across the creek beginning at the confluence of the first tributary on the north side of Cedar Creek upstream from the mouth of Cedar Creek and bearing 153 degrees T; and

(3) All of Beach Creek.

vii. Fortescue Creek: All of Fortescue Creek;

viii. Beadons Creek: All of Beadons Creek;

ix. All of that portion of Delaware Bay and tributaries thereof inshore of a line from a Department maintained marker at Beadon Point and bearing approximately 309 degrees T towards flashing light (Fl 4 sec. 33 ft. 6M), but terminating at a Department maintained marker on the shoreline at Nantuxent Point; and

x. Cohansey Cove area: All of Delaware Bay and Cohansey Cove included within a line from within a line from QG Fl 24 ft. 5M "1" and bearing approximately

245 degrees T to buoy "10", then bearing approximately 099 degrees T to a Department maintained marker on the mainland, then along the mainland (including tributaries) in a northwesterly direction to a Department maintained marker at the mouth of Cohansey River, then bearing approximately 277 degrees T to QG Fl 24 ft. 5M "1", the point of origin and terminating.

33. Delaware River area:

i. All of the New Jersey portion of the Delaware River and its tributaries thereof and the New Jersey section of Delaware Bay and its tributaries between the two lines described herein:

(1) A straight line beginning northwest of the mouth of Cherry Tree Creek bearing approximately 169 degrees T to a point at Latitude 39 degrees 24 minutes 8.8 seconds N, Longitude 75 degrees 26 minutes 29.7 seconds W. then bearing approximately 169 degrees to a point northwest of Big Stone Beach, Delaware, at Latitude 39 degrees 0 minutes 38 seconds N., Longitude 75 degrees 20 minutes 2 seconds and this line intersects the New Jersey-Delaware boundary line at Latitude 39 degrees 20 minutes 9.9 seconds N., Longitude 75 degrees 25 minutes 24.5 seconds W.;

(2) A straight line beginning at the southern dome (Salem Nuclear Power Plant) and bearing approximately 230 degrees T towards the point of land, on the southern shore, at the mouth of Blackbird Creek; and

(3) All of Stow Creek and Mad Horse Creek.

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 Special Restricted.

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

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

Deleted and replaced (d)1,j At (a)18 amended coordinates; at (a)21 added new i and renumbered remaining subparagraphs; at (a)28 added new i and ii, deleted old; and renumbered; and deleted (a)30 and renumbered remaining paragraphs.

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 deleted; Ludlam Bay added.

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).

Changed delineation of waters of Cedar Run; changed delineation of waters of Great Thorofare and Beach Thorofare; added waters of Ship Channel and added Grassy Sound Channel.

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).

Reclassifications at (a)29 and technical changes upon adoption at (a)6, 8v, 10, 23i, 25iii, 29, 30i and 31.

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

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

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).

In (a)3, added text "west of the Oceanic Bridge"; added (a)20ix; amended (a)25iv; deleted (a)25v; recodified existing (a)25vi through viii to (a)25v through vii; amended (a)30i; rewrote (a)30ii and deleted (a)30iii.

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)25iii, substituted "320 degrees" for "342 degrees" in the first sentence.

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

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

In (a), substituted ", then bearing approximately 267 degrees T to the westernmost tip of NW Point Island, then along the northern and eastern shoreline of NW Point Island" for "along the southwestern shoreline to the department maintained marker at the southernmost tip of the island, then bearing approximately 191 degrees T," following "Middle Sedge Island, then" in 7, inserted "latitude 39 degrees 30 minutes 32 seconds North," following "coordinates", substituted "33" for "36" following "19 minutes", and substituted "085" for "086" following "approximately" in 20ix, changed N.J.A.C. reference in 21i, and rewrote 28v.

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

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

Rewrote the section.

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 1, 24i, 24iii and 24iv.

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 2ii, 6, 7, 8ii, 8iii, 8v, 9, 11ii, 13ii, 14i, 24iv to 24vi, 25iii, 30ii, 31 and 32x.

Amended by R.2004 d.215, effective June 7, 2004.

See: 36 N.J.R. 120(a), 36 N.J.R. 2759(a).

In (a), deleted former 13ii, recodified former 13iii and 13iv as 13ii and 13iii, rewrote 30ii and added 30iii.

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), rewrote 3 and 32i(1).

Administrative correction.

See: 38 N.J.R. 3163(a).

Amended by R.2007 d.273, effective August 20, 2007.

See: 39 N.J.R. 1219(a), 39 N.J.R. 3531(a).

In (a)30iii, substituted "Department maintained marker" for "point" twice and inserted "to a Department maintained marker at latitude 38 degrees 57 minutes 54.7 seconds N, longitude 74 degrees 52 minutes 16.6 seconds W, and"; and rewrote (a)32i(1) and (a)33i(1).

mately 60 degrees T to a Department maintained marker at the north easternmost point of land at the mouth of Claypit Creek, then following the shoreline in an easterly direction to a Department maintained marker at the south easternmost point of land at lower Rocky Point, and continuing on a line bearing approximately 135 degrees T to the southernmost white obstruction buoy, then continuing to the north easternmost point of land on the first adjacent unnamed island, then continuing to the northeast tip of the second adjacent unnamed island, then along the eastern shoreline to the south easternmost point, then to a Department maintained marker on the north easternmost point of land on the adjacent third unnamed island, then following the eastern shoreline to a Department maintained marker on the southern shoreline, then along a line bearing 174 degrees T to a Department maintained marker, then bearing 244 degrees T across the mouth of an unnamed creek, then continuing along the shoreline to a Department maintained marker at the end of Navesink Avenue, then following a line across Black Point Creek bearing 280 degrees T to the southeasterly point of land on Barley Point Island, then following the shoreline in a northwesterly direction to a Department maintained marker on the westernmost point of land on the island, then along a line bearing 250 degrees T to a Department maintained marker on a point of land at the end of the Avenue of Two Rivers, then following the shoreline in a westerly direction to the southern base of the Oceanic Bridge, then along a line crossing the Oceanic Bridge and terminating at its northern base.

2. Shrewsbury River: All those waters contained within a line originating at southeastern bascule of the Route 520 Highway Bridge and proceeding in a southerly direction along a line connecting the westernmost ends of the docks on the eastern shore of the Shrewsbury River to the northernmost corner of the abutment at the western end of Center Street, Sea Bright, thence in a southwesterly direction to the northeastern corner of Gunning Island at coordinates latitude 40 degrees, 21 minutes, 31 seconds North and longitude 73 degrees, 58 minutes, 41.4 seconds West, thence in a southerly direction along the coastline of Gunning Island to the southeastern corner of Gunning Island at coordinates latitude 40 degrees, 21 minutes, 24.9 seconds North and longitude 73 degrees, 58 minutes, 39.7 seconds West, thence in a southerly direction to the eastern end of Sedge Island at coordinates latitude 40 degrees, 21 minutes, 13.2 seconds North and longitude 73 degrees, 58 minutes, 35.4 seconds West, thence in a southerly direction along the coastline of Sedge Island to the southern corner of Sedge Island at coordinates latitude 40 degrees, 21 minutes, 10.4 seconds North and longitude 73 degrees, 58 minutes, 36.9 seconds West, thence in a southwesterly direction to the northeastern corner of an unnamed island at coordinates latitude 40 degrees, 20 minutes, 56.4 seconds North and longitude 73 degrees, 58 minutes, 49.8 seconds West, thence in a northwesterly direction along the shoreline of the island to the southwestern corner of the island at coordinates latitude 40 degrees, 20 minutes, 34.1 seconds

SUBCHAPTER 4. SEASONALLY APPROVED SHELLFISH GROWING WATERS

7:12-4.1 Seasonally Approved growing waters (Approved November 1 through April 30 yearly, Special Restricted May 1 through October 31, yearly)

(a) The following shellfish growing waters designated on the charts referred to in N.J.A.C. 7:12-1.1 shall be Special Restricted for the harvest of shellfish from May 1 through October 31 yearly and Approved for the harvest of shellfish from November 1 through April 30 yearly:

1. Navesink River: Seasonally Approved (Special Restricted May 1 through October 31 yearly; Approved November 1 through April 30 yearly): All those waters contained within a line originating at the northern base of the Oceanic Bridge at Locust Point, then bearing approxi-

North and longitude 73 degrees, 58 minutes, 54 seconds West, thence in a southwesterly direction to a Department maintained marker at coordinates latitude 40 degrees, 20 minutes, 27.1 seconds North and longitude 73 degrees, 59 minutes, 4.2 seconds West, thence to a Department maintained marker at coordinates latitude 40 degrees, 21 minutes, 12.9 seconds North and longitude 73 degrees, 59 minutes, 31.5 seconds West, thence in a northeasterly direction along the shoreline to Oyster Bay, thence in an easterly direction across the mouth of Oyster Bay, thence in a northerly direction along a line connecting the eastern end of the docks protruding into the Shrewsbury River to the southwestern bascule of the Route 520 Bridge, thence to the origination point at the southeastern bascule of the bridge, and terminating.

3. Barnegat Bay Area:

i. Bay Head and Mantoloking area: All those waters of Northern Barnegat Bay and tributaries south of a line beginning at the southwestern abutment of the Mantoloking Bridge (County Route 528) with coordinates latitude 40 degrees 2 minutes 25.4 seconds North and longitude 74 degrees 3 minutes 23.4 seconds West then following the western shoreline of the Bay to the easternmost point of land on Swan Point and bearing approximately 141 degrees T to Flashing Green light "15" (QG 8 ft. "15") and then following the east side of the inland waterway channel bearing approximately 227 degrees T to Flashing Green light "17" (FG G 6s "17") then bearing approximately 210 degrees T to the most westerly point of land on Curtis Point thence following the eastern shoreline in a northerly direction to the southeastern abutment of the Mantoloking Bridge (and continuing along the southern edge of the bridge to the southwestern abutment of the bridge with coordinates of latitude 40 degrees 2 minutes 25.4 seconds North and longitude 74 degrees 3 minutes 23.4 seconds West where this line terminates. (This designation of Seasonally Approved waters directly adjoins those defined as Special Restricted in N.J.A.C. 7:12-3.2(a)6.)

ii. Island Beach areas: Mantoloking to Berkeley Township: All those waters of Barnegat Bay and its tributaries east of a line beginning on the westernmost point of land on Curtis Point (Brick Township) and the bearing approximately 186 degrees T to the most westerly point of land on Dutchman's Point (just south of Mantoloking Shores), then bearing approximately 205 degrees T to the easternmost point of Middle Sedge Island, and terminating. (This designation of Seasonally Approved waters directly adjoins those defined as Special Restricted in N.J.A.C. 7:12-3.2(a)7.)

iii. Havens Cove: All those waters of Havens Cove, West of a line beginning on the northern side of an unnamed manmade waterway with coordinates of latitude 40 degrees 1 minute 49.8 seconds N and longitude 74 degrees 4 minutes 28.6 seconds W and bearing approxi-

mately 188 degrees T for .52 nautical miles toward a point just north of the most easterly tip of Havens Point with coordinates of latitude 40 degrees 1 minute 18.9 seconds N and longitude 74 degrees 4 minutes 34.6 seconds W. (This designation of Seasonally Approved waters directly adjoins those waters defined as Special Restricted in N.J.A.C. 7:12-3.2(a)8i.)

iv. Kettle Creek: Kettle Creek north and west from a straight line beginning at Seaweed Point and bearing approximately 241 degrees T to Andrew Point at Green Island and terminating and east and south of a straight line beginning at the westernmost end of Long Point Island and at coordinates latitude 40 degrees 0 minutes 0 seconds North and longitude 74 degrees 6 minutes 4.7 seconds West and bearing approximately 270 degrees T to the northernmost point on Green Island with coordinates latitude 40 degrees 0 minutes 0 seconds North and longitude 74 degrees 6 minutes 26.2 seconds West and terminating. (This designation of Seasonally Approved waters directly adjoins those defined as Special Restricted in N.J.A.C. 7:12-3.2(a)8ii.)

v. Silver Bay: Silver Bay west of a straight line beginning at the southernmost point of land on Andrew Point (Green Island) and bearing approximately 185 degrees T and terminating on the most easterly point on Cattus Island Park (Ocean County) and east of a straight line beginning at the southernmost point of land on Andrew Point (Green Island) and bearing approximately 202 degrees T and terminating at a Department maintained marker on Cattus Island Park (Ocean County) with coordinates of latitude 39 degrees 59 minutes 41 seconds North and longitude 74 degrees 6 minutes 54.7 seconds West. (This designation of Seasonally Approved waters directly adjoins those defined as Special Restricted in N.J.A.C. 7:12-3.2(a)8iii.)

vi. Island Beach State Park area: All those waters in Barnegat Bay from a point of land, latitude 39 degrees 54 minutes 24 seconds N, longitude 74 degrees 5 minutes 13 seconds W, then bearing approximately 254 degrees T to a Department maintained marker at latitude 39 degrees 54 minutes 22 seconds N, longitude 74 degrees 5 minutes 20 seconds W, then bearing 136 degrees T to a point of land at Island Beach State Park at latitude 39 degrees 54 minutes N, then continuing northbound along the coastline to the point of origin and terminating.

vii. Toms River area: All of those waters lying within a line beginning at Flashing Red light "28" (Fl R 4s "28") and bearing approximately 160 degrees T through Quick Green light "29" (QG "29") to the western point of land on Pelican Island, then bearing approximately 129 degrees T to Flashing Green light "3" (Fl G "3"), then bearing approximately 170 degrees T to the western of the municipal pier off 5th Avenue in Seaside, then bearing approximately 290 degrees T toward a Department maintained marker on the unnamed point of land

approximately 500 yards south of Good Luck Point to a Department maintained marker located approximately 250 feet east of the unnamed point with coordinates of latitude 39 degrees 55 minutes 35.5 seconds North and longitude 74 degrees 6 minutes 17.9 seconds West, then bearing approximately 170 degrees T to a Department maintained marker located at coordinates latitude 39 degrees 55 minutes 19.7 seconds North and longitude 74 degrees 6 minutes 16.3 seconds West, then bearing approximately 220 degrees T to Quick Red light "38" (QR "38"), then bearing approximately 042 degrees T to the

most easterly point of Barnegat Pier, then proceeding in a northerly direction along the shoreline to a Department maintained marker at Good Luck Point, then bearing approximately 353 degrees T toward the most easterly point of land at Windsor Park (north of the Mathis Bridge) to the Mathis Bridge (Route 37), then in an easterly direction along the Mathis Bridge to a point with coordinates latitude 39 degrees 56 minutes 49.7 seconds North and longitude 74 degrees 6 minutes 17.7 seconds West, then bearing approximately 002 degrees T to Flashing Red light "28" (Fl R 4s "28"), and terminating.

ii. Ballanger Creek area: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Ballanger Creek and tributaries upstream from a straight line beginning at the westernmost point of land on the south bank of Ballanger Creek and bearing approximately 000 degrees T to the opposite shore of the creek to the Department maintained markers located upstream and as defined in N.J.A.C. 7:12-3;

(2) All of Winter Creek from its juncture with Ballanger Creek upstream to the Department maintained marker described in N.J.A.C. 7:12-3.2(a)20iii(2).

iii. Roundabout Creek area: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Roundabout Creek and tributaries upstream from a straight line beginning at the southernmost point of land on the east bank of Roundabout Creek and bearing approximately 306 degrees T to the opposite shore of the creek to the Department maintained markers described in N.J.A.C. 7:12-3.2(a)20iv.

iv. Judies Creek: Seasonal—Special Restricted May 1 through October 30 yearly, Approved November 1 through April 30 yearly:

(1) All of Judies Creek and tributaries upstream from its confluence with Basses Bay to the Department maintained markers as described in N.J.A.C. 7:12-3.2(a)20v.

v. Great Bay area: Seasonal—Special Restricted May 1 through October 31, Approved November 31 through April 30 yearly:

(1) All the waters within the unnamed cove adjacent to Rands Boats Marina from a point located at latitude 39 degrees 32 minutes 20.5 seconds N., and longitude 74 degrees 19 minutes 53 seconds W., then proceeding in a southwesterly direction to Fl "1" and thence in a southeasterly direction to a point located at latitude 39 degrees 32 minutes 10 seconds N., and longitude 74 degrees 19 minutes 51.5 seconds W., on the opposite bank.

(2) All waters of Big Sheepshead Creek beginning at FL G "1" located at latitude 39 degrees 31 minutes 47.5 seconds N., and longitude 74 degrees 19 minutes 45 seconds W., and proceeding in an easterly direction along the shoreline to the bridge base located on the northeastern corner of the bridge on Seven Bridges Road, thence in a southeasterly direction to the bascule located on the southwestern corner of the bridge, thence in a westerly direction along the shoreline to a point located at the approximate latitude 39 degrees 31 minutes 42.2 seconds N., and longitude 74 degrees 19 minutes 42 seconds W.,

and thence in a northwesterly direction to the point of origin and terminating.

6. Absecon Bay, Absecon Channel and Absecon Inlet area: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. Absecon Bay starting from the Department maintained marker, located approximately 0.96 miles west from the mouth of Absecon Creek (latitude North 39 degrees 24 minutes 29.3 seconds and longitude West 74 degrees 29 minutes 10.8 seconds) continuing southwest along the shoreline, then crossing over the mouth of Jonathan Thorofare and continuing south eastward along the shoreline toward another Department maintained marker located at the mouth of an unnamed thorofare (latitude North 39 degrees 23 minutes 40.8 seconds and longitude West 74 degrees 28 minutes 48.8 seconds), then bearing approximately 342 degrees T to the point of origin: Absecon Channel and all waters contained within a line from the base of the Justice Vincent's Haneman Bridge (Rt. 87) starting on the Atlantic City side and extending northeast toward Brigantine City and continuing along the shoreline to Rum Point, then crossing over the mouth of St. George's Thorofare and continuing to the seaward end of the jetty on the eastern shore, at the mouth of Absecon Inlet, then channelward to a line from RN "2"(FIR2.5s) and bearing approximately 174 degrees T to the midspan of the Justice Vincent's Haneman Bridge, then running northwest along the line to the Rt. 87 bridge, note section of the channel is classified as Special Restricted, see N.J.A.C. 7:12-3.2(a)23i;

ii. All those waters in the unnamed cove (southwest of Somers Cove) from a Department maintained marker on the northern shoreline and bearing approximately 215 degrees T across the cove to another Department maintained marker and along that shoreline in a northerly direction to a Department maintained marker, then bearing approximately 005 degrees T to another Department maintained marker, then along the shoreline in a generally easterly direction to the point of origin and terminating.

7. Brigantine Area: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. All the waters of St. George's Thorofare from the point of land on the eastern shore, at the mouth of Conch Lagoon, and bearing approximately 358 degrees T to the north side of St. George's Thorofare, then along that shoreline in a westerly direction to a Department maintained marker at Rum Point, then bearing approximately 108 degrees T to the opposite shore of St. George's Thorofare, then along that shoreline in a generally easterly direction, eventually crossing the mouths of Sea King Lagoon and Conch Lagoon to the point of origin.

8. Lakes Bay—Shelter Bay—Risley Channel Area: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. All that portion of Lakes Bay, Shelter Bay and adjoining thorofares contained within a line from the Pleasantville Yacht Club and following the channel markers Fl G "15," Fl G "13," Fl G "11," Fl R "8" to Fl G "7," then bearing approximately 061 degrees T across the northernmost tip of a small unnamed island to Great Island, then along the shoreline of Great Island in a southerly direction to a Department maintained marker at latitude 39 degrees 21 minutes 24.82 seconds N., and longitude 74 degrees 29 minutes 49.31 seconds W., then to a Department maintained marker at latitude 39 degrees 21 minutes 17.16 seconds N., and longitude 74 degrees 29 minutes 56.73 seconds W., at the northwestern tip of Shelter Island, then continuing in a southerly direction along the shoreline of Shelter Island to a Department maintained marker at latitude 39 degrees 20 minutes 44.94 seconds N., and longitude 74 degrees 30 minutes 11.84 seconds W., at the southernmost tip of Shelter Island, then proceeding in a southwesterly direction to a Department maintained marker at latitude 39 degrees 20 minutes 43.61 seconds N., and longitude 74 degrees 30 minutes 29.92 seconds W., on an unnamed island, then bearing approximately 245 degrees T to Jonas Island, then along the eastern shoreline, then along northern shoreline, then along western shoreline to a Department maintained marker, then bearing approximately 204 degrees T to Pork Island, then along the shoreline in a westerly direction to the southwestern corner of the bridge base on the eastern section at the base of the Ventnor-Margate Bridge at a point latitude 39 degrees 20 minutes 27.45 seconds N., and longitude 74 degrees 31 minutes 18.64 seconds W., then in a northwesterly direction across Shelter Island Waters at the base of the bridge to the base of the bridge located on Toms Island at the northwestern corner of the eastern section of the Ventnor-Margate Bridge at latitude 39 degrees 20 minutes 32.45 seconds N., and longitude 74 degrees 31 minutes 24.16 seconds W., on Toms Island, then continuing in a northeasterly direction along the coast of Toms Island to a point at approximately latitude 39 degrees 20 minutes 42.31 seconds N., and longitude 74 degrees 31 minutes 34.22 seconds W., on the northern edge of Williams Island located at the northwestern corner of the bridge base on the western section of the Ventnor-Margate Bridge, then proceeding across Whirlpool Channel at the base of the bridge to a point at approximately latitude 39 degrees 20 minutes 47.06 seconds N., and longitude 74 degrees 31 minutes 42.13 seconds W., on the southeasterly side of Kiahs Island, then along that shoreline in a northeasterly direction (approximately 1,900 yards) to a Department maintained marker, then bearing approximately 340 degrees T to the opposite shoreline at the point of land on the east side of the mouth of the unnamed creek just east of Stillman Creek, then continuing in an easterly direction along the northern shoreline of Dock Thorofare, Lakes Channel and Lakes Bay to its point of origin at the Pleasantville Yacht Club and terminating.

9. Ocean City-Somers Point Area-Great Egg Harbor Bay: Seasonal-Special Restricted May 1 through October 31, yearly, Approved November 1 through April 30 yearly;

i. All the waters contained within a line from the base of the Ocean City-Longport Bridge in Ocean City, extending to the southern end of the bascule, then bearing approximately 285 degrees T to GC "251", then bearing approximately 223 degrees T to the northern end of the bascule on the Ocean City-Somers Point Bridge, then bearing approximately 261 degrees T to Cowpens Island and along the southern shoreline in a westerly direction to a Department maintained marker, then bearing approximately 286 degrees T to Flashing red light 262 (Fl Q R "262") at the easternmost tip of the unnamed island adjacent to Shooting Island, then bearing approximately 140 degrees T to the end of West 16th Street, Ocean City, then along the Ocean City shoreline in a northeasterly direction, across the mouth of the Lagoon to the point of origin at the base of the Ocean City-Longport Bridge and terminating.

ii. All of those waters in Ship Channel within a line bearing approximately 190 degrees T through a Department maintained marker on the northern shore of Ship Channel approximately 1,000 feet west of the mouth of the Anchorage Point Lagoon, to another Department maintained marker on an unnamed island on the southern shore of Ship Channel, then bearing approximately 066 degrees T to another Department maintained marker which is approximately 1,000 feet east of the mouth of the Anchorage Point Lagoon, then proceeding northwesterly along the shoreline of Ship Channel, across the mouth of the Anchorage Point Lagoon and to the point of origin at the Department maintained marker.

iii. All the waters of Ship Channel contained within a line from the base of the Somers Point Ocean City Bridge in Somers Point, then along the bridge to the northern end of the bascule, then bearing approximately 056 degrees T to Flashing light "1" (Fl "1"), then bearing approximately 310 degrees T to a point of intersection with the shoreline of Ship Channel, then proceeding westerly along the shoreline of Ship Channel to the point of origin at the base of the Somers Point-Ocean City Bridge and terminating.

iv. All of the waters of Great Egg Harbor Bay and its tributaries north of a line from the tip of the municipal pier at the boat ramp at Kennedy Parks, Somers Point, to the tip of a privately maintained pier (High Bank Apartments, Broadway, Somers Point) which is just west of the municipal pier, then bearing approximately 260 degrees T to a Department maintained marker located on the northern shore of Drag Channel.

v. All the waters of Peck Bay contained within a line from the base of the 34th Street Bridge (Ocean City) and continuing along the Ocean City shoreline in a northeasterly direction to a Department maintained marker, then bearing approximately 295 degrees T to another Department maintained marker on the mainland, then along the shoreline in a southerly direction to the base of the 34th Street Bridge and across the bridge to the point of origin and terminating.

vi. All of Crook Horn Creek from its confluence with the northern end of Beach Creek to Middle Thorofare.

10. Strathmere Area: Seasonal—Special Restricted May 1 through October 31 yearly. Approved November 1 through April 30 yearly;

i. All that portion of Main Channel within the area enclosed by a straight line from the north end of the Ocean Drive Bridge, along the western side of the bridge to the portion that opens, then bearing approximately 212 degrees T to the boat ramp located at the end of Bayview Avenue, Strathmere, then along that shoreline to the mouth of Whale Creek, then along a straight line across Main Channel bearing approximately 194 degrees T to a small ditch on the opposite shore then along the shoreline of Main Channel to its point of origin at the Ocean Drive Bridge and terminating.

ii. Whale Creek—all of Whale Creek from the Department maintained marker at eastern side of the mouth, then along the eastern bank of Whale Creek (excluding unnamed tributary) to the Department maintained marker at the junction with Ludlam Bay, then bearing approximately 305 degrees T to another Department maintained marker on the opposite bank, then along that shoreline in a northeasterly direction to the mouth of the creek, then bearing approximately 082 degrees T to the point of origin.

11. Great Sound area:

i. Holmes Creek and Holmes Creek Cove: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Holmes Creek and Holmes Creek Cove contained within a straight line beginning at Halfmile Point and bearing approximately 335 degrees T to the opposite shore and along that shoreline in a westerly direction, excluding drainage ditches which remain Condemned to the mouth of Holmes Creek, then continuing along the northern side of Holmes Creek to the first drainage ditch, then directly across Holmes Creek and continuing along that shoreline to the cove and along that shoreline to the point of origin at Halfmile Point and terminating; and

ii. All of Cresse Thorofare, Gull Island Thorofare, Great Channel and Scotch Bonnet contained within a

line starting at the base of the Stone Harbor Blvd. Bridge and proceeding in a northeast direction along the Stone Harbor shoreline, across the mouths of Snug Harbor, South Basin, North Basin, Stone Harbor Creek and Oldmans Creek, continuing along the shoreline including Shark Creek, then along that shoreline in a northerly direction to a Department maintained marker along Sturgeon Hole, then bearing approximately 232 degrees T to the mouth of Southeast Creek (on Gull Island), then along the shoreline in a southeasterly direction (excluding Southeast Creek), then in a northwesterly direction to a Department maintained marker, then bearing approximately 271 degrees T across Cresse Thorofare to another Department maintained marker, then in a southerly direction along the shoreline and across the mouth of Scotch Bonnet and continuing along the shoreline including Goths Creek, continuing along the shoreline and across the mouth of Muddy Hole, continuing along the shoreline and across the second mouth of Muddy Hole, then along the shoreline to the mouth of Scotch Bonnet, then along the Scotch Bonnet shoreline to a Department maintained marker, then bearing approximately 215 degrees T to another Department maintained marker, then along the shoreline in a southeasterly direction to the junction of Great Channel and along that shoreline in a southwesterly direction across an unnamed creek and continuing along the shoreline and across the mouth of Dung Thorofare and the shoreline of Nummy Island to a Department maintained marker and bearing approximately 116 degrees T to another Department maintained marker, then along the Stone Harbor shoreline in a northeasterly direction to the base of the Ocean Drive Bridge (Rt. 619), then bearing approximately 018 degrees T to the point of land at the junction of Great Channel and Pleasure Bay and continuing along the shoreline of Great Channel across the mouth of Stone Harbor and Shelter Haven to the point of origin at the base of the Stone Harbor Blvd. Bridge.

12. Jenkins Sound-Grassy Sound-Richardson Sound: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. All of Nichols Channel, Dung Thoro, Great Flat Thoro, Drum Thoro, Jenkins Channel, Genesis Bay, Jenkins Sound and tributaries thereof contained within a line beginning at the parking area at Shellbed Landing and continuing along the Jenkins Sound shoreline in a southwesterly direction to a Department maintained marker at the mouth of an unnamed tributary to Race Cove, then bearing approximately 126 degrees T to another Department maintained marker, then in a southeasterly direction along the Jenkins Channel shoreline excluding tributaries to Dead Thoro Point, then in a southwesterly direction to Grassy Sound Channel, then bearing approximately 118 degrees T to Nummy Island, then along that shoreline in a northeasterly direction including tributaries to Great Channel, then bearing approximately 013 degrees T to the opposite shoreline,

then along the shoreline of Dung Thoro and Nichols Channel, excluding tributaries along the shoreline of Genesis Bay, then along the shoreline of Genesis Bay excluding Hetty Creek, Josh Creek, Charles Creek and Back Creek to Gunners Point, then continuing along the shoreline in a southwesterly direction to the point of origin and terminating.

ii. All of Grassy Sound Channel and Hereford Inlet from the Ocean Drive Bridge (Route 619) to a line bearing approximately 030 degrees T through F1 10S 57ft 24M at Hereford Inlet.

iii. All of Grassy Sound contained within a line beginning at the southern end of the railroad bridge in West Wildwood along the shoreline of Grassy Sound in an easterly direction, across the mouth of the Wildwood Canal and Beach Creek to a Department maintained marker at Grassy Point, then bearing approximately 257 degrees T to the northern end of the railroad bridge at Hann Point, then across Grassy Sound Channel to the point of origin at the southern end of the railroad bridge.

iv. Those waters of Old Turtle Thorofare from the mouth of Old Turtle Thorofare at Richardson Sound to a line created by two Department maintained markers on opposite banks of Old Turtle Thorofare just south of its junction with Tempe Creek.

13. Delaware Bay:

i. Bidwell Creek: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Bidwell Creek and tributaries downstream from the easterly side of the Route 47 bridge to its confluence with the Delaware Bay.

ii. East Point area: Seasonal-Special Restricted May 1 through October 31 yearly. Approved November 1 through April 30 yearly:

(1) All that portion of Delaware Bay contained within a line beginning at the East Point Lighthouse and bearing approximately 226 degrees T to Flashing Green 2.5 second "5" (FL G 2.5 sec "5") in the Maurice River Approach Channel, then bearing approximately 098 degrees T to the marker (Department maintained) on the point of land on the west shore at the mouth of West Creek and terminating.

iii. Maurice River Cove: Seasonal-Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly.

(1) All those waters inside of a line beginning at Flashing Green 2.5 second "5" (FL G 2.5 sec. "5"), then bearing approximately 188 degrees T to flashing Green 4 second "3" (FL G 4 sec "3"), then bearing approximately 171 degrees T to a point at latitude 39 degrees 10 minutes 23.32 seconds N., longitude 75

degrees 2 minutes 19.99 seconds W., then bearing approximately 290.5 degrees T to a Department maintained marker at latitude 39 degrees 11 minutes 6 seconds N., Longitude 75 degrees 04 minutes 50 seconds W., then bearing approximately 013 degrees T to a Department maintained marker on the shoreline west of the mouth of the Maurice River, then along the shoreline in a northeasterly direction to another Department maintained marker at Latitude 39 degrees 12 minutes 52.5 seconds N., longitude 75 degrees 3 minutes 45.2 seconds W., then bearing approximately 143 degrees T to a Department maintained marker at Latitude 39 degrees 12 minutes 16.7 seconds N., Longitude 75 degrees 3 minutes 10.0 seconds W., then bearing approximately 143 degrees T to a Department maintained marker at Latitude 39 degrees 11 minutes 47.9 seconds N., Longitude 75 degrees 2 minutes 41.6 seconds W., then bearing approximately 143 degrees T to Flashing Green 2.5 second "5" (FL G 2.5 sec. "5"), and terminating; and

(2) All those waters adjacent to the mouth of Oranoaken Creek and Dividing Creek, from a Department maintained marker on the shoreline approximately 605 yards southwest of the mouth of Oranoaken Creek, and bearing approximately 081 degrees T to a Department maintained marker at station 3842D (Latitude 39 degrees 12 minutes 24 seconds N., Longitude 75 degrees 05 minutes 42 seconds W.), then bearing approximately 034 degrees T to another Department maintained marker on the shore 1,040 yards east of Dividing Creek.

iv. Dividing Creek: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Dividing Creek and tributaries including Weir Creek lying between the line described in N.J.A.C. 7:12-3.2 and a line beginning at the southernmost point of land on the west bank at the mouth of Dividing Creek and bearing 000 degrees T to the opposite shore of Dividing Creek.

v. Oranoaken Creek: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Oranoaken Creek and tributaries, except the connecting branches of Fortescue Creek, downstream from The Glades and south of Weir Creek to a line beginning at the eastern-most point of land on the west bank at the mouth of Oranoaken Creek and bearing approximately 090 degrees T to the opposite shore of Oranoaken Creek.

vi. Fishing Creek: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Fishing Creek; and

vii. Fortescue Beach: Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All waters northeast of a line from the southernmost tip of Beadons Point bearing approximately 140 degrees T to the westernmost tip of a point of land just south of Raybins Beach and just north of Fishing Creek (Cumberland County).

viii. Nantuxent Cove, Back Creek and portion of Cedar Creek and Nantuxent Creek: Seasonal—Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Nantuxent Cove north of a line beginning at the light (F1 4 sec 33 feet 6M) located at the western tip of Nantuxent Point and bearing approximately 289 degrees T to the light (F1 6 sec 30 feet 6M) located at the southern tip of Ben Davis Point, all of Back Creek and tributaries, including Tweed Creek, all of Nantuxent Creek lying downstream from the line described in N.J.A.C. 7:12-3.2 and all of Cedar Creek lying downstream from the line described in N.J.A.C. 7:12-3.2.

ix. All of the waters northeast of a line from a point south of Bay Side at latitude 39 degrees 22 minutes 51 seconds N, longitude 75 degrees 24 minutes 14 seconds W and bearing approximately 133 degrees T to the westernmost tip of a point of land at latitude 39 degrees 22 minutes 33 seconds N, longitude 75 degrees 23 minutes 50 seconds W.

R.1980 d.12, effective January 9, 1980.

See: 12 N.J.R. 71(c).

Amended by R.1980 d.48, effective January 29, 1980.

See: 12 N.J.R. 112(b).

R.1982 d.182, effective June 21, 1982.

See: 14 N.J.R. 210(a), 14 N.J.R. 655(a).

Amended by R.1983 d.249, effective June 20, 1983.

See: 15 N.J.R. 595(a), 15 N.J.R. 1020(a).

Substantially amended.

Amended by R.1984 d.233, effective June 18, 1984.

See: 16 N.J.R. 786(a), 16 N.J.R. 1495(a).

(a)6 and 9 substantially revised.

Amended by R.1985 d.290, effective June 3, 1985.

See: 17 N.J.R. 661(a), 17 N.J.R. 1412(a).

Substantially amended.

Amended by R.1986 d.234, effective June 16, 1986.

See: 18 N.J.R. 784(a), 18 N.J.R. 1275(a).

Substantially amended.

Amended by R.1987 d.488, effective November 16, 1987.

See: 19 N.J.R. 1129(a), 19 N.J.R. 2136(a).

Recodified and substantially amended from 1.4.

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

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

Delineates those shellfish growing waters classified as Seasonally approved.

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)4ii, waters around Somers Cove delineated in more detail; at (a)6i, area added between Shelter Island, Jonas Island and Pork Island;

(a)9 deleted regarding Sea Isle City Area and 10 and 11 renumbered and amended new 9ii; added vi to new 10.

Amended by R.1990 d.399, effective August 6, 1990.

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

Absecon Bay and Great Sound Area deleted; Ship Channel, Great Channel, Jenkins Sound, Grassy Sound/Richardson Sound and Maurice River Cove added.

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).

Added (a)7iv and v, Great Egg Harbor Bay and Ship Channel; added (a)10iii and iv, Grassy Sound and Old Turtle Thorofare.

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)8 and make technical changes upon adoption to (a)1i(1); 2ii(1); 6i; 7i, iii and v and 9ii.

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

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

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 (a)1, recodified existing (a)1 through (a)11 as (a)2 through (a)12, and added (a)8vi.

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

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

Inserted (a)2i and recodified (a)2i and ii as (a)2ii and iii; repealed (a)8ii; and in (a)12iii amended "cove boundaries".

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), inserted "Flashing red light 263 (F1 Q R '263') at" following "286 degrees T" and substituted "140 degrees" for "149 degrees" in 8i, and rewrote 11i.

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

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

In (a), rewrote 8, and substituted "along" for "to a Department maintained marker on" following "tributaries" in 11i.

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

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

Rewrote the section.

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), inserted 5v and rewrote 8i.

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

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

Rewrote the section.

Amended by R.2004 d.215, effective June 7, 2004.

See: 36 N.J.R. 120(a), 36 N.J.R. 2759(a).

In (a), added a new 3iii, recodified former 3iii and 3iv as 3iv and 3v, added a new 3vi, recodified former 3v and 3vi as 3vii and 3viii, and amended 13iii(1).

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), rewrote 6, 13ii, and 13iii.

Amended by R.2007 d.273, effective August 20, 2007.

See: 39 N.J.R. 1219(a), 39 N.J.R. 3531(a).

In (a)13iii(1) substituted "at Latitude 39 degrees 12 minutes 52.5 seconds N., longitude 75 degrees 3 minutes 45.2 seconds W.," for a comma and inserted "a Department maintained marker at Latitude 39 degrees 12 minutes 16.7 seconds N., Longitude 75 degrees 3 minutes 10.0 seconds W., then bearing approximately 143 degrees T to a Department maintained marker at Latitude 39 degrees 11 minutes 47.9 seconds N., Longitude 75 degrees 2 minutes 41.6 seconds W., then bearing approximately 143 degrees T to"; and added (a)13ix.

7:12-4.2 Seasonally Approved growing waters
(Approved January 1 through April 30 yearly,
Special Restricted May 1 through December 31
yearly)

(a) The following shellfish waters designated on the charts referred to in N.J.A.C. 7:12-1.1 shall be Special Restricted for harvest of shellfish from May 1 through December 31 yearly and Approved for the harvest of shellfish from January 1 through April 30 yearly:

1. (Reserved)
2. (Reserved)
3. (Reserved)
4. Cedar Run area: Seasonal—Special Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:
 - i. (Reserved)
5. (Reserved)
6. Mullica River-Great Bay area: Seasonal—Special Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:
 - i. All of Landing Creek to its confluence with the man-made ditch leading to Scotts Landing.
7. Brigantine area: Seasonal—Special Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:
 - i. An area adjacent to the city of Brigantine inshore from a line beginning at the telephone pole (A4229) at the north end of 13th Street North and bearing approximately 325 degrees T through Steelman Bay to Flashing light 5 (Fl "5"), then to the northwest tip of George's Dock (1427 North Shore Drive), then proceeding in a westerly direction to the first pier end west of the Brigantine Country Club (1048 North Shore Drive), then to the pier end at 1002 North Shore Drive (next to dead end street), then to the third pier end west of the Lafayette Boulevard Street end (860 North Shore Drive), then from pier end to 800 West Shore Drive, then to pier end at 714 West Shore Drive and bearing approximately 173 degrees T into Shore Drive and bearing approximately 173 degrees T into Wading Thorofare until it intersects a line connecting Flashing lights 6 and 8 (Fl R "6" and Fl R "8") in Wading Thorofare, then along the line connecting Flashing lights 6 and 8 (Fl "6" and Fl "8") to Flashing light 8, then bearing approximately 211 degrees T to a point of land on the west shore of Bonita Tideway, then along the shoreline in a southerly direction to the first unnamed creek past Sand Creek, then bearing approximately 030 degrees T to the point of land on the opposite shore and terminating.
 - ii. That portion of Broad Creek immediately south of Sunflower Island (U.S.G.S. quad designation),

between the Brigantine shoreline and a line from a Department maintained marker on Boot Island (U.S.G.S. quad designation) and bearing approximately 238 degrees T across Broad Creek, to another Department maintained marker on the opposite shore and terminating.

8. Great Egg Harbor River and Middle River: Seasonal—Special Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:

- i. All that portion of Great Egg Harbor River and Middle River contained within a line beginning at Fl R "4" and bearing approximately 215 degrees T to a Department maintained marker on the western shoreline, then in a northwesterly direction to Middle River, then along the entire shoreline of Middle River and including its tributaries, then along the shore of Great Egg Harbor River to a Department maintained marker, then bearing approximately 028 degrees T to Fl R "8," then along the northern and/or eastern shore of Great Egg Harbor River in a downstream direction to the point of origin at Fl R "4."

9. Strathmere and Sea Isle City area: Seasonal—Special Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:

- i. The area of Townsend Channel adjacent to the town of Townsends Inlet contained within a line beginning at the western end of the northernmost pier located approximately at the end of 79th St. and bearing approximately 225 degrees T to a Department maintained marker at the mouth of Middle Thorofare, then bearing approximately 171 degrees T to the southernmost pier in Townsend Channel (at the end of 94th Street) then in a northerly direction connecting the western end of the longest piers to the northernmost pier at the western end of 79th Street and terminating.

10. The Wildwoods area:

- i. All of the portion of Jarvis Sound beginning at a point at latitude 38 degrees 58 minutes 25.0 seconds N, longitude 74 degrees 51 minutes 41.8 seconds W, then continuing along the shoreline in a southerly direction to a Department maintained marker on the north side of the mouth of Meadow Creek then bearing approximately 239 degrees T to a Department maintained marker on the south side of Meadow Creek then continuing in a southerly direction to a Department maintained marker on the north side of the mouth of Punyard Creek and bearing approximately 222 degrees T across to a Department maintained marker north of the mouth of Upper Thorofare at latitude 38 degrees 58 minutes 12.5 seconds N, longitude 74 degrees 52 minutes 39.1 seconds W, then bearing approximately 136 degrees T to a Department maintained marker at latitude 38 degrees 57 minutes 54.7 seconds N, longitude 74 degrees 52 minutes 16.6 seconds W, then bearing approximately 136