

(a): Approved Area Charts changed to Shellfish Growing Water Classification Charts; Editions updated.

(a)4ii added; 24i, 31vii, and 32vii revised, 37iii revised, xii and xiii added; 39iii revised.

Amended by R.1985 d.64, eff. February 19, 1985.

See: 16 N.J.R. 3112(a), 16 N.J.R. 3379(a), 17 N.J.R. 433(a).

(a)i-iii: amended;

(a)27vi: added; (a)40: deleted.

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).

This section was "Growing water condemnations".

SUBCHAPTER 2. SHELLFISH GROWING WATER CLASSIFICATION—PROHIBITED

7:12-2.1 Shellfish growing water classification—Prohibited

(a) The following shellfish growing waters are classified Prohibited:

1. General areas as follows:

i. All lagoons dredged for the purpose of access to property and/or the dockage of boats; and

ii. All marinas, anchorages or other places where docking or mooring facilities are provided for boats.

2. Northern New Jersey area: All the waters lying west and north of Raritan Bay, including the Raritan River, Arthur Kill, Kill Van Kull, Newark Bay, Passaic River, Hackensack River, Upper Bay, Hudson River and tributaries thereof.

3. Monmouth Middlesex County area (Note that a portion is also designated as a Special Restricted area. See N.J.A.C. 7:12-3):

i. All those waters of Raritan Bay, Raritan River and Arthur Kill (and tributaries) lying south and west of the New Jersey/New York boundary and lying west of a line beginning on the northernmost point of land on Conaskonk Point, Union Beach, New Jersey and bearing approximately 345 degrees T to the southernmost point of land on Sequine Point, near Princes Bay, Staten Island, New York, where this line terminates;

ii. All those waters of Raritan Bay and its tributaries lying south of a line beginning on the northernmost point of land on Conaskonk Point (Union Beach) and bearing approximately 092 degrees T to the northernmost point of land on Point Comfort (Keansburg) where this line terminates;

iii. All waters of Pews Creek and tributaries thereof;

iv. All waters of Compton Creek and tributaries thereof;

v. All those waters of Raritan Bay and Lower Bay enclosed by the New Jersey/New York boundary and a straight line beginning on the southwesternmost point of land on Rockaway Point, Long Island, New York and bearing approximately 222 degrees T to the northernmost point of land on Sandy Hook, New Jersey and then following the shoreline of Sandy Hook west and south to a point on the shoreline where this line intersects a line beginning at the navigation aid at Sandy Hook Point designated as Equal Interval 6 second and Vertical Beam light 38ft 15M Bell (E. Int 6 sec and VB 38ft 15M Bell) and then following this line bearing approximately 278 degrees T to the channel marker designated as GR "TC" Interrupted Quick Green Light (GR "TC" F1(2+1)(G6s)) located at the intersection of Raritan Bay East Reach, Sandy Hook Channel, and Terminal Channel, and then following the southwesternmost boundary of the Raritan Bay East Reach Channel in a northwesterly direction until it intersects the New Jersey/New York boundary where this line terminates. (Note: This closure adjoins those Prohibited waters defined in (a)20i below); and

vi. All those waters enclosed by a line beginning where the structure (old ferry pier) forming the western extent of the Atlantic Highlands Municipal Harbor (First Avenue, Borough of Atlantic Highlands) and then following the western extent of this structure in a northerly direction to its northernmost extent, and then connecting this structure with the breakwater (this breakwater or rockpile forms the northern boundary of the municipal harbor) and following the northern side of the breakwater in an easterly direction to the breakwater's easternmost extent, where it is marked by the navigation marker designated as 'Flashing light 4sec 29ft 8M' (Fl 4sec 29ft 8M) and then bearing approximately 201 degrees T to the mainland where this line terminates.

4. Sea Girt area: All of Wreck Pond and tributaries thereof.

5. Manasquan River area (Note: A portion is also designated as a Special Restricted area. See N.J.A.C. 7:12-3):

i. All of the Point Pleasant Canal; and

ii. All of the waters of the Manasquan River and tributaries located north and west of the State Highway Route 70 bridge.

6. Bay Head and Metedeconk River area (Note: A portion is also designated as a Special Restricted area. See N.J.A.C. 7:12-3):

i. All of Twilight Lake and its tributaries including its access channel upstream from where its mouth meets Northern Barnegat Bay or Bay Head Harbor;

ii. All those waters of Beaverdam Creek and its tributaries west of a line beginning on the southwesternmost point of land forming the eastern side of the lagoon located just west of the westernmost extent of Boat Point Drive in Point Pleasant and bearing approximately 097 degrees T to navigation marker Flashing Green light "3" (FL G "3") and then bearing approximately 210 degrees T to the easternmost point of land on Wardells Neck east of the easternmost extent of North Drive in Brick Township; and

iii. All those waters of the Metedeconk River and its tributaries west of a line beginning on the southeasternmost point of land of Wardells Neck east of the easternmost extent of South Drive in Brick Township and then bearing approximately 180 degrees T to navigation marker Flashing Red light "2" (FL R "2") and then bearing approximately 165 degrees T through navigation marker Flashing Green light "1" (FL G "1") to the shoreline in West Mantoloking where this line terminates.

7. Toms River area: All those waters of Toms River and tributaries west from a straight line beginning at Good Luck Point and bearing approximately 342 degrees T to the easternmost point of land in Dover Township where the Thomas A. Mathis Bridge (Route 37) intersects the shoreline.

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

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 approximately 700 yds. northwest of the junction with Great Channel;

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 Jenkins Sound north of a line from a Department maintained marker northeast of the parking area at Shellbed Landing and bearing approximately 078 degrees T to another Department maintained marker and terminating; and
 - ii. All of Genesis Bay north of a line defined by two Department maintained markers outside the mouth of Hetty 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 markers 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 approximately 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 Lighthouse (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:

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 269 degrees T connecting a point with coordinates of latitude 40 degrees 20.8 minutes N., longitude 73 degrees 47.7 minutes W. (generally marked by a buoy charted as W Or "BA" Gp Fl(4) 20 sec WHISTLE marking the separation zone on the Ambrose-Barnegat traffic lane) and the radio tower located at the New Jersey Marine Police Station, 128 Ocean Avenue, Borough of Monmouth Beach, with coordinates of latitude 40 degrees 20.5 minutes N., longitude 73 degrees 58.5 minutes W., then along that line to a point 1.5 nautical miles directly offshore, then along the shoreline in a southerly direction 1.5 nautical miles offshore 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 08.8 minutes N., longitude 74 degrees 02.2 minutes 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 08.8 minutes N., longitude 74 degrees 01.5 minutes W., then proceeding from that point of intersection in a westerly direction along that line towards the above noted dome until it is 0.5 nautical miles directly offshore, then continuing in a southerly direction 0.5 nautical miles offshore for approximately 3.9 nautical miles to a point with coordinates of latitude 40 degrees 5.1 minutes N., longitude 74 degrees 1.7 minutes W., then bearing approximately 280 degrees T (reciprocal 100 degrees T) to 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 05.2 minutes N., longitude 74 degrees, 2.8 minutes 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. All of the ocean waters inshore of a line beginning at the water tank located on Lake Avenue, Borough of Bay Head, with coordinates of latitude 40 degrees 04.1 minutes N., longitude 74 degrees 02.7 minutes W., and bearing approximately 146 degrees T for approximately 2.2 nautical miles until it intersects a line bearing approximately 056 degrees T from the water tank located on Normandy Way in the Normandy Beach section of Dover Township, with coordinates of latitude 39 degrees 59.9 minutes N., longitude 74 degrees 03.8 minutes West. This point of intersecting lines is approximately two nautical miles from the shoreline and has coordinates of latitude 40 degrees 01.6 minutes N., longitude 74 degrees 00.5 minutes West. The line then continues bearing approximately 236 degrees T (reciprocal 056 degrees T) from the point of intersection to the above noted water tank in Normandy Beach and terminating;

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 54.9 minutes N., longitude 74 degrees 05.0 minutes W., and bearing approximately 096 degrees T to a point approximately 1.5 nautical miles from the shoreline with coordinates of latitude 39 degrees 54.7 minutes N., longitude 74 degrees 02.7 minutes 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 53.6 minutes N., longitude 74 degrees 02.9 minutes 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 53.7 minutes N., longitude 74 degrees 04.9 minutes 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 39.6 minutes N., longitude 74 degrees 10.1 minutes 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 38.8 minutes N., longitude 74 degrees 8.25 minutes 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 37.8 minutes N., longitude 74 degrees 9.0 minutes 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 38.7 minutes N., longitude 74 degrees 10.8 minutes W., and terminating;

v. All of the ocean waters inshore of a line beginning at the light chartered as F1 G 4sec 29ft 6M "7" at the end of Absecon Inlet's southwest jetty and bearing approximately 017 degrees T towards the ocean end of Absecon Inlet's northeast jetty until it intersects a line bearing approximately 148 degrees T (reciprocal 328 degrees T) from the center span of the Vincent Haneman Bridge (Route 87). This point of intersecting lines has coordinates of latitude 39 degrees 22.0 minutes N., longitude 74 degrees 24.4 minutes West, then proceeding in a southeasterly direction along that line for approximately 0.6 nautical miles to a point with coordinates of latitude 39 degrees 21.5 minutes N., longitude 74 degrees 23.9 minutes W. (generally marked by a buoy chartered as R. "2" F1 R 2.5s), then bearing approximately 275 degrees T (reciprocal 095 degrees T) for approximately 0.5 nautical miles towards the outermost tip of Garden Pier, Atlantic City, until it is 0.25 miles directly offshore, then parallel along the shoreline in a southwesterly direction, 0.25 nautical miles offshore, for approximately 1.3 nautical miles until it intersects a line bearing approximately 153 degrees T from the center of Convention Hall, Atlantic City, then proceeding in a southeasterly direction along that line for approximately 1.75 nautical miles to a point with coordinates of latitude 39 degrees 19.4 minutes N., longitude 74 degrees 25.1 minutes W., then from this point which is approximately 2 nautical miles offshore, the line runs parallel to the shoreline in a southwesterly direction for approximately 2.1 nautical miles to a point with coordinates of latitude 39 degrees 18.4 minutes N., longitude 74 degrees 27.5 minutes W., then bearing approximately 333 degrees T (reciprocal 153 degrees T) for approximately 1.9 nautical miles to the outermost tip of Ventnor City Fishing Pier located at the Boardwalk and South Cambridge Avenue, City of Ventnor, then along that pier to the shore and terminating. This closure adjoins those Special Restricted waters defined in N.J.A.C. 7:12-3.2(a)23i;

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 14.3 minutes N., longitude 74 degrees 37.6 minutes W., and terminating;

vii. All of the ocean waters inshore of a line beginning at the City of Ocean City's Beach Patrol, First Aid and Rest Room Building located on the beach at 34th Street, with coordinates of latitude 39 degrees 15.0 minutes N., longitude 74 degrees 36.6 minutes 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 14.1 minutes N., longitude 74 degrees 35.0 minutes W., then bearing approximately 216 degrees T along the shoreline in a southwesterly direction 1.5 nautical miles offshore, for approximately 2.3 nautical miles to a point with coordinates of latitude 39 degrees 12.3 minutes N., longitude 74 degrees 36.7 minutes W., then bearing approximately 306 degrees T for approximately 1.4 nautical miles to the outermost tip of Anglers Fishing Club's Pier, 5825 Central Avenue, Ocean City, then along that pier to the shoreline and terminating;

viii. All of the waters east of the Ocean Drive Bridge crossing Townsend Inlet and inshore of a line beginning at the water tank located on the corner of 80th Street and Central Avenue, City of Sea Isle City, with coordinates of latitude 39 degrees 07.8 minutes N., longitude 74 degrees 42.8 minutes W., and bearing approximately 151 degrees T for approximately 2.5 nautical miles from the shoreline until it intersects a line bearing approximately 127 degrees T from the water tank located on the corner of 13th Street and Dune Drive, Borough of Avalon, with coordinates of latitude 39 degrees 06.4 minutes N., longitude 74 degrees 42.8 minutes West. This point of intersecting lines is approximately 1.5 nautical miles from the shoreline and has coordinates of latitude 39 degrees 05.3 minutes N., longitude 74 degrees 40.9 minutes 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 until it intersects a line bearing approximately 127 degrees T from the water tank located on the corner of 38th Street and Dune Drive, Borough of Avalon, with coordinates of latitude 39 degrees 05.5 minutes N., longitude 74 degrees 43.7 minutes West. This point of intersecting lines is approximately 1.5 nautical miles from the shoreline and has coordinates of latitude 39 degrees 04.5 minutes N., longitude 74 degrees 41.9 minutes West. The line continues from this point bearing approximately 247 degrees T (reciprocal 067 degrees T) for approximately three nautical miles to the standpipe located on 95th Street between Second and Third Avenues, Borough of Stone Harbor, with coordinates of latitude 39 degrees 02.3 minutes N., longitude 74 degrees 45.6 minutes W., and terminating;

ix. 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 northeasterly direction to its outermost tip, then bearing approximately 147 degrees T towards a point with coordinates of latitude 38 degrees 59 minutes N., longitude 74 degrees 46.2 minutes 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 4s 30ft 7M 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 59.9 minutes N., longitude 74 degrees 47.0 minutes West. 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 58.4 minutes N., longitude 74 degrees 50.4 minutes W. This point of intersecting lines is approximately 0.4 nautical miles from the shoreline and has coordinates of latitude 38 degrees 57.9 minutes N., longitude 74 degrees 49.6 minutes 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 57.2 minutes N., longitude 74 degrees 48.5 minutes 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 55.4 minutes N., longitude 74 degrees 50.5 minutes 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;

x. 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 37ft 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 56.8 minutes N., and longitude 74 degrees 53.6 minutes W., and terminating;

xi. 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 55.9 minutes N., and longitude 74 degrees 53.1 minutes W., and bearing approximately 156 degrees T for approximately 0.35 nautical miles to a point with coordinates of latitude 38 degrees 55.6 minutes N., and longitude 74 degrees 52.9 minutes W., then bearing approximately 248 degrees T for approximately 0.5 nautical miles to a point with coordinates of latitude 38 degrees 55.4 minutes N., and longitude 74 degrees 53.5 minutes W., then bearing approximately 332 degrees T for approximately 0.3 nautical miles to a point with coordinates of latitude 38 degrees 55.7 minutes N., and longitude 74 degrees 53.7 minutes W., then bearing approximately 66 degrees T for approximately 0.5 nautical miles to its point of origin and terminating; and

xii. 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 56.8 minutes N., and longitude 74 degrees 53.6 minutes 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 56.2 minutes N., and longitude 74 degrees 53.2 minutes 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 55.5 minutes N., longitude 74 degrees 56.1 minutes 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.

Case Notes

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:

1. All those waters contained within a line beginning on the northernmost point of Conaskonk Point near Union Beach, New Jersey and bearing approximately 345 degrees T to Sequine Point at Princes Bay, Staten Island, New York, until it intersects the New York-New Jersey boundary, then along that boundary in an easterly direction until it intersects the Raritan Bay East Reach Channel, then along the southwest boundary of that channel in a southeasterly direction (approximate bearing 106 degrees T) to the channel marker designated as GR "TC"

Interrupted Quick Flashing Green light (GR "TC" I QK Fl G) located at the intersection of Raritan Bay East Reach, Sandy Hook Channel and Terminal Channel, and then bearing approximately 098 degrees T to the navigation aid designated as "Equal Interval 6 second and vertical Beam light 38ft 15M Bell" (E. Int. 6 sec and VB 38ft 15M Bell) located on the shore at Sandy Hook Point, then proceeding in a generally southerly direction following the western shoreline of Sandy Hook to the westernmost extent of the Rt. 36 highway bridge spanning the Shrewsbury River and then following the northern edge of that bridge to where it intersects the shoreline on the mainland and then following the shoreline in a generally northwesterly direction until it intersects a line bearing approximately 201 degrees T from the navigational marker designated as Flashing light 4 second 29ft 8M (Fl 4 sec 29ft 8M) marking the easternmost extent of the Atlantic Highlands Municipal Yacht Basin's breakwater (this stonepile forms the basin's northern boundary), and then along that line in a northerly direction to the marker designated as a Flashing light 4 second 29ft 8M and following the northern side of the breakwater in a westerly direction until it reaches the structure forming the western boundary of the Yacht Basin, and then following the western edge of this structure in a southerly direction to the mainland, then following the shoreline in a generally northwesterly direction to the northernmost point of land on Point Comfort (Keansburg), then bearing approximately 272 degrees T to the northernmost point of land on Conaskonk Point (Union Beach), its point of origin.

2. All of the Shrewsbury River and tributaries (not including the Navesink River) south from the northernmost edge of the Route 36 Highway Bridge.

3. All of the Navesink River and tributaries west of the Oceanic Bridge.

4. All of Shark River and tributaries. This closure adjoins those Prohibited waters defined in N.J.A.C. 7:12-2.1(a)20i.

5. All of Manasquan River and tributaries located south and east of the State Highway Route 70 bridge to its union with the Atlantic Ocean at the Manasquan Inlet (See N.J.A.C. 7:12-2).

6. Bay Head and Mantoloking area: All those waters of Northern Barnegat Bay and tributaries north of a straight line beginning on the easternmost point of land on Swan Point and bearing approximately 141 degrees T to Flashing Green light "15"(QG8ft"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 where this line terminates.

7. Island Beach areas: Mantoloking to Berkeley Township (Note: A portion is designated Seasonal. See N.J.A.C. 7:12-4): All those waters of Barnegat Bay and

its tributaries east of a line beginning on the western most 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 210 degrees T to Flashing Red light "2" (Fl R "2") off Normandy Beach, then bearing approximately 257 degrees T to the northwesternmost point of Middle Sedge Island, then along the southwestern shoreline to the department maintained marker at the southernmost tip of the island, then bearing approximately 191 degrees T, to the southeasternmost tip of NW Point Island, then along the southern shore to a Department maintained marker, then bearing approximately 155 degrees T to the east tip of the two islands off Ocean Beach, continuing along the east shore of that island to its southernmost point, then bearing approximately 200 degrees T to Flashing Green light "11" (Fl G "11") off West Point Island, then bearing approximately 190 degrees T to the westernmost tip of the next (unnamed) island to the south, then bearing approximately 209 degrees T to the westernmost point of land on Pelican Island, then bearing approximately 129 degrees T to Flashing Green light "3" (Fl G "3") marking the channel to Seaside Heights, then bearing approximately 170 degrees T to the southwest corner of the bulkhead west of the Berkeley Yacht Basin, then bearing 174 degrees T to the western end of the municipal pier off 5th Avenue in Seaside Park then bearing approximately 210 degrees T to the western end of the municipal pier off 14th Avenue in Seaside Park, then bearing approximately 186 degrees T to the next point of land, then bearing approximately 178 degrees T and terminating at the next point of land at Island Beach State Park.

8. Barnegat Bay-Brick Township and Dover Township from Swan Point to Toms River (Note: A portion is also designated Seasonal. See N.J.A.C. 7:12-4):

i. All those waters of the small unnamed creek just north of Havens Cove, west from a straight line across the mouth of said creek beginning at the point of land on the south bank (forming its mouth) and bearing approximately 033 degrees T toward the mouth of a small lagoon along the north bank;

ii. All of Kettle Creek and tributaries north and west from a straight line beginning at Seaweed Point and bearing approximately 241 degrees T to Andrew Point at Green Island;

iii. All those waters of Silver Bay and its tributaries west of a straight line beginning at the southernmost point of land on Andrew Point (Green Island) and bearing approximately 181 degrees T and terminating on the most easterly point on Cattus Island Park (Ocean County);

iv. All the waters of Applegate Cove south and west of a straight line beginning on Tilton Point and bearing approximately 334 degrees T, to the easternmost point of land on the northern shore of Applegate Cove; and

v. All those waters of Shelter Cove west from a straight line connecting the points of land at its mouth, then all those waters west and north of a line from the southernmost point of land at the mouth Shelter Cove and bearing approximately 154 degrees T to Quick Green light "29" then bearing approximately 181 degrees T toward Good Luck Point and terminating at its point of intersection with the Mathis Bridge, connecting the mainland with Pelican Island; the southern boundary of this condemned area shall follow said bridge in a westward direction and terminate at its connection with the mainland shore. The bridge is a common boundary line with (a)9 below.

9. Toms River area: All of those waters forming the mouth of Toms River west from a straight line beginning at Good Luck Point and bearing approximately 353 degrees T toward the most easterly point of land at Windsor park (north of the Mathis Bridge), and terminating at its point of intersection with the Mathis Bridge; the northern boundary of this condemned area shall follow said bridge in a westward direction and terminate at its connection with the mainland shore. (Note: This designation adjoins the Prohibited waters described in N.J.A.C. 7:12-2.1(a)7.)

10. Barnegat Bay-Berkeley Township area, Toms River to Potter Creek: All waters of Barnegat Bay and its tributaries (including all of Potter Creek) west of a line beginning on the north bank of the entrance to Good Luck Point Marina (at Good Luck Point) then proceeding along the offshore ends of the piers in a southerly direction to the eastern end of Barnegat Pier, then bearing approximately 215 degrees T to Quick Green "38" north of Berkeley Shores, then bearing approximately 221 degrees T to and terminating at the most easterly point of land on the south bank of Potter Creek.

11. Barnegat Bay-Berkeley Township, Potter Creek to Sunrise Beach (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4):

i. Potter Creek to Cedar Creek area: All those waters west of a line beginning at the easternmost point of land (directly east of the terminus of Island Drive, Berkeley Township) on the south bank of Potter Creek (this point of land coincides with that described in (a)10 above and bearing approximately 182 degrees T to the northernmost point on the pier located on the northernmost point of land at Berkeley Island Park (Ocean County Park System);