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N.J.A.C. 7:12

SHELLFISH GROWING WATER CLASSIFICATION

Statutory authority: N.J.S.A. 2C:64-1 et seq., 4:27-1 et seq., 13:1D-9, 23:2B-1 et seq., 50:1-5 et seq., and 58:24-1 et seq.

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SUBCHAPTER 1. GENERAL PROVISIONS AND PROCEDURES FOR CLASSIFICATION OF SHELLFISH WATERS

N.J.A.C. 7:12-1.1 Scope; general provisions

(a) In order to protect the health, safety, and welfare of the public from the risks associated with the consumption of shellfish, this chapter sets forth the rules of the Department of Environmental Protection concerning the harvest or use of shellfish from waters other than Approved pursuant to N.J.S.A. 58:24-1 et seq., and the aquaculture of shellfish in all waters of the State pursuant to N.J.S.A. 50:1-5 et seq. This chapter establishes:

1. The procedures for the classification of shellfish waters and the boundaries of the waters so classified;
2. The procedures for the Department to impose immediate shellfish harvest suspensions and restrictions;
3. The requirements for shellfish license holders for the harvest, handling, and transport of shellfish in order to ensure harvested shellfish are safe for human consumption; and
4. Permits for the following:
 - i. Depuration plants;
 - ii. Depuration harvesters;
 - iii. Harvest of surf clams for bait;
 - iv. Harvest for relay;
 - v. Harvest for transplant;
 - vi. Shellfish research in waters other than Approved;
 - vii. Shellfish restoration and/or enhancement in waters other than Approved;
 - viii. Growing seed in waters other than Approved by a nonprofit or government agency;
 - ix. Short-term use of shellfish for toxins monitoring in waters other than Approved;
 - x. Production and growing of seed by a hatchery or nursery in waters other than Approved; and
 - xi. Commercial shellfish aquaculture in Approved waters.

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(b) The enforcement of the provisions of this chapter 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.

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

(d) Pursuant to N.J.S.A. 58:24-7, the Department shall have free access to all oyster or clam beds, places of business, and all other places where 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. Pursuant to N.J.S.A. 23:2B-9, the Department may inspect on request and at reasonable hours any record required to be maintained under this chapter.

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

(f) 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.

(g) 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.

(h) No person shall throw or dump into the water or otherwise dispose of the contents of any pail, bag, or basket, or any matter whatsoever after being hailed by any member of the designated enforcement unit(s) and before the authorized officer has inspected the same.

(i) All persons onboard a vessel shall immediately comply with all lawful instructions issued by any member of the designated enforcement unit(s) to facilitate safe boarding and inspection of the vessel, equipment, and catch for the purpose of enforcement of this chapter.

(j) Charts designating growing water classifications are available from the Bureau of Marine Water Monitoring at the address set forth at (l) below, the Division of Fish and Wildlife Shellfisheries Field Offices at Bivalve and Nacote Creek, and at www.nj.gov/dep/bmw. Notice

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of any emergency closure or harvest suspension imposed pursuant to N.J.A.C. 7:12-1.4 shall be provided in accordance with N.J.A.C. 7:12-1.4(e), including posting at www.nj.gov/dep/bmw.

(k) This chapter recognizes the National Shellfish Sanitation Program as the Federal/State cooperative program that provides for the sanitary control of molluscan shellfish produced and sold for human consumption. Participants in the NSSP include agencies from shellfish producing states, Federal agencies (U.S. Food and Drug Administration, U.S. Environmental Protection Agency, and National Oceanic and Atmospheric Administration), and the shellfish industry. A 1984 Memorandum of Understanding between the FDA and the Interstate Shellfish Sanitation Conference (ISSC) specified that the purpose of the ISSC is to provide a formal structure for state regulatory authorities to participate in establishing updated procedures for uniform state application of the NSSP. The ISSC has adopted formal procedures for state and industry representatives to review shellfish sanitation issues and establish regulatory guidelines. Following FDA concurrence, the guidelines are published in revisions to the NSSP "Guide for the Control of Molluscan Shellfish" (NSSP Guide). The NSSP Guide may be obtained from the U.S. Food and Drug Administration website at <http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm>. Individual provisions of the NSSP Guide become part of this chapter through rulemaking.

(l) Charts, permit application forms, and other information can be downloaded from the Bureau website, www.nj.gov/dep/bmw; requested by sending an e-mail to bmwm@dep.nj.gov; or obtained in person or by mail from the Bureau at the following address:

NJ Department of Environmental Protection
Bureau of Marine Water Monitoring
929 Stoney Hill Road
PO Box 405
Leeds Point, NJ 08220

N.J.A.C. 7:12-1.2 Definitions

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

"Approved" means waters that the Department has determined, pursuant to N.J.A.C. 7:12-1.3, meet the sanitary standards set forth in the NSSP Guide such that the harvest of shellfish for direct marketing is allowed.

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"Aquaculture" is a form of agriculture involving the propagation, rearing, and subsequent harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packaging, and marketing, and shall include, but is not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting, and providing for protection from predators. Aquaculture is a water dependent activity. Aquaculture shall not include the construction of facilities and appurtenant structures that might otherwise be regulated pursuant to any State or Federal law or regulation.

"Broodstock" means sexually mature shellfish that are kept for breeding purposes.

"Bureau" means the Bureau of Marine Water Monitoring.

"Certified dealer" means a person who receives or accepts shellfish for shucking, repacking, shipping, or sale pursuant to a certificate issued by the Department of Health under N.J.A.C. 8:13.

"Condemned" means waters that, pursuant to N.J.A.C. 7:12-1.3, do not meet the criteria set forth in the NSSP Guide for the harvest of shellfish for direct marketing. Condemned waters comprise the following classifications: Prohibited, Restricted, Conditionally Restricted, and Conditionally Approved when the water classification is in its closed status.

"Conditionally Approved" means waters that, pursuant to N.J.A.C. 7:12-1.3, meet the definition of "Approved" when the Conditionally Approved water classification is in its open status and meet the definition of "Restricted" when the Conditionally Approved water classification is in its closed status. Conditionally Approved waters are delineated at N.J.A.C. 7:12-4.1.

"Conditionally Restricted" means waters that, pursuant to N.J.A.C. 7:12-1.3, meet the definition of "Restricted" when the Conditionally Restricted water classification is in its open status and meet the definition of "Prohibited" when the Conditionally Restricted water classification is in its closed status. Conditionally Restricted waters are delineated at N.J.A.C. 7:12-5.1.

"Department" means the New Jersey Department of Environmental Protection.

"Department maintained markers" means any special shellfish buoy, range, stake, or marker maintained by the Department, for the purpose of aiding in the delineation of shellfish growing waters.

"Depuration" means the process of reducing the pathogenic organisms that may be present in shellfish by using a controlled aquatic environment as the treatment process.

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"Depuration plant" means a facility that conducts depuration pursuant to a permit under this chapter and the Department of Health's rules at N.J.A.C. 8:13.

"Designated enforcement unit(s)" means the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region; Division of Water Monitoring and Standards, Bureau of Marine Water Monitoring; Division of Water and Land Use Enforcement, Water Compliance and Enforcement Program; and the Department of Law and Public Safety, Division of State Police, Marine Services Bureau.

"Direct marketing" means the sale for human consumption of shellfish that does not require depuration or relay prior to sale or has been subjected to depuration or relay prior to sale.

"Harvest" means the act of removing shellfish from a growing water and its placement on or in a manmade conveyance or other means of transport.

"Intertidal harvesting" means the harvesting of shellfish from the area that is exposed at low tide and covered by water at high tide.

"Landing" means the time or place at which shellfish is put on land or a dock.

"Marina" and/or "mooring facility" means any structure (docks, piers, bulkheads, floating docks, etc.) that supports five or more boats, built on or near the water, which is utilized for docking, storing or otherwise mooring vessels and usually but not necessarily provides services to vessels such as repairing fueling, security or other related activities.

"National Shellfish Sanitation Program" or "NSSP" means the Federal/State cooperative program that provides for the sanitary control of molluscan shellfish produced and sold for human consumption, as described at N.J.A.C. 7:12-1.1(k).

"NSSP Guide" means the NSSP Guide for the Control of Molluscan Shellfish, as described at N.J.A.C. 7:12-1.1(k).

"Person" means and includes any individual, company, firm, corporation, association, society, partnership, joint stock company and their agents or employees and shall also include the State and all its political subdivisions, any agencies or instrumentalities thereof.

"Poisonous or deleterious substance" means a toxic substance occurring naturally or added to the environment for which a regulatory tolerance limit or action level has been established in shellfish to protect public health.

"Polyculture" means the culturing in a common environment of two or more species of shellfish, or of shellfish with other species.

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"Prohibited" means waters that, pursuant to N.J.A.C. 7:12-1.3, meet the criteria set forth in the NSSP Guide such that no harvest of shellfish is allowed for direct marketing, depuration, or relay. Prohibited waters are delineated at N.J.A.C. 7:12-2.1.

"Refrigeration" means a mechanical unit that is chilled to a temperature of 45 degrees Fahrenheit (7.2 degrees Celsius) or colder at the time shellfish are placed in the unit and maintained at that temperature thereafter.

"Relay" means the movement of shellfish from waters classified as Restricted to waters classified as Approved for the purpose of reducing pathogens as measured by the coliform indicator group or poisonous or deleterious substances that may be present in the shellfish by using the ambient water as the treatment process.

"Restricted" means waters that, pursuant to N.J.A.C. 7:12-1.3, meet the criteria set forth in the NSSP Guide such that shellfish shall not be harvested except for depuration or relay pursuant to a permit under this chapter. Restricted waters are delineated at N.J.A.C. 7:12-3.2.

"Seed" means shellfish that have a maximum shell length, when measured across the largest dimension, as follows: for hard clam (*Mercenaria mercenaria*), equal to or less than one inch (25.4 mm); for eastern oyster (*Crassostrea virginica*), equal to or less than one and one-half inches (38.1 mm); for blue mussel (*Mytilus edulis*), equal to or less than one-half inch (12.7 mm); for bay scallop (*Argopecten irradians*), equal to or less than one-third inch (eight mm); for soft clam (*Mya arenaria*), equal to or less than one-half inch (12.7 mm); and for sea scallop (*Placopecten magellanicus*), equal to or less than two inches (50.8 mm).

"Shellfish" means any species of oysters, clams, mussels, or scallops live in the shell.

"Shellfish license" means the applicable commercial shellfish license issued by the Department's Division of Fish and Wildlife.

"Subtidal harvesting" means the harvesting of shellfish from the area that lies below the low tide line and is normally covered by water.

"Tide-dependent harvesting" means subtidal harvesting that can only be accomplished during a stage of the tide cycle allowing the harvester access to the shellfish.

"Transplant" means the harvest of seed from waters classified as Restricted for replanting and grow-out in waters classified as Approved for a minimum of six months.

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N.J.A.C. 7:12-1.3 Classification of shellfish waters

(a) The Department shall classify the shellfish waters of the State for the purpose of harvesting shellfish. The classification of all shellfish waters shall adhere to the guidance and criteria contained within the NSSP Guide, 2015, incorporated herein by reference, as amended and supplemented, and available as provided at N.J.A.C. 7:12-1.1(k). Shellfish waters may be classified as Approved, Conditionally Approved, Restricted, Conditionally Restricted, or Prohibited. Classification of shellfish waters shall be determined based on the following factors:

1. The ambient bacteriological water quality, for example, total coliform bacteria;
2. Hydrological characteristics of the area to be classified, for example, rainfall, freshwater input, tidal exchange, flow pattern;
3. Shoreline survey and assessment, for example, location of pollution sources such as permitted point sources, non-point sources, marinas, docks and other recreational areas, agricultural areas, and/or areas of wildlife usage, characteristics of various pollution sources, and land-use patterns;
4. Any site-specific factors related to (a)1 through 3 above; and
5. Any shellfish waters that are not subjected to a sanitary survey every 12 years shall be classified as Prohibited.

(b) The Department shall establish areas classified as Prohibited for the harvest of shellfish in waters surrounding wastewater treatment facility discharges. The extent of the Prohibited area shall be based on the following factors:

1. Pollution conditions, such as flow rate, sewage treatment facility performance;
2. Dispersion, dilution, and/or time of travel of the pollutant, for example, currents, volume of water, direction of travel, stratification, location of the discharge, tidal characteristics, and morphology of the receiving water area.
3. Bacteriological decay rate;
4. Adjacent harvest use classification and location of the shellfish resource;
5. Identifiable landmarks for boundaries; and
6. Any site-specific factors related to (b)1 through 5 above.

(c) The Department shall establish restricted harvest areas in the vicinity of marinas and/or boat mooring facilities. The restricted harvest areas may be classified as Prohibited, Restricted,

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Conditionally Restricted, or Conditionally Approved. The extent of the restricted area shall be based upon the following:

1. The number of slips or mooring facilities;
2. The size of vessels that may be accommodated with the potential for overboard discharge at the slips or mooring facilities;
3. The water depth in the vicinity of the marina or mooring facility;
4. The hydrodynamics of the receiving water in the vicinity of the marina or mooring facility;
5. The estimated bacterial load potentially discharged to the water from the marina or mooring facility;
6. Seasonal activity at the marina or mooring facility; and
7. Any site-specific factors related to (c)1 through 6 above.

(d) The Department shall establish restricted harvest areas where water quality is or may be affected by various non-point sources of pollutants. The restricted harvest areas may be classified as Prohibited, Restricted, Conditionally Restricted, or Conditionally Approved. Factors to be considered by the Department in establishing the restrictions include the following:

1. The source or potential source of the pollutant;
2. The amount or potential amount discharged from the source;
3. Hydrodynamics in the vicinity of the source or probable source;
4. Seasonal population changes; and
5. Any site-specific factors related to (d)1 through 4 above.

N.J.A.C. 7:12-1.4 Immediate shellfish harvest suspensions and restrictions

(a) The Department shall immediately suspend harvest in areas impacted by an intermittent pollution episode or emergency condition when the event has or may have a deleterious impact on public health. Examples of such events include the following: wastewater facility malfunctions, sewer line breaks, malfunctioning septic systems, catastrophic storm events, or other hazardous material spills. The Department shall consider the following factors in determining the necessity, area extent, and length of such a suspension:

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1. The type and quantity of the material spilled or discharged;
2. The location of the spill or discharge or naturally occurring harmful algal blooms;
3. The duration of the spill or discharge or naturally occurring harmful algal blooms;
4. The proximity to shellfish beds of the spill or discharge;
5. The hydrographic characteristics of the waterway; and
6. Any site-specific factors related to (a)1 through 5 above.

(b) The Department shall immediately suspend harvest in any waters that, at the time of sampling, do not meet the standards for the particular waters' classification, pending the establishment by rulemaking of the appropriate classification and boundaries of the waters as Prohibited, Restricted, Conditionally Restricted, Conditionally Approved, or Approved under this chapter.

(c) The Department shall develop a marine biotoxin contingency plan to routinely sample shellfish growing water for marine organisms. The Department shall expand the sampling and analysis of shellfish waters and/or shellfish tissue in the event that phytoplankton that produce various marine biotoxins or naturally occurring harmful algal blooms are identified in a harvest area. The Department shall immediately suspend shellfish harvest in the event that it is determined that the level of biotoxin present in shellfish meats or the level of naturally occurring harmful algal blooms in the waters of the harvest area is sufficient to cause a health risk.

1. The factors considered in determining the necessity, extent, and length of such a suspension shall include:

- i. The concentration of naturally occurring harmful algal or biotoxin producing phytoplankton and/or biotoxin levels present;
- ii. The location of phytoplankton;
- iii. The proximity to shellfish beds of the phytoplankton or biotoxin levels;
- iv. The hydrographic characteristics of the waterway;
- v. Meteorological conditions; and
- vi. Any site-specific factors related to (c)1i through v above.

(d) The Department shall conduct, in accordance with the NSSP Guide, an annual assessment to determine the risk of *Vibrio parahaemolyticus* illness and *Vibrio vulnificus* illness from the consumption of shellfish harvested from shellfish growing waters. Based on the results of the

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risk assessment, the Department shall develop and annually update and implement a *Vibrio parahaemolyticus* Control Plan and a *Vibrio vulnificus* Control Plan. The Control Plans establish control measures to minimize growth of *Vibrio parahaemolyticus* and/or *Vibrio vulnificus* in shellfish. The Control Plans are available at <http://www.nj.gov/dep/bmw>, or from the address at N.J.A.C. 7:12-1.1(l). *Vibrio parahaemolyticus* Control Plan time to temperature requirements are set forth at N.J.A.C. 7:12-8.6.

(e) The Department shall immediately notify representatives of agencies or organizations affected by a harvest suspension or restriction under this section by fax or e-mail. Notice of harvest suspension or restriction shall be posted in areas where those harvesting shellfish would be likely to enter the water. Notice shall also be posted at www.nj.gov/dep/bmw. The following agencies or organizations shall be notified:

1. The designated enforcement unit(s) in the area in which the suspension or restriction occurred;
2. The shellfish program in the Department of Health and the health agencies in the county in which the suspension or restriction occurred;
3. The U.S. Food and Drug Administration;
4. The U.S. Environmental Protection Agency; and
5. Members of the Atlantic Coast Shellfish Council and/or the Delaware Bay Shellfish Council.

N.J.A.C. 7:12-1.5 (Reserved)

SUBCHAPTER 2. SHELLFISH GROWING WATER CLASSIFICATION -- PROHIBITED

N.J.A.C. 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.

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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 Restricted area. See N.J.A.C. 7:12-3):

i. All those waters of the Raritan Bay, Raritan River (and its tributaries), Arthur Kill (and its tributaries), and Keyport Harbor (and its tributaries) lying south of the New York-New Jersey boundary line and west of a line starting at a point on the New York-New Jersey boundary with coordinates of latitude 40 degrees 28 minutes 51.4 seconds N., longitude 74 degrees 12 minutes 13 seconds W., then bearing approximately 165 degrees T to the northernmost point of Keyport Harbor with coordinates of latitude 40 degrees 27 minutes 24.78 seconds N., longitude 74 degrees 11 minutes 43.86 seconds W., then bearing approximately 81 degrees T to the northernmost point of land on Conaskonk Point, Union Beach, New Jersey coordinates of latitude 40 degrees 27 minutes 31.99 seconds N., longitude 74 degrees 10 minutes 44.50 seconds W., and terminating;

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 in a northwesterly direction for approximately 2.2 nautical miles bearing approximately 331 degrees toward R "10" 18 Fl R4s Bell, (located in New York State waters) until it intersects New York State waters at approximately latitude 40 degrees 30 minutes 30.2 seconds N. and longitude 74 degrees 2 minutes 21.9 seconds W., where this line terminates. (Note: This closure adjoins those Prohibited waters defined in (a)21i below);

vi. All those waters enclosed by a line beginning at a point of land (off Harbor Court, Borough of Atlantic Highlands), at coordinates latitude 40 degrees 25 minutes 3.3 seconds N., longitude 74 degrees 2 minutes 29.9 seconds W., then bearing approximately 64 degrees T in a northeasterly direction to the northernmost extent of the ferry pier (located on First Avenue, Borough of Atlantic Highlands) and then connecting this structure with

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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;

vii. All waters west of a line starting from the southern shore of the Navesink River at coordinates latitude 40 degrees 22 minutes 3.4 seconds N., longitude 74 degrees 2 minutes 48.2 seconds W., and then heading in a northeasterly direction to the northern shore of the Navesink River at coordinates latitude 40 degrees 22 minutes 25.0 seconds N., longitude 74 degrees 2 minutes 34.1 seconds W., including all of Swimming River, Shadow Lake, McClee's Creek, and other tributaries; and

viii. All waters south of a line starting from a Department maintained marker located at the tip of land on the eastern shore of the river between the mouth of Manahasset Creek and the South Shrewsbury River at coordinates latitude 40 degrees 19 minutes 41.0 seconds N., longitude 73 degrees 59 minutes 45.2 seconds W., then bearing 270 degrees T west to a Department maintained marker located on the western bank of the South Shrewsbury River at coordinates latitude 40 degrees 19 minutes 41.0 seconds N., longitude 73 degrees 59 minutes 57.7 seconds W.

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

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

i. All of the Point Pleasant Canal;

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

iii. All of the waters of the Glimmer Glass region north of a line starting at a point with coordinates of latitude 40 degrees 6 minutes 38.67 seconds N., longitude 74 degrees 2 minutes 38.34 seconds W., then bearing approximately 277 degrees T across Crabtown Creek to a point with coordinates of latitude 40 degrees 6 minutes 39.14 seconds N., longitude 74 degrees 2 minutes 42.98 seconds W., then following the shoreline of Debbies Creek, Glimmer Glass, Watson Creek, Stockton Lake, and Deep Creek to a point with coordinates of latitude 40 degrees 6 minutes 32.02 seconds N., longitude 74 degrees 2 minutes 37.42 seconds W., then bearing approximately 349 degrees T across Deep Creek to a point with coordinates of latitude 40 degrees 6 minutes 32.67 seconds N., longitude 74 degrees 2 minutes 37.58 seconds W., then following the western shoreline of a small unnamed island in a northerly direction to its point of origin and terminating; and

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iv. All of the waters of Lake Louise located south of the northern side of the Broadway Bridge, specifically south of a line beginning at a point with coordinates of latitude 40 degrees 6 minutes 2.53 seconds N., longitude 74 degrees 2 minutes 15.60 seconds W., then bearing approximately 101 degrees T across the Lake Louise channel in an easterly direction to a point with coordinates of latitude 40 degrees 6 minutes 2.26 seconds N., longitude 74 degrees 2 minutes 13.76 seconds W., and terminating.

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

i. All of Twilight Lake and its tributaries including its access channel north from where it meets Northern Barnegat Bay at a point with coordinates of latitude 40 degrees 3 minutes 57.27 seconds N., longitude 74 degrees 2 minutes 49.55 seconds W., then bearing approximately 3.5 degrees T in a northerly direction across the mouth of the access channel to a point with coordinates of latitude 40 degrees 3 minutes 58.10 seconds N., longitude 74 degrees 2 minutes 49.47 seconds W., and terminating;

ii. All those waters of Beaverdam Creek and its tributaries west of a line beginning at a point of land near the westernmost extent of Boat Point Drive in Point Pleasant on the northern side of Beaverdam Creek with coordinates latitude 40 degrees 3 minutes 40.32 seconds N., longitude 74 degrees 3 minutes 50.83 seconds W., then crossing Beaverdam Creek with the approximate bearing of 183 degrees T to navigation marker Flashing Green light "3" (FL G "3") and then bearing approximately 194 degrees T to the easternmost point of land on Wardells Neck in Brick Township with coordinates latitude 40 degrees 3 minutes 32.66 seconds N., longitude 74 degrees 3 minutes 51.32 seconds W., and terminating;

iii. All those waters of the Metedeconk River and its tributaries west of a line beginning at a point of land on Wardells Neck in Brick Township with coordinates latitude 40 degrees 3 minutes 23.04 seconds N., longitude 74 degrees 5 minutes 38.70 seconds W., and then bearing approximately 180 degrees T due south across the Metedeconk River to a point of land on the southern bank with coordinates latitude 40 degrees 2 minutes 58.27 seconds N., longitude 74 degrees 5 minutes 38.70 seconds W., and terminating; and

iv. All tributaries, lagoons, and marina basins on the southern shoreline of the Metedeconk River beginning at a point of land on the southern bank with coordinates latitude 40 degrees 2 minutes 58.27 seconds N., longitude 74 degrees 5 minutes 38.70 seconds W., then following along the shoreline to the most eastern point of land in West Mantoloking with coordinates latitude 40 degrees 3 minutes 0.76 seconds N., longitude 74 degrees 3 minutes 26.97 seconds W., and terminating.

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7. Toms River area: All those waters of Toms River and tributaries west from a straight line beginning at the northeastern junction of Dillon Creek with the Toms River that has the coordinates of latitude 39 degrees 56 minutes 33.8 seconds North and longitude 74 degrees 7 minutes 59.2 seconds West and bearing approximately 167 degrees T to the northern terminus of Anglesea Road at Toms River that has the coordinates of latitude 39 degrees 55 minutes 43.1 seconds North and longitude 74 degrees 7 minutes 44.4 seconds West.

8. Tuckerton area (Note: A Portion of Tuckerton Cove is also designated as Conditionally Approved or Restricted. See N.J.A.C. 7:12-4 and 3.): The waters of Tuckerton Creek and tributaries north of a line beginning at a point on the southeastern bank of Tuckerton Creek, southeast of Parker Rd. with coordinates of latitude 39 degrees 34 minutes 40.7 seconds N., longitude 74 degrees 20 minutes 14.9 seconds W., and then bearing 186 degrees T for 0.10 nautical miles to a point on the southwestern bank of Tuckerton Creek with coordinates of latitude 39 degrees 34 minutes 34.7 seconds N., longitude 74 degrees 20 minutes 15.8 seconds W., and terminating.

9. Brigantine area (Note: Portions are also designated as Restricted and Conditionally Approved. 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.

10. Atlantic City area (Note: Portions are also designated as Restricted and Conditionally Approved. 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.

11. Great Egg Harbor River (Note: Portions are also designated as Restricted and Conditionally Approved. 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.

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

13. Strathmere and Sea Isle City area (Note: Portions are also designated as Restricted and Conditionally Approved. 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.

14. 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.

15. Stone Harbor area (Note: A portion is also designated as Conditionally Approved. 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;

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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.

16. 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.

17. The Wildwoods Area (Note: Portions are also designated as Restricted and Conditionally Approved. 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;

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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 Tempe Creek and tributaries thereof;

vi. All of Cresse Creek and tributaries thereof;

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

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

ix. All of Reubens Thorofare and tributaries thereof; and

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

18. Cape May (Note: A portion is also designated as a 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. 7:12-3.1(a)31 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.

19. Delaware Bay area (Note: Portions are also designated as Restricted and Conditionally Approved. 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

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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 the Maurice River and tributaries upstream of a line beginning at a point along the west shore of the river south of Bivalve at latitude 39 degrees 12 minutes 51.2 seconds N., longitude 75 degrees 2 minutes 55.9 seconds W. and bearing approximately 115 degrees T across the river to a point along the east shore at latitude 39 degrees 12 minutes 21.4 seconds N., longitude 75 degrees 1 minute 27.9 seconds W., 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.

20. 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.

21. Atlantic Ocean:

i. All of the ocean waters east of a line connecting the northernmost point of Sandy Hook and the southwestern most point of Rockaway Point and south of the New York State line and extending to and following the New Jersey three nautical mile jurisdiction

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limit in a southerly direction until it intersects a line bearing approximately 270 degrees T connecting a point with coordinates of latitude 40 degrees 23 minutes 38.58 seconds N., longitude 73 degrees 54 minutes 35.15 seconds W., then along that line in a westerly direction for approximately 1.3 nautical miles to a point with coordinates of latitude 40 degrees 23 minutes 38.99 seconds N., longitude 73 degrees 56 minutes 15.98 seconds W., then bearing approximately 183 degrees T and continuing in a southerly direction for approximately 7.2 nautical miles to a point with coordinates of latitude 40 degrees 16 minutes 34.36 seconds N., longitude 73 degrees 56 minutes 56.45 seconds W., then bearing approximately 270 degrees T toward the spire located at the northwest corner of Lake Drive and Ocean Avenue, City of Long Branch, with coordinates of latitude 40 degrees 16 minutes 39.71 seconds N., longitude 73 degrees 59 minutes 10.21 seconds W., to a point approximately 1.0 nautical miles offshore with the coordinates of latitude 40 degrees 16 minutes 36.38 seconds N., longitude 73 degrees 57 minutes 44.97 seconds W., then proceeding in a southerly direction approximately 1.0 nautical miles offshore from that point intersection approximately 4.99 nautical miles to a point with coordinates of latitude 40 degrees 11 minutes 41.0 seconds N., longitude 73 degrees 59 minutes 8.6 seconds W., then bearing east at approximately 100 degrees T for 0.16 nautical miles to a point approximately 1.18 nautical miles offshore with coordinates of latitude 40 degrees 11 minutes 39.2 seconds N., longitude 73 degrees 58 minutes 56.1 seconds W., then heading in a southerly direction at approximately 193 T for 0.49 nautical miles to a point with coordinates of latitude 40 degrees 11 minutes 10.4 seconds N., longitude 73 degrees 59 minutes 5.2 seconds W., and then bearing west approximately 284 T for 0.16 nautical miles to a point with coordinates of latitude 40 degrees 11 minutes 13.0 seconds N., longitude 73 degrees 59 minutes 17.2 seconds W., then proceeding in a southerly direction at a distance of 1.00 nautical miles offshore from that point of intersection for approximately 2.36 nautical miles to a point with coordinates of latitude 40 degrees 8 minutes 54.89 seconds N., longitude 74 degrees 0 minutes 0 seconds W., until it intersects a line beginning at the water tank located on 509 Monmouth Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08 minutes 48 seconds N., longitude 74 degrees 2 minutes 12 seconds W., and bearing approximately 085 degrees T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 8 minutes 48 seconds N., longitude 74 degrees 2 minutes 30 seconds W., then proceeding from that point of intersection in a easterly direction along that line towards the above noted dome until it is approximately 0.5 nautical miles directly offshore, then continuing in a southerly direction approximately 0.5 nautical miles offshore for approximately 3.90 nautical miles to a point with coordinates of latitude 40 degrees 5 minutes .9 seconds N., longitude 74 degrees 1 minute 39.07 seconds W., then bearing approximately 280 degrees T (reciprocal 100 degrees T) toward the water tank located next to the junction of New York Avenue and the Con Rail Railroad tracks, Borough of Point

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Pleasant Beach, with coordinates of latitude 40 degrees 5 minutes 10.6 seconds N., longitude 74 degrees 2 minutes 49.1 seconds W., to a point with coordinates of latitude 40 degrees 5 minutes 4.44 seconds N., longitude 74 degrees 2 minutes 4.96 seconds W., then in a southerly direction approximately 1,000 feet offshore to a point with the coordinates of latitude 40 degrees 2 minutes 39.08 seconds N., longitude 74 degrees 2 minutes 35.39 seconds W., then bearing approximately 102 degrees T to a point at latitude 40 degrees 2 minutes 24.36 seconds N., longitude 74 degrees 0 minutes 0 seconds W., then in a southerly direction to a point at latitude 40 degrees 1 minute 18.70 seconds N., longitude 74 degrees 1 minute 14.39 seconds W., then bearing approximately 282 degrees T to the shore at latitude 40 degrees 1 minute 36.58 seconds N., longitude 74 degrees 3 minutes 7.39 seconds W., and terminating. This closure adjoins those Prohibited waters in (a)3v above and those Special Restricted waters defined in N.J.A.C. 7:12-3.2;

ii. (Reserved);

iii. All ocean waters south of a line beginning at a point with coordinates of latitude 39 degrees 55 minutes 2.08 seconds N., longitude 74 degrees 4 minutes 31.11 seconds W., located East of the intersection of 8th and Ocean Avenues, Borough of Seaside Park, then bearing 095 degrees T to a point 1.67 nautical miles from the shoreline with coordinates of latitude 39 degrees 54 minutes 52.21 seconds N., longitude 74 degrees 2 minutes 21.70 seconds W., then continuing South at 183 degrees T, and parallel to the shoreline for 2.46 nautical miles to a point with coordinates of latitude 39 degrees 52 minutes 24.91 seconds N., longitude 74 degrees 2 minutes 34.10 seconds W., then bearing West at 277 degrees T for 1.82 nautical miles to a point with coordinates of latitude 39 degrees 52 minutes 38.09 seconds N., longitude 74 degrees 4 minutes 54.70 seconds W. and terminating;

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

v. All the ocean waters inshore of a line beginning at the light charted as Fl G 4 sec 29 ft 6M (7) at the end of Absecon Inlet's southwest jetty and bearing approximately 230

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degrees T for 2.26 nautical miles until it intersects a line bearing approximately 155 degrees T from the northeast corner of Trop World Casino (Brighton Avenue and the Boardwalk, Atlantic City) at a point located approximately 0.64 nautical miles offshore with the coordinates of latitude 39 degrees, 20.0 minutes 32.3 seconds North, longitude 74 degrees, 26 minutes 22.6 seconds West; thence in a southeasterly direction bearing approximately 148 degrees T for approximately 1.75 nautical miles to a point with the coordinates of latitude 39 degrees 19 minutes 15.4 seconds North, longitude 74 degrees 25 minutes 20.0 seconds West; then proceeding in a southwesterly direction parallel to the coastline, approximately 242 degrees T, for approximately 1.57 nautical miles to a point with the coordinates of 39 degrees 18 minutes 32.2 seconds North, longitude 74 degrees, 27 minutes 7.6 seconds West; thence 2.05 nautical miles in a northwesterly direction bearing approximately 335 degrees T toward the southwestern corner of a brown apartment building (Oxford Avenue and the beach, City of Ventnor) to a point with the coordinates of latitude 39 degrees, 20 minutes 18.1 seconds North, longitude 74 degrees, 28 minutes 23.9 seconds West and terminating.

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

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

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degrees T for approximately 1.6 nautical miles to the belfry on top of the Union Chapel By-the-Sea on the corner of 55th Street and Asbury Avenue, Ocean City, with coordinates of latitude 39 degrees 13 minutes 39.7 seconds N., longitude 74 degrees 38 minutes 6.25 seconds W., and terminating;

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

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

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

xi. All of the ocean waters inshore of a line beginning at the base of the groin located on the beach near the intersection of Ocean Avenue and 2nd Avenue, City of North Wildwood, and continuing along that groin in a southeasterly direction to its outermost tip, then bearing approximately 147 degrees T for approximately 0.36 nautical miles towards a

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point with coordinates of latitude 38 degrees 59 minutes 54 seconds N., longitude 74 degrees 47 minutes 12.0 seconds W. then bearing approximately 223 degrees T (reciprocal 43 degrees T) in a southwesterly direction along a line 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 at a point approximately 0.4 nautical miles from the shoreline with coordinates of latitude 38 degrees 57 minutes 49 seconds N., longitude 74 degrees 49 minutes 24 seconds W. Then proceeding in a southeasterly direction along that line to a point approximately 1.4 nautical miles from the shoreline with coordinates of latitude 38 degrees 57 minutes 12.0 seconds N., longitude 74 degrees 48 minutes 26 seconds W., then proceeding parallel to the shoreline in a southwesterly direction 1.4 nautical miles offshore for approximately 2.5 nautical miles to a point with coordinates of latitude 38 degrees 55 minutes 19.6 seconds N., longitude 74 degrees 50 minutes 35.5 seconds W., then bearing approximately 313 degrees T (reciprocal 133 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

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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.

N.J.A.C. 7:12-2.2 (Reserved)

SUBCHAPTER 3. SHELLFISH GROWING WATER CLASSIFICATION -- RESTRICTED

N.J.A.C. 7:12-3.1 Shellfish growing waters that are classified as Restricted

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

1. All those waters of Raritan Bay and Sandy Hook Bay contained within a line beginning on the northernmost point of Conaskonk Point, latitude 40 degrees 27 minutes 31.99 seconds N., longitude 74 degrees 10 minutes 44.50 seconds W., near Union Beach, New Jersey and bearing approximately 261 degrees T to the most northern point of Keyport Harbor with coordinate of latitude 40 degrees 27 minutes 24.78 seconds N., longitude 74 degrees 11 minutes 43.86 seconds W., then bearing 345 degrees T until it intersects the New York-New Jersey boundary line with coordinate of latitude 40 degrees 28 minutes 51.4 seconds N., longitude 74 degrees 12 minutes 13 seconds W., then following the New York-New Jersey boundary line in an easterly direction until it intersects the Chapel Hill South Channel at approximately latitude 40 degrees 30 minutes 30.20 seconds N., and longitude 74 degrees 2 minutes 22.03 seconds W., (just south of R "10" 18 Fl R4s Bell, located in New York State waters), thence in a southeasterly direction at a bearing of 151 degrees T to the northernmost tip of Sandy Hook, approximately latitude 40 degrees 28 minutes 39.57 seconds N., and longitude 74 degrees 1 minute 4.02 seconds W., 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 at coordinates latitude 40 degrees 24 minutes 48.65 seconds N., longitude 74 degrees 1 minute 20.10 seconds W.,

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then bearing approximately 21 degrees T to the Atlantic Highland Municipal Yacht Basin's breakwater (a stone pile forming the basin's northern boundary), then following the breakwater in a northwesterly direction toward the tip of the northernmost extent of the ferry pier (located on First Avenue, Borough of Atlantic Highlands), then bearing 246 degrees T from the northernmost extent of the ferry pier to a point of land at coordinates latitude 40 degrees 25 minutes 3.3 seconds N., longitude 74 degrees 2 minutes 29.9 seconds W., 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. Shrewsbury River and Tributaries (not including the Navesink River). (Note: Portions are also designated as Prohibited or Conditionally Approved. See N.J.A.C. 7:12-2 and 4.)

i. All waters south from the northernmost edge of the Route 36 Highway Bridge to the southernmost edge of the Route 520 Highway Bridge.

ii. All waters east of a line beginning at the 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 southeasterly direction along the shoreline of the island to the southwestern corner of the island at coordinates latitude 40 degrees, 20 minutes, 34.1 seconds 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, 4.0 seconds West, and terminating.

iii. All waters west of a line beginning at the southwestern bascule of the Route 520 Highway Bridge and proceeding in a southerly direction along a line connecting the eastern end of the docks protruding into the Shrewsbury River to the mouth of Oyster Bay,

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thence in a westerly direction across the mouth of Oyster Bay, thence in a southwesterly direction along the shoreline 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, and terminating.

iv. All waters west of a straight line connecting a Department maintained marker at coordinates latitude 40 degrees, 21 minutes, 12.9 seconds N., and longitude 73 degrees, 59 minutes, 31.5 seconds W., and a Department maintained marker at coordinates latitude 40 degrees, 20 minutes, 27.1 seconds N., and longitude 73 degrees, 59 minutes, 4.2 seconds W., excluding all waters south of a line starting from a Department maintained marker located at the tip of land on the eastern shore of the river between the mouth of Manahassett Creek and the South Shrewsbury River at coordinates latitude 40 degrees 19 minutes 41.0 seconds N., longitude 73 degrees 59 minutes 45.2 seconds W., then bearing 270 degrees T W., to a Department maintained marker located on the western bank of the South Shrewsbury River at coordinates latitude 40 degrees 19 minutes 41.0 seconds N., longitude 73 degrees 59 minutes 57.7 seconds W.

3. Navesink River (Note: Portions are also designated as Prohibited or Conditionally Approved. See N.J.A.C. 7:12-2 and 4):

i. All waters of the Navesink River and tributaries west of the Oceanic Bridge starting from the southern base of the Oceanic Bridge, then following the shoreline in a southwesterly direction to a line starting from the southern shore of the Navesink River at coordinates latitude 40 degrees 22 minutes 3.4 seconds N., longitude 74 degrees 2 minutes 48.2 seconds W., and then bearing approximately 26 degrees T in a northeast direction to the northern shore of the Navesink River at coordinates latitude 40 degrees 22 minutes 25.0 seconds N., longitude 74 degrees 2 minutes 34.1 seconds W., then following the shoreline in a northeasterly direction to the northern base of the Oceanic Bridge at Locust Point, then along a line crossing the Oceanic Bridge and terminating at its southern base.

ii. All waters of Claypit Creek north of a line starting at the northern base of the Oceanic Bridge at Locust Point, then bearing 60 degrees T to a Department maintained marker at the south easternmost point of land at the mouth of Claypit Creek and terminating.

iii. All waters of Black Point Creek.

4. All of Shark River and tributaries. This closure adjoins those Prohibited waters defined in N.J.A.C. 7:12-2.1(a)21i.

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 excluding Lake

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Louise and the Glimmer Glass region (Note: The Prohibited waters of Lake Louise, the Glimmer Glass region, and the Atlantic Ocean are described at N.J.A.C. 7:12-2.1(a)5).

6. Bay Head and Mantoloking area (Note: A portion is also designated as a Prohibited area. See N.J.A.C. 7:12-2.1): Waters inclusive of an area beginning at a point of land on Wardells Neck in Brick Township with coordinates latitude 40 degrees 3 minutes 23.04 seconds N., longitude 74 degrees 5 minutes 38.70 seconds W., then bearing 180 degrees T due south across the Metedeconk River to a point of land on the southern bank with coordinates latitude 40 degrees 2 minutes 58.27 seconds N., longitude 74 degrees 5 minutes 38.70 seconds W., then following along the shoreline in a generally easterly direction, crossing all tributaries and lagoons, to the easternmost point of land in West Mantoloking with coordinates latitude 40 degrees 3 minutes 0.76 seconds N., longitude 74 degrees 3 minutes 26.97 seconds W., then proceeding along the shoreline in southerly direction, crossing all tributaries and lagoons and excluding all marina basins, to the southwestern abutment of the Mantoloking Bridge (County Route 528) with coordinates latitude 40 degrees 2 minutes 25.81 seconds N., longitude 74 degrees 3 minutes 22.99 seconds W., then proceeding east along the southern edge of the bridge to the southeastern abutment of the bridge with coordinates of latitude 40 degrees 2 minutes 24.24 seconds N., longitude 74 degrees 3 minutes 9.11 seconds W., then proceeding northbound along the shoreline, crossing all lagoons and excluding all marina basins, to the southeastern corner of the footbridge across the access channel of Twilight Lake with coordinates latitude 40 degrees 3 minutes 57.27 seconds N., longitude 74 degrees 2 minutes 49.55 seconds W., then crossing in a northerly direction the mouth of the access channel of Twilight Lake to the northeastern corner of the same footbridge with coordinates latitude 40 degrees 3 minutes 58.10 seconds N., longitude 74 degrees 2 minutes 49.47 seconds W., then proceeding along the shoreline in a generally westerly direction, across all lagoons and excluding all marina basins, to a point of land off of Bay Avenue in Point Pleasant Borough with coordinates latitude 40 degrees 3 minutes 57.69 seconds N., longitude 74 degrees 3 minutes 6.94 seconds W., then crossing in a westerly direction the Point Pleasant Canal to a point of land off of Perch Hole Point Place in Point Pleasant Borough with coordinates latitude 40 degrees 3 minutes 55.91 seconds N., longitude 74 degrees 3 minutes 9.06 seconds W., then proceeding along the shoreline, across all lagoons and excluding existing marina basins, to a point of land near the westernmost extent of Boat Point Drive in Point Pleasant on the northern side of Beaverdam Creek with coordinates latitude 40 degrees 3 minutes 40.32 seconds N., longitude 74 degrees 3 minutes 50.83 seconds W., then crossing Beaverdam Creek with the approximate bearing of 183 degrees T to navigation marker Flashing Green light "3" (FL G "3"), and then bearing approximately 194 degrees T to the easternmost point of land on Wardells Neck with coordinates latitude 40 degrees 3 minutes 32.66 seconds N., longitude 74 degrees 3 minutes 51.32 seconds W., then continuing along the shoreline, across the lagoon at the end of Wardells Neck, then continuing along the shoreline to a point with coordinates latitude 40 degrees 3 minutes 22.15 seconds N., longitude 74 degrees 3 minutes

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51.85 seconds W., then following the shoreline in a westerly direction to the point of origin and terminating.

7. Island Beach areas: Mantoloking to Berkeley Township (Note: A portion is designated Conditionally Approved. See N.J.A.C. 7:12-4): All those waters of Barnegat Bay and its tributaries east of a line beginning at the tip of Chadwick Island with coordinates latitude 40 degrees 0 minutes 0.4 seconds N., longitude 74 degrees 4 minutes 20.8 seconds W., proceeding in a southwesterly direction across Middle Thoro to the northeastern tip of Middle Sedge Island with coordinates latitude 39 degrees 59 minutes 59.5 seconds N, longitude 74 degrees 4 minutes 24.0 seconds W., thence approximately 298 degrees T in a westerly direction to coordinates latitude 40 degrees 0 minutes 13.9 seconds N., longitude 74 degrees 4 minutes 59.1 seconds W., then approximately 192 degrees T in a southerly direction to the northeastern tip of NW Point Island with coordinates latitude 40 degrees 0 minutes 13.9 seconds N., longitude 74 degrees 4 minutes 59.1 seconds W., then following the shoreline of NW Point Island in a southerly direction to a point on land with coordinates latitude 39 degrees 59 minutes 52.0 seconds N., longitude 74 degrees 5 minutes 5.2 seconds W., thence approximately 142 degrees T in a southeasterly direction to the southeasternmost tip of NW Point Island with coordinates latitude 39 degrees 59 minutes 33.3 seconds N. and longitude 74 degrees 5 minutes 6.7 seconds W., then along the southern shore to a Department maintained marker on the southwestern tip of NW Point Island, then bearing approximately 142 degrees T to the western tip of the island 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" (FI G "11") off West Point Island, then bearing approximately 217 degrees T to Quick Green light (QG "29"), then bearing approximately 158 degrees T to the westernmost point of land on Pelican Island, then bearing approximately 129 degrees T to Flashing Green light "3" (FI 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 Conditionally Approved. 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;

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ii. All of Kettle Creek and tributaries north and west from a straight line beginning at the westernmost end of Long Point Island at coordinates latitude 40 degrees 0 minutes 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 North and longitude 74 degrees 6 minutes 26.2 seconds West and terminating;

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 202 degrees T and terminating at a Department maintained marker on Cattus Island Park (Ocean County) with coordinates of latitude 39 degrees 59 minutes 41.0 seconds North and longitude 74 degrees 6 minutes 54.7 seconds West and terminating;

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 145 degrees T to Flashing Red 4s "28" 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 to its connection with the mainland shore, thence along the shoreline to the northeastern junction of Dillon Creek with the Toms River that has the coordinates of latitude 39 degrees 56 minutes 33.8 seconds North and longitude 74 degrees 7 minutes 59.2 seconds West and bearing approximately 167 degrees T to the northern terminus of Anglesea Road at Toms River that has the coordinates of latitude 39 degrees 55 minutes 43.1 seconds North and longitude 74 degrees 7 minutes 44.4 seconds West. (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

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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 Conditionally Approved. 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);

ii. Cedar Creek to Laurel Harbor area: All those waters west of a line beginning at the bulkhead (located on the northeasternmost point of land at the mouth of Cedar Creek) located on the southeasternmost extent of Berkeley Island Park (Ocean County Park System) and bearing approximately 161 degrees T to the northeasternmost point of land on the unnamed island located just east of Laurel Harbor, and then following the eastern shoreline of this island in a southerly direction to the southernmost extent of this island, and then bearing approximately 207 degrees T to the Department maintained marker located on the northernmost point of land on the mainland (located at the northeastern extent of Laurel Boulevard in Lacy Township) and then following the shoreline in a southerly direction, and then westerly to the southernmost extent of land in Laurel Harbor (located at the southwesternmost extent of Laurel Boulevard in Lacy Township) and then bearing approximately 229 degrees T to the unnamed point of land that forms the southeastern bank at the mouth of the Laurel Harbor lagoon complex where it terminates. This condemnation includes all waters of Cedar Creek and its tributaries as well as waters comprising the Laurel Harbor lagoon complex; and

iii. All those waters west (upstream) from a line beginning at the northernmost point of land, on the southern bank, that helps form the cove at the mouth of the southern lagoon complex adjacent to the community of Sunrise Beach and bearing approximately 335 degrees T to the northeasternmost telephone/electric pole (3MV, BT 36) on Capstan Drive (Sunrise Beach community), then from this pole, across the mouth of Stouts Creek, bearing approximately 352 degrees T and terminating at the small point of land on the west bank of a small unnamed creek along the opposite (northern) shore of Stouts Creek.

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12. Western Barnegat Bay Forked River to Conklin Island. (Note: A portion is designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All waters of Forked River and its tributaries west of a line beginning on the easternmost point of land immediately north of Forked River (approximate location: latitude 39 degrees 49 minutes 38 seconds N., longitude 74 degrees 9 minutes 38 seconds W.) and bearing approximately 167 degrees T to the easternmost point of land on the southern bank at the mouth of Forked River;

ii. All of Oyster Creek; and

iii. All waters west and south (including all waters of Double Creek) beginning at the easternmost extent of the bulkhead (Flashing Red light "2") located along the shoreline of the Barnegat Public Dock and bearing approximately 180 degrees T to the northernmost point of land on the northwest peninsula on Conklin Island.

13. Barnegat Bay-Little Egg Harbor and Long Beach Island area; Barnegat Light to Holgate (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. An area adjacent to the Borough of Barnegat Light inshore from a line connecting jetties and/or pier ends along the shore (not including the main inlet jetties). The line extends from the end of the small jetty immediately adjacent (west) to the Barnegat Lighthouse (Aband Lt HO), and continues along that shoreline in a general southwesterly direction to the entrance of the first man-made boat harbor or lagoon currently named Lighthouse Marina, then all of those waters south and east of a line beginning at the point formed on the northern bank at the entrance to this boat harbor or lagoon and bearing approximately 227 degrees T directly through light "1" (Fl "1") to its terminus on the High Bar Peninsula;

ii. All of Harvey Cove north and east of a straight line drawn across its entrance from the point of land forming its mouth on the southernmost bank and bearing approximately 010 degrees T to a point of land on the northern bank; and

iii. All those waters of the tributaries or creeks of Cedar Bonnet Island north of Route 72 (Manahawkin Causeway) enclosed by a line beginning on the easternmost bank at the mouth of the easternmost creek or tributary and then bearing approximately 270 degrees T to the western bank at the mouth of this tributary, and then following the shoreline easterly to the next tributary, creek, or lagoon's mouth, where it bears approximately 270 degrees T to the western bank of this body of water where it terminates.

14. Manahawkin Bay, Mallard Island, Beach Haven West (Village Harbor) area (Note: A portion is also designated as Conditionally Approved. See: N.J.A.C. 7:12-4):

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i. All of Cedar Creek, Manahawkin Creek and the waters adjacent to Beach Haven West (Village Harbor) north and west from a line beginning on the northern bank at the entrance to Cedar Creek and bearing approximately 150 degrees T to a small island, then bearing approximately 209 degrees T to the western end of the most westerly island along the Manahawkin Causeway, then bearing approximately 180 degrees T to the northernmost point of land on Thorofare Island, then following the shoreline of Thorofare Island to its southernmost point of land, then bearing approximately 260 degrees T to its terminus on the easternmost point of land on Popular Point; and

ii. All of those waters in unnamed creek north and west of a line beginning on Oyster Point and bearing approximately 032 degrees T to its terminus on the northeast shore of the unnamed creek. This line of closure is an extension of a line (terminating on Oyster Point) defined in N.J.A.C. 7:12-4.

15. Cedar Run area. (Note: A portion is designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of Cedar Run Cove, Creek and Tributaries north and west (upstream) of a straight line beginning at Horse Point and bearing approximately 037 degrees T to a point of land on the opposite side of the cover.

ii. All those waters of Channel Creek and tributaries north and west of a line beginning on the southernmost point of land on Horse Point and bearing approximately 267 degrees T to a Department maintained marker located on the western shore.

16. Westecunk Creek Area:

i. All those waters of Dinner Point Creek north and west of a line connecting two Department maintained markers (approximate bearing from the northernmost to southernmost marker 057 degrees T) at its mouth where it empties into Little Egg Harbor Bay (The southernmost Department maintained marker coincides with that utilized in N.J.A.C. 7:12-3.2(a)16ii below.); and

ii. All those waters of Westecunk Creek and tributaries west of a line beginning at Flashing light 4 second 10 ft "1" (Fl 4sec 10ft "1") and bearing approximately 006 degrees T to a Department maintained marker located on the northern bank of Westecunk Creek at its mouth.

17. All of Parker Run and its tributaries west (upstream) from a straight line across the creek between the peak of the Ocean County pavilion on the north bank and bearing approximately 140 degrees T to navigational aid Flashing Green light number "1" (Fl G "1") on the south bank.

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18. Tuckerton area (Note: Portions are also designated as Prohibited or Conditionally Approved. See N.J.A.C. 7:12-2 and 4): The waters of Tuckerton Cove and tributaries thereof between a location on Gaunt Point that is west of Little Egg Harbor Boulevard and situated on the eastern bank of Tuckerton Cove with coordinates of latitude 39 degrees 34 minutes 41.7 seconds N., and longitude 74 degrees 19 minutes 58.8 seconds W., and then bearing 230 degrees T for 0.34 nautical miles to a point on the west bank of Tuckerton Cove with coordinates of latitude 39 degrees 34 minutes 28.8 seconds N., and longitude 74 degrees 20 minutes 19.3 seconds W., then in a northeasterly direction along the western shore of Tuckerton Cove for 0.11 nautical miles to a point on the western shoreline with coordinates of latitude 39 degrees 34 minutes 34.7 seconds N., and longitude 74 degrees 20 minutes 15.8 seconds W., then bearing 6 degrees T for 0.10 nautical miles to a point on the eastern bank of Tuckerton Cove, southeast of Parker Rd. with coordinates of latitude 39 degrees 34 minutes 40.7 seconds N., and longitude 74 degrees 20 minutes 14.9 seconds W., then continuing northeast, west, then southeast along the Tuckerton Cove shoreline to the point of origin and terminating.

19. Atlantis and Mystic Islands area:

- i. All of Big Thorofare and tributaries west and/or south (upstream) of the Great Bay Boulevard bridge which crosses same; and
- ii. All of Big Creek and tributaries thereof.

20. Mullica River Great Bay area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. Mullica River and tributaries (Note: A portion is also designated as Conditionally Approved. See: N.J.A.C. 7:12-4.): All of Mullica River and tributaries thereof, upstream from a straight line beginning at the easternmost point of Moss Point and bearing approximately 093 degrees T to the southwesternmost point of land on the north bank of the northernmost ditch (Bloody Ditch) separating Blood Point from the mainland;

ii. All of Nacote Creek and tributaries thereof;

iii. Ballanger Creek area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

(1) All of Ballanger Creek and tributaries upstream from a straight line connecting two Department maintained markers; and

(2) All of Winter Creek and tributaries upstream from a straight line connecting two Department maintained markers;

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iv. Roundabout Creek area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4): All of Roundabout Creek and tributaries upstream from a straight line connecting two Department maintained markers;

v. All of Judies Creek and tributaries upstream from a straight line connecting two Department maintained markers (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4.);

vi. All of Mott Creek and tributaries thereof;

vii. All of Oyster Creek and tributaries thereof;

viii. All those waters surrounding Cape Horn Marina north of a line starting from a Department maintained marker located at the mouth of the cove with coordinates of latitude 39 degrees 32 minutes 29.9 seconds N., and longitude 74 degrees 20 minutes 1.1 seconds W., then heading in a westerly direction to a point of land at a Department maintained marker with coordinates latitude 39 degrees 32 minutes 32.0 seconds N., and longitude 74 degrees 20 minutes 7.0 seconds W., then heading in a northwesterly direction across the mouth of Jimmies Creek to a point of land at a Department maintained marker with coordinates latitude 39 degrees 32 minutes 35.0 seconds N., and longitude 74 degrees 20 minutes 10.8 seconds W., and terminating; and

ix. All of those waters of the unnamed creek located next to the Rutgers Research Station at the southern end of Great Bay Boulevard, up stream from a Department maintained marker, at coordinates latitude 39 degrees 30 minutes 32 seconds North, longitude 74 degrees 19 minutes 33 seconds West, and bearing approximately 085 degrees T to another Department maintained marker.

21. Reed Bay area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of the unnamed cove southwest of Somers Cove (adjacent to the Conditionally Approved area described in N.J.A.C. 7:12-4.1(a)6i) west of a line connecting two Department maintained markers;

ii. All of Doughty Creek and that portion of Somers Cove lying north of a line commencing at the Department maintained marker at the southeast entrance to Somers Cove and bearing approximately 274 degrees T across the cove to the Department maintained marker on the north bank of the unnamed ditch; and

iii. All of Conover Creek and tributaries thereof.

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22. Brigantine area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of Black Hole and St. George's Thorofare east of a line from the point on the eastern shore at the mouth of Conch Lagoon and bearing approximately 358 degrees T to the opposite shore.

23. Atlantic City-Absecon area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of Absecon Inlet and Absecon Channel contained within a line from the base of the Vincent Haneman Bridge (Rte. 87) (at Harrah's Casino) and continuing along that shoreline crossing the mouth of Clam Creek and continuing to the seaward end of the jetty on the western shore, at the mouth of Absecon Inlet, then channelward to a line from RN"2"(FIR2.5s) and bearing approximately 328 degrees T to the midspan of the Vincent Haneman Bridge (Rte. 87), then running northwest along that line to the Rte. 87 bridge, then westward along the bridge to the point of origin at the base of the bridge;

ii. All of Absecon Creek and adjacent Absecon Bay northwest of a line from the Department maintained marker on the northern shore of Absecon Bay and bearing approximately 216 degrees T to the Department maintained marker on the adjacent shoreline and terminating;

iii. All of Jonathan Thorofare;

iv. All of Newfound Thorofare;

v. All of Duck Thorofare;

vi. All of Clam Thorofare and the canals in Venice Park section of Atlantic City;

vii. All of Beach Thorofare from Absecon Channel to 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.

24. Pleasantville-Northfield-Linwood-Margate-Ventnor-Longport area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All the waters on the eastern side of Shelter Island;

ii. All of Hospitality Creek;

iii. All of Great Thorofare and all of Beach Thorofare from a line from the northernmost tip of runway number 22 (North-South runway) at Bader Field in Atlantic City and bearing

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approximately 033 degrees T across Beach Thorofare to a line from the tip of the stone jetty at the end of Atlantic Avenue (Longport) and bearing approximately 336 degrees T across Beach Thorofare to the center of the Longport Blvd.-Route 152 bridge, that crosses an unnamed creek on the unnamed island immediately north and west of the city of Longport including that portion of Risley Channel from the Department maintained marker at a point latitude 39 degrees 19 minutes 28.41 seconds N., and longitude 74 degrees 31 minutes 54.40 seconds W., then proceeding across Risley Channel in a southwesterly direction to a Department maintained marker at a point 39 degrees 19 minutes 22.73 seconds N., and longitude 74 degrees 32 minutes 1.47 seconds W.;

iv. All of the unnamed thorofare between Pork Island and Lone Cedar Island to a set of Department maintained markers at a point latitude 39 degrees 20 minutes 21.7 seconds N., and longitude 74 degrees 31 minutes 29.1 seconds W., then to a point latitude 39 degrees 20 minutes 23.5 seconds N., and longitude 74 degrees 31 minutes 21.8 seconds W.

v. All of Dock Thorofare and tributaries contained within a line from the point of land on the south side of Mulberry Island (at Dock Thorofare) and bearing approximately 077 degrees T to the southwesternmost point of land on Kiahs Island, then along that shoreline in a northerly, then easterly direction to a Department maintained marker, then bearing approximately 340 degrees T to and including the unnamed creek just east of Stillman Creek, then along the shoreline of Dock Thorofare in a westerly direction including Stillman Creek and continuing along the shoreline to the point of origin at the mouth of Mulberry Thorofare and terminating; and

vi. Lakes Bay (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4): All of Lakes Bay 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 northwesterly across the mouth of Great Thorofare, then along the shoreline in a northwesterly direction, then across the mouth of an unnamed lagoon at the northwest corner of Lakes Bay and returning to the point of origin.

25. Ocean City-Somers Point area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of Bass Harbor Thorofare from Ship Channel to a line beginning at a Department maintained marker on the southern shore of Steelman Bay and bearing approximately 306 degrees T, touching the shoreline of an unnamed island and continuing to a Department maintained marker on the opposite shore and terminating;

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ii. All of Patcong Creek and tributaries upstream from a line beginning at Channel Marker number 1 (Fl "1") and bearing approximately 110 degrees T to a Department maintained marker and terminating;

iii. All of Beach Thorofare, Peck Bay and adjacent thorofares contained within a line beginning at the western end of West 16th Street, Ocean City and bearing approximately 320 degrees T to Flashing red light 262 (Fl Q R "262"), then along the south side of the unnamed island to its westernmost point, then across the small thorofare to the nearest point of land on Shooting Island and following the southeastern shoreline of Shooting Island, then in a northerly direction to a Department-maintained marker, then bearing approximately 240 degrees T across the thorofare to the northernmost point of land on the unnamed island (located southwest of Shooting Island), then along the shoreline in a westerly direction to another Department maintained marker, then bearing approximately 203 degrees T to a Department maintained marker on the Ocean City shoreline, then along the Ocean City shoreline in a northeasterly direction to its point of origin at West 16th Street and terminating;

iv. All of Beach Creek north of the railroad bed; and

v. 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 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.

26. Great Egg Harbor River (Note: A portion is also designated as Conditionally Approved. See: N.J.A.C. 7:12-4):

i. All of Great Egg Harbor River and tributaries between the following lines:

(1) A line beginning at Flashing Red 8 (Fl R "8") and bearing approximately 208 degrees T across the river to a Department maintained marker at the mouth of an unnamed creek; and

(2) A line from a Department maintained marker at the mouth of Powell Creek and bearing approximately 248 degrees T across the river to another Department maintained marker;

ii. All of Lakes Creek.

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27. Tuckahoe River: All the waters of Tuckahoe River and tributaries upstream from a straight line beginning on the east bank of the mouth of Job Creek bearing approximately 023 degrees T to the island offshore along the shore of the island and terminating on the opposite bank of Tuckahoe River.

28. Strathmere and Sea Isle City area (Note: A portion is also designated as Conditionally Approved. See N.J.A.C. 7:12-4):

i. All of Maple Swamp Creek;

ii. That portion of Ludlam Bay lying south and west of a line beginning at a Department maintained marker on the shoreline of the barrier island near the mouth of Swimming Creek and bearing approximately 315 degrees T to a Department maintained marker near the Intracoastal Waterway, then bearing approximately 226 degrees T to a Department maintained marker on the mainland and terminating;

iii. All of Big Elder Creek;

iv. All of Little Elder Creek; and

v. The area of Townsend Channel adjacent to the town of Townsends Inlet contained within a line beginning at the street end of 77th St. and bearing approximately 190 degrees T to the western end of the northernmost pier located approximately at the end of 79th Street, then in a southerly direction connecting the western ends of the longest piers to the southernmost pier in Townsend Channel (at the end of 94th Street) then running along that pier to the shore and terminating.

29. Avalon area: That portion of Ingram Thorofare lying south from a line across Ingram Thorofare beginning at the easternmost tip of an unnamed island on the northwest side of Ingram Thorofare and bearing approximately 072 degrees T to the opposite shore of Ingram Thorofare, then to another line across Ingram Thorofare beginning on the south bank of a small unnamed creek bearing approximately 119 degrees T through Flashing Green light "377" (Fl G 4s 3M "377") and terminating on the opposite shore.

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 Swain Channel and Taylor Sound within a line from the mouth of Swain Channel at coordinates of latitude 38 degrees 58 minutes 49.7 seconds N., longitude 74 degrees 50 minutes 57.0 seconds W., then continuing along the shoreline in a

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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) 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

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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 Conditionally Approved. 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 with coordinates of latitude 39 degrees 11 minutes 45.0 seconds N., longitude 75 degrees 1 minute 38.0 seconds W., and bearing approximately 233 degrees T to a point with coordinates of latitude 39 degrees 11 minutes 17.3 seconds N., longitude 75 degrees 2 minutes 16.08 seconds W. in the Maurice River Approach Channel then bearing approximately 320 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 315 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 315 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) All of the Maurice River and tributaries downstream of a line from a point along the west shore of the river south of Bivalve at latitude 39 degrees 12 minutes 51.2 seconds N., longitude 75 degrees 2 minutes 55.9 seconds W. and bearing approximately 115 degrees T across the River to a point along the east shore at latitude 39 degrees 12 minutes 21.4 seconds N., longitude 75 degrees 01 minutes 27.9 seconds W., and terminating; and

ii. Dividing Creek (Note: A portion is also designated as Conditionally Approved. 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 Conditionally Approved. 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;

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v. Straight Creek: All of Straight Creek, including a portion of the Delaware Bay beginning at a point southeast of the mouth of Straight Creek at latitude 39 degrees 12 minutes 5.6 seconds N., longitude 75 degrees 9 minutes 55.0 seconds W., and bearing approximately 197 degrees T to a point in the Delaware Bay at latitude 39 degrees 11 minutes 59.5 seconds N., longitude 75 degrees 9 minutes 57.4 seconds W., then bearing approximately 271 degrees T to a point in the Delaware Bay at latitude 39 degrees 11 minutes 59.6 seconds N., longitude 75 degrees 10 minutes 5.3 seconds W., then bearing approximately 17 degrees T to a point northwest of the mouth of Straight Creek at latitude 39 degrees 12 minutes 7.8 seconds N., longitude 75 degrees 10 minutes 2.1 seconds W.;

vi. Nantuxent Cove area (Note: A portion is also designated as Conditionally Approved. 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;

x. Cohansey Cove area: All of Delaware Bay and Cohansey Cove included 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; and

xi. All of the waters contained within a line beginning at a point south of the mouth of Cherry Tree Creek at latitude 39 degrees 24 minutes 1.1 seconds N., longitude 75 degrees 26 minutes 20.3 seconds W., then bearing approximately 269 degrees T to a point at

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latitude 39 degrees 24 minutes 1.0 seconds N., longitude 75 degrees 26 minutes 27.9 seconds W., then bearing approximately 349 degrees T to a point southeast of the mouth of Lower Deep Creek at latitude 39 degrees 24 minutes 8.8 seconds N., longitude 75 degrees 26 minutes 29.7 seconds W., then along the shoreline in a southeasterly direction to a point north of the mouth of Cherry Tree Creek at latitude 39 degrees 24 minutes 1.6 seconds N., longitude 75 degrees 26 minutes 19.8 seconds W., then bearing 217 degrees T back to 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.

N.J.A.C. 7:12-3.2 (Reserved)

**SUBCHAPTER 4. SHELLFISH GROWING WATER CLASSIFICATION –
CONDITIONALLY APPROVED**

N.J.A.C. 7:12-4.1 Shellfish growing water classification -- Conditionally Approved

(a) The following shellfish growing waters are classified as Conditionally Approved, and are in the closed status from May 1 through October 31 and are in the open status from November 1 through April 30:

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1. Navesink River: Conditionally Approved (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 approximately 60 degrees T to a Department maintained marker at the northeasternmost point of land at the mouth of Claypit Creek, then following the shoreline in an easterly direction to a Department maintained marker at the southeasternmost 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 northeasternmost 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 southeasternmost point, then to a Department maintained marker on the northeasternmost 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

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latitude 40 degrees, 20 minutes, 34.1 seconds 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 Conditionally Approved waters directly adjoins those defined as Restricted in N.J.A.C. 7:12-3.1(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 then 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 Conditionally Approved waters directly adjoins those defined as Restricted in N.J.A.C. 7:12-3.1(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 approximately 188 degrees T for .52 nautical miles toward a point just north of the most

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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 Conditionally Approved waters directly adjoins those waters defined as Restricted in N.J.A.C. 7:12-3.1(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 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 Conditionally Approved waters directly adjoins those defined as Restricted in N.J.A.C. 7:12-3.1(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 Conditionally Approved waters directly adjoins those defined as Restricted in N.J.A.C. 7:12-3.1(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

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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.

viii. Barnegat Bay-Forked River to Barnegat: Conditionally Approved -- Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All those waters east of the Restricted waters described in N.J.A.C. 7:12-3 and west of a line beginning at the easternmost point of land immediately north of Forked River (Department maintained marker) approximate location: Latitude 39 degrees 49 minutes 53 seconds N., longitude 74 degrees 9 minutes 17 seconds W.) and bearing approximately 167 degrees T to Flashing Red light "2" (Fl R "2") located off the mouth of Forked River, and then bearing approximately 212 degrees T to Flashing light "3" (Fl "3") marking the entrance to the channel to Oyster Creek, and then bearing approximately 204 degrees T through Department maintained markers "A" and "B" to Department maintained marker "C" located approximately 0.4 nautical miles east of Flashing Red light "2" (Fl R "2") marking the entrance to Waretown Creek, then bearing approximately 194 degrees T through Department maintained markers "D" and "E" to Department maintained marker "F" located approximately 0.5 nautical miles east of Flashing Green light "1" (Fl G "1") marking the entrance to Lochiel Creek and the Pebble Beach lagoon complex, and then bearing approximately 180 degrees T through Department maintained marker "G" and terminating at the range marker (Department maintained) located on Conklin Island.

4. Barnegat Bay to Little Egg Harbor Bay-Long Beach Island area:

i. Northern Long Beach Island: Conditionally Approved - Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All that portion of Barnegat Bay and Manahawkin Bay lying east of a line beginning on the northern point of land forming the mouth of the most northerly lagoon

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located between Butler and Meadow Streets in High Bar Harbor (Long Beach Township) and bearing approximately 270 degrees T to the northeast point of the northernmost of the two islands just offshore (Edwin B. Forsythe National Wildlife Refuge-Barnegat Division), then along the west shore of that island to its southeast point, then bearing approximately 131 degrees T across the unnamed gut or thoroughfare to the northeast point of the southernmost island, then along the east shore of that island to its easternmost point, then bearing approximately 144 degrees T to the most easterly point on Vol Sedge, then along the southeastern shore of that island to its southernmost point, and then bearing approximately 170 degrees T to the easternmost extent of the southern island of Vol Sedge, then bearing approximately 213 degrees T to the westernmost tip of Loveladies Harbor (marsh), then bearing approximately 190 degrees T to the westernmost point of land at the end of Bay View Road which forms the (southern bank) entrance to the Loveladies Harbor lagoon complex, then proceeding to where a line bearing approximately 177 degrees T to the standpipe in Harvey Cedars intersects the shoreline just west of Bay Terrace (Harvey Cedars), and then following the bulkhead or shoreline in a southerly direction, until reaching the southwesternmost point of land, located at the westernmost extent of Maiden Lane (Harvey Cedars), and then bearing approximately 220 degrees T to a point of land just north of the northernmost extent of Kent Place (Harvey Cedars), and then following the western shoreline or bulkhead in a southerly direction across the mouths of the two lagoons. (The northernmost lagoon located between Buckingham Avenue and Lange Avenue in Long Beach Township shall remain Prohibited, and the southernmost lagoon, which is located immediately south of Lange Avenue, shall also remain Prohibited) to the bulkhead on the point of land on the southern bank forming the entrance to the second of these lagoons, then bearing approximately 205 degrees T to the northernmost corner of the largest of the unnamed islands (just northeast of Fl G "55") off the mouth of Harvey Cove (Harvey Cove itself shall remain Restricted, See: N.J.A.C. 7:12-3.1(a)), then along that island's northern shoreline to its easternmost point, then bearing approximately 115 degrees T to the westernmost point of land just west of the westernmost extent of West Salem Avenue in Harvey Cedars, then bearing approximately 219 degrees T to the westernmost point of land (marsh) located west of the westernmost extent of James Street in Long Beach Township, then bearing approximately 196 degrees T to the westernmost point of land located on the properties labeled as block 104, lot 10 and block 102, lot 10 (located just southwest of the westernmost extent of a private road known as Little Bridge Road) in Long Beach Township, then bearing approximately 209 degrees T to the end of the pier at the end of Bay Shore Street in Long Beach Township, then bearing approximately 247 degrees T to Flashing Green light "1" (Fl G "1"), then bearing approximately 224 degrees T to Flashing Red light "2" (Fl R "2"), then bearing approximately 211 degrees T to a

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Department maintained marker on Cedar Bonnet Island, then following the east shore of that island to where the eastern shoreline of Cedar Bonnet Island intersects with Route 72 (Manahawkin Causeway) and then following the southern edge of that highway in an easterly direction to its terminus where Route 72 intersects with Long Beach Island (in Ship Bottom).

ii. Southern Long Beach Island: Conditionally Approved -- Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All those waters lying east of a line beginning at the point where Route 72 (Manahawkin Causeway) intersects with Long Beach Island (in Ship Bottom) and proceeding in a westerly direction as it follows the southern edge of Route 72 to where the southern edge of Route 72 intersects with the easternmost shoreline of Cedar Bonnet Island at a point with coordinates of latitude 39 degrees 39 minutes 21 seconds N., longitude 74 degrees 11 minutes 24.92 seconds W., then following that shoreline in a southerly direction, crossing the mouths of all waterways until reaching the southeasternmost point of Cedar Bonnet Island, then crossing the mouth of a larger waterway and continuing south along the eastern shoreline of the unnamed island immediately south of Cedar Bonnet (this island is generally considered part of the Cedar Bonnet group), and then following that island's eastern shoreline in a southerly direction to its southeasternmost point with coordinates of latitude 39 degrees 38 minutes 43.46 seconds N., longitude 74 degrees 11 minutes 42.40 seconds W., then bearing 205 degrees T for 0.38 nautical miles to a point with coordinates of latitude 39 degrees 38 minutes 22.81 seconds N., longitude 74 degrees 11 minutes 54.56 seconds W., located on the northwestern side of the most northwestern of two smaller islands just northwest of Flat Island, then following the combined western shorelines of the two smaller islands in a southerly direction across the mouths of any waterways until reaching the southern tip of the most southerly of the two smaller islands, then continuing in a southerly direction across the mouth of a larger waterway until reaching the northwestern side of Flat Island, and continuing in a southerly direction along Flat Island's western shoreline across the mouths of any waterways until reaching Flat Island's southern tip at a point with coordinates of latitude 39 degrees 37 minutes 56.33 seconds N., longitude 74 degrees 11 minutes 57.04 seconds W., then bearing 210 degrees T for 0.54 nautical miles to the most northerly point of land on High Island with coordinates of latitude 39 degrees 37 minutes 28.73 seconds N., longitude 74 degrees 12 minutes 19.05 seconds W., and then following this island's eastern shoreline to its southernmost point, then bearing approximately 197 degrees T to Red "80" R "80", then bearing approximately 206 degrees T to Flashing Red light "81" (Fl G 2.5s "81"), then following the west side of the intracoastal waterway bearing approximately 187 degrees T to Red "84" (R "84"), then bearing approximately 218 degrees T to Flashing Red light

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"86" (Fl R 4s "86"), then bearing approximately 221 degrees T to Flashing Red light "88" (Fl R 2.5 s "88"), then bearing approximately 240 degrees T to Flashing Red light "92" (Fl R 4s "92"), then bearing approximately 209 degrees T to Quick Green light "95" (QG "95"), then bearing approximately 172 degrees T to the northernmost point of the easternmost Marshelder Island and then following the eastern shoreline of this island in a southerly direction to this island's southernmost point, and then bearing approximately 201 degrees T to Flashing Red light 104 (Fl R 2.5s "104"), then bearing approximately 229 degrees T to the northernmost point on Mordecai Island, then following the western shore of that island to its westernmost point, then bearing approximately 244 degrees T to Flashing Green light 109 (Fl G 4s "109"), then bearing approximately 199 degrees T to a point on shore and terminating.

iii. Manahawkin Bay, Mallard Island, Beach Haven West (Village Harbor) area: All those waters of Manahawkin and Little Egg Harbor Bays lying between a straight line beginning on the westernmost end of the most westerly island along the Manahawkin Causeway (Route 72), then bearing approximately 173 degrees T to the most easterly point of Thorofare Island, then bearing approximately 218 degrees T to Department maintained marker "J", at latitude 39 degrees 38 minutes 31 seconds, longitude 74 degrees 12 minutes 53 seconds then bearing approximately 275 degrees T to Department maintained marker "K", at latitude 39 degrees 38 minutes 33 seconds, longitude 74 degrees 13 minutes 34 seconds then bearing approximately 032 degrees T across the southeasternmost point at the mouth of the unnamed creek, then across the mouth of that creek to the southern shore of Popular Point, then along the shoreline to the easternmost tip of Popular Point, then bearing approximately 080 degrees T to the southernmost tip of Thorofare Island, then northeasterly along the southern shoreline to the northernmost tip of Thorofare Island, then bearing approximately 360 degrees T to the westernmost end of the most westerly island along the Manahawkin Causeway and terminating.

iv. Tuckerton area (Note: A portion of Tuckerton Cove is designated as Restricted. See N.J.A.C. 7:12-3. Portions of Tuckerton Creek are designated as Prohibited. See N.J.A.C. 7:12-2): The waters of Tuckerton Cove between a location on Gaunt Point situated on the eastern bank of Tuckerton Cove at the terminus of South Green St. with coordinates of latitude 39 degrees 34 minutes 35.9 seconds N., and longitude 74 degrees 19 minutes 53.1 seconds W., and then bearing 229 degrees T for 0.45 nautical miles to a point on the western bank with coordinates of latitude 39 degrees 34 minutes 18.7 seconds N., and longitude 74 degrees 20 minutes 19.2 seconds W., then in a northerly direction for 0.20 nautical miles along the western shoreline to a point with coordinates of latitude 39 degrees 34 minutes 28.8 seconds N., and longitude 74 degrees 20 minutes 19.3 seconds W., then bearing 050 degrees T for 0.34 nautical miles to a point on the eastern bank with

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coordinates of latitude 39 degrees 34 minutes 41.7 seconds N., and longitude 74 degrees 19 minutes 58.8 seconds W., and terminating.

5. Mullica River-Great Bay area:

i. Mullica River; Conditionally Approved -- Restricted May 1 through October 31, Approved November 31 through April 30 yearly:

(1) All those waters of the Mullica River (excluding Nacote Creek and the small cut or thorofare separating Moss Point from the mainland which shall remain Restricted) lying between a straight line beginning at the northernmost point of land on Akimbo Point and bearing approximately 070 degrees T to the southernmost point of land on Doctor Point (downstream boundary) and a straight line beginning at the easternmost point of land on Moss Point and bearing approximately 093 degrees T, to the southwesternmost point of land on the north bank of the northernmost ditch (Bloody Ditch) separating Blood Point from the mainland (upstream boundary). The line defining the upstream boundary described here coincides with that described in N.J.A.C. 7:12-3.1(a)20i.

ii. Ballanger Creek area: Conditionally Approved -- 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. 7:12-3.1(a)20iii(2);

iii. Roundabout Creek area: Conditionally Approved-- 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. 7:12-3.1(a)20iv.

iv. Judies Creek: Conditionally Approved -- 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. 7:12-3.1(a)20v.

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v. Great Bay area: Conditionally Approved -- 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; Conditionally Approved -- 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 southeastward 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 point with coordinates latitude 39 degrees 22 minutes 1.9 seconds N., longitude 74 degrees 24 minutes 22.9 seconds W., then to the midspan of the Justice Vincent's Haneman Bridge, then running northwest along the line to the Rt. 87 bridge (Note: A section of the channel is classified as Restricted, see N.J.A.C. 7:12-3.1(a)23i);

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7. Brigantine Area: Conditionally Approved -- 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: Conditionally Approved -- 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 continuing in a westerly direction across Shelter Bay to the most southerly tip of Alex Island at a point approximately latitude 39 degrees 21 minutes 48.03 seconds N., and longitude 74 degrees 30 minutes 53.76 seconds W., then turning southwesterly across Lakes Channel to a Department Maintained Marker at latitude 39 degrees 21 minutes 46.36 seconds N., and longitude 74 degrees 31 minutes 4.46 seconds W., then continuing northwesterly along the shoreline of 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: Conditionally Approved -- 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

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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" (F1 "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, Upland Thorofare, and their tributaries from the 34th Street Bridge to the northern end of Beach Creek and terminating.

10. Strathmere Area: Conditionally Approved -- 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

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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. Stites Sound area:

i. All of Leonard Thorofare, Deep Creek, Deep Thorofare, and Cat Run and their tributaries south of a line beginning from a point on the west shore of the mouth of Leonard Thorofare with coordinates latitude 39 degrees 7 minutes 4.1 seconds N., longitude 74 degrees 45 minutes 4.7 seconds W., then proceeding in a southeast direction across the mouth of Leonard Thorofare to a point on the east shore of Leonard Thorofare with coordinates latitude 39 degrees 7 minutes 1.9 seconds N., longitude 74 degrees 44 minutes 59.9 seconds W., and terminating.

12. Great Sound area:

i. Holmes Creek and Holmes Creek Cove: Conditionally Approved-- 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 Prohibited 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

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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.

13. Jenkins Sound-Grassy Sound-Richardson Sound: Conditionally Approved - 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.

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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. All of the waters of Old Turtle Thorofare from the mouth of Old Turtle Thorofare at Richardson Sound and its tributaries north and east of its junction with Tempe Creek to its junction with Grassy Sound Channel.

14. Delaware Bay:

i. Bidwell Creek: Conditionally Approved -- 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: Conditionally Approved - 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 with coordinates of latitude 39 degrees 11 minutes 45.0 seconds N., longitude 75 degrees 1 minute 38.0 seconds W., and bearing approximately 233 degrees T to a point with coordinates of latitude 39 degrees 11 minutes 17.3 seconds N., longitude 75 degrees 2 minutes 16.08 seconds W. in the Maurice River Approach Channel, then bearing approximately 95.4 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: Conditionally Approved -- Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly.

(1) All those waters inside of a line beginning at a point with coordinates of latitude 39 degrees 11 minutes 17.3 seconds N., longitude 75 degrees 2 minutes 16.08 seconds W., then bearing approximately 188 degrees T to flashing Green 4 second "3" (FL G 4 sec "3"), then bearing approximately 176 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 285.9 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

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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 135.4 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 135.4 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 140 degrees T to a point with coordinates of latitude 39 degrees 11 minutes 17.3 seconds N., longitude 75 degrees 2 minutes 16.08 seconds W., 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: Conditionally Approved -- 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. 7:12-3.1 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: Conditionally Approved -- 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: Conditionally Approved -- Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

(1) All of Fishing Creek; and

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vii. Fortescue Beach: 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: Conditionally Approved -- 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 contained within a line beginning at a point northwest of the town of Sea Breeze at latitude 39 degrees 19 minutes 58.3 seconds N., longitude 75 degrees 19 minutes 35.0 seconds W., then bearing approximately 280 degrees T to a point at latitude 39 degrees 19 minutes 58.7 seconds W., longitude 75 degrees 19 minutes 37.7 seconds W., then bearing 178 degrees T to a point in the Delaware Bay at latitude 39 degrees 19 minutes 17.2 seconds N., longitude 75 degrees 19 minutes 36.0 seconds W., then bearing 91 degrees T to a point on the shoreline west of the town of Sea Breeze at latitude 39 degrees 19 minutes 17.2 seconds N., longitude 75 degrees 19 minutes 14.3 seconds W., then back to the point of origin and terminating;

x. All of the waters west of Dunks Point beginning at a point southwest of Dunks Point at latitude 39 degrees 21 minutes 33.4 seconds N., longitude 75 degrees 23 minutes 25.2 seconds W., then proceeding in a westerly direction to a point at latitude 39 degrees 21 minutes 33.1 seconds N., longitude 75 degrees 23 minutes 49.5 seconds W., then proceeding in a northerly direction to a point at latitude 39 degrees 22 minutes 13.6 seconds N., longitude 75 degrees 23 minutes 50.2 seconds W., then proceeding in a southeasterly direction to a point at latitude 39 degrees 22 minutes 2.4 seconds N., longitude 75 degrees 23 minutes 39.2 seconds W., then proceeding back to the point of origin and terminating;

xi. All of the waters northeast of a line from a point west of the mouth of Stow Creek at latitude 39 degrees 22 minutes 52.5 seconds N., longitude 75 degrees 24 minutes 28.3 seconds W., and bearing approximately 143 degrees T to a point northwest of the mouth of

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Jacobs Creek at latitude 39 degrees 22 minutes 2.4 seconds N., longitude 75 degrees 23 minutes 39.2 seconds W.

(b) The following shellfish waters are classified as Conditionally Approved, and are in the closed status from May 1 through December 31 and are in the open status from January 1 through April 30:

1. (Reserved)
2. (Reserved)
3. (Reserved)
4. Cedar Run area: Conditionally Approved -- Restricted May 1 through December 31 yearly, Approved January 1 through April 30 yearly:
 - i. (Reserved)
5. (Reserved)
6. Mullica River-Great Bay area: Conditionally Approved -- 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: Conditionally Approved -- 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

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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: Conditionally Approved -- 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: Conditionally Approved -- 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 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 Stringaree Creek then across the mouth of Stringaree Creek to a Department maintained marker on the other side of Stringaree Creek then continuing

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in a westerly direction along the shoreline of Swain Channel to a point at latitude 38 degrees 58 minutes 49.7 seconds N., longitude 74 degrees 50 minutes 57.0 seconds W., then bearing approximately 182.5 degrees T to a point at latitude 38 degrees 58 minutes 41.3 seconds N., longitude 74 degrees 50 minutes 57.4 seconds W., then following the shoreline around back to the point of origin and terminating.

ii. All of the Intracoastal Waterway from a point at the mouth of Swain Channel with coordinates of latitude 38 degrees 58 minutes 49.7 seconds N., longitude 74 degrees 50 minutes 57.0 seconds W., then turning in a southerly direction at the junction the intracoastal waterway (ICW) and Swain Channel and proceeding along the shoreline of the ICW to Jarvis Sound at a point with coordinates 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 proceeding in an easterly direction to a point at the junction of the ICW and Sunset Lake with coordinates latitude 38 degrees 58 minutes 41.3 seconds N., longitude 74 degrees 50 minutes 57.4 seconds W., then bearing approximately 2.5 degrees T to the point of origin and terminating.

iii. 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 12.4 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 degrees T 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 continuing along the shoreline in a northerly direction to a Department maintained marker at the south side of the mouth of Shell Thorofare and bearing approximately 330 degrees T across the mouth of Shell Thorofare to the other side then continuing along the shoreline of the ICW in a northerly direction to a point at latitude 38 degrees 58 minutes 20.0 seconds N, longitude 74 degrees 51 minutes 35.7 seconds W, and bearing approximately 317 degrees T back to the point of origin and terminating.

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SUBCHAPTER 5. SHELLFISH GROWING WATER CLASSIFICATION – CONDITIONALLY RESTRICTED

N.J.A.C. 7:12-5.1 Shellfish growing water classification--Conditionally Restricted

No shellfish growing waters are classified as Conditionally Restricted.

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. SANCTUARIES

N.J.A.C. 7:12-7.1 Sanctuaries

The Department may establish sanctuaries for the purpose of re-establishing shellfish populations and shall establish the boundaries of any such sanctuary in this subchapter. No shellfish shall be harvested from within a sanctuary.

SUBCHAPTER 8. SHELLFISH HARVEST, HANDLING, AND TRANSPORT REQUIREMENTS FOR SHELLFISH LICENSE HOLDERS

N.J.A.C. 7:12-8.1 Scope and applicability

(a) This subchapter establishes the requirements for shellfish license holders for the harvest, handling, and transport of shellfish in order to ensure harvested shellfish are safe for human consumption.

(b) Any person who violates any requirement of this subchapter may be subject to prosecution and/or penalties pursuant to N.J.S.A. 23:2B-14, 50:1-5 et seq., 58:24-9, 58:24-10, 58:24-10.1, and 2C:64-1 et seq., including the forfeiture of shellfish, which may be seized and returned to the water or destroyed.

N.J.A.C. 7:12-8.2 Shellfish harvester training requirements

(a) Every shellfish license holder shall complete the Department's shellfish harvester training in accordance with (a)1 and 2 below. The shellfish harvester training covers shellfish harvest, handling, and transportation practices, and is available on-line at <http://www.nj.gov/dep/bmw/>.

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1. Any person who, as of September 19, 2016, possesses a valid shellfish license shall complete the shellfish harvester training by December 18, 2016.

2. As part of any application for a shellfish license, the applicant shall certify that he or she has completed the shellfish harvester training within the past two years.

N.J.A.C. 7:12-8.3 Requirements for vessels used to harvest and/or transport shellfish

(a) Any shellfish license holder who harvests and/or transports shellfish shall do so on vessels which meet the requirements at (a)1 through 5 below. In addition, the requirements at (a)6 and 7 below apply if the vessel is used to harvest and/or transport shellfish for direct marketing.

1. Decks and storage bins shall be constructed and located to prevent bilge water or polluted overboard water from coming into contact with the shellfish.

2. Bilge pump discharges shall be located so that the discharge does not contaminate shellfish.

3. Containers used for storing shellfish shall be clean and fabricated from safe materials.

4. Effective coverings shall be provided on harvest boats to protect shellfish from exposure to hot sun, birds, and other adverse conditions that may contaminate or cause the deterioration or decomposition of the shellfish.

5. Cats, dogs, and other animals shall not be allowed on vessels.

6. Decks and storage bins used in the harvest and/or transport of shellfish shall be kept clean with potable water or water classified as Approved or Conditionally Approved in the open status, and provided with effective drainage.

7. Vessels and all other equipment coming in contact with shellfish harvested from waters other than Approved shall be thoroughly cleaned before the vessels and equipment are used to handle and/or transport shellfish for direct marketing.

(b) Human sewage shall not be discharged into shellfish growing waters at any time. Vessels used for the harvest of shellfish shall have a Type III marine sanitation device onboard. A Type III marine sanitation device means, pursuant to 33 CFR 159.3, a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. A Type III marine sanitation device shall:

1. Be used only for the purpose intended;

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2. Be secured while on board and located to prevent contamination of shellfish by spillage or leakage;
3. Be emptied only into a sewage disposal system;
4. Be cleaned before being returned to the vessel; and
5. Not be cleaned in equipment used for washing or processing food.

N.J.A.C. 7:12-8.4 Requirement to wash shellfish

(a) A shellfish license holder harvesting shellfish shall wash the shellfish free of bottom sediments as soon after harvesting as practicable.

(b) Shellfish shall be washed using water only from a potable water source or from waters classified as Approved or Conditionally Approved in the open status, except shellfish harvested for depuration shall be washed in accordance with the Department of Health's rules at N.J.A.C. 8:13.

N.J.A.C. 7:12-8.5 Requirement to tag containers of shellfish

(a) A shellfish license holder harvesting shellfish shall affix to each container of shellfish at the harvest location a pre-printed tag with the information required at (b) below. The tag shall remain affixed to the container during transport to the certified dealer. Shellfish harvested on different dates or from different harvest locations shall not be commingled in a single container with a single tag.

1. When the shellfish license holder harvesting shellfish is a certified dealer, the tag affixed to the container may be either a harvester tag or a dealer tag that meets the requirements established by the Department of Health pursuant to N.J.A.C. 8:13.

(b) The pre-printed harvester tag shall be at least 13.8 square inches in size, durable, waterproof, and list the following information in order:

1. Harvester identification number (shellfish license number);
2. Harvest date;
3. Harvest time;

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4. Harvest location (state, waterbody, and identification of lease or Tidelands instrument if applicable);

5. Type (of shellfish);

6. Quantity; and

7. In bold capital letters: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(c) If the shellfish is removed from the original tagged container, a tag that meets the requirements at (b) above shall be affixed to the new container.

(d) When shellfish are harvested from one harvest location on a single day by a single shellfish license holder, the shellfish license holder may use a single tag, referred to as a bulk tag, on multiple containers on a wrapped pallet, in a tote, in a net brailer, in a single boat, vehicle, conveyance, or other container, provided the bulk tag meets the requirements of (b) above, and, in addition, includes the number of individual containers under the bulk tag or an estimate of the total weight, volume, or count, as well as the following statement: "All shellfish under this bulk tag have the same harvest date and harvest location."

(e) If shellfish are sold in bulk, the shellfish license holder shall provide a transaction record to the certified dealer prior to transport. This transaction record shall contain all the information required at (b) and (d) above with the addition of the name of the certified dealer.

N.J.A.C. 7:12-8.6 *Vibrio parahaemolyticus* Control Plan time to temperature control requirements for harvesting oysters

(a) If a shellfish license holder is conducting subtidal harvesting of oysters, the shellfish license holder shall comply with the following hours from harvest to refrigeration:

| <u>Dates of harvest</u> | <u>Maximum hours to refrigeration¹</u> | <u>Start of harvest²</u> |
|-------------------------|---|-------------------------------------|
| June 1 - June 14 | 7 | Sunrise |
| June 15 - July 14 | 6 | Sunrise |
| July 15 - August 31 | 7 | Sunrise |

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¹ Hours to refrigeration means the total number of hours (inclusive of any transport time) from the start of harvest until the oysters are placed in refrigeration.

² For purposes of the start of harvest under this subsection, sunrise shall mean the time of sunrise in Trenton, New Jersey. The sunrise time shall apply regardless of where a harvester intends to harvest or is harvesting shellfish. The Trenton sunrise timetable is included in the NJ Hunting and Trapping Digest available from the Department's Division of Fish and Wildlife and on-line at <http://www.state.nj.us/dep/fgw>.

1. A shellfish license holder conducting subtidal harvesting who places harvested oysters directly in refrigeration on the vessel is not subject to the maximum hours to refrigeration in the table at (a) above. However, the shellfish license holder shall:

i. Notify the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 prior to June 1 that the harvester will be using, on the vessel, refrigeration that is approved by the Department of Health; and

ii. Fly a flag that is a minimum size of 18 inches by 18 inches, orange, and bearing a black diagonal stripe.

(b) If a shellfish license holder is conducting intertidal harvesting of oysters from June 1 through August 31, the maximum hours to refrigeration (inclusive of any transport time) is four hours, starting when the first oysters to be harvested are exposed to the air by the receding tide.

(c) If a shellfish license holder is conducting tide-dependent harvesting of oysters from June 1 through August 31, the maximum hours to refrigeration (inclusive of any transport time) is four hours, starting when harvest begins. On each harvest day prior to any harvest activity, the shellfish license holder shall notify the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 to provide the name of the shellfish license holder, location of harvest, and harvest start time.

(d) Each shellfish license holder harvesting oysters shall record on each harvest day, in a journal with permanently bound pages, the harvest start time, the time the last-harvested shellfish was placed in refrigeration, and the shell temperature of the shellfish in one container from the day's harvest at offloading, including the time the temperature was measured.

1. To measure the shell temperature, the shellfish license holder shall use a handheld laser thermometer.

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2. The shellfish license holder shall provide each harvest day's information to the certified dealer on the transaction record.

3. The shellfish license holder shall submit to the Bureau at the address in N.J.A.C. 7:12-1.1(l) a copy of the journal by September 15 of each year.

SUBCHAPTER 9. SHELLFISH PERMITS FOR HARVEST FROM WATERS OTHER THAN APPROVED; RESEARCH; RESTORATION AND ENHANCEMENT; TOXINS MONITORING; AND AQUACULTURE

N.J.A.C. 7:12-9.1 General provisions for shellfish permits

(a) This subchapter establishes permits for the harvest of shellfish from waters classified other than Approved, for shellfish research, for shellfish restoration and enhancement, for toxins monitoring in shellfish, and for shellfish aquaculture.

1. A permit under this subchapter shall be valid for the period specified in the permit document issued to the permittee, unless revoked or suspended for cause. The period of validity shall not extend beyond December 31 of the calendar year of issuance.

2. An issued permit is non-transferable.

3. In addition to the requirements in this subchapter, permittees are subject to the applicable requirements of N.J.A.C. 7:12-8.

4. A permit under this subchapter does not exempt a permittee from compliance with all other applicable State laws and rules.

(b) It is the responsibility of the permittee to provide the Bureau with the permittee's most current address. If the permittee's address changes from that provided to the Bureau on the application for a permit or otherwise, the permittee shall notify the Bureau at the address at N.J.A.C. 7:12-1.1(l) of the new address within one week of the change.

(c) An issued permit may contain special conditions relating to purpose, duration, area limitations, time limitations, methods of handling, identification and disposition of the shellfish, limitation on species and/or size of shellfish, and/or any other conditions deemed necessary by the Department to protect the health, safety, and welfare of the public.

(d) Conviction of a shellfish violation as provided in N.J.S.A. 58:24-1 et seq., 24:2-1 et seq., and 50:2-1 et seq. shall be adequate cause for the suspension, revocation, and/or denial of any permit issued under this subchapter.

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(e) Any person who violates this subchapter and/or the terms of a permit issued under this subchapter may be subject to prosecution and/or penalties pursuant to N.J.S.A. 23:2B-14, 50:1-5 et seq., 58:24-9, 58:24-10, 58:24-10.1, and 2C:64-1 et seq., including the forfeiture of shellfish, which may be seized and returned to the water or destroyed.

(f) Any person who takes shellfish from waters classified as other than Approved without a permit issued under this subchapter authorizing such activity may be subject to prosecution and/or penalties pursuant to N.J.S.A. 23:2B-14, 50:1-5 et seq., 58:24-9, 58:24-10, 58:24-10.1, and 2C:64-1 et seq., including the forfeiture of shellfish, which may be seized and returned to the water or destroyed.

(g) Any person who conducts aquaculture activities without a permit issued under this subchapter authorizing such activity may be subject to prosecution and/or penalties pursuant to N.J.S.A. 23:2B-14, 50:1-5 et seq., 58:24-9, 58:24-10, 58:24-10.1, and 2C:64-1 et seq., including the forfeiture of shellfish, which may be seized and returned to the water or destroyed.

(h) The Department shall immediately suspend the permit of any person who violates any condition of the permit or any provision of this chapter and thereby creates a threat to public health by compromising the purity of shellfish as a food product. The Department may suspend the permit of any person who violates any condition of the permit or any other provision of this chapter. Any person whose permit is suspended may request an adjudicatory hearing in accordance with N.J.A.C. 7:12-9.4.

(i) For purposes of this subchapter, sunrise and sunset shall mean the times of sunrise and sunset in Trenton, New Jersey. These sunrise and sunset times shall apply regardless of where a harvester intends to harvest or is harvesting shellfish. The Trenton sunrise and sunset timetable is included in the NJ Hunting and Trapping Digest available from the Department's Division of Fish and Wildlife and on-line at <http://www.state.nj.us/dep/fgw/>.

N.J.A.C. 7:12-9.2 Hatchery, nursery, and/or aquaculture activities existing as of September 18, 2016; requirement to apply for a permit

Any person who, as of September 18, 2016, is engaged in shellfish hatchery, nursery, and/or aquaculture activities regulated under the permits at N.J.A.C. 7:12-9.14 and 9.15 shall apply for the applicable permit in accordance with N.J.A.C. 7:12-9.3 on or before October 19, 2016. Any person whose permit application is denied may request an adjudicatory hearing in accordance with N.J.A.C. 7:12-9.4.

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N.J.A.C. 7:12-9.3 Applications for and issuance of a permit

(a) To apply for a permit, a person shall obtain a Consolidated Permit Application form from the Bureau at the address set forth at N.J.A.C. 7:12-1.1(l) and shall submit the completed and signed form by mail or hand-delivery to that address.

(b) The Consolidated Permit Application form requires identifying information regarding the applicant, including name, address, and telephone number(s); date of birth; driver's license number; the number of the applicant's current permit issued under this subchapter (if any); the number of the applicant's shellfish license(s) (if any); conservation identification (CID) number issued by the Department's Division of Fish and Wildlife (if any); as well as identifying and contact information for the organization or company with which the applicant is affiliated or employed (if any). The Consolidated Permit Application form also identifies the permit-specific information an applicant shall submit to meet the requirements set forth elsewhere in this subchapter for the particular permit sought.

(c) Each application for a permit, other than for the Commercial Shellfish Aquaculture Permit pursuant to N.J.A.C. 7:12-9.15, shall be accompanied by a \$ 25.00 application fee in the form of check or money order made payable to Treasurer, State of New Jersey.

(d) If, after review of the application, the Department determines the application meets the applicable requirements of this subchapter, the Department shall issue the permit to the applicant. Any person whose permit application is denied may request an adjudicatory hearing in accordance with N.J.A.C. 7:12-9.4.

N.J.A.C. 7:12-9.4 Request for an adjudicatory hearing on a permit decision

(a) Any person, subject to the limitation on third party appeal rights set forth in N.J.S.A. 52:14B-3.1 through 3.3, aggrieved by a permit decision made by the Department, including suspension of a permit in accordance with N.J.A.C. 7:12-9.1, may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A request for an adjudicatory hearing must be received by the Department within 30 calendar days after the person requesting the hearing receives notice of the Department's decision. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.

(c) A person requesting a hearing shall provide the following information in writing to the Department at the addresses in (e) below:

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1. The name, address, telephone number, and e-mail address of the person requesting the hearing, and the person's authorized representative (if any);

2. The date the person requesting the hearing received the decision document and a copy of the decision document;

3. Any facts or principles of law that the person requesting the hearing believes constitute a defense;

4. Any other information or documents supporting the request;

5. An estimate of the time required for the hearing (in days and/or hours); and

6. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(d) If the person fails to include all of the information required by (c)1 through 6 above, the Department may deny the hearing request.

(e) A request for an adjudicatory hearing shall be submitted to the Department at the address listed below, with a copy to the Bureau at the address at N.J.A.C. 7:12-1.1(l):

Office of Legal Affairs

Attention: Adjudicatory Hearing Requests

New Jersey Department of Environmental Protection

401 East State Street, Seventh Floor

PO Box 402

Trenton, New Jersey 08625-0402

N.J.A.C. 7:12-9.5 Soft clam and/or hard clam depuration plant permit

(a) The Soft Clam and/or Hard Clam Depuration Plant Permit authorizes a depuration plant to possess soft and/or hard clams harvested from Restricted waters for further processing. This permit completes the control link between the harvest of soft and/or hard clams regulated under the Soft Clam and/or Hard Clam Depuration Harvester Permit at N.J.A.C. 7:12-9.6 and the processing of the harvested clams, which is regulated by the Department of Health and requires that the depuration plant obtain a certificate to operate from the Department of Health under that department's rules at N.J.A.C. 8:13-2.

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1. Any person who seeks certification from the Department of Health for the construction and/or operation of a depuration plant shall submit to the Department for approval a shellfish transportation plan designed to control shellfish transportation between the harvest area and the depuration plant in order to prevent shellfish from being illegally diverted to direct marketing. The shellfish transportation plan shall include measures such as surveillance of the vessel or vehicle used to transport shellfish, predetermined route from harvest site to depuration plant, GPS tracking of the vehicle used to transport the shellfish, use of a tamper-evident seal on the vehicle used to transport the shellfish, and/or a count of both the quantity of shellfish transported from the harvest area and the quantity received at the depuration plant.

2. In the event that transporting shellfish directly by vessel to the depuration plant cannot be accomplished because of adverse weather conditions (for example, bay and river icing) or other circumstance as determined by the Department, the depuration plant shall submit to the Department for prior approval a shellfish transportation plan satisfying the requirements of (a)1 above.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Soft Clam and/or Hard Clam Depuration Plant Permit shall submit:

1. A provisional shellfish certificate to operate on an interim basis issued by the Department of Health pursuant to N.J.A.C. 8:13-2; or

2. If a final shellfish certificate to operate has been issued by the Department of Health pursuant to N.J.A.C. 8:13-2, the final certificate that is valid for the year for which the Soft Clam and/or Hard Clam Depuration Plant Permit is sought.

(c) A Soft Clam and/or Hard Clam Depuration Plant Permit is subject to the following requirements and conditions:

1. The only shellfish that may be possessed under the permit are soft clams (*Mya arenaria*) and/or hard clams (*Mercenaria mercenaria*) as specified in the permit document issued to the depuration plant.

2. The depuration plant shall issue to each harvester who reports in person to the plant on a harvest day a specific number of Department of Health approved primary containers, based on the plant's daily processing capacity, and additional alternate containers if requested by the harvester. The plant shall mark all containers with a serial number.

3. The depuration plant shall affix to each primary container a time and date stamped Harvester Allocation Tag as required by the Department of Health in accordance with N.J.A.C. 8:13-2.

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4. On each harvest day by 8:30 A.M. or prior to any harvest activity, the depuration plant shall notify the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, to provide the names of each harvester, the area(s) to be worked by each harvester, and the number of containers (primary and alternate) issued to each harvester. The depuration plant shall report to the Marine Region any changes in harvest activity prior to the start of such activity.

5. The depuration plant shall not accept any primary container that does not have attached to it a time and date stamped Harvester Allocation Tag. The depuration plant shall account for assigned alternate containers and, after the harvester transfers the clams in the alternate containers to the corresponding primary containers, shall reassign the Harvester Allocation Tag on the primary containers to that harvester. The depuration plant shall time and date stamp each Harvester Allocation Tag at the completion of off-loading, and enter on the tag the depuration harvester's permit number and the number of clams in that container. These Harvester Allocation Tags shall be affixed to the containers in which the clams are depurated.

6. The depuration plant shall possess soft and/or hard clams harvested only from the waters specified on the charts attached to the permit document issued to the plant or amended charts sent by the Bureau to the current mailing address of the permittee on record with the Bureau. The permittee is on notice that any emergency closure or harvest suspension imposed pursuant to N.J.A.C. 7:12-1.4 may affect the waters specified on the charts. The Department will post notice of all emergency closures and harvest suspensions at www.nj.gov/dep/bmw.

7. The depuration plant shall purchase shellfish only from harvesters who possess a valid shellfish license and a valid Soft Clam and/or Hard Clam Depuration Harvester Permit issued pursuant to N.J.A.C. 7:12-9.6.

8. The depuration plant shall maintain a harvest depuration record of each purchase, including date, quantity of purchase, each harvester's name and address, harvest site, and all Harvester Allocation Tags and harvester depuration receipts at the plant for a period of not less than one year.

9. The depuration plant shall provide weekly reports to the Department's Division of Fish and Wildlife. Such reports shall be submitted within five working days of the week's end (Saturday) and shall contain the following information for each day:

- i. The name and permit number of the harvester;
- ii. The area worked;
- iii. The total number of containers out and in; and
- iv. The total number of clams by size harvested from each area(s);

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10. The suspension or revocation of the shellfish certificate to operate issued by the Department of Health under N.J.A.C. 8:13-2 for a specific depuration plant shall invalidate that plant's Soft Clam and/or Hard Clam Depuration Plant Permit issued under this section.

N.J.A.C. 7:12-9.6 Soft clam and/or hard clam depuration harvester permit

(a) The purpose of the Soft Clam and/or Hard Clam Depuration Harvester Permit is to allow soft and/or hard clams to be harvested from Restricted waters and ultimately marketed after processing through a depuration plant operating pursuant to a certification issued by the Department of Health under N.J.A.C. 8:13-2 and a Soft and/or Hard Clam Depuration Plant Permit issued under N.J.A.C. 7:12-9.5.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Soft Clam and/or Hard Clam Depuration Harvester Permit shall specify the depuration plant at which the applicant intends to land harvested shellfish and submit a copy of a valid shellfish license.

(c) A Soft Clam and/or Hard Clam Depuration Harvester Permit is subject to the following requirements and conditions:

1. The only shellfish that may be harvested under this permit are soft clams (*Mya arenaria*) and/or hard clams (*Mercenaria mercenaria*) as specified in the issued permit document.

2. Area(s) of harvest are limited to those specified on the charts attached to the issued permit document or amended charts sent by the Bureau to the current mailing address of the permittee on record with the Bureau. The permittee is on notice that any emergency closure or harvest suspension imposed pursuant to N.J.A.C. 7:12-1.4 may affect the waters specified on the charts. The Department will post notice of all emergency closures and harvest suspensions at www.nj.gov/dep/bmw.

3. The harvester shall possess a valid shellfish license issued by the Department's Division of Fish and Wildlife pursuant to N.J.S.A. 50:2-1.

4. The harvester shall have the issued depuration harvester permit document in possession while working in the specified areas.

5. Each vessel used by a harvester under this permit shall be marked, on both sides (amidships), with legible black lettering (minimum six inches in height) on the color background assigned by the Department to each depuration plant, giving the permittee's first initial and last name and permit number.

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6. Each harvester shall report in person each day, prior to any harvest activities, to the depuration plant to obtain the specific number of Department of Health-approved primary harvest containers and, if so desired, obtain additional approved alternate containers in accordance with N.J.A.C. 7:12-9.5.

i. No containers to hold shellfish, other than the approved harvest containers (primary and alternate) obtained from the depuration plant, may be possessed in or on any harvest vessel used under this permit. However, a harvester may have onboard up to three clam baskets solely for purposes of culling and sorting harvested clams.

ii. Any harvester in possession of approved harvest containers (primary or alternate) shall be deemed to have harvested all clams in the harvester's possession from Restricted waters.

iii. Clams in the primary and alternate containers shall be transported directly from the harvest area to the designated depuration landing site(s) by the most direct route without making any stops or landings along the way. Each harvester shall land the entire day's catch at the depuration landing site(s) specified in the issued permit document between the hours of 8:00 A.M. and 4:00 P.M. The harvester shall take all reasonable measures to ensure that the containers of clams landed at the plant are filled to capacity. Upon arriving at the depuration plant, the harvester shall transfer all clams in the alternate containers to the corresponding primary containers.

iv. Should an emergency arise or adverse weather conditions exist, the harvest vessels may dock at the depuration plant when necessary, except that off loading of clams shall not be initiated until the specified landing times.

v. Upon landing at the designated depuration landing site(s), the harvester shall enter the following information on the Harvester Allocation Tag affixed to each primary container by the depuration plant pursuant to N.J.A.C. 7:12-9.5(c)3: harvester name, date, and the harvest area.

7. Harvesting by methods not permitted pursuant to any State laws and rules are prohibited.

8. Any species of shellfish other than soft and hard clams shall be immediately released at the location from which they were harvested and shall not be removed from the harvest site.

(d) The harvesting of clams from the specified area(s) shall be permitted Monday through Saturday of each week between sunrise and 4:00 P.M.

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N.J.A.C. 7:12-9.7 Permit for the Harvest of Surf Clams from Prohibited Waters for Bait

(a) The Permit for the Harvest of Surf Clams from Prohibited Waters authorizes the harvest of surf clams from waters in the Atlantic Ocean classified as Prohibited for bait and not for human consumption.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for the Harvest of Surf Clams from Prohibited Waters for Bait shall submit:

1. A copy of a valid shellfish license; and
2. The vessel name, State registration number, and mooring location.

(c) The Permit for the Harvest of Surf Clams from Prohibited Waters for Bait is subject to the following specific requirements and conditions:

1. The only shellfish that may be harvested under this permit are surf clams (*Spisula solidissima*).
2. Areas of harvest are limited to the Prohibited waters in the Atlantic Ocean.
3. The harvested surf clam shall be used only for bait and shall not be used or sold for human consumption.
4. The permittee is responsible for informing all employees of the risks associated with consumption of shellfish from waters classified other than Approved.
5. The harvester shall have the issued permit document in possession while working in the specified areas.
6. While harvesting in the specified areas, a yellow pennant, visible at a one nautical mile distance, shall be flown.
7. All clams taken from the specified areas shall be containerized with a tag (at least 2 3/8 inches by 4 3/4 inches; yellow with dark printing) affixed to each container stating: "CLAMS HARVESTED FROM PROHIBITED WATERS FOR BAIT PURPOSES ONLY. NOT TO BE USED FOR HUMAN CONSUMPTION. TAG NOT TO BE REMOVED FROM CONTAINER UNTIL CONTAINER IS EMPTY." In addition, the tag shall state the NAME and ADDRESS of the harvester and the DATE and QUANTITY of the sale. Said tag shall remain affixed to each container until the container is empty.
8. All harvested clams shall be stored securely and not where food for human consumption is stored.

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9. The vessel shall not be used to harvest surf clams for bait on the same date as surf clams for direct marketing and the vessel shall be thoroughly cleaned between harvesting surf clams for bait and harvesting surf clams for direct marketing.

10. Records of sales of bait clams harvested including customer's name, date, and quantity of sale shall be maintained for a period of not less than one year.

11. The permittee shall telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 prior to harvesting surf clams for bait. Information is to include permit number, identity of person calling, description of vessel(s) being utilized, location of harvest, and contact number for the person calling.

N.J.A.C. 7:12-9.8 Permit for the Harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters

(a) The Permit for the Harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters authorizes the harvest of hard clams or oysters from waters classified as Restricted for relay to a relay lease(s) in waters classified as Approved for purposes of reduction of pathogens prior to direct marketing.

(b) In addition to the completed Consolidated Permit Application form and the application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for the Harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters shall submit:

1. A copy of a valid shellfish license; and
2. A copy of a relay lease(s) issued pursuant to N.J.A.C. 7:25-15.

(c) The Permit for the Harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters is subject to the following specific requirements and conditions:

1. The only shellfish that may be harvested and relayed under this permit are hard clams (*Mercenaria mercenaria*) or oysters (*Crassostrea virginica*) as specified in the issued permit document.

2. Area(s) of harvest are limited to those specified on the chart attached to the issued permit document or amended charts sent by the Bureau to the current mailing address of permittee on record with the Bureau.

3. The permittee shall harvest and plant according to the schedule of harvest and planting dates, with landing sites and off-loading sites, provided by the Bureau.

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4. Twenty-four hours prior to a scheduled harvest date, the permittee shall provide the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 with a description of the vehicle(s) (year, make, model, and license plate number) that will be used to transport the hard clams or oysters and the proposed transport route.

5. Upon completion of the day's harvesting, the permittee shall place all harvested hard clams or oysters in bushel bags. The permittee shall affix to each bag a tag clearly marked "Relay" and including the harvester's name, relay permit number, and harvest date. Any shellfish not in bags tagged for Relay shall be deemed to have been harvested from waters classified as Restricted.

6. The permittee shall place the tagged bags of hard clams or oysters in the authorized vehicle(s) for transport at the landing site. The vehicle compartment containing the tagged bags will be sealed by the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at the landing site. The permittee shall drive the vehicle(s) via the specified transport route to the specified off-loading site, where the Marine Region will unseal the vehicle compartment. At the off-loading site, the permittee shall move the tagged bags to the vessel and proceed to the relay lease(s). At the relay lease(s) the permittee shall remove the hard clams or oysters from the tagged bags and plant the hard clams or oysters.

7. No hard clams or oysters shall be harvested for direct marketing from a relay lease until the permittee requests and receives written permission for harvest from the Bureau. The following conditions shall be met in order for the harvest to be permitted:

- i. The hard clams or oysters shall have been on the relay lease for at least 30 days; and
- ii. The water temperature during the 30-day period shall have been at or above 10 degrees Celsius (50 degrees Fahrenheit).

8. The permittee shall have the issued permit document in possession while conducting activities authorized under this permit.

9. Each vessel used by a permittee conducting activities under this permit shall be marked, on both sides (amidships), with legible black lettering (minimum six inches in height) on a white background, giving the permittee's first initial and last name and permit number.

10. Only the permittee shall remove shellfish from the relay lease(s).

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N.J.A.C. 7:12-9.9 Permit for the Harvest of Seed Oysters and/or Seed Clams from Restricted Waters and Transplant to Approved Waters

(a) The Permit for the Harvest of Seed Oysters and/or Seed Clams from Restricted Waters and Transplant to Approved Waters authorizes the harvest of seed oysters and/or seed clams from waters classified as Restricted for transplant to a lease(s) in waters classified as Approved for grow-out and reduction of pathogens prior to direct marketing.

(b) In addition to the completed Consolidated Permit Application form and the application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for the Harvest of Seed Oysters and/or Seed Clams from Restricted Waters and Transplant to Approved Waters shall submit:

1. A copy of a valid shellfish license; and
2. A map showing the general area from which seed are to be harvested and the boundaries and GPS coordinates of the lease to which the seed will be transplanted.

(c) The Permit for the Harvest of Seed Oysters and/or Seed Clams from Restricted Waters and Transplant to Approved Waters is subject to the following specific requirements and conditions:

1. The only shellfish seed that may be harvested and transplanted under this permit are oysters (*Crassostrea virginica*) and/or hard clams (*Mercenaria mercenaria*).
2. The permittee shall telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 at least 24 hours prior to harvest of seed and provide the following information: the permit number, the identity of person calling, a description of vessel(s) being utilized, the location of harvest, and a contact number for the person calling.
3. The permittee shall have the issued permit document in possession while conducting activities authorized under this permit.
4. No more than three percent of the number of shellfish harvested and transplanted shall be larger than seed.

N.J.A.C. 7:12-9.10 Permit for Shellfish Research in Waters Other Than Approved

(a) The Permit for Shellfish Research in Waters Other Than Approved authorizes the collection of shellfish from waters classified as other than Approved for the purpose of scientific research.

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(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for Shellfish Research in Waters Other Than Approved shall submit:

1. A copy of a valid Scientific Collecting Permit issued by the Department's Division of Fish and Wildlife allowing the collection of the species for which the applicant seeks the Permit for Shellfish Research in Waters Other Than Approved; and

2. A project overview that includes the following:

i. The name of the project manager, and the names of all participants, identifying each participant's roles and responsibilities in the project;

ii. A detailed description of the objective(s) of the project, including why the research requires shellfish from waters other than Approved;

iii. The name(s) and location(s) of the waters where the project is proposed to be conducted and the classification(s) of those waters under this chapter;

iv. The anticipated length of time to accomplish the research project, including intended start and finish dates;

v. A description of the methods and equipment to be used to collect the shellfish;

vi. The species and size, and estimated number of shellfish proposed to be collected; and
vii. Where the project is being continued from the previous year, the Project Summary Report described at (d) below for that previous year.

(c) A Permit for Shellfish Research in Waters Other Than Approved is subject to the following specific requirements and conditions:

1. The collected shellfish shall be used only for the purposes of the research project described in the project overview and shall not be used for human consumption.

2. The permittee shall collect only the species, size, and numbers of shellfish specified in the issued permit document.

3. The permittee shall collect shellfish only from the locations specified in the issued permit document.

4. The permittee shall not modify any aspect of the project without prior written approval from the Department.

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5. The permittee is responsible for informing all participants in the research project that any collected shellfish shall not be used for human consumption and of the risks associated with consumption of shellfish from waters classified other than Approved;

6. The permittee shall provide an updated list of participants when any participant joins or leaves the project.

7. The permittee shall telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 at least 24 hours before collecting any shellfish and provide the following information: the permit number, the identity of person calling, a description of vessel(s) being utilized, the location, and a contact number for the person calling.

(d) Except as provided at (b)2vii above, the permittee shall submit a Project Summary Report to the Bureau at the address at N.J.A.C. 7:12-1.1(l), no later than 60 days after the end of the period of validity specified in the issued permit document. The Project Summary Report shall include a description of the materials and methods used; results with, as appropriate, tables and graphs summarizing the data collected; and a discussion analyzing the results as they relate to the objective of the project.

7:12-9.11 Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved

(a) The Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved authorizes the gardening of shellfish at a single site in waters other than Approved by a non-profit organization or government agency for purposes of restoring or enhancing the shellfish resource or enhancing water quality, and not for human consumption.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved shall submit:

1. A copy of a valid Scientific Collecting Permit issued by the Department's Division of Fish and Wildlife allowing the collection of the species for which the applicant seeks the Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved; and

2. A project overview that includes the following:

i. The name of the project manager, and the names of all participants, identifying each participant's roles and responsibilities in the project;

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- ii. A detailed description of the objective(s) of the project;
- iii. The name(s) and location of the waters where the project is proposed to be conducted and the classification(s) of those waters under this chapter;
- iv. The anticipated length of time to accomplish the project, including intended start and finish dates;
- v. A description of the design of the project, including considerations of site selection, source of shellfish (wild versus hatchery stock), minimizing predation, spatial arrangement, and shellfish density;
- vi. A description of the type of structure(s), or alteration or enhancement of the bottom, to facilitate the growth of shellfish, for example, reef bags, reef balls, cages, broad-scale placement of shell at high density, and reefs;
- vii. A map indicating the location of any structure(s), including GPS coordinates;
- viii. The species and size, and estimated number of shellfish to be used over the course of the project, and if a multi-year project is anticipated, the species and size, and estimated number of shellfish to be used each year;
- ix. The criteria by which success of the project is to be measured with respect to the objectives;
- x. The method(s) and schedule for monitoring shellfish growth and health;
- xi. A schedule for maintenance activities;
- xii. A security plan that ensures adequate controls are in place to prevent the unauthorized harvest of shellfish. The minimum requirements for the security plan are:
 - (1) Continuous surveillance and patrol (24 hours/day, 365 days/year) of the project site. Where the surveillance and patrol are provided by an entity other than the permittee, evidence that the entity has entered into a legally binding agreement with the permittee to provide the surveillance and patrol;
 - (2) Provisions requiring immediate notification of law enforcement in the event of any security breach or emergency; and
 - (3) Other security measures based on site-specific circumstances, such as signs, fencing, or structures that limit access to the site or to the shellfish; and

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xiii. Where the project is being continued from the previous year, the Project Summary Report described at (d) below for that previous year.

(c) A Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved is subject to the following specific requirements and conditions:

1. The shellfish shall be used only for the purposes of the restoration and/or enhancement project described in the project overview and shall not be used for human consumption.

2. The permittee shall use only the species, size, and numbers of shellfish specified in the issued permit document.

3. The permittee shall conduct gardening activities only in the locations specified in the issued permit document.

4. The permittee shall not modify any aspect of the project without prior written approval from the Department.

5. The permittee is responsible for informing all participants in the project that any collected shellfish shall not be used for human consumption and of the risks associated with consumption of shellfish from waters classified other than Approved.

6. The permittee shall provide an updated list of participants when any participant joins or leaves the project.

7. The permittee shall keep records of the disposition of all shellfish.

8. The permittee shall not conduct any activities under the permit until the Security Plan is implemented.

9. The permittee shall immediately telephone the Department at (877) WARN DEP (927-6337) regarding any theft of shellfish, tampering with structures, or significant shellfish mortality.

10. The permittee shall remove shellfish from the project site only for the purposes described in the project overview.

i. The permittee shall telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region, at 609-748-2050 at least 24 hours before removing any shellfish and provide the following information: the permit number, the identity of person calling, a description of vessel(s) being utilized, and a contact number for the person calling.

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11. The project manager shall have the issued permit document in possession when removing shellfish as part of the project.

(d) Except as provided at (b)2xiv above, the permittee shall submit a Project Summary Report to the Bureau at the address at N.J.A.C. 7:12-1.1(l), no later than 60 days after the end of the period of validity specified in the issued permit document. The Project Summary Report shall include a description of the materials and methods used; results with, as appropriate, tables and graphs summarizing the data collected; and a discussion analyzing the results as they relate to the objective of the project.

N.J.A.C. 7:12-9.12 Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency

(a) The Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency authorizes a Non-profit Organization or Government Agency to conduct a project involving the distribution of seed to participants who will grow the seed at various locations in waters other than Approved for relocation by the permittee to:

1. Approved or Conditionally Approved waters;
2. A project authorized under a Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved (N.J.A.C. 7:12-9.11); or
3. Waters outside the boundaries of the State of New Jersey, subject to any required approval from the receiving state.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency shall submit:

1. A copy of a valid Scientific Collecting Permit issued by the Department's Division of Fish and Wildlife allowing the collection of the species for which the applicant seeks the Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency; and
2. A project overview that includes the following:
 - i. The name of the project manager, and the names of all participants, identifying each participant's roles and responsibilities in the project;
 - ii. A detailed description of the objective(s) of the project;

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iii. For those participants growing seed, the location where each participant will be growing seed (street address or GPS coordinates), the type of equipment to be used (for example, upwellers, downwellers, floats, raceways), and the name and location of the waters where the seed will be grown and the classification(s) of those waters under this chapter;

iv. The anticipated dates for purchase of seed, seed distribution to the participants, seed collection from the participants, and relocation of seed as provided at (a) above;

v. The species and estimated number of seed to be purchased, as well as the species and estimated number of seed to be distributed to each participant;

vi. The criteria by which success of the project is to be measured with respect to the objective(s);

vii. The method(s) and schedule for monitoring seed growth and health;

viii. A schedule for the inspection of the participants' seed and equipment;

ix. The specific location(s) where the seed will be relocated after collection from the participants as provided in (a) above; and

x. Where the project is being continued from the previous year, the Project Summary Report described at (d) below for that previous year.

(c) A Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency is subject to the following specific requirements and conditions:

1. The permittee shall not sell any seed without prior written approval from the Department.

2. The permittee shall use only the species and number of seed specified in the issued permit document.

3. The permittee and participants shall grow seed only in the locations specified in the issued permit document.

4. The permittee shall ensure participants do not grow shellfish larger than seed.

5. If shellfish are found to be larger than seed, the permittee shall immediately notify the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region at 609-748-2050.

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6. The permittee shall not modify any aspect of the project without prior written approval from the Department.

7. The permittee shall inform the Department of any changes in the information provided pursuant to (b)2iii above.

8. The permittee is responsible for informing all participants in the project that any collected shellfish shall not be used for human consumption and of the risks associated with consumption of shellfish from waters other than Approved.

9. The permittee shall keep records of the disposition of all shellfish.

10. The permittee shall notify the Bureau at least five days in advance of the date(s) of:

- i. Seed distribution to participants;
- ii. Seed collection from participants; and
- iii. Relocation of seed as provided at (a) above.

11. The permittee shall immediately telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region at 609-748-2050 regarding any theft of seed, tampering with structures, or significant seed mortality.

12. The project manager shall have the issued permit document in possession when distributing, collecting, or relocating seed as part of the project.

13. The permittee shall keep records of the disposition of all seed.

14. The permittee shall conduct inspections of all participants' seed and equipment at the frequency specified in the issued permit document, and shall maintain appropriate records of such inspections.

(d) Except as provided at (b)2x above, the permittee shall submit a Project Summary Report to the Bureau at the address at N.J.A.C. 7:12-1.1(l), no later than 60 days after the end of the period of validity specified in the issued permit document. The Project Summary Report shall include a description of the materials and methods used; results with, as appropriate, tables and graphs summarizing the data collected; and a discussion analyzing the results as they relate to the objective of the project.

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N.J.A.C. 7:12-9.13 Permit for Short-term Use of Shellfish for Toxins Monitoring in Waters Other Than Approved

(a) The Permit for Short-term Use of Shellfish for Toxins Monitoring in Waters Other Than Approved authorizes the placement of shellfish into waters other than Approved for purposes of a Remedial Investigation pursuant to the Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E, or for purposes of a study approved by the Department's Site Remediation Program where the applicant can demonstrate a specific need to study bioaccumulation of toxins in shellfish from known contaminated sites located in or impacting waters other than Approved.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for Short-term use of Shellfish for Toxins Monitoring shall submit a project overview that includes the following:

1. The name of the project manager, and the names of all participants, identifying each participant's roles and responsibilities in the project;
2. A detailed description of the objective(s) of the project;
3. The name(s) and location of the waters where the project is proposed to be conducted and the classification(s) of those waters under this chapter;
4. The anticipated length of time to accomplish the project, including intended start and finish dates;
5. A description and specifications for the secure cage or container that will hold shellfish during the project;
6. A map indicating the location(s) of cages and/or secure containers, including GPS coordinates;
7. The species and size, and estimated number of shellfish to be used over the course of the project, and if a multi-year project is anticipated, the species and size, and estimated number of shellfish to be used each year;
8. The criteria by which success of the project is to be measured with respect to the objectives;
9. A schedule for placement of the shellfish cages or containers in the water, sampling of shellfish, and removal at completion of the study;
10. A schedule for maintenance activities; and

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11. Where the project is being continued from the previous year, the Project Summary Report described at (d) below for that previous year.

(c) A Permit for Short-term use of Shellfish for Toxins Monitoring in Waters Other Than Approved is subject to the following specific requirements and conditions:

1. The shellfish shall be used only for the purposes of the project described in the project overview and shall not be used for human consumption.

2. The permittee shall use only the species, size, and numbers of shellfish specified in the issued permit document.

3. The permittee shall conduct toxins monitoring activities only in the locations specified in the issued permit document.

4. The permittee shall not modify any aspect of the project without prior written approval from the Department.

5. The permittee is responsible for informing all participants in the project that any collected shellfish shall not be used for human consumption and of the risks associated with consumption of shellfish from waters classified other than Approved.

6. The permittee shall keep records of the disposition of all shellfish.

7. All shellfish shall be kept in a secure cage or container, approved by the Bureau, for the duration of the project.

8. The permittee shall affix to each cage or container a durable, water-proof tag bearing the toxic hazard symbol (Unicode U+2620) and the following written warning, in English and Spanish: "Warning: Shellfish Unsafe. May be toxic. Not for Human Consumption."

9. The permittee shall ensure that each cage or container remains submerged beneath the surface of the water at all times and does not present a hazard to navigation.

10. The permittee shall not indicate the location of any cage or container with a buoy, flotation device, flag, stake, or other marker.

11. Shellfish shall be removed from the project site by the permittee only for the purposes of the project. The permittee shall minimize the number of times shellfish are moved or removed.

12. The permittee shall notify by telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region at least 24 hours before placing or removing any shellfish and provide the following information: the permit number, the name of person

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calling, a description of vessel(s) being utilized, the location, and a contact number for the person calling.

13. The permittee shall immediately telephone the Department at (877) WARN DEP (927-6337) regarding any theft of shellfish, tampering with structures, or significant shellfish mortality.

14. All shellfish cages and containers shall be removed when the project is completed, and any shellfish destroyed.

15. The project manager shall have the issued permit document in possession when placing or removing shellfish as part of the project.

(d) Except as provided at (b)11 above, the permittee shall submit a Project Summary Report to the Bureau at the address at N.J.A.C. 7:12-1.1(I), no later than 60 days after the end of the period of validity specified in the issued permit document. The Project Summary Report shall include a description of the materials and methods used; results with, as appropriate, tables and graphs summarizing the data collected; and a discussion analyzing the results as they relate to the objective of the project.

N.J.A.C. 7:12-9.14 Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed

(a) The Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed authorizes a hatchery or nursery to produce and/or grow seed at a single site in or using waters classified as other than Approved for sale or for relocation to Approved or Conditionally Approved waters.

(b) In addition to the completed Consolidated Permit Application form and application fee required under N.J.A.C. 7:12-9.3, an applicant for a Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed shall submit a detailed description of the operation that includes the following:

1. The name(s) and location(s) of the waters where the operation is to be conducted and the classification(s) of those waters under this chapter;
2. A description of the methods and equipment to be used to produce and/or grow seed;
3. The species of seed to be produced and/or grown;
4. If hatchery activities are conducted, the species and number of broodstock and the physical location of the broodstock at all times; and

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5. If hatchery activities are conducted, a description of security measures that limit access to the broodstock. Such measures may include locked structures or cages, surveillance, patrols, and/or fencing.

(c) A Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed is subject to the following specific requirements and conditions:

1. The permittee shall conduct production and/or growing activities only in the location(s) specified in the issued permit document.

2. The permittee shall not make any changes to its operations without prior written approval from the Department, including, for a hatchery, increasing the quantity of broodstock or moving broodstock to a location other than that specified in the issued permit document.

3. The permittee is responsible for informing its employees involved in seed production and/or growing activities that any collected shellfish shall not be used for human consumption and of the risks associated with consumption of shellfish from waters classified other than Approved.

4. The permittee shall immediately telephone the Department at (877) WARN DEP (927-6337) regarding any theft of broodstock.

5. The permittee shall immediately telephone the Department's Division of Fish and Wildlife, Bureau of Law Enforcement, Marine Region at 609-748-2050 regarding any theft of seed or significant seed mortality.

6. A nursery shall not have any broodstock or shellfish above seed.

7. A hatchery shall not have broodstock in numbers greater than specified in the issued permit document. Any broodstock shall be used only for the purposes of producing seed. Broodstock shall not be sold for human consumption.

N.J.A.C. 7:12-9.15 Commercial Shellfish Aquaculture Permit

(a) The Commercial Shellfish Aquaculture Permit authorizes the growing of shellfish in waters classified as Approved or Conditionally Approved and harvest for direct marketing.

(b) In addition to the completed Consolidated Permit Application form required under N.J.A.C. 7:12-9.3, an applicant for a Commercial Shellfish Aquaculture Permit shall submit:

1. A copy of a valid shellfish license.

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2. If the applicant is a certified dealer, a copy of the shellfish certificate issued by the Department of Health pursuant to N.J.A.C. 8:13-1.5; and

3. An Operational Plan for the shellfish aquaculture operation(s) in accordance with (c) below; and

4. For a shellfish aquaculture operation re-applying for a Commercial Shellfish Aquaculture Permit, a report of the total quantity(ies) of shellfish, by species, harvested in the most recent calendar year.

(c) The Operational Plan for the shellfish aquaculture operation(s) shall include the following:

1. A description of the design and activities of the aquaculture operation(s), including, if the applicant is a certified dealer, wet storage (that is, storage in a natural body of water, or a tank containing natural or synthetic seawater, of shellfish from other shellfish growing waters to condition, remove sand, or add salt to the shellfish);

2. A map showing the boundaries, with GPS coordinates, of the site(s) where aquaculture activities will be conducted;

3. Identification of the lease or Tidelands instrument for the site(s) where aquaculture activities will be conducted;

4. The types and locations of any structures, including rafts, pens, cages, nets, raceways, tanks, or floats;

5. The species of shellfish to be grown;

6. The source of seed;

7. A description of maintenance and husbandry activities;

8. A description of harvesting methods;

9. A description of post-harvest handling and transportation of shellfish to a certified dealer;

10. For a land-based aquaculture operation, the Operational Plan shall also include:

i. The source and species of any other organism(s) to be grown in any polyculture operation;

ii. A list of drugs used for treatment of shellfish. No drugs shall be used for the treatment of shellfish without prior written approval from the Department of Health;

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iii. Procedures to ensure no poisonous or deleterious substances are introduced into the aquaculture operation;

iv. A program of sanitation, maintenance, and supervision to prevent contamination of shellfish;

v. A description of the water source, including the details of any water treatment process or method;

vi. A program to maintain water quality that includes collection of water samples for fecal coliform analysis and routine temperature and salinity monitoring. The applicant shall specify the method used for fecal coliform analysis and the FDA approved laboratory that will conduct the analysis; and

vii. For a closed or recirculating operation, the source and type of food for the shellfish.

(d) A Commercial Shellfish Aquaculture Permit is subject to the following specific requirements and conditions:

1. The permittee shall have the issued permit document in possession while harvesting, off-loading, and transporting shellfish from the aquaculture operation.

2. The growing of shellfish as part of an aquaculture operation shall be conducted in waters classified as Approved, or Conditionally Approved.

i. Source water for a closed or recirculating operation shall be water classified as Approved or Conditionally Approved in the open status.

3. The permittee is on notice that any emergency closure or harvest suspension imposed pursuant to N.J.A.C. 7:12-1.4 may affect the waters at the site(s) where aquaculture activities are conducted. The Department will post notice of all emergency closures and harvest suspensions at www.nj.gov/dep/bmw.

4. If shellfish are grown in Conditionally Approved waters, shellfish shall be harvested only when the waters are in open status.

5. Prior to harvesting shellfish from a closed or recirculating operation, the permittee shall collect and analyze three water samples from each tank over 14 days, with a minimum of three days between samples. Each sample shall be analyzed for fecal coliform by an FDA approved laboratory using the method specified in the permittee's Operational Plan.

i. If the fecal coliform level in all samples is less than 14 Most Probable Number (MPN) or Colony Forming Units (CFU) per 100 ml, the permittee may harvest the shellfish for sale to a certified dealer for direct marketing.

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ii. If the fecal coliform level in any one sample is 14 MPN or CFUs per 100 ml or greater, the permittee shall not harvest the shellfish and shall notify the Bureau immediately of the exceedance.

iii. In the circumstance described at (d)5ii above, the permittee shall implement measures as necessary (for example, ultraviolet light disinfection, drain and sanitize system, replace water) to reduce the fecal coliform level to less than 14 Most Probable Number (MPN) or Colony Forming Units (CFU) per 100 ml. The permittee shall re-sample in accordance with (d)5 above no sooner than three days after such measures are implemented. The permittee shall notify the Bureau of any exceedance of the standard. When the coliform level in all samples is less than 14 Most Probable Number (MPN) or Colony Forming Units (CFU) per 100 ml, the permittee shall notify the Bureau and may harvest the shellfish.

iv. The permittee shall maintain all laboratory reports of sample analyses, including chain of custody, for three years. The records shall be available for inspection by the Department.

6. The permittee shall maintain, for at least three years, complete and accurate records, which shall include:

i. The source of seed;

ii. The dates of planting seed and harvesting shellfish;

iii. For any closed or recirculating operation, water source, treatment, and monitoring results, including all laboratory reports of sample analyses with chain of custody pursuant to (d)5 above;

iv. The husbandry and maintenance journal required under (e)3 below; and

v. The quantities of shellfish harvested, by species.

7. The permittee shall not make any changes to its operations without prior written approval from the Department.

(e) Husbandry and maintenance activities conducted under the Commercial Shellfish Aquaculture Permit shall meet the requirements of this subsection.

1. For purposes of this permit, husbandry and maintenance activities are those aquaculture activities relating to the care and rearing of shellfish and the maintenance of the equipment used for those activities. Such husbandry and maintenance activities are not considered harvest.

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2. If husbandry and maintenance activities are conducted within the boundaries of the lot subject to the permittee's lease or Tidelands instrument, the permittee does not need to use shellfish husbandry tags to identify the shellfish containers.

3. If husbandry and maintenance activities are conducted outside the boundaries of the lot subject to the permittee's lease or Tidelands instrument, the permittee shall:

i. Affix to each individual shellfish container, cage, basket, bin, or bag a fluorescent orange, serially numbered, water-resistant shellfish husbandry tag that is clearly marked with the permittee's name or company name, and shellfish license number;

ii. Prior to removing any shellfish container from the lot, record in a journal with permanently bound pages the following information: the serial number of each shellfish husbandry tag, the date and time the shellfish container is removed for husbandry or maintenance activities, identification of the site subject to the lease or Tidelands instrument from which the shellfish are removed, the location where the husbandry or maintenance activities are conducted, and the activity conducted; and

iii. On returning the shellfish container to the lot, the permittee shall record in the journal the date and time the shellfish container is returned.

4. If shellfish are removed for husbandry and maintenance activities, all shellfish shall be returned to the lot subject to the permittee's lease or Tidelands instrument for no less than 48 hours prior to being harvested for direct marketing.

5. Washing of shellfish as part of husbandry and maintenance activities shall use water only from a potable water source or from waters classified as Approved or Conditionally Approved in the open status.