



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
P.O. BOX 402  
401 EAST STATE STREET  
TRENTON, NJ 08625-0402

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

### **Public Notice of the Suspension of Harvest from Shellfish Beds Dangerous to Health**

Shellfish growing areas are routinely monitored throughout New Jersey; the Department's goal is to ensure the wholesomeness of shellfish intended for human consumption. Analysis of water samples indicate that portions of the Delaware Bay, portions of Ludlam Bay, and portions of Toms River no longer meet the current shellfish growing water classification set forth in the Shellfish Growing Water Classification rules at N.J.A.C. 7:12

([http://www.nj.gov/dep/rules/rules/njac7\\_12.pdf](http://www.nj.gov/dep/rules/rules/njac7_12.pdf)).

**TAKE NOTICE**, that pursuant to N.J.A.C. 7:12-1.4(b) and the statutory authority granted the Department of Environmental Protection at N.J.S.A. 58:24-2 to ensure that the public health is not at risk from the consumption of shellfish that may have been subjected to pollution or other conditions that may render the shellfish dangerous to health, I hereby immediately suspend the harvest of shellfish from the following waters, as further described below:

*Coastal Delaware Bay - Stow Creek*

*Ludlam Bay - Maple Swamp*

*Toms River*

In accordance with N.J.A.C. 7:12-1.3, the waters in the Coastal Delaware Bay - Stow Creek area and Ludlam Bay - Maple Swamp area are classified as *Approved*. To be classified as *Approved*, the bacteriological quality of water samples at every sample station in the area shall not exceed the fecal coliform median or geometric mean of 14 CFU per 100 ml and the estimated 90<sup>th</sup> percentile shall not exceed 31 CFU per 100 ml. Additionally, in accordance with N.J.A.C. 7:12-1.3, the waters in the Toms River area are classified as *Restricted*. To be classified as *Restricted*, the bacteriological quality of water samples at every sample station in the area shall not exceed the fecal coliform median or geometric mean of 88 CFU per 100ml and the estimated 90<sup>th</sup> percentile shall not exceed 163 CFU per 100 ml. For more information on shellfish growing water classifications please see the National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish, 2015 Revision, [incorporated by reference at N.J.A.C. 7:12-1.3(a)] available at the U.S. Food and Drug Administration website:

<https://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/default.htm>.

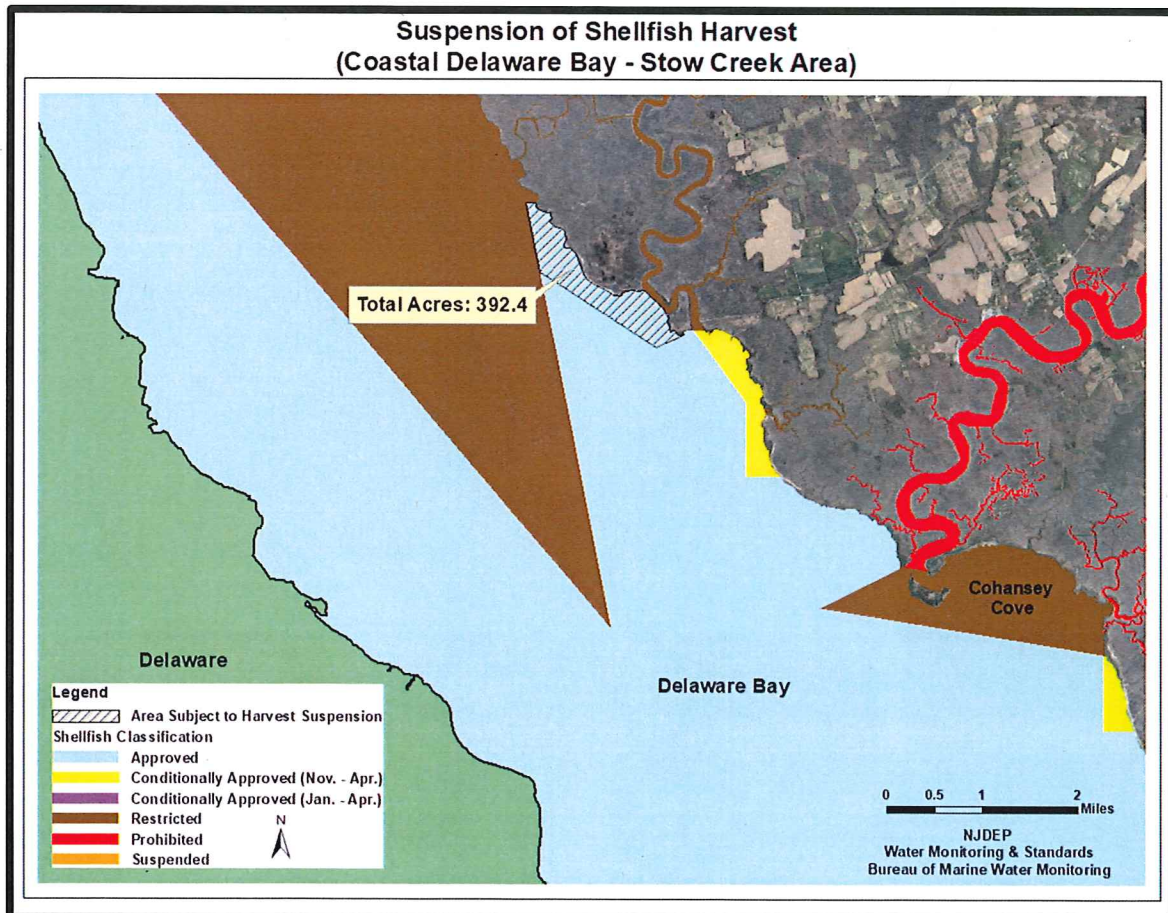
Water sampling data collected by the Department over the past three to four years indicate that the water samples from the waters in the Coastal Delaware Bay - Stow Creek area and Ludlam Bay - Maple Swamp area do not consistently meet the fecal coliform standards for *Approved*

waters. Additionally, water sampling data collected by the Department over the past three to four years indicate that the water samples from the waters in the Toms River area do not consistently meet the fecal coliform standards for *Restricted* waters.

The suspension of harvest in the Coastal Delaware Bay - Stow Creek area, Ludlam Bay - Maple Swamp area, and a portion of Toms River shall take effect immediately and continue pending the establishment by rulemaking of the appropriate classification and boundaries of the waters so classified, as provided by N.J.A.C. 7:12-1.4, or until further determination by the Department that the area of water subject to the suspension meets the standards for its current classification.

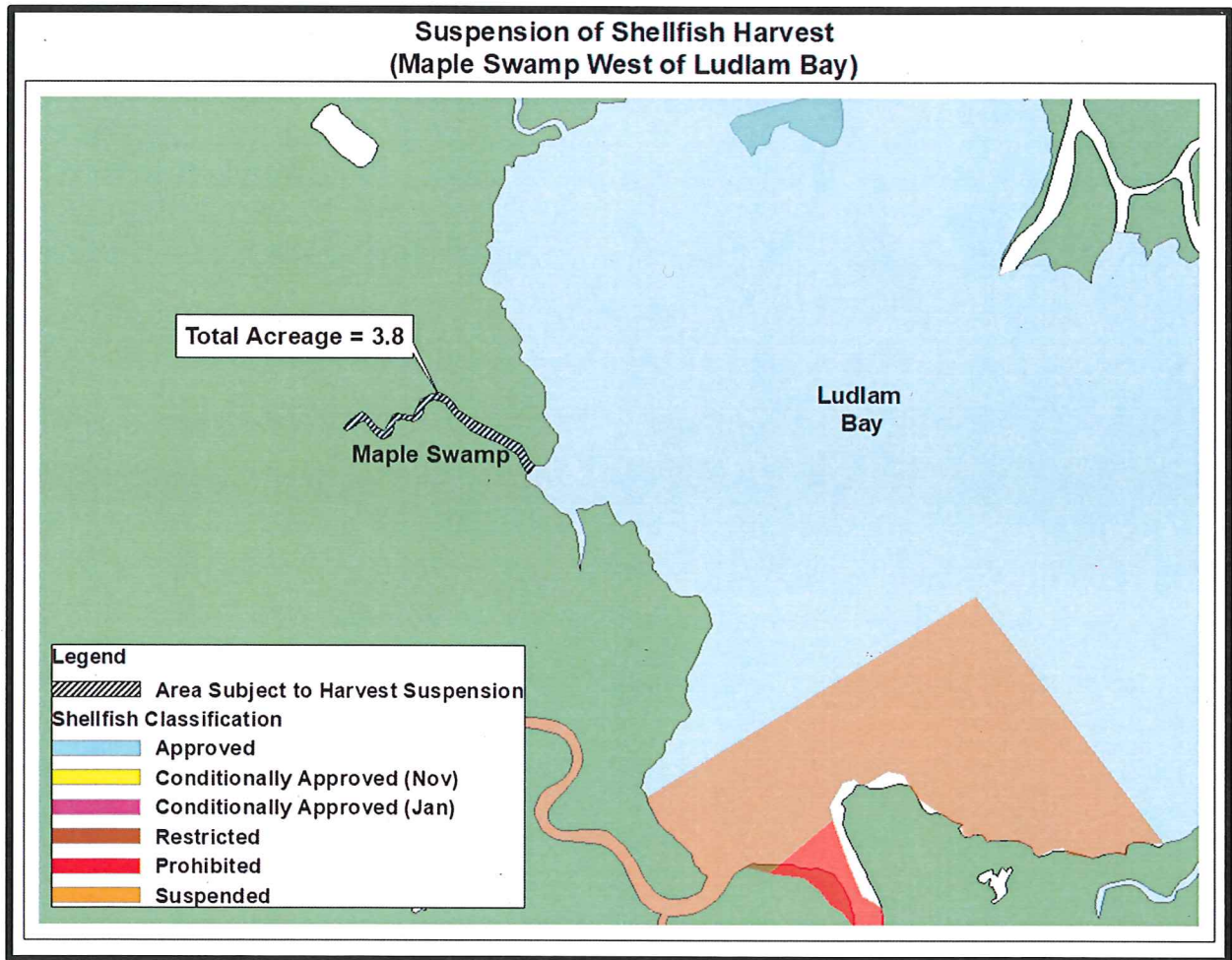
**Coastal Delaware Bay - Stow Creek Area (392.4 acres)**

All of the waters contained within a line beginning at a point southwest of the mouth of Cherry Tree Creek at latitude 39 degrees 24 minutes 1.0 seconds N., longitude 75 degrees 26 minutes 27.9 seconds W., then bearing east to a point at latitude 39 degrees 24 minutes 1.1 seconds N., longitude 75 degrees 26 minutes 20.3 seconds W., then following the shoreline southeast to a point southwest of the mouth of Stow Creek at latitude 39 degrees 22 minutes 49.7 seconds N., longitude 75 degrees 24 minutes 35.9 seconds W., then bearing approximately 247.8 degrees T to a point at latitude 39 degrees 22 minutes 43.5 seconds N., longitude 75 degrees 24 minutes 55.1 seconds W., then bearing approximately 302.2 degrees T to a point at latitude 39 degrees 23 minutes 22.9 seconds N., longitude 75 degrees 26 minutes 17.4 seconds W., then bearing approximately 349 degrees T back to the point of origin and terminating.



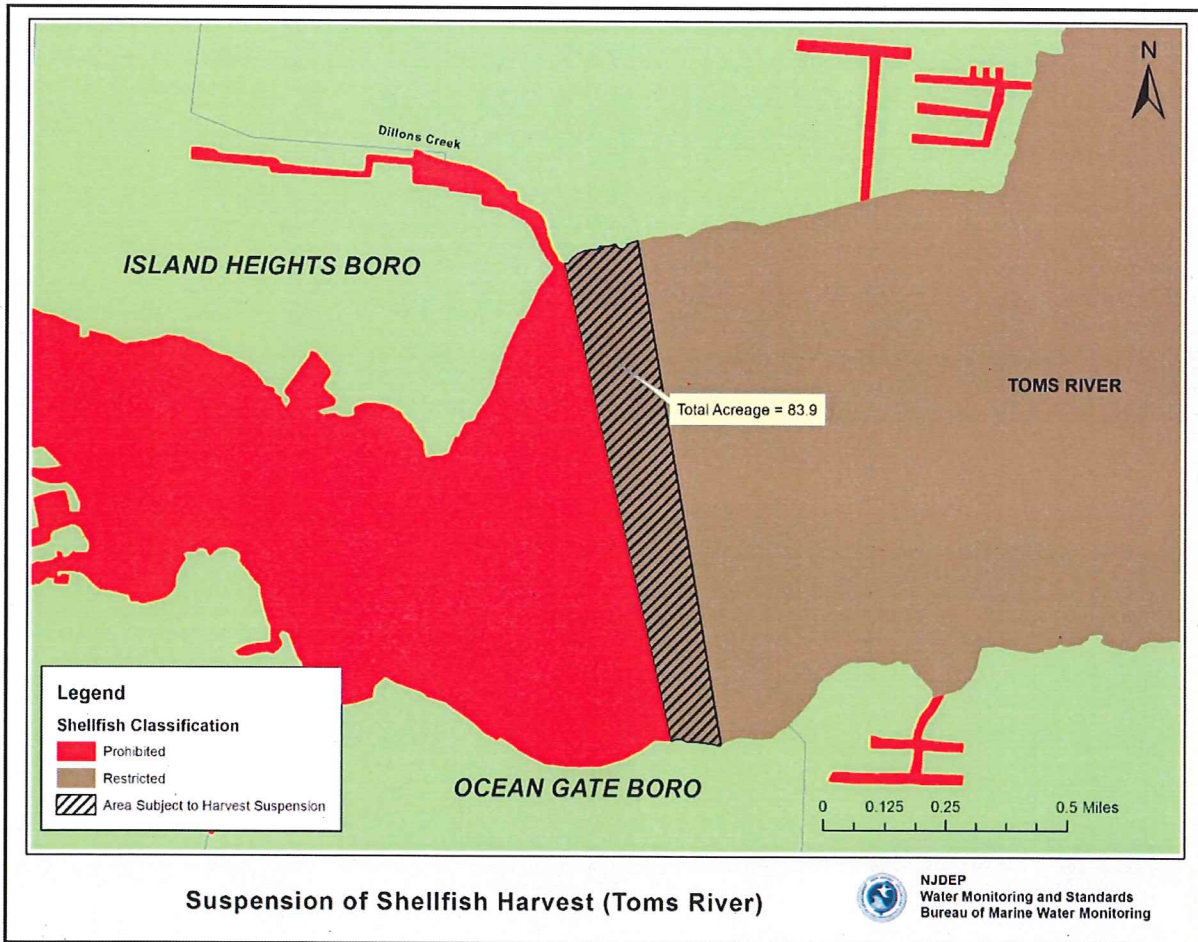
**Ludlam Bay/Maple Swamp (3.8 acres)**

All of the waters in Maple Swamp upstream of a line from a point near the southwest mouth of Maple Swamp at latitude 39 degrees 10 minutes 36.9 seconds N., longitude 74 degrees, 42 minutes, 35.8 seconds W., and bearing approximately 043 degrees T to a point near the northeast mouth of Maple Swamp at latitude 39 degrees 10 minutes 37.6 seconds N., longitude 74 degrees 42 minutes 35.0 seconds W. and terminating.



**Toms River area (83.9 acres)**

All those waters of Toms River encompassed within an area starting at the coordinates latitude 39 degrees 56 minutes 33.8 seconds N., and longitude 74 degrees 7 minutes 59.2 seconds W., then following the shoreline in an easterly direction to a point with coordinates latitude 39 degrees 56 minutes 37.1 seconds N., and longitude 74 degrees 7 minutes 49.2 seconds W., and bearing 170 degrees T to a point with coordinates latitude 39 degrees 55 minutes 42.3 seconds N., and longitude 74 degrees 7 minutes 37.3 seconds W., then following the shoreline in an westerly direction to a point with coordinates latitude 39 degrees 55 minutes 43.1 seconds N., and longitude 74 degrees 7 minutes 44.4 seconds W., then bearing 348 degrees T to the point of origin and terminating.



Date: 1/16/18

*Michele M. Putnam*

Michele Putnam, Acting Assistant Commissioner  
Water Resource Management