

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

SUBCHAPTER 18A. Fisheries Closures and Advisories for Striped Bass, American Eel, Bluefish, White Perch and Catfish Taken from the Northeast Region of the State

7:25-18A.1 Authority

This subchapter has been promulgated pursuant to the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq.

7:25-18A.2 Scope and construction

(a) The following shall constitute the rules governing the issuance by the Department, of fisheries closures and advisories concerning PCB contaminated fish taken from the waters of the Northeast Region of the State.

(b) These rules shall be liberally construed to permit the Department to effectuate the purpose of these rules.

7:25-18A.3 Definitions

"Advisory" means a Departmental warning to limit consumption of designated fish species taken from designated regions of the State's waters.

"Closure" or "closed" means prohibition of sales of designated fish species taken from designated regions of the State's waters.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Limited consumption" or "limit consumption" means that in order to reduce exposure to and bioaccumulation of PCBs, persons of high risk, including but not limited to pregnant women, nursing mothers, women of child-bearing age, and young children, should not eat any designated fish species taken from designated regions of the State's waters and all other persons should not consume more than one meal per week of any designated fish taken from designated regions of the State's waters.

"Northeast Region" means the region encompassing the New Jersey portion of Sandy Hook and Raritan Bay; the tidal portions of the Raritan River upstream to the Route 1 Bridge in New Brunswick; the Arthur Kill and Newark Bay; the Passaic River upstream to the Dundee Dam; the Hackensack River up to Oradel Dam; the Kill Van Kull and Upper New York Bay; and the Hudson River upstream to the New Jersey-New York State border, approximately four miles above Alpine, New Jersey.

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"PCBs" means polychlorinated biphenyls

7:25-18A.4 Closure of fisheries

(a) The Commissioner finds, based upon specific investigations, that to protect the public health of the citizens of the State the following designated regions of the State's waters shall be closed and the sale prohibited of the following fish species:

1. Prohibition of the sale of Striped Bass (*Morone saxatilis*) taken from the Hudson River, Upper New York Bay, Newark Bay, Lower Passaic River, Lower Hackensack River, Arthur Kill and Kill Van Kull; and
2. Prohibition of the sale of American Eels (*Anguilla rostrata*) taken from the Hudson River, Upper New York Bay, Newark Bay, Lower Passaic River, Lower Hackensack River, Arthur Kill and Kill Van Kull.

(b) No person may expose for sale, offer for sale, or sell striped bass (*Morone saxatilis*) in this State.

7:25-18A.5 Public advisories concerning fisheries

(a) The Commissioner finds, based upon scientific investigation, that to protect the citizens of the State, the following advisories concerning the taking of designated fish species from designated regions of the State's waters shall be set forth below:

1. Advisory for the limited consumption of Striped Bass (*Morone saxatilis*) taken from the Northeast Region, including offshore State waters in the northern coastal area;
2. Advisory for the limited consumption of American Eel (*Anguilla rostrata*) taken from the entire State, especially the Northeast Region;
3. Advisory for the limited consumption of Bluefish (*Pomatomus saltatrix*) taken from the Northeast Region, including offshore State waters in the northern coastal area;
4. Advisory for the limited consumption of White Perch (*Morone american*) from the Northeast Region; and
5. Advisory for the limited consumption of White Catfish (*Ictalurus catus*) from the Northeast Region.

(b) The Department further advises that even said designated fish species to be consumed not more than one meal per week should be carefully prepared as set forth below:

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1. Remove fat areas from designated fish species, for example, fish belly flaps or abdomens and dark meat portions; and
2. Bake or broil fish on an elevated rack, which allows PCB contaminated fat areas to drip free and away from the fish.

7:25-18A.6 Public notice of fisheries closures and advisories

(a) The Department shall utilize all reasonable and effective methods to publicize and educate the citizens of the State concerning all fishery closures and advisories pursuant to this subchapter, including but not limited to the following:

1. Schedule appropriate press conferences;
2. Prepare and distribute appropriate press releases on May 15 and August 15 of each year, and as otherwise deemed necessary;
3. Post informational notices and signs in appropriate locations;
4. Advertise public notices in State newspapers on May 15 and August 15 of each year, and as otherwise deemed necessary;
5. Distribute public informational notices according to appropriate Departmental mailing lists; and
6. Compliance with notification requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the regulations promulgated thereto

7:25-18A.7 Violations

Any person who violates any provision of this subchapter shall be liable to the full range of penalties set forth in Section 14 of the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-14.