

A Clear Revival for New Jersey's Artificial Reef Program

By Hugh Carberry, Reef Coordinator



The federal Sport Fish Restoration Program funding for New Jersey's Artificial Reef Program was discontinued on April 12, 2011 by federal officials due to spatial conflicts between anglers and recreational plus commercial fishers using potting gear. Federal officials stated that the Sport Fish Restoration funding source is a "user pays—user benefits" program and that the presence of potting gear precludes access to reefs for which anglers have paid for through excise taxes. These officials further explained that funding would be restored when appropriate action was taken.

Since that time, the New Jersey Department of Environmental Protection (DEP) has worked diligently with representatives from the recreational and commercial sectors in developing a fair plan to balance access on reefs located in marine state waters. The plan includes designating specific locations within these reefs where potting gear can be set and the creation of a new reef in marine state waters where potting gear will be prohibited. The DEP also vowed to petition the Mid-Atlantic Fisheries Management Council for Special Management Zone regulations for the 13 reefs located in Exclusive Economic Zone once regulations are in place for reefs in marine state waters. It is anticipated that these changes will satisfy federal officials and that Sport Fish Restoration funding will then be restored.

These changes, as well as a separate proposal to potentially construct a new reef in Delaware Bay—and a legal agreement to work jointly with nonprofit organizations (501C3s) for future reef construction

efforts—have set the stage for New Jersey's Artificial Reef Program to make an epic comeback. Fish and Wildlife's Artificial Reef Program has been inactive for more than three years but these proposals will breathe new life into a Program that has been recognized as being the best in the nation. Ultimately, it will be recreational users who will benefit from all of these changes.

Under the DEP's plan to balance access, regulations will set aside a portion of the Sandy Hook Reef and two sections of the Axel Carlson Reef to be designated as Full Access Zones. These will be areas where potting gear can be set. Anglers will not be prohibited from utilizing the Full Access Zones but run the risk of losing terminal fishing tackle on submerged potting gear and the associated ground lines between pots. All other forms of commercial fishing will be allowed on these reefs in their entirety, including the Full Access Zones.

Once the Full Access Zone regulations are in place, the DEP has vowed to petition the Mid-Atlantic Fisheries Management Council for Special Management Zone regulations for the 13 reefs located in the Exclusive Economic Zone. The purpose of the Special Management Zone designation is to establish management authority that would allow for options that prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the artificial reef.

The Mid-Atlantic Fisheries Management Council's Special Management Zone Monitoring Team will evaluate New Jersey's request and prepare a

written report for the Council's chairman. The Monitoring Team bases recommendations on fairness and equity; promotion of conservation; avoidance of excessive shares; consistency with the summer flounder, scup and black sea bass Fisheries Management Plan; the natural bottom within the reef and surrounding it; and impacts to historical uses. Following a full review by the Council a recommendation will be made to the National Oceanic and Atmospheric Administration's (NOAA) Regional Administrator. Ultimately it is the NOAA's Regional Administrator that makes the final decision on the Monitoring Team's recommendations.

Another component of the DEP's plan to balance access includes the creation of a new reef north of Barnegat Inlet where potting gear will be prohibited. The reef will be located in marine state waters and its size will equate to the total area of the three Full Access Zones contained within the Sandy Hook and Axel Carlson Reefs (0.95 mi²). Through exclusionary mapping, Fish and Wildlife's marine biologists will select a location having adequate depth and substrate that will not adversely impact commercial fishing operations and will not be near productive areas such as rock outcroppings and other live bottom, shipping lanes, anchorages and telecommunication cables. If all the components of the DEP's proposals to balance access reach fruition, the new reef will be ready for construction during the spring of 2016.



A separate DEP proposal outside the plan to balance access is the creation of a new reef in Delaware Bay. For the past ten years Fish and Wildlife has received hundreds of requests from anglers from the ports of Fortescue, Cape May, Matt's Landing, Bidwell Creek and Dennis Creek to construct reefs in the bay. Anglers from these ports contended that the State of Delaware's reefs within the bay are extremely productive and that New Jersey's Reef Program should move forward with reefs in Delaware Bay to increase recreational opportunities.

After much consideration, Fish and Wildlife elected to move forward with obtaining necessary approvals to construct a new reef in Delaware Bay. Our main concern with reef construction in this area is that juvenile game fishes such as weakfish, striped bass, black sea bass and tautog use the upper Delaware Bay estuary as a nursery area. Reefs will concentrate juvenile and sublegal fishes making

them vulnerable to catch by hook and line, potentially resulting in hooking mortality.

To avoid this possible outcome, the DEP chose to consider only one location in the lower Bay where the likelihood of hooking juveniles and sublegal fishes would be significantly reduced. For the past two years, Fish and Wildlife, has been working diligently towards this goal. The first hurdle was

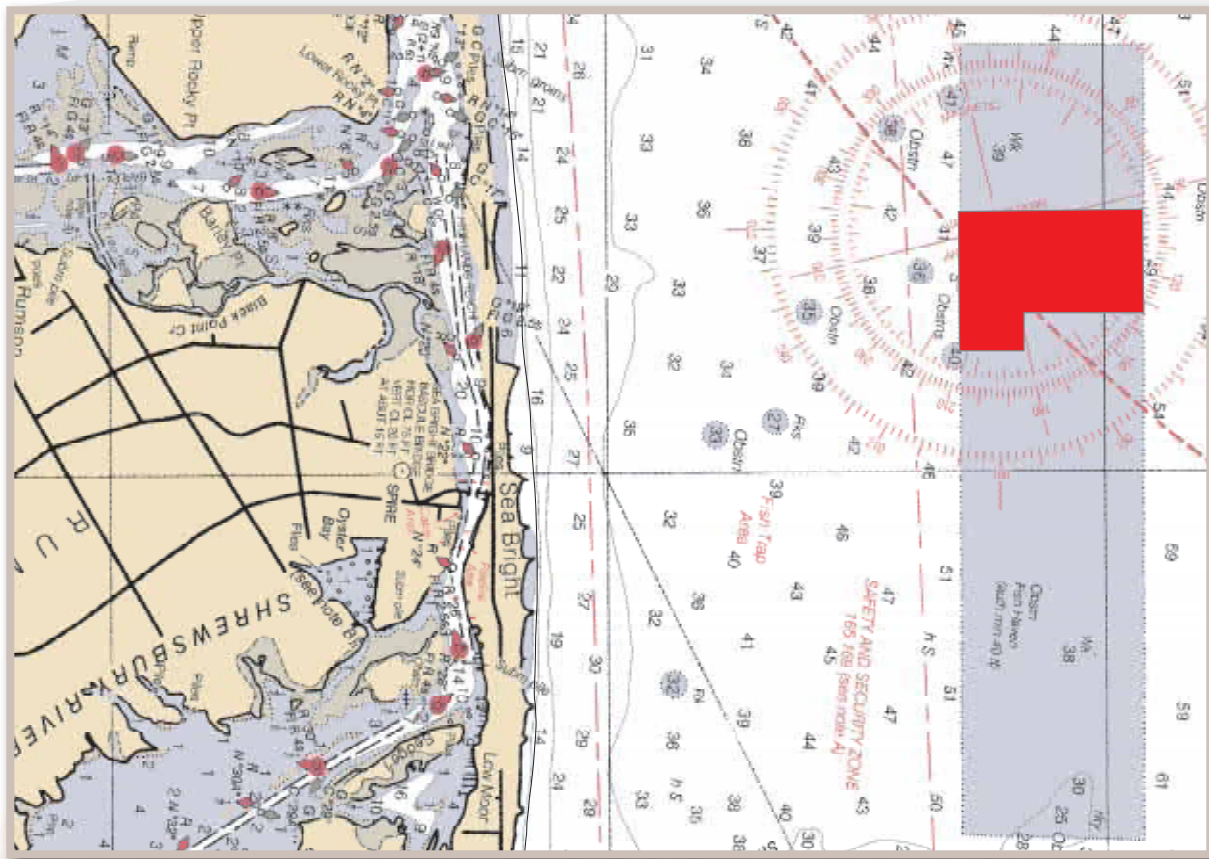
proposing a change in the Coastal Zone Management rules.

Working with DEP officials from Coastal Management, a change in the Coastal Zone Management rules was proposed which would allow for the construction of an artificial reef in lower Delaware Bay. Since the inception of New Jersey's Reef Program in 1984, the Coastal Zone Management rules stated unequivocally that reefs were only to be constructed in the ocean. The proposed rule change appeared in the June 2014 New Jersey Register for a 30 day public comment period. Although the proposed rule change has not yet been officially adopted, it is anticipated that this change will be in effect by June 2, 2015.

This change is the first initial step towards constructing a reef in the lower Delaware Bay. However, other crucial steps include meeting with representatives from the commercial fishing industries from the Delaware Bay area to receive their input. Our main focus on selecting a potential location will be to choose an area that is equidistant from all ports that has adequate depth and substrate composition that will not interfere with established shipping lanes.

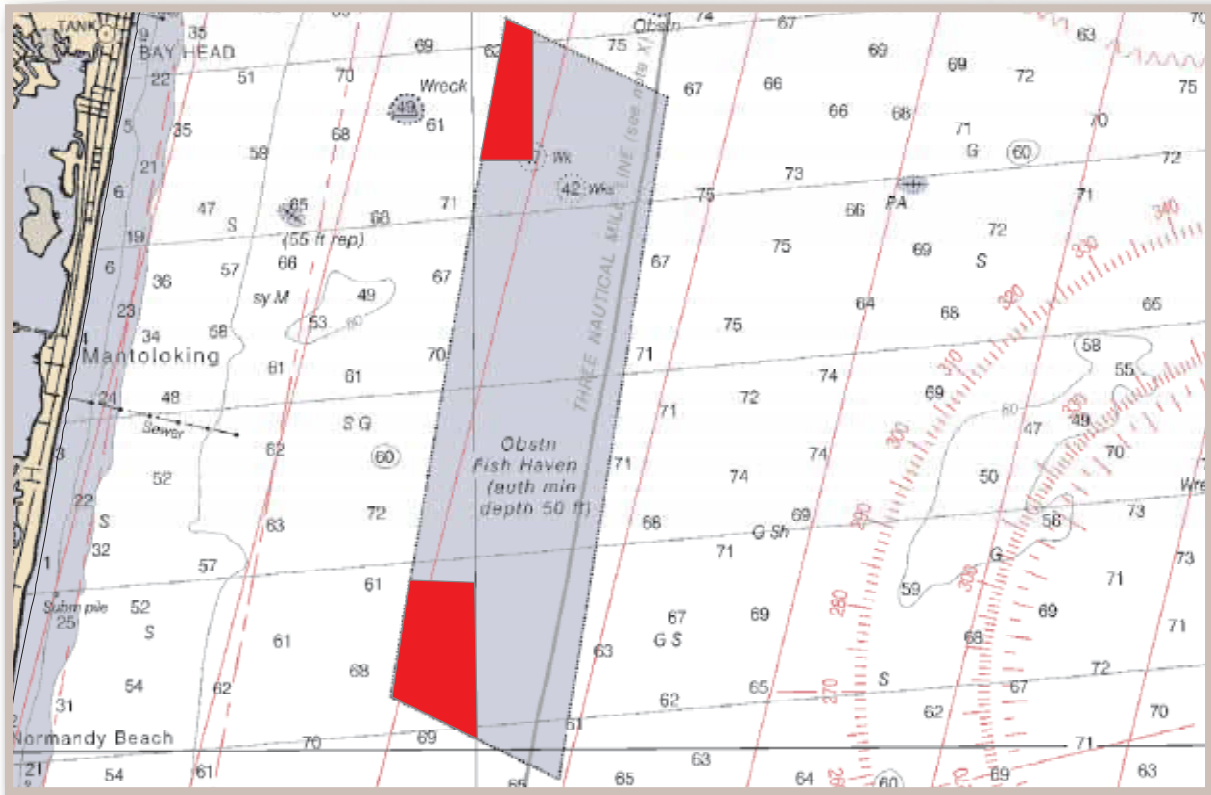
Sandy Hook Reef

Location of "Full Access Zone" highlighted in red. (Charts not for navigational use.)



Axel Carlson Reef

Locations of "Full Access Zones" highlighted in red.
(Charts not for navigational use.)



If our efforts are successful, the proposed reef will be one mile in area and be comprised of low profile structures such as reef balls, dredge rock and demolition concrete and low vertical relief deck barges. The final outcome will be an outstanding location for anglers to catch tautog, summer flounder, black sea bass, striped bass and transient species such as sheepshead, spadefish and cobia. Similar to the new reef being proposed further north as part of the DEP's plan to balance access, potting type gear will be prohibited at the proposed lower Delaware Bay reef.

The last exciting change regarding the Reef Program is a Memorandum of Understanding that was

developed by the DEP for any interested nonprofit organizations and reef material providers that want to participate with New Jersey's Artificial Reef Program in building reefs. This agreement, when finalized, will serve as a catalyst for reefing more vessels and other acceptable materials within New Jersey's Reef Network in a quick and timely manner.

The agreement is very specific in that it identifies responsibilities of the DEP, nonprofit organizations, reef material providers and contractors for preparing and towing of vessels to reefs for deployment. Perhaps the greatest benefit though will be a system set in place that will allow interested nonprofit organizations to serve as a repository

for donations from fishing clubs, scuba clubs and the Reef Program's very popular adopt-a-reef and memorial reef programs.

New Jersey's Reef Program is recognized nationally as being the most progressive and served as the model for other states now active in constructing artificial reefs. Our Program has reefed more vessels and deployed a greater volume of materials than any other state in the nation, an amazing statistic given the size of New Jersey compared with other states having an active reef program such as Florida, California and North Carolina.

NJ Div. Fish and Wildlife



In the shadow of Old Barney—Captured from atop the lighthouse as it passed by, landing craft *Benjamin Maybe* transports 50 reef balls to the Barnegat Light Reef.

Although the conflicts that arose between recreational and commercial fishers using potting gear were an unfortunate outcome, the measures proposed by the DEP to ameliorate access issues should satisfy federal officials from the Sport Fish Restoration Program. It is anticipated that our federal funding will be restored by the spring of 2016 and that New Jersey's Reef Program will once again set the gold standard for other states to follow.