

SEDGE ISLANDS MARINE CONSERVATION ZONE

August 19, 2014

LAND AND BUILDING ASSET MANAGEMENT SYSTEM
DEP - REAL ESTATE ASSIGNMENT SHEET

08/15/2014

IT IS HEREBY DIRECTED that the administration of the above premises be assigned to:
The Division of Parks and Forestry

Management of the submerged lands in the Conservation Zone will be per the attached Sedge Island Conservation Zone Management Agreement (Exhibit B) and the Enforcement Agreement (Exhibit C). The Division of Fish & Wildlife's conservation officers are to assist with the management of these submerged lands located within the Conservation Zone.



RICH BOORNAZIAN, ASSISTANT COMMISSIONER
NATURAL AND HISTORIC RESOURCES

Date: 8/19/14

RECEIVED BY: _____



MARK TEXEL, DIRECTOR
DIVISION OF PARKS AND FORESTRY
STATE PARK SERVICE

DATE: 8/19/14

RECEIVED BY: _____



DAVID CHANDA, DIVISION DIRECTOR
DIVISION OF FISH AND WILDLIFE

DATE: 8-19-14

PREPARED BY:

NAME: Mary E. Monteschio, Esq.
ORG/DEPT.: Natural & Historic Resources
TELEPHONE: (609) 984-6217
DATE: August 19, 2014

EXHIBIT A

Sedge Islands Marine Conservation Zone
Managed by
DEP Divisions of Parks & Forestry and Fish & Wildlife



ISLAND BEACH

LACEY TWP

BERKELEY TWP

SEEDGE ISLAND

OCEAN TWP

ISLAND BEACH SOUTHERN

BARNEGAT LIGHT HOUSE
BARNEGAT LIGHT, BORO


-  Sedge Island WMA
-  Island Beach SP
-  Marine Conservation Zone

EXHIBIT B

SEDGE ISLANDS CONSERVATION ZONE
MANAGEMENT AGREEMENT

STATEMENT OF PURPOSE

The Barnegat Bay has been identified as a unique resource and the Sedge Islands as an area of particular concern under New Jersey's federally approved Coastal Management Program. The Barnegat Bay also has designation as a National Estuary Program. The resources of the Barnegat Bay provide an opportunity for commerce, recreation, and scientific research: Also, within the Barnegat Bay there has been a transition towards ecosystem based management (EBM). The EBM system provides an opportunity where land and water resources are co-managed for the benefit of all human and biological resources. An EBM approach allows managers to better consider and study the impacts of their plans and activities on the resources of the Bay. It is proposed that the establishment of the Sedge Islands Conservation Zone would embody the ecosystem-based approach to management.

The goals of establishing the Sedge Islands Conservation Zone are:

To protect and manage an ecologically sensitive tidal marsh and shallow marine ecosystem by establishing a Conservation Zone which will include the Sedge Islands, shallow water and associated riparian habitat. To reduce the environmental impacts of personal watercraft and better manage wildlife, recreation and traditional uses of the area which do not harm the marine environment such as recreational waterfowl hunting, fishing, crabbing, birding, clamming, and boating.

To ensure that the ecological integrity and continued use by resident and migratory species, suitability of forage, spawning, and breeding habitat, and population fitness are maintained in perpetuity.

To provide a unique learning environment for interpretation of the natural and cultural history of Barnegat Bay.

To conduct multi-disciplinary scientific research, monitoring, and assessment to better understand and interpret the ecological dynamics of tidal marsh and shallow marine ecosystems, and associated species life history requirements with the objectives of protecting human health and welfare, biodiversity, coastal ecosystem function, the economic interests of the citizenry, and to inform management decision-making by the NJDEP.

To manage access to sensitive areas and to reduce user conflicts.

To supplement existing statutes and regulations "with new management techniques, and to protect biodiversity while allowing those uses that are consistent with the management objective of the conservation zone.

PROPOSED MANAGEMENT:

The Sedge Islands Conservation Zone includes the submerged lands adjacent to Island Beach State Park and the Sedge Islands Wildlife Management Area. The portions of the Island Beach State Park and Sedge Islands Wildlife Management Area adjacent to the submerged lands identified will be included in the Sedge Islands Conservation Zone and will be co-managed by the Division of Parks & Forestry and the Division of Fish and Wildlife within the Department of Environmental Protection. The Sedge Islands Conservation Zone will become a part of Island Beach State Park and the Sedge Island Wildlife Management Area.

Basis and Background:

Creation of a marine conservation zone in and around the Sedge Islands will be accomplished through the granting of a Management Agreement of the submerged lands by the Tidelands Resource Council to the New Jersey Department of Environmental Protection. The submerged lands and those portions of Island Beach State Park and Sedge Islands Wildlife Management Area adjacent to the submerged lands will be added to the Sedge Islands Conservation Zone thus subjecting them to the oversight and protection afforded by the Divisions of Parks & Forestry and Fish & Wildlife statutes and rules for State Parks and Wildlife Management Areas, which require that protection of specified natural resource features take precedence over recreational use. However, in accordance with rules governing the areas, recreational uses will be permitted to the extent, and in a manner, that will not compromise the features and unique habitats that the natural areas system was designed to protect. The Department of Environmental Protection will oversee the addition of the Sedge Island Conservation Zone to Island Beach State Park and Sedge Islands Wildlife Management Area, and will be responsible for the development and adoption of a comprehensive management plan

Management Framework:

Identified below is a framework of strategies that will be employed to co-manage the resources of the Sedge Islands Conservation Zone.

The Division of Parks and Forestry will clearly demarcate and maintain the boundary within tidal portions of the conservation zone with buoys. Boundary maps will be available at Island Beach State Park and both Divisions' web sites.

The Sedge Islands Natural Resource Education Center will be preserved and maintained for public use and will serve as a center for residential environmental education programs. Through a variety of programs conducted by the Division of Fish and Wildlife, participants will experience the cultural history of the Barnegat Bay much as sportsmen did in the 1900's. Programs will feature the connections between the natural resources of Barnegat Bay and the people who made their living fishing, clamming, crabbing, and guiding waterfowl hunting parties. The dock, caretaker cottage, privy, multrum bathroom, and storage shed will be maintained to support the programs. In addition, maintenance of the grounds and utilization of motorboats for access is permitted,

The continuation of traditional recreational activities including fishing, clamming, crabbing, and waterfowl hunting is consistent with the interpretation of the history of the Conservation Zone. These activities are also consistent with the mission of Island Beach State Park, as outlined by the legislature in 1977, the mission of the Sedge Island Wildlife Management Area,

and the Riparian laws of the State of New Jersey. Traditional recreational activities, including fishing, waterfowl hunting, clamming, and crabbing, as permitted by Federal and State regulations will continue within the Sedge Island Conservation Zone. Waterfowl hunting, for example, is permitted in most of the Conservation Zone, but may not be compatible near bird observation blinds.

Recreational use will be permitted to the extent, and in a manner, that will protect the wildlife and submerged resources of the Sedge Island Conservation Zone and reduce user conflicts. Spatial and temporal zoning will be the primary management techniques utilized throughout the Conservation Zone. Access near osprey nests and tern colonies will be restricted during nesting season. Signs will establish buffer zones around areas of special concern. Access will be limited to designated areas at A-21 and A-15 locations (see attached Bay Access Policy). Group use may expose Osprey nests to predation and will be restricted to staff conducted tours only. Commercial tours will be prohibited. A brochure will be created and made available to provide information regarding the use of the Conservation Zone.

Wildlife buffers and seasonal restrictions are necessary to protect nesting endangered, threatened, or other sensitive wildlife. Within the buffer areas, no human encroachment is permitted during the specified time period, including no boat access of any type. The following is a list of guidelines:

<u>Species</u>	<u>Buffer</u>	<u>Season</u>
Peregrine falcon nesting tower	100 meters (109 yds.)	3/1 – 7/31
Long-legged wading bird nesting areas	100 meters (109 yds.)	4/1 – 7/31
Long-legged wading bird roosts	100 meters (109 yds.)	4/1 – 9/30
Long-legged wading bird critical foraging areas	100 meters (109 yds.)	4/1 – 9/30
Osprey nests	100 meters (109 yds.)	4/1 – 8/31
Tern and skimmer nesting areas	100 meters (109 yds.)	5/1 – 9/15
American Oystercatcher nests	100 meters (109 yds.)	3/15 – 7/31

Traditional boating activities are compatible with the Conservation Zone and will be permitted subject to Title 12 (navigation), Title 13 (Parks and Forestry), and Title 23 (Fish and Wildlife) statutes and their corresponding regulations. Slow-speed/no-wake zones will be posted near the Sedge House to avoid conflicts with interpretive programs, and near bird nesting locations, and may be posted in other locations as appropriate to protect habitat. Boats may be restricted near bird nesting colonies during nesting season. Boat patrols will be implemented to educate boaters regarding the rules within the zone, and to carry out enforcement.

The primary purpose of the Conservation Zone is to protect the natural resources of the Sedge Islands and adjacent marine habitat. Commercial uses are consumptive by nature and will impact wildlife by excessive disturbance, will compete with traditional uses of the area, and may disrupt the submerged habitat (submerged aquatic vegetation and benthic communities) by use of certain types of gear. Osprey nests, for example, are vulnerable to predation caused by disturbance from group use. Clams can be quickly depleted by commercial exploitation and submerged vegetation displaced. Visitors should have an opportunity to experience a natural tidal marsh ecosystem free from commercial impacts. **Commercial use is not compatible** with

the purposes of the Conservation Zone and will be prohibited. The existing ban on commercial crabbing gear will be continued. Commercial clamming will be prohibited. Commercial tours and other commercial activities are also incompatible with the purposes of the Conservation Zone and will be prohibited.

Interpretive programs will be conducted to provide visitors with an understanding and appreciation of a healthy tidal marsh and shallow water ecosystem. The canoe/kayak tours conducted by the Division of Parks and Forestry will provide an "up close" experience for visitors. Various wayside exhibits and publications will be utilized to interpret the natural and cultural resources of the Sedge Islands. Group use is restricted to tours led by the Division of Parks and Forestry and the Division of Fish and Wildlife staff.

The Sedge Islands osprey colony will be closely monitored by the Division of Fish and Wildlife, with assistance from the Division of Parks and Forestry. Appropriate research, banding, establishing of restricted areas around nests, and other management techniques will be conducted. Additional nesting poles may be provided if necessary. Access restrictions will be removed when the nesting season is over.

Innovative shoreline stabilization techniques such as living shorelines/nature-based techniques and/or geotubes may be employed to stabilize eroding shorelines, provide successional habitat for beach-nesting birds and to enhance wetland areas. Installation of such management measures will provide an opportunity to monitor and measure their success and applicability to other settings.

Research, ecological assessments and monitoring will be conducted according to appropriate Department guidelines and regulations. An ecosystem-based management approach allows managers to better consider and study the impacts of their plans and activities on the resources of the entire Barnegat Bay. This approach requires information and data from research and monitoring of the ecosystem resources. The Sedge Islands Conservation Zone provides a unique opportunity to compare and contrast the protections afforded by being in a conservation zone with those areas outside the zone within the National Estuary Program designated Barnegat Bay.

Personal watercraft, more commonly known as jet skis, waverunners and jet-powered boats are documented as disturbing to wildlife that inhabit the tidal marshes of the Sedge Islands as they have the ability to run at high speeds in very shallow water. This poses a safety hazard to visitors utilizing the shallow waters of the Sedge Islands for fishing, crabbing, clamming, or kayaking. Personal watercraft, by virtue of their shallow draft, can access narrow ditches and creeks not accessible to traditional propeller-driven craft. Threatened species, endangered species, beachnesters, and ospreys could be severely impacted by personal watercraft if such crafts are not restricted. Further, personal watercraft negatively affect the interpretive experience of visitors and disturb the "soundscape" of an area where the sounds of nature should predominate. Finally, a primary objective of the Conservation Zone is to separate incompatible uses and designating areas for a variety of activities. **The use of personal watercraft will be prohibited within the Conservation Zone.**

Mosquito and insect control will be conducted by the Ocean County Mosquito Control Commission and by Island Beach State Park personnel using appropriate and approved methods

and pesticides. The Ocean County Mosquito Control Commission will conduct helicopter inspections two times each week during the breeding season. If control is needed, Vectobac 12AS, a biorational product specific to mosquito larvae, is applied in liquid form to open marsh areas, while granular Abate is applied to areas dominated by phragmites, shrubs and trees. Altosid, a juvenile hormone mimic specific to mosquito larvae may be applied in liquid form to open marsh areas when necessary to control later instar mosquito larvae. Four or five applications are generally applied per season for major broods, although some specific areas may be treated more frequently. **A plan of control measures to be implemented will be prepared by the Ocean County Mosquito Control Commission and reviewed by the Department of Environmental Protection prior to taking action to make sure it is consistent with the goals and research being conducted in the Marine Conservation Zone.**

Island Beach State Park staff will treat high public use areas on the barrier island portion of the Conservation Zone with ULV applied Permethrin. The A-21 access area, Johnny Allen's Cove trail, and the Spizzle Creek Bay Path will be treated when insect numbers are high.

All mosquito and insect control work is conducted under DEP permits and supervision.

Summary

The management approach listed above will be utilized to implement the statement of purpose of the plan. The Sedge Islands Conservation Zone can serve as an example of balancing protection of natural resources while permitting appropriate public access. The management plan will be carried out by the staff of Island Beach State Park and the Division of Fish and Wildlife staff assigned to the Sedge Islands program. Buffer zones will be identified and posted by the Division of Fish and Wildlife. State Park Police and/or Conservation Officers and the N.J. State Police, Marine Bureau officers will conduct boat patrols on a routine basis. Volunteers will assist in the public outreach program. A guide to the Sedge Islands will be developed by Save Barnegat Bay to provide visitors with information about the Conservation Zone. Together, state agencies, appointed councils, environmental organizations, and everyday park visitors will work together to use this plan to bring sound natural resource management practices to one of New Jersey's most important areas,

07-24-14 – rev.

EXHIBIT C

**SEDGE ISLANDS CONSERVATION ZONE
ENFORCEMENT AGREEMENT**

THIS ENFORCEMENT AGREEMENT outlines the laws that are applicable to the SEDGE ISLANDS CONSERVATION ZONE, also known as the SEDGE ISLANDS MARINE CONSERVATION ZONE (hereinafter "Conservation Zone"), and how enforcement will be handled and by which law enforcement units within Natural and Historic Resources and the Divisions of Fish & Wildlife and Parks & Forestry, State Park Service.

WHEREAS, the New Jersey Department of Environmental Protection, Division of Fish & Wildlife, owns the Sedge Island Wildlife Management Area, which includes the Sedge Islands, located in the Barnegat Bay, Ocean County, and manages it as a wildlife management area pursuant to N.J.A.C. 7:25-2, with the exception of the submerged lands located adjacent thereto; and

WHEREAS, the New Jersey Department of Environmental Protection, Division of Parks & Forestry, State Park Service, owns Island Beach State Park, marking the eastern boundary of the Barnegat Bay, in Ocean County, and manages it as a State park pursuant to N.J.A.C. 7:2-1, et seq.; and

WHEREAS, the submerged or riparian lands are subject to the jurisdiction of the Tidelands Resource Council pursuant to N.J.S.A. 12:3-1, et seq.; and

WHEREAS, the Tidelands Resource Council voted on July 24, 2014, to assign the Council's authority over these submerged or riparian lands to the Department of Environmental Protection pursuant to the Assignment of Management Rights from the State of New Jersey, Tidelands Resource Council to Assignee (hereinafter Assignment of Management Rights), dated July 24, 2014; and

WHEREAS, the Assistant Commissioner for Natural and Historic Resources, through execution of a DEP-Real Estate Assignment Sheet, has assigned the submerged or riparian lands to the Division of Parks and Forestry; and

WHEREAS, by the assignment of these management rights over the submerged or riparian lands to the Division of Parks and Forestry, these areas are subject to the State Park Service Code, N.J.A.C. 7:2-1.1, et seq., and the statutory authorities of N.J.S.A. 13:1B-1, et seq., N.J.S.A. 13:1B-15.100, et seq., and N.J.S.A. 13:1L-1, et seq., as a part of Island Beach State Park; and

WHEREAS, Natural and Historic Resources and the Divisions of Fish & Wildlife and Parks & Forestry, State Park Service, combined the Sedge Islands Wildlife Management Area, portions of Island Beach State Park, and the submerged or riparian lands around the Sedge Islands Wildlife Management Area and up to Island Beach State Park into a conservation zone which is known as the Sedge Islands Conservation Zone or the Sedge Islands Marine Conservation Zone; and

WHEREAS, Natural and Historic Resources and the Divisions of Fish & Wildlife and Parks & Forestry, State Park Service, recognize that proper management of the Conservation Zone requires the cooperation of the State Park Police, the Division of Parks & Forestry, State Park Service, and the Division of Fish & Wildlife; and

WHEREAS, Natural and Historic Resources and the Divisions of Fish & Wildlife and Parks & Forestry, State Park Service, have created this document to guide those staff who are involved in law enforcement, as well as the general public, on what activities are allowed in the Conservation Zone.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties acknowledge the following:

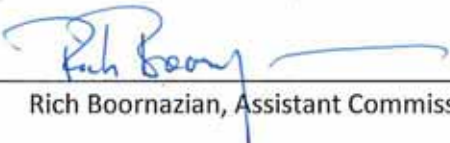
1. Island Beach State Park and the submerged lands assigned to the Park shall be managed in compliance with the State Park Service Code, N.J.A.C. 7:2-1.1, et seq., and the statutory authorities of N.J.S.A. 13:1B-1, et seq., N.J.S.A. 13:1B-15.100, et seq., and N.J.S.A. 13:1L-1, et seq. The Conservation Officers of the Division of Fish & Wildlife shall assist the State Park Police with enforcing the State Park Service Code in the Conservation Zone. Although the Conservation Officers shall assist with enforcing the State Park Service Code in the Conservation Zone, all regulations of the State Park Service Code shall remain enforceable by any law enforcement officer.
2. Without limiting the applicability of any of the regulations of the State Park Service Code at N.J.A.C. 7:2-1.1 et seq., the following regulations of the State Park Service Code are applicable to Island Beach State Park and the submerged lands assigned to Island Beach State Park and are necessary for its proper management and operation:
 - a. Pursuant to N.J.A.C. 7:2-2.3, the use of wave runners and jet powered boats are prohibited.
 - b. Pursuant to N.J.A.C. 7:2-5.5(b), a person shall not jetski, wind sail, windsurf, scuba dive, skin dive, or spear goggles dive in the waters of the Conservation Zone.
 - c. Pursuant to N.J.A.C. 7:2-2.5, all commercial activity is prohibited in the Conservation Zone except as allowed by a permit issued by the State Park Service or pursuant to a contract or lease entered into with the Department.
 - d. Pursuant to N.J.A.C. 7:2-2.6, a person shall not possess and/or consume alcoholic beverages on lands and waters under the jurisdiction of the State Park Service.
 - e. Pursuant to N.J.A.C. 7:2-2.7(a)(2), a person shall not deposit, dump or cause to be deposited or dumped any litter, trash, refuse, garbage, bottles, pollutants, or any other substances or liquids on the lands or from lands or vessels on waters under the jurisdiction or control of the State Park Service.
 - f. Pursuant to N.J.A.C. 7:2-2.13(a) and (b), a person shall not make use of the lands, waters, conveniences and facilities under the jurisdiction of the State Park Service contrary to posted signs, issued permits, leases or contracts, and written or verbal instructions; and a person shall not enter designated restricted areas declared and/or posted "closed," "keep-out," "restricted area" or other verbal or posted warning.
3. All regulations of the Division of Fish & Wildlife, found at N.J.A.C. 7:25-1, et seq., shall remain applicable to the Sedge Island Wildlife Management Area and shall be enforced by any law enforcement officer.

The Effective Date of this Enforcement Agreement shall be upon the signing by the Assistant Commissioner of Natural and Historical Resources and the Director of the Division of Parks and Forestry, State Park Service.

IN WITNESS WHEREOF, Natural and Historic Resources, the Division of Fish & Wildlife, and the Division of Parks & Forestry, State Park Service, have duly executed this Agreement.

For: STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL AND HISTORIC RESOURCES

For: STATE OF NEW JERSEY
DEPT. OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS & FORESTRY

By:  _____
Rich Boornazian, Assistant Commissioner

By:  _____
Mark Texel, Director
State Park Service

Date: 8/19/14

Date: 8/19/14

For: STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

By:  _____
Dave Chanda, Division Director

Date: 8-19-14