

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
December 16, 2008

The regular meeting of the New Jersey Fish and Game Council was held on the above date. In attendance were:

Councilman Dave Burke
Councilman Ed Kertz
Councilwoman Jane Morton-Galetto
Councilman Robert Puskas
Councilman Dan Van Mater
Acting Chairwoman Jeanette Vreeland
Councilman Len Wolgast

Absent: Councilman Fred Hough
Councilman John Messeroll

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Tim Cussen, Lisa Barno, Ted Nichols, Sue Predl and Bob Longcor.

Members of the public included representatives from the Federation of Sportsmen's Clubs, the Farm Bureau, Preserve Our Wildlife, and others.

The meeting was called to order at 10:05 am by Acting Chairwoman Vreeland.

The flag salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, c.231 notice of this meeting was filed with and posted at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on December 1, 2008.

At this time, Acting Chairwoman Vreeland noted the recent death of Councilman Richard Culp, and asked to observe a moment of silence in his memory.

Roll call was taken.

The minutes of the November 12, 2008 meeting were reviewed. **A motion was made by Councilman Kertz, seconded by Councilman Wolgast to approve the minutes. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland reported that she attended the recent fisheries forum at the Hackettstown Hatchery, noting that it was well attended.

Acting Chairwoman Vreeland noted a thank you letter that was received from the family of retired Conservation Officer Captain Matthew Ferrigno for Council's acknowledgement of his recent passing. A second letter, signed by representatives from the Federation of Sportsmen's Clubs and the Safari Club International Foundation was distributed to the Council for their review.

Director Chanda recognized Richard "Dick" Culp, noting he was a good friend and would be missed.

Director Chanda also recognized that Councilwoman Galetto would soon be replaced as the Endangered and Non-Game Species Representative, and noted that she has been a great asset to this Council.

Councilman Kertz reported for the Agriculture Committee. He attended the recent Farm Bureau Convention, noting that they had discussed some of the pending resolutions involving wildlife, including Sunday bow hunting and bow hunting on depredation permits. He asked Liz Thompson, representative from the Farm Bureau if she felt that there was anything else concerning wildlife, and she noted they were mostly reaffirming current policy.

Councilman Puskas reported that in his area the fields are very wet. There are a large amount of geese, and they are causing an incredible amount of damage. He has heard that the deer season harvest has been good, and despite the bad weather, hunters have been out.

Acting Chairwoman Vreeland added that she had spoken with Councilman Hough yesterday, and he is still seeing bears at his farm and they are still causing damage to his crops.

Legislative Liaison Paulette Nelson reported on Legislative activity. She distributed a list of the bill proposals that were being tracked. The following bills were reviewed:

A 595 Changes perimeter for bow and arrow hunting
 around occupied building. ***

*** this bill was amended on the floor yesterday, however full details of the amendment are not known. Legislative Liaison Nelson felt that it should still be fine even with the amendment.

Councilwoman Galetto noted that she had received an alert from the Sierra Club on this bill and the bill on Sunday hunting, and asked that someone reach out to them to further explain the details of this matter because they may be misinformed. Legislative Liaison Nelson noted that some people think this would be in effect on all lands, when in fact it would only be on private lands and wildlife management areas. Councilman Wolgast added that a bow hunter has never injured a non-participant during bow hunting activities. Assistant Director Herrightly acknowledged that nothing has been sent specifically to the Sierra Club, but they should be

aware of the details of the bill. Legislative Liaison Nelson noted that there were two bills being crossed referenced in their concerns. One bill, A 595, would change the safety zone perimeter for bow and arrow hunting to 150 feet. The Sunday hunting proposal is on a different bill altogether. Councilman Kertz inquired about the amendment to the perimeter bill, asking if a motion should be made to support this bill with the amendment if the amendment was concerning not having a nocked arrow until you were in an elevated tree stand. Legislative Liaison Nelson advised a motion to support this would be fine, and **a motion was made by Councilman Kertz, seconded by Councilman Van Mater to support the amendment concerning not having a nocked arrow until the hunter was in an elevated tree stand. A vote was taken with all in favor, none opposed.**

A 3445 Authorizes DEP to issue and charge a fee for commercial license for taking spiny dogfish within State waters.

Legislative Liaison Nelson explained that there is language in this bill that may meet with some resistance, and this bill will continue to be watched.

A 3499 Renames the Department of Agriculture as the Department of Agriculture and Conservation; transfers certain agencies from other departments to the Department of Agriculture and Conservation; clarifies authority of the Fish and Game Council.

Legislative Liaison Nelson noted that there is already a similar bill in the Legislature, and she needs to compare these bills to see what the differences are.

S 713 Establishes forest stewardship and forest certification program in DEP; limit liability of certain landowners who allow sport or recreation activities on their land for a fee.

This bill has gone through the Budget Appropriations Committee and the Senate on November 24, 2008, but it is not known what committee it has been assigned to for the Assembly.

A 2370 Same as A 3499

S 2358 Same as A 3280

At this time, the floor was open to public comment. All those wishing to make comment were reminded that they were limited to a three minute time period. Janet Pizar from Millburn asked to speak out on the Essex County application for a Community Based Deer Management Permit at the South Mountain Reservation. She advised that she had some aspects that she would like to bring to Council's attention and ask for their consideration on them. She stated that this year there was no consensus of the three towns that hold ground on the South Mountain Reservation. West Orange, the second largest landholder, passed a resolution to oppose the deer hunt. She also noted the May, 2008 Bureau of Wildlife Management monthly report, where Principal Biologist Predl had done some distance sampling for deer in the Reservation, and felt that the numbers noted were considerably less than those listed in the past. After

further explaining her concerns, she felt that the resolutions should be voided for this year, since she felt the goals for deer populations have already been met. Ms. Pizar also noted that West Orange and Maplewood have not done a public opinion survey, but did reference information from the Essex County survey done in 2001. At this time, Ms. Pizar was advised she had reached her allotted time of three minutes, but asked to be able to continue. She was granted time for one additional sentence, in which she noted 7:25-5.32 of the Game Code and stated she felt the application should be denied due to the application not meeting the language stated in this section, and added that the application was also outside of the 120 day window for a cull to begin at the end of January.

The next speaker was Carol Rivelli, who stated she was a representative for the 150 members of the Preserve Our Wildlife group. She commented that she agrees with Ms. Pizar and that her statements were all correct. She also referred to West Orange, noting that they did not pass a resolution for a Community Based Deer Management Permit, and stated that her group opposes DiVincenzo's statements at council meetings and in the press. She stated that even though there was no resolution passed to apply for a permit, he plans on opening up that land for hunting, and that her groups does not understand how that will be able to be done or what it will entail. She also noted that this was a suburban area, with an ice rink and zoo all within 7/10 of a mile of the area. Ms. Rivelli noted two instances where homes were shot by hunters, one in New York and one in New Jersey. She added that there were two schools in the area in question. She stated that they oppose this application, and asked Council to not approve this request. Councilman Kertz asked Ms. Rivelli if he could make a comment, and she acknowledged that he could. He noted that the application states that volunteer agents would be able to access that portion of the South Mountain Reservation that falls in West Orange during the permit shotgun season if they held a deer management zone 13 permit, and would have to follow the same regulations specific to that zone. He suggested that she take her concerns to the local government since these hunters would be following the same regulations as all other hunters since they were not included in the Community Based Deer Management Permit application and regulations specific to that permit would not apply. She noted yes, but added that she does not have access to the permit and does not understand what this would entail. Councilman Kertz explained this further for her, and she asked what the allowed time frame was for this, adding that Zone 13 was a suburban area. Councilman Kertz added that most of the State has areas such as this. It was suggested to Ms. Rivelli that she refer to the Fish and Wildlife Digest for specific dates and information.

Next to speak was Barbara Sachau, who stated she was completely opposed to the Community Based Deer Management Program. She felt that the facts submitted were not accurate, and stated that Council has been accepting information that is not verified or truthful and is dishonest. She asked that the Council do away with the Community Based Deer Management Program.

Janet Pizar asked to speak again. She noted that she felt the point Ms. Rivelli was trying to make was that West Orange passed a resolution against Community Based Deer Management, and that DiVincenzo is now forcing them into this open recreational hunt according to the regular game code law, when they believe the South Mountain Reservation deer should not be culled this year. She stated that he is coercing them and used that threat to try to gain

compliance in Maplewood as well, and added that South Orange does not want the hunt this year.

There were no other requests to make public comment.

Councilwoman Galetto reported for the Endangered and Non-Game Species Committee. They held their most recent meeting on November 19, 2008.

Councilwoman Galetto noted that she met with several Senators recently to discuss the ATV bill, and at the same time the bill was being heard on the saltwater fishing registry. She offered to Legislative Liaison Nelson that she would also speak to that Committee to give the Council's opinion on the bill. She added that there was a disgruntled fisherman there who felt it was wrong for the Fish and Game Council to make comment on a marine issue. Councilwoman Galetto explained to the Committee hearing the bill that there would be a cost factor involved to the Division to have such a registry, but they seemed to feel that it would be a Department cost. She felt they may not have understood that the Division was part of the Department and how the costs would apply. Director Chanda added to this, noting the fisherman was very vocal to Councilwoman Galetto after the meeting that it should have been the Marine Council taking action on this. Director Chanda noted that the Marine Council did not have the opportunity to take a position on this matter since it came up on very short notice and could not be discussed before this meeting was to take place. He offered to send the gentleman the letter that the Fish and Game Council prepared and their motion on this matter. He also noted that several Assemblywoman who voted to release this from Committee with the caveat that she trusted that the sponsor's would find the appropriate monies so that the funds did not come from the Fish and Wildlife accounts. Councilwoman Galetto noted that Assemblyman Albano has offered to sit and discuss this matter with the Council, and Director Chanda felt that it would be a good idea to do so.

The new Chairwoman of the Endangered and Non-Game Species Committee will be Barbara Brummer from the Nature Conservancy, and she will begin work as the Chair at their January meeting. Councilwoman Galetto will serve as the representative for the January 2009 Fish and Game Council meeting which falls before the ENSAC Committee meeting, and Ms. Brummer will replace her starting in February. Councilwoman Galetto gave a summary of Ms. Brummer and her background for the Council. Additionally, Howie Geduldig has reached out to Chief Jenkins from the Endangered and Non-Game Species Program to be considered as a replacement to the ENSAC Committee. Councilwoman Galetto also reviewed his background.

A presentation on Horseshoe crab methodology was also given at the ENSAC meeting. Councilwoman Galetto gave a brief review of the information received.

The ENSAC Committee discussed the Delphi method that is used to determine the status of species at their meeting.

A report was made at the ENSAC meeting on the Stafford Forge pine snake study. Councilwoman Galetto reviewed this matter, noting that these species were moved when the landfill that they were occupying was capped. She added that from her perspective, a lot of

information was gained and that they did the best they could with a bad situation, but also showed that there are great failures with relocating endangered species and it would be better to protect them where they are. She summarized some of the efforts done to try and protect these snakes. Councilwoman Galetto offered that the presentation made to the ENSAC Committee may be of great interest to the Council. Director Chanda agreed that it would be good for the Council to hear. Additionally, Assistant Director Herrightly noted that Mick Valent would be scheduled to speak to the Council on bobcats.

Councilman Messeroll was not present to report for the Federation. Councilman Van Mater noted that they had discussed problems with snares and bobcats at their meeting. Councilman Wolgast added that deer harvests were discussed in the Central Region.

Councilman Burke noted that in Atlantic County, there were complaints about the quality of the quail being stocked, and a conflict with the Peaslee WMA being stocked on the second day of the muzzleloader season. Council may be asked to consider removing quail stocking at the Peaslee WMA from the schedule on that day. He added that the clubs in Atlantic County seemed to have an above or average deer harvest and were doing well, and reports have also been received that hunters in Salem County were doing well. The Cumberland County meeting will be held this Thursday evening and more information should be available at that time. Hunters seemed to do well during the opening day of the muzzleloader season. Councilman Burke also noted that there have been several articles on the feral pig problem, adding that some clubs have a policy where they forbid their members from shooting the pigs while they are deer hunting.

As a follow up to the previously reported area closure at the Bass River State Forest, Councilman Burke reported that one of the members of the Atlantic County Federation met with the new Superintendent at the Bass River State Forest, and they are relying on the advise of the park rangers as to closing the area to hunting this year.

Chief Barno reported for the Bureau of Freshwater Fisheries. She distributed a letter from DEP Deputy Commissioner Jay Watson to Debra Albanese, Vice President for Strategic Advancement at Centenary College regarding an annual use agreement for their use of two areas at the Hackettstown Hatchery property. Chief Barno reviewed the provisions of the letter for the Council, noting one of those being that they would still need to allow the town and local schools to utilize the area when requested if it was not being utilized by the College. This matter was discussed between the members of the Council and Chief Barno, and it was noted that Centenary College was advised in the letter that this agreement may be subject to review by the Fish and Game Council since the property was purchased with Hunter and Angler fund monies. Director Chanda added that we do not want to give up this property, but would continue to be good neighbors with the town and the local schools, and any response from the College would be discussed with the Council. There was some additional discussion on this matter.

Chief Barno reported that Corporate Business Tax (CBT) monies would be used at the Hackettstown Hatchery for construction of a new pipeline this Winter. This would replace the 98 year old pipes that currently exist there.

Trout stocking activities have concluded for the year.

There were 47 anglers who participated in the Fisheries Forum on December 6, 2008 at the Hackettstown Hatchery. Chief Barno gave a brief review of the meeting.

Chief Barno asked the Fisheries Committee to consider a date in early February for a meeting, prior to the public trout meeting on February 14, 2009.

Chief Cussen reported for the Bureau of Law Enforcement. He noted that the Conservation Officer II interviews conducted on November 14 were filled promotionally from existing Conservation Officer III's. Tim Williamson will be the CO II Training Officer, and Wayne Tonneson will be the CO II District Five Supervisor.

The basic Conservation Officer III class was completed just after Thanksgiving. Of the nine CO's participating, seven are now out patrolling on their own, and two are patrolling with experienced officers.

Councilwoman Galetto asked how many officers currently existed, and Chief Cussen noted they have 55 officers at this time, but Deputy Chief Joe Meyer and Marine Region Lieutenant Investigator Karl Yunghans will be retiring on December 31, 2008.

During this reporting period, officers recorded a total of 7,244.25 hours. This was further broken down to included 1,044 hours for marine resources, 1,270 for deer hunting, 906.5 for hunting, and 48 for bear patrol and investigation.

A total of 3,893 field inspections were made, resulting in 363 summonses and 24 warnings being issued, and no criminal arrests. The summonses included 58 for deer hunting, 63 for waterfowl hunting, 24 for hunting, 54 for wildlife management area violations, 76 marine recreation and 8 non-game and endangered species complaints.

In the Northern Region, one black bear feeding enforcement sweep was conducted in the Milton Area of Sussex and Morris counties, and a commercial black bear sweep was also conducted Sussex, Warren and Morris counties.

Councilman Wolgast noted one of his constituents was recently at a check station to check a deer and had his vehicle keyed by an anti-hunter. The owner of the store was familiar with the person in question, and the local police were contacted. The person did admit to doing damage to the vehicle, and the hunter was questioning as to whether or not he had any recourse under the hunter harassment act. Chief Cussen noted that he did not, but that charges of simple harassment would apply.

Councilwoman Galetto asked if there had been any settlement yet on the case concerning the eagles nest, but Chief Cussen noted it was still under negotiation.

Councilman Kertz inquired about a mechanical deer that had been struck by a vehicle. Chief Cussen reported that the deer was being used as a decoy for road hunting violations, and an individual purposely struck it with his car. The driver has been charged with the appropriate violations and destruction of property. Councilman Kertz also noted that Conservation Officers have been following up with the check stations to see that they are filling out their documentation properly. Councilman Puskas commented on the check stations and people who have made honest mistakes on their paperwork compared to someone who is trying to do something illegal. This matter was discussed.

Director Chanda reported that Chief Sciascia from the Information and Education would not be in attendance today, but he distributed the hunter education course completion information to the Council. Chief Petrongolo from the Bureau of Land Management was also not in attendance today, so there was no report given. Assistant Director Herrighty added that Chief Petrongolo was in Northern New Jersey today looking at some grouse habitat areas.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He had preliminary Fall bow harvest information, and 12,952 deer were harvested this year. This is a 30% increase. All areas North, Central and South showed an increase. Also, for the six-day firearm season, staff traditionally poll some of the larger check stations and extrapolate the results. Almost half of the stations were polled, and as a result, staff estimates that 3,241 deer were harvested on opening day, compared to 3,083 for 2007.

Assistant Director Herrighty reported that only two feral pigs were checked in at the check station, however the check station operator heard that more had been shot. George Garbaravage from the Wildlife Control Section has talked to the hunting clubs in the area, and they will be making an effort starting tomorrow to harvest these pigs. He explained other measures that will be taken to try to control the pig population, including employees of the White Oak Branch Golf Course trying to trap the pigs.

The most recent bear activity report was distributed. Assistant Director Herrighty reviewed the data, noting that activity continues to be up. As of November 20, the Category One bears were up 154% and Category Two were up 113%. Staff is actively working to locate the 50 plus sows who have radio collars attached. Councilman Burke asked how many bears had been shot on farmer depredation permits, and Assistant Director noted that 19 farmers had requested permits, and 10 bears have been shot so far. Councilman Burke also asked what the 53 other incidents were as listed under Category Three on the report, and Assistant Director Herrighty noted he would have to check.

Principal Biologist Ted Nichols gave an update of the final rule for Snow geese to the Council. He gave a brief history of the events of the past that have led to this rule, and explained that the population estimate is now one million in the Atlantic Flyway, and the goal is to reduce the population of Snow geese to 500,000 by use of a special Conservation Order. He added that the Division would like to help with these efforts, and there were three choices to be considered for the Spring of 2009.

- 1) Implement the Conservation Order at the close of the regular season

March 10, 2009. The extended time period would run from March 11 to April 18 (he added that it could go as late as April 30, but recommended ending prior to that). There would be no bag limit in place, and unplugged guns could be utilized.

- 2) Implement the Conservation Order during the regular season, after the season on ducks and gees closes. This would implement only two parts of the rule, but could get confusing.
- 3) Allow the start date to go back to February 16 when current waterfowl seasons end. This could cause a problem because of the printed literature that is now in place with season rules and dates.

He recommended to Council that the Division would like to see Option One implemented since it would be in addition to the seasons now in place, and then concentrate on any other options for next year when the information could be included in the printed regulations that are distributed. Assistant Director Herrighty asked Principal Biologist Nichols to explain the legal aspects of the Conservation Order. He noted that the Federal Harvest Information Program would not be utilized for this program, but the States would be required to implement their own program to record this harvest information. He has spoken with Biologist Barb Stoff from the Permit Section on this, and she feels it can be done through the electronic license sales site. Also, electronic calls would be allowed, shooting hours would be extended, and there would be no bag limit. The Conservation order would be implemented Statewide. After reviewing the reporting system to the Council, **a motion was made by Councilman Puskas, seconded by Councilman Wolgast to approve Option One. A vote was taken with all in favor, none opposed.**

Principal Biologist Sue Predl was in attendance to present three Community Deer Management Permit applications. She first provided a copy of a letter she had sent to the Borough of Watchung asking them to consider not charging a permit fee for hunters who wanted to secure a permit from them, as requested previously by the Council. She added that she had spoken with the Mayor, who had no problem dropping the fee, but noted it would have to come before their Council.

The first application to be heard was for the South Mountain Reservation. She added that they were successful last year which was their first year for a Community Based Permit, and Maplewood and Millburn who make up 71% of the park have endorsed this application by resolution. West Orange did not endorse the application. She noted that as pointed out previously in the meeting, there was nothing to prohibit the County from using hunters with a Zone 13 permit as agents during the regular permit shotgun season. This proposal would allow 12 agents using shotguns to shoot an unlimited number of deer at pre-baited sights on Tuesdays and Thursdays for a five week period from January 27 to February 26, 2009 in the Maplewood and Millburn portion of the Reservation. The number of deer vehicle collisions in the area is minimal, and Principal Biologist Predl noted the application was based on the damage to the forest understory. She reviewed studies that were conducted to determine the amount of damage in the area, as well as population estimates that were conducted. The current estimation

of deer is 179 on the reservation, and the goal is to reduce that number to 100. Principal Biologist Predl noted that they will conduct a program similar to the one they did last year, and reviewed those details for the Council. The application is based on the need to reduce the deer population to 20 deer per square mile, and exceptions to the hunting regulations would include hunting at designated times, and no requirement to display hunter orange. Councilman Wolgast asked if the West Orange section could still use agents who had a deer management zone 13 permit, and it was noted that yes they could, Assistant Director Herrightly added that the County, as the landowner, has the right to allow hunting in the Reservation during the regular hunting season. Councilman Kertz asked if there was any way to put in a deer exclusion fence to compare different areas and allow the public to see the amount of damage being done. Principal Biologist Predl noted that an area around the Reservation had been looked at, and explained there was as much damage inside as outside of the area. Councilman Kertz suggested they try an enclosure in a very small area to compare to the surrounding lands where they could put signs explaining this was a test area and why, and Principal Biologist Predl felt that would be a very good idea and could encourage them to do that. **A motion was made by Councilman Kertz, seconded by Councilman Wolgast to approve the application for a Community Based Deer Management Permit to be issued for the South Mountain Reservation. A vote was taken with all in favor, none opposed.**

The next application to be heard was from the City of Summit. Principal Biologist Predl noted they have had permits for a number of years, and once again will be utilizing the services of Deer Management Systems. Three private properties totaling 5.5 acres, and three county properties totaling 112 acres will be used. She explained that one of the county properties was part of the Watchung Reservation, and that this permit would be utilized in February, and the Watchung Reservation permit would be used in March at this one area. She gave details of how Deer Management Systems would cull the deer. They have culled 240 deer over the last seven years, and Principal Biologist Predl noted that there were nine deer vehicle collisions reported last year. She added that this application is based on the damage being done to the landscape, and gave a brief review of the survey that was returned by some of the residents of that area. An infrared study done in March 2008 estimated that there were 14 deer per square mile, and with reproduction rates it is now estimated that there are 17 to 18 deer per square mile. Residents are notified of the culling activities through newspapers, website and direct mail to nearby properties. Principal Biologist Predl recommended approving the application with exemptions to the statutes regarding shooting at designated times only and no requirements for outer garments of hunter orange. **A motion was made by Councilwoman Galetto, seconded by Councilman Kertz to approve the application as filed. A vote was taken with all in favor, none opposed.** Principal Biologist noted that this is an area where there should be no deer because there is no habitat for them.

The third application to be heard was for Princeton Township. They propose to hire White Buffalo, who would like to use .22 rimfire and .223 centerfire rifles, but Principal Biologist Predl noted that Council has not approved the use of .22's in the past. They are also asking to use a drop net and euthanize those deer with a captive bolt gun. She pointed out that this method was not used last year because they did not have any pocket areas where deer were located to support this. They have received written permission for access to seven properties, and may request an amendment to this permit if access to additional properties is given.

Principal Biologist Predl gave a review of Princeton Township's past permits and culling activity. She added that they will continue to monitor the contraceptive program to determine the longevity of the Gonacon and Spay-vac treatments, noting that this is the fifth year of a five year study, and to check for does that may be breaking through the treatment and reproducing. A special permit could be issued if needed and only if access to properties was given to capture deer, but there is no need for that at this time. Past deer vehicle collision information was reviewed, as well as population estimates. Not including the Gonacon and Spay-Vac study areas, it is estimated that there are 32 deer per square mile, and they would like to reduce this number to 20. Principal Biologist Predl recommends approving the application as filed, noting they are requesting exceptions to regulation to be allowed to use rifles, hunt at night, hunt outside of the prescribed season and have no requirement to display hunter orange, plus be granted a special permit to inhibit reproduction if requested at a later date. She noted that their deer management task force is reconvening, and they will be discussing permits and their future plans for culling and fertility control. There was some additional discussion, and **a motion was made by Councilman Kertz to allow for the culling of deer using .223 centerfire, not the .22 rimfire rifles and termination of the vaccination program.** Councilman Van Mater asked if they were still allowing hunting in the area, and Principal Biologist Predl noted that yes they were and Princeton is allowing members of the United Bow Hunters to hunt town parks. **The motion was seconded by Councilman Puskas.** Assistant Director Herrightly clarified the motion with Councilman Kertz, which would terminate the current vaccination program and they would have to submit another study proposal to continue with that program. **A vote was taken with all in favor, none opposed.**

There was no old or new business to discuss.

The final public comment period was opened. Janet Pizar felt that there was a discrepancy in the information that had just been heard. She presented a copy of the final aerial infrared report for the South Mountain Reservation from March 2008, and stated that it says the final deer population in the South Mountain Reservation was 44, and state there were another possible six inside of the Reservation. There were 19 deer outside of the Reservation, and another possible two. She wanted to be clear on the information she had presented to compare with the information given by Principal Biologist Predl.

Ms. Pizar also noted the increase in the black bear population, and noted the information and photographs she had displayed previously to Council. An Open Public Records Act (OPRA) request that showed only two violations were written for feeding of bears from January 1 to present, and Ms. Pizar stated that she knows the two individuals involved and felt that there was selective enforcement occurring. She also stated that Statewide, only seven warnings were issued for violation of the black bear feeding law, and wondered why these warnings and the two summonses were they only violations written when she herself had presented so much information. Additionally, she wanted to know why the commercial enforcement sweeps were being done now when the bears were denning. There was some discussion between Ms. Pizar and the Council, and Director Chanda pointed out that there is a process where people are first spoken to on the bear feeding regulations, and if they do not comply they may be given a written warning, and if the problem continues they can be written a summons. He added that the bear problems occur from more than just garbage, and noted that the Bureau of Law

Enforcement is doing a very good job with public interaction and that they have been following up on information that Ms. Pizar has given. Assistant Director Herrighty added that one of the delays in doing the bear enforcement sweeps was waiting for funds to be in place to conduct them. He also reviewed the statute on enforcement, which Ms. Pizar questioned, but she was advised that they were following the Attorney General's advice for enforcement. Councilwoman Galetto added that based on the low amount of warnings and summonses issued, maybe this showed that the verbal and educational process was working. Ms. Pizar felt that the sweeps that she has done have not shown any change, even with the information she has provided. She also noted Acting Chairwoman Vreeland's comment on personal safety, and said that there was no scientific documentation to say that bears are a public safety issue, adding that Nationwide statistics show that states such as Utah, Alaska and Tennessee which allow hunting show no situations of a bear killing someone, and the greatest risk is property damage. She added that she hopes that 2009 is entered with more stringent rules. Ms. Pizar was asked if she has gone to the towns where she had documented trash problems, and added that letters would be going out shortly, but she was not an enforcement official and could do nothing in that aspect. Additionally, she added that she did not feel the Commissioner's enforcement policy was being complied with.

Jim Soden asked to thank the members of Council, and the employees of the Division, adding that he appreciates all they do.

Barbara Sachau spoke on hunter safety. She said she gets reports everyday of hunters shooting into things other than what they should, and reviewed some of the incidents from different areas of the Country. She added that Council sends people to testify before the Legislature that this is a safe activity, but felt that it was not safe at all. She commented that she personally does not like gun wackos and finds that there is something wrong with someone who wants to kill one of God's many creatures. Ms. Sachau felt she was speaking for the majority of New Jersey's citizens. She also noted the decline in the number of hunters. Ms. Sachau also reviewed several news articles on hunting activities, and commented that poaching occurs as well. She felt that it was time to respect the peaceful people of New Jersey. Additionally, she stated that she did not like the people who go to the Legislature and testify and lie that hunting is safe. She continued to discuss matters that upset her.

Ms. Sachau also questioned Councilwoman Galetto as to who Barbara Brummer was and what her appointment would be. Councilwoman Galetto explained that she would be the Chairwoman of the Endangered and Non-Game Species Committee, as well as sit on the Fish and Game Council as the representative of that committee. Ms. Sachau thanked her for clarifying this information, and asked Council if they were aware of the three part newspaper expose on the Nature Conservancy and where their monies go. She felt that the non-profit groups needed to be watched, noting that she has concerns, and hoped that Council members would read this expose.

A question was addressed to Councilman Burke, where Ms. Sachau asked what park he mentioned earlier. He noted it was the Bass River State Park in Burlington County, and explained that they had closed an extensive amount of land to hunters this year that has traditionally been open for decades.

Lastly, Ms. Sachau commented that only 36 people had returned surveys for deer damage in Summit, and felt that it showed the people were not upset by the damage. She felt that this permit was not justified and there was no community wide effort. Ms. Sachau added that the push to have more hunting in more places with lesser rules on the people who hunt was overdone, and that Council needs to pull back.

The public comment period concluded. Acting Chairwoman Vreeland asked permission to have an e-mail message sent to staff with holiday greetings from the Council.

Councilwoman Galetto thanked Ms. Pizar for her presentations to Council. She added that she realizes that Ms. Pizar's view may be different from that of the Council, but she is always polite and well reasoned. Additionally, she added that she does her homework and is devoted to what she does, and Councilwoman Galetto added that she appreciates Ms. Pizar coming to the meetings.

Members were reminded that the January, 2009 meeting will start at 1 pm. Members can meet before at noon for lunch.

The Game Committee was reminded of their meeting on January 29 at 10 am at the Central Region Office.

The Fisheries Committee meeting date is to be determined.

Councilwoman Galetto asked that the calendar of meeting dates be forwarded to Barbara Brummer.

A motion was made by Councilman Burke, seconded by Councilman Van Mater to adjourn. Meeting adjourned at 12:34 pm.