

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
October 11, 2011

The regular meeting of the Fish and Game Council was held on the above date.

The meeting was called to order at 1:04 pm by Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

The following was read aloud by Acting Chairman Burke: 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 Atlantic City Press on September 20, 2011.

Roll call was taken. In attendance were:

Acting Chairman David Burke
Councilman Philip Brodhecker (arrived at 1:34 pm)
Councilman Agust Gudmundsson
Councilman Jeffrey Link
Councilman John Messeroll
Councilman Robert Puskas
Councilman Dan Van Mater

Absent: Councilwoman Barbara Brummer

Division personnel included L. Herrighty, M. Chicketano, L. Barno and R. Porutski.

Members of the public included representatives of the Farm Bureau, the Federation of Sportsmens Clubs and the United States Department of Agriculture.

Minutes of the September 13, 2011 meeting were reviewed. **A motion was made by Councilman Messeroll, seconded by Councilman Puskas to approve the minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke noted that during this past month, Janet Pizar had contacted the Director's Office that she wanted more information included in the August 2011 minutes for her comments on the total number of bear mortalities in 2010. When contacted by Assistant Director Herrighty, she advised him that she had been contacted by Acting Chairman Burke. Acting Chairman Burke suggested adding her information to the minutes today, but Ms. Pizar felt that her comments would not be historically accurate and wanted the August minutes revised. Ms. Pizar was reminded by Assistant Director Herrighty that the Deputy Attorney General's Office had been contacted in the past, and that public comments and minutes of the meeting were a summary, and not a transcription, to which she argued that the Division's reporting of 591 bears harvested was only part of the total mortality of 728 for the year, which is information she said was received from her multiple Open Public Records Act (OPRA) requests (a copy of the information Ms. Pizar left today is included with the other documentation from today's meeting) and she wanted that total number included in her comments.

Discussion continued with Ms. Pizar on this matter with Councilman Messeroll advising that the bear information had been gone over in May and noted some of the numbers that had been given. Ms. Pizar responded that the information given previously did not include farmer depredation permits, and bears tagged in New Jersey but reported as killed in New York and Pennsylvania. Acting Chairman Burke noted to Ms. Pizar that her number was only 21% of the estimated population and was not accurate because she had to consider the 1,000 plus new cubs in her totals. When she noted the number publicized in January 2010 for the estimated bear population, Acting Chairman Burke advised that it did not include the estimated number of new cubs. She then commented the estimated amount of cubs reported by Supervising Biologist Carr was reported as 1,000, which Ms. Pizar felt should be closer to 900, adding that she felt that the Division gives information on the maximum birth rate, and the minimum mortality rate on new cubs. Councilman Gudmundsson also noted that while Ms. Pizar was counting bears tagged in New Jersey and taken in Pennsylvania and New York, there are bears born there that we don't purposely include, so you can't have inclusion of one and exclusion of the other.

After some additional discussion, Ms. Pizar was advised to write down the information she wanted to have noted, and it would be included in the information from the meeting today.

Acting Chairman Burke reviewed some of the activities he attended this past month, including the WILD Outdoor Expo at Colliers Mills, which had over 5,100 participants attending. He and other Council members and Division personnel attended the tour of the Salem and Hope Creek Nuclear Plants, and gave a he gave a review of the tour and the work being done by Public Service Electric and Gas for wetlands restoration and estuary enhancement on their over 20,000 acres. Councilman Link also shared some comments from the tour.

Acting Chairman Burke noted that this is a very busy time of year, with events happening each weekend. He advised that some of the smaller bridges and roads are still out across the State as a result of the recent hurricane, and some events have had to be cancelled because of this.

Assistant Director Herrighty was sitting in for Director Chanda, who was attending a meeting of the Recreational Boating and Fishing Foundation in Florida. Assistant Director Herrighty advised that the Director was attending on his own time, and that this was financed by the RBFF, adding that Director Chanda sits on the Board of the RBFF.

The public comment period was opened for those wishing to comment on the two agenda items for today, the review of public comments and agency response and vote on the amendments to the Fish and Game Code, and the review and approval of the pheasant stocking schedule for Wildlife Management Areas. Barbara Sauchau was the only one wishing to comment, and she noted her opposition the pheasant stocking schedule for wildlife management areas.

Council reports began. Councilman Link reported for the Agriculture Committee, noting heavy rains were predicted for tomorrow and this would cause the farmers a set back. The past two weeks have given farmers an opportunity to harvest corn. He also noted that the landscape nurseries are seeing a reduction in orders, and things are slow on their end. Many of the farm fields still have standing water.

Councilman Link reported that he attended the Outdoor WILD Expo, noting some of the activities he and his family participated in and added he would definitely recommend this event others.

Councilman Puskas reported that farms in his area are still very wet, and farmers are trying to salvage their corn crops. No one was able to plant a hay crop this Fall. The deer population in his area also seems

to be down due to disease. The early Canada goose season experienced hot temperatures and the geese did not move much during that time. Recently he cut 45 acres of crops, after which the field was filled with geese.

Councilman Brodhecker (arrived at 1:34 pm) reported fields are starting to dry out in his area. They are still experiencing bear related crop damage in his area. He too noted the recent PSE&G tour.

Councilman Messeroll commented on the Vegetable Growers Convention was scheduled for January 18, 2012 in Atlantic City, advising they would like to have a seminar on permit and permit systems for farmers.

Councilman Messeroll reported for the Federation. He attended the Union and Hunterdon County meetings recently. Councilman Messeroll also reported that the Hunters Helping the Hungry program, which originated in Hunterdon County, had surpassed its 1 millionth meal. Members of the Federation are looking forward to the Fall hunting seasons. The Federation will also be having a display at the Raritan Center during the outdoor show.

Acting Chairman Burke noted that there was no new information to report for the Finance Committee.

Councilman Messeroll reported for the Freshwater Fisheries Committee. He advised that the Fall trout stocking program was starting today. The Fish Code is to be voted on later in the meeting. He also commented that bass fishing has been good, with the water temperatures having cooled down.

Acting Chairman Burke noted that there was no new information to report for the Game Committee.

Councilman Messeroll reported for the Legislative Committee. A copy of Senate Bill 2913, regarding apprentice hunting licenses, was distributed to members of the Council. It was noted by Assistant Director Herrighty that this would be heard in the Senate Appropriations Committee this Thursday. There was no report from the Endangered and Non-Game Species Committee.

Acting Chairman Burke noted that the Waterfowl Stamp Advisory Committee meeting for this evening has been cancelled, and the next meeting should be held in January.

Bureau reports began. Chief Barno reported for the Bureau of Freshwater Fisheries. It was noted that the public hearing for the proposed Fish Code was held on September 13, 2011, and there were no attendees. One written comment was received from the Round Valley Trout Association, who were in favor of further liberalization of the regulations at Round Valley. With no opposition to the proposed Fish Code, Council was asked if they chose to move forward for a vote. Councilman Messeroll, who chairs the Freshwater Fisheries Committee, noted the only major change was for lake trout, and there was some discussion on this matter. As the Chairman, he recommended to the Council that they vote on the Fish Code in its entirety, rather than in portions. **A motion was made by Councilman Messeroll, seconded by Council Gudmundsson to accept the amendments to the Fish Code. A vote was taken with all in favor, none opposed. A second motion was made by Councilman Messeroll, seconded by Councilman Van Mater to re-adopt the 2012-2013 Fish Code in its entirety. A vote was taken with all in favor, none opposed.** Chief Barno added that this will now go to Legal Affairs for review. There was some additional discussion, including that drafts will be developed in anticipation of the moratorium on river herring and shad, which were also discussed. The anticipated publication of the Fish Code in the Register is December 19, and if not, January 3, 2012.

The Fall trout stocking program is underway this week. There are some access issues due to the recent hurricane, but Chief Barno noted that things are better than they anticipated and reviewed some of the areas of concern.

At the Pequest Trout Hatchery, staff are gearing up for the Fall trout season. Chief Barno described that since 1982 the spawning starts earlier each year and they are now about four weeks ahead of the original 1982 schedule, adding that this didn't make a difference to the program, it was just an interesting note.

At the Hackettstown Hatchery, raceway repairs began last week. Chief Barno noted that 12 of the original raceways from 1912 are being worked on.

Also at Hackettstown, plans are being made for the 100th Anniversary celebration on June 2 and 3, 2012.

Chief Sciascia was not in attendance to report for the Bureau of Information and Education, but had asked Assistant Director Herrighty to report that the WILD Expo went well and there were approximately 5,000 participants between the two days. Some of the potential sponsors of this event who participate in other states like to see such numbers and this could give us potential to grow in the future. He also noted the Governor's Surf Fishing Tournament, where the number of participants were down, but added that they had good weather and are working to try to reinvigorate participation for better attendance in the future.

Regional Superintendent Ray Porutski reported for the Bureau of Land Management. He referenced the monthly highlights, which listed storm damage from the recent hurricane. There were many roads and parking lots damaged, and he noted that a recent stone delivery to repair secondary roads on the Assunpink WMA cost over \$8,000. Damage to other WMAs was also reviewed.

Land Management crews are currently doing Fall mowing, safety zone posting, trout stocking and have been stocking dog training quail on WMAs with dog training areas.

Regional Superintendent Porutski reported that beavers have been a problem in the Central Region and probably all across the State as well.

Staff from the Central and Southern Region crews made repairs to the pheasant crates in preparation for the Fall stocking season to assist the staff from the Rockport Game Farm.

Staff from the Central Region expended quite a bit of time preparing and working at the WILD Expo event. Regional Superintendent Porutski added that the Office of Resource Development was able to do road repairs in to the Colliers Mills WMA where the event was held using Corporate Business Tax funding. They also provided funding for a fishing dock for the kids fishing area.

Meetings have been held with personnel in preparation for the Fall pheasant and quail stocking season. Staff are also preparing for the Youth Pheasant Hunt on November 5.

Regional Superintendent Porutski presented the proposed pheasant and quail distribution list to the Council. He noted that the numbers were based on 50,000 pheasants and 11,000 quail, and following a request made last year, the schedule does not have stocking on muzzleloader hunting days or the early permit shotgun days. There was some minor discussion on the information presented today, including that in the past extra days had been added to the schedule, but this year they reverted back to a 15 day schedule. **A motion was made by Councilman Puskas, seconded by Councilman Van Mater to adopt the pheasant and quail stocking schedule as presented. A vote was taken with all in favor, none**

opposed. (There was no vote from Councilman Gudmundsson who was out of the room at the time the vote was taken.)

Assistant Director Herrighty followed up the previous discussion by reviewing the formula for how pheasants were distributed on the wildlife management areas. There was some additional discussion on the stocking program, including the quail stocking program and the Quail in the Classroom Program.

Acting Chairman Burke noted a telephone call he had received from Bureau of Land Management Chief Petrongolo regarding the New Jersey Quail Project requesting to hold a youth quail hunt on one of the wildlife management areas. It was noted that the Game Code will not allow for such an event, and they will try to utilize a commercial game preserve where such activity is allowed. Acting Chairman Burke felt this was something that should be considered to be allowed when revising future Game Codes.

Assistant Director Herrighty noted the recent renovations done to update the heating and air conditioning systems at the Conservation Center.

Acting Chief Chicketano reported for the Bureau of Law Enforcement. He briefly reviewed some of the highlights as noted in their monthly report.

Acting Chief Chicketano advised the members of the Council that they were in the process of filling Conservation Officer 3 vacant positions. Applicants are being reviewed and background information checks are being done. There are 8 positions to be filled, with 4 of those scheduled to be for the Northern Region. They would like to have 5 positions filled in the Northern Region, but for now will supplement that area with assistance from the Marine and Central Region personnel for the upcoming hunting seasons. There was additional discussion on filling these positions.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He noted a call he had received this morning about a llama being killed by a bear in Blairstown this past weekend. The bear was euthanized by the local police department. There was some additional discussion on this incident and Assistant Director Herrighty noted that the number of bear related calls received is up to 378 this month compared to 211 last month. Of those, Category One calls were down, but Category Two calls were increased. Staff are currently working on the Fall research trapping project for bears.

Results of the Fall turkey permit lottery were distributed to the Council.

It was noted that the application period for bear hunting permits end this Saturday at midnight, and so far 3,447 applicants have been recorded. Assistant Director Herrighty advised that while there was still a limit of one bear per hunter per season, applicants were able to apply for two different zones if they chose to.

Assistant Director Herrighty noted the monthly report, which listed that Supervising Biologist Predl had received an application from Essex County for a Community Based Deer Management Permit. Also, from what has been reported in the newspaper, they anticipate receiving an application from Princeton as well.

At the Cheesequake State Park, 50 permits were issued for archery deer hunting. Applicants were lining up for these permits the night before they were issued, and it was noted that well over 50 applicants were on line.

Staff were contacted by the Superintendent of the Six-mile Run State Park that the Fall issue of the Fish and Wildlife Digest did not indicate that they would be open for turkey hunting during the Fall season.

Assistant Director Herrighty distributed a brochure entitled "Bobwhite Basics" to the members of the Council. This brochure was purchased from the National Bobwhite Conservation Initiative, which New Jersey and many other states are members of.

The Rockport Game Farm fared well during the past two storms. Contractors recently repaired the fencing that was damaged during storms last Winter. Two Wildlife Worker positions were also filled recently.

A telephone call from the Delaware Water Gap National Recreation Area that there may be access issues for deer and bear hunting. Pheasant hunting access should not be affected.

Acting Chairman Burke noted an Associated Press article in this mornings' Atlantic City Press on trapping, and felt it may be in other newspapers soon.

Old and new business was discussed. Councilman Brodhecker, who is a farmer representative, recently gave an electric fencing seminar at the State Beekeeper's Association meeting. Attendees from the Central and Southern Regions of the State reported that while they do see bears, they are not experiencing the problems that those in the North are seeing but noted to them just because you don't have a problem now does not mean you won't have one in the future. Councilman Brodhecker also read aloud an article he had on bears.

Assistant Director Herrighty noted that last month he mentioned a noisemaker permit that had been issued in Montgomery Township. Information was sent to and reviewed by the applicant, who has since withdrawn the application. Assistant Director Herrighty has asked his staff to look at literature that is available on this matter relative to deer. Councilman Puskas added that he has been kept apprised of this matter by someone from Montgomery Township, who noted that constant use of the noisemaker does not work, but off and on again use does seem to help.

Acting Chairman Burke asked members of the Council if they had any information to review at the November meeting, and if not, they would consider cancelling the meeting. Hearing none, **a motion was made by Councilman Gudmundsson, seconded by Councilman Puskas to cancel the November 9, 2011 regular Fish and Game Council Meeting. A vote was taken with all in favor, none opposed.**

The public comment period was opened. Janet Pizar presented her bear mortality numbers to Acting Chairman Burke (as noted previously), and again requested that the August 2011 meeting minutes be changed to reflect the "essence of her comments" regarding the information she had received from her many OPRA requests that showed 728 New Jersey bears were known to have been killed in 2010. She also advised Assistant Director Herrighty that she took exception to his comments that that the figures presented where her figures, but wanted it noted that the numbers she presented were compiled from responses to her many OPRA requests, advising Assistant Director Herrighty that he was aware of the many requests she has submitted since 2002 when the OPRA became law. Ms. Pizar continued to review some of her OPRA requests, including that the information provided today lists an OPRA request for information on poaching, but she was informed that New Jersey has no numbers on bear poaching in New Jersey.

Ms. Pizar went on to speak about her OPRA request response 113518, where the Division of Fish and Wildlife said it has no scientific research on the snapping turtle population. Ms. Pizar noted that there

has been an increase in over 7000 turtles in the harvest over three years, and felt that a moratorium should be considered pending a scientific compilation of data.

The next to speak was Barbara Sauchau, who felt the plan of the Council was to grow animals to kill them. Ms. Sauchau also felt that statutes should be written for all New Jersey citizens, not just a few. She also commented on the amount of hunters who applied for bear permits, that she was opposed to the permits being issued to Essex County for the CBDM program, opposed to hunting with dogs, and opposed to target shooting on WMAs and felt there was no demand for this in New Jersey. She noted recent court decision known as the “Meister decision” that states you must have a demand, but that in this case she felt there was no demand.

Ms. Sauchau also commented on quail being on the verge of distinction yet “you want to allow kids kill them”. She also noted an article on the Sharbell development area in Hamilton Township which has a high concentration of lead in the soil on an old sportsmen’s club property. She felt it was about time that people should stop setting up target ranges to create contaminated sights, and felt that there was lead shot “all over the country” and that people want a “safe earth, environmentally friendly”, not hazardous sights set up, and that this was harmful to children and things should change.

There were no others wishing to make public comment, and **a motion was made by Councilman Link, seconded by Councilman Brodhecker to adjourn. Meeting adjourned at 2:50 pm.**