

MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL

Central Region Office  
Robbinsville, NJ  
February 14, 2012

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

The meeting was called to order at 10:12 a.m. 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 delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press on January 23, 2012.

Roll call was taken. In attendance were:

Acting Chairman David Burke  
Councilman Philip Brodhecker  
Councilman Agust Gudmundsson  
Councilman Jeffrey Link  
Councilman John Messeroll (arrived at 10:18)  
Councilman Robert Puskas  
Councilman Dan Van Mater

Absent: Councilwoman Barbara Brummer

Division personnel included D. Chanda, L. Herrightly, P. Nelson, M. Chicketano, L. Barno, R. Porutski, and S. Predl.

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

Minutes of the January 10, 2012 meeting were reviewed. **A motion was made by Councilman Gudmundsson, seconded by Councilman Puskas to approve the minutes as presented.** Acting Chairman Burke noted a one word change to be made on page 4, and **Councilman Gudmundsson amended his motion to include this change, which was seconded by Councilman Puskas. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke reviewed the four agenda items for today, and also noted a change in order on the agenda for today's meeting. Agenda items included:

Presentation and vote on Community Based Deer Management Permit Applications from Bernards Township and Union County.

Vote on herring closure for freshwater.

Vote on trout allocations and stocking schedule for the Spring 2012 season.

Additionally, he advised that there will be a new committee report given, with the recent formation of the Wildlife Rehabilitator's Committee which Councilman Brodhecker sits on as the Council's representative.

Acting Chairman Burke reported that the Atlantic sturgeon have been declared an endangered species in the New York bite, which includes the Delaware and Hudson Rivers. This will allow for more protection of habitat, but can inhibit other activities such as dredging and construction on the river.

Acting Chairman Burke reported that the show season has begun, and many different outdoor shows have occurred.

(at this time, Councilman Messeroll arrived)

Also noted was a report in today's newspaper of a third dolphin found dead along the shoreline, this time in Stafford Township, and this is similar to Massachusetts where they have had quite a few dead dolphins.

Director Chanda addressed the Council. He reported a great public trout meeting was held this past Saturday at Pequest, and gave a brief review. Also, the Freshwater Fisheries Committee met that day as well.

This morning the Finance Committee met to discuss budget, and Director Chanda reviewed some of the information they covered, noting that the Division will have a tight budget for the close of the fiscal year on June 30.

Lastly, Director Chanda noted the inaugural meeting of the Wildlife Rehabilitator's Advisory Committee. This committee was established by Assistant Commissioner Cradic.

The public comment period on agenda items was opened, with each speaker allowed three minutes.

Barbara Sauchau addressed the Council, noting that she is against both Community Based Deer Management Permit (CBDMP) applications. She went on to share her thoughts on a variety of items, including items she did not see listed in the on-line version of today's agenda.

Acting Chairman Burke commented that he found no problem with the on-line version of today's agenda when he checked it last Friday.

Next to speak was Janet Pizar, who also opposes the CBDMP's, and Bernards Township in particular. She had additional comments on wildlife management acreage in Morris County, and how she felt the Bureau of Land Managements' plantings provide artificial food supply to optimize deer weight, health and proliferation. She continued to further explain her concerns on this with regard to hunter access. (Ms. Pizar was corrected by Acting Chairman Burke that the area she was referring to was in Somerset County, not Morris).

There were no additional speakers.

Principal Biologist Predl addressed the Council, reminding them that any members wishing to tour South Mountain or the Watchung Reservation as discussed last month were welcome to, and that their representative has extended this offer to them.

Also noted was a deer that had been photographed and videotaped last week at South Mountain. The person doing so did not call the Department of Parks, but rather put this information out to the press and on the internet. A necropsy done by the New Jersey Department of Agriculture found that the deer had been hit by a vehicle and was not shot, and Principal Biologist Predl hoped that this would help to stop all the rumors regarding this deer's death.

The CBDMP application for Bernards Township was presented. As in the past, they are requesting a six week extension of the regular hunting seasons. Specifics of the permit were reviewed, including that 52 members of several hunting clubs would be accessing three county and 32 township properties. Last year, 40 deer were taken in addition to the 300 plus harvested in the regular hunting season. Deer vehicle accidents were also noted to be down to less than half of what they were prior to the issuing of CBDMPs. Exceptions to the statute would be N.J.S.A. 23:4-45a, hunting at designated times only. After some additional discussion regarding the application presented today, **a motion was made by Councilman Gudmundsson, seconded by Councilman Brodhecker to approve the application with the noted exception to N.J.S.A. 23:4-45a. A vote was taken with all in favor, none opposed.**

Principal Biologist Predl advised the Council of the manual of information on CBDMPs she had left for each of them today, and Assistant Director Herrigty noted it is also on the Division's website.

The next application to be presented was for Union County Department of Parks, also known as the Watchung Reservation, but it was noted that this includes Watchung and the Passaic River Park. Volunteer agents have taken more than 1,400 deer from 1995-2010, and were able to reduce their deer per square mile from 119 to 33. They now have a three-day program to maintain that level at the end of the season to allow for the greatest amount of available hunters. They are requesting a permit for March 5, 7 and 9, 2012. Principal Biologist Predl reviewed the specifics of the application with the Council, noting that they are asking to use unplugged firearms but the Division does not recommend approving this part of the application. They are basing the need for this permit on the forest understory damage, which was noted in their studies from 2004 and 2008. Additional application information was discussed, as well as statute and Game Code exceptions they were requesting. Concerns on allowing more hunting opportunity during the regular season, the timeframe of their filing their application, possibly considering the

use of unplugged guns, more bow hunting opportunity, and tree stand requirements by the Park were some of the main points that were also discussed. After further review, **a motion was made by Councilman Brodhecker to approve the application for today, but it should be noted that they file their application earlier next year and have a plan for bow or shotgun hunting access earlier in the season. Councilman Puskas seconded the motion. A vote was taken with all in favor with the exception of Councilman Messeroll who voted no. Exceptions to N.J.S.A. include 23:4-45 hunting by daylight and at designated times only (hunting beyond season dates); 23:4-24.1a transport or possession of firearm in motor vehicle; 23:4-13.1 outer garment of fluorescent hunter's orange and the exception to the Game Code was 7:25:5.29 (c) white-tailed deer shotgun permit season bag limit.** The motion that was made was further discussed for clarification, **after which Councilman Van Mater asked to change his vote to no. The motion carried with five yes and two no votes.**

Chief Barno reported for the Bureau of Freshwater Fisheries. She noted the closure on the take of sturgeon that was reviewed previously, and now the endangered status includes more restrictions such as dredging activities or habitat changes.

The Fisheries Committee met this past Saturday after the public trout meeting, and reviewed items discussed previously on the need to comply with Amendment two of the Atlantic States Marine Fisheries Commission for the herring plan. The Marine Fisheries Council voted in January to closure their fishery, and in freshwater the migratory populations need to be addressed. Chief Barno and Principal Biologist Smith have met with Law Enforcement personnel to discuss this matter. A handout of the proposed freshwater herring closure was reviewed by Chief Barno. There was a lengthy discussion on this matter, and different aspects of the proposal. Chief Barno was asked if this was considered an emergency closure, and she advised that it was and would be listed with details on the Division's website and as a list serve message when finalized. Additional discussion included whether or not the Division had any plan in place to produce the required data to have the fishery re-opened, but Director Chanda advised that currently there are not enough resources to do so. He added that the Division was required to address this with the shad fishery as well, and the work for Marine Fisheries was done as a cooperative plan with other states since the Division again was not able to complete this task on its own. Chief Barno added that the shad fishery on the Delaware River would remain open, but as of January 1, 2013 the rest of the State will be closed. She also described the difficulty of doing the herring data count. After hearing the information presented today, **a motion was made by Councilman Van Mater and seconded by Councilman Brodhecker to approve the emergency closure of the herring fishery in fresh water. A vote was taken with all in favor, none opposed.**

Chief Barno next asked for the Council to consider approving the proposed Spring trout stocking schedule that was distributed last month. She also confirmed that the Prospertown Lake would not be stocked. **A motion was made by Councilman Messeroll, seconded by Councilman Puskas to approve the proposed stocking list as previously presented.** There was some minor discussion, after which **a vote was taken with all in favor, none opposed.**

Chief Barno distributed and reviewed an angler survey that was prepared by Principal Biologist Hamilton. There was additional lengthy discussion on the information given today.

Director Chanda advised the Council that the Ponder Lodge ribbon cutting and pre-season stocking would all be done at the same time, and the tentative date for this was March 27. Any members of the Council wishing to attend were invited to do so.

Chief Barno advised the Council that Centenary College was interested in leasing the old education building at the Hackettstown Hatchery. Staff are trying to have this to the State House Commission for the June agenda for the leases to be approved. The College will be making improvements to the facility, which will be used to offset the amount they pay for their lease.

Improvements being made to the Pequest Trout Hatchery using capital improvement funds from the Corporate Business Tax were discussed. Director Chanda noted that Chief Petrongolo from the Bureau of Land Management takes the lead on projects utilizing these funds, and the Director could ask him to give a presentation on projects that are being planned. The Director will be coordinating this with Acting Chairman Burke, and Councilman Gudmundsson asked if a list of projects could be sent in advance of the presentation being made. Also discussed were the plans for the new education building that will be built at Pequest.

Regional Superintendent Porutski reported for the Bureau of Land Management. He reviewed some of the Bureau's highlights for the past month, including winter mowing activities that are occurring.

Regional Superintendent Porutski reported that the Northern and Central Regions are both experiencing problems due to beaver activity. Staff have been working with personnel from the Wildlife Control Unit to put trappers in these problem areas, and he briefly reviewed this for the Council.

All three regions are working to post new properties, or re-post existing properties as needed.

Control burning activities will be done in all three regions through March 15. Regional Superintendent Porutski added that this timeline possibly be extended.

Regional Superintendent noted the hydro-ax work being done in the Northern Region, and the good job done by Principal Biologist Dunne in coordinating this activity.

In the Central Region bids were being processed for new equipment, and Regional Superintendent Porutski reviewed this for the Council, including receiving a new backhoe this morning.

Additional damage reports from Hurricane Irene were recently reported. The steps at the Deal Access were reported to have been damaged, and staff made a sight inspection to confirm the damage. Corporate Business Tax (CBT) funds of \$7,000 to \$8,000 will be used to make these repairs, but in the meantime the gate to the area has been locked.

In the Southern Region, Acting Regional Superintendent Golden has been working on range renovations. He is also looking into the demolition of 15 structures in his region, and Regional

Superintendent Porutski noted that the Central and Northern Regions also have structures that need to be demolished.

Acting Chairman Burke asked if there were any new projects in the works, and Regional Superintendent Porutski noted that some were in the planning phase and would utilize CBT funds.

Councilman Gudmundsson inquired about the Ken Lockwood Gorge road and if it would remain closed during the Spring fishing season. Assistant Director Herrighty indicated that repairs to the road were eligible for FEMA funding only if we paved the road as called for in the original plans. However, since stakeholders opposed the paving of certain sections of the road, he advised the DEP Office of Resource Development not to pave the roads. There was additional discussion on this matter, and Assistant Director Herrighty noted that even if the roadway is closed to traffic, the trout stocking trucks would still be able to maneuver through the area. Councilman Gudmundsson also noted that the area is very popular for dog walkers and hikers, and felt that additional parking and access was needed.

Acting Chairman Burke advised that Councilman Puskas needed to leave early today, and asked him to report at this time for the Agriculture Committee. He noted that even though it has been a mild winter, there was still quite a bit of mud to deal with which is now drying. He is still receiving calls on the continuous problem of geese doing damage to farmed fields, and he is experiencing problems with geese as well.

Acting Chairman Burke asked for a motion to break for lunch at 11:56 a.m., with a plan to resume at 12:45 p.m. **A motion was made by Councilman Messeroll, seconded by Councilman Gudmundsson and approved by all to adjourn for lunch.**

At 12:53 p.m. the meeting resumed, minus Councilman Puskas.

Council was reminded of the Freshwater Fisheries Forum scheduled on February 25 at 10 a.m. at Batsto.

Councilman Brodhecker resumed with the report for the Agriculture Committee. He noted the mild winter, and that the fields and forests were open and the deer have not been grouping up. Farmers are preparing for the Spring.

Councilman Link also noted the mild Winter, adding that the talk among farmers in his area that they may get through the Winter without any snow. There was some discussion between members on whether the aquifers would be affected due to the lack of precipitation, but it does not appear to be a concern.

Councilman Messeroll reported for the Federation. He noted that the hunters have been getting out. Also noted were some of the upcoming activities, including sporting clay shoots that are scheduled. They included:

April 14 at Red Wing  
May 4 at Hudson Farm, for Hunters Helping the Hungry  
June 3 Central Region Federation at Red Wing  
June 9 Convention/Pig Roast at the Ocean County Boy Scouts' Property

Also noted were April 14 at the Crystal Point Yacht Club for a Friends of the NRA Dinner and October 13 at the Central Jersey Rifle & Pistol Club for the Wounded Warrior Day. The Federation will also be attending the upcoming open house at the Hackettstown Hatchery and the Suffern Outdoor Sports Show. Additionally, they will be attending the opening day trout season activities at the Pequest Hatchery.

Acting Chairman Burke reported for the Finance Committee, who met this morning. He noted that for Fiscal Year 2013, there is could be a possible 1.2 million dollar deficit which is partly a result of a shortfall in license fees as well as an extra one million for fringe costs. Also noted was that there were 31 positions approved, however all these positions were not filled in the Division last year, and there are now 19 known retirements and more are anticipated. The Director has indicated that he would like to fill 16 positions, with eight of those being biologist positions. Also noted was that while the spending costs should be similar to last year, spending may have to stop. Director Chanda explained that any unused Federal Aid funds go back to the Fish and Wildlife Service, so that is why these monies are used for items such as equipment and other critical needs.

Councilman Messeroll reported for the Freshwater Fisheries Committee. He noted that most items were covered earlier by Chief Barno, but did comment on lake trout. The Division has been asked to stop stocking lake trout, and the Committee will look at this issue for the future. They also discussed stocking rainbow trout earlier in the season, and Councilman Messeroll noted that more discussion will come later on this topic.

Councilman Gudmundsson noted a suggestion that was made to change the creel limits for the Fall. Councilman Messeroll advised that any suggestions for changes to the next Fish Code should be put in writing and sent in, and Councilman Messeroll also suggested going through local federations for any proposed changes.

Acting Chairman Burke reported for the Game Committee. They will be having a meeting on April 10. He commented that the Sussex County Federation minutes suggests changes for the next Game Code. A letter has been received from the Atlantic County Federation regarding deer hunting zone 24, and he advised he could provide copies to anyone who wanted them. There was some additional discussion, and Acting Chairman Burke noted that at the last Game Committee meeting he asked that a follow up survey be done this time next year on hunter satisfaction in that area.

Councilman Messeroll reported for the Legislative Committee. He noted the following bills are out of committee:

S 1177 Prohibits the use of certain fishing gear on artificial reefs.

S 178 Establishes the Hooked on Fishing-Not on Drugs (HOFNOD) Program in the DEP and appropriates \$200,000.

S 1083 Establishes apprentice youth firearm hunting license and apprentice youth bow and arrow license.

Legislative Liaison Nelson advised that the Assembly's version of the HOFNOD bill went through the Agriculture and Natural Resource Committee in early February, and is now in the Budget Committee. She also distributed a report of bills introduced for this current session, and that all of them were familiar except for A 524 which addresses BB guns (BB guns-clarifies, not firearms) and she will look further into this bill. There was additional discussion on the information given today, and it was noted that the Legislative Committee would be meeting after the Council meeting today.

Acting Chairman Burke advised that he has been receiving questions from sportsmen on A 2039 and the companion S 928, which address animal cruelty laws and they are concerned that it may impact stocking and hunting. He has read the bill, and does not think it will. Legislative Liaison Nelson advised that this is not one of the bills she is currently tracking.

Councilman Gudmundsson inquired about A 527, which addresses bison (Designates bison as agricultural livestock), which Legislative Liaison Nelson advised are now classified as exotic wildlife.

There was further discussion on the information given today.

Legislative Liaison Nelson reported that one of the semi-wild hunting areas has inquired as to if the season would be extended. It was felt that this would not be necessary since weather conditions have not been a problem, and the Division would recommend to the Council not to extend. There was some additional discussion, and the Council agreed that there was no need to extend the season.

Acting Chairman Burke gave a brief review of the bill he previously spoke about (A 2039) and the animal cruelty section. Assistant Director Herrightly advised that there is already an exemption in the statute on this, and that it is possibly something the Legislature is not aware of.

There was no report for the Endangered and Non-Game Species Committee.

Legislative Liaison Nelson reported that the Waterfowl Stamp Committee should be meeting soon. She also noted that the Green Acres section has some suggestions that the Committee may want to consider.

Councilman Brodhecker reported for the newly formed Wildlife Rehabilitator's Advisory Committee. He noted that the Committee still has one veterinarian position to be filled, and that at their meeting they established staggered terms and topics for future meetings. Their next meeting is scheduled for April 25, 2012. Legislative Liaison Nelson also noted that this will be a



good committee with regard to benefiting the animals and their care. They should be meeting every three to six months, and information will be available on the Division's website.

Assistant Director Herrighty advised that Chief Sciascia from the Information and Education Section was ill and would not be here today, but noted that he continues to work on the marketing project he has spoken about previously. Also, telephone surveys will be done by the vendor that has been contracted.

The environmental assessment for the archery park has come back, and the next step for this project is a site feasibility plan.

The Hunter Education Unit has filled one clerical and two biologist positions utilizing Federal funds.

Director Chanda reported that the Division of Parks and Forestry has released a new phone app, and that their contract will allow Fish and Wildlife to work with the same vendor. More information on this will be coming in the future. There was some further discussion, and members of the Council were advised that any ideas they have for this should be forwarded to Chief Sciascia. It was added that this app will be available to users free of charge.

Acting Chief Chicketano reported for the Bureau of Law Enforcement. He gave a brief review of some of the highlights listed in the Bureau's monthly report.

Acting Chief Chicketano also noted an incident that happened this past Saturday at the Assunpink WMA. State Police received a call from some hunters who had come across a woman in the woods, lying on a sleeping bag, and surrounded by prescription drug containers. Lieutenant O'Rourke was on duty and assisted emergency responders. She was too far off the road to reach by ambulance, and was lifted on her sleeping bag into the bed of Lieutenant O'Rourke's truck and driven out to the road. The last report received on her condition was that she was alive but unresponsive. Acting Chief Chicketano added that this is one of the many types of situations they encounter in addition to the traditional law enforcement work they do on a day to day basis.

Councilman Link inquired about an incident in Franklin Township (Southern New Jersey) where a trophy deer was shot by someone from the roadway. This matter has not come to court yet, but there was some discussion regarding the charges that have been filed.

Councilman Messeroll noted rumors he has heard where State Parks Police were issuing motor vehicle summonses for matters such as using cell phones while operating a beach buggy. There was additional discussion on this.

Councilman Gudmundsson inquired if the Council could assist with having Acting Chief Chicketano move in to a permanent status, but Assistant Director Herrighty advised that this was a personnel matter.

Acting Chairman Burke noted that the Bureau of Law Enforcement was requesting time for Executive Session at the end of next month's Council meeting to hear license restoration appeals.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He reminded members of the Council of the invitation from Union County Parks to view the area where they would be utilizing their CBDMP as noted by Principal Biologist Predl earlier today.

Members were also reminded that the turkey permit application period ends next week.

Yesterday, Assistant Director Herrighty, Director Chanda and Supervising Biologist McBride met with the United States Department of Agriculture's Fish and Wildlife Services to discuss some issues, including possibly fixing some Legislative problems, such as shooting on Sundays on airport permits in order to prevent wildlife related safety issues.

The beaver trapping season ended last week, and there was some discussion on this matter. The beaver and otter check station is scheduled for February 25, and more information on harvest totals will be available after that time.

Also noted was information from the Bureau's highlights, which reported that 120 coyotes have been taken so far.

The Game Committee received requests to allow the use of .17 caliber rim fire for use at the Division's public ranges. This issue is not a game code matter, but rather covered by wildlife management area regulations. Assistant Director Herrighty has discussed the issue with personnel from the Bureau of Law Enforcement and the Hunter Education Unit, and it appears the Division has the authority to allow the use of .17 caliber firearms on ranges already. This was further described for the Council by Assistant Director Herrighty, and changes should be done for this Spring.

Bear activity has been quiet. Categories One and Two are down, most likely due to weather and the population reduction from the hunting season. Den work is being scheduled to change out radio collars, and any members of the Council wishing to participate should contact Assistant Director Herrighty.

Assistant Director Herrighty noted the approval of the CBDMP for Essex County last month. A letter was received from someone asking that the permit be rescinded on rainy days, but this was denied and he described that the permit allows for date changes due to inclement weather.

Opponents of the Comprehensive Black Bear Management Policy have filed a petition to have their case heard in the Supreme Court.

At the Rockport Game Farm, 75% of the costs to repair damages due to the October snow storm are expected to be reimbursed by the Federal Emergency Management Administration (FEMA). A claim has also been put in for reimbursement of overtime costs for staff who assisted with this project.

Old and new business was discussed. Councilman Messeroll noted the Hackettstown Hatchery Centennial, and encouraged all to attend.

Members were reminded again of the Freshwater Fisheries Forum at Batsto.

The public comment period began, with speakers advised that they would have three minutes to speak.

Liz Thompson from the Farm Bureau addressed the Council, advising that they have been receiving calls to see if bow and arrow could be utilized for depredation permits in areas where using shotguns was not practical. Assistant Director Herrighty noted that he has been contacted by former Councilman Kertz on this as well, and has been in touch with Acting Chief Chicketano from the Bureau of Law Enforcement regarding this as an option in those areas where the 450' safety zone for firearms was a problem. This has been allowed in Montgomery Township by special permit. There was some additional discussion on this matter.

Barbara Sauchau was next to address the Council. She referenced a court decision in Camden County regarding minutes of their meetings. Also, Ms. Sauchau shared her thoughts on the information given by Principal Biologist Predl regarding deer damage for the CDDMP application presented, Director Chanda's trip to Washington, DC.

Last to speak was Kevin Broderick. He advised that he hunts in Zones 21 and 23, sometimes Zone 26, and felt that the shotgun hunters get very few days to hunt and asked that the seasons be made more equitable, possibly even spreading the three day season out over three weekends. Acting Chairman Burke noted that this has been discussed many times, and he has asked that this be looked at, but added that if you change something in one season, you would have to take it away in another. There was some additional discussion on this matter, and Mr. Broderick was asked that his suggestions be sent in writing for the next Game Code cycle. Assistant Director Herrighty also noted that license and permit sales are being analyzed. The automated deer check system was also referenced as a means to obtain information. (Ms. Sauchau questioned the time, and was advised that there was some interaction with Mr. Broderick which is why the time limit was allowed to go over. She claimed that this was special treatment, but Acting Chairman Burke noted that special treatment was something such as holding Executive Session at the end of the meeting, as they will do next month, which will benefit everyone and was a suggestion she had made that was incorporated here. She further commented that her questions are not answered, but it was pointed out that most of the time her questions are to Director Chanda and not the Council). Lastly, the new call in check system was referenced, and other than a few minor problems it was noted that it seems to be working out.

With no additional commenter's, **a motion was made by Councilman Messeroll and seconded by Councilman Link to adjourn. A vote was taken with all in favor, none opposed.** Meeting adjourned at 2:03 p.m.