

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL
Central Region Office
Robbinsville, NJ
November 10, 2015

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

The meeting was called to order at 1:05 p.m. by Acting Chairman David Burke

The flag salute and Pledge of Allegiance were completed.

Acting Chairman David Burke read aloud the following notice: 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 on November 10, 2015 and delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press.

Roll call was taken.

In attendance were: Acting Chairman Burke
Councilwoman Brummer
Councilwoman Blumig (arrived at 1:16 p.m.)
Councilman Brodhecker
Councilman DeMartino
Councilman Gudmundsson
Councilman Van Mater
Councilman Link (arrived at 1:48 p.m.)

Absent: Councilman Conover;
Councilman DeStephano

Division employees included P. Nelson, L. Herrighty, M. Chicketano, D. Golden, A. Ivany, D. Jenkins, D. Roberts, L. DiPiano, B. Stoff, T. Nichol, D. Ogonofski

There were numerous members of the public in attendance.

Minutes of the October 13, 2015 meeting were not approved and will be held over until next meeting to be held on December 15, 2015. Acting Chairman Burke advised to post them on the Division website in draft format.

Acting Chairman Burke stated that any proposals and public comment will be held off until all information is presented. He advised all in attendance that the Fish Code meeting was going to be held that night at 7:00 p.m. at the Conservation Center. Acting Chairman Burke presented a tentative meeting schedule for the calendar year 2016 to be discussed later during the meeting. Director Chanda was not in attendance.

Assistant Director Herrighty advised the Council that both the Division and the Council are being sued by the Animal Rights Organizations over the encapsulated foot hold trap in the Game Code. They requested an emergency stay which was denied on October 15, 2015 and that the lawsuit would come to the courts in several months – possibly January or February. Our attorneys are filing the required information for this law suit. Assistant Director Herrighty also spoke about “Pedals/Vinnie” the bi-pedal bear and advised Council members that

the Division has been asking the public if they have a current sighting of the bear to call the Department's hotline so that DFW can send biologists to look at it. The bear has been moving around 4 to 5 miles in various towns and has not been sighted since October 14, 2015. Some of the videos being sent or posted on social media are old. The DFW is looking for opportunity to evaluate in the field. Once DFW is able to find it, the bear will be evaluated. If necessary, it will be taken to a wildlife rehabilitator for further evaluation.

Assistant Director Nelson indicated that she did not have anything to report.

Agriculture Committee Report: Councilman Brodhecker reported that a lot of people are losing chickens to bears. Bears are active. Corn harvest is going well. Fields are pretty dry. Depredation permits that were issued to take bears have saved a lot of crops. Cover crops are doing well. Dr. Reist reported that no news is good news at this point. There have been no new sightings and he indicated that the Department of Agriculture is preparing for the worst, which will be November/December.

State Federation Reports:

Councilman DeMartino had nothing to report. He indicated he received a request for the Council to consider a Youth Day for bear when working on the next Game Code.

Councilman Van Mater attended two meetings about Wharton State Forest road closure. One meeting had a lot of attendees who spoke and the other only had a few. Right now the roads are still open. He thinks it is an enforcement problem and Parks is not doing it.

Councilman Gudmundsson – He attended the Warren County Rod and Gun Club meeting. Both Lisa Barno and Dr. Jan Lovy attended as well and presented facts about only allowing Pequest-raised fish in the Pequest River at the meeting and answered questions. Pheasant Hunt – 250 really well attended; extending youth pheasant hunt to allow to go out first. Should think about it – need to add to the Game Code listing for discussion;

Councilwoman Blumig discussed many concerns. She indicated that sportsmen who go to Walmart to get their license are finding that the machines are always broken. This is happening particularly at a Walmart in Union County and one in Middlesex County. It appears they do not want to sell licenses. The Walmart in Cumberland County is having the same issue. She discussed some of the concerns raised about Wharton State Forest road closures. Additional comments were regarding the acorn crop and no deer. The Federation was also questioning the pilot program for the when credit card system will begin. Assistant Director Nelson indicated that she is working on it. However, due to the steps involved in obtaining approvals in the State system, it is lengthy process.

Acting Chairman Burke attended the Atlantic County meeting. Last month the Wharton State Forest road closure deal was the biggest concern. The plan has been withdrawn by the Division of Parks and Forestry and is on hold. Focus groups are being developed to come up with another plan. Acting Chairman Burke spoke about the NRA fundraiser and half of the money will stay in New Jersey for a Gun Safety Course and to educate youth.

Finance Committee: Assistant Director Nelson report that no meeting held. Finances are status quo.

Fish Committee: Councilman Gudmundsson indicated that they will be more to report after the Fish Code Public Hearing scheduled for this evening at 7 pm on November 10, 2015.

Game Committee: No meeting held. Nothing scheduled as of this meeting. Acting Chairman Burke indicated that he wanted to begin a listing of topics for the next meeting and is looking to schedule on in January, 2016.

Legislative Committee: Assistant Director Nelson discussed the following bills:

SR145 – This is a bill which urges US Fish and Wildlife Service and DEP to resolve conflict between protection of red knot shorebird and economic viability of State’s oyster industry;

S3416 – This bill prohibits possession, transport, import, export, processing sale or shipment of certain animal species threatened with extinction. This bill passed by committee with amendments. Those amendments were not available as of November 1, 2015. The US Fish and Wildlife Service has regulations that address these issues. The Division is planning on opposing this legislation.

Endangered and Non-Game Species Committee: Councilwoman Brummer indicated their meeting is scheduled for November 18, 2015 and that will include aquaculture impact for Red Knots and Horseshoe Crabs. These are an on-going issues. Members have been gathering data and need to be cautious on what is presented to the Commissioner. There needs to be the right balance.

Game Committee – Next meeting will be held in January. Tentative date is January 21, 2016 at 1:00. Verification of attendance availability was received from Acting Chairman Burke and Councilmen VanMater, DeMartino and Brodhecker. It was also noted that Committee Meetings can be held as a conference call as long as they do not have a quorum.

Waterfowl Advisory Stamp Committee: Information was covered at last meeting.

Wildlife Rehabilitators Committee: Nothing to report. The October 28, 2015 meeting was canceled. Next meeting is scheduled to be held in January, 2016.

Division Reports:

Chief Lisa Barno reported for the Bureau of Freshwater Fisheries. Chief Barno indicated that the Public Hearing for the Fish Code was going to be held that evening, November 10, 2015, at 7 p.m. in the Assunpink Conservation Center and that the comment period will end on December 4, 2015. Dr. Lovy will be giving a 15 minute presentation at the Public Hearing Meeting on Fish Health as part of the meeting. Chief Barno indicated she has received 157 comments to date, 150 were a form letter from Warren Rod and Gun Club members. Chief Barno and Dr. Jan Lovy attended a Warren County Federation meeting where representatives of the Warren Rod and Gun Club were present. They explained the regulations currently prohibit outside stocking in the Pequest Wildlife Management Area and Hackettstown since 2008, this proposal is to expand to the Pequest Watershed and the change is a result of the Blue Ribbon Panel recommendations to the Hatchery Bio-Security Plan. Dr. Jan Lovy and Chief Barno explained information and answered a number of questions concerning the health of the fish stock at Pequest at the Federation meeting. Chief Barno reported that opposition to the proposal appears to be based on concerns that the restriction would be further expanded to other watersheds. As the reason for the change is to protect the two state operated fish hatcheries Chief Barno indicated there are no plans to expand the restriction further. She also indicated, as the Council was aware the Warren Rod and Gun Club requested an extension to the 60-day public comments period for the proposed Fish Code. The premise of the Club’s request was that they did not have access to nor had the chance to review information related to the 2013/2014 furunculosis outbreak at the Pequest Hatchery. Chief Barno summarized the information identified in the request. She noted that information concerning the furunculosis outbreak at the Pequest Hatchery was well vetted to the public through press releases and updates to the Division’s website. Disease information and updates were also provided at the two scheduled Fisheries Forums. An updated health policy addressing the use of trout affected by the disease in the Division’s stocking program was posted and public comment solicited. The results of which were presented along with a final summary of the outbreak and disease information at the public meeting in March, 2014. Chief Barno noted

that one item that had not been posted for the public was the Blue Ribbon Panel Report. As such, Dr. Lovy worked with Mr. Paul Tarlowe to post the Blue Ribbon Panel Report on Friday, November 6, 2015. This allows almost four weeks for the public to review the eight-page document before the close of the public comment period. Chief Barno also made note that a lot of the information requested goes beyond the scope of the proposed rule change as it is specific to the handling of the furunculosis outbreak at Pequest. Additional discussion followed. Based on the above information, it is felt there is no need to extend the public comment period for the Fish Code.

Acting Chairman Burke provided a Public Comment period on the extension of the 60-day public comment period for the Fish Code with an opportunity to speak for 3 minutes.

Barbara Sachau, Whitehouse Station, NJ – Not in favor to extend the public comment period for the Fish Code.

No other comments were provided.

Motion made by Councilman Gudmundsson to issue a letter to deny the extension to the 60-day public comment period for the Fish Code as requested from the Warren Rod and Gun Club and was seconded by Councilman DeMartino. Vote taken, All in Favor (7-0), None opposed.

Chief Barno reported that due to the delay in the publication of the Fish Code proposal, the release of the Freshwater Digest, with the new regulations will be delayed until February, 2016.

Kudos given by Chief Barno to Chief Matthews and Chief Golden’s staff for a good job on rearing and stocking of trout. She noted that fall trout stocking has been completed.

Chief Barno reported a meeting of the Columbia Lake Task Force was held just prior to the Council meeting. Councilwoman Brummer spoke on this issue. Columbia Lake dam was identified by the Historic Preservation Office as eligible for listing in the National Register of Historic Places. It appears when you want to surrender FERC license, a Section 106 Historic Review is triggered. Councilwoman Brummer noted that Dan Saunders from the Historic Preservation Office also attended the meeting. Although we received this Section 106 review, this is not a deal breaker for the project. Work is in progress to look at the historic status and address any related concerns. Considerable progress has been made on the application to surrender the hydropower license. A number of preliminary studies have been initiated and all things are proceeding ahead nicely. Councilwoman Brummer indicated that there is community engagement component to what we are doing with the dam. 21 people in the area have been interviewed and discussions held how it will benefit the river and their community. People are afraid of change – so need to explain the reasons why removal is needed. Project is still on schedule for 2017.

Chief Barno reported that reservoirs/stream levels are still low; Spruce Run is 25’ down; Round Valley is also 17’ down. More rain is needed to bring up stream and reservoir levels.

She concluded her report with a comparison of fishing license sale figures.

<u>Sales of Licenses:</u>	<u>Total</u>	<u>Trout Stamp</u>
2013	131773	86470
2014	128000	Number not provided
2015	129461	84270

Chief Jeff Matthews, reported for the Bureau of Fish Production, spoke to the Fish Health Inspection Report for both Hatcheries and that the results were negative for Bacteriology and Virology. For Fall stocking a total of 21,730 2-year old rainbow trout ranging in size 12.8” to 16.8” were stocked. Kudos to all staff for getting fish in

the waters safely and their professionalism in dealing with the public. Winter stocking to start on November 23, 2015 with 5000 2-year old fish to be released into various lakes and streams throughout the state. Information can be found on line. Anglers have provided good compliments about they have caught. Pequest has a 78% hatch rate on Rainbow Trout this year, which is average. Hackettstown: Channel Catfish program has been completed for this year and it netted 14,000 catfish. They were stocked in 85 waterbodies in all 21 counties. Mosquito fish requests are done for the year. 260,000 fish were stocked by Mosquito Commissions throughout the State. They are holding 1,200 salmon Spring stocking. It is the 9th year for the salmon program. Solar project for the two hatcheries (Pequest and Hackettstown) is still being reviewed.

Chief Al Ivany reported for the Bureau of Information and Education. Chief Ivany spoke about the Buddy Fishing License and presented a flyer to all council members which will be made available to license agents. A large outreach campaign is to be started immediately for 2016 license sales regarding the Buddy Fishing License. Also presented was signage that was done regarding Black Bears as a result of the Ramapo bear incidents over the past month or so. This sign has already been posted at Ramapo. Staff is currently working on preparing another sign template with bear information on it for use in parks, wildlife management areas and other areas with bear activity. Councilwoman Brummer questioned the possibility of selling the signs which included discussion among staff and Council members. Assistant Director Nelson will investigate options available. Linda DiPiano, spoke to the Council about the Hooked on Fishing-Not on Drugs (HOFNOD) Program. This program was reformed in 2013 from a “fishing derby” type of program to the current program and formed teams. The coordinator of the program is Liz Jackson. There have been approximately 400 youth participants in the program since 2013. Over the weekend of November 6-8, 2015, an additional 21 team leaders were trained from 8 different counties and a staff member of Bass Pro Shop taught a segment of the training. Currently, there are 5 pilot projects with 82 youths participating from 5 different counties in the program. Another planned HOFNOD program involved an overnight stay at the Camden Aquarium called Shark in the Dark. HOFNOD participants and their parents came to the aquarium and participated in educational programs offered through the night and were able to sleep next to the aquarium fishes. The next overnight at Camden Aquarium will be held in February 2016 and up to 350 HOFNOD participants may attend. Additional opportunities for HOFNOD groups are charter boat trips and the formation of grant opportunities for additional groups. . Currently, staff just completed 4 days of filming a promotional video for the HOFNOD program whereby Public Service Announcements for both Radio and TV can also be made. Staff is also working on another weekend overnight program for participants ending in a fishing tournament. This activity will provide an opportunity to meet other HOFNOD participants throughout the state. Staff is always looking for opportunities throughout the state to increase participation in the HOFNOD program, whether it be school-based, after school-based or through community centers and 4H. Liz Jackson and staff put together a Beginners Guide to Freshwater Fishing and a Beginner’s Guide to Saltwater Fishing, which is waterproof and provided to each HOFNOD participant. Guides were given to all Council members.

Chief David Golden reported for the Bureau of Land Management. Update provided about Durand Glass and indicated that there is not much to mention and it is still at the State House for the public hearing and currently waiting for a legal interpretation on record. Councilwoman Blumig forwarded an e-mail from the Department of Agriculture about handling hay field and farm leases and asked for clarification. In 2010, DFW converted farmer special use into a formal lease program, which goes to auction – highest bidder received a lease to farm fields that are offered by the Division– five (5) year lease with option to extend. Hay field were exempted originally. Hay farming requires a Special Use Permit currently and we are considering this type of farming into the lease program so it would also go out to auction. Some accuracy in the e-mail received, but not fully accurate. He indicated that he is looking for best practices management. Pheasant/Quail hunting opened day was November 7, 2015 and he has received good feedback. Councilman DeMartino heard that the Pheasants are small in size this year. For the Youth Pheasants Program, the program stocked double the amount of birds. Councilman Gudmundsson recommended that the Division expand the pheasant youth day and it was noted that this should be a good suggestion for consideration at the Game Code meeting in January. Chief Golden indicated that the Pheasants

maps were available in September and so far 4,000 visited the site to view. Chief Golden talked about working on the Pheasant Distribution Formula which will be presented at the January Committee Meeting with initial presentations as a draft version. Chief Golden spoke about the upcoming enduro event scheduled for the weekend of November 13 – 15, 2015 in the Pine Barrens 500. Chief Golden indicated that they had participants sign a document that these events cannot continue to be held on Wildlife Management Areas as these events interferes with the core mission of the Division.

Chief Mark Chicketano reported for the Bureau of Law Enforcement. He reviewed several highlights as listed in the Bureau's monthly report with the Council. Numerous citations were issued in the various regions. Significant amount of problems on WMA's in all of the Regions. On-going investigations and cases are being developed. Chief Chicketano spoke about on-going case regarding a Bear in Sparta. Chief Chicketano also indicated that there were no incidents on opening day this year. With the new regulations, not all were in compliance, so the Conservation Officers educated the hunters on this new regulation. Assistant Director Herrightly asked the Council members to advise attendees at the Federation meetings about new regulation about the orange hat regulation.

Daniel Roberts reported for the Bureau of Wildlife Management as Acting Chief Stanko who was on vacation. Dan Roberts spoke to Carole Stanko regarding the Ocean County Natural Lands Trust letter from the October 13, 2015 meeting and reviewed the information. The Division position to the Federation and members contact the county in regards to be deer driving. The Division indicated that we would not be telling them that deer driving be allowed on their property. Had a meeting and are reviewing it at the County level. Dan Roberts did not have the information available for the Fall Turkey Season Harvest. Estimated Deer Harvest for Fall Bow so far this year is 13,310 and this is the lowest since 2008-2009. We are 2,000 down from the 5 year average of 15,362. He is getting a lot of reports of no deer. Mr. Roberts indicated that he believes the numbers to pick up for firearms by the range of 25-29%. Mr. Roberts indicated he spoke to Chief Stanko regarding a tame coyote in Ocean County that was captured in a residential area and was transported to rehabilitator to determine if it was fit for release back into the in wild. Wildlife Control staff captured a bear in the town square in Morristown and relocated it. Today there is a bear in Chester and as supposedly eating a goat. Staff has responded but not aware of the outcome yet.

New Business:

Ted Nichols gave a presentation on Sea Ducks (5 Species) and his proposal for the Definition Change for New Jersey Beginning in 2016-2017 and the change in harvesting. CURRENTLY: Sea Duck Area: In New Jersey, South Carolina and Georgia the special sea duck zone consists of any waters of the Atlantic Ocean, and any tidal waters of any bay which are separated by at least 1 mile from any shore, island and emergency vegetation; PROPOSED: In New Jersey, the sea duck zone consists of any waters of the Atlantic Ocean, and at inlets and bay mouths, all waters east of the COLREGS Demarcation Lines shown on NOAA Nautical Charts and further described in 33 CFR 80.16, 80.170, 80.503. Recommendation for the 2016 Season is to reduce 107 to 60 days/harvest – 20% reduction and a reduction of birds from 7 to 5 birds (5% reduction in harvest).

Acting Chairman Burke provided a Public Comment period on the proposal changes to Sea Duck Definition and Bag Limits with an opportunity for the public to speak for a total of 3 minutes.

No one commented at this time

Motion made by Councilman Gudmundsson and seconded by Councilman DeMartino to approve the proposed regulated changes as presented. Vote taken, all in favor, none opposed.

No one was available to give a report for the Bureau of Endangered and Non-Game Species.

Acting Chairman Burke wanted to take a vote on the October 13, 2015 minutes. Acting Chairman Burke, Councilman VanMater, Councilman DeMartino and Councilwoman Blumig all abstained from the vote. Since there was no quorum, minutes were to remain in draft status and to be reviewed at the December 15, 2015 meeting. He requested that the Division post the minutes as a draft and add this vote to the next month's agenda.

Acting Chairman Burke presented a proposed schedule for Calendar Year 2016 for Council meetings. The meetings were presented for the 2nd Tuesday of each month at 10 a.m. except for the months of September and November. The joint meeting with ENSAC will be held on September 21, 2016 and November's meeting will be held on November 15, 2016 (3rd Tuesday).

Motion made by Councilman VanMater and seconded by Councilman Gudmundsson to approve the Council Meeting Dates with the ability to change as necessary and modified the September meeting date to be September 21, 2016. Vote taken, all in favor, none opposed.

Public Comment (3 minutes):

Dr. Reist (Department of Agriculture) – Board of Agriculture - wanted to speak on two issues at last meeting. First issues was already discussed by Chief Dave Golden in detail. The second issue was to discuss camelid farmers and there susceptibility to worms that are carried by whitetail deer. Depredation permits cannot be issued because there are only for loss of crops, not livestock. Alpaca farmer should contact Assistant Director Herrightly about issuance of special permits.

Genese Cosack, Yardville, NJ – Spoke about the feral cats in her neighborhood. They are a menace and are constantly in her yard. Since Council does not have the authority to address feral cats, Council members recommended that she contact her municipality or county health department.

Janet Pizar, Millburn, NJ - Questioned why the November 15, 2016 meeting date was change due to elections that day.

Mark Lanson, Toms River, NJ – Pheasant maps are great. However, he could not locate the Quail stocking maps on line as they do not exist and believe that maybe they should.

Charles Henderson, Jackson, NJ – Provided a positive comment on double stocking of pheasants on the youth day.

Motion made by Councilwoman Blumig and seconded by Councilman DeMartino to adjourn meeting. Vote taken; all in favor; no opposition;

Meeting adjourned at 4:08 p.m.