

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL
Central Region Office
Robbinsville, New Jersey
January 10, 2017**

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

The meeting was called to order at 10:06 a.m. by Chairman David Burke.

The flag salute and Pledge of Allegiance were completed. All present were asked to stand for in memory of Conservation Officer Michael Szalaj who recently passed away.

Chairman 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 December 29, 2016 and delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press; published on January 4, 2017.

Roll call was taken.

In attendance we.re: Chairman David Burke
Councilwoman Cathy Blumig (late arrival at 10:14 a.m.)
Councilman Phillip Brodhecker (late arrival at 10:19 a.m.)
Councilman James DeStephano
Councilman Agust Gudmundsson
Councilman Jeffery Link
Councilman Robert Pollock
Councilman Frank Virgilio

Absent:
Councilwoman Barbara Brummer
Councilman Joseph DeMartino

Division employees included: L. Herrighty, P. Nelson, D. Golden, L. Barno, C. Stanko, B. Stoff, D. Roberts, M. Brown and S. Coltrain

There were numerous members of the public in attendance.

Chairman Burke asked if there were any changes to the minutes and asked for a motion to approve.

A Motion was made by Councilman Gudmundsson to approve the December 13, 2016 minutes and seconded by Councilman Pollock. Vote taken, four (4) in favor two (2) abstentions; motion carried.

Chairman Burke noted the agenda will be shifted around a little in order to vote on items of importance due to Councilman Pollock having to leave early today. Chairman Burke announced

Dave Chanda took a position as Senior Policy Advisor to Assistant Commissioner Boornazian effective January 1st. In that position, Mr. Chanda will be expanding and diversifying funding opportunities for the Division. He will continue to work with the National Association of Fish and Wildlife Agencies to implement the recommendations of the Blue Ribbon Panel in sustaining America's diverse fish and wildlife. Larry Herrighty is currently Acting Director, pending Council recommendation for final approval to the Governor's office. Action will be taken on this later this morning. Chairman Burke stated he has been in contact with the Marine Council as they have the biggest stake in who the Director will be and invited Earlin Berg to the meeting. Chairman Burke asked Larry Herrighty to take charge of the reorganization and personnel changes. New Business will be heard after the Council Reports.

Acting Director Larry Herrighty reported on the reorganization as discussed with Commissioner Martin and Assistant Commissioner Boornazian. Dave Golden has stepped up to become the Acting Assistant Director. The Bureau of Law Enforcement will report directly to the Director as opposed to the Assistant Director of Operations. The two fish hatcheries will be put back into the Bureau of Freshwater Fisheries as they were in the past. Office of Environmental Review, temporarily assigned to Bureau of Freshwater Fisheries, is back under Assistant Director Paulette Nelson. The Commissioner and Assistant Commissioner looked at Marine Fisheries and had several ideas, but decided to hold off until the new Bureau Chief is hired in order to get input from them.

COMMITTEE REPORTS

Agriculture Committee Report:

Councilman Link reported it is quiet in the southern area and noted there was a lot more snow than was predicted this past weekend.

Dr. Sebastian Reist from New Jersey Department of Agriculture gave an update on the screwworm which has now spread to the mainland U.S. One stray dog in mainland Florida has been found. It is yet to be determined if this was an incidental finding or not. More information will be out soon.

State Federation Reports:

Councilman DeStephano reported attending the Morris County meeting. There was discussion on the lake commission wanting to prohibit anchoring within 200 feet of the shore.

Councilman Gudmundsson attended meeting in Warren County and there are still concerns about the number of deer. Councilman Gudmundsson stated while harvest numbers are up, there is still a feeling the numbers are low. He noted there were nearly 40 people in attendance where there is usually not more than 15.

Councilwoman Blumig attended meetings in Middlesex and Union counties. There was discussion about the saltwater fishing and the hunts at Watchung that used to be Community Based Deer Management and are now run by regular hunters and how successful it has been.

There was talk about the potential saltwater fishing license. Union County was not as enthusiastic as Middlesex County.

Councilman Virgilio reported he went to Middlesex County meeting with the intention to speak about revenue streams for Marine Fisheries. Marine fisheries is in dire need of help as well as finance. Currently, the Federation is looking at a few possible alternatives to fund Marine Fisheries; a saltwater fishing license, a constitutional amendment and a general state appropriations. One of the goals of the Federation is to work on stable Marine Fisheries funding. He made a lengthy presentation showing the disparity between the states and will make the same presentation at the state meeting later in the month.

Salem County was very happy about the return of the deer but cautious, noting deer did not have to come out because there was a lot of acorn available. Councilman Virgilio also attended Cumberland County meeting. They had a banner year of harvesting deer. Land Management also attend and talked about the range upgrade at Millville WMA. The main concerns are the environment and public safety. The focus will be on preventing shot fall which can cause lead contamination and safety barriers. Another concern is the boat ramp in Salem County. They also discussed in detail Abbotts Meadow. There was a retired police officer from Lower Alloways present who knew the history of Abbotts Meadow and was glad to hear the Council voted to have archery only at that facility.

Councilman Virgilio attended the first meeting of the statewide predator organization in spite of the snowstorm. There were about 29 individuals present from the state. The concern is for the predator/prey ratio in New Jersey the fact there are no predators for coyotes. Coyote population have exploded, especially in South Jersey. There was concern on how to control them and hope that they will direct some hunting efforts in those areas. Furbearer Biologist Andy Burnett was present and gave his presentation on the establishment of coyotes in the state of New Jersey since the 1800's.

Chairman Burke reported Atlantic County will meet on January 12th. Atlantic County cooperates with the special deer hunt at the FAA Technical Center. The hunt was canceled on Saturday, due to the weather. One of the coordinators asked Chairman Burke if the future Game Code would give them more flexibility to have three or four dates to choose from in case of bad weather. Chairman Burke suggested that he submit a letter requesting an additional day. Chairman Burke has the letter and will ask for a vote on the request later in the meeting.

Councilman Brodhecker reported the crops have been harvested. He noted hunters have been inquiring about coyote and fox hunting due to the problems they are having with them and their chickens and calves. He noted it is good to hear hunters would like to reduce the population of predators. The State Agriculture convention will be February 7th, 8th and 9th.

Finance Committee:

Chairman Burke announced the committee is scheduled to meet on February 14th at 9:00am before the regular meeting. He reminded members if someone cannot come to call Councilman Pollock as he is the alternate.

Non-game:

Councilwoman Blumig reported there is a rock wren in Franklin Township, Somerset County. Rock wren birds are usually found in the western U.S. The rock wren is at a construction site. The last time one was seen in New Jersey was around 1994 in Cape May and it was around for three or four months.

Fish Committee:

Councilman Gudmundsson reported there is a committee meeting before the next Council meeting and will make a report next month.

Game Committee:

No meetings. Chief Stanko will give an update in her report. Chairman Burke noted there will be a brief game committee after lunch but before resuming the Council Meeting.

Legislative Committee:

Assistant Director Nelson reported A2763 the interstate wildlife violators impact was signed by the governor yesterday.

A4152 – Limits application of DEP Shellfish habitat rules for certain dredging activities. This is an fyi for marine fish.

S2076 – Requires pesticide applicators to notify beekeepers when applying pesticides within 3 miles of registered honey or native beehive or bee yard. This would be a shorter window of notification. Assistant Director Nelson is not sure if a position needs to be taken. She is tracking for mosquito reasons, but this impacts beekeepers as well.

S1808 – Designates striped bass (*Morone saxatilis*) as New Jersey saltwater fish. This was heard on January 19th. This bill was amended yesterday, but is not posted yet.

S2490 – Provides for protection of public's rights under public trust doctrine. This bill was amended yesterday, but is not posted yet.

Acting Director Herrighty thanked NJOA and the Federation for working hard on the violators compact.

No position is needed by the Council at this time on the new bills.

Wildlife Rehabilitators Advisory Committee:

No meeting scheduled – no report. Next meeting January 25th

Public Member Comments:

No report. Acting Director Herrighty reported that Marine Fisheries has been working closely with the Commissioner over the fluke issue. ASMFC had public hearings last week on the change in the creel limits. Most people think it would be devastating to the shore economy, both commercial and recreationally. A lot of time has been spent in the hope of putting a halt on changes for this year.

Waterfowl Stamp Advisory Committee:

No meeting scheduled – no report. Next meeting March 21st

DIVISION REPORTS

Barbara Stoff, Licensing and Permits, reported the day after last month's meeting, she was contacted by Active informing her they will be turning VeriFone off on December 15th instead of the 31st. Most of the agents had been notified and made the switch. For those who waited until the last minute and some agents who thought they were dial-up, but were not, had issues that Ms. Stoff and staff worked on to get them migrated to the new system. Active reopened the apprentice licenses for testing so they will be ready for sale for February 1st.

Councilman DeStephano asked who is responsible for choosing the date that the over-the-counter beaver permits go on sale because he has received many calls regarding the date and asked the date not be on the opening of buck season as it makes it a hard choice for the hunters. Ms. Stoff explained she chooses the date based on having a three week pick up period and a three day window between the first day of the season and when OTC sales begin. After a question and answer session, Ms. Stoff agreed to work on getting a date that is not opening day of deer season.

Chief Lisa Barno, Bureau of Freshwater Fisheries, reported on a proposed rule change relating to Lake Hopatcong. The proposal will prohibit boats from anchoring within 200 feet of the shoreline. The rule would result in an extensive area of the lake that anglers would be prohibited from anchoring and would greatly effect angling on the lake. The Division believes it will affect the overall visitation to the lake, particularly small boaters. Chief Barno noted there was no heads-up to the proposal and was informed by an angler who sent in a copy of his comments. Comments can be submitted to LPPMSB@GW.NJSP.ORG. Chief Barno noted that form letters do not work as well as individual comments.

Councilman Gudmundsson noted the rule was proposed to address the problem of 50 – 100 boats anchoring and partying basically blocking off some of the cove areas. One of the proposed regulation changes is there cannot be more than 10 vessels anchored together. Also, no flotation device can be tethered more than 20 feet from the vessel. Councilman Virgilio stated, while reviewing the proposal, that Byram Cove is identified as the problem area but the proposal did not take into account how the rule would affect the entire lake. He suggested there should be a regulation against rafting as that is more key to the problem.

Chief Barno also reported for the Pequest and Hackettstown Hatcheries. The solar panel project at Pequest Trout Hatchery is tied up in review at the attorney general's office. They are waiting for direction from the Attorney General's office as to which program, Division of Property Management and Construction (DPMC) or the Division of Purchase and Property (DPP), is the appropriate agency to put contracts, like the Pequest Solar Project, out to bid. Both Divisions are within Treasury.

Chief Barno stated Hackettstown is very quiet this time of the year. Staff is coming back from vacations at which time a lot of equipment had been shut down over the winter. They are in the

process of completing the construction of four new tanks to raise Gambusia. They are also working on maintenance on the building and grounds.

Chief Barno reminded Council member of upcoming public meetings, the North Jersey Fisheries Forum on January 21st, the first of three public meetings; the South Jersey Forum will be held on February 18th, and the trout meeting February 25th, all starting at 10:00. Staff will be in attendance of the Outdoor Show on the weekend.

Chief Barno also reported that the Lebanon office was hit with a power surge that ruined the office's four phone lines, nine telephones, two printers, two refrigerators and a microwave in the building. The phone lines were just restored on Wednesday.

Chairman Burke received a call from Chief Al Ivany to survey the Council to see who will attend the Outdoor show in order to provide passes at the door. Some members responded they will have passes through their own organization.

Assistant Director Nelson reported Chief Al Ivany, Bureau of Information and Education, could not make the meeting today as he and his staff are preparing for the Outdoor Show. A RFP will be out soon for the building of an educational trailer that will be used to go to various schools. The trailer will have interactive activities in it.

Chief Dave Golden, Bureau of Land Management, followed up on two items from the last Council meeting. Salem County Country Club was voted by the Council to make it archery only area. Chief Golden presented information on the density of the deer population in that area, showing that deer are not a problem and to confirm that archery hunting will be enough to control the herd. Deer harvest has been low. Over the past five years, deer harvest averaged just 2.5 deer per square mile. Firearm and archery deer harvest have been roughly equal over that same time frame. For the deer management zone, last year the Council voted to move to a more conservative regulation set from five to three. There have been no farm depredation permits issued for that area. The Supawna Meadow National Wildlife Refuge is north of the property and they also manage the Refuge with an archery only hunt.

The second item Chief Golden followed up was the Sinnickson Landing boat ramp. The questions were if the Division takes over the boat ramp would the current legal judgement still apply and would it be possible to expand the parking lot. Chief Golden checked with the Attorney for Natural and Historic Resources and her interpretation is that the court ruling is for the property, not the property owner. Therefore, if the Division takes over the property, there would have to be an attendant on site. As to the question of expanding the parking lot, there are no parcels close by owned by PSE&G that would allow for expansion if the boat ramp is acquired. Chief Golden feels it is not in the best interest of the Division to take on ownership as there is no staff available to keep on site, there's not enough parking and there is no guarantee the current problems at the ramp will go away. Councilmembers gave suggestions on how to make the ramp work and Chief Golden stated he would ask Green Acres about purchasing surrounding parcels in order to expand the parking capabilities.

Chief Golden passed around a map of Woolwich Township Raccoon Creek WMA. Over five years ago, a dog ran away from the park nearby and got ensnared in a trap. Since then, the township has been trying to gain management over the parcel. Effort was put forth to find a property to swap, but was not fruitful. They are now asking for a management agreement, where they would take over management and maintenance of the property. There is a draft agreement prepared and Chief Golden highlighted items the Council should be concerned with. After a discussion, it was decided the township managers will be invited to the next meeting to address the concerns of the Council.

Chairman Burke moved the new business agenda item of recommendation to appoint director up in order to accommodate Councilman Pollock since he has to leave early today. According to permanent New Jersey statute N.J.S.A. 13:1B-27 "... the director of such division shall be appointed by the Fish and Game Council, subject to the approval of the Governor, and shall, unless sooner removed by the Governor as hereinafter provided, serve at the pleasure of such Council and until the Director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law." In the Executive Sessions, it has been determined the Council would like to appoint Larry Herrighty as the next Director of Fish and Wildlife.

Councilman Virgilio made a motion that the Council appoint Larry Herrighty as Director of Fish and Wildlife, seconded by Councilman DeStephano. The floor was opened for discussion. After a brief discussion, a vote was taken all in favor, non-opposed, motion carried.

Acting Director Herrighty thanked Acting Chief Brown and staff for doing the appropriate honors during funeral service of Officer Szalaj and offering help to the family.

Acting Chief Matt Brown, Bureau of Law Enforcement thanked Acting Director Herrighty and stated they are still in contact with family to help them through the process.

Acting Chief Brown gave an overview of 2016. There were five new captains, five new field lieutenants, and two captains were promoted to deputy chief. Matthew Hyel has been appointed as a new CO in Monmouth County.

Acquisition of a 36 ft. offshore control vessel via RFP has been completed. The vessel is expected to arrive in April. There will be a final inspection in February or March. There will be a customary swearing in of the vessel and all Council members are welcomed to the ceremony. Acting Director Herrighty asked for a picture of the vessel at the next meeting.

The Bureau has completed the deployment and training for a new electronic report management system for all internal law enforcement reporting. As data is input, the Bureau will start to develop reports which the Director, Commissioner or Council may want on stats and a variety of things. It may take a little time to develop it, but the reporting system is in, the software is installed and officers has been using it non-stop since April. Testing has been completed and job offers have been made for five new CO recruits. It is anticipated they will start February 4th. Two will be in the northern region, one in the southern region and two for the Delaware bay marine.

The Bureau have replaced ten patrol vehicles. The Dodge frames have rotted out and the Ford F250 had transmission problems. Twenty one mobile computers have been replaced. Three inland patrol vessels, one in each region along the Delaware River, have been purchased. One is a dedicated jet boat; the other two are D-Boats. All are due to come in during the month of April. As a result of Parks and Forestry wanting to buy new communication for their staff, Treasury gave several million dollars over four years to buy new portable radios for the whole Department. They will be on the same range as the State Police. Mark Chicketano will be working at the communication center as a project manager to get the radios out.

On a sad note, Lt. Michael Szalaj needed a liver transplant and was 35 years old. He had 12 years on the job. He leaves a wife and 5 year old daughter. The Bureau is helping the family go through the process of obtaining benefits. The Officers Union in conjunction with the Association has set up a go fund me page to help Mrs. Szalaj get insurance coverage. Acting Chief Brown informed the Council if they wanted to donate see Joe Soelle.

Notification has been received that the Township of Robbinsville is looking to expand their discharge ordinance to an area that is within a quarter of mile of the Assunpink. The Bureau is working with Dan Roberts and Cindy Kuenstner on getting proper notification and talking to the township before it moves any further.

Notification was received from Alpine of a resident complaining of sewerage discharge to Dubois Spring as a result of an expansion of storm water discharge. The complaint was referred to Compliance and Enforcement who will look into this.

Lunch: 12:09 pm – 1:02 pm

Chief Carole Stanko, Bureau of Wildlife Management, reported that the deer harvest is up from last year. Numbers to date through January 3rd indicates the deer harvest is up 23% from last year or 7,410 animals. Since it is cold and snowy, deer will come to the bait and bring the numbers up.

The Federal Aviation Administration Tech Center (FAA Tech) deer management zone 66 is a special management zone. It is a closed hunt, open to base personnel only. A letter was received requesting an extension to their season as they cannot meet their harvest goals due to the snowy weather last weekend. They currently have a ten day permit muzzle loader and permit shotgun season that runs concurrently. They have the last week of November into December. They have a Friday and Saturday in early December and they have two Saturdays in January. This past Saturday was snowed out. They are looking to increase their harvest. They have had two bad years. Last year their harvest was down significantly and in 2012-13 they were impacted by Superstorm Sandy with a very low harvest. The numbers indicate they are not reaching their goals. They are requesting at least one additional day on January 21st with an alternate date of January 28th if needed due to weather concerns. There is a stipulation in the Game Code under the muzzleloader at 5.28b and under shotgun 5.29b stating that the director in consultation with the Council can increase the season if the season's goals have not been met. There was a question and answer session.

Motion: Councilwoman Blumig made a motion to grant the request of adding an extra day to the FAA Tech season seconded by Councilman Brodhecker; 1 abstention Councilman Gudmundsson, because his son works there

Chief Stanko reported the 2016 pheasant and quail stamp sales are up to 12,930. This is the highest it has been since changing to the \$40 sale price in the year 2000. The highest sales was in 1997 when 30,000 stamps were sold at \$5 each. There has been an increase in sales over the past five years, but this year is the first year in changes in the stocking system.

Chairman Burke stated people are generally happy with the pheasant program but he received request for an extra day during the week between Christmas and New Year's they would like to see an extra kids day.

Chief Stanko reported Kevin Swanson left the Rockport Game Farm as of January 1st. It was a great loss as he was a hard worker, enthusiastic, conscientious, nice person. The superintendent has been out on sick leave since November 8th. The farm is now down to three full time workers where there was once eight full-time workers. Michael Patrick has stepped up to become Acting Crew Supervisor.

Chief Stanko reported she will meet with staff on quail and bear in the next few weeks. For quail they will review how the restoration efforts are going in south Jersey and looking at the quail plan to see if it needs any amendments based on experience and knowledge they now have. At the bear meeting a review with biologist on what worked and what did not work as well as what direction they may need to go will be discussed. They will discuss the survey that will go out to bear hunters to see what kind of participation we had each week since it was the first time there was a two week season. Some questions on the survey will be how many people archery hunted, how many gun hunted, how many people did both. Once the results are in, a report will be made to the Council.

Chief Stanko reported there has been blackbird die off in Stowe Creek in Cumberland County. The division pathologist, in conjunction with USDA, tested the birds and found traumatized, internal organ damage to the birds. A range of toxin testing at the lab did not find anything. They did find seed in their stomachs which was wheat seed with imidacloprid. It did not show up in the testing, but the label says it was highly toxic to birds. The seeds were broadcast on the ground instead of sown into the earth. If birds eat the treated seeds, they become very disoriented and crash into things and the ground causing the injuries to their bodies. A second incident with fewer birds took place 15 miles away from the first. Fish and Wildlife Law Enforcement was in touch with Division of Pesticide Compliance. No one can be written up for this because it was a pesticide that was applied to the seed. It was not a person applying the pesticide and they were not out of compliance because they broadcast the seed opposed to being turned into the soil.

Chief Stanko gave an update on the Game Code. She asked the Council to consider a change to the language for checking traps from "once every 24 hours" to "once per calendar day". The change would be for tidal waters trapping only.

Motion was made by Councilman Brodhecker, to make the change in the Game Code for checking traps from 24 hours to once per calendar day. The change would be for tidal waters trapping only, seconded by Councilman Virgilio.

Chairman Burke opened the floor for public comment.

Janet Pizar, Chatham, NJ - does not support any change, especially once each 24 hour day, as pointed out previously, traps might not have to be examined for 47 hours.

Barbara Sachau, Whitehouse Station, NJ - opposed any change and opposed to trapping at all. It is a horrible way for an animal to die ensnared in a trap.

Vote taken all voted in favor, none opposed, no abstentions; motion carried

Councilman Virgilio asked if Chairman Burke and Chief Stanko would make a presentation at the Federation Convention on April 29th on deer allocation and how deer are divided among user groups. The Convention will be held in Ocean City, NJ at the Port of Call.

Aaron from USDA Wildlife – no report

Acting Director Herrightly gave an update on the State Wildlife Action Plan (SWAP). Bids have come in but have not been open as they are waiting for one more. Dave Jenkins is away at a conference.

NEW BUSINESS

Chairman Burke stated he would like to include in the minutes a Resolution of Appreciation for David Chanda.

The Fish and Game Council with sincere gratitude thanks David Chanda for his 37 years of dedicated service to the Division, Council, sportsmen and sportswomen of the State, including 12 years as Director.

The Council also wishes him well and success in his new position as senior policy advisor in the Department of Environmental Protection.

Motion was made by Councilman DeStephano to include a Resolution of Appreciation for David Chanda as read by Chairman Burke, seconded by Councilman Link – vote taken, all in favor, none opposed; motion carried.

PUBLIC COMMENT (3MINUTES)

Janet Pizar, Chatham, NJ asked the question to Robert Pollock “what are his responsible as the public member?” She stated he did not know the answer. She noted as per statute six members are appointed to represent the NJ Federation of Sportsman Clubs, three are Agricultural members and for the first time since 2004, no member of the public or no organization or constituency or faction has any role in nominating the public representatives. Who are his constituents that he is here to represent? What is his role? He did not know. The hunting public, the 1% of the co-

owners of the wildlife resource, there are 99% of the population that are non-hunters as co-owners of a publicly wildlife resources. What is his role Larry? Who does he advocate for and who is he responsible for?

Acting Director Herrighty responded he is the public member at large appointed by the Governor and is allowed to vote anyway he desires.

Chairman Burke read the law of requirement of the public member which is “a person knowledgeable in land use management and soil conservation practices.”

Barbara Sachau, Whitehouse Station, NJ commented on freshwater fish there is no science regarding the pharmaceuticals that are going into the water and end up in the fish. There is a push to have people fish but nothing is done to make sure the fish are safe. Ms. Sachau named some pharmaceuticals that was reported to be found in fish. Ms. Sachau stated some comments are unbelievable, she stated Chief Golden said “we have to protect our properties.” A majority of the property is from Green Acres which belongs to everybody. Everybody is not represented here. There is no attention is shown to that fact.

Charles Henderson –Jackson, NJ - congratulated Larry on his new position- congratulated the land management team on the good job they did on cleaning the roads in light of the snowing falling all day.

There were no other public comments.

Councilman Link asked that the Finance Committee meeting be held from 12:30 to 1:00 on February 14th instead of 9:00. All members present agreed and Chairman Burke stated he would notify those who were absent of the time change.

A motion was made by Councilwoman Blumig and seconded by Councilman DeStephano to adjourn the meeting at 1:34 pm. Vote taken, all in favor, non-opposed; motion carried.