

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL**

**Central Region Office
Robbinsville, New Jersey**

September 12, 2017

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

The meeting was called to order at 10:09 a.m. by Chairman David Burke.

The flag salute and pledge of allegiance were completed.

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 August 30, 2017 and delivered to the designated newspapers for the Division, the Newark Star Ledger and the Atlantic City Press; published on September 6, 2017.

Roll call was taken in attendance:

Councilman Phillip Brodhecker (late arrival 10:32)
Chairman David Burke
Councilman Joseph DeMartino
Councilman James DeStephano
Councilman Agust Gudmundsson
Councilman Robert Pollock
Councilman Frank Virgilio

Absent:

Councilwoman Cathy Blumig
Councilman Rick Lathrop
Councilman Jeffery Link

Division employees included: D. Golden, L. DiPiano, B. Stoff, L. Barno, C. Stanko, J. Sloan, M. Brown, A. Quirk and S. Coltrain

There were numerous members of the public in attendance.

Chairman Burke asked for corrections or additions to the August 8, 2017 meeting.

A Motion was made by Councilman Gudmundsson to approve the August 8, 2017 minutes and seconded by Councilman DeStephano. Vote taken, all were in favor; motion carried.

Chairman Burke stated there were no agenda items but there will be a special award to be presented shortly. The Chairman noted the Department of Interior recently announced additional funding for New Jersey Wildlife refuges under land acquisitions. Forsythe refuge along the coast in Ocean and Atlantic counties. They will receive \$867,600 for acquisitions. Supawna National Wildlife Refuge in Salem will receive \$440,000 for land preservation. We are fortunate that two of the six refuges receiving money are in New Jersey. Involves a total, for the six refuges, of about 22,060 acres.

Chairman Burke noted Director Herrighty and Assistant Director Nelson will not be at the meeting today and Acting Assistant Director David Golden will fill in for them.

Acting Assistant Director Golden reported the agenda has been put together for next month's joint meeting with the Endangered & Nongame Species Advisory Committee. He stated in bringing the two councils together we try to have topics that are relevant to both groups. This year Stockton University will present on the Wildlife Management Area User Survey. There will be a joint presentation of the Bureau Wildlife Management and Endangered & Nongame Species Program (ENSP) on their bobcat project. There will be a brief update on the quail project and bat project on WMAs in the Northern region and a presentation on road-crossing work being done by ENSP.

Acting Assistant Director Golden updated the Council on the phase 9 promotions and new hires. The division has received word they have been approved for 19 promotions. It also appears the division may be approved for 11 new hires with the hope of getting all completed by the end of this calendar year. There has been really good progress made on the Fish Code. Chief Lisa Barno and staff has moved the process in a very expedited fashion and she will give an update during her report.

Chairman Burke clarified at the joint meeting on October 17th, both groups will meet separately in the morning and come together at 1:00. The Chairman moved to the presentation of the award presentation of NBTC Firebird Award.

Staff Member James Sloan, Upland Game Biologist introduced himself and the basis for the award. The award was made to recognize an individual, group or entity who made significant contributions to quail restoration in their state over the past year. This year William S. Haines, President of Pine Island Cranberry Company was nominated for New Jersey's first ever Firebird Conservation Award. Mr. Haines was not able to attend the meeting and his daughter, Ms. Stephanie Haines, accepted on his behalf. Ms. Haines thanked the Council on behalf of her dad who was not able to attend to the beginning of cranberry season.

Acting Assistant Director Golden introduced Mr. John Parke from the New Jersey Audubon Society and acknowledged him for they work he's done with the Division, the New Jersey Audubon Society and Mr. Haines to bring everything together.

COMMITTEE REPORTS

Agriculture Committee Report:

Chairman Burke reported Councilman Link e-mailed that it has been wet in the southern region. Dr. Sebastian Reist from New Jersey Department of Agriculture did not have anything to report.

Farmer/Sportsman Relations:

Councilman Virgilio reported they are working on setting a date to meet.

State Federation Reports:

Councilman Virgilio reported attending a trapper meeting. It was to meet and greet four candidates for the Fish and Game Council. It was very insightful and everyone had the opportunity to ask questions to each of the candidates. He also attended Salem County meeting. Salem has come up with a plan to develop a traditional muzzleloader season that they would like to propose for the next Game Code revision.

Councilman Gudmundsson reported at the Morris County meeting there was some confusion to the wording for Regulation Set Two and requested changing it in next year's compendium. Another issue that was brought up was Morris County Park Police has been giving sportsmen fishing in the Musconetcong, Lake Hopatcong and Allamuchy area. They told an eleven year old boy he could not stand in the water while fishing. They have also posted no hunting signs around Tilcon Lake. They did not post the entire property and the borders not real clear. There is a lot of confusion and complaints. People are being issued violations for rules that are not really clear. Sussex County Fair was very good and the coloring books were a hit.

Councilman DeStephano reported he attended the WILD Outdoors Expo on Sunday. It was well attended with non-stop traffic in the conservation tent and long lines at the food trucks. The only complaint he received was the position of the porta-pottys, they were on either end of the property. The Division staff did a great job in putting the event together.

Councilman DeMartino echoed the report given by Councilman DeStephano, adding Saturday was a little slower than Sunday. He also stated the sportsman are aware of some of the plantings going on in the WMAs and they are really happy with it.

Chairman Burke noted this was the first year the zone boundary change was not put in the Digest. There was approximately 16 sq. miles lost between zones 26 and 42. He further explained how to get to the description of the zones. Chairman Burke also suggested there needs to be a link on the website for individuals to determine the zones. There was a discussion on the Pocket Ranger and why it is no longer available. Chairman Burke asked if there were any changes with the Division's dog training areas.

Acting Assistant Director Golden responded that the Division will better delineate where the dog training areas are, keep them open year-round, try to permit the field trials so they don't conflict with dog training areas and put better maps out on the website, so individuals can understand where the dog training areas are located. In another effort, the division will work to better manage the

dog training areas so the vegetation is at a height to accommodate that use. There will be no changes to locations, but one has been added for water retrievers in Millville.

Councilman Phillip Brodhecker reported seeing a lot of bear and deer damage. Farmers are getting their bear permits and there have not been any problems in acquiring them. The one challenge farmers have in agriculture is that just because they have a permit, doesn't mean they have the time to man the fields. Councilman Brodhecker reported he received a call from the State Board of Agriculture regarding the bear policy, regarding the raising of the dollar threshold for Category 1 bears and the electric fencing for livestock. He assured them that language that we reviewed a short time ago was in reference to a certain minimum standard that electric fencing was not required. They want to see a little electric fencing or adequate structure fencing. That language gives the most flexibility for response time. They were concerned the dollar threshold is going to affect whether the bears are considered Category 1 if they kill live stock. If a bear kills or injures livestock that should automatically put them in Category 1 regardless of the dollar amount. Councilman Brodhecker asked clarification be given to him because he has been required to attend the State Board meeting to talk to the members and answer questions regarding the above. The other thing they bought up was depredation permits as far as joining bear and deer permits just to simplify the process so the farmers and the division would have less paper work.

Chairman Burke asked if the USDA representative had a report. He did not, at this time.

Finance Committee:

There was no report from the Finance Committee.

Fish Committee:

Councilman Gudmundsson deferred his report to Chief Barno's report.

Game Committee:

Chairman Burke deferred his report to Chief Stanko's report.

Legislative Committee:

There was no report from the Legislative Committee.

Endangered & Non-Game Species Advisory Committee:

Councilman Lathrop was not present and there was no report.

Waterfowl Stamp Advisory Committee:

Chairman Burke reported the Committee will meet on Tuesday, September 19th.

Wildlife Rehabilitators Advisory Committee:

Councilman Brodhecker reported the next meeting for the committee will be on October 25, 2017 in North Jersey.

Public Member:

Councilman Pollock reported he received a lot of positive feedback on the Division's WILD Expo. He also thanked Acting Assistant Director Golden for getting an e-mail address for the F&G Council and putting it on the Division's webpage.

DIVISION REPORTS

Barbara Stoff, Licensing and Permits reported being at the Expo on both days selling licenses. This year was a little better than last year by approximately \$500. About 62% of the customers paid using credit or debit cards. She reported everything worked perfectly. Tablets and credit card readers were used along with hot spots; a battery powered back up was used to provide the power in order to process the sales. For the second year in a row, they were able to provide hunter educational materials to assist customers in purchasing the proper licenses.

Councilman Gudmundsson asked if the tablet system now available is to be used at the hunter educational classes. Ms. Stoff stated it would only be good for some classes due to printing issues and the instructors not wanting the responsibility of selling licenses as well as other accounting issues.

Ms. Stoff is currently working with Active Network on marketing strategies via e-mail advertising. She is also working with Director Herrighty and the Archery Trade Association, which has been contracted with Responsive Management. They are doing a R3-type study focusing on different types of marketing with pictures to match the promotion.

Harvesting reporting opened on September 9th with no issues as well as deer permit sales opened up on September 11 with no issues. Ms. Stoff gave a report on the number of permits sold currently in comparison to last year. In response to Councilman Virgilio request from the last meeting to provide information that shows the improvement for the mentor program, she stated she has a spreadsheet for review. She also stated 165 apprentice licenses have been sold for the 2017 calendar year. Of the 165, 17 individuals received archery and firearm apprentice license. She also stated they will continue to track to see if they will follow through to see if they add hunter education and purchase a regular non-apprentice license.

Chief Lisa Barno, Bureau of Freshwater Fisheries reported the Fish Code will be published in the October 2nd Register. The only item pulled was the definition of negligence handling at the request of Law Enforcement because it was contradicted the next sentence "we are not holding the angler responsible for delayed mortality." Public Comment will start October 2nd through December 1st. As a result, the Council needs to schedule a public hearing and a date for the review and adoption. Chief Barno asked the Council to consider starting the November 14th meeting at 1:00 pm with the public comment following it at 7:00 pm.

A Motion was made by Councilman Virgilio to have the November 14th Council meeting start at 1:00 pm with a Fish Code Hearing at 7:00 pm. and seconded by Councilman Gudmundsson. Vote taken, all were in favor; motion carried.

Chief Barno asked that the Fish Code review and vote be added to the December 12th Agenda for the Council meeting.

Chief Barno reported working with staff member Cindy Kuenstner on the upcoming Freshwater Fishing Digest. Half of the Bureau's staff worked at the Expo. The Bureau contributed a fish tank and helped at the lake fishing area. Children and parents enjoyed watching their children catch fish, some for the first time.

Chief Barno updated the Council on the clean-up going on at Spruce Run Creek where a quarry had a discharge into the creek where the Division stocks trout. The discharge affected 1.7 miles. The progress in removing the sediment was initially slow, but has since hired a new contractor, Streamside to work alongside the quarry and Boswell Engineering. They are using a sand broom and power house to basically resuspend the sediment into the water and draining it off. Division staff also worked with them last week using flocculence in a geo bag that will better catch the sediment before it filters out the bag and back into the stream corridor. It looks very promising. The first upper section has been cleared and sediment removed. There are seven check dams screens to catch the sediment. The second check dam was checked yesterday. There were a couple of spots that they were coming back to check yesterday afternoon.

Chief Barno reported fall trout schedule will be sent soon. There have been problems with the Garden State Network and not being able to get e-mails out. Stocking begins on October 10th in 16 large streams. The following week there are 21 lakes scheduled to be stocked. The only lake not on the list is Woodcliff Lake in the north due to a retaining wall repair. Pequest is wrapping up the egg take for the 2019 stocking, with slightly over a million eggs. We are still working with the three-year old fish and hopeful we will not have to take eggs from any two-year old fish, which have a much lower hatch rate success. Hackettstown is also starting to wrap things up and will start closing out the systems for winter months.

Councilman Gudmundsson asked for an update on the solar panels. Chief Barno reported the process is moving very slowly, they are still in a review process and getting bids and companies lined up that would be pre-approved for these projects. The first project has not been sent out for a pre-approval process. Once it happens, we are third in the queue.

Chief Al Ivany, Information and Education, was not present and staff member Linda DiPiano reported on his behalf. Ms. DiPiano reported during the WILD Expo the past weekend there was fantastic weather. There were 3,902 visitors on Saturday and 4,550 on Sunday for a total of 8,452. It breaks the record of 8,400 from 2013. There were 108 vendors, 7 food vendors. The sporting clay lines were constant as was NASP. There were over 1,200 children fishing. Ms. DiPiano thanked the Bureau of Freshwater Fisheries for manning the two stations as they were non-stop all weekend. The zip line hosted by Parks was very popular. Staff member Matt Hencheck will review the exit surveys. Ms. DiPiano thanked all the bureaus who participated and gave their time, especially the Bureau of Land Management. They prepared the property before, maintained during and cleaned up after the event. During the Expo, there were 250 outreach surveys completed on how constituents think we are funded and where the money comes from. The survey was started at the Deer Classic and will be done again in through the Garden State show in January and the Open House in March.

Ms. DiPiano reported the Division is now on Instagram @newjerseyfishandwildlife. The site was launched on September 6th. As of today, we have 326 followers. Signs were posted all around the Expo and there was a contest for everyone to post their pictures on what they were doing at the Expo for a chance to win a 125th Anniversary t-shirt. Staff member Katie Ischinger will be the administrator for Instagram. She and staff member Jonathan Carlucci will review the photos posted to determine the winners. There will be a HOFNOD training on September 16th at the lighthouse center in Waretown with 16 potential team leaders. The concrete work in front of the building at Pequest is complete. The Education Pond bathroom renovation is almost done. A barn cleaning has been scheduled for the Fall. On September 23 & 24 the Outdoors Women of New Jersey and the Outdoor Family of New Jersey programs will be held at Hackettstown. There will be fishing, wildlife survival skills and birding. There will be a beginner's waterfowl hunt at Sedge the first weekend in December.

Ms. DiPiano reported while doing the outreach survey, she was giving out "I support NJ Fish and Wild" stickers and everyone who purchases licenses in the coming year will receive "My purchase supports Fish and Wildlife" stickers. One of each was given to council members.

Acting Assistant Director Golden reported on behalf of the Bureau of Lands Management. He reported the on various projects that are taking place on Wildlife Management Areas (WMAs). On the Tuckahoe WMA, restoring the ability to control water levels in five different impoundments to 1,100 acres total. This project starts in October. Once initiated, it should take a few months to complete. The new water control structures have already been delivered to Tuckahoe. That project is in partnership with Ducks Unlimited. We received a \$1 million grant about five years ago. With control over the water levels, we will be able to manage it for waterfowl and other species.

The Capoolong Creek project was initiated on September 11th. There is a trail that runs along Capoolong Creek WMA. The trail was getting undercut by the creek. We received trail money to stabilize the bank and do some instream work for fish habitat.

The shooting range project has been delayed due to bids being too high. It is going back out for bid in the hopes of getting some lower bids.

Proposal for a small lease on the Beaver Swamp WMA under Title 23 the Council is to be afforded the opportunity to review all leases, sales and exchanges. Acting Assistant Director Golden passed out maps and gave details on how the property will be used in conjunction with Beaver Swamp WMA. Dennis Township, Cape May County, wants to lease a 400 x 100 ft. section of the WMA the township wants to utilize for a bike path which will connect to a powerline path owned by Atlantic City Electric. The township already has an agreement with Atlantic City Electric. He recommends approval and asked the Council to make recommendations for this agreement.

Councilman Gudmundsson made a motion to recommend the lease to the Commissioner, Seconded by Councilman DeMartino. Vote taken, all were in favor, motion carried.

Chairman Burke noted there was an advertisement of an off-road electric bike for use hunting with a rack to carry out and asked what was the Division stand on it. Acting Chief Brown stated, the

Bureau is still reviewing and discussing the WMA regulations and the need to bring them up to today's technology. As of now it not considered a motorized vehicle.

Acting Assistant Director Golden stated the Division is in the process of updating the WMA regulations. They were last updated in 1991 and it is long overdue. If any Council member have thoughts about regulations or any suggestions, please send in. He will e-mail the regulations out to the Council for review.

Acting Chief Matthew Brown, Bureau of Law Enforcement reported Officer Ocampo after six years is leaving state service and moving to Connecticut to take a position with a waterfowl foundation. Three positions are open and ready to be filled. The bureau has authorization to fill one. The Bureau has sent out 27 packets out; 13 have come in, 10 were accepted to move forward. We are down to 8 potential candidates to fill the 3 positions.

On opening day for bow there were six investigations into "Earn a Buck" violation. Five of them registered a doe, they did not kill and registered an antler deer. One case the individual thought he registered a doe, but could not produce it. These occurred state wide.

During the Labor Day Weekend, there was a violation for dumping on the DOD WMA. It was investigated and handled. There was damage to a gate in Winslow where an individual who had been drinking tried to go through with his car.

Threw were lost hikers at Black River WMA. Using GPS coordinates, officers were able to locate them and put them back on the right trail.

This week it was reported nine cages of market sized oysters were stolen from an oyster house in Great Bay. This brings to light the need for oversight and security when put in prohibited water and taken out for continued growth in clean water.

Monitoring noise making permits at Alba Vineyards continues and everything has been in compliance. This is a result of two neighbors opposing he noise making permit at the winery. There will be continued routine monitoring of the noisemakers.

There have been several inquiries of baiting in taking a coyote or fox while deer hunting. The Bureau's response is based on the statutes of baiting area and shooting deer in a baited area.

Chief Carole Stanko, Bureau of Wildlife Management, reported the next scheduled meeting for the Game Committee is October 3rd. The discussion will be pheasants and the challenges on the farm this year and how to prevent in the future. The Game Code will be published Monday September 18th. The next meeting regarding the 2019 game code will take place on January 2018.

There is a new wildlife worker on the Rockport Game Farm and Vinnie Mercurio, from Land Management, will be moved laterally into the superintendent position on the farm. This will now make a total of five employees on the Farm.

The USDA Wildlife Services contract for wildlife response is coming along nicely with the help of the Division's attorney, Mary Monteschio. She reports a contract may be ready by October 1st. It may take USDA's Wildlife Services a month to hire for the position with the hope of having someone by December of this year.

On August 22nd, a meeting was held with the Federation's Deer Committee. It was a good meeting. The harvest was discussed and she presented data that may have been of interested to them.

Habitat enhancement on WMAs was discussed. The Federation asked to let them assist in helping manage the WMA with buying seeds. Acting Assistant Director Golden welcomed the plan for help. In partnering with the Federation, they can serve as the intermediary between the Division and the contracted farmers to get the work done.

Another suggestion from meeting was to mow fields in the summer. The issue of ground nesting birds would require a discussion with ENSP. There was a concern in Warren County of the permit sale breakdown by resident vs. non-resident. It was less than 1½% difference. There was some concern at the Delaware Water Gap National Recreation Area that fields were not be planted and there are lots of ATVs. Chief Stanko told them the Division would try to set up a meeting.

There were comments of Zone 55, Glassboro WMA, having many standing dead trees and Forest fires burning the same pieces over again. It was explained that the reburning was done to protect structures.

Acting Assistant Director Golden gave an update on SWAP in the absence of Chief David Jenkins. The plan is at the Commissioner's office in review and hope to be posted to the website for public comments by October 1st.

Lunch 12:00 – 1:00 pm

Chairman Burke asked the Council when they make a motion, give the basis for the motion to be voted on.

Captain Anne Quirk read the statement for revocation appeal for Mr. Dennis Billingham convicted of a violation on January 9, 2016 and March 13, 2017. Mr. Billingham was present for the hearing.

Mr. Billingham gave testimony as to why the Council should restore his license.

Chairman Burke asked for a motion to open the floor for discussion.

Councilman Gudmundsson made a motion to open the floor for discussion, seconded by Councilman DeMartino, all were in favor, motion carried.

After the Council discussed Mr. Billingham violations, **Councilman Gudmundsson made a motion to close the discussion, seconded by Councilman DeStephano.** Chairman Burke moved the hearing to restore or not restore.

Councilman Brodhecker made a motion restore Mr. Billingham's license based on the minor nature of the first violation, seconded by Councilman DeStephano, 6 in favor 1 opposed, motion carried.

Chairman Burke informed Mr. Billingham that he would have to take a remedial training course and he would be notified by the Director's office with further information.

Captain Anne Quirk read the statement for revocation appeal for Mr. Robert A. Petrolino convicted of a violation on February 22, 2016 and May 9, 2017. Mr. Petrolino was present for the hearing.

Mr. Petrolino gave testimony as to why the Council should restore his license.

Chairman Burke asked for a motion to open the floor for discussion.

Councilman Gudmundsson made a motion to open the floor for discussion, seconded by Councilman DeStephano, all were in favor, none opposed, motion carried.

After the Council discussed Mr. Petrolino's violations, **Councilman DeStephano made a motion to close the discussion, seconded by Councilman Gudmundsson.** Chairman Burke moved the hearing to restore or not restore.

Councilman Gudmundsson made a motion not restore Mr. Petrolino's license, seconded by Councilman DeStephano, all in favor, none opposed, motion carried.

Chairman Burke asked Councilman Gudmundsson to give his reason for not restoring Mr. Petrolino's license, he responded due to his egregious patterns.

Captain Anne Quirk read the statement for revocation appeal for Mr. Joao C. Rei convicted of a violation on September 15, 2014 and May 18, 2017. Mr. Rei was not present for the hearing.

Chairman Burke moved to the discussion to restore or not restore.

Councilman Gudmundsson made a motion not to restore Mr. Rei's license based on lack of extenuating circumstance to warrant reinstatement, seconded by Councilman Brodhecker, all in favor, none opposed, motion carried

Captain Anne Quirk read the statement for revocation appeal for Mr. Qian Li convicted of a violation on February 4, 2013 and May 25, 2017. Mr. Li was not present for the hearing.

Chairman Burke moved to the discussion to restore or not restore.

Councilman DeMartino made a motion not to restore Mr. Li's license based on him having the same violation twice, seconded by Councilman Pollock, all in favor, none opposed, motion carried.

Chairman Burke opened the floor for public comments.

PUBLIC COMMENT (3 MINUTES)

Candace Pankanin, Cliffside Park NJ, stated she attended the meeting to get a view of what everybody was talking about in their own words and understand from both sides about hunting and the Fish and Wildlife. Ms. Pankanin reflected on how things in fish and wildlife have changed over the years. She is in favor of the shooting range proposed to be built. She encouraged the Council to remember the reason why they volunteer to protect the wildlife which is because they care. Ms. Pankanin asked that wildlife not be taken from a place and put someplace else and allow people to fish or hunt in that place. Ms. Pankanin stated it is on the internet showing a bear crated to be moved so it could be shot somewhere else. Thank you.

Janet Pizar, Millburn, NJ, stated the agenda states there will be public comment period on agenda items. It appears that the public would be allowed to speak twice. It is imprecise and objectional. Ms. Pizar stated under Council Reports it is unclear what the public member will present. It says comment but it should say report.

Barbara Sachau, Whitehouse Station, NJ stated Jon Lovy puts out a report and always puts he will say something about testing, but we have never gets the report. Ms. Sachau stated the words are being mangled. It is stated to be the wildlife council but is should be the wildlife killing council. You are here to see how you can murder them a little bit more, a little bit better, cover the entire state. It is a different focus and you should use proper English. The public member, who hardly represents everyone, how sweet it is. Thank you.

A motion was made by Councilman Gudmundsson and seconded by Councilman DeMartino to adjourn the meeting at 2:25 pm. Vote taken, all in favor, none-opposed; motion carried.