

MINUTES OF THE MEETING OF THE
FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
September 11, 2007

The regular meeting of the New Jersey Fish and Game Council was held on the above date. In attendance were:

Acting Chairwoman Jeanette Vreeland
Councilman Dave Burke
Councilman John Messeroll
Councilman Robert Puskas
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Richard Culp
Councilman Fred Hough
Councilman Ed Kertz
Councilwoman Jane Morton-Galetto

Division employees included: Director Dave Chanda, Larry Herrighty, Paulette Nelson, Lisa Barno and Mark Dobelbower.

There was public attendance at the meeting, including a representative from the Department of Agriculture.

The meeting was called to order at 10:10 a.m.

The Flag Salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, notice of this meeting was filed with and posted at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on August 29, 2007.

Roll call was completed.

Minutes of the August 14, 2007 minutes were reviewed. Councilman Burke noted that on page 2, paragraph one, he thought that the report to the Legislature was to be done annually, not monthly. This was confirmed, and the change was noted. **A motion was made by Councilman Messeroll, seconded by Councilman Wolgast to approve the August, 2007 meeting with changes. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland noted the amount of wildlife activity that had been occurring near her home recently.

Acting Chairwoman Vreeland noted that she would be attending the Association of Fish and Wildlife Agencies conference next week. She was asked if she had any questions to pose at the meeting of the Commissioners (which is a title equivalent to our Councilperson title), and she noted that she asked what could be done by other states to publicize issues that are a shared topic among other states? She further explained that it was directed to see how other states could help to support issues for states that were also occurring in their home state.

Acting Chairwoman Vreeland also attended the USS Alliance meeting recently, and shared some information from that meeting.

All members were reminded of the Estuary Enhancement Meeting on September 23, 2007 and Acting Chairwoman Vreeland noted that she would be attending this meeting.

A letter was recently received from the Commissioner, and Acting Chairwoman Vreeland noted that a copy had been forwarded to all Council members. This matter will be discussed at a later time.

Director Chanda spoke next. He noted that the Estuary Enhancement Tour hosted by Public Service Electric and Gas would be very worthwhile to attend for those who were available to do so.

Director Chanda noted that Jose Fernandez, Director of the Division of Parks and Forestry and former Assistant Director of the Division of Fish and Wildlife would be moving to a new position as Chief of the Bureau of Tidelands, and would be assisting the Commissioner as a policy advisor.

Director Chanda noted that he and Chief Herrighty would be attending the Association of Fish and Wildlife Agencies meeting next week. They will both be busy with various committee meetings while at the conference.

Director Chanda noted that next year would be very busy in New Jersey. The Division is hosting the Northeast Fish and Wildlife Conference at the end of April, 2008. This will be held at the Seaview Country Club in Galloway. The Division is also hosting the Federal Aid Coordinators Conference as well as the Atlantic Flyway Council Meeting in 2008.

Director Chanda requested that the Finance Committee meet next month prior the regularly scheduled Council meeting to discuss Fiscal Year 2009 issues. This meeting will be a 9:00 a.m.

He also noted that Chief Sciascia from the Bureau of Information and Education would not be in attendance today due to other Bureau activities, but wanted to advise Council that the proposed Archery Park at the Black River WMA looks like it would be moving forward. A donation of this size needs to be cleared by the Governor's Office, and this approval was received. They now have to meet with members of the Assistant Commissioner's Office to work out all the details.

Councilman Wolgast asked who was now serving in the capacity of Acting Director of the Bureau of Parks and Forestry. Director Chanda noted that it was Jeanne Mroczko, who is currently a Deputy Director. He also noted that there would be a National search to fill the Director's position.

Acting Chairwoman Vreeland asked if there was any word on the backfilling of vacant positions in the Division. He noted that it looks like he may get approval to fill his administrative team, but other than that, the only exemptions that had been received were for the Bureau of Law Enforcement. They are looking to fill eight inland and three marine positions, as well as getting the promotional lists released so that the Bureau can move forward. Other bureaus are still waiting for approval to backfill select positions. Acting Chairwoman Vreeland asked if this included a Fish Pathologist, and Director Chanda noted that it was not included in the request because the budget could not support it at this time.

Acting Chairwoman Vreeland asked what the procedure would be for the Council to have the use of a crossbow put in to the Game Code. Councilman Wolgast noted that it should be acted on now because of the two year cycle of the Game Code. Chief Herrighty noted that since they just finished the current code, changes should be discussed for the 2009 cycle. Councilman Wolgast noted he felt it should be moved on now because of the amount of work involved, and there was some further discussion among the members on this and other issues that may be proposed for the next code. He also noted that he felt as though the Crossbow Committee had done their work and made recommendation on this matter, but Chief Herrighty noted that he had attended a State Federation Meeting where members of United Bow Hunters were in attendance, and it was pointed out that the State Federation felt they were not a part of this. Councilman Wolgast noted that that was no negative feedback at the Federation meetings he had attended, but also noted that members of the United Bow Hunters were not in attendance at those meetings. Additional discussion was made among the members, and Chief Herrighty noted that they can start at any time to discuss this for the next code cycle. Councilman Wolgast requested that they meet on the same day as the Council meeting next month.

Councilman Messeroll asked about muzzleloaders with an electronic ignition, specifically when were they considered to be unloaded. Possibly when the batteries were taken out? Chief Herrighty asked if they were legal in New Jersey, and Councilman Messeroll noted that he assumed that they were. There was some additional discussion on this matter, and it will be discussed with the Bureau of Law Enforcement.

Acting Chairwoman Vreeland set the schedule for next month's meetings on October 9, 2007 with the Finance Committee meeting at 9:00 a.m., the regular Council meeting at 10:00 a.m., and the Game Committee meeting which will include a discussion on crossbows will be held after the conclusion of the regular Council meeting.

Councilman Puskas reported for the Agriculture Committee. He noted that crops are dry. There has not been too much goose activity because it has been too warm. He noted concerns in Somerset County because of the recent outbreak of Epizootic Hemorrhagic Disease (EHD) in that area. He added that there are a lot of deer in the area. Acting Chairwoman Vreeland asked if they had any bear activity in his area. He noted that there was some talk of a mother bear with two cubs in the vicinity of the Manville airport, but this is an unconfirmed report.

Councilman Messeroll reported for the Legislative Committee, with Legislative Liaison Paulette Nelson noting that there has been no activity in the Legislature. Councilman Messeroll noted the New Jersey Outdoor Alliance is has formed a group to track legislative matters. Councilman Wolgast noted and e-mail from the Federation President on legislation sponsored by Assemblyman Van Drew that could impact game farm animals. He felt it could have an impact on game farm quail and pheasant hunting. The Federation President said he had contacted Assemblyman Van Drew and discussed the conflict with him, and he noted that he would make the necessary corrections the legislation, however, that has not occurred yet. Legislative Liaison Paulette Nelson noted she will follow up on this matter, adding that the original proposal could have been made before the Legislature broke for the summer, and it may be "in the hopper" for when they reconvene. She noted that the entire Title 4, which deals with animal cruelty laws, was being recodefide, but hunting was still in the exemptions for legal hunting.

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

Councilman Messeroll reported for the Federation. He noted that the next State meeting would be on the 21st of September, and that Middlesex and Union Counties had both had recent meetings. The discussion at these meetings dealt mostly with the deer permits and the new changes. Acting Chairwoman Vreeland noted that she would not be able to attend the State meeting, but Councilman Messeroll noted he would be able to attend. He added that the Federation was happy with the Fall and Winter trout stocking programs.

Chief Lisa Barno reported for the Bureau of Freshwater Fisheries. She noted that at the last meeting there was discussion on possible dates for the public to the hearing on the Fish Code. It looks if they can have it to the Register for November 19, 2007 which will start the public comment period, with a closing date of January 18, 2008. The two possible dates that are being considered are December 1, 2007 after the Fish Forum, or December 11, 2007 after the Council meeting. As previously discussed, having it after the Fish Forum makes it difficult for those anglers from the central and southern part of the state because the Fish Forum is held at the Pequest Trout Hatchery. Chief Barno noted that they could consider splitting this in to two sessions, with public comments being heard on December 1 at Pequest, and the public hearing being held on the evening of December 11 after the regularly scheduled Council meeting at the Central Region Office. Director Chanda noted that previously it was discussed as to whether or not the December meeting should be changed to December 18th, 2007 but no action had been taken on the matter. After some discussion by the members, it was decided to keep the Council meeting on December 11, 2007 but start at 1:00 p.m., and have the public hearing on the Fish Code that evening.

Chief Barno noted that the fishing derbies are almost done, with 83 of the 85 scheduled now completed. She added that 65 of those derbies had staff presentations, and additional assistance was received from one of the correctional facilities in South Jersey who handle 7 to 12 events each year. In all, they have been able to reach out to approximately 16,000 families through these events.

Chief Barno noted that the staff has again been reduced, with Research and Management Technician Kelly Davis accepting a promotional opportunity with the Bureau of Environmental Review. Councilman Wolgast pointed out that he was the representative to the Somerset County Federation, and asked if he would still maintain this duty or would he be replaced. Chief Barno said it would be

his choice to do so, adding that he does enjoy being the representative, and he will still be in touch with what is going on in the Division. This will now reduce the Research and Management Staff down to five biologists and one secretary.

Fall trout stocking will start on October 2, 2007 with fish sizes between 14 and 16 inches. This is similar to last year. There will also be some brood stock mixed in with the stocking.

The Research and Management biologists are working on the trout conservation areas and collecting data. Chief Barno gave an explanation of their work, noting that this is the second year of sampling.

Chief Barno noted that information on the trout maintenance lakes was in the Bureau's monthly report. She gave a review of some of the information that was listed.

Councilman Messeroll asked if the spraying for black flies was affecting the fish. Chief Barno noted that it was not supposed to, but there has been no long term study on this. Councilman Messeroll added he had read that there was supposed to be a second spraying taking place. Chief Barno noted there was more of a concern on the long term affect, since the longest study so far has only been for a five or six year period and it is difficult so see if there has been any impact or not.

Chief Barno noted that staff has been working with Environmental Review doing mapping of fisheries resources stream by stream for various species. They will later be contracting with Stocking State College to produce a GIS overlay of this information.

Chief Mark Dobelbower reported for the Bureau of Law Enforcement. He noted that staff had made 6,958 inspections, resulting in 577 summonses and 64 written warnings being issued. Most of these violations were recreational marine related, followed by wildlife management area violations, and fresh water fishing violations.

Another black bear enforcement sweep was conducted in Warren County, where 112 households were contacted. There were four warnings issued as a result of this sweep.

They also had a plea agreement of note in West Milford where a donut shop had been charged with improperly storing trash and feeding bears. They had been repeatedly been warned, and were assessed a penalty of \$1,000. He noted that the man-hours spent on bear related activities would be broken down for next month's report, as requested by Councilman Burke.

Staff has been involved with Endangered and Non-Game Species related enforcement. One area specifically is at Champagne Island where there is a large black skimmer colony, and staff has been trying to go out there every weekend for the past few months. It is a very popular area, but enforcement is made difficult because three townships come together there and ownership is in question. The area is visited by hundreds of people each weekend who come to play and party, and staff has been trying to keep people out of the nesting area, and most people are happy to see them and have been very cooperative. They have been receiving good feedback from different conservation organizations. He added that this was made difficult in the fact that they had to run boat patrols on this area, while still trying to cover inland matters, but noted that his staff had done a great job.

He reported that staff continues to work on cases involving the illegal sale of endangered and non-game an exotic species. A recent undercover incident involved an individual who told officer “you don’t really need permits as long as you don’t tell anybody”. Chief Dobelbower noted that his officers get involved quite often on similar types of cases noting that the endangered and non-game species regulations require them to enforce the permit regulations.

Chief Dobelbower noted that there have been four alligator related incidents this past month.

The Marine Unit has been extremely busy with many different types of activities, including shore fishing cases, and clamming in condemned waters. He reviewed two recent cases involving night harvesting of clams in the Margate and Shark River areas.

Chief Dobelbower noted that the Director, Assistant Commissioner and Commissioner have been very supportive in getting approval to fill positions. He has approval to fill eight inland and three marine positions, and there may be two additional positions in the agreement with the Meadowlands, but that is still being reviewed by the attorneys. Councilman Wolgast asked if he would be able to find 13 candidates for these positions. Chief Dobelbower noted that this could be a problem, being that the certified list has only 11 names on it, and prefers not to hire provisionally. He further explained that matter need to be put in motion now in order to have personnel in place to start at the police academies in January, otherwise they would have to wait until July or August for the next academy class. He also noted that the promotional positions are being held pending approval from the Governor’s Office, but he does not anticipate a problem. Chief Dobelbower added he’s glad things are moving forward now because of pending retirements in the future, and he could have a loss of structure among the staff if things don’t go forward. Director Chanda wanted to recognize Chief Dobelbower for his good work on this matter, and Acting Chairwoman Vreeland thanked him as well for his foresight for the Bureau.

Chief Dobelbower addressed the question asked previously about muzzleloaders with an electronic ignition. He noted that an individual would need to remove the primer, which could be the battery, and gave an explanation of why. He added that they may want to change the wording in the code some time in the future.

Janet Pizar, a member of the public who was in attendance at the meeting, asked for time to speak before Millburn’s application for a community based deer management permit was heard. She was advised that Millburn’s application was not on the agenda for today. She requested to have time to speak later in the meeting.

Chief Larry Herrighty reported for the Bureau of Wildlife Management. He distributed information on Epizootic Hemorrhagic Disease (EHD) that was received from Dr. Roscoe, the Division’s Wildlife Pathologist. He noted that Dr. Roscoe, Bill Stansley and Carole Kandoth had met with members of the club who had reported the dead deer on their property in Hillsborough. They did recover some samples, and while it does look like EHD, samples have been sent to the laboratory for further testing. He added that on Friday a notice was posted on the Division’s website to all hunters advising them of this outbreak. He said that Dr. Roscoe did receive a call from a hunter on an adjacent property, who had found three dead deer.

He noted that a volume of inquires relative to the new bonus buck permit were received via the website. He added that he also received telephone calls from hunters who had no idea that this requirement was going to occur. He explained that this has been in the works for almost 18 months but not all hunters were aware of the pending change, noting that one hunter had a good suggestion that this should have been put in last year's Digest. This will be considered for changes that may occur in the future. His staff is currently working on producing a question and answer information sheet for license agents. The permit section is working on a poster for license agents to put on their counter advising hunters of the cut-off dates for purchasing their bonus buck permits.

Chief Herrigty reported that there are no applications for community based deer management to be presented today. An application was received from Summit, but there are some questions regarding their application and a letter has been sent to them. Other past applicants have been reminded of the application deadline.

The waterfowl staff have been doing pre-season banding and avian flu sampling. Chief Herrigty noted that the monthly report has a summary from Principal Biologist Ted Nichols on his activities. He added that Principal Biologist Nichols leads an international team that bands geese in the Arctic every year.

Chief Herrigty noted that he e-mailed a summary of the bear court case to members of the Council and gave a brief review of the case. He noted that the Court thanked all the attorney's all sides for their good work. Chief Herrigty hopes to have the results of this hearing in three weeks.

Chief Herrigty distributed the monthly Bear Activity Report. He noted that the Category One complaints are down slightly, but the Category Two complaints are up by more than 20%. He noted that the reporting is now done on a year to date basis as recorded on the 20th of each month.

Staff are trapping at nuisance bear locations in Zone Four. Trapping and collaring will be done later this month in order to get population estimates for that area.

Chief Herrigty noted that elsewhere things have been fairly quiet. He noted that the monthly report lists all hot issues that occurred this past month. They did get quite a few farmers asking for permits for bear due to crop damage, and one farmer in the Blairstown area did shoot a bear on his permit. As of this date, 13 bears have been euthanized, which is the same amount as of this time last year.

Chief Herrigty noted that the monthly report shows that the Rockport Game Farm has done very well this year, with 64,000 birds on hand. This will allow 63,000 birds for stocking, with 1,000 birds allocated for the Youth Pheasant Hunt Program. Lands Management has been advised to base their stocking on 60,000 birds. He also noted that even though the staff at the Game Farm is shorthanded, they have been doing a good job. Director Chanda asked if the Pheasant and Quail Stamps were all able to be tracked electronically last year, and Chief Herrigty noted no, since paper stamps were still being issued for a portion of the year.

Councilman Messeroll asked a question regarding Waterfowl Stamps. He wondered if purchasers were able to buy more than one stamp and what happened if a person lost their paper stamp? Councilman Burke shared some information on this, noting that it shows on your license that you

purchased the stamp electronically, and that could be duplicated. Director Chanda noted the paper stamp was kept as required by the Waterfowl Stamp Program, noting that the Bureau of Law Enforcement would be looking for whether or not the license noted that the hunter had in fact purchased the Waterfowl Stamp. Director Chanda noted that this would have to be clarified in the future if it presents a problem for enforcement. There was additional discussion regarding the Waterfowl Stamp and if it was possible to purchase more than one stamp. A call was placed to Jeff Smith regarding this matter.

Councilman Puskas had a question on electronic farmer permits, and whether or not the farmer could go to an agent to get their permit. Councilman Wolgast noted he was told they would be available some time in October. Chief Herrighty added that if someone had a farmer permit last year, they should be in the system to go to an agent and obtain one this year. He said he would have to check on when the firearms permits would be available. Councilman Wolgast added that his original inquiry was about the availability of Fall turkey permits.

Councilman Van Mater asked if the bear activity report that notes it does not include information received from the local police departments. He asked if they were required to send in reports to the Division on bear activity. Chief Herrighty noted that they are surveyed at the end of the year and asked to summarize bear complaints by category and while some do a very detailed report, others do not. He estimates that they receive about a 60% compliance on this reporting. Councilman Wolgast wanted to point out that the reduction in Category One bears was a result of a drop of beehive damage, and this was due to a disease affecting the bees which is hurting the beekeeping business. He added that the home entries are not going down. Chief Herrighty noted that all these reports would be summarized at the end of the year.

Acting Chairwoman Vreeland asked about the annual report to the Legislature, and Legislative Liaison Paulette Nelson noted that it is being worked on.

Acting Chairwoman Vreeland also asked about the bear information boxes to be distributed to the parks that held educational information? Chief Herrighty noted that he did not know about the boxes specifically, but noted that Chief Sciascia from the Bureau of Information and Education was using funds received to replenish the supply of the bear education literature. Director Chanda noted that Chief Sciascia has been working with staff from the Division of Parks and Forestry and will be involved with training for their staff. Chief Herrighty also added that Chief Sciascia has been working with them on an educational SOP for their employees.

Acting Chairwoman also asked about the status of the bear CD, and Chief Herrighty noted that he has discussed this with Chief Sciascia but they have not had time to review it. Councilman Van Mater noted that last month's minutes showed that an additional \$5,000.00 was needed to finish the CD. Chief Herrighty added that matter was part of the discussion he had with Chief Sciascia, noting that Chief Sciascia had put all his money into other areas. Councilman Van Mater asked about the monies received from the Governor, and wondered why some of those finances could not be used to finish the CD. Chief Herrighty noted that Supervising Biologist Patrick Carr from the Bear Project felt he may have the necessary funds to complete this project.

The meeting was then open to public comment, with a two minute time limit. Director Chanda noted that a clarification had been received on the purchase of Waterfowl Stamps. Purchasers are able to buy as many stamps as they would like, but if they want to replace a lost stamp, they have to do so at the full price. This is due to the market value of the stamps. Public comment then began.

Janet Pizar from Millburn, New Jersey addressed the Council. She presented a handout to the members on the history of auto-deer collisions, as per the Millburn Police Department report. She shared some information that she felt would not be included in the anticipated application from the Township of Millburn for a Community Based Deer Management Permit. She added that Sgt. Peter Eckley could be contacted to verify the information she was presenting since he sent the information to her electronically. She shared additional opinion on the deer population in Millburn and the auto-deer collisions. Acting Chairwoman Vreeland thanked her for her information, and noted that she felt that Ms. Pizar should address the Department of Transportation with her concerns since they are related to the roads. Ms. Pizar noted that she appreciated Acting Chairwoman Vreeland's comments and guidance, but felt that the Millburn application was not giving the full picture. Councilman Wolgast noted that the data presented today does not show the number of road killed deer should there not be a Community Based Deer Management Permit issued. Ms. Pizar and Councilman Wolgast has some additional discussion on past deer populations and auto-deer incidents, and Ms. Pizar said she would provide additional information of data from year's past. She thanked the Council for hearing her today.

Barbara Sachau from Florham Park, New Jersey spoke next. She noted her general dissatisfaction with the operations of the Council, noting that she has felt this way for many years, something that was probably known by some of the long term appointees to the Council. She also asked why there could be no public comment before votes were taken. She asked why the public was kept out of the deliberations that take place. She also felt that there was a bias by the employees and the Council towards hunting, and felt that they were getting "junk science" on far too many things that emanate from the Council. She also asked why there were closed sessions on strategy, and asked why these sessions were closed so that Council could plot a strategy to impact and do a number on the citizen's of the State? She asked why the sub-committee meetings were not open so that the public could know "what they were up to", adding that she did not like that these meetings were closed and felt they should be open. She felt the public should be allowed to know what Council was doing with "our animals" noting that "those animals belong to us, not to just the hunters". She also stated that she was completely objectionable to the "constant hammering of the Council for more species to kill" and "more ways to kill them" and wanted her opinion to go on record. She then asked about the recording equipment in the room, which "the taxpayer's paid for, to her knowledge", and wanted to know what had happened to it, asking if it was still on? She was advised that it was on, stating "good". She then thanked the Council.

Acting Chairwoman Vreeland asked if there were any other speakers. There were none.

A review was made of the schedule for next month, with the Finance Committee meeting at 9:00 a.m., the regular Council meeting at 10:00 a.m., and the Game Committee to meet after the conclusion of the regular meeting.

Councilman Messeroll asked if there was a report from Land Management. Director Chanda noted that Chief Petrongolo from the Bureau of Land Management was not available today, but that Regional Superintendent Ray Porutski was in the building and available to answer any questions that members may have. There were no questions for Regional Superintendent Porutski.

A motion was made by Councilman Wolgast, seconded by Councilman Van Mater to adjourn the meeting. Meeting adjourned at 11:52 a.m.