## MINUTES OF THE MEETING OF THE FISH AND GAME COUNCIL

Central Region Office Robbinsville, New Jersey December 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 Richard Culp Councilman Ed Kertz Councilwoman Jane Morton-Galetto Councilman John Messeroll Councilman Robert Puskas Councilman Dan Van Mater Councilman Len Wolgast

Absent: Councilman Fred Hough

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Jim Sciascia, Tony Petrongolo, Tim Cussen, Patrick Carr, Sue Predl.

Members of the public included representatives from the Department of Agriculture, Federation of Sportsmen, residents of Millburn and others.

The meeting was called to order at 10:05a.m.

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 November 20, 2007.

The flag salute and Pledge of Allegiance were completed.

Acting Chairwoman Vreeland reported on her activities this past month. She noted that she had attended the Fish Forum at the Hackettstown Hatchery, which was well attended. She added that one of the greatest concerns was the cancellation of the fishing derbies for 2008. There was also a presentation by Principal Biologist Pat Hamilton of her thesis that will be presented for completing work on her Masters degree.

Roll call was taken.

Councilman Wolgast questioned whether or not the people concerned about the cancellation of the fishing derbies were asked to contact their Legislators Acting Chairwoman noted that yes, they were, and added that it was explained to those concerned that it was not so much a lack of funding but a lack of personnel that was the cause for the cancellation. There was additional discussion on this matter.

Assistant Director Herrighty sat in for Director Chanda who was scheduled to arrive later. He distributed information on the sales of bonus buck permit tags for the bow and muzzleloader seasons as of November 27. So far, profits are around \$1,026,000. He noted that last month he commented that regular archery permit hunters were down by several thousand, and wanted to note that was inaccurate. The number of basic permits were down by about 2,000, which may be a result of hunters having purchased less zone permits because they are not purchasing the bonus buck permit as requires to harvest an antlered deer.

The minutes of the November 2007 minutes were reviewed. A motion was made by Councilman Burke, seconded by Councilman Messeroll to accept the minutes. A vote was taken with all in favor, none opposed to approve the November 2007 minutes.

Acting Chairwoman Vreeland noted that members had received a list of committee assignments in their packets. Councilman Wolgast noted that he had originally been assigned to the Crossbow Committee, but was no longer listed. Legislative Liaison Paulette Nelson added that this was an old list. Acting Chairwoman Vreeland will check her files on this matter.

There was discussion on the February 2008 meeting date, and whether or not it was a State holiday since it was the date of the primary Presidential election. This is not a State holiday, and the February meeting will be held on the 5th as scheduled. It was also discussed that the December 2008 meeting was scheduled during the six-day firearm buck season, and that meeting date was changed to December 16, 2008.

Councilman Kertz reported for the Agriculture Committee. He noted that things have been quiet. The cranberry farmers were having a problem with fruit rot due to the extreme heat conditions that were experienced. He added that the deer count was down in his area, noting that there have been a lot of coyotes seen, but not too many fawns.

Liz Thompson from the New Jersey Farm Bureau was asked if she had anything to add. She noted that most things in most agriculture areas were slow, with the exception of the Christmas tree growers whose biggest challenges were weather related.

She also thanked Assistant Director Herrighty for speaking at their recent convention.

The meeting was now open to public comment. Members of the audience were reminded that this would be a maximum period of 15 minutes, with each speaker having three minutes to speak.

First to speak was Edward Rummel from Millburn. He reviewed a letter that he had prepared to the Council. He felt that at the last meeting residents of Millburn opposed to the Community Based Deer Permit expressed concern that they were not heard by their local town council, and he presented information on meeting dates and topics were he felt that they had been able to present their concerns.

Next to speak was Carol Rivielle from West Orange who said she was there to speak about the Essex County community based deer management permit. She questioned whether or not the 120 days rule was in effect, if the permit was voted on today. She added that at past meetings Council had requested more proof of deer damage in that area. She noted that she was here today representing 1,500 people who have signed petitions and letters in opposition to bringing guns into the South Mountain Reservation. She felt that their application had invalid information included in it, and reviewed her concerns for the Council. She also reviewed a survey that was sent to residents of the Millburn area, and felt that this survey was not useful since it could be answered anonymously and contained no address or location information for the person completing it. Ms. Rivielle also reviewed information that was sent to Principal Biologist Sue Predl, as well as information on deer car accidents in the area, and shared her concerns relative to same.

Janet Piszar from Millburn spoke next. She thanked the Council for the adjustment to the meeting agenda allowing for this public comment period. She noted the county wide survey done by Essex County, which she believes was done in 2001, where 60% of those responding were not in favor of guns in the South Mountain Reservation. She also wanted to comment on the last meeting, where she said Principal Biologist Sue Predl noted that "a town such as Millburn that lay so close to Elizabeth should have no deer or a very low deer population". Ms. Piszar felt that geographically Millburn was much closer to Morris County where she stated that there are wildlife management area properties. Additionally, she said that Summit says they did not have a deer problem until Millburn started their culling program. She reviewed information from the Millburn permit that she felt was misinformation that Council was dismissing, as well as noting she felt Millburn was not following the guidelines noted in by the North Jersey Crash Coalition Plan for roadways. She also referred to the survey that she feels was not done accurately. Ms. Piszar noted that she hopes to have additional information compiled by the next Council meeting to further support her concerns.

The next speaker was Arnold Selby from Millburn. He noted that he was confused about the concerns of the previous speaker since he did not see any reference to Millburn on the meeting agenda. He noted that he felt the issue today was the South Mountain Reservation, and reviewed information from the application for this permit. He referenced a report done at the request of Essex County that notes that deer are responsible for the destruction to the under story at the South Mountain Reservation. He also noted that the Vice President of the South Mountain Conservancy was not able to attend the meeting today but had asked Mr. Selby to convey his approval for this matter.

The Attorney for Princeton Township, Ed Schmierer was the next speaker. He noted he was here today to urge the Council to approve the application for Princeton. They feel they have a well balanced program in place. He added that they have worked with Principal Biologist Sue Predl for several years on their program, and noted that she and staff have been very helpful in making the program a success.

At this time, Acting Chairwoman Vreeland noted that the 15 minute time limit had been exceeded, but would allow the last speaker to be heard before proceeding with the meeting.

The last speaker was Barbara Sachau. She commented that she felt the applications for community based deer management permits were done sloppily, and are utilizing old information. She added that she felt the survey sent to residents of Millburn was very biased. She pointed out to Council that she felt there was illegal hunting activity occurring at the Dismal Swamp. Ms. Sachau also referenced an article by Maureen Caplow in the Courier Post that notes the make up of the Council. She also presented a letter to Council from Robert Wisniewski of Denville that was printed in the Courier Post. Lastly, she referenced a person who was at the Morris County Park Commission meeting who said they were allowing hunting on land that was deeded for no hunting. She presented that information to Council also. There was discussion between Ms. Sachau and Councilman Wolgast regarding the vacant public representative position on Council.

Committee reports continued. Councilman Messeroll reported for the Legislative Committee. He distributed information from the Legislative Links website to the members. He hoped to meet with the Committee sometime in February to discuss upcoming matters. The Legislative Committee will meet on February 5, 2008 at 9:00a.m. before the regular Council meeting.

Legislative Liaison Paulette Nelson referenced bills that have moved recently. The first bill is A4172 which requires registration for snow mobiles, ATV's, dirt bikes, etc. and would require them to also have insurance. Penalties would include substantial fines and impoundment of vehicles. This has gone through Agriculture and Natural Resources Committees. There is no companion bill for this in the Senate. Councilman Burke asked if this would affect their use on personal property. Legislative Liaison Nelson noted that registration would only be required once, and believes if the vehicle was going to be taken off of private property it would require an annual renewal. Councilwoman Galetto commented that penalties could be placed against someone's license. She also noted that the registration may only require a sticker, not a license plate, and felt that Council should work on getting a plate requirement. There was further discussion on this bill, and Councilwoman Galetto noted that more sportsmen representation was needed at the hearing for this bill. Members shared additional points on this matter, and Assistant Director Herrighty noted that the Department's position is that they will consider areas for ATV use. Members continued discussion about this bill and concerns they had regarding it. Federation representative Rob Winkel noted that the bill is a deterrent to the problem that now exists with illegal ATV use. He added that he felt it was an industry problem for the people selling the product to provide users a legal place to ride.

The next bills discussed were A4479 and S2893 which cover shellfish laws. These will update the current laws. They have made it through the committees, and need to be heard by the full houses and then sent to the Governor's Office.

Also reviewed was bill A4589 which changes the maximum stream length and width restriction on stream cleaning activities. Legislative Liaison Paulette Nelson gave a brief summary of the bill. Councilman Burke asked if it would impact recreational person during shellfish activities,

and Legislative Liaison Nelson was not sure, but added that Marine Fisheries Chief Jim Joseph was pleased with this bill.

Councilwoman Galetto reported for the Endangered and Non-Game Species Committee. She spoke about the horseshoe crab harvest regulations. Staff is working on a proposal for a moratorium to be put in the Register. This will then have to go before the Marine Fisheries Council.

She noted they had discussed the Threatened and Endangered Species rules at their last meeting.

Councilwoman Galetto noted Champagne Island, where there is a large population of black skimmers. She noted that activities at this area are like a "frat party" and they are trying to get permission from the Tidelands Council to regulate the area in the tidal portion, and they believe that the upland portion is State owned since it is not part of any of the neighboring areas. There was concern at previous meetings as to who controlled the upland portion.

They had a presentation on beach nesters and the types of agreements that staff makes with municipalities on management of these species. She gave a brief review of this presentation.

There was also a very interesting presentation of Wetlands Mitigation done by Ginger Kopkac. Councilwoman Galetto gave a review of this presentation, noting they hoped to learn more from these plans.

A review of the draft by-laws for the ENSP Committee was also done at their meeting.

Councilman Messeroll reported for the Federation. He noted the Mercer County Federation will be sponsoring a bus trip to the outdoor show in Harrisburg on February 5, 2008. The Harrisburg show runs February 2 through 10, 2008.

The Raritan Sportsmen's show will be held January 11, 2008 through January 13, 2008. The Wild Turkey Federation will have a display for disabled hunters, and will have equipment available for demonstration. The Federation of Sportsmen will also have a display.

The next State meeting is scheduled for this Friday, December 21, 2007. Councilmen Messeroll and Van Mater added that they should be able to attend this meeting.

Assistant Director Herrighty reported next. He noted that last month he reported the bow preliminary totals were down by 25%. This year's estimate of the opening day of the six day firearm buck season was down 12.2%. He compared information from this year and last year.

Staff met internally to review game code proposals and topics to discuss with the Committee. An e-mail will be sent before the January 29, 2008 meeting.

Assistant Director Herrighty referred to an interview done by Furbearer Project Leader Andrew Burnett on Nutria in New Jersey. The article made it seem that they were invading the State.

There is no evidence of this. He added that they are listed in the game code and can be legally trapped.

Letters have been received from Pheasants Forever and the Ruffed Grouse Society about the transfer of wild species back in to New Jersey. Assistant Director Herrighty briefly reviewed these letters.

The October and November bear reports were distributed. Numbers are slightly down for Category One bears, and slightly up for Category Two bears.

The Rockport Pheasant Farm reported yesterday that the total number of birds produced this year would be 59,000. Supervising Biologist Patrick Carr explained that this would result in a reduction of 200 birds per stocking Statewide for the last five stockings.

There was some discussion about the question asked by Councilman Messeroll on Cerebral Abscess Syndrome.

Assistant Director Herrighty noted that the Deer Project has mailed out a crossbow survey to over 2,000 hunters. So far they have received more than 600 responses. The deadline for responding is December 15, 2007.

Assistant Director Herrighty also referred to the Millburn survey as commented on by the public. He noted that the survey is being done by Dr. Drake, formerly of Rutgers University, and now of the University of Wisconsin. He was confident that it is using appropriate scientific methods and was not biased. Principal Biologist Predl added that it was done strictly for Millburn, not for the South Mountain Reservation application. Assistant Director also noted the question on the 120 day application period for the Essex County application. Staff has been working with Essex County for over a year on this application, and during that time, the Division requested additional information which was provided, so he felt that they were in compliance to the time requirement and that it should not be considered a problem.

Principal Biologist presented the Community Based Deer Management Application from Princeton to the Council. They are asking for a permit similar to those they have received in the past. They would like to allow White Buffalo to cull deer using silenced .223 rifles, and the drop net and bolt euthanization method. This will occur on seven township, one county, and eight private properties for which written permission has been received. Since the program began in 2001, it has been quite successful, with 1,223 deer being culled by rifle and 354 culled using the net and bolt method. They have also reduced the deer-car collisions from over 300 to just under 100. Additionally, they are also asking for a permission to continue the program to inhibit reproduction as done by Dr. DiNicola. He sends updated information regarding this study to the Division. Principal Biologist Predl reviewed population estimates and noted the damage that she has seen as well as the extreme measures taken by residents to try to prevent deer damage on their properties. Based on the information provided in the application, she recommends that Council approve their permit with the exceptions to the statutes as requested. There was some additional discussion with Principal Biologist Predl and Assistant Director Herrighty on different aspects of this application. After this review, a motion was made by Councilman Burke to

approve this application with the exclusion of using .22 rimfires and shooting over the road being allowed only with proper safety precautions being taken, distinctly, closure of the road. Councilwoman Galetto seconded the motion. A vote was taken with all in favor, none opposed.

Principal Biologist Sue Predl noted that the next application was a little complicated. It was filed by Mountainside, Millburn and West Orange on behalf of the Essex County Department of Parks, Recreation and Cultural Affairs, since the law does not allow the county to apply directly for community based permits. Resolutions have been received from all three communities endorsing this application. The number of deer/vehicle accidents in this area is minimal, and the basis for this application is based on significant amount damage to native vegetation in the Park. Principal Biologist Predl presented a report done in November 2005 which notes that deer are browsing the understory of the forest at levels that are changing the vegetation species, composition and destroying the natural landscape. She further reviewed additional information contained in this report. South Mountain was asked to further show that the damage was significant, and they had a report done by Dr. Mike VanClef, a specialist in invasive exotic plants. This was also reviewed and showed significant amounts of damage. Comparison of the South Mountain area was done with the Hartshorne Arboretum, and significant differences were noted. Essex County is asking for a program similar to that at the Watchung Reservation, and they have hired Dan Bernier from Union County Parks to conduct the program for the first year. They are proposing using up to 15 licensed hunters that who will be tested and selected to serve as voluntary agents. Eight of those 15 will be agents who already volunteer at the Watchung Reservation, and the remainder will be chosen by a lottery. The venison goes to a local food bank. They will be using shotguns, shoot only slugs, and shoot from elevated treestands at areas that have been pre-baited. They will be shooting on Tuesdays and Thursdays for a five week period starting at the end of January running through the end of February, and will go for 10 days only. Inclement weather will not allow for changes in the dates that they use. When asked why not just use the existing deer seasons, they felt they would not be able to get the most amount of deer in the least amount of time. They also need to take measures to close roadways that go through the area to public access. Further details of their reasons not utilizing the regular firearm season were reviewed by Principal Biologist Predl, and based on the information provided in their application, she recommended to Council that they approve the application for the permit. Councilman Wolgast noted that he doesn't doubt that the vegetation in that area had damage and that the population needs to be reduced, but he felt the application had some weaknesses. He reviewed some of his concerns with the Principal Biologist Predl and the Council. He noted that they may want to consider doing a saturation hunt such as that done at Duke Farms in the future. Councilwoman Galetto added she also had concerns about using only 15 hunters for a ten day period. Principal Biologist Predl added she thought they were basing it on the experience at Watchung Reservation. There was additional discussion regarding this application and suggestions that could be made to them for the future. A motion was made by Councilman Puskas to approve this application and ask that they make adjustment to the number of days and number of hunters in the future, if necessary. The motion was seconded by Councilman Kertz. A vote was taken with all in favor, none opposed.

The meeting broke for lunch at 12:05 pm, and resumed again at 1:00pm.

Chief Sciascia reported for the Bureau of Information and Education. He presented a report on Hunter Education activities from 1994 to present. The report listed both graduates and numbers of certificates issued. He gave a brief review of this report.

Work on the Bear Education Program is proceeding. Chief Sciascia noted that Assistant Biologist Michelle Ruggiero is doing a good job. She and Kelcey Burgess from the Bear Project have been working on the contents of the bear CD. Once it is done, it will be reviewed by Chief Sciascia and Assistant Director Herrighty and then be forwarded to the Communications Office for approval.

A draft manual for Parks personnel has been done. Staff met with Parks last week on this matter. Bear training will be completed for their personnel by next Spring. Acting Chairwoman Vreeland reminded Chief Sciascia that she would like to be notified when this training will occur because she would like to attend.

Chief Sciascia reported that many people were reached this month through efforts of the Black Bear Education Program.

Chief Sciascia noted that the Raritan Outdoor Show will be held January 11, 12 and 13, 2008. They will again be using the large room for the Deer Classic, and are working on ways to get more public attendance in that area. They have a record number of entries this year for the Outstanding Deer Program.

Staff has been spending time on planning the Northeast Fish and Wildlife Conference scheduled for April 27, 2008 through April 30, 2008 in Galloway Township.

Staff is working on a freshwater fishing promotion. A booklet may be created from the "how to" warm water fishing information listed in last year's Freshwater Fishing Digest with maps of each of the areas They are looking to have these distributed at locations such as Home Depot.

There was discussion regarding the cancellation of the Fishing Derby Program, and Chief Sciascia was asked if the derby information was going to be listed on the Division's website. Chief Sciascia noted they could do an outreach effort to those past derby registrants to let them know we can still list their information even though we won't be able to provide them with personnel or fish for their events.

Chief Tony Petrongolo reported for the Bureau of Land Management. He noted that approximately 400 acres were added to the wildlife management area system this month, making the total now over 320,000 acres. He noted one 246 acre addition to the Manchester WMA that was adjacent to the Lakehurst Naval Air Station. This property consists of chain of old cranberry bogs and should provide good fishing access and waterfowl hunting opportunities.

There is an agreement in place with the Division of Parks and Forestry for a land use exchange. This was approved by the Commissioner this past month. We will be receiving approximately 5,000 acres from Parks and Forestry, in exchange for 2,500 acres that we will be giving to them. This land swap has been talked about for years, and all that needs to be done now is

administrative authorization to change the deeds between the agencies. This will straighten out many historical issues where our property is surrounded by Parks property, or their property is surrounded by ours. Chief Petrongolo gave examples of such areas, noting Bear Swamp Southern New Jersey that is adjacent to the Millville WMA. This property was assigned to Parks years ago. This land swap will make management efforts for more efficient for both agencies. The main area that we will be giving to Parks will be the Wanaque area in Passaic County.

One other issue that came up during this past month was the Harrisonville Lake which is a trout stocked water on the Salem and Gloucester County line. It had a very old dam that was due to be repaired in the Spring, and the inspections of the dam structure found that it was dangerous, and the lake had to be drained immediately. Chief Petrongolo noted that the dam is actually a municipal road that runs between two towns. Staff is doing the best they can to do a fish salvage.

Land management crews have continued to be busy with the pheasant stocking program.

Chief Petrongolo was asked if the properties being swapped to Parks will still be open for hunting. He noted that yes they would, and when asked if this was part of the agreement he said no, it was just a part of the inter-agency cooperation. There was additional discussion on the land swap program.

Councilman Messeroll asked if the new Manchester property might be suitable for a Youth Waterfowl Program. Chief Petrongolo was not sure of the types of waterfowl that may come in to that area since they are acid ponds in the Pinelands, and may only attract wood ducks that may actually leave the area before the waterfowl hunting season was to begin.

Acting Chairwoman asked about the status of the Absecon Boat Ramp. Chief Petrongolo noted that we have approved their permit for next year, and they are making plans for improvements to the parking area and for a floating dock.

Councilman Van Mater asked who was responsible for maintaining the roads in the Greenwood WMA, noting the conditions of the roads in the vicinity of Pasadena Road and asking if sand could be pulled from the sides of the roads to help level the roads off. Chief Petrongolo explained the problem with pulling sand from the road edges when doing road maintenance because of rare species plants that grow in those areas, and approval is needed from Natural Lands Management before any work can be done. He added that the other problem is the need for fill. Chief Petrongolo noted he would look in to this matter.

There was no report from the Bureau of Freshwater Fisheries.

Councilman Messeroll reminded members of the Fish Code Hearing on January 8, 2008 at 7:00pm.

Chief Tim Cussen reported for the Bureau of Law Enforcement. He noted that next month Council was requested to allow 30 minutes for Executive Session to hear revocation appeals.

The bureau has been moving ahead with hiring and promotions, thanks to the hard work of retiring Acting Chief Mark Dobelbower. Chief Cussen noted that six Conservation Officer III's were promoted to the Conservation Officer II Lieutenant positions. There were also several transfers within the Bureau to vacant positions. He reviewed these personnel assignments for the Council.

Chief Cussen also noted the eight newly hired Conservation Officer III's and reviewed who each of them were and what areas they were being assigned to.

This past month, staff spent 4,602 hours on patrol. They made 3,551 inspections, resulting in 312 summonses, 12 warnings and 1 criminal arrest. Summonses issued included 29 for small game hunting violations, 64 deer violations, 98 wildlife management areas violations and 62 inland recreational fishing summonses.

He gave a brief review of some of the cases noted in the monthly report.

He noted that the two officers hired in the late Spring have both completed their training in the police academy. They will now complete our fish and wildlife training program, and by the early Spring will be patrolling on their own.

The eight newly hired officers should be starting the police academy in Cape May in early February.

Councilman Wolgast asked the proportion of female officers we now how with the addition of one more with this latest group who was hired. Chief Cussen noted that she is the fourth female officer in the Division. Councilman Wolgast also had concerns that things not be allowed to fall through the cracks with changes to the requirement for residency for the officers. Chief Cussen noted that he, Mark Dobelbower and Assistant Commissioner Cradic had met on that matter yesterday.

Councilman Messeroll noted that the newly hired officers were invited to attend County Federation Meetings since the members would like to meet them. Chief Cussen added that all officers are encouraged to attend meetings at least once a year.

Director Dave Chanda gave a brief report. He noted he would be in Washington on Thursday and Friday to meet with industry leaders. He was asked to attend by the Association of Fish and Wildlife Agencies since he chairs the committee that works with these groups to receive grants and other funding.

He thanked Assistant Director Herrighty for his assistance.

It was noted that a Finance Committee meeting would be held next month after the regular Council meeting. It was decided that the regular meeting would start at 1:00pm, and go into Executive Session right away to hear the matters that the Bureau of Law Enforcement need to discuss.

There was discussion about the recent Marine Outdoor Writers Workshop and the proposed saltwater fishing permits.

Councilman Wolgast asked about Kathy Surlak's appointment to Council. Director Chanda noted that the Governor's Office is supposed to be moving forward with appointments, but he did not have any information on Kathy specifically. Assistant Director Herrighty noted that a letter had been sent to some individuals that they needed to submit a resume to back up their nominations.

Councilman Burke noted that there was a license agent in Atlantic County who refused to issue licenses and permits on Mondays. This individual will be contacted as to why he will not issue on Mondays.

There was also discussion regarding the new bonus buck permits, zone permits, and time restrictions to purchasing same.

Councilman Kertz asked for a clarification on the salt water license. What would the Federal license allow, and what would the New Jersey license allow. It was explained that the Federal license could be used anywhere, but in states such as Delaware who have their own salt water license, anglers would be required to have both. Director Chanda further explained this matter.

Councilman Burke asked if the public comment portion of the meeting was discussed with the Deputy Attorney General's Office, and Assistant Director Herrighty noted that yes, it was. There was further discussion on this matter.

Councilman Puskas asked why the rifle permits are issued on a fiscal year basis, and Director Chanda noted it may have been for administrative reasons years ago when all the paperwork was done manually through the Trenton Office. Councilman Wolgast asked what it would take to change it to a calendar year, and Director Chanda noted it would probably be a Legislative matter that would have to be voted on.

Acting Chairwoman Vreeland introduced the new representative for United States Department of Agriculture, Daniel Lott, to the Council. He will be taking the lead on goose management. He noted that there is a toll free number, 1-866-4-USDAWS where a message can be left for him.

There was some minor discussion on crossbows.

A motion was made by Councilman Puskas, seconded by Councilman Van Mater to adjourn the meeting. A vote was taken with all in favor. Meeting adjourned at 2:18pm.