

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, New Jersey
May 13, 2008

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 Ed Kertz
Councilwoman Jane Morton-Galetto
Councilman John Messeroll
Councilman Robert Puskas
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Richard Culp
Councilman Fred Hough

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Tim Cussen, Jim Sciascia and Lisa Barno.

Members of the public included representatives from the Farm Bureau, the Federation of Sportsmen's Clubs, residents of Millburn and others.

The meeting was called to order at 10:09 am by Acting Chairwoman Jeanette Vreeland.

The flag salute and Pledge of Allegiance were completed.

A motion was made by Councilman Messeroll, seconded by Councilman Wolgast to accept the minutes of the April 8, 2008 meeting. There was one correction made, on page 2, which listed Liz Thompson as being from the Department of Agriculture, however she is from the Farm Bureau. **A vote was taken with all in favor, none opposed to accept the minutes with this change.**

Acting Chairwoman Vreeland noted her absence at the April meeting, and thanked Councilman Messeroll for Chairing that meeting.

She reported that she did attend the Outdoor Writers Workshop, and noted that staff did a great job and a good deal of information was received. She was approached by one of the outdoor writers about the use of crossbows for Carp fishing, and she referred this to Assistant Director Herrighty, but noted that the Fish Committee may need to look at and change the definition for the use of bows for fishing in the future to include crossbows.

Acting Chairwoman Vreeland also reported that she has assisted with the count of pheasant chicks at the Rockport Game Farm for the last three Mondays, and the count continues to grow each week. She noted that the Rockport Game Farm usually operates with a staff of seven people, but due to personnel changes they are now down to a staff of four.

Acting Chairwoman Vreeland also attended a workshop given to personnel from the Bureau of Parks and Forestry by Kelcey Burgess and Michelle Ruggerio from the Division of Fish and Wildlife.

Two letters were received by Acting Chairwoman Vreeland this past month. One was from the Superior Court of New Jersey regarding the hunt in West Orange, and this matter is being handled by the Division of Law for the Council and Division. The second letter was from the New Jersey Libertarian Party, asking if the Council meetings were open meetings because they did not see any reference to P.L. 1975 statement that is read at each meeting in the February 5, 2008 meeting minutes. This matter will be researched so that a reply may be prepared. The statement was then read for this meeting. 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 April 22, 2008.

Acting Chairwoman Vreeland also noted the many different species of wildlife that she has seen in her area lately.

Director Chanda reported that the Division recently hosted the Northeast Fish and Wildlife Conference in Galloway Township. There were approximately 450 attendees present, and he noted that staff did a great job. He gave a brief review of the conference for the Council.

Director Chanda also noted that the Sportfish Restoration Act is up for reauthorization next year, and he will be traveling to Washington, D.C. at the end of this month if his travel is approved. He is Chairman of the Angling and Boating Committee for the Association of Fish and Wildlife Agencies, and will be spending a day and a half with the National Association of Boating Safety and Law Enforcement working on an agreement to be presented to Congress for the reauthorization. This was further explained by Director Chanda.

Director Chanda reported that the budget would not be resolved until June 30, 2008, but noted that the Division will be seeing some loss. Councilman Wolgast asked how the cuts would be affecting the Division, and Director Chanda explained. He also noted that due to the increased revenues from hunting and fishing fees and the retirements of personnel, the Division is not facing any layoffs. However, the fee changes that were made previously would have maintained a balanced budget for the next two years, but with the cuts being made in the budget, the Division may be able to have a balanced budget this coming year but may not be able to have a balanced budget the following year. He also explained that if our Federal monies are not matched, this could mean a loss of those monies in the future, noting that there is not enough staff to handle those projects for which money may be received. He also recommended that the Finance Committee set up a meeting to discuss some of the uncertainties, but noted that he may not have answers until July 1, 2008. Director Chanda also noted that if there is no approved

budget by July 1, 2008, there could be a government shutdown. Councilman Wolgast recognized that there would be no layoff of personnel, but asked about the programs that may be cut, and Director Chanda noted that so far Pequest has been shut down on the weekends, and many of the evening programs there have also been cancelled, and Assistant Director Herrighty is looking at what other things will not be able to be completed due to the shortage of staff. He also noted that the Division's Accountant is retiring on May 31, 2008 it does not look like he will be able to have a replacement person in that position. Assistance will be received from staff from the Office of Management and Budget, and personnel within the Division will also be taking on some of the responsibility of that position, but he added this position is one that you can't operate without. Assistant Director Herrighty added that while there will not be layoffs, there are positions that are being offered up to support the \$569,000 cut. Only 10% of these positions will be allowed to be rehired in the future, so they will have to look closely at this matter. He reviewed some of the areas where positions will be taken from, and described other cuts and shifts of responsibilities that are being made. In addition to these cuts, an exemption of \$750,000 in fringe benefits for Law Enforcement personnel and approximately \$200,000 in Non-Game personnel has not been granted for FY08, which will place an additional burden on the Hunter & Anglers' account. We anticipate the same for FY09.

Councilman Messeroll asked about the Sport Fish Restoration Act and possible funds that could be received. He noted the Boater Safety Course that is now required, and inquired if it is possible to find how many of those taking the course are recreational or fishing users, and could this possibly bring in more money to New Jersey. Director Chanda noted that New Jersey is a minimum state, and we would not see more money unless a saltwater license is enacted and we were no longer a minimum state. He also noted that this money goes to the State Police for the boating safety work. He also described how other monies are distributed based on being a minimum state. There was additional discussion on this matter.

Director Chanda reported that he met with the Commissioner and Assistant Commissioner yesterday on black bears. He asked that the Game Committee schedule a meeting with himself, Assistant Director Herrighty and Assistant Commissioner Cradic. This meeting is scheduled for June 10, 2008 at 9:00 am before the Council meeting at 10:00 am.

Councilman Kertz said a question came up at the Atlantic County Federation Meeting that only half of the \$850,000 received for bear work has been used, and much of the monies being used are coming out of Hunter and Angler Funds. Director Chanda noted that a portion of Hunter and Angler monies has always been used for bear work, since the bear work has been going on since the 1980's. Councilman Kertz also questioned the \$180,000 that was received from the Department, asking wasn't it for bear research, but Assistant Director Herrighty noted it was to cover non-lethal control and related research. He also noted that the \$850,000 was received this year, and it has not all been spent yet. He further explained how the monies received are used. Director Chanda also explained that the additional monies from the Department were to address concerns that the Commissioner had that she felt were not being covered, such as information and outreach. There was additional discussion on this matter.

At this time, Acting Chairperson Vreeland noted that public comment would be taken at the end of the meeting since there were no specific items on the agenda that could be commented on before they were addressed.

Councilman Puskas reported for the Agriculture Committee. He noted that in the Central Region, areas have been very wet due to the rain. Planting season got underway early, and everyone is in good shape. He added on a personal note, not related to any game species, he has recently seen 3 or 4 flights of bob-o-links at his farm and the surrounding area. Councilman Kertz reported things are much the same in the Southern Region. He noted that the deer and geese have been feeding in the area. Councilman Van Mater noted that he has seen many geese recently in while travelling throughout the State, but has not seen too many young ones. Councilman Wolgast added that they are just now hatching.

Councilman Puskas also noted that he has been receiving calls from farmers in his area about crows picking at the corn seed planter.

Liz Thompson from the Farm Bureau was in attendance, and was asked if she had anything else to contribute. She noted that last week someone called and said that they had heard about a change with the depredation permit issuance, and asked how it may affect the program. Assistant Director Herrightly explained that if this budget cut is maintained, they will reduce the Bureau of Wildlife Control's duties and the issuance of permits will fall to the Bureau of Law Enforcement and the local Conservation Officers. She explained that the caller had heard that this duty would go to the local police, and this further clarified the matter.

Councilman Messeroll reported for the Legislative Committee. He noted that there was not too much to report on, but there were many letters being sent to try to get bills such and Hooked On Fishing, Not On Drugs (HOFNOD) and the Sunday bowhunting moving. Director Chanda added that Paulette Nelson would not be attending the meeting today, but he distributed the latest summary of bills that were being tracked that she had prepared for today.

Councilwoman Galetto reported for the Endangered and Non-Game Species Program. She noted that they would be having their Council meeting next week, and would have more information to report after that meeting. She did note that there are many eagles nesting in the state, but there were concerns that the storm yesterday may have blown out nests and taken out some chicks. A nest that she has been watching was checked last night, and they could only see two chicks, and there originally were three in that nest.

The shorebird scientists arrived yesterday from all over the world to study shorebirds. Councilwoman Galetto has been coordinating volunteers to make dinners for them and take them on trips while they are here.

She also reported that the World Series of Birding was held this past weekend, and she saw some Division staff present at the event. Over \$700,000 was raised for various conservation causes.

Director Chanda added the AFMSC met last week, and he heard that an addendum regarding restrictions on Horseshoe crabs may have been removed. He further explained the impact this may have on the Delaware Bay Area. He has not yet received a full report on this matter.

There was discussion on the Eagle program among the members, and Councilwoman Galetto gave a brief review. Councilman Van Mater asked the status of the previously reported case where a tree containing a nest was cut down, and Councilwoman Galetto explained that there has been discussion on this matter, and there may be a settlement. Chief Cussen also commented on this case, noting that there was a meeting with all parties concerned. The final outcome of this case is still being worked on.

Councilman Messeroll reported for the Federation. He noted that things have been quiet. There are quite a few fishing derbies occurring, and he gave a brief review of upcoming events. He also reported that the turkey hunting season has been good for those hunters he has spoken with.

The 73rd Annual Federation Convention is scheduled for June, 13, 14 & 15th, 2008 at the Grand Hotel in Cape May, New Jersey. Councilman Messeroll also noted the Federation Convention and added that things are already being worked on for the 2009 Convention.

Chief Barno reported for the Bureau of Freshwater Fisheries. She noted that the Spring trout season is in its final two weeks, and they have been stocking surplus fish these past few stockings. They were able to have seasonal help to assist their bureau, and thanked the Bureau of Land Management staff for their assistance with stocking. Chief Barno added that this was a quiet season so far, with a minimum amount of complaints being received.

The Hackettstown Hatchery has been working on the Broodstock Program and Chief Barno gave a review their activities, noting the amount of work done with such a shortage of staff. She also noted that the egg take looks good.

The Research and Management personnel attended the Northeast Fish and Wildlife Conference, and in addition to that Chief Barno and Principal Biologist Pat Hamilton recently attended the Eastern Brook Trout Joint Venture Meeting. Chief Barno noted this was a good meeting, adding they were looking at plans to help with restoration efforts.

This past Friday they received a report of Asian swamp eel at a private pond in South Jersey. She noted that this was the first documented case in New Jersey, and gave a brief description of this species for the Council. They are more of a tropical species, and don't generally survive over the winter. The individual who reported this species said that there was an abundant population present, but this person is not cooperating as to exactly where the waterway is, since they may have been fishing at that location without permission. This matter is still being worked on.

Councilman Burke asked about the River herring harvest restriction in some states, and asked about any movement on this for other states. Chief Barno noted that they had discussions early on, and added that this would have to be worked on with Marine Fisheries. As of now, all are in agreement to keep the current possession limit of 35. Councilman Burke also asked for a

clarification of the possession of 35 fish, and Chief Barno advised the limit was 35 total, which would include any fish previously caught and frozen. Chief Cussen noted that there was no provision in place to allow someone to keep more than 35.

Chief Cussen reported for the Bureau of Law Enforcement. He reported that officers reported 7781 hours for the period of late March through late April. Some of the areas where this time was used was, 2,355 hours for fishing related patrols, 1,094 for marine resources related patrols, and 1491.5 hours for training. Chief Cussen noted the elevated number of hours for training was due to the seven recruits that are currently attending the Cape May Police Academy. They will be graduating on June 24, 2008, and then will have 12 weeks assigned to a seasoned officer as part of the field training officer program. The training unit has also completed several other courses during this reporting period.

Conservation Officers conducted 5,672 field inspections which resulted in 380 summonses, 49 warnings and one criminal arrest. Of summonses issues, 212 were for recreational fishing violations, 68 wildlife management area violations, 15 striped bass violations and 12 marine commercial fishing violations.

At this time, Chief Cussen introduced the Conservation Officer of the Year, Shannon Martiak to the Council. Officer Martiak is assigned to the Central Region and patrols the Middlesex County area. He has been a conservation officer since October 21, 2000. Chief Cussen noted that Officer Martiak originally started in Chief Cussen's old patrol area in Northern Warren County and Chief Cussen was also assigned as his field training officer. Chief Cussen highlighted several events from Officer Martiak's career, including the preparing of the history of the Bureau of Law Enforcement, serving as a Bureau Trainer and responding to Ground Zero on his day off on September 11, 2001 to render first aid. Officer Martiak was then presented with his awards. Councilman Messeroll added that Officer Martiak has done an outstanding job as the Division Representative to the Federation in Middlesex County.

Chief Sciascia reported for the Bureau of Information and Education. He noted staff has been very busy this past month. Over 7,000 people were in attendance at the Open House, and he reviewed some of the groups that participated and some of the activities that occurred.

The Trout in the Classroom now has a full time staff member working on that program. There are 16 teachers signed up for the workshops, training them to start a tank at their schools. This will bring the total number teachers involved in the program to over 80. An additional 64 teachers are on the list of potential participants and many will hopefully get started in the program this coming school year. They are expecting this number of schools participating in the program to double in about a year's time. He noted that they have received great support from Trout Unlimited and their volunteers to assist with this program. Chief Sciascia added that about 30% of the classrooms participating in this program will be coming to Pequest to learn more about the hatchery, aquatic conservation and to have a trout fishing experience.

Assistant Biologist Michelle Ruggerio coordinated Black Bear education and Bear Incident Prevention training for staff from the Division of Parks and Forestry. Kelcey Burgess participated in the training also. This is the first time the entire Parks and Forestry staff have

received this training which was conducted to implement a Parks and Forestry Division Order which has very specific guidelines for staff to follow to prevent incidents and courses of action to follow when incidents do occur.

Michelle Ruggerio has also created some new literature, and this includes a redesigned brochure for homeowners and campers, a kid's activity guide, a bill insert for trash haulers and a camper card to be issued through the Bureau of Parks and Forestry. She has also given over 100 programs to about 10,000 people, and has updated information on the Division's website. He recognized that Michelle has been a great addition to the Bureau's staff.

Chief Sciascia also reported that the Oxford Central School has once again represented New Jersey very successfully at the Archery in the Schools Program national competition in Kentucky. The school finished 8th place nationally out of 42 different states participating.. Rachel Zorsky, last year's winner at the Middle School was the top female archer in the country beating another middle school and two high school archers in a shoot off for a college scholarship.

Updated Hunter Education figures were not available due to the recent hospitalization of Hunter Education Administrator Paul Ritter.

Chief Sciascia distributed information on fishing license sales. He noted that this year they had the most media coverage of preseason trout stocking and opening day of trout season that he could recall. This included newspaper, television and use of the New Jersey Broadcasters Association contract to do trout fishing radio ads on 40 stations for the months of April and May License sales compared to this time period last year are up 11 to 12 percent. This increase is still being maintained even though it is later in the season, and they will be able to know at the end of the season if it is in fact a true increase in license sales. A mailing is planned for later in the season to the 2006 and 2007 license buyers who have not purchased a license in 2008. A cooperative agreement with the Recreational Boating and Fishing Foundation is providing half of the funding necessary for the promotion.

Acting Chairwoman Vreeland noted that she had been at the Traditional Archers Association shoot a while back, and at their event they talked about getting archery into the schools. She asked Chief Sciascia to contact them regarding the NASP program. Assistant Director Herrighty added that they have their own school program, and Chief Sciascia noted it may be possible to promote one program through the other, but their may be a way to combine them. Acting Chairwoman Vreeland asked him to reach out to the Association to make them aware of the NASP program.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He gave an update on the Game Code, noting that Principal Biologist Kandoth continues to work on the language. He noted one proposed change, where the Council could move the zones up or down between multiple regulation sets, and the Deputy Attorney General's Office did not see this as a problem.

One other matter that was addressed was for those turkey permit applicants that are winning permits through the lottery application, but not claiming or picking up those permits. A review of the 2007 permit data show a loss of revenue estimated at \$20,000. Staff is requesting that a time limit date be set for winners to claim their permits, and after that date unclaimed permits will become available for purchase. This would require an amendment to the code to change the wording from “unclaimed permits” to “unclaimed or unfilled permits” for the purpose of the sale of leftover permits. Councilman Wolgast asked if it was possible to charge the applicant the full amount of the permit, not just the application fee, at the time of application. Assistant Director Herrighty noted that this would involve having to issue refunds for applicants not successful in the lottery. Director Chanda added that the way the system works now, someone may wait until the last minute to claim their permit, and should the weather or other factors be a deterrent to them, change their mind and just not hunt at all. **A motion was made by Councilman Kertz, seconded by Councilmen Van Mater and Puskas, to change the language for claiming lottery application deer and turkey permits.** There was additional discussion on this matter, then **a vote was taken with all in favor, none opposed.**

Assistant Director Herrighty reported that Larry Cruts from the Rockport Game Farm had retired, and that one other employee may be retiring in October. Due to the hiring freeze that is in place, they are hoping to be able to manage the operations with the existing staff working some overtime, and possibly putting on some seasonal positions. If necessary, they may have to shift some staff over to the game farm from the Bureau of Land Management.

Assistant Director Herrighty also noted the recent Northeast Conference. University of Delaware student Bridgette Collins was awarded the Best Student Paper for her work done on Bobwhite quail. He will try to have her attend a Council meeting to present her report in the future.

A photograph of the new record bear that was caught was passed around to the Council. This bear weighed 726 pounds, and was captured in West Milford. Assistant Director Herrighty added that a local veterinarian attended to an old wound that was on the bear’s nose. He also noted that bear activity is up, and we did experience a mild winter, and do have a growing population of bears. They have also had warning issued for illegal bear feeding. He noted the Lake Wanda section of Highland Lakes where they have had problems. Also, an elderly couple in West Milford were issued a warning for feeding bears. The bears were so tame that at any given time they could have five or six bears sleeping in their yard. These bears were also known to walk down the street when children were present. This is the area that the 726 pound bear was recently caught, and permission has been received from residents in that area to set traps for these bears. The couple who were feeding the bears were talked to and the problem of feeding the bears was explained to them.

Assistant Director Herrighty noted that some of the program monies received for bear research have been used to purchase satellite GPS radio collars. He further explained the research projects that are being done and how the information received from these collars can be used to track the bears 24 hours a day. Three bears are currently collared, and five more collars are expected next week. These collars cost \$5,000. each, but can be refurbished and reused. They are collecting good data, and he noted that the price includes the collar and one year’s access to

the data site. Information can also be downloaded from the collars. There was additional discussion on this matter.

One additional project that is being looked at is a DNA analysis of bears. This can be used to test the relatedness of the population. He further explained this program for the Council.

A draft of the recommended changes to the Migratory Bird Season Regulations was distributed by Assistant Director Herrighty. He noted this was something that could be voted on in the future and this information was just informative and can be discussed with constituents. He noted that Research Biologist Paul Castelli had received comments from hunters in the South Zones who would like to see a week taken off the beginning of the season and added to the end of the season. He noted that members of Council may want to discuss this at sportsmen's meetings they may be attending to get feedback from the hunters.

Councilman Burke referred to the recent storm that had hurricane force winds and flooding, and noted that anything nesting along the coastal areas was most likely disturbed and severely impacted. Additional discussion was had on this matter.

Acting Chairwoman Vreeland asked Assistant Director Herrighty if he had an estimate of when the Game Code may be being heard in the future. He felt it may go to the Register in the late Summer. The public hearing should be some time in the Fall.

Councilman Wolgast noted a reference to the Parker Preserve in the Bureau report. Assistant Director Herrighty reviewed this matter, noting they may not have taken full advantage of the hunting available, and explained this for Council.

Councilman Messeroll asked if a breakdown of permit sales by antlerless permits and buck stubs could be made available to the Council.

The public comment period was opened. Janet Pizar from Millburn asked to speak. She said that she and the Council share an interest in the Black bears. She noted that the feeding ban law has been in effect since November 13, 2002, but felt that very few summonses had been issued. She also quoted a recent press release from May 7, 2008 that she said was put out by the DEP that addressed the feeding of bears. She then distributed photographs of trash that she felt was not properly contained and being visited by bears, as well as photographs of bird feeders. She reviewed each of these photographs for the Council, and expressed her thoughts regarding them. She noted that it is this body's mission "to maintain a robust bear population" and felt that they needed to address the root of the problem of what is drawing these bears in. She also noted a recent article written by Jim Stabile that mentions the number of new cubs at 700 added to the existing population of 5,000 plus bears, and questioned if the State's population estimate is now 5,000 plus bears not counting the cubs born in January. Acting Chairman Vreeland noted that that number was never determined exactly, and Director Chanda noted that our study area comprises roughly 500 square miles which may represent a third of the really good bear habitat in Northern New Jersey, and our population estimates are put forth from the study area. He also noted that Mr. Stabile may have used those numbers and projected them out to the remaining areas of bear habitat, and does not feel that he is attributing these numbers to the Division.

Assistant Director Herrighty added that the last estimate was 1601 after the 2005 season in the study area. This was the last estimate that the Division put out. Ms. Pizar asked if this study area was then used to project an estimate for the State, and was again advised that the last estimate was done in 2005 and the numbers reported were for that study area. She added one last note about the photographs she presented today, adding that the small photographs were taken on Route 94.

Next to speak was Barbara Metzler. She asked if anyone could explain the situation which resulted in the shooting a bear in Rockaway last week. Assistant Director Herrighty explained that this was determined to be an urban bear by the local police department and that it was originally located near a school. It was shot with rubber buckshot by the local police and went into the adjacent woods. The police later received a call from a landscape company that indicated that the bear had approached his work crew and acted aggressively, getting within 10 feet of the crew, and would not yield when they yelled at the bear. The officer considered this to be a Category One incident after interviewing personnel at the landscaping company. Later in the afternoon, the bear returned to the area of the school, and officers attempted to euthanize the bear, but the bear climbed high in to a tree. At the police department's request, our bear response team responded, and felt that they could not get a safe shot at the bear. Staff were instructed to stay on the scene until it came down from the tree, and when it did come down, it was shot and euthanized. Ms. Metzler asked if the bear could have been tranquilized, and Assistant Director Herrighty noted that it was deemed to be a Category One bear by the police officer who had responded. Further examination of the bear showed that it was grazed by the first attempted shot made by the officer to euthanize the bear.

There were no other requests to make public comment.

New business was discussed, including a possible meeting of the Finance Committee. Director Chanda noted that he will have Deb Zook reach out to the committee to schedule a meeting when they have a have a budget in place. The Game Committee will meet with Assistant Commissioner Cradic at 9:00 am before the June Council Meeting.

Councilwoman Galetto asked Regional Superintendent Porutski if work had started yet at Thompson's Beach. He did not know, and Director Chanda noted that Chief Petrongolo was attending another meeting, but he thought it was going to start after the shorebird season.

Councilwoman Galetto also referred to the Vineland Chemical site. She noted that they have now crossed Route 55, and feels they need to set up a meeting with the site supervisor.

Councilman Messeroll asked if there were provisions where a Council meeting could be cancelled if there was little information to report. Chief Chanda noted that this could be looked at when scheduling for the future, especially since the Game Code now runs on a two year cycle. Assistant Director Herrighty added that if a meeting is announced, it can still be cancelled. There was some additional discussion regarding this matter.

A motion was made by Councilman Messeroll, seconded by Councilman Burke to adjourn the meeting. Meeting adjourned at approximately 12:10 pm.