

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
February 10, 2009

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

Acting Chairwoman Jeanette Vreeland
Councilwoman Barbara Brummer
Councilman Dave Burke
Councilman Ed Kertz
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Fred Hough
Councilman John Messeroll
Councilman Robert Puskas

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

Members of the public included: Representatives from the Federation of Sportsmen's Clubs and others.

The meeting was called to order at 10:05 am by Acting Chairwoman Vreeland.

The flag salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, c. 231 notice of this meeting was filed with and posted at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on January 27, 2009.

Roll call was taken.

Acting Chairwoman Vreeland introduced Councilwoman Barbara Brummer, who will be serving as the Endangered and Non-Game Species Representative.

Acting Chairwoman Vreeland reviewed some of the activities she had attended this past month.

Director Chanda welcomed Councilwoman Brummer, and gave a brief background of the structure of the Council, noting that there are currently several vacancies that need to be filled. He added that there may be some movement on filling vacancies to the Marine Council, and once that is completed, he would like to bring both Council's together for a meeting to give an overview of the Agency.

Director Chanda noted he would be leaving at 11:30 am today, at which time Assistant Director Herrightly would sit in for him. Director Chanda was leaving to attend the Agriculture Convention Cherry Hill, where the new lease program for farming on wildlife management areas was going to be presented. He added that the Bureau of Land Management did a good job in putting all the information together for the presentation, and gave a brief review of the program and those involved.

Director Chanda reported that he would be going to Washington, D.C. later in the month to attend the Teaming with Wildlife fly-in day. Representative from Conserve Wildlife, the Federation of Sportsmen's Clubs, the Conservation Foundation, and New Jersey Audubon and were also expected to attend. He reviewed the program, where you meet with congressional representatives to discuss and show how the federal monies received have been used, and lobbying them to continue with the Teaming with Wildlife appropriations.

During this past month, Director Chanda also attended the quarterly board of directors meeting of the Recreational Boating and Fishing Foundation in Florida. They will continue with their marketing campaign that is occurring in 30 states, including New Jersey, which is directed toward lapsed anglers. This year they will be looking at the impact the marketing campaign is having and determine if it is worth continuing due the time, effort and monies involved.

Approval has been received to speak on the Magnuson Act and the saltwater registry. A program is being put together that can be given to the public, and there will be approximately 12 Division representatives who will be presenting this program.

Director Chanda also showed a list of projects that was put together by the Association of Fish and Wildlife Agencies for consideration in the job stimulus package that is coming out of Washington. He noted that the Association has been working to make sure that wildlife was a component of that package. Chief Dave Jenkins of the Bureau of Endangered and Non-Game Species had coordinated a with all the Bureau Chief's for any projects they would like included as part of this list.

Minutes of the January 2009 meeting were reviewed. **A motion was made by Councilman Kertz, seconded by Councilman Van Mater to approve the minutes.** One change was noted in the last paragraph on page 4, where the word Sow should read Show. There were no other changes. **A vote was taken with all in favor and one abstention from Councilwoman Brummer, to approve the minutes of the January 2009 meeting as corrected.**

The public comment period on agenda items was opened at 10:20 am. Janet Pizar came forward, and Councilman Burke was asked to monitor the allotted three-minute speaking time. Ms. Pizar noted the August 12, 2008 meeting, where Acting Chairwoman Vreeland noted bear complaints from residents of Branchville. She added that she knows someone who lives close to Branchville, and they went there and took photographs of the food industries, such as pubs, restaurants diners and deli's of how they were storing their garbage. Ms. Pizar said she presented these at the September meeting. On February 7, she went back to this area and took more photographs, and asked why 5 and 6 months later no violations had been written on this matter. She noted the locations where she felt the garbage situation had not been addressed, adding that there was uncontained garbage in a prime area of bear country. Someone asked if it was possible that this was the trash pickup date, but Ms. Pizar felt it was still uncontained trash. Chief Cussen from the Bureau of Law Enforcement asked Ms. Pizar if she had contacted the Northern Region Law Enforcement Office on this matter, and she said that she had talked directly to him in the past. He noted yes she had, but they had also discussed that when she sees these incidents occurring she should call the Northern Region Office so that they can send someone out

to investigate at that time. He added that trash disposal in these last photographs from February 7 could have been investigated at that time had the Northern Region Office been contacted, because investigating this incidents at a later date may show no trash violations occurring. Ms. Pizar again added that she did not understand why this had not been addressed since September 12, 2008.

Ms. Pizar also wanted to bring to the Council's attention the alleged bear attack in 2008 that occurred on November 14, 2008 in Jefferson Township. She said that on the Division's website, the bear safety tips says that all people should make sure that a bear has an escape route. She noted that in this incident, there was a bear in a garage and the homeowner entered the garage, and the bear did not have an escape route and scratched the person in order to flee. She was wondering what would make this a Category One, dangerous and aggressive bear when it appeared to be a normal and typical bear trying to make an escape route for himself because he was contained inside the garage. Assistant Director Herrighty noted that he felt that when most people walk in to their garage, they don't feel they have to have an escape route for bear. This person did not know there was a bear in the garage when he walked in, and that this premise was not appropriate. Ms. Pizar again questioned why this was considered a dangerous and aggressive bear anomaly, when the bear is doing normal and typical bear behavior. Assistant Director Herrighty explained that it met the criteria.

Ms. Pizar then commented on a situation in another state where a hunter shot a bear. At this time, Councilman Burke advised that she had gone over the allotted three minutes allowed for public comment. She asked if she could finish, and was asked to do so in one sentence. She said the hunter went over to the bear thinking it was dead, and it took a swipe at the hunter. She asked if this had happened in New Jersey would it be considered a bear attack? Assistant Director Herrighty advised her that he would not comment on something hypothetical. Ms. Pizar said it was something that had happened in another state within the past year, and wanted to know if it met the criteria for a Category One dangerous and aggressive bear if statistics were being compiled for a bear attack. There was some discussion on this between Ms. Pizar and Acting Chairwoman Vreeland, and Ms. Pizar directed this to Director Chanda. Director Chanda noted that if something like this happens in New Jersey, a determination would be made. Ms. Pizar thanked the Council.

Ms. Pizar was reminded by Acting Chairwoman Vreeland that her comments would have been better to be made at the end of the meeting during the public comment period, since this comment period was for agenda items being heard today. Ms. Pizar argued that this was an agenda item, feeling that is was covered under the game section since it was a game animal.

Chief Petrongolo was called to present the Land Management report at this time, since he too had to leave to attend the Agriculture Convention. He noted that 172 acres were added to the wildlife management area system this past month. One area of note was 120 acres along the Mannington Creek in Salem County, which was added to the Salem River WMA. This acquisition is part of the 1,000 acre Seabrook Farm property, most of which went in to the Farmland Preservation Program.

Chief Petrongolo also noted a recent acquisition that was not listed in the monthly report. A 600-acre parcel in Monmouth County, commonly known as the Rozansky property was closed on. Work on this acquisition started five years ago, and Chief Petrongolo gave a brief review of the area, which is across the street from the Prospertown Lake WMA. He added that this will be part of the greenway area that is being developed that will extend up to the Assunpink WMA.

On January 31, 2009 Crew Supervisor Thad Fowler retired from the Division. Chief Petrongolo added that he will not be replaced, noting that as the amount of land resources increase, our ability to manage the land declines.

Chief Petrongolo reviewed the Farm Lease Program that was being presented at the Agriculture Convention today. He noted that under the new lease program, farmers will be providing a variety of in-kind services, and he explained how this type of program will be beneficial to the Division.

Hydro-ax projects are occurring on wildlife management areas at this time, utilizing Wildlife Habitat Improvement Project (WHIP) monies. Chief Petrongolo explained that the hydro-ax is a machine that can mow larger, brushy types of vegetation, including small trees. He noted that over the past several years, we have been able to work with the USDA in awarding contracts for this type of mowing activity, but as of 2009, the WHIP monies will no longer be available to use for projects on State land.

Councilwoman Brummer asked how the farmers felt about the new farm lease program. Chief Petrongolo noted that for years, you may have had the same farmer farming the same ground, and while this was good for that farmer, there were many others who were wanting the opportunity to farm the WMA land as well. Previously, leases were done on a year-to-year basis, but with this new program, farmers will have the opportunity for a ten-year lease. Director Chanda asked Chief Petrongolo to do a presentation of the new program for the Council at the next meeting. Councilman Wolgast asked to verify that under these leases, farmers would not be able to have depredation permits, and Chief Petrongolo noted that was correct. Also, Councilman Wolgast asked if these leases were in line with all agricultural leases for State land. Director Chanda noted that the Division of Parks might not have the same leases as we do. This matter was further discussed.

At this time, a member of the audience raised their hand, requesting to make public comment. They were advised that they would have the opportunity to make public comment at the end of the meeting.

Councilman Kertz reported for the Agriculture Committee. He noted that the new Secretary of Agriculture would be named today at the Agriculture Convention. Elsewhere, things were still quiet in his area.

Acting Chairwoman Vreeland noted that in the Northern Region things were still frozen, so not much activity has been occurring there.

Legislative Liaison Nelson reported for the Legislative Committee. There has been no activity this past month, and things are quiet. Yesterday, that was some activity on A 823, which covers off road vehicles. Legislative Liaison Nelson had heard that there were amendments on the floor, but there was no information available yet. Director Chanda asked for any update to be e-mailed to the members of the Council. Councilman Kertz inquired about the Sunday bowhunting and safety zone reduction bills, and these were also discussed.

The person who asked to make public comment previously, again asked to make comment. Acting Chairwoman Vreeland asked if they were commenting on the Watchung Community Based Deer Management Permit application, which was the only item on the agenda to make comment on. They noted that they were not, but wanted to speak on game. They were advised that they could speak on non-agenda items at the end of the meeting, and Acting Chairwoman Vreeland apologized for the previous speaker who had made comment on non-agenda items.

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

There was no report from the Federation Committee.

Councilman Wolgast asked about free hunting and fishing licenses for residents who were on active duty in the military. Legislative Liaison Nelson noted that currently there are no free licenses for those members of the military, but there is a bill in the legislature to allow for them to receive free licenses. It was discussed that years ago residents on active duty received free licenses.

Councilman Wolgast also noted a complaint that was made to him that the numbers on the semi-wild transportation tags were too small to read.

Members were reminded that there will be a Federation meeting next Friday evening. Councilman Van Mater and Acting Chairwoman Vreeland both plan to attend.

Councilman Van Mater noted that he had received complaints from anglers in Burlington County that there were no Fall trout stocking activities in that area, noting that Crystal Lake could be utilized. Chief Barno from the Bureau of Freshwater Fisheries commented that no one had come to them previously to add Crystal Lake as part of the Fall stocking activities, and she had only heard about this yesterday. Additionally, with only 5,000 fish to stock for the Winter trout program, not every county receives fish. Crystal Lake can be looked at as an addition for future Fall trout stocking activities.

Councilman Burke noted that there are many sportsmen's shows and dinners currently taking place.

Councilman Burke gave a brief review of the Waterfowl Stamp Program, which began in 1984. Monies from the sales of waterfowl stamps and prints has helped to acquire over 16,000 acres of land. He noted several new acquisition parcels that have been recommended for purchase, and added that they are also involved with the improvement of lands. He reviewed some of the projects they have been involved with for Councilwoman Brummer, and well as giving a brief overview of who sits on the Committee. Director Chanda added that 80% of the Division's budget is from permit and license sales, but noted that the waterfowl stamp sales monies go in to a dedicated account that is used for habitat acquisition or enhancement. There was further discussion on this program. The next meeting of the Waterfowl Stamp Committee is scheduled for April.

Acting Chairwoman Vreeland asked if there were any vital items in line for the June meeting, since she will have a scheduling conflict on that date. Assistant Director Herrightly noted that the Game Code may be done and ready to be voted on, but there could be a need to hold a special meeting for the adoption of the code. Timelines for the projected dates for the public hearing were also discussed.

Chief Barno reported for the Bureau of Freshwater Fisheries. She reported that the Fisheries Committee had met yesterday, and a summary of the recommended Fish Code changes was distributed to Council. Chief Barno noted that there are 42 recommended changes, most of which would just clean up some of the phrases and terms in the current code. These changes will be reviewed more thoroughly in March.

Chief Barno reminded members of the public trout meeting on Saturday, February 14, 2009 at the Pequest Hatchery, and the Fish Forum at Batsto on Saturday, February 28, 2009. Both sessions have been well attended in recent years.

There was a review of the trout stocking program for this year. Chief Barno briefly reviewed the information she had distributed to the Council on program changes they would like to have approved. There will be 390 bonus broodstock trout distributed to nine ponds across the state. Those ponds include Amwell Lake (Hunterdon County), Barbour's Pond (Passaic County), Crystal Lake (Burlington County), Echo Lake (Monmouth County), Heritage Park Pond (Atlantic County), Milton Lake (Union County), Mountain Farm Pond (Hunterdon County), Rowands Pond (Camden County) and Verona Park Lake (Essex County). **A motion was made by Councilman Wolgast, seconded by Councilman Kertz to approve the bonus broodstocking as recommended.** Councilwoman Brummer asked how these waters were chosen, and Chief Barno reviewed that they choose smaller water bodies where there are high populations of people. On the opening day of the season, angler counts are done and if a water body seems to be seeing less activity it may be added to draw interest to that area. They also try for geographic distribution throughout the state. **A vote was taken with all in favor, none opposed.**

The next proposed change was for the distribution of bonus broodstock. Chief Barno reviewed the changes that were recommended, where the holdover trout lakes and trophy trout lakes that previously did not receive bonus broodstock will now be stocked with. For the five holdover trout lakes, approximately 2% of each pre-season and first in-season allocation will consist of broodstock. For the two trophy trout lakes, approximately 2% of their total Spring allocation will consist of broodstock, and these will be brown and/or rainbow trout only since that is what is currently stocked at those areas. All other waters that currently receive broodstock will continue to receive a percentage of broodstock pre-season, and then in-season until the supply is exhausted. There was some minor discussion, and **a motion was made by Councilman Wolgast, seconded by Councilman Kertz to approve bonus broodstock distribution as recommended.** After some additional discussion, **a vote was taken with all in favor, none opposed.**

Other allocation changes listed on the information distributed to the Council were reviewed by Chief Barno.

Chief Barno advised that Federal Aid Reports done by the Research and Management Section would be provided at the next Council meeting, adding that stream classification system information is incorporated into these reports.

Chief Barno noted an additional reduction in staff in the Bureau of Freshwater Fisheries. The night watchman at the Pequest Trout Hatchery is no longer available due to medical reasons, and her Bureau has been reduced to 20 employees, compared to the 35 employees that they had five years ago.

Councilman Wolgast inquired as to what is required to obtain a license to be a freshwater fishing guide. Chief Barno noted that there is no license required by the Division, but was not sure what requirements the Division of Parks may have. Assistant Director Herrightly added the Division of Parks had inquired about this with him, and he had spoken to them on our policy, but was not sure what they had resolved for their requirements. Chief Barno also suggested that anyone interested in becoming a guide contact the Lebanon Fisheries Office to have their name added to the list of fishing guides that they keep on file.

Chief Sciascia reported for the Bureau of Information and Education. He noted that he had just come from a meeting with Regional Superintendent Ray Porutski from the Bureau of Land Management on the possibility of having the Outdoor Expo at the Assunpink WMA. This would be a three-day event

involving many partners and activities, and some states have seen as many as 50,000 participants at their outings. Chief Sciascia is hoping to have 3,000 to 10,000 attendees at this event. Chief Sciascia noted that the Stone Tavern Lake area on the Assunpink WMA would be a good site for all the planned activities, and would also allow use of the Horse Park of New Jersey for overflow parking. The event is scheduled for October 2, 3 and 4, 2009 and work is now beginning. This event will include all types of outdoor activities.

A 30-second tax check-off public service announcement (PSA), recorded by DEP's Acting Commissioner Mauriello is currently playing and will continue to be aired the entire month of February on 30 radio stations throughout the State. There is a link available from the DEP website to the DFW website information on the Tax Check-off.

Marketing and promotion plans for this year were discussed. A 30-second PSA on the opening day of trout season will be recorded next week and will air the entire month of March on 30 NJ stations. Radio ads will be recorded and aired on those same stations during April, focusing on Trout fishing and ads will air again in May focusing more on warm water fishing. Councilwoman Brummer asked about the trend in license sales, and Chief Sciascia reviewed this for her. There was discussion on the promotions being done and how they may be affecting the increase in license and trout stamp sales.

Chief Sciascia reported that the turkey permit quotas are being reviewed, and they are looking at the undersold zones. The license database is being looked at to see how many firearm hunters may live in those zones but are not turkey hunters and they will try to reach out to them about turkey hunting opportunities. Those license holders with disabled veteran designations will also be reviewed, and they too will be contacted and encouraged to take advantage of additional licenses and permits they are entitled to receive.

There was a meeting held this past week with the DEP's Office of Information and Resource Management. They will be able to assist with e-mail notifications to license buyers since they have better systems available to send messages. Something that used to take weeks to generate through our system can be done instantaneous through the NJEMS system they utilize.

Public land mapping was also discussed. The DEP's GIS based I-map is currently available for the public's use to find public land and create their own maps. There are however, many layers of information users have to sort through to find the small number of layers they need to access public land mapping. It is not very user friendly. Chief Sciascia noted that a new system called Geo-map is coming, and it provides us the capability of developing a user-friendly mapping profile, which only contains data layers relative to fish and wildlife related public land recreation. He reviewed some of the information we can make available to users of this system.

The National Archery in Schools Program (NASP) has had some new developments in the last four weeks. The Mayor of Orange would like to have all their schools involved in the program. Staff also spoke with the Superintendent of Schools in Oxford, who presently participate in the NASP program on how to generate more interest in the program. He suggested talking to the school administrators instead of physical ed teachers since superintendents ultimately decide if it will be supported in their school. We were able to get on the agendas for both the Sussex and Warren Counties superintendent meetings and in Morris County NASP information packets are being sent to the school Superintendents. The addition of the Orange schools and additional schools from the 3 counties are expected to more than double the number of NJ NASP schools by year's end to around 40. Acting Chairwoman Vreeland suggested that they also attend the Teacher's Convention in November. Chief

Sciascia noted that we do attend that conference and we are also attending the NJ Physical Education teacher and Parks and Recreation conferences this year.

Chief Sciascia will be attending the public meeting at Pequest on Saturday, February 14, 2009 to talk about the trends in fishing license sales and review some of the promotions we have done and plan for the future.

Councilman Wolgast asked if there was an estimated timeframe of when the Archery Park might be completed. Chief Sciascia noted it could be within a year, noting a recent telephone conference he had with the Archery Trade Association (ATA) about the site location for the park. The ATA and the Easton Sports Development Foundation are still very focused on the Morris County area because of the highway access and population density. They do not seem concerned about potential noise conflicts from the shooting ranges at the Black River WMA. They will also be speaking with the Morris County Parks and Recreation Department to see if they would be interested in partnering on this project and incorporating this in to their program in Morris County. Within the next month, Chief Sciascia hopes to be able to meet with Morris County Parks, the ATA and the Easton Sports Development Foundation and have commitment for partnerships and financial support, which will allow the project to move forward. There was additional discussion on this proposal.

Chief Cussen reported for the Bureau of Law Enforcement. He requested a half-hour block of time for Executive Session during the next Council meeting.

During this reporting period, officers recorded a total of 6043.5 hours. This was further broken down to include 1687.5 hours for deer hunting, 982 hours for marine resources, 557.5 for small game, 161 hours for wildlife management area patrol and 143.5 for endangered and non-game species.

A total of 3,081 field inspections were made, resulting in 319 summonses, 21 warnings and one criminal arrest. The summonses included 164 deer hunting, 34 waterfowl hunting and 40 wildlife management area complaints.

Chief Cussen noted the last Council meeting, where Councilman Messeroll asked about a pending firearms law on gang related activities. He has researched this matter, but found nothing that had to do with gang related activities. There were some pending laws in the Assembly relating to participants in gang related activities, and the possession of a firearm for an unlawful offense was one of the topics outlined. Chief Cussen further reviewed his findings, and there was some additional discussion on this matter.

The Bureau of Law Enforcement has decided not to renew commissions for the Deputy Conservation Officer Program after January 31, 2009. This decision was based on civil liability concerns for the deputies and had been considered in the past. Most recently, a panel of individuals was developed to discuss how better protect the deputies in doing their job. One of the greatest concerns was if the deputy were helping to protect conservation officers in the line of duty, and having them be exposed to great amount of civil liability that may risk them losing their home or possibly be charged criminally. Two possible proposals were looked at. The first was not to renew their commissions. In the second they would acquire police professional liability insurance, enhanced training and we would seek to enhance their authority. The cost to institute this type of program over a five year period was just under one million dollars. Chief Cussen will be meeting with the State Federation to discuss this decision with them and answer any questions they may have. Chief Cussen noted this was not a popular decision, but added that he has been contacted by four deputies who thanked him for the

decision that was made. They have had civil liability concerns for quite some time and were looking for a way to leave the program gracefully. Councilman Wolgast asked to clarify that there was no longer a Deputy program as of January 31. Chief Cussen noted that they did not abolish the program on the off chance that funding becomes available, however they will not be renewing commissions and the deputy officers will not be utilized for patrol purposes. They are looking to find volunteer opportunities for the 29 people who were in the program as of January 31, which would be non-law enforcement exposure type activities. Councilwoman Brummer asked what the impact would be to the Division, and Chief Cussen noted there were 36 deputies in 2006, and they were down to 29 deputies and have been unable to run a basic Deputy Training Class since 2000-2001. With 1,800 hours of service donated service, and 600 hours of Division time for training, this would be a loss of 1,200 hours of contributed time for patrol to the Bureau. This will now mean in situations where the Standard Operating Procedure (SOP) requires two officers to be in the vehicle, two officers or an officer and a supervisor will have to work together. There was additional discussion on this decision and how would affect the Bureau. Assistant Director Herrighty asked to point out that this decision was brought to him, Director Chanda and Assistant Commissioner Cradic and was not made by the Bureau of Law Enforcement alone.

The meeting broke for lunch at 12:05 pm, and resumed again at 1:04 pm.

Acting Chairwoman Vreeland asked to make clarification on the public comment period on agenda items, such as the Community Based Deer Permit Application for the Watchung Reservation that was listed on today's agenda. Items such as this are open what can be commented on, but not items such as committee or bureau reports. She noted that the items Ms. Pizar commented on earlier should have been done at the end of the meeting, and she apologized that these comments were allowed. Ms. Pizar asked to have this clarified, noting that game is listed on the agenda, and felt that the Watchung application would fall into that area. Acting Chairwoman Vreeland noted that several months back it was recommended that a public comment period on agenda items to be voted on be allowed before the Council made their vote, and that was the reason for the limited public comment session. Ms. Pizar thanked her for the clarification. The audience was asked if there were any additional comments on the Watchung application. There were none, and the meeting proceeded.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He commented on a recent editorial in the Star Ledger on Canada geese. He reviewed the measures taken for resident and migratory geese, adding that New Jersey is one of the few states in the Atlantic flyway to adopt the portion of the order allowing permits to be issued to cull geese for health reasons, while still protecting the migrant population. Councilman Wolgast added while New Jersey is doing everything possible within law, he felt that the migrant goose population was up substantially over the last five or six years and that was causing a problem. Chief Herrighty noted that last year, 144,000 Canada geese were counted in January, and that was up 20% from 2007. This years count is still being totaled, but he felt it would be higher than last year. There was additional discussion on this matter, noting that only certain measures can be done due to Federal regulations.

There were no updates on the harvest totals from the deer season.

Assistant Director Herrighty spoke about a recent meeting staff had with a "Green Group" in Hunterdon County. This included a variety of local residents, including some who live on estates or farms, to discuss deer management. He felt they received a good reception from those in attendance.

Assistant Director Herrighty also recognized Chief Jenkins from the Endangered and Non-Game Species Program, noting his work on surveying the other bureau chief's to put together a summary of "shovel ready" habitat type projects that could be considered for the Federal Economic Stimulus package.

Councilman Wolgast noted that it may be advantageous for Chief Jenkins to attend meetings of this Council when he is available. Assistant Director Herrighty added that while Chief Jenkins may not be available, he will make available biologists from his bureau to report on any items of concern, such as white-nosed bat syndrome or bobcats. Mick Valent, from the bureau, should be available early Summer to speak on these topics. Assistant Director Herrighty noted that biologists from the New York Department of Environmental Conservation came to New Jersey to assist with the white-nosed bat syndrome project, and staff has been very busy working on this matter.

Assistant Director Herrighty also spoke about the Global Warming Report that the Department was working on, under the direction of former Commissioner Jackson that would be presented to the Governor's Office. He briefed the Council on what this report would include, noting it was pointed out that wildlife was not well covered under this report. This has been brought to the attention of those who are working on the report, and Assistant Director Herrighty added that while this report may not have provided enough information regarding several pending legislative bills that would benefit hunting opportunities.

Director Chanda and Assistant Director Herrighty both attended the State Turkey Federation dinner recently. The Federation had just conducted a deer hunt on a golf course in Hunterdon County for handicapped hunters, and they would like to offer this opportunity in other counties as well. Councilman Wolgast referred to one hunter who had participated in this event who had many physical disabilities, and the harvest success that they had during this event. It was noted that this was a tremendous opportunity for those hunters.

There were 23 feral hogs recorded at the check station during the deer season. Assistant Director Herrighty noted that there may have been several others not checked in because the station was closed for a week. He summarized the program and the location of where the problem was occurring for Councilwoman Brummer. A special permit has been issued to the golf course where the problem is occurring to allow them to trap these pigs. They will then contact the Division, and personnel will attach radio collars to the pigs to track them. He added that Division personnel will continue the cull after the deer season ends and until the start of the turkey season in April.

Assistant Director Herrighty noted that there has been very little bear activity this month. The bear project meets today to finalize the schedule for doing den work, and members of the Council were reminded that they are invited to participate.

Assistant Director Herrighty noted the monthly report, and the studies being done on adverse conditioning for wildlife management. The Division is partnering with the Bear Trust International and East Stroudsburg University. He noted the dumpster study, where the bears figured out how to walk on top of dumpsters with plastic lids and create a hole by falling through the lid. This has been recorded on trail cameras. A new type of lid was created by someone in Tennessee, and 25 dumpsters are going to be fit with this new lid. They will be studied and monitored by camera to track its effectiveness. There was additional discussion on this matter.

Assistant Director Herrighty will be attending the State Federation meeting to talk on the pheasant distribution program.

Acting Chairwoman Vreeland asked for an update on whether or not the pheasant season for semi-wild property could be extended. Assistant Director Herrighty noted that the Game Code allows the Director of the Division to extend the season up to 20 days. This could be done if weather conditions prohibited stocking and hunting opportunities on these areas. Acting Chairwoman Vreeland noted a request from a group in Warren County who had asked for an extension due to snow conditions. **A motion was made by Councilman Kertz to extend the semi-wild hunting season 20 days beyond the March 15 season closure if the Director so desired.** Councilman Wolgast was concerned about the length of this extension, noting it would be very close to the start of the turkey season. There was some additional discussion on this matter, and **Councilman Kertz amended his motion to extend the semi-wild hunting season until March 29. Councilman Wolgast seconded the motion. A vote was taken with all in favor, none opposed.** This information will be posted on the Division's website.

Principal Biologist Predl was in attendance to present a Community Based Deer Management Permit application from the Watchung Reservation. She gave a review of the Community Based Programs' history and why it was developed for Councilwoman Brummer. The Watchung Reservation is a Union County Park covering a 3.2 square mile area, and they received the first Community Based Permit ever issued back in 1995. Since that time, over 1,200 deer have been removed, using volunteer sportsmen. Due to the success of the program over the years, they now use only 12 agents culling on no more than three days in March, after the end of the regular deer season. Their initial application estimated over 200 deer per square mile on the Reservation, and they now estimate 20 to 30 deer per square mile. During the period of 1997 through 2001, infrared and spotlight counts were both conducted. Since that time they have continued with spotlight counts, and they estimate a population of 168 deer in the Reservation, and would like to reduce that number to between 60 and 70. They have also reported 258 deer carcasses along the county and municipal roads in Union County during a 12 month period ending in October 2008. Of these, 14 % were in the area around the Reservation. Their application today proposed a three day hunt beginning in March, possibly March 2, 3 and 4 if the weather allows, using 12 volunteer agents. The agents will be using shotguns and will be shooting from treestands. Principal Biologist Predl noted that this is a very controlled situation, and all deer are weighed, aged, and reproductive information is taken. The meat harvested from this hunt is donated to a community food bank, and the county pays for butchering fees. Those hunters attending all three sessions are being allowed to keep 20 pounds of meat for themselves at the end of the program. This application is based on the need to reduce the deer population and maintain it at 20 deer per square mile, reduce the number of deer vehicle accidents and reduce damage to the forest understory. Principal Biologist Predl recommended approving this application submitted by Scotch Plains, Springfield, Mountainside, Summit and Berkeley Heights on behalf of the Union County Department of Parks and Recreation. Council would be approving hunting during designated times and allowing for no hunter orange to be required. There was some additional discussion, and **a motion was made by Councilman Kertz, seconded by Councilman Wolgast to approve the Community Based Deer Permit Application for the Watchung Reservation. A vote was taken with all in favor, none opposed.**

Principal Biologist Predl also gave an update on Community Based Deer Management Permits that have been approved previously. In Princeton, White Buffalo has taken 145 deer to date. At the South Mountain Reservation in Essex County, 49 deer have been taken so far. Watchung Borough and Summit have each had less than 50 each so far.

Councilman Wolgast asked for information on the cost per deer for removal in Princeton. Principal Biologist Predl noted the contraception program, which has now ended, cost over \$1,000. per deer. The deer being culled cost between \$300 and \$400 per year, and Principal Biologist Predl added the fee is not charged per deer, but as a total program. Princeton pays for these costs. There was additional discussion on the deer control methods that have been tried in Princeton, as well as other areas.

Councilman Wolgast asked about the Division's baiting report and Assistant Director Herrighty noted he has received a draft copy and is editing it. He noted that Principal Biologist Kandoth has spent quite a lot of time working on Game Code matters recently.

Old and new business was discussed. Council members were reminded to please check the address list that was distributed and make any necessary corrections. There was some question on the dates of their terms as listed on the address list, and members requested that these be checked.

Councilman Burke asked that the committee appointment list be updated. Councilwoman Brummer will be added to this list.

Assistant Director Herrighty noted that Council had sent two letters to the Commissioner relative to bears, and added that the Director has also met with the Commissioner on this matter.

Assistant Director Herrighty also will draft a letter regarding the Game Code. Comments should be back by the end of the week, and they are trying to have the proposals included in the April 6, 2009 Register. He reviewed the timeline process involved for the Game Code. Acting Chairwoman Vreeland asked if the June meeting date should be changed. This was further discussed, and it was noted that it could be held sometime during the week of June 22, 2009. No date change was made at this time. Other dates were also discussed, including a possible date for the public hearing on the Game Code. Assistant Director Herrighty described the public Game Code hearing, noting that it is held in the evening after the regular Council meeting, and is usually at the State Museum in Trenton. Members of the Council are welcome to attend, but it is not necessary for them to attend. Acting Chairwoman Vreeland noted that after the last public hearing, the Council was ridiculed in a news article for not being in attendance, and she sent a response that they were there dispersed among the audience on not sitting on stage. She suggested that the meeting monitor be asked to make a statement that members of the Council are present at the hearing to make those in attendance aware of this.

The Game Committee will meet on March 10, 2009 at 9:00am, and the regular session of the Fish and Game Council will begin at 11:00am on that date. There will be a half-hour of time given to the Bureau of Law Enforcement to meet with the Council in Executive Session, and that will be held either before or after lunch.

Assistant Director Herrighty noted that at the last Endangered and Non Game Committee meeting, it was discussed that the Endangered and Non-Game Species Committee use the Delphi process and the Fish and Game Council uses information provided from the Division biologists to determine species data. ENSAC would like to meet with the Fish and Game Council and has selected three members to do so in order to discuss the Delphi process and other areas of mutual interest. Mr. Herrighty noted that this council would need representatives to sit on this sub-committee. This matter was further discussed among the members with Assistant Director Herrighty. Appointments will follow at a later date.

The public comment period was opened. Janet Pizar asked to open with comment on the Game Code hearing. She felt that this was the one forum that tends to bring out most members of the general public and felt it was important for them to be able to see and know the body that is legally authorized to make all the decisions regarding game animals in the State. She commented that she did not understand that break with tradition that instead of being on the stage or in front of the people so that they could address the Council, they would sit in the audience dispersed as anonymous people. Acting Chairwoman Vreeland responded, noting she personally received very abusive comments several years ago when she was sitting on the stage, and did not feel that she needed to be abused by anyone since she was trying to do the job for which she was selected and appointed to do. She added that she did not feel that anybody should be subjected to this harassment, and asked Ms. Pizar if she would want to be harassed this way. Ms. Pizar felt the monitor could stop this, but Acting Chairperson Vreeland noted it was still verbal harassment, and did not feel she needed to be subjected to this as a human being. Ms. Pizar said that's just personal, and asked about the other members of the Council. Ms. Vreeland noted they are human beings too. Councilman Kertz advised Ms. Pizar that after that Game Code hearing this was discussed, because it was not only Acting Chairwoman Vreeland who was harassed and had comments directed at her personally. They discussed as a Council that they would have a presence at the Game Code hearing, but would sit among the audience and not on stage where they may possibly be abused. Ms. Pizar asked if they would follow that same format this year, and Assistant Director Herrightly advised her that there was no requirement for the Council to sit on stage, and at most public hearings it is only the hearing officer who would sit there. Ms. Pizar again commented on the "break with tradition".

Ms. Pizar next referred to the November 27, 2007 Bureau of Wildlife monthly report and asked for clarification on something from that report. She noted an incident in Harmony Township where a black bear had injured a pet dog quite badly. She described that the dog had come in from the woods and had slashes, and it seemed quite obvious that this was from a bear. She said that Fish and Wildlife had been called, and they met with the people, and offered a bear trap to them. She said the pet owners stated that their dog had gone in to the woods, and they had no idea what transpired in the woods, and it was entirely possible that their dog was the aggressor and may have cornered the bear and the bear may have been acting defensively. She was questioning the statistic of this being a Category One bear, saying the onus will always be on the bear and the bear will be incriminated when the details of the situation were unknown. Assistant Director Herrightly advised Ms. Pizar that he would not comment on old matters without the necessary information in front of him, and our policy states that they will air on the side caution on any incident involving a bear encounter. He advised that he would not comment on an incident from a year and a half ago that he did not recall based on Ms. Pizar's interpretation of what happened, advising that was not what this comment period was about today. Ms. Pizar made comment that there were no guidelines on the public forum for public address. He advised that the public forum was to address the Fish and Game Council.

Ms. Pizar next referred to the Division's website, where she said it states very specifically that bears may eat small mammals. She then corrected her statement to do eat small mammals. She wanted to also state that from picking up, reading and reviewing bureau reports, the greatest number of Category One bear incidents for killing pets are bears breaking into rabbit hutches and chicken hutches to get at these small animals. She stated we were now looking at normal bear behavior as identified on the Division of Fish and Wildlife's website, but those bear incidents were compiled into Category One statistics for killing a pet or causing property damage. She stated it seemed to her that bears were being punished for acting like bears where the homeowner did not protect the outdoor rabbit hutches or chicken coops with electrical wire, especially when they live in bear county. She stated she would like to hear a little bit about the compilation of bear statistics when its stated on the Division website that

this is normal bear behavior. Councilman Wolgast advised Ms. Pizar that Council does not decide if a bear is a Category One or Category Two, that the Division does, and since she was now addressing the Council and they have no control over the Category One or Category Two designations. She then asked for Council's feeling on this since they could not officially defend it. Councilman Kertz noted that his feeling was that most of those here eat meat, but if he were to go into someone's house and break into their freezer and take some turkey, he would be aggressive. He noted that that is not common behavior, and it is the same thing with the bears. Ms. Pizar asked if bears should know the difference between wild small animals and those in a coop in the outdoors. Councilman Kertz responded that going into someone's backyard and breaking into a structure is not normal behavior for a wild animal. Councilman Van Mater added that if there were a bear hunting season, bear's would get so they were not accustomed to people so much and we would not have a problem with them intermingling so much.

Ms. Pizar then referred to something that occurred in early 2008, saying she believed it was the first black bear killed as a Category One bear. She said this happened in Blirstown by the Swartswood Delicatessen. She stated that there were deliveries made to this deli in an outbox, (saying she heard at 3:30 or 4 in the morning) of bread and rolls and they are kept there until the owner goes inside. She said the bear smelled it, came in, and got the bread, rolls or bagels and was sited as a nuisance and killed as a Category One bear. She was asked by Acting Chairwoman Vreeland if would find this to be a nuisance if it were to take her "stuff", whatever "stuff" is there. Ms. Pizar responded that if she lived in bear country and was sending out an attractant that wasn't protected in any way, again, a moral and typical opportunistic bear is going to take advantage of those rolls that are completely accessible to him. She added that again, you now have a statistic of a Category One bear. She was advised by Acting Chairwoman Vreeland that it fell in to that category based on the things it was doing and the information used to tabulate that statistic. Ms. Pizar added that from a public relations point of view, when they start hearing the compilation of Category One bears that are being reported as dangerous and aggressive bears and they don't know that the dog could have attacked the bear, that the bear eats small mammals by raiding a chicken coop or rabbit hutch, that the food was outside the deli fully accessible to bears, asking do you think it creates needless fear. Assistant Director Herrighty addressed Ms. Pizar, noting that she was relating what she thought had occurred, but she argued it was in his report. He referred to her stating that dog was in the woods and what the comments of the people were, and that was not in the report. They did not know what it was, did not know it was a bear, and Ms. Pizar added they said it probably was a bear, referencing the wounds. She was reminded that this was her interpretation from something that happened two years ago, but again said she took this from a report that she had at home. Ms. Pizar went on to say let's address the issue, that Category One statistics that people read about in the paper and don't really understand what transpired and are never told the mitigating circumstances. She addressed Acting Chairwoman Vreeland, saying that she ought to know why the public is hostile or abusive, and she thought some of the reasons may be they don't think this body listens to the public's sentiment, to what the public feels needs to be done in some instances of wildlife management and that really, we turn a deaf ear despite the fact that this public forum is set up just for that purpose. She then asked the Council if they had some form of understanding of what she was saying. Acting Chairwoman Vreeland reminded Ms. Pizar that she was rehashing issues that were over and done with. Ms. Pizar then commented that if Doris Lin had had the opportunity to present to this Council, she had a synopsis for everybody of the scientific and national research that has been done that stated very clearly that in every single study site the elimination of garbage and attractants has brought down nuisance complaints, whereby at every single study site hunting and eliminating part of the bear population has proven to be completely ineffective. There was some additional discussion, with Ms. Pizar noting in 2007, after a five county enforcement sweep only two citations were written on the black bear feeding law, and only two citations written in

2008 on the black bear feeding law, she felt it was clear to her that something was missing. Acting Chairwoman Vreeland advised Ms. Pizar that they have told her in the past, that Council's job is not to take care of how people handle their garbage, and reminded her that Chief Cussen has advised her to immediately call the Bureau of Law Enforcement and report any incidents. She was advised that Council does hear her, and was reminded that they do not manage garbage. There was some additional discussion on the matter of trash, and Ms. Pizar felt that since you hear so much about bears and wildlife being managed scientifically, and since it is a very vital component of bear management, she would have thought there would be more attention made to enforcing and seeing that communities in bear country enforce the black bear feeding ban law. She added that Mr. Cussen's can not be everywhere in this State, even throughout bear country, saying that 3 million people live in bear country, however she would have thought that if they were really concerned about bringing down the bear nuisance complaints an effort would have been made to go to those municipalities in bear country and remind them that they have the power to enforce the State law on the black bear feeding ban on commercial properties, on private properties and on their own public land. She was again reminded by Acting Chairwoman Vreeland that that is not Council's job to do, and suggested that Ms. Pizar take it upon herself to go and do that in all those townships. She added that she felt Ms. Pizar had a very good concern, but they could not do this for her. Ms. Pizar then thanked the Council, noting she appreciated their time.

Next to address the Council was Rob Winkel, from the New Jersey State Federation of Sportsmen's Clubs. He asked to make a clarification. He stated that the public hearing on the Game Code is held to take comments on the proposed code. He agreed it would be nice if the Council could sit in the front, but thought it was a requirement of the hearing officer that any comments that are made other than to the proposed code, such as those that are directed personally at the Council, those people should be immediately removed from the hearing and they should not be allowed to make further comment. He also asked to clarify the law that was passed by the Legislature, which was stated to be the intentional feeding of black bears. There is clear exemption in the law, and suggested to Ms. Pizar that she read the law (she noted that she had a copy with her), that if a person is handling their garbage in compliance with their municipal health code they are not in violation of that statute, whether or not bears are eating their garbage. He said it was made very clear to Councilman Schrier and to the Legislature when the law was proposed that it is a very difficult law to enforce because of the exemptions in that statute. He added that that is probably why local police departments to not want to get involved with it because it is a poorly written law.

At this time there were no additional public comments. **A motion was made by Councilman Van Mater, seconded by Councilman Kertz to adjourn. All were in favor. The meeting was adjourned at 2:45 pm.**