

MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL

Central Region Office  
Robbinsville, NJ  
May 12, 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 John Messeroll  
Councilman Robert Puskas  
Councilman Dan Van Mater  
Councilman Len Wolgast

Absent: Councilman Fred Hough  
Councilman Ed Kertz

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Tim Cussen, Tony Petrongolo, Lisa Barno, Patrick Carr, Paul Castelli, Ted Nichols, Carole Kandoth, Jodi Powers, Joe Leskie and Dan Roberts.

Members of the public included representatives of the Federation of Sportsmen's Clubs and others.

The meeting was called to order at 10:14 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 March 23, 2009.

The minutes of the April 2009 meeting were reviewed. **A motion was made by Councilman Messeroll, seconded by Councilman Puskas to accept the minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland reviewed some of her activities this past month, which included the Game Code Hearing, the Quail Workshop at the University of Delaware, a forest stewardship program at the Duke Estate, and testifying at the Agriculture Committee hearing for the farm bill relating to forest stewardship. There was some additional discussion on these matters.

Director Chanda reviewed some of his activities, including doing many presentations on the Saltwater Registry. Most of those attending the seminars support a fee if it will be used to enhance marine fisheries.

Director Chanda noted a point from the forestry program, where the State of Pennsylvania lost state appropriation monies over the years due to the monies gained from timber sales, but recent economic conditions have resulted in them having a shortfall in their budget. Director Chanda noted that license sales always seem to hold their own even during recession periods.

The public comment period on agenda items was opened. There were no public comments.

Councilman Puskas reported for the Agriculture Committee. He noted that due to the recent rains things are too wet and they are not able to get in to the fields.

**Councilman Puskas requested a motion be made to change to the farmer turkey permits, explaining that there was too much confusion between the occupant and non-occupant permit criteria, and he asked that it be just one general permit.** Assistant Director Herrighty advised that making this change would be a legislative matter, but Council could do a resolution to allow the farmer to use the permit in other ways. Councilman Messeroll asked that the matter be considered for future discussion and review. There was some additional review of this matter, and Assistant Director Herrighty noted he would check into this matter to see what was covered by statute or rule regarding occupant and non-occupant farmers, and report back to the Council at a later time. **The motion was tabled until after completion of the Game Code.**

Acting Chairwoman Vreeland noted that things are beginning to bloom in the Northern Region. She also reported that they have not had as much rain, noting that the water levels at Lake Hopatcong are still down.

Councilman Messeroll reported for the Legislative Committee. He noted the recently signed Sunday bowhunting bill, which will be in effect this Fall. Assistant Director Herrighty added that as part of the adoption process, Council would have to make a technical amendment to change the code to reflect this. He noted that Principal Biologist Kandoth would be discussing this with the attorneys. It was noted that this bill would allow Sunday bowhunting only on wildlife management areas and private land, and the question was raised about someone who leases property and if they would be allowed to hunt that ground. It was explained that with written permission, they would be allowed to hunt.

Legislative Liaison Nelson had no additional information to report for the Legislative Committee.

Councilwoman Brummer reported for the Endangered and Non-Game Species Advisory Committee. She asked if a policy existed from this Council on the Trap-Neuter-Release Program for feral cats, noting that the ENSAC representatives will be developing a policy and she would like to see the policies reflect one another. Councilman Wolgast advised that a copy of the resolution had been sent to the Governor several years ago, and a copy would be provided to Councilwoman Brummer. Additionally, other information had been sent to the ENSAC

members regarding the T-N-R program. There was additional discussion on the issue of T-N-R and the impacts of feral cats.

The next meeting of the Endangered and Non-Game Species Advisory Committee is scheduled for May 20, 2009.

Councilman Messeroll reported for the Federation. He noted that things have been quiet. Things are in place for the Convention on June 12, 13 and 14, but he noted that attendance is down by 20%. Some of the activities planned for the Convention include grant writing, membership recruitment, a tour of the Manasquan Reservoir and surf fishing.

A letter will be forwarded to the State Federation and the Division that was received from someone concerned that all the articles being put in the newspapers recently have been related to saltwater fishing and not freshwater fishing or hunting. There was some additional discussion regarding this matter.

Councilman Burke reported that meetings were scheduled for later this week in the Southern Region. Several fishing tournaments are also scheduled.

Councilman Burke noted the recent rains that lasted for a week during the oak tree pollination, and had concerns that this may have an impact on the acorn production in many areas. Farming activities were also delayed, and Councilman Burke noted Councilman Kertz was absent today because he was planting.

Councilman Burke also noted the decreased amount of bats that he was seeing in his area. So far this year he has only seen two, compared to the dozens that he has seen previously, and felt that this may be due to the white nosed bat syndrome. Councilwoman Brummer added that this is a major issue, and would be discussed next week at the ENSAC meeting. She will bring back more information on this matter from that meeting.

Questions on the effect the State employee furloughs would have on the hatcheries and game farm were raised to Councilman Burke, and he asked for an update of what was being done to cover these areas. Assistant Director Herrighty reported that plans were in place to have staggered lay-off days at these areas, and that a hearing was scheduled for this Thursday to see if staggering days would be allowed. Should staggering days not be allowed, other plans are in place to cover these areas.

Assistant Director Herrighty reported for the Bureau of Wildlife. He noted that the Game Code runs on a two-year cycle, and Principal Biologist Kandoth and her staff would be reviewing code amendments for the Council later today.

Information was distributed to the Council members on the final harvest results from the 2008-2009 deer seasons. Principal Biologist Kandoth reviewed this information for the Council. She noted that the harvest of 53,260 deer was up from last year's harvest, which was the lowest harvest in the past seventeen years.

A power point presentation was given reviewing each of the seasons and the results of same. Some of the information reviewed included the total harvest breakdown by season, which showed that the majority of deer were taken in the fall bow and permit shotgun seasons, with each of those seasons taking 25% of the total harvest. The rest of the seasons broke down to: permit muzzleloader 19%, six-day firearm 15%, permit bow 11%, winter bow 3% and the two youth days combined 2%. When broken down by weapon type, shotgun hunters took 42% of the total harvest, followed by bow hunters taking 39% and muzzleloader hunters taking 19%.

Other information reviewed was the decrease in permit sales, which Principal Kandoth noted was not a surprise due to the current state of the economy. Permit sales were down 5,725 permits from last year. Buck permit sales were up for the bow and arrow season, down for the shotgun season, and down slightly for the muzzleloader season, with a total of 48,327 being sold overall. Additionally, 2,304 youth buck permits were sold. This resulted in a total of \$1.3 million of revenue from the sale of buck permits, which is on par with last year's sales.

Councilman Puskas asked if the license sales data was compared to the amount permits sold, but license sales information was not available at this time. He questioned if the amount of increase or decrease in the types of licenses sold was related to the increase or decrease in permit sales. Principal Biologist Kandoth noted the trend for the past several years, which shows more deer being harvested with fewer hunters in the field. Councilman Wolgast added that he felt the mast failure may have added to the increased harvest, with more deer coming in to baited areas.

At this time, the Regional Deer Biologists presented an extensive review of changes to deer regulations that were proposed last year and are to be voted on this year. Below is a summary of the changes they reviewed:

Senior Wildlife Biologist Joe Leskie reviewed the following zones and changes for the Southern Region:

Zone 26            located in Northern Atlantic County  
Proposed change would move this zone from Regulation Set 4 to Regulation Set 3. This change is proposed to help increase the herd, since there has been a decline in the antlered harvest for the last several years and we are below the buck goal. An outbreak of EHD may be a factor also.

Zone 34            located in Cape May County  
Proposed change would move this zone from Regulation Set 3 to Regulation Set 0. This change is proposed to help increase the herd, since there has been a decline in the antlered harvest for the last several years and we are below the buck goal.

Zone 43            located in Cumberland County            (includes the Millville WMA)  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0. This change is proposed to help increase the herd, since there has been a decline in the antlered harvest for the last several years and we have been below the buck goal for the last five years.

Zone 45 located in Cumberland County (includes the Peaslee WMA)  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0.  
This change is proposed to help increase the herd, since there has been a decline in the antlered harvest for the last several years and we have been below the buck goal for the last five years.

Zone 46 located in Southern Atlantic County  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0.  
Although there has been an increase in the antlered and antlerless harvest lately, we have been below the buck goal for four out of the last five years. The management strategy was also proposed to change from stabilize to increase the herd.

These were all the proposed changes for the Southern Region. The information given was discussed, and Councilman Burke requested a breakdown of five years of information by season to bring to the hunting clubs and sportsmen's groups in the Pinelands to review with them regarding these proposals.

Senior Wildlife Biologist Jodi Powers reviewed the following zones and changes for the Central Region:

Zone 18 located in Northwest Ocean County  
Proposed change would move this zone from Regulation Set 3 to Regulation Set 2. There has been concern over the past few years because the harvest was dropping. Although there was a slight increase this year, it was proposed to the Council last year to change the management strategy for this zone from decrease to stabilize.

Zone 19  
Proposed boundary change will be discussed later (see below). Over the past several years, a stable herd has been maintained at the current regulation set. Additionally, farmer depredation permits were down from 18 to 11. As a result the buck goal was re-evaluated and was proposed to 4 bucks per square mile the management strategy would be changed from decrease to stabilize.

Zone 21 located in Central/Southern Burlington County  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0. The change is proposed to help increase the herd, since over the past several years the harvest had been drastically declining. The management strategy was proposed to change stabilize to increase.

Zone 22 located in Southern Ocean and Burlington Counties  
Proposed change would move this zone from Regulation Set 4 to Regulation Set 3. This change is proposed to help increase the herd, since over the past several years there has been concerning about the harvest dropping. The management strategy was also proposed to change decrease to increase.

Zone 23 located in Southern/Central Burlington County  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0. This change is proposed to help increase the herd, since over the past three years the harvest has been drastically declining. The management strategy was proposed to change from stabilize to increase. An EHD outbreak in this area in 2007 may be a factor also.

Zone 24 located in Southern Burlington County  
Proposed change would move this zone from Regulation Set 2 to Regulation Set 0. This change is proposed to help increase the herd, since over the past three years the harvest has been drastically declining. The management strategy was proposed to change from stabilize to increase. An EHD outbreak in this area in 2007 may be a factor also.

Senior Biologist Dan Roberts reviewed the following zones for the Northern Region:

The following zones are currently in Regulation Set 8, and will continue to be monitored but will remain in Regulation Set 8 at this time: Zones 7, 9, 11, 12, 14, 15, 41 and 51.

The remaining zones in Regulation Set 8 will be considered to be moved into the newly created Regulation Set 9, which would give more hunting opportunity for antlerless deer.

The zones are:

Zone 8 located in Hunterdon and Morris Counties  
Zone 10 located in Hunterdon and Warren Counties  
Zone 13 located in Morris, Somerset and Union Counties  
Zone 36 located in Bergen, Essex and Union Counties  
Zone 49 located in Camden and Burlington Counties  
Zone 50 located in Monmouth and Middlesex Counties

For Zone 6, a boundary change was made years back for an approximately 70 square mile area. There have since been some changes to this area. This would be a technical change to reduce the bucks to 3 per square mile. In the 2007 season, there was also an outbreak of EHD in this area. A letter may be forthcoming from a community just outside of the area taken for Zone 36, and they would like their area to be considered to be added to Zone 36 as well, where the harvest allows for unlimited antlerless deer to be taken. This matter was further discussed. Principal Biologist Kandoth noted the diversity of habitat in the areas of Zone 6, explaining that they would like to help those communities in the areas that are having the most problems. Additional discussion continued on deer density calculations and herbivory projects that are planned for this area.

Senior Wildlife Biologist Jodi Powers explained the following boundary change proposal:

Zone Boundary Change for Zones 19 and 23

This area has been discussed for the past few years. Several years ago the current boundary was made because of farmers in the area experiencing deer damage. The current boundary line consists of unmarked, abandoned fire road, and makes boundary determination difficult for Law Enforcement purposes. It was proposed last year to add 21 square miles of Zone 23 to Zone 19. This would increase bag limits and season length

changes. A second issue has come up where complaints are being received that the harvest is dropping in the Eastern part of Zone 19 as well as this area of Zone 23. A field inspection of this area was conducted. Additionally, the farmer depredation permits have dropped from nineteen to eleven in Zone 19, and nine to four in Zone 23. Senior Biologist Powers gave a detailed explanation to the Council on this matter, and it was discussed at length. Council was advised that if this proposal is accepted, it may have significant impact on the deer herd as well as a possible outcry from the hunters and federations in this area. The only other option would be to not accept this change, and make adjustments to the boundary the next time the Game Code is opened for changes. Councilman Burke asked that David Buchinsky and the Quality Deer Management group be advised of this matter.

This concluded the review of the proposed changes for the deer seasons that were made last year.

Acting Chairwoman Vreeland asked if the tooth collection program was successful, and Senior Biologist Dan Roberts reviewed this matter. They anticipate having this program again this Fall.

Principal Biologist Ted Nichols was present to ask the Council to consider and vote on the recommended Migratory Bird Season Dates that he presented last month. **A motion was made by Councilman Burke, seconded by Councilman Puskas to accept the dates as given.** Councilman Messeroll asked if there was any further information available on the Brant season, and Principal Biologist Nichols advised that would not be available until sometime in July. **A vote was taken with all in favor, none opposed, to accept the recommended Migratory Bird Season Dates as given.**

The meeting broke for lunch at 12:06 p.m., and resumed again at 1:04 p.m.

At this time, Acting Chairwoman Vreeland distributed a copy of a letter that was sent to Acting Commissioner Mauriello regarding the Comprehensive Black Bear Management Policy, again requesting to hear from him on this issue.

Assistant Director Herrightly distributed a copy of the bear activity report to the Council.

Chief Petrongolo reported for the Bureau of Land Management, noting that no new properties were added to the wildlife management area system this past month. Chief Petrongolo advised the Council that the Green Acres Program still has some monies in place, but funding is running out. The Green Acres Program has appointed Judeth Yeane as their new Director.

Last month, Chief Petrongolo noted several forestry projects that were being worked on. He reported that a draft plan is in place for the Whiting WMA, which is part of the Berkeley Triangle. This is a cooperative project between several groups and is moving along. The plan will allow us to manage for native pinelands species, and calls for thinning about 60% of the area. At the Hay Road area of the Stafford Forge WMA, a similar project is being planned, and a contract has been awarded for work to begin this Fall. This project will be for restoration and maintenance, as well as developing a fire break in case a large forest fire occurs. A plan for the Greenwood Forest WMA is also being developed.

In the Northern Region, staff has been marking timber at the Flatbrook WMA for a clear cut project. Staff has been working with the Ruffed Grouse Society for over a decade on this project, which will allow a cut every five years. Bids will be taken this Fall for cutting to begin this Winter.

Also in the Northern Region, prescribed burn activities have occurred on the Berkshire Valley, Hainesville, Black River and the Rockaway River WMAs. Chief Petrongolo added that control burn activities are not usually done in the Northern Region, and credited Senior Biologist Mimi Dunne with putting this project together.

A pre-construction meeting was held at the Ken Lockwood Gorge WMA. This project will be bid out soon, and will include road restoration, gates, and additional parking areas. Chief Petrongolo added that parts of the through road will remain closed.

A new boat dock was installed at the Round Valley WMA. This allows for a better flow of boat traffic at the two boat launches and is also handicapped accessible.

Chief Petrongolo acknowledged the Cumberland County Sportsmen's Federation and thanked them for their clean up efforts on various wildlife management areas during their annual Trash Hunt.

At the Peaslee WMA, 2,500 pitch pines were planted by a motorcycle enduro club. This project is a requirement of their permit to hold their enduro activities. Chief Petrongolo reviewed some of the other areas that have been planted in the past, and noted that they have been successful so far.

Councilman Wolgast asked if the plan for work at the Whiting WMA has been sent to the Pinelands Commission. Chief Petrongolo noted that it had not, but explained that it would be going as a package of various plans from many different groups. There was some additional discussion on this matter and previous plans that had been submitted to the Pinelands Commission.

Councilman Puskas inquired that if Green Acres made an offering property to Fish and Wildlife, and if we turned it down, what would happen. Chief Petrongolo explained the process of acquisition, where the property owner contacts Green Acres, then they inquire as to who may want the property, and it is acted on after that. He further explained that properties that may be good additions to the WMA system, area are still considered, even if staffing may not allow for proper maintenance. The fields are left fallow until such time they can be properly maintained. There was some additional discussion on Green Acres property acquisitions.

Councilman Burke noted he has received several inquiries about public places to shoot on WMAs. He asked those inquiring where they would like to see a range, and they indicated on the Winslow WMA across from a commercial shooting facility. He asked what could be done to make ranges available again. Chief Petrongolo explained that shooting ranges require more stewardship and work than in the past, and he does not have the staff to develop and maintain ranges at this time. In the future he hopes that this can be done, but for now things will stay as

they are. He added they hope to eventually expand the Makepeace WMA. Chief Petrongolo also noted a website that had good information on shooting ranges called Where to Shoot.org.

Chief Barno reported for the Bureau of Freshwater Fisheries. She noted a problem with the printing of the monthly bureau report, and indicated she would send corrected copies.

She noted that hot weather that occurred during the third week of stocking cause problems in some ponds. She added that while a water temperature of 74° is acceptable, when the fish are coming out of 52° water at the Hatchery that differential can be a shock to the fish. She advised that staff from the Bureau of Land Management tempered waters the trucks with five gallon buckets of water, which make the conditions better for stocking. We could not stock at Gloucester City (Camden County), Laurel Pond (Cumberland) and West Pond (Camden) with trout due to elevated water temperatures. By the end of the week, the temperatures turned back in favor of the trout, and the rains last week also helped.

Stocking is now in week five, and there are two weeks left. Things are looking good overall. Fish are being moved from the nursery building into the raceways. Fingerlings for the 2010 season are out in the raceways.

Chief Barno reported on two fish kills. The first is at Silver Lake, the same area where the swamp eel problem is occurring, which saw a fish kill of large mouth bass and sunfish. The area is being monitored, and the fish kill seems to have tapered off. The second fish kill is at the Oradell Reservoir, and is still occurring. Samples of fish were taken to the N.J. Department of Agriculture Laboratory, and results are still pending, however Chief Barno noted that they feel that it may be a viral agent causing the kill.

Last month Chief Barno noted that Dahnert's Lake had been closed by the Department of Health after two people became ill from fish they caught in the lake. Further research showed that these individuals only fished the lake, and did not consume anything from it. The water in the lake tested clean, and the lake was reopened. Only one stocking was missed at this area due to the closure, and the final stocking was completed during week three.

Spring channel catfish are being stocked at 49 waters throughout the State, which has cleared some tank space at the Hackettstown Hatchery.

The small mouth bass collection has begun. Seventy fish were collected, ranging in size from two to four pounds. Spawning will take place next week.

On May 15, 2009 Landlocked Salmon were stocked in Lake Aeroflex and Lake Waywayanda. The fish are provided by Massachusetts Fish & Game.

The Fish Code should be coming back to Chief Barno sometime this week, which would keep it on target for publication in the July Register.

Councilman Messeroll asked if in the future, striped bass limits could be coordinated with Pennsylvania for the Delaware River. Chief Barno explained that there have been four

conference calls with them. There was some additional discussion on the options being looked at. She added this would become a legislative issue if it were to change in New Jersey, which only complicates things more.

Councilman Messeroll asked if lakes such as Stone Tavern and Rising Sun Tavern, which are located here on the Assunpink WMA are being stocked with anything. Chief Barno indicated the fish in those lakes are self sufficient, and they may have had some fish stocked in them a number of years ago, but not recently.

Chief Cussen reported for the Bureau of Law Enforcement. The two recruits who are in the police academy, Jordan Holmes and Brian Tomlin both continue to do well. CO Holmes will graduate on June 5, and CO Tomlin will graduate some time in July. After completing their field officer training, both should be patrolling on their own this Fall.

Conservation Officers reported a total of 7,653.5 hours during this reporting period. These were further broken down to 2,291 for fishing, 1560.5 for marine resources, 972 for training, and 266.5 for wildlife management area patrols. Chief Cussen noted the 972 hours for training reflected the quarterly firearms requalifications.

A total of 6,842 field inspections were reported, resulting in 336 summonses, 30 warnings and three criminal arrests. The summonses issued were further broken down to include 171 fishing, 96 wildlife management area, 25 striped bass, five marine resource and nine hunting violations.

Chief Cussen reported on some recent incidents that had occurred, including one last Tuesday evening while CO O'Rourke was on patrol along the Delaware River in a remote area of Cinnaminson in Burlington County. He came upon an individual who had attempted suicide and Chief Cussen gave further details of the incident, including CO O'Rourke contacting DEP Communications for EMS assistance. After the victim was stabilized, they were put in to the back of CO O'Rourke's patrol vehicle and taken out to an awaiting ambulance. Chief Cussen recalled that a similar incident had occurred last year, when CO Sutton came upon an individual who was attempting suicide. He added that CO Sutton has just been selected to receive the Distinguished Service Award, and noted the caliber of people that they are able to get, train and keep in the Bureau.

In the Southern Region, a two-year covert operation on the illegal take and sale of river herring was just completed. Chief Cussen reviewed details of the matter for the Council, noting that river herring were a species of concern. Over the last two years, nine arrests have been made. He added that the unlawful taking of river herring is such a serious problem that it is being addressed in the Fish Code.

Assistant Director Herrighty referenced the bear activity report, noting that the information generated in the bear report did not match that in the monthly report since they were generated at different times. He added that the numbers were on par compared to this time last year, with one less bear being euthanized.

Councilman Messeroll asked if there had been any sighting of bears in South Jersey. Supervising Biologist Pat Carr noted that there were sightings in past in the lower Burlington, Atlantic and Cape May County areas. Officials from Pennsylvania are also looking into a bear that was trapped in Maryland recently that had previously been trapped here in New Jersey and released on the Assunpink WMA, wondering if it may have also been removed from an area in Pennsylvania and released elsewhere.

Old and new business was discussed. Assistant Directory Herrighty was asked about the letter to the USFWS regarding geese and the problems they are causing. He noted that it has not been done yet, but reviewed that it would be going to the Chairperson of the Atlantic Flyway Council, and would be brought up at the Atlantic Flyway Technical Committee meeting in July by Research Scientist Paul Castelli.

Councilman Wolgast asked if the Council had any objection to the New Jersey Outdoor Alliance rallying to have active duty servicemen and women be eligible to receive free hunting and fish licenses. Legislative Liaison Nelson noted that there are several bills in the Legislature to take care of those on active duty, but added that the Division would only support this if we could receive reimbursement from the State Treasurer. After some additional discussion, Legislative Liaison Nelson was asked to research the proposed bills and report back to the Council.

The next State Federation meeting is scheduled for this Friday.

The next meeting of the Fish and Game Council is scheduled for June 16 at 10 a.m. Councilman Wolgast asked that the members be polled beforehand to see who will be able to attend.

This Burlington County Federation of Sportsmen will be meeting this Thursday evening, and it was noted that the Zone 19 and 23 boundary change proposal would be a hot topic.

The public comment period began at 2:02 p.m. Jim Soden addressed the Council on behalf of Jim Furlong, President of the Burlington County Federation. He welcomed all members of the Council to attend their meeting this Thursday night.

Roger Cole addressed the Council regarding three islands that are part of the Upper Barnegat Bay WMA, named North West Point Island, Marsh Elder Island and Middle Sedge Island. He noted that they are becoming more popular for hunting, and have limited hunting access since only the shoreline is huntable, and added that a portion of North West Point Island is owned by a private club. He asked that the Council disallow permanent waterfowl blinds to be built there, since there is a possibility for confrontation between hunters. Assistant Director Herrighty noted that this would be looked into, and reviewed the issue of waterfowl blinds for the Council, noting that once they are erected they are public property and anyone can use them. There was some additional discussion with Mr. Cole on this matter. Councilman Burke noted page 82 of the Fish and Wildlife Digest, which states that the Sedge Island WMA, which is near this area, is one of the wildlife management areas where permanent waterfowl blinds are not allowed. It was explained to Mr. Cole that if this is wildlife management area regulation, it would not be under the authority of this Council, but would be under the authority of the Commissioner. It was

noted that this Council could make a recommendation to the Commissioner to consider this change. Assistant Director Herrighty will further research this matter.

Janet Pizar was next to speak. She asked about a \$600,000. grant from the Federal Government for the management of Mute Swans that she had recently read or heard about. Assistant Director Herrighty reminded Ms. Pizar that at the last Council meeting, she was advised to address the Council, and not the staff, and Division related questions should be sent to the Division by e-mail. She noted that she understood, but felt this was an open, public meeting and that members of the Division sat on the Council. Assistant Director Herrighty noted they were there to advise the Council. Ms. Pizar continued on, asking if anyone had heard anything. Councilman Wolgast noted that he had not heard anything, adding that mute swans were an exotic species, and in general the position on the rights to exotic species was that they do not belong here. She asked if there was a formal management plan, and it was noted by Councilman Messeroll that this would be a Federal waterfowl issue, adding that our waterfowl regulations do not include swans. She again asked if anyone had heard about the grant, however no one had.

She next asked about an article in the newspaper last June regarding bears in Branchville, where three sows supposedly had a total of ten cubs and there were concerns in the area. She asked Acting Chairwoman Vreeland about a letter to the editor that she had read, and Acting Chairwoman Vreeland noted that there were 16 bears in a one-square mile area of the town. Ms. Pizar added that she had the June, 2008 article, which stated that the bears were in the center of Branchville. Acting Chairwoman Vreeland noted yes, and this was right by a school playground. Ms. Pizar added that if Council recalled, she had brought in an array of photograph documentation last Fall that showed every food industry in Branchville was negligent of having any type of bear proof or bear resistant garbage—at this time, Acting Chairwoman Vreeland excused herself to Ms. Pizar, reminding Ms. Pizar that this Council does not control or have the authority over the garbage issue, and she should go to the town where she felt the problems were occurring. Ms. Pizar went on to reference a recent article by Bruce Britton, which again noted that the bear sows with cubs were inside Branchville. She added that she had spoken to Captain Cussen from the Bureau of Law Enforcement on this, as well as writing to the Mayor and town council committee members letting them know of the specific food industries in their town that have not been bear proofed. She asked Chief Cussen if he had heard anything. He noted he had asked the officers from the Northern Region to check in to all the places she referenced. Ms. Pizar commented she found it interesting that it was no official trend in the aversive conditioning of these bears, adding that before aversive conditioning could begin, step one would be to eliminate the attractants that are bringing the bears in to the area. She added that neither of the articles mentioned the lack of containment of garbage in the downtown area. She felt that Branchville needed to address this issue, and noted that she would have someone go back to these food industry businesses in the downtown area within the three or four weeks. Ms. Pizar also referenced that the article expressed concern that there was a school playground within 100 yards of the Frankford-Branchville School, which she said brought her to the next article of business.

Ms. Pizar told Council that as they probably know, in District 24 there is a very outspoken Assemblywoman, Allison Littel McHose and she has concerns about black bears. Ms. Pizar noted the Ms. McHose lives in Frankford Township, and a few dozen yards from her home is the

Frankford Elementary School. Ms. Pizar added that on the school property are two huge dumpsters, and both can be seen completely open and highly accessible to bears, and they are adjacent to a playground. She felt that if there were concerns about bears coming on to the school property, something like this would need to be addressed. She presented photographs for a point of reference, showing dumpsters at the school and at a local business. Acting Chairwoman Vreeland added that Council knows of these issues, but can not control it. She advised Ms. Pizar to go to those areas of concern and teach them her mission. Ms. Pizar added that she was puzzled because the Bureau of Law Enforcement did not make more of an effort to take measures to enforce the bear feeding law. She also asked Assistant Director Herrighty for a clarification of a comment he had made at last month's meeting, and he advised Ms. Pizar to see him after the meeting or address him in writing. He noted that Ms. Pizar had been advised that rather send e-mails regarding trash disposal concerns, she had been asked to contact the Bureau of Law Enforcement immediately when she found a problem occurring. He added that coming to the Council after the fact gave no grounds for enforcement. She again asked if he would clarify something said at the last meeting, to which he responded no.

Ms. Pizar next commented that she felt that the criteria needed to be addressed about the accumulation of bear complaints. She said the February report there were 16 Category Three bear reports, and when on to explain Category Three bear criteria notes that these are bears doing normal bear activities. She then noted, however, the report said that there were 16 bear complaints. She added that Assistant Director Herrighty had explained that calls received are logged as bear complaints, and felt that this was one sided public opinion poll, since these callers were people who were seeing bears and did not want to, not people calling to say they were seeing bears and wanted to see more. She asked Acting Chairwoman Vreeland what she felt on this compilation of data. Acting Chairwoman Vreeland compared this to anti-hunter's who speak about trophy bear hunts, and said she felt Ms. Pizar was acting like this complaint was a similar thing. She added that a complaint is a complaint, and it categorized One, Two or Three depending on the extent of the matter. There was additional discussion on calls that come in to the call center, and Councilman Messeroll pointed out that Category Three calls do include bear sightings. Additional discussion continued, and Ms. Pizar asked what controls were in place to keep hunters from calling in that they were seeing bears and inflating the numbers, noting that she had asked Assistant Director Herrighty last week if these were scientific statistics, and he had responded yes, and again wanted to know what was being done to make sure the numbers were not being manipulated for the purpose of inflating bear complaints. Councilman Messeroll felt that as a hunter he would not call in, he would think it was kind of neat to a bear. He added that he had not heard of any hunters who had called in a bear sighting complaint. Councilman Wolgast added that the calls can be affected by bear density, and in areas where you don't have a lot of bears, you don't get a lot of calls. She again asked if there was any assurance that the statistics were not being inflated and manipulated and asked Council if they would like her to present some proof from "blogs" that people are coaching each other to call in and make complaints and report damage. Councilman Wolgast added that it was important for people to call in if they were having property damage done by the bears.

Ms. Pizar then asked for one more clarification. She noted that two months ago she had asked about the Division website where it stated that bears may kill small mammals. She said she had brought up to this Council that if this is normal and typical bear behavior, how can you then label

a bear that breaks into a rabbit or chicken hutch to be a Category One bear, since you have a small mammal contained as well as have food for that animal in the cage that would also attract the bears. She referenced that the report distributed today, there were notations that some people declined bear traps, some did not return calls, and some elected to have bear traps put on their property. She felt that if you were able to trap and kill a problem bear, if the attractant remained, another bear would come along. She felt that an obvious solution would be to tell people that they need to electrify with electric wire. She again asked how this typical bear behavior could be considered as a Category One bear. Acting Chairwoman Vreeland that this fit the criteria established by the scientists. Ms. Pizar asked if she felt that the criteria was faulted to which Acting Chairwoman Vreeland answered no. Ms. Pizar then asked Councilman Wolgast if he felt the criteria was in any way faulty, and he responded no, not at all. He added that they were not saying that it is abnormal behavior, its behavior that bothers people. He added that if your pet rabbit gets killed, you get upset, so it's a Category One complaint. She asked if he agreed with Councilman Kertz's position two months ago that bears should know that breaking into a cage is inappropriate behavior. There was some additional discussion on this matter, and it was noted that that it seemed as though Ms. Pizar wanted to ban anyone from having any outside animals feeding, and that was not something that could be done by the Fish and Game Council. Ms. Pizar thanked the Council

**A motion was made by Councilman Burke, seconded by Councilman Van Mater to adjourn. Meeting adjourned at 2:28 p.m.**