

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
May 8, 2012

The regular meeting of the Fish and Game Council was held on the above date.

The meeting was called to order at 10:08 a.m. by Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

The following was read aloud by Acting Chairman Burke: 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 delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press on April 16, 2012.

Roll call was taken. In attendance were:

Acting Chairman David Burke
Councilman Philip Brodhecker (arrived 10:27 am)
Councilwoman Barbara Brummer
Councilman Agust Gudmundsson (arrived at 10:11 am)
Councilman Jeffrey Link (arrived at 10:16 am)
Councilman John Messeroll
Councilman Dan Van Mater

Absent: Councilman Robert Puskas

Division personnel included D. Chanda, L. Herrighty, P. Nelson, M. Chicketano, L. Barno, J. Sciascia, A. Petrongolo, T. Nichols, D. Roberts and J. Powers.

Members of the public included representatives of the United States Department of Agriculture and others.

Acting Chairman Burke commented that this is a great time of year for sportsmen, with many fishing activities and tournaments occurring. Councilwoman Brummer added that the World Series of Birding event would be occurring this weekend.

Acting Chairman Burke noted the passing of former Councilman John Bradway, and former Division Waterfowl Biologist Fred Ferrigno.

Director Chanda addressed the Council. He reported that Assistant Commissioner Amy Cradic has moved to the Governor's Office, and the new Assistant Commissioner is Rich Boornazian, who previously was the Administrator of the Green Acres Program. He has met with Director

Chanda, as well as each of the Bureau Chiefs and has a lot of interest in what the Division is doing. Councilwoman Brummer added she has also had a chance to meet with him.

(Councilman Gudmundsson arrived at 10:11am)

The Council was briefed on the current budget status. The Division should close the end of the year with a balanced budget for the Hunter and Angler funded areas, and the Endangered and Non-Game Species Program (ENSP) should be alright as well. The Commissioner is working to resolve the budget for the Marine Fisheries Program. Director Chanda added that the ENSP State Wildlife Grant would be coming to a close, and that funding plans would need to be reviewed. They do not anticipate any personnel layoffs, but will possibly have to eliminate certain programs.

Director Chanda reported that the Division has been able to fill the Fisheries Pathologist position that has been vacant for six years. The candidate is originally from New Jersey, but is currently working in British Columbia. He is very experienced, and has previously worked during the summer for the Division. It was also noted that he will have access to the workspace and new equipment at the Department of Agriculture's new laboratory facility in addition to using the laboratory space at the Pequest Hatchery.

(Councilman Link arrived at 10:16am)

Councilwoman Brummer inquired about the new Department of Agriculture facility and Dr. Reist from the Department of Agriculture was asked to give a brief review of same. There was some additional discussion regarding this facility and the type of work they will be doing.

At this time, Acting Chairman Burke noted that a quorum had been reached, and asked for comments on the March 12, 2012 meeting minutes. **A motion was made by Councilman Messeroll, seconded by Councilman Van Mater to approve the minutes as presented. A vote was taken with all in favor, none opposed, and one abstention from Councilwoman Brummer who was not at that meeting.**

Acting Chairman Burke noted that Councilman Van Mater would be leaving early today.

Acting Chairman Burke addressed the Council that there have been questions regarding the minutes and when they are posted. He added that if a meeting was cancelled or there was no quorum to vote to approve previous meeting minutes, a draft of the minutes could be posted on the web within thirty days. If the meeting is held, minutes will be posted after they are approved. Assistant Director Herrighty is looking further in to this matter, and Councilman Gudmundsson inquired as to whether minutes could be reviewed and voted on by e-mail or by phone. Assistant Director Herrighty advised that would not be possible since they have to be voted on at a public meeting. He further noted that he has spoken with the Division of Law about letter that has been received from the public that the minutes are not being posted in a timely manner, but was advised that the way minutes are being handled was appropriate. He was also advised that it would be acceptable to post minutes as "draft" if the following months meeting was not held. However, Assistant Director Herrighty added that Roberts Rules cautions on "draft" postings of

minutes that are not final. There was some additional discussion, and members verbally agreed that they would consider this as an option.

(Councilman Brodhecker arrived at 10:27am)

Acting Chairman Burke reviewed the question on posting the minutes for Councilman Brodhecker. He also advised that there is pending legislation on changing the rules for Open Public Records Act requests and this will have to be reviewed once it is finalized.

Agenda items for today were noted for anyone wishing to make public comment. They included the presentation of the deer season results and a review of the recommended waterfowl hunting season dates.

Janet Pizar addressed the Council that she would like to have the presentation and then be asked for public comment. Ms. Pizar was advised that there would be a public comment session at the end of the meeting.

Committee reports began. Councilman Brodhecker, reporting for the Agriculture Committee noted that farmers are finally able to access fields in his area which were too wet before. Councilman Link also noted the large amount of moisture in his area, adding that there are concerns of seed rot. He also advised that he is still hearing requests to liberalize the quotas for turkey hunting in his area. There was some additional discussion on agricultural turkey damage. In the Central Region, Councilman Messeroll noted insect problems, and some frost damage to the strawberry crops.

Councilwoman Brummer and Councilman Gudmundsson noted insect activity they have seen.

Councilman Messeroll reported for the Federation. He commented that there has been a lot of fishing activity. Work continues for the June 9, 2012 Convention and pig roast. Councilman Van Mater reported there was not too much activity in his area, but that bald eagles have been seen. Councilman Gudmundsson noted that the Federation attended the Pequest Open House which had a great turn out despite having bad weather both days.

Director Chanda commented on the opening day of trout season, and the activities at the Pequest Hatchery. The Lieutenant Governor, Commissioner and Assistant Commissioner were all in attendance.

Acting Chairman Burke noted upcoming activities in his area, including a Hooked on Fishing, Not on Drugs (HOFNOD) event in Galloway and a bluefish tournament for kids, and that many other events scheduled Statewide. Councilman Gudmundsson reviewed a clean-up that was done along the Musconetcong River, and Acting Chairman Burke noted the annual clean-up scheduled on State owned lands in Cumberland County.

Acting Chairman Burke reported for the Finance Committee. They have not met recently, and he requested that they schedule to do so. A meeting date has been set for June 12, 2012 at 9 am,

before the start of the Fish and Game Council meeting at 10 am. (Councilman Brodhecker advised that he would not be in attendance at any of the meetings that day)

Acting Chairman Burke reported that the Game Committee had met on April 10, 2012. They reviewed proposals and made suggestions for changes. They will meet again on June 12, 2012 at the conclusion of the Fish and Game Council meeting.

Councilman Messeroll reported for the Legislative Committee. He deferred to Legislative Liaison Nelson, who noted that there has not been too much activity since the Legislature has been busy working on the budget. These three bills were introduced last Thursday:

- S 1848 Permits certain deer control activities; prohibits deer feeding; and establishes check-off donation on hunting license applications to support venison donation program.

- S 1864 The “Wildlife Rehabilitators Act”; establishes Wildlife Rehabilitation Board and continuing education requirements and permits program for wildlife rehabilitation. (not supporting)

- S 1922 Prohibits the sale and possession of shark fins.
(it was noted that the Marine Fisheries Council has problems with this bill)

Legislative Liaison Nelson does not expect the Legislature to be too active thru the end of June due to their working on the budget.

Councilman Gudmundsson inquired about S 1764 compared to S 1922, and Legislative Liaison Nelson advised that she would have to look at these. Councilman Messeroll noted A 2039, advising that the Federation has been working with Senator Albano, and he believes that bill has now been pulled.

Councilwoman Brummer reported for the Endangered and Non-Game Species Advisory Committee (ENSAC). She noted that Assistant Commissioner Boornazian visited a restoration project of an old mining site at one of the Nature Conservancies’ preserves.

At their last meeting, the Atlantic sturgeon Delphi review was discussed, and the Committee voted to list it as an endangered species. Also given was a presentation by staff from the Bureau of Shellfisheries on aquaculture.

At their next meeting, they will have a presentation on secretive marsh bird acoustic monitoring, and Councilwoman Brummer briefly described the program and recording equipment that is used. She noted that this equipment may be useful in monitoring other species as well.

There will also be presentation on three new frog species, the green tree frog, the chorus frog and the leopard frog. These also were briefly reviewed by Councilwoman Brummer.

The next meeting of the ENSAC will be held in Eldora at the Nature Conservancy Office, and will include a field trip. Councilwoman Brummer invited any members of the Council interested in attending to do so.

The Endangered and Non-Game Species Advisory Committee will also be sending a letter to the Commissioner thanking him for their Committee's appointment renewals being done so quickly.

Councilman Messeroll added that he had a report this morning about a bobcat in South Brunswick, and felt that this area might be a good spot for the new recorders Councilwoman Brummer spoke about to be used.

Principal Biologist Nichols was asked to speak on behalf of the Waterfowl Stamp Advisory Committee. He reported that it has been a year since the Committee met, and with the retirement of Regional Superintendent Widjeskog, his duty of rating the properties being considered has been split between Principal Biologist Nichols and Regional Superintendent Golden. There were initially three properties to be considered, but two of those were later retracted. The third property consisted of 70 acres in Somers Point City, but after rating the property according to the Committee's guidelines, it was recommended by Principal Biologist Nichols not to be purchased. He also noted that Regional Superintendent Golden also had scored the property and came to the same conclusion.

The Waterfowl Stamp Advisory Committee will meet again on July 10, 2012 at 6:30 pm.

Councilman Brodhecker was not able to attend the April 25, 2012 meeting of the Wildlife Rehabilitators Advisory Committee, but Legislative Liaison Nelson was in attendance and reported to the Council. She gave a brief review of the meeting, noting they held discussion on the survey for rehabilitators on whether they wanted to have a test and then a practical session to find what they knew and what further education may be needed. A second survey will be sent out regarding apprentices. She further explained that apprentices have to work with established rehabilitators for one year, but it takes funding and facility space to move out on their own. Further discussion with the Council continued, and one point that was noted that most was funding is from donations, and the program can be both a time and financial drain on the rehabilitator. There was additional discussion regarding public outreach.

Director Chanda noted that a letter was sent to the Commissioner from the Endangered and Non-Game Species Advisory Committee (ENSAC) lauding him for not supporting the proposed legislation regarding rehabilitators. This bill is still getting support from the League of Municipalities, and a copy of the ENSAC letter will be included in a package of information being sent to the President of the League of Municipalities.

Chief Barno reported for the Bureau of Freshwater Fisheries. She noted that stream flows are still low, despite the recent rains, but added that that has been no impact so far on stocking which is now in week 5.

Chief Barno advised the Council of an outbreak of Didymo algae (commonly known as “rock snot” and native to New Zealand) that has occurred. She explained that it is covering a 100 mile stretch on the Delaware River. There are concerns about it spreading between water bodies, and there was additional discussion regarding same.

Chief Barno also gave an update on Lake Hopatcong and the water outflows at that location.

At the Hackettstown Hatchery, staff have completed the trap netting program, and adult fish have been returned to the lakes. All the eggs have hatched, and the hatchery is full at this point.

There was a fungus problem at the Hatchery, but it has since been corrected. Chief Barno also reviewed the species of fish they currently are housing, which include tiger musky, northern pike, lake trout and gambusia.

Planning continues for the Centennial event on June 2 and 3, 2012.

Information on the opening day angler count survey was distributed. Chief Barno gave a brief review of the report, which was completed from information taken at 34 water bodies where a total of 1,446 anglers were observed.

This year, eight lakes that are usually stocked with only brook trout received a 50/50 split of brook and rainbow trout. A survey of the catch from these lakes had very mixed results.

Chief Barno reviewed other waters for the Council, including the Trout Brook which had no anglers. She commented that the Committee had considered this area to be dropped from the stocking program.

Chief Barno addressed questions from the Council on tree removal from the Rahway River, swamp eels, and private land owners obtaining trout conservation area designation. Acting Chairman Burke also noted that Lake Hopatcong and the Manasquan Reservoir were recognized as two of the top 100 areas for small and largemouth bass fishing.

Chief Sciascia reported for the Bureau of Information and Education. He distributed and reviewed a copy of the sales report of fishing licenses for 2012, compared to sales from 2011, and noted that they were up considerably. Also included was information from 2010, where sales were similar to those from 2012.

The two new employees for the National Archery in Schools Program (NASP) have been trained, and are currently training others. This past weekend they did training for the Girl Scouts and their counselors, and additional training for the counselors will follow.

The NASP video specific to New Jersey is being finalized. A brochure on the program is also being developed. When completed they will be sent to board of education presidents and middle and high school administrators throughout the State.

Chief Sciascia reported that the Oxford Central Middle School are again the State champions for the NASP, and will be representing New Jersey at the National competition in Kentucky. The team will also have television coverage from Fox News, who has already gone to the school to interview students and coaches. Fox News will also be following them to Kentucky to cover the National event.

The Hunter Education Section has been working on a video for the field walk portion of hunter education courses. Chief Sciascia explained that the firing exercise and written exam will still be conducted in the traditional format, but this video is being tested as a pilot program this season.

Suggestions for the license and permit “bundles” that have been discussed previously have been finalized and will be sent to the Southwick Associates who is the contractor that will be conducting the purchasing interest survey.

An additional shipment of 2,500 black bear education videos has been received, and a 15 minute New Jersey specific video stream will be developed to go along with this.

The Division is working with a vendor to development an “app” for smart phones, which should be available by mid-Summer.

The environmental assessment of the proposed archery park is still with the United States Fish and Wildlife Service; once it is returned, a public meeting will be scheduled. The Assistant Commissioner has been briefed on this matter and he will also be doing a site visit.

There are now 119 schools participating in the Trout in the Classroom program. On May 24, 2012 six of those schools are scheduled to be at the Forest Education Resource Center in Jackson to do a fish release on the Toms River. Chief Sciascia gave a brief review of this program.

At the Pequest Trout Hatchery staff have a full schedule of programs during this time of the year. Chief Sciascia added that the Coldwater Conservation School program will be held again in June at the School of Conservation in Sussex County.

There was some additional discussion on the information presented today.

The meeting recessed for lunch at 12:06 pm and resumed again at 12:53 pm.

Chief Petrongolo reported for the Bureau of Land Management. He noted that 525 acres have been added to the wildlife management area (WMA) system this past month, and that most of this acreage is an internal assessment on the Stafford Forge WMA.

Since the last meeting, work at the Elmer Lake WMA in Salem County has been completed. Surplus monies were available from the dam repair project that allowed for the lake to be dredged and repairs to be made to the boat ramp as well as pave the parking lot.

The Bates Boulevard project at the Union Lake WMA has also been completed. Chief Petrongolo described that the Bureau of Forestry needed road access to this area to do work on Southern pine beetle projects. Corporate Business Tax (CBT) funds were utilized for this work.

In Rockaway Township, Morris County, staff are working with the township to restore habitat at the former Green Pond Golf Course area. Chief Petrongolo described the plans being implemented at this area, which include soccer fields as requested by the township, and native shrub mixture plantings on some of the fairway areas. The township will help to maintain this area under a management agreement.

A map of the former Ponder Lodge property, now known as the Cox Hall Creek WMA was distributed and reviewed with the Council. He noted that portions of this area are similar to an urban park, and the paved areas have constant pedestrian traffic from the local community. Currently, only rabbit hunting is allowed, and plans are to allow Winter bow hunting in designated areas (as shown on the map). He also noted waterfowl hunting opportunities in the marsh area, and added that they are hoping to work the U.S. Fish and Wildlife Service and the Cape May County Conservation Foundation on marsh restoration for properties that they own in this area. There was additional discussion this area and its usage.

(at 1:10 pm Councilman Van Mater left for the day)

Acting Chief Chicketano reported for the Bureau of Law Enforcement. He reviewed some of the highlights listed in the Bureau's monthly report.

Acting Chief Chicketano also gave an update to the Council on the Big Belly Deli case that he has been following with them. One individual had been charged with thirty Fish and Wildlife violations, spanning three counties and three jurisdictions. The full case was merged and heard in Middlesex County (excluding the criminal violations which were not heard yet), and of the possible \$4,700 in Fish and Wildlife violation penalties that could have been applied, charges were reduced and the violator only received a \$200 penalty. Acting Chief Chicketano advised that he has been in touch with the Deputy Attorney General's Office and has written a letter of complaint on the way this case was handled. The only charges that were applied were two counts for the illegal possession of deer.

There was some additional discussion with the Council, and Acting Chief Chicketano addressed questions that they had.

Assistant Director Herrighty advised that Principal Biologist Nichols would be presenting suggested waterfowl season information today, but first .gave a short update for the Bureau of Wildlife Management.

He reported that the Youth Day turkey hunt harvest was 192, up from 116 last year. For the regular turkey season, the A-week harvest was 904, down from 1002 last year.

Bear complaint numbers were also reported to be down, and as of April 20, 2012 a total of 159 complaints had been received, compared to 184 the year before. He added that 12 sows and 32 cubs were handled during the Winter den work.

Assistant Director Herrighty advised that this morning a bear was removed from a residential area in the town of Union in Union County and will be released on the closest wildlife management area. He also updated the Council on the bear that has been removed and released 6 times, and was last released at the Colliers Mills WMA. Staff recently trapped the bear to remove the radio transmission collar that he had been fit with, and his current weight was more than 500 pounds, which was almost double that of his weight of this time last year.

At the Rockport Game Farm, the third hatch of pheasant chicks occurred yesterday. Any members of the Council wishing to participate in the Monday morning count in the coming weeks were welcomed to attend. Assistant Commissioner Boornazian will be visiting the facility for the May 21 hatch count. Assistant Director Herrighty noted that staff were alerted to a smoke condition while testing the fixtures in the old brooder house and found one of the heaters was malfunctioning, and due to the age of the fixtures they will all have to be replaced.

Research abstracts for brant and black duck were noted to be in the monthly report.

Assistant Director Herrighty gave a brief review of the quail management surveys being done by Principal Biologist Burnett for the Southern New Jersey area.

Principal Biologist Nichols distributed copies of the suggested waterfowl hunting dates for the upcoming season, reminding the Council that the Federal government has the final say. He reviewed the process that is followed for determining dates and harvest limits. The information today was just for review, and will be requested to be voted on next month. Principal Biologist Nichols reviewed the information given today with the Council.

Senior Biologist Roberts from the Deer Project was in attendance to present the 2011 deer season harvest results. All members were presented with a binder of the deer season harvest results. A total of 50,109 deer were taken, which was down from the 55,404 harvested in 2010 for an overall decrease of 9.6%. Each season was reviewed, and he noted that while most of the seasons had a reduced harvest, the Winter bow season was increased.

Harvest trends by weapon type were noted, with the bow, crossbow and Sunday bow hunting totals up. Timeline information was also reviewed.

Some of the points noted were the overall antlered harvest was down by 6.8% to 18,575 from the previous seasons harvest of 19,925. The antlerless harvest was down by 11.1%, with a harvest of 31,534 in 2011 compared to 35,479 in 2010.

Specific detail of deer management zone (DMZ) 6 was reviewed. Senior Biologist Roberts noted that over the past 10 years this zone has been re-shaped and season harvest limits have changed. With the current regulations, the antlerless harvest has increased by 114.4%. There was additional discussion on this and the other information presented today.

Acting Chairman Burke asked for any old or new business that needed to be addressed, however Barbara Sauchau asked that the public be allowed to comment at this time. Acting Chairman Burke advised he would allow for double minutes for anyone who chose to speak later in the meeting, but Ms. Sauchau insisted at being heard at this time on the information from today.

Ms. Sauchau expressed comments on opposing waterfowl and deer hunting.

There was no one else choosing to speak at this time on today's agenda items.

Acting Chairman Burke received a letter dated March 20, 2012 from Andrew Still, Middlesex, NJ. Mr. Still requests elimination of Lake Trout stocking in Merrill Creek and Monksville Reservoirs and fishing regulation changes. This request had already been received by the Fish Committee and is under review by the Bureau of Freshwater Fisheries.

A letter dated April 24, 2012 from Terry Wespestad requested that any equipment used for deer hunting also be allowed to be used for coyote hunting. This will be referred to the Game Committee.

Acting Chairman Burke received a letter dated March 19, 2012 from Janet Pizar, Millburn, NJ. Ms. Pizar requested "correction of my comment carried in the FGC minutes of May 10, 2011". There was discussion of the request among the Council and Ms. Pizar who was present. It was noted that previous discussion of the matter occurred at the August, October and December Council meetings and that a table of the total known 2010 bear mortality, submitted by Ms. Pizar, had been put on file. Following additional discussion among Council members and Division staff, it was determined that there was no need to amend the minutes from the May 10, 2011 Council meeting. In an attempt to resolve the matter, **a motion was made by Councilwoman Brummer to add a clarification in the minutes of today's meeting to on the comments made by Ms. Pizar at a meeting that occurred in May 2011 on bear mortality. This motion was seconded by Councilman Brodhecker. A vote was taken with all in favor, none opposed.** The following, paraphrased from Ms. Pizar's notes contained in her March 19, 2012 letter, is included in the minutes: Ms. Pizar stated that the public needs to know the total reduction of bears in 2010 (almost 700) including known vehicle-bear mortalities (86), Cat. 1 bears killed, bears poached and natural mortality, not just reductions from harvest (592). A copy of Ms. Pizar's letter will also be put on file.

At this time, Acting Chairman Burke opened the public comment period, noting anyone wishing to speak would be given three minutes to do so.

Janet Pizar addressed the Council. She distributed a letter to include in the files of the meeting today, which asked that these comments be written into the record. Numbered item 1 dealt with an OPRA request to the Division of Fish and Wildlife. Numbered item 2 dealt with bear damage categories. She questioned Director Chanda and Assistant Director Herrighty, but it was suggested by Acting Chairman Burke that she put her questions to in writing.

Ms. Pizar also questioned the Bureau of Wildlife Management's monthly report regarding a total mortality number that was given for pheasant at the Rockport Pheasant Farm. Assistant Director Herrighty noted this was a typographical error, and should read total birds on hand.

Next to address the Council was Barbara Sauchau. She commented that she wanted minutes posted in draft form 10 days before the meeting. She also said she would be leaving an article on deer seasons and political control (Ms. Sauchau did not leave anything for the file). She commented on the use of Gonacon and that she had a problem with the Council approaching Senator Bob Smith regarding the S 1085 logging bill and further commented on burning and logging adding that she wanted more detail on these activities as well as funding information.

Acting Chairman Burke reminded Ms. Sauchau that this Council does not lobby to the Legislature.

Acting Chairman Burke reminded the Council that Dr. Reist from the Department of Agriculture had extended an offer to tour their facility and possibly hold a meeting there.

Director Chanda advised the Council that when asked to put something "on the record" this was not a public hearing and that comments were not transcribed by every word. He added that taking public comment was not a requirement but was at the Council's discretion (he also referenced Roberts Rules).

Chairwoman Brummer commented on the Joint Council meeting, and that the date may have to be changed. An e-mail will be sent to all.

Councilman Messeroll asked about Council member information from 1949, and was advised that it should be available through the Director's Office.

With no other information for today, **a motion was made by Councilman Messeroll, seconded by Councilman Link to adjourn. A vote was taken with all in favor.** Meeting adjourned at 4:07 pm.