

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL
Central Region Office
Robbinsville, New Jersey
February 14, 2017**

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

The meeting was called to order at 10:03 a.m. by Chairman David Burke.

The flag salute and pledge of allegiance were completed. All present were asked to stand for a moment of silence in memory of Dan Roberts, Deer Project Leader who recently passed away.

Chairman Burke read aloud the following notice: 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 on February 2, 2017 and delivered to the designated newspapers for the Division, the Newark Star Ledger and the Atlantic City Press; published on February 8, 2017.

Roll call was taken in attendance:

Councilwoman Cathy Blumig (late arrival at 10:07 a.m.)
Councilman Phillip Brodhecker (late arrival at 10:30 a.m.)
Councilwoman Barbara Brummer
Chairman David Burke
Councilman Joseph DeMartino (late arrival at 10:56 a.m.)
Councilman James DeStephano
Councilman Agust Gudmundsson
Councilman Jeffery Link (late arrival at 10:14 a.m.)
Councilman Robert Pollock
Councilman Frank Virgilio

Division employees included: L. Herrighty, P. Nelson, D. Golden, B. Stoff, S. Tesar, L. Barno, A. Ivany, M. Brown D. Jenkins, F. Panico, A. McBride, A. Quirk, J. Soell, T. O'Rourke, L. Lacroix, S. Coltrain, new Conservation Officers, Alison Shepherd, Allen Sutton, Cody Meyer, Salvatore Garofalo, III, and Trevor Anderson.

There were numerous members of the public in attendance.

Chairman Burke asked if there were any changes to the minutes and asked for a motion to approve.

A Motion was made by Councilman Gudmundsson to approve the January 10, 2017 minutes with corrections and seconded by Councilman DeStephano. Vote taken, all were in favor; motion carried.

Chairman Burke noted that he, as well as others, were shocked at the passing of Dan Roberts of the Deer Management Program and noted he will be missed by all. Since the last meeting, a letter dated January 17th was sent out notifying the Commissioner and the Governor that the Council, with a unanimous vote, has appointed Larry Herrighty as the new Director of Fish and Wildlife. There was a request in the letter asking the Governor to address the matter as soon as possible and approve Mr. Herrighty as the Director of Fish and Wildlife. At this time, there has been no response, but Assistant Commissioner Rich Boornazian said he would look into it. Chairman Burke stated today there will be a swearing in of five new Conservation Officers. He noted they were all present, welcomed them to the Division and wished them well in their training. Chairman Burke stated there will be a short executive session after all the business has been completed. No further business will be conducted after the executive session, except to adjourn the meeting. Chairman Burke stated he received a letter from Terry Weststad regarding the Game Code. This issue cannot be discussed until the next meeting and he gave the letter the secretary for the record and filing.

Acting Director Herrighty also stated how shocked everyone was over the death of Dan Roberts caused by a heart attack. Positions that have already requested will be shifted around in order to fill his position. Acting Director Herrighty stated the Game Code is at the Governor's office. Carole Stanko and Mary Monteschio, attorney for the Natural and Historic Resources, met with the Governors Attorneys. The Game Code needs to be sent to the OAL by Thursday.

Last month a lot of time was spent on the summer flounder issue, it is a very complicated process. Russ Allen and Tom Baum are in Kitty Hawk at the Mid-Atlantic Marine Fisheries Council meeting where everything will be finalized on flounder and anticipate the federal government will adopt similar regulations from waters outside of three miles. If you read the newspaper and webpages, you know that the Commissioner testified at the Atlantic States Marine Fisheries Council (ASMFC) Meeting making the point that going to 19 inches will be devastating to the economy of New Jersey. We don't get a lot of fish at or over 19 inches. Our survey show only 15% of the fish in our waters are 19 inches and above. It will be very difficult to get people to fish on a party boat and who pay \$50 or \$60 for a half day trip with the likelihood of not catching anything. After testifying, the Commissioner went over to the Hill and met with some of our Congressional representatives and also talked to people at the White House to see if there is anything we can do stop the increase in the size limit until we can do another population assessment, which is called a bench mark stock assessment. He put \$40,000 on the table and challenged other states to come up with money to speed up the process by hiring outside researchers because the National Marine Fisheries Service has a list of species they are looking at. Flounder even though the assessment is overdue by a couple of years, is not scheduled for a benchmark assessment until 2020. There have been times when ASMFC has hired outside researchers to speed up the process and evaluate the population.

Chairman Burke asked if Russ Allen will be the Administrator of the Marine Fisheries Bureau as he heard in a meeting. Acting Director Herrighty responded he is doing the work, but is not interested in taking the position. The Division has permission to post the job opening. Chairman Burke asked that the Council be kept apprised of the changes in the upper management in the Division including retirements.

Chairman Burke noted there are no agenda items to vote on, but if one arises, there will be a public comment period.

COMMITTEE REPORTS

Agriculture Committee Report:

Councilman Link reported since the weather has been mild and farmers may be able to get out in the next couple of weeks to start working. Councilwoman Blumig reported Bob Puskus told her in central Jersey, Canada geese has annihilated his wheat fields damaging approximately 300 acres. She also noted seeing snow geese at a sod farm near Assunpink.

Chairman Burke reported on what he found out about the screwworm problem in the Florida Keys The Department of Agriculture is making an effort to control the screwworm problem by having check points as you leave the Keys to inspect all pets. They are also releasing sterile male flies to control the screwworm. They are also providing bait feeding stations that have treatment to kill the screwworm. The agriculture industry in Florida export calf to be raised elsewhere and are very concerned about the screwworm.

Dr. Sebastian Reist from New Jersey Department of Agriculture stated that various bots can found in New Jersey which are similar to screwworm, but they are not the new world screwworm which the larvae feed on live tissue. He explained how the screwworm develops on the animals. He reported the veterinary feed directive (VFD) issues are being addressed. The Department of Agriculture will hold talks in the North, Central and South to help stakeholders understand VFDs. Although this has been discussed by the FDA for many months, many people are claiming that they have not heard about it or do not understand it.

Liz Thompson from the Farm Bureau announced they had their annual meeting back in November. She has not attended the last couple of Council meetings, because she was out of town. She reported wildlife is consistently listed as one of their major and important issues. Former Director Chanda had talked about the leadership of the Farm Bureau and the Division getting together again as done in the past. Ms. Thompson stated she hopes that this will still happen in order to go over some policy issues and legislation that is pending and hopefully work on issue that the Bureau and the Division have in common. Acting Director Herrightly agreed to set up the meeting.

Aaron Guikema from USDA Wildlife – no report

State Federation Reports:

Councilman Virgilio reported attending meetings in Camden, Gloucester and Cumberland counties. There was a common discussion through all the counties about the Game Code. He told them the Game Code is in the process of being published and there will be a hearing on it. The changes they are concerned about is regulation set zero. Councilman Virgilio told them they can bring their complaints to the hearing and the Council can examine at that time. Gloucester County made a trip to the range in Millville to look over the range as it is scheduled for repairs and updates. While they were there they noticed individuals using M15's and handguns which

are not authorized on that range. Councilman Virgilio contacted Deputy Chief Cianciulli who contacted the Captain in the Southern Region who will now patrol and monitor the area. One of the concerns the Federation has is safety, using high powered rifle AR-15 that can go a mile or more is a potential for danger.

Acting Assistant Director Golden confirmed that the Millville Range is scheduled for realignment. Councilman Virgilio stated that would be an important step because realigning will bring the range closer to the road and sight patrol will be easier. Acting Director Herrightly stated he suggested putting up better signage on the roads in order to find the range.

Councilman Virgilio stated two counties have their meetings at the same time so he alternates going to the meetings. Cumberland County was concerned about a proposal of take a child hunting day interfering with something else they have going on. Acting Assistant Director Golden stated if there is a concern, the Division will not move any further on the idea.

Councilman Virgilio reported Cumberland County has an annual trash hunt at multiple locations in partnership with Clean Communities. This year it will be on March 18th.

Councilwoman Blumig reported she attended the Middlesex meeting and they would like to have a breakdown of the sources of funding that the Division gets and what it can and cannot be used for in order to have a better understanding of what monies are coming and where the money is going. They also wanted to find out about leases on Wildlife Management Area and the benefit for wildlife. Their concern was that the leaseholders used to leave resources for the wildlife but have not been doing that lately. Councilwoman Blumig stated there is interest in having a Council meeting, at least once a year, at night and once a year on the weekend. Currently if someone wants to make a statement or sit in to see what is going on at a Council meeting, they would have to take off from work.

Councilman Gudmundsson reported the venison dinners are starting with one being this weekend in Bergen County and Morris County will be in March.

Councilman DeStephano report going to the Sussex County meeting and they are in the process of putting their venison dinner together. He also attended the Warren County meeting where they are still very upset that there are entirely too many does being shot. There is one zone that stays open later than the others and everyone goes to that zone. Councilman DeStephano attended the Fisheries Quorum and stated it was very well run and very impressive. He stated he has not been able to make the Essex County meeting.

Chairman Burke stated he had been away and missed a couple of meetings. He stated Atlantic County is preparing for their fundraising dinner on President's day. They are having their annual youth sporting clays events at Redwings on March 18th. This event usually has 80 – 100 children. They are taught firearm safety and given sporting clay lessons. Lunch is also provided. This event is supported by the dinners used to raise money.

Councilman Brodhecker reported having a good snow covering in his area with a layer of ice on top. He stated before the two snow storms, there were areas where water was flowing and some

fields had bare spots where the geese were flocking in droves. The deer are out searching for food. The State Agriculture Convention was recently held where George Aspergillus' name was put forward to be the Central Jersey Farmer Representative. The next step is to get Governor's approval.

Finance Committee:

Chairman Burke announced the committee is scheduled to meet on today in the law office at 12:30.

Councilman Brodhecker reported in talking to a lot of the farmers, the biggest challenge and concern is the depredation permits. When they are needed, the time it takes to get the paperwork through is very consuming. Some farmers feel it is not worth the time. Councilman Brodhecker's response to them is it is important to get data on what is being harvested and it will keep the farmers from being put in a compromising position. He strongly encourages them to work with the process and noted it is something the Council needs to streamline and make permits more available. After a discussion, Acting Director Herrighty suggested getting the Farm Committee, Law Enforcement and Wildlife together to come up with a solution.

A discussion took place regarding the land management farm leases and the amount of harvest left behind for the wildlife. Acting Assistant Director Golden explained this year's pheasant distribution was based on what fields looked like last year. This year there were a high percentage of fields that were calculated as being pheasant or honey habitat that were barren. Later in the meeting Acting Assistant Director Golden will present a reallocation of birds throughout the state.

Fish Committee:

Councilman Gudmundsson reported there is a committee meeting today, after the close of the Council meeting. He also noted there will be a Fisheries Forum at Batsto on February 18th and Trout Meeting to follow on February 25th.

Legislative Committee:

Assistant Director Nelson reported on the activity since the last Council meeting. The majority of it had to do with fluke and Marine Fisheries in general.

A3945 & S2044 Prohibits certain possession sale, offering for sale, trade or distribution of shark fins. Moving through the legislature and needs a vote by the Senate then will be forwarded to the Governor's office.

S2369 – Limits application of DEP shellfish habitat rules for certain dredging activities. This bill was voted on by the full Senate on February 13th. The vote was 36 – 0.

AR205 – Urges President Trump to reject federal rule reducing summer flounder catch limits. Acting Director Herrighty discussed this earlier.

AR206 & SR102 – Urges National Oceanic and Atmospheric Administration to conduct new summer flounder assessment before implementing catch limits for 2017. Both have passed and filed with the Secretary of State.

S2997 - Appropriates \$59,532,000 from constitutionally dedicated CBT revenues for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and capital and park development projects. Introduced but not heard by Committee yet.

A701 – Designates bison as agricultural livestock. Voted out of Committee on February 13th.

No action is needed by the Council at this time on the new bills.

Non-game:

Councilwoman Brummer reported the committee met in January and is in the process of reviewing birds to see if current classifications need to be changed. She commended the Division for putting together the Policies and Procedures for Wildlife Related Councils of New Jersey book. Acting Director Herrightly acknowledged some members may not have received this book, but it is an update of the 2006 copy. Councilwoman Brummer stated the next Council meeting may be her last. After serving two terms of four years as Chair, a new Chair will be chosen at the next meeting on March 15th.

Councilwoman Brummer stated there were two presentations at the last Endangered Non-game Species Advisory Committee meeting. One was about the population status of bobcats and the other was a demonstration of trapping by the staff. The Endangered Non-game Species Program is working on the population analysis and the genetic diversity of the bobcats. Bobcats were almost wiped out and in the 1970's some bobcats from Maine were imported in. Now the Bureau is looking at the genetics of the population that is here to see what genetic relations they may have to the Maine cats. Councilwoman Brummer stated the demonstration of trapping by the staff was excellent and should be done at a Council meeting.

Chairman Burke expressed appreciation for the work done by Councilwoman Brummer stating she has been an asset to the Council, in case she is not at the next meeting.

Waterfowl Stamp Advisory Committee:

No meeting scheduled – no report. Next meeting March 21st

Wildlife Rehabilitators Advisory Committee:

Councilman Brodhecker reported the committee met and scheduled meeting dates for the year; 4th Wednesday in April, July and October. The Committee has alternating locations, two in the Northern Region and one in the Central. The new chair asked that the policy directive be incorporated into by-laws or code of conduct. It is being checked into to see if it is possible. The Committee request that protocol for endangered species handling be sent out with the permits. There is a new person appointed to the Committee for the reptile and amphibian position, Heather Freeman.

Public Member Comments:

Councilman Pollock reported receiving a phone call from a group of hunters who had an encounter with CO Adam Merritt in the northern region and wanted him to pass along compliments regarding his professionalism. The action was not in their favor, but they wanted to make sure the Council knew how kind and professional CO Merritt was to them during their encounter.

DIVISION REPORTS

Barbara Stoff, Licensing and Permits, reported every agent that wanted to be transferred to the system has now been transferred. Staff member Patty Teixeira received calls from four new prospective agents that want to become licensing agents. Spring turkey allocation opened up pretty flawless this year. Ms. Stoff is now preparing for the turkey permit lottery that is coming up. Ms. Stoff worked with the Deer Project members to ensure they had all the tools they need to complete their reports. This was something Dan had done. The licensing program will have a new employee as of March 1st.

Chairman Burke commented that the turkey permit application procedure is a little different. People have had difficulty and it is not real clear in the Digest how to apply for a permit.

Ms. Stoff stated the procedure has not changed, but this is the first year there is not a turkey permit supplement. People are used to seeing it all laid out. The Digest format is different. Chairman Burke suggested a how-to guide be made up for people who are new to turkey hunting.

Councilman Virgilio inquired about the hunting and fishing Buddy licenses. Ms. Stoff reported the hunting sales started on the first of February. There have only been eleven permits sold so far two of which were for senior resident licenses for firearms, five regular, two non-resident for archery and two regular archery. She did not pull the number for fishing Buddy licenses.

Chief Lisa Barno, Bureau of Freshwater Fisheries, thanked Councilmen DeStephano and Gudmundsson for attending the North Jersey Fisheries Forum. There was good attendance with 45 anglers attending. Staff member, Tyler Tressler, Crew Supervisor at Hackettstown Hatchery, presented ways they are improving efficiency within the hatchery system. Biologist Scott Collenberg presented on the results of the Coolwater Fisheries Assessment, which he will also present on February 18th at the South Jersey Fisheries Forum held at the Batsto's visitor's center. On February 25th is the Trout Meeting where potential regulations for wild trout streams will be presented. The goal is to get the potential regulation changes out very early in the process in order to incorporate angler feedback before it becomes a formal rule proposal. Superintendent Ed Conley will also present 2016 Pequest Hatchery production numbers and Ross Shramko will provide allocation updates.

Chief Barno distributed the list of lakes receiving Bonus Broodstock. She noted that the Bureau is keeping an eye on Woodcliff Lake, a trout stocked water in Hudson County. A dredging project is planned which may affect trout stocking.

Chief Barno reviewed allocation changes for specific waterbodies for 2017 Spring Trout Stocking. She extended an invitation to the Council members to Pequest for the rollout of the first loading of the trucks on March 20th 7:00 am – 9:00.

Chief Barno reviewed the latest Drought Indicator report. Despite increased precipitation 90-day stream flows are still within severely dry to extremely dry categories.

Chief Barno presented concerns with Well 1 cavitating and they are currently investigating causes of the issue.

Chief Al Ivany, Bureau of Information and Education gave an update on the outreach grant. He passed around a picture of the trailer that has been purchased with the grant money. A bid has been put out and chosen to develop into the conservation trailer. The company that was chosen is the Art Guild located in South Jersey. The exhibits will tell the story of the Division of Fish and Wildlife in New Jersey representing all the bureaus and the partnerships with the Wildlife and Sport Fish Restoration Programs. The trailer will be kept at in Pequest. Chief Ivany thanked staff member Bob Longcor, Federal Aid Coordinator, for his help in obtaining the grant.

Chief Ivany also reported the Bureau is working on plans for the 125th Anniversary. March 8, 1892 was the enabling legislation of the current form of wildlife management. He is working with DEP's Communication Office to do a major kick-off in March to announce the 125th Anniversary. There will be a news release, a series of Facebook posts based on the Division throughout the entire year and Pequest Open House will be used as a kickoff event to promote the 125th Anniversary. The Bureau will work with Chief Barno to promote trout season. He announced upcoming events.

Councilman Virgilio asked if the Hooked On Fishing-Not On Drugs program in Atlantic County was expanding due to a Judge designating people to the program. Chief Ivany replied that he had the same understanding.

Assistant Director Nelson informed the Council there are new bills that were introduced yesterday to be aware of. She reported they still need to be investigated.

A4577- Sale and processing of wild striped bass caught out of state.

A4594 – Authorizes active duty military to fish in freshwaters without license or trout stamp.

ACR229 & SCR145 – Commemorates the Division of Fish and Wildlife for 125 years of fish and wildlife conservation.

Acting Assistant Director Dave Golden reported on behalf of the Bureau of Land Management. He distributed a summary of the Pheasant & Quail Stamp Purchases by Month as requested by the Council at the last meeting.

Councilman DeMartino stated what was done with the extra birds this year was a big hit. If that can be done with all the surplus birds, extending the pheasant season, it may increase stamp sales.

Acting Assistant Director Golden reported there were roughly 500 birds divided into six Wildlife Management Areas (WMAs). He explained that having the extra birds cost the Division extra money to disperse the birds. Acting Assistant Director Golden would like to have the pheasant allocation chart printed in the digest since not all hunters go online to find out how many birds

will be released in a particular area. In order to do that, the allocation chart would have to be approved in May by the Council.

The Sparta WMA Forest Stewardship has been revised. In the next few of weeks there will be advertisement for a public meeting as promised. Councilman Gudmundsson asked that an email be sent to the Council first, once the dates are selected.

Lunch: 12:05 pm – 1:14 pm

Acting Assistant Director Golden reported in the absence of Chief Carole Stanko who has the flu. He distributed an up-to-date deer harvest report up through February 11th and highlighted years of comparison as listed on the chart. Acting Director Herrighty also reported some staff stayed overnight Thursday, February 9th to ensure the breeders remained safe. Acting Assistant Director Golden further stated in addition to Wildlife staff, Land Management staff was also on the farm. Staff went out every half hour to shake the nets to ensure there was no accumulation on the nets. Staff also plowed the farm and Law Enforcement patrolled. It was a great team effort.

Chief David Jenkins, Bureau of Endangered and Non-game Species Program, gave an update on the State Wildlife Action Plan. A contractor has been selected, David VanLoven, VanLoven Environmental, out of New York State. His primary responsibility will be to pull together the pieces of the plan. There is a timeline for this to be done by the end of May. Updates will be on the website soon. There is also a database contractor working to put the plan into a database in order to be able to generate reports on threats and actions. A plan will be submitted to the Fish and Wildlife Service and the public review of the plan will take place after that. Chief Jenkins noted that once something goes up on the website a list-serve notice will go out to everyone.

Chief Jenkins was asked to pause his report in order to have the new Conservation Officers swearing in ceremony.

Deputy Attorney General Neil Magnus noted that he has been the only attorney swearing in CO's since 1974 for the Fish and Wildlife and introduced his assistant/replacement Deputy Attorney General Candice McLaughlin.

Alison Shepherd, Allen Sutton, Cody Meyer and Trevor Anderson were sworn in together by DAG Magnus. Salvatore Garofalo, III was sworn in with his father holding the Bible. After being sworn in the officers received further instruction in the Law Enforcement office outside of the meeting room.

Acting Chief Matt Brown, Bureau of Law Enforcement thanked DAG Magnus and introduced the new COs giving a brief bio on each and welcoming them to the Bureau. Assignments are as follows:

- Trevor Anderson and Allen Sutton, Northern Region
- Cody Meyer and Alison Shepherd, Marine Region along the Delaware Bay
- Salvatore Garofalo, Central lower region with a concentration in Burlington County

Acting Director Herrightly also welcomed the new COs to the Division with a notation of how far COs have come since 1892 when there was a one person patrol on a bicycle to now where there are micro-computers in every car. He wished them good luck and safety.

Chief Jenkins continued with his Bureau report. He stated it is now tax season noting the Bureau does not do a lot of check-off promotion. The past experience with the check-off promotion was not being able to make much of a connection between their effort, of which included a lot of money spent on that promotion, and increases in the check-off. There will be a couple of press releases from the Department. Chief Jenkins announced that, to those who are on Facebook, there will be a picture of a non-game wildlife that the Bureau is working on every other week. The post will be a very brief description stating one or two things being worked on and how the Bureau is leveraging the money received from the check-off with federal funds, partnerships with other non-profit organization and other agencies. He asked that if you are on Facebook, please share it so that it goes out to more than just the people who subscribe to the Division's Facebook page.

One of the things the Bureau is working on that may be of interest to the Council is the undertaking of another Delphi review. Having completed a number of them, the one being done now is birds split into two groups, water birds and land birds. We are in round three and expect to present the results of the Delphi at the May meeting.

Acting Chief Brown returned to give his Bureau reported and stated the new officers will start the police academy in a few weeks and will be there for approximately 18 weeks. They will then be rotated into warden school. By the middle of next January they will be finished all training and in the field.

Operation Game Thief (OGT) took in 236 call on the hotline. Of the 236 calls there were 29 actual apprehensions, 15 of which were citations and 14 were warnings. (12% of the calls on the OGT line resulted in some type of violation being uncovered and dealt with) The Bureau is looking at some ways to modify the script on the OGT line. Out of approximately 100 calls most just want information.

Acting Chief Brown reported there was a suicide on Collier's Mills near Lake Success. A local man was found to have used a handgun to commit suicide. The family found a note and called the local police and conservation police. The individual was still alive when first responders found him and was taken to Jersey Shore Medical where he succumbed to his injuries.

Acting Chief Brown also reported there is an active investigation regarding a hunting incident with injuries in Berkley Township ending in death. It occurred on a property that was recently acquired by Berkley Township. It is not clear if Berkley township was going to use the land for open space or not. A local hunting club went in to push deer out of the property. The property was an old industrial site with phragmites and tall grasses. As the hunters were running the deer drive, an individual out of Forked River, shot at what he thought was a deer and hit a 26 year old Barnegat man who was in the group. Everyone in the party was wearing hunter orange. It appears the terrain was a large contributing factor to the accident. It is still under review by the Ocean County Prosecutor's Office.

PUBLIC COMMENT (3 MINUTES)

Barbara Sachau, Whitehouse Station, NJ commented on the farmer who put up fencing and suggested he put up 8 feet because deer cannot jump that high. She also commented on the five conservation officers and they should be protecting the animals not killing. Ms. Sachau noted that a majority of New Jerseyans are wildlife watchers and noted the Division is not doing the job for them. Ms. Sachau commented on the use of the phrase “turkey permit” stating it should be a “turkey killing permit.” Ms. Sachau addressed the farmers stating they abuse farm animals, feed them chemicals, put phosphate over the land that goes into the streams and pollute them.

There were no further public comments, Chairman Burke asked for a motion to move into Executive Session.

A motion was made by Councilwoman Blumig and seconded by Councilman DeMartino to move into Executive Session at 1:57 pm. None opposed, motion carried

Executive Session ended at 2:53

A motion was made by Councilman Gudmundsson and seconded by Councilman Link to adjourn the meeting at 2:53 pm. Vote taken, all in favor, none-opposed; motion carried.