

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL**

**Central Region Office
Robbinsville, New Jersey**

December 12, 2017

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

The meeting was called to order at 10:07 a.m. by Chairman David Burke.

The flag salute and pledge of allegiance were completed.

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 December 1, 2017 and delivered to the designated newspapers for the Division, the Newark Star Ledger and the Atlantic City Press; published on December 6, 2017.

Roll call was taken in attendance:

Councilman Phillip Brodhecker
Chairman David Burke
Councilman Joseph DeMartino
Councilman James DeStephano
Councilman Agust Gudmundsson
Councilman Robert Pollock (late arrival 10:24)
Councilman Frank Virgilio

Absent:

Councilman Rick Lathrop
Councilman Jeffery Link

Division employees included: L. Herrighty, D. Golden, F. Panico, M. Brown, L. Barno, A. Ivany, T. Nichols, and S. Coltrain

There were numerous members of the public in attendance.

Chairman Burke asked for corrections or additions to the November 14, 2017 meeting minutes.

A Motion was made by Councilman Gudmundsson to approve the November 13, 2017 minutes and seconded by Councilman Brodhecker. Vote taken, all were in favor; motion carried.

Chairman Burke stated there a 12% increase over last year in the opening day in the deer hunt numbers. There will be three Community Based Deer Management Plans to consider later in the

meeting. There will be a review of the comments of the Fish Code and vote on the changes. The bear hunt has been extended four days, Wednesday through Saturday. There was a total harvest for the first two segments of 382 with 15.6% of tagged bears. Replacements for the Council members have been moving through very well. If appointees are not approved by January 8th, it may be a while before a vote comes in due to the new administration and their priorities.

Director Herrightly reported a lot of appointments are moving quickly through. He received a copy of the letter that Governor-elect Murphy sent to Governor Christie dated December 5th asking him to hold up appointments and personnel actions. Apparently, that is not happening.

Deer and bear seasons had good weeks. There were a few accidents that law enforcement will report on. Bear season went well and hope that we get around 400. The bear hunt has been extended. The staff had prepared check stations assignments ahead of time in anticipation that we might have an extension.

The Division is moving very quickly to try and get all the personnel actions done before the change of administration. Appointing Dave Golden as Assistant Director, backfilling land management position and we made an offer of a new pathologist. The offer was made to a veterinarian in California Fish and Wildlife. We will work out the details for that. He previously lived on the east coast and wants to come back. Budget-wise the Division is in good shape due to the vacancies which have gone unfilled, Dave headed up the initiative to look at what projects and major funding needs we have. Everything from funding quail reintroduction, working on black rails and major equipment purchases. He put that in a document and sent it over to our Office of Management and Budget to asked them to move salary money to operating so we can make those purchases. We also will fix some of the pumps at Pequest and Hackettstown.

This morning we received an e-mail that the Governor had approved the Division to hire 19 more people for Marine Fisheries Administration with \$1.2 million received from Senator Van Drew's legislation. We are hoping to get them on board.

Director Herrightly mentioned that he saw an article in the Farm Bureau newsletter that indicated that he was not very specific in the presentation that he gave to the Farm Bureau last month. This surprised him because he felt that he laid out a lot of data and indicated that the Division would cooperate with the Farm Bureau to work on issues of mutual interest.

Chairman Burke noted the American Hunter magazine had an interesting article that stated New Jersey was top of the list in percentages of deer taken by bow hunters, 57%. Senator Van Drew is seeking congressman LoBiondo's seat in south Jersey district.

Chairman Burke noted public comment will be allowed during the Community Based plan and Fish Code.

COMMITTEE REPORTS

Agriculture Committee Report:

Councilman Brodhecker reported most of the corn has been harvested up north. There are a lot of geese dropping in the corn fields. There was 4-5 inches of snow and it is still covering the ground. With the cold weather, he does not anticipate the bears will be moving. Councilman Brodhecker reported receiving phone calls regarding pheasants, some are saying they are not seeing anything and others are saying they are doing good.

Dr. Sebastian Reist from New Jersey Department of Agriculture gave an update on the brucellosis cases from raw milk. Most of the state and federal government offices have sent cease and desist orders to the company in New York which was distributing the milk. According to social media, they have not stopped the distribution and the public is giving support to the company. The company's website is no longer available. The company has sent a letter to New Jersey stating they will be responding to the Department of Health letters and have asked for an extension to respond. Dr. Reist also gave an update on the tick that was found in Hunterdon County in November. It is considered a foreign tick. The common name is the Longhorn Tick. The scientific name is Haemaphysalis longicornis and it is an Asian tick. It was found on a sheep in Hunterdon County. Someone nearby was diagnosed with a tick borne disease, but it has not been confirmed there is a relation between the two. The tick is a warm weather tick, so when it gets cooler, the tick goes into a period of inactivity. The tick was identified by Rutgers. It was confirmed by National Veterinary Services Laboratory (NVSL). This species of tick has been found in the United States in the past. It is usually found at ports of entry. The sheep was in a brushy, overgrown area. The ticks that were collected and identified and the sheep that the tick was found on were tested for all the diseases to be concerned about. All the results have come back negative for all the diseases we are concerned about. The Division of Fish and Wildlife has been collecting ticks from various deer and other wildlife species in the area.

Director Herrighty confirmed check stations were set up in Hunterdon County and ticks collected were not of that species. He also stated the Division staff will cooperate with the USDA and the New Jersey Department of Agriculture in the Spring when there is more likelihood for ticks to be found on wildlife.

Farmer/Sportsman Relations:

Councilman Brodhecker stated there was no new issues to report.

State Federation Reports:

Councilman DeStephano reported he stopped by the bear check station near his home and saw ticks being removed from bears. He stated he will attend the Warren County meeting to be held on December 13th.

Councilman Virgilio reported attending the Gloucester County meeting. Gloucester County invited several other counties to attend their meeting regarding Cross Camden County trails that link 18 municipalities from the Delaware river to the Atlantic County border. Sportsmen had a concern because they were going to go through the center of Winslow Wildlife Management Area (WMA). Alternatives were suggested but it is not confirmed it will be used. An opportunity for the Federation to meet with the Board of Freeholders in January and February to bring concerns about hunting in some of the parks that are closed to hunting. Councilman Virgilio thought the meeting was positive, worthwhile and changed the perception of quite a few people. Chairman

Burke stated he talked to a few people who were opposed and they do want the trail to go through the middle of the WMA. Acting Assistant Director Golden stated he talked to the Counties in the early stages and planning and stated it couldn't go through the middle of the WMA. He also raised concerns of who would be responsible for policing the trails as well as maintaining them.

Finance Committee:

There will be a Finance Committee meeting on January 9th at 9:00 am before the regularly scheduled Council meeting.

Fish Committee:

Councilman Gudmundsson deferred his report to Chief Barno's Fish Code report later in the meeting.

Game Committee:

Chairman Burke reported there will be a meeting in January.

Legislative Committee:

Assistant Director Nelson and staff member Nathan Figley are attend a R3 conference in Phoenix, AZ. Director Herrightly passed out the Legislative report. He stated we are in a lame duck period and any bill that expires will have to be re-introduced. A-3398 & S-2076 requires pesticide application to notify beekeepers when applying pesticide within 3 miles of registered honey or native beehive or bee yard. There is already regulation in affect for this requirement.

A-5213 – expands authorization for clamming on Sundays. The intent was for recreational clamming, but the bill says “all clamming.” The Shellfish Council has written a letter to the sponsors indicating that is not what was agreed to.

A-5276 – “Tonka's Law”; changes perimeter for archery hunting around certain buildings; requires property owner to provide notice to adjacent properties of any hunting activity. This was introduced after a hunter shot a dog thinking it was a coyote. The Division opposes this bill.

S-3537 Changes membership of the Fish and Game Council. This will add HSUS member and Animal Rights Representative.

SCR-145 – Commemorates NJ Division of Fish and Wildlife for 125 years of fish and wildlife conservation.

Endangered & Non-Game Species Advisory Committee:

Director Herrightly reported on the State Wildlife Action Plan in the absence of Councilman Lathrop. The SWAP is up for final public comment on the website. This is the final requirement before submission to the USFWS. It is supposed to be a 30-day period, but due to the holidays, we are extending the date to mid-January.

Waterfowl Stamp Advisory Committee:

Chairman Burke reported the Committee will meet again in March.

Wildlife Rehabilitators Advisory Committee:

Councilman Brodhecker reported the next meeting for the committee will be on February 21, 2018.

Public Member:

Councilman Pollock had nothing to report.

DIVISION REPORTS

Barbara Stoff, Licensing and Permits, was not present. Director Herrightly reported the new RFP will be out in mid-January according to the Department of Treasury.

Chief Lisa Barno, Bureau of Freshwater Fisheries reported the Fish Code public comment period closed on December 1st. A public hearing was held on November 14th where one member of the public attended. The concern was that the D&R Canal would no longer be stocked. He was assured the Division fully supports stocking the canal. There were 110 comments, which will be reviewed later in this meeting. On November 20th, the Colonial Lake Dam Removal Public Hearing was held. There was some local opposition to the removal of Colonial Lake Dam. As part of the dam safety permit, when they receive letters of opposition, they are required to hold a public hearing. There were approximately 50 people in attendance. Over 35 of them were in support of the dam removal for its environmental benefits. There were seven residents that spoke in opposition of the project. The Office of Dam Safety is compiling the comments to go to the Commissioner. Also taken in to account were written comments submitted that night that Chief Barno did not have the tally of. If the Commissioner supports the removal of the dam, we are looking at lowering the lake next March and the dam will come out in June 2018.

In the monthly report are the summary numbers from the Hackettstown Hatchery. They had a banner year, typically their stocking numbers range from 2.5 million to 3.5 million. Their totals for 2017 was 5,820,000 fish that they raised and distributed. Some of this had to do with increases in fish for mosquito control purposes. We also had some great hatch success on northern pike and muskies. Muskies are extremely difficult to convert over to dry feed. Having only five full time staff members, it is quite an accomplishment. Some of the fish go to other states to support their program and they are very appreciative of that support. Pequest has finished winter trout stocking. There were over 5,000 two-year old rainbow trout stocked.

Spruce Run clean-up is officially complete. The company cleaned all the way down to the reservoir. There is going to need to do some repair on the parking lot due damage from the heavy equipment used in the clean-up. Johanna Farms is cleaning the First Neshanic River. It will be a 12-day clean up if all goes as planned.

Chief Al Ivany, Information and Education reported he and his staff are preparing for the upcoming Garden State Outdoor Sports Show and Deer Classic. The show is January 11 – 14, 2018. There are a little over 70 entries for the Deer Classic as of today.

Chief Ivany stated he was pleased to announce the Division was able to backfill another position in Information and Education. The new employee will be Samuel Forlenza. Mr. Forlenza will be

the southern region Hunter Education coordinator, filling the position left vacant by Nathan Figley's promotion. He begins employment with the Division officially on December 23.

The New Jersey Freshwater Fishing Digest will be on shelves December 28th.

There will be a briefing soon for DEP Commissioner Martin regarding the new e-mail system through GovDelivery that will enable the Division to send more attractive e-mail messages, enhance capabilities and gather metrics on system users.

The Bureau has been working closely with the Endangered and Nongame Species Program on promoting the release of the updated State Wildlife Action Plan (SWAP.) This includes providing information for the public, as well as instructions on how to comment on the plan. He gave kudos to Division Webmaster Paul Tarlowe who did an exceptional amount of work on the project.

Chief Ivany gave an update on the Division's social media programs. Facebook now has more than 18,000 likes and Instagram is up to 770 followers. Both continue to experience consistent growth.

Councilman Virgilio suggested using the social media outlets to reach individuals who live in cities and may not be exposed to Division programs and outdoor opportunities. Chief Ivany agreed, and also stated the Mobile Conservation Outreach Trailer that is being developed will assist in getting to more areas and increasing outreach to communities. The Bureau has been having weekly conference calls regarding the trailer with the display design company. The final day of completion is estimated to be May 1st.

Chairman Burke asked about the Pocket Ranger app. Chief Ivany stated the Pocket Ranger is not being updated on a regular basis and we are no longer promoting it. Links have been removed from the website.

Acting Assistant Director Golden reported on behalf of the Bureau of Lands Management. He reported there are six more days of pheasant stocking left and will start again this weekend. Counting is going on to determine if there will be extra birds. It looks like there will be approximately between 2,000 and 5,000. After the number is confirmed, the Bureau will work on a proposal to put the birds out at the end of the season. There will not be any breeders held over this year since the Division will purchase six-week old birds for 2018. The farm will be essentially closed between January and May. Birds have been allotted for the veteran's hunt that will take place in February on a private preserve in Salem County.

Thursday, December 14th a meeting will be held with some Field Trial Association Clubs to get a better feel for what their interest and needs are from the Division. We issued field trial permits for groups that want to carry out activities/events on WMA. There has been some confusion on how they are handled. They have some expectations from us that may not be consistent with our regulations. If we are going to issue these permits, we want to see what we can do to better serve this group and make sure we have the same understanding about what is required and what windows they have for carrying out these activities.

Tuckahoe impoundments have been closed for the past couple of weeks. The impoundment enhancement is taking place right now. Mr. Nichols will give a report for Wildlife Management. The Bureau of Land Management received approval to hire a habitat biologist. This will be in the southern region and replaces Laurie Pettigrew's position.

Acting Chief Matthew Brown, Bureau of Law Enforcement reported during the Six-day Firearm Deer Season officers made contact with close to 900 sportsmen doing regulatory inspections. Violations were low and ranged from trespassing to safety citations. There were five hunting related shooting incidents.

As of December 1st, the Division officially became a member of the Wildlife Violators Compact. The Bureau is still working out the logistics of how to administer the compact as it relates to the database. The Bureau's new officer for Bergen and Passaic counties will begin work on December 23rd. She will attend Morris County Police Academy in January, enter her field training sometime in the summer months and will be on the road by this time next year.

Acting Chief Brown highlighted a few incidents. One in Pemberton an individual had several weapons, a ballistic vest, and prescription medicine in his blind. He was issued citations. In Stillwater, Sussex County, officers took into custody, without incident, an individual that was not able to possess. Probation and the Prosecutors office was happy to learn this individual was taken off the street because they were looking for him. As an update to his report last month, Chief Brown passed around picture of the new patrol vehicles indicating they are now New Jersey Conservation Police Officers. He also noted the State of Pennsylvania went the other way and renamed themselves Game Wardens. This will be Acting Chief Brown's last report as he is retiring as of January 1, 2018. He thanked the Council for their dedication and devotion to the resources, citizens and sportsmen of New Jersey. He thanked the Director for his support over the last 28 years and Councilman Virgilio, Former Officer, who showed the young new officer, like him, how to approach and treat people.

Councilman Virgilio in turn thanked Acting Chief Brown as being one of the leaders to move the Bureau into modern day with electronics and computer-based law enforcement. The officers now have state of the art equipment and good radio communication.

Director Herrightly also thank Acting Chief Brown for his 28 years of service and asked him to confirm that the compact will not have a grandfather clause. All violations will be looked at as of December 1, 2017 and forward.

Chairman Burke, on behalf of the Council, thanked Acting Chief Brown for his years of service and wished him well in his retirement.

Chief Carole Stanko, Bureau of Wildlife Management was not present and Ted Nichols, Supervising Biologist, reported on her behalf. Mr. Nichols passed around the bear and deer harvest to date information and reviewed each sheet with the Council. He explained the bear harvest numbers and stated a news release went out about the bear hunt extension.

Mr. Nichols highlighted bear activity from January 1st until November 20th last year there were 1,372 bear complaints this year we had 651, a decline of 53%. That includes all Category 1, 2 and 3 bear reports. He also reviewed status of the deer harvest to date stating some of the changes in the harvest was due to the change in Regulation Set Six. During the fall turkey season, there were 80 turkeys harvested. This is down 41% from 136 turkeys last fall.

Mr. Nichols stated there has been some difficulty getting a contract set up for pheasant feed. An RFP initially went out for a 3-year term contract had no one bid on it; we are looking to shorten the period for the contract and rebid it.

Chronic Wasting Disease (CWD) in the US House HR4454 was introduced in November by representatives Kind and Sensenbrenner to the Committees on Agriculture and Natural Resources. The Department of Ag would provide integrated support programs for state wildlife and agricultural agencies. The funding would go to the states with the highest incidences of the disease. There is potentially \$35 million for funding of CWD management, surveillance, research and response. At this point in time we are not sure where this is going or what this would mean for New Jersey, but we will keep an eye on this legislation.

Mr. Nichols gave an update on the Atlantic Brant productivity survey that was recently completed.

Lunch 11:29 – 12:39 pm

2018-2019 Fish Code

Chief Barno made a presentation of the 2018-2019 Fish Code Amendments. After the presentation, with various input from the Council, the floor was open to receive public comment.

PUBLIC COMMENT on 2018-2019 Fish Code (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ stated fish feel pain as documented by research. When we catch fish with any of these methods, they feel and they die from it. Fish coming out of hatcheries are not the best. We know from research they are inferior to wild fish and they turn up with all kind of diseases. Maybe it's time to stop the emphasis to keep the fish going in an artificial way. She thinks it's not a good idea to spend all this money on artificial connection.

Chairman Burke asked for a motion.

Councilman Gudmundsson made a motion to accept the proposed changes in their entirety and the full Fish Code in its entirety, seconded Councilman Virgilio. Discussion: Councilman Gudmundsson stated since there is concern about the barbed hooks and the private clubs, there should be an evaluation to find out if there is a negative affect or not and revisit during the next cycle of the Fish Code. all were in favor, motion carried.

Mr. Nichols made presentations on Community Based Deer Management Plans for Bernards, Princeton and Essex County. The following is the result of each township's request made by the Council.

Bernards Community Based Deer Management Plan (CBDMP): Council commented that it was an excellent example for a CBDMP.

PUBLIC COMMENT on Bernards CBDMP (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ stated she is against the Community Based Deer Management Program of killing deer. She thinks a lot of the township residents don't know this is going on because it is done in a very sneaky manner. She also wants to comment against the entire CBDMP being held today because it was not on the agenda. The information was withheld and she considers it sneaky and surreptitious.

Chairman Burke stated the CBDMP is vetted on the local level and there are always meetings going on at the local level that people can get involved with it if they want to. He also stated the CBDMP was on the agenda that was on the website.

Councilman DeMartino made a motion to accept the Bernards Township application, seconded Councilman Gudmundsson. all were in favor, motion carried.

Princeton: The Council concurred with the Division's recommendation to deny the use of .22 rimfire rifles.

PUBLIC COMMENT on Princeton CBDMP (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ stated the donation of the dead deer meat is no help to the people you are giving it to. If you are killing the deer with a gun, there is lead and shard. Research shows that lead is contaminating the meat. Taking it a butcher who has no way to tell about miniscule fractions of lead, which can go into your brain and affect your thinking and overall health is stupid. To cite the crashes that are happening with deer, is absolutely ridiculous. If any of you have seen the way people are driving on New Jersey roads these days, you can blame the drivers just as much. The drivers are playing with their cellphones, radios, eating and everything else but watching the road. You are blaming it all on the deer. The crashes can be stopped if people would observe speed regulations and drove in a moderate manner. They are hitting stores and buildings. I don't know if any of you read the newspaper, but this happens every day. I also think the data is so old on some of the stuff; passed by Princeton Township to justify the killing. The data is from 2000 and is 17 years old.

Susan Rothermel, Jackson, NJ stated she would like to see more information for the year about the kills.

Councilman Brodhecker made a motion to accept the Princeton Township application with the exception of the 22 rimfire rifle, seconded by Councilman DeMartino, all were in favor, motion carried.

Essex County: Council discussed this permit at length. Council questioned why there was no hunting program as part of the CBDMP. Council indicated that following last year's approval for this permit, that they requested that a regular hunting season plan also be included as part of the CBDMP this year. Council asked why the Bernards CBDMP has 68 hunters on 1,800 acres while Essex only has 15 hunters on a similar sized area (2,200 acres). This proposal passed with a vote of 4 with 2 nays and 1 abstention. Council asked the following provisions be addressed or they will not approve a CBDMP for Essex County next year:

- a. Include a hunting component as part of the CBDMP.
- b. Division staff and Council rep should meet on site with Essex County, preferably concurrent on one of the days of the upcoming CBDMP during January-March 2018.
- c. Essex County should be provided education materials from other CBDMPs which are successful that also include hunting programs (eg: Bernards and Princeton).

PUBLIC COMMENT on Princeton CBDMP (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ stated the ideas that trees are the problem with deer is bull. The fact of the matter is trees all over this nation are in a lot of trouble and it has to do with climate change where they have to move north and it has to do with chemical pollution that is being used massively in the United States. We are sending out massive gallons of pesticides, herbicides all kinds of toxic chemicals and pollution from factories and such. That is killing trees. In addition to which the trees are be affected by the emerald ash borer and so many other invasive insects for foreign countries that have come to the United States. It isn't the deer that causing the problem with the trees. It's mankind and the stupid policies. Secondly, as to the safety of having hunters come into your area, we certainly see from statistics lately how unsafe it is to have hunters in your neighborhood. Where we have a woman walking in her backyard, killed, dead. A woman walking her dog, killed, dead. We have other incidents all over this nation. C.A.S.H., a nonprofit, is keeping statistics on hunting accidents. There are so many in the hundreds if not thousands, each year. So, don't tell me it's safe to bring hunters into your neighborhood. We had horses killed in Raritan Township, a dog killed in Readington Township, we have hunters in New Jersey killing each other. Don't tell us it safe, it's not safe. Lastly, telling us the public knows what's going on here. I saw the video of Fish and Wildlife come to Chatham Township, seven people were in the audience hearing what they are trying to push through. My other comments on the CBDMP also applies to this CBDMP. Thank you.

Susan Rothermel, Jackson, NJ stated it was her understanding from last year's comments they were supposed to put in a hunting component. She agreed with Councilman Virgilio that it be told to them now that they need a component and that we reach out to them. That would also go along with her conversation with Mrs. Hoff also.

Councilman Virgilio made a motion to approve the Essex Township application with three important provisions. 1. Include a hunting component as part of the CBDMP; Division staff

and Council rep should meet on site with Essex County, preferably concurrent on one of the days of the upcoming CBDMP during January or February 2018.; 3 the Division provide an outreach session with them to explain the benefits of sport hunting and safety involved in hunting, seconded Councilman Brodhecker, 4 in favor, 2 nays(DeMartino & Gudmundsson), 1 abstention (DeStephano), motion carried.

Councilman Gudmundsson suggested that the township receive a record of the vote so they will know how close they came to not having their application approved.

Chairman Burke opened the floor for public comments.

PUBLIC COMMENT (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ called a point of order that another attendee of the meeting spoke directly to the Council without identifying herself. Ms. Sachau was offended as part of the public who has to wait for the public comment period and asked for a point of order ruling. Chairman Burke stated it would not happen again.

Ms. Sachau stated the Division bear population wipeout has been changing the longevity of the bears. They can live 20 years and now some of them hardly gets months and it is offensive. The population control is not the same as inhumane (inaudible due to someone coughing). Your group represents less than 0.5% of New Jersey population of 9 million, yet you slant things so that you are the only guys in control. Why aren't hunter accidents listed on the website of the NJ Division of Fish and Wildlife for the public to see. Why aren't hunters tested for their eyes. We have an awful lot of people shooting everything else but what they are supposed to be. We have a lot of old hunters. The public trust means we all have something to say about what happens with our animals. You aren't the only guys that own them.

A motion was made by Councilman Brodhecker and seconded by Councilman DeStephano to adjourn the meeting at 2:13 pm. Vote taken, all in favor, none-opposed; motion carried.