

THE MINUTES OF
NJ FISH AND GAME COUNCIL MEETING
GOTO MEETING February 9, 2021

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

The meeting was called to order at 10:00 a.m. by Chairman Virgilio.

Chairman Virgilio read aloud the following notice: In accordance with P.L.1975, c. 231 notice of this meeting was filed with the Office of the Secretary of State on January 29 , 2021 and delivered to the designated newspapers for the division, The Atlantic City Press and The Newark Star Ledger and published on February 4, 2021.

Roll call was taken in accordance:

Chairman Virgilio

Councilman Phil Brodhecker –(late-10:14)

Councilman Joe DeMartino –(absent)

Councilman Jim DeStephano

Councilman Dr. Rick Lathrop

Councilman Ed Kertz

Councilman Rob Pollock

Councilman Loren Robinson

Councilman Ken Whildin

Division employees included: D. Golden, L. Barno, G. Kopkash, C. Stanko, J. Hearon, S. Cianciulli, M. Monteschio, A. Ivany, L. DiPiano, B. Stoff, and D. Bajek.

Also present was Assistant Commissioner for Natural and Historic Resources, Ray Bukowski.

There were numerous members of the public in attendance.

Chairman Virgilio asked if there were any changes or corrections to the January 12, 2021 minutes.

A motion was made by Councilman Robinson to approve the January 12, 2021 minutes, seconded by Councilman Whildin. Vote taken; motion carried.

Chairman Virgilio mentioned that this meeting aims to conduct Council business, and public body meetings shall be open to the public at all times under N.J.S.A law 10-4-12.

N.J. Statute. 10-4-12 pertinent part states: “Nothing in this act shall be construed to limit the discretion or a public body to permit, prohibit, or regulate the activity participation of the public at any meeting.” The Fish and Game Council is different from a municipal governing body or a Board of Education required to set aside a portion of every meeting for public comment. There is no similar obligation in the Open Public Meetings Act for State councils. However, our Fish and Game Council believes that the right to attend a public meeting should also include a right to comment. Comment periods will have a 3-minute time limit at the end of our council meeting. We need to be consistent for fairness purposes. We also provide a comment period on final vote agenda items, such as today’s final vote on Spring Trout Season changes. During the development of a draft or updated regulatory language change, the first public opportunity to review and comment on proposed text in the draft regulations will be at the end of the meeting during the regular comment period. Council believes that the ability to speak directly to council is perhaps the purest and most basic form of citizen participation.

On a sad note, Chairman Virgilio took a moment to remember Fred T Space, who passed away at the age of 92. Fred served on the New Jersey State Fish and Game Council for eight years from 1963-1971, and two of those years were as Council chair. Fred was an avid sportsman, dedicated to his business, Space Farms Zoo and Museum, where he worked alongside his son New Jersey Assemblyman Parker Space. Fred was a dear friend to his beloved town of Beemerville, where he will be missed.

Director Golden reported promotions that have been in the works are moving along and Jason Snellbaker will be M.C.O effective January 30. Also, we are excited about our contractor for the new web design, Oxford Communications, who will also be helping with marketing.

Council Reports:

Agriculture:

Councilman Kertz reported the farmers are working on getting ready for Spring.

Farmer/Sportsman Relations: No report

NJ State Federation of Sportsman’s Clubs:

Councilman Robinson reported he attended the Hunterdon County meeting, Round Valley Trout Association meeting, the Fish Committee meeting, and the virtual State meeting.

Councilman Whildin reported an issue with the Millville Range, there are a few individuals misusing the range.

Chairman Virgilio reported he attended the Cumberland County meeting, which was in-person. The annual Trash Hunt as of now is still happening and scheduled for March 20, 2021.

Finance Committee: No report

Fish Committee:

Councilman Pollock reported they met and discussed potential changes in the Spring trout program.

Game Committee: No report, meeting Thursday.

Endangered & Nongame Species Advisory Committee:

Councilman Lathrop reported they met in mid-January and Mandy Dey updated them on shorebird season 2020 and the ongoing concerns about the horseshoe crab population.

Waterfowl Committee: No report

Wildlife Rehabilitators Advisory Committee: No report

Public Member:

Councilman Pollock reported he got an inquiry about the State's overall feeling of old sea-run Brown Trout program.

Legislative Update:

Mary Monteschio reported no new movement.

Chairman Virgilio mentioned the state duck stamp - A3897 passed and is looking for the Senate version.

Division Reports:

Freshwater Fisheries:

Acting Assistant Director Barno reported they are holding their first virtual fisheries forum where they combined the northern and southern forums. There will be a link going out next week for all who are interested in joining. Changes proposed for the 2021 Trout Season; will go over later in the meeting. It has been a year-long wait but Steve Jefferies will start February 13 as a full-time employee at the Pequest Hatchery. He has been a seasonal worker for over ten years at Hackettstown. He will be responsible for maintaining the infrastructure at both hatcheries. The Hackettstown Hatchery will continue to operate on a modified schedule for the 2021 production cycle. Similar to 2020 the hatchery will only collect broodstock for Northern Pike and obtain Muskellunge and Walleyes from Pennsylvania. The snowfall has been keeping the staff busy at both facilities.

Information and Education:

Chief Ivany just wanted to follow up with Council that the redesign of the Division's website is moving forward.

Land Management:

Chief Hearon reported they have been busy with snow removal. The Colliers Mills range is finishing up and Stafford is right behind. They are also working on new signage.

Law Enforcement:

Chief Cianciulli wanted to thank the Director and staff with being able to get promotions approved. The Marine Deputy Chief position was an important one to backfill. All six recruits moved on to their permanent status on February 1, 2021 and are doing well.

Wildlife Management:

Chief Stanko reported deer season progressed nicely until the snowstorm. Numbers look good. Through February 8 we are at 53,455 which is up 18.2% over last year's harvest of 45,208 for the same time period. We should end the season at about 54,000, which will be the highest harvest since 2010. We have the shotgun and muzzleloader seasons ending this Saturday with the archery season closing the following Saturday. On the Brant Migration and Breeding Ecology study, staff trapped geese and deployed 31 new transmitters.

Endangered and Nongame Species:

Chief Heilferty reported restored habitat documented over 80 different species visiting WMAs. He visited the Holly Farm and discussed what habitat projects can be initiated on that property. There are good ponds for amphibians. Gretchen Fowles is working with a master's degree student on a habitat suitability model for NJ, for ability for bobcats to disperse further in NJ.

Business Office:

Assistant Director Kopkash reported that we no longer use CID#s to access the license system. It is not as secure as the last 4-digits of a Social Security Number. The Division also made viewable changes to access the full Social Security Numbers and driver license number. When you log in there will be directional text on these changes.

Old Business:

CBBMP Update and Related Information:

Mary Monteschio reported A4641 single bill on Assembly side and is no Senate version yet. We suggested changes that would make it clearer on "what exactly is feeding a black bear." We also wanted to add some additional clauses and suggested adding that anyone engaged in legal hunting or trapping activities would not be subject to this feeding statute and anyone who has food, petfood, or garbage in building sheds or garages, as long as those buildings are closed and making it more difficult for the bear to get in, they would not be subject to that feeding ban bill.

Chief Cianciulli reported our officers are as proactive as possible and we only have a few officers in the northern region. With ten people in the field, they try to enforce the current feeding ban as much as possible. Like every law enforcement agency, we rely on citizen complaints to be effective. It is a 24-hour responsibility and we are working closely with the Bear Project. We generally get less than 25 complaints in a years' time and we respond to any complaint we get from the public, the Bear Project staff or Wildlife Control. The current feeding statute that we have was challenged by someone who was alleged to have been intentionally feeding. We were told by the judge at that time that we couldn't prove our case despite the fact that we had physical evidence. We couldn't prove the elements of the statute the way it was written and that is what basically weakened our ability to enforce the feeding ban.

Chairman Virgilio mentioned it is a combined effort from sportsmen and animal folks alike in order to prosecute.

Reproductive Rates of NJ Black Bears:

Chief Stanko reported NJ black bears are some of the most productive bears in North America. Bears in NJ have an average litter size of 2.7 cubs, which has remained remarkably consistent

since research began in the 1980s when bears were only found in undeveloped and forested regions of the state and had limited access to garbage. Northern NJ offers bears exceptional food sources such as acorns, hickory nuts, walnuts, and beech nuts. During the Fall hyperphagia period, which is when bears consume more calories pre-winter in order to bulk up, bears in NJ rely heavily on these mast crops to gain fat reserves to survive the winter months and prepare to produce cubs. Due to all the mast trees in NJ, it's rare that there is a complete failure of natural food resources. This dependence on natural food by NJ bears by the late Summer/Fall is evidenced by a decrease in bear-garbage incidents, which on average are 45% less numerous during mid-September to mid-November hyperphagia period than in the July and August Summer maintenance period.

Since 2000 there have only been two years, 2003 and 2012, where total garbage complaint calls during the Fall were higher than the total complaint calls during the Summer, most likely indicating only two years out of the past 20 when a hard mast failure occurred. In eighteen of the past twenty years, complaints during the Fall pre-denning hyperphagia period were lower than during the Summer as bears sought out higher value natural foods over human-sourced foods such as garbage.

Coupled with this, NJ's public residents and businesses are over 90% compliant with the Division's recommendation for keeping human provided foods away from bears. The average number of garbage calls per day during the past 20 years between April 1 and November 15 when bears are out of den was 1.6 calls per day. If female bears relied heavily on garbage for their high productivity rate, this number of calls would be much greater.

This data indicates that the most significant driver of bear reproduction in NJ is its relatively consistent natural food base. In regions without adequate natural foods, bear sizes are smaller and cub production is less consistent as in the southern and western United States. Because NJ's excellent habitat provides a consistent natural food base, control of human provided food such as garbage cannot control bear population growth. If access to human provided food was completely eliminated, the consistency of adequate natural autumn food crops in NJ would allow productivity to remain high in most years and the bear population would continue to increase.

While non-lethal bear controls are critical to lessen the effects of a high bear density on the landscape to prevent bears from becoming accustomed to or conditioned to people and to help lessen the risk of public safety, they are not effective to control the black bear population growth in NJ.

Update on 2021 Hunting Digest:

Acting Assistant Director Barno reported there is a 30-person group working together updating the Hunting Digest. We reached out to all the team members and requested from them the different species of preference that they have the most knowledge or perspective on. Once we have that information, we will make selections and group them north, central, and south and divide them amongst species. We are also looking for the perspective of the newer hunters as well as the seasoned hunters. There is a virtual meeting scheduled for February 25 where work

that Chief Stanko has been doing with her staff will be presented. We will be providing the specific information for the species groups prior to the meeting so they can review it carefully and we have also asked them to review the digest very carefully to identify information that they feel is no longer needed.

Chief Stanko reported that we are off to a good start internally. She assigned her project leaders to look critically over their sections of the digest and format it into tables and to simplify it and make it easier to use and understand. We had our first meeting where we all looked at each other's updates and made a lot of great improvements. The second meeting with staff will be scheduled, then it will move up the chain of command for even more review.

New Business:

USFWS Partners for Fish and Wildlife/NRCS Working Lands for Wildlife:

Elizabeth Freiday of the US Fish and Wildlife Service and is the State Coordinator for the Partners for Fish and Wildlife program in New Jersey gave a brief presentation.

2020 License Sales and Retention Strategy:

Barbara Stoff gave a brief presentation on the 2020 license sales compared to the 2019 sales. Online sales consisted of more than 50% of sales this year.

Linda DiPiano gave a brief presentation on the influence that the Bureau of Information and Education had with increasing license sales, and future programs and initiatives.

2021 Spring Trout Season Change:

Acting Assistant Director Barno reported the Fish Committee met last Thursday and discussed proposed changes for the 2021 trout season. She gave a brief presentation on the 2021 Spring Trout Program changes.

Proposed Changes are:

- Distribute 500,000 trout in 4-weeks of pre-season stocking
 - Waterbodies will be stocked with at least a portion with many receiving their entire allotment before April 1
- Pre-season stocking begins March 15 instead of March 22
- Close waters to fishing beginning March 15
- No Bonus Broodstock Lakes
- Open waters to Catch and Release on April 1, 2021
- Opening Day for trout is April 10, 2021. Six trout a day limit.
- No in-season closures

- Stock remaining 70,000 in May (one week)

Public Comment:

Barbara Sachau commented that when you catch and release a fish it does not survive. Fish also feel pain.

License Restoration:

Andrew Puccio – Not Present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Puccio who was not present. Mr. Puccio was convicted of a violation on June 14, 2018 for N.J.S.A./N.J.A.C. 7:25-6.3(e) over the limit of fish. A second violation on November 16, 2020 for N.J.S.A. 23:3-76a Hunting without a waterfowl stamp and HIP certification.

Chairman Virgilio asked for a motion to open the floor for discussion.

A motion was made by Councilman Kertz to open the floor for discussion and seconded by Councilman Robinson. Vote taken, all in favor; motion approved.

After council discussed Mr. Puccio's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Robinson to close the floor for discussion and seconded by Councilman Whildin. Vote taken, all in favor; Motion carried.

Chairman Virgilio stated that the council has three options: reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Puccio's license, seconded by Councilman Whildin. Vote taken; All in favor; motion carried.

Public Comment:

Bill Crain- he agrees with Barbara Sachau that fish feel pain. The Fish and Game Council should look at bear statistics, we would never take this approach with humans. He urges you to reflect on arrogance on how many animals live or die. If we are going to control bears, it should be done through non-lethal means.

Barbara Sachau- Public trust should demand we have opportunity to comment at the beginning and end of meetings. She also objects the person picked for the Shellfish committee seat.

A motion was made by councilman DeStephano to adjourn the meeting at 12:52 pm, seconded by Councilman Kertz. Vote taken; motion carried.

Next meeting will be on March 9, 2021, 10:00 a.m. Location to be determined.