

THE MINUTES OF  
NJ FISH AND GAME COUNCIL MEETING  
GOTO MEETING April 13, 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 April 6, 2021 and delivered to the designated newspapers for the division, The Atlantic City Press and The Newark Star Ledger and published on April 9, 2021.

Roll call was taken in accordance:

Chairman Frank Virgilio  
Councilman Phil Brodhecker –(late-10:26)  
Councilman Joe DeMartino  
Councilman Jim DeStephano - (absent)  
Councilman Dr. Rick Lathrop  
Councilman Ed Kertz  
Councilman Rob Pollock  
Councilman Loren Robinson  
Councilman Ken Whildin

Division employees included: D. Golden, L. Barno, C. Stanko, J. Hearon, J. Cianciulli, M. Monteschio, A. Ivany, J. Heilferty, T. Nichols, S. Petzinger, M. Smith, and D. Bajek.

There were numerous members of the public in attendance.

Chairman Virgilio asked if there were any changes or corrections to the March 9, 2021 minutes.

**A motion was made by Councilman Robinson to approve the March 9, 2021 minutes, seconded by Councilman Lathrop. Vote taken, all in favor; motion carried.**

Chairman Virgilio, on behalf of the Fish and Game Council, would like to thank the Division of Fish and Wildlife for their ongoing efforts at making our monthly council meetings open with easy availability to the public. A little over a year ago, the COVID-19 pandemic forced the Division of Fish and Wildlife to improvise, adapt and overcome the challenges confronting our

open public council meetings. The Division quickly moved our monthly Fish and Game Council meetings to a video-conferencing platform that has adapted with continuous improvements, incorporating many of the changes recommended by the public during the public comment period. In the future, when Governor Murphy gives the Division the green light to reconvene in-person council meetings, state employees and the general public's safety will be the number one priority of our Fish and Game Council. We will do so with all CDC protocols while utilizing a hybrid type meeting platform that includes video conferencing. We have found that platform to increase attendance and stakeholder participation.

Director Golden wanted to inform council that Game Code amendments that we worked so hard on over the past several years were filed last week and they will appear in the May 5, 2021 NJ register. This will include some restrictions to help keep CWD out of NJ as well as separate the Black Bear Policy from the Game Code. These revisions will be official as of May 5, when they are published. Related to that, we have been working on a readoption of all of our wildlife rules under NJAC 7:25, that readoption has been sent over to the Governor's office and it is a readoption without change and needs to meet the June deadline before those rules sunset. Director Golden would like to give special thanks to Chief Stanko for all her hard work with the Game Code readoption, she turned things around very quickly and we were able to get the adoption through. Director Golden went over our license sales numbers from 2019 through 2020 and we are seeing increased license sales all around.

### **Council Reports:**

#### **Agriculture:**

Councilman Kertz reported farmers are trying to get work done between all the rain and everything is saturated.

Councilman Brodhecker reported a lot of deer grazing the edges of the fields, bears are getting into bird feeders. There has been no word on any damage to chicken or livestock yet. Farmers are in the field looking forward to a good year.

Dr. Reist reported that in the last month SARS Covid-2 was found in a cat in Morris County NJ. This is the first of the new variants found in a pet. Rabbit hemorrhagic Disease was reported in Tennessee and Georgia, but Georgia rescinded that due to an error at the laboratory.

### **NJ State Federation of Sportsmen's Clubs:**

Councilman Robinson attended Hunterdon, Monmouth and Middlesex counties in-person meeting along with a virtual State meeting. The major discussions were on the 2020 Game Code, trout season, bear season, firearm laws and pheasant stocking.

Councilman Whildin attended the waterfowl meeting to set a schedule for the upcoming waterfowl season, the Cumberland County Federation meeting where they discussed range clean-up and clarification of regulations. Also, he attended the Predator meeting in the south and went over Digest updates. Law Enforcement Committee had a meeting yesterday to discuss license restorations, issues with deer clubs, driving and off-road vehicles.

Chairman Virgilio attended an Operation Game Thief meeting where they previewed a software platform called TIP411, a communication platform that provides officers a tool that allows citizens to submit an anonymous tip by 2-way text messaging. They also reviewed the International Wildlife Crime Stoppers 2020 annual report and he thanked Captain Quirk for her two submission of two NJ operations Game Thief cases that are now showcased in a national spotlight. Chairman Virgilio also attended a Division sponsored R3 meeting where Good Sports Hunting Club, Ric Camp the president of Cumberland County Federation opened up his club for a three-day women's mentor hunt. The club will serve as a launching pad for nearby turkey hunting, classroom sessions, target shooting and meals. He would also like to mention that Councilman Whildin and himself visited the newly renovated Millville range and these renovations exceeded all expectations. Additionally, he attended Cumberland Count's meeting and will have an in-person meeting at Gloucester County tonight.

**Finance Committee:** No report

**Fish Committee:** No report

**Game Committee:** No report

### **Endangered and Non-Game Species Advisory Committee:**

Councilman Lathrop reported they met last month and there were a couple of issues. Some groups are interested in using freshwater mussels for freshwater restoration projects, so there is some concern about where these freshwater mussels are coming from. The State is taking a measured approach to this issue before using it. We had a report on rat poisons in various types of settings, it then ends up with raptors eating poisoned rats and is affecting hawks and owls. Audubon is starting a campaign to bring this to people's attention.

**Waterfowl Stamp Advisory Committee:**

Councilman DeMartino reported there will be a presentation later in today's meeting.

**Wildlife Rehabilitators Advisory Committee: No Meeting****Law Committee:**

Councilman Whildin reported they met yesterday to discuss the license restorations.

**Public Member:**

Councilman Pollock reported he received many compliments on the early opening of the trout season and got a lot of positive feedback.

**Legislative Update:**

Mary Monteschio reported that there are not many new items, they are concentrating on budget hearings.

**Division Reports:****Freshwater Fisheries:**

Assistant Director Barno reported it has been a busy month. Fisheries and Land Management staff did an outstanding job distributing over 517,000 trout in 4-week period that started March 15 and finished April 9 to over 170 waterbodies throughout the state. It was basically 90% of Pequest allotment of spring fish. Information and Education did a great job at alerting the anglers of the changes in this year's stocking and regulation changes, as well as Law Enforcement. The anglers really appreciated having signs to validate the C&R opener on April 1, 2021. There were three waters that were not stocked, Blair Lake (COVID restrictions), Spooky Brook Lake (delayed dredging project), and Hooks Creek Lake (salinity levels). Biologists were out on April 1 for the beginning of the catch and release season and then again on April 10 to assess angler participation. On April 1, the Division staff assessed anglers at 46 waterbodies and counted 247 anglers participating in the early season opportunity. Unfortunately, the weather wasn't as cooperative as we had hoped with water temps still cold and wind was gusty that day, which seemed to keep some of the anglers out of the rivers. On April 10 staff surveyed 61 waterbodies and counted 2,148 anglers, averaging 35 anglers per waterbody which is very similar to last year where we had an average of 31 anglers per waterbody. This year was by far

the nicest and warmest Opening Day we have had in some time. Overall, social distancing was observed by anglers, but we did notice some larger gatherings this year compared to last year's opening day. There was some concern from anglers about the early catch and release would lead to the fish being fished out prior to April 10, however, there were a lot of anglers reported being very successful on Opening Day. We have one more week of stocking the week of May 10, 2021 where we will put out the remaining 75,000 fish. We will have the final report to Council tomorrow that has all the opening day breakdowns by waterbody.

### **Information and Education:**

Chief Ivany reported a hunter education update that classes are in full swing and our course completions are high. The first three months of 2021 through March we have 1,825 online course completions with 1,108 field session completions. The Division is redoing the website and we officially have a contract with Oxford Communications and are moving forward with our website redesign, setting up meetings and a production schedule. Hopefully towards the end of the year the Division will have its new website, which will not only provide greater information to the public but also help the Division with its relevancy campaign as well as R3. The new website will be ADA compliant, and much easier for people to use as well as providing updated information. The Governors Surf Fishing Tournament is still on for May 23, 2021 as of now, and we are working under the Governors Executive orders regarding Covid. We have 182 people registered for the tournament so far compared to 240 at this time last year. We are working with the DEP Communications Office on providing graphics and videos for Earth Week regarding Climate Resiliency and "How climate change may affect wildlife and solutions regarding those challenges." We continue to broaden our social media posts by doing WMA Wednesdays. We had talks of possibly doing Fish Friday, Bird of the Month and just trying to expand the number of topics we're doing. Annual update for council, last year in the middle of March we had 29,000 followers on Facebook and currently we are at 38,921 up almost 10,000 followers. Instagram had 4,800 followers and currently we are up to 9,692 a doubling of followers and we are close to breaking the 10,000 mark. GovDelivery numbers also continue to increase and are currently approximately 370,000 subscribers. We are continuously improving the way we get the word out through the lists and our social media. We have a state-wide Spring black bear news release over with the departments press office right now and we also have our social media posts ready to go when the news release is ready. When this information gets out, we will be sharing it with DEP's Office of Local Government Assistance to get the same information out to municipalities throughout NJ.

### **Land Management:**

Chief Hearon reported this is a busy time of year, a transition time for Lands Management. We are just coming off hunting season, in the middle of trout stocking and the weather gets nice so

our constituents are out on full force at the boating ramps also. This is always a difficult time to meet everyone's needs. With that, we also are through trout stocking season, have been working with Forest Fire and partnered with them for controlled burns, which is always important for us because it cuts down on our mowing time ,especially our pheasant stocked field and also knocks the habitat down just in time for turkey season. We are getting our habitat supplies ready for pheasants, our Spring food plots, pollinator mixes are going in and trying to get it all done prior to turkey season. The Holly Farm office is moving along, and the design will be bid out for construction next year. There will be some improvements at the Assunpink Conservation Center, the parking lot will be paved along with some other trail heads in the area, which we are doing with a Trails Grant. The Stafford Forge Habitat Project has just come to an end after three-years. We are working on the infrastructure for the upcoming R3 hunt this Fall at Tuckahoe, staff has duck blinds delivered and is installing gates and electric to an outside booth. All of our ranges in the south now have handicap-accessible ramps out to at least one shooting station. The contractor should be getting busy in the north as well. There will also be an addition to the Tuckahoe boat ramp that should be breaking ground in November.

#### **Law Enforcement:**

Chief Cianciulli reported region captains are working with our region superintendents from Lands Management with signage and gates being a priority. Outside law enforcement agencies requested additional bear response classes for police officers. The training unit was able to get a class scheduled in March at the Morris County Police Academy. We had 23 officers attend and have an additional class in mid-May. We hope to get another 20 to 25 officers through that class and will schedule an additional class in the Summer/Fall. Last year COVID restrictions caused the academy to cancel all of our bear response classes, but things are getting back to full swing.

#### **Wildlife Management:**

Chief Stanko wanted to follow up on the Game Code being scheduled for publication which will become legal five days after promulgation. We are beginning internal meetings on the scheduling of the next Game Code proposal. We are working on a new contract for pheasant and quail. Chief Stanko would like to acknowledge Ted Nichols for papers that he worked on and are being published.

### **Endangered and Non-Game Species:**

Chief Heilferty reported he sat in on the Atlantic Coast Joint Venture board meeting. Much of their focus lately has been on Salt Marsh Sparrow, Black Rail and Black Duck conservation which we did vote at that meeting to advance the direction of the Black Duck Management Plan that they are developing. The Endangered and Nongame Species Program is funding a summer seasonal position to help with the Regional Salt Marsh Sparrow survey. Much of the focus on management for these species is high marsh restoration. During our Endangered and Nongame Species Advisory Committee meeting last month we discussed the concerns with the use of Freshwater Mussels potentially to improve water qualities, specifically rearing mussels and placing them in waterbodies. In theory it sounds like a good idea, but the concern is that doing so doesn't import mussels where they are not desirable or that they do not introduce disease that could affect freshwater mussel populations but also other fishery resources. We have volunteered to participate as one of four lead states in a proposal that the regional brook floater working group we volunteered to participate in a competitive state wildlife grant application where NJ could be granted \$100,000 and we would have to match that at a 75% match rate. Some of that work would go into investigating how dam removals can be done in a manner that is sensitive to the concerns of freshwater mussels.

### **Old Business:**

### **CBBMP Update and Related Information:**

Michelle Smith gave a brief presentation on Black Bear Education and Outreach. The Division of Fish and Wildlife will expand the use of web-based and social media platforms to educate the maximum number of residents with bear safety information, including those in urban areas and southern counties.

### **Update on 2021 Hunting Digest:**

Assistant Director Barno reported that everything has been submitted over to I&E and they are working with the publisher for incorporating it into the document. We do not have a target date yet for receiving the first pass.

Chief Ivany reported that Cindy Kuenstner has all the information that was provided and is digesting it now. We also had a meeting with the publisher recently to bring him up to speed with the potential changes of the digest and once we get everything in order, we will be moving forward.

**Waterfowl Status:****Waterfowl Status 2021- 2022 Waterfowl Seasons**

Ted Nichols gave a brief presentation on the 2021- 2022 Waterfowl Seasons.

**Public Comment:**

Barbara Sachau feels the flyway meetings are kept secret. She is against hunting of all birds. She also would like to know where the Division reports are on the website.

Chairman Virgilio asked for a motion to accept the season and bag limits.

**Councilman Robinson made a motion to accept the 2021-2022 Waterfowl season and bag limits as presented, seconded Councilman Kertz, vote taken, all in favor; motion carried.**

**New Business:****Sparta Mountain Young Forest Habitat:**

Sharon Petzinger gave a brief presentation on Sparta Mountain Young Forest Habitat.

**Lunch- 12:26 -1:00****Higbee/Pond Creek Restoration Project**

Melissa Woerner gave a brief presentation on the Higbee Beach Wildlife Management Area Pond Creek Marsh Restoration Project.

**2020 – 2021 Deer Season Results:**

Chief Stanko gave a brief presentation on the 2020 – 2021 Deer Season results with a total harvest of 54,980 deer for 2020-21, up over 20% from last year and up 17% from the 5-year previous average of 47,158 deer.

**2021 Pheasant Stocking Schedule and Allocations:**

Chief Hearon gave a brief presentation on the proposed 2021 Pheasant stocking schedule.



**Public Comment:**

Janet Pizar opposes the distribution /stocking of pheasants. She mentioned that Rockport used to report bird/chick mortality rate before distribution and wanted to know what those numbers were this year.

Barbara Sachau is against any stocking of birds.

Chairman Virgilio asked for a motion to accept the 2021 Pheasant stocking schedule as presented.

**A motion was made by Councilman Robinson to accept the 2021 Pheasant stocking schedule as presented, seconded by Councilman Whildin. Vote taken, all in favor; motion carried.**

**License Restorations:**

**Michael Cherfane – Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Cherfane who was present. Mr. Cherfane was convicted of a violation on August 2, 2017 for N.J.S.A./N.J.A.C. 23:7-9. a (4) operating a motor vehicle off the established roadway. A second violation on January 6, 2021 for N.J.S.A. 23:4-13 for having shotguns capable of holding more than 3 shells.

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

**A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Kertz.**

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

**A motion was made by Councilman Kertz to close the floor for discussion and seconded by Councilman Robinson.**

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 Brodhecker made a motion to reinstate Mr. Cherfane's License, no second.**

**Chairman Virgilio mentioned with no second a new motion was needed.**

**Councilman Whildin made a motion Not to reinstate Mr. Cherfane's license, seconded by Councilman Robinson. Vote taken, one No vote (Brodhecker); motion carried.**

**John DeMarco – Not present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. DeMarco who was not present. Mr. DeMarco was convicted of a violation on January 23, 2017 for N.J.S.A./N.J.A.C. 23:4-13.1 for not wearing the proper orange while hunting. A second violation on January 13, 2021 for N.J.S.A./N.J.A.C. 23:3-56.2 hunting with a shotgun holding more than three shells.

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

**A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Brodhecker.**

After council discussed Mr. DeMarco'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 Brodhecker.**

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 Whildin made a motion Not to reinstate Mr. DeMarco's license, seconded by Councilman Kertz. Vote taken, all in favor; motion carried.**

**Nicholas Kolouszek - Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Kolouszek who was present. Mr. Kolouszek was convicted of a violation on May 24, 2018 for N.J.S.A./N.J.A.C. 7:25-2.2(b) off roading in a vehicle. A second violation on January 30, 2021 for N.J.S.A./N.J.A.C. 7:25-5.23(f) possessing illegal missile while deer hunting.

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

**A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Kertz.**

After council discussed Mr. Kolouszek'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 Brodhecker.**

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. Kolouszek's license, seconded by Councilman Brodhecker. Vote taken, all in favor; motion carried.**

**Albert Swick – Not present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Swick who was not present. Mr. Swick was convicted of violation on November 13, 2018 for N.J.S.A./N.J.A.C. 7:25-5.30 (f) Fail to tag/register deer during permit bow season. A second violation on December 15, 2020 for N.J.S.A./N.J.A.C. 23:4-43. Unlawful possession of deer/deer parts

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

**A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman DeMartino.**

After council discussed Mr. Swick'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 Kertz.**

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. Swick's license, seconded by Councilman DeMartino. Vote taken, all in favor; motion carried.**

**Public Comment:**

Janet Pizar mentioned to have specific dates for when people should and shouldn't have bird feeders out, due to bear incidents. She also would like to see the bear information passed along to school superintendents.

Barbara Sachau would like to see a link to join the presentations for people who are calling in. She also does not believe farms should be on Wildlife Management Areas.

**A motion was made by Councilman Lathrop seconded by Councilman Kertz to adjourn the meeting at 2:49 p.m., Vote taken, motion carries.**

**Next meeting will be on May 11, 2021 at 10:00 a.m. Location to be determined.**