

MINUTES OF THE MEETING OF THE
NEW JERSEY FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
July 13, 2010

The regular meeting of the New Jersey Fish and Game Council was held on the above date. In attendance were:

Acting Chairwoman Jeanette Vreeland
Councilman Dave Burke
Councilman Ed Kertz
Councilman John Messeroll
Councilman Robert Puskas
Councilman Len Wolgast

Absent: Councilwoman Barbara Brummer
Councilman Fred Hough
Councilman Dan Van Mater

Division employees included Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Jim Sciascia, Lisa Barno, Tony Petrongolo, Patrick Carr, Kelcey Burgess and Carole Kandoth.

Members of the public included Representatives from the Federation of Sportsmen's Clubs, the Sierra Club, members of the press, and others.

The meeting was called to order at 1:00p.m.

The flag salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, c. 231, notice of this meeting was filed with and recorded at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on June 11, 2010.

Roll call was completed.

Minutes of the May 11, 2010 meeting were reviewed. **A motion was made by Councilman Puskas, seconded by Councilman Burke to approve the minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland commented that the Council had not met since May, but noted that she has been busy reading e-mails and comments submitted regarding the proposed Black Bear Management Policy.

Director Chanda wanted to acknowledge the Division staff that had assisted with putting together for review all the material received regarding the Black Bear Management Policy, especially Supervising Biologist Pat Carr and Principal Biologist Kelcey Burgess.

Director Chanda gave a brief update of activities at the Marine Council. He noted that Councilman Burke had attended their last meeting as a representative of this Council. Three ideas were presented for use as a central funding source, and they included:

- 1) A striped bass license plate
- 2) Have a Constitutional Amendment to approve developing a conservation lottery
- 3) A saltwater fishing license

All ideas are being reviewed for consideration. Director Chanda briefed the Council on each idea. He also noted that the Marine Committee may want to meet again before the September Marine Council meeting to discuss these ideas further.

At this time, the public comment period on the proposed Black Bear Management Policy as listed on the agenda was opened. Members of the public were reminded that the public comment period for submitting written comments had ended on June 18, 2010, and all comments had been received and reviewed.

Janet Pizar from Millburn was the first to speak. She asked to know how soon the public would know count of how many people were for or against the hunt as proposed in the policy. Acting Chairwoman Vreeland reminded Ms. Pizar that this time was for comments only, which she acknowledged.

Ms. Pizar also asked to show a tabulation she had done on five years of cost of non-lethal black bear management. She stated that 21,463 violations were written during that time, but only 9 were for violations of the black bear feeding law. She added that she felt that was despite extra personnel and funding, and felt that all the Division did was to compile statistics. Ms. Pizar also felt that the new policy includes garbage enforcement, despite being advised in the past that the Division can do nothing about garbage, and Ms. Pizar felt that nothing would be done about garbage enforcement until hunting was included in the bear management plan.

Ms. Pizar also stated that in July 2008, Acting Chairwoman Vreeland had said that there would no longer be questions taken at Fish and Game Council meetings, and that concerns should be put in writing. Ms. Pizar stated that she currently has seven unanswered letters, and felt that it implied that individuals concerned about wildlife management were not entitled to get any information from this agency.

Jeff Tittle, Director of the New Jersey Sierra Club was the next to speak. He said that the Sierra Club did not believe the current Black Bear Management Policy can be implemented due factors related to budget cuts. He added that they felt the current budget was zero and staff would have no time to deal with garbage issues.

Mr. Tittle also had concerns that the bear warden program was eliminated and felt that the Division did not have the resources to deal with bears or related problems. Mr. Tittle added that he felt that a hunt was not a management tool, but a recreational tool. He felt that there could not be a management plan without funding.

Barbara Sauchau spoke next. She feels that there is a conflict of interest the Council to make decisions, adding that there is a financial conflict of interest. She stated that the Division sells licenses and felt that there was a self interest, stating “you grow them to kill them”. Ms. Sauchau also felt that the Division should not be in charge of the count of the comments, and that it should be done by an independent agency. Ms. Sauchau also stated that she is not in favor of the “bear killing plan”.

She read something that she stated had been published in the New Jersey Register, where regarding information and the outreach sources used to collect information. She felt that the outreach to animal protection groups was zero that they should not be excluded. She added that she felt the economic analysis on killing bears is flawed.

Ed Karecki, Sr. from Spotswood was next to address the Council. He noted that he supports the hunt, and that he was made “sick to his stomach” at the public hearing by the some of the comments that were made by those opposed to the hunt. He added that he would never forget the woman who “had the nerve to bad mouth the Professional Biologists, the Fish and Wildlife Council and the Division of Fish and Wildlife.” He added that “these people are dedicated to the outdoors and the proper management of wildlife in New Jersey, not the anti hunting and fishing agenda of the anti’s.”

There were no other public comments.

Acting Chairwoman Vreeland called for the Game Committee to discuss the proposed bear policy at this time. Assistant Director Herrighty asked Supervising Biologist Carr and Principal Biologist Burgess to come forward to address the Council. Councilman Wolgast noted that two minor corrections had been made to the proposed Comprehensive Black Bear Management Policy. Supervising Biologist Carr reviewed the changes (page 38 and page 34), and noted they were included in the final document being voted on today.

Councilman Wolgast noted that the Game Committee and DEP Commissioner Martin’s office have reviewed the comments that were received. In all, 9,287 comments were received and counted. Of these, 3,204 were unsigned form letters from the Humane Society of the United States, and while they were counted, the Committee recommends that in the future only those form letters that are signed be counted. The summary of comments will be available tomorrow on the Division’s website for review. He noted that while a most of the commenter’s agreed with the policy, a significant number were opposed to the hunt. He added that it has been widely recognized by the Courts and nearly all professional wildlife scientists that hunting is a valid tool of wildlife management and is the most cost effective way of adjusting large animal populations to the available habitat. The Committee recommends that with the two minor changes that were reviewed today, the draft policy be accepted based on the comments received. Councilman Wolgast also noted that 98% of the comments made supported all or most of the policy. Many

disagreed with re-establishing the bear hunting season, and indicated a more intensive non-lethal effort would preclude the hunt. Although commenters opposed re-establishing the bear season, they provided no sound scientific evidence, data or publications that documented how the non-lethal techniques mentioned in the policy or other methods available would regulate, stabilize or decrease the bear population. The Committee believes that the policy contains clearly defined black bear management objectives and plans to meet these objectives. It relies on the proven techniques available to meet these objectives and considers the resources available to the Division of Fish and Wildlife and the Department of Environmental Protection. **A motion was made by Councilman Burke, seconded by Councilman Kertz to adopt the Comprehensive Black Bear Management policy.** There was some further discussion, and Acting Chairwoman Vreeland asked each of the members to make comment.

Councilman Messeroll noted that he had read the comments and sat through the public hearing session. He felt that the policy was sound, adding that there is a population problem. He also noted that we are doing our best to manage the public, but we need to manage the bears.

Councilman Burke was also at the public hearing, and has also reviewed the comments. He noted several of the concerns that were made regarding bear hunting zones, but he felt that they were addressed in the policy.

Councilman Kertz, while not at the hearing, has reviewed the comments. He felt that the hunt was necessary so that the habitat for bears and other wildlife can be managed. He noted that most of the opposing comments opposed the hunt portion of the policy, and wondered what the comments would be if non-lethal control was the concern. He felt that the policy should be put in place as is.

Councilman Puskas noted that he was at the hearing, and has read the comments that were submitted. He added that of the comments opposing the hunt, no one offered funding ideas for other possible means of control. He also felt that the bears caused an agricultural problem, as well as a motor vehicle problem, adding that there are too many bears and not enough areas for them, and felt that this policy was the way to go.

Acting Chairwoman Vreeland noted her concern for the safety of the people. She commented on school lockdowns that had occurred because of the presence of bears in the area of the schools. She noted that while she was out hunting, she saw a bear in the distance, and chose to leave the area because she knows she would not be able to take on a bear. She found some of the comments offensive because people felt that the hunters were only going for a trophy. She felt that the hunt was needed because none of the other aspects of the policy are able to decrease the bear population.

She asked Supervising Biologist Carr and Principal Biologist Burgess what the commonality was of those for and against the hunt. Principal Biologist Burgess noted that both supported non-lethal means, aversive conditioning, sound science and both agreed that there needs to be changes made to the black bear feeding law. He also reviewed that while the Division has been working with trash haulers on improvements, the bear population still needs to be thinned. Acting Chairwoman Vreeland added that the plan for 2003 and 2005 stressed the need to manage

people with regard to bears, but the current carrying of bears is too much, and added that she is in favor of the policy.

Councilman Wolgast noted that while the bear population has increased, the human population has increased, and at this point hunting is the only cost effective method of control. Regarding summonses being written for violations of the black bear feeding policy, he noted that it is in the policy that the Division needs to work with the Legislature on making improvements to the current law.

Director Chanda asked Supervising Biologist Carr and Principal Biologist Burgess for information on problem bears harvested in the previous hunt. Supervising Biologist Carr noted that 20% of bears tagged that year were harvested. 10% of these were known nuisance bears and 10% were non-target bears caught at nuisance locations. In all, 20% of the bears harvested had been handled previously. He also noted that there are no “deep woods bear” in New Jersey, explaining that telemetry studies showed that bears were accessible to hunters on State owned and Federally owned lands within a mile off a road. Director Chanda inquired as to this being the reason the bear complaints near Vernon and West Milford were reduced from 500 per year before the last hunt to less than 200, and Supervising Biologist noted yes, because of the amount of huntable land there.

Councilman Kertz noted the comment from school aged children who commented on how beautiful bears are, adding that he was sure all those in attendance today felt the same way. With regard to the comments about hunters wanting a trophy, he added that not all hunters are out for a trophy hunt, and that many do utilize the game they harvest.

Councilman Puskas felt that many of the comments made him feel as though the Council was looked upon as wanting to eradicate wildlife. He stressed that he wants to manage species for a healthy species so that we can all co-exist. Assistant Director Herrighty commented that was an excellent point, noting that most people forget that it was the Fish and Game Council who curtailed the bear hunt in the 1970’s based upon the scientific recommendation of Division biologists and today is considering a management action based upon the current scientific information presented by biologists.

After some additional minor discussion, **Acting Chairwoman Vreeland called for a vote on the motion that was made to vote on the proposed Comprehensive Black Bear Management Policy with corrections as presented today. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland noted that there would be 10 minute break.

The meeting resumed at 1:54 pm. Assistant Director Herrighty explained for all in attendance today that the summary of comments would be posted on the Division website this afternoon, and the final version of the policy voted on today would be posted tomorrow. The policy will be forwarded to the DEP Commissioner for consideration, and if and when he approves same, it will be forwarded to the New Jersey Register, noting the changes that were made, and would become effective once it is published in the Register. The time frame for this may be September

or October, and more information on the hunt will be available in the upcoming Fish and Wildlife Digest. The electronic license vendor has also been contacted about establishing a permit lottery.

Committee reports were given next. Acting Chairwoman Vreeland reported for the Agriculture Committee, noting that in the corn is knee high in the Northeast part of Sussex County.

Councilman Kertz noted it is hot and dry in his area. Last week, farmers were having trouble keeping their plants alive, and there is quite a bit of irrigation occurring.

Acting Chairwoman Vreeland asked Principal Biologist Burgess how the acorn crop was doing. He noted that they have not been watching the acorns, but that the blueberry crop is very good.

Councilman Puskas also reported that it has been dry in his area, and many of the crops may not make it. The deer have also been eating the soybeans. If the forecasted rain is not enough to produce a good crop, concerns are that most farmers will not meet the criteria for loss to be able to benefit from crop insurance, but will also not produce enough yield to pay their bills. There has also been damage to the wheat yield because of geese.

Assistant Director Herrighty also asked about Governor Christie's visit to the Puskas farm. Councilman Puskas noted that the Governor's news conference on the 2% tax cap was held at his farm. While he was there, Councilman Puskas spoke with him on the need to fill vacancy appointments to this and other Councils.

Councilman Messeroll reported for the Legislative Committee. The 150 foot law to change the perimeter for bow hunting has been passed, and should be signed this week. If the Governor does not sign or veto it, It will go into effect on the 45th day that the Legislature is in session. .

Legislative Liaison Nelson updated the Council on bill activity. Two bills are currently in the Governor's office, one on the Community Based Deer Management Plan, and one regarding menhaden.

New bills that are being watched are as follows:

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| A 2695
S 3298 | Authorizes free State park admission and free hunting, fishing and trapping licenses for persons with certain types of military service and their immediate families. |
| A 2770
S 2058 | Transfers the Division of Fish and Wildlife and related entities to the Department of Agriculture. |
| A 2764
S 1868 | Subjects most State property to local property taxation beginning on July 1, 2010. |
| A 3104
S 2122 | Allows cultivation of commercial shellfish species in certain coastal and inner harbor waters for research and |

educational purposes.

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| A 3113 | Establishes recreational fishing license plate; dedicates |
| S 2185 | fees to coastal fishing research. |
| AR 103 | Proposes Children's Outdoor Bill of Rights |
| S 1958 | Authorized hunting of game animals every day of the week during hunting season. |

Legislative Liaison Nelson advised the Council that legislative activities should be quiet until the Fall when they go back in to session.

Councilman Messeroll suggested that a Legislative Committee meeting be scheduled. The Committee will meet at 11:00am on October 12, 2010, before the start of the regular Fish and Game Council meeting.

There was no report from the Endangered and Non-Game Species Committee.

Councilman Messeroll reported for the Federation. Things have been quiet. Most recently, they completed their annual convention. There are also some sporting clay shoots and pig roasts scheduled.

Chief Barno reported for the Bureau of Freshwater Fisheries. It was noted that retired Fisheries Biologist Art Lupine was in attendance today, and asked him to review the program being done on the Raritan River to bring back American shad and striped bass. He briefed the Council on the work that has been occurring for the last 10 to 15 years and the results that they are seeing on the Raritan River fishery and the Millstone River fishery. Chief Barno added that the Calico Dam should be removed this Fall. She noted that they should see dramatic increases in numbers of fish, since this will open up three to five miles for spawning habitat on the Raritan River.

A hand out was distributed on the work done by the New Jersey Conservation Foundation to remove the Asian carp on eight ponds. Chief Barno reported that the Foundation did a great job, and treated all the ponds in one day. She added that this was the first time that Rotenone had been used in New Jersey in the past 30 years. Chief Barno also noted that Principal Biologist Hamilton did a great job, and did a lot research and travel for this project at her own expense. A review of the work done and the species involved, which included big headed carp and grass carp, was given as well as a review of the post treatment work. At present, the ponds are in a lowered state, and will remain that way until next year when they should be restocked.

Councilman Messeroll inquired about the invasive water chestnut plant, and this was discussed.

Councilman Burke commented a recent fish kill in Cape May, and asked if any others had been reported. Chief Barno noted a fish kill in Deal Lake, and reviewed possible reasons that may be causing problems.

Landowner complaints have been received about the low water levels at Budd Lake. Chief Barno noted the problem is being caused by a beaver dam upstream. She explained the situation to the Council, and added Principal Biologist Crouse is working on this problem.

Staff have been busy working on next year's Freshwater Fishing issue of the Digest.

At the Pequest Hatchery, things are slowing down for now. The last of the northern pike are out at the Hackettstown Hatchery, and things are moving forward.

Chief Sciascia reported for the Bureau of Information and Education. He distributed copies of a new brochure on Central Jersey fishing locations and a promotional postcard, which were both developed under the Recreational Boating and Fishing Foundation direct mail program to lapsed anglers. The postcard was sent to anglers in select zip codes that had a higher license buying response rate last year. The brochure, *Great Places to Fish Close to Home*, was developed in response to information from a survey of lapsed anglers last year, which suggested they would fish more if they had information on areas where they could go that were closer to their home. It was sent to 30,000 lapsed anglers in central Jersey. Chief Sciascia noted that this replaces the previous Places to Fish publication that the Division used to have, but only focuses on areas in the Central part of the State. He would like to see one developed for the Northern and Southern areas as well.

Chief Sciascia reported that resident license sales are down about 3% from the same time last year. The lack of radio advertising and the extended heat wave of June and July could be factors contributing to the decline. The recent mailings of the postcard and brochure may help increase sales, especially if the temperatures cool down.

The first Coldwater Conservation School conducted in partnership with Trout Unlimited was a huge success. A total of 47 students participated in the four day program at the School of Conservation. Chief Sciascia recognized Resource Interpretive Specialist Griglak for her organization of the school and the Trout Unlimited and other volunteer instructors who made the event possible.

Hunter Education numbers are down by 10% in graduates and certificates issued compared to this time last year. However, archery certificates are up by 13%. There is no information available yet as to the number of students certifying with crossbows vs. conventional bows.

The 150' safety zone bill has been passed. If it is signed by the Governor, information about this change and the other bowhunting changes allowing crossbows and Sunday hunting will be developed and distributed to existing and potential bow hunters.

Staff have been working with the Office of Information and Resource Management on redesigning the Division's homepage and the major secondary pages. The redesign will make the site more user friendly and make it easier to find information.

Councilman Messeroll inquired if Chief Sciascia was aware of the new vendor who would be running the Sportsmen's Expo show in January. He was, and there was some brief discussion on this matter.

Acting Chairwoman Vreeland asked about the upcoming Becoming an Outdoors Woman Workshop, and that too was discussed

Chief Petrongolo reported for the Bureau of Land Management. He noted that only 37 acres were added to the wildlife management area system this past month, bringing the total amount of acreage to almost 327,000 acres.

Chief Petrongolo asked the Council to review information he distributed regarding a proposed lease for a gas pipeline through the Hamburg Mountain WMA to be issued to Tennessee Gas. He noted that they currently have a lease for a fifty foot right-of-way with a gas pipeline on that property, which has been in place since the 1954. Chief Petrongolo gave a brief review of this existing pipeline and the many areas it goes through. Chief Petrongolo noted that the information he was presenting today would be for a new lease for an additional pipeline, which would require another 25 feet of cleared right of way space, and they are proposing a 24 year lease for this additional space. Chief Petrongolo reviewed the area from the handout he had distributed today. He also noted that the original 50 year lease was permanently renewed in 2003/2004 by the Great Gorge Ski Resort who owned the property at the time.

The property being reviewed today would be for a new lease which would allow for the clearing of about 17 acres on the Hamburg Mountain WMA. Of these, 13 would be a temporary clearing, and three would be permanent. Chief Petrongolo noted that a number of things have been proposed for compensation, and reviewed a copy of the tentative agreement from the Department. He also noted that there were concerns regarding maintenance of the existing pipeline. Staff from Tennessee Gas have agreed to a meeting, and Chief Petrongolo reported that we are working closely with them planning for the future. It is proposed that they will monitor for three to five years for invasive species and treat as needed. They will also do a rare plant and animal species survey for the next three to five years. Chief Petrongolo said that they would like to get this approved as soon as possible, and also advised that they have the ability to acquire this land through the Federal Energy Regulatory Commission taking it by condemnation if an agreement could not be reached.

Councilman Wolgast felt that the dollar amount of compensation noted on the information distributed seemed low, and asked how that number was acquired. Chief Petrongolo noted that this proposal was developed by the Office of Leases and Concessions, who had an appraisal done, and it was certified by Green Acres.

Councilman Messeroll asked if the Division of Parks and Forestry would consider managing their right-of-way in the same manner that Fish and Wildlife is proposing, and Chief Petrongolo added that he has spoken with staff from the Division of Parks and Forestry to ask them to consider same. It was also suggested that other areas where the pipeline was going also consider this type of management. Acting Chairwoman Vreeland asked how much of the acreage was to be cut, and Chief Petrongolo noted that 17 of the total 67 acres to be cut on State property was on

the wildlife management area. Acting Chairwoman Vreeland noted that in Andover, \$368,000. was received for replanting six acres of trees that were cut for a roadway expansion project.

Director Chanda asked Chief Petrongolo what he was asking of the Council today, and what he needed them to do. He noted that Council could make a recommendation to the Commissioner on this proposal. Acting Chairwoman Vreeland felt that while the land management part of the plan was good, the monies received as compensation should be reviewed. There was additional discussion between Chief Petrongolo and the Council. Chief Petrongolo noted that Tennessee Gas will get a total of 67 acres of existing State land, which they will be replacing by purchasing 116 acres elsewhere. It was noted by Director Chanda that this would be to cover land taken from Fish and Wildlife and Parks. Councilman Puskas asked how the 116 acres would be divided and Chief Petrongolo advised that was yet to be determined since it would depend on what they buy and where it was located. Additional discussion continued. Acting Chairwoman Vreeland asked Chief Petrongolo what he recommended, and he noted that he felt that this would be an opportunity to interact with Tennessee Gas and work out a way to have them manage the right-of-way for wildlife.. Councilman Puskas reminded members that they had to consider the 116 acres as compensation as well. Councilman Messeroll asked if the Division could make recommendation on the type of land that is purchased and this too was discussed.

Director Chanda noted to Chief Petrongolo that the Council had concerns, and asked if this needed to be resolved today or if it could be reviewed more and a response sent to the Commissioner at a later time. Chief Petrongolo was asked if there was a time limit on this matter. Jeff Tittle, representative of the Sierra Club was in attendance, and noted that this would be going to the State House Commission on Thursday. There was additional discussion on whether the Council would need to act on this today. Councilman Puskas asked if Council could say that they agreed with the management aspect, but have concerns on monetary compensation. Councilman Messeroll added that they would like to have a say in the type of land purchased and given back also. Councilman Wolgast also questioned the lease fees from the original lease in 1954 compared to those proposed today. The discussion on this matter continued, and **a motion was made by Councilman Puskas, and seconded by Councilman Burke to endorse the management aspects of this plan, but questioned the dollar amounts for compensation, and that they would like the value of the 116 acres of ground to be purchased to be of equal or greater value.**

At this time, Acting Chairwoman Vreeland opened this topic up to the members of the audience to add information on this matter. Jeff Tittle, of the Sierra Club addressed the Council. He was familiar with this plan, and felt that there was no compensation for the land that was to be used for access or staging during development of this project. He advised that he has a report that he could send to the Council, and gave examples of the information contained in the report. He also noted that the average land value in the area of concern is \$25,000. per acre, and felt that the gas company was receiving acreage for about \$3,000 per acre. Mr. Tittle also noted that under the Rooney-Ogden law of the 1990's, you are required to have two public hearings and allow for public comment if a lease is to be for 25 years or more and the land value had to be based on the intended use. He added that Tennessee Gas proposed a 24 year lease, which would take away the right of public comment and also not allow the State to recoup the land value based on use. He also noted that the current line stopped at the Monksville Reservoir for the existing pipeline,

but felt that they would be back again to ask for additional ground once they determined a way to cross the reservoir. Mr. Tittle noted that the Sierra Club feels this proposal is a bad deal. He added that there should be a four to one replacement value, with the lease value based on use and what is on the property.

Barbara Sauchau was next to address the Council. She advised there was a transcript of the meeting with Tennessee Gas on the web, and comments were made regarding the low monetary values. She personally felt that this was not a good idea, and stated that Assembly members had also questioned this transaction and the fact that the appraisal rates were so low.

Chief Petrongolo advised that this whole process had happened at a rapid rate, and that Council could make recommendation to the Commissioner before it was sent to the State House Commission. Councilman Wolgast questioned if Council could be sure that their recommendations would get to the Commissioner before Thursday, and was advised that a summary would be prepared and sent to his office immediately. Review of this proposed leased continued, with the Council, staff and public all making comments. **There was additional discussion on the message that would be sent from the Council, and Councilman Puskas and Burke rescinded their first motion. A new motion was made by Councilman Puskas, seconded by Councilman Kertz, to advise the Commissioner's Office that we (the Fish and Game Council) endorse the land management but question the land values and how they (Tennessee Gas) came up with lease, and that we question the length of the lease. A vote was taken with all in favor, none opposed.**

Assistant Director Herrighty reported that Chief Cussen from the Bureau of Law Enforcement was working on an assignment on the Raritan Bay, and that there would be no report from the Bureau today.

Councilman Messeroll and Assistant Director Herrighty discussed the coyote seasons. Councilman Messeroll felt that there was some confusion as to when you did and did not need a special permit, and Assistant Director Herrighty clarified this for him.

Assistant Director Herrighty briefly reviewed the Bureau of Wildlife's monthly report. Personnel from the Waterfowl Project have been busy with survey work, avian influenza surveillance and meetings. Assistant Director Herrighty, Research Scientist Castelli, and Principal Biologist Dey from the Endangered and Non-Game Species Program are all scheduled to attend the Atlantic Flyway Council meeting this month.

At the Rockport Game Farm, the brooder house is complete except for finishing up some items. Supervising Biologist Carr noted that this coming Monday there will be a hatch from the new incubators. Staff are trying to coordinate the dedication of the new brooder house, and more information will follow.

Assistant Director Herrighty reported that the results of the Spring turkey harvest were in the monthly report. There were 338 less turkeys taken this year.

The Upland Game Project has been reviewing otter season quotas, with assistance from the University of Delaware.

A “Quail in Schools” program is being developed. There was some discussion regarding this proposed program. The quail call count survey also had results showing that there are native quail in the State.

Assistant Director Herrighty and Principal Biologist Kandoth both met with Senator Smith, who is very active in forest health issues. He is interested in deer management and the deer harvest throughout the State. They are trying to show the difference in the deer density where there is hunting access as opposed to areas without access.

Assistant Director Herrighty noted the antler point restriction survey is done. Information from the hunters on the hunter participation and satisfaction survey is being completed. Information from both surveys will be presented at a later time to the Council. Assistant Director Herrighty advised that the antler point restriction program would need to be voted on, and should be considered for presentation at the August 10th, 2010 meeting.

Councilman Puskas asked about the status of the phone-in deer check system. Principal Biologist Kandoth advised that they were going back and forth with Automated License Systems on the proposal, and were waiting for a response from them. While the Division first wanted to implement this program in January, 2011, that may not happen. Principal Biologist Kandoth added that ALS proposed starting the program in September 2011, but she would like a test period to be done first during a shorter season, and that may set things back until January 2012. There was additional discussion ideas for this call in system, but Assistant Director Herrighty noted that programming changes would have to be developed before it can be implemented.

Old and new business was discussed. Councilman Wolgast advised the Council that this would be his last meeting. He added that he has enjoyed working with the Council for the last six years, and that he would be resigning as of the end of today’s meeting. There was some discussion among the members, and Assistant Director Herrighty asked him to stay on through December. Councilman Wolgast said that he would think about it, but he has also committed to work with the New Jersey Outdoor Alliance.

The public comment period was opened. Janet Pizar from Millburn addressed the Council. She said she had information from a Rutgers professor PhD. mathematician/statistician reviewed the Division’s statics of bear complaints from 2006-2009. Ms. Pizar said that two times the standard deviation are considered outliers and are usually thrown out of statistical work, but this data showed 11 times the standard deviation and felt it showed the complaints were not credible or believable. She added that she feels she has stated this before that there is a non-scientific compilation of the data. She also noted that in the Fish and Wildlife records from 2005 it was noted that N.J.S.A. 23:2A-14 (bear feeding ban law) was in need of improvement, and that legislation has not been introduced in five years that would accomplish that. Ms. Pizar also said that the Fish and Wildlife reports state that they will work with the garbage haulers in bear country and felt that nothing had been done to date. Ms. Pizar also noted her concerns on other

aspects of the bear management program with regard to garbage and the black bear feeding law to the Council.

Barbara Sauchau was next to speak. She noted the bear report done by East Stroudsburg University, and questioned personnel who worked on it and their ties to the Division.

Ms. Sauchau also spoke about the antler point restriction survey. She said the survey should be presented to the entire public and not just the Game Committee.

Ms. Sauchau also questioned why it was necessary to pay for three people to travel, and referred to an inclusion of taxpayers' monies being used. She felt that there were other ways to do research.

Ms. Sauchau also asked to reinforce the lack of outreach she felt was done toward the animal protection groups, and objected to what she felt was an unbalanced way that the Council and the Division operate.

Assistant Director Herrighty asked to clarify for the record that the discussion early today on the antler point restriction program was something that was going to be presented to the full Council and that the information would also be posted on the Division's website. He also noted that the staff travel to committee meetings or other functions was paid for using hunter and angler funds and Federal Aid and Wildlife Restoration Funds, and that general taxpayer money is not used.

Rob Winkel, representative of the Federation of Sportsmen's Clubs spoke next. He asked to thank the Council and the staff for their hard work on the bear policy. He also wanted to thank Councilman Wolgast for his service and wished him well on his new endeavor. Mr. Winkel also asked to point out that the authority and make-up of the Council has already been addressed by the Supreme Court and felt it was not be an issue that needed to be discussed.

Mr. Winkel also noted that the garbage issue and bear feeding is a topic that has been discussed at Council meetings for the last two years. He added that those who understand the legal process of this State know that the Division of Fish and Wildlife has no authority to approach the Legislature to change the law, but this could be done by the Legislature or independent citizens. He also asked to point out that when and if the bear feeding law and the garbage issue is addressed by a change in the Legislature, there is enforcement problem that can not be addressed by the State of New Jersey. The Constitution of this Country protects an area of curtilage for an area around someone's home, and that conservation officers have no authority to approach that area without a search warrant. He referenced an individual in Jackson who had 23 tigers on their property, noting that the Division had to secure a search warrant to do inspections because of the location they were using on their property.

There were no other speakers.

A motion was made by Councilman Messeroll, seconded by Councilman Burke to adjourn the meeting. A vote was taken with all in favor. Meeting adjourned at 4:10 pm.