

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
December 13, 2011

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 Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

The following was read aloud by Acting Chairman Burke: 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 and sent to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press on November 21, 2011.

Roll call was taken. In attendance were:

Acting Chairman David Burke
Councilman Philip Brodhecker (arrived at 10:12 am)
Councilwoman Barbara Brummer (arrived at 10:09 am)
Councilman Agust Gudmundsson
Councilman Jeffrey Link (arrived at 10:14 am)
Councilman John Messeroll
Councilman Robert Puskas
Councilman Dan Van Mater

Absent:

Division personnel included L. Herrighty, P. Nelson, M. Chicketano, L. Barno, J. Sciascia, A. Petrongolo, P. Carr and S. Predl.

A member of the public included representatives of the Federation of Sportsmen's Clubs and others.

Minutes of the October 11, 2011 meeting were reviewed. **A motion was made by Councilman Puskas, seconded by Councilman Messeroll to approve the minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke reviewed some activities from this past month. He noted that he was away when the snow damage occurred at the Rockport Pheasant Farm, but the Division did a good job in handling the situation. A total of 35,670 birds will be stocked for the season, with the Division purchasing 3,000 to complete the December 17 stocking. Acting Chairman Burke added that other states had similar problems because of the weather, and this had happened before in New Jersey years ago.

The six-day deer and bear hunting seasons occurred during this past week, and hunters experienced warm, wet weather. With the epizootic hemorrhagic disease (EHD) outbreak in the Central Region

and the antler point restriction (APR) requirement in the Southern Region, Acting Chairman Burke expected that the season totals for the six-day deer hunting season would be down.

Assistant Director Herrighty was sitting in for Director Chanda, who was in Washington, DC attending the Board of Director's meeting of the Association of Fish and Wildlife Agency's annual meeting with the United States Fish and Wildlife Service.

Committee reports began. Councilman Puskas reported for the Agriculture Committee, noting that there has not been too much happening in his area, with only some harvest activity occurring. He also noted that the Vegetable Grower's Association Convention will be held next month in Atlantic City, followed by the National Convention in Hawaii.

Councilman Brodhecker (arrived at 10:12) reported that most of the harvest is done in his area, but there were still some wet areas that farmers were not able to get to. A local chicken farmer was experiencing problems with bobcats, and was referred to the Endangered and Non-Game Species Section. Assistant Director Herrighty added that our Wildlife Control Unit should also be able to assist by offering technical assistance to the farmer.

Councilman Link (arrived at 10:14) reported things are good in his area, with an above average moisture content for the nursery industry. Other farmers still have crops in the fields, due to conditions being too wet.

Snow geese continue to be a problem for farmers in the Southern Region, and this matter was further discussed. The six-day firearm deer season did not show too much activity in Councilman Link's area.

The public comment period on agenda items was opened. (this was pushed back to allow for those members arriving late to hear from the public). Acting Chairman Burke noted the three items for today were a review and vote on a Community Based Deer Management Permit (CBDMP) Application for Essex County, a presentation from the New Jersey Field Trial Association and the review and approval of the 2012 Fish and Game Council meeting agenda.

Barbara Sauchau addressed the Council, noting that she was opposed to a permit being issued for a CBDMP in Essex County, and gave her reasons for why she felt it should not be given, including that she felt that accidents were down and that the Division was "spewing" deer tick information. She added that she wishes that using "fake information" would stop. She also noted letters that she has seen in the newspaper regarding this issue.

Janet Pizar, Essex County addressed the Council, noting that she opposes the application from Essex County for a permit for a CBDMP and the approval of same.

Committee reports continued. Councilman Messeroll reported for the Federation. They will be having a meeting this Friday evening. Members are also preparing for the Raritan Sports Show, where the Trappers Association will also be in attendance.

Fall hunting is underway, but has been slow. Councilman Messeroll noted several deer found dead by hunters in Linden, and wondered if it may have been from EHD. Union County is also working to get reflectors on roadways to help with the deer vehicle collision problems. Acting Chairman Burke noted that some of the Federation's changed the date of their meeting this month due to the six-day firearm season.

Acting Chairman Burke reported for the Finance Committee, and discussed with Legislative Liaison Nelson the need for a meeting. She advised that it may be necessary to schedule a meeting closer to February. There was also some discussion on permits and the fee structure for them.

There was no new information to report for the Freshwater Fisheries Committee, but it was noted that more information should be available in January on changes to the herring regulations.

There was no new information to report for the Game Committee, but it was noted that they may set a date to meet in January.

Councilman Messeroll deferred to Legislative Liaison Nelson for the Legislative Committee report. She presented the latest available information, and reviewed it for the Council. The following bills were reviewed:

S-2913 Establishes apprentice youth firearm hunting license and apprentice youth bow and arrow license.

This is the only bill that has seen any activity, and has gone through two committees and the Senate. It has a companion bill, A-4382.

The following are new introductions:

A-4251 Clarifies that fishing license is not required to fish at a private community lake. (Division opposes)

A-4292 Changes restrictions on certain county or municipal stream cleaning activities. (Division opposes)

A-4320 Authorizes Office of Emergency Management to order lowering of reservoir levels prior to certain severe weather events.

A-4357 Establishes forest harvest demonstration program in Pinelands area. (under review)

A-4358 Establishes forest harvest program on State-owned lands.

A-4392 Imposes certain registration and reporting requirements to prevent illegal and trade of tigers. (Department has advised this is “not needed”, things are already in place for this)
S-3061

Also noted, but not listed, was the bill which would transfer the Division of Fish and Wildlife to the Department of Agriculture. Legislative Liaison Nelson reported that this bill is being held for more comment.

The Legislature is nearing the end of its session, and will start with a clean slate of bills in January. While there is no need to pre-file for next year, some of these bills will be seen again.

There was some additional discussion on A-4258.

The Legislative Committee will meet on March 13, 2012 at 9:00a.m., prior to the start of the Fish and Game Council meeting.

Acting Chairman Burke noted some changes occurring to the Waterfowl Stamp Committee, with the upcoming retirements of Lee Widjeskog and Sylvia Hall. There was some additional discussion on these changes and the program, but no new information to report.

Councilwoman Brummer reported for the Endangered and Non-Game Species Committee. At their November 16, 2011 meeting several presentations were given, including one on aquaculture development in the Delaware Bay, and one on native non-game fish species from Division Principal Fisheries Biologist Shawn Crouse. Councilwoman Brummer explained that Delphi reviews are underway for several species, including the Atlantic sturgeon and freshwater mussels. Additionally, they are looking to have Delphi reviews done for some mammal species. The ENSAC sent a letter to the Commissioner on October 17 regarding a waiver rule, and will be following up with his office on this matter.

Acting Chairman Burke reported that the presentation from the Field Trial Association as noted on today's agenda would not be taking place since their representative was not available.

The 2012 calendar of meeting dates was reviewed. After some discussion, **a motion was made by Councilman Puskas and seconded by Councilman Brodhecker to approve the calendar of meeting dates for the Fish and Game Council as presented. A vote was taken with all in favor, none opposed.**

Principal Biologist Predl from the Bureau of Wildlife Management presented an application from Essex County for a Community Based Deer Management Permit. She noted that the application request was the same as they had presented the last two years, with one change this year that they will reschedule their hunting dates during a six-week period if there should be a weather related cancellation due to snow. They will be utilizing 22 agents on three different parks, and this information was reviewed for the Council. They have requested to be able to use unplugged firearms, but the Division opposes this request. Principal Biologist Predl noted concerns about forest health were the reasons they would like to reduce their deer population, and reviewed information on this matter. Additional information reviewed included deer vehicle accidents, spotlight counts for population and harvest goals, and Principal Biologist Predl noted that the Division recommends approving this application. Exceptions to the Game Code were explained and include:

- 23:4-45 Hunting by daylight and at designated and at designated times only (hunting beyond season dates)
- 23:4-4-24.1a Transport or possession of a firearm in motor vehicle
- 23:4-13.1 Outer garment of fluorescent hunter's orange

An exception to the 2009-2012 Game Code the Council approved is 7:25-5.29 (c) White-tailed deer shotgun permit season bag limit.

There further discussion on this application. Councilman Puskas noted that he would like a bowhunting season to be considered in the future, but Acting Chairman Burke explained that this is a very urban area and suggested a site visit at some point. After some additional discussion, **a motion was made by Councilman Puskas to approve the application today, but request that they look at**

the possibility of having a bow season once they are in “maintenance mode”. The motion was seconded by Councilman Brodhecker. A vote was taken with all in favor, none opposed.

Councilwoman Brummer asked to go back to the meeting schedule to consider a date that the Fish and Game Council and Endangered and Non-Game Species Committee could have a joint meeting. After some discussion, **a motion was made by Councilman Gudmundsson and seconded by Councilman Van Mater to change the date of the September 2012 meeting to the 19th at 10 a.m. for a joint meeting with ENSAC. A vote was taken with all in favor, none opposed.**

Chief Barno reported for the Bureau of Freshwater Fisheries. Acting Chairman Burke noted a letter that had been given to him regarding the addition of Manalapan Lake in Middlesex County for trout stocking. Chief Barno commented on this, noting that that the County had instituted catch and release regulations on the lake and as such the Division was not supportive of it being considered for inclusion in the trout stocking program. She also noted that the lake is currently stocked with channel catfish and that too would be discontinued if the catch and release regulations were not lifted. Additionally, she noted that information will be added to the Division’s website this Winter regarding when and if catch and release regulations were appropriate for a waterbody as there was a growing trend for lake owners to adopt these regulations without any basis for doing so. In appropriately applied catch and release regulations can harm a fishery ending up with a stunted fish population. She further reviewed the area noted in the letter, and Acting Chair Burke asked that she follow up with a letter to them.

Chief Barno reported that the Fish Code was filed on November 22, and will be listed in the December 17 Register, and will go into effect on January 1, 2012. Work is underway to assemble the full code.

Work on the herring issue has slowed down, and staff would like to follow the course that the Marine Fisheries Unit uses. Chief Barno noted that only one permit was issued this year for bait fish/alewife herring to Lake Hopatcong, and staff will follow up with them on the status of same.

The three-day Winter trout stocking program is completed. The newly hired workers at the Hackettstown Hatchery all had acquired Commercial Drivers Licenses (CDLs), and were able to handle the stocking without assistance from Land Management staff who are busy with pheasant stocking. Plans for the Spring 2012 program are already underway.

Data on human population relative to the stocking program needs to be addressed, but will be held off on until the most recent population census data is available.

Principal Biologist Shawn Crouse did a presentation to the ENSAC at their November meeting. Chief Barno reviewed what he had presented.

The 2012 issue of the Freshwater Fishing Digest has been reviewed, and should be out by the end of December. This issue is dedicated to the 100 year anniversary of the Hackettstown Fish Hatchery.

Chief Barno noted the stream cleanup bill that is in the Assembly, and there was some additional discussion on same.

Information from the monthly report was reviewed.

The annual trout meeting will be held on February 11, 2012 at the Pequest Hatchery.

There was some addition discussion with Chief Barno on the information reviewed today.

Chief Sciascia reported for the Bureau of Information and Education. He has been busy this Summer and Fall working on some major projects, including the fishing marketing program. He noted he had just returned from the Recreational Boating and Fishing Foundations (RBFF) annual workshop. This year, the marketing program to lapsed anglers consisted of direct mail of the three regional Great Places to Fish Close to Home brochures and 25,000 were mailed to lapsed anglers in each of the 3 regions. Chief Sciascia noted that while there was a small lift in license sales from this campaign, he noted that if the Division was paying the full cost of the promotion it would have resulted in a net loss of revenue. However, since the RBFF is paying more than half the cost, we has a slight net gain in revenue with the licenses purchased by anglers who received the mailing. Chief Sciascia noted that after four years of direct mail campaigns using a variety of promotional pieces and information resources, he believes direct mail may never be a cost effective way to reach lapsed anglers. Data from other states that used email campaigns this year suggest that email is just as effective as direct mail and is a much more cost effective way to achieve the same results. Consequently, he recommended this year's marketing campaign be shifted from direct mail to solely email.

The Fall trout fishing promotion was done by e-mail with a link to a three minute video we had created about stocking and fall fishing opportunities. The email was sent to 60,000 e-mail addresses and of those recipients, 6,000 viewed the video. While this only gave a lift in sales of 1 to 1.5%, Chief Sciascia noted that the video only cost \$1,000 to produce.

Fishing license sales as of the end of October were reviewed. While the resident license and trout stamp were down, non-resident sales were up. The overall net revenue of license sales was down by approximately \$90,000. Chief Sciascia went on to review historic data from past promotions of hunting and fishing in New Jersey to nonresident hunters and anglers and noted increases in licenses sales that occurred after those promotions. Considering the continued annual increases in both nonresident hunting and fishing licenses and the success of past promotions he noted that similar promotions to nonresidents are being considered for the coming year.

Next, Chief Sciascia reported on the progress of the study on license and permit structure and fees. The first phase of the study looked at current pricing and found that some licenses may be underpriced and if raised would result in a relatively small short term increase in net revenue but would result in fewer license buyers which is not sustainable in the long term. The second phase of the study looked at the license and permit buying patterns of our hunters and anglers and quantified which combinations of licenses and permits are being bought by individuals. The final phase is about to begin which will test various license and permit types and packaging at various pricing through an extensive survey of license buyers. There was further discussion on the license programs with members of the Council.

The Black Bear Education program's focus this summer and fall was to distribute the "Living with Black Bears" DVD to libraries, organizations and municipalities with a request to do public showings of the DVD in an effort to maximize the number of people who will see the DVD and the important information it contains. So far, over 2,200 DVDs have been distributed in this manner and another order of DVDs is being considered.

The companion "Understanding Black Bears" curriculum classroom kit which includes the documentary and a variety of educational activities is also being widely distributed to teachers who request it. Each kit is supplied with 26 disks to be distributed to the students in each class that receives

the kit. The initial goal was to have 500 of these kits distributed to NJ teachers and a recent \$15,000 donation will put the total number of kits available to NJ teachers and students at well over 300.

Chief Sciascia noted that the Garden State Sportsmen's Show is coming up in January. There have been many submissions received for the Outstanding Deer Program.

Hunter Education graduate information is being updated, but Chief Sciascia felt that they should see a participation increase of about 3% this year.

Interviews for two Assistant Biologist positions in the Hunter Education Unit are being scheduled for January. Chief Sciascia noted that the National Archery in Schools Program will be the main focus of these two positions. They will also assist in providing more introductory shooting sport events and developing next step resources to help people find equipment, ranges and instruction after the introductory events. These positions may also have a role at the archery park that is proposed in North Jersey. It was noted that the Hunter Education Coordinator may be retiring soon, so it would be good to have these two new employees in place.

Chief Sciascia noted that an environmental assessment of the property in Readington Township that is being considered for the location of the archery park has been completed but the report has not been finalized yet. If the report is favorable, the planning process will begin with meetings with the potential partners who have expressed an interest in the project including Readington Twp., the Archery Trade Assoc. and the Easton Sports Development Foundation.

The meeting broke for lunch at 12:12 p.m. and resumed again at 1:06 p.m.

Chief Petrongolo reported for the Bureau of Land Management, noting that there were no new lands added to the wildlife management area system this month, but that Green Acres is active on acquisitions.

Since the last meeting, work has almost been completed at the Salem River boat ramp. This work was part of a settlement with the DuPont Company, and replaced a ramp on Route 40 which had difficulty with access and parking. The new ramp is located off of a county road that goes to Salem, and is a nice site which offers plenty of parking.

During this past month, the office of Leases and Concessions received bid offerings for the golf course at the White Oak Branch WMA. Chief Petrongolo noted that the winning bid for \$160,000 per year. The area was purchased for woodlands that adjoined the existing wildlife management area. For the past five years, the previous owner has been operating the golf course, but did not present the winning bid and is. Assistant Director Herrighty added that this person is now suing the Division. Chief Petrongolo noted that the Division has several golf courses that are being converted for wildlife habitat, and there was some additional discussion on this matter and the bid process.

Chief Petrongolo advised that several hydro-ax projects are underway, utilizing Corporate Business Tax (CBT) monies, and gave a brief review of some of the work being done.

Senate Bill S-1954 was noted by Chief Petrongolo, who advised he had received a copy of a letter from a group of scientists opposed to this bill. He added that he was astounded by the tone of this letter, since the group suggested that plans for early successional habitat were only for open game species, and Chief Petrongolo advised that there were all type of species being considered. The letter

was signed by members of the Endangered and Non-Game Species Committee (independent of the ENSAC), but he felt that the ENSAC needed to be part of this issue because of the tone of the letter. There was additional discussion with Councilwoman Brummer (who is the Chairwoman of the ENSAC), and Chief Petrongolo felt that comments made and noted in the letter were doing a disservice. Councilwoman Brummer asked that all Council members be provided with copies of the letter. After some additional discussion, Chief Petrongolo advised that he would like this Council to be aware of the letter, and the ENSAC to address the letter with their members. Assistant Director Herrighty added that there was a seminar given by the Department attended by many conservation groups that discussed managing forest on state lands which was well received. This letter is a throw back to the 1970's where clear cutting was opposed. There was further discussion on this issue.

Councilman Gudmundsson inquired about a property on the Upper Raritan, wondering if it might be a new WMA acquisition, but it was not a property Chief Petrongolo was familiar with.

Acting Chairman Burke asked about the Ponder Lodge property, which he heard had been closed to all but bow hunting. Chief Petrongolo noted that this is temporary, and it has been recommended that bow shooting only be allowed in the woods, and firearms hunting for waterfowl be allowed only in the marshes. He described that right now, the area is being utilized more like a park by the local residents. Assistant Director Herrighty added that he and Chief Petrongolo made a sight inspection of the area, and reviewed same for the Council. They would still like to maintain some deer hunting opportunity at this location, and there was additional discussion on this property and future plans for the area.

Chief Chicketano reported for the Bureau of Law Enforcement. He reviewed some of the highlights from the Bureau's monthly report for the Council.

It was also reported that four new Conservation Officer 3 positions have been filled out of the eight positions that were approved. Originally, they had filled five of the positions, but one person has already resigned. The four new officers will be attending the Somerset County Police Academy starting in January.

Assistant Director Herrighty noted that before giving the report for the Bureau of Wildlife Management he had distributed a few things for review from Director Chanda, including a letter that was published in the Star Ledger and an e-mail received about Sunday bow hunting from a satisfied customer from Pennsylvania.

Harvest estimates from the opening day of the six-day firearm deer season were reviewed. Overall, the harvest was up by 9 %, with an increase of 30% seen in the Northern Region, but a reduction of 10% in the Central Region and 9% in the Southern Region. The Fall bow and arrow season was down overall by 10% Statewide, with the Northern Region down 7%, the Central Region down 12% and the Southern Region down 17%.

Assistant Director Herrighty also reported on the damage done to the Rockport Game Farm by the snowstorm in late October. Crews worked to try and save the birds and the pens, but there were still approximately 20,000 birds that were loose in the area. The Division did a press release describing that the stocking program would continue up to December 17, which the Division will be purchasing 3,000 birds to complete. The Federal Emergency Management Association (FEMA) did come and review the damage, but no word has been received from them yet.

There was a Supreme Court decision on the court case regarding the bear policy, and copies were sent to all Council members by Assistant Director Herrighty. He noted that they had a very powerful decision, endorsing the black bear management policy, the role of the Fish and Game Council, as well as the make up of the Council.

The Animal Protection League of New Jersey had filed for a permit to protest at the Franklin bear check station, which the Department denied due to the high traffic volume in the area of the station, but they were given access to the Whittingham and Pequest check stations. They appealed this to the Courts, and were offered a settlement with the Judge for protestors at Franklin. On Thursday during the week of the hunt, the Supreme Court ruled to allow them to have 75 protestors from 12 p.m. to 4 p.m. on Saturday at Franklin, with one person allowed to be inside to film the bear check station activity. No one showed up at the station, but rather stood across the street, and at 2 p.m. asked to access the check station facility. They were denied since they had opted not to take advantage of the permit and their attorney was advised to contact the Division's attorney. At 4pm they then asked for the State Police to arrest officers assigned to this area who had denied access to them. Assistant Director Herrighty noted that they abandoned the package that they had been offered, and reviewed the timeline of events that followed, including that they asked to be able to enter the check in station facility on Sunday, but were denied by the Judge who ruled that they had a permit to enter the check station facility on Saturday but failed to use it. Assistant Director Herrighty further reviewed the many different personnel who were present as Law Enforcement representatives.

Assistant Director Herrighty noted that over all, the hunt went well, with no injuries reported. There was one individual who shot a bear in Zone 4 without having the proper permit, but that was the only incident he was aware of.

Supervising Biologist Carr was in attendance to give preliminary black bear hunting season totals. He noted that the hunt is part of the Comprehensive Black Bear Management Policy, and gave a brief review of all the components of the policy. Preliminary harvest numbers showed a total of 469 bears were harvested, and each zone was reviewed. This was slightly lower than last year, with a 6% success rate compared to 10% last year, with the poor weather conditions on Tuesday and Wednesday as the biggest contributing factor for the decrease. Also this year, hunters were able to purchase permits for two different zones, but were still limited to harvesting only one bear. A full report of the season is anticipated to be given to the Council at the April, 2012 meeting. There was some additional discussion on the zones, sizes of harvested bears and comparison to other states. Assistant Director Herrighty also wanted to note that the policy was upheld in Superior Court, but can still be appealed to the Supreme Court.

There was no old business to discuss.

New business included Councilman Puskas asking that the Council consider having the January, 2013 meeting in Atlantic City as part of the Agriculture Convention.

The public comment period was opened. Acting Chairman Burke advised those wishing to address the Council that they would have three minutes to speak.

Janet Pizar, Essex County read aloud a statement she had prepared and signed and left for the file, which stated "According to OPRA documents, NJ had a known fatality of 728 bears in 2010".

Barbara Sauchau was next to address the Council. She was opposed to the word “harvest” being used with regard to bears taken during the hunting season, rather than “killing” suggesting that the Council thought that bears were like a plant. Ms. Sauchau also had concern that the Comprehensive Black Bear Management Policy was not comprehensive, feeling that non-lethal methods of population control such as sterilization should be utilized. She also stated her concerns that people should have the right for a peaceful protest and protests should not include attorneys.

Ms. Sauchau next referenced the Senate bill 1954, feeling that logging in the forests is not necessary and that people pay taxes for Open Space and Green Acres to protect the forests.

With no others wishing to make public comment, **a motion was made by Councilman Messeroll, seconded by Councilman Van Mater to adjourn. A vote was taken with all in favor.** Meeting adjourned at 2:23 p.m.