

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
August 14, 2012

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

The meeting was called to order at 10:11 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 delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press on July 10, 2012.

Roll call was taken. In attendance were:

Acting Chairman David Burke
Councilwoman Barbara Brummer
Councilman Agust Gudmundsson
Councilman Jeffrey Link
Councilman John Messeroll (arrived at 11:30 am)
Councilman Dan Van Mater

Absent: Councilman Philip Brodhecker
Councilman Robert Puskas

Division personnel included D. Chanda, L. Herrightly, P. Nelson, L. Barno, A. Petrongolo, J. Sciascia, T. McBride, K. Burgess, T. Nichols, C. Stanko and A. Burnett.

Members of the public included representatives of the United States Department of Agriculture, the Farm Bureau, the Federation of Sportsmen's Clubs and others.

It was noted that pending appointees to the Fish and Game Council, Kathy Blumig and Joe DeMartino were in attendance today.

Minutes of the June 12, 2012 meeting were reviewed. **A motion was made by Councilman Gudmundsson, seconded by Councilman Van Mater to approve the minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke noted the three agenda items for today, the Tentative Adoption of 2014 Game Code Amendments, Adoption of Late Season Migratory Bird Regulations and the Vote on the Fall / Winter Trout Distribution Schedule would be opened later for public comment. He

also noted that the presentation of the Conservation Officer of the Year award would take place at 1 pm.

Acting Chairman Burke commented on an article in yesterday's Atlantic City Press regarding the horseshoe crab initiative. He also commented on the reported 200,000 purple martins that were in the Eastern Cumberland County area yesterday.

Director Chanda addressed the Council, welcoming the two pending Council appointees.

Director Chanda advised that yesterday, the Assistant Commissioner introduced the new Director of Parks, Mark Texel, who comes to the Department from the Morris County Parks Commission.

The Assistant Commissioner continues to spend time in the field with our staff and is learning about the experience and knowledge of the various Division staff.

The budget year closed in good shape, with a slight carried forward of money into the current fiscal year.

Director Chanda and staff recently toured Lenape Farms in Cumberland County, a new 5,000 acre holding being considered for acquisition. Included a lodge and shooting ranges, and he reviewed the area and its' history for the Council. Also noted was the Nature Conservancy's work in acquiring this property. There was additional discussion on this property.

Director Chanda reported on a set-back regarding the archery park. Staff met with the Recreation Committee of Rockaway Township last April, and they were excited about the proposal to partner with the Division, but a letter was received from their Mayor that the Township Committee would not support this idea. Director Chanda has reached out to the Mayor to discuss this matter. He added that if there is no interest from other sites that were being considered to partner with the Division, they will select a WMA property to develop this on.

Council was advised by Director Chanda that Margaret O'Gorman, Executive Director of Conserve Wildlife has accepted another position and will be leaving in October.

Public Service Electric and Gas has extended an invitation to all Councils and Committees to tour their facilities' habitat enhancement area on October 12, 2012.

The public comment period on agenda items was opened. Assistant Director Herrightly clarified that the proposed amendments to the Game Code had already been approved by the Game Committee and now need to be approved by full Council. If approved, they will then be posted on the Division's website, followed by a stakeholders meeting. After consideration of comments received at the stakeholders' meeting, a legal document is written and published in the Register with a public comment period and public meeting. Publication in the NJ Register is expected to occur in February 2013. After consideration of the comments received, the proposals will be put to a final Council vote, and re-published in the NJ Register by September of 2013. The proposals today were from staff, Council and public input.

Barbara Sauchau from White House commented on minutes from the June meeting note being made available previously (Acting Chairman Burke reminded Ms. Sauchau this time was to comment on agenda items) agenda items for today not being posted previously on the website, commented on bird hunting that the Council does not serve the population of New Jersey, and the Fall/Winter trout distribution schedule and toxicity in fish. Ms. Sauchau left a written copy for the record.

Assistant Director Herrighty advised that the proposed waterfowl dates were published on the Division website.

Committee reports began. Councilman Link was reported that his company was recently featured on “My Yard Goes Disney” on HGTV. Councilman Link noted that it has been hot and dry most everywhere in his area.

Acting Chairman Burke noted spotty rains throughout the State, adding that New Jersey corn farmers are doing well compared to those who are in the mid-West. There was additional discussion by the Council on the recent storms and crop status.

Also noted by Councilman Link was the effect of bacterial leaf scorch on oak trees. Damage to the pitch pines in South Jersey from the Southern pine beetle was also discussed.

The Federation report was postponed until the arrival of Councilman Messeroll.

Acting Chairman Burke had no additional information to report for the Finance Committee based on the information reported earlier today by Director Chanda. It was also noted that there was no need for a Finance Committee meeting at this time.

There was no new information to report for the Freshwater Fisheries Committee, but it was noted that the trout stocking schedule would be voted on later today.

Also noted that the Game Committee met in June, and more information would be presented later today.

Legislative Liaison Nelson reported for the Legislative Committee. She advised that things have been quiet, and while there were no new bill introductions, but she did update the Council on late June activity, which included:

- A-638 Hooked on Fishing, Not on Drugs (HOFNOD), which has been passed by the Legislature and is at the Governor’s Office.
- A-1533 Wildlife Rehabilitators Act. She explained why the Division is opposed to this bill. While it has gone through the Assembly, there has been quite a lot of outside opposition, and it is hoped that it is will not move on.
- AR-32 Marine bill, which urges Congress to approve and the President

to sign into law “Flexibility in Rebuilding American Fisheries Act of 2009”.

- S-945 Imposes certain registration and reporting requirements to prevent illegal trade of tigers. Legislative Nelson explained this bill. The Governor conditionally vetoed this bill, and said he would like to create a task force which would look into the illegal trade of all animals, not just tigers. She noted that more information is needed.
- S-1085 Establishes a forest harvest program on state-owned lands.
- S-1631 Creates voter registry in Division office (this bill now has a substitute, and both were reviewed)

Acting Chairman Burke inquired about e-mails he has been receiving on regulation changes being promulgated by the Division of Parks and Forestry, which ban the use of motorcycles and certain other vehicles, and could impact some of the vehicles used by hunters and sportsmen. He also noted fee changes that they are recommending. After some additional discussion, Director Chanda recommended that the organizations that have concerns on these changes should come together and reach out to the Assistant Commissioner.

Councilwoman Brummer had no new information to report for the Endangered and Non-Game Species Committee, but did feel that agenda items for the September Joint Council’s Meeting needed to be discussed. Two items that are being considered are a Delphi method review for mammals by staff from the Endangered and Non-Game Species Section, and an update on the latest bear population data and model by staff from the Bureau of Wildlife Management.

Acting Chairman Burke had no new information to report for the Waterfowl Stamp Committee, but did note that the next Committee meeting was tentatively scheduled for October 9, 2012.

There was no report for the Wildlife Rehabilitators Advisory Committee, who will be meeting tomorrow.

Chief Barno reported for the Bureau of Freshwater Fisheries. She distributed and reviewed for the Council the proposed Fall/Winter trout distribution schedule. The Fall stocking will take place October 9 through 17, and the Winter stocking will be the Monday, Tuesday and Wednesday prior to the Thanksgiving weekend. After some additional discussion, **a motion was made by Councilman Gudmundsson, seconded by Councilwoman Brummer to approve the Fall/Winter stocking schedule as presented. A vote was taken with all in favor, none opposed.** Chief Barno advised that the information approved today would be posted on the Division website.

Chief Barno reported that the newly hired Pathologist, Jan Lovy has been working at the Pequest Trout Hatchery. She gave a brief review of the work he will be doing, including working directly with the Department of Agriculture with access to their new laboratory facilities.

Chief Barno reported on a situation that has been developing on Masons Run in Pine Hill, as a result of a failure of an irrigation line at the Trump Golf Course. There was a large amount of sediment washed into Masons Run. Volunteers from the South Jersey Chapter of Trout Unlimited have assisted with removing the sand, but this will be a larger scale project. Principal Biologist Smith is involved, as well as the Soil Conservation District, the Bureau of Land Use Regulation and the golf course, but it will be necessary to bring in a consultant who is well versed in stream morphology before any more work is done.

Chief Barno also briefed the Council on a trout angler survey that is being conducted. Staff also continues to work on the 2013 Fishing Digest.

Chief Sciascia reported for the Bureau of Information and Education. He reviewed a proposal to create a new fishing license called the Fishing Buddy License. The resident/nonresident Fishing Buddy License would be half the cost of the regular fishing license and could only be obtained through application with another person between 16 years and 65 years old who has not purchased a New Jersey fishing license after 2005 (this can be verified through the Division's Electronic Licensing System). The Fishing Buddy License provides a financial incentive for existing anglers to recruit new anglers and a financial incentive for those new anglers to recruit new anglers in subsequent years. The proposal was well received when presented to the Assistant Commissioner, who will bring it to the Commissioner. There was additional discussion on this matter.

(at 11:30 am Councilman Messeroll arrived)

Chief Sciascia reported that the release of the free Division Smartphone app is planned for late August/early September. There was some minor additional discussion on this.

Chief Petrongolo reported for the Bureau of Land Management. He reviewed that the Green Acres Program has been working on several properties, including the Lenape Farms property, the Princeton Nurseries property and the Baker-Firestone property. He briefly reviewed each of these acquisitions for the Council.

Capital Projects that are being developed include the replacement of the water control structure at the Prospertown Lake and repair to the dam on Success Lake at the Colliers Mills WMA. There was additional discussion on the roadway through Colliers Mills, which Chief Petrongolo noted may be kept closed after the work to repair the dam is completed.

At the Sparta Mountain WMA work continues to implement the forest management plan. Plans are to harvest and additional 50-60 acres this Fall, and this proposal is now in the Department for review. Staff are also working with the Bureau of Wildlife Management on data collection at the deer exclosure area that was developed during earlier harvests.

Chief Petrongolo briefed the Council on a court case involving one of the lease farmers who farms on the Medford WMA. The farmer failed to comply with the terms of the contract agreement, but when the case came to court the representative lawyer for the farmer found a

clause in the language of the lease agreement which allowed the case to be found in favor of the farmer. This matter is currently being further reviewed by the Deputy Attorney General's Office. Chief Petrongolo noted that none of the other contract farmers have failed to meet the in-kind services portion of their lease agreement, just this one individual. There was some additional discussion on this matter.

Councilman Gudmundsson inquired as to whether the dams at Colliers Mills and Prospertown that were discussed earlier might just be removed. Chief Petrongolo advised not at Prospertown, which is a very popular recreation area, but the Colliers Mills (Lake Success) area could be a consideration had the repair estimates been costly, however repair estimates were not. There was some additional discussion relative to dam removal and culverts, and the possibility of letting areas return to their natural state rather than repair or replace them.

Acting Chairman Burke noted inquiries he has received regarding the Spices Creek project.

Councilman Gudmundsson inquired about the project at the Split Rock Reservoir, which Chief Petrongolo noted is being done in several stages, and is moving forward but will be some time before completed.

Acting Chairman Burke advised that he has been receiving calls regarding road closures, and asked if Chief Petrongolo was moving to close more roads on wildlife management areas. He advised that he is looking to streamline road closures, and in some areas roads may be gated until the hunting season opens. He advised that inquiries should be referred to Regional Superintendents Porutski and Golden.

At 11:56 am the meeting paused for a lunch break, and resumed again at 12:59 pm.

As noted earlier, the presentation of the Conservation Officer of the Year award was made at this time, and Director Chanda introduced Deputy Chief Brown who made the presentation for Chief Chicketano, who was attending a meeting elsewhere today. This year's recipient was Conservation Officer Joe Kuechler from the Northern Region. His career highlights were reviewed and each award was noted as it was given to him.

The September 26, 2012 Joint Council's Meeting was discussed and it was noted that a motion and vote would be needed to change the date from September 19, 2012 as originally planned. **A motion was made by Councilman Gudmundsson, seconded by Councilwoman Brummer to approve the date change for the Joint Council's Meeting to September 26, 2012 at 10 am.** It was noted that currently the meeting location would be at the Central Region Office, but was subject to change. **A vote was taken with all in favor, none opposed.**

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He advised that he and Supervising Biologist Nichols had attended the Atlantic Flyway Council meeting several weeks ago. He also noted the information being given to the Fish and Game Council today was on the Division's website.

Supervising Biologist Nichols reminded those present that the season dates are regulated through the United States Fish and Wildlife Service, and described that the Division recommends to the Council dates for the different seasons on the various species which are then presented to the USFWS for final approval. In early June the Council had approved dates for the early season species, and today would be asked to vote on the late season items as noted on a hand out presented by Supervising Biologist Nichols. These items were reviewed for the Council, after which **a motion was made by Councilman VanMater, seconded by Councilman Messeroll to approved the late season waterfowl dates as recommended. A vote was taken with all in favor, none opposed.**

Supervising Biologist Stanko was next to address the Council, and gave a power point presentation of the recommended proposals for changes to the 2013-2014 Game Code. Each item proposed for change was reviewed. Items included, but were not limited to, definition of the use of an air gun, extension of the hours for turkey hunting during the last two weeks of the season, re-allocation of beaver permits among the zones, re-allocate and increase number of permits for otter, closure of the upland ponds at the Cox Hall Creek (Ponderlodge) WMA to waterfowl hunting, language clarifications for the special area zones open to deer hunting, renumbering of the deer zone regulation sets, and boundary changes to deer management zones 25 and 26. The information presented today was also given to the Council members in a hard copy version. **A motion was made by Councilman Messeroll to accept the proposed amendments to the 2013-2014 as recommended, and seconded by Councilman Gudmundsson. A vote was taken with all in favor, none opposed.**

There was some discussion on the deer management zones and information available to the hunters for checking in deer through the new system.

Councilman Messeroll gave a brief update for the Federation, noting that they would be attending the WILD Expo and Governor's Surf Fishing events.

The public comment period was opened. Those wishing to speak were reminded that they were limited to three minutes.

Janet Pizar, addressed the Council. She presented her full comments in writing to the secretary and some of the Council members, and asked to be on the record (Ms. Pizar's written comments are included in the file for today's meeting). She referenced minutes of past meetings where she felt her comments were not fully noted. She was asking today for the correct protocol for corrections to public comments. (Ms. Pizar's expired the three minute time allotment). She was advised that her time was up, but still questioned the protocol to have her comments changed. There was additional discussion, and Acting Chairman Burke advised Ms. Pizar that the purpose of the minutes was to document the actions of the Fish and Game Council, and was not an opportunity to record public comments. After additional discussion, she was again reminded that this is a monthly meeting of the Fish and Game Council, where their actions and votes were recorded. Acting Chairman Burke added that he felt Ms. Pizar's comments are noted. There was additional discussion by the Council on this, and it was pointed out by Councilman Gudmundsson that normally minutes are to record the business of an organization that is conducting a meeting and not necessarily the comments or decisions that were made unless they

are regarding a difference of opinion between those making the vote. Councilman Link asked that if handouts are presented to the Council by the public, he felt it was appropriate that copies be available for all members being addressed.

Barbara Sauchau was next to address the Council. She commented on hunting in New Jersey in relationship to the human population, the use of lead shot, species population, climate change, the award given today, the areas of access to the public at the Central Region Office and the public hearing on the proposed archery park. (time expired).

With no one else wishing to make public comment **a motion was made by Councilman Van Mater, seconded by Councilman Link to adjourn. A vote was taken with all in favor.** Meeting adjourned at 2:37 pm.