

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, New Jersey
January 9, 2007

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 Richard Culp
Councilman Ed Kertz
Councilman John Messeroll
Councilwoman Jane Morton-Galetto
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Fred Hough
Councilman Robert Puskas

Division employees in attendance included: Director Dave Chanda, Paulette Nelson, Larry Herrightly, Mark Dobelbower, Ray Porutski, Shawn Crouse and Sue Predl.

The public included: George Howard, Jean Howard, Rob Winkel, Scott Ellis, Elwood Knight, Robert Von Suskil, Farm Bureau Representative Liz Thompson, Representatives from Millburn Township and others.

Acting Chairwoman Vreeland called the meeting to order at 10:10 am, followed by the Flag Salute and Pledge of Allegiance.

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 Press (Atlantic City) on December 21, 2006.

Roll call was taken.

Minutes of the December 2006 meeting were reviewed. Councilman Burke noted that there was a duplication of information on pages 8, 9 and 10. A motion was made by Councilman Van Mater, seconded by Councilman Kertz to accept the minutes as corrected. All members were in favor, none opposed.

Director Dave Chanda spoke of his recent appointment by the Governor's Office. He thanked everyone for their support in this matter.

He noted that the Commissioner was very anxious to get together with the Bear Committee to discuss the bear policy. A meeting will be scheduled in the near future.

Director Chanda recognized that several former Councilmen were in attendance at the meeting, noting that they would be officially thanked for their service to the Council later in the meeting.

Committee reports followed. The Aquaculture Committee report was given by Councilman Kertz, who noted that there were a lot of rumblings from both sides, sportsmen and agriculture, and while the agriculture side feels that there are still too many deer, the sportsmen feel that there are not.

All other agriculture matters have been quiet. Acting Chairwoman asked if bears had been any topic of concern, and Councilman Kertz noted not in his area.

Councilman Wolgast added that the most recent Farm Bureau newsletter noted their disappointment with the cancellation of the bear hunt.

It was noted that the Vegetable Growers Convention was being held next week in Atlantic City.

Councilman Messeroll had nothing new to report on the Legislative Committee, but noted the Van Drew bill that was discussed last month. He then asked Paulette Nelson if she had anything else to add. She noted one new bill, ACR 229, which amends the Constitution to put a question on the ballot in November. The question addresses putting \$150 million annually from sales tax and use tax revenue for the Garden State Preservation Trust for acquisition of open space, farmland preservation and historic preservation sites. This would be similar to Green Acres funds. Councilman Wolgast questioned that the Farm Bureau newsletter said today was the last day that the Legislature could begin work on anything that was to go on the November ballot? A representative from the Farm Bureau, Liz Thompson was in the audience, and she noted that things could still go on the ballot, but it would require a "super majority" to make it happen. Paulette Nelson further explained this issue. She also noted the companion to this, which has still not been officially introduced, would be Senate concurrent resolution 131. Councilman Kertz questioned if this had to do with the Highlands? Paulette Nelson noted she was not sure, but explained that this was a funding issue.

Councilman Messeroll, Federation Representative reported that they had been working on the Sportsmen's Show. One of the highlights would be a display that showed New Jersey hunters travel all over, and would have antlers, rugs, etc. for people to actually be able to hold, not just see from afar.

He noted that the next State meeting would be Friday evening, January 19, and there would be an Agriculture Advisory Meeting the morning of the 19th as well. He also noted what other activities the Federation would be doing in the near future.

Councilwoman Galetto, Representative the Endangered and Non Game Species Program noted that the next ENSP Council meeting would be next week. Additional information would be presented from the Bureau representative later in the meeting.

There was no Fisheries report since there is no Chair on that committee.

Acting Chairwoman Vreeland reported that the Game Committee is intact. Councilman Kertz would be replacing Councilman Hahn.

Councilman Messeroll asked if the 2007 Game Code regulations are passed, is the Committee going to be working on changing anything for 2008? Acting Chairwoman Vreeland said that written information is always accepted, and will be kept on file for review for the next time changes are made.

Director Chanda explained that Council has the ability to make changes at annually, but they are working on a two year time frame because of the work involved and the time it takes for administrative process and reviews. Chief Herrighty confirmed this information.

Councilman Messeroll noted that there had been a meeting with representatives from Millburn Township on Friday concerning their Community Based Deer Management Program Permit. They discussed several things, including retrieval of a deer if it is darted and goes down on a private property, the inability to donate the meat to the food banks and the trauma to the deer after being tranquilized and transported. They looked at some of the areas in question, and felt they could not go any further on the current permit and what it allows.

Chief Herrighty added that the Committee saw some areas in town where a culling agent with suppressors could satisfy some of the landowners concerns if access was allowed, and that this meat could possibly be used by the food bank. They also discussed the 120 day period to process the application, and that for any future permits the Game Code rules of 120 days for the Division to process an application would apply. Councilman Messeroll added that all applicants were going to be advised of the 120 day rule.

Acting Chairwoman Vreeland opened the meeting to the applicants representatives who were present at the meeting. James Sewell from the Township Committee spoke. He wanted to thank those who were able to meet with them recently, and added that they had been seeking a meeting for some time. He noted that they do see a difference between statute authorization and administrative code statements, and added that was why they were here today, hoping to receive a possible reconsideration to the dart and euthanize program they had proposed. If that was not successful, they would like to speak about the net and bolt application they submitted. He then introduced Martine Donfrio, who is the head of their Environmental Commission.

Ms. Donfrio shared some handouts, and spoke of her concerns regarding deer and Lyme disease. She had quite a bit of information to share, including comparison of New Jersey with Vermont, details of Lyme disease problems on Mohegan Island in Maine and statistic information nationwide. She summarized that her point was that by removing the deer you can help to reduce the exposure to Lyme disease, adding that this was why they were petitioning for additional privileges on their permit.

Mr. Sewell spoke again, summarizing the problems in Millburn, and asked that they receive a permit for either method for this year. He added that they are willing to wait until March 1st, if Council needs additional time to reconsider. They will also try to gain additional permission from private landowners for access.

Councilman Wolgast noted that there was a seven-acre property where the bait and shoot method might be a possibility, and may be more effective than the tranquilizing method, but added that Chief Herrighty had said there was a problem with the resolution. Chief Herrighty explained the resolution deals with the bolt gun, and noted that there could be legal problems. He went on to explain the information in detail. He also explained that the application is a two step process, further clarifying the concerns that Mr. Sewell spoke of previously.

Mr. Sewell went on to say that they did have a resolution to support the net and bolt method, and that that resolution was part of the letter that they were submitting to Council today.

There was additional discussion regarding this matter. Kip Gordon, Township Administrator, explained the reason for submitting the applications as they did, but noted that the resolution said that if the pilot program was not accepted, they would amend and accept the net and bolt method. There were additional discussions among the Millburn representatives and the Council.

Councilman Messeroll recommended that the Council not move forward on this issue. Chief Herrighty said the matter of the resolution needs to be looked at by the Deputy Attorney Generals Office, and recommended that Council not act on this until they have clarification on this issue. Councilman Kertz asked if bait and sharpshoot could be approved for an area of town not on the previous permit. Chief Herrighty added that this was not a matter that needed to be voted on, it would only require the town to advise Sue Predl that they were adding additional properties to their existing permit.

Acting Chairwoman Vreeland asked if there was a motion to change the existing permit or leave as it was? Chief Herrighty advised that they could consider an amendment to the permit if things were resolved under Millburn's resolution. He also said that White Buffalo might also be able to obtain permission from some of the landowners to use suppressors. Councilman Wolgast offered that they may be more effective in going door to door rather than mailing letters to the landowners. Mr. Sewell noted that they had been trying to reach out to homeowners this past weekend by phone.

Acting Chairwoman Vreeland mentioned that they may want to work with Janet Pizar and the information she had presented at the last meeting. Ms. Pizar spoke briefly today on road maintenance issues and hot spots for deer vehicle collisions, and had one hand out to share.

There was additional discussion among the Council and bureau personnel regarding the Millburn situation, including suggestions that all parties concerned from Millburn try to work together. The matter concluded with all members agreeing to hear and possibly vote on a change to the permit next month. All votes were in favor, none opposed.

Bureau reports were presented next. Chief Herrighty from the Bureau of Wildlife Management noted that the no extension was needed to the one day permit zones because of foul weather as discussed last month.

He also reported that the fall deer bow and arrow totals were done, showing the harvest was up by 2 to 2 ½ percent. The six day firearm was down by 6.5 percent (649 deer), but he noted that they would look at the total buck harvest at the end of all the seasons to see the total amount of antlered deer harvested. Those numbers would be available in March.

Waterfowl biologists are now doing their mid-winter survey.

Bear activity has been slow despite the warm weather, and several bears that were denning by homes have been removed.

Staff is working on budget and plans for research and control if the Governor increases the budget for bear management.

There was a press release on the additional 1,500 pheasants that were stocked. Chief Herrighty noted that personnel from Land Management had done press interviews and were very helpful.

Chief Herrighty met with Pheasants Forever last week and they are interested in continuing their work in subsidizing some of the Federal programs to enhance pheasant habitat. They have been working on some sites in Hunterdon County, just south of Round Valley. The subsidizing actually goes to the homeowner, who would have to match Federal funds for habitat enhancement on their property. He further explained the program to the Council.

Chief Herrighty referred to the EPA Superfund Site he spoke about last month at Ringwood. Biologists culled two deer last week for testing by the EPA for contaminants. They will assist them later this winter with capturing rabbits and squirrels for testing. He noted the deer were both in good condition, and had good weights.

Chief Herrighty reported that he had been contacted by the United States Department of Agriculture to serve on a committee with the National Association of Fish and Wildlife Agencies to assist with developing a label for a hormone agent called GonaCon. This would be in order to present the drug to the Environmental Protection Agency for approval to be used as a research drug. He further explained the effects and uses of the hormone agent, and noted that it was going to be licensed by the EPA as a pesticide, and it was not harmful to human consumption, but not recommended for use on fawns. It is currently being used by deer management agents such as White Buffalo. Councilman Kertz questioned if it would be passed onto nursing fawns through the doe's milk, or if ear tagging of inoculated deer would be required? Chief Herrighty noted that it should not pose a problem with nursing fawns, and that the ear tagging was something that would be up to the Council to determine. He added that Council rules would still apply, and that a permit would be required for its use. Councilman Messeroll asked if the deer would be caught and tagged, or just shot with the hormone agent? Chief Herrighty noted that the animal would be shot with the agent, because catching and tagging would drive up the costs of administering the hormone to the animal.

He noted that the Game Code extension that was granted by the Governor would expire next Monday. He added that Councilwoman Vreeland had signed off as Acting Chairwoman, and some minor revisions that were required by the United States Fish and Wildlife Service with regard to Refuge issues. He said he expected to hear something on the re-adoption shortly, and would advise Council when that occurred. The document would then be sent to the Register to start the 60-day hearing process, and the public hearing should occur in March or April. He also addressed a question on the bear policy, noting that the game code states "if there is a policy in effect", but since there is no policy in effect, there are no changes. Litigation on the bear policy is scheduled for March.

Councilman Wolgast asked about the lawsuit reported on last month regarding the road killed deer pickup. Chief Herrighty noted that the judge threw the case out of court, saying that it he had no authority, and it was up to the Legislature on how this matter was to be handled.

The Bureau of Freshwater Fisheries report was given by Senior Biologist Shawn Crouse, who reported that Chief Barno was attending a Cool Water Fish Conference in the Panther Valley today.

He requested that there be a meeting of the Fisheries Committee prior to the February 10 Fish and Game Council meeting.

He reported that in May they finalized the Lower Delaware Drainage Fish Index study. He gave quick refresher to everyone on what the study determined, stating that there was a three tier index on the study, with tier one being that streams could maintain a natural reproducing trout population, tier two being trout maintenance and tier three being non trout. This study was done in Northern New Jersey.

He then noted that all of Southern New Jersey was not feasible to maintain trout populations. There was an additional study done on the South Jersey streams and that concluded before the holidays. He further explained the latest studies and noted that it included many species, and provided many tools that would be useful for tracking fish populations.

Senior Biologist Crouse added that the Bureau was preparing for the upcoming trout season. He noted that there are no changes to the 2007 Fish Code since they are on a two year cycle. There are also no changes to the fish culture procedure for the upcoming trout season.

He made reference to the Round Valley Reservoir, stating that every Fall they set gill nets to monitor fish populations. The trend that they have been seeing over the past few years continues, which is that more lake trout are showing up in the nets, but that they are smaller fish. This is also being reported on by the anglers who fish the Reservoir, who are seeing that they are not catching as many trophy fish. Senior Biologist Crouse noted that this is something that may need to be discussed as a regulation change for 2008, to decrease size limits of lake trout from 20 inches to 15 inches. He noted that the water does not have abundant nutrients to sustain all the fish, and this would allow more fish to be taken. Councilman Messeroll inquired about the water from the South Branch of the Raritan River being pumped in to the Reservoir, asking if that was something that was being kept up with since it is mandated? Senior Biologist Crouse noted that yes, it is still being done, but only occurs less than once a year. There was additional explanation as to why this was being done so infrequently, since there were changes to the water quality since this program was first created, and the nutrient level had decreased.

One last item he reported on was that the 2007 edition of the Freshwater Fish Digest was out. He noted that this year they added something new, which was a "how to" section for each species.

Bureau Chief Dobelbower gave the Law Enforcement report. He asked that Council go into Executive Session at some point to discuss three license revocation appeals that he had received.

He reported that they were working on hiring exemptions for conservation officer positions. They were hoping to get some funding for some new positions, and they have been working on all necessary requirements for that.

Chief Dobelbower has been helping on writing a new Civil Service promotional test.

The low light firearms requalification has been completed.

He noted that this has been a busy time of year for the Bureau. This past month they made 4,101 inspections, resulting in 261 summonses and 35 warnings being issued.

Some of the highlights he noted were the first counterfeit license of the new electronic license system. The violator made a hand written license on regular paper, but claimed that he had purchased and lost a computer generated license and that this was a duplicate of that. After realizing that all the information is now in a database and accessible to research, he admitted that he did not purchase a license and had created this falsely.

Several ATV riders were checked in Upper Freehold Township in Monmouth County. They were stopped along a farm field, dressed in camouflage, and when asked if they had been hunting they stated that they had but with no success and were packing up for the day. However, the officers were

suspicious because one of them was wearing surgical gloves that were covered in blood, and the back of one of the ATV's was covered in deer hair and blood. When questioned again, they still said that they had no luck that day. When questioned as to why they were riding an ATV with blood covered gloves, they admitted to having a deer hidden in the woods that they had harvested illegally.

Councilman Wolgast noted that the highlights reported on a falconer who was hunting during the firearm buck season, and asked if that was very uncommon? Chief Dobelbower noted that it was.

There was no additional report from Chief Dobelbower.

Presentations were made to past Council members Elwood "Woody" Knight, Robert Von Suskil, George Howard and Scott Ellis thanking them for their service. They each received a plaque.

Lunch break began at 12:10 pm, to be followed by Executive Session.

The meeting resumed at 1:15 pm.

Regional Superintendent Ray Porutski gave the Bureau of Land Management report. He reported that the pheasant season was good. They had surplus birds for the regular season, plus the birds stocked for the youth hunt, which totaled approximately 2,000 birds in all. Crews have finished returning the bird boxes to the game farm.

Regional Superintendent Porutski noted that the quail stocking program at the Peaslee and Greenwood WMAs needs to be discussed. Complaints were received about the condition of the birds being stocked, and he did take a look at the birds himself and was not pleased with the condition of the birds. He added that he would talk to Chief Herrighty and Director Chanda about this matter, but advised Council that they may want to decide if they wanted this program to continue. He noted that the Division used to stock 11,000 birds, and that number has been reduced to 5,500, with those areas receiving quail in the early part of the season, and pheasant after that. He noted that it has become more difficult to find a provider for pen reared birds, and other states are reporting this problem as well.

Land Management crews have been posting boundaries on new properties.

Personnel have been busy putting together list of spending needs with the 15 million dollars received from Capital monies. One example was the need for a bridge replacement on the Assunpink WMA. He noted that the roads on the Assunpink were paved over 30 years ago, and that a major resurfacing job was necessary. He added that he would like to pave the two roads that lead to the new boat ramp. This was all in the proposal that would be presented to the Director by Chief Petrongolo.

He referenced the Vineland Chemical superfund site that Councilwoman Galetto had questioned previously. He noted that no permits have been issued to enter on to our property, and no work was being done on our property. Don Wilkinson from Environmental Review will be contacting the Bureau of Land Use for additional information. Councilwoman Galetto asked if the Environmental Protection Agency needs a permit to enter on to Fish and Wildlife property? Regional Superintendent Porutski added he had asked Chief Petrongolo the same question, and he noted that it was the policy of the EPA to advise each state if they would be entering on to their property.

Land Management crews assisted with deer check stations. They were currently working on winter mowing where it is possible.

Acting Chairwoman Vreeland asked about any new acquisitions this past month? He replied that Chief Petrongolo would have that information.

Councilwoman Galetto inquired about Ponder Lodge and the status of the environmental group that was shown the buildings there? Director Chanda was not sure of any one specific group, but noted that he had received a call from someone who was interested in the area, and that they were referred to Assistant Commissioner Cradic's Office.

Discussion went to Old and New Business. Councilman Burke inquired about the Waterfowl Committee that had occurred in December? Councilman Messeroll did not have his notes with him.

Councilman Kertz reported that he had received a telephone call this past weekend based on saltwater fishing licenses. He was not sure who was doing the survey, but noted that it was quite extensive. There was additional discussion from the members regarding saltwater fishing licenses.

Discussion went back to the Waterfowl Committee meeting from December. Notes were provided by George Howard. He reported that a motion had been made to raise the stamp fees to \$10 for resident and \$20 for non-resident.

He added that they had talked about available monies, noting that there was enough to keep the program going for 6 months or so.

The artist for the 2008 print would be Rob Leslie, and would be a hen and a drake Canvasback on the water.

They spoke about the Cohansee Project and the Petrecca Program, as well as Superior Bank, where there has been a long standing problem over access. Kurt Gelman was to be at the next meeting to bring the Committee up to date on the Superior Bank project.

The next meeting of the Waterfowl Stamp Committee would be on March 13, 2007.

The Committee meeting dates were set, and are as follows:

Fish Committee	January 30, 10:00 am	Central Region Office
Finance Committee	January 30, 1:00 pm	Central Region Office

A response was needed from the Commissioner before a date could be set for the Bear Committee meeting.

The Legislative Committee would be meeting in the future.

Suggestions for the press on highlights of the Council were taken. They included noting that the Game Code and Fish Code are running on a two year cycle, but Council is open to any suggestions for changes. Also, advise them of the Fish Code meeting at Pequest in February.

Councilman Kertz had questions on the fee that agents were receiving for using the new electronic licensing system. Director Chanda was able to explain.

It was noted that the deer transportation tags on the new licenses had an error on them, reading that deer must be checked in before 8 pm. This should read 7 pm.

The March 2007 meeting may be changed to 1 pm in order to accommodate those staying for the evening meeting of the Waterfowl Committee.

Chief Herrighty briefed the Council on the Deputy Attorney General's advisement on opening the floor to public comment. There is no legal obligation to open the floor, and there are no state guidelines. Something such as Robert's Rules do not apply, but they did provide suggestions on how to conduct meetings. Chief Herrighty added that he had invited the Deputy Attorney General to attend today's meeting, but he was not available. He may be able to attend in the future.

A motion was made by Councilman Messeroll, seconded by Councilman Culp to adjourn the meeting. Meeting adjourned at 1:59 pm.