

MINUTES OF THE MEETING OF THE
FISH AND GAME COUNCIL

Central Region Office
Robbinsville, New Jersey
January 8, 2008

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 Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Richard Culp
Councilman Fred Hough
Councilwoman Jane Morton-Galetto

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Jim Sciascia, Lisa Barno, Tim Cussen, Ray Porutski, Patrick Carr, and Carole Kandoth.

Members of the public included representatives from the Farm Bureau, Federation of Sportsmen's Clubs, residents of Millburn, and others.

The meeting was called to order at 1:04 p.m.

In accordance with P.L. 1975, 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 19, 2007.

The flag salute and Pledge of Allegiance were completed.

Roll was taken.

The meeting was now opened to public comment. Members of the audience were reminded that comment was to be made only about topics that were listed on the agenda. Janet Pizar from Millburn spoke. She asked about the status of the Black Bear management initiative and how the \$850,000 in funding would be spent. She was advised that the information asked for would have to be obtained, since this was a Council meeting and this was something that was not readily available, and would be provided at a later time.

Ms. Sachau also questioned if the Division had an employee whose name was similar to that of Commissioner Lisa Jackson. She wanted to be sure that any e-mails that were sent to Commissioner Jackson's attention, and possibly miss sent to the Division employee would be forwarded to the Commissioner. She was advised by Director Chanda that he would expect that the employee would forward that mail, but if there were e-mails she was concerned were sent to the wrong address, she may want to send them again.

Ms. Sachau also left a report on Lead Safety, adding that she felt lead shot should be banned in New Jersey. Additionally, she commented that she felt that the South Mountain Community Based Deer Permit Application was sloppily done, and wanted to register her objection to the permit to allow hunting at the South Mountain Reservation

Chief Timothy Cussen from the Bureau of Law Enforcement took a moment to introduce three of the new Conservation Officers to the Council. Conservation Officers Paul Toppin, from the Southern Region and Steve Sutton from the Northern Region have just completed their police academy training and will be on patrol in the Spring, after they complete some additional in house training. Newly appointed Conservation Officer Brian Maseo from the Central Region will be starting the police academy in early February. These officers were all welcomed by the Council, and invited to attend Federation meetings in there respected areas.

A request was made by the Bureau of Law Enforcement to go into Executive Session to discuss license restorations. Members of the audience were asked to leave the room. **A motion was made by Councilman Kertz and seconded by Councilman Burke to go into Executive Session at 1:13 pm. All members were in favor.**

A second motion was made by Councilman Kertz and seconded by Councilman Puskas to return to the regular Council meeting at 1:45 pm. The motion was carried with all members in favor.

The meeting resumed at 1:46 pm.

Acting Chairwoman Vreeland noted that she had received a call from the United States Sports Alliance Group to join them to help put together information on animals for new Legislators that would include scientific information. This would include information on all types of animals, and hopefully be useful to them before acting on any possible legislation that may arise in the future. This Thursday is the first meeting, and anyone interested should see Acting Chairwoman Vreeland.

Director Chanda reminded members that the Finance Committee would be meeting after the Council meeting today. He noted that the revenue was doing well, and that after the Governor's State of the State address today, we would have more information on what the future holds.

Director Chanda reported that he had attended the Industry Summit Meeting in Washington, DC which was set up by the Association of Fish and Wildlife Agencies. At this meeting they were able to meet with industry leaders who represented hunting and fishing manufacturers, and it was a good opportunity for both sides to discuss issues/concerns they had regarding expenditures of

the Federal excise taxes on hunting and fishing equipment. Director Chanda highlighted the opportunity to meet with several Congressmen who are part of the Congressional Sportsmen's Caucus. This group provides an important forum of information exchange to their fellow Congressmen when legislation involving wildlife or hunting and fishing arises. The Congressional Sportsmen's Caucus asked if New Jersey would be interested in developing a caucus of this type, noting they would be willing to help get it established. Director Chanda advised them to contact Federation of Sportsmen's Club President Ed Markowski.

Director Chanda reminded members of the Garden State Sportsmen's Show this weekend, which will include the Deer Classic. The Suffern Sports Show is scheduled to begin in about six weeks. Anyone interested in attending the Suffern Show should contact Director Chanda, and anyone interested in the Garden State Show should see Chief Sciascia.

Minutes of the December 2007 meeting were reviewed. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz, to accept the minutes.** One correction was noted by Councilman Kertz on page 2, fourth paragraph from the bottom, where it list Liz Thompson as being from the Department of Agriculture. This should be the Farm Bureau. **A vote was taken with all in favor, none opposed, to accept the minutes as corrected.**

The representatives for the Agriculture Committee reported. Acting Chairwoman Vreeland noted an article on Snow geese. Councilman Puskas added that the Canadian geese have been causing damage to the crops in his area, and there are concerns that this will affect their yield next summer.

Councilman Kertz noted that he has been hearing complaints about the buck tags. Several farmers who hunt in Zone 23 have noted that they are not seeing any deer. Most of what he is hearing are hunting related complaints, from farmers and sportsmen, who feel that the deer population in his area is down.

Councilman Messeroll noted that the New Jersey Vegetable Growers Association Meeting would be held next Tuesday thru Thursday at the Taj Mahal in Atlantic City. He noted that former Council Chairman Scott Ellis would be speaking on Wednesday, and on Thursday there would be a Wildlife Forum. Discussion will include land management, pheasants and turkeys. He also noted that Department of Agriculture Secretary Charles Kuperus would be opening the trade show in Atlantic City, as well as attending the Aquaculture Advisory Committee's Seafood Showcase next week at the Atlantic County College. Activities at this showcase will include a shellfish cook off, with the winners going on to a competition in New Orleans to represent New Jersey.

The Legislative Committee reported next. Councilman Messeroll noted that he had read this morning that out of two years of work on legislative matters, over 8,000 bills were put in, 377 actually went through legislation, and 177 of those went through just yesterday. He noted it will take some time to sort out what was passed. Legislative Liaison Paulette Nelson noted two marine related bills that have moved within the last few weeks. The first bill, which would allow the use of pots on artificial reefs did not pass. The second was the Shellfish Laws, Title 50, which has gone to the Governor's Office for his signature. The legislative session had ended,

and all bills are now done. The re-filing process will begin soon for items that are still in need of being acted on during the next session.

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

Councilman Messeroll reported for the Federation of Sportsmen. He noted that they had a meeting a while back, and discussed many of the matters that were reviewed today. The Convention will be held on June 13, 14 and 15 at the Grand Hotel in Cape May. Final details are still being put in place. He gave a review of the upcoming sports shows they would be attending, noting that there were 88 deer qualified for entry in the Deer Classic, which was celebrating its 25th year.

He noted other topics that were discussed, including Assembly Bill A-423, which would allow free hunting, fishing and trapping licenses for active duty members of the US Armed Forces who are residents of, or who are base stationed in New Jersey. They also spoke about the status of the fishing derbies. He noted that some areas reported that they were disappointed with the deer harvest.

Chief Barno reported for the Bureau of Freshwater Fisheries. She reminded members that the proposed Fish Code Public Hearing tonight at 7 pm. They are now in the middle of the public comment period, which ends on February 1, 2008. The vote on the proposals will take place on February 5, 2008, and the package will be delivered to the Governor's Office on February 6, 2008. The filing deadline is February 22, 2008 for this information to be included in the Register on March 17, 2008. Chief Barno explained that the regulations change as the current trout season closes, so the trout season would open with the new regulations in place. Councilman Messeroll asked if it was possible it could get held up at the Governor's Office, and Chief Barno explained that his office was aware that it was critical that this be signed off on quickly.

Chief Barno also noted the work done by Principal Fisheries Biologist Pat Hamilton as part of her thesis for her Masters Degree. She did a genetic study on Brook trout, and Chief Barno gave a brief explanation of the findings. Over 5,000 DNA sample were processed, and she did document a heritage strain in New Jersey in approximately 12 of the 20 streams sampled. This data showed that these genetic strains go back to when there were glaciers in New Jersey. She noted that Principal Biologist Hamilton has received rave reviews for the information contained in her study, and this information may help to have tighter protection of some of these waters in the future.

The Pequest Hatchery is preparing for the Spring trout season. Chief Barno reported that a loss of 6,000 to 7,000 1½ inch Rainbow trout, noting that this may have been caused by a nutritional issue. Former Pathologist Ed Washuta came in to assess the situation, and while his findings were inconclusive, he also felt it may have been nutrition related, possibly due to bad feed. The overall numbers for the 2009 season are still good.

Chief Barno reviewed some upcoming events. February 9, 2008 will be the Public Trout Meeting at Pequest, and March 1, 2008 will be the South Jersey Freshwater Fisheries Forum at Batsto.

She noted that they have been working with the Department on surface water quality procedures, and gave a brief explanation of this matter. Staff are also preparing for the upcoming Northeast Fish and Wildlife Conference.

Chief Jim Sciascia reported for the Bureau of Information and Education. He noted that the Black Bear Program was presented to over 1,000 people last month. He reviewed other programs that would be coming in the future.

Chief Sciascia reported that they would be having a meeting in two weeks with Waste Management to discuss bear resistant containers. Waste Management has mentioned a container that is being use out West. He noted that Michelle Ruggerio has also met with Sanico, a local waste company, and they are also interested in getting bear resistant containers to their customers. Councilman Messeroll asked if these containers were different from the ones purchased previously, and Chief Sciascia noted that yes, they were, and explained the differences.

He also reported that Supervising Biologist Paul Ritter from the Hunter Education Section attended that Archery Trade Association (ATA) Summit in Ohio. While there, he gave a report on the National Archery in Schools Program (NASP), and the proposed archery park on the Black River WMA. He came back with some good news that the Easton Foundation, through the ATA, would be providing one NASP kit to member sport shops in each county for loan to schools who would like to participate in the program. He noted that this would allow for increased participation by schools that may not have the funds available to purchase these kits on their own.

Chief Sciascia also noted that Easton still supports the proposed archery park with its Olympic component. Al Payne and John Piccolo from the Office of Design and Construction have reported that the site analysis feasibility study is done, and the results should be available soon.

Chief Sciascia reviewed some of the events that would be part of the Garden State Sportsmen's Show.

It was also noted that there is potential for a cooperative agreement with the Recreational Boating and Fishing Foundation. They are working with up to 30 states this year to develop a marketing program to get anglers interested in fishing again. Chief Sciascia is hoping to attend their workshop in Dallas next week. He gave a brief overview, and noted that matching funding might be available from them for promotional efforts. He hopes to have more information available in the future.

Acting Chairwoman Vreeland questioned the current status of the Bear CD, and Chief Sciascia noted he is still waiting for a copy of the proposed program that he can review. He added that Assistant Biologist Michelle Ruggerio has been busy with many different aspects of the bear education activities.

The Bureau of Law Enforcement report was given by Chief Timothy Cussen. He reported that during this reporting period, Conservation Officers spent a total of 7,304 hours of duty. He reviewed some of the major areas where those hours were acquired. A total of 4,495 field inspections were conducted, resulting in 385 summonses, 17 warnings and no criminal arrests. The majority of these summonses issued were 259 for deer hunting violations, 32 for small game hunting violations, 30 for waterfowl hunting violations and 14 for marine related violations.

Chief Cussen reviewed some of the cases that occurred this past month. In the Northern Region, CO Hutchinson received a complaint from a bow hunter about hunters on ATV's shooting at a bear. A dead bear was found at the site, and it was transported to Division Pathologist Doug Roscoe who determined it was killed by a single projectile, possibly from a rifle or pistol. Later that month, another complaint was received about shooters hunting from an ATV, and CO's Hutchinson and Fletcher were able to stop these individuals on a deer hunting complaint. They did have loaded firearms on their ATVs. After interviewing these individuals several times, CO Hutchinson did receive statements from them of several different deer hunting violations that they had made, as well as one of the individuals admitting to shooting at two bears, one which was killed, and the other which escaped. These individuals are facing many charges. He noted the fine work done by CO Hutchinson on this case.

In the Central Region, CO Tonneson observed three individuals hunting on the Great Bay WMA who were actively shooting at small birds, but were not retrieving these birds. CO Tonneson recovered 38 of these birds, which the hunters claimed were Snipe, but actually were Dunlin shore birds. These hunters would have been required to have steel shot had they been hunting Snipe, however, they were all in possession of lead shot. Appropriate summonses were issued.

In the Southern Region, CO Kille was in Pilesgrove Township, Salem County when he encountered a deer hunting club that had just killed a deer on a drive. From the onset, something seemed seriously wrong to CO Killy regarding this deer and the manner in which it was shot. Further investigation determined that the deer had been shot from the road in a downward manner. The individual was charged accordingly.

Also in the Southern Region, CO Vasquez was responding to a complaint when he came across a vehicle fire on the Atlantic City Expressway. After assisting the occupants and fighting the fire with his extinguisher until the fire department arrived, he proceeded to investigate the complaint. Upon arrival he spotted the individual on the opposite side a stream, and proceeded to swim over to him in full uniform to make the apprehension.

In the Marine Region, officers made an inspection of some business transactions conducted by a charter boat out of Brielle and found that the captain was in the process of selling 93 striped bass fillets to a diner. Charges were filed for the sale of striped bass, as well as for filleting at sea. In addition, charges were filed against the diner for the purchase of these filets. Chief Cussen noted that the maximum penalty for these violations could total \$16,900. plus court costs.

Councilman Messeroll asked if the ATVs used in the case of shooting the bear could be confiscated by the Division, and Chief Cussen noted that they can't really confiscate anything,

however they may be able to impound them under motor vehicle violations. He further explained this matter to the Council.

Councilman Messeroll also asked about a rumor that he had heard that the Deputy Conservation Program may be phased out. Chief Cussen noted that that program is under review and they have discussed this matter with Director Chanda and Assistant Director Herrighty. They are in the process of making recommendations. He noted much of the concern has to do with civil liability, and further discussed this matter with the Council. Director Chanda noted that this matter being looked at for several months, but was put off until the retirement of Acting Chief Dobelbower to see how the new Chief felt about how they see the program fitting in, and will be reviewed at both a Division and Department level before a decision is made.

Regional Superintendent Ray Porutski reported for the Bureau of Land Management. He noted that pheasant stocking activities have been completed for the season. He reported that the baseline numbers were for 60,000 pheasant and 11,000 quail for the season, but the pheasant fell short by a few hundred birds. He noted that this was still a remarkable amount of birds produced by personnel from the Bureau of Wildlife.

Regional Superintendent Porutski noted that crews have been busy stocking birds, as well as assisting with deer check station assignments. They are currently preparing for the Winter mowing program.

He also reported that two new 90 horsepower tractors have been delivered to the Winslow and Black River WMAs with monies obtained through the Garden State Preservation Trust and matching Federal funding. He added that Supervising Biologist Dan Ferrigno was instrumental in obtaining these monies and making these purchases possible.

Regional Superintendent Porutski noted that at Harrisonville Lake in South Jersey was drawn down and a fish salvage was done. These fish were moved to Rainbow Lake. The dam and spillway at Harrisonville Lake are being renovated and contracts are in progress. Previously work was done at Rainbow Lake, and the water is now at normal levels.

Regional Superintendent Porutski also reported that an employee has been moved into a house on the property at Eagle Manor. This will hopefully help with security issues at that location.

Director Chanda asked if there were specific projects that newly purchased tractors would be used for, and Regional Superintendent Porutski noted that they would be used for the warm season grass plantings and maintenance of those plantings. He added that they have been specifically purchased and assigned for those areas.

One last item that Regional Superintendent Porutski noted for the Council to keep in mind that next Fall's calendar will go from 15 to 17 possible days for pheasant and quail stocking. He further explained this to Council, noting that while they have the ability to increase the amount of days, they may not be able to increase these days due to the limited number of personnel available and the amount of birds available. This will be further discussed with the Director, and more information will be given to Council at a later time.

Liz Thompson from the Farm Bureau was in attendance at the meeting, and was asked if she had anything to present. She had one item to discuss about a farmer who had recently called their office. He has had a depredation permit for deer for some time, and just recently his neighbors seem to be bothered by it. In an effort to get him not to use his permit, they are now going out with bullhorns or air horns to disturb the deer and interrupt his culling efforts. He was not sure who he should call, and that is why he called the Farm Bureau's Office. Ms. Thompson also was not sure who he should call, and was advised to call the Bureau of Law Enforcement Office.

Assistant Director Herrighty reported for the Bureau of Wildlife. He noted that there is currently one application out for a Community Based Deer Management Permit from the Watchung Reservation, and that should be presented next month.

He also reported that Principal Biologist Kelcey Burgess and personnel from the Bear Project are currently working on year end totals for bear activities.

Personnel from the Waterfowl Project are doing their mid-winter surveys.

Assistant Director Herrighty reported that he, Principal Biologist Carole Kandoth, Senior Biologist Keith Griglak and the two new Northern Region Law Enforcement Lieutenants went to the Owl's Nest and spent a morning with them discussing crossbows and addressing issues that the Division may need to consider when making recommendation to the Council. Councilman Wolgast added that a number of groups have volunteered to come before the Council to provide information also. There was additional discussion on this matter.

Principal Biologist Carole Kandoth was in attendance to give a presentation of the preliminary crossbow survey results. This presentation will also be made at the Garden State Sportsmen's Show this weekend. She presented Council with a printed copy of her program, as well as a review of some of the comments that were received from those who were surveyed.

Principal Biologist Kandoth noted that the survey data was mailed to license purchasers from information obtained through the Electronic Licensing System (ELS), and was done on a one year basis for purchases made from November 1, 2006 through October 31, 2007. A total of 85,957 license holders were in the system. She reviewed the information sent to each of the license holders who were asked to complete the survey, and noted that to get the necessary return rate to make the survey work, she would need to have a return rate of 406 samples. In order to obtain this number, prior return rates from previous Division surveys indicated that she would need to mail the survey to 2,030 license holders. The response to this survey was much better than anticipated, with 1,047 surveys being returned.

She further explained how the number of respondents related to the data presented today, and proceeded to review the information presented in her packet to the Council. After reviewing her power point presentation with the Council, Councilman Wolgast complimented Principal Biologist Kandoth on doing an excellent job with this information. Acting Chairwoman Vreeland added that she had done a thorough analysis of the information. There was some further review of this presentation.

Old business was discussed next. Committees were reviewed, and Acting Chairwoman Vreeland asked if someone would be willing to step down from the Crossbow Committee so that Councilman Wolgast could be put on. Councilman Messeroll will step down from that committee.

Councilman Messeroll asked about the buck stub information and data information for this past year. Assistant Director Herrighty briefly reviewed this matter for the Council.

Councilman Puskas asked if Assistant Director Herrighty had any information on the Federal Goose Permits, and it was noted that the same process as last year would apply, and that Councilman Puskas should call the United States Department of Agriculture to follow up on his application.

There was no new business to discuss.

One additional comment was taken from the audience. Dave Ertle, Director of the Ocean County Utility Authority and a Hunter Education Instructor spoke to the Council about his experience using a crossbow. He explained that he is 58 years old, and at one time was told by a doctor that he could no longer bow hunt after they put a plate and four screws in his neck. He noted that many people do not qualify for the handicapped permit offered by the Division, but they would continue to hunt if they were able to use a crossbow. He has found the crossbow to be an extremely effective tool, and applauded the Council for giving this matter consideration. There was additional discussion between Mr. Ertle and the Council on crossbows, and Councilman Messeroll asked as a Hunter Education Instructor, did he have anything he would like to see put into the Hunter Education Program for crossbows. He noted that this may be necessary to familiarize new crossbow users with information such as where the safeties are, how to draw it back, and how it functions. Councilman Burke asked Mr. Ertle about how he discharges his crossbow at the end of the day, and he noted he usually uses a blunt tip and shoots it into a crossbow target. He noted that someone could also discharge into a pile of sand or into the ground. Mr. Ertle was thanked for sharing his comments with the Council today.

Acting Chairwoman Vreeland asked about the status of the appointments to Council, and Director Chanda said that calls have been made, and they only thing they know of is two possible appointments to the Marine Fisheries Council, but nothing yet for this Council.

There were no other comments. **A motion was made by Councilman Messeroll, seconded by Councilman Van Mater to adjourn the meeting, with all in favor.** Meeting adjourned at 3:31 pm.