

MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL

Central Region Office  
Robbinsville, New Jersey  
March 10, 2009

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

Acting Chairwoman Jeannette Vreeland  
Councilman Dave Burke  
Councilman Ed Kertz  
Councilman John Messeroll  
Councilman Robert Puskas  
Councilman Dan Van Mater  
Councilman Len Wolgast

Absent: Councilwoman Barbara Brummer  
Councilman Fred Hough

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Paulette Nelson, Tim Cussen, Tony Petrongolo, Lisa Barno, Ray Porutski, Dan Ferrigno, Al Ivany and Andrew Burnett.

The meeting was called to order at 11:05 am by Acting Chairwoman Vreeland.

The flag salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, c. 231 notice of this meeting was filed with and 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 February 20, 2009.

Roll call was taken.

Acting Chairwoman Vreeland reminded those in attendance that comments could only be made on agenda items as listed during the public comment period on agenda items. She pointed out that the only item for today would be the proposed changes to the Fish Code.

The minutes of the February, 2009 meeting were reviewed. Councilman Van Mater noted one change, on page 2, last paragraph, line 4. the word "show" should be corrected to read "she". There were no other changes noted. **A motion was made by Councilman Puskas, seconded by Councilman Wolgast to approve the minutes of the February 2009 meeting as corrected. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland noted some of her activities this past month, which included several meetings and dinners.

A list of the Committee appointments was distributed by Acting Chairwoman Vreeland. Members were advised to contact her if they wished to be added to any committee. Members were also advised to make any updates to the Council address list and appointment dates on the address information that was distributed previously.

Acting Chairwoman Vreeland reported that she had attended the Rockland Outdoor Show this past week. There were many questions about the pending crossbow legislation. She added that many licenses were sold at the Division booth. Saltwater regulation changes were also being questioned, and Acting Chairwoman Vreeland asked if a one page informational handout could be developed for future events. She also wanted to pass along that someone from Ontario, Canada asked if the Division would be interested attending their outdoor show in the future to promote opportunities in New Jersey.

Acting Chairwoman Vreeland noted that the Council would be going into Executive Session at 11:30 a.m. as requested by the Bureau of Law Enforcement, and after lunch, a presentation would be made to the Council. The regular meeting would resume after the presentation.

Director Chanda advised that this is a hectic time of the year for him. He reported that they had a good public meeting at Pequest, as well as the public fish forum in South Jersey, and a meeting with fisheries staff from Pennsylvania.

Director Chanda reported a successful trip to Washington, DC for the fly-in day. He, along with Legislative Liaison Paulette Nelson and representatives from New Jersey Audubon, the Nature Conservancy, the Conserve Wildlife Foundation and the Federation of Sportsmen's Clubs met with the Congressional delegation to discuss the state wildlife grant program. Director Chanda gave a review of the program and the funding that comes from it.

Presentations have begun to discuss the need for a saltwater registry. All saltwater groups listed with the Division have been sent a letter offering the program to be presented for them. Anyone interested in scheduling a program should contact Barbara Downs in the Trenton Office.

Director Chanda reported that he presented the annual turkey hunting seminar this past weekend at Pequest, and it was well attended. He noted that there were many youth hunters in the audience. The state chapter of the National Wildlife Turkey Federation was also there to give a hands-on clinic on turkey calling.

Staff attended the outdoor show in Suffern, New York, where they were very busy selling licenses.

Director Chanda advised the Council that the Acting Director of the Division of Parks and Forestry would be retiring on April 1, 2009. He advised he would keep them informed of any changes in the administration at Parks and Forestry.

At this time, members of the audience were asked if anyone chose to make public comment on the Fish Code agenda item. There were no requests to comment on this matter.

Committee reports began. Councilman Puskas reported for the Agriculture Committee. He noted that the geese are still causing problems and creating more damage. **A motion was made by Councilman Puskas for the Council to send a letter to the United States Fish and Wildlife Service asking for some relief due to the economic hardships being caused by the geese.** He noted the amount of geese he had seen recently while traveling across the State, adding that the farmers who have permits

to shoot are not able to keep up with the amount of geese in their fields, and have the added expense of purchasing steel shot. He suggested the letter ask to change or to extend the seasons, or possibly extend the special seasons throughout the State. **The motion was seconded by Councilman Kertz.** Councilman Wolgast agreed that there are now more geese than ever, but he feels that they are migratory geese and that the Federal agency would need to address this matter. There was additional discussion, and Assistant Director Herrighty added that Research Biologist Paul Castelli has just returned from the Atlantic Flyway Technical Committee meeting but he had not spoken to him yet on what the other states were reporting. He noted that in New Jersey, last year's count showed 144,000 geese, and this year that number had increased to 160,000. After some additional discussion, **a vote was taken with all in favor, none opposed to send a letter to the USFWS.** Assistant Director Herrighty also commented that if he is approved to attend this Summer's Atlantic Flyway Meeting, he will discuss these concerns at that time.

Councilman Puskas noted that there is not much else going on in his area, adding that the farmers are waiting for things to dry to begin Spring farming activities.

Councilman Puskas was reappointed for a four-year term as an Agriculture Representative to this Council at the recent Agriculture Convention.

Councilman Kertz reported that he is hearing no complaints from farmers in the Southern Region.

In the Northern Region, Acting Chairwoman Vreeland reported that things are still frozen and not much is going on at this time.

Liz Thompson from the Farm Bureau was in attendance, and noted that they too are receiving many calls about problems with geese. She added that they would be happy to send a letter to the USFWS as well.

At 11:29 a.m., Acting Chairwoman Vreeland noted that they would now go in to Executive Session. **A motion was made by Councilman Wolgast, seconded by Councilman Kertz to stop the meeting for Executive Session. A vote was taken with all in favor, none opposed.**

The meeting resumed at 1:02 p.m.

Acting Chairwoman Vreeland announced that a presentation would be given at this time by Supervising Biologist Dan Ferrigno from the Bureau of Land Management on the new farm lease program. Chief Petrongolo from the Bureau of Land Management first gave a brief review of some of the bureau highlights this past month, including the recent addition to the Rozansky property near Prospertown Lake, which now brings the total acreage of wildlife management properties to 325,000 acres.

Bureau of Land Management personnel have been busy completing mowing activities. Additionally, hydro-axing activities have been continuing through the use of Wildlife Habitat Improvement Project (WHIP) monies.

Staff have been preparing for the upcoming trout season stocking activities.

Chief Petrongolo gave a brief summarization of the new farm lease program as well as the history of the current program that is in place. He noted that the Bureau of Land Management was asked to

develop formal leases similar to that being used by the Division of Parks and Forestry. These leases will help the Division to develop and maintain early successional habitats, as well as benefit the farmer by providing more stability to them through the use of a long term lease. Chief Petrongolo noted that Supervising Biologist Ferrigno has worked closely with Regional Superintendents and Habitat Planners to develop the program to be presented today.

The power point presentation of the proposed farm lease program was given and reviewed for the Council by Supervising Biologist Ferrigno. This included the benefits of the program to the Division, through both in-kind services and farming activities. After his presentation, the farm lease program was discussed and questions were answered for the Council by Supervising Biologist Ferrigno, Chief Petrongolo and Director Chanda. Once the lease document is finalized by the Office of Leases and Concessions, bid packages will be available. Chief Petrongolo estimated that the auction on these leases would be done sometime in May or June.

Committee reports resumed. Councilman Messeroll reported for the Federation. He noted that they have been busy with the sports show, banquets, and writing to legislators. Councilman Wolgast added that the Somerset County Fish and Game Protective Association approached him to do a talk for them as he did last year. He suggested to them that they have someone from the Division come in to talk about the saltwater registry, and Director Chanda presented that program. Councilman Wolgast commented that the club has 750 members, and the Director did a sensational job in presenting the program and those present in the audience were sold on the necessity of having a saltwater license.

Legislative Liaison Nelson reported for the Legislative Committee. She first pointed out that Assemblywoman Karrow is now Senator Karrow, and sponsorship has not been changed on bills she introduced while in the Assembly. The list of bills presented today shows her listed under both the Assembly and Senate, and this was noted to avoid any confusion. Several new bills were reviewed, including:

- |        |   |
|--------|---|
| A 3142 | Designates Bison as agricultural livestock.   |
| A 3790 | Concerns the moratorium on taking, landing, or possession of horseshoe crabs.   |
| S 2617 | Establishes program authorizing lease of historic buildings and structures in State parks, forests and wildlife management areas. |
| SJR 71 | Designates June 20 <sup>th</sup> of every year as "American Bald Eagle Day".  |

Legislative Liaison Nelson also reported that this Thursday the Agriculture and Natural Resources Committee would be hearing the Sunday bow hunting bills A 1669 and S 802.

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

Principal Biologist Al Ivany reported for the Bureau of Information and Education. He noted that the hunter education classes have started again, and this past weekend a class at Fort Dix had 90 of the scheduled 100 students in attendance. All classes posted for March have been filled, and the April class dates will be posted soon.

Shoots are ongoing at those schools participating in the National Archery in the Schools (NASP) program. Scores have been submitted, and a State champion will be named in April. That person will then be invited to represent New Jersey at the National event to be held in Kentucky in May.

Work continues on introducing the NASP program to the Orange School System. Staff will be meeting with the Mayor of Orange tomorrow. This could add 12 additional schools to the program.

Principal Biologist Ivany reported that there will be an Outdoor Writer's Workshop held at the Assunpink Office Conference Room on March 26, and all members of the Council are invited to attend. All Bureaus will be making presentations. Commissioner Mauriello has also been invited to attend if he is available.

Plans are continuing for the Wildlife Expo to be held at the Assunpink WMA on October 3 and 4, 2009. This is the same weekend as the Governor's Surf Fishing Tournament and the Open House at Forest Resource Education Center, and they are hoping to be able to promote all three events together. This Expo will replace the Fall Wildlife Heritage Festival that had been held at Pequest in the past. Principal Biologist Ivany gave a brief summary of the events that are planned for those days.

The sportsmen's shows at Suffern and Raritan have both been completed, and license sales were increased from last year at both of those events. Upcoming events include the Sussex County State Fair, the Warren and Hunterdon County Fairs, the Freedom Fest, and the South Jersey Sportsmen's Jamboree. If staffing allows, they would also like to attend the Monmouth County Fair.

Upcoming dates of note included the Pequest Open House on April 4 and 5, and the opening day of trout season on April 11, 2009.

Chief Barno reported for the Bureau of Freshwater Fisheries. She distributed a copy of the recommendations for the 2010-2011 Fish Code to the Council, noting many of the recommendations would just clean up language of the current regulations that are in place. Changes were reviewed and discussed with the Council from the information provided.

On page 6 and 7, item #16 was discussed. This would move the current seasonal trout conservation area on the Pequannock River (Passaic and Morris). The parking and access previously used to get to this area located between Route 23 (Smith Mills) upstream to Route 23 bridge (Smoke Rise) is now prohibited. The Division recommends relocating the trout conservation area further downstream, from the Hamburg Turnpike bridge/Brandt Lane (Bloomingdale) to the Hamburg Turnpike bridge (Pompton Lakes). This was reviewed by Chief Barno and Councilman Messeroll for the Council. The Council also had the option of making the area in question a wild trout area. After some additional discussion, **a motion was made by Councilman Van Mater, seconded by Councilman Wolgast to make this area a wild trout area. A vote was taken with all in favor, none opposed.** Also at this area, Chief Barno recommends increasing the size limit to 12 inches to be consistent with the other wild trout streams. **A motion was made by Acting Chairwoman Vreeland, seconded by Councilman Kertz to increase the size limit to be consistent with other wild trout stream areas. A vote was taken with all in favor, none opposed.**

Chief Barno continued to review the recommendations for change. After some additional discussion, **a motion was made by Councilman Burke, seconded by Councilman Puskas to approve the recommendations for changes as proposed. A vote was taken with all in favor, none opposed.**

Other activities in the Bureau of Freshwater Fisheries included placing the trap nets out today for broodstock collection at Budd Lake.

Personnel have been moved from other areas to help with work activities at the Hackettstown Hatchery.

Chief Barno reviewed the stocking program for channel catfish. There may be a need to buy fish to help with the earlier stocking program. Fish can be purchased when they are 3 to 4 inches long, allowed to grow, and stocked in September before it gets too cold. This may produce better return opportunities. In order to do this, the number of lakes stocked would have to be cut by 25, and the numbers of fish put out would be less.

Information on the stocking program should be available next week.

The Bureau of Freshwater Fisheries will be making a presentation at the upcoming Outdoor Writer's Workshop on the channel catfish stocking proposal.

Councilman Messeroll asked if the local Aquaculture schools could be used to help raise fish. Chief Barno noted that this was something that could be looked in to, and the matter was further discussed.

Councilman Messeroll asked about the removal of the Asian swamp eel from the water body in South Jersey. Chief Barno advised that this activity has been moved to this Fall because of the amount of planning and preparation needed.

Chief Cussen reported for the Bureau of Law Enforcement.

He noted the Bureau's monthly report, asking that the Deputy Chief positions be listed as showing two vacancies, not one.

Chief Cussen noted that Conservation Officer Jordan Holmes who covers the Lower Warren County area is in his tenth week of training at the Morris County Police Academy. Officer Brian Tomlin, who covers the Northern Monmouth County area, is in his second day at the Gloucester County Police Academy.

During this reporting period, officers reported a total of 7111.5 hours. This was further broken down to include 1271 hours for deer hunting, 1146 hours for marine resources, 374.5 for hunting, 308.5 for wildlife management area patrol and 13 for bear patrol and investigations.

A total of 2,461 field inspections were made, resulting in 249 summonses, 18 warnings and no criminal arrests.

In the Northern Region, Captain Fletcher responded to a report of a deer being shot from a roadway within 450 feet of a home. The resident who made the report approached the hunter in question and asked to see his hunting license, the hunter refused. The hunter then drove down the road, put a deer in his truck, and drove away. The resident was able to locate several spent shells and two additional dead deer, and contacted the Bureau of Law Enforcement as well as the New Jersey State Police. Upon questioning, the individual admitted to killing one deer, and claimed the shell casings on the road were probably from another hunter. The ballistic components and firearm that was seized were turned over

to the Somerset County Forensics Lab, where it was determined that all four shells were fired from the same gun. Division Pathologist Doug Roscoe determined projectiles similar to the shell casings killed the two recovered deer. The individual has been charged, but the case has not come to court yet.

In the Central Region, Officer McManus attempted to stop two ATV riders at the Colliers Mills WMA by using his lights and siren. The two riders drove off at a high rate of speed. The officer later found one of the individuals stalled out, and upon checking, determined the ATV was stolen. The individual was placed under arrest and transported to the Jackson Township Police Department. Many charges were filed against this person.

In the Southern Region, Lieutenant Honachefsky investigated a case in Atlantic City of a couple being in possession of a marmoset monkey. Chief Cussen noted that these are considered to be a potentially dangerous species. In addition to the monkey, information was received that there may be controlled dangerous substances in the house. The New Jersey State Police TEAMS unit and several Drug Enforcement Agency agents worked with staff from the Southern Region Bureau of Law Enforcement on this warrant. They did find a marmoset monkey as well as a small amount of drugs. The individual faces various charges, which could result in fines of up to \$25,000.

In the Marine Unit, Conservation Officer James investigated information that was received of an individual selling clams directly to a bar in the Villas section of Middle Township in Cape May County. Chief Cussen explained that clams must be sold through a licensed dealer, and cannot be sold by individuals. He along with Conservation Officer Petrucelli conducted surveillance, but were not successful. While clamming on his day off, Officer James observed the individual in question clamming right next to him. He contacted Officer Petrucelli, and returned to his station to change and sign on duty, and returned to the area and he and officer Petrucelli were able to observe this person selling the clams to the restaurant. The restaurant owner and the clammer were both interviewed. The case is still pending, but charges are expected to be filed.

On February 4, 2009 ten officers from the Marine Unit assisted the National Marine Fisheries Service in the execution of four search warrants. Two were in Cape May County, New Jersey and two were in Dover, Delaware. Chief Cussen reviewed the details of the case, which involved the illegal harvesting of oysters. Chief Cussen noted that the fact that these officers were asked to cross state lines to assist with a case shows the confidence that the NFMS has in our unit. Chief Cussen was able to be there to observe, and noted the high level of expertise of these officers. He added that Karl Yunghans, the officer who started this investigation initially, retired on December 31, 2008, and it is important that these types of positions are continued. Councilman Wolgast noted that he supports the backfill of vacant positions, and added that the number of personnel in the Marine Unit are not adequate for the amount of coastline that they have to cover.

In the Training Unit, a one day block of instruction was given on Wildlife Forensics and Pathology. Chief Cussen reviewed the details of this training, which included information on wound identification, evidence collection and DNA analysis.

Councilman Messeroll asked if a new officer is trained with funding provided from the Hunter and Anglers Fund, and then moves on to another police department, are these funds reimbursed. Chief Cussen explained that there are provisions that if an officer works for you for a short period of time and then goes to another department, funds can be collected from the other department. However, he noted that this has not been a problem so far, adding that we probably get more officers from other

departments than we give up. There was further discussion on this matter and problems being seen in areas such as the State Parks Police.

Assistant Director Herrighty reported for the Bureau of Wildlife. He passed around an article about Wildlife Technician Joe Garris and the recent award that was presented to him by the National Wildlife Turkey Federation.

The mid-Winter Waterfowl Survey has been completed. Assistant Director Herrighty noted an error in the Bureau report where this information was left out during editing, and noted he would be sending the amended report out to the Council. The count was up from 144,000 last year to 157,000 this year.

The bear den work schedule has been created, and any members of Council wishing to participate should contact Principal Biologist Kelsey Burgess.

Assistant Director Herrighty noted the results of the special wildlife permit that was issued to take feral pigs in Zone 25. Only 23 were checked in at the check station, but estimates show that there may have been as many as 39 taken. Some data may not have been recorded due to the check station being closed. There are estimates that there may still be 40 pigs left. A permit has been re-issued to the United States Department of Agriculture to trap and shoot the pigs up until the start of the Spring turkey season.

Assistant Director Herrighty advised that there was some information in the newspaper recently the Essex County Community Based Deer Management Permit that was issued last month. It was reported that 187 deer were harvested. There were 87 deer harvested and Assistant Director Herrighty explained that they also had counted the fetuses for supplemental information and that created the larger number.

The turkey lottery is done. There were the same amount of applicants, but 200 less permits were awarded than last year. He distributed information on the leftover amounts of permits to the Council.

Results of the deer seasons were distributed, but not broken down by antlered vs. antlerless. The harvest was up by 12% to 52,829 compared to 47,017 last season, and he reviewed the details of the information given. Councilman Wolgast felt the overall herd size was down as indicated by the results of the six day firearm season. There was additional discussion on this matter.

The proposed changes to the Game Code were released by the Governor's Office and filed with the Office of Administrative Law last Friday. They are predicted to be published in the April 6, 2009 Register. Other meeting dates were discussed and changed as listed below:

The Public Hearing will be held on April 21, 2009 in the evening at the State Museum in Trenton.

The April Fish and Game Council meeting has been changed to April 21, 2009 at 1:00 p.m.

The June Fish and Game Council meeting has been changed to June 16, 2009 at 10:00 a.m.

Councilman Wolgast noted that he and former Director McDowell had spoken to the State Treasurer about getting an appropriation from the General Treasury, and inquired about the 4.2 million appropriation and where it is now. Assistant Director Herrighty noted that 4.2 million was cut to 4.01

million, and then to 2.66 million. The bear monies were originally \$850,000, and reduced to \$668,000, and now were at \$573,000. There was additional discussion on the budget matter.

Acting Chairwoman Vreeland noted that former Councilwoman Jane Morton-Galetto and Principal Zoologist Amanda Dey were both being awarded the Women in Wildlife Award by the Conserve Wildlife Foundation. A letter will be sent to them acknowledging this award.

Councilman Wolgast distributed information on Trap-Neuter-Return program for feral cats from the Conservation Biology journal. He asked that this be forwarded to Endangered and Non-Game Species Chief Dave Jenkins and the ENSP Council. Assistant Director Herrighty also commented on information regarding the TNR program.

Councilman Burke commented that staff did an excellent job presenting the Fisheries Forum at Batsto.

Councilman Burke also noted that the Cumberland County would be having their annual trash hunt later in the month. Many clubs get together with personnel from the Bureau of Land Management and help to clean up trash on the wildlife management areas.

Acting Chairwoman Vreeland noted an article she had handed out to the members for their review.

At 3:58 p.m. the public comment period opened.

Janet Pizar addressed the Council. She asked if a Community Based Deer Management Permit is given for a specific area, is that individual or entity permitted to herd deer in from outside of the permit area from contiguous properties. Director Chanda asked if someone was trespassing somewhere, and she noted that could be private property that is contiguous to the permit area, adding that she was talking about a formal initiative to bring deer in from contiguous properties into the permit area. Assistant Director Herrighty explained that the permit is issued for a particular area known as a special deer management area and whatever the permit activity that is approved is valid on that special management area. He further asked what she was implying, and she said if the person or entity that holds the permit for that specific area is then allowed to engage in activity that will herd deer from contiguous property into the permitted area. She specified she was talking about a formal initiative to bring those deer from the outskirts of the permitted area. Assistant Director Herrighty advised that they were allowed to bait the special management area and if the deer come in to it they are allowed to cull those deer. He added that there is scientific literature on deer and their home range, and reviewed this for Ms. Pizar. Ms. Pizar then asked if it would be prohibited for someone to engage in the use of ATVs to drive through contiguous areas with the intent of driving the deer outside of the private property and into the permitted area. Councilman Wolgast added that if they have permission to be on the private property, we would have no control over it. Assistant Directory Herrighty added that the permit is for the action they are taking to cull, capture or dart, and again noted the areas that a deer would run to. Ms. Pizar responded she was talking about specific initiatives to drive the deer out, and he responded that he felt Dr. Wolgast had explained that he did not feel this was illegal. She noted that the reason she was driving this question home was when you think about this being done in a specific area and the infrared surveys done to try to ascertain the approximate number of deer in the study or permit area, now you have deer being moved out of the contiguous area into the permit area. He then asked if she was asking this hypothetically or if this was an actual situation, and she responded that it wasn't hypothetical, she was just trying to ascertain if this was allowed. This matter was further discussed, and Director Chanda noted that Ms. Pizar should speak to the property owner where this was occurring since they controlled what was occurring on their property. Some additional discussion

continued on this matter, and Ms. Piszar was advised that this Council issues a permit that determines what types of weapons are used and the time of day for the permit, not the driving of ATVs or anything else that would normally be considered a legal activity.

Paul Wells from the United Crossbow Hunters of New Jersey and a member of the Federation of Sportsmen spoke next.

He commented on the Council and what they have to face.

He noted that the presentation on the farmland use was excellent, and the information given was based on facts.

Mr. Wells added on the changes to the Fish Code it showed that extensive studies were done and the information given was based on facts.

He is hearing rumblings on flounder regulations, but again noted that the actions are based on studies and research.

Mr. Wells added that he tells people to go to meetings and hear the information for themselves, and felt that the Council should be commended for their actions, adding that while they could not please everyone, they were basing their decisions based on facts.

Next to speak was David Hasenbein. He noted that this was the first time at a Council meeting, and he was pleasantly surprised with what he had seen today.

He asked about the benefit of the saltwater fishing license, and Director Chanda explained that it was a registry, and reviewed the Magnuson Act and why it was being implemented.

Mr. Hasenbein also commented on the plant overgrowth conditions at the Medford WMA. Director Chanda noted the increased amount of land being managed by a lesser amount of personnel.

Mr. Hasenbein asked if anyone had every thought about having a special early season fly fishing area for trout in the Southern area, since he felt there were no areas near him where there were any benefits for fly fishermen. Councilman Messeroll noted that they had discussed this at Committee, and they are trying to get more areas for small mouth bass, and suggested Lake Audrey to Mr. Hasenbein. There was some additional discussion on this matter.

Mr. Hassenbein then asked if a lifetime license was ever considered. Director Chanda explained that it would not be feasible for New Jersey based on information from other states that have tried this.

There were no additional public comments.

**A motion was made by Councilman Van Mater, seconded by Councilman Burke to adjourn the meeting. Meeting adjourned at 4:15 p.m.**