

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
August 11, 2009

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 Dan Van Mater
Councilman Len Wolgast

Absent: Councilwoman Barbara Brummer
Councilman Fred Hough
Councilman Robert Puskas

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Lisa Barno, Jim Sciascia and Tony Petrongolo.

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

The meeting was called to order at 10:08 am.

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 July 29, 2009.

Roll call was completed.

A motion was made by Councilman Messeroll, seconded by Councilman Wolgast to approve the minutes of the June and July meetings as sent. Councilman Burke noted a minor change on Page 3 of the June minutes, where the name "Kandoth" needed to be added when referring to the Principal Biologist. In the July minutes, he and Councilman Kertz noted several typographical errors to be corrected, and Councilman Burke clarified a comment from the previous meeting. **A vote was taken to approve the minutes as corrected, with all in favor, none opposed.**

Acting Chairwoman Vreeland reported that she had attended the last chick count at the Rockport Game Farm, noting that they have had a good year.

Director Chanda reported that the two Conservation Officers who had been in the police academy have both graduated. Director Chanda was able to attend the graduation at the Gloucester County Academy.

He also noted the recent Farm Lease Program auctions that were held, adding that these leases will bring additional revenue as well as in-kind services to the Division.

Two weeks ago, Director Chanda toured the tiger salamander sites in Cape May with personnel from the Endangered and Non-Game Species Program to see what progress they had been making with their work for protection. While there, he also had the opportunity to visit the Ponderlodge area and see the restoration work that has been done to the area. Division staff has done a great job with restoration efforts. He added that the newspapers have reported that Stockton State College was interested in utilizing the lodge, houses and remains of the mansion at this area for an education center. Work is underway to develop a Memorandum of Understanding with Stockton for a 20 year lease which would have to be approved by the State House Commission as well as this Council. Director Chanda added that he will sign off on a permit to allow Stockton to put security in place once this MOU is signed.

Director Chanda attended a hearing on the health of the Barnegat Bay two weeks ago in Lacey Township held by the Senate and Assembly Environmental Committees. Work done by our Bureau of Shellfisheries played a part in this meeting, and Director Chanda was asked to testify on the status of the saltwater Registry. Other groups, including the Federation of Sportsmen's Clubs, the Outdoor Alliance and the Jersey Coast Anglers were also able to testify, not only on the Registry, but also on the need for sufficient funding to do the work that is at hand.

Director Chanda noted the Finance Committee meeting that is scheduled on September 11, 2009. He added that Assistant Director Herrighty is handling the budget and working with the various bureaus on budget matters. Fiscally the Division is doing okay, but this is due to the current 30% reduction in staff. There are no anticipated budget problems for this coming year; however, matters from postage to the rent at the Trenton office will be discussed with the Finance Committee and later with the Council.

Councilman Kertz asked if hunting would be allowed at the Ponderlodge property with the restoration efforts for habitat that were in place. Director Chanda noted that the property was only 240 to 250 acres, and did not feel that any significant gun hunting would take place, but there may be an opportunity for bow hunting on the marsh fringe. Councilman Kertz asked if this would still occur if Stockton came to the property, and Director Chanda noted it was made clear in the MOU that this was a wildlife management area and would be used for hunting and fishing.

Acting Chairwoman Vreeland noted that there were no special items on the agenda today, and all public comments would be taken at the end of the meeting.

Councilman Kertz reported for the Agriculture Committee. He presented copies of two letters received from a farmer who had bid at the recent farm lease auction. Councilman Kertz reviewed the letter for the Council, explaining that the farmer in question thought that he had the winning bid on a lease, and

only found out later that the bid had been awarded to someone else. He contested this matter to the auctioneer, but the award remained the same. He has asked that the Council re-address this matter. Councilman Kertz noted that he has spoken to Chief Petrongolo from the Bureau of Land Management on this. He also noted that with his experience at auctions, if there is a discrepancy, the auctioneer will normally re-bid the item at that time. Director Chanda asked Chief Petrongolo to review this for the Council. Chief Petrongolo explained that the person who won the bid was sitting in the front of the room, in line with the person in question who was sitting in another row of seats farther back in the room. The auctioneer did acknowledge the bid by number, but apparently the gentleman in the back of the room did not realize that the number being acknowledged was not his. The gentleman thought his bid had been accepted, and did not bid further because of this. Chief Petrongolo added that the auctioneer and the winning bidder did nothing wrong, and that everything was done correctly, and after discussing this with personnel from the Attorney General's Office, Marci Green and his staff, they felt there was no reason to re-bid this parcel. Director Chanda asked what options this Council might have regarding this matter, noting that the bid packages still had to be submitted to the State House Commission. Chief Petrongolo noted that he would be bringing the bid packages in September for the Council to review and make comments or recommendations to the Commissioner if they chose to. They are then sent to the State House Commission to be approved.

Acting Chairwoman Vreeland noted the first auction that was held at the Pequest Hatchery, adding that it was well done. Chief Petrongolo reviewed again that the auctioneer was calling the bid by the bidder's number, and that this gentleman did not recognize that the number being called was not his number. Councilman Kertz asked if bidders kept the same number throughout the auction, but Chief Petrongolo explained they did not, and this was the way that personnel from Leases and Concessions chose to assign numbers. Acting Chairwoman Vreeland noted that numbers were assigned before the start of each auctioned parcel. Councilman Kertz asked if this may have added to the confusion, since normally bidders are assigned a number at the start of an auction, and that is their number for the entire auction. There was more discussion on the way the numbers were assigned, and Chief Petrongolo added that it worked well for all the other auctioned parcels. Director Chanda asked Chief Petrongolo what would happen if Council took issue with this particular lease, and he noted they could make recommendations to the Commissioner. Councilman Wolgast asked if any parcels were not bid on, and Chief Petrongolo noted that five small parcels did not receive bids, adding that the minimum bids were based on the United State Department of Agriculture's (USDA) rates for rental.

Director Chanda noted that the staff should be congratulated on the system that was developed to generate the farm lease packages. The packages will allow for habitat work to be done, which is work we are not able to do due to the shortage of staff. The auction process can also be looked at to see if there are improvements that can be made for the future.

Councilman Van Mater asked how many acres in size the parcel in question was. Chief Petrongolo noted it was 91 acres, and the lease cost was \$57.00 per acre. Councilman Van Mater also inquired as to who the auctioneer was, and Chief Petrongolo noted a staff member from the Department of Agriculture, Rob Baumley had volunteered to do the auction. Assistant Director Herrighty asked if the parcels could be sub-leased, and Chief Petrongolo noted that they could. It was also noted that the leases are for five years, with the option to renew for an additional five years, for a total 10 year lease to the winning bidder. The five non-bid parcels will be auctioned again next year. Chief Petrongolo

added that there would be a \$238,000 value from the 45 awarded leases, with much of this being from in-kind services.

Councilman Kertz asked if bidders were required to be pre-qualified before the auction. Chief Petrongolo explained that anyone was eligible to bid, they only had to pre-register with what properties they were interested in bidding on. Councilman Kertz asked if a parcel did not receive any minimum bids, it could not be bid on by someone who had not pre-registered, unlike auctions where you are assigned a number in advance to use to bid throughout the auction. Chief Petrongolo noted yes, adding that with the exception of this one lease, all the other bidding went well. Councilman Kertz also asked if the winning bidder was made aware of the situation, but Chief Petrongolo noted they did not speak to him about this, and that they probably would not have agreed to re-bid the lease. Liz Thompson from the Farm Bureau was at the meeting, and she added that they had not heard anything about this matter other than the information given today. Chief Petrongolo added that the person in question had hired a lawyer, and after talking with the Deputy Attorney General, felt that there was nothing else to be done. It was discussed as to whether or not the Council needed to reply on this matter today, or wait until all the leases were reviewed in September. Councilman Kertz felt that the Council should at least send a letter noting that this matter would be reviewed in September. He added that he could also contact this person advising that the Council had not come to an agreement yet. **A motion was made by Councilman Wolgast, seconded by Councilman Van Mater, to send a letter advising that the Council would be discussing this matter in September and he may want to attend that meeting. A vote was taken with all in favor, none opposed.** Councilman Burke asked if the person who won the bid should also be notified, and Acting Chairwoman Vreeland asked if all the bidders should be notified. Director Chanda felt it was not necessary to notify all the bidders, but did feel the winning bidder should be copied on the letter. Councilman Kertz agreed that the winning bidder should also be notified, and all other members were in favor of this. Assistant Director Herrighty asked Chief Petrongolo to draft this letter for the Council. Chief Petrongolo also thanked Liz Thompson and the other staff of the Farm Bureau for their assistance with this program, and reviewed why this program would be beneficial.

Councilman Wolgast inquired if other state agencies who lease land for farming use this same type of model. Chief Petrongolo noted he could not speak for them, but described that Parks and Forest has been using a much simpler system and felt they may move toward this type of system as they go forward with their leases. There was some additional discussion on the new farm lease program.

Acting Chairwoman Vreeland asked Chief Petrongolo if he would like to continue with his report for the Bureau of Land Management. He reported on the Ken Lockwood Gorge project, noting that there had been some newspaper articles stating that there was some controversy with this project. He added that this project has been a four year process, with many different opinions being heard, and that there have been more people speaking up now in the final hours. A representative from the Sierra Club stated that the road should have been closed and left alone, but Chief Petrongolo noted that this would not allow access for parking, and that this is a popular area. The project is moving along well, despite the recent rains, and the upper end near Califon should be completed this Thursday. The lower end will take another three or four weeks to complete, and consists of parking improvements at the High Bridge end, and a handicapped fishing dock at the southern end. He felt that when completed this project will improve access to the area, which is a two mile stretch, and 1/3 of this is open to vehicle traffic. All vehicle access will be closed off in the Winter. He added that Open Public Records Access

(OPRA) inquiries have been received on the materials used on the Ken Lockwood Gorge, and there seems to be some recent significant interest in the project. The Natural Lands Council visited the area, and have written to the Commissioner that they are pleased with the project, and had only a few minor suggestions.

Councilman Burke advised Chief Petrongolo that the Waterfowl Advisory Committee met in July, and they would like to be notified when a parcel of property they have recommended for purchase is acquired. Chief Petrongolo has spoken with the New Jersey Waterfowler's representative to the Committee, and information has been sent to him, and he is on the list to be notified of future acquisitions. He added that the funding source could also be noted on the information listed for wildlife management areas on the Division's website.

Chief Petrongolo stated that an additional 160 acres of property was closed on this past month.

Councilman Messeroll noted that there was no new information to report on for the Legislative Committee. Assistant Director Herrighty advised that staff are working with the Office of Legislative Services on some gray areas with the ASPCA and Fish and Game laws regarding rules on trapping.

There was no report from the Endangered and Non-Game Species Committee. Councilman Wolgast asked that someone from their staff to attend the Council meeting if the representative is not available. Acting Chairwoman Vreeland asked when their next committee meeting was, adding that she may attend. Assistant Director Herrighty advised their next meeting was scheduled for September 9, 2009.

Councilman Messeroll reported for the Middlesex County Federation. He noted that while things have been fairly quiet, there have been quite a few activities occurring. He had the pleasure of attending a Wounded Warriors Program sponsored by the Central Jersey Rifle and Pistol Club in Jackson this past Saturday. This program was for disabled veterans, and activities included shooting crossbows, trap and skeet, and high powered rifles. The Mayor of Jackson had organized a parade, which Councilman Messeroll noted was well attended. They plan on making this an annual event. Councilman Messeroll reviewed the events of the day for the Council.

The Federation Convention and banquet went well, as did the tour of the Manasquan Reservoir where they saw eaglet chicks. Councilman Messeroll thanked Director Chanda for attending.

Councilman Van Mater reported that he and Federation member Jim Soden had attended the Salem County Fair. He noted 4 or 5 kids who came to their booth, adding that one of them had attended the National 4-H shooting event using air rifles. He had seen a newspaper article on this team, explaining that they had older equipment that had to be repaired several times, but the team still managed to place 6th or 7th Nationally despite all the equipment problems. Over 30 states participate in this program.

Acting Chairwoman Vreeland noted that the Turkey Federation held a turkey calling contest at the State Fair.

The next Federation meeting will be held on September 2, 2009.

Chief Barno reported for the Bureau of Freshwater Fisheries. She distributed copies of the Fall and Winter trout stocking schedules. She noted that the Mill Pond was not on the list for Winter stocking this season due to a dam repair project that is occurring. Chief Barno added that the 150 fish that would have been stocked there will be redistributed the other waters that are on the run for that day. She noted that there were in-house discussions on the timing of the Winter stocking program, due to the shortage of staff and personnel from Land Management being busy with pheasant stocking activities. The stocking will be done the three days before Thanksgiving and Chief Barno explained why this was the best time frame. This schedule is consistent with last year's program. Chief Sciascia from the Bureau of Information and Education will post the information on the Division's website.

The Fish Code will be published in the Register this coming Monday, and the public comment period runs through October 15, 2009. She noted that last month she had asked Council to consider moving the October meeting to the 20th. Acting Chairwoman Vreeland stated that she would not be here on the 20th, but the other members of the Council in attendance today will be available. The meeting will be rescheduled for October 20, 2009 to start at 10:00am. Chief Barno noted that secondary notices have also been sent out regarding the public comment period. The public hearing on the Fish Code is scheduled for September 8, 2009 at 7:00pm.

Chief Barno noted that the Marine Fisheries Bureau was hoping to follow this timeframe with their regulation changes on herring, however, their proposal is still pending official review. There will be some discrepancies due to the timing involved. Councilman Messeroll asked if they would be losing herring anyway in 2012 due to a lack of funding for research, and Chief Barno acknowledged this. Councilman Burke asked about research done in the 1970's by Hilary Zich, and asked if he was a Division or federal employee. Chief Barno noted he was a Division employee, and added that Principal Biologist Chris Smith is trying to re-document some of this work, and is hoping to be able to hire a seasonal employee to assist with this work early next year. Chief Barno also explained work being done by Stockton State College that will incorporate work done by Principal Biologist Smith into their final document on herring. Chief Barno explained that the number of fish have to be documented to prove that there is a sustainable population. She noted that herring are a difficult fish to track; adding there could be hundreds of fish at a site and hours later you could go back to that site and there may be none. There is also difficulty with sampling herring, because they do not handle well and do not survive.

A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept the changes in the stocking schedule. A vote was taken with all in favor, none opposed.

Councilman Messeroll noted the shortage of personnel and asked if there was any ability to hire someone on a part-time basis to drive the larger trucks should the need arise. Chief Barno said that there was, and added that they try to use the smaller trucks when possible since the larger trucks hold 2,000 pounds of water that shifts, and you would need an experienced tanker driver to operate this type of vehicle.

Councilman Burke had one minor request, and asked that Chief Barno to include a key in the monthly report to explain the species abbreviations.

Chief Barno reported that the project at the Hackettstown Hatchery for the new pipeline is going out to bid soon. She explained the work that was to be done, and noted they hoped to be able to have this started in the late Winter.

The Teen Anglers event was held at the Pequest Hatchery on July 25. Principal Biologist Mark Boriek sponsors this event. There were 62 participants registered, and everyone had a great time, and positive feedback was received from the participants as well as their parents. Chief Barno noted that information and photos from this event are posted on the Division's website.

The Research and Management Section have completed 40 stream surveys over the past month. Chief Barno noted all the data gaps must be filled by 2012. She explained the information that was being collected and documented for these surveys.

Acting Chairwoman Vreeland asked about the status of Silver Lake. Chief Barno explained that staff was still doing weekly electro-fishing, and surveying and culling out swamp eels. In the early part of the Summer they weren't getting too many swamp eels, and they hoped that the harsh Winter had helped to reduce the population, but that may not have been the case since the numbers are slowly increasing. She explained that the larger fish are not affected by the electro-fishing backpack, and there still is no conclusion as to what can be done at the wetlands area upstream of this area.

Acting Chairwoman Vreeland noted letters that were received from school children concerning a duck that got sick from lead poisoning by eating the lead sinkers on fishing equipment. She asked Chief Barno to see if this school might be involved with the Trout in the Classroom program, and would like to reach out to them with information on what is available for sport fishing activities.

Chief Sciascia reported for the Bureau of Information and Education. He distributed a summary of the Fiscal Year 2009 Black Bear Education Program. He also reported that yesterday they were advised that the Black Bear Education Program had received two more National awards. At the Association of Conservation Information Conference in July, the black bear education program took third place in the education program category and the children's bear activity booklet took first place honors in the one time publication category. He noted the good work being done by Assistant Biologist Michelle Ruggerio adding that was pleased to see her and our black bear education program receive some well earned recognition. Director Chanda added that some states that submit entries in this competition have 30 to 40 wildlife education biologists, and the staff and money they have to put in to their program dwarfs New Jersey. Considering the stiff competition, our awards speak volumes on the efforts of our staff and the work they have done.

Chief Sciascia reviewed some of the highlights from Fiscal Year 2009. Approximately 30,000 people were contacted through the bear education program and the education display at various events, and approximately a quarter of a million pieces of literature were distributed. The radio advertising program continues, and Chief Sciascia noted that the bear education spots run for six months on 30 radio stations, and reach several million people. He also reviewed the pre-show slide shown in ten movie theaters, and the theaters estimate that over 2.5 million viewers saw this bear education slide.

Crossbow training was held for the hunter education instructors. Chief Sciascia noted it was a good program that received a lot of positive feedback. He added that the comparison of information from

other states was beneficial to those instructors who had reservations about the use of crossbows. Also, the participation rates of older hunters who had physical limitations and may have stopped archery hunting and the increased participation of youth archery hunting in states with crossbows was noted. Councilman Wolgast participated in this event, and added that it was an excellent program.

Chief Sciascia reported that there was a crossbow range set up at the Sussex County Fair, and there were long lines and much interest during the 10 days of the fair by youths, adults and existing bow hunters.

The Hunter Education Unit continues to meet the demand for courses. Currently, all classes are full, and they are up 20% in both graduates and certificates compared to the same time last year, which was up 20% compared to the same time the year before (2007). He reported that Supervising Biologist Paul Ritter would be meeting with his staff tomorrow to schedule more courses, adding that this is not all related to the approved use of crossbows since the majority of students coming to the classes are for firearms.

The hunting issue of the Digest is on schedule and should be out before the hunting season begins in September. The migratory bird supplement edits were finished yesterday, and will hopefully be out before the start of the September goose season.

Some events of note were the recent Sussex County Fair, the Wildlife Heritage Festival that is scheduled for September 26 at Pequest, and the Governor's Surf Fishing Tournament that is scheduled for October 4. More information will be sent out this week for the Becoming and Outdoors Woman coastal workshop, since more registrants are needed in order to hold this event.

Chief Sciascia reviewed that at the last meeting he reported that an e-mail was sent out to promote late season trout fishing opportunities to past trout anglers. Over 1,000 trout stamps were purchased following the email period and he is hoping that this is a result of the e-mail that was sent. Compared to this time last year, license and trout stamps sales numbers are still up. Additional promotions are planned for the October and November trout season.

The meeting broke for lunch at 11:50 am. Meeting resumed at 12:50 pm.

Acting Chairwoman Vreeland distributed a letter to the Council that was received from the Commissioner regarding the Black Bear Management Policy. She added that this was just for their information today and would be discussed at a later time by the Committee.

Assistant Director Herrighty reported for the Bureau of Wildlife Management, and distributed several handouts to the Council.

He reported that the Game Code had been sent to the Governor's Office for a ten-day review. He expects to hear something this week, since it needs to go the Office of Administrative Law this Friday for publication. He noted one sentence in the proposal that was omitted at the request of the Deputy Attorney General in the section regulating the use of chemicals on wildlife. The proposal had a sentence which said "the possession of such unauthorized materials or devices in the field will be considered an attempt to take wildlife". This sentence was not intended to be part of the proposed

language in this section due to the concerns raised by the DAG, however, it inadvertently was published. Upon adoption the sentence was removed. This will not affect the Council or the Division's ability to regulate the use of these chemicals or devices on wildlife and there is case law to support the ability to enforce this rule. The Game Code is still on schedule.

One of the items distributed was an e-mail from Principal Biologist Ted Nichols on the final migratory bird regulations. Assistant Director Herrighty noted that Council had tentatively approved the waterfowl dates in June, and as a result of the Atlantic Flyway Council meeting, the brant season has changed from 60 days and three birds to 50 days and two birds. He added that Council had been briefed that this was a possibility. A break down of the zones and the dates for hunting in each were looked at by personnel from the Waterfowl Project, and were included in the information distributed today. This information will go in the Federal Register and be open for public comment as part of the process.

Assistant Director Herrighty noted a paper that was done by staff from the Waterfowl Project and the Endangered and Non-Game Species Program on the negative effect of wind turbine projects on waterfowl and other birds in the Delaware Bay. He added that the staff did an excellent job, and this has been passed on to the Commissioner's Office, and will be forwarded to the Governor's Office. This topic was also brought up by the proxy to New Jersey and Delaware at the Atlantic Flyway meeting, and the Atlantic Flyway Council voted to send a letter to the Fish and Wildlife Service and copy the Governors of Delaware and New Jersey expressing their concerns about doing a project like this.

The Game Code is due to be published on September 8, 2009. A Department proposal on the regulation of turbine use should be going to the Register at the same time.

Many telephone calls are being received to confirm that it is now legal to use crossbows. Assistant Director Herrighty was interviewed by both the Atlantic City Press and the Bergen County Record on this matter, and he reviewed some of the information from their articles.

Staff from the Wildlife Management and Land Management Bureaus have been working on a beaver problem at Webb's Mill Pond, in an area where there are species of endangered plants that are being flooded out. Several beaver have been taken out over the last year, and staff have also ripped out the dam several times. Councilman Wolgast noted a beaver problem occurring in East Brunswick, and Assistant Director Herrighty added that depredation permits can be issued for people to use private trappers for out of season harvest.

The bear tallies for the last year were distributed. Last month, a programming change was noted which changed the way information was reported which made it impossible to compare previous year information. Principal Biologist Kelcey Burgess printed a compilation of information to compare reports from the past two years. Category One bears are up 14%. Over the last few weeks several farmer depredation permits have been issued, and the farmers are noticing damage early this year. Councilman Wolgast added that the percentage increases are off a higher base each year and are actually larger numerically.

The draft study on aversive conditioning is not yet completed, but has been sent out for peer review. The graduate student who was working with Dr. Hoffman on the population estimate study has been hired by the Pennsylvania Game Commission as a bear biologist, but will be finishing the report on her own time.

Assistant Director Herrighty gave an update of activities at the Rockport Game Farm. Due to the hiring freeze and the loss of staff, he asked the Wildlife Technicians and personnel from the Bureau of Land Management for assistance with facilities maintenance one day a week. He added that the Division will see more of this sharing of staff to fill gaps.

Acting Chairwoman Vreeland asked if the Game Committee would be able to review the reports of the studies being done when Assistant Director Herrighty receives them. He noted that they would be peer reviewed at the Commissioner's request. There was some additional discussion on this matter and the time frame involved, and Assistant Director Herrighty noted that the review process could take several months.

Councilman Messeroll asked if items for the next Game Code would be considered. Assistant Director Herrighty noted that a Game Committee meeting would need to be scheduled to talk about quail. There was some discussion regarding other items such as the deer seasons and fall turkey hunting. The Game Committee will meet on November 10 at 9 am, and the regular Council meeting will follow at 11 am.

Chief Cussen reported for the Bureau of Law Enforcement. He asked for 30 minutes for Executive Session at the September 8, 2009 meeting.

Staff assisted the New Jersey Parks Police with the All Points West concerts at Liberty State Park during the first weekend in August. He noted that they attended on their own time, and this gave them the opportunity for cash overtime while assisting with security. One patron suffered a cardiac arrest, and Conservation Officer Shannon Martiak was one of the first on site to assist. Chief Cussen reported that CO Martiak assisted with breathing and used an automated external defibrillator (AED) on this person, and was able to bring them back. Chief Cussen added that only nine out of 100 people can be brought back with by using a defibrillator. CO Martiak's effort would make him eligible to receive a Lifesaving Award, but Chief Cussen noted he has already been issued this award for his efforts after the 9/11 attacks.

During this reporting period, a total of 6218 hours were reported. This can be further broken down to include 1759 for marine resources, 1409 for fishing patrols and 515.5 for wildlife management area patrols.

A total of 8480 field inspections were completed, resulting in 681 summonses, 65 warnings and no criminal arrests. Of the summonses issued, 316 were for fishing violations, 126 for WMA violations, 145 for marine resource violations, 3 for endangered and non-game species violations, 11 striped bass violations and 29 shellfish violations.

Chief Cussen reported that officers from the Marine and Southern Regions cooperated with patrols at the Champagne Island in the Hereford Inlet which is part of Cape May coastal wetlands. He noted that

this is a known party spot, but it is a very important beach nesting bird site which we have recently been given permission to patrol by the Tidelands Council. Staff was made aware of a Facebook website page that advertised a party at this area, which participants could sign up for on-line. When the bureau was made aware of it, there were already 112 participants registered. An officer from the Southern Region contacted the organizer of the event to advise them that having this event was not allowed. Six officers were on patrol that day to guarantee that this party did not occur, which it did not, but they did come across a group of 30 individuals who were not drinking but did have alcohol in their possession. A patrol done the previous week found a group of 100 individuals at the island, and 25% of those had alcohol in their possession. Patrols of this area will be done again in the sometime near August 22, 2009. He noted that Non-Game patrols do take up a lot of their time.

Old and new business was discussed. Councilman Van Mater confirmed that the Fish Code hearing would be on September 8, 2009 at 7:00pm. Councilman Burke asked Assistant Director Herrighty about the deer analysis report for the last five years. He had e-mailed this information, but hard copies will also be sent out.

The public comment period was opened. Acting Chairwoman Vreeland noted that speakers would be limited to five minutes.

Janet Pizar from Millburn addressed the Council, and asked to go on record. She asked to thank Mr. Herrighty for his assistance in ensuring that both their organizations enjoyed a pleasant, successful and peaceful 10 days at the State Fair.

She noted that she had a question, but since questions were not allowed, would turn it around to a comment. She asked Mr. Herrighty and Mr. Chanda if they were aware that the black bear that was killed by the Division on or about August 25 or 26, 2009 and initiated by Mr. McKinnon was the third bear that he had killed in that Lake Wanda district. She added that Mr. McKinnon's property abuts Waywayanda State Park, and they have many, many months of photo documentation showing that he frequently leaves his garage door open. She stated that his garage is filthy and it is where he contains his garbage. She added that he does not always keep his garage door open, and said as we all know, the promise of a possible reward with intermittent reinforcement is a powerful training mechanism that lures the bears out of Waywayanda and onto his property on Bridge Road. Ms. Pizar also stated that he is now using a paintball gun to shoot the bears that come on to his property to identify the guilty bear. She felt that these were normal, typical opportunist bears that were intentionally being lured onto Mr. McKinnon's property because he has a special interest in killing bears and inflating Category One statistics. She again asked to be on record with this information.

Ms. Pizar also asked to show some recent photo documentation of municipal properties, or photos that were taken of properties within a one to two mile radius of municipal offices and police departments. Her photos included trash containers at the Vernon animal shelter, the Vernon Township fire department, the Board of Education building off of Route 94 which showed someone opening the dumpster using their "pinky", who Ms. Pizar referred to as the "pinky model". Also included were the Dunkin Donuts on Route 94, a family medicine practice, a mixing bowl restaurant, and a photo of Ms. Pizar picking up a lid of recyclable grease with her foot. She added that she would not ask any questions since the Council was on record of saying "there is nothing we can do about garbage" but stated this is what we have in bear country and has thousands of other pictures for other municipalities.

She added that she respectfully noted Council's last decision that no questions would be entertained and the time limit would be two minutes, so she will be submitting other comments and questions in writing. Ms. Pizar added "thank you so much". (She hand delivered envelopes to Acting Chairwoman Vreeland and Director Chanda, and asked that it be noted she did so.)

Acting Chairwoman Vreeland asked that Ms. Pizar did realize that this Council's charges did not include taking care of garbage.

Jim Soden was next to speak. He referenced the Farm Lease Auction and the letters that will be sent regarding same, adding that he appreciates the Council listening to and being sensitive to the public's opinion. He felt that from what he heard Chief Petrongolo was clear on the alignment of the two bidders, the first bidder was cognizant of what was going on, and it was no question that the second bidder made some human errors. He shared some information that he had put together, and felt that the whole process was between .2 and .3 percent of the cost or acreage of the whole process, and questioned whether the Council was showing over sensitivity or opening a Pandora's box when Mr. Petrongolo stated that the farmer in question clearly made some errors. He questioned if it was necessary to further address this issue.

Regarding the Ken Lockwood Gorge, Mr. Soden noted that this has been heard over the last several meetings, and while we have to be cognizant of the opinions of all agencies and State and National organizations, it is an element that is in New Jersey. He felt that we had to be cognizant that it is public land, and questioned if the public had a right to that access and ADA access of that land. He had some additional viewpoints, and added that he feels the Division's work at this area is absolutely necessary and they should not be extremely sensitive to all the organizations that are pounding it out trying to get their points across. He added that they should be listened to, but it is New Jersey land and we should have the land and our public as the key elements in the decision making, not the other whistle blowing factors.

Mr. Soden also commented on the shad and the lack of staffing for collecting statistics data. He asked if the Delaware Shad Fishing Association could be of assistance for statistics that they have. He felt that they could possibly be helpful. Councilman Messeroll noted that their information may be anecdotal harvest and not survey information. Mr. Soden was not sure of what their data included, but felt it might be helpful in the interim.

There were no other public comments.

A motion was made by Councilman Burke, seconded by Councilman Messeroll to adjourn. Meeting adjourned at 1:37 pm.