

MINUTES OF THE MEETING OF THE
FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
October 12, 2010

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

Acting Chairwoman Vreeland
Councilwoman Barbara Brummer
Councilman Dave Burke
Councilman Ed Kertz
Councilman John Messeroll
Councilman Robert Puskas
Councilman Dan Van Mater

Absent: Councilman Fred Hough

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Tim Cussen, Ray Porutski, Dan Ferrigno, Paul Castelli, Pat Carr, Tony McBride, Carole Kandoth, Ted Nichols, Andy Burnett and Dan Roberts.

Members of the public included representatives of the Federation of Sportsmen's Clubs and others.

The meeting was called to order at 1:04 pm.

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 September 24, 2010.

Roll call was taken.

Minutes of the September meeting were reviewed. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept the minutes. A vote was taken with all in favor, none opposed.**

At this time, Assistant Director Herrighty asked to amend the agenda. He noted a lawsuit that had been brought against the Council regarding committee meetings where there may have been enough Council members in attendance to produce a quorum. After advisement by the attorneys, the March 2009, November 2009 and December 2009 meetings were found to have had a

quorum in attendance, and Assistant Director Herrighty distributed minutes from those meetings for Council's approval. **A motion was made by Councilman Burke, seconded by Councilman Van Mater to approve these minutes.** There was some discussion on how this could effect meetings in the future, and Assistant Director Herrighty noted that rules for the Open Public Meetings Act would be followed should there be a quorum attending. After some additional discussion, **a vote was taken with all in favor to approve the minutes as presented.**

Acting Chairwoman Vreeland noted some of her activities this past month, including attending the Trapper's Convention at Space Farms.

Acting Chairwoman Vreeland also noted she had attended the Jefferson Township Town Council meeting to hear their proposed ordinance to keep the 450' restriction for bow hunting in their township. Sportsmen and Division personnel who also attended and spoke to the Council presented good information for them to consider, and they decided not to pursue their own ordinance.

She also noted the joint resolution for the trap-neuter-release (TNR) program and that she had been hearing about and seeing newspaper reports that say there is going to be a game season on cats, and wondered where people are getting this incorrect information from. She added that there have also been good news reports covering such topics as white nosed syndrome in bats, and information on bears.

Director Chanda noted some of the recent events that have occurred, including the Becoming an Outdoors Woman Program, the WILD Outdoor Expo and the Governor's Surf Fishing Tournament.

Assistant Director Herrighty and other staff met with the National Parks Service to discuss Game Code and other issues. Staff also met with representatives from the US Fish and Wildlife Service.

Acting Chairwoman Vreeland read portions of a letter that had been received. She added that it was forestry related, and noted an overabundance of white tailed deer. The groups who wrote the letter asked that new thinking and management practices be considered. Copies were available for members of the Council.

The public comment period on agenda items was opened.

Barbara Sauchau noted the pheasant and quail stocking schedule listed on today's agenda. She opposes the program, and doesn't feel the Division should be in the business of raising and releasing birds.

Ms. Sauchau also felt that the proposed amendments to the Game Code should have been available for review for those who chose to make comment.

Lastly, Ms. Sauchau felt that over time Council has added more animal species, types of weapons and areas to hunt, and questioned why there was no one to oppose these matters on the Council.

Janet Pizar spoke next. She asked if there was any economic reporting available for the pheasant and quail stocking program, asking for annual cost of the program versus income that is generated, asking what document she could request this through the Open Public Records Act (OPRA). She was advised to OPRA that information by Assistant Director Herrighty. Director Chanda added that no taxpayer dollars are used for the operation of the Rockport Game Farm, and that it is paid for using funds from the sale of hunting licenses and pheasant and quail stamps. He also noted that the recent improvements to the Rockport Game Farm were not done with Corporate Business Tax (CBT) monies, but with Hunter and Angler funds from the Vernon Valley Account. He added that the most recent economic analysis done would have been from approximately ten years ago, and should an OPRA request be made, whatever is available from this information would be provided. Ms. Pizar questioned if this included overhead and staff salaries and benefits, and Director Chanda noted that salaries come from the Hunter and Angler account and pays for staff salaries for Hunter and Angler employees, and general Treasury monies are used for Law Enforcement, Land Management and Wildlife Control activities.

Ms. Sauchau asked that this information be repeated, and Director Chanda noted that general Treasury monies are used for any of the public services that this Agency provides, and repeated Law Enforcement, Wildlife Control and habitat improvement projects.

At this time, Supervising Biologist Kandoth gave a review of the proposed Game Code amendments. A copy of the proposals was distributed to each of the Council members.

Each proposal was reviewed and discussed. Items reviewed are listed below: (see comments or changes at the end of this listing)

1. NJAC 7:25-5.1 General Provisions
 - 1a **Add provision that the Director, with approval of the Fish and Game Council, may close any hunting or trapping season, if necessary.**
Division supports
 - 1b **Require all farmers to get a free CID.**
Division supports
 - 1c **Add language to regulate possession and movement of carcasses during disease outbreaks such as Chronic Wasting Disease.**
Division supports
2. NJAC 7:25-5.3 Rabbit, hare, chukar and quail
 - 2a **Extend the rabbit and hare hunting season by five days from the third Monday in February to last Saturday in February.**

Division supports

- 2b Close bobwhite quail season statewide, with the exception of Peaslee & Greenwood WMAs, and semi-wilds and commercial shooting preserves licensed prior to the close of the 2009-2010 season.**

Division supports

3. NJAC 7:25-5.6 Black bear and bobcat

- 3a Allow the possession of bobcat pelts and parts, and sale of raw bobcat pelts in New Jersey, provided the bobcat was lawfully taken from other US States or Canadian provinces.**

Division supports

- 3b Correct a language discrepancy regarding black bear permits.**

Division supports

* a motion was made by Councilman Burke, seconded by Councilman Messeroll to delete the requirement for a separate black bear education course. This matter was further reviewed by Chief Cussen with regard to the current code and farmers.

4. NJAC 7:25-5.7 Wild Turkey

- 4a Open the fall season on Saturday instead of Monday for firearm hunters; increase season from 6 days to 7 days.**

Division supports

- 4b Allow the take of wild turkeys during the fall, either-sex wild turkey season in New Jersey by means of falconry.**

Division supports

- 4c Changes to the turkey hunting areas (THA) 16 & 22 boundary.**

Division supports

- 4d Add Newbold Island to Turkey Hunting Area 14.**

Division supports

5. NJAC 7:25-5.9 Beaver

- 5a Increase beaver trapping permit quotas in zones 20 and 27; decrease beaver trapping permit quotas in zones 13 and 19.**

Division supports

- 5b Change wording to require trappers to tag beaver immediately upon possession.**

Division supports

6. NJAC 7:25-10 River otter
- 6a Correct outdated nomenclature; clarify season start times; institute limit on permit possession.**
Division supports

* this code proposal was amended to a fine as penalty for non-compliance of surrendering otter carcasses.

- 6b Change wording: tag otter immediately upon possession.**
Division supports

7. NJAC 7:25-5.11 Raccoon, red fox, gray fox, opossum, skunk, weasel, fisher, and coyote

Add fisher to the paragraph of furbearing animals allowed for trapping.

8. NJAC 7:25-13 Migratory Birds

- 8a Add sandhill crane to list of game species with closed season.**
Division supports

- 8b Remove crossbow as a prohibited weapon for taking migratory birds.**
Division supports

9. NJAC 7:25-5.16 Falconry

- 9a Amend language to come into compliance with Federal regulations.**
Division supports

- 9b Simplify the take / possession language for general and master class falconers. Adjust the language to state that falconers may possess threatened and endangered birds legally acquired outside New Jersey. Allow for the take of wild passage peregrine falcons from New Jersey.**
Division supports

- 9c Allow for the take of passage peregrine falcons (Falco peregrinus) in New Jersey by General and Master Class falconers.**
Division supports

- 9d Adjust the timeframe for take of passage and eyass raptors. Increase the length of the eyass and passage take periods. Proposed New Jersey dates for take of eyass raptors: April 1 to July 15. Proposed dates for take of passage raptors: September 1 to December 31.**
Division supports

9e Maintain the number of birds held by general and master class falconers as two and three respectively, but add a “discretion of the Division” clause for possession of additional raptors.

Division supports

10. NJAC 7:25-5.19 (a) Coyote and Fox

Extend the small game hunting season for coyote and fox with bow and arrow to run concurrent with the fall bow deer season, and extend the small game season with firearm or bow and arrow by four weeks. (Corrected 12/14/10)

Division supports

11. NJAC 7:25-5.23 (n) Firearms and Missiles,
and 5.24 (d) Bow and Arrow, General Provisions

Add language to mandate the use of hunter orange for ground blinds used during firearm deer hunting seasons, including by archers when bowhunting and firearm seasons are concurrent.

12. NJAC 7:25-5.24 Bow and Arrow, General Provisions

12a Add language to allow for the possession of blunts / judo tips in the field for the discharge of crossbows.

Division supports

12b Amend language to allow take of foxes with bow and arrow. Add restriction to prohibit arrows equipped with edged heads and to require flu-flu arrows for taking or attempting to take flying game birds.

Division supports

13. NJAC 7:25-5.25 (b) White-tailed Deer Fall Bow Season

Eliminate the EAB requirement for youth hunters during the early Fall Bow season.

Division supports

***A motion was made by Councilman Kertz, seconded by Councilwoman Brummer to eliminate this proposal. A vote was taken with Councilman Kertz and Councilwoman Brummer in favor, and all others opposed to eliminating this proposal.**

14. NJAC 7:25-5.29 White-tailed Deer Shotgun Permit Season

14a Add White Oak Branch WMA to DMZ 65.

Division supports

- 14b Boundary change for DMZs 19 & 23.**
Division supports
- 14c Allow Council to adjust zones up and down regulation set if antlered or antlerless harvest is above or below goal by 15% for one year, as opposed two year trend as is now the case.**
Division supports
15. NJAC 7:25-5.25, 5.26, 5.27, 5.28, 5.29, 5.30 White-tailed deer
- 15a Create a new Regulation Set 3a with Set 3's season dates but unlimited antlerless harvest for bow seasons, plus the addition of early Fall Bow.**
Division supports
- 15b Add Deer Management Zones 28, 30, 31, 34, 47 to Antler Point Restriction (APR) program.**
The Division, acknowledging the popularity of APR among hunters in NJ, supports the inclusion of Zones 28, 30, 31 and 37 into APR. The Division does not support the inclusion of Zone 34.
16. Technical changes to correct errors in deer sections, as below.
- Page 60 - #2 Zone 40 missing from the Early Fall Bow list**
- Page 61 - (b) Bag limits section missing Zones 37 and 53 for unlimited antlerless**
- Page 66 - (c) Bag limits section Delete zone 37 from unlimited antlerless list; there are 2 zone 54s listed change one of them to 53; add zone 68.**
- Page 68 - #6 add ML dates for zone 37**
- Page 69 - #7-9 add ML dates for special areas**
- Page 75 - (c) add zone 37 to 2 deer bag limit**
- Page 77 - #6, #8 and #9 add SG dates for special areas**
- Page 78 - #16 add dates for SG to special area**
- Page 84 - (o) add zone 68**
- Page 101- bag limit section Add zone 53 to unlimited antlerless deer**
- Page 102- #1 Remove Reg Set 6 and zone 68; #2 Add zone 68; #5 and #6 add PB dates for special areas**

The following proposals were considered but not passed by the Game Committee:

- 1 - Eliminate the February deer hunting seasons for all zones in Regulation Set 8. Submitted by the Hunterdon County Federation of Sportsmen's Clubs.
- 2 - Open the Six-day Firearm deer season on Saturday, and eliminate the Saturday at the end..
- 3 - Raise the antlered buck bag limit from 6 to 7 deer per hunter.
- 4 - Add otter permits to zones that currently have no quota.
- 5 - Open the fall turkey hunting season two weeks earlier for bowhunters.
- 6 - Prohibit the color orange to be used on safety zone signs.
- 7 - Add language to define exotic, indigenous, and potentially dangerous species to the Game Code.
- 8 - Close the bobwhite quail hunting season south of Route 33.
- 9 - Create a Regulation Set 4a.

Of the proposals reviewed today, the following item was modified:

16. Proposals considered but not passed
4 – should be “otter”, not beaver

There was additional discussion, and **a motion was made by Councilman Puskas to approve the proposals as presented today, with changes made to eliminate the requirement for a separate bear education course, and add a provision for farmer bear permits, and the elimination of the penalty portion of 6a, with regard to river otter.**

Discussion continued, and Councilman Puskas rescinded his original motion, to add additional language. The description of family members for farmer permits will include the addition of grandchildren. **Councilman Puskas made a new motion to accept the proposals as presented today with the exception of no five year penalty for non-compliance with the river otter regulations (#6a), clarify the definition of a farmer for deer and turkey permits to include**

grandchildren, strike the requirement for farmers to have a license for bear hunting and add a provision for a farmer bear permit for hunting on their farms, include all special areas that have an early fall bow season in the Earn-A-Buck regulation, and eliminate the need to attend a separate bear education seminar (3b). (It was noted that elimination of the Earn-A-Buck requirement for youth hunters had been voted on separately, and would move forward.) **The motion was seconded by Councilman Kertz. A vote was taken with all in favor, none opposed.**

Acting Chairwoman Vreeland noted that this would now become the proposal for amendments to the 2011-2012 Game Code. Assistant Director Herrightly added that they hope to have the Game Code effective for September 2011.

Regional Superintendent Porutski presented the 2010 Pheasant and Quail Distribution Schedule to the Council. He noted that due to staff shortages, it was decided to have a 15-day schedule, which has happened for three out of the last four years, rather than a 17-day schedule. There is a baseline of 55,000 pheasants, and the stocking days were reviewed. Quail stocking numbers will be the same, with 5,500 birds being stocked at both the Greenwood and Peaslee WMAs. Regional Superintendent Porutski also noted that Fort Dix has scheduled six days for stocking at their area. Any extra birds will be stocked at the end of the season. Staff shortages were also reviewed, with Regional Superintendent Porutski noting he had only two full-time Senior Wildlife Workers to maintain 90,000 acres in the Central Region on 27 WMAs, and that last season when one of the Workers was out due to an injury, he and Supervising Biologist Ferrigno both were required to assist with the stocking program.

Regional Superintendent Porutski added that currently, staff have been busy completing mowing, sign posting and trout stocking projects, as well as working with the farmers participating in the new farm lease program on the in-kind services they are required to perform.

Assistant Director Herrightly reminded Council that the dedication of the new brooder house at the Rockport Game Farm will be held on November 5, 2010 at 10 am.

Supervising Biologist Dan Ferrigno presented the Proposed Conveyance of Lands for the New Jersey Turnpike, which is a result of the Turnpike widening project. He also distributed handouts to the Council for their review. He noted that there is a limited amount of acreage involved, all of which is on the Assunpink WMA. The Division needs to be compensated by the New Jersey Turnpike Authority (TPA) for the lands that they have taken, which total just over 12 acres. Compensation will be at a four-to-one rate, which will amount in the Division receiving \$1.1 million from the TPA. They will use half of this to purchase a total of 24 acres of land to replace the 12 they are taking, 20 of which will be at the Assunpink WMA and four at the Prospertown Lake WMA. The other half of the money, \$511,000, will be used for wildlife habitat improvement, but must be used at the Assunpink WMA since it is that area that is being impacted. Supervising Biologist Ferrigno gave a breakdown of how the money will be used, and reviewed the habitat work to be done. Upon completion of the presentation, Assistant Director Herrightly asked the Council if they would like to vote to endorse this proposal. **A motion was made by Councilman Burke and seconded by Councilman Van Mater to endorse the**

Conveyance of Lands for the New Jersey Turnpike as presented today. A vote was taken with all in favor, none opposed.

Chief Cussen from the Bureau of Law Enforcement was in attendance. In the interest of time, he advised he would not be presenting a report today.

Assistant Director Herrightly chose not to report for the Bureau of Wildlife Management, but did advise members that the Black Bear Management Policy has been sent to the Governor's Office, and they are hoping for a November 15, 2010 publication date in the Register.

Councilman Messeroll reported for the Federation. He noted that the Central Region had their meeting last night, and the State meeting will be held this Friday evening. Representatives to fill seats on the Council were nominated at the Central Region meeting, and they are Cathy Blumig and Joe DeMartino. They will be replacing the seats held by Councilman Messeroll and Former Councilman Wolgast.

A Wounded Warriors outing will be held at the Central Jersey Rifle and Pistol Club on October 23, and at the Pequest WMA on October 24.

A sporting clays shoot is being planned for May 22, 2011 at Red Wing Sports.

Federation members are planning for the 2011 Convention.

The youth hunting days were discussed, as well as the meeting schedule for next year.

Councilwoman Brummer reported for the Endangered and Non-Game Species Committee. She noted presentations that she would like scheduled to be given to this Council, including one on the effects of lead by Dr. Erica Miller and another on bobcats by Principal Zoologist Mick Valent.

Councilwoman Brummer requested that a presentation on deer management and the goal for reduction of the population and the overall objective of the program be given to the Endangered and Non-Game Species Committee some time in the future.

The stakeholder's meeting on the use of landscape maps went well, and Councilwoman Brummer noted that there was good interaction between those in attendance.

The joint resolution on the trap-neuter-return (TNR) program was also discussed. Councilwoman Brummer would like to see a stakeholder's session on TNR and lowering the population on feral cats. There was some discussion on this matter. Assistant Director Herrightly noted that Assistant Commissioner Cradic had a stakeholder's meeting with the Mayors of some towns to discuss the feral cat issue. They explained that their problem was funding, but it was noted that they were not too aware of the impact on wildlife by the cats. He suggested that the joint resolution be posted on the Division's website. Discussion on this matter continued. Assistant Director Herrightly added that he and Director Chanda have been trying to meet with

the State Department of Health for some time, and expect a meeting in November. Councilwoman Brummer added that she would like to attend that meeting as well.

Old and new business was discussed next. The Council chose to postpone voting on the Zamek farm lease until the November meeting since Chief Petrongolo was not in attendance today.

Under new business, Councilman Messeroll reported that he was contacted by the Lawrence Brook Watershed Partnership about possibly installing a fish ladder on the Lawrence Brook. He distributed a letter from them, which asks that the Council pass a resolution of support for their grant application. There was some discussion, and Acting Chairwoman Vreeland asked that this be referred to Chief Barno so that she could review and report back to the Council.

Assistant Director Herrighty noted a letter that was received requesting to fire excessive caliber firearms on the .22 caliber ranges on WMAs. He noted that this was requested to be considered as a Game Code change, but it would not be a Game Code change, rather a policy change and Department rule. He will refer this matter to Chief Petrongolo.

Assistant Director Herrighty also noted that he had spoken with the Deputy Attorney General's (DAG's) Office regarding the content and details of the Fish and Game Council meeting minutes. The DAG's Office agreed that the minutes are not required to be verbatim, just an account of the topics discussed and any outcome.

Councilwoman Brummer requested that information be sent electronically, not by hard copy. Acting Chairwoman Vreeland noted the need of some of the members to have a hard copy in hand, and Director Chanda offered that each member could be contacted to see which way they would prefer to receive information.

Members were reminded that the next meeting is scheduled for November 9 at 10 a.m.

There will be a review of three bills next month from Legislative Committee.

Members were reminded that the State Federation meeting will be held this Friday evening.

Councilwoman Brummer inquired about next year's meeting schedule. Tentatively, meetings will be the 2nd Tuesday of each month, but Director Chanda noted that if possible, they may be able to reduce the number of meetings. There was additional discussion, but no schedule revision at this time.

The public comment period was opened. Ron Deal, President of the New Jersey Fur Harvester's addressed the Council. He noted that this was the first Council meeting he had attended, and thanked the members for their work. He added that they would be having their convention on November 7 at Atsion Lake, and all were invited to attend.

Barbara Sauchau was next to address the Council. She noted that she was upset with the word "take" in the Game Code, feeling that it can mean killing or taking into possession and had a dual meaning.

She also felt that only hunting clubs were being spoken to, not animal protection people, and asked where in the statute it says to only respond to hunting clubs.

Ms. Sauchau also asked why the “farm rep” who sat in the back was allowed to talk during the meeting. It was explained that was Ms. Thompson from the Farm Bureau but had not attended today’s meeting. The person who Ms. Sauchau had referred to that spoke during today’s meeting was from Assistant Director Herrighty’s Office.

Ms. Sauchau commented to Assistant Director Herrighty that she had difficulty hearing him.

She stated that she was opposed to the sale of land to the Turnpike, and felt the matter needed more investigation.

She also commented on the Gloucester County sports people who asked for more areas to hunt, feeling like they were given special outreach, and that those who didn’t want to kill deer were not spoken to.

Ms. Sauchau asked why they were spending so much time on cats and birds. She also noted a farmer in Somerset County who had called APHIS on bird problems.

Ms. Sauchau also commented on incorporating the bear hunting class into the regular hunter education class. She felt the regular classes are already too short and non-educational.

She had an additional comment regarding the Turnpike report given today, where the application of herbicide was discussed, and asked if anyone has read about the use of herbicides and that environmentalists don’t want to see them used.

Ms. Sauchau also commented that eliminating Council meetings would mean that there would be a two month wait for information between meetings, and felt that was too long a time to wait.

Lastly, Ms. Sauchau comments on Dr. Taft’s report on bears. She asked if there was one bear reported in a neighborhood, and five calls came in, how many were being counted. She felt that there may be some duplication.

Janet Pizar from Essex County was next to address the Council. She thanked Acting Chairwoman Vreeland, Assistant Director Herrighty and Director Chanda for the inviting the Bear Education Resource Group and the Animal Protection League of New Jersey to the Stakeholder’s Meeting for the preliminary review of the Game Code proposals. She added that she did notice various hunter and trapper representatives at the meeting, but added that she felt that animal protection representation needed to be expanded.

Ms. Pizar also noted that she had sent an e-mail to Director Chanda regarding the July Council Meeting minutes. She felt her comments were too abbreviated, and this could be biased or censorship. She had requested that the July minutes be amended, and asked Director Chanda if this had been done. He noted that this was Council’s meeting, but he did not believe any minutes

had been amended. She noted that she followed the guidelines she was told to when directing her letter to him about this. Director Chanda advised that he does not have the authority to change minutes, and that this is the Fish and Game Council's meeting and by law is a public meeting where they conduct their business in public. He noted that is why the DAG's office was consulted and Robert's Rules are followed. There was additional discussion between them, and Ms. Pizar was advised that the lawyer's advice would be followed.

Last to speak was Ken Weldon, from South Jersey Quality Deer Management. He thanked the Council for the work they do, and for the consideration to add the five zones to the Antler Point Restriction program.

There were no additional speakers. Acting Chairwoman Vreeland thanked everyone for their work and the information given today.

A motion was made by Councilman Van Mater, seconded by Councilman Kertz to adjourn. A vote was taken with all in favor, and the meeting adjourned at 5:05 pm.