

MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL

Central Region Office  
Robbinsville, NJ  
January 10, 2012

The regular meeting of the Fish and Game Council was held on the above date.

The meeting was called to order at 1:07 p.m. by Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

The following was read aloud by Acting Chairman Burke: 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 Atlantic City Press on December 23, 2011.

Roll call was taken. In attendance were:

Acting Chairman David Burke  
Councilman Philip Brodhecker  
Councilwoman Barbara Brummer  
Councilman Agust Gudmundsson  
Councilman Jeffrey Link  
Councilman John Messeroll  
Councilman Dan Van Mater

Absent: Councilman Robert Puskas

Division personnel included D. Chanda, L. Herrightly, P. Nelson, M. Chicketano, L. Barno, J. Sciascia, R. Porutski, C. Stanko and S. Predl.

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

Minutes of the December 13, 2011 meeting were redistributed to the Council. A change made to the version mailed to them was noted and reviewed. **A motion was made by Councilman Gudmundsson, seconded by Councilwoman Brummer to approve the amended minutes as presented. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke commented that this morning's news reported that the Legislative session is ending. The forestry bill which would allow for commercial harvesting was pulled, but he noted that it did not apply to the Pinelands. The Governor had vetoed the wind turbine bill, which was proposed for preserved farmland in Cumberland and Salem Counties. The Governor signed the change bill to reduce the fines for saltwater fishing penalties.

Acting Chairman Burke also noted that Legislation was approved preventing government from protecting land where sewer service plans are already approved.

Acting Chairman Burke reported that Pennsylvania has changed their law to allow for non-display of licenses by hunters, adding that New Jersey is one of the few states that still have this requirement in place. He suggested that the Federation may want to speak up on behalf of the hunters of New Jersey on this matter, noting that there are disadvantages to having your personal information displayed.

It was noted that there was an agenda item regarding an application from Princeton Township for a Community Based Deer Management Permit that would be heard later today.

A letter concerning mountain bicyclists at the Menantico WMA was also noted, and it along with a copy of the Division's Mountain Bike Policy was distributed to all for review later in the meeting today.

Acting Chairman Burke added that at the end of today's meeting, Council would be going into Executive Session to consider license privilege restoration as requested by the Bureau of Law Enforcement.

Director Chanda addressed the Council. He noted that he has been working with staff on personnel and financial issues, and briefly reviewed this for the Council. Previously, 30 positions were approved to be backfilled for existing vacancies, but an additional 18 employees have since left the Division, creating another void. A new request will be made to fill 12 to 15 positions, with a focus on Biologist positions in hopes to get the current staffs knowledge transferred to new personnel in preparation for the future.

It was noted that the Finance Committee should plan to meet in February or March to review budget and revenue. Director Chanda reported that license sales are holding their own, but are not providing any extra revenue.

Additionally, Director Chanda noted that the Bureau of Marine Fisheries, at the request of their Council, had done a planning document listing positions and projects needed (this did not include the Bureau of Law Enforcement). This will be laid out the Commissioner and his constituents, and will list what the Bureau will be able to do and not do, and describe what will not happen should there be any more loss of personnel. They are hoping to release this information to the public in a month or two. Director Chanda will be meeting with Division Bureau Chiefs later this month to plan what the Division can and can not do in the future with staffing as it is now. He added that something similar was done years ago, and gave a brief review. He also advised that the Division may need a committee of or the full Council to assist on this matter.

Councilman Messeroll questioned if the Division could get funding for fish habitat from the companies installing wind turbines in the ocean. Director Chanda noted that some money may

be available regarding the impact of these structures. There was some additional discussion on this matter.

Acting Chairman Burke opened the public comment period on the agenda regarding the review and vote on the Community Based Deer Management Permit Application from Princeton Township.

Janet Pizar from Millburn, Essex County addressed the Council. She remains opposed to Princeton's application adding that this is a chronic ongoing program with no end in sight. Ms. Pizar would also like to hear more on non-lethal means of deer control that Princeton has looked into implementing. She is also opposed to the net and bolt means of taking deer.

Barbara Sauchau from Whitehouse was next to address the Council. She opposes the plan for Princeton and said it is backwards as well as disrespectful to have public comment before hearing Principal Biologist Predl's comments on the application. She added that the Division was not doing anything to slow down the traffic regarding deer/vehicle collisions in that area, and that drivers were going 60 and 70 mph in 25 and 35 mph zones. Ms. Sauchau also commented that the Division uses ticks as a reason for deer reduction, adding that other animals also carry ticks, but the Division does nothing to bring the facts back to the people. Additionally, she commented on climate change. Ms. Sauchau said the Princeton plan is not working. (at this time Ms. Sauchau's comments went off subject, and she was asked to step down).

Ms. Pizar asked to speak again, noting the application criteria mandates that a survey be done and that she felt the 2002-2003 survey information was obsolete, comparing this to the court ruling in 2004 on the bear plan from 1997 being outdated, noting the first Princeton application was from 2000 or 2001. Ms. Pizar added the deer cull is not effective because of the rebound population.

Committee reports began. Councilman Brodhecker had no new information for the Agriculture Committee. Councilman Link commented that they are waiting for Winter to come, describing that the equine and bovine breeds can't stabilize physically with the current weather conditions. Councilman Messeroll added that this weather is also hard on peach trees. Councilman Gudmundsson noted concerns in the Delaware Watershed due to the lack of snow, and that reservoirs in the Upper Delaware could see fish kills this Summer.

Councilman Messeroll reported for the Federation, noting that the Deer Classic will be held this Thursday through Sunday as part of the Raritan Outdoor Show, and over 80 deer would be on display. He also spoke on membership, grant monies for range development and elections. Donations are also being sought to help to mount the 829 pound black bear that was donated to the Division for display.

Acting Chairman Burke noted that the local Federation groups in Southern New Jersey are upset about the deer season, and that we would probably hear more on this in the future.

Councilman Messeroll commented that the Federation may team with Conserve Wildlife for the convention this year. There was some additional discussion on the information given today.

Acting Chairman Burke reported for the Finance Committee, noting that they needed to schedule a meeting. They will meet on February 14, 2012 at 9 a.m., before the start of the regular Council meeting.

Also tentatively planned was a Legislative Committee meeting on February 14 after the conclusion of the regular Council meeting. The previous plan for having the Legislative Committee meeting in March has been cancelled.

Councilman Messeroll reported for the Freshwater Fisheries Committee. It was noted that a handout had been distributed with information on the Spring trout stocking days. The Committee will meet to discuss the herring issue on February 11 at Pequest after the public trout meeting. Also noted was that the bass fishing is still going strong.

Acting Chairman Burke reported for the Game Committee, who met this morning to review tentative Game Code proposals. Members of the Council were advised to forward any further information or requests regarding Game Code changes to Acting Chairman Burke and copy Assistant Director Herrighty and Supervising Biologist Stanko. This information would for the 2014 Game Code.

The Waterfowl Stamp Advisory Committee meeting scheduled for this evening has been cancelled. Acting Chairman Burke noted that there were only two parcels to consider but one had not been priced and the other not rated. Also discussed was no decision had been made on who would be taking over as Secretary for the Committee since the retirement of Sylvia Hall, but the duties previously done by Regional Superintendent Widjeskog would be split and covered by D. Golden and T. Nichols. A new date for the meeting will follow.

Councilwoman Brummer reported for the Endangered and Non-Game Species Advisory Committee. She had no new information to report, since they had not had a meeting since the last Council meeting, but noted they would be meeting next Wednesday. Assistant Director Herrighty added that an updated list of endangered and threatened species has been submitted to the Governor's Office.

Councilman Messeroll discussed that the U.S. Fish and Wildlife Service (USFWS) has a 90 day period to list the American eel as threatened. He added that this fish is used mostly for eating and striped bass fishing. Freshwater Fisheries Chief Barno added that American eel are present in just about every water of the State, and dam repairs, dredging work and water lowering permits could be affected if they are listed as Federally protected. There was further discussion on this.

Director Chanda reviewed that the USFWS has been asked to work with individual states on eels or any species that may be in question for information or data they may have. There is also a new Director in Region 5 of the USFWS, and they have reached out and asked to meet with the Division to address overlap issues.

The New Jersey Marine Fisheries Council met on January 5, 2012. They are moving forward with implementing the moratorium on river herring, which will be going to the Register for publication and will be signed off on by the Commissioner in coming weeks. This will close the take of river herring in New Jersey on tidal waters and marine waters, but does not affect Federal waters, and was further explained by Chief Barno. It was noted that there needs to be an approach worked out to a keep land-locked waters open, to work with Law Enforcement on the best approach to take for enforcement matters, and also discussed was the current commercial harvest data. This matter will be further addressed at the February 11, 2012 meeting.

Council was reminded of the two public trout meetings. The first is scheduled for February 11, 2012 at the Pequest Hatchery; the South Jersey forum at Batsto is scheduled for February 25, 2012.

The preliminary allocations for trout distribution were discussed by Chief Barno. She also distributed and reviewed the bonus brood stock list, and a memo highlighting the proposed changes being given today. After a review of the information, Council was advised that changes could be made at the February Council meeting.

The 2012 edition of the Freshwater Fishing Digest is available. Chief Barno noted an error on page 18 where waters with in-season closures were reported. The paragraph is incorrect, since these are not closed waters. Also, on page 21, where it talks about fly fishing, the correct dates are April 7 to 16, 2012. A list serve message should be going out regarding these errors.

Director Chanda asked Chief Barno to work with the Bureau of Information and Education and the local government in the area of the Ponder Lodge property to promote the upcoming fishing opportunities there.

Chief Barno invited any members of the Council who were interested in seeing the pre-season stocking activities to come to the Pequest Hatchery.

Chief Sciascia from the Bureau of Information and Education was not present today, but Director Chanda gave an update to the Council. Chief Sciascia and R. Longcor had attended a training session through the Recreational Boating and Fishing Foundation on marketing and promoting freshwater fishing. License packaging was discussed, and Director Chanda advised that the Division has hired Southwick Associates who has experience in this field to serve as a marketing consultant. Chief Sciascia will also be working with the bureau chiefs on this. There was additional discussion on this matter, including the fee structure. Director Chanda noted that Fish and Wildlife is one of the only State agencies that has to go to the Legislature for any fee increases, and added that the Federation of Sportsmen's Clubs may want to consider a campaign to ask that the authority for fee changes be given to the Council.

Regional Superintendent Ray Porutski reported for the Bureau of Land Management. He described for the Council that 7 – 8 years ago, the Department of Treasury ordered the removal of all undergrounds fuel storage tanks. Since that time, only half of the Division's facilities have had their tanks replaced, and just recently the Colliers Mills and Black River WMAs were able to receive new tanks utilizing Corporate Business Tax funds.

Regional Superintendent Porutski also updated the Council on results of the storm damage at the Rockport Game Farm on Halloween weekend. With coordination between the three Regional Superintendents and the Director's Office options to complete as much of the stocking season as possible were considered. It was decided to purchase some birds, and personnel from the Bureau of Land Management were sent to Maryland to assist with the boxing and transport of 3,000 pheasants to complete the stocking program through December 17, 2012.

Personnel from the Central Region assisted the Bureau of Wildlife Management with check station assignments during the deer season in December.

The Bureau of Land Management is currently involved in winter mowing, and are preparing for controlled burn activities. They are also looking at areas that need road and access repairs.

Regional Superintendent Porutski also noted the retirement of Regional Superintendent Widjeskog on December 31, 2011.

Acting Chairman Burke asked about the status of the Prospertown Lake. Regional Superintendent Porutski had just spoken with J. Piccolo from the Office of Design and Construction on this matter. They will be purchasing the control structure that needs to be replaced, but will be bidding out the installation portion of the project. The lake will not be available for use this Spring.

Acting Chief Chicketano reported for the Bureau of Law Enforcement. He reviewed some of the highlights from the monthly report for the Council.

Chief Chicketano noted that all personnel were very busy this past hunting season providing education to the general public in cases of minor violations and worked very hard to try to keep it as safe and as fair as could be.

Councilman Link asked that status of the alligator caught by a fisherman in Franklinville. Legislative Liaison Nelson noted that it has been taken out of state, and there was some additional discussion on this matter.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. Staff from the Bureau and the Permit Section worked together to get the automated deer check system in place during this past reporting period. Assistant Director Herrighty briefly reviewed this process. The system seems to be running smoothly, experiencing only a few small problems.

Supervising Waterfowl Biologist Nichols, in cooperation with the United States Fish and Wildlife Service (USFWS) has been doing the mid-Winter aerial waterfowl surveys. Former Research Scientist Castelli, who now works for the USFWS has been working with him on this project.

Councilman Messeroll noted a rumor on the NJ Hunter chat room about there being a charge to check in deer through the new system.

Principal Biologist Predl addressed the Council. She will do a write up for the Council on the Community Based Deer Management Permit (CBDMP) program, and it should be available by the next meeting.

Last month, during discussion on the CBDMP application from Essex County, it was suggested that Council tour the area where the permit would be utilized. Principal Biologist Predl has been in contact with their representative, D. Bernier, who extended an invitation the Council to see the properties they have been granted permits for.

Today, Principal Biologist Predl was presenting a CBDMP application from Princeton Township. She pointed out to the Council that a resolution from the governing body to endorse the application must be filed with each permit application, and this process gives ample time for public comment at a local level. This is all done in advance of applications being filed with the Division.

Princeton Township has filed applications for a CBDMP since calendar year 2000 (with the exception of 2011). They are asking for the ability to hire White Buffalo, who will be utilizing .223 rifles at 10 private, 5 townships and one county property. They will also be using a drop net and captive bolt gun on the private property because of the lot sizes and proximity to other houses. In 2010, the last year a permit was issued, White Buffalo culled 148 deer at a cost of \$273 per deer. Last year (2011) Princeton Township tried to maintain the deer population using only sportsmen. Some Township parks were opened to the United Bow Hunters of New Jersey, but some of the areas are small and not many deer were taken. The number of road killed deer is going up, so they decided to bring back White Buffalo. Deer / vehicle collisions are the basis for the application today. Supervising Biologist went on to review other details from the application for the Council. She recommended approving the application, with the following N.J.S.A. exceptions:

- 23:4-13 Regulations concerning guns
- 23:4-44 Weapons authorized for hunting deer
- 23:4-45 Hunting by daylight and at designated times only; and
- 23:4-13.1 Outer garment of fluorescent hunter's orange

Also, permission has been received from the Mercer County Prosecutor's Office for White Buffalo to use suppressors on their rifles.

There was additional discussion with the Council on this application, after which **a motion was made by Councilman Gudmundsson, and seconded by Councilman Brodhecker to approve the application from Princeton Township for a Community Based Deer Management Permit as presented today. A vote was taken with all in favor, none opposed, and one abstention from Councilman Van Mater.**

Acting Chairman Burke noted a letter received from Rusty Whitehead from Millville regarding mountain bikes being ridden at the Menantico WMA and the conflicts sportsmen are having with the riders, that was distributed earlier today. Members of the Council were also given a copy of

the Division's Mountain Biking Policy which prohibits some of the activities outlined in Mr. Whitehead's letter. Acting Chairman Burke asked that the Division respond to Mr. Whitehead as well as notify the Bureau of Law Enforcement of his concerns.

There was no Old or New Business to discuss today.

At 2:59 p.m. the public comment period was opened, with Acting Chairman Burke reminding those who wished to address the Council that they had three minutes to speak.

Barbara Sauchau came forward, requesting 40 days public notice for CBDMP plans that will be heard. She also opposes the new fueling station, and would like the Division to be smaller.

Ms. Sauchau commented on why there was no report on Director Chanda's trip to Washington.

Ms. Sauchau referenced two research studies that she had information on regarding reduced bird populations.

Also, Ms. Sauchau requested that her comments be listed as "said" in the minutes, left copies of letters from others people and their comments on the Council regarding wildlife in New Jersey, and commented on lead use in New Jersey with regard to wildlife.

Janet Pizar, Essex County was next. She asked for a clear description for the Council on the full process of the drop net / captive bolt method of taking deer, commenting that former Council members were against it.

Ms. Pizar also referenced a Division stakeholders meeting in 2009 where non-hunting stakeholders were involved, and reminded Council that those stakeholders expect to be invited to the early meetings on the next Game Code.

Ms. Pizar also referenced the New Jersey statute regarding the make up of the Council, which she says is to include six sportsmen as nominated by the New Jersey Federation Sportsmen. Ms. Pizar asked why other stakeholders are not on the meeting agenda to give reports, such as the Federation is, feeling they too may have input regarding wildlife policies.

There were no other requests to make public comment. **A motion was made by Councilman Messeroll, seconded by Councilwoman Brummer to adjourn to Executive Session. A vote was taken with all in favor.** The Executive Session began at 3:05 p.m.

The Executive Session ended at 3:20 p.m., and the full meeting adjourned at 3:21 p.m.