

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
August 11, 2015

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

The meeting was called to order at 10:08 a.m. by Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

Acting Chairman Burke read aloud the following notice: 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 on July 23, 2015 and delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press.

Roll call was taken.

In attendance were: Acting Chairman Burke
Councilwoman Blumig (arrived late 10:20 am)
Councilman Brodhecker (arrived late 10:40 am)
Councilwoman Brummer
Councilman Gudmundsson
Councilman Van Mater
Councilman Link
Councilman Conover
Councilman DeStephano

Absent: Councilman DeMartino

Division employees included D. Chanda, P. Nelson, L. Herrighty, M. Chicketano, C. Stanko, J. Matthews, D. Golden, C. Smith, A. McBride, T. Nichols

There were numerous members of the public in attendance.

Acting Chairman Burke welcomed the two new council members, Councilman Conover who replaced Councilman Puskas and Councilman DeStephano who is a Sportsmen's representative from the Northern Region. He also indicated that with the change in the council numbers, a quorum is now six (6).

Minutes of the June 9, 2015 meeting were reviewed and edited. **A motion was made by Councilman Gudmundsson and seconded by Councilwoman Brumer to approve the minutes with edits. A vote was taken with all in favor, none opposed and Councilwoman Blumig and Councilman Brodhecker were not present at time of vote.**

Acting Chairman Burke stated that he wished to discuss the Black Bear Policy and amendments along with discussing the Canada Goose Season and provide separate open comment period as three (3) council members were leaving mid-day. He wanted this information moved to the morning on the agenda. Acting Chairman Burke indicated that they needed to go into an Executive Session

Director Chanda welcomed the new council members. Director Chanda also discussed the Division's partnership with various NGO's that offer Wounded Warrior programs. As a result of these partnerships the Division purchased two Track Wheelchairs to provide disabled access to areas these individuals could not previously access. Two additional chairs have been ordered, with an expected delivery in late September. These wheelchairs have a zero turning radius, can store a generator on the back, and have the capability to level out while going up or down hilly terrain. The division's Hunter Education Team is developing a "use policy" which should be completed in the next several weeks. North Carolina has an excellent program which can help serve as a model for the Division's program. The first two chairs were purchased with Vernon Valley Funds and the next two will be purchased with Federal Grant funds. Ultimately the Division hopes to place these chairs at four select Wildlife Management Areas. Areas being considered include Pequest, Clinton, Assunpink and Winslow WMA. Council questioned maintenance program for chairs – response – basically maintenance free, in addition, these chairs will do well in the sand. Cost per chair was just under \$12,000/chair. When the chairs arrived at Pequest, staff from the Walkill National Wildlife Refuge joined our team for a demonstration of the capabilities of these chairs.

The public comment period was opened, each person had to provide their name and town of residence and was limited to 3 minutes.

Janet Pizar, Chatham, New Jersey – questioned why the administrative procedure changed in the regulations. This was news to Assistant Director Herrighty. Chief Stanko responded that there was no change.

Barbara Sauchau, Whitehouse Station, NJ – wanted 2 comment periods – hunting cubs is disgraceful; baiting people; hunting is a violent form of recreation – expressed her concerns regarding hunting on public lands.

There was no one else wishing to make public comment at this time.

Ted Nichols briefed Council on the annual Federal process for setting migratory bird regulations. Public comment is through the Federal Register during various parts of the process. Nichols gave a presentation on a change to the Regular Canada goose season in the Coastal Zone. The Atlantic Flyway is comprised of 4 Canada goose management zones – Southern James Bay Population Zone; North Atlantic Population Zone; Resident Population Zone and the Atlantic Population Zone – based on the preponderant population present within that zone. The 3 migrant population zones (SJBZ, NAP and AP) have shorter seasons and/or smaller bag limits than Resident Population Zones. Resident Population Zones have been used in the Atlantic Flyway since 2002. Until now, all of New Jersey (NJ) was an Atlantic Population Zone which now has a 50 day and 3-bird bag limit. Upon examining contemporary band recoveries, it was determined that NJ Coastal Zone qualifies as a Resident Population Zone given the relatively few number of migrant goose leg band recoveries. As a Resident Population Zone, the NJ Coastal Zone could have an 80-day season with a 5-bird bag limit. The Division proposes Regular Canada goose season dates in the Coastal Zone to be Oct. 31 –Nov. 3 and Nov. 26 – Feb. 15 which uses 73 of the allotted 80-days. These dates will coincide with the duck season and also allow Canada goose hunting late in winter when geese move from frozen areas to the coast.

Questions/Public Comment Period –

Barbara Sauchau, Whitehouse Station, NJ – Opposes the new plan to the new season and bag limit as it killing/murdering of birds; hunting destroys families of animals;

Janet Pizar, Chatham, New Jersey – proposing amended program for Canada geese created by hunters.

A motion was made by Councilman Gudmundsson to accept the proposed changes for the Migratory Bird Season and it was seconded by Councilwoman Blumig. A vote was taken with all nine (9) in favor, none opposed.

Anthony McBride spoke on the Black Bear/Game Code/Comprehensive Black Bear Management Policy (CBBMP) Summary document (copy provided to Council). Comment period from May 18, 2015 thru July 17, 2015. On June 2, 2015 there was a public hearing. Total of 10,142 comments received – duplicate comments were removed – 500 are the same as the Postcards/E-mails/Form Letters. Went over all the items listed on the handout with the council members and discussed each. Discussed population estimate methodology with Council in the past (Sex/Age/Class/Recapture Rate). Using 30% harvest rate – automatically closed some feel too high – Staff consulted with other states with black bear hunting – findings were – that this is a good harvest rate. Additional discussions – archery hunting is an effective method provided in other states. Take 2nd bear – less than 1% - difficult to get 1 bear – additional permit to hunt; Nuisance Complaints on bears are increasing in the south and east parts of the State. Comments – non-lethal methods; exposure to human foods; uphold feeding bands. Category System – Changed Category 1 Bears – asked people to keep bears from livestock. Should you use a nonlethal components only – still will have a bear population. Many of the comments on the summary document were read to the council members. Council members had a few questions; Dave Chanda thanked the staff and council members for all of their work and taking the responsible approach for a good policy. Councilwoman Blumig thanked staff for their work on this report; commented – no change from the Commissioner’s Office.

A motion was made by Councilman Brodhecker to accept the Comprehensive Black Bear Management Policy (CBBMP) and it was seconded by Councilman Link. A vote was taken with all nine (9) in favor, none opposed.

A motion was made by Councilman Brodhecker to accept the Game Code and it was seconded by Councilman DeStephano. A vote was taken with all nine (9) in favor, none opposed.

Acting Chairman Burke requested that all cellphones be silenced.

Agriculture Committee Report – Councilman Brodhecker reported that the bear attacks on chickens down to 1; sheep attached last year; depredation permit required. Depredation permit for deer = 6+/hunter during season; bear damage to crops; depredation permits are a lot of paperwork – letters from lands owners for consent; to the farmers – this is another piece of paper. Councilman Link – not as active in the South – complaint is about the rain – happy to see getting the much needed rain; Councilman Conover – nothing to add ~ streamline the depredation permit.

Acting Chairman Burke asked Dr. Reist from the Department of Agriculture to provide an update on avian influenza problem. Dr. Reist advised that nothing happening in new cases since last time of the council meeting.

State Federation Reports: Didn’t meet.

Councilman Brodhecker-nothing to report – fenced 43 acres now doing 20 acres of vegetables; Councilman Gudmundsson – nothing until they start meeting again. Councilwomen Blumig indicated in Hunterdon – Hunters Help the Hungry Fundraiser on August 15th – Rooting, Tooting Good Time Cowboy Shoot. Councilman VanMater – nothing to report.

Acting Chairman Burke – Road Closure in Wharton State Forest – Sportsmen are upset; federation is aware and becoming active. Over 100,000 acres with problems – dumping and ATV’s off-roading – nothing new happening. September going to hear about it. NJ Alliance and Federation are getting involved and contacting the Governor’s Office – check maps and other information – copies provided to view.

Councilwomen Blumig asked about Durand Glass – DEP can purchase the land ~ State House Committee meeting in September; if it goes thru it will set a bad precedent – land/bank developer – preserved.

Dave Golden provided an update on the Durand Glass situation – This Green Acres diversion was being considered by the State House Commission, but Senator Smith did not put it to vote – due to the possibility of outdated appraisals and 3,000 comments opposing the conveyance. It also brought up that the State House Commission did not hold its own public hearing on this land transfer, which is a requirement under the Ogden-Rooney Act. These actions must be taken – 30 days for public notice; 90 days for deliberation and then 30 days for public hearing – earliest this can be heard is December. Green Acres waiting to see what happens.

October Meeting – Public Hearing on Fish Code that night – meeting change to October 13, 2015 and will begin at 1:00 p.m.

Legislative Committee – Select New Chair; Councilman Puskas is no longer on the Council. Acting Chairman Burke will work on the committee assignments . Councilman Conover will take over some of the committee representation that Councilman Puskas sat on. At the next meeting or later this afternoon committee information will be discussed by Acting Chairman Burke.

S2567 - Fishing Buddy License Bill — signed by Governor on August 10, 2015. Will be available for the next spring's fishing seasons.

S573 - Apprentice License Bill - signed by Governor on August 10, 2015. Effective January 1, 2016.

S3146 – Prohibits certain animal and body parts from being permitted to travel into PA/NY/NJ facilities.

A4378 – Allows collection of seeds from native wild plants. This bill provides that any person may collect seeds from a wild native plant without a permit or other approval from the State, that the State may prohibit the collection of seed from a wild native plant (1) where expressly prohibited by federal law, rule, or regulation, (2) where expressly prohibited by the Pinelands Commission for the most sensitive ecosystems in the pinelands area, or (3) that is deemed by federal or State law, rule, or regulation to be threatened or endangered, including but not limited to any plant on the endangered species plant list adopted by the Department of Environmental Protection pursuant to the State's "Endangered Plant Species List Act."

A4512 – New – Delaware Bay Fishing Empowerment Act; required DEP to pursue changes to certain fishing laws and regulations; provides tax exemptions for sales of non-commercial ships and boating and fishing related goods and services in certain counties.

S2998 & A4550 – Authorizes impoundment of all-terrain vehicles and dirt bikes for certain crimes and offenses – both are currently under review.

S3012 – Establishes multi-species depredation permit. It is the companion bill to A4380.

SCR19 and ACR 169 – Opposes Fish and Game Council's proposal to allow use of enclosed foothold traps (companion bills).

Council broke for lunch at 11:45 to go into Executive Session to Discuss License Revocations - Requested that all return at 12:45 – **Motion made by Councilman VanMater and 2nd by Councilman Gudmundsson to vote on license revocations after lunch – Vote taken - All in favor. None opposed.**

Council Meeting Resumed at 12:47 pm.

License Revocation Hearing Information presented by internal staff on behalf of Mr. Seraphin.

Motion made by Councilman Link and seconded by Councilman Gudmundsson to reject the judge's legal reasoning in the matter in favor of the correct legal analysis revocation of the license. Vote taken – all in favor. None opposed.

License Revocation Hearing Information presented by staff on behalf of Mr. Resch – **Motion made by Councilman Link and seconded by Councilman Gudmundsson to pull back the matter from the Office of Administrative Law and have the Council hear the matter at the next council meeting. Vote taken – all in favor. None opposed.**

Joint meeting currently scheduled for on September 9, 2015 at the Assunpink at 10 a.m. Members of the council discussed changing the date to September 24th if the Eco-Complex was available. Assistant Director Nelson left a message for the staff at the Eco-Complex regarding their availability and trying to get an answer by the end of the council meeting. If new proposed date is not available then the Joint Council meeting date will remain September 9 and an e-mail would be sent to both council members regarding the date.

ENSP – Councilwoman Brummer began to discuss topics for the Joint Meeting – Dave Golden has some ideas and she will discuss with Dave Jenkins. She also discussed the position paper – potential adverse effects on aquaculture on feeding on shore birds.

The next Fish and Game Council Meeting is going to be scheduled for October 13, 2015 at 1:00 p.m. as the Fish Code Meeting is scheduled for the same day in the evening at the Conservation Center.

Councilman Brodhecker talked about Wildlife Rehabilitators and the challenge of getting the information out to the public. Animal Control Officers – different townships seem to have different set of protocols. Discussed that injured or orphaned wildlife should be taken to Wildlife Rehabilitators instead of Veterinarians. Most veterinarians do not have experience with wild animals.

There were no reports from the Finance, Fish, Game or Waterfowl Stamp Advisory Committees since they had not met.

Chief Jeff Matthews spoke on behalf of the Bureau of Fish Production. Hackettstown has been stocking fish all over the state; refer to the monthly report for stocking information. Five hundred smallmouth bass was sent to Michigan for a study having to do with Largemouth Bass Viruses. Northern pike production ended with a total of 27,000 fish stocked in 9 water bodies. More landlocked salmon will be brought in from Massachusetts in trade for northern pike. These fish are being held and raised to seventeen plus inches then stocked. To date a total of 180,000 fish has been shipped to County Mosquito Commissions throughout the state. Included are killies, fat head minnows and Gambusia. Warm/Coolwater Angler Survey is on the internet at the present time. Results will enable Hackettstown Hatchery to set priorities and focus on species of fish that anglers prefer. The fall sorting operation is ongoing; raceways are being re-set in preparation for the spring 2016 stocking program. This year Pequest is back on track with all two-year old fish being stocked for the fall program. No disease problems at the Pequest Hatchery. Chief Matthews discussed the solar project at the Pequest Trout Hatchery. The Maintenance department is currently working at the Game Farm installing security cameras and fixing issues to come into compliance with fire codes.

Councilwomen Blumig left at 1:03 p.m. - 8 council members remained

Councilman Gudmundsson left at 1:05 p.m. – 7 council members remained

Christopher Smith reported for the Bureau of Freshwater Fisheries. Fish Code was sent to the Governor's Office on July 31, 2015, which is later than normal. Advised that the warm water survey is on the website. Biologists performed 60 fisheries surveys statewide, in the last month. Their findings included three invasive species, the Oriental Weatherfish, Asian Swamp Eel and Northern Snakehead. The Oriental Weatherfish was recently

discovered in the Raritan Drainage, Neshanic River; previously found in Saddle River in 2001. The Asian Swamp Eel population, Camden County, remains the same; Northern Snakeheads were found in two new locations, the DOD Lake WMA and downstream of Mullica Hill Pond in Raccoon Creek;

Assistant Director Nelson reported for the Bureau of Information and Education. She discussed this year's WILD Outdoor Expo being held on September 12 and 13, 2015.

Chief David Golden reported for the Bureau of Land Management. He spoke on the Wharton Motorized Plan. A lot of concerns from Hunters (750 miles of unpaved roads) – problems with habitat and degradation; several areas to develop – motorized plans have a lot of concerns. Wanted to present map to visitors on which roads are open/closed. Concerns: Hunting access can be impeded (proposed plan only has 250 miles of roads open to vehicle traffic); NJOA out to get hunters to area; elderly hunters; how to enter the areas; some solutions discussed; hunter access; delay roll-out plan to January 2016; seasonal openings of certain areas – October 15 to April 15th – discussing possible solutions – required an active hunting permit during that period, however, administering it would be difficult. Changes in implementation in program discussed. Maps were available at the meeting, however, they were not the final versions. Limited access at Wharton – both positive and negative; we at the Division face it presently on all Wildlife Management Areas. Councilman VanMater indicated that in September – there is going to be a Burlington County Federation Meeting and a Camden Federation Meeting – Rob Auermueller – Wharton State Forest – should attend; Restrict access in summer months – open access in winter months for deer season or other hunting seasons. Acting Chairman Burke indicated that his Camden County contact stated they started to block roadways a few months ago.

Councilman Link left at 1:15 p.m. – 6 council members remained

Chief Golden then spoke on the Pheasant Stocked WMA Maps – Stock 25 WMAs release birds – info on general areas where stocking occurs – this maps would provide information to the general public; Field first developed the maps which were then provided to the Bureau of Law Enforcement for comments. Incorporated different information into these maps and he wanted to get the information out in the digest. Final versions of the maps will be posted to the web ahead of the 2015 stocking season.

He then spoke on the Project leader Coastal Marsh Restoration Last fall – pilot project (Stone Harbor) – nesting habitat for Black Skimmers – 2 species in treatment in these areas – early success.

Game Committee Meeting – Pheasant Formula – Dave Golden to work with Acting Chairman David Burke – possible in October;

Chief Mark Chicketano reported for the Bureau of Law Enforcement. He reviewed several highlights as listed in the Bureau's monthly report with the Council. There were over 1000 summons issued over the past 45 days. Discussed the capture of the alligator in the Passaic River by Law Enforcement Staff and the Wildlife Control Unit Staff. Special attention and discussions about the Bottle Nose Dolphin in the South River and the mutual assistance provided from various areas to handle the dolphin. Congratulations were sent from the Commissioner to Mark Chicketano and his law enforcement team for how they handled the matter. There was some additional discussion on the information presented.

Nongame and Endangered Species Program – Chief Dave Jenkins discussed the Wildlife Management Action Plan “Action Development” held in late July (Habitat Meeting – approximately 65 attendees; Policy and Procedure Meeting – 57-60 people and the Marine NMFS – attendance was about 35-40). He noted that the website will be updated with results of the workshops at some point in next several weeks. Dave noted that the plan will not be ready and submitted by the October 1, 2015 deadline and indicated that USFWS may be issuing a formal announcement regarding the deadline soon. A March-April, 2016 submission is expected.

Acting Chief Stanko reported for the Bureau of Wildlife Management. She advised that the Game Code was forwarded to the Governor's Office the week of July 26th. Discussed the Rockport Game Farm hatch rate; that 5 cameras were installed on the facility – 3 outside and 2 inside. The facility also failed the fire inspection. Advised that there was a predator study completed in Cumberland County by the quail biologist.

New Business:

Acting Chairman Burke provided the committee makeup with the Fish and Game Council Members. Also – making all alternates members of these committees:

Game Committee – Councilman DeStephano to replace Councilman Puskas;

Finance Committee - Councilman Conover to replace Councilman Puskas. The meeting is generally ½ hour before the full Council meeting;

Fish Committee – No Changes;

Legislative Committee - Councilman Conover to replace Councilman Puskas and Councilman DeMartino to Chair the Committee;

Waterfowl Stamp Committee – No changes;

Wildlife Rehab Committee – No changes;

Assistant Director Nelson advised all Council members about the Ethics Training needs to be taken by all members as they are a special agency of the state. This training takes about 40 minutes and Assistant Director Nelson will send out the link. Be sure to print out the last page and sign it and provide a copy to Assistant Director Nelson that the course was completed.

Assistant Director Nelson also advised Council that a pilot program for license sales at Hunter Ed Classes in Northern Region will start shortly. The final details are still being worked out but since electricity is needed for the printer, sales will not be possible in the Southern Region yet.

At this time the public comment period was opened to 3 minutes per person (1:47 pm.)

David Crane, Medford Lakes, NJ – Avid hunter and fisherman – expressed his concerns about Wharton State Forest and closing 55% of the road access – State Park Service – don't know what's out there.

Lou Walucci, Mahwah, NJ – Merely a messenger for the animals – scrap 2015 Black Bear Management Plan – hire more law enforcement.

Tom Muley – Trapper Association – in other states cannot make comments from out-of-state and be considered; thanked land management for trapping on State WMA – mapping the pheasant areas.

Barbara Sauchau, Whitehouse Station, NJ commented on bear hunting complaints; regular people don't want hunting; Ms. Sauchau expired her allotted time.

Janet Pizar, Chatham, NJ commented that every resident is a stakeholder of the wildlife and no one can own the wildlife. Council make-up does not have a representative from the public – advised that the Governor appoints the public representative to the council.

Councilman VanMater made a motion to adjourn the meeting and Councilman DeStephano seconded – All in favor. No opposition.

Meeting adjourned at 2:23 p.m.