

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL
Central Region Office
Robbinsville, New Jersey
December 13, 2016**

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

The meeting was called to order at 10:04 a.m. by Chairman David Burke.

The flag salute and Pledge of Allegiance were completed.

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 December 2, 2016 and delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press; published on December 7, 2016.

Roll call was taken.

In attendance were: Chairman David Burke
Councilman Phillip Brodhecker (late arrival at 10:16 a.m.)
Councilwoman Barbara Brummer
Councilman Joseph DeMartino
Councilman Agust Gudmundsson
Councilman Robert Pollock
Councilman Frank Virgilio

Absent:
Councilwoman Cathy Blumig
Councilman James DeStephano
Councilman Jeffery Link

Division employees included: L. Herrighty, P. Nelson, D. Golden, L. Barno, S. Cianciulli, A. Ivany, C. Stanko, B. Stoff, R. Longcor, T. Nichols, J. Powers, D. Roberts, L.A. Quirk and D. Ogonofski

There were numerous members of the public in attendance.

Chairman Burke ask if there were any changes to the minutes and asked for a motion to approve.

Motion was made by Councilman Virgilio to approve the November 15, 2016 minutes with the amendments and seconded by Councilman DeMartino. Vote taken, five (5) in favor two (2) abstentions; motion carried.

Chairman Burke stated there will be a short executive session at the end of the meeting to discuss a personnel matter. He noted the deer season went very well and stated Ms. Stanko will have more information in her report. Chairman Burke stopped by the military appreciation pheasant

hunt at Lenape Farms. He stated all indications says it was success and a report will be made later on in the meeting. The agenda will include a discussion on black ducks, there are three community based deer management permit applications: Bernard, Princeton and Essex County Parks, and one early license restoration request. The Director could not be in attendance and Assistant Director Larry Herrighty will make a report on his behalf.

Assistant Director Larry Herrighty reported the second segment of the bear hunt has been completed. He stated it was very successful with no incidents. There were protesters at Whittingham. It was a slow week and reporters asked why. Assistant Director Herrighty responded it could be due to having a lot of hunters out in October and after the snow a couple of weeks ago in the Sussex County area the bears started hibernation. Staff will perform a hunters' participation survey to gather information on both segments and will submit to the Council at a later time.

Chairman Burke stated public comment will be heard on the agenda item for community based deer management permit applications.

COMMITTEE REPORTS

Agriculture Committee Report:

Dr. Sebastian Reist from New Jersey Department of Agriculture gave three updates for the council. There is a new Veterinary Feed Directive rule from the Food and Drug Administration. As of January 1st, there is a list of over-the-counter antibiotics that which will have to be scripted by a veterinarian. This will affect the fish farm and the pheasant farm. There was a small change in how they moved forward with that rule. The rule as it is written says "any use of any drug that is not specifically on the label of the manufacturer, is not allowed."

New world screwworm was found in animals Florida. It is assumed to come from South America. The money left over in USDA was put into the eradication effort by raising sterile male flies, releasing hundreds of thousands at one time in order to reproductively out compete the wild screwworm flies.

During the last month and a half there have been five tuberculosis outbreaks throughout the United States and Canada from Texas, Michigan, Indiana, Alberta and Saskatchewan. The cases do not appear to be related at this time. The first line of defense for a tuberculosis outbreak is to depopulate. The affected Texas farms are both organic farms and have about 20,000 cows each. Because the cows are organic they are far more expensive than conventional cattle to replace and the USDA is trying to work with the producers re: indemnity. A Canadian cow from the US was traced to a Canadian origin grazing lands where about 10,000 cattle graze which will all be depopulated.

Councilman Brodhecker reported there is nothing new to report in the fields. Farmers are still harvesting crop from their fields and getting ready for the winter. They are not seeing as much wildlife as in the past. North Jersey Caucus meeting was a couple of weeks ago. A name has been recommended to be the Central Jersey Farmer representative to Council. The name will go to the State Ag Convention in February and then the name will move to the Governor's office.

State Federation Reports:

Councilman Virgilio reported the clubs did not meet due to deer hunting season. He attended the military appreciation day and gives it an A+. The interaction between the staff/volunteers and veterans was excellent. Councilman Virgilio noted it was more than a hunt for the veterans, it was like a reunion. He also attended a State Federation meeting where they unanimously voted to keep the pheasant farm open with one abstention because it had not been discussed with his county.

Chairman Burke reported he attended the military appreciation day and noted seeing some of the volunteers who were veterans and not hunting as well as other veterans who just stopped by. He also reported there were no meetings in his area due to the deer hunt. The clubs in his area did very well during the hunt.

Councilman Gudmundsson reported he attended a Federation meeting. There was a question from Morris County regarding Flatbrook where some farmers had not harvested their crop and the rules do not allow hunting in standing crops. It was confirmed the State does not stock in standing crops and Parks Service do not allow hunting in standing crops. Councilman Gudmundsson reported he received a lot of calls prior to the pheasant season regarding too few birds in the north and too many in the south. He stated in the end, the hunters realized everything balanced out because the hunters who normally would come up stayed in the south and there were enough birds for everyone.

Finance Committee:

Chairman Burke announced Councilwoman Brummer cannot meet on the next scheduled date of January 10th and the new meeting will be on February 14th at 9:00, all members of the committee present agreed.

Fish Committee:

Councilman Gudmundsson reported the committee is planning to meet in the middle of January in order to be prepared for the 2018 regulation change. Chairman Burke reviewed the members on the Committee since there were recent changes. (Councilman Gudmundsson, Committee Chair along with Councilmembers Link, Blumig, Virgilio, Pollock and alternate Chairman Burke)

Game Committee:

No meetings. No report.

Legislative Committee:

Assistant Director Nelson reported there was not too much activity this month. S-2750 bans manufacture, sale, possession, importation, transportation, or use of certain traps. The only type of traps allowed are mouse/rat traps that can be put under the building.

AJR24, declares aquaculture an important State economic driver and urges State to include aquaculture industry in its economic development plans. Signed by the governor.

AJR 25, recognized Delaware Bayshore as region of special significance in New Jersey. Signed by the governor

S-893, Prohibits baiting for black bear during authorized bear hunt and requires use of bear-resistant dumpster and food boxes at certain campgrounds and camping facilities. Withdrawn and replaced with S2702.

HR5650 – To amend the Pittman-Roberson Wildlife Restoration Act to make funds available for management of fish and wildlife species of greatest conservation need as determined by state fish and wildlife agencies. This legislation is a product of the Blue Ribbon Panel and there are currently 19 co-sponsors, 13 democrats and 6 republicans. Panel Members met with AFWA and they are continuing working on getting sponsors and how the campaign will run if the legislation passes.

Assistant Director Nelson reported Director Chanda stated the members of the Executive Committee from AFWA are meeting with the Trump Transition Team today.

No position is needed by the Council at this time on the new bills.

Endangered and Non-game Species Advisory Committee (ENSAC):

Councilwoman Brummer reported there was a meeting on November 15th. The Committee discussed the expired term of members on the Committee. The Chair position is also expired but cannot be changed until the Commissioner takes action on the list. The Committee also discussed adaptive management process for oyster aquaculture. There is a concern of the activities of the oyster aquaculture that could have an impact on two species of concern, one is the red knot and the other is horseshoe crab. It is a complex interaction to the horseshoe crabs due to the racks that are used to put the oysters on. There is a lot of maintenance to be done on oysters and that could have an impact on the red knot as they migrate through. A group is being put together with representation from endangered species group, marine group, aquaculture group, academia and other stakeholders to work on the adaptive management plan.

There was an update on the bobcat population. There was information given on road crossings that limit their travels. Population work is being done using scat from the bobcat, tracking where they have been and where they go.

Waterfowl Stamp Advisory Committee:

No meeting scheduled – no report. Next meeting March 21st

Wildlife Rehabilitators Advisory Committee:

No meeting scheduled – no report. Next meeting January 25th

Public Member Comments:

No report

Assistant Director Herrighty reported he received a call from Councilwoman Blumig, who received a call from Bob Puskus about some hunters who said they had tree stands removed by

park officials at Six-Mile Run State Park. They were told they had to take the tree stands down every day. Assistant Director Herrightly reported this to Parks and Forestry Assistant Director John Trontis for investigation.

DIVISION REPORTS

Barbara Stoff, Licensing and Permits, reported a considerable amount of time has been spent on testing 2017 license year for recreational and commercial marine items. Commercial marine went live on December 1st. There were a few minor issues. All recreational 2017 licenses will go live on December 15th and licensing agents will be able to start selling on the that date as well. Letters were sent out with instructions and a reminder the VeriFone machine will be converting and they need to have a web or dial-up system. As of last week there were eight license agents who had not made a decision on what they were going to do. Calls have been made to them, but the feeling is they will wait until they no longer have service to make a choice.

Ms. Stoff reported she is still spending a lot of time on the RFP, which is in the final stretch. She will have a meeting to discuss the shalls and shoulds throughout the document. Ms. Stoff has been working with Assistant Director Nelson and Chief Al Ivany on the apprentice licenses. Starting next week the apprentice licenses should be fully tested. February 1st is the goal production date. The apprentice licenses will only be available at web-based license agents and Division offices due to some of the complexities behind the scenes that VeriFone agents will not be able to handle. Information and Education are preparing the webpage, posters and signs.

There was a discussion regarding the use of social security numbers in order to obtain a recreational license.

Chief Lisa Barno, Bureau of Freshwater Fisheries, distributed the newly released Freshwater edition of the Fish and Wildlife Digest. Chief Barno thanked Cindy Kuenstner, Division Digest Editor, for all the work she put into making the digest the great publication that it is. She gave highlights on three main articles “Restoring Free Flowing Rivers and Bringing Down Dams” being a cooperative article between staff member Pat Hamilton and Dr. Laura Craig of American Rivers, “The Truth About Hooks and Lures” by biologist Scott Collenburg and “Success through Simplicity” by biologist Chris Smith.

Chief Barno stated it is fairly quiet on the fisheries front. Staff is working to meet the federal aid reporting deadlines. Preparation of the Bureau’s annual report is underway. She provided highlights of Bureau activities for the year. There were 303 fisheries surveys done across the state in 2016. Of those surveys 38 are temperature loggers located on a number of trout production and trout maintenance waters. There are also 43 surveys that were completed to document the presence of native fish species. This is the final year for the coolwater assessment project. The final report will be out in early spring. The project is looking at muskie, walleye, hybrid striped bass, and northern pike stocking programs and their populations in the reservoirs and lakes where stocking has taken place for a number of years. This is done every 10 years. Sixteen electrofishing surveys were done to assess bass populations and 24 reproductive checks. Reproductive checks are done in small ponds where boats cannot get in for electrofishing.

There were also several restoration projects started this year as well as monitoring projects that had been done in the past. Cresskill Brook was one where a stone/concrete swimming pool in the middle of this native brook trout water was removed last year. Stream habitat was restored, but unfortunately, brook trout were not found this year. The Bureau will do more extensive sampling further upstream of the project site next year.

Biologist, Pat Hamilton used the West Portal stream location where a detergent spill took place earlier in the year, as an opportunity for brook trout restoration. Staff have been removing and relocating the brown trout out of that stretch and will replacing them with brook trout next spring. Sparta Glen Brook is a project completed by Trout Unlimited, with Eastern Brook Trout Venture funds for restoration efforts. The project was just finished this spring. This is the first year monitoring following in-stream habitat improvements and so the Bureau is not expecting too much change in the brook trout population yet. Annual monitoring will continue. The Bureau is working on the Millstone River as a potential dam removal on Blackwell Mills and the Weston Causeway Mills. As far as indigenous fish passage restoration, we have documented American shad at the base of each of those dams and American eel are present. The Bureau also conducted 11 surveys on the Paulins Kill River as a part of the Columbia Lake Dam removal project. At the end of the year, we will have full fisheries inventory report completed for Round Valley Reservoir. The draft report will be finished at the end of this month. There were also two angler surveys, an online wild trout angler survey and an online warm water/cool water angler survey conducted in 2016. The results of those will be presented at our fisheries forums that are coming up next month.

The Bureau of Freshwater Fisheries hold three public meetings each year. The North Jersey Fisheries Forum is scheduled for January 21st at the Hackettstown Hatchery, the South Jersey Fisheries Forum is scheduled for February 18th at the Batsto Visitor Center and the Annual Trout Meeting at Pequest is on February 25th. Chief Barno welcomed the Council to attend any or all of the meetings. She noted it is a great exchange of information which includes an extensive open comment period as well as a question and answer period. The results of the survey will be presented at the meetings. Once the Bureau's final report is completed, CD copies will be given to the Council members if they want one.

Chief Barno also reported that water levels are moving in the right direction with the recent rain, but there is a long way to go to make up for the deficit.

Chief Barno also provided a Lake Hopatcong update. As a result of the public comment, the annual draw down was reduced from 26 to 22 inches. The Lake is approaching that number and will reach it today. The lake outflow has been adjusted down to 8 cfs as a result of the drought warning declaration.

Assistant Director Herrighty reported on behalf of Fish Production due to neither superintendent being able to make the meeting today. Fish production of trout in Pequest Hatchery is doing very well. Spring 2017 fish are already over 8 inches making the Division well on their way to producing 10 ½ inch fish for stocking in the spring. Pequest is in the process of having their alarms replaced on the pumps to become cell phone based. The ultraviolet water system is still being tested in order to obtain the proper permit to allow people to drink the water. A consultant

is being hired to help with this process. There has been no update on the solar panel from Treasury. Treasury and their attorney is working on putting out a RFP out for the state police hub. Once the state police RFP goes through, Fish and Wildlife will be next. Hackettstown Hatchery stocked over 700,000 mosquito fish this year. Overall Hackettstown produced 3.4 million fish in 2016.

Chief Al Ivany, Bureau of Information and Education, also thanked Cindy Kuenstner for the great job she does in promoting and putting the digest together. Chief Ivany thanked all staff that participated in the veterans hunting day and noted it was a great event. He noted Trevor Anderson did a great job as being the point person reaching out to veterans and active military members. There were really good comments sent and he read one to the Council that went to the heart of the event. There were lots of photos and videos taken of the event. Staff member Matt Hencheck is working on getting them up on the website. Chief Ivany will get copies to the Council once it is finished. Chief Ivany thanked Councilman Virgilio for his involvement in the event. Chief Ivany reported the Garden State Outdoor sport show and deer classic is coming January 12 – 15, 2017 at the Edison Convention Center. There are 43 deer head entries. A banner will be hung as a promotion of Fish and Wildlife's 125th Anniversary at the show.

Councilman Gudmundsson asked if the fish identification chart from the digest is available as a poster or a screen saver. Chief Ivany said he would check with Ms. Kuenstner. He also noted that Fish and Wildlife has received an outreach grant from US Fish and Wildlife Service and a plan is being put together which includes literature production. Councilwoman Brummer asked that school posters be included.

Chief Dave Golden, Bureau of Land Management, reported there are five more days left for pheasant stocking for the season. So far the Bureau has stocked 35,000 birds with approximately 23,000 more to be stocked. The Division has announced hunters will be able to get bonus birds. The Division committed to 50,000 birds this season and now will stock an additional 8,000 birds across the last half of the season. The feedback for this season has been largely positive. Chief Golden has received emails from individuals in the north with concern of losing birds. A second car count will take place on December 20th to see if people are following the birds as the Division had hoped they would.

Chief Golden passed around preliminary results from the Wildlife Management Area (WMA) User Survey which covers May through November. Fishing takes the lead on the percentage of users showing up on WMA. Chief Golden explained the handout and will make another presentation once all the results are in.

Chief Golden passed around a map of the former Salem Country Club Golf Course acquired by the Division in 2015 to become a part of Abbotts Meadow WMA. The township was against the Division acquiring the property. The mayor has reached out to the Commissioner's office with concerns about hunting that could take place on the WMA. He claims during the discussion of acquiring the property, the Division agreed to prohibit hunting on it. Chief Golden noted he was a part of the discussions and do not recall committing to that. Prohibiting hunting is not typically something the Division would commit to. The Mayor lives on the road that divides the two

parcels. Chief Golden stated, what is up for discussion today is the concept of closing this particular WMA to hunting. Chief Golden presented three options:

1. Close this WMA to all hunting
2. Close this WMA to firearm hunting and allow archery take place
3. Keep open as is and put signs in the parking lot that shows the buffers and let the hunters self-regulate.

After a discussion, it was decided that this WMA would be for Archery Hunting Only. **A motion was made by Councilman DeMartino for the WMA to be opened to archery hunting only and seconded by Councilman Gudmundsson – vote taken all 7 approved the motion, none opposed; motion carried.**

Councilman Virgilio asked Chief Golden about acquiring the Elsinboro boat ramp owned by PSE&G. Chief Golden explained PSE&G would like to give the Division the boat ramp but there was a lawsuit. The settlement language states that an attendant must be present when the ramp is in operation. Councilman Virgilio suggested that a DAG look at the settlement to see if the Division would be held to that agreement if they take over the ramp as well as expanding the parking lot.

Councilman Brodhecker raised concern regarding a piece of land that borders state land where hunting currently takes place near where he lives. Verizon is proposing to put a tower on it. Chief Golden asked for the block and lot and stated he would look into it.

Lunch: 11:57 am - 12:44 pm

Deputy Chief Sean Cianciulli reported on behalf Acting Chief Matt Brown, Bureau of Law Enforcement. He reported the Bureau is in the process of hiring five new conservation officers. A six-week background investigation has just been completed. Two positions are in North Jersey, one in central, one in south and one in marine. Things are relatively quiet. There was one hunting accident in South Jersey, Dennis Township, Cape May County. A 19 year old male was walking out of the woods when his gun went off and buckshot hit him in his head. He was taken to Atlantic City Trauma by helicopter. He was later interviewed by Deputy Chief Cianciulli to give the details of what happened.

During the bear hunt three individuals were charged with violation of their permit of being in unauthorized area of a WMA. One individual was a repeat offender and has been convicted and sentence to 10 days in county jail. The other two individuals were legally advised to take a plea agreement and pled guilty to WMA area violation for entering unauthorized areas.

The Marine unit has been very busy. There has been a big bio mass of striped bass fish coming down the coast. There have been 28 violations of individuals fishing outside the EEZ limit.

Councilman Virgilio asked at next month meeting a report on what the Marine Unit is doing on the trawling offshore artificial reefs. Deputy Cianciulli agreed.

An early restoration hearing for John Goncalves began with Captain L. Anne Quirk representing the Bureau of Law Enforcement in reading the violation reports and letters of request to reinstate for the record. The Council performed their duties of discussing the request and voting as outlined in guidelines for Early Restoration Hearings.

A motion was made by Councilman Virgilio to deny early restoration of his license and have him wait to get it back; seconded by Councilman Gudmundsson; - Vote taken and all in favor; none opposed, motion carried.

Chief Carole Stanko, Bureau of Wildlife Management, acknowledged and welcomed Councilmen Pollock and Virgilio. Chief Stanko updated the Council on the 2017 Game Code. The proposal has been completed and sent to the attorneys in early November. She has not heard from them to date. The filing date is January 20th with an intended publication date February 21st.

Chief Stanko reported the bear hunt last week went well, there were no incidents. The numbers were expected to be lower than last year this time because of the new October season. There were 74 bears taken in six days. The Division came into segment B with a cumulative harvest rate of 23.4 percent. During segment B, there were 5 additional bears with tags harvested bringing the total season harvest rate to 25.9 percent. The cut off was 30 percent. This year was a record breaking harvest of 636 with both segments. Since having the first ever bear hunt in October, which took out a significant amount of bears, bear activity reports in November went down. In 2015 there were 213 reported incidents and in 2016 there were 8.

Councilman Gudmundsson reported receiving calls asking why the bear hunt had not been extended since the 30 percent had not been reached. Chief Stanko responded the minimum percentage set was 20 percent which was reached during the first segment. A post season staff meeting and a hunter survey will take place soon.

Chief Stanko reported the deer harvest is up. She passed around a chart giving the details of the harvest and explained it in detail.

Jodi Powers, Deer Project, presented and reviewed applications that were submitted for Community Based Deer Management program for Bernards Township, Essex County Parks and Princeton Township. A question and answer period took place each with public comments.

Bernards Township – Community Based Deer Management Permit:

Public Comment: Barbara Sachau, Whitehouse Station, NJ is opposed to the CBDM Policy

Janet Pizar, Chatam NJ is opposed to the CBDM Policy

A motion was made by Councilman Brodhecker and seconded by Councilman Gudmundsson to approve the permit; Vote taken and all in favor; motion carried, application approved.

Essex County Parks - Community Based Deer Management Permit

Public Comment: Barbara Sachau, Whitehouse Station, NJ public needs to be notified of the application have been submitted and the day on which the hunt will take place.

Janet Pizar, Chatam NJ is opposed to the application. Ms. Pizar gave stats on vehicle deer collision.

A motion was made by Councilman Gudmundsson and seconded by Councilman Brodhecker to approve the application; Vote taken and all in favor; motion carried, application approved.

Princeton Township - Community Based Deer Management Permit

Public Comment: Sue Rothermel, Mercer County, noted that there was a problem with the dates. Some of the dates were past the season and it was problem. The President of the Mercer County Federation was contacted by Princeton to go gather bow hunters, which he did, but was not able to get in contact with the caller so his group was never used.

Janet Pizar, Chatam NJ is opposed because for 16 years they have failed to meet their population goal and they need in-depth studies to see if wildlife road reflectors are showing effectiveness in the town.

Barbara Sachau, Whitehouse Station, NJ stated she is against the deer hunt in the communities. The committees are stacked with hunters.

A motion made by Councilman Virgilio to approve the application, but wants to have the ATF Endorsement Letter from Mercer County Prosecutors Office; seconded by Councilman Brodhecker – vote taken – 6 approved and 1 opposed; motion carried, application approved.

Ted Nichols, Supervising Biologist in the Bureau of Wildlife Management, gave an update on black duck adaptive harvest management. He announced the newest employee in Waterfowl Project, Lisa Clark. Ms. Clark just received her Master's Degree from Texas Tech University working with waterfowl and a Bachelor's Degree in biology from Villanova. Beginning next year, hunters will be able to have two black ducks in the bag in the United States. It's been 34 years since this last happened. Mr. Nichols gave a PowerPoint presentation on the black duck study. He notes that this presentation is circulated through the United States. A public meeting sponsored by New Jersey Waterfowl Association will be held on January 13th in Toms River. The U.S. Fish and Wildlife Service will solicit public comment through the Federal register process. Various media (print, brochures, internet articles and others) are being developed now. No action is required by the Fish and Game Council at this time. Mr. Nichols will return in March with the season's dates. There was a question and answer period.

Mr. Nichols made another presentation on the R3 Movement: Recruitment, Retention, Reactivation.

Assistant Director Herrightly gave an update on the State Wildlife Action Plan (SWAP) as presented in a staff meeting by Chief David Jenkins of Endangered Non-game Species Program. The SWAP has a June deadline on getting the plan out. A RFP for a 90-day contract has been released a while ago to hire someone with experience to help write the plan. This person should be hired sometime in January.

Chairman Burke reviewed the tentative dates for Council meetings in 2017 highlighting the Joint meeting between the Council and ENSAC on September 20th and the October Council meeting

being pushed back one week due to the bear hunt. Councilwoman Brummer said she would present the September date to the Committee and get back to the Council.

PUBLIC COMMENT (3MINUTES)

Barbara Sachau, Whitehouse Station, NJ commented on the honesty of hunters and wonders if the deer statistics are accurate. Ms. Sachau commented it was very bad that pedals was killed. She made reference to the 2011 NJ summery that was done nationally on hunting and fishing and wildlife watching, pointing out that wildlife watchers paid an average of \$37 a day versus the hunters who paid \$14 per day. She highlighted the money is in wildlife watching not killing.

There were no other comments.

A motion was made by Councilman DeMartino and seconded by Councilman Gudmundsson to adjourn the meeting and take a five minute beak to allow the public to leave the room before going into the Executive Session. Vote taken, all in favor - motion carried.

The Executive Session ended at 3:19. Frank Virgilio made the motion to adjourn the Executive Session, seconded by Joe DeMartino, all in favor, motion carried. Meeting adjourned at 3:20 pm