

**MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL**

**Central Region Office  
Robbinsville, New Jersey  
March 13, 2018**

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

The meeting was called to order at 10:05 a.m. by Acting Chairman Frank Virgilio.

The flag salute and Pledge of Allegiance were completed.

Acting Chairman Virgilio 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 March 1, 2018 and delivered to the designated newspapers for the Division, the Newark Star Ledger and the Atlantic City Press; published on March 7, 2018.

Roll call was taken in attendance:

Councilman Phillip Brodhecker (late arrival 10:13 a.m.)  
Councilman Joseph DeMartino  
Councilman James DeStephano  
Councilman Agust Gudmundsson  
Councilman Robert Pollock  
Councilman Loren Robinson  
Acting Chairman Frank Virgilio  
Councilman Ken Whildin

Absent:

Councilman Rick Lathrop  
Councilman Jeffery Link

Division employees included: L. Herrightly, D. Golden, B. Stoff, L. Barno, C. Stanko, A. Ivany, L. DiPiano, S. Cianciulli, A. Quirk, T. Nichols, L. Clark, L. Jackson, A. Newmark and S. Coltrain.

There were numerous members of the public in attendance.

Acting Chairman Virgilio asked if there were any corrections or additions to the minutes.

**A motion was made by Councilman to approve the February 13, 2018 minutes, seconded by Councilman DeStephano. Vote taken, all were in favor; none opposed, motion carried.**

Acting Chairman Virgilio gave his comments. He stated it is tax season and it is important for delegates and members of the audience to be informed while filing income taxes, there is an opportunity to check-off for the New Jersey's Wildlife Endangered Species Fund. It is a good

donation and does not go to game animals, it is for non-game and endangered species. He asked that this information be given out to the clubs and counties. He also suggested getting the Conserve Wildlife license plate, which also benefits the endangered wildlife program.

Acting Chairman Virgilio asked Director Herrighty for comments.

Director Larry Herrighty stated it has been a busy month. There have been two meetings with the Commissioner since the last Council meeting. One was to brief her on bears and give an overview of the bear policy. The other meeting was with all Natural and Historic Resources directors and administrators to review the divisions and their priorities. Director Herrighty pointed out the Division's legislation priorities, the need to fill vacant positions, and invited her to the trout season opening day at Pequest. Last week Assistant Commissioner Rich Boornazian was told his services were no longer needed and Director Martha Sapp of the Green Acres Program was named Acting Assistant Commissioner.

On Friday, March 9<sup>th</sup> the Division staff and Department of Agriculture staff met to review the agriculture transition report. One of the things needed is to update the farmer brochure to help farmers know what their options are. A conditional offer was made for the Marine Fisheries Administrator position and that person will start mid-April. We are slowly interviewing for various positions throughout the Division. We have not been granted permission to hire, but were told to go ahead with the interviews.

The Marine Fisheries Council was to meet to decide on fluke and black sea bass on March 15<sup>th</sup>, however, the Marine Fisheries Service has not come out with their final recommendations and what they will allow with black sea bass. They will not have this until the end of March so the Council has agreed to push back our selection of fluke and black sea bass until early April in order to coordinate those two seasons and not have a six-week gap in September and October.

Director Herrighty passed around a flyer on the Recovering America's Wildlife Act and reported Assistant Director Nelson is not here because she is in Washington D.C. to meet with the Congressional delegation, along with other wildlife agencies, to help move this bill. There is a lot of interest in trying to get this bill passed before the mid-term elections. If it passes as it is written now, New Jersey will get \$19 million more federal aid each year without having to get the state to match. The idea is to allow states to have adequate money to manage species of concern so they don't become endangered. This is groundbreaking legislation and is similar to Pittman Robertson. The Commissioner was briefed on this and asked if she would support it and allow Assistant Director Nelson to go to Washington.

## **COMMITTEE REPORTS**

Agriculture Committee Report:

Councilman Brodhecker reported the weather has been cold and most people have their power back from the last storm. With snow on the ground they are starting to see the animals go wherever they can to get food. Birds and deer were in the fields while the weather was warm.

Dr. Sebastian Reist from New Jersey Department of Agriculture was present and gave a few updates. There have been issues with rabies in livestock. There are a number of newer livestock farmers coming from the city and their stock are getting exposed to rabies in New Jersey, in Sussex County and other places. These farmers believe in letting nature take its course in the livestock and that results in the animals contracting rabies.

Councilman Brodhecker stated when livestock are at fairs, farmers are sometimes required to have the animal vaccinated for rabies . He objected to the animals that may become a market animal after being vaccinated. If it is the breeding stock, he could see them being vaccinated. Dr. Reist stated, it is recommended that the animals coming to the fair be vaccinated, not required.

Dr. Reist stated there is an increase in avian influenza activity around the country and his Department is keeping an eye on it.

He wanted to bring to the Council's attention that the federal government is working on the brucellosis and tuberculous rules. There has been a lot of discussion about the longhorn tick finding in New Jersey from USDA and how we can best find the source. There is also some discussion on who is best suited to be the lead agency concerning the tick.

Director Herrigthy stated the Division is gearing up for spring monitoring of wildlife again to find the tick. He asked Aaron Guikema, USDA Wildlife Services, if he had anything to add to the agricultural issues. Mr. Guikema stated he is coordinating with deer folks on wildlife surveillance for the tick species. They are trying to get samples, but it is difficult to get ticks this time of the year, but hopefully will pick up in the spring. Mr. Guikema also gave an update on the agreement with Fish and Wildlife on the mammal work and that there is an announcement out to hire staff for that agreement.

Dr. Reist reported Rutgers is getting ready to do a statewide tick surveillance. This is something they normally do in the middle of the summer. This will also be another way to find the longhorn tick.

Farmer/Sportsman Relations  
Nothing to report at this time.

Finance Committee:  
No report.

State Federation Reports:  
Councilman DeMartino stated he had a couple of questions, but would address them as each bureau member made their report.

Councilman DeStephano reported he attended the Morris County meeting and dinner. Warren County meeting was postponed to March 14<sup>th</sup> due to the weather. He missed the Bergen County meeting.

Councilman Gudmundsson reported he missed Morris County's dinner but made the Bergen County dinner which was a success. He is planning to attend the Warren County meeting on March 14<sup>th</sup>.

Director Herrigthy reported attending the UBNJ meeting. Next month they are having a grand-opening of field archery range. It will be the biggest field archery in the state opened to the public. There will be \$15 yearly fee to Bergen County residents and \$60 for non-residents.

Councilman Robinson reported attending the State Federation meeting. He also reported attending the Union County meeting where they discussed a bow hunt in Plainfield that was very successful. They killed ten (10) deer and the township was very happy with the results. They are looking to expand more archery opportunities in Union County. In Watchung, Union County, there seven parks hunted with shotgun hunters. They had forty (40) hunters on 3,000 plus acres. They harvested 161 deer in five full days of hunting. Union County also asked if there will be a 200-foot range in North Jersey so they don't have to drive all the way to Millville.

Acting Chairman Virgilio asked Councilman Robinson to talk to him later. There is a range committee within the Federation.

Councilman Robinson continued his report stating Round Valley Trout Association is having their yearly trophy sized trout stocking on March 18<sup>th</sup> at 10:00 am and they will be at the Pequest open house with their flea market type stuff to raise funds for their stocking program. He also attended the Northern Region New Jersey Predators meeting. They are hoping to join the State Federation. They had proposals from the group that were all approved from the Northern Region. The Central Region meeting is March 20<sup>th</sup> and he will attend. Proposals will be forwarded to the State Federation. He will go to Middlesex County on March 14<sup>th</sup> and they are going to present a PowerPoint presentation on their proposal to have half price licenses and permits for people over 70 years old.

Acting Chairman Virgilio reported attending the Gloucester County meeting and they bought up a controversial topic, the Winslow Wildlife Management Area (WMA) monster mud trucks. He stated he would hold this report until the Law Enforcement report is given.

Acting Chairman Virgilio stated Gloucester County was also concerned with the special management zones, the artificial reefs in special waters and what the Division is going to do about it. They were told it is open comment period now until March 15<sup>th</sup> and to get their comments in.

Camden County was looking at the shooting ranges and wanted to know if there are more wheelchair accessible shooting positions, especially at trap locations. Acting Chairman Virgilio stated he attended the Freshwater Fisheries Forum. It was a very comprehensive presentation. The Division did a great job down in South Jersey. He also reported attending the Atlantic County game dinner, which was a huge success. It was a sold-out event.

At the Southern Region meeting, they had concerns about the Lake Lenape Farms WMA. They wanted to know if the fencing was going to be taken down. Assistant Director Golden stated the Division made a couple attempts to pay someone to take it down but has not been successful and will revisit again.

Acting Chairman Virgilio stated he missed the Cumberland County meeting.

Fish Committee:  
Nothing to report

Game Committee:  
Nothing to report.

Legislative Committee:  
Director Herrigty passed out the legislative report completed by Assistant Director Nelson. There has not been much action.

Endangered & Non-Game Species Advisory Committee:  
Councilman Lathrop was not present to give a report.

Waterfowl Stamp Advisory Committee:  
Councilman DeMartino reported there was a meeting with waterfowl groups on March 5<sup>th</sup> where they worked on the season dates. Staff member Ted Nichols will make a presentation later in the meeting.

Wildlife Rehabilitators Advisory Committee:  
Councilman Brodhecker reported the February meeting was canceled. The next scheduled meeting will be April 25<sup>th</sup>.

Law Enforcement:  
Acting Chairman Virgilio asked Councilman Whildin to do a poll for both day and evening times for their meetings.

Public Member:  
Nothing to report.

## **DIVISION REPORTS**

Barbara Stoff, Licensing and Permits, reported on running the turkey permit lottery. Permits are being claimed. There was a 10% reduction in the number of applicants for Spring Turkey season permits, resulting in only 5.4% reduction in the number of awards. Ms. Stoff stated, as in the past, the shortfall will be made up in the over-the-counter sale. All other licenses are lagging behind between 5-7% as compared to last year. She noted it is still early in the year and sales are weather dependent.

The RFP process of question and answer period was taking Treasury a little longer than they expected to get all of the answers into whatever format they needed to make changes and get it back out. The bid proposal date has been pushed back from March 20<sup>th</sup> to April 12<sup>th</sup>. Ms. Stoff answered questions from the Council regarding the RFP process, Senior free license and five-day out of state waterfowl hunting licenses.

Chief Lisa Barno, Bureau of Freshwater Fisheries, stated overall the hatcheries did well during the storms. Power at Pequest was not lost. The trout meeting was cancelled due to the weather and

not rescheduled because of all of the other preparations for the open house later this month. Two of the meeting presentations on 2018 Allocations and Fish Production were instead posted online. Staff member Ross Shramko is scheduled to present the results of his telemetry project at the April Federation Conference. At the request of Councilman Gudmundsson, Ross will also make the presentation at the next Council Meeting, April 10<sup>th</sup>.

The South Jersey Fisheries Forum was held. This was the largest group with 47 anglers in attendance, with 15 of them being first time attendees. The attendees gave input on changes and improvements for the Skillful Angler program. They would like to see online applications and something more than a certificate to acknowledge the catches. Barno reported that the new online applications should be finalized by the end of the week and hope to get the program up and running by the following week. There will be a leader board and Facebook will have changes of leaders in the various categories. When children submit their First Catch submission, they will get an instantaneous e-mail back with a certificate with their name on it. They will also get a printed one in the mail.

Stocking trucks will start to roll on March 19<sup>th</sup> beginning the three-week pre-season stocking.

The warm weather helped kickstart the northern pike brood stock collection. Pike spawn in a narrow window. There were 500,000 eggs collected and all have hatched except one jar. The Hackettstown hatchery staff are building nesting boxes and spawning shelves for smallmouth bass. These changes are as a result of staff attending a conference in Pennsylvania on how to improve smallmouth bass production.

Chief Barno passed out a list of the private clubs and related stream mileage where catch and release will be allowed during the pre-season. The information was requested by the Council in a previous meeting. Eight clubs had applied and six have been approved and two are pending. The biggest issue has been with the maps. Some clubs have been asked to provide better maps. Letters have been sent back to the clubs identifying which section of the property is approved for catch and release. The letter was very clear that the future of this depends on how well club members adhere to the guidelines. Clubs were urged to educate their members on where they can and cannot fish during this pre-season period. Copies of the letters and maps were provided to law enforcement.

Hackettstown has approximately 6,336 landlocked salmon. We will put 3,700 of them in the three waters: Lake Aeroflex, Lake Wawayanda, and Tilcon Lake for the spring, around April 20<sup>th</sup>. These fish will be 12 inches and of legal size in these waters. Another 2,500 will go out in the fall. These will be 16 inches. A new water added will be Merrill Creek Reservoir. It will get 325 of the 16 inch fish which will be legal size.

Chief Barno also noted, that as of March 10<sup>th</sup>, Lake Hopatcong is completely filled and spilling.

Chief Al Ivany, Information and Education stated Liz Jackson and Alana Newmark will present the year-end video of Hooked on Fishing-Not on Drugs (HOFNOD) and report on the status of the program. The Pequest Open House is scheduled for March 24 & 25. As of now, the grounds are snow covered and there is a lot of mud. The Division will make a decision by the 21<sup>st</sup> on whether

to postpone or go on with the event. The news release is being finalized and will be sent to the DEP press office for review today. April 7<sup>th</sup> is the opening day of trout season; the Casting for Recovery organization will be in attendance. Acting Commissioner McCabe is scheduled to attend. If she attends, we hope to give her a tour of the facility.

The Outdoors Writers worship is scheduled for April 19<sup>th</sup> at the Assunpink Office. Chief Ivany invited the Council to stop by.

Acting Chairman Virgilio gave comments on his visit to the HOFNOD Team Leadership gathering held in Cedarville. He enjoyed seeing the progress HOFNOD is making and what leadership is doing to the program. He also recommended that their budget be increased to continue to expand the good work they are doing.

Chief Ivany reported two significant events coming to New Jersey. In the Division will host 2020 the Northeast Association of Fish and Wildlife Agencies Conference and in 2021 The Association of Conservation of Information Conference.

Assistant Director Golden reported on behalf of the Bureau of Land Management and gave an update on the Sparta Mountain Stewardship Plan. The forestry activity has been on and off. This month the Acting Commissioner wants to hold on until she has a better understanding of the plan for both sides.

Acting Chief Sean Cianciulli, Law Enforcement, stated if anyone had questions from the Law Enforcement report he would address them. He reported there are nine officers, as he speaks, getting training on new equipment granted from the prior administration. It is a total station mapping program. It is a surveyor-grade mapping tool that can be used for hunting accident reconstruction and lease disputes for marine officers that require specific boundaries. It is a two-week intense training. The vendor, who is from the mid-West, is here for the whole two-weeks.

Acting Chief Cianciulli reported attending a meeting regarding the joint enforcement agreement (JEA), a cooperative enforcement program with NOAA Fisheries. The Division's funding for that agreement is slated to be cut in 2019. That program is a part of the Magnuson–Stevens Fishery Conservation and Management Act which allows the Secretary of Commerce to enter a joint enforcement agreement with states to use their law enforcement arm as an extension of the Federal Government. This year's contract is being negotiated for this year's JEA.

Acting Chairman Virgilio asked Acting Chief Cianciulli to address the illegal use of ATV and monster trucks in hunting areas destroying habitat. Acting Chief Cianciulli stated it is under surveillance. There was a discussion on past efforts for getting regional ATV parks.

Chief Carole Stanko, Bureau of Wildlife Management, reported the Trapping Matters Workshop was cancelled due to the weather and she is working to reschedule it sooner rather than later. She stated the deer harvest presentation will be given at the April meeting. The unedited number of deer harvested is 48,453. It is within 2% of last year and what was expected. Chief Stanko will also make a presentation to the Federation Deer Committee at their convention on April 21<sup>st</sup>. Staff member Tony McBride will also give an update on the bobcat project.

Chief Stanko reported the RFP was submitted to Treasury for the purchase of all adult pheasants for the 2019 season. We are also working on getting the remainder of adult birds for 2018. The Delegated Purchasing Authority (DPA) form was submitted and we are waiting to hear from Treasury. There was a little bit of storm damage at the farm. All the nets on the pens were dropped, snow was on top of the nets and damage cannot be fully assessed at this time. Staff will work with the Department of Corrections work program to help fix the pens in April.

Chief Stanko stated she spoke at the NJ Land Conservation Rally in New Brunswick. The Division is hosting a Deer Symposium on March 19<sup>th</sup> at the Eco-Complex. This will be geared toward municipal and county officials and we are reaching out to the agriculture committee. The morning session will be general deer biology, ecology, etc., and in the afternoon, there will be a break out into two groups. Agriculture will be one group discussing what tools are available to them and how to best use them. The other group will be for the county and municipal officials.

The New Jersey Farm Bureau will re-issue a deer survey and Chief Stanko has agreed to assist and use some questions from the original survey so they can compare the results. In the meeting with the Department of Agriculture mentioned by Director Herrigthy, they mentioned doing a deer density survey. Chief Stanko volunteered to help so they can overlay their data with the Division's data so it can be interpreted in a useful manner. It would give the Council and the Division a better understanding of Ag's need and what the problems are and maybe some tweaks that can be made to regulations and/or zone boundaries.

There will be a Game Committee meeting on March 22<sup>nd</sup>. The position for the Deer Project was announced and the application period closed on March 6<sup>th</sup>. There has been a fair amount of interest and applications will be reviewed shortly. Ms. Stanko passed out new bear brochures which contained information from the January presentation made by Tony McBride of the annual bear report. Brochures in the past were how to deal with bears as a homeowner, hiker, or farmer. This brochure tells what the Division has done since the last update of the Comprehensive Black Bear Management Policy.

Acting Chairman Virgilio asked about the banning of the use of deer urine lures. Chief Stanko stated many states are heading that way in the interest of not bringing CWD into the state.

#### **Lunch: 11:53 am– 12:45 pm**

#### **New Business**

Staff members Liz Jackson and Alana Newmark showed a seven-minute video documentary report of the past year on Hooked On Fishing Not On Drugs. Ms. Jackson and Ms. Newmark further explained the program and answered questions from the Council. Brochures on how to become a HOFNOD Team were passed out. Ms. Jackson noted they are in need of teams in Salem County, and Cape May is in the process of starting one.

Acting Chairman Virgilio stated he would like the committee chairs to stay active between meetings and before an issue arise by conference calls and/or e-mailing committee members and when necessary, meet with Division staff.

## **Early License Restoration Appeal Hearing**

Captain Linda Quirk read the statement for revocation appeal for Mr. J. Walters who was not present. Mr. Walters was convicted of a violation on December 21, 2016 N.J.S.A. 23:4-24.1a possession of an uncased firearm in a motor vehicle and a second convicted violation of N.J.S.A 23:7-9.a(2) littering, dumping or discarding waste on a Wildlife Management Area August 22, 2017. He is suspended from his hunting and fishing licenses through August 23, 2019.

Acting Chairman Virgilio stated the Council has three options, reinstate, continue the revocation or delay for additional information. If there is a motion to reinstate, for the record, justification is needed. He then asked for a motion to open the floor for discussion.

**Councilman DeStephano made a motion to open the floor for discussion, seconded by Councilman Whildin. All were in favor, motion carried**

After the Council discussed Mr. Walters violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion **Councilman Brodhecker made a motion to close the floor for discussion, seconded by Councilman DeMartino. All were in favor, motion carried**

**Councilman Brodhecker made a motion not to reinstate of Mr. Walters license, seconded by Councilman Whildin. Vote taken, all were in favor, none opposed. Motion carried.**

Captain Quirk read the statement for revocation appeal for Mr. M. A. Carlino who was not present. Mr. Carlino was convicted of a violation on January 23, 2014 N.J.S.A. 23:3-1.b failure to exhibit license upon request and a second convicted violation of N.J.S.A 23:4-42, hunt or kill deer closed season on January 9, 2018.

Acting Chairman Virgilio asked for a motion to open the floor for discussion.

**Councilman DeStephano made a motion to open the floor for discussion, seconded by Councilman Brodhecker. All were in favor, motion carried**

After the Council discussed Mr. Carlino violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion **Councilman Brodhecker made a motion to close the floor for discussion, seconded by Councilman DeMartino. All were in favor, none opposed motion carried.**

**Councilman Brodhecker made a motion to restore Mr. Carlino license due to them being minor in nature and there were extenuating circumstances. the person did not intend on breaking the laws, there was a lot of confusion and the remedial course will help clarify what are his responsibilities as a hunter are. Mr. Carlino's confusion of taking the doe during regular shotgun and he thought it was permit shotgun and use of the wrong tags are extenuating circumstances, seconded by Councilman Robinson.**

**Discussion on the motion took place.**

**Vote taken, Four (4) were in favor, two (2) opposed (Whildin, Virgilio), one (1) abstain (DeMartino). Motion carried.**

Staff member Ted Nichols presented the 2018-19 Migratory Bird season dates. Mr. Nichols gave a little history of the Migratory Bird Treaty Act passed in 1918, turning 100 this year. He also noted that states participate in this process through flyway councils (Atlantic, Mississippi, Central and Pacific). We are members of the Atlantic.

**Councilman DeMartino made a motion to open accept the 2018-19 Migratory Bird season dates as presented by Mr. Nichols, seconded by Councilman Robinson. All were in favor, motion carried.**

Assistant Director Golden passed out maps for the proposed lease of a portion of the Spicers Creek Boat Ramp to AT&T. Assistant Director Golden reviewed the maps and lease details with the Council. After the question and answer period from the Council.

**Councilman Brodhecker made a motion to accept the AT& T Lease Agreement as presented, seconded by Councilman Robinson. All were in favor, motion carried**

#### **PUBLIC COMMENT (3 -5MINUTES)**

Barbara Sachau, Whitehouse Station, NJ had questions as to where the land leased to AT&T came from and where the money from the lease going to. Ms. Sachau asked if Ms. Nelson had a lobbyist license to go to Washington and Ms. Nelson should let them know she is speaking for a limited number of residents of New Jersey. Ms. Sachau stated there has been five months of hearings for Mr. Antonucci in Readington, NJ, a hunter to shot a dog, and the judge stated fish and game did not bother to say much about the violation. Ms. Sachau stated, if the public is at the meeting, we should be able to find out what you're passing around and the details. Ms. Sachau was also displeased with how her comments are reported in the minutes in the past.

Director Herrigthy stated, for the record, any money that come from leases on WMA go back to the Hunter and Anglers fund. It is a requirement of federal legislation as well as the Green Acres practice to turn over money to the administering agency who manages the property. Ms. Nelson is going to Washington to provide information on the Recovering America's Wildlife legislation which would provide \$19 million to the State of New Jersey and has been approved by the Governor's office. The access to handouts at a public meeting has been litigated by Millstone Board of Education versus a constituent who complained that the information handed out to Council members was not available to the public. The court ruled that sunshine law only requires that the agenda be handed out and information can be available to the public after the Council meeting over. Until it is voted on, the information is deliberative. In the issue with the dog, the safety zone was not an issue in that violation. The hunter was over 450 feet from the nearest house. The hunter disobeyed the primary rule of being clear of your target and what's beyond. He was written up and lost some of his privilege based on that.

Acting Chairman Virgilio asked if a robo-type calling machine for people who might attend the Fish and Game Council meetings, where if there is a cancellation or postponement, those who opt in will be notified. Director Herrighty stated if there is a cancellation, those who have signed up to the email list, will be notified and notices are posted on the webpage.

**A motion was made by Councilman Brodhecker and seconded by Councilman Whildin to adjourn the meeting at 2:54 pm. Vote taken, all in favor, none-opposed; motion carried.**