

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

Central Region Office

**Robbinsville, New Jersey
July 10, 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 June 29, 2018 and delivered to the designated newspapers for the Division, the Newark Star Ledger and the Atlantic City Press; published on July 5, 2018.

Roll call was taken in attendance:

Councilman Phillip Brodhecker
Councilman Joseph DeMartino
Councilman James DeStephano
Councilman Jeffery Link
Councilman Robert Pollock
Councilman Loren Robinson
Councilman Ken Whildin
Acting Chairman Frank Virgilio

Absent:
Councilman Agust Gudmundsson
Councilman Rick Lathrop

Division employees included: L. Herrighty, D. Golden, P. Nelson, B. Stoff, L. Barno, S. Cianciulli, C. Stanko, Mary Monteschio, Linda Quirk, and J. Bullock.

There were 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 DeStephano to approve the June 12, 2018 minutes, seconded by Councilman DeMartino. Vote taken, all were in favor; none opposed, motion carried.

Acting Chairman Virgilio started his comments by recognizing Shelley Coltrain for her “ever diligent” work as Council Secretary, as Shelley prepares for retirement on July 30, 2018. Chairman Virgilio was very appreciative of Shelley’s dedication and accountability and stated that she will be missed.

Acting Chairman Virgilio asked Director Herrighty for comments.

Director Larry Herrighty gave comments on the letter he received that Acting Chairman Virgilio sent to the Governor’s office, which was forwarded on to Assistant Commissioner Ray Bukowski’s office. He indicated we haven’t heard anything yet in response, on our end.

We are moving forward with attempting to purchase a new Northern Region Office. Green Acres is helping us with the negotiations. We don’t have any word on whether we will be successful. Ray does support them helping us out.

Regarding the end of fiscal year, Marine Fisheries had a lot of accounts frozen due to the Governor’s budget discussions. Hunters and Anglers operating funds are freed up, we’re waiting to see what kind of reserves are in Marine Fisheries’ operating fund, so we can get that over to Treasury. Once we see the close-out of all purchase orders we’ll know better how much we can carry forward. Assistant Director Paulette Nelson indicated that in the month of July things are typically in limbo – bills from last year are still being paid. In August we’ll have a true accounting of where we stand. Acting Chairman Frank Virgilio asked if there was a supplemental appropriation request sent to the Governor’s desk and whether it's been signed– Larry and Paulette indicated it has not been signed, "as far as we know". It was agreed to have further discussions during the Legislative Committee meeting.

Acting Chairman Virgilio read the public comment statement and asked those who would like to make a public comment to be civil and keep comments to the topic items and kept to 3 minutes.

COMMITTEE REPORTS

Agriculture Committee Report:

Councilman Brodhecker reported that there has been lots of bear activity in the North, particularly in the corn fields, even though the corn is less than knee-high. The bears are feeding on blackberries and are knocking over garbage cans. He had a personal experience at his own residence. Deer have also been seen in most everyone’s corn and hayfields. Just before sunset, deer and fawns are seen foraging and grazing at just about every corn field in northern New Jersey. As the corn gets taller, the deer will not be seen but they will be there. Overall, it’s been dry, just a little bit of rain, but they’re getting caught-up on rain.

Councilman Link reported that there were no committee meetings. Also mentioned that rain has been scarce. As far as wheat is concerned, “it’s done”. Seeing the golden wheat field with the overhead sprinkler moving in the background is when the agriculture experience is felt. He spent some time in VA and NC recently and had to explain to numerous people that there is agriculture and wildlife in New Jersey and that New Jersey is not all a suburb of New York. For that reason,

he believes we still need to do some work on educating the world on the finer nuances of New Jersey. Having had conversations with people in other states to explain the makeup and composition of the Fish and Game Council and what it does, was a good opportunity to spread some education about New Jersey. He also traveled some of the Blue Ridge Mountain Parkway, which was neat and observed numerous bear-proof trash cans, which was an education for him as well. North Carolina seems to be do a very good job in that area – on keeping bears out of trash receptacles. The Director said it sounds like it was a good state to find out what they're doing, how they're doing it, and it would be interesting to find out who's paying for it. Councilman Link said that when on vacation, etc., he loves to spend time with fish and game groups when he visits other states. He mentioned that there's not a lot of deer in North Carolina and Virginia, and they are especially a prized commodity in Virginia.

Farmer/Sportsman Relations:

No report.

NJ State Federation Reports:

Councilman DeMartino reported that he did not go to any meetings. He had a request for information through one of his contacts about purchasing licenses online, from someone out of state who wants to purchase a 2-day hunting license. The individual wanted to know if licenses can be printed out online. People are not happy about having to go to a Walmart, etc., to purchase licenses. It's a big concern for many. If they come to the State (i.e., they're an ex Conservation Officer and show their information indicating they are in the system, we should be able to verify that they have a hunting license. The Director indicated that this was discussed by Law Enforcement since the criminal code in NJ has an exemption to transport firearms for a hunting license. The concern is that people might be able to forge a license. Law enforcement has reviewed it a few times, and with the ability to duplicate it, opens the door to forgery. Assistant Director Paulette Nelson indicated that we have had lots of discussions about this, but it has yet to be resolved. Councilman DeMartino believes there must be a way around this because other states have systems to compensate for this issue. Director Herrighty asked Councilman Whildin to make this topic an agenda item for the next Law Enforcement Committee meeting.

Councilman Robinson reported that he attended Hunterdon's meeting. Somerset cancelled their meeting. Hunterdon discussed raising revenue. One of the suggestions for the Game Committee is to limit the amount of deer per permit that would generate more permit sales. Also discussed was a bill to allow Council to set license and permit fees - the Federation needs to push that legislation. Hunterdon was not in favor of the reduced fees for seniors. But now that they have seen the program that Acting Chairman Virgilio came up with, they were in favor of the new program. They discussed the gun bills and the lawsuits by the Association of New Jersey Rifle and Pistol Clubs. They talked about the ticks and larvae that was being held by Hunterdon Healthcare. Councilman DeMartino reported that he also attended the State Federation meeting and New Jersey Predators Central Region meeting and talked about night hunting on WMA's. They talked about the game code changes that they submitted to the Federation to be forwarded to the game committee.

Acting Chairman Virgilio reported that he attended a meeting of NJ Corporate Wetlands Partnership, it was put on by PSE&G, along with some other companies. What was interesting was the private monies that are donated to some of the projects. It's a close-knit group where this group of people who really believe in philanthropic giving want to help, especially with wetlands types of projects. PSE&G and our own Lisa Barno were highlighted in one of the film strips for our dam projects. PSEG's significant help with along the Nature Conservancy Center for Aquatic Science, NJ Audubon, USFW Service, the Pinelands Nursery, and many other companies. He was surprised to know the amount of companies that give money towards these projects, it's very helpful.

Gloucester County Federation took Acting Chairman Virgilio out on a road trip. They would like to identify Wildlife Management Areas and maybe rotate the stocking from the ones we now have to the other ones, to see if that cuts down on predators. They feel that changing the stocking location may off-set the predator problem. Assistant Director Golden said they have reevaluated this a few years ago, and he agreed this is something we can talk about as we move forward.

There are a couple of towns that want us to start a review of our hunting and fishing regulations and to make the Digest easier to understand and more user friendly. He told them we will be working on that over the next fiscal year.

Finally, Camden County, Atlantic County, Cumberland County, and most every county would probably like to see something done on the West Mill Road in Wharton State Park. If you're not familiar with it – it's about 7 miles of road that's been open for hunting, fishing, kayaking, anything you want in nature. A private landowner who owns a campground has put up a gate up at Rt. 206 to block entry. What's unique about blocking 206, is that at the other end, 6 miles away, there's a bridge that went out, so that prevents access there also. By doing this, he has excluded 6 miles of access to state parks. The Division of Parks & Forestry (P&F) told him they cannot have a gate there. He pulled it back some, but said he had a certain privilege from Hammonton Township which gave him the rights to do this. It's convoluted, but it's something that we really need to do something about because it's 6 miles of lost access. Discussion was held about how much influence does P&F has in handling this dispute. Assistant Director Golden said there's a Wharton meeting coming up and P&F may have another side of this that we may not know about.

Finance Committee

Councilman DeStephano reported that he was at a picnic at a lake in Oxford where there were comments about stocking trout in Verdis Lake and Mountain Lake, which is really an exercise in futility. The muskies have been taking over. They think possibly we would be better off relocating the stocking somewhere that the trout stand a better chance of survival. That was basically the only thing discussed last month.

Councilman Whildin reported that he attended the Atlantic County meeting. There was extensive discussion on the new gun laws. Also, a good discussion on the tick issue. Good questions came out of it, and, the gate issue at Rt. 206 that the Acting Chairman mentioned was a hot topic.

Councilman Robinson reported that he was elected to take the notes for the report. The committee met with Assistant Director Nelson, Steve Tesar and Jeffrey Saintvil from the Division's Office of Business Administration. They received several detailed charts on revenue and expenses and estimates. A short synopsis of the fiscal year 2018 was discussed. At the time of the meeting it was \$23,877,000, estimated expenses were \$20,640,000 which would have left a surplus at the end of 2018, of \$3,237,000, \$1.2 million of revenue was attributed to a utility lease back-payment. Otherwise, revenues were flat or lower and expenses were flat or lower. Also, they pointed out that in 2004, there were 210 employees, whereas in 2018 they had 106. That was the reason why they have been able to balance their budget every year because they have fewer employees and have been doing a wonderful job doing that. In 2019, the estimated revenue is \$24,379,000, estimated expenses \$23,420,000, surplus balance of \$959,000. Three years of back-salaries and raises will be paid in fiscal year 2019. So, this still leaves \$959,000 estimated surplus at the end of the year. Assistant Director Nelson noted that the Division is in good shape for at least for 2 more years.

Fish Committee:

Councilman Pollock reported they haven't met, however, there's a proposal to stock grass carp in Lake Hopatcong which will warrant some discussions with the fish committee. Chief Lisa Barno informed the Council that several months ago they had met with the representatives of the Lake Hopatcong Commission about a potential pilot project for stocking grass carp into a cove in Lake Hopatcong. Currently, the fish code regulations prohibit stocking in such a large lake. Their test pilot would require changing regulations.

Game Committee:

Nothing to Report.

Legislative Committee:

Assistant Director Nelson reviewed the legislative activity:

S-1093 – “Nosey’s Law” has passed through the Assembly now and will now go to the senate committees, the full Senate and then on to the Governor.

S-4255 and S-2793 – FY19 supplemental appropriation of \$1.2 million to Shellfish and Marine Fisheries Mgt. for Bureau of Marine Fisheries: Two bills, neither the Assembly bill nor the Senate bill, went through committee. They went straight to full votes by either House. We're just waiting for the Governor to sign it.

A2732 – Clarifies that use of propane-powered noise making device is allowed as non-lethal method of wildlife control on farmland. It has passed through the Assembly.

A3242 – (companion for S-2419) Permits certain deer control activities; prohibits deer feeding; and establishes check-off donation on hunting license applications to support venison donating program. The status is not available online yet, but there were some floor amendments on June 21, 2018. It looks like they have taken the language from A-2792 (companion S-2782), which has to do with multi-species depredation permits and incorporated them into this bill, but it is not yet clear what they have planned and why they made those amendments unless they thought this bill would move and the others would not.

All the following are newly introduced companion bills – already on our radar:

S-2782 – Multi-species depredation permit control.

S-2769 – “Pedals Law” (companion of A-2455)

AJR-144 designates May as “Monarch Butterfly Month”

AR- 178 – Urges U.S. Fish and Wildlife Service to list monarch butterfly as threatened species.

SC-128 – Urges DEP to replace current lethal population control methods for foxes in Brigantine Island with non-lethal deterrence methods.

Assistant Director Nelson asked Chief Lisa Barno to let her know about a new bill, S-2664 we must look at S-2664, that was just introduced and will transfer the Lake Hopatcong Commission to DEP. It will make the commission from being in, but not of DEP, to fully in DEP. More to come on this.

Law Enforcement Committee:

Councilman Whildin reported that the Law Enforcement Committee met this morning to review (6) license restorations to be heard later at today’s meeting. They also discussed the possibility in the future of regulating hunting guides. The request came from the public and he said he would investigate it. He said he would have to see if the effect for the public would be positive or negative. He’s not sure where this will go, but he wanted to start the discussion. He suggested we may look at years past for guidance. The Chairman said we looked at what was done in Maine, and he received some literature from Maine because they had tested everything out – they have a formal program. Larry said we would have to get legislative authority.

Public Member Comments:

Councilman Pollock said that he could only speak to Councilman Brodhecker’s point that up in the northern areas where there are village-type developments there are bears everywhere. They’re seeing them every day. He’s hearing a lot of comments about the bears.

DIVISION REPORTS

Barbara Stoff, Licensing and Permits, said there was nothing new to report.

Chief Lisa Barno, Bureau of Freshwater Fisheries, provided an update on the Columbia Lake Dam removal. The lake has been lowered 7 feet. The mussel relocation was completed on June 13 with over 1,000 mussels collected and put in the Delaware River and another site upstream of the lake. The contractor hired by The Nature Conservancy focused on relocating threatened species. The removal of the remnant dam was completed on July 7. They are working now on the access road to the lower section below the Columbia Dam. They will then shift to scour protection for the bridges and then come back and remove the dam sometime around the end of December or January, weather permitting. For historic purposes a short section of the main dam will remain.

The New Zealand mud snail was documented in the Musconetcong River. It's a potentially invasive species – mostly occurring out west on the California coast but is also found in a watershed in New York and one in Pennsylvania. It seems like the numbers are low by comparison, but they are prolific – noting they are very small in size. We will be sending a message out to anglers to make them aware and to take extra precautions.

Acting Chairman Virgilio indicated that this concludes our bureau reports for today, we will move to (6) License Restorations Portion of the meeting. However, before we move to the (6) License Restorations Portion of the meeting there is some old business:

Old Business:

Pheasant Stocking

Assistant Director Golden presented a new pheasant stocking schedule for the council to vote on. He mentioned that at the last meeting we passed around a proposal for the pheasant stocking schedule and the council reviewed it and as part of that discussion there was some focus on the Delaware Water Gap NRA. In the past two years we had some problems with unhappy hunters because some of the fields that were stocked were fields that were farmed with soy beans. So at the end of last meeting we said we would send staff out to look at the fields that were previously stocked and identify which ones were currently planted with soy beans. He has the results to review and proposes a new stocking plan (hand-outs were provided for discussion). Conclusion was that a reduction in fields stocked at the Delaware Water Gap (farmed fields would not be stocked). All the birds that would have originally been stocked in the farmed areas of the Delaware Water Gap will be distributed to the other Wildlife Management Areas. Regionally – north would get 41% of the birds, and central and south would each go up 1%. What we're proposing with the new model would be that in 2018 we do not stock the areas that are planted with soy. We only stock the areas that contain suitable field habitat in Delaware Water Gap. They took the total numbers and put them in a calendar. The new numbers if agreed upon can be put into the Digest coming out in August.

Vote:

Motion: to adopt new pheasant stocking schedule

Councilman DeStephano opposed, but ultimately agreed in lieu of further discussions with constituents.

New Business

Early License Revocation Hearings

Gary T. Puma

Captain Linda Quirk read the statement for revocation appeal for Gary T. Puma who was present. Mr. Puma had two convictions, one was from January, 2016, violation N.J.S.A./N.J.A.C. 23:4-47

for failure to complete a harvest report card, and one from January 10, 2018 conviction date in Pennsylvania, violation 2308.A8, Hunting on Baited Land; and 141.20.A.3, Insufficient Orange. The council asked Mr. Puma questions. Mr. Puma testified as to why the Council should restore his license.

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

Councilman Pollock made a motion to open the floor for discussion, seconded by Councilman DeMartino.

After the Council discussed Mr. Puma's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion, **Councilman DeStephano made a motion to close the floor for discussion, seconded by Councilman Whildin.**

Acting Chairman Virgilio stated the Council has three options: reinstate, continue for further review, or to continue revocation.

Councilman DeStephano motioned not to reinstate, and to continue the revocation, seconded by Councilman Whildin. All were in favor, motion carried.

John F. Clark – (did not appear).

Captain Linda Quirk read the statement for revocation appeal for Frank Clark who had first conviction for an uncased firearm in February, 2014 (N.J.S.A./N.J.A.C. 23:3-1, and his second conviction was for an unregistered deer in April, 2018, (N.J.S.A./N.J.A.C. 23:4-47 7:25-5.27).

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

Councilman Pollock made a motion to open the floor for discussion, seconded by Councilman Robinson.

After the Council discussed Mr. Clark's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion, **Councilman DeMartino made a motion to close the floor for discussion, seconded by Councilman DeStephano.**

Acting Chairman Virgilio stated the Council has three options: motion to reinstate, or to continue revocation, or delay for additional information.

Councilman Brodhecker made a motion to continue revocation, seconded by Councilman Robinson. All were in favor, motion carried.

Charles S. Lucas (not in attendance)

Captain Linda Quirk read the statement for revocation appeal for Charles S. Lucas who was convicted on May, 2017, violation N.J.S.A./N.J.A.C. 23:4-1 for loaning a turkey permit to another person, and the conviction of January 2018, violation PA Game Commission was for purchasing Pennsylvania resident licenses using an address other than the legal place of residence.

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

Councilman Pollock made a motion to open the floor for discussion, seconded by Councilman DeMartino.

After the Council discussed Mr. Lucas' 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 Link.**

Acting Chairman Virgilio stated the Council has three options: motion to reinstate, or to continue revocation, or delay for additional information.

Councilman Brodhecker made a motion to continue revocation, seconded by Councilman DeMartino. All in favor, motion carried.

Lunch: 11:55 am– 12:58 pm

Allen T. Roberts (did not appear; friend appeared on his behalf – was not allowed to be heard – due to statement at beginning of meeting that we do not allow public comment on restoration hearings)

Captain Linda Quirk read the statement for revocation appeal for Allen Roberts who was convicted of violations from February, 2015, N.J.S.A./N.J.A.C. violation 23:3-56.2 – 7:25 5.29, and N.J.S.A. 23:7-1 for trespassing and a deer violation, and then from February, 2018, N.J.S.A. 23:3-76a, for a duck stamp hunting violation.

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

Councilman Robinson made a motion to open the floor for discussion, seconded by Councilman DeMartino.

After the Council discussed Mr. Robert's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion, **Councilman DeStephano made a motion to close the floor for discussion, seconded by Councilman Link.**

Acting Chairman Virgilio stated the Council has three options: motion to reinstate, or to continue revocation, or delay for additional information.

Law Enforcement Committee recommends no restoration for this. Trespassing was blatant, per the reports. Is not considered minor and there are no extenuating circumstances.

Councilman DeStephano made a motion to deny restoration, seconded by Councilman Link. All in favor, motion carried.

Matthew Deiner:

Captain Linda Quirk read the statement for revocation appeal for Matthew Deiner. His violations were February, 2017, N.J.S.A 23:3-1. b(2) for failure to exhibit a 2017 fishing license and April, 2018, N.J.S.A./N.J.A.C. 23:5-1/7:25-6.3(b), for fishing stocked waters during season closure.

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

Councilman Robinson made a motion to open the floor for discussion, seconded by Councilman DeMartino.

After the Council discussed Mr. Deiner's 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 Link.**

Acting Chairman Virgilio stated the Council has three options: motion to reinstate, or to continue revocation, or delay for additional information.

Law Enforcement – split decision – to recommend reinstating

Councilman DeStephano motion to reinstate, seconded by Councilman Link

Councilman Robinson and Councilman Pollock opposed

Majority voted to reinstate.

Richard Utter

Captain Linda Quirk read the statement for revocation appeal for Richard Utter (not in attendance). He was convicted in August, 2016 of N.J.S.A./N.J.A.C. 23:2B-6 7:25-18.1(c), small fish violation (possession of an undersized summer flounder), and in March, 2018 of N.J.S.A. 23:3-21 unlawfully procuring a resident hunting license.

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

Councilman Pollock made a motion to open the floor for discussion, seconded by Councilman DeMartino.

After the Council discussed Mr. Utter's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion, **Councilman DeStephano made a motion to close the floor for discussion, seconded by Councilman DeMartino.**

Acting Chairman Virgilio stated the Council has three options: motion to reinstate, or to continue revocation, or delay for additional information.

Councilman DeStephano made a motion to remain revoked, seconded by Councilman DeMartino. Councilman Pollock opposed. Law Enforcement Committee recommended no restoration. Revocation continued – majority vote.

Acting Chairman Virgilio indicated that (6) hearings were taken today. We will meet quarterly. We will not hear any more restorations until November, due to the Joint Meeting in October.

Council then voted to cancel August meeting.

Review of upcoming meetings:

Game Committee Meeting to be scheduled – Carole Stanko was asked to send out an email to coordinate the Game Committee Meeting

Legislative Committee Meeting – held immediately following today’s Council Meeting

Fish Committee Meeting – yet to be determined

PUBLIC COMMENT (3 MINUTES)

Janet Pizar, Milburn, NJ, Founder Public Trust Wildlife Management, commented on enforcement of DEP land closure during bear hunt, license restoration statistics and Canada Geese.

Barbara Sachau, Whitehouse Station, NJ, commented on a newspaper article about a fire in Mill Creek Reservoir.

She opposed the bear hunt and predator management to protect endangered species. She’s also concerned about diseases in our waters in New Jersey.

Next meeting will be September 11, 2018, 10 a.m.

Joint Meeting will take place in October.

Restoration Meetings will take place in November because of the Joint Meeting in October.

A motion was made by Councilman DeStephano and seconded by Councilman DeMartino to adjourn the meeting at 1:35 pm. Vote take,