

MINUTES OF THE MEETING OF THE  
FISH AND GAME COUNCIL

Central Region Office  
Robbinsville, NJ  
September 8, 2009

The regular meeting of the New Jersey Fish and Game Council was held on the above date. In attendance were:

Acting Chairwoman Jeanette Vreeland  
Councilwoman Barbara Brummer  
Councilman Dave Burke  
Councilman Ed Kertz  
Councilman John Messeroll  
Councilman Dan Van Mater  
Councilman Len Wolgast

Absent: Councilman Fred Hough  
Councilman Robert Puskas

Division employees included: Director Dave Chanda, Assistant Director Larry Herrighty, Lisa Barno, Al Ivany, Paulette Nelson, Tony Petrongolo.

Members of the public included representatives from the Federation of Sportsmen's Clubs, the Farm Bureau, Marci Green-DEP, and others.

The meeting was called to order at 1:16 p.m.

The flag salute and Pledge of Allegiance were completed.

In accordance with P.L. 1975, c.231 notice of this meeting was filed with and posted at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on August 20, 2009.

Roll call was completed.

**A motion was made by Councilman Van Mater, seconded by Councilman Messeroll to approve the minutes of the August following changes:**

**-page 5, last paragraph should read "The next Middlesex County Federation meeting...".**

**-page 6, paragraph 2, line 3 should read "Acting chairwoman Vreeland stated that she would not be here on the 20<sup>th</sup>, ....".**

**A vote was taken to approve the minutes as corrected, with all in favor, none opposed.**

**Chairpersons Comments**

Acting Chair Vreeland informed council member of the passing of Bill Carman, an outstanding long time volunteer. Ms. Vreeland attended the viewing and made reference to his distinct character. Director Chanda noted over the years, Mr. Carman had donated over 30,000 hours of volunteer time to

many DFW programs at both the Northern Region Office and Pequest. Mr. Carman was greatly appreciated and will be missed by staff.

Acting Chair Vreeland reported 2 black bears had charged black angus in her son's yard and noted reports of a similar event taking place a month later in Byram.

Acting Chair Vreeland noted she had been on vacation in Kure Beach, North Carolina and had the wonderful experience watching hatching leatherback turtles emerge from the sand at high tide on a full moon and then journey to the ocean.

Acting Chair Vreeland noted a limited attendance at the North Jersey Federation meeting.

### **Director's Comments**

Director Chanda reported the DFW will be attending a climate change workshop at the Ecocomplex. While previous departments have focused on carbon footprints and cap and trade issues, this meeting will focus on the potential impacts on wildlife and wildlife habitat, and is designed to help chart the course of DFW actions in the future. Approximately 100 people are expected to attend the event.

Efforts are being made to renew the USDA APHIS MOU with Agriculture, Rutgers University and DFW.

Director Chanda, law enforcement and several staff members attended an annual meeting with John Donahue, Superintendent of the National Park Service's Delaware Water Gap National Recreation Area, as well as Superintendent Donahue's staff, to discuss current wildlife issues and review regulatory changes in the game code that may impact the recreation area.

Director Chanda, Assistant Commissioner Amy Cradic, Assistant Director Larry Herrightly, and various staff members attended a meeting with NJDA Secretary Fisher, which provided an opportunity to have open conversations on overlapping wildlife and agricultural issues.

### **Public Comment Period**

Acting Chair Vreeland noted the Council, having received a request at the August meeting, would be moving into a closed Executive Session later in this meeting.

Acting Chair Vreeland opened the floor to public comments regarding Land Management leases on Wildlife Management Areas noting comments would be limited to 3 minutes per person with a total comment time of 15 minutes. A public comment period for other issues would be available later in the meeting. Hearing no comments, the public comment period was closed.

### **Council Committee Reports**

#### *Agriculture Committee*

Acting Chair Vreeland noted the seasonal change from summer to fall and noted farmers were now harvesting crops.

Councilman Kertz noted despite about 10 inches of rain in August in southern New Jersey, most of the crops were thriving, corn was almost ready to harvest and surprisingly the fields were drying up again.

Liz Thompson, NJ Farm Bureau, stated during the past month she had received more calls and claims for weather related damage rather than wildlife damage. Central Jersey has experienced large amounts of moldy/mildewed hay.

*Legislative Committee*

Paulette Nelson distributed a summary of Assembly Bills as of September 4, 2009 noting no changes, but rather a few updates as legislators have not been in session for the summer and would not be returning until after the November elections. The Legislative Committee met this morning to review the following 4 bills; Paulette Nelson provided the following synopsis:

A3144. This bill increases Fish and Game Council membership and clarifies it has sole authority to regulate freshwater fishing, hunting and trapping in NJ. The increase in membership to 12 members would include another representative of the agricultural community. The bill changes the authority of the Council to be “in” but not “of” the DFW, and gives the FGC the sole authority on policy development and the Fish and Game Code. Any lands under ownership, administration, management or control of DFW can not be closed to hunting or fishing by any official other than the FGC. J. Messeroll noted the legislative committee suggests this bill be presented for full Council approval.

**A motion was made by Councilman Wolgast, seconded by Councilman Van Mater and approved by the Council in support of A3144.**

A3239/S713 establishes a forest stewardship and forest certification program in DEP and limits the legal liability of landowners who allow sport or recreation activities on their lands for a fee. Creation of a new forest stewardship program will become part of the farmland assessment program and this will provide those enrolled in the forestry program additional protection from legal liability from those that benefit from recreational opportunities on that land. J. Messeroll noted this limits the legal liability and the legislative committee suggests supporting this bill.

**A motion was made by L. Wolgast, seconded by B. Brummer and approved by the Council to support A3239/S713.**

A3549 Authorizes free hunting, fishing and trapping licenses and free admission to state parks and forests for individuals within certain types of military service and their immediate family members. Currently DFW provides free licenses to members of the National Guard, disabled veterans and their immediate families. This bill has been expanded to include any NJ resident in any branch of the army and their immediate family living in the same household.

J. Messeroll noted the legislative committee has reviewed and supports this bill noting it is long overdue, the DFW is reimbursed for these sales, and it increases the hunting and fishing opportunities for more NJ residents.

**A motion was made by L. Wolgast, seconded by B. Brummer and approved by the Council to support A3539.**

A3551 Authorizes free hunting, fishing and trapping licenses for certain retired military personnel. Ms. Nelson explained this bill has been revised to include “retired” members of the National Guard, disabled vets and other members of the armed forces living in NJ.

J. Messeroll noted the committee had reviewed the information and recommends the FGC support the bill.

**A motion was made by E. Kertz, seconded by L. Wolgast and approved by the Council to support A3551.**

*Nongame Committee*

B. Brummer stated the next ENSAC meeting is scheduled for September 16, 2009, there are a number of items on the agenda, and she would provide a report at the next FGC meeting.

*Federation Committee*

J. Messeroll reported he had attended the first county federation meeting last week; efforts are now focused on calling upcoming elections and candidate endorsements. The next state Federation meeting is scheduled for September 18<sup>th</sup> at the Assunpink Conservation Center.

**Bureau of Freshwater Fisheries**

Chair Vreeland shared a letter of appreciation from Katherine Urbanski, West Amwell Environmental Commission and Andrey Bonnette in regards to stocking trout in the Alexauken Creek, a C1 classified stream in West Amwell Township, Hunterdon County. Both noted acknowledged the DFW's efforts to provide access and additional recreational activities for the residents of West Amwell. Chief Barno noted Andrey Bonnette had contact P. Hamilton advising her that West Amwell's had had been successful at purchasing and protecting the lands along the creek from further development.

The annual Fish Code public hearing is scheduled for this evening at Assunpink. Public comment period would extend through October 16<sup>th</sup>.

Chief Barno noted staff are preparing for fall trout stocking schedules which begins October 6. The nursery has been gutted, disinfected and reassembled in preparation for the collection of eggs for the 2011 spring stocking.

Hackettstown staff have been researching the option of purchasing channel catfish. The fish are larger, which would allow the fish to be stocked earlier, allowing enough time for the fish to acclimate to changing water temperatures. Stocking would take place from now through October and eliminate the need to operate the building through the winter months. Shutting down the intensive culture building during the winter months would reduce heating, labor and feed expenses. The fish are reported to be healthy, with very little concern as to potential disease issues.

Freshwater fish field sampling season has been completed and the information will be provided at the next meeting.

Staff will be completing information and articles for the DFW's Fresh Water Digest by the weeks end.

Director Chanda noted Assistant Commissioner Cradic attended a day in the field working with freshwater fishery staff.

**Bureau of Information and Education**

Al Ivany, reporting on behalf of Bureau Chief Sciascia, provided an update on I&E activities.

Fishing promotions during this reporting period included an intensive distribution of materials to the NJ media regarding fall trout stocking and fall trout fishing opportunities. In mid September, fall trout post cards will be sent to approximately 20,000 people. Half of the people are known to have bought a 2009 license but no 2009 trout stamp. The remaining individuals are reported to have 2008 trout stamps but no 2009 license.

At the end of September, 5000 hunters with lapsed archery licenses will be contacted by mail. Staff expect 20% response. An update will be provided at the next meeting.

The demand for all Hunter Education classes is very high, all classes are full and staff are looking to either add additional classes for September or expand those already filled. Weekday classes will continue through November.

Hunter Education is beginning to see members of the public utilizing crossbows; approximately 10% of the archery students are qualifying with crossbows. One National Archery School training was conducted during this reporting period.

Mr. Ivany noted, as the new manager of the Pequest I&E Center, he welcomes any comments the FGC members may have. He is now in the process of compiling ideas, developing fiscal plans and physically cleaning the site. Current efforts include setting up a volunteer program to supplement the maintenance crew with maintaining the grounds and hopes to make revisions to the facility, including new/updated displays, bathrooms and educational programs, using Corporate Business Tax funding.

Upcoming events include the last Wildlife Heritage Festival scheduled for September 26, 2009 at Pequest. Staff are making plans to hold next years Wildlife Expo at Assunpink.

The Governor's Surf Tournament is scheduled for October 4, 2009. The volume of registrations appears to be compatible with registrations from previous years. Information will be distributed notifying participants of the restriction on catching summer flounder during this event.

Mr. Ivany provided a review of attendance and activities at the Fish and Wildlife displays at the Sussex County, Hunterdon County and Warren County fairs and the Freedom Festival.

The Division's Black Bear Education Program is doing extremely well and has received national attention. The Bear Facts for Kids publication won 1<sup>st</sup> place, and the overall Black Bear Education Program won 3<sup>rd</sup> place at the Association for Conservation Information Conference held in Louisiana. Director Chanda congratulated the staff noting it is great to see the program get national recognition. Director Chanda noted to receive such a National Award is a credit to the professionalism of the Division's communications staff.

Acting Chair Vreeland recounted recent television news cast about a black bear that had entered a house, took ice cream out of the freezer and became stuck in a window when trying to escape.

Acting Chair Vreeland stated the Council would move into Executive Session after hearing the report on Law Enforcement

### **Law Enforcement**

Chief Cussen advised the FGC members he would like to present 4 awards to 3 conservation officers at the October FGC meeting, including: the 2008 Conservation Officer of the Year award and the 2008

Northeast Chief's Safari Award to CO Andrew Hutchinson; and 2 district service awards to CO Sutton and CO O'Rourke for their intervention in a couple of attempted suicides this year.

Chief Cussen provided a review of the total hours of duty and complaints. Regional highlights included:

- NRO: While patrolling the Hamburg Mountain WMA, CO Hutchinson apprehended 12 individuals operating ATVs. The officer was injured when one individual attempted to leave the area. Although the officer was successful in get the operator to dismount, the ATV rolled down a slope and struck the officer's leg. The officer suffered a slight fracture to his right foot and a slight fracture to his right tibia bone. He is expected to return to work at the end of the September.
- CRO: Officer Martiak had received information from the Marlboro Police Department, that during an investigation of a burglary at a home in their town, they observed what appeared to be four alligators being kept in the basement of the home. After being notified, Officer Martiak made contact with the son of the homeowner and set up a time to meet and do an inspection. During the inspection only three alligators were present. The subject adamantly denied that there were more than three alligators, even though the police had documented four. The subject went on to claim that he wasn't aware that it was illegal to possess the reptiles. A check of Division records revealed that the subjects have been involved in a number of other incidents with the Division, relating to the illegal possession of alligators. Without any means to relocate the animals, the owners delegated that responsibility to the Division. Prior to the day of the transport, the fourth alligator had been returned to the basement. All four reptiles have been transported to a new home. Chief Cussen noted the Law Enforcement Unit is encountering an increasing number of incidents involving potentially dangerous species.
- SRO: CO Risher chaired the 10th Annual South Jersey Youth Outdoor Day which is held at the Salem County Sportsmen Club in Carney's Point, Salem County. This year's event was attended by 200 children and their parents. The event is designed to give children and their families an introduction to outdoor recreational activities.
- Marine highlights include complaints regarding a party boat targeting undersize summer flounder to be used for bait. Plain clothes staff made observations on board. The boat was boarded when it returned to port and staff charged the captain, mates and passengers.

The training unit recently conducted simulated force on force scenarios for the all Bureau personnel. The scenarios put the officer into stressful real-life encounters that solicited him/her to respond with the appropriate force option. Officers were evaluated tactically and legally base upon their response. Scenarios have the ability to provide the most realistic training system possible so that officers can engage in dynamic experience building and ultimately lifesaving exercises. Many of the incidents do not involve the officer firing any shots, but instead require making observations and making conscious decision as to what might be going on with a goal of working with another officer to resolve the issue without deadly force.

### **Executive Session**

Acting Chair Vreeland requested a motion to move into Executive Session.

Janet Pizar stated the Sunshine Law governs the code of conduct of all public meetings and certain stipulations including any executive session be noted on the agenda so that the audience has the right to know the topic of discussion and what is being kept from the public record.

Acting Chair Vreeland restated at the last meeting, Law Enforcement had requested a 30 minute segment of Executive Session be conducted at this meeting.

Chief Herrigty noted the issues of concern were related to the revocation of licenses as mentioned at the last meeting.

**A motion was made by Councilman Messeroll, seconded by Councilman Van Mater, approved by the Council to move into Executive Session to discuss issues regarding license revocations.**

The Council moved into Executive Session at 2:25 pm. and reopened the meeting at 3:05 pm.

### **Bureau of Land Management**

Bureau Chief Tony Petrongolo noted no new lands have been purchased this month, mostly to due a lack of funding; however, a new referendum for acquisition funding will be placed on the ballot this election.

Capital improvement projects include activities at Ken Lockwood Gorge which is now complete pending handicap railing and docks. Gates will be utilized close the road from public traffic. Currently, 2/3 of the road is closed to vehicular traffic. Dams located at Shaw's Mill in Cumberland County and Maskell's Mill in Salem County are being refurbished; construction is expected to be completed in October. The crabbing pier and bird observation platform at Heislerville WMA have been completed. Construct of a boat ramp at Oyster Creek WMA to be completed by spring 2010, is going to bid shortly.

This winter, a timber harvest project at Flatbrook WMA will continue. This is the 3<sup>rd</sup> cutting in a series of 5 cuttings completed every 5 years for a total of 25 acres. Activities are expected to benefit the habitat by enabling early succession forest growth.

Chief Petrongolo introduced Marci Green, Administrator of DEP Office of Leases, distributed a summary of the auction results for leased properties on WMAs and a sample farm lease and service agreement and explained this was the first time the Division has utilized an auction to assist with the dispersal of leases on WMAs. This year, 3 auctions were conducted to disperse a total of 46 leases to farm WMAs throughout the state; 44 properties were bid upon. The price per acre varied from \$13/acre to \$122/acre with an average of \$65/acre. Prices were established based on data from USDA and based on soil type within the county and allowed for a 20% discount due to uncontrollable factors. Total intake of \$238,000 for habitat, \$148,000 for in-kind services including planting and management of crops, applying necessary fertilizer, pesticides and herbicides. Mr. Petrongolo further explained the lands for were no bid was received had issues that limited the public's interest. The lease of properties is expected to generate over \$1.5 million over the next 10 years and incorporate on-ground habitat work. . Mr. Petrongolo reviewed the process used to determine the property rental rates and noted the sale of timber does not involve lease agreements.

Councilman Kertz noted discussions with Mr. Wood, a farmer that had bid on a piece of property but was not acknowledged by the auctioneer. The situation resulted in a lower property sale value and a disgruntled participant. Discussions continued noting the property should have been rebid, but the issue was not brought to attention until after the auction was completed. A letter was sent to Mr. Woods and the winner of the parcel inviting both parties to attend this meeting. Councilman Kertz reported Mr. Woods is disappointed, feels DEP has made the decision of no further action required, and the property should be rebid. Ms. Green noted the Council has the authority to review all leases and make any comments or recommendations. She has discussed the circumstance with the Deputy Attorney General's office and found that while it was a very unfortunate situation and it would benefit the DFW if the property were to be rebid, there had been no fault on the DFW's behalf. Because there

was no fault on the DFW's responsibilities, and the fact that this concern had not been raised until after the auction was over, there was no cause to rebid the property. Discussions continued around the negative impact on the farmer and options the winning farmer could volunteer including splitting the lease and subleasing the property. All agreed it was a very unfortunate situation. M. Grace noted the Commissioner has already approved the auction results to the State House Commission.

**A motion was made by Councilman Burke, seconded by Councilwoman Brummer and approved by the Council to approve the auction package as presented with the following comments regarding Mr. Woods.**

- **Mr. Woods's situation involved miscommunication between himself and the auctioneer.**
- **All bidders should be aware of the bidding process**
- **Bidders should sit in the front of the room**
- **The Fish and Game Council recommends the 2 parties work it out between themselves.**

Councilman Kertz will forward Council members a copy of the letter inviting both parties to the meeting.

Acting Chair Vreeland thanked Marci Grace for her assistance. T. Petrongolo noted this was the first time this type of action had been organized and as with anything, you can expect problems the first time you implement a new procedure. Overall the entire project went very well.

Councilwoman Brummer noted the Keep It Green coalition consists of 132 partners and is in need of funding for advertising. If members or organizations are aware of any funds, they may wish to consider the Keep It Green coalition as it benefits all organizations.

### **Bureau of Wildlife Management**

Assistant Director Herrighty noted S. Predl and L. DiPiano have been asked to prepare a list of exotic, potentially dangerous, feral and hybrid species that fall between regulatory authorities. The list will be presented to FGC at the next meeting.

Councilman Wolgast noted the nighttime coyote season had been extended and suggested the day season also be extended.

Assistant Director Herrighty reported a bear had been shot today and a Jefferson Township gentleman taking out his garbage was charged by a black bear. The man hit the bear with a blue paint can.

The black bear aversive conditioning study has been sent out for peer review and the black bear DNA study results are not yet completed.

CBDM information has been provided in the monthly report. DFW has denied a Denville Township application and advised them that they can achieve their stated harvest goal of 100 deer in DMZ6 with a two-deer bag limit during the fall bow, permit bow and winter bow seasons, without requesting a change to the bag limit or needing a CBDMP. If harvest objectives can not be reached, the Division will then consider alternatives such as DMAP or CBDMP.

A farmer on the Merck WMA is experiencing damage from the wet weather and deer damage along the edges of the field. T. McBride has been asked to investigate the cost of using deer repellent along

the edges of the field. Councilman Wolgast noted the repellent used on Christmas trees has a limited effect due to the need to reapply after rain. L. Herrighty will have T. McBride contact Councilman Kertz who has experience with repellents used with a single application.

Director Chanda approved the issuance of a permit to hunt feral pigs this year; planning strategies include expanding the number of check stations and updating the information on the website.

Councilman Wolgast questioned why baiting of deer is still allowed on WMA when science has shown that it contributes to disease issues. Dr. Wolgast suggested DFW not allow baiting and requested information on the status of the literature review on baiting in NJ. Assistant Director Herrighty stated the document has been drafted and will send a copy of the draft policy to Councilman Wolgast for review.

Assistant Director Herrighty reported the alligator in Trenton has been captured and (with NYDEC's approval) transferred to a NY State licensed exhibitor.

Rockport Farm produced 64,000 birds. Staff expect to stock 55,000 birds in November. A request for proposals to rebuild various structures including the brooder house, with a completion date of April 1 and penalty clause have been released.

The Hunterdon County Chapter of Pheasants Forever met with Assistant Director Herrighty to discuss a habitat restoration project.

DFW is hosting a Fur Bearing Technical Workshop at the Lighthouse. Discussions will include revisions to muskrat trapping dates and northeast muskrat population declines.

Acting Chair Vreeland referenced an article in the New Jersey Herald regarding an ongoing bear proof dumpster study. L. Herrighty noted concerns regarding the information and has requested the raw data from the professor.

J. Messeroll reported the placement of this year's semi-wild permit applications on the website online is very easy and user friendly.

### **OLD AND NEW BUSINESS**

Acting Chair Vreeland stated she would not be attending the October and that J. Messeroll will fill the role of acting chair. Ms. Vreeland will return for the November meeting.

Councilwoman B. Brummer asked if there was anyway to cut down on the amount of printed materials distributed for the meeting noting DEP policies to reduce the use of paper and all the documents for ENSAC are available electronically. L. Herrighty noted several FGC members have done that in the past and then submitted requests for reimbursement of ink cartridges which were later denied. The members have since requested hard copies. B. Brummer and J. Messeroll requested the information be provided electronically when ever possible.

Councilman Van Mater noted he was not be attending the next federation meeting

Acting Chair Vreeland circulated a member list and asked member to update their contact information. A revised member list will be distributed.

## **Public Comments**

Acting Chair Vreeland noted public comments would be taken, but limited to 3 minutes per person.

Mark Lanzim of Ocean County stated 1 year ago he had suggested, and the Council was in agreement with, the electronic licensing system for hunting, fishing and all around licenses automatically issue a boat ramp permit. This eliminates the need for customers to redact information when utilizing copies of licenses when parking at boat ramps. It is a small administrative matter, of no cost to the Division and would be a big help to the constituents.

In addition, Mr. Lanzim also noted as a former member of the Governor's Surf Fishing Committee and a former judge, he highly and strongly recommends the issuance of a summer flounder permit for this event noting it will make the judging easier; the amount of harvest from a 1 day event will not impact the natural resource; it would increase the positive experience where fish are really biting and reduce the negative experience of having to throw the fish back into the water and the potential issuing violations during the event.

Janet Pizar of Millburn, Essex County addressed the Council and asked to go on record for the following:

The Vernon Police Department blog noted on August 19, an individual was parked on the side of the road and he stated a bear had attacked him. The man was found to be intoxicated and prosecuted. Ms. Pizar commended the DFW and Larry Herrighty for the objective review of the situation and reporting of this as an incident and not an attack. However, the bear trap is still on the property. Ms. Pizar questions if this is true and if the incident is still classified as a C1 statistic.

Chair Vreeland restated the Council would be taking comments and not questions.

Ms. Pizar noted she will be putting her concern in writing and had not yet received a response to her previous questions and her letter dated April 2009.

Ms. Pizar noted her disagreement as to why license restorations are kept confidential and reviewed in Executive session comparing it to a driving violation which is not done in confidence. The name of the offender, violation and actions/fines are public information. She doesn't know why this falls into executive session and she will be putting her concern in writing. In addition, Ms. Pizar stated there is a national calendar showing 12 human fatalities by black bears over the course of 110 years and every state with a human fatality had a hunting season. No fatalities from negative bear encounters are reported in states without bear hunting. Ms. Pizar asked the council if they were aware of that.

Chair Vreeland restated the Council would be taking comments and not questions.

**A motion was made by Councilman Kertz, seconded by Councilman Van Mater and approved by the Council to adjourn the meeting.**