

MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
September 13, 2011

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

The meeting was called to order at 1:15 pm by Acting Chairman Burke.

The flag salute and Pledge of Allegiance were completed.

The following was read aloud by Acting Chairman Burke: 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 Atlantic City Press on August 24, 2011.

Roll call was taken. In attendance were:

Acting Chairman David Burke
Councilman Philip Brodhecker
Councilwoman Barbara Brummer
Councilman Jeffrey Link
Councilman John Messeroll

Absent: Councilman August Gudmundsson
Councilman Robert Puskas
Councilman Dan Van Mater

Minutes of the August 9, 2011 meeting were reviewed. One minor change was noted, and **a motion was made by Councilman Messeroll, seconded by Councilman Brodhecker to approve the minutes as corrected. A vote was taken with all in favor, none opposed.**

Acting Chairman Burke noted that this is a very busy time of year with some type of activity each weekend. The WILD Expo, the Cumberland County Federation of Sportsmen's Outdoor Jamboree and the Tuckerton Decoy Show are all scheduled events. Acting Chairman Burke also recognized the NJ team who was entered in a bass tournament for the Northeast states and was the overall winner of that competition.

Also noted were an outbreak of Epizootic Hemorrhagic Disease (EHD) and the failure of the water control structure at the Prospertown Lake.

Assistant Director Herrighty was sitting in for Director Chanda, who was attending the Association of Fish and Wildlife Agencies meeting in Nebraska with Legislative Liaison Nelson. He reported that the Division's income is comparable to what it was this same time last year.

Acting Chairman Burke asked to note that he had attended the meeting of the Endangered and Non-Game Species Advisory Committee (ENSAC) this morning, where a presentation from the Lonza Corporation was given on the use of horseshoe crab blood in the pharmaceutical industry.

Committee reports began. Acting Chairman Burke noted that Councilman Puskas was not in attendance, but had reported to him that they are dealing with quite a bit of mud on the farmlands in his area of the Central Region. Councilman Puskas was also concerned about the possibility of deer with EHD on his property since it was found on a nearby farm. Councilman Messeroll added that there was a total of 26 inches of rain at his farm for July and August, and that Councilman Puskas probably saw more than that. Also, there were four dead deer found near Griggstown, not far from where Councilman Puskas is, which had been affected by EHD. Assistant Director noted he would provide additional information later in the meeting.

Councilman Link noted that the recent rains had caused flooding in the Southern area as well and that many fields were flooded and can not be cut. The plantings schedule for the late Summer and early Fall has also been delayed.

Councilman Link also had been questioned on the delay of the hunting issue of the Digest being distributed, and Assistant Director Herrightly explained that the timeline for the approval of the Game Code held up the publication process. Also discussed was the process for the farmer deer permit applications, and that applicants must re-certify their farmer status every few years to ensure that participants in the program still meet the requirements to be able to qualify for free permits. Farmers who fail to complete and return the necessary paperwork will not be able to claim their permits when they become available.

Councilman Brodhecker also reported flooding in the Northern Region, noting that they are still waiting to assess some of the crops to see if there is damage. Farmers are expecting to see some rot in the fields, and at his farm, he had seen a field of sunflowers that had rotted. Hay and corn crops are still being assessed. He also noted that bears have been destroying his corn. When asked why he thought this was, he noted that he had heard that the acorn crop production was down and that there are also a large number of bears in his area. Councilman Link noted the same situation with deer in his area, where they were avoiding the wooded areas and eating the crops. Councilman Brodhecker also noted a program he had seen that advised to fertilize weeded areas as well as crops in hopes that wildlife would graze on the weeded areas and stay out of the crops where there weren't food plots available.

Councilman Brodhecker will be doing an electric fencing display at the State Beekeeper's Association meeting on October 1.

At this time, Acting Chairman Burke reminded members of the public that there were no agenda items, and the public comment period would be held until the end of the meeting.

Councilman Messeroll reported for the Federation, noting that they would be having a meeting this Friday evening.

The Central Region Federation will be in charge of the Convention next year.

A sporting clays shoot is planned for October 1 by the Ocean County Federation.

Members of the Federation will be in attendance at the WILD Expo, the Tuckerton Decoy Show and the Governor's Surf Fishing Tournament.

Acting Chairman Burke noted there was no new information to report for the Finance Committee.

For the Freshwater Fisheries Committee, Acting Chairman Burke noted the Fish Code hearing tonight at 7 pm.

There was no new information to report for the Game Committee, and it was added that they probably will not have a meeting until January, 2012 or later. Assistant Director Herrighty described that with fewer staff available in the legal section of the Department, and more structured in scheduling codes, the Division now puts in their priorities for rule making every six months.

Councilman Messeroll noted that the Freshwater Fisheries Committee would be looking at the herring issue more towards December.

Councilman Messeroll had no new information to report for the Legislative Committee. Assistant Director Herrighty noted that the apprentice hunting license bill (S 2913) was out of the Senate Committee. He gave a brief description of the bill, adding that 24 out of 50 states have adopted this same type of program.

Acting Chairman Burke noted the presentations at the Endangered and Non-Game Species Advisory Committee (ENSAC) meeting this morning, including one on the red knot, and added that he would like to see more presentations of this nature presented to this Council in the future.

Councilwoman Brummer continued to report for the ENSAC, noting the Joint Council's Meeting in July, and felt it was a good start for each of the Council's to get to know each other and understand each others priorities.

It was described that the ENSAC group uses the Delphi process to assess species status, and currently are reviewing the Atlantic sturgeon. There is also a Delphi review going on for mammals.

Councilwoman Brummer noted that they had an overview from staff today on red knot data from the 1990's until present, and gave a brief description to this Council.

There is still much debate on the ARM model for the horseshoe crab populations, and Councilwoman Brummer felt they should spend more time at the next ENSAC meeting to speak more on this matter.

There was no new information to report for the Waterfowl Stamp Committee, but it was noted that their next meeting was scheduled for October 11. They may have one property to review and consider at that meeting. There was also inquiry as to who might replace Regional Superintendent Widjeskog once he retires, since he has been helpful in assessing lands considered for purchase.

Councilman Messeroll reminded those in attendance that the meeting with Public Service Electric and Gas to tour the nuclear facility in Salem was scheduled for Thursday, September 29 at 10 am.

Bureau reports began. Chief Barno from the Bureau of Freshwater Fisheries reported that they were just now starting to see the fallout from the excess water flows from the recent storms. They have seen several dam failures, and there are many lake lowering permits being submitted to the Bureau of Dam Safety that have to be reviewed.

Chief Barno also reported on the outlet structure failure at the Prospertown Lake, which resulted in the lake draining. Currently, there is only three feet of water left in the lake, and a fish salvage was conducted yesterday, today and possibly tomorrow. The salvaged fish are being relocated to Colliers Mills.

Elsewhere, 11 dams have failed, and 16 others have been ordered to be lowered. The Mullica Hill pond is on this list, and will most likely be pulled from the Fall trout stocking program.

The Hackettstown Hatchery faired well through the recent storms. Chief Barno described that 50 ponds were drained, but have now refilled. There was some mixing of fish between ponds due to the high water levels, and they will have more information on this in the next week or two. There was no structural loss reported.

At the Pequest Hatchery, there was a lack of power from 3 am Sunday until the late afternoon. Staff were on location to monitor the backup generator systems.

Chief Barno described that Lake Hopatcong was still being monitored, and at Lake Musconectcong the water level below the dam dropped just this morning, and the gates will not be reopened until the water levels are back and there will be limited recreational use until that time.

Chief Barno also reviewed information from the monthly report, where a previous problem with well #3 was reported.

Chief Barno reminded members of the Fish Code hearing this evening at 7 pm. As of this time, no written public comments had been received. She also noted that the public comment period closed on September 30.

There was additional discussion on recreational activities that may be restricted due to high waters, shellfish bed closures and how fish are able to sustain themselves during high water incidents.

Councilman Messeroll commended Chief Barno and her staff for being prepared to deal with any problems from the hurricane.

Chief Sciascia was not in attendance to report for the Bureau of Information and Education. Assistant Director Herrightly reminded those present of the WILD Expo this coming weekend. He also noted that Chief Sciascia had received a draft report of the analysis of the license structure as discussed at previous meetings, and gave a brief review.

Acting Chairman Burke asked if there were many inquiries being received on Digest errors. Assistant Director Herrightly noted that yes, and that staff were trying to keep the corrections updated on the Division website.

Chief Petrongolo reported for the Bureau of Land Management. He noted that 143 acres were added to the wildlife management area system this past month, and that Green Acres continues to be very active.

Chief Petrongolo noted that there was some hurricane damage, and briefed the Council on which areas were affected, noting that there were no dam failures.

Staff have been busy assisting the Bureau of Freshwater Fisheries with the fish salvage at the Prospertown Lake WMA.

Staff have also spent a lot of time preparing for the upcoming WILD Expo.

Late summer mowing operations began after August 15.

A project to upgrade the archery practice ranges is underway. This will allow for shooters to use crossbows at those ranges.

Chief Petrongolo also noted that a rare beetle species, commonly known as the northern barrens tiger beetle has been discovered at the Greenwood WMA near the quail management area, and gave a description to the Council. There was some additional discussion on the southern pine park beetle, and Chief Petrongolo noted that most of the damage is seen south of the Mullica River, and that the Bureau of Forestry is cutting infected trees with permission from the Pinelands Commission.

Acting Chairman Burke commented on a large hole at the entrance to the Stafford Forge WMA ranges, and asked if this could be corrected. Chief Petrongolo added that they have considered doing large scale improvements at that area, which would require permits from the Pinelands Commission.

Acting Chairman Burke commented that the strong winds from the recent storms had knocked many acorns off of the trees, and where deer would normally be feeding on crops this time of year, they now have acorns as a food source earlier than they usually would.

Acting Chief Chicketano was not in attendance to report for the Bureau of Law Enforcement, however, Assistant Director Herrighty reported that they have backfilled Lieutenant positions provisionally, and are currently doing background checks for entry level Conservation Officer 3 positions.

Assistant Director Herrighty also noted some recent inflatable watercraft that the Bureau of Law Enforcement had been able to purchase, and while there were only three obtained, the company who produces these boats put out a news release that they were had supplied a fleet of boats to the Division, and just wanted to note that they only received three.

Assistant Director Herrighty reported for the Bureau of Wildlife Management. He briefed the Council on Epizootic Hemorrhagic Disease and its history in New Jersey. There was additional discussion, and it was noted that several press releases have been done relative to this matter. There was additional discussion, and Acting Chairman Burke described further that this is something that was first identified in the 1950's, and is sometimes referred to as "blue tongue disease".

At the Rockport Game Farm, fence and pen repairs has just been completed before the hurricane occurred. They did experience some loss of chicks, and may be below the goal of 55,000 pheasants this season.

Staff have been working with personnel from the Cheesequake State Park on their deer management program. The park will be open for bowhunting, but limited to 50 hunters who must pick up a free park permit. Staff from the Central Region Bureau of Law Enforcement were on call if necessary for their opening day, but no issues were reported.

Staff from the Deer Project are currently working with personnel from Data Processing to develop maps for the electronic deer check in system. This program was briefly reviewed by Assistant Director Herrighty for the Council, and it was further discussed. Staff are also continuing the program to monitor acorn production, which is part of a program that involves many states.

The Department will be issuing a press release on trash management.

Assistant Director Herrighty noted the Federal peregrine falcon permit allocation allowing the taking of one passage bird by a New Jersey falconer will be given to another state since the endangered species rule which would de-list the bird is not yet adopted. The Atlantic Flyway Council has been advised of this decision.

Old and new business was discussed. Acting Chairman Burke and Principal Biologist Burnett recently attended a meeting of the New Jersey Quail Project. They are in the process of reorganizing and are working on a new outreach program, and Acting Chairman Burke gave a brief review of information from their meeting to the Council.

Acting Chairman Burke also noted the Wildlife Rehabilitator Advisory Committee that is forming. The Endangered and Non-Game Species Committee appointed Dr. Erica Miller to

represent them on this committee, and he advised that this Council also needed to appoint someone. Councilman Brodhecker noted he would be interested, but may not be able to attend all meetings and Councilman Messeroll agreed to be an alternate. **A motion was made by Councilman Link, seconded by Councilwoman Brummer to have Council Brodhecker represent the Fish and Game Council on the Wildlife Rehabilitator Committee, with Councilman Messeroll serve as an alternate. A vote was taken with all in favor, none opposed.** There was some additional discussion on the wildlife rehabilitators program.

Suggestions for presentations at future meetings were also discussed. Ideas included having biologists from other states present information on deer management, an overview of the Bureau of Law Enforcement and annual analysis of their activities, and information on anadromous fish.

The October Fish and Game Council meeting was also discussed. Amendments to the Fish Code are due to be voted on at this meeting, which will start at 1 pm, followed by the Waterfowl Stamp Advisory Committee that evening.

Councilman Brodhecker noted farmers in the Central New Jersey have asked about having a Spring goose season in their area. Assistant Director Herrighty gave a brief review of this noting that the Farm Bureau has inquired about this as well.

Councilman Messeroll commented on a recent documentary he had seen on a skunk problem in California. There was a town that was overrun by skunks, and it was found that they were attracted to the food that was being left for the feral cat colonies in that area. Assistant Director Herrighty noted that there had been a call from State Senator Malone that Bordentown was experiencing the same type of problem. Also, he added that the Assistant Commissioner has assigned the Green Acres administration to set up a stakeholder or public meeting on this issue. There was additional discussion on feral cat problems, with the feral cat impact on endangered species noted.

The public comment period was opened. Those wishing to address the Council were reminded that they should put any questions they have in writing to the Division, and that each speaker would be allowed three minutes.

First to address the Council was Dr. Reist from the New Jersey Department of Agriculture, who spoke about EHD. He noted that certain diseases can crossover to livestock species, and EHD can be clinically confused with foot and mouth disease, which is a very serious disease, but is not in the United States. He advised that if someone sees clinical signs of EHD, they should contact the Department of Agriculture to be sure that is the problem and not something else.

Next to speak was Barbara Sauchau. She questioned the Bureau of Information and Education monthly report where she said it noted roads that were put to have access to archery training areas on wildlife management areas, and wanted to see more information on money spent and where taxpayer dollars were going. Ms. Sauchau also commented on information given earlier in the meeting, where a farmer had reported on corn crops rotting, but also noted bear damage to their corn crop, and felt this was inconsistent. Additionally, she commented on people from the audience being allowed to speak during the meeting and felt it should be curtailed. Ms. Sauchau

also noted her concerns of meetings being held that did not include the public. Also noted was the monthly report from the Office of Environmental Review and the transformation initiative meeting they had noted and how she wanted more information on this. (time allowance was reached).

Janet Pizar from Essex County was next to address the Council. Ms. Pizar noted some “third person” information she had received about a bobcat that was under a deck, and commented on open space and food availability for wildlife in a human environment. She noted additional bobcat complaints from listed in a monthly report. Ms. Pizar added that she felt that when correlating information on sighting for additional and increased species, specifically noting bear complaints, the Division did not consider the increase of people moving into areas where these sightings were being reported.

Ms. Pizar also advised that she was the founder and manager of a new campaign called Public Trust Wildlife Management, and gave a briefing of this. Ms. Pizar also commented on information she felt was not contained in her Open Public Records Act (OPRA) requests, and advised she was now speaking with open government specialty attorneys. Additionally, she felt that her comments at Council meetings were being recorded as meaningless and with a lack of sustenance, and is also pursuing this with attorneys. She also wanted to remind the Division that certain documents from meetings were to be made available when requested, and that she is also pursuing this matter legally.

There was no one else wishing to make comment today, and **a motion was made by Councilman Link, seconded by Councilman Brodhecker to adjourn. A vote was taken with all in favor.** Meeting adjourned at 3:20 pm.