

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

**Central Region Office
Robbinsville, New Jersey
December 12, 2022**

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

The meeting was called to order at 10:00 a.m. by Chairman Frank Virgilio.

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 December 1, 2022 and delivered to the designated newspapers for Fish and Wildlife, the Newark Star Ledger and the Atlantic City Press.

Roll call was taken in attendance:

Chairman Frank Virgilio
Councilman James DeStephano
Councilman Mitchell Jones
Councilman Ed Kertz
Councilman Rick Lathrop
Councilman Rob Pollock - Absent
Councilman Bob Puskas – Late- 10:08
Councilman Loren Robinson
Councilman Ken Whildin

Fish and Game employees included: D. Golden, L. Barno, G. Kopkash, C. Stanko, A. Ivany, S. Crouse, J. Hearon, J. Heilferty, K. Springer, M. Monteschio, and D. Bajek.

There were several members of the public in attendance.
Chairman Virgilio asked for a motion to approve the November 14th F&G Council minutes.

Councilman Robinson made a motion to approve the November 14 F&G minutes, seconded by Councilman Jones. Vote taken; all approve. Motion carries.

Chairman Virgilio asked for a motion to approve the 2023 F&G meeting schedule.

Councilman Jones made a motion to approve the 2023 F&G meeting schedule, seconded by Councilman Whildin. Vote taken; all approved. Motion carries

Chairman Virgilio would like to welcome everyone on behalf of the F&G Council. As the year 2022 ends, he would like to thank Assistant Commissioner Golden, NJ Fish and Wildlife and their entire staff for managing, regulating, and protecting our State's wildlife resources, along with their habitats. This agency truly is a wonderful blessing to the State of NJ.

Assistant Commissioner Golden Thanked Chairman Virgilio for his comments and acknowledgement of our hardworking staff within Fish and Wildlife. It's hard to believe it has only been a month ago that the Council came together to vote on the Emergency Rule to the Comprehensive Black Bear Policy and Game Code changes. Over the past month he has been part of a really dedicated team trying to put everything in place to safely and effectively implement the Black Bear hunt, which was carried out over the past week and will be extended beginning this Wednesday for 4 days. Assistant Commissioner Golden wanted to publicly acknowledge the staff that worked hard to bring this together from Assistant Director Barno's team Bureau of Wildlife Management who put together the check stations, Assistant Director Kopkash's team who made sure the communications all went out during the on-again and off-again portion of the hunt as we were being challenged by the emergency stay, and Chief Panico's team in Law Enforcement making sure we had some security at check stations and that the areas were patrolled. It was a fantastic team effort to make this happen. He also wanted to thank the Council in holding true their responsibilities within the statute and managing our game populations properly and making some tough decisions. So, thank you to all that helped make this a successful and safe hunt.

Council Reports:

Agriculture:

Councilman Jones wanted to thank the Department for all the work put in for the bear hunt. Rutgers extension agent from Sussex County is working on a drone survey for crop damage in corn fields and we are hoping to have that out by the middle of next month. We haven't been seeing a lot of deer, but bobcats are a weekly thing.

Councilman Kertz reported some club members are concerned that EHD has had an effect on the number of deer collected on 6-day firearm. Some clubs are getting an average number of deer and some getting low numbers. One club killed 10 coyotes.

Councilman Puskas reported the geese are ravaging the wheat fields. Deer harvest is the worst he has seen. He also wanted to mention if someone can look into the issuing of Federal permits for goose depredation, these permits are held up till 2024. Harvest is done, with a very poor harvest in his area.

Aaron Guikema from USDA mentioned that the US Fish and Wildlife Service has a new system for issuing their permits and it has not been a smooth transition for them, so there is between a 6–9-month lag from when someone applies for a federal permit and when that actually gets issued. This has caused a lot of problems and delaying all the permits, even when renewing permits, they are waiting months.

Dr. Reist reported Avian Influenza has slowed down, the last one was found in Delaware in commercial animals. Potbellied pigs were released into woods at a market, the State Police were called and will have charges.

Farmer Relations: - No Report

NJ State Federation of Sportsmen Clubs:

Councilman Robinson reported he attended Hunterdon, Somerset, Middlesex, Union, Central Region, Game Committee, Waterfowl, and Law Enforcement meetings. Union's meeting discussed the county's park hunt, where they got 123 deer and donated 60 to Hunters Helping the Hungry and the Food Banks. Their next meeting will be December 28 to go over the winter bow hunt. He attended the Take a Youth Pheasant Hunt in November and had 34 kids harvest 50 birds. Tuckahoe WMA had an Open House, and he would like to thank Chief Ivany and his staff. They did a great job. Thanks to F&W for all their hard work with the bear hunt, it was appreciated.

Councilman Whildin reported EHD is a big topic for Cumberland County and harvest numbers are significantly down.

Chairman Virgilio reported he attended the Cumberland County meeting, the Federation meeting, NJ Predators, NJ Fur Harvesters Convention, and the State Federation Trappers meeting. At the meetings they discussed the Youth Pheasant Hunt, EHD, Legislative and Game Code changes, and the importance of filling out the survey at the end of the season.

Finance Committee: No Report

Game Committee: No Report

Endangered and Non-Game Species Advisory Committee:

Councilman Lathrop reported they had a meeting in November, where they discussed the Connecting Habitats across NJ where they have been field testing where the connections are. Kathy Clark gave a presentation on Horseshoe crabs/Shorebird issues, and he will email the link for the presentation to the council.

Waterfowl Stamp Committee:

Councilman Robinson reported the F&W has a contract with Canadian Ducks Unlimited through 2025 is a \$25,000 grant. They discussed Manahawkin repair structures; land acquisition committee formed. NJ Waterfowlers built 47 Woodcock boxes. Next meeting will be in March.

Wildlife Rehabilitators Advisory Committee:

Chief Stanko reported they had a meeting. F&W will be renominating seats that expired during Covid.

Law Enforcement Committee:

Councilman Whildin reported they met yesterday and will give a report later in the meeting.

Legislative Update:

Mary Monteschio reported there was one addition to the report, A4905- marine fisheries section. NJ Legislative has two more voting days then they return in January after the holidays.

Assistant Commissioner Golden gave an update on RAWA. The end of this week is significant, it needs to be approved by the 16th of this month. We could hear news by the end of the week.

Division Reports:

Business of Administration:

Chief Springer gave out a spreadsheet of license sales with comparison from 2019-2022. Overall sales are down 5.89% compared to this time last year Sales for 2022 are down .2%. As of December 8th, we sold 6,268 bear permits to 4,576 individuals, with 529 being sold to non-state residents in 26 states. Final sales will be provided at the next meeting. We had a total of \$30,460 in donations to the Conserve Wildlife Foundation.

Freshwater Fisheries:

Chief Crouse reported that Pequest completed Fall stocking October 11, with 21,000 trout stocked. Winter trout stocking was November 21 and 22, with 4,460 trout in 18 Ponds. We collected eggs and hatched 1 million Fry ready for 2024 production. Well #5 is on the edge of not working and went through a bidding process to have it replaced. Hackettstown stocking is complete with Land-lock Salmon. Research Management was back in the field working on surveys, with the report in the monthly. A lot of data collected in the surveys can get calculated drafted into reports. We are working with I&E to finish the digest with a late December shelf date and will be up on website prior to being printed. Pond Creek is held up for contracting issues and is on hold.

Information and Education:

Chief Ivany reported the Freshwater digest is on target to be on shelves December 22, and work has begun on the 2023 Marine digest. From November 15-17, working with the DEP Office of Local Government Assistance, our staff worked at the League of Municipalities Conference and things went exceptionally well. The Outreach Trailer was on site, and visitation to the Fish and Wildlife booth was high. Planning is in full swing for the Garden State Outdoor Sports Show January 12-15, and we have 3 years' worth of award winners for the Deer Classic we will be honoring. So far, we have 117 applicants over the last three years with 131 submissions and currently we have 76 deer mounts that will be on display. We will have plenty of staff on hand and will be selling licenses. BI&E is leading an effort to develop our new aquatic angling R3 plan with Alanna Newmark overseeing development of the plan. We are putting together an internal committee comprised of all appropriate Fish and Wildlife bureaus and will be working in conjunction with the Recreational Boating and Fishing Foundation to develop the plan. Alanna is also working with Linda DiPiano and learning the ropes on production of the Fish and Wildlife digests. The Pequest Natural Resource Education Center reopened on Halloween, and we are now again selling licenses and adding programming. Work also continues on cleaning up the grounds at Pequest, and staff has been working with non-game and endangered species staff on the possibility of pollinator and warm season grass plantings to use as educational tools for the public. Work also continues on design and renovation of the Pequest Exhibit Hall displays. I&E staff has put together a marketing committee for the Wildlife Habitat Supporter program and will be actively promoting the program.

Land Management:

Chief Hearon reported they are continuing with pheasant stocking and struggling with staff. There were a few issues in the northern region the last couple weeks at the Water Gap shutting down Old Mine Road. Staff stocked the evening before Feds told us the gates would be open, but they were closed until 10 or 11:00 the next day. Rising Sun boat ramp was completed and turned out very nice. Stone Tavern will be done next week. Point Pleasant has had a lot of interest and is done except for the rails on the fishing pier and launch dock due to supply chain issues. Tuckahoe has been asked about, and they are having problems with the contractor providing a schedule. In the North, Belvedere boat ramp will be getting some improvements within the next three years. Dennis Creek is on the docket for 2023 for Jakes Landing. All habitat supporter signs are out and trying to catch up on the whisfer signs. While he was out last week, the dumping on WMA's is obscene. His staff spends a ton of time across the state addressing this issue. We work with enforcement to clean up those continues problems. BLM has been spending a lot of time on encroachments, sometimes they are municipal driven where they come to us and others, are private homeowners, and we are trying to clen some up for the Forked River Game Farm transfer from Nacote Creek where we are transferring property from Feds to the State and vice versa. We are working with the Wind port in Salem County where we will do a thin layering project on an area that has been washed out to help support Black Rail habitat. We continue to do Fall plantings on our WMA's and continue to get food feedback. We are expanding Spring planting with the wild Turkey Federation this year; they supply seed, and we are going to continue to expand those efforts this Spring.

Wildlife Management:

Chief Stanko reported it has been all about bears for the past month. Opening Day for deer was a beautiful day but then had a couple days of rain. For the total of the 6-Day Firearm season the harvests to date were: Fall Bow was up 15%, Permit Bow was down .2%, Permit Muzzleloader was down 5%, 6-Day Firearm was up 8%, Permit Shotgun is up 39 %, Youth Bow Day is up 67%, Youth Firearm Day is down 11%. Overall, year-to-date so far, we are up 8% over last year's harvest for the same time period.

Law Enforcement:

Chief Panico reported that we successfully navigated another bear hunt. There were no major protests at the WMAs. We had a bunch of Marine officers come up and ride with the inland folks to get to see the other end of law enforcement. We are anticipating the graduation of our new recruits Jan 13 and are making preparations for that. Also, we will launch a vacancy Jan 3 to hire some new recruits.

Endangered Nongame Species:

Chief Heilferty reported that there was a lot of inter-agency coordination. We just had our annual meeting on Beach nesting bird season, where we had one of our Law Enforcement officer present. A couple updates, U.S Fish and Wildlife Services are going to up list the status of the Northern Long eared Bat, which is currently listed as a Federally Threatened Species and effectively January 30th will be recognized as a Federally Endangered species. This automatically creates it as State Endangered species status regardless of whether we promulgate anything. We are in the process of updating our promulgated rules that address species listed Threatened or Endangered. We are working on an apposed rule to assist in our ability to restrict access to the shoreline areas. On the personnel side, we are making progress on 2 back-fill positions and received over 150 resumes for these two positions. We had our ENSAC meeting last month where the committee voted Katherine Tredick to replace committee member Applegate and McClary to replace Committee member Burger.

Old Business:

Greenwood Lake Update:

Assistant Director Barno reported that Fish and Wildlife continue to work on alternative designs to increase parking. We have an initial design that has 12 parking spots, but we are looking to increase it to 24.

Comprehensive Black Bear Management Policy and Black Bear Management Update:

Assistant Commissioner Golden reported that we are right in the middle of the Emergency Rule with concurrent adoption and Game Code changes. We were successful with to get the stay lifted. The appeal is still working its way out. Council moved forward with the adoption of CBBMP and Game Code changes with a 60-day comment period that opened on December 5, 2022, and closes on February 3, 2023. January 18, 2023, there will be the public hearing at the State Museum.

Chief Ivany reported planning is moving forward with an extensive Black Bear Outreach Campaign with the marketing firm to build upon what we did last year. The vendor will also conduct a behavior analysis study to assess behavior changes of residents. We are pleased to announce a new black bear outreach specialist Lyla Kaul, who is working under the supervision of Michelle Smith. We will also be working with the Bureau of Solid Waste Planning and Licensing and had one meeting already.

New Business:

Epizootic Hemorrhagic Disease Update:

Jodi Powers gave a brief presentation on Epizootic Hemorrhagic Disease (EHD). She reported that we have positive cases in Cumberland, Atlantic and Gloucester Counties. There are two different types, EHDV-1 and EHDV-2. Both have no effect on humans and is ok to eat the meat.

Ruffed Grouse Restoration Program:

James Sloan gave a brief presentation on the Ruffed Grouse Restoration Program and population status.

Law Enforcement Replace Value of Wildlife:

Chief Panico and Captain Quirk gave a brief presentation on the replacement values for wildlife taken or possessed in violation of law.

Lunch: 12:25 – 1:00

Community Based Deer Management:

Mercer County: Brian Shumm read the CBDM application for Mercer County. They propose to allow Scorpion Outdoors to cull deer on Mercer County Park properties. Permit activities shall be conducted between an hour before sunrise through 9 pm. On Mercer Meadows, Baldpate Mountain, Fiddlers Creek Preserve, Belle Mountain, and Mercer Oaks Golf Course shooting is permitted between February 19, 2023, and March 31, 2023. On Hopewell Valley Golf Course and Mountain View Golf Course shooting is permitted between January 1, 2023, and March 31, 2023. On Howell Farm shooting is permitted between January 28, 2023, and March 31, 2023. Deer will be culled using archery and firearms (slug or buckshot). Fish and Wildlife recommend approval by Council.

Joint Base MDL:

Jodi powers read the CBDM application from Joint Base MDL. If approved, the permit will be used on two military airfields to reduce the risk of white-tailed deer strikes to military aircraft. They will utilize the USDA APHIS Wildlife Services staff to bait and shoot deer 24 hours a day, year-round. Fish and Wildlife recommend approval by Council.

Public Comment:

Barbara Sachau commented that she is against both permits.

Chairman Virgilio asked for a roll call vote for Mercer County.

Vote taken, all approve, motion carries.

Chairman Virgilio asked for a motion to vote on Joint Base MDL.

Vote taken, all approve, motion carries.

License Restorations: (4)

Kyle Frank- Present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Frank who was present. Mr. Frank was convicted of a violation on December 26,2017, for **N.J.S.A/N.J.A.C 7:25-5.13 (g)** Hunt waterfowl during closed hours. A second violation on March 31,2022, for **N.J.S.A/N.J.A.C 7:25-5.12(e)1i, 23:4-47** possession of prohibited leg hold trap and possession of unregistered deer parts.

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

A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman DeStephano. Vote taken, all in favor; motion approved.

After the council discussed Mr. Frank's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Robinson to close the floor for discussion, seconded by Councilman Kertz. Vote taken, all in favor; motion carried.

Chairman Virgilio stated that the council has three options, reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Whildin made a motion Not to reinstate Mr. Frank's license, seconded by Councilman Robinson. Vote taken, 4 in favor; 3 opposed. Motion carried.

Dery Allen Solzar Nunez- Not present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Nunez who was not present. Mr. Nunez was convicted of a violation on January 19,2022, for **NJSA/NJAC 23:5-45.1a** undersized striped bass. A second violation **NJSA/NJAC 23:5-45.1a** undersized striped bass.

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

A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Jones. Vote taken, all in favor; motion approved.

After the council discussed Mr. Nunez's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Robinson to close the floor for discussion, seconded by Councilman Puskas. Vote taken, all in favor; motion carried.

Chairman Virgilio stated that the council has three options, reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Nunez's license, seconded by Councilman Kertz. Vote taken, all in favor; motion carried.

David Dunleavy- Not present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Dunleavy who was not present. Mr. Dunleavy was convicted of a violation on May 2,2019, for **N.J.S.A/N.J.A.C 7:25-18.1(e)** possession of mutilated marine fish parts (summer flounder). A second violation on July 5,2022, for **N.J.S.A/N.J.A.C 7:25-18.1c** possession of 1 undersized flounder.

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

A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman DeStephano. Vote taken, all in favor; motion approved.

After the council discussed Mr. Dunleavy's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Robinson to close the floor for discussion, seconded by Councilman Jones. Vote taken, all in favor; motion carried.

Chairman Virgilio stated that the council has three options, reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Dunleavy's license, seconded by Councilman Kertz. Vote taken, 6 in favor; 1 opposed. Motion carried.

Richard Mathews Jr.- Not present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Mathews who was not present. Mr. Mathews was convicted of a violation on June 11,2019, for **PACS 34.2321 (a)1** unlawfully assist in any manner to take, injure, kill, possess or transport any big game animal during closed season. A second violation on May 24,2022, for **N.J.S.A/N.J.A.C 23:4-42** over legal bag limit- permit bow season.

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

A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Jones. Vote taken, all in favor; motion approved.

After the council discussed Mr. Mathews's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Robinson to close the floor for discussion, seconded by Councilman Jones. Vote taken, all in favor; motion carried.

Chairman Virgilio stated that the council has three options, reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Mathew's license, seconded by Councilman Kertz. Vote taken, all in favor. Motion carried.

Public Comment:

Barbara Sachua feels the officers should not give breaks on violations. She also feels that the public is entitled to due process and the Emergency Hunt is unfair.

Chairman Virgilio asked for a motion to adjourn.

Councilman Kertz made a motion to adjourn at 2:12 p.m, seconded by Councilman Jones. Vote taken; motion carries.

Next meeting January 10, 2023, at the Assunpink office 10:00 a.m.