

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

**Central Region Office  
Robbinsville, New Jersey  
September 13, 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 September 7, 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  
Councilman Bob Puskas  
Councilman Loren Robinson  
Councilman Ken Whildin

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

There were several members of the public in attendance.

Chairman Virgilio asked for a motion to approve the August 9th F&G Council minutes.

**Councilman Robinson made a motion to approve the August 9 F&G minutes, seconded by Councilman Whildin. Vote taken, 4 approve, 2 abstentions. Motion carries.**

Chairman Virgilio welcomed everyone to our September NJ Fish and Game Council Meeting

It was once said by Admiral William "Bull" Halsey that; "There are no great people in this world, only great challenges which ordinary people rise to meet". On September 11, 21 years ago, thousands of men and women rose to meet that day's challenges and made the ultimate sacrifice. Please take a moment of silence and remember the men and women of 9-11. Remember where you were and how you felt.

### **Council Reports:**

#### **Agriculture:**

Councilman Jones reported he attended the Board of Agriculture meeting where they discussed bear damage. The north half of Warren County is experiencing quite a bit of bear damage but say they have no deer damage. He has seen some drone footage that shows damage to be around 20% or more. There will be a drone study of bear damage for Sussex County.

Councilman Kertz reported he attended the Atlantic County Board of Agriculture meeting and the Atlantic County Sportsmen's Federation meeting, both had light attendance. There were some concerns with Wharton State Park survey they are having and changing the baiting laws.

Councilman Puskas reported his area has had the worst drought they have ever seen, with the corn crop at a 100% loss and the bean crop is around an 80-90% loss. There were bear sightings in Franklin with more this year than ever before.

Dr. Reist reported high path avian influenza (HPAI) from PA that affected most of Warren County, PA control zones have been lifted, and we were able to that in 22-days. So far, the national record for getting them lifted is 18-days. NJ is still considered a HPIA state according to the World Animal Health Organization and the USDA because of our Monmouth County detection. If all goes well that will be lifted on October 12<sup>th</sup>.

**Farmers/Sportsman Relations:**

Councilman Jones reported Warren County hosted the Hunters Helping the Hungry refrigerated donation trailer for the last two weeks and will keep it for early bow season. On Saturday, the Twin Rivers is having a conference with a discussion on renaming the Delaware Water Gap.

**NJ State Federation of Sportsman's Clubs:**

Councilman DeStephano reported he attended the Warren County meeting where they had questions about the refrigerated trailer and how it was going to be moved around and where it would be next.

Councilman Robinson reported he attended an in-person meeting at Hunterdon County where they had discussions on HR80167, the repeal of the Pitman Robinson Act, NJ gun legislation, and RAWA. There was also some concern from residents and sportsmen of the road closure at Round Valley; the water company closed that road, and it makes it difficult to access. He also attended the Middlesex County meeting where they discussed the Youth Pheasant Hunt coming up in November, the Tuckahoe WMA hunt lottery, and CWD rules. Lastly, he attended virtually to the Law Enforcement Committee meeting.

Councilman Whildin reported he attended the Law Enforcement meeting this week. He also received a few phone calls about the Wharton survey

Chairman Virgilio reported he attended the sixth annual disabled kids and veterans' hunt. He attended the Law Committee meeting, Cumberland County Federation meeting, which people voiced concern over having difficulties navigating the new website and signing up for the Hunter Education class, an update for the Tuckahoe boat ramp, the Wharton State Forest mapping webinar and closed access to roads and possible requiring a vehicle to be permitted.

**Finance Committee:**

Councilman Robinson reported they will have a presentation later in the meeting.

**Fish Committee:** No report

**Game Committee:** Meeting scheduled for next week

**Endangered and Non-Game Species Advisory Committee:**

Councilman Lathrop reported they did not have their summer meeting. At the end of August, he went out to do some shorebird research with some of our retired DEP ENSP colleagues. We successfully captured a number of shorebirds off Cape Cod. The technology is changing so rapidly, the new transmitters are now solar powered and communicate with the satellites so you can get real time information about where these birds are. The Committee will meet jointly with the Council next month.

**Waterfowl Stamp Committee:** Meeting this afternoon.

**Wildlife Rehabilitators Advisory Committee:** Next meeting scheduled for next month

**Law Enforcement Committee:**

Councilman Whildin reported they meet last week and will discuss under license restorations later today. We also talked about wildlife reimbursement, if a game/nongame animal was taken out of season or against the law there will be a possibility of charging a fee. There was a discussion, but there might need to be a few things to work out. There are 34 other states that do something similar.

**Public Member:** No report.

**Legislative Report:**

Mary Monteschio reported other than one or two minor things in the report, there is nothing going on. She did notice the NJ Legislature will be back in session this week starting Thursday. So far only the Assembly is scheduling meetings but expecting that to start ramping up pretty soon.

**Division Reports:****Bureau of Business of Administration:**

Chief Springer mentioned there should be handout sheets in your packet with the license and permit comparison chart for 2019-2022 through August 31 of each year. Overall total sales were down 6.82% as compared to same time last year. Compared to 2019, which was

considered a normal year pre-covid, 2022 license sales are slightly down by 0.15%. The total number for Apprentice and Buddy License sales as of August 31 is 986 Apprentice Licenses and 2,420 Buddy Licenses. The Wildlife Habitat Supporter Program total donations are \$26,960 to date.

### **Freshwater Fisheries:**

Chief Crouse reported he has four brief updates. Summer field season for the Research and Management crew has come to completion. Much of the work done thus far has been working on trout streams in the northern portion of the state. At this point we surveyed 88 streams or stream sections, discovering a new trout population that was not previously documented. One project is assessing transitions between Brook and Brown Trout over time, also the impacts for changes to wild trout populations following the discontinuation of trout stocking. Hackettstown Hatchery is wrapping up fish stocking season and are 2-weeks ahead of schedule. The only stocking left is our landlocked Salmon, which we will leave a little longer for the surface temperature to cool down. Pequest Hatchery is also on schedule. At this point they have successfully taken over 1 million eggs to be raised in a nursery building until they are ready to go outdoors. BFF staff has completed the articles for the 2023 Freshwater Fishing Digest. It has been edited and passed on to I&E for further editing. Things are going really smoothly, and we are on schedule. The first pass has been submitted to the publisher and now back in our hands.

### **Information and Education:**

Chief Ivany reported that we have confirmed with the DEP Office of Local Government Assistance our attendance at the upcoming League of Municipalities meeting this year, which is November 15-17 in Atlantic City. We will be bringing our Mobile Conservation Trailer. The Freshwater Digest first pass is currently under review by our staff and going back to the publisher on September 21<sup>st</sup>. The on-shelf target date this year is December 20<sup>th</sup>. The Trenton Fishing Derby is coming up on October 8<sup>th</sup> and the HOFNOD trailer will be on site. Hunter Education and Trapping updates for fiscal year 22 ending June 30<sup>th</sup>, we are down by 25% in students this year which was anticipated coming out of the Covid bump. We streamlined classes this year and are heading back to normal. Trapping classes are up significantly, and we have added classes, and updated the website with information. been For FY21 we had 71 trapper students and FY22 we had 141. The Tuckahoe managed waterfowl hunt program has a lot going on this year. Updates to the program are posted on the website with an informational page as well as a FAQ page. This has been very well received by visitors to the site. We currently have 235 applications in with a week and a half to still submit. Something new this year, there will be an "Open House Scouting Day on Saturday October 8<sup>th</sup> from 10am-2pm at the Tuckahoe Wildlife Management Area. Gates will be unlocked, and you will be able to walk or drive the impoundments and ask questions to F&W staff. Council members are welcome to visit. R3 Take

a kid Pheasant Hunting is November 5<sup>th</sup>, registration is now open, and we already have 84 applicants. The application period closes October 15. We have a Take A Kid Hunting video posted on our social media Facebook page to promote the program.

### **Land Management:**

Chief Hearon reported Land Management is getting ready for the Fall transition. We are preparing the stocking of pheasants, cutting paths and making sure everything is open. Our Spring plantings that we had done on our pheasant areas and Spring food plots took a beating due to the lack of rain. We are looking to get started, our Fall plants got a slow start especially in the south, but we are making progress seeds should be in the ground shortly. Staff is preparing for the upcoming Whisper audit in October. All our funding comes from the Feds through Wisper funds for het most part and every 5-years we have an audit to make sure we are spending our funds appropriately. Staff will be presenting some of the work we do as far as transportation passageways along with ENSP at the upcoming Transportation Conference. We had a cleanup at Turkey Swamp, which was sponsored by Subaru. Chief Hearon would like to thank Subaru because they do a cleanup on a WMA and we don't get big corporate sponsors to do those kind of things too often. It resulted in several dumpsters of trash, and we thank them for their support. Higbee Beach WMA, Pond creek project has been awarded to a contractor and can expect to break ground this November. In the Central region, Stone Tavern is scheduled for a boat ramp this Fall, and will start September 15 with the drawdown of those lakes. Tuckahoe boat ramp will kickoff in November as well, they will be awarding that contract and we will try our best not to disturb the duck hunters. Point Pleasant should be completed in November. As far as ranges, we were getting complaints from residents because of noise, so we spent a significant amount of money trying to reduce the noise with a sound wall and pit sound dampening materials inside the shooting stations. Make Peace range is now back open, we did lead remediation and cleared behind the skeet range for future lead remediation. As far as archery targets, across the state you will see new archery target stations that were put in. Staff is in full swing with dam repairs, every season we go through a dam inspection on a lot of our dams, especially class 1 dams. After the inspections there is a series of work. This year we got hit with more work than normal.

### **Wildlife Management:**

Chief Stanko reported we had opening day of early Fall Bow season in a number of deer management zones this past Saturday, where we took 1,660 deer. Since our last meeting Cat 1 bears for the reporting period numbered 37: 1-Hunterden County, 7- Morris County, 3-Passaic County, 23-Sussex County, and 3-Warren County. This breaks down to 7aggressive bears for 19% of the reporting period total, 14 agricultural damage for 38%, 3 attempted home entries for 8%, 3 actual home entries for 8%, 7 protected livestock attacks for 19%, 2 dog attacks for 5%, and 1 vehicle entry for 3%. Staff set 8 traps, where we captured and euthanized 2 bears.

22% of complainants allowed traps to be set on their property, 5.4% of reported Cat 1 bears were captured. If it seems like the numbers are going up each reporting period, they are. The May reporting period we had 20 Cat 1, we skipped our June meeting so then we had June/July which was a combination of 68 Cat 1, if you divide that by two it is 34, then this month we had 37 so the numbers are inching up.

### **Old Business:**

**Greenwood Lake Update:** no changes at this time.

### **Black Bear Education Marketing Campaign (Non-Lethal Measures)**

Chief Ivany reported we just received the final media reports from our marketing firm. It is very apparent that the campaign was very successful. The marketing company stated good targeting of the audience, along with good messaging created good results including much higher-than-average engagement, and also a positive brand lift. The campaign was successful at driving the audience to our website to learn more. According to Google analytics the campaign that launched on April 4<sup>th</sup> and ended on July 25<sup>th</sup> drove more than 59,000 new users to the website. As far as viewership, 5.51% of viewers were Spanish, the rest were English. Chief Ivany pulled a couple highlights that stood out to him from the report such as; total impressions for the campaign 18,471,507 and 4,793,649 completed video views. All things point to a very successful campaign, and we are meeting currently to discuss where we want to go with the continuation of the marketing campaign and Black Bear Outreach for fiscal year 2023. Next week we are doing two interviews, one for black bear outreach and one for the Digest editor assistant and Aquatic R3 position.

### **New Business:**

#### **Fish and Wildlife Financial Summary:**

Assistant Director Kopkash gave a brief presentation on the Fish and Wildlife Financial Summary. She compared the budget from 2021 to 2023.

#### **Epizootic Hemorrhagic Disease Update:**

Chief Stanko spoke briefly on Epizootic Hemorrhagic Disease (EHD), which is a virus that is spread by a biting midge that lives on mud flats of waterways. It is not contagious from deer to deer, they would have to get bitten directly from the midge, and they would usually run a high

fever and so are found in or near water. Another symptom is a bluish tongue that sometimes is mistaken for Blue Tongue Disease, which is a similar and related virus. The eyes would be blood shot, there may be some pink foam around the nose and mouth and when you do a field necropsy you can see the body cavity is full of fluid. We had it last year pretty badly in about 17 counties, so hunters are being vigilant this year and report a lot of sightings of dead and sick deer to us. We posted our normal press release for the public to be aware of EHD and to report any suspected deer. We have tested several deer throughout the state, we got one result back from Spruce Run and that was negative. We are keeping our fingers crossed that maybe the drought helped this year. If we do get a positive report, we will put out an announcement and will repost the report site on our website for the public to report back to us.

**LUNCH: 11:30 – 12:00**

**EHD Update:**

Chief Stanko reported that Jodi Powers presented her with two positive cases, one in Cumberland and one in Gloucester County. Cape May came back negative, Hunterdon County was negative. we have samples submitted and waiting on results for Ocean, Somerset and Bergen Counties. We continue to get a lot of calls on dead deer from Gloucester, Cumberland, and Ocean Counties. So we do now have the report form up like we did last year and we will continue to sample and will be posting on the website.

**License Restorations (4)**

**Jacob Bryant- Not Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Bryant who was not present. Mr. Bryant was convicted of a violation on September 21, 2021, for **NJSA 23:4-42** failure to harvest antlerless deer prior to antlered and violation **NJSA 23:4-47** failure to properly fill out harvest report as required. A second violation on May 16, 2022, for **NJAC 7:25-5.7(a)** took a hen turkey during a closed 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 DeStephano. Vote taken, all in favor; motion approved.**

After the council discussed Mr. Bryant'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 DeStephano. 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. Bryant's license, seconded by Councilman Kertz. Vote taken, all in favor; motion carried.**

### **Anthony Gilberti- Not Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Gilberti who was not present. Mr. Gilberti was convicted of a violation on November 19,2019, for **NJAC 7:25-5.6(a)5** hunt black bear in unlawful manner. A second violation on April 4,2022, for **NJAC 7:25-5.25** harvest over the limit of antlered deer during Fall 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 Lathrop. Vote taken, all in favor; motion approved.**

After the council discussed Mr. Gilberti'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 DeStephano. 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. Gilberti's license, seconded by Councilman Kertz. Vote taken, all in favor; motion carried.**

### **Public Comment:**

John Giberti, on behalf the National Falconry Club- Higbee Beach development that is planned, we have been trapping raptors there since the 80's and we are hoping we can still do so and keep the assets intact.

Janet Pizar has been hearing the growing Cat 1 bear complaints and feels the public needs to know the circumstances behind them, such as being attracted to a food source. She feels the information being provided is incomplete without knowing the circumstances surrounding that behavior.

### **Zachary Amato- Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Amato who was present. Mr. Amato was convicted of a violation on February 5,2020, for **NJSA 23:3-21** wrongfully procuring a resident hunting license. A second violation on June 21,2022, for **NJAC 7:25-18.1(c)1** – 1 summer flounder over the limit.

**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 Kertz. Vote taken, all in favor; motion approved.**

After the council discussed Mr. Amato'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 DeStephano. 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. Amato's license, seconded by Chairman Virgilio. Vote taken, 7 in favor; 2 opposed, motion carried.**

### **William McHolmes- Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. McHolmes who was present. Mr. McHolmes was convicted of a violation on December 2,2020, for **NJAC 7:25-5.23(h)** Sunday hunting and violation **NJSA 23:3-1.B(2)** failure to exhibit a license. A second violation on April 5,2022, for **NJAC 7:25-5.30(f)** no valid permit.

**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. McHolmes 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 DeStephano. Vote taken, all in favor; motion approved.**

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. McHolmes license, seconded by Councilman Whildin. Vote taken, all in favor; motion carried.**

**Public Comment:**

Barbara Sachua has mentioned she has not been able to get the Division reports and feels they are essential. She would like help getting these reports. She also commented on CWD and if there is an issue with eating meat that came from a deer with CWD.

**A motion was made by Councilman DeStephano to adjourn the meeting, seconded by Councilman Puskas. Vote taken; all approve, motion carries.**

**Next meeting will be in-person joint meeting with ENSAC October 11 at 10:00 am at the Assunpink Conference room.**