

**MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL  
Central Region Office  
Robbinsville, New Jersey  
August 8, 2023**

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 August 2,2023 and delivered to the designated newspapers for Fish and Wildlife, the Newark Star Ledger and the Atlantic City Press on August 2,2023.

Roll call was taken in attendance:

- Chairman Frank Virgilio
- Councilman James DeStephano
- Councilman Mitchell Jones -Late 10:05
- Councilman Ed Kertz
- Councilman Rick Lathrop -Absent
- Councilman Rob Pollock - Absent
- Councilman Bob Puskas- Absent
- Councilman Loren Robinson
- Councilman Ken Whildin

Fish & Wildlife employees included: D. Golden, G. Kopkash, C. Stanko, A. Ivany, J. Hearon, M. Smith, K. Springer, and D. Bajek.

There were several members of the public in attendance.

Chairman Virgilio asked for a motion to approve the July 11<sup>th</sup> F&G Council minutes.

**Councilman Robinson made a motion to approve the July 11<sup>th</sup> minutes, seconded by Councilman DeStephano. Vote taken. 4 approve, 2 abstain (Jones, Lathrop). Motion approved.**

Chairman Virgilio welcomed everyone to today's meeting. On behalf of the entire Fish and Game Council, he would like to extend our sincere condolences on the passing of Lt. Governor Sheila Oliver. He would also like to thank Commissioner Sean LaTourette for his leadership in shepherding the 33-year project establishing the replacement value of wildlife, as directed by NJSA 23:3-22.2. This effort was driven by Commissioner La Tourette, who met with our constituent groups and said he would complete the legislature's mandate once and for all. Keeping true to his word, He made this herculean DEP effort come to fruition on July 27, 2023.

One can't overlook the full-court press, including Chief Frank Panico, Capt. Linda Quirk, Endangered and Nongame Staff, Site Remediation, and especially Mary Monteschio (attorney for New Jersey Fish & Wildlife). He'd also like to thank Assistant Commissioner Dave Golden, the legal staff of NJDEP, and the entire Fish and Game Council, who worked to complete this 32-year-old project.

Assistant Commissioner Golden followed up on the Replacement Value of Wildlife and mentioned this would be discussed in more detail later in the meeting. He also will be discussing the new Fish & Wildlife organizational restructure today. He mentioned that the digest is now out in digital form. He also wanted to mention to jump on our new website and check out all it has to offer.

### **Council Reports:**

#### **Agriculture:**

Councilman Jones reported that 3 weeks ago we had lots of rain within 48 hours, and the damage is adding up. Warren County is up to 18 million dollars in bridge and road damages. We have seen deer in good numbers doing crop damage. The Farm Bureau and Rutgers Extension are working together with the Division on a black bear damage survey. They are going to reach out to do a hidden cost and see what the farmers are using to manage black bears and what the damage is.

Councilman Kertz reported he's not gotten as much rain in his area, but the heat is doing a number on the crops. We are getting rain as needed and doing good.

#### **Farmer/Sportsman Relations:**

Councilman Jones reported there is a bear survey being done with Rutgers, as reported earlier.

#### **New Jersey State Federations of Sportsman's Clubs:**

Councilman Robinson reported he attended virtual meetings with Law Enforcement, and Hunterdon County has a meeting this week.

Councilman Whildin reported he attended the virtual Law Enforcement Committee meeting.

Chairman Virgilio reported he attended the Non-lead Ammunition Workshop presented by the North American Non-Lead Partnership at Wallkill River National Wildlife Refuge on July 14.

The event is designed to expand the coalition of hunters, anglers, and other conservationists dedicated to improving ecosystem and wildlife health by choosing non-lead options. I attended a meeting of Hutton Hill Rifle and Revolver Club. The new use of force training for private citizens, and concealed carry was discussed, along with training sessions to comply with new regulations. He also attended a legislative committee meeting. He attended a meeting at the Crowne Plaza Princeton hotel with Federation president Wade Stein, where we reviewed convention and functional space contracts including seminar, rooms, and exhibit halls for the Garden State Deer Classic and Skillful Anglers Award programs.

**Finance Committee:**

Councilman Robinson reported he is waiting on numbers from DEP and will report to Council next meeting.

**Game Committee:** No report.

**Endangered & Non-Game Species Advisory Committee:** No report.

**Waterfowl Stamp Advisory Committee:** No report.

**Wildlife Rehabilitators Advisory Committee:**

Councilman DeStephano reported there was a meeting last week and the Fish & Wildlife representative in charge of issuing permits will be out on leave for an extended period of time, which means there will be no more new permits issued for the next year beginning in November. If you need one apply and get it done as soon as possible.

**Legislative Report:**

Chairman Virgilio reported that two types of legislation were discussed: bills that are already posted in either the Assembly or the Senate and new legislation priorities that haven't been introduced that will benefit our fish and wildlife resources in New Jersey.

**Bills already introduced:**

- HOFNOD A3531 S2604, appropriate \$450,000 for Hooked On Fishing Not On Drugs. The appropriations would provide for the hiring of a full-time employee along with the ability to reach more communities increasing urban fishing opportunities.
- A1967 S1891 Revised law that prohibits Black bear feeding.
- Fishing Buddies A5227/S3662 expands eligibility for ½ price fishing license.

**New legislation recommendations:**

- We discussed the need for stable marine fisheries funding.
- Removal of the display requirements for hunting, fishing, and trapping licenses.
- Who would like to remove license and permit fees out of the statutes and place them into regulation?
- We'd like to see legislation that fixes the term limits of the Shellfisheries Council, so that they match up with the Marine Fisheries Council and the Fish and Game Council.
- We need to remove the Menhaden laws since we have regulations that covers the taking of menhaden.
- We need a total rewrite of gunning on the influence.
- Make the saltwater registry a privilege.

**Wildlife Reports:****Office of Business Administration:**

Chief Springer handed out a packet with the past five-year comparison of sales from 2019-2023. License sales for the end of July 2023 was up .84% as compared to the end of July 2022. Sales compared to 2019, which is considered a normal year pre-covid, license sales were up .74%. Wildlife Habitat Supporter Program total amount of donations for July was \$2495.00 and the total since it started in November 2021 is \$57,250.00. Turkey permit sales for 2020 were \$26,232; 2021 were \$24,633; 2022 were \$23,922. The 2023 sales were at \$20,567 for Spring, and we will do Fall numbers in September when they go on sale.

## **Freshwater Fisheries:**

Chris Smith reported on the Trout Angler Survey; we are conducting a series of short online surveys to obtain angler feedback concerning our Trout Stocking Program throughout the state. The information collected will be used to inform future stocking, management, and regulation decisions. Trout Stamp buyers were notified directly by email. Emails were also sent out via GovDelivery. We also reached out through social media and on our website. This particular survey is designed to determine which waters are fished most frequently by trout anglers over the course of the year. It also aims to determine angler satisfaction on those specific waters. It was launched on 6/28/23. As of 6:15pm on Monday, 1,952 surveys were submitted. Completion rates were 70%, with an average survey time of 10 minutes. During this Fish and Game Council meeting it was reported “Unfortunately, angler compliance in entering their CID number was very low. In fact, less than half the anglers in the first survey entered their CID number. This is unfortunate, as it limits our ability to cross-reference the data. More importantly, it reduces our confidence in the data, as we are now uncertain as to whether anglers may have disproportionately skewed the results by entering multiple surveys.” After further evaluation, angler compliance in entering CID# was higher than was previously thought. Due to an error during file download, many CID#s became shortened and seemed invalid while others were unaltered, leading to an inability to properly analyze the initial data file. Given this new information, NJDEP Fish & Wildlife can confidently cross-reference and analyze the survey results with a much higher degree of confidence. Of the 1,952 responses to the first survey on angler usage, 1,763 contained valid CID#s and can be utilized to inform future management decisions. Of the 966 responses from the second survey on pre-season and in-season closures, 934 contained valid CID#s and can also be used for guiding future management and regulation determinations. Preliminary Results are below:

- 44% of anglers fish Lakes and Ponds for trout
- 79% of anglers fish Rivers and Streams for trout

Most popular rivers: Musconetcong, S/Br Raritan, Pequest, Big Flat Brook.

- 59% like the current 7 weeks of in-season stocking
- 60% of anglers fish for trout in the Fall and Winter

The second survey focused primarily on the notion of pre-season and in-season closures. It was launched on 7/25/23. As 6:15pm on Monday, 966 surveys were submitted. Completion rates were 71%, with an average survey time of 5 minutes.

- 50.6% of anglers like preseason C&R and 49.4% do not.
- Why do they like it? Most popular answer was that they would have 3 extra weeks to fish.
- Why do they not like it? Most popular answer was that there would be too much illegal harvest.
- 35% of trout anglers would fish for other species (Bass, Panfish, etc)

In general, trout anglers seem split on most issues concerning closures of trout stocked waters prior to opening day. Many anglers share concerns about illegal harvest and increased mortality during a pre-season catch & release period. Comments recorded by anglers indicate that many anglers fear that even with gear restrictions, mortality will increase due to lack of knowledge on

safe fish-handling practices and anglers not following regulations and restrictions. Anglers also largely share concerns about what they feel is a lack of enforcement of during this time on trout stocked waters. Many trout anglers have expressed interest in:

- holding a youth-only fishing day during spring trout stocking.
- in allocating more fish to the fall stocking program.
- lowering the daily creel limit for rainbow trout.

Striped Bass Regulation – To maintain compliance with ASMFC and consistent with our Marine regulations, the NOAC for 28 – maximum of 31” was submitted to the Governor’s office and was approved. It was filed on July 25 (effective date) and will appear in the August 21 NJ Register.

Pequest Trout Hatchery and Natural Resources Education Center Paving –

NJDOT completed a \$1.3M paving project at the Pequest Trout Hatchery and Natural Resources Education Center. This was paid for with funding from the Corporate Business Tax (CBT). The facility was in desperate need of this due to several cracks, erosion, and potholes. This was the original base pavement that has only been micro-paved once in the last 40 years. Phases 1 and 2 were completed, which included milling and paving of the areas around the raceways, maintenance area, main road, front lot, circle, fisherman’s parking area, bow range, and the Well #2 fish loading area for stocking. Curbing and handicap parking was redone and brought up to current standards. A portion of phase 3 (the Education Pond) will begin early, as money was left over. The remainder of phase 3 that has not yet been funded is for well road, which was also tarred and chipped this summer for \$87,000 (funded by CBT).

### **Information and Education:**

Chief Ivany reported the digest went out online August 3 and we are on track for the hard copy to be out on shelves within the next 2-weeks. We are working with Dep Office of Communications on an enhanced communication effort to talk more about our nontraditional hunting and fishing programs within Fish and Wildlife. Topics include recreation, restoration, and inclusion. They have a strong interest in the Community lakes program as well as our Outreach Trailer. We have a big planning meeting this Thursday and are developing topics and ways to get this information out. The Outreach Trailer just finished up at the Warren County Fair and will possibly be at the Delaware River festival on September 9<sup>th</sup> in Camden. It will also be at the League of Municipalities conference November 14-16 in Atlantic City. New Jersey will be hosting the Association for Conservation Information (ACI) Conference in July 2025, with Linda DiPiano leading the planning. At the recent ACI Conference, which was held in Lake Tahoe, we won four awards; Communication Campaign Educational for our Black Bear campaign - 3<sup>rd</sup> place award, Communication Campaign Marketing the Fall of 2022 Wildlife Habitat Supporter Program - 3<sup>rd</sup> place, for our website we won 3<sup>rd</sup> place, and for Graphics

Advertising and Display the Wildlife Habitat Supporter Program signs won 3<sup>rd</sup> place. Chief Ivany wanted to thank all of our staff who worked on these projects.

### **Land Management:**

Chief Hearon wanted to acknowledge one of our employees Kurt Riggins, who recently passed away. Kurt who was 42 years old worked as an hourly with us stocking pheasants. He will be missed. Lands Management at crew level is taking care of the roads, pheasant season, still trying to take care of the boat ramps and rolling out for Fall, with September a few weeks away. The northern region areas are dealing with storm damage, mud slide on 46, Beaver Creek Road was re-routed, and staff are working on solutions dealing with erosion on Capoolong Creek. Buck hill Spring dam, there are issues with dam safety. Central region at Assunpink, we are working with Freshwater Fisheries and the Office of Resource Development to establish a dredging program and increase accessibility to the Lake. At Winslow the roads are being graded with the help from Forest Fire. In the south, Heisler Ville WMA, were about to launch the river project and are out for bids as well as get a FEMA request that dates back to 2020 out the door at the cost of \$42 million to bolster the dike. No funding yet, but the requests have been made. We are working with Coastal Engineering on a water control structure that's causing additional flooding in the area. We are in the design phase now and are hoping to get that bid out soon. Farm auction on August 10- four WMA's, one in the northern region, and three in the southern region. We also have several coastal projects in development.

### **Law Enforcement:**

Captain Brian Scott reported that we have had some issues with the deployment of our body cameras for the northern and central region, which have now been remedied. We are holding body camera training right now as we speak in the southern region. By the end of this week the southern region and the marine region will be fully deployed. Brice Paey and Andrew Riviello were both promoted to Lieutenant, with Brice in District 2 and Andrew in District 3. These promotions filled very important vacant field positions. We have 7 new recruits, three will go to the northern region, three will go to the central region and one will go to Marine.

### **Wildlife Management:**

Chief Stanko reported the bears seem to have woken up, we had 34 Category 1 incidents, one in Hunterdon, four in Morris, 18 in Sussex, and 11 in Warren County. We have 12 traps deployed and euthanized two target bears and captured three non-target bears. Staff has been very busy. We launched a new Deer Disease Report Form on-line. Hunters seemed to be a little confused on how to report incidents of disease such as EHD so the Deer Project, along with the

Office of Information Systems, put together a really good app. This will be the only way to report a sick or dead deer and it goes directly to the Deer Project. This is for data collection purposes only, and once the disease has been confirmed in a deer management zone by us testing it, we no longer test in that zone. Also, there seems to be an impression that we need to do something about EHD or midges. They do not spray for midges, very little is known about these midges, and universities are just starting to do research on them now. We do not respond to the midges, there is no cure for the disease as it comes and goes. There is generally no prolonged impact to the deer population. This form is meant for us to keep track of the extent of an outbreak, should one occur.

Jodi Powers gave a live demonstration on the new Deer Disease Sighting Form app and how to fill it out.

### **Endangered and Nongame Species:**

Assistant Commissioner Golden reported that we are working on a few regulations to help enforce closures during Shorebird season with a goal to have them in place by next Spring. We are also actively working towards an updated Endangered Species list to propose hopefully by the end of the year.

### **Old Business:**

#### **Greenwood Lake:**

Assistant Commissioner Golden reported we are working internally with Parks and Forestry to put a plan together. We hit a barrier on trying to put parking space in the area of Browns Point where we want to install that boat ramp. We are working through that and there are Limitations with Highlands on how much impervious surface you can have there. We are exploring different options for the parking area.

### **Comprehensive Black Bear Management Policy and Black Bear Management Update:**

Chief Ivany reported our fiscal year 2023 multi-media campaign continues; two new summer media messages were launched - one focused on securing garbage and the other for recreationists on what to do if you encounter a bear. The message for Fall is now being developed and we have a meeting with the vendor next week where we are looking for a September launch. There is a registration form for the public who would like to request Fish and Wildlife's Black Bear Exhibit or presentation on our website. Since April the bear exhibit has been staffed at six events for more than 1400 people in Mercer, Monmouth, Hunterdon, Union and Sussex County. The bear presentation has been given to a total of 465 people in Mercer,

Monmouth, Ocean, Passaic, Sussex, and Warren Counties. The exhibit is scheduled for display at two upcoming events and 6 bear presentations have been scheduled. The presentation and exhibit were promoted to the Boy Scouts and Girl Scouts of NJ. More than 1400 pieces of black bear safety literature has been distributed to two summer camps, one school, an outdoor store, and to attendees of the bear exhibit. A new publication has been developed to guide electric fence construction for the purpose of preventing bear damage. The electric fencing guide will be available on our website. Our partnership with Rutgers cooperative extension continues. We established a partnership recently and are collaborating on black bear outreach efforts directly to farmers to provide them with the most current bear safety resources to prevent black bear damage to crops and livestock. Agency staff are working with the Director and staff from the cooperative extension to develop the new resources, including the revising of the electric fencing guiding document. Our partnership with DEP Division of Sustainable Waste Management continues. We are still continually meeting with them, and they are exploring the possible trash management projects that may take place during fiscal year 2024. As far as Fish and Wildlife's side of it, we continue to focus on black bear outreach and education efforts.

#### **Comprehensive Black Bear Management Policy and Black Bear Management Update:**

Chief Stanko reported the adoption document is still being worked on and it has been sent over to the Commissioner's office, we just forwarded it to the Governor's office and what they look at is just the response in the comments, so we should be getting it back from them shortly. Then we will include the numbers assigned to the commenters and then it is ready for publication in the NJ register

#### **Replacement Value of Wildlife:**

Assistant Commissioner Golden reported that on July 27 to Commissioner LaTourette signed an administrative order 2023-15, which is an administrative order on the replacement value of wildlife. This means the ranges have been established for replacement value wildlife and the costs associated with what it would take to replace that wildlife. The replacement value are in addition to the penalties that go along with those violations. In legislation there was already a range established and the legislation directed the Commissioner to establish specific values which the Commissioner did through this order

#### **New Business:**

##### **Fish and Wildlife Organizational Structure:**

Assistant Commissioner Golden gave a presentation on the restructure of Fish and Wildlife.

The agency has more full-time employees than we ever had, and we will be adding another Assistant Director position.

#### **Deer Regulations changes Recommendations:**

Chief Stanko gave a presentation on Deer Regulation Simplification options under discussion for the 2025 Game Code.

**Lunch: 12:30 – 1:00**

#### **License Restorations:**

##### **Edward Kaelin – Not Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Kaelin who was not present. Mr. Kaelin was convicted of a violation on March 23, 2020, **Ohio Revised Code 1533.11 A1**. A second violation on October 11, 2022 for **N.J.S.A/N.J.A.C. 7:25-18.1(c)1 possession of 1 over the limit of 18-inch Summer 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 Jones. Vote taken, all in favor; motion approved.**

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

### **Ronald Toth – Not Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Toth who was not present. Mr. Toth was convicted of a violation on January 12,2023, **N.J.S.A./N.J.A.C 7:25-5.29(f) Hunting during permit shotgun season without a valid zone permit.** A second violation on January 28,2023 for **N.J.S.A/N.J.A.C. 23:3-1 Did hunt without a valid 2023bow and arrow license, N.J.S.A/N.J.A.C 23:4-47 Did fail to properly register a deer as required, N.J.S.A/N.J.A.C. 7:25-5.26(b)(1) Did fail to produce deer head upon request during winter bow, N.J.S.A/N.J.A.C. 23:3-56.2 Did hunt permit muzzleloader without a valid zone 8 permit, N.J.S.A/N.J.A.C. 23:4-47 Did falsely/improperly register a deer, N.J.S.A/N.J.A.C. 7:25.28 Dis falsely/improperly fill transportation tag.**

**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. Toth'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. Toth's license, seconded by Councilman Kertz. Vote taken, all in favor; Motion carried.**

### **Anthony Volman -Not Present**

Captain Quirk read aloud the statement for the revocation appeal for Mr. Volman who was not present. Mr. Volman was convicted of a violation on April 11,2019, **N.J.S.A/N.J.A.C. 23:5-10 Taking fish in excess of daily limit, N.J.S.A> 23:10-5 Interference with Conservation Officer.** A second violation on February 27,2022 for **N.J.S.A/N.J.A.C. 23:5-11 Ice fishing with more than five devices.**

**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. Volman'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. Volman's license, seconded by Councilman DeStephano. Vote taken, all in favor; Motion carried.**

**Public comment:**

Barbara Sachau commented about the public not being involved and informed and that the animals in this state are a public trust. She was not happy with the way the comments were presented in last meeting.

Janet Pizar commented wildlife is a publicly owned natural resource held for all stakeholders. . And as each animal has inherent value, violation fees should primarily be earmarked for the vast majority of constituents, the wildlife watchers, who also have the greatest economic value to the State, Not the small number of hunter constituents. She also asked Assistant Commissioner Golden what the status was of the measurement survey he commented on in April, regarding the efficacy of the non-lethal black bear educational program.

**Next meeting August 12,2023 at 10:00 a.m. In-person**