

MINUTES OF THE MEETING OF THE NJ FISH AND GAME COUNCIL

Pequest Trout Hatchery
Oxford, New Jersey
February 10, 2007

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

Acting Chairwoman Jeanette Vreeland
Councilman Dave Burke
Councilman Richard Culp
Councilman Fred Hough
Councilman Ed Kertz
Councilman John Messeroll
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilwoman Jane Morton-Galetto
Councilman Robert Puskas

Division employees in attendance included: Director Dave Chanda, Larry Herrigthy, Mark Dobelbower, Lisa Barno, Robert Olsen, Tim Cussen, Carole Skwarek and Sue Predl.

The public included: George Howard, Jean Howard, Robert McDowell, Jan McDowell and others.

Acting Chairwoman Vreeland called the meeting to order at 1:12 pm.

In accordance with P.L. 1975, c 231, notice of this meeting was filed with and posted at the Office of the Secretary of State and sent to the designated newspapers of the Division, the Newark Star Ledger and The Press (Atlantic City) on January 17, 2007.

The Flag Salute and Pledge of Allegiance followed.

Roll call was taken.

Minutes of the January 2007 minutes were reviewed. Councilman Messeroll noted that on page 2 the "Agriculture" Advisory Meeting should be "Aquaculture". Acting Chairwoman Vreeland asked Chief Herriggy to verify that GonaCon was going to be listed as a pesticide as noted in the minutes. He verified that this was correct. **A motion was made by Councilman Van Mater, seconded by Councilman Wolgast to accept the minutes as corrected. All members were in favor, none opposed, and one abstention from Councilman Hough.**

Acting Chairwoman Vreeland reported that Committee meetings have been busy. The Bear Policy Committee met with Commissioner Jackson, and they are still waiting for a response from her office before reporting further. A Fish Committee meeting was also held, and would be reported on later in the meeting.

Director Chanda reported that they had a great public meeting this morning and felt they had good feedback and comments.

The Wildlife Action Plan has been accepted and approved. Meetings are being scheduled in different regions of the State to help identify and set the priority areas that we should focus our attention on.

A Fisheries Forum is scheduled for February 24 at Batsto, and this is another way to get feedback from our constituency.

Director Chanda will be attending the Agriculture Convention next week to give a brief Fish and Wildlife report.

Approval has been received to send two staff members to Washington, DC next month to attend the annual Teaming with Wildlife Fly-In Day where they can meet with some of our Congressional Representatives to talk about how the Federal monies are being spent for programs under the Wildlife Action Plan. Director Chanda and Paulette Nelson will be attending.

He noted that last month a Finance Committee was planned, but had to be cancelled because the Department Spending Plan meeting was postponed. The Department meeting is now scheduled for February 20, and Director Chanda asked that the Committee try to meet before the start of the March 13 Council meeting.

Director Chanda noted that he had to leave at 2:30 this afternoon, and that Chief Herrighty would sit in for him at that time.

Council reports were next. On the Agriculture Committee, Councilman Hough reported that things were quiet, noting that the geese were scarce. He also noted that the deer are still being seen in herds of 20 or so deer. Councilman Kertz added that the Agriculture Convention would be held next week.

Councilman Messeroll reported from the Legislative Committee. He reported on Assembly Bill 3275 that would change the make-up of the Fish and Game Council to seven members who would be appointed by the Governor. He did not have too much information available on it at this time, and noted that Paulette Nelson was not present today for additional comment.

There was no representative from Non-Game.

Councilman Messeroll reported from the Federation Committee. He noted that meetings are being held throughout the State as usual. Things have been fairly quiet. The Federation continues to work on their membership drive.

The Morris County group is attending the Parsippany show this weekend with a booth.

They are looking to have youth involvement with fishing derbies.

Chief Herrighty reported on activities in the Bureau of Wildlife. He noted that last month he reported on the Bureaus involvement with the Ringwood Superfund Site and the culling of some deer for testing. The Division will be giving a permit to Hanover Township to cull eight to ten deer not from the Ringwood area to compare tissue samples from those deer with the ones taken from the Superfund

Site. He noted a that additional rabbits and squirrels would be taken for testing, and since turkey were starting to come in to this site, they may cull some of them for sampling too. He added that the EPA had issued an advisory on eating squirrels from that site, noting that one of the six squirrels tested showed high amounts of lead. He noted that various consumption warnings for individuals based on age and weekly amounts recommended for total intake.

He noted that the mid-winter waterfowl survey was finished. This has been a good year for brant, with the population up 30%, and Snow Geese were up 23%.

The Winter habitat assessment for brant and black ducks is underway. Since the habitat may not be what it was 50 years ago, this study is being done to help set population goals. This is a cooperative effort with all states along the Atlantic coast as well as some graduate students. The ducks have been fitted with radios to see where they are feeding, then that location will be assessed.

The avian influenza monitoring is ongoing for waterfowl and other bird species in cooperation with the United States Department of Agriculture.

Quail assessment of populations in South Jersey is still ongoing. Graduate students from the University of Delaware are continuing to catch and attach radios to birds, and Chief Herrighty felt it might be a good idea to have several of these students meet with the Council to report on their findings.

The Wildlife Control section has had some bear activity because of the warm weather. They had nine bear related calls from December to January, which is down from the same time period last year.

They tried to capture sows with yearling cubs, but they were still too active due to the warm weather.

They will be capturing sows with yearling cubs now, and sows with cubs in March.

Principal Biologist Sue Predl presented two applications for the Community Based Deer Management program.

The first application was an amendment to the application filed previously by Millburn Township. This would allow them to hire White Buffalo to cull deer using captive drop nets and bolt guns. They do have a township resolution to allow this type of activity, and have obtained permission for access to 19 properties. Based on the need to control deer damage to properties and the amount of deer vehicle accidents, Principal Biologist Predl asked that the Council approve this application. The meat from these deer will be donated to the food bank through the Hunters Helping the Hungry program.

Councilman Wolgast asked how close the South Mountain Reservation was to allowing hunting on their property? Principal Biologist Predl replied that she was not sure, since many different meetings with Essex County have not changed anything yet.

Chief Herrighty added that Troy Ettel, Biologist with the Audubon Society has visited all the towns involved with the South Mountain Reservation as to why they need to manage the deer in their areas. Principal Biologist Predl added that Millburn has also had one of their residents meet with the County Freeholders to speak about Lyme disease.

Councilman Kertz asked if there was a set amount of deer they were trying to get on the 19 properties allowing access? Principal Biologist Predl said she did not feel that they could over harvest deer in Millburn, and the idea was to get as many deer as possible.

Councilman Messeroll asked if all their forms were in order, noting that five additional names had been added to what he had? Principal Biologist added yes, things were in order, and those five names had just recently been faxed over to her. He also questioned whether these properties were spread out across the town and not concentrated in one area near the South Mountain Reservation? Principal Biologist noted that yes, they were spread out, and added that the properties being used had to be large enough to hold the

40 x 60 drop net that would be used.

Acting Chairwoman Vreeland asked for a motion to move forward on this proposal.

A motion was made by Councilman Wolgast, seconded by Councilman Burke to approve the amendment to Millburn's Community Based Permit to allow the net and bolt method. A vote was taken with all in favor, and Councilmen Culp and Hough opposed.

The second application was from Princeton Borough, which was the same proposal that they have submitted in previous years. They would like to hire White Buffalo to cull deer with bolt action 223 caliber rifles, and they have permission from the Mercer County Prosecutor's Office to use silencers. As in the past, they will use drop nets and bolt guns in those areas where access is limited. They have also asked for permission to complete the last year of their five year study of using GonaCon. Principal Biologist Predl noted the study would not only benefit the population control, it would also provide data on the effect of this treatment. She shared some additional deer vehicle information, and noted that she did see a significant amount off damage in the area. She noted that the residents are spending a large amount of money on damage. Based on this, she asked that the Council approve the application.

Councilman Kertz questioned the damage assessment to vegetation now as approve to when Princeton first submitted their application for this permit several years ago? Principal Biologist Predl noted that it was hard to tell in the fall when there were no leaves on the trees, but added that she did not see deer roaming across flat lawns like she has in the past. Councilman Kertz asked how long she thought it would be before you would notice a change in vegetation in the area? Principal Biologist Predl felt this was something better addressed to the homeowner to see exactly what damage they had and what had come back or was replaced. They had some additional discussion on this matter.

Councilman Messeroll added that this program has been going on for five years, because it was planned for five years, and that Princeton had spent a tremendous amount of money and time on this program, and that he felt Council should move forward with this. He did add that he felt that Council also had to stick to the 120 application period, noting that communities could ask for permit approval in October that would become effective at a later date, but this late application did not allow for members to fully review the application submitted to the Division. Council Messeroll added that as of now, nothing would be received to the Council if it did not meet the 120 day application period. Principal Biologist Predl noted that she would be sending a letter to all those towns advising them of the 120 application period. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz to approve this application. A vote was taken showing all in favor, with two oppositions from Councilmen Culp and Hough.**

Councilman Messeroll asked if any of the inoculated deer were going to be taken for a study on the effectiveness of the treatment? Chief Herrighty and Principal Biologist Predl noted that they were not aware of any plans to, and Chief Herrighty further explained the program.

Chief Herrighty proceeded on to other matters. He noted that he is continuing to work on the GonaCon labeling issue with the Association of United States Fish and Wildlife Agencies for the Environmental Protection Agency. Further discussion on this will continue at the North American Wildlife Conference in March. He added that each state would have to approve it for use before it was allowed in that state.

Bureau Chief Lisa Barno gave the Freshwater Fisheries report. She distributed the changes in allocations for trout stocking for this coming year. She reviewed the significant changes with the Council. **Councilman Messeroll made a motion to accept the changes as noted in this distributed material, and this was seconded by Councilman Van Mater. A vote was taken showing all in favor, none opposed.**

It was reported that the Fish Committee met on January 30. They discussed changes to the next code cycle for 2008-2009. She noted that those Council members not present at that meeting had been mailed copies of the proposed changes. She reviewed the changes in the report. Councilman Messeroll explained that the Committee did go over these changes, and he recommended accepting these changes for the 2008-2009 Fish Code proposal.

A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept these changes for the 2008-2009 Fish Code proposal. A vote was taken with all in favor, none opposed.

Acting Chairwoman Vreeland distributed a handout that had been received from the public on the Upper West Branch of the Rahway River.

The Bureau of Land Management report was given by Northern Region Superintendent Robert Olsen. He reported that the timber harvest contract on Berkshire Valley was re-bid. The minimum set for bids to be made was \$35,000.00, and only one bid was received and that bid was for \$35,000.00. The timber harvest was started in 1994 as part of the grouse and woodcock habitat improvement plan. Regional Superintendent Olsen further explained the program.

Regional Superintendent Olsen gave a status update on some of the Capital Improvement Projects. A scope of work has been approved for Ken Lockwood Gorge, and bid packages will be going out for engineering. Improvements include drainage, parking and road improvements. The road that runs through the Ken Lockwood Gorge will be partially closed, but a gate will be added for emergency access and accessibility by the trout stocking trucks.

At the Pequest WMA, bridges and areas of the railroad tracks are being re-done in cooperation with the Department of Transportation. This project will hopefully begin in the Spring.

One other project is at the Flatbrook WMA, where a fuel filling station is needed. This is a much needed improvement, since crews have no ability to refuel locally.

One additional note that Regional Superintendent Olsen shared was to recognize Sr. Wildlife Worker Mike Jaglowski for his 33 years of service. Mike recently retired, and Regional Superintendent Olsen felt that it was appropriate to bring him up on the day of the public trout meeting, noting that his efforts

through the years played a big part in the stocking program. He added that he would be sorely missed this trout season. Chief Barno added that many miles of trout stocking have occurred because of his knowledge and information, adding that he was paramount to the program.

Councilman Messeroll asked about damage to some of the bridges at the Flatbrook WMA? Regional Superintendent Olsen noted that these are being looked into for the possibility of repair. He explained that there are several bridges that need to be looked at for possible improvement and repair.

Chief Dobelbower gave the Bureau of Law Enforcement report. He reported that things have been busy, with most of the violations being for deer, followed by wildlife management area violations. He noted that they are still having problems with people on ATV's.

The officers made 2,273 field inspections, resulting in 253 summonses, 5 criminal arrests and 25 warnings. Some of the cases include one that happened in the Northern Region, where they received information on illegal activity in Wayne at a tractor trailer parking area. The area was baited, and it seemed as if one of the trailers was being used as a blind. Three Conservation Officers went to the area, and when they got close to the trailer they suspected was being used as a blind, the suspect fled, tossing shotgun shells into the bushes. The person was apprehended, and it turns out the individual was known to both the sheriff's department and the local police who also assisted in the case, and was a convicted felon who was unable to possess a firearm. The person received multiple charges.

In the Central Region, a 12 year old hunter in Green Bank harvested his first deer. This was a large 8 point buck, and one like this had not been seen in this area for quite some time. Needless to say, the young hunter and his family were very excited. The deer was hung at their hunting club, and the excitement soon ended when the found that the deer had been stolen. The newspapers picked up the story and ran the article, and Chief Dobelbower noted that this was good for his bureau, because another sportsmen had read the article and felt that this sounded very much like a deer taken by someone who they knew. The individual in question had said they were going out hunting, and thirty minutes later returned with this large buck. They were able to compare photographs from the young hunter's deer and compare them with the buck in question, and there were many similarities, but the rack was slightly different. The officers from the Southern and Central Regions worked together on this case, and officers from the Southern Region were familiar with this individual from violations in the past. When confronted, the individual admitted that he had stolen the deer, and taken a hatchet to the antlers to try to alter them. The individual had entered the deer into a big buck contest, where they received \$275.00 in prize money, thus adding a charge of theft by deception to the other charges against filed against them. Chief Dobelbower noted that cooperation from the sportsmen, along with the work from his officers made this case come together.

In the Southern Region, there was a case against someone where they were working in conjunction with the United States Fish and Wildlife Service for the sale of antlers. This individual was trying to sell 213 sets of deer antlers. They were able to make a good case out of this, and obtained a warrant to collect other parts such as deer meat. Some of the deer racks were sealed, however, some of the seals came back as being does. He felt this was a good case with a lot of effort being put out from his officers.

One last case he reported on involved woodcock hunters in South Jersey. One group that had been looked at years ago for being over the limit was checked again this year, and they were found to be 21 birds over the limit. He felt it was good work on the part of the officers for following up on something that had occurred in that past.

Councilman Messeroll had a question on marine fisheries and the catching of black fish for the live market? He had a handout that said you could sell fish in Pennsylvania that were 14", and Chief Dobelbower noted that Pennsylvania does not have size limits. The question was whether or not a source was required in Pennsylvania as to where the fish were caught, and Chief Dobelbower was not sure of what paperwork they required. He noted that it was a violation to take live fish across state lines, but you would have to be able to prove that they had been caught elsewhere and taken across state lines.

Director Chanda added that the Bureau of Law Enforcement may get an exemption on the hiring freeze to hire conservation officers. This would not only cover vacant positions, but may help with trying to keep ahead on those positions where we know people will be retiring. It looks promising that this exemption may be made.

Between now and the next meeting they will be doing community enforcement sweeps on bear issues. Captain Cussen from the Northern Region has been working with personnel from the Compliance Bureau in Trenton, and they will go door to door through some communities and part of the bear education and outreach project. They will speak to individuals about proper garbage management, and look for violations and issue warning where those violations exist. This should happen between the end of March, and the beginning of April, prior to trout season.

Also, they are looking at the legislation that was enacted regarding the feeding/no feeding of bears, and possibly be able to correct some of the flaws that exist. Director Chanda recognized Captain Cussen for his efforts.

The Information and Education report was given by Carole Skwarek, Resource Interpretive Specialist. Carole spoke about a program called "Trout in the Classroom" which gives a hands on program to school students grades 6-9. The students raise brook trout from the egg stage to where they are fingerlings, and then they are involved with the releasing of the fish into trout stocked waters. This program was started in 1991 by one teacher in Hopatcong Middle School who raised brook trout with the help of the North Jersey Chapter of Trout Unlimited. They then went ahead and petitioned to get the brook trout named as the state fish of New Jersey. After a while, the program stopped, and just last year the program started again, and this year they have 25 schools with 33 teachers involved. Carole explained that this was a cooperative program with Trout Unlimited. She explained the program and how it works, along with how equipment and funding are received, as well as the knowledge that the students receive on many aspects from this program.

There was a representative from Trout Unlimited present who thanked Carole for her good work and noted that Trout Unlimited was happy with the amount of schools that were presently involved. He shared some additional information on alternative funding sources that some schools are receiving. They are hoping to further expand the program.

Acting Councilwoman Vreeland commended all who were involved with this fine program.

There was no old or new business to report on from the Council.

Director Chanda had to leave at this time, and was replaced by Chief Herrightly.

Public comment was received from Barbara Metzger about the individual vote totals on the Millburn Community Based Deer Management Permit application. She asked that a roll count be taken, but was denied because the vote had been taken and recorded. Acting Chairwoman Vreeland further explained why she felt a roll count was not necessary.

Additional public comment was made to Chief Herrightly by Janet Pezar asking if any other revenues were available for the Ringwood Superfund Site remediation. Chief Herrightly explained that the Environmental Protection Agency was handling this matter.

A motion was made by Councilman Hough, seconded by Councilman Burke to adjourn the meeting. All were in favor, none opposed. Meeting adjourned at 2:37 pm.