

MINUTES OF THE MEETING OF THE
FISH AND GAME COUNCIL

Central Region Office
Robbinsville, NJ
May 8, 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 Ed Kertz
Councilman John Messeroll
Councilman Dan Van Mater
Councilman Len Wolgast

Absent: Councilman Richard Culp
Councilman Fred Hough
Councilwoman Jane Morton-Galetto
Councilman Robert Puskas

Division employees included: Director Dave Chanda, Larry Herrighty, Mark Dobelbower, Jim Sciascia, Lisa Barno, Tony Petrongolo, Paulette Nelson, Carole Kandoth, Barbara Stoff, Jodi Powers, Dan Roberts and Joe Leskie.

There were four members of the public in attendance.

The meeting was called to order at 1:14 pm.

In accordance with P.O. 1975, c231, 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 April 23, 2007.

The flag salute and Pledge of Allegiance were completed.

Roll call was taken.

A motion was made by Councilman Messeroll, seconded by Councilman Burke to accept the minutes of the April 10, 2007 minutes. Councilman Van Mater noted a change for page one, last paragraph, that Councilman Kertz should be changed to Councilman Van Mater. Councilman Messeroll noted that on page 4, last paragraph, he was reporting for the State

Federation, not for the Legislative Committee. **A vote was taken showing all members in favor, none opposed, of accepting the minutes with these changes.**

A presentation was made to Conservation Officer Scott Risher, recognizing him as Conservation Officer of the Year. The presentation was made by Chief Dobelbower, with assistance from Captain Eisenhuth and Lieutenant Leonard from the Southern Region. Officer Risher has been with the Division for 14 years, and has been very involved with many different activities.

Acting Chairwoman Vreeland noted that this has been a busy month. She visited the Rockport Game Farm yesterday and helped to count 8,223 pheasant chicks from the first hatching. She has been travelling throughout the State for various activities.

Director Chanda reported that the Game Committee meeting this morning went well.

Director Chanda noted that last month's Council meeting, he reported that he had asked for assistance from the Association of Fish and Wildlife Agencies' Management Assistance Team (MAT). Personnel from the Division were recently interviewed, and an assessment of the Division is being put together from the information the team received. Some additional telephone interviews will be conducted in the future. A full report is expected by July.

Bureau Chief Barno gave the Freshwater Fisheries report. She noted that there were some changes in the trout stocking program last month due to the flooding rains. She also wanted to thank the Bureau of Land Management for extra help to accommodate these schedule changes, and noted that the stocking is now back on schedule.

Chief Barno reported that the fluctuation in temperatures has impacted the fishing pressure, but now that the temperatures seem to be leveling off, there seem to be more anglers out there.

Chief Barno noted that the shad are starting to run. She expects that they will be moving in large schools due to the temperatures and recent floods. More hydro-acoustic information on the shad will be available in late July.

Chief Barno reported that the broodstock trap netting activities were also effected by the weather. The nets were in from April 2 to May 3, and were checked daily. Quotas were met for the amount of fish needed. There are some concerns that the numbers and size of Northern pike coming out of Budd Lake are down, and this may be caused by a winter kill effect due to icy conditions. Additional sampling will be conducted. Spruce Run Reservoir has picked up with the amount of Northern pike available, and quotas were met with fish taken from the Reservoir.

Fisheries Management personnel took 49 Muskey from Atco and Greenwood Lakes. There will be electro-fishing activities conducted soon to determine if the Muskey and Walleyes are trapped below the dam at these lakes because of the recent storm events. If so, they will be moved to areas on the top side of the dam. This will also be done at Swartswood Lake, if needed.

Fisheries Management personnel have been updating migration inventories that were first completed in 1977. Chief Barno noted that this is time consuming but important activity.

Fisheries Management personnel are also beginning to work with the Department due to Sean Crouses' completion of the warm water assessment tool for the lower Delaware. This will help to classify some of the warm water streams and afford more protection for those high quality warm water streams. This process will take about one year to complete.

Councilman Messeroll questioned whether or not the Hackettstown Hatchery had flooded with the recent rains? Chief Barno noted it was not as bad as they had anticipated.

The re-adoption of the Fish Code was reviewed. Chief Barno noted that there was a comment at the public hearing regarding Swartswood Lake, but that this would not affect the re-adoption for today. That comment would come under the rule proposal change that will be worked on late this Summer. **A motion was made by Councilman Messeroll, seconded by Councilman Wolgast to re-adopt the Fish Code as proposed. A vote was taken, with all in favor, none opposed.**

Councilman Kertz reported for the Agriculture Committee. He noted that the farmers are now getting out in to the fields. Activities should increase once the weather warms up. Councilman Wolgast noted that the oak trees are flowering now and could be affected by the recent frost. He gave an explanation of mast failure, noting that the acorn production for the White oak could be affected this Fall, and acorn production for the Red oak could be affected next Fall. He wanted everyone to be aware that the bears may be looking for other means of food if this happens.

Councilman Messeroll had nothing to report for the Legislative Committee. Paulette Nelson added that all was quiet. She noted some recent bill proposals, including A-2649 which is very confusing and has had several changes. The Federation is asking for a clarification on the language. The Division is not taking a position on this bill. There was additional discussion on this matter. Other bills that were noted were A-3986 and S-2635, both which prohibit the use of certain fishing gear on artificial reefs, and S-2537 to establish the New Jersey Marine Science Consortium. This last proposal was explained by Director Chanda, since this Marine Science Consortium was pre-existing. The department who previously oversaw the Marine Science Consortium no longer exists, and this would re-establish them under the direction of the Department of Treasury. Councilman Messeroll noted that he would like the Legislative Committee to meet before the June 19, 2007 Council meeting. It was decided to meet at 9 a.m. on June 19, 2007. Councilman Van Mater will be sitting in as an alternate for Councilman Culp if he is unable to attend the meeting.

Director Chanda noted some changes pending to Title 50, which are the Shellfish and Aquaculture regulations. The Departments of Agriculture and Environmental Protection are in agreement on these changes, and the bill may be getting a sponsor soon. This will update some antiquated regulations that are on the books as well as establish some aquaculture development zones.

There was no report from Non-Game and Endangered Species.

Councilman Van Mater reported for the Federation. He noted that the membership is now available through Microsoft Access. At the National Rifle Association, things are slow, but there has been talk about gun issues at their dinners. Ducks Unlimited was in attendance at the last State Federation Meeting. The New Jersey Waterfowlers reported the vast majority of card returns to support an increase. There was a meeting on April 29, 2007 to discuss a fish tournament. The Federation website has been getting many visitors. Two township closures, one in Tabernacle, Burlington County and the other in Gloucester Township, Camden County. There was concern that there was no Division representative at the meeting. Director Chanda noted that historically, Assistant Directors would attend the State meeting. Presently, there are no Assistant Directors in the Division, and he has asked Chief Herrighty to attend meetings in the past where big issues are being discussed. Due to the current staff shortage, he is unable to provide personnel to attend every meeting. The Federation convention is scheduled for the last weekend in June. Councilman Messeroll questioned the township closures that were mentioned? Councilman Van Mater clarified that they were firearms discharge ordinances. Chief Sciascia noted that he has staff that can attend these meetings if he has the information on when and where they are. Chief Dobelbower added that Law Enforcement has spoken to both of these townships, and gave a short briefing of both areas.

Chief Sciascia gave the Information and Education report. He distributed a plan for the Community Archery Park, which has been recommended by the Archery Trade Association.

Staff have been busy with promoting the fishing opportunities available to anglers. They will be using e-mail addresses available from the electronic license sales system to notify approximately 8,000 past license holders that there is still a lot of trout fishing opportunity available to them. An additional 10,000 people will be notified with the same message through the electronic freshwater fishing list service.

Chief Sciascia reported that the Hunter Education Program has had a 15% increase in graduates compared to this time last year. He noted that the "Beat the Rush" banners that were displayed statewide may have made an impact.

Chief Sciascia reported that a 3-D archery range will be opening at the Southern Region Office. This will be open one Sunday a month through October, and will be similar to the range that exists at the Pequest Trout Hatchery.

The Archery Summit that was scheduled for June 2, 2007 may be changed to either June 9 or June 23. Chief Sciascia will advise the Council by mail of that new date when it is finalized.

Chief Sciascia referred to the plans for the Archery Park that he had distributed. He is scheduled to attend a meeting on Wednesday, May 9 at the Black River WMA regarding the possibility of constructing the range at that location. This would make the Black River WMA a state of the art range facility, since both a shotgun and muzzleloading rifle range are currently located there. They have plans to construct a classroom facility at that location, and this is all part of the agreement with the Archery Trade Association. There are \$180,000 in Federal monies available, and the Archery Trade Association has made a pledge for an additional \$320,000. More information on this range development project will be available at the next Council meeting.

It was noted that the bear education funding for 2007 has not been received yet, and they are starting to run out of handout literature. A commitment for funding is needed before the end of this Fiscal year before they can have additional literature printed.

The majority of monies available for Fiscal Year 2008 will go toward a mass media campaign the Department is working on. With available funds of \$250,000, \$135,000 will go to the media campaign, and \$115,000 will be available to hire a new employee for bear education and to do some additional printing of materials. Interviews for this position are scheduled for the end of May. Over 60 programs are scheduled for the coming months, and staff from the Bureau of Wildlife will be assisting.

The Information and Education staff will be attending several programs this Summer, including the Freedom Fest at the Horse Park of New Jersey from July 10 through July 14 and the Sussex County Fair, where the Sussex County Sportsmen's Federation has given the Division space in the tent that they rent there. The Division is also on the agenda to present two bear education programs at the Sussex County Fair.

Councilman Wolgast questioned the reported 15% increase in Hunter Education graduates, noting that the total numbers per year had previously been down. He asked to see the numbers of total graduates for the last three years. Chief Sciascia noted that information was distributed at the end of last season showing the annual number of graduates for the last 15 years, and he would provide that information to Councilman Wolgast again.

Acting Chairwoman Vreeland said she had been asked by someone in Bergen County if it was possible to track a Hunter Education graduate to see if they purchased a license? This is possible to do once the student reaches age 16, at which time their free youth license will expire and they are required to purchase a regular hunting license. There was some additional discussion on this matter, with Councilman Kertz noting that the permit sales could also help in tracking youth hunters if they purchased permits.

Councilman Wolgast questioned why the archery park was now proposed for a wildlife management area rather than a State park as previously discussed? Chief Sciascia explained that the Black River WMA was easily accessible, and may benefit not only the Hunter Education program, but also the National Archery in Schools program because of its location. He also felt that funding through the Archery Trade Association may be a possibility for personnel to staff the range.

Councilman Messeroll had a question on if a person was 70 years of age and did not require a fishing license, but was launching a vessel at an area that required a boat ramp maintenance permit, was that person required to purchase a boat ramp maintenance permit? Chief Barno said that they had been advising people to photocopy their driver's license, darken out personal information, and display the copy in their car. There was some additional discussion on this matter, and it was decided that the photocopy of the driver's license would be acceptable.

Chief Dobelbower gave the report for the Bureau of Law Enforcement. He thanked the Council for the recognition given to Conservation Officer Risher. He noted that Officer Risher was the officer who tracked down the panther in South Jersey, which turned out to be a house cat.

Law Enforcement personnel have been very busy with the turkey hunting and trout fishing seasons, wildlife management area enforcement, and bear education sweeps. This past month staff made 4,795 inspections, resulting in 303 summonses and 47 warnings being issued. The summons issuance was down slightly, due in part that personnel have been spending weekends doing bear education home visits. Over 2,000 households have been visited so far, with 321 visits this past Sunday in Passaic County.

A training seminar was held this past month in Sussex County for bear control. Nineteen police officers received this training.

Chief Dobelbower wanted to point out one case from the highlights that occurred when Officers Fittin and Sennick from the Marine Unit apprehended the owner of a seafood business harvesting some bad clams from the Shark River. The person in question was harvesting the clams at night, on a Sunday, in closed waters without a license.

Councilman Messeroll noted that he had recently attended the Garden State Taxidermy Association Convention. They would like to meet with personnel from the Bureaus of Law Enforcement and Wildlife to discuss guidelines for legally harvested wildlife brought to them from out of state for mounting. They would like to have some type of information packet available to refer to so that they can be sure that they are doing things correctly. There was some additional discussion on this matter and what could be done to help these individuals.

Councilman Messeroll reported that he had attended the Aquaculture Advisory Council meeting at the Cape May County Technical High School. He shared some information about the school, and pointed out that they have a website that lists the availability of different varieties of fresh New Jersey seafood.

Director Chanda noted that on May 16 interested Council members were invited to the Delaware Bay to assist with shorebird trapping and tagging activities. Members of the Marine Fisheries Council have also been invited to attend.

Chief Herrighty presented the report for the Bureau of Wildlife. He noted that the breeding bird surveys are underway by the Waterfowl Project. Information on the early season waterfowl dates will be e-mailed to the members of Council, and can be voted on at the June meeting. The dates will be similar to those from last year.

Candidates have been interviewed for the two new Bear Technician positions. Offers of employment have not yet been made because the Department of Personnel needs to send a final list of eligible candidates to the Division. The Technicians will be ranked by their interview score. Interviews for the Bear Biologist position will hopefully be scheduled by the end of the month. Councilman Wolgast had a question regarding veteran's preference for the Technician's

positions. There was some additional discussion regarding this matter, and Director Chanda noted that veteran's preference only applies to entry-level positions.

Chief Herrighty reported that bear activity had been slow, but has started to pick up in the last two weeks. In Vernon Township, a sow bear with three yearling cubs had to be euthanized. She had been a problem last year, and was very aggressive to the community as well as the police, and returned this year to a neighborhood area showing the same type of behavior.

There are two traps set currently, one in Highland Lakes and the other in Vernon Township. Two category one bears, one sow and one boar are breaking into or attempting to break into houses. On Saturday there was a non-targeted bear was caught in Highland Lakes, and Chief Herrighty noted that bear trapping issues sometimes pit neighbor against neighbor when they have opposing views. Councilman Wolgast questioned that someone in Highland Lakes who had a bear break in refused to have a trap set on their property? Chief Herrighty added that some people who have had problems decline having traps set on their property because of harrassmentby other members of their community. Acting Chairwoman Vreeland asked what could be done to protect those people who chose to have traps set on their property and are being harassed? Chief Herrighty noted that last year things got so bad that the local police received permission to tap one homeowner's telephone. Personnel from the Bureau of Law Enforcement can increase their patrols in those areas, but unless the person is actually caught violating the law there is not much else that can be done.

Chief Herrighty called Principal Biologist Kandoth up to talk about the re-adoption of the Game Code, as well as comments that were received. Chief Herrighty pointed out that in addition to the 115 comments noted on summary that he distributed, he was advised by Gary Brower that an additional 130 form letters had also been received regarding feral cats. Many of the comments received during the re-adoption do not pertain to the proposed amendments, and can only be addressed as being a good idea to consider as future rule making. The trapping organizations also brought up that we now have fishers in New Jersey, and felt they should be listed as a protected or game animal. This is something that may need to be addressed in the future. One other unrelated issue was an individual who thought the small game start time should be sunrise as opposed to ½ hour before sunrise. This is also something that is not specific to these proposals, and for now can just be noted. Councilman Wolgast questioned that since there were so many comments on feral cats, could the Council pass a resolution supporting the fact that feral cats do not belong in the environment? Chief Herrighty noted they could do that if they chose to. Councilman Wolgast shared health related information as to why feral cats should not be in the environment as well as pointing out that they kill many small animals and birds. **A motion was made by Councilman Wolgast, seconded by Councilman Van Mater that feral cats do not belong in the wild. A vote was taken showing all in favor, none opposed. The resolution regarding this matter will be written by Councilman Wolgast.**

The proposed changes to the Game Code were reviewed in sections from the handout previously distributed by Chief Herrighty. The first group, 7:25-5.1 to 7:25-5.13 were summarized by Chief Herrighty. There was some additional discussion on these proposed changes. **A motion was made by Councilman Messeroll, seconded by Councilman Wolgast to accept these proposed changes. A vote was taken with all in favor, none opposed.**

Proposed changes to 7:25-5.16 to 7:25-5.22 were reviewed and discussed. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept these proposed changes.** Councilman Burke noted that the Game Committee recommended that these changes be accepted. **A vote was taken showing all in favor, none opposed.**

Proposal changes for deer hunting were reviewed by Principal Biologist Kandoth. The first changes were necessary due to the conversion to the Division's Electronic Licensing System (ELS) and Internet License and Permit Sales Website.

Change Proposal 1 Remove APR from DMZ 6. The proposal was reviewed and comments received were noted by Principal Biologist Kandoth. **A motion was made by Councilman Wolgast, seconded by Councilman Messeroll, to accept these proposed changes. A vote was taken showing all in favor, none opposed.**

It was noted by the Acting Chairwoman that the comments from the public hearing had been reviewed by the members of Council. Also, it was noted that all the proposed changes being voted on today were reviewed by the Game Committee during their meeting this morning.

Change Proposal 2 Reduce EAB. Councilman Wolgast noted that the Game Committee supports this change. Principal Biologist Kandoth added that she would like it to go on record that these zones would be watched very closely over time, and if need be, this would be reinstated if the data shows it is necessary. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept the proposed change.** Councilman Messeroll shared some additional thoughts on these changes. **A vote was taken with all in favor, none opposed.**

Change Proposal 3 Move Early Muzzleloader and Early Shotgun Season back a week. Councilman Wolgast noted that the Game Committee supports this change. **A motion was made by Councilman Messeroll, seconded by Councilman Kertz to accept the proposed changes. A vote was taken with all in favor, none opposed.**

Change Proposal 4 Bonus Buck Permits. Principal Biologist Kandoth gave a detailed explanation of this proposal change. She noted that there were many comments received opposing a portion of these changes, with most of those being from hunters in the southern part of the State who hunt in zones that have only a one day permit shotgun season, since they would now have to pay an additional \$56.00 to hunt for a second antlered buck that they used to get for free on their license. Chief Herrighty noted that in addition to the petition received from Cumberland County with 820 signatures opposing this change, the State Federation President had commented that while they were opposed to the proposal to eliminate the free second tag for the six day firearm season, they would support legislative change to require in the future the sale of a second tag for use in the six day firearm season without having to purchase a permit for some other season as a prerequisite. Councilman Wolgast of the Game Committee recommended that they exempt the six-day firearm season from this change. Principal Biologist Kandoth noted that this can be done with a supplemental tag during the six day firearm season, however the regulation would have to be kept in place that it is the hunters choice as to if they want to take two bucks during the six day firearm season and none during permit shotgun, or one

during the six day firearm season and one during permit shotgun. There was some additional discussion on this proposal and how it compares to the previous regulation. Chief Herrightly noted that in the morning Game Committee meeting, it was suggested that this amendment be revised to allow hunters to purchase their buck tag up until the opening day of the season. Chief Herrightly also noted that if this passes, an effort would be made through the Digest and with the biologists visiting with the Federation groups to get the dates known, as well as possibly putting out brochures and posters at the license agents. Principal Biologist Kandoth explained how the farmers still receive their one free permit, but would be required to purchase an antlerless permit if they chose to hunt in those antlerless seasons. It was noted by Acting Chairwoman Vreeland that this matter had been discussed at length in the morning committee meeting. **A motion was made by Councilman Burke, seconded by Councilman Wolgast to accept the motion as noted.** Councilman Kertz had concerns regarding the 837 comments opposing this issue, noting that certain clubs had stated they would not purchase additional permits. Director Chanda explained that the Federation said they would support this matter but they were opposed to having to purchase the second buck tag. He noted that this was both a management and money issue, and felt that in the past when regulations were changed, hunters continued to purchase permits. Principal Biologist Kandoth noted that the 837 opposed were not 837 individuals, but some individual responses and a petition of 820 names opposed to having to purchase the second buck tag. Director Chanda noted that the numbers next year would show how many hunters did continue to purchase permits. There was some additional discussion regarding the matter. **A vote was taken on the proposal as amended, which would allow hunters to still harvest two antlered deer during the six day firearm season with their license and no additional buck permit and the rest of the proposal would remain as shown. There were two members in favor (Councilmen Wolgast and Burke) and three members opposed (Councilman Kertz, Messeroll and Van Mater).** Acting Chairwoman Vreeland asked to vote, but there was question as to whether or not the Chairperson was allowed to vote. A review of Roberts Rules noted that the Chairperson could vote or not on any matter, provided it met with the approval of the Council. Members of the Council were not opposed to Acting Chairwoman Vreeland voting, and the vote was taken again. **A second vote was taken, with three in favor (Councilmen Wolgast, Burke and Acting Chairwoman Vreeland) and three opposed (Councilmen Kertz, Messeroll and Van Mater).** Some additional discussion occurred as to what would be done now that the amended proposal was voted on with a split decision. Chief Herrightly noted that either the proposal be voted on as published, or fall back to leaving the regulation as it stands currently. Director Chanda asked the Council to recognize if they chose to leave the regulation as it exists now, it would mean less staff positions next year. There was additional discussion among the members regarding feedback they had received from various Federation groups throughout the State. Councilman Messeroll asked if it was possible to change his vote or to re-vote on this matter. **A motion was made by Councilman Burke, seconded by Councilman Wolgast to rescind the previous vote. A vote was taken with all in favor, none opposed to rescind the previous vote.** A review of the proposal with the buck stub amendment was made once again. **A motion was made by Councilman Burke, seconded by Councilman Wolgast, to accept the proposal with the six day firearm amendment. A vote was taken with all in favor, none opposed.**

The meeting went on to the next proposal change which would create a new deer management zone (Zone 68) as requested by the New Jersey Conservation Foundation for the Parker Preserve.

Principal Biologist Kandoth reviewed that this property is currently located in Zones 23 and 24, which are part of regulation set two and have only a one day shotgun season with a one deer bag limit. They have done some restoration work at this area, and would like this special area to be put into regulation set four, which would almost double their amount of hunting time and put in an unlimited antlerless deer bag limit. There was some discussion regarding this matter, and Principal Biologist Kandoth noted that this property is partly owned by the Division of Parks and Forestry, and they are waiting for a Memorandum of Understanding (MOU) between these two groups. Also, there was an issue raised by Council to allow small game hunting on this property, and that issue has not been resolved either. Chief Herrighty noted that a letter was received from the Director of Parks and Forestry supporting this proposal. Councilman Wolgast added that at the Game Committee meeting they discussed that this zone change would be given contingent upon them opening it up to all hunting and having the Division of Parks and Forestry on board. They haven't met all that criteria yet. Director Chanda recommended they be given the zone change as requested for deer hunting, and address the recreational small game hunting as a different issue. He noted that State money was used to purchase the Parker Preserve, and suggested that the Council send a letter to the New Jersey Conservation Foundation and the Division of Parks and Forestry, as well as Assistant Commissioner Cradic, noting that since State money went into the purchase of the Parker Preserve, it should be open to all recreational users. There was some additional discussion as to whether or not hunters would be required to contribute two days of work or to pay in order to be able to hunt there in limited areas, or would all the ground be open? Chief Herrighty stated that he had received an e-mail Lynn Fleming, Assistant Director of Parks and Forestry she indicated that the fee and two day work party requirement had been dropped. This had been received as a verbal commitment from the New Jersey Conservation Foundation. There was some concern on this being a verbal and not a written commitment. Additional discussion continued, and Chief Herrighty suggested that this proposal be adopted along with a letter stating Council's concerns about access for other types of hunting. There was concern about limited access, and it was noted that they have agreed to quotas of 100 for the permit bow season, 80 for the permit muzzleloader season and 170 for the permit shotgun season. These quotas were established with the assistance of Principal Biologist Kandoth. There was additional discussion on how these permits would be issued, since there were still concerns about the selection process. Principal Biologist Kandoth noted that she had received a letter from the New Jersey Conservation Foundation stating that permits would be issued to the general public on a first come, first served basis from their waiting list. They start their list in the early part of the year, usually by the end of March. They expect a reasonable amount of turnover from year to year. There was additional discussion concerning check stations and tracking data, and it was noted that it would be easier to track the amount of deer taken from this area if it was established as its own zone. Additional discussion addressed how the permits would be issued and by whom. The Division will not be having a lottery for these permits. Additional discussion addressed the small game hunting issue, and Chief Herrighty said that he had spoken to Emile Devito regarding this issue. It is public land and restrictions for access can not be made, however, the Conservation Foundation has concerns about liability if they are not able to control the amount of people in the area for small game hunting with other recreational activities occurring at the same time. After some additional discussion, **a motion was made by Councilman Burke that this change be approved with the condition that a letter be sent to the Assistant Commissioner regarding the Memorandum of Understanding (MOU) for small game hunting and the Council's general concern over the deer resource in the area**

and access. The motion was seconded by Councilman Kertz. A vote was taken, with three members in favor (Councilmen Burke, Kertz and Van Mater), and two opposed (Councilmen Wolast and Messeroll).

The last proposals addressed the special areas and white tailed deer zone description changes. These items were reviewed by Principal Biologist Kandoth. The final issue 7:25-5.32 was reviewed by Chief Herrighty, who described that this would change the wording in the special wildlife management perceptile section of the code which allows the Director to give out special wildlife management permits to control game animals. Statutory change has created new terminology and this would change the wording to coincide with the statute and give the Director more flexibility when issuing these permits. Acting Chairwoman Vreeland asked if feral cats could be included in this? He noted that a large number of responses were received regarding feral cats, and only one letter specifically suggested that this section be amended to include feral cats. Chief Herrighty noted that the Deputy Attorney's General's office advised not to include feral cats at this time without public comment. He noted that once the vote was taken on this issue, he and Principal Biologist Kandoth would send briefing documents to the Governor and Assistant Commissioner's Offices summarizing the types of responses and comments received. Councilman Messeroll asked if feral pigs would be included, and Chief Herrighty noted that was their intent. This is due to the fact that there is only one species of pigs, as compared to different species of cats. After some discussion to review these items, **a motion was made by Councilman Messeroll, seconded by Councilman Van Mater to approve these changes. A vote was taken with all in favor, none opposed.**

In conclusion to the Game Code topics, **a motion was made by Councilman Burke, seconded by Councilman Kertz to adopt the Game Code in its entirety. A vote was taken with all in favor, none opposed.**

The meeting resumed with the report from the Bureau of Land Management. Chief Petrongolo presented requests for two land diversions. The first was from the County of Morris and would involve the widening of 513 in Rockaway Township. This project would take .07 acres of Wildcat Ridge WMA. The State would acquire .64 acres of land as compensation on the opposite side of the road from the diversion site. The second request that Chief Petrongolo presented involved a project by NJDOT to replace the dam/spillway area at Rainbow Lake WMA. The Department of Transportation would like to reopen Route 56 as soon as possible. The amount of WMA land needed would be .16 or .18 acres for the spillway, and since the lake is a public resource, there would be no compensation requirement. **A motion was made by Councilman Van Mater, seconded by Councilman Burke to approve these land diversions. A vote was taken with all in favor, none opposed.**

Councilman Messeroll had a question regarding the Absecon Boat Ramp. Chief Petrongolo reported that a lease had been signed by the Commissioner, the town has given the Division the proposal for the permit fee going into effect this year which is in line with what the Federation requested, and the Department will be deliberating upon whether a permit should be granted. This proposal needs to be officially approved by the Department.

The bureau reports were concluded.

The next Council will be held on June 19. The meeting will begin at 11 a.m., with the Legislative Committee meeting from 9 to 10 a.m., and Executive Session with the Bureau of Law Enforcement at 10 a.m.

Public comment was received from Jim Soden. He thanked the Council for providing an agenda for the meeting. He asked if the minutes of the meeting were available to the public, and Acting Chairwoman Vreeland advised that they were on the Division's website. He also inquired if the public can attend the sub-committee meetings, but was advised that no they can not. He also had questions on municipalities that had a no discharge ordinance vs. the State saying that people can hunt. He asked if there was a conflict, and if the municipality had the rule over hunting? Director Chanda noted that the State has the rule over hunting, and the municipalities do not have the right to regulate hunting. Many municipalities have implemented discharge ordinances in this case, and it is a gray area. He also noted that if a municipality has implemented such ordinances to stop hunting and they are challenged, these ordinances have been found to be null and void.

Council went into Executive Session at 4:22 p.m. Executive Session concluded at 5:03 p.m, and this also concluded the regular monthly meeting.