

**MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL  
CONSERVATION CENTER  
JULY 17, 2019**

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

The meeting was called to order at 10:04 a.m. by Chairman Virgilio.

The flag salute and Pledge of Allegiance were completed.

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 Secretary of State on July 8, 2019 and delivered to designated newspapers for the division, The Atlantic City Press and The Newark Star Ledger, published on July 12, 2019.

Roll call was taken in accordance:

Councilman Phil Brodhecker

Councilman Joe DeMartino

Councilman Jim DeStephano

Councilman Agust Gudmundsson

Councilman Dr. Rick Lathrop

Councilman Jeff Link

Councilman Bob Pollock

Councilman Loren Robinson

Councilman Ken Whildin

Chairman Frank Virgilio

Division employees included: D. Golden, P. Nelson, C. Stanko, L. Barno, M. Monteschio, F. Panico, A. Ivany, M. Hencheck and D. Bajek.

Chairman Virgilio asked if there were any corrections or additions to the minutes.

**A motion was made by Councilman Robinson to approve the June 11 minutes, seconded by Councilman DeStephano. Vote taken, all in favor, motion carried.**

Chairman Virgilio started with remembering Fred Carlson. He was the retired Chief of the Bureau of Wildlife Management who passed away. Fred was a hunter and a fisherman who played hard and worked hard at protecting wildlife. All donations will go to wildlife refuge.

Director Golden gave a few updates. The CRO addition is complete and we are still getting cubes and desks. July 29 is the move-in date and looking good. The Hunting Digest is due today to the publisher. The pilot project uses gleaned by-catch for commercial fisherman to donate to food banks. There was a presentation on this at our last Marine Fisheries Council meeting, they are beginning to pilot it in NJ, and they will focus on unregulated species right now, primarily cow nose rays and sea robins but will work on a voluntary basis with some commercial vessels and Cisco Foods. They worked out some of the distribution line to move this bycatch into the food stream and donated to food shelters. There will be a presentation on this in October at our joint meeting with ENSAC, but likely to start moving before that.

Over the next three days, our staff will be hosting the Northeast Partners for Amphibian and Reptile Conservation meeting. This is the 20<sup>th</sup> anniversary of this meeting. New Jersey hosted the first meeting back in 1999 and now will be hosting the 20<sup>th</sup> meeting. This meeting will take place at Stockton University.

Our staff has been working to prioritize facility needs. Earlier this week, we had a facilities working group meeting and have developed a full list of what we need to do as far as upgrades at all our Division facilities. Some of the items that top the list include a new parking lot at the Assunpink building to accommodate the increase in traffic with the new addition, a new septic tank at the Tuckahoe office, and a new HVAC system at Pequest. These are all big money items, just these three alone we are probably talking about \$400,000.00 worth of improvements, but it's important to put these things in priority order so we can start chipping away at them.

Director Golden would like to acknowledge John Heilferty, Bureau Chief of Endangered Species Program. We found out a week ago that Chief Heilferty was selected and accepted to the National Conservation Leadership Institute for their Cohort 14, so he will begin his leadership training starting later this fall. We are excited for Chief Heilferty. Selections were made for the 2019 NJ Conservation Leadership program and four of our staff members were accepted: Jason Hearon, Tony McBride, Sharon Petzinger, and Brian Zarate.

Director Golden spent most of Monday at Sparta Mountain Wildlife Management Area meeting with groups who were originally opposed to our forestry management efforts there. The meeting went well, and he thinks we are on track to agree on some management for this winter.

Assistant Commissioner Ray Bukowski wanted to brief the Council on two issues. First, there is a lot of news on the harmful algae blooms and yesterday it was announced there was a new algal bloom in Greenwood Lake. It's unfortunate and a growing problem, we are deeply

involved in conversations throughout the department. There is a lot of speculation and misinformation being thrown around to the public, one being that the algal bloom is a result of excess weed growth within the lake. Assistant Commissioner Bukowski wants everyone to know that is absolutely false. They are both a symptom of a bigger problem. The problem is the nutrient loading into our lakes; it could also be climate change issues. It is affecting a lot of businesses and our state park operations. Chief Barno suggested last week to advance a suggestion to our advisory board to see if we could start to assess the impacts of any biota in the lakes affected by blooms. The effect of algae blooms on humans is a rash, which could be painful. We are really concerned about water intake. We are working with local officials on nutrient loading issues, stormwater management, and septic problems around the state which are not hooked into sewer systems. The quarry discharge into Lake Hopatcong is being dealt with in Compliance and Enforcement. In the meantime, with the sportsmen, contact with water and fish should be considered due the advisory to not eat fish because we do not know what the effects will be, so limit contact and help support the efforts to get in front of the issue is most important.

Assistant Commissioner Bukowski also wanted to give an update on off-shore wind development. Orsted has been issued the agreement for an off-shore wind farm in Cape May, Atlantic County. There is some early planning going on right now. Marine Fisheries has been meeting with Orsted for a while now and we are working with an inter-agency task force, DEP, BPU, DCA to coordinate all our comments, questions and concerns. Marine Fisheries and Assistant Commissioner Bukowski have been really involved the past year in a lot of stakeholdering. Our main issue for Natural and Historic Resources has been primarily for ecological uplift and where access to the farm will be and cable depths below the sea floor, will it have any harmful effects or possibly get pulled up by a dragger or a commercial fisherman. The plan right now is that they will be submitting their permit applications within two months and are engaged in meeting with Orsted prior to that both at a staff level to talk about some details as well as meet at a higher level to talk about what those concepts really look like. The other main issue is access in and around through where the cables make landfall and we are working with Orsted, particularly in Offices of Places of Concessions, Parks, and Green Acres about the directional drilling of the cables that will go under the barrier islands and right now one of them is being prepared to go under island beach so we are working out access for that and minimization of any impacts to any natural resources to the park visitors.

Chairman Virgilio asked for a motion to cancel the August 13, 2019, Fish and Game Council meeting due to the high number of vacations with council members and senior staff in the month of August.

**Councilman Whildin made a motion to cancel the August 13 Fish and Game Council meeting, seconded by Councilman Gudmundsson. All in favor; motion carried.**

## **Council reports:**

### **Agricultural:**

Councilman Brodhecker reported that we are actively doing hay and seeing deer in the fields browsing the new crops. We are seeing bear in people's back yards, hedges, and fields walking through. Right now, we are not getting reports of damage from the bears in the corn crops because there's no grain, but we see them walking through. Guys have been getting depredation permits, he hasn't heard anything negative, so far everything has been positive. The Conservation Officers have been great working with people getting the permits. A couple people commented about not having paperwork handed in from last year which was limiting the time frame for getting the permits.

Dr. Sebastian Reist, NJ Department of Agriculture, reported a couple updates, the African Swine Fever and Vesicular Stomatitis is still going since our last talks. The animals coming to NJ so far have been exotic species, which we have authority over the disease aspect of it and it has been zoo exchanges of animals that could be affected. Exotic Newcastle Disease, this is the first month in about 18 months that there haven't been any new cases in California. In the last month, Texas had three counties widely affected with anthrax with livestock die-offs. The conditions that cause environmental anthrax are kind of present here in NJ, which is a wet time followed by a cold time followed by a really hot time. To our knowledge we haven't had anthrax here in NJ in 25 years, but we have had it and it is potentially in the environment. Symptoms of anthrax in the field is sudden death, animals bleed out their eyes and nose.

Asian Longhorn tick can bring animals down, it has been mostly theoretical in the United States and other countries, but Virginia has diagnosed four animals that their only cause of death was Asian Longhorn tick.

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

Councilman Brodhecker would like to have a meeting the end of August.

### **Regional Sportsman Representative:**

Councilman Robinson reported that Hunterdon and Somerset counties had meetings. The Central Region discussed their support for fishing derbies throughout the state and a youth pheasant hunt. Round Valley Trout Association discussed the project of dredging the channel and repairing dam, the timber project, and they are also going to have a flea market next year probably before the Pequest flea market. Councilman Robinson also attended the State Federation meeting and gave the council report there.

Chairman Virgilio reported he attended the Southern Region Federation meeting, Burlington County and some of their gun clubs attended and wanted to bring to our attention a piece of legislation, Title 39 motor vehicle, riding on a part not intended for passengers prohibited and

one of the things we mentioned, the legislation is already drafted and out it's Senate Bill 4034. There is a carve out to allow hunters to sit in pickup beds and the back ends of trucks. We advised that we felt that didn't seem consistent with safety and we didn't know if we needed legislation for that. A chainsaw class was put together, but everyone had to decline due to it being on a weekday.

Chief Hearon mentioned that we were at the end of the fiscal year and that was the only date left, so they are working on a weekend class. Elson? Borough boat ramp that has been closed for a couple of years now has PSE&G interested in trying to get extra land to build a larger parking lot. They had a township meeting trying to get the judge to reconsider, the municipal hall was packed with people wanting that boat ramp and they had 600 signatures.

**Fish Committee:**

Councilman Pollock reported that they haven't met, but with all the lake issues going on they might have to.

**Game Committee:**

They met and have recommendations for when we get to the Game Code vote.

**Legislature:**

Assistant Director Nelson reported there has been a little activity since the last meeting.

S-3910 and A-5533 - Directs DEP to establish leasing program for State-owned land to be used and managed as a pollinator habitat. The two companion bills were introduced and A-5533 passed through the Assembly Agriculture and Natural Resources Committee.

S-2419 and A-3242 - Permits certain deer control activities; prohibits deer feeding; and establishes check-off donation on hunting applications to support the venison donation program. S-2419 was substituted by A-3242 and is waiting for Assembly concurrence before it moves on to the Governor's Office.

A-5432 - Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery. Bill passed the Agriculture and Natural Resources Committee and full Assembly. It was received by the Senate and referred to the Senate Environment Committee.

A-5452 - Provides that Firearms Purchaser Identification Card is valid for four years; requires training prior to issuance of firearms cards and handgun purchase permits; reviews procedures

for passing of firearms to heirs or legatees. Bill passed through the Assembly Judiciary Committee and full Assembly. It was received by the Senate and referred to the Senate Law and Public Safety Committee.

Assistant Director Nelson also mentioned that nominations for Council member replacements were received and referred to the Senate Judiciary Committee. Nominations would be George Asprocolas to replace George Conover, Michael Burger to replace Phil Brodhecker, and Edward Kertz to replace Jeff Link.

On Federal legislation:

HR3642 - To amend the Pittman-Roberson Wildlife Restoration Act to make funds available for management of fish and wildlife species of greatest conservation need as determined by state fish and wildlife agencies was introduced on July 12.

S-2092 - To amend the Pittman-Roberson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes.

HR837 and S382 - To authorize a special resource study on the spread vectors of chronic wasting disease in Cervidae, and for other purposes.

HR2795 and S1499 - Wildlife Corridors Conservation Act of 2019.

**Wildlife Rehabilitators Advisory:** there is a meeting next month.

**Law Enforcement:** meeting next month Sept 10 at 8 :00 a.m. at the CRO.

**Public Member:**

Councilman Pollock reported living on a lake himself, there is some mass hysteria and misconceptions about algal blooms. He is asking the department to roll out all information and inform the public as much as possible.

**Division Reports:**

**License and permits:** Assistant Director Nelson reported that Barb Stoff is meeting with Aspira and they are working on the new system. We are pushing back our go-live date from August to later in the year, it's beneficial for us as well as Aspira.

Linda DiPiano and Assistant Director Nelson were at the Association Conservation Information Conference last week in Savannah, Georgia. It was a great conference on how to deal with social media and crisis management.

### **Information and Education:**

Chief Ivany gave an update on the Spanish black bear brochure. It was approved by the communications office at DEP. The publication will be a 4½ x 9 inch card and we are currently going through the bidding process for printing. The Association for Conservation Information conference was held last week in Savannah, Georgia. The Bureau had eight entries in for the awards ceremony and the Mobile Conservation Outreach Trailer took 2<sup>nd</sup> place in the graphics layout category. This year at ACI there were more than 540 entries overall for all categories which is a record for the conference. We will be having our first use of the trailer outside of Division events at the 75<sup>th</sup> Anniversary celebration of Smokey the Bear at Liberty State Park in Jersey City on August 10. The Youth Fishing Challenge through the HOFNOD program was held on July 8. It was the 4<sup>th</sup> annual fishing challenge state wide and was the largest one we ever had with 32 locations in 18 counties throughout the state. We are waiting on numbers to find out how many people attended. This Saturday we have our second First Catch Center event at the Hackettstown hatchery, it was well advertised and filled within an hour and a half. We are moving forward on a couple key publications through our Outreach Grant: a Places To Fish publication in a map format, and a new Wildlife Management Area Guide. A decision has not yet been made on the format for the WMA Guide, but we want it to be mobile friendly, hardcopy and digital. The last time we did that guide was in 1992. This will be two great publications that will add to our R3 efforts. On September 7-8 the Wild Outdoor Expo will be held at Colliers Mills, it will be our 10<sup>th</sup> Anniversary. Next year NJ will be hosting the Northeast Association of Fish and Wildlife Agencies Conference at the Ocean Place Hotel in Long Branch on April 19-21. We are initiating planning on that now. Production of a 15-20 minute black bear educational video continues, with Matt Hencheck leading production on that. When completed this video will be distributed statewide to greatly enhance bear education efforts. Chief Ivany has sent a proposal over to the DEP communications director for a Division of Fish and Wildlife specific YouTube channel for posting of videos and expansion of our social media programs. We have received approval this week for our new R3 NJ Outdoor Heritage Program grant. This grant will be used for hunter recruitment, retention and reactivation programs focusing heavily on mentoring and apprentice oriented activities and partnerships. Chief Ivany would like to thank Bob Longcor for all his work on the grant, and assistance to I&E staff.

## **Freshwater Fisheries:**

Chief Barno reported that July 5 we had a fish kill reported at Assunpink Lake where there were about 1,000 young-of-the-year fish, most being yellow perch. This seemed to be a onetime event and there was an unusual sheen on the water, but unfortunately being the Friday after the Fourth of July and by the time we get a look at the fish there wasn't anything that was fresh enough for Dr. Lovy to do any analysis on. We have not had any further reports and there are plenty of fish seen swimming throughout the lake. We did a fish salvage on the Stony Brook Watershed Association Pond which is also known as Wargo Lake. This is a 4½ acre lake that the outfall structure had corroded through and we got a phone call about the lake dropping a foot and a half in the afternoon; the lake is only about 6 feet deep. Shawn Crouse took seasonals and spent about two days electrofishing and collected the fish out of the lake. The plus side is that we did collect a lot of nice largemouth bass that are now in Amwell Lake. After a year and a half, we have our new electrofishing boat, unfortunately there is a problem with the wheel bearing that we are taking care of, so we will be back to two electrofishing boats. Last week we had a press event at Columbia Lake, the dam is out, and the shad are up, and things look good. Due to the virus we had at the hatchery a while back, we will be doing state-wide sampling for the presence of the virus in wild populations. We have selected 12 waterbodies and have started that work. We are working on a new Places to Fish brochure, biologists are putting together the lake listing and assessing about 250-300 lakes. It used to be the three Closer To Home brochure, we are going to integrate those into one document. Chief Barno will be sending the information over to the fish committee for review, so any additional information or feedback would be helpful. Work continues on the Coldwater and the Warmwater Fisheries Management Plans. We are starting to get into the more interesting discussions on brown trout and where they can and cannot be stocked.

Chairman Virgilio asked about the solar panels?

Chief Barno replied that it is still out for bid for the power purchase agreement. The contract was scheduled to start on July 10, but checking the website, the bid is still listed as open.

## **Land Management:**

Chief Hearon reported that we have completed most of our pheasant stocked areas planting and making arrangements to move on to our fall stocking. On planting, you may see an increase, we put a push on a pollinator mix this year in the spring plantings. We are in full swing with dam maintenance, staying in compliance with all our requirements. Also, BLM is the height of the season with boat maintenance and access, it consumes a lot of staff time.

On forest management, we are getting ready to initiate a project at Lenape Farms, the longest running forestry management in the state. We will be partnering with Stockton University and



moving forward sometime early fall. At the Assunpink Center we installed a wildlife crossing for turtle progression back and forth across the road. We are seeing good results and will give you numbers at the next meeting. You may see a push to unify the appearance of our Wildlife Management Areas and see new signs popping up throughout the state. They will be new brown and white wood signs, and they will look uniform across the state. Just an update on Colliers Mills range, we were asked to look into further clean up on a closed range and we have done that. Round Valley Reservoir will be lowered for maintenance, it looks like the lowest part of the drain will be in November and will try to rectify the boat ramp that was started but not completed and will be an extension of 150 feet.

### **Law Enforcement:**

Chief Panico reported the Conservation Officers from all regions have been busy with Deer Depredation Permits and are trying our best to get those turned around as quickly as possible. All the regions have been involved in a lot of public outreach over the summer. This includes participating in various Division fishing programs, Law Enforcement National Night Out, and Junior Police Academies. Summer also means that our WMAs are very busy. The Southern Region issues are mainly with swimming and alcohol, Central Region seems to be more ATV related, and North has been working on some WMA encroachment issues.

### **Wildlife Management:**

Chief Stanko reported on some updates from Ted Nichols, last year was an abysmal year for reproduction for Arctic geese species, brant, Atlantic Canada geese, and snow geese. Spring came exceptionally early this year and field camp conditions described nesting season as the best it's been in 30 years. Ted Nichols is on his way to the Arctic today, he will be there for two weeks banding geese. The last meeting of the Game Committee, we discussed five game bird species that underwent the Delphi review for ENSAC. Ruffed Grouse we discussed at our last meeting when we shut down the season with the Director's authority and we will be addressing that in the Game Code later, King Rail and Common Gallinule we will also address later in the Game Code, but Clapper Rail with the ENSAC recommendation was for special concern for the breeding season and no consensus for the non-breeding season. The Game Committee took that recommendation into consideration and voted to leave it as a game species with the vote being unanimous. Same for Northern Bobwhite, the recommendation from ENSAC was to take no action and maintain the current status of a game bird with a closed season and the Game Committee concurs with that.

Chief Stanko gave a brief update on Rockport, we did a second push for interest to see if anyone wanted to lease the farm and we got no responses from that. We put out notification to the Township of Mansfield to meet with us to discuss possible land swap and got no response.

We are going to move forward with utilizing some of the buildings for the Division and the condemned ones we can hopefully take down and we will revert most of the property of the farm back to productive wildlife habitat which is our mission, but we will entertain agricultural leases if anybody in the area shows interest.

Chairman Virgilio mentioned at our next meeting in September Chief Stanko will give a ignite presentation on Fertility Control in Wildlife.

Amanda Dey, Principal Zoologist, gave a 10 minute Ignite presentation on Recovering Shorebirds and Horseshoe Crabs of Delaware Bay. Her presentation included why Delaware Bay is important, what we're measuring with shorebirds, horseshoe crab and horseshoe crab eggs, how we are doing those measurements, and what are long term trends in those measurements. The birds she is referring to are migratory birds, they are Arctic breeders and they travel long distances. They stop in the Delaware Bay on their way to the Arctic to fatten up just prior to breeding, they spend about eight months of their annual life cycle in migration. They spend from the beginning of June to the middle of July in the Arctic then they fly back out again to the South American winter.

Delaware Bay is important because it's home to the largest population of spawning horseshoe crabs in the world. Horseshoe crabs in the Western hemisphere are only on the Atlantic coast, they range from Maine to Mexico. The Division began its extensive study of shorebirds and crab egg resources in response to the unregulated harvest of horseshoe crab. They were harvested in the 1990's for use as bait, the harvest was particularly damaging because they focused on breeding aged animals that take 10-11 years to reach sexual maturity and the harvest was focused on mostly females. Horseshoe crabs are a keystone species that underpin the ecological health of the Delaware Bay because eggs and larva of the crab support not only large number of migratory shorebirds, but more than a dozen or so species of sport and bait fish as well as blue crabs that are commercially valuable. For shorebirds, the crab eggs are loaded with fat and protein and the birds can double their weight in as little as 10-12 days. This is important for birds that are migrant and have very little time to gain that weight. Higher departure weights are linked with higher survival rates. These birds rely on fat reserve in their bodies for most of their life cycle. We have been counting shorebirds on Delaware Bay for 32 years. When we catch birds, we attached alpha numeric flags. With these marked birds we never have to catch them again we can hunt with telescopes and collect a ton of data, produce survival and population estimates and get a good idea of whether or not these shorebirds are declining or increasing. We monitor horseshoe crab eggs as an index of shorebird foraging condition. Our primary management on Delaware Bay is to protect foraging areas from human disturbance. The long term trend shows a period of rapid decline followed by a period of low level stability with a lot of variation so there is no trend. No upward trend that we can see yet. The Aerial counts went from 95,000 birds in the late 90's down to 31,000 this past year. Departure weights in the late 90's was 60-80% adequate and that dropped to less than 20% in recent

years, but this does fluctuate each year. In the end what would really help would be instead of managing crabs maximum sustainable yield, we move to a different management objective that would allow the rapid restoration of crabs in ten years and the delisting of Red Knott shortly thereafter.

**Lunch: 12:20 – 1:00**

### **Game Code Proposals:**

Chairman Virgilio mentioned that Steve Gonzalez dropped off turkey shot hunting restrictions and ammunition guide. He wanted council to be aware of this as a possible proposal to the next game code cycle.

Chief Stanko went over the Proposed Amendments to the 2020 Game Code to be voted on by the Fish and Game Council. She asked to please keep in mind as previously noted that this cycle was kept pretty small and we stuck to changes to CWD detection and response, along with a few other proposals.

### **5.1 GENERAL PROVISIONS**

**1. Proposal: 5.1(i), (i)2, and (i)3.** Change the phrase “disease containment area” to “disease surveillance area”.

**Justification:** The former is thought to be misleading in that containment may not be possible, even if all precautions and responses are taken.

**2. Proposal: 5.1(i).** Enable the Council to designate a disease surveillance area (DSA) if a wildlife disease of concern is found up to 20 miles from the State boarder.

**Justification: 5.1(i)** currently states that a DSA can be designated if the disease is found within NJ: this proposal expands it to 20 miles beyond our boarder, which allow the Council and the Division to employ additional surveillance and monitoring before a disease reaches the NJ boarder. The increase in findings of CWD in neighboring Pennsylvania necessitates this strategy.

**3. Proposal: 5.1(i)4.** Give the Director, in consultation with the Council, the authority to modify existing hunting/trapping regulations within a disease surveillance area.

**Justification:** to attempt to curtail the spread of the disease into surrounding areas, and to monitor the prevalence of the geographic range of the disease. Regulations which may be considered for modification include: extension of season dates and /or relaxation of bag limits to allow for greater sampling of diseased animals through hunter/trapper harvests, relaxation of wanton waste regulations to allow hunters to dispose of animals not fit for consumption, the banning of baiting and feeding animals over bait piles, and , in case of deer, the elimination of

antler point restrictions which prevent the harvest of younger-aged bucks, in order to allow for a larger buck harvest. Bucks have greater dispersal distances and therefore the most potential to spread disease over the landscape.

**4. Proposal:** To ban the rehabilitation of susceptible animals (species affected by or carrying the contagion) within a disease surveillance area.

**Justification:** This is proposed as another precautionary measure to stem the spread of a contagious disease by keeping the population of that species at a lower level to limit transmission to surrounding areas. All susceptible animals being rehabilitated within the disease surveillance area shall be surrendered to the Division for euthanasia and testing for the disease.

#### **5.4 RUFFED GROUSE**

**5. Proposal: 5.13(m)1** Close the season for ruffed grouse hunting Statewide.

**Justification:** Ruffed grouse is a species which occupies early successional habitat (young forests). Ruffed grouse populations in the State have declined significantly over time due to lack of suitable habitat. In 2005, the Division reduced the season length and daily bag limit for ruffed grouse and divided the State into two zones, with the southern zone having a shorter season than the northern. There have been some anecdotal reports of hunters seeing more grouse, but these reports have dwindled as forests continue to age due to lack of forest management. Although hunting is not the cause of the decline, and in fact, the number of grouse hunters has parallel declining trend, the council feels that current grouse levels cannot support a hunt at this time.

#### **5.13 MIGRATORY BIRDS**

**6. Proposal: 5.13(m)1** Remove King Rail (*Rallus elegans*) from the Game Species list/Game Code.

**Justification:** King rail is a game species with a closed season because their population level is not robust enough to sustain hunting loss. This species was reviewed by the Endangered and Nongame Species Advisory Committee using their Delphi Technique, which is a method used to bring expert opinions to agreement by sharing information in an iterative and anonymous process. The experts involved in the review include individuals from within and outside the Division review and share opinions and data through a process administered by the Division. Reviewers consider data on population trends, productivity, survival and mortality factors, habitat requirements and threats to both population and habitat. Consensus is defined as agreement of 85% of the reviewers. The committee concluded that there was no consensus for breeding season and unknown/undetermined in the non-breeding season. the Council concurred and proposes that all references to King rail are removed from the Game Code in advance of their being listed as a State-endangered species.

**7. Proposal: 5.13(m)2.** Reduce the bag limit for Common Gallinule from 10 birds to one bird a day.

**Justification:** This species was reviewed by the endangered and Nongame Species Advisory Committee using the Delphi Technique, which is a method used to bring expert opinions to agreements by sharing information in an iterative and anonymous process. These experts involved in the review include individuals from within and outside the Division review and share opinions and data through a process administered by the Division. Reviewers consider data on population trends, productivity, survival and mortality factors, habitat requirement, and threats to both population and habitat. Consensus is defined as agreement of 85% of the reviewers. The committee concluded that numbers of this bird are low due to the Gallinule's geographical range is peripheral in NJ relative to its national range. It is recommended to retain the common gallinule game species with an open season and reduce the bag limit from 10 birds a day to one bird a day.

## **5.22 WILD ANIMALS; POSSESSION, KILLING**

**8. Proposal: 5.22(a)** Ban the importation of any member of the deer family (Cervidae).

**Justification:** Due to disease concerns, in 2002 the Division banned the importation of any cervids through policy. As CWD gets closer to New Jersey's borders and is found in more states every year it is important to codify this ban so it will be more of a deterrent through issuance of citations tied to regulation.

9. Proposal: 5.22(a) Ban the importation of deer semen.

**Justification:** This ban is proposed due to concerns regarding the possible introduction of CWD into NJ. Semen is imported by owners of captive deer farms to increase the genetic probability of producing buck with larger antlers and to provide for genetic diversity due to the ban on the importation of live deer by the Division in 2002. The sale of deer semen is unregulated, there is no test to assay whether the semen contains the prions or not, and many out-of-state CWD-free herds are found to contain infected animals every year (the State of New Jersey does not participate in a herd certification program). Inseminating a doe with semen from an infected buck will expose her and her unborn fawn (s) to CWD, where it will then spread to the rest of the captive herd, and easily may spread into the environment thereby jeopardizing New Jersey's wild deer herd.

**10. Proposal: 5.22(a)** Ban the importation of whole cervid carcasses and intact heads.

**Justification:** The ban on carcasses and whole, non-taxidermal heads is proposed due to concerns regarding the possible introduction of CWD into NJ. Although CWD prions are found in all tissues and fluids, the highest concentration is found in nervous system tissue such as the brain and spinal cord. Boning out all meat and cleaning the skull of brain matter is the best way to prevent CWD prions from inadvertently entering New Jersey, and it is a standard precautionary method used by many other states and Canadian provinces. As of April 2019, at

least 36 states have a whole or partial ban on the importation of deer carcasses into those states.

**11. Proposal: 5.22(a)3.** Ban the possession and use of natural deer-derived lures.

**Justification:** The ban on the possession and use of natural lures derived from deer urine, glandular secretin's, or other bodily fluids is due to concerns about the possible introduction of CWD into New Jersey. Although the concentration of prions needed to be infective is not yet known, many states have taken the preemptive step of banning natural deer-based and urine lures in the attempt to prevent introduction or to reduce the spread of this lethal disease. Like semen, the production and sale of deer urine and natural lures is an unregulated industry, there is no test to assay whether urine or bodily fluids contain the prions or not, and many out-of-state CWD-free certified herds are found to contain infected animals every year. The possession and use of synthetic lures will remain legal and have proven to be as effective as natural lures.

#### **5.22 DEER FALL BOW SEASON**

**12. Proposal: 5.25(a)1 and 2.** Add DMZ 53 (Joint Base McGuire-Dix Lakehurst) to the extended winter bow season.

**Justification:** To increase the harvest of deer, at the request of the administering agency.

#### **5.26 DEER WINTER BOW SEASON**

**13. Proposal: 5.26(a)** Add Deer Management Zone 53 (Joint Base McGuire-Dix Lakehurst) to extend the winter bow season.

**Justification:** To increase the harvest of deer, at the request of the administering agency.

#### **5.28 DEER PERMIT MUZZLELOADER SEASON**

**14. Proposal: 5.28(d)1, (d)6, (d)8, (d) 12, and (d) 15.** Add future season dates for special area deer management zones 37 and 53 (Joint Base McGuire Lakehurst Dix), 39 (Earl Naval Weapons Station), 54 (Picatinny Arsenal), 66(Federal Aviation Administration William J. Hughes Technical Center), and 67 (High Point State Park).

#### **5.29 DEER PERMIT SHOTGUN SEASON**

**15. Proposal: 5.29 (d)1, (d)2, (d)5, (d)7, (d)12, (d)13, and (d)14.** Add future season dates for the shotgun permit season for special area deer permit management zones 37 and 53 (Joint Base McGuire Dix Lakehurst), 39 (Earl Naval Weapons Station), 54(Picatinny Arsenal), 61(Atlantic County Park System), and 64(Monmouth Battlefield State Park).

**16. Proposal: 5.29(d)17 and (k)** Increase to the permit quota for deer management zone 66(Federal Aviation Administration William J. Hughes Technical Center) for the permit shotgun season from 65 to 80 permits.

**Justification:** At the request of the administering agency.

### **5.30 DEER PERMIT BOW SEASON**

**17. Proposal: 5.30(k)** Decrease the number of permits for deer management zone 66 (Federal aviation Technical Center) from 80 to 70.

**Justification:** At the request of the administering agency.

**18. Proposal: 5.30(d)2, 3, and 4** Incorporate the permit bow season date descriptions for zones 37 and 53 (both joint Base McGuire Dix Lakehurst) into the season date description for regulation set 4.

### **5.31 GREAT SWAMP NWR**

**19. Proposal: 5.31(c)** Add future season dates for the permit muzzleloader and permit shotgun seasons.

### **MULTIPLE DEER SECTIONS**

Permit Muzzleloader, Permit Shotgun, Permit bow

**20. Proposal: 5.28 (e), 5.29 ( e), 5.30 ( e)** Create a “Regulation Set Permit” for Reg Sets 7 and 8. Whereby for the purchase price of \$56 a hunter can hunt in all DMZs within that specific Reg Set for the specified permit season.

**Justification:** To encourage the additional harvest of deer in the areas with overabundance issues.

**21. Proposal: 5.28(c), (d)1, (f)1, (k) and (i); 5.29(c), (d)5, (d)12, (d)13, (f)1, (k), (o), (p)56, (p)57, (p)58, (p)69, (q), and (r); and 5.30(c), (d)1, (d)2, (k), and (m).** Incorporate all four Edwin B. Forsythe special deer management zones into existing adjacent deer management zones.

**Justification:** Forsythe’s zone are small size and do not warrant the extra administrative burden of managing them separately nor justify the extra cost of purchasing additional permits for hunters. Management objectives will be enhanced by the additional hunting opportunities offered by this change. Zone 56 and 57, and 70 are on one square mile, and Zone 58 is on 2.5 square miles in area. Zone 56 and 57 will be incorporated into zone 42, Zone 58 into Zone 51, and Zone 70 into Zone 22.

Chief Stanko also mentioned the following are proposals that we considered with the Game Committee but did not pass:

Allowing apprentice hunters to hunt on designated Youth Days for turkey, pheasant and deer.

Opening WMAs to small game hunting on the Wednesday after six-day firearm.

Open Spring Turkey season earlier in the southern portion of the state.

Close the trapping and hunting season for grey fox.

Modify language pertaining to the time for the checking of traps.

Exempt farmers from wanton waste regulations.

Close Higbee Beach WMA to hunting during spring turkey season.

Make pheasant and quail stamps valid for the whole season rather than the calendar year.

Institute a hunting and fishing guide program.

Close Tuckahoe impoundments on certain days to waterfowl hunting.

Expand youth opportunities for pheasant by designating youth only areas on one WMA in each region.

Allow apprentice and youth to disregard the antler point restriction.

Require the use of hunter orange for any season that overlaps with a deer firearm season.

Add a traditional black powder season to muzzleloader season.

Allow the purchase of shotgun antlerless and buck permits to bow hunters to hunt down during the permit shotgun season.

Open the permit bow season in Regulation Set 0 during the week of Thanksgiving and take a week or two off the front end to compensate for increased harvest.

Chief Stanko reported that some of these were not passed because we were trying to keep the Game Code very strict this year and small in terms of amendments, so some may be considered in the future.

Councilman Brodhecker had a few comments. On the reg set permit he thinks it's a great idea and will give the sportsmen a little more flexibility. When he looks at our maps and deer management zones, we are only doing it for Reg Set 7 and 8. He would like to make a motion to move Zone 5, where there is significant farmland and significant deer problems to Reg Set 7 to give better grouping to the sportsman and make the packages more attractive for purchasing.

Chief Stanko replied that she would have to look at numbers before she would advocate that.

Councilman Brodhecker was also concerned with the semen ban. There are only 1 or 2 registered deer farms that have the potential to import semen and he also doesn't believe that the semen and identification with the prions is proven scientific facts at this point in time, it's a precaution the state is taking.



Chief Stanko added that all body fluids carry the prions, there just might not be a test that sensitive enough to find it at those levels. That's why we take these precautions, because it's an unregulated industry and we do not have the technology to detect it, not even in a lab.

Chairman Virgilio asked Councilman Brodhecker if he would like to hold proposal number 9 and have a vote on that by itself. Councilman Brodhecker replied yes.

Chairman Virgilio asked for a vote on the entire proposed code with the exception of proposal number 9.

**Councilman Gudmundsson made a motion to accept the code with the exception of proposal number 9, seconded by Councilman DeStephano. Vote taken, all in favor; motion carried.**

**Councilman Brodhecker made a motion to eliminate the semen ban. With no second we can't move it forward.**

**Councilman Gudmundsson made a motion to accept proposal number 9 on the ban of importation of deer semen, seconded by Councilman DeStephano. Vote taken, one opposed; motion carried.**

#### **WMA Closures and Restrictions:**

Director Golden mentioned that Chief Hearon will be discussing this topic, but he just wanted to brief everyone on what he will be going over.

Over time our WMAs have systematically placed some restrictions on use. Sometimes we purchase the land and there is already a restriction that came with that land. There are a number of things over time that placed restrictions on WMAs. Director Golden and Chief Hearon sat down and went through the list of all the varied restrictions and tried to figure out exactly where they existed and wanted to give the Council an opportunity to see them in one place so you know what exists and you can comment and make recommendations on whether or not they continue. Legislatively we are required to run this past the Council and give the Council opportunity to make recommendations on any land transfers or leases. We often extend that to this type of thing where we give the Council the opportunity to make recommendations on proposals to place restrictions on WMAs. Chief Hearon worked hard with his staff to go through all the books and all the necessary detail to put all these things in place so the Council can see what's out there.

Chief Hearon would like to add that there is nothing on this sheet that is new, these are all in practice. If you go to our Wildlife Management Area maps, which are found online, you will see things that are labeled as a restriction. Some of the most recent things on the maps Council has voted on over at the old Salem Country Club for example, we were petitioned for bow hunting only because the 450' buffer size didn't allow for gun hunting. So, the things that are on here likely have been to Council but have been lost through attrition with new staff. Instead of

tracking all those down, it's just easier to put everything on one slate and bring it back in front of the Council for a vote.

Councilman Pollock asked if anything that is a deed notice, does the Council have any right to change it or do anything with it?

Chief Hearon replied no, the Council can't change it.

Director Golden mentioned what we are trying to do here is make this information more public so the public understands what they can and can't do on WMAs. The first step is putting this together for the Council to review.

Councilman Gudmundsson mentioned that some of these did come before the Council recently and we didn't specifically codify so with the restrictions, who is responsible for enforcement?

Director Golden replied that we are in the process of updating our WMA regulations, they have not been updated since 1995. They can be reinforced through the WMA regulations, through the restricted area clause.

Chairman Virgilio asked for a motion to include these restrictions into our Wildlife Management Area regulations.

**A motion was made by Councilman Robinson to include these restrictions into our Wildlife Management Area regulations, seconded by Councilman Gudmundsson. Vote taken, all in favor; motion carried.**

**Public Comment:**

Joe Bareli, who was here a few months ago regarding the changes that were made to the pheasant stocking Delaware Water Gap area. It was suggested to him by someone that he get letters written by people who want to make a complaint to the Council. He made two petitions and put them in two sporting goods stores, he got a number of signatures. In talking with the stores, they have gotten numerous complaints about the stocking of the birds this season as compared to what they were seasons before. This is a problem that could easily be fixed by going back to the way it was.

Chairman Virgilio replied that since Mr. Bareli came here last to express his concerns, Wildlife Management has looked into this and changes have been made.

Director Golden added that we did an assessment of all the fields to determine which would be planted and which would not be planted. There was discussion on the crop type also.

Ultimately, that led to a slight increase in the number of fields to be stocked this year. What your likely to see is probably still a dramatic decline from what you experienced three years ago

and the reason being we are stocking 23 WMAs throughout the state of NJ and dealing with a certain supply of pheasant. Our approach to stocking is we want to place these birds in areas that are early successional habitat. There will be a slight increase in the amount of birds on the Delaware Water Gap.

Drew Lafrance wanted to thank the Council and Division of Fish and Wildlife for everything they do. He thinks having a night meeting would probably bring in more public. On January 12 in Manchester they did a full burn on the WMA. Mr. Lafrance belongs to a small hunting club in the Pine Barrens, and for them to go down to the WMA and see it looking like blacktop was an insult. Two days later on Route 70 in an area where there is no hunting, they are doing a burn on both sides of the road. He would like to encourage Fish and Game to realize that just because that area isn't being stocked with birds, that hunters are using that area for other hunting like coyote. He is asking if you're going to do the burns to please do them after hunting season. Also, he was a police officer for 30 years and with NJ allowing rifles for coyote hunting with the new restriction of 10-round magazines and its wording in the Game Code that the mags do not have to be blocked, you can just load it with 3 rounds. This is something that needs to be addressed because if an officer stops somebody and they say I only loaded the mag with three rounds and it's a 15 round mag, you're in violation.

Chairman Virgilio informed Mr. Lafrance that the survey for pheasants was completed two weeks ago, they are compiling all that information and should be ready for publication very soon, probably by the next council meeting.

Fischer Neil, an owner of a small business called Learn To Hunt NYC. He is a one person guide service. He specializes in teaching beginners deer, turkey and small game hunting. He wanted to point out some points for the new beginner hunters. The new hunters are usually all about the food aspect and so they contact him usually last minute. One issue is with the commercial shooting preserves, there is an oversight with the ability to have an apprentice hunter on the preserve because you have to get a one day license to go there and there is no option for an apprentice hunter to do that. He has had to turn away some groups because he could not provide them with that.

Chairman Virgilio corrected Mr. Neil on the fact that they do not have to have a one-day license, they just need a full apprentice license. The one day license cannot be recorded and documented and that is why it is not allowed.

Liz Thompson, Farm Bureau, she has seen a few things over the last few months that are positive, so she just wanted to mention them, so everyone knows them. The proposals in the Game Code for the super permit for Reg Sets 7 and 8 is something the Farm Bureau has

supported. They are also in favor of fewer deer management zones in general. This summer she has only had two calls with problems getting depredation permits which is very low and great progress. The Farm Bureau had an interesting conversation with the League of Municipalities about deer management on public open space. The League is nervous, they don't like unfunded mandates and are nervous on how much it will cost and the time to do deer or wildlife management on open space, but we approached the subject and they said they would continue to talk to us about the issue and try to keep it where they think they can support it also. The League represents five different towns. Chief Stanko added she would be happy to join that conversation anytime.

Barbara Sachau, Whitehouse Station, NJ would like to see the Council not take action to increase deer population to alter habitat in NJ. If the farmers have problems with deer, why do they vote with the hunters to increase. During the February closed meeting she heard the hearings of five hunters who got violations and is upset that the hunters were let off and given a free pass. The number of hunters is declining. She believes stakeholders are invited to meetings and the protectors are kept out. Also, the burning of the wildlife and the use of chemicals make animals sick.

Chairman Virgilio wanted to clarify that the February meeting with the license revocations was an open meeting and not a closed one.

**Councilman Gudmundsson and seconded by Councilman Whildin to adjourn the meeting at 2:20 p.m. vote taken, all in favor; motion carried.**

The next meeting will be September 10, 2019 at 10:00 a.m. at the Central Region Office.