

**MINUTES OF THE MEETING OF THE
NJ FISH AND GAME COUNCIL
Central Region Office
Robbinsville, New Jersey
July 11, 2023**

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

The meeting was called to order at 10:00 a.m. by Chairman Frank Virgilio.

Chairman Virgilio read aloud the following notice: In accordance with P.L. 1975, c. 231 notice of this meeting was filed with and posted at the Office of the Secretary of State on June 28,2023 and delivered to the designated newspapers for Fish and Wildlife, the Newark Star Ledger on July 3,2023, and the Atlantic City Press on July 5,2023.

Roll call was taken in attendance:

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

Fish & Wildlife employees included: D. Golden, L. Barno, G. Kopkash, C. Stanko, A. Ivany, S. Crouse, J. Hearon, K. Clark, F. Panico, M. Smith, K. Springer, and D. Bajek.

There were several members of the public in attendance.

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

Councilman Robinson made a motion to approve the May 9th minutes, seconded by Councilman DeStephano. Vote taken. 4 approve, 2 abstain (Jones, Lathrop). Motion approved.

Chairman Virgilio welcomed everyone to the Assunpink Wildlife Management Area on the second Tuesday in July. Paraphrasing Aldo Leopold's, who is considered the father of wildlife ecology, closing comments in his book entitled "Game Management". There is, in short, a fundamental unity of purpose and method between hunters and anti-hunters in their common task of teaching the public how to modify economic activities for conservation purposes which is of infinitely greater importance and difficulty than their current differences of opinions over hunting. Unless and until the common task of Wildlife Conservation is accomplished the question of hunting is, in the long run, irrelevant.

Assistant Commissioner Golden mentioned today we will vote on the Striped Bass regulation change and three Game Code proposed amendments. He wanted to thank staff that worked on these changes, Chief Brust, Chief Cimino, Chief Stanko, and Assistant Director Barno for all their hard work.

Council Reports:

Agriculture:

Councilman Jones reported we had no rain to lots of rain in certain areas. We are seeing bear tracks through the hay. Turkeys are around and the deer are taking their share as well.

Councilman Kertz reported the rain in the South is a little spottier, but everything seems to be growing good. He has seen some fawns around.

Councilman Puskas reported it's been dry for a while and crops are starting to take off. Wheat harvest is underway in the area and goose damage in the wheat fields anywhere from \$50-\$100 an acre. We have had some bears in the neighborhood, but no crop damage from them yet.

Dr. Reist reported that we have had calls about rabbit die-offs and concerns of Rabbit Hemorrhagic Virus. We had one call from a veterinarian in NJ, where someone took a wild

rabbit they found dead in PA and transported it to the vet in NJ. It did not end up getting investigated for Rabbit Hemorrhagic Virus, and PA decided not to look into it further. We have been getting a number of calls that have been forwarded for wildlife from the DEP Hotline to the Department of Agriculture, which is odd, so they are getting sent back to Fish and Wildlife.

Farmer/Sportsman Relations: No report

NJ State Federation of Sportsmen's Clubs:

Councilman Robinson reported he attended in-person meetings for the State Federation, Monmouth County, Ocean County, and Hunterdon County where they discussed deer management. Also, he attended the in-person Game Committee meeting. Virtually he attended the two State Convention meetings and one Game Committee meeting. Most of the discussions at the county and state meetings were on the Deer Classic, the local fishing derbies, and the Trout Survey.

Councilman Wildin reported he attended the Cumberland County Federation meeting, which had sparse attendance, but it was the last meeting before the summer break. He also attended 2 fishing tournaments at Union Lake.

Chairman Virgilio reported he attended both the State and Regional meeting as well as the local county meetings and Committee meetings. All of the meetings had questions about the Deer Classic and how its moving into the Federation Convention. He also attended a few Federation Committee meetings as well as the NJ Wildlife Sportsman Foundation.

Finance Committee: No report.

Fish Committee: No report.

Game Committee:

There were two meetings, one virtual and one in-person with results today.

Endangered and Non-Game Species Advisory Committee: Meeting next week.

Waterfowl Stamp Advisory Committee: No report.

Wildlife Rehabilitators Advisory Committee: No report.

Law Enforcement: No report.

Public Member: No report.

Legislative Report:

Mary Monteschio reported the Legislature is out for election season and they are quite busy, they went well into the late hours of June 30th. They did pass a number of bills. She will give an update at next month's meeting on what has passed.

New Business:

Striped Bass Regulation Changes:

Jeff Brust, Chief, Bureau of Marine Fisheries, gave a presentation to the Council on the Striped Bass Emergency Action.

Chief Crouse wanted to address Council that the Bureau of Freshwater Fisheries is fully supportive of the proposed Striped Bass regulation change. Also, they drafted an NOAC recommends a date change for the regulation in the Delaware River the season as written in the Fish Code now is for March 1-30 and June 1-31, which is not in alignment with the existing regulations in marine waters and PA. The change would recommend changing the date to March 1-31.

Public Comment on Striped Bass Regulation Change:

Barbara Sachau commented a fish should be 40 inches and fish contain mercury and PCBs and that we are over-harvesting them.

Chairman Virgilio asked for a motion on the Striped Bass Regulation Change as presented.

Councilman Puskas made a motion to accept the Striped Bass Regulation change as presented, seconded by Councilman Kertz. Vote taken; all approve. Motion carries.

Black Bear Outreach Campaign:

Chief Ivany mentioned we have a comprehensive report for Council regarding the Outreach Campaign and wanted to mention all the efforts and time put into this campaign are significant and we take our responsibility for this outreach very seriously. We do our best to maximize the benefits of our efforts to get important information about bears and co-existing with bears to people, not only in bear country but throughout the State of NJ. The additional funding provided in the fiscal year 22 and 23 budgets by the Murphy Administration has greatly enhanced our efforts. He also wanted to mention that our Outreach Campaign involves many staff while Michelle and Lyla lead the charge, additional staff and the Bureau of Information and Education assist with posting important information and updates on our website, our social media platforms and distributing list messages to tens of thousands of recipients. The effort also involves staff in other Bureaus such as Wildlife Management and Law Enforcement as we regularly consult with them and ensure that the information that we provide is the most accurate and up to date. This is truly a group effort using many staff within our agency. Chief Ivany would like to thank Council for this opportunity to present the Black Bear Outreach Campaign Status.

Michelle Smith and Lyla Kaul gave a presentation on the FY22 and FY23 Campaign updates.

Proposed 2022 Comprehensive Black Bear Management Policy and Game Code Changes:

Assistant Director Barno reported on the public comment summary. She also thanked all the staff who worked on all the spreadsheets and emails, Danielle Bajek, Lisa Glass, Cindy Fratti, Emilia Topp, Amy DeCheser, Maureen Kinlan, Ryan Ferraro, Christian Nitko, Ben Laubach, and Joyce Bullock. All of you have done an amazing job assisting us over the past four months. Today is basically a general overview of the major comments for each of the sections relative to the policy and proposed amendments.

- An approved CBBMP, signed by both the DEP Commissioner and the NJ Fish and Game Council Chair, is required to authorize the bear hunting season within the State Game Code.
- In 2021, the 2015 CBBMP expired resulting in closing of the bear hunt.
- November 15, 2022, Emergency (Imminent Peril) and Concurrent Rule filed due to a significant upward trend in negative human-bear interactions despite increased outreach efforts in spring 2022.
 - Governor and NJ Fish and Game Council Chair both signed 2022 CBBMP

- NJ Fish and Game Council also approved three related amendments to the Game Code.
- Emergency Rule provided a temporary 120-day implementation of the 2022 CBBMP and the three related amendments to the Game Code. Emergency rule expired on February 3, 2023.
- The Emergency Rule allowed a Bear hunt to occur in December 2022.
- 60-day comment period for the Concurrent Rule (formal rulemaking) of the 2022 CBBMP and Game Code Amendments started on December 5, 2022.

Chairman Virgilio asked for a motion to open the floor for Discussion.

Council discussion took place.

Councilman Robinson made a motion to open the floor, seconded by Councilman Jones.

Public Comment on Comprehensive Black Bear Management Policy:

Barbara Sachau commented she feels the way the Council meeting was brought up was sneaky and would have liked the complete list of public comments so the public could have had the same information as Council.

Councilman Puskas made a motion to close the floor, seconded by Councilman Jones.

Councilman Jones made a motion to direct Fish and Wildlife to move forward in processing the adoption of the proposed 2022 Comprehensive Black Bear Management Policy and to submit it to the DEP Commissioner for review with the following non-substantive update: to include the 2021 and 2022 data so that the CBBMP includes the most current data. These include but are not limited to Figures 1-7 in the document, and acknowledgement of recent outreach efforts. Seconded by Councilman Lathrop. Vote taken; all approve, motion carries.

Lunch: 12:00-12:30

Game Code Changes:

Assistant Director Barno reviewed public comment regarding all three of the proposed Game Code changes.

1. One bear of either sex and any age **with a live weight greater than 75 pounds or a dressed weight greater than 50 pounds** may be harvested per permit.
2. **No adults accompanying cubs under 75 pounds may be taken.**
3. No person shall attempt to take or kill a black bear or have in their possession or control any firearm, or other weapon of any kind **within 300 feet of a baited area.**

Proposal Prohibiting the Harvest of Cubs:

Chairman Virgilio asked for a motion to open the floor to discussion.

Councilman Robinson made a motion to open the floor, seconded by Councilman Puskas. Vote taken all approve.

Council discussion took place.

Councilman Robinson made a motion to close the floor, seconded by Councilman Jones. Vote taken; all approve, motion carries.

Proposal Prohibiting the Taking of Bears with Cubs:

Chairman Virgilio asked for a motion to open the floor for discussion.

Councilman Robinson made a motion to open the floor, seconded by Councilman Jones. Vote taken; all approve, motion carries.

Council discussion took place.

Chairman Virgilio asked for a motion to close the floor.

Councilman Robinson made a motion to close the floor, seconded by Councilman Jones. Vote taken; all approve, motion carries.

Proposal Prohibiting the taking of Bears within 300 ft of Baited Area:

Chairman Virgilio asked for a motion to open the floor for discussion.

Councilman Robinson made a motion to open the floor, seconded by Councilman Whildin. Vote taken; all approve, motion carries.

Council discussion took place.

Chairman Virgilio asked for a motion to close the floor.

Councilman Robinson made a motion to close the floor, seconded by Councilman Puskas. Vote taken; all approve, motion carries.

Public Comment on Three Game Code Changes:

Barbara Sachau commented that she feels the public is not kept informed and talked about the public trust doctrine.

Ray Sannelli commented that he heard the Division was going to study the impact of having the 300 ft from bait. Because of the distance involved he has concerns about an ethical shot. He would like to have a way it could be studied of how many attempts at harvesting bears were made from that distance that were unsuccessful because of the distance involved.

Chairman asked for a motion to vote on the first proposal: Ban on Harvest of Cubs:

Councilman Whildin made a motion to continue the process of adopting the proposed amendments which prohibit the taking of any bear less than 75 pounds live weight, 50 pounds dressed, seconded by Councilman Jones. Vote taken; all approve, motion carries.

Chairman Virgilio asked for a motion to vote on the second proposal: Ban on the Take of Adult Bears Accompanying Cubs:

Councilman Robinson made a motion to continue the process of adopting the proposed amendments which prohibit the taking of an adult bear that is in the presence of cubs, seconded by Councilman Jones. Vote taken; all approve, motion carries.

Chairman Virgilio asked for a motion to vote on the third proposal: Ban on the Taking of bear within 300 feet of Bait:

Councilman Robinson made a motion to continue the process of adopting the proposed amendments that prohibits the taking of a black bear or have in possession or control ant firearm, or other weapon of any kind within 300 feet of a baited area while bear hunting, seconded by Councilman Jones. Vote taken, 7 approve, 2-oppose (Kertz, Puskas), motion carries.

Chairman Virgilio announced there will be two virtual meetings scheduled for August 21 and 30.

If the August 21st meeting takes place the meeting on the 30th will be cancelled.

Public Comment:

Alan, a deer processor commented about the ban on importation of whole deer carcasses.

Barbara Sachau commented about the Public Trust Doctrine and that the Wildlife Commission should be abolished and things need to change.

Councilman Kertz made a motion to adjourn the meeting at 1:15 pm, seconded by Councilman Puskas. Vote taken. Motion carries.

Next meeting: August 8, 2023, at 10:00 a.m. at the Robbinsville office.

