

**Minutes of the Meeting of the
NJ Fish and Game Council
Assunpink Conservation Center
Robbinsville, New Jersey
February 26, 2019**

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

The meeting was called to order at 10:05 a.m. by Acting Chairman Frank Virgilio.

Acting 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 February 19, 2019 and delivered to the designated newspapers for the division, The Newark Star Ledger and the Atlantic City Press, published on February 21, 2019.

Director Herrighty acted as secretary for the morning session.

Roll call was already taken during the executive session in attendance:

Councilman Phillip Brodhecker (arrived at 10:21 a.m.)

Councilman Joe DeMartino

Councilman James DeStephano

Councilman Agust Gudmundsson

Councilman Rick Lathrop

Councilman Jeffery Link

Councilman Bob Pollock

Councilman Loren Robinson

Councilman Ken Whildin

Councilman Frank Virgilio

Department employees included in the morning: Director Larry Herrighty, Assistant Commissioner Ray Bukowski and Human Resources representative Nancy Fury.

Chairman Virgilio called for a motion to go into executive session to discuss personnel matters related to the director's search at 10:15 a.m.

A motion was made by Councilman Gudmundsson , seconded by Councilman Link to move into executive session. Vote taken, all in favor, non-opposed; motion carried.

In addition to Council, were Sergio Radossi and Eric Stiles, non-voting members of the Search Committee. Committee reported on number of applications received, their process and discussed final candidates.

Council came out of executive session at 12: 13 p.m.

Lunch: 12:15 – 1:00

The afternoon meeting was called to order at 1:04 p.m.. by Acting Chairman Frank Virgilio.

The flag salute and the Pledge of Allegiance were completed.

Division employees included: L. Herrighty, P. Nelson, D. Golden, S. Cianciulli, L. Barno, M. Monteschio, N. Fury and D. Bajek.

Also present was Assistant Commissioner for Natural and Historic Resources, Ray Bukowski.

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

A motion was made by Councilman Robinson to approve the January 8, 2019 minutes, seconded by Councilman DeStephano. Vote taken, all in favor with two abstentions, Councilman Whildin and Councilman Lathrop, none opposed, motion carried.

Acting Chairman Virgilio started his comments by going over the process of the director's search this past month for selecting a replacement for Director Herrighty after he retires in April. It's been a real experience and he hopes everyone is satisfied with their selection.

Director Herrighty wanted to thank the Council for going through this process and looks forward to working with staff in the next month, with about 24 working days left.

Acting Chairman Virgilio read aloud the public comment statement. Public comment is limited to 3 min. per person and 15 min. total time.

Acting Chairman Virgilio asked for a motion to move the agenda around to appoint the new director.

A motion was made by Councilman Robinson to move around the agenda and appoint the new director, seconded by Councilman Whildin. Vote taken, all in favor, none opposed; motion carried.

Acting Chairman read aloud the New Jersey statute NJSA 131b-27 for the appointment of Director. Before a vote was taken, he would like to talk about the process. This has been an accelerated process and council has invested a lot of time over the last month and a half. Council put together a search team which consisted of 5 members of Council. Nancy Fury was recruited as a representative of Human Resources to aid and guide for DEP personnel standards, Diane Ogonofski was recruited to review and assist with sorting through applications. There was an observer on board with us at every meeting and that was Assistant Commissioner Ray Bukowski. We had two advisors, the President and CEO of NJ Audubon Society Eric Stiles, and Marine Fisheries Council Chairman's Proxy Sergio Radossi. We conducted a nation-wide search and received applications from over 55 candidates which were reviewed. There were four application review steps. In the first step Diane and Nancy screened applications according to Department of Personnel standards. Step two, Chairman Virgilio personally went to the Trenton office and screened applications. The third step was where the Assistant Commissioner's Office had an opportunity to review all applications. The fourth step was the search committee met to review and select final candidates. The interview process contained environmental review questions and each candidate was given a question for evaluation on both content as it pertained to the question as well as writing skills. Each candidate had a writing assignment on Environmental Justice when they walked in the door and had 10 minutes to complete the assignment then had to make that presentation to Council. They also had to prepare a PowerPoint presentation to be presented to Council on How Would You Control Black Bear In the State of NJ When Hunting Is Not An Option. There was also a first round of interviews with 15 questions evaluated by our panel, with a second-round interview with 10 questions. These questions were solicited from major players in the State of NJ which included bureau chiefs within the Division of Fish and Wildlife, former directors of Fish and Wildlife, a former head of Marine Fisheries, and The Public Trust Wildlife Management Group. All questions were reviewed by our panels and were able to formulate two groups of questions. We took this process very seriously and with as much transparency as possible. Everything was kept at a secret level, questions never left the panel room. After everyone reviewed all questions, they were collected and maintained by Acting Chairman Virgilio. Which brings us to our final decision today, we had a consensus agreement in Council and would like to have a motion on the floor

A motion was made by Councilman Link to appoint Dave Golden as Director of New Jersey Fish and Wildlife, seconded by Councilman Gudmundsson. A roll call by name was done, none opposed; motion carried. Nancy Fury will provide a letter for Chairman Virgilio to sign and get over to the Commissioner's Office for approval.

Council Reports:

Agriculture Report:

Councilman Link reported that he is looking forward to spring. He had some information on CWD and should have more information for the council next meeting. His daughter spoke at the Agricultural Convention. She is the 4H key ambassador and spoke about 4H and what it means to her and her accomplishments. He is very proud.

Councilman Brodhecker reported that they had their State Agricultural Convention at the beginning of February with a lot of discussion with regards to policies and as far as wildlife up north, they are seeing a lot of deer gathering and forging on hay because there is nothing out there for them to eat right now.

Dr. Sebastian Reist from the Department of Agriculture reported that not too much has changed since the last meeting. There are continuing reports of countries that are testing positive for African Swine Fever, Vietnam being the latest. They continue to find Exotic Newcastle Disease outside of California where they thought they had it been contained. CWD is now an everyday topic. Jumping back to African Swine Fever, there was a study done to see if processed goods coming in was being contaminated and the study revealed that 88% of the samples tested positive for genomic materials by PCR, or African Swine Fever and/or foot and mouth disease.

Director Herrighty commented on the CWD issue. There are two things floating around the media, one being a professor out of Louisiana who believes it's bacterial related and another professor out of Minnesota used the term "Zombie Deer" and made a statement that CWD will cross over to human population and will be wide-spread. The Division and most agencies around here and the country are putting out messages debunking those theories and trying to stop any panic situation from the public. Next week at the Fish and Wildlife Association meeting the health committee will address that with a more thorough statement on those two issues. The body of science does not support those two conclusions.

Farmer/Sportsman Relations:

Councilman Brodhecker reported that they had a meeting with the Farm Bureau at the farm bureau house and went over all policies from the fall meeting and was very productive. Some things in the policy, the Division has been so responsive and are already ahead of. There were a lot of ideas that the Division was very open to. The sportsmen that were there were a good help in aligning policies that sportsmen have and issues with legislation regarding black bear feeding.

Director Herrighty mentioned two initiatives we are working with both the Dept. of Agriculture and Farm Bureau on. The first is trying to put together Farmers who have deer problems with

sportsmen who will shoot and help with depredation permits. Secondly, Chief Stanko and her staff have updated the brochure that we had produced many years ago for farmers regarding what is available to mitigate deer damage and it was reviewed by Agriculture as well as Farmers Bureau so all of our logos will be on the brochure. Hopefully their logos will give it more credibility and garner more attention by the farmers who will take a look at and see what opportunities are available for them.

NJ State Federation of Sportsman's Clubs:

Councilman DeMartino reported he did not make it to any meetings.

Councilman DeStephano reported he was not able to make any meetings due to the snowy weather.

Councilman Gudmundsson reported he made the Bergen County Federation dinner and that he won't be able to make Morris County's this Saturday. He received a request from Sussex County to attend more of their meetings. He will make a concerted effort to do just that.

Councilman Robinson reported that in the last month and a half he has attended a lot of meetings which include Hunterdon, Somerset, Union, Middlesex, central region. He would like to thank Director Herrighty, Chief Stanko, and Chief Barno for coming to the Hunterdon County meeting and giving an interesting presentation, all the sportsmen were very appreciative. He is working on the all-water license and he needs some information to come up with a price and some numbers. Predator hunters asked that we bring up at the Game Committee that at the present, the special permit that allows you to hunt at night, the season ends on a Saturday at midnight and they would like to extend it to Sunday half hour before sunrise.

Chairman Virgilio mentioned that proposals like that usually go through the Federation first and it goes to the County, Regional and State level.

Councilman Robinson also mentioned that the division is looking for people to use Rockport, has there been any thought about doing a land swap with any other organization?

Assistant Director Golden added that the RFEI closes today, so we will have all the information back on what options are out there and at that point we will sit down and explore all our options and take that into consideration. It has been discussed as a possibility if Mansfield Township really wanted that piece and they had property that they can swap. So, yes, it's on the table.

Councilman Robinson also discussed site specific Wildlife Management Area permits for horseback riding and would like to see them be site specific. With CWD being so big there was questions about roadkill by the state and is there any problem with transmission of diseases.

Director Herrightly mentioned that disposal of roadkill at a licensed landfill is a good option which is where the ones that get picked up by the county and the state go.

Councilman Whildin attended the Cumberland County meeting earlier this month, there was only one question about signage at the target range at Millville. He reached out to Chief Hearon two days later and the problem was fixed.

Acting Chairman Virgilio attended the Gloucester County meeting where they were looking at the R3 type activities and are still working on that. He also attended the Atlantic County Game Dinner that sold out as usual. They have a great fundraiser and they use it for a lot of the youth programs.

Committee Reports:

Legislative Committee:

Assistant Director Nelson provided a list of legislative activity for the last month.

A-4950 Establishes catch and cook program. You can catch freshwater or marine fish and take it to a restaurant where they will cook it for your own consumption.

S-3407 Removes the statutory limitations on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver.

A-2732 Clarifies that the use of propane powered noise making devise is allowed as non-lethal method of wildlife control on farmland; was signed by Governor on January 31,2019.

S-2905 Prohibits certain possession, sale, trade, distribution, or offering for sale of shark fins was voted on by full Assembly on January 31, 2019 and moved on to Senate.

S3547 and A-5113 Appropriates \$450,000 for Hooked on Fishing- Not on Drugs Program was recently introduced and we support them.

A-5034 and S-3470 Authorizes sale and conveyance of certain State-owned real property in Stafford Twp., Ocean Co. to US Fish and Wildlife Service. A landlocked piece of property that we have that US Fish and Wildlife will purchase, and the money will go back into Green Acres Program which purchased it.

Federal Legislation HR877 and S-382 To authorize a special resource study on the spread vectors of chronic wasting disease in Cervidae, and for other purposes.

Endangered and Non-Game Species Committee:

Councilman Dr. Rick Lathrop reported at the last meeting in January they had presentations on The CHANJ Project (Connecting Habitat Across New Jersey) and some talk about specific projects where they are trying to re-establish linkage with specific roadways. Also, we have current project with bog turtles that includes road underpasses and pre- and post-construction monitoring will be conducted.

Waterfowl Stamp Committee:

Councilman DeMartino mentioned that there is an upcoming meeting at the end of this month or beginning of next month.

Wildlife Rehabilitators Advisory Committee:

Councilman Brodhecker reported that they had a meeting on January 23, 2019. The Division training, they still haven't gotten things in order, so they moved that to January, 2020. Pest control regulations still need to get a pre-meeting together to determine who's going to be involved, it was suggested that they review Depredation Permits that exist and how they apply to pest control operators. We have April, July and October meetings.

Law Enforcement Committee: No report currently

New Business:

2018 Trout Stocking Allocations:

Chief Barno gave a a brief refresher on the Trout Stocking Allocation Formula (PowerPoint) on all the metrics that are factored into allocating trout. In 1990 the Trout Stocking Improvement Plan was approved that included the formula for the allocation of trout. There are physical, biological and social factors to the formula that applied to both streams/rivers and lakes/ ponds. Due to the nature of the differences between them, there are slight differences between the waterbody types.

Physical factors with streams are the flow and the width of the stream. For every stocking point we look at a quarter mile upstream and a quarter mile downstream for the movement of trout.

Biological factors are whether they support trout only in the Spring or year-round if the temperatures in the summer are cool enough that they will survive from one year to the next.

Social factors are basically land ownership whether it is public vs private, available parking and angler interest. We do stock some private stretches that are in between public areas provided the land owner is willing to allow access to the general public to fish.

For lakes and ponds, it's just the general surface acres, biologically, whether seasonal or year-round. Social factors would be the population density of the municipality surrounding the lake along with angler access. Then we look within a 10-mile radius as to how many opportunities there are for stocked trout. The areas that have a lot of opportunities will receive fewer trout because we assume that the anglers will be more spread out among those opportunities than in those areas where there isn't anything relatively close.

When you look at the variable metrics we have categories based on flow within the stream. The social factors we use a rubric that assesses angler interest, available parking as well as percent accessible. Stocking rates are then based on size of the water multiplied by the mileage of the stream that is stocked. If it is a year-round fishery, it will receive a 10% increase. We also have the recreational potential rating from outstanding to poor and that goes anywhere from a 20% increase down to a 20% decrease in trout. We then factor in the number of times the stream is stocked over the course of the 10 weeks, three weeks preseason in one allotment and then for how many multiple times based on the conditions of the fishery. Closed in season waters get stocked more frequently than those that do not have closures. That allotment is then divided over the course of the stockings, the numbers are higher and more upfront in the season and as the weeks go by the weekly allocations get less.

For the lakes and ponds, it's a bit simpler. Waters from 0-5 acres, 6-30 acres and those over 30 acres. Also looking at seasonal and year-round and the social factors.

When you break it down we are basically stocking the first 5 acres of the waterbody at a rate of 75 trout per acre then we stock the next 6-30 acres at a rate of 5 trout per acre and any acre over 30 gets stocked at 1 trout per acre. The reason we do that is otherwise if we stocked the waters at the same rate for the entire acreage the lakes, particularly large waters, would absorb a significant portion of the trout that we have available.

Year-round fisheries receive a 10% increase. The human population density is for anything less than 1,000 people per square mile there is no change to the allocation, but for any waterbody that has 1,000 people per square mile up to 4,999 in the surrounding municipality will get a 10% increase and then for any municipality that has more than 5,000 people per square mile will get a 30% increase to the allotment.

The lakes and waterbodies that are in urban areas (5,000 people per square mile or more) also get an additional allotment of fish as they receive an additional week of stocking.

The final step is making sure it all adds up with the number of trout we have available. We use a 570,000 trout baseline for spring, so we take any allotments that may be less than 100 and round then up to 100. We then factor in a constant, which looks at what our total allocation

number (based on the formula) and compares it to our baseline of 570,000 and puts a correction factor in to make sure that the allocations do not exceed the number of trout available. All allotments are then rounded to a multiple of 10.

The baseline we have for 2019 is 1.01985. We do keep an eye on the correction factor when it goes over 1 is typically when we will be looking to add additional waters onto the program. We have a Fish Code coming up for 2021, so we will be looking to add some additional waters.

In regards to stocking in urban areas. highly urban areas get up to a 30% increase in allocation. If you look at the 83 lakes that we're currently stocking, 41 of them receive a 10-30% increase and 22 of those receive a 30% increase due to the density of the area around them. They also get an additional week of stocking on week 5.

Starting next year, we are looking to kick off a Community Lakes Program. To target the ponds that might not support catchable size fish and supplement and stock them. To create the opportunity where it is nonexistent presently.

Councilman Pollock wanted to mention that he thought it was important for the Council to understand, especially given the political environment that this formula has been around for a long time, you can't just call up and ask for more fish. There is also a lot of consideration taken into urban areas.

Chief Barno then presented changes for the 2019 Spring Trout Stocking Program. As a result of the allocation formula we have a couple changes. The methodology hasn't changed and we're still working a spring baseline of 570,000 trout. We did update the surface area of the lakes using GIS software so that has resulted in some changes this year. We had increased allocations for 29 waters ranging from 10-220 trout, and decreased allocations for 13 waterbodies ranging from 10-520 trout over the course of the season. We also have additional changes specific to waterbodies.

Last year we introduced Landlocked Salmon into Merrill Creek Reservoir and as a result are going to reduce the number of Rainbow Trout by 1,300 to protect the forage base. Nomahegan Park Pond which was only stocked pre-season in the past, will get 4 additional weeks of stocking which will result in 1,200 more trout in 2019. The pond is quite popular among anglers.

Pequest River stocking mileage increased from 11.2 miles to 12.7 miles, this will result in an additional 3,200 trout in 2019.

The size of Rowands Pond was re-calculated using GIS mapping software and size was reduced from 3 acres to 1 acre.. This 2-acre reduction reduces the allocation by 380 trout, in total the lake will receive 400 trout in 2019.

S/Br.Raritan River allocation was reduced by 2,780 trout, and the overall trout stocked mileage was reduced from 21.1 miles to 20.1 miles.

Wanaque River's trout stocking mileage was reduced from 3.8 miles to 3.5 miles due to the loss of a stocking point. This 0.3-mile reduction results in a decrease of 470 fish in 2019.

A motion was made by Councilman Pollock to approve the 2019 trout allocations, seconded by Councilman Robinson. All in favor, none opposed; motion carried.

Law Enforcement:

Chief Cianciulli reported that they have selected Wesley Kille as the Wildlife Conservation Officer of The Year. Bear training is moving along with the next class on March 21, 2019 followed by a class on May 6, 2019. The number of applicants will determine when the next block of classes will take place.

Acting Chairman Virgilio asked if anyone looked into the State Police being interested in the bear training.

Director Herrightly mentioned that they have had State Troopers take the training in the past.

Chief Cianciulli said that we are having a block of training dedicated to the Park Police in addition to another block of training they have planned, so he will look into it.

Councilman DeMartino had mentioned the president of Monmouth County Chiefs Association has asked Chief Cianciulli to present to them because of the incident that they had with a bear a few years ago.

Chief Cianciulli added that he was sent a notice that went out statewide.

Dealing with the State Treasury and Procurement process is very difficult when trying to buy ammunition and pyrotechnics and we can't get vendors to work with the state. We traditionally use Light Field and they don't market their product for the use on humans, so their price point is substantially less than Def Tech or another agency that markets their product for the use on humans. We are trying to get Light Field to get the paperwork done. It will save us about 50% on an order, \$12 a box compared to \$25 a box and we offer that ammunition as a demonstration for every law enforcement officer that comes to the class to use the pyrotechnics to be familiar with the process.

License Restorations:

Evan McClaskey- present

Captain Linda Quirk read the statement for revocation appeal for Mr. McClaskey who was present. Mr. McClaskey was convicted of a violation on October 13, 2016 N.J.S.A. 23:4-47 and a second conviction on July 16, 2018 PA.27.11. A.4 acquiring a hunting license for a person not

entitled. The Council asked Mr. McClaskey questions. Mr. McClaskey testified as to why the Council should restore his license.

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

Councilman Gudmundsson made a motion to open the floor to discussion, seconded by Councilman Brodhecker. All were in favor, motion carried.

After Council discussed Mr. McClaskey's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion. **Councilman Gudmundsson made a motion to close the floor for discussion, seconded by Councilman DeMartino. Vote taken, motion carried.**

Councilman Robinson made a motion to reinstate Mr. McClaskey's license, seconded by Councilman Gudmundsson. Vote taken, all were in favor, motion carried.

Elvys Reyes- present

Captain Linda Quirk read the statement for revocation appeal for Mr. Reyes who was present. Mr. Reyes was convicted of a violation on October 2018 N.J.S.A. 23:2B-6 possession of undersize fish and a second violation on December 2018 N.J.S.A. 23:4-24.1. a possessing an uncased firearm in a motor vehicle. The Council asked Mr. Reyes questions. Mr. Reyes testified to why the Council should restore his license.

Acting Chairman Virgilio asked to have a motion to open the floor to discussion.

Councilman Gudmundsson made a motion to open the floor for discussion, seconded by Councilman Robinson. Vote taken, all in favor, motion carried.

After the Council discussed Mr. Reyes violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion. **Councilman Gudmundsson made a motion to close the floor for discussion. Vote taken, all in favor, motion carried.**

Councilman Whildin made a motion to not to reinstate Mr. Reyes license, seconded by Councilman Brodhecker. Vote taken, all in favor, motion carried.

Emanuel Carlino

Captain Quirk read the statement for revocation appeal for Mr. Carlino who was not present. Mr. Carlino was convicted on December 2013 N.J.S.A. 23:3-1b failed to exhibit a valid hunting license upon request and a second violation in October 2018 N.J.S.A. 7:25-5.22(h)2 And (b)1 for waste of a deer and failure to produce a deer head within 48 hours.

Councilman Gudmundsson made a motion to open the floor up for discussion, seconded by Councilman Brodhecker. Vote taken, all in favor, motion carried.

After the Council discussed Mr. Carlino's violations, Acting Chairman Virgilio asked for a motion to close the floor for discussion.

Councilman Gudmundsson motioned to close the floor to discussion, seconded by Councilman Brodhecker. Vote taken, all in favor, motion carried.

Councilman Brodhecker made a motion not to reinstate Mr. Carlino's license, seconded by Councilman DeMartino. Vote taken, all in favor, motion carried.

Thomas Colaianni

Captain Quirk read the statement for revocation appeal for Mr. Colaianni who was not present. Mr. Colaianni was convicted on September 2015 N.J.S.A. 23:2B-6 for possession of undersized fish and a second conviction on September 2018 N.J.S.A. 23:2B-6 for possession of undersized fish.

Councilman Gudmundsson motioned to open the floor for discussion, seconded by Councilman Robinson. Vote taken, all in favor, motion carried.

After the Council discussed Mr. CColaianni's violations, Acting Chairman Virgilio asked for a motion to close the floor. **Councilman Gudmundsson made a motion to close the floor for discussion, seconded by Councilman DeMartino. Vote taken, all in favor, motion carried.**

Councilman Gudmundsson made a motion not to reinstate Mr. Colainni's license, seconded by Councilman DeMartino. Vote taken, all in favor, motion carried.

Erik Gonzalez

Captain Quirk read the statement for revocation appeal for Mr. Gonzalez who was not present. Mr. Gonzalez was convicted on December 2013 N.J.S.A. 23:3-56.2 Hunting for deer during permit season without a valid Zone 5 permit and N.J.S.A. 23:4-47 Failure to properly tag deer immediately upon killing and the second violation on August 2018 N.J.S.A. 23:7-9. an entering a restricted area.

Councilman Gudmundsson made a motion to open the floor for discussion, seconded by Councilman Robinson. Vote taken, all in favor, motion carried.

After the Council discussed Mr. Gonzalez's violations, Acting Chairman Virgilio asked for a motion to close the floor to discussion. Councilman Gudmundsson made a motion to close the floor for discussion, seconded by Councilman Brodhecker. Vote taken, all in favor, motion carried.

Councilman Gudmundsson made a motion to restore Mr. Gonzalez's license, seconded by Councilman DeMartino. Vote taken, 8 in favor with 2 opposed (Virgilio, Whilden), motion carried.

A motion was made by Councilman DeMartino to adjourn the meeting at 3:17 p.m. seconded by Councilman Gudmundsson. Vote taken, all in favor, motion carried

The next meeting will be held on Tuesday March 12, 2019 at 10:00 at the Assunpink Conservation Center.