

**MINUTES OF THE MEETING OF THE  
NJ FISH AND GAME COUNCIL  
Central Region Office  
Robbinsville, New Jersey  
August 9, 2016**

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

The meeting was called to order at 10:10 a.m. by Acting Chairman David Burke.

The flag salute and Pledge of Allegiance were completed.

Acting Chairman Burke 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 July 28, 2016 and delivered to the designated newspapers of the Division, the Newark Star Ledger and the Atlantic City Press; published on August 3, 2016.

Roll call was taken.

In attendance were:   Acting Chairman David Burke  
                                  Councilman Phillip Brodhecker  
                                  Councilwoman Barbara Brummer  
                                  Councilman Joe DeMartino (late arrival at 10:15 a.m.)  
                                  Councilman Agust Gudmundsson  
                                  Councilman Dan Van Mater

Absent:  
                                  Councilwoman Cathy Blumig  
                                  Councilman James DeStephano  
                                  Councilman Jeffery Link

Division employees included: D. Chanda, L. Herrighty, P. Nelson, S. Tesar, D. Golden, L. Barno, S. Cianciulli, A. Ivany, L. DiPiano, A. Burnett, A. Quirk and S. Coltrain.

There were numerous members of the public in attendance.

**Motion was made by Councilman Van Mater and seconded by Councilman Brodhecker to approve the minutes of the July 12, 2016 meeting with stated correction. Vote taken, five (5) in favor one (1) abstention; motion carried.**

Acting Chairman Burke stated there are no agenda items to vote on, so there will be no public comment on the agenda items. There will be three petitions for early license restoration to be heard sometime after 1:00 pm. He note there is a question from the audience as to whether the public can comment on the license restoration. Assistant Director Larry Herrighty is checking with one of the Deputy Attorneys General to see if it is permissible. Also planned is a presentation on the New Jersey otter population. The public comment period will be last. Acting Chairman Burke reminded everyone the next meeting will be Wednesday, September 21<sup>st</sup>

at 9:00 am. The major issue is the tentative Game Code changes and asked everyone to make an effort to attend. Councilman Gudmundsson stated he will not be able to attend as he is flying to a meeting that morning. The joint meeting with Endangered Non-game Species Advisory Council (ENSAC) will begin at 11:00 am.

Director of the New Jersey Division of Fish and Wildlife, David Chanda, reported July was a slow month. The Finance Committee meeting was held this morning and Councilman Gudmundsson will make a report later in the meeting. The Division closed out in a surplus. He reported he is working on the items Council discussed with him from the last meeting. On August 30<sup>th</sup> at 10:00 there will be a Division wide meeting for all employees at the Rutgers Eco-Complex. The same meeting used to be held in three segments, north, central and south, so that staff did not have to drive as far. Typically, several programs make presentations and there is a time allowance for staff to ask questions or concerns they may have with the agency. Several staff members expressed they would like to have one big meeting in order to interact with all staff. Chief Al Ivany of Information and Education is coordinating and putting the agenda together. Director Chanda asked if any Council member was interested in attending, to let him know.

Chief Ivany will email the Council the agenda and the Council will email Shelley Coltrain if they want to attend. If there are more than five members who would like to attend, Director Chanda will notify all who said they would like to attend to discuss among each other as to who will be the attendees. Director Chanda also stated that he would like set the agenda for the September joint meeting by the end of this meeting.

## **COMMITTEE REPORTS**

### **Agriculture Committee Report:**

Councilman Brodhecker reported seeing a lot of bears in the cornfields. While harvesting was going on, a mother and her three cubs were split up on opposite sides of the field. He also noted there are tons of deer. There is a 7-acre sunflower field by the road where it was thought to be not growing due to poor germination. After investigating, it was found to be due to deer eating the buds, taking 20 – 25% of the field. He further stated in a good year of crop, farmers do not see as much damage, or they don't perceive as much loss because their harvest is good.

Acting Chairman Burke stated it is currently tomato harvest season. Tomatoes are the second biggest crop next to blueberries.

Councilman DeMartino stated there was a news report regarding having cougars introduced into New Jersey in order to reduce the deer population. Assistant Director Herrightly responded, 30 years ago New York tried to introduce mountain lions into the Adirondack area but they kept getting hit by cars.

Dr. Sebastian Reist from New Jersey Department of Agriculture reported the low impact avian influenza issue has been put to rest since the last meeting. The outcome of that is New Jersey, Pennsylvania and New York are embargoed from exporting in to Hong Kong. Even though the ducks came in from Canada, they are not embargoed from exporting to Hong Kong. There have

been some ducks rescued from the wild. They were sent to a rehabilitator, quarantined and now have been adopted out. Assistant Director Herrighty stated the ducks had been tested and were fine. A woman found with the ducks was questioned. She stated she was helping another woman on the scene who did not speak English. It is a mystery why someone would release ducks worth \$15 each into the wild.

#### State Federation Reports:

Councilman Gudmundsson reported the highlight in his area this month is the Sussex County Fair. Morris and Sussex counties are collaborating to have an interesting display. The display is likened to "Where's Waldo." There will be pictures of various habitats and individuals will have to find the wildlife in it. It will be an interesting concept that will show the benefits of despaired habitats. Each hour, the child who finds the most wildlife will win a prize.

Acting Chairman Burke reported there was a meeting with the Federation Deer Committee after the last Council meeting. There was a large turnout; about 50-60 people. There were some people who were not invited, who should have been. It was a good presentation, input was given and some common ground was reached. Assistant Director Herrighty reported the next meeting will be at the Conservation Center in Assunpink at 10:00 am on August 18<sup>th</sup>. The Game Committee is welcome to attend. Acting Chairman Burke will poll the Game Committee to find out who wants to attend.

#### Finance Committee:

Assistant Director Nelson introduced staff member Steve Tesar, the Division's Accountant. Mr. Tesar has been with the Department for over 11 years. Mr. Tesar gave a report on the income and expenses for fiscal year 2016 and some expectations for 2017 for the Division. Director Chanda stated a one-page report of what Mr. Tesar spoke about will be sent to each Council member before the next meeting.

Councilman Gudmundsson noted that revenue and income are staying relatively stable but the expenses are continually rising. In the long term it is a problem. The Division has made a good effort in containing cost, but there are some costs that are hard to contain.

Director Chanda noted that last year closed out with a surplus but next year will be a little more difficult.

#### Fish Committee:

Councilman Gudmundsson reported there is no action going on and noted that Chief Barno will highlight the regulations that are out now.

#### Game Committee:

Acting Chairman Burke stated September will start the formal process for the proposed Game Code with the hope of staying on the time schedule that has been set.

#### Legislative Committee:

Assistant Director Nelson reported A-2763, the interstate wildlife violators' compact, is moving through the legislature. It has gone through the assembly, the first and second committee.

Assistant Director Nelson said she will follow up on why this bill was sent to the Budget Appropriation Committee as there was no money associated with it.

S-761 - permits certain deer control activities; prohibits deer feeding; and establishes check-off donation on hunting license application to support venison donation program. This bill was heard on August 8<sup>th</sup>, but the website stated it was preliminary committee action to be reported. Assistant Director Nelson does not know what that means. The division supports the bill. The only concern is language for donations for the Hunters Helping the Hungry program.

S-317 – requires Dept. of Agriculture and DEP to adopt coordinated permit application and review program for aquaculture projects. This bill was heard since our last meeting.

A-2949 - now signed into law. Provides diamondback terrapins protection as nongame indigenous species.

**No position will be taken by the Council at this time on the new bills.**

Endangered and Non-game Species Advisory Committee (ENSAC):  
Councilwoman Brummer reported there was no meeting and there is nothing new to report.

Waterfowl Stamp Advisory Committee:  
No meeting scheduled – no report.

Wildlife Rehabilitators Advisory Committee:  
Councilman Brodhecker reported the committee has a new Chairperson. There were two main topics for discussion. 1. A wildlife rehabber's husband was doing political promotions that had footage of the rehabilitated animals. Some people perceived it as being controversial, so the footage was removed from the campaign. 2. There was a discussion and challenges with regards how a new rehabilitator and species are identified and set up. Rehabilitators need to be certified for a specific species in order to rehabilitate them. Rehabilitators concern is that they invest money in preparation to rehabilitate a species and then there are none to rehabilitate. The next meeting is in 3 months (October).

## **DIVISION REPORTS**

Assistant Director Nelson explained the reason for Barbara Stoff's absence. The RFP for licensing from treasury came in and she has to review it line by line. Councilman Gudmundsson volunteered to help her if needed.

Chief Lisa Barno, Bureau of Freshwater Fisheries, reported at the end of July the state was in a drought watch and may go into a drought warning by the end of August. If it continues to rain the drought warning will be pushed back. A drought warning means the minimum passing flow requirement in waters throughout the state gets reduced. Staff has been monitoring that number and looking at stream flows. The State has been so dry, some of those proposed reduced stream flows are actually lower than what the reductions would be. With the hot and dry weather, there have been a number of fish kills. There has also been a dam failure at Deer Path Park Pond.

Deer Path Park Pond is a little 2 acre pond in Hunterdon County. It was an entire loss of the fish at the pond and we do not know the county's intention. Another fish kill took place on the Cohansey River tributary where a floodgate was recently repaired. In repairing the flood gate, the water level's drop along with hot weather and lack of rainfall there is shallow water. There was over 500 - 1000 carp sized at 10 – 15 lbs. This created a lot of press and concern for the local community. On a Pitman golf course in Gloucester another fish kill was reported. It was originally believed to be due to hot dry weather. During investigation there was a distinct odor and discoloration from the pond. After tracing it back up stream, it was the result of a failed residential septic system bleeding into the pond causing the oxygen level to drop. There were three small ponds affected by this septic failure.

Staff did an assessment of catch and release regulations at the Ken Lockwood Gorge. They got a high number of trout in the area. Unlike the Flatbrook, where the trout do not remain in the area long, the Gorge number has been increasing with the catch and release regulation. The staff did catch a rainbow trout that had lesions and sent to the Division's pathologist, Jan Lovy. He confirmed furunculosis. It is a stocked trout, but it has not been determined yet if it is a Division fish or from a private hatchery. Mr. Lovy is performing additional analysis to determine if antibiotics were used recently because that would rule it out from coming from the Pequest Hatchery.

The Bureau has been working the last six months with Paul Tarlowe on the Bureau's web page and it should go live by the end of the week. There will be more research and management information as well as additional data on fish work at a later time.

Chief Barno stated the Bureau is down one electro fishing boat. The motor was fried in the Columbia Dam Lake. Councilman Gudmundsson offered his motor to the Bureau, but Chief Barno thanked him and declined indicating that the Bureau use the boats for long hours which can take a toll on the motor.

Assistant Director Herrighty reported on behalf of Fish Production as neither superintendent was able to make the meeting today. Superintendent Lemon reported there were Pokémon players at the gate. The Council briefly discussed getting Pokémon on the Division sites which may link to added income from advertisements. Councilman Gudmundsson stated he will discuss this with Paul Tarlowe.

Assistant Director Herrighty also reported the Pequest water is non-drinkable stemming from 2012 well water contamination of E.coli. That incident triggered a rule within the Department that once your well is contaminated, a chlorination system must be installed. Chlorine is deadly to trout and the Division fought for four years for the alternative of an ultra violet system. The ultra violet system was hooked up last week and tied into the water monitoring system. Water fountains had to be closed and should reopen in a few weeks. Director Chanda acknowledged the hard work of former Chief Jeff Matthews and Engineer Clint Decker for all they did in research and meeting with Department head to get the ultra violet system approved.

Chief Al Ivany, Bureau of Information and Education, reported that staff are working at the state fair mentioned by Councilman Gudmundsson on the weekends. He attended Saturday and noted

that everyone in attendance did a good job focusing on forest management and information on Sparta Mountain. In particular there was an exhibit on an old forest versus a younger forest. Chief Ivany would like to see that display at Pequest. Visitation to the tent was good.

Plans are being finalized for the Expo on September 10<sup>th</sup> & 11<sup>th</sup>. There are approximately 100 exhibitors attending, which is on par with last year. There is one more meeting before the Expo. There is continued work on the US Fish and Wildlife Service Outreach Grant. We hope to have a September 1<sup>st</sup> start date which will enable the Bureau to expand its outreach efforts across the Division.

The Bureau is in the process of having five trailers vinyl wrapped with Hooked On Fishing-Not On Drugs (HOFNOD) pictures. There are three new and two older trailers. Staff member Linda DiPiano reported one trailer is already complete and was at the Sussex County Fair. The pictures on the trailer are of a Largemouth Bass, kids fishing and one with Assistant Director Herryghty fishing with a youth participant. The Bureau is now up to 21 HOFNOD teams throughout the State. The five trailers will be given out to member groups for use in their HOFNOD programs. Director Chanda requested that Ms. DiPiano bring the Outdoor Alliance up-to-date on this information.

Chief Ivany also reported that they have the duck decoys and the display case. The display is almost ready, but they need 2003-2007 retriever puppy series prints. Chief Ivany asked Councilman DeMartino if he could get the prints to him in order to finish the display

Chief Dave Golden, Bureau of Land Management, reported the Bureau is in the process of installing floating docks for freshwater anglers at several Wildlife Management Areas (WMAs). These docks are being installed at Clarks Pond, Menantico Pond, Union Lake, Maple Lake and Split Rock. The Division has accepted management responsibility over a new piece of property that is located on the north side of Shark River Inlet. It has been owned by the Department for quite some time, but was not assigned to any program. The Division agreed to manage it. The Division took the property because it provides great access for saltwater anglers. The metal seawall at the site was just replaced by the Department's Office of Coastal Engineering. Signs will go up soon.

The Elk Lake Dam (Cohansey River WMA) developed a hole and required an emergency repair. Following the repair, the Bureau of Land Management worked with the Bureau of Freshwater Fisheries and Office of Dam Safety and concluded that the dam would be permanently breached. Chief Golden is in the process of requesting necessary permits in order to breach the dam.

Chief Golden reported on the Forked River WMA, which is a 4,000-acre area with 3,000 of them belonging to the NJ Conservation Foundation. The Bureau has been managing the whole property under a management agreement with the NJ Conservation Foundation. The Division's attorney has told the Bureau under current management agreement, they may no longer be able to manage the entire property. NJ Conservation Foundation has received a grant to close off some roads in order to get a handle on the illegal off road vehicles.

Chief Golden reported a 120-acre coastal wetland restoration on the Dix WMA, also known as the Abbot Creek Restoration has just been completed. The Bureau partnered with Evergreen Environmental (a mitigation banking company) who owns the property adjacent to the WMA. In order to keep the tidal water that would flow into their property from entering the WMA, they were going to have to put up a berm to divide our property from theirs. Instead of doing that the Bureau worked in partnership with them so they would incorporate the Bureau's property into their wetland restoration project. It is a 250 acre project total. It did not cost the Bureau anything to achieve this restoration. One added benefit to the project is down in that area of New Jersey, there was a lot of diking going on. The property originally was cut off from tidal flow by some dikes that were dilapidated. Through working with this public-private partnership, they were able to strategically allow tidal flow back onto the WMA. If the Bureau did not partner with them, further deterioration was going to happen over time as the dikes failed. We were able to do it in a strategic way and get some restoration that did not cost the Division or taxpayers any money.

Councilwoman Brummer asked what was the original intent of the dikes. The original intent was to create upland habitat for farming.

Tuckahoe Impoundment Restoration Project(Tuckahoe WMA) received a grant from Ducks Unlimited to restore the thousand acres of impoundment areas. The Bureau has applied for permits and hope to move into construction this winter. This will replace the water control structures that feed the six impoundments. In the past the Bureau managed it as waterfowl habitat by regulating water levels. Regulation was lost over time due to failed water control structures. Hopefully by next spring the Bureau will be able to manipulate water levels to benefit the wild.

Acting Chairman Burke asked if there were problems with paddleboards on some of the properties. Chief Golden responded there was a meeting regarding paddleboards to review whether or not to allow them on WMA. Signage will be put up where the paddleboards will be allowed also indicating users must have life vests, whistles and if navigating at night, lights. There will also be a sign that says no swimming from vessels or paddleboards. Some areas will have signage that states paddleboards are strictly prohibited also noting no swimming.

Capoolong Creek received money from the statewide trail grant to do a small restoration project where there was a washout of the trail. The grant was in the amount \$35,000 which is not enough so the Bureau is requesting more money during the 2016 grant year.

Acting Chairman Burke noted that Wendy Swaysland has retired and wished her well.

Deputy Chief Sean Cianciulli reported on behalf Chief Matt Brown, Bureau of Law Enforcement. He reported it is a busy time of the year for law enforcement as WMAs attracts a lot of people. On July 23 an enforcement operation took place at Barnegat Bay, an ecologically sensitive areas, which resulted in 64 boating inspections and 17 resource inspections.

Northern Region officers responded to a request for assistance from West Milford police department regarding two men who were seen in the woods behind a residence. They were

believed to be hiding a black bear and carrying it out in trash bags. The witness thought the bear was sleeping. The witness observed two men enter the woods in an attempt to remove it. After bringing the carcass out of the woods, a third person returned to pour chemicals on the blood in an attempt to cover up the evidence. The individual was charged with taking black bear in closed season. The investigation is still open and the Bureau is still working to identify others involved.

The Central Region officers investigated an antique store in Willingboro that offered an Oryx for sale. An Oryx is like an antelope and is classified under federal endangered species protection act. During the investigation, officers recovered a bear skull, leopard skin, great blue herring skull, and several waterfowl mounts.

The Southern Region office received a call for assistance to recover an injured osprey in the Maurice River south of Millville in Cumberland County. The responding officer did not have a kayak and swam to successfully recover the bird and took it to a wildlife rehabber. The bird had a fractured wing.

There was a report of a dolphin stranded. Officers with from the Marine Region along with the Marine Mammal Stranding Center and the local fire department responded to the call in a small creek in Middle Township. There was a veterinarian from the Marine Mammal Stranding Center who inspected the dolphin. The animal was healthy and taken to the Delaware Bay and successfully released.

As an update to a dumping complaint from April in the South Branch WMA, the suspect admitted he was remodeling his home and his cousin was going to take the trash to the landfill. After interviewing the cousin, he admitted to the dumping. He was charged accordingly.

The Bureau has issued over 600 summonses this month. The Southern Region issued 398. Almost all are related to WMA violations. There is starting to be a lot of non-traditional users at WMAs. It usually is 300 - 400 people responding to #letsmeetatthebluehole social media posts. Most violations are related to swimming, possession of alcohol, littering, open fires, picnicking, cabana tents and coolers. This adversely impacts the traditional constituents trying to fish.

Assistant Director Herrightly reported on behalf of Wildlife Management in the absence of Chief Carole Stanko. At the June meeting the Council opted to vote to move certain deer management zones. The public notice was filed with the Register and will be printed in the September 6<sup>th</sup> issue. Unlike the rule, it does not have to be published, once it is filed with the Secretary of State, it is considered complete.

### **Lunch 11:53 - 12:36**

Andrew Burnett gave a PowerPoint presentation on New Jersey Beaver and Otter Management Zones. (Presentation and handout is filed in the record). Mr. Burnett also reported he attended the National Bobwhite Technical Committee in Lincoln, NE. He obtained two copies of an initiative for a restoration plan and intends to give one to the State Forester. Mr. Burnett reported on Pine Island, 36 of 81 birds released in April are still alive. He stated a lot of



mortality happens in the first couple of days after release, as the birds have to acclimate to their new environment and become prey to their predators. There are currently 9 nests with 3 of them active.

Acting Chairman Burke reviewed the process of hearing of petition for early license restoration.

- Bureau of Law Enforcement representative will read the violation
- The person or their attorney may present the case or Council will proceed with the written record
- A motion will be made to open up a discussion
- Council will vote
- The Director will send a follow up letter on the Council's decision

He stated there is one petitioner here today to present his case to Council. There was a question earlier in the meeting asking if the public would be allowed to comment on the petition for early license restoration. After checking with the Division's attorney, it is recommended that there be no public comment. This is a matter of Council by statute to consider two things to restore the license which are the nature of the violations and the extenuating circumstances causing the violation. The public will be allowed to say something at the end of the meeting as normal.

Captain L. Anne Quirk represented the Bureau of Law Enforcement in reading the violation reports and letters of request to reinstate for the record. The Council performed their duties as outlined above. One of the three individuals was reinstated.

Director Chanda asked for ideas for the Fish and Game Council and Endangered and Non-game Species Advisory Committee joint meeting in September. It was suggested that WMA stewardship strategies be discussed. Councilwoman Brummer suggested having a state forester, an outside forester or someone from another state who has done stewardship. Councilman Gudmundsson suggested having a preliminary report from the information collected from the WMA surveys.

### **PUBLIC COMMENT (3MINUTES)**

Ken Weldon, Cumberland County, NJ, President of the Cumberland County Federation. Mr. Weldon spoke about the proposal to make the three point APR. He noted that he was not invited to the meeting and found that to be odd as his phone number is printed monthly in newspapers. Two of the zones in question are in Cumberland County. He has received a lot of phone calls with the question of how can you advocate killing more deer, when the deer kill is down already. Mr. Weldon also noted that he disagrees that APR program is a success. There were two hunters who qualified, but did not want to drive three hours to enter their deer into a contest. Acting Chairman Burke asked that the Division to make sure he is invited to the next meeting and told Mr. Weldon that he can voice his opinion during the comment period.

Bob Weldon, Cumberland County, NJ, Head of his Gun Club. Mr. Weldon stated 85% of his club is in favor of the APR's. The club members are asking why is this being taking away

without a survey as was done before the regulation was implemented. A second question how does the Division gets their data since there are no check-in stations and everyone has to call to check-in, how is the sampling being done. Acting Chairman Burke noted that the Council does not answer questions at this time and that he should submit a letter with the questions.

Barbara Sachau, Whitehouse Station, NJ commented on the perversion of open space by the Division. She stated trees know where they want to grow and cutting down forest is detrimental to the environment. Ms. Sachau also stated the hunter whose license was restored, should not have been. She stated trophy hunting leads to artificial evolution in animals. Ms. Sachau commented on the proposed archery center in Hunterdon County. She stated a lot of taxpayer money will be used for this. Tax payers in New Jersey are already paying the highest taxes in the country. She stated there are already buildings that exist that could be utilized for this purpose.

Bob Dillahey, Cumberland County, NJ, President of Quality Deer Management Association (QDMA) Southern New Jersey branch conveyed he is in favor of the APR zones. There has been positive feedback. He asked why is the state not going state-wide with the APR program. Mr. Dillahey stated he is speaking on behalf of 700 members of QDMA. Acting Chairman Burke reminded all present, once the proposal is in the register, there will be a 60-day comment period and a hearing for oral comments.

Mark Lanzim, Toms River, Ocean County, NJ commented on the multi-use and abuse of WMA. Mr. Lanzim received complaints about paddleboards at the Rising Sun Lake in the Assunpink WMA. Paddleboarders took over the ramp and started setting up lawn chairs turning the ramp into a bathing beach. Fisherman complained that they are interfering with their fishing. In another complaint, horses were bought on the ramp and entered the water while someone was mounted. Horse excrement was left behind around the boat ramp. Mr. Lanzim ask that the rules be enforced and signs posted so everyone knows the accepted and unacceptable rules.

There were no other comments.

**A motion was made by Councilman Van Mater and seconded by Councilman Brodhecker to adjourn the meeting. Vote taken; all in favor, none opposed – motion carried.**

Meeting adjourned at 2:09 pm.