

THE MINUTES OF
NJ FISH AND GAME COUNCIL MEETING
GOTO MEETING AUGUST 10, 2021

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 Virgilio.

Chairman Virgilio read aloud the following notice: In accordance with P.L.1975, c. 231 notice of this meeting was filed with the Office of the Secretary of State on August 3, 2021, and delivered to the designated newspapers for the division, The Atlantic City Press and The Newark Star Ledger.

Roll call was taken in accordance:

Chairman Virgilio
Councilman Phil Brodhecker –(late)
Councilman Joe DeMartino -(absent)
Councilman Jim DeStephano
Councilman Dr. Rick Lathrop
Councilman Ed Kertz
Councilman Rob Pollock
Councilman Loren Robinson
Councilman Ken Whildin

Division employees included: D. Golden, G. Kopkash, C. Stanko, J. Hearon, S. Cianciulli, M. Monteschio, A. Ivany, S. Crouse, T. McBride, N. Lewis, J. Lovy, and D. Bajek.

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

There were numerous members of the public in attendance.

Chairman Virgilio asked if there were any changes or corrections to the July 13 minutes.

A motion was made by Councilman Robinson to approve the July 13, 2021, minutes, seconded by Councilman DeStephano. Vote taken; motion carried.

Chairman Virgilio stated on behalf of the Fish and Game Council, he would like to thank Commissioner La Tourette for his ongoing review of the Council's draft Comprehensive Black

Bear Management Policy (CBBMP), and we appreciate the much-needed dialogue on the Comprehensive Black Bear Management Policy (CBBMP). We would also like to thank Governor Murphy for supporting bear management in New Jersey through the 1.5-million-dollar appropriations in the fiscal 22 state budget. These monies will enable the Division of Fish and Wildlife to accomplish and enhance many non-lethal activities in the revised Comprehensive Black Bear Management Policy (CBBMP) more effectively.

Director Golden wanted to follow up with what chairman Virgilio reported on the \$1.5-million appropriation, we've been working on trying to compile a personnel package that has been sent over to the Governor's office. We are anticipating some retirements and that will go towards our package and how we will be able to hire based on the supplemental budget. This package will include 20 new hires falling in different categories. If approved, it will add some great capacity to the Division of Fish and Wildlife. On September 7, 2021 we will be back to full time in the office, and he would like to mention that we do have a mask mandate in all state buildings.

Council Reports:

Agricultural:

Councilman Kertz reported no agricultural meetings, but Atlantic County held their 4H Fair which was a success.

Councilman Brodhecker reported a lot of deer damage. They are devouring hay, corn, and sunflowers. Bear have been fairly quiet in June and July but now we are hearing about a lot of corn field damage. Depredation permits help if they are filled out and you have guys on them. The damage is economically devastating.

Dr. Reist reported on a variant of exotic New Castle Disease, which is a respiratory and nervous system virus in foreign animals. The type that was found was type 5, the same type that caused the problems in California for several years. The USDA released a COVID In Deer study and found 33% of deer tested positive and had antibodies for Sars Covid2 in 2019. African Swine Fever continues to show up here and there internationally with the closest to the US in the Caribbean.

Farmer/Sportsman Relations:

Chairman Virgilio reported they will be scheduling a meeting before the September Council meeting.

NJ State Federation of Sportsman's Clubs:

Councilman DeStephano reported the Trappers Association is getting ready for their Convention the first Sunday in October.

Councilman Robinson reported he attended in-person meeting at central region NJ Predators Club meeting, a virtual hunting digest stakeholder meeting, and two virtual Game Committee meetings. He wanted to thank Assistant Director Barno, Chief Stanko and their staff with the great work on the digest.

Chairman Virgilio wanted to also thank Assistant Director Kopkash and her staff who are the motor behind this digest.

Councilman Whildin reported the Law Enforcement Committee had a meeting prior to this council meeting this morning and will discuss later in this meeting.

Chairman Virgilio reported he attended the Game Committee meetings which he will discuss later in the meeting.

Finance Committee:

Councilman Robinson reported they will be holding a meeting before the September Council meeting.

Game Committee:

Chairman Virgilio reported he will present this later under the Comprehensive Black Bear Management Policy Update under New Business.

Endangered and Non-Game Advisory Committee:

Councilman Lathrop reported they had a meeting two weeks ago.

Wildlife Rehabilitators Advisory Committee: No Report

Law Enforcement Committee:

Councilman Whildin reported they had a meeting prior to this morning's Council meeting and will discuss later in the meeting.

Public Member:

Councilman Pollock had asked if it would be possible to fly a drone over the farm fields to see the damage done by the deer and bears.

Legislative Report:

Mary Monteschio reported that RAWA is at the Federal level and the Senate posted their version in the house. We now have 101 co-sponsors.

Chairman Virgilio wanted to inform Council that the Water Stamp Bill is 2 parts, there will be a \$5 increase now and then another \$5 increase in the future, but because the bill had not yet been signed by the Governor, the Division was proposing leaving the stamp at the current price for this year, rather than change it mid-way through the season.

Chairman Virgilio asked for a motion to keep the Waterfowl Stamp at the current fee.

A Motion was made by Councilman Whildin to keep the Waterfowl Stamp at the current fee, seconded by Councilman Robinson. vote taken, all approve, motion carries.

Division Reports:

Office of Central Services:

Assistant Director Kopkash reported the work continues on the digest and it has been a team effort. She shared some numbers from license sales from 2019 through 2021. In early 2020 with the shut down due to COVID there was a slight decline with sales but picked back up again. This year we are up 10.84% and in all-around license sales we are almost 10% up in archery sales, 9.68% up in firearm license sales, fishing is down 8.81% in comparison to last year's numbers but up overall 4.69% in comparison to 2019 sales. The Pheasant and Quail Stamp is up 19%, trapping is up 5.7%, trout stamps are down 3.61% but compared to 2019 it is up 9%. The use of Wildlife Management Areas compared to this time last year is down 15% but WMAs were up 43.35% from 2019-2020, so technically we are up 20% compared to 2019.

Freshwater Fisheries:

Sean Crouse reported that the staff has been very busy stocking and raising fish at the Hackettstown Hatchery. Recently 20,000 6-inch Northern Pike fingerlings were stocked in the 6 waters, plus 7,500 surpluses into two of our surplus waters. We had a record pond harvest of 467,000 2-inch walleye, this is a 91% return which is a new record. We stocked 95,000 Walleye into five waters plus an additional 230,000 into a 60-mile stretch into the Delaware River between Milford PA and Phillipsburg NJ. We also stocked 36,000 4-inch foraged reared fish into five waters plus the Delaware river. The hatchery has provided 100,000 mosquito fish to 11 of our county mosquito commissions. We have been trading fish with the neighboring states, we

traded 220,000 channel catfish eggs and 4,000 8-inch surplus Northern Pike fingerlings to PA Fish and Boat Commission in return for 2 million Walleye eggs and 10,000 5-inch Muskellunge fingerlings. Staff are in the early stages of planning the demolition of an old 5-bay garage at Hackettstown. Pequest the waterline was completed last week with internal work still to come. The roof project on the Pequest administrative building is nearing completion. And there is continued work on the wells. Staff has been collecting water quality samples on 17 ponds that are potential candidates for the Urban/Community Lake program.

Information and Education:

Chief Ivany reported following up on Council's request to feature the logo more prominently for our Operation Game Thief, we redesigned the logo. If you haven't seen the new logo, we highly encourage you to go to our home page and take a look. We are developing our R3 calendar programs for the Fall. Our social media now has over 10,500 followers on Instagram, and over 41,000 on Facebook. These sights are the most important and effective way to get information out to the press, a lot of media follow our social media. Work continues on the new website development and a big thanks to Michelle Smith who is doing an exceptional job at keeping things organized and keeps things rolling. We are meeting continuously with Oxford Communications and things are looking really good. We are working on the wire frames now, so we are getting an opportunity to see how the website looks as it progresses. Staff has been throughout the state with inspectors looking at and rehabilitating our dams. Lands Management has been working with Oxford Communications on their part of the new website.

Land Management:

Chief Hearon reported staff are meeting with the American Woodcock Society; the local chapter has been highlighting some of the work we have been doing throughout the state. The Mid-Atlantic Conservation Director stopped by today to see how they can contribute to our efforts. We will be presenting what we have done for woodcock at the next Council meeting. Staff continue to work on the new Central Region Office and things are progressing well with the Holly Farm. We are about to roll out our new design and will keep everyone in the loop as that progresses. The Lighthouse Center in Waretown has received permits to stabilize the shorelines, so we will help regain some of those un-stabilized shorelines in that area. For the first time Blue Acres got money to build rehabilitation for the site after they removed the houses and that will start to progress in the Fall. We have been working with FEMA and Coastal Engineering to come up with a plan for the Heislerville dike area.

Endangered and Nongame Species:

Chief Heilferty reported due to the COVID restrictions we have been limiting the degree of which we have been handling bats recently not because of fear of bats conveying COVID to

humans, but of humans potentially transferring it to the bat species. This summer MacKenzie Hall, our bat biologist, has picked up some work coordinating with researchers from the University of Virginia doing work with the study of Northern Red Bats. This past month they have been netting bats and putting tags on them so upon release those bats would be picked up by motus towers to increase or knowledge on how migratory bats use offshore areas. Following up on the ENSAC meeting, there was a proposal to put a bid out for folks to propose different methodologies to survey for Northern Copperhead critical habitats that would be basking in gestation sites. We are proposing to list them soon to State Threatened Species. The beach nesting bird project had a tough season this year, the Memorial Day storm did some destructive flooding and other damage. This storm required the birds to renest and delayed the season and has been a tough season. RAWA continues to move forward.

Law Enforcement:

Chief Cianciulli reported officers have been very busy on the Wildlife Management Areas. Officers have been assisting the Wildlife Control Unit and are responding to every complaint that requires a firearm to protect employees or euthanize an animal. Officers have limited patrols and spent a considerable amount of time responding to bear and coyote complaints.

Chairman Virgilio wanted to thank Chief Cianciulli for his outstanding work over the years.

Wildlife Management:

Chief Stanko would like to thank Councilman Robinson for acknowledging her staff's involvement with the digest and is hoping to get the deer regulations up this week. She reported Wildlife Control Unit worked with Law Enforcement to remove a second coyote out of Randolph township, it was the same location as one taken out 4-6 weeks prior. The second coyote also tested positive for rabies. We did a fillable form on the website for bird mortalities. Since our last council meeting, we have had two Category 1 bear incidents. One in Chester, Morris County that was on a front porch on a cottage, we believe it was because of a food source in the wood such as termites or ants. We did set a trap but never caught the bear. Yesterday a sow with cubs charged a horse and a rider in Vernon Township, a trap was being set up today. We are starting to hear from farmers requesting bear depredation permits.

Old Business:

Comprehensive Black Bear Management Plan Update:

Chairman Virgilio reported the Game Committee would like to re-iterate that the bear season was closed for this year due to the expiration of the Comprehensive Black Bear Management Policy. The Game Code defines season length and bag limits and is under F&G Council authority, but, as per the Supreme Court ruling, the DEP Commissioner must sign off on a CBBMP for a hunt to occur. The CBBMP, last updated in 2015, expired on June 12, 2021. In preparation, the F&G Council updated the CBBMP, which included a regulated hunt to reduce

the overabundant and growing bear population, along with non-lethal measures designed to temporarily reduce negative human-black bear interactions and guide human behavioral response to bears and submitted it to Commissioner LaTourette for approval on March 11, 2021. An approved CBBMP does not exist as of this meeting, and Council has been given no indication that an approval is forthcoming. Council is deeply concerned for the safety of New Jersey residents and visitors in the face of an overabundant bear population that is growing in numbers and expanding in range. Therefore, the Game Committee of the Fish and Game Council continues to explore the option of filing for an emergency rule in the absence of an approved CBBMP, which would attempt to adopt the CBBMP and would include a Statement of Imminent Peril outlining the concerns of the Council and justification for this legal action. Some of the Council's concerns are as follows:

- Council recognizes that both lethal and non-lethal methods are necessary to manage black bears and notes with emphasis that non-lethal methods, when used alone, cannot control New Jersey's black bear population growth or minimize complaints.
- In 2014, after the population had risen to over 3,500 bears and complaints rose to almost 2,000, New Jersey recorded its first human fatality due to a black bear attack.
- Without a regulated hunt, including the use of Department land upon which to hunt, the black bear population will continue to increase. The current population estimate is at 3,158 bears in New Jersey. It is projected that the bear population will approach or exceed 4,000 bears during 2021.
- The rate of human-bear conflict is a direct result of density-dependent factors. The higher the bear population gets in the most densely human-populated state in the nation, the likelihood of potentially dangerous interactions will also increase.
- In 2020, an 82-year-old resident required numerous stitches to his face after encountering a black bear in his garage.

In the absence of a commissioner approved CBBMP, the Game Committee of the F&G Council will propose an emergency rule adoption at its September 2021 meeting.

Hunting Digest Update:

Assistant Director Kopkash reported the final pass of the digest meeting with the editor to get the digest completed this week. The stakeholder process made this process better. It has definitely been a team effort and hopes everyone will be impressed with it the electronic version should be up and running by the end of next week.

Greenwood Lake Update:

Chairman Virgilio gave an update from a report Assistant Director Barno forwarded him. She attended a meeting in West Milford Township. A resolution was passed on July 14, 2021, formally separating the lease agreement with the state. The township maintained the part of Browns Point including the golf field, playground, and small picnic area adjacent to the lake. The resolution sited the financial burdens of maintaining the area for decades and local taxes should

not be used to maintain state property. The Division submitted a request for funding with the construction of a public boat ramp to the Office of Natural Resource Restoration and through Natural and Historical Resources capital project which is funded through corporate business tax. Anglers continue to demonstrate their anger over the lack of access to the lake. Seventeen anglers, seven in-person attended the Greenwood Lake meeting on July 28th, several anglers provided public comment and indicated they had fished the lake over the last 20-30 years but could no longer launch their boats to fish. Anglers also provided a copy of the letter to the DEP Commissioner and indicated their support of a public ramp at Greenwood Lake. Any questions can be submitted to through email or chat box.

Director Golden mentioned we scheduled a meeting with the staff of Parks and Forestry to visit the site to look at potential options for managing that site and boat ramp construction.

New Business:

Office of Fish and Wildlife Health and Forensics Update:

Jan Lovy and Nicole Lewis gave brief presentation on the Aquatic Animal Health program and Terrestrial Wildlife Program.

Turkey Update:

Tony McBride gave a brief presentation on the Turkey harvest.

Public Comment:

Barbara Sachau wanted to know where the monthly reports are on the website. She also had concerns about pesticides and herbicides.

Lou Martinez wanted to thank the Division of Fish and Wildlife for all their efforts with Greenwood Lake.

Chairman Virgilio commented that one of the things we got to keep in our mind from time to time is that elections have consequences. Our Governor ran on canceling the bear hunt in NJ and this was no secret. This was something that him and his administration think can be solved by non-lethal measures. He has devoted 1.5 million dollars to towards those non-lethal methods and his commissioner had been working with me and Council over the past couple of months developing that. This is a different approach to wildlife management. Council looks at science driven wildlife management and we make our recommendations based on science. This isn't a fight between the executive branch of Government, the Commissioners Office. This is just

council presenting science to the Commissioner and the Governor and working through these challenges.

Lunch: 12:30 – 1:02

License Restorations:

Joseph Errico – Present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Errico who was present. Mr. Errico was convicted of a violation on April 18, 2017, for N.J.S.A./N.J.A.C. 23:3-1. b(2) failure to exhibit a fishing license. A second violation on May 19, 2021, for N.J.S.A. 23:4-12 operating unregistered vessel and unsigned federal duck stamp.

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

A motion was made by Councilman Robinson to open the floor for discussion and seconded by Councilman Whildin. Vote taken, all in favor; motion approved.

After council discussed Mr. Errico's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman DeStephano to close the floor for discussion and seconded by Councilman Whildin. Vote taken, all in favor; Motion carried.

Chairman Virgilio stated that the council has three options: reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Errico's license, seconded by Councilman Kertz. Vote taken; All in favor; 1 abstention; motion carried.

John Gardner – Present

Captain Quirk read aloud the statement for the revocation appeal for Mr. Gardner who was present. Mr. Gardner was convicted of a violation on December 3, 2019, for PA title 34 721.A Code 58 135.2.9 travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on public highway. A second violation on December 16, 2019, for PA title 34 2308.A.8 hunt wildlife through the use

of artificial or natural bait, PA title 34 2102.A, Code 58 135.41.C.11 place, maintain, use, leave or abandon any tangible property, except portable hunting blinds or stands conspicuously marked with identification, PA title 34 721.A Code 58 135.2.3 travel on lands under the control of the Commission by means of vehicle or conveyance propelled by motorized power, and a third violation on September 4, 2020 PA title 34 721.A Code 58 135.2.3 travel on lands under the control of the Commission by means of vehicle or conveyance propelled by motorized power.

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

A motion was made by Councilman Kertz to open the floor for discussion and seconded by Councilman Robinson. Vote taken, all in favor; motion approved.

After council discussed Mr. Gardner's violations, Chairman Virgilio asked for a motion to close the floor for discussion.

A motion was made by Councilman Whildin to close the floor for discussion and seconded by Councilman Robinson. Vote taken, all in favor; Motion carried.

Chairman Virgilio stated that the council has three options: reinstate, continue with the revocation, or delay for additional information. If there is a motion to reinstate, for the record justification is needed.

Councilman Robinson made a motion Not to reinstate Mr. Gardner's license, seconded by Councilman Kertz. Vote taken; All in favor; motion carried.

Public Comment:

Janet Pizar asked that when speaking to please use precise language. She spoke about a 2015 bear attack that happened after 5 consecutive years of hunting in 1999 to eliminate dangerous bears. She mentioned the bluff charge by a bear that was towards a horse and rider was a natural warning and not an attack.

Director Golden just wanted to remind everyone that our October 12, 2021, meeting will be a joint meeting with Endangered and Nongame Committee.

A motion was made to adjourn the meeting at 1:35 p.m. by Councilman Whildin, seconded by Councilman Lathrop. Vote taken, all in favor; motion carries.

Next meeting will be September 14, 2021, 10:00 a.m. Location to be determined.

