

THE MINUTES OF
NJ FISH AND GAME COUNCIL MEETING
GOTO MEETING SEPTEMBER 14, 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 September 9, 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
Councilman Jim DeStephano
Councilman Dr. Rick Lathrop
Councilman Ed Kertz
Councilman Rob Pollock -(absent)
Councilman Loren Robinson
Councilman Ken Whildin

Division employees included: D. Golden, G. Kopkash, L. Barno, T. McBride, J. Hearon, F. Panico, M. Monteschio, L. DiPiano, S. Crouse, T. McBride, and D. Bajek.

There were numerous members of the public in attendance.

Chairman Virgilio asked if there were any changes or corrections to the August 14 minutes.

A motion was made by Councilman Robinson to approve the August 14, 2021, minutes, seconded by Councilman Whildin. Vote taken; motion carried.

Chairman Virgilio addressed our Fish & Game Council's resiliency by Paraphrasing what President Theodore Teddy Roosevelt Said Manny years ago.

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man and women who are actually in the arena, whose faces are marred by dust and sweat and blood; who strives valiantly; to do the deeds; who knows great enthusiasms, and great devotions; who spends himself/ herself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he or she fails, at least fails while daring greatly, so that his or her place shall never be with those cold and timid souls who neither know victory nor defeat."

To all members of the Fish and Game Council who were and are in the arena. Thank you for your collective contribution to our State, the Division of Fish and Wildlife, and our council.

Director Golden appreciates the words said by Chairman Virgilio. Director Golden gave a few updates, starting with HR. He would like to welcome the new Chief of the Bureau of Freshwater Fisheries, Shawn Crouse effective September 11, 2021, and Frank Panico is Acting Chief of the Bureau Law Enforcement. We have made great progress and there has been approval of 16 new hires added to an already 4 new hires, totaling 20 new hires and coupled with that are 20 promotions that were approved at the Governor's Office. we have a number of staff involved in the annual Association of Fish and Wildlife Agencies meeting, which is going on as we speak. Just a reminder that tomorrow September 15th, we will be reopening the WMAs that were closed back in May. The digest is now available in digital and hard copy.

Council reports:

Agricultural:

Councilman Brodhecker reported a lot of deer all over the place. A fence was extended to keep the deer out, but the deer are learning to come from the un-huntable lands, which is a problem.

Councilman Kertz reported hurricane Ida damaged two farms in South Jersey, one being a dairy farm and the other being a vegetable farm, damaging equipment. There has been a Go Fund Me set up for both farms. The Farm Bureau has a refrigerated trailer on a farm for depredation permits to take in as much deer as 20 deer and send to the butcher to get the meat. The meat then goes to local shelters for Hunters Helping the Hungry.

Dr. Reist reported Brazil has 2-cases of Mad Cow Disease, both atypical which doesn't happen in spurts, yet these two did. African Swine Fever is in the Caribbean. There was a group importing dogs to PA, one dog tested positive for rabies, then spread to all four corners of the state. There is a lot of concern about Canine rabies that we do not have in the US, but after testing, it was a raccoon strain. Foreign animal disease case in NJ in a Yak in Stockton with lesions on its muzzle, a vet was called in, and it ended up being Epizootic Hemorrhagic Disease in deer. We rarely see this disease in cattle.

Farmer/Sportsman Relations:

Councilman Brodhecker reported there is a meeting scheduled for October 19, 2021, in Warren County, where they will discuss bear damage, deer damage, and depredation permits and looking at ways to simplify the process using the electronic system for checking in deer.

NJ State Federation of Sportsman's Club:

Councilman DeStephano reported the Trappers Education is this weekend and the Convention will be Sunday, October 3rd.

Councilman Robinson reported he attended two in-person meetings and a virtual finance meeting. The Hunterdon Federation meeting they discussed bear season, and the digest. He mentioned the Friends of NRA dinner is September 24, 2021, which raises funds for junior shooting teams, ranges in NJ, and the Veteran Shoot is October 23, 2021. The north district of NJ Predator Hunters discussed game code changes and firearm set up. At the virtual State Federation meeting they had discussed the 3 local fishing derbies and held the youth pheasant hunt that is coming up and the Garden State Outdoor show.

Councilman Whildin attended the in-person Cumberland County meeting, where it was asked if the wildlife Management Areas that were closed will be opening on the 15th?

Chairman Virgilio reported he attended the Farmers/Sportsman meeting, but it was canceled due to hurricane Ida. He also attended a Game Code meeting, which he will discuss and have a presentation under Old Business later today. He attended an in-person Atlantic County Federation meeting and they discussed plans for fundraising through a Clay Shoot, they talked about the FAA hunt and the representatives for the FAA hunt appreciate the game code changes that increased the permits for shotgun, muzzleloader and archery season. They discussed the black bear season closure and about mentors.

Finance Committee:

Councilman Robinson reported they will present at the October council meeting.

Game Committee:

Chairman Virgilio reported he will report under Old Business

Endangered and Non-Game Advisory Committee:

Councilman Lathrop reported they have their meeting tomorrow.

Waterfowl Stamp Committee:

Councilman DeMartino reported there is a meeting on October 12 and there will be a dedication October 5 for the Tuckahoe impalements for all the work that was done there.

Wildlife Rehabilitators: no meeting

Law Enforcement Committee: No meeting

Wildlife Rehabilitators Advisory Committee: No meeting

Legislative Update:

Mary Monteschio reported on the RAWA sponsors, which we now have 112 in house and 2 in Senate.

Division Reports:

Office of Central Services:

Assistant Director Kopkash reported license sales continue to be up. All around sales are up 10% from 2020, archery is up 9.5%, firearm is up 8%, pheasant and quail are up 8%, trapping is up 6% over last year.

Freshwater Fisheries:

Assistant Director Barno reported that yesterday was Shawn Crouse's first day as Chief of Freshwater Fisheries, he has been with the Division for almost 20-years. Shawn has his master's degree in biology, and a bachelor's degree in bio-environmental science. His Master's was focused on developing an Index of Biotic Integrity for low gradient streams in the Lower Delaware River drainage. He has always had a special interest in native fish species. Fall trout stocking will be October 12 through the following week with over 20,000 2 ½-3 ½ trout averaging 14-18 inches in length. Trout will be distributed into 38 waters, 17 streams and 21 lakes. Similar to the last year and a half, we will not be posting the schedule for Fall trout. We will post the waters that will be stocked on that particular day on the website that afternoon. This helps protect staff by reducing the interaction with the general public. There currently is a HAB at Rosedale Lake, which is slated for Fall stocking, and we will continue to monitor that as we

get closer to the stocking in October. Effects from Hurricane Ida in Patterson, NJ due to excessive rain and runoff, the New Street Reservoir is a finished water supply reservoir that was compromised due to stormwater. The Passaic County Water Commission plans to remediate the water quality concern by infusing the reservoir with chlorinated water, then de-chlorinate as it leaves the outflow just before it enters Slippery Rock Brook. Division staff assessed the downstream resources on September 9th and provided guidance on addressing and protecting the fisheries. This process will take anywhere from 10-30 days to decontaminate the system and until then, Paterson is on bottled water advisory.

Information and Education:

Linda DiPiano gave a brief presentation on updates and I&E plans and events that are coming up. The R3 staff are very busy in the upcoming months, with 16 events scheduled for September through December. She mentioned the R3 Mentor Program, where all mentors must fill out an application, watch a video and then take the test at the end of the video. To date we have received 76 applications, with 30 of them already completing the training. A HOFNOD team leader virtual training will be held September 16. The Trout in the classroom program has 110 schools registered for this year. Bulk copies of bear safety literature were mailed upon request to schools and nature centers to promote safety tips on living with bears. The pheasant and quail survey was mailed to 9,500 people September 7, so far we received 736 surveys back.

Land Management:

Chief Hearon reported staff has spent most of their time doing storm inspections on dams. Crews have been preparing for the upcoming stocking and dog training areas. We will be stocking chukars throughout the month of October. We have been putting together new pheasant boxes in preparation for the pheasant stocking season. Fall planting and field work is in full swing. We settled on some dates for our farm lease auctions, the southern auction will be October 12th at Batsto, Central will be October 14th at Assunpink, and northern will be October 15th at Pequest. It will be a combination of State land, WMA, and some park leases as well. The Tuckahoe WMA event will be held on October 2 at 1:00 pm. We will be having a conservation dedication on the WMA. Staff is also meeting with local bass clubs around the state to keep our relationship up with them to make it a better experience learning our constituent needs and small improvements to the WMA using the freshwater boat ramp access. the WMAs that were closed early in the Spring are opening back up tomorrow.

Law Enforcement:

Acting Chief Panico reported business as usual. There is a spike in freshwater clamming cases, officers have made cases in Warren, Morris, Middlesex, and Mercer County. As we know

it introduces exotic new species, but the problem is it poses health concerns, and the officers take those cases very seriously. We are working on bear response training, with 19 officers trained at Bergen County Police Academy by our police unit.

Wildlife Management:

Tony McBride reported the deer project is working with the licensing section on the new deer regulation zone multi permit to get everything ready for harvest reporting. These are the new permits for regulation sets 7 and 8, which allow hunters to hunt antlerless deer anywhere in those regulation sets for the specified permit seasons for a cost of \$56.00. this reporting system will be ready for permit bow season to open next month. Epizootic Hemorrhagic Disease has hit several places in Central and Northern NJ recently. This virus is spread to deer by way of a midge that live in mud flats around wet areas in the state waterways. These midges die off after the first hard frost, and that is when we expect to see the disease subside. It is only a few days from when a deer will show symptoms and death occurs. This disease is not transmissible to people, local in packs it can be severe, but this will not be affecting the state herd as a whole, it is usually generated in areas by waterways where midges are. Counties where we received suspected reports are Burlington, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union and we had 2-confirmed samples submitted in Burlington County and are waiting on more test results. We will also be testing those samples to determine which variant of the disease we have in the state. Category 1 bear incidents since the last council meeting, we have had 7 farmers contact us and request depredation permits to control bear damage to crop fields. We also set a trap for a Category 1 incident involving a pen full of turkeys at a residence and the bear broke in and killed 10 turkeys, but no bear was captured at the site. Occurrence of the mysterious songbird deaths at feeders and bird baths in NJ have been declining where the Division is recommending no longer discontinuing the use of birdfeeders and baths for residents but is recommended that before using either the feeders or the bath to clean them with a 10% bleach solution.

Endangered and Nongame Species:

Chief Heilferty reported there is a meeting tomorrow for ENSAC and hopefully will get an introduction of two new members, hopefully the Commissioner will formally appoint the nominees Russ Fanari and Robbin Dockerty. Chief Heilferty will also be giving an update on Recovering Americas Wildlife Act.

Old Business:

Comprehensive Black Bear Management Update:

Director Golden gave a brief presentation on the 1.5-million-dollar bear funding and what the funding will provide for Non-Lethal Black Bear Management. The funding will be applied to 5-key areas

1. **Enhance Public Education and Outreach:** additional public information materials will be developed, and bear education sessions will be conducted throughout the State to increase awareness about bear safety and conflict prevention.
2. **In Field Response:** DEP will recruit and onboard additional wildlife management staff and conservation police officers to provide ground-level support in responding to and resolving bear incidents.
3. **Local Law Enforcement Training:** as the first line response, local law enforcement agencies must be trained in Black Bear response management and adverse conditioning techniques.
4. **Research:** DFW will advance the scientific understanding of black bears and balance of sustainable population and cultural carrying capacity in New Jersey.
5. **County and Local Government Support:** in addition to education and training and for local officials and residents, DEP will work to identify and advance measures that can be undertaken in cooperation with municipal and county waste management officials to address waste management practices that attract bear and increase the likelihood of public safety incidents.

Chairman Virgilio wanted to comment that council understands the changing circumstances in the absence of the CBBMP. We embrace the administrations enhanced non-lethal black bear method behavior in NJ. One thing this Governor had talked about, when he was running for election was a change in strategy. Hefelt it was time change and place pressure on non-lethal controls and his administration is putting their money where their mouth is, not just making a statement. The presentation that we just watched expands 2-fiscal years. Their intent appears to be financial support throughout their administration. Chairman Virgilio just wanted to make it known that the council understands this.

Hunting Digest Update:

Assistant Director Kopkash reported that the digest was delivered to a number of facilities on Friday. It is available to the public either in digest form or electronically. Assistant Director Kopkash and Assistant Director Barno are already discussing the 2022 digest for next year.

Game Code Committee Update:

Councilman Lathrop gave a brief presentation on the Black Bear Management Emergency Rule Discussion for the Fish and Game Council.

Considering these data, the best available science, the lack of an approved CBBMP and bear hunt, and our ongoing concern for public safety, the Game Committee suggests that the Fish and Game Council utilize the statutory option of exercising an Emergency Rule.

Proposal:

The Fish and Game Council submit an emergency rule adoption and concurrent proposal.

The emergency rule consists of a Statement of Imminent Peril and Governor Certification. The concurrent proposal is adoption of the updated draft CBBMP, as submitted to Commissioner LaTourette in March 2021. The emergency rule is in effect upon filing and is good for 60 days.

Director Golden explained what an emergency rule would mean in terms of a bear hunt.

Chairman Virgilio commented that he would like the council and public understand that the council is not at odds with the policy that the Governor and Commissioners office is bringing forward. It is councils' responsibility to satisfy both the supreme court ruling and statutory requirements. The council provides all the tools in the toolbox to the Commissioner and Governor for decision making. This emergency rule is one more tool in that toolbox that the statute provides and that is what we are trying to accomplish here today.

Public Comment on the Black Bear Management Emergency Rule:

Janet Pizar commented that she is opposed of the bear hunt.

Barbara Sachua commented she is opposed of the bear hunt.

Nicole Member commented she agrees with the bear hunt.

Larry Herrighty commented he agrees with the bear hunt.

Cody McLoughlin commented he agrees with the bear hunt.

Mike Bush commented he agrees with the bear hunt.

Regina Lennox commented she agrees with the bear hunt.

Lou Martinez commented he agrees with the bear hunt.

Chairman Virgilio urged council to consider all comments presented on all sides of the issue, they were responsible comments, and they should be placed in consideration of your decision-making process before you vote.

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

Councilman DeStephano made a motion to open discussion, seconded by Councilman Robinson.

Chairman Virgilio asked for a motion to close discussion.

Councilman Robinson made a motion to close discussion, seconded by Councilman DeMartino.

Chairman Virgilio asked for a motion to advance the adoption of the Emergency Rule in concurrent proposal.

Councilman Robinson made a motion to advance the emergency rule in concurrent proposal, seconded by Councilman Kertz. vote taken; all approve, motion carries.

Greenwood Lake Update:

Assistant Director Barno reported there is an upcoming internal meeting with Parks to discuss specifics and some options surrounding Browns Point and looking at that more closely as a potential for public access site.

Lunch: 12:23 – 1:00

Chairman Virgilio wanted to clarify a public comment under the black bear management emergency rule. It was said that 3-days was insufficient time to review the agenda. . Chairman Virgilio mentioned that the topic was in the August minutes. Chairman Virgilio talked about the CBBMP and also said as he quoted out of the minutes. , "Therefore the Game Committee for the Fish and Game Council continues to explore the option of filing an Emergency Rule in the absence of an approved CBBMP which would attempt to adopt the CBBMP and include a statement of imminent peril outlining the concerns of council and justification for the legal

action. Some of the councils' concerns are as follows." So, with that, it did go out over 30-days ago.

New Business:

Woodcock Habitat Project:

Melissa Woerner and Tyler Kinney gave a brief presentation on Woodcock Habitat Project.

Arial Seeding at Tuckahoe:

Tyler Kinney gave a brief presentation on Arial Seeding at Tuckahoe.

Tuckahoe Managed Waterfowl Hunt:

Ryan Risher gave a brief presentation on Tuckahoe Wildlife Management Area Waterfowl Hunting Plan.

Public Comment:

Larry Herrighty wanted to clarify information on Hunters Helping the Hungry program that came up in the Council reports. Although the Farm Bureau was instrumental in getting legislature to introduce a grant for Hunters Helping the Hungry, the money went to the Department of Agriculture that gave a grant to Hunters Helping the Hungry and with that money they purchased a trailer and are in the process of buying a truck for that trailer. The Farm Bureau has also been helpful in lining up farmers to partake in the program by donating deer they shoot on deer depredation permits.

Barbara Sachau mentioned the notice of this emergency vote was very vague and feels the meetings are very sneaky.

Chairman Virgilio stated he believes in free speech and has no problem in what anybody has to say, but you can not make up facts. There was nothing sneaky. Last month his message was so crystal clear that immediately after Janet Pizar asked and tried to question him on it, where he told Janet that this would be presented at next month's meeting. So, right there, someone heard it, and crystal clear asked about it. In addition to that, the sportsmen that were at last month's meeting also heard it and probably spread the word. He really takes exception with the comment of "sneaky backroom deals with the Commissioner." At every meeting we had with him, and even in emails, the Commissioner has been perfectly clear that there will be no bear hunt. He

never wavered, he never shook, he never winked or nodded, and the Governor has also been in that camp. They upheld the promise that they made and supported that at each and every turn that occurs. To throw that out there is propaganda, which is not a fact, and council will not tolerate propaganda.

Dave Vollenweider wanted to thank everyone's hard work on the Greenwood Lake access and if there is anything he can help with, just let him know.

Mark Dreyfus wanted to thank Melissa and Tyler for their presentation.

Chairman Virgilio asked for a motion to adjourn the meeting.

Councilman DeStephano made a motion to adjourn the meeting at 2:12 p.m., seconded by Councilman Kertz. Vote taken; all in favor, motion carries.

Next meeting will be October 12, 2021, at 10:00 a.m. Location to be determined