DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF FISH AND WILDLIFE

The State of New Jersey Department of Environmental Protection ("NJDEP"), Division of Fish and Wildlife ("Division" or "DFW") sought written public comment on the issuance of a Commercial Shooting Preserve (CSP) license to Hudson Farm in response to the Appellate Division's remand order in Roseff v. MMK Reinsurance, Ltd., No. A-6209-07T1 (App. Div. August 5, 2010). The plaintiffs-appellants challenged the appropriateness of issuing a CSP license to Hudson Farm, contending that the Division's licensing decision did not properly account for environmental and other harms that allegedly would result from Hudson Farm operating a CSP on the subject property. Plaintiffs-appellants also challenged the constitutionality of the statutory requirement that the operation of a CSP must not conflict with a prior reasonable public interest pursuant to N.J.S.A. 23:3-29d(1). In accordance with the Appellate Division's directive for remand, DFW solicited public comment on the issuance of the CSP license, including whether the change from the prior use of the subject property, when compared to its proposed use as a shooting preserve, "would be inimical to a reasonable public interest served by the prior use." See Roseff, No. A-6209-07T1, at 14 (App. Div. August 5, 2010). The public comment period served as an appropriate forum for DFW to take public comments into consideration in determining whether the CSP license should be issued, pursuant to the direction of the Appellate Division.

A Public Notice was published in the New Jersey Herald on September 29, 2010. Written comments on the issuance of the CSP license to Hudson Farm were accepted through October 27, 2010.

Summary of Public Comments and Agency Response:

A total of 425 individuals submitted written comments on the issuance of the CSP license to Hudson Farm. 209 individuals supported the issuance of a CSP license (49% of total comments). 152 of those letters in support of the CSP license were form letters. A total of 216 individuals opposed the issuance of a CSP license (51%). 163 of the letters received opposed to the issuance of a CSP license were form letters. One commenter was neither opposed to nor supportive of the Division issuing a CSP license to Hudson Farm.

The following individuals submitted written comments on the issuance of the CSP license to Hudson Farm:

- 1 Elias Abilheira
- 2 Francis R. Amabile
- 3 Lou Ambrosio
- 4 David Artler
- 5 Keith Ayres
- 6 Joyce Bambach

- 7 Brian Beckmann
- 8 Scott Bennett
- 9 Deborah Berry-Toon, Project Self-Sufficiency
- 10 Willard F. Bierwas
- 11 Michael L. Blanchard
- 12 David Blumig
- 13 Cathy Blumig
- 14 Gloria Blumig
- 15 Larry Borshard
- 16 John L. Boyce
- 17 Nicole Brennan
- 18 Jonathan M. Brinck-Lund
- 19 Jeffrey C. Brown
- 20 Shari Buchanan
- 21 Richard Bunce, Councilman Borough of Hopatcong, Knights of Columbus
- 22 Donna L. Burke
- 23 Thomas J. Burke
- 24 Scott Burns
- 25 Amy Callahan
- 26 Cathy Callahan
- 27 Thomas Callahan
- 28 Carlos Camaraza
- 29 Mary Carol Cannon
- 30 Jeanne Carlisle
- 31 Robert Caruso
- 32 SueAnn Castellanos
- 33 Lauren Chavez
- 34 Elizabeth illegible
- 35 illegible Chavez
- 36 Jack T. Chellew
- 37 Susan Chelpaty
- 38 Tony Chelpaty
- 39 Anthony ChimbloIII
- 40 Anthony ChimbloIV
- 41 OJAfranze
- 42 Artie Coddington
- 43 Steve Codignotto
- 44 Jorge Coppen, Traditional Archers of New Jersey
- 45 Raymond W. Cordts
- 46 John Corney, New Jersey Waterfowlers Association
- 47 Jere L. Cossaboon, Quinton Sportsmens Clubs
- 48 Ed Cuneo, NJ State Federation of Sportsmen's Clubs
- 49 Richard D'Ambroso
- 50 Thomas Danielsen
- 51 Gerry Decaro, Traditional Archers of New Jersey
- 52 Charles Deitrich

- 53 David Del Sontro
- 54 Joseph Del Sontro
- 55 Linda Del Sontro
- 56 Nicholas Del Sontro
- 57 Nicholas Del Sontro
- 58 Jim DeStephano
- 59 Stephen M. DeVito
- 60 Alexander Diamond
- 61 Mark Diana
- 62 Darren D'Onofrio
- 63 Jean D'Onofrio
- 64 Philip W. D'Onofrio
- 65 Stacey D'Onofrio
- 66 Robert and Ellen Duncan
- 67 David Eliason
- 68 Robert E. Eriksen, National Wild Turkey Federation
- 69 Lou Esposito
- 70 Troy Ettel, New Jersey Audubon
- 71 Brendan C. Fahy
- 72 Jim Farley
- 73 Herman and Emily Ference
- 74 John H. Finkeldie III
- 75 Frederic Finlay
- 76 Lucian Fletcher
- 77 Tara Formica
- 78 Anne and Drew Fornoro
- 79 Terri Francis
- 80 Duane Galate
- 81 Frank D. Genovese
- 82 Arnold Gentile
- 83 Robert Gigon
- 84 Daniel L. Glazier
- 85 Peter Graziano
- 86 Roger M. Greene
- 87 Richard Griffin
- 88 Peter Grimbilas
- 89 Michael J. Guarino
- 90 John G. Gumbs
- 91 Jonathan Hagen
- 92 Lynn Harrison
- 93 Linda Hartman
- 94 Patricia Hefferan
- 95 Scott A. Hill, NJ National Wildlife Turkey Federation
- 96 Ryan Hoehu
- 97 Virginia Citarella
- 98 Robert Holzwarth

- 99 Roy Impink
- 100 Matthew Jaust
- 101 Charles M. Jencarelli
- 102 Joseph Johnson
- 103 Andrew B. Judd
- 104 Steve Kallesser
- 105 Peter P. Karabashian
- 106 Edward and Lucille E. Karecki
- 107 Donald H. Kay
- 108 Joseph A. Kiefer
- 109 Al Klenk
- 110 William Kohler
- 111 Marty Kolenut
- 112 Renee Korszoloski
- 113 Frank A. Korszoloski
- 114 Robert E. Leigh
- 115 Michael Lerman
- 116 William J. Losty
- 117 Steven Lusby
- 118 Wayne Martin
- 119 Adelia Matarazzo
- 120 Robert Maul
- 121 Anthony P. Mauro, New Jersey Outdoor Alliance
- 122 Ed Mayer
- 123 Jerry McCusker
- 124 Richard Melton
- 125 Kathleen Meyer
- 126 Philip T. Meyer
- 127 Tracy Millien
- 128 Michael Moore
- 129 Bob Morris, Patriot's Path Boy Scout Council
- 130 Chris and Lauren Olivo
- 131 Barry C. Ott
- 132 Tom Ombrello
- 133 Dana M. Natale
- 134 Diane M. Natale
- 135 Gerard P. Natale
- 136 Carol Olivo
- 137 Dianna B. Palumbo
- 138 Carl J. Perks
- 139 Maureen S. Perks
- 140 Stephen, Tracy and Craig Piacentino
- 141 Jean Pieros
- 142 Steve Pitty
- 143 Thomas Plante, National Wild Turkey Federation
- 144 Mary Vongas Pluskota

- 145 Lynn Popelka
- 146 Robert Popelka
- 147 John Protopapas
- 148 Cesar Quiroz
- 149 Lou Raymond
- 150 Melissa Reynolds-Hogland, Bear Trust International
- 151 Joel Richman
- 152 Frederick G. Riehl
- 153 Al Rossy
- 154 Wendy Rossy
- 155 John Roswech
- 156 Roxanne Sabatini
- 157 James Salt
- 158 Bill Schemel
- 159 Sean Schweitzer
- 160 John F. Scott
- 161 F. Scott Seiler
- 162 Linda Seiler
- 163 Stephen P. Serna
- 164 Lorraine Smario
- 165 Thomas L. Smario
- 166 Nancy Meyer
- 167 Alaino Smario
- 168 Stephanie Smario
- 169 Henry Stankiewicz
- 170 John Stankiewicz
- 171 Sid Stanlick
- 172 Sandra and Page Stiger
- 173 Richard H. Strobel, Sussex County Conservation Foundation
- 174 Michael E. Sutherland
- 175 Chris Swisle
- 176 William C. Tallman Jr.
- 177 Dennis T. Tornoski
- 178 Wojuelu K. Tarnowski
- 179 John ten Berge
- 180 Richard Toaldo
- 181 John E. Ursin
- 182 Richard Van Heest
- 183 William J. Vindler
- 184 Jeanette Vreeland
- 185 Donna Waliky
- 186 Timothy Walsh
- 187 John G. Warhol
- 188 Aaron Warren
- 189 Sherry Oivo-Wecht
- 190 Jason Wecht

- 191 Savannah Wecht
- 192 Frank Weinberg, III
- 193 Warren D. Wells
- 194 Cory G. Wingerter
- 195 Thomas H. Wiss
- 196 John A. Withum
- 197 Leonard Wolgast
- 198 Ronald T. Wysocki
- 199 Frank Zsenak
- 200 William R. Zukowsky
- 201 Susanna Thompson
- 202 Christine Aboulhosn
- 203 Suheil Aboulhosn
- 204 Adele Aboutok
- 205 Simons Addison
- 206 Connie Anderson
- 207 Robert Anderson
- 208 Joseph Antonucci
- 209 Luca Antonucci
- 210 Steven Antonucci
- 211 Maxine and Dennis Arnsdorf
- 212 Stuart Ayres
- 213 Howard S. Baker
- 214 J. Baldwin
- 215 Bruce C. Balut
- 216 Rosemarie Bancroft
- 217 Thomas Bancroft
- 218 Anita L. Beardsley
- 219 William S. Beardsley
- 220 Ashley Bongiorno
- 221 Audra Bongiorno
- 222 James Bongiorno
- 223 James D. Bongiorno
- 224 Curt and Bette Booth
- 225 Lee A. Bradley
- 226 Doug Bryer
- 227 Kathy Bryer
- 228 Kyle Bryer
- 229 Sean Bryer
- 230 Karen Bryson
- 231 Stephen Bryson
- 232 James A. Burke
- 233 James Cahill
- 234 Bruce W. Callahan
- 235 Grace Marie Callahan
- 236 Stacy Cangialosi

- 237 Jennifer Clek
- 238 Evan H Comella
- 239 Robert Dakelman
- 240 Patrick Davis
- 241 Ursula Davis
- 242 Gary B. DeSantis
- 243 Joan R. DeSantis
- 244 Chrissy Devenny
- 245 Debora Devenny
- 246 Lawrence Devenny
- 247 Ammie Dlugos
- 248 Nicholas Dlugos
- 249 Peter Gregory Dlugos
- 250 Linda Duncan
- 251 Leonard Dunne
- 252 Karen M. Edwards
- 253 William Ernst
- 254 Edward T. Farrell
- 255 Linda Fernandez
- 256 Mason Fernandez
- 257 Roy Fernandez
- 258 Joseph P. Fiteni
- 259 Henry S. Friedman
- 260 Marlene L. Friedman
- 261 Nicole Fritzky
- 262 Joseph M. Gallo
- 263 Megan Gallo
- 264 Nancy G. Gallo
- 265 Barbara Gardner
- 266 Barbara Gartland
- 267 Charles Gartland
- 268 Alyssa T. Gaul
- 269 James Gaul
- 270 Lisa Gaul
- 271 Rachel Gaul
- 272 Karen Gentile
- 273 Nick Gentile
- 274 Diane Gillespie
- 275 Fred Gillespie*
- 276 Joseph P. Gilligan
- 277 Veronica F. Gilligan
- 278 Stan and Anne Golemski
- 279 Adrian Gonzalez*
- 280 Carol Gonzalez
- 281 Mary Gonzalez
- 282 Xavier Gonzalez

- 283 David Gorman
- 284 Dorothy Gorman
- 285 Barrett Gould
- 286 Aline Griffith
- 287 Mark A. Haas
- 288 John R. Hickerson
- 289 Gregg Hippe
- 290 Nicole Hippe
- 291 Dwight Hiscano
- 292 Kimberly L. Hiscano
- 293 Peter Hiscano
- 294 Pat Hoferkamp
- 295 Clare Hofmann
- 296 Anna Hruby
- 297 Bernadette Hruby
- 298 Kathleen Kantenwein
- 299 Robert Kantenwein
- 300 Jay Kaplan
- 301 Wendy Kaplan
- 302 Harold Kawalek
- 303 Judith Kawalek
- 304 Bob Kelly
- 305 Maureen L. Kelly
- 306 Brielle Kelmer
- 307 Thomas Kepler
- 308 Gertrude Kimm
- 309 Harold Kintzel
- 310 Carolyn Kirk
- 311 Laurette Koserowski
- 312 John F. Kuduk
- 313 Mary J. Kuduk
- 314 Eileen Kupper
- 315 Russell Kupper
- 316 K. Langan
- 317 Lawrence Laubengeiger
- 318 Josephine Lee*
- 319 Merwyn and Lorna Lee*
- 320 Francis C. LeFurge
- 321 Joan B. LeFurge
- 322 Marc Lefurge
- 323 Rebecca LeFurge
- 324 Judith Leonard
- 325 Patricia Levin
- 326 Robert Levin
- 327 Steven Levy
- 328 Edward Lincoln

- 329 Sharran Lumking
- 330 W. Lumking
- 331 Joanne Lynch
- 332 Patrick Lynch
- 333 Sarah Lynch
- 334 Richard Malecz
- 335 Jay Maltese
- 336 Constance A. Mancuso
- 337 William L. Mancuso
- 338 Barry Marcus
- 339 Angelo Martinelli
- 340 Teri Martinelli
- 341 James McAlister
- 342 Chris McCaig
- 343 Shirley McCaig
- 344 Bob McCall
- 345 Mark McClung
- 346 Molly McClung
- 347 Peggy McDermott
- 348 Barbara McLoughlin, Brookwood Musconetcong River Property Owner's Assoc.
- 349 Leslie McPeek
- 350 Ryan J. McPeek
- 351 Adrienne Mosley
- 352 George Mosley
- 353 Leonard Noonan
- 354 Wendi Nosenchuk
- 355 Douglas G. Paul
- 356 Eddie Perez
- 357 Grace Perez
- 358 Julian Perez
- 359 Karen Perl
- 360 Thomas Perl
- 361 Jan and Clair Pero
- 362 Eva Petolicchio
- 363 Edward Picard
- 364 Samantha Prestifilippo
- 365 Lloyd Reinhardt
- 366 Chuck Robinson
- 367 Barbara and Alfred Rolph
- 368 Harvey S. Roseff*
- 369 Larry Rotter
- 370 Susan Rotter
- 371 Dagmar Rutledge
- 372 Kathleen Sansone
- 373 Leonard Sansone
- 374 Robert Sapienza

- 375 Barbara Sauchau
- 376 Kurt and Esther Schau
- 377 JoAnne Scheidt
- 378 illegible Scheidt
- 379 Anne Schwartz
- 380 Bennett Schwartz
- 381 Heather Scialpi
- 382 Len Scialpe
- 383 John and Margaret Scott
- 384 Janice Shade
- 385 Timothy Shore
- 386 Elizabeth Shugg
- 387 Robert Shugg
- 388 David Snyder
- 389 B. Thomas Sporney
- 390 Richard Storniolo
- 391 Michael Sullivan
- 392 Stacey Sullivan
- 393 Ingrid Taormina
- 394 Dave C. Telesco
- 395 Gerald Telesco
- 396 Dennis Teske
- 397 Mary Ann Teske
- 398 Thomas J. Toohey
- 399 Steve Trentanelli
- 400 Darryl Umstead
- 401 Joanne Umstead
- 402 Arthur Valentine
- 403 Steve Velmer
- 404 Jeff Vincent, Forest Lakes Club
- 405 Justus B. von Lengerke, Stag Lake Corporation
- 406 Suzanne von Lengerke
- 407 William S. Wachenfeld
- 408 Brian Walsh
- 409 Brigid Walsh
- 410 Maryann Walsh
- 411 Molly Walsh
- 412 Beverly Wasniewski
- 413 Jennifer Watkins
- 414 Joseph Watkins
- 415 Laurie Welborn
- 416 Michelle Welborn
- 417 Carol B. Wetmore
- 418 Beverly E. Widmer
- 419 Charles Widmer
- 420 Rosallie Zabita

- 421 Gary McHugh
- 422 Phyllis *illegible*
- 423 Sander Zulauf
- 424 Joseph W. Sabatini, Byram Township Manager
- 425 Douglas R. Hiscano

An asterisk (*) has been placed beside the name of each commenter who also was a plaintiff-appellant in the case of <u>Roseff</u>, No. A-6209-07T1 (App. Div. August 5, 2010).

1. COMMENT: It was suggested by the Byram Township Manager that a public hearing be conducted by DFW. (424).

RESPONSE: In lieu of a public hearing, DFW accepted written comments for a one-month period. A written comment period provided greater opportunity to receive comments from those who do not live near the property in question and who might not be available on the date and time of a public hearing.

2. COMMENT: The issuance of the CSP license to Hudson Farm is supported for a number of reasons, including the large acreage of undeveloped property preserved, the small percentage of that property used for hunting and shooting, the good safety record, the public access provided, the good relationship Hudson Farm has had with many of its neighbors, landowner rights, hunting rights, the economic and cultural benefits provided, the history of the shooting preserve permit, opposition to a public comment period, and the charitable causes Hudson Farm has supported. (1-201, 213, 234, 235, 294, 364, 366, 398 and 421)

RESPONSE: The Division acknowledges the comments in support of the issuance of the CSP license.

3. COMMENT: The commercial shooting preserve will have a negative impact on neighboring property values. (205, 208-210, 212, 214-223, 225, 227-229, 231-233, 236, 237-250, 252-266, 268-273, 277, 279, 280, 283-286, 289, 290, 295-307, 309-317, 320-337, 339-346, 348-354, 356-361, 365, 367, 369-373, 377-382, 384-388, 391-397, 400-406, 408-411, 413-420, 422, 424, 425).

RESPONSE: The Superior Court of New Jersey, Appellate Division rejected the plaintiffs-appellants' arguments that DFW or the NJDEP had a duty to consider criteria other than those set forth in the statute. See Roseff, No. A-6209-07T1 at 17. A consideration of property values is not required by statute prior to issuing a CSP license. That notwithstanding, it is noted that 620 acres of the Hudson Farm property (Area 1) have been licensed as a commercial shooting preserve since 2000, and this area was a semi-wild shooting preserve prior to that year. The non-contiguous 878 acre parcel located in Byram and Andover Townships (Area 2) has been licensed as a commercial

shooting preserve since 2007, and there was a long history of hunting on the property before that. Considering the prior uses of Area 1 and Area 2 as a semi-wild shooting preserve and an open hunting area, respectively, DFW finds that using the Hudson Farm property as a commercial shooting preserve would be consistent with prior uses. Furthermore, no documentation was provided by any of the plaintiffs-appellants or members of the public to establish that property values in the surrounding area have decreased or will decrease as a result of the presence of a commercial shooting preserve on the Hudson Farm property.

4. COMMENT: The commercial shooting preserve increases noise levels. (202, 203-212, 214-225, 227-229, 231-233, 236-266, 268-275, 277-287, 289-292, 295-323, 325-346, 348-361, 363, 365, 367-389, 391-397, 399, 400-420, 422-425).

RESPONSE: The Superior Court of New Jersey, Appellate Division rejected the plaintiffs-appellants' arguments that DFW or NJDEP had a duty to consider criteria other than those set forth in the statute. See Roseff, No. A-6209-07T1 at 17. A consideration of noise level is not required by statute prior to issuing a CSP license. Nevertheless, Area 1 of the Hudson Farm property has been licensed as a commercial shooting preserve since 2000 and was a semi-wild shooting preserve prior to that year. Area 2 has been licensed as a commercial shooting preserve since 2007, and there was a long history of hunting on the site before then. Given that both areas of the Hudson Farm property previously served as open shooting/hunting ground, DFW believes that utilizing those areas as commercial shooting preserves would likely not have a greater effect on noise levels than the prior utilization of those parcels. Hunting is not permitted on commercial shooting preserves throughout the year, but only between September 1 and May 1.

5. COMMENT: A commercial shooting preserve will increase the amount of lead shot deposited in wetlands. (204-210, 212, 214, 216-223, 225, 227-229, 231-233, 236, 237, 239-250, 252-273, 275, 277-280, 282-286, 289, 290-292, 295-307, 309-334, 336-346, 349-361, 363, 365, 367-375, 377-382, 384-388, 390-397, 400-406, 408-416, 418-420, 422-425).

RESPONSE: The Superior Court of New Jersey, Appellate Division rejected the plaintiffs-appellants' arguments that DFW or NJDEP had a duty to consider criteria other than those set forth in the statute. See Roseff, No. A-6209-07T1 at 17. A consideration of lead shot potentially deposited in wetlands is not required by statute prior to the issuance of a CSP license. There are no federal regulations that prohibit upland game hunters from using lead shot anywhere in the country. Nor are there state regulations that prohibit upland game hunters from using lead shot to pursue upland game elsewhere in New Jersey. The Hudson Farm property is mostly upland, and the use of lead shot by upland game hunters would not be statutorily prohibited. New Jersey Game Code regulations, specifically N.J.A.C. 7:25-5.14, prohibit sportsmen, including those at Hudson Farm, who pursue waterfowl from using lead shot or lead pellets.

6. COMMENT: A process for determining a prior reasonable public interest was not established. (204-210, 212, 214, 216-223, 225-229, 231-233, 236, 237, 239-250, 252-257, 259-273, 275, 277, 278, 280, 283-286, 288-293, 295-307, 309-334, 336, 337, 339-347, 349-354, 356-361, 363, 365, 367-375, 377-382, 384-388, 390-397, 400-406, 408-416, 418-420, 424, 425).

RESPONSE: The Division disagrees. As stated in the notice published on September 29, 2010, DFW invited public comment on all aspects of the CSP license issuance to Hudson Farm, including whether the change from the prior use of the subject property, when compared to its proposed use as a shooting preserve, "would be inimical to a reasonable public interest served by the prior use." See Roseff, No. A-6209-07T1, at 14. The public comment period itself served as the process by which individuals could offer their input as to what constituted the prior reasonable public interest in the subject property.

Hudson Farm has hosted hunting and sporting clubs since the late 1990s. Since 2000, the Division has issued a CSP license for property located at 270 Stanhope Road, which previously served as a semi-wild shooting preserve. In 2007, the CSP license was amended to include Hudson Farm West (formerly known as the Westby Farm), which also has a long history of hunting activity. CSP license applications were modified in 2010 so that the applicant must describe the history of hunting on the property before the permit is issued. In light of the longstanding history of hunting on the Hudson Farm property and the fact that both areas are large enough to provide a safe hunting environment, DFW concludes that utilizing the Hudson Farm property as a CSP would not be inimical to any reasonable public interest served by the property's prior use as an open area for hunting.

7. COMMENT: A commercial shooting preserve near a residential neighborhood creates a safety hazard. (204, 206, 207, 224, 275, 278, 279, 291, 319, 338, 363, 367, 368, 375, 390, 404-406, 412, 417, 423-425).

RESPONSE: Hudson Farm has hosted hunting and sporting clubs since the late 1990s. N.J.S.A. 23:3-28 states that commercial shooting preserves must contain a minimum of 50 huntable acres, the boundaries of which are to be clearly posted at intervals of no more than 200 feet. The Division requires that a tax map be submitted with each CSP license application, marking the property and safety zones in red and noting the acreage of each proposed tract. All buildings on the proposed CSP property and on each adjoining property also must be marked on the map. The Division's Bureau of Law Enforcement inspects each new commercial shooting preserve and any amendments to existing permits to verify that the preserve is large enough to allow for safe hunting. The Hudson Farm property was inspected in September 2007, after 1,738 acres were added to the existing Hudson Guild Farm, and the property became Hudson Farm. 860 acres were added to the original property on Stanhope Road, and 878 acres were added to the Roseville Road property. The property was again inspected by the

Division's Bureau of Law Enforcement in August 2010, after an additional 25 acres were added to the property at 300 Roseville Road in Byram and Andover Townships, prior to issuing an amended license in September 2010. The Hudson Farm property substantially exceeds the minimum acreage requirement under N.J.S.A. 23:3-28, and the preserve's boundaries are clearly posted at appropriate intervals. Moreover, sportsmen who hunt within a commercial shooting preserve must abide by the same safety zone regulations (N.J.S.A. 23:4-16) that apply to all other sportsmen in the state. Consequently, DFW has determined that the CSP operation on the Hudson Farm property does not create a safety hazard.

8. COMMENT: A commercial shooting preserve near the Forest Lakes community negatively impacts the residents' quality of life. (205, 208-210, 212, 214, 216-223, 225, 227-229, 231-233, 236, 237, 239-250, 252-257, 259-266, 268-273, 277, 280, 283-286, 289, 290, 295-307, 309-317, 320-323, 325-334, 336, 337, 339-346, 349-354, 356-361, 365, 369-373, 377-382, 384-388, 390-397, 400-403, 408-411, 413-416, 418-420, 422).

RESPONSE: The Superior Court of New Jersey, Appellate Division rejected the plaintiffs-appellants' arguments that DFW or the NJDEP had a duty to consider criteria other than those set forth in the statute. See Roseff, No. A-6209-07T1 at 17. A consideration of quality of life is not required by statute prior to issuing a CSP license. That notwithstanding, Hudson Farm has hosted hunting and sporting clubs since the late 1990s. As early as 2000, Area 1 of the property has been licensed as a commercial shooting preserve and served as a semi-wild shooting preserve prior to that time. There also is a long history of hunting at Area 2 of the property, which has been licensed as a commercial shooting preserve since 2007. DFW has determined that continuing to utilize the Hudson Farm property as a commercial shooting preserve would not be inimical to any reasonable public interest served by the property's prior use as an open shooting/hunting area and, as such, would not negatively affect the quality of life of neighboring residents.

9. COMMENT: Hunting of any kind is opposed. (362).

RESPONSE: N.J.S.A. 23:2-2 states that the duties of the Division shall include the protection and propagation of fish, birds, and game animals and the enforcement of the laws relating thereto. Further, N.J.S.A. 23:2A-2 provides that it is the policy of this State to manage all forms of wildlife to insure their continued participation in the ecosystem. The mission of the Division is to protect and manage the State's fish and wildlife to maximize their long-term biological, recreational, and economic values for all New Jersey residents. One of the Division's stated goals is to maximize the recreational and commercial use of New Jersey's fish and wildlife for both present and future generations. The Division recognizes that some people may be opposed to hunting for philosophical, moral, or other reasons.