

Approved 11/19/08

Endangered and Nongame Species Advisory Committee

Meeting Minutes

September 17, 2008

Assunpink Wildlife Management Area

ATTENDEES

COMMITTEE: Jane Morton Galetto (Chair), James Applegate, Barbara Brummer, Joanna Burger, Emile DeVito, Rick Lathrop, Erica Miller, David Mizrahi, Dale Schweitzer, James Shissias.

STAFF: Dave Jenkins, Dave Chanda, Kathy Clark, Larry Herrighty, Sharon Petzinger, Amy Wells, Mick Valent.

GUESTS: Rick Dutko (NJDEP-DPF), Jim Miller (Rutgers), Annette Scherer (USFWS), Mark Zakutansky (NJ Highlands Coalition)

The meeting was called to order at 10:05 am. Notice of the meeting date and location was filed with and posted at the Office of the Secretary of State on August 20, 2008.

Minutes

A motion was made by J. Burger, seconded by J. Applegate, and approved by the Committee to approve the minutes for August 13, 2008.

Additions to Agenda

J. Galetto noted three items would be added to the agenda: Argos Skipper update, Horseshoe Crab Joint Technical Committee Meeting update and the Section 7 ESA Consultant rule proposal.

Status of Action Items

R. Lathrop reported the Nominating Committee will have a slate prepared for the November elections.

J. Galetto distributed fleece vests for ENSAC members.

J. Galetto noted several items on the action list have either been completed or would be discussed during the meeting

Red Knot / Horseshoe Crabs

J. Galetto reported the ENSAC recommendation to support a moratorium option on the harvest of Delaware Bay breeding crabs had been sent to Robert Boyles, Chair of the Horseshoe Crab

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Management Board, Atlantic States Marine Fisheries Commission (ASMFC). However, the ASMFC failed to adopt take ENSAC's recommendation.

An invitation to attend the November ENSAC meeting has been extended to Dr. Daniel Hernandez, Assistant Professor of Biology at Stockton College and Assistant Director of Research at The Wetlands Institute, to discuss the bay wide horseshoe crab egg survey and methodology differences in NJ and DE that have lead to a side-by-side comparison in 2008.

D. Mizrahi reported on the 2nd Joint Horseshoe Crab / Shorebird Technical Committee meeting. The primary purpose is to discuss HSC/Shorebirds issues and resolve conflicts using adaptive resource management process – a process adopted by the USFWS and intended to be used as a tool for biological decision making. Discussions continued noting the primary issues are defining harvest limits while ensuring the maximum number of Red Knots achieve the minimum departure threshold of 180 grams, ENSAC's role in deciding if/when the NJ HSC Moratorium should be lifted, and the level of uncertainties associated with modeling.

Arogos Skipper

D. Schweitzer reported on the four 4 major population clusters (metapopulations) of Arogos Skippers (*Atrytone arogos arogos*) in the Pinelands, but not on recent minor or outlying colonies. Two major recent occurrences are located within the artillery impact area on Fort Dix and are therefore difficult to access. Both of these were visited in 2008. One is doing well and had increased in abundance with adults actively moving into areas burned a year earlier. The other appeared to be barely persisting. However, most of both habitats burned several weeks later which could be either detrimental (if too many larvae were incinerated) or beneficial (by creating or restoring habitat). The Oswego Preserve-West Plains NA swales have been monitored annually, and for the third consecutive year no Arogos Skippers were seen, and only one was seen in 2005. This metapopulation is probably extirpated. Andrew Windisch saw only one on each of two visits to the Penn State Forest habitats (in part). Without prescribed burns very soon this occurrence is unlikely to persist. The northern NJ population is in a different type of habitat and, while there have been reports of the species in the area, the status of those populations is unclear other than that some still exist.

Golden Winged Warbler Status – Emergency Listing

S. Petzinger, Senior Zoologist, presented information pertaining to the current status of the Golden Winged Warbler in NJ. The preferred habitats are utility right-of-ways (ROWs). Populations have shown a continuous decline since 1966 with possible reasoning to include: a decrease in habitat, hybrid/competition, changes in migratory habitat or wintering grounds, declines in forest management practices and/or climate change.

The birds are currently listed as a species of Special Concern. A Delphi review in 2005-2006 recommended the Golden Winged Warbler status be elevated to Threatened; however, the new regulations are still pending and the next Delphi review is not scheduled until 2010-2011.

Discussions continued around reasons for the decline and the need for intensive regional management efforts including the creation/maintenance of favorable habitat on WMAs and ROWs.

Approved 11/19/08

The USFWS was not aware of the populations in NJ and therefore did not include NJ in planning efforts. Annette Scherer will advise the USFWS regional contact of the NJ populations so that the species may be included in management efforts in the future.

A motion was made by J. Burger, seconded by D. Schweitzer and unanimously approved by the Committee recommending the Golden Winged Warbler proceed through the current Delphi review process as a single species.

Further discussion included the importance of on-the-ground management for golden-wings continue while attempting the single-species Delphi.

Central NJ Railroad

E. DeVito reported that NJ Department of Transportation (NJDOT) has plans to rebuild significant portions of the Central Jersey railroad system. Staff will contact and discuss potential concerns and management efforts with Jeanne Herb, Director - Office of Legal Affairs.

Holly Farm

J. Galetto reported on the status of the court case involving the Holly Farm property in Cumberland County. On appeal the court determined that the City of Millville's approval of the General Development Plan submitted by the developer was appropriate. However, BPU must approve the real estate transaction allowing Atlantic City Electric to transfer the land to the developer. The developer holds an option to purchase. Discussions included the need to remind the BPU of the issues regarding E/T's in the area and ENSAC's recommendation that the property be preserved.

A motion was made by J. Shissias, seconded by J. Burger, and approved by the Committee to send BPU a formal request as to the status of their review of the Holly Farm property, provide a background as to the Endangered and Threatened species in the area and again recommend preservation of the property as the best fiscal option.

Invasive Plant Management

At the previous meeting, E. DeVito expressed concern about the migration of invasive Japanese Stilt Grass (*Microstegium vimineum*) to several new locations at the Berkshire WMA in association with forestry activities. T. Petrongolo, Chief – Land Management, reported since that time, an herbicide has been applied to the areas. Discussions continued around preventive management efforts and appropriate responsibility for “damages” caused by invasives facilitated by forestry activities.

Woodlands Management Plan

Mark Zakutansky, NJ Highlands Coalition, noted the current Woodlands Management Plan for Berkshire Valley WMA was developed in 1994 and is now slightly outdated and in need of review. Mr. Zakutansky stated that revenues from timber harvests could generate approximately \$50,000 per year according to the plan. Future revisions to the plan could include provisions requiring changes in management and a portion of the revenues generated from the harvest of timber be applied to E/T habitat management and deer population management efforts.

Proposed Section 7 – Endangered Species Act Consultation Revision

The Department of the Interior has proposed a rule that would revise the regulations governing the federal agencies' consultation obligations under Section 7 of the Endangered Species Act (ESA). The proposed rule is intended to reduce the number of consultations and would allow federal "action" agencies greater leeway in determining when Section 7 consultation is required. The proposed rule would allow federal "action" agencies to determine when an action reaches a "may affect" level, or be defined as "not likely to adversely affect" listed species or their critical habitats, without consultation with or the concurrence of the FWS or NMFS. Concerns include removal of FWS and NMFS biologists from the initial steps on the consultation process, thereby bypassing the Services' concurrence with the conclusions, and the lack of the capacity of "action" agencies' biologists to review critical issues.

A motion was made by J. Burger, seconded by E. DeVito and unanimously approved by the Committee to send comments to the Department of the Interior reflecting ENSAC's concerns including: the effect of bypassing the process allowing the FWS to concur with the conclusions, the capacity of "action" agency biologists / staff to review critical issues, and possible reductions in the criteria used for evaluation.

Black Skimmers

J. Burger noted that Barnegat Bay/Little Egg Harbor black skimmer counts are up this year; 386 flying chicks were counted from Barnegat Bay/Little Egg Harbor colonies.

White Nose Syndrome (WNS) in Bats

M. Valent, ENSP Principal Zoologist, gave a presentation on WNS in bats. WNS has been identified in 4 states with possible, but unconfirmed, sites in Pennsylvania as well. To date there have been no reported findings in NJ. The presence a variety of different symptoms, that range in severity, such as the appearance of fungi on the nose, tissue damage, wing damage, extreme dehydration and emaciation, and indicate that the cause(s) may be multifactorial. A team of specialists have been conducting a battery of tests including: virology, toxicology, bacteriology, mycology; however, the cause(s) has not been determined at this time.

ENSP Budget

D. Jenkins advised members that State Wildlife Grants (SWG) funds also determine the ENSP work plan and requested ENSAC's input on the process for prioritizing the ENSP work plan so that it more closely aligns with the Wildlife Action Plan (WAP) priorities. Copies of the WAP State-Level Goals & Strategies and the regional landscape priority actions were distributed.

Committee members requested D. Jenkins create and circulate a summary of the prioritization process and schedule a conference call at 2pm on October 6th to discuss the issue.

The meeting adjourned at 2:45 p.m.