

Approved 1/20/2010

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

November 30, 2009
Assunpink Wildlife Management Area

ATTENDEES

COMMITTEE: Barbara Brummer (Chair), Jim Applegate, Joanna Burger, Emile DeVito, Jane Galetto, Howard Geduldig, Erica Miller, David Mizrahi, James Shissias, Dale Schweitzer

STAFF: Dave. Jenkins, Kathy Clark, Peter Winkler, Amy Wells

GUESTS: Annette Scherer (USFWS), Larry Niles, Margaret O’Gorman (CWF), Steven Dalton, Eric Stiles (NJAS), Theresa Lettman (PPA), Heather Cammisa, Linda Cherkassky, Dmitry Cherkassky, Tony Petrongolo (DFW)

The meeting was called to order at 10:15 a.m. Notice of the meeting date and location were filed with and posted at the Office of the Secretary of State on October 30, 2009.

Minutes

A motion was made by J. Applegate, seconded by H. Geduldig to approve the minutes for September 16, 2009 with the following changes:

- **Page 4, paragraph 1 to read: “E. DeVito asked to have a DAG review regarding the legal culpability of cat owners or “care givers” to the take prohibition under ENSCA when cats under their care kill or injure nongame wildlife”.**
- **Page 3, paragraph 2, line 5 to include the following statement: “D. Schweitzer pointed out that the numbers in the report seemed to indicate that most of the decline in cat numbers was due to them being “adopted” by caregivers rather than natural attrition. B. Brummer requested...”.**

All in favor, none opposed, the minutes were approved. E. Miller and J. Galetto abstained.

Updates

Administration

B. Brummer noted the terms of 3 members would be expiring in April; each of the members has expressed an interest in remaining on the Committee and would be available for the commitment.

After confirming the 3 members interest in reappointment and availability to the Committee, J. Galetto made a motion, seconded by E. Miller and approved by the committee to recommend J. Burger, D. Schweitzer, and D. Mizrahi for reappointment to ENSAC as their terms end effective April 2010.

Status of Action Items and Monthly Reports

Members did not have any questions pertaining to the updated list of Action Items or Monthly Reports.

Feral Cats / Trap Neuter Return

B. Brummer noted a total of 77 documents pertaining to feral cats and/or TNR have been submitted by various staff members and/or the public. All of the documents have been posted in the ENSAC document library. Members agreed the form an Ad Hoc Working Group consisting of ENSAC members H. Geduldig, E. Miller, D. Mizrahi, E. DeVito, and A. Scherer (USFWS), Len Wolgast (NJDFW-FGC). An invitation will be extended to G. Stull (BCCI).

B. Brummer recommended the group: Review the NJ DFW Fish and Game Council (FGC) resolution, suggest any modification(s); submit a joint resolution to the FGC with recommendations.

D. Jenkins noted a need to characterize the threat to native wildlife, review approaches to address these concerns (such as TNR and TE), review efficacy and impediments associated with various approaches; and make recommendations as to what actions should be done to address the concerns.

Discussions continued noting differences between position statements and policies, the need for ENSAC to recommend actions to be taken in order to address the impacts of feral cat populations on native wildlife; and the lack of test results to legally support/validate the use of TNR as a population management tool

Committee members reviewed and revised the existing FGC's Resolution on Trap-Neuter-Release (TNR) and Free-Ranging Domestic Cats to address wildlife concerns.

J. Burger made a motion, seconded by J. Galetto, and approved by ENSAC to send the revised resolution (attached) to the FGC for comment prior to final review and adoption by ENSAC.

Executive Sessions

Given the many sensitive topics addressed by this Committee, discussions generated a desire to confirm the legally defined purpose and guidelines for moving into or holding an executive session. Upon review it was noted that, among other justifications, topics that will potentially fall into litigation qualify as a reason to move into executive session.

Additionally, discussions noted that because ENSAC is defined as an advisory body to the Commissioner, it does not fall under a requirement for strict compliance with the Open Public Meetings Act.

Delaware Bay Shorebirds

A. Dey provided a brief update and materials pertaining to the Delaware Bay Shorebird Project. Delaware generally has greater mean horseshoe crab egg densities (eggs/sq. meter) than New Jersey. Mispillion Harbor, DE, is a location with very high egg densities that inflate mean baywide density estimates (range >100,000 to >230,000 eggs/sq. meter).

Mean Horseshoe Crab (HSC) egg densities increased in New Jersey between 2008 and 2009 (>1,300 to >5,500 eggs/sq. meter), but densities were comparable to those observed in 2005 and have not shown a significant increasing trend. Excluding Mispillion Harbor, mean egg densities in Delaware declined slightly from 2008 to 2009 (>11,700 to >10,100 eggs/sq. meter). Excluding Mispillion Harbor, over the period 2005 to 2009, Delaware mean egg densities have apparently declined.

Approximately 34% of red knots reached minimum departure weight of 180 grams in 2009 — up from 15% in 2008 but below proportions observed in 1990's (60-85%). Counts of red knots wintering in Tierra del Fuego remain low but stable (~17,000 individuals).

Discussions continued noting red knot populations will not be defined as recovered until the density of HSC eggs reach a threshold that will sustain red knot populations — a minimum target of 50,000 eggs/sq. meter on 50% of suitable spawning beaches is a minimum target.

Adaptive Resource Model (ARM)

L. Niles reported the Atlantic States Marine Fisheries Council (ASMFC) is reviewing the ARM model. While the model will be a valuable tool in the near future, validation of model parameters and predictive capacity will require some period of testing. Despite recommendations from members of conservation organizations and environmental agencies to delay the use of the model to allow model validation, the ASMFC may seek to use the model this year to set harvest quotas.

A. Dey will draft a letter for ENSAC review requesting: 1) that the ASMFC delay implementation of the model to allow model validation for a period of three years, and 2) the ASMFC and the US Fish and Wildlife Service ensure wider stakeholder participation in the Structured Decision Making process for consensus on the model and its validation.

Pine Snake Delisting

D. Jenkins reminded the Committee that the NJ Builders Association had filed a petition requesting the delisting of the pine snake and staff have been working to compile species information. D. Golden noted the pine snake was originally given the status of “threatened” in NJ in 1979 and indicated that in each of the 9 US states where this

species occurs it is assigned some level of elevated conservation status. Staff have conducted a review of US & NJ historic and current species distribution, threats, regulatory protection and habitat protections. Threats include continued habitat loss due to conversion to urban development, illegal poaching, predators, road impacts, fire suppression measures, ORV use and many others. A review of the conditions in the areas of known pine snake populations show that habitat is declining and many threats continue and/or are increasing. All pertinent information is being compiled and staff will inform members should there be any significant concerns/changes. Further discussions noted the experimental relocation of this species from the Stafford landfill has proven to be less than successful. Furthermore, if all protected lands that were bisected by major roads were excluded from what is considered to be "suitable habitat", the amount of estimated habitat for this species would be greatly reduced.

A motion was made by J. Burger, seconded by E. DeVito and unanimously approved by the Committee to keep the pine snake listed as a threatened species.

J. Applegate noted if there were enough staff members and available funds to do this amount of research on each species there would be no need to use the Delphi process to establish species status. ENSAC members congratulated the team that compiled the tremendous amount of information for a job well done. E. Stiles suggested given the current budgetary constraints, the monetary value of staff time, legal review, and materials associated with this petition be calculated and presented to administration.

A motion was made by J. Burger, seconded by D. Mizrahi and approved by the committee to adjourn at 1:55 p.m.

Separate electronic file attachment: DRAFT - NJ Endangered and Nongame Species Program and the NJ Fish and Game Council Joint Resolution on Trap-Neuter-Release and Free Ranging Domestic Cats