

Approved 1/18/2012

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

November 16, 2011

NJ Division of Fish and Wildlife
Central Region Office – Assunpink WMA
Robbinsville, NJ

ATTENDEES

COMMITTEE: Barbara Brummer-Chair, James Applegate, Emile DeVito, Howard Geduldig, Jane Galetto, Rick Lathrop, Erica Miller, and Dale Schweitzer.

Absent: Joanna Burger, David Mizrahi, and James Shissias.

STAFF: Dave Jenkins, ENSP Bureau Chief, Lisa Barno - Freshwater Fisheries Bureau Chief, Jeanette Bowers-Altman, Kathy Clark, Shawn Crouse, Amanda Dey, William Pitts, Amy Wells.

GUESTS: Michael Davenport, (CWF-NJ), Rick Dutko (DPF), Nellie Tsipoura (NJ Audubon)

The meeting was called to order at 10:10 a.m. Notice of the meeting date and location were posted on the DFW website, filed with the Office of the Secretary of State on September 16, 2011, and distributed to the Newark Star Ledger and Atlantic City Press.

Introductions of those present were conducted.

Minutes

Members requested 2 amendments to the drafted minutes as presented, including: incorporating the statements presented in slides # 18 and #19 of Dr. Janke's (Lonza) presentation on Horseshoe Crabs in the Pharmaceutical Industry section of the minutes; and a spelling correction on page 3.

A motion was made by Jane Galetto, seconded by Howard Geduldig, to accept the September 2011 minutes as amended. All in favor, none opposed, the amended minutes were approved.

Meeting Schedule

Members reviewed the tentative 2012 ENSAC meeting schedule. Due to potential conflicts with the Thanksgiving holiday, the November 2012 meeting date will be rescheduled. Members will be notified accordingly.

Action Items

Members reviewed the status of pending action items including:

Barbara Brummer noted Commissioner Martin has not responded to ENSAC's letter dated October 17, 2011, which invites the Commissioner to make full use of ENSAC's expertise by seeking counsel early in the process of resource policy development and/or indirectly affecting matters related to the intent of ENSCA. The Chair will follow-up.

Cape May Ferry Canal – K. Clark noted the future dredging permits will include standardized timing restriction beginning at the time of the next permit renewal. ENSP staff will also plan to visit the dredge disposal area in the spring to examine the dredged material for evidence of horseshoe crabs.

Delaware River Deepening Project – staff expressed concern regarding the placement of dredged materials on Delaware beaches and placement on NJ beaches. K. Clark reported on the recent Army Corps of Engineers' Environmental Assessment, which suggests that Egg Island is the only NJ site listed as a potential recipient of dredged material from the deepening project, but two Delaware shoreline sites are considered first choices for using the material for beach fill. Staff will distribute the ACOE Environment Assessment to members for review.

Administration

Barbara Brummer reviewed the list of member terms that will expire in April 2012 which include Public At Large representative current held by Emile DeVito (vice chair), Public At Large representative currently held by Howard Geduldig, Qualified Non-Profit representative currently held by Barbara Brummer. In accordance with the bylaws, the nominating committee members will review the list of terms expiring in April 2012 and provide recommendations for appointment at the January 2012 ENSAC meeting. ENSAC members will review the recommendations from the nominating committee and vote on the final recommendations to the Commissioner.

Sustainable Energy - Solar Fields

Jane Galetto noted the goals of sustainable energy are valid, but expressed concern that efforts to establish solar fields should prioritize placement on industrial and/or developed land rather than negatively impacting agricultural and/or forested lands. Ms. Galetto noted several species that are currently impacted by the poor placement of solar fields. Discussions noted the need for Fish and Wildlife representation on the Alternate Energy Advisory Committee.

A motion was made by J. Galetto, seconded by E. DeVito, to send a letter to Commissioner Martin expressing concerns surrounding the development of alternative energy as it impacts e/t species and habitat; the benefit of placing solar farms on existing impervious surfaces versus the negative impact associated with placing these facilities on existing non-impervious surfaces, and the need for permit applications to be reviewed by ENSP. All in favor, none opposed, the motion was approved.

E. DeVito and J. Galetto will draft the letter (which will include a copy to BPU) and distribute to members for review.

ENSAC Guidelines

D. Jenkins explained he is drafting a document for which the purpose will be to develop structure on the ENSAC's role in respect to the issue of horseshoe crabs/shorebirds, the goals defined by

legislation, and a review of the status of achieving those goals. The document will be distributed to members after internal DFW review.

Jane Galetto noted the pharmaceutical industry recognized the horseshoe crab population is not sustainable, and guidelines will need to include other viable options for the pharmaceutical industry.

Aquaculture Development Study on the Delaware Bay

K. Clark provided an overview on the development of aquaculture at a lower Delaware Bay location. The aquaculture program, authorized by NJ Dept. of Agriculture and permitted by NJDEP, has identified one site where DEP-DFW will lease 1 acre parcels to fishermen. Ms. Clark noted that ENSP's involvement has been to conduct pre- and post-lease surveys of shorebirds and human use, and to make recommendations on limiting the potential for negative disturbance impacts to shorebirds. The Bureau of Shellfisheries has the lead on this program and is available to give a presentation to the Committee. Discussions continued regarding expected levels of demand.

Native Freshwater Fish Status

Shawn Crouse, Principal Biologist – NJ Freshwater Fisheries, gave a presentation on Native Freshwater Fish Status. The presentation included a review of the status and distribution of various species of freshwater fish, recognized 40 species are not accounted for in the Wildlife Action Plan, and provided a brief review of several species whose populations maybe of concern. Mr. Crouse followed with a review of efforts already taken to identify characteristics, environmental threats, and current efforts to manage these species.

Mr. Crouse noted he was also seeking advice on how to best determine the status of a species as E, T, or SC. Discussions noted the lack of data is the reason for using the Delphi process for determining species status, the method has proven itself defensible in court, there will be a need to evaluate resources available to do the Delphi and put forward a rule proposal. ENSP will forward a copy of the Pine Snake Status Assessment as a template for the process of determining a species status.

A motion was made by J. Applegate, seconded by Jane Galetto, noting ENSAC's recommendation to add a new taxa, freshwater fish, to the Delphi Review process. All in favor, none opposed, the motion was approved.

Next steps include data collection, mapping/analysis, Delphi review process, revisions to the WAP, implementation of management policies.

Delphi Reviews

Freshwater Fish – new taxon

See above

Atlantic Sturgeon - update

Dave Jenkins noted the NJ Delphi review of the Atlantic Sturgeon is now in the 3rd round of reviews. In addition, the EPA has 1 year to adopt the proposed federal status.

Freshwater Mussels – update

Members were provided with a copy of the NJ Freshwater Mussel Status Review and acknowledged their approval of the composition of panelists.

Mammals - updates

Dave Jenkins noted the review of mammals is underway; review process consists of 8 panelists, and is currently in the first round of reviews.

**Jim Applegate made a motion, seconded by Rick Lathrop, to adjourn the meeting at 2:05
All in favor, none opposed, the meeting was adjourned.**