

Approved
9-9-15

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
May 20, 2015
The Nature Conservancy – Delaware Bayshore Office
Delmont, New Jersey**

Members in attendance: Barbara Brummer, Jim Applegate, Joanna Burger, Emile DeVito, Rick Lathrop, Erica Miller, David Mizrahi, Jane Morton-Galetto, Jim Shissias. **Absent:** Howard Geduldig, Howard Reinert.

Staff in attendance: Dave Jenkins (Chief ENSP), Kathy Clark (ENSP), Amanda Dey (ENSP).

Guests: Russ Funari (PSE&G), Fred Akers (Great Egg Harbor Watershed), Carol Applegate

- Meeting was called to order by Chair Barbara Brummer.
- The public notice for this meeting was read by D. Jenkins.
- Introductions of those in attendance.

Approval of Minutes

Minutes of 1/21/2015 were approved without changes. Motion to approve by Joanna Burger, second by Erica Miller. Approved unanimously with Barbara Brummer abstaining.

Update on Action Items

There were no action item updates.

D. Jenkins provided (prior to this meeting) a copy of the Governor's Administrative Order that closed the diamondback terrapin harvest season in 2014-15.

DFW Report

None.

Public Comment

None.

Legislative Report

Legislative update by D. Jenkins. Reported that A3932 / S2615 which would change diamondback terrapin to a nongame species was not moving.

OLD BUSINESS

Nominations Committee

R. Lathrop reported that the Nominating Committee took two actions: Recommend appointment of Russ Funari to replace Jim Shissias in the Public-At-Large position, and recommending re-appointment of J. Galetto and J. Applegate to continue serving. **J. Burger so moved these**

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recommendations; seconded by D. Mizrahi. Motion passed unanimously. B. Brummer thanked J. Applegate for continuing to serve this Committee for over 40 years.

No Net Loss

D. Jenkins provided a handout that summarized the proposed changes to WQMP rules for E&T species. The draft rules are still in attorney review. Key issues that he noted included defining the standards for no net loss of habitat value and special provisions for agriculturally-dependent species that are subject to rapid changes in agricultural land use. ENSAC members expressed concern that the standards for defining habitat value and loss will be key to whether this is a good rule or a bad rule. D. Jenkins noted that the estimated time frame for this rule was that the earliest it would be formally proposed was in 2-3 months.

State Wildlife Action Plan Revision:

Update on review and revision of the NJ Wildlife Action Plan: D. Jenkins noted that update steps are posted to the website as the Division proceeds through the review and revision process. Species specifically addressed by the plan will be the “Upper Tier priority species (106 species) – after deciding that culling the list to a smaller list of focal species would become even more subjective. Instead, DFW staff has grouped species, where appropriate (e.g., “forest birds,” “marine turtles”). This resulted in a list of 60-70 individual species and species groups. We are also working on defining conservation focal areas using more than 40 GIS data layers; these will be areas highlighted for conservation action development. A draft map will be ready soon, and will be presented to the Plan Executive Committee for review within a month.

ENSP has put out two RFPs for work on the SWAP: 1) a small project to write a Climate Change summary; 2) an RFP for meeting coordination/facilitation to obtain stakeholder input on the Plan’s actions. There will be three meetings that will cover different conservation interests: habitat management and protection; planning and policy; marine issues.

J. Burger expressed concern about the climate change impacts on the coastal region. D. Jenkins suggested that coastal sea level rise and habitat connectivity will be the major areas NJ needs to address with respect to climate change vulnerability.

NEW BUSINESS

Oyster aquaculture and potential impacts on red knots

The Committee was provided a draft report (white paper) that describes the shorebird and horseshoe crab issues related to nearshore, intertidal structural aquaculture on Delaware Bay. The paper was drafted by an ad hoc subcommittee consisting of members David Mizrahi, Joanna Burger, and Rich Lathrop, and non-member outside experts, Larry Niles and Joe Smith. D. Mizrahi started the discussion about potential impacts from the emerging oysterculture industry. About 10 years ago an aquaculture development zone was established in the area of Cape Shore Lab. There is interest in expanding oysterculture beyond the original areas as the market has expanded. There are leased shellfish grounds around much of Delaware Bay – most devoted to more traditional, non-structural, (“seed”) shellfish aquaculture. Permits are required by US Army Corps (“Nationwide Permit 48 – Commercial Shellfish Aquaculture Activities” and

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NJDEP (Coastal General Permit 35 for Commercial Shellfish Aquaculture Activities) for structural shellfish aquaculture.

Discussion followed regarding how best to address the “footprint of operations” used in calculating maximum areas of impact in intertidal situations. Concerns were raised regarding the potential impairment of horseshoe crab movement posed by racks. Members expressed that there are a number of questions remaining regarding all aspects of oyster aquaculture impacts and that there must be studies designed to answer these questions.

The USFWS guidelines to minimize impacts to shorebirds are in draft form and were provided to ENSAC members. They include a limitation on operation footprint which currently are based only on the footprint of structure.

J. Burger stated there is already much data available to be applied to this issue. Data on bird biological needs, foraging needs, changes in crab and bird distribution relative to aquaculture locations. She also noted that red knots are more sensitive than other shorebird species and thus more vulnerable to habitat changes and people-based disturbance.

J. Applegate suggested there should be more documentation of the size of the threat of this industry: the number of new oysterculture leases and permits for new operations.

D. Jenkins suggested that he and members should send along their comments to the paper’s authors and that the authors prepare an executive summary.

J. Shissias asked whether DEP considers the economic viability of a project. There was some discussion about costs of required permits and other approvals (e.g. Tidelands). D. Jenkins noted that there is generally broad state and local government support for this as a viable industry that is good for economics and job growth.

J. Burger moved that Committee approve the report with additions and modifications that address concerns about footprint of operation; better information on potential for expansion of nearshore, intertidal aquaculture; and an executive summary. Second by E. Miller. Discussion followed on defining the footprint of operations. Substantive comments should be directed to D. Mizrahi. If more information on potential expansion (from Shellfisheries) is not available quickly, statements on p. 6 suggesting major expansion should be removed or modified. **Motion was approved unanimously.**

Action Item: Ask USFWS about coordination across state lines about aquaculture guidelines.

Action Item: Recommend to the Commissioner that the DEP coordinate with the USFWS with regard to best management and regulatory approaches to satisfy federal and state regulations.

2015 Shorebird study with Aquaculture

J. Burger described a Rutgers study with J. Lockwood and B. Maslo, looking at red knot distribution relative to local factors. It covers ADZ areas, active leased areas, human activities, location relative to adjacent habitats, with data collected on bird behavior. The study was

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designed with help of a 7-member steering committee. This is a one year study but with funding proposals for another 2 years.

Delaware Bay Habitat Restoration

Larry Niles gave an update and presentation on the efforts to restore shorebird habitats (beaches and wetlands) along Delaware Bayshore, highlighting successes and the cooperation of NGOs, state and federal agencies necessary to achieve success. His presentation was followed, after meeting adjournment, by a visit to Thompson's Beach a site of one of the restoration projects.

ADJOURNMENT

B. Brummer motioned to adjourn at 12:35 PM. After adjournment several members joined a site visit to Thompson's Beach to view restored beaches and hear Larry Niles describe planned future work there and at other beaches.