

Endangered and Nongame Species Advisory Committee

January 16, 2008
Meeting Minutes

Central Region Office

ATTENDEES

COMMITTEE: Jane Morton Galetto (Chair), James Applegate, Barbara Brummer, Emile DeVito, Erica Miller, Dale Schweitzer and James Shissias.

STAFF: Dave Jenkins, Dave Chanda, Larry Herrighty, Kathy Clark, Tony Petrongolo, and Amy Wells

GUESTS: Annette Scherer (USFWS-NJFO), Lee Rosenson (NJAS, PPA), Michael DeVito, Roman Senyk (NJDEP-ONLM), Rick Dutko (NJDEP-ONLM), Sarah Ritchie (NJDEP-ONLM), Russell Juelg (PPA), and Elizabeth George-Cheniara (NJBA).

The meeting was called to order at 10:20 am. Notice of this meeting was filed with and posted at the Office of the Secretary of State on December 10, 2007.

Status of Action Items

D. Jenkins reported A-4287, updating enforcement provisions of various environmental laws in a uniform manner, passed the legislature and was signed by the Governor before a letter of support was created. The bill will increase fines and fees will be directed back into the Wildlife Check-Off account.

A draft regulation amendment to close the diamondback terrapin season will be distributed before the next meeting.

L. Herrighty reported a date for a meeting to discuss the development of a consistent approach for game/nongame status across all Bureaus has not been set.

Horseshoe Crabs

NJDFW notified the Marine Fish Council of the publication in the State Register of a proposed regulation closing horseshoe crab harvest season. The public comment period on this regulation proposal closes on February 1. MFC, which has the authority to veto the proposed regulation, will vote on the subject at a special February 11 meeting. ENSAC will submit a letter during the public comment period noting support of the rule to continue a moratorium on horseshoe crab harvest and attach a copy of the letter from Director Chanda to the MFC.

Discussions continued around the possible effects of removing 100,000 males from the horseshoe crab population; issues associated with ASMFC compliance; progress in the development of synthetic conch and eel bait; and, the need to include the fishermen in the synthetic bait testing process. The University of Delaware will attend the next meeting to discuss current progress/status of the research.

Status of the Red Knots

A. Scherer reported the USFWS is expecting to have the winter population counts in S. America by the end of the month. If there is a sign of change in the population, based on the magnitude and significance of the threat, the USFWS will have to decide if the species will qualify for emergency listing. Discussions continued regarding the emergency listing process.

Public Television's "Nature" series is releasing a show about the horseshoe crabs and shorebirds. D. Jenkins will investigate the possibility of previewing the show prior to release.

Champagne Island

D. Jenkins noted discussions with the Tidelands Council (TC) have revealed there is no known ownership to the upland portion of the island which is complicating the role of the Tidelands Resource Council in granting management authority to DFW. The request for management authority is consequently being postponed to the March 3 meeting of the TRC.

Letter regarding ORV Parks

The letter to the Commissioner regarding ORV parks included the statement noting "Wetlands have been reestablished and now the area supports a diversity of wildlife." However, the second statement noting "Moving forward with the Monroe Township site is in violation of the ENSCA" was not included.

A motion was made by E. DeVito, seconded by B. Brummer, and approved by the Committee to send another letter to Commissioner Jackson referencing ORV Parks and noting "Moving forward with the Monroe Township site is in violation of the ENSCA."

ENSAC Bylaws

D. Jenkins reported R. Lathrop has received one set of comments regarding the drafted Bylaws. The comments were distributed for review. All members are asked to review the original document and the set of comments for discussion at the next meeting.

ENSAC Member Status

All ENSAC members (with the exception of E. Miller and B. Brummer) are now working on expired terms. Committee members are asked to consider various species of interest and the direction of the program prior to submitting a list of persons to fill vacant ENSAC positions in the future. ENSAC will provide a recommendation to fill vacant positions and re-establish the rotation of terms.

D. Jenkins submitted the resume of Jessica Bennett Wilkinson (included in the package) as a candidate for ENSAC position. Discussions included: Ms. Wilkinson's extensive knowledge

regarding wetlands mitigation and promulgation of rules; the diversity and expertise of current members and the potential direction and projects within the program in the near future.

A motion was made by B. Brummer, seconded by D. Schweitzer and unanimously approved by the Committee to recommend Jessica Bennett Wilkinson to the Commissioner for appointment to the ENSAC.

Minutes

A motion was made by D. Schweitzer, seconded by E. Miller, and approved by the Committee to approve the minutes for December 5, 2007.

Species Listing Rule - status & changes

K. Clark noted the amendment to the endangered species list and the nongame list is in revision. The amendment includes revisions to the endangered list for birds and fish, and will add a special concern status for many species on the nongame list. A draft proposal will be sent to Governor Corzine at the end of the month with expectations for publication in the February or March Register.

Habitat Regulations

The E/T habitat regulations have not yet been proposed, nor is there a specific schedule for doing so. The current fiscal status of the State and the need for an additional staff to implement the regulations is partly responsible for the delay in the proposal. The Commissioner remains committed to implementing regulations protecting E&T wildlife habitat.

ENSP Planning Process - Update

D. Jenkins reported staff are developing the next round of State Wildlife grants. Actions have included revisiting the NJ Wildlife Action Plan, creating a list of potential projects that are most appropriate for ENSP to take the lead, prioritizing the list, and further definition of specific jobs for these actions. Staff will also be considering the current and anticipated volume of work. A list of the top projects (with the highest priorities) will be distributed to ENSAC members for their review at an upcoming meeting. After ENSAC review and recommendation, staff will plan associated budgets, develop grant proposals and proceed accordingly.

Bureau of Land Management - Update

T. Petrongolo reported the Green Acres program has been carefully prioritizing and actively acquiring properties. Wildlife Management Areas now total 320,000 acres, 245,000 acres are forests. Three (3) habitat planners are working with ENSP, ONLM and P&F staff. Specific projects include actions to enhance pine snake and red-headed woodpecker habitats, rare plant species. Discussions continued around the benefits of long term leases with farmers, reducing amount of active agriculture on WMAs, phragmites control strategies, and the stewardship of State-owned forest lands.

Bald Eagles in NJ

K. Clark gave a presentation on the status of the Bald Eagle in NJ. Information included the chronological history noting the first nest at Bear Swamp in 1970 through 64 pairs in 2007. Seventy percent of nests are on private land. Good nest success in NJ is largely due to the

vigilance of nest watchers and Law Enforcement. Current monitoring efforts include nest visits to approximately 12 nests per year. The goal is to have a self-sustaining population over time occupying habitat that is secure and sufficient. The largest threats to a sustainable population include human disturbance and shoreline disturbance in foraging areas.

In August 2007, the USFWS delisted the Bald Eagle and created management guidelines including inside/outside buffers. NJ will continue to apply NJ regulations and guidelines to protect nesting and foraging areas. The USFWS is in the process of recommending a post-delisting monitoring plan that has specific methodologies for counts to take place every five years. NJ will continue monitoring the population by checking occupancy of nests via ground and aerial surveys.

Hibernia and Mt. Hope Mine - Bats

D. Jenkins noted the gate protecting the Hibernia mine bat colony has been breached. Staff are working with Law Enforcement and the USFWS to replace the gate.

Peregrine Falcon Project

K. Clark gave a presentation on the status of Peregrine Falcons in NJ. Federal government delisted the species in 1999. A milestone in the species NJ recovery came in 2003, with the first nesting on historic cliff habitat. There are now four pairs using the cliffs, and 20 pairs nesting statewide. Reproduction rates have been above average, but near-complete failure of the cliff nests in 2007 alerted biologists to the vulnerability of the natural sites to weather events. The NJ population warrants continued monitoring for occupancy trends and contaminants, but in 2007 and 2008 we are supporting peregrine recovery in the rest of its range by supplying young birds to Virginia and West Virginia mountain hawk sites.

Assembly Transportation Committee on ATVs

E. DeVito and J. Galetto testified before the Assembly Transportation Committee regarding the proposed ATV bill. The bill has been voted out of Committee but Assemblyman Reed Gusciora will now have to reintroduce the bill back into Committee. A meeting between DMV, ORV riders, DEP Commissioner and Assemblyman Gusciora will be held next week to discuss the need to register and monitor ATV use.

The meeting adjourned at 3:15 pm.