

Approved 3/18/09

Endangered and Nongame Species Advisory Committee

Meeting Minutes

January 21, 2009

Assunpink Wildlife Management Area

**ATTENDEES**

COMMITTEE: Emile DeVito (Acting Chair), Jane Morton Galetto, James Applegate, Joanna Burger, Erica Miller, Dale Schweitzer, James Shissias.

STAFF: Dave Jenkins, Jeanette Bowers Altman, Dave Chanda, Amanda Dey, Larry Herrighty, Tony Petrongolo, Amy Wells.

GUESTS: Hal Brundage (ERC Inc), Michael Davenport (CWF), Rick Dutko (NJDEP-DPF), Howard Geduldig, Elizabeth George-Cheniara (NJBA), Jon Klischies (NJFS), Larry Niles, Annette Scherer (USFWS)

The meeting was called to order at 10:15 am. Notice of the meeting date and location was filed with and posted at the Office of the Secretary of State on December 3, 2008.

Minutes

**A motion was made by J. Shissias, seconded by J. Applegate and approved by the Committee to approve the minutes for November 19, 2008.**

E. DeVito noted B. Brummer was not able to attend the meeting and he would assume the role of chair for the meeting in accordance to the ENSAC Bylaws. Ms. Brummer is expected to be at the next meeting.

ENSAC Administration

**A motion was made by J. Morton Galetto, seconded by J. Shissias, and approved by the Committee to recommend Howard Geduldig fill the vacated position on the Committee previously held by J. Wilkinson.**

D. Jenkins will forward the recommendation to Acting DEP Commissioner Mauriello.

Status of Action Items

- a) D. Jenkins reported the Central Jersey Railroad is considering the extension of freight service to serve the sand mines in southern NJ and possibly expanding the passenger service. E. DeVito reported that the subject will be discussed at an "Environmental Summit" meeting scheduled for next week.
- b) J. Applegate readdressed the issue of dividing the management of NJ's wildlife into game or nongame management and the benefits of a wildlife status assessment based on consistent scientific protocols.

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L. Herrightly suggested ENSAC and the Fish and Game Council (FGC) meet to discuss the issues, define indigenous, and determine the status of overlapping species.

ENSAC formed a subcommittee to address the issue. The subcommittee will include J. Burger, H. Geduldig, J. Applegate and involve staff participation.

### Updates

L. Herrightly reported the plan to harvest feral pigs by NJ licensed deer hunters in Gloucester County has been approved. The feral pigs, originating from farms in the area, have been damaging crops and landscapes.

### White Nose Syndrome in Bats

M. Valent, ENSP Principal Zoologist, provided an update on White Nose Syndrome (WNS) in bats which has now been confirmed in the vicinity of both the Mt. Hope and Hibernia mines. A team of specialists have been conducting a battery of tests including: virology, toxicology, bacteriology, mycology; however, the cause(s) of WNS has not been determined at this time.

ENSAC committee noted the abundance of samples of infected bats and caves available to the researchers and became concerned about unnecessary transmittal/exposure of the syndrome to bats located at other hibernacula throughout the state.

**A motion was made by J. Burger, seconded by J. Applegate and approved by the Committee to suggest the researchers do not enter the remaining mines in NJ until further information pertaining to the syndrome is obtained.**

### Adaptive Resource Management for Red Knots

L. Niles presented information on a structured decision making method to manage horseshoe crab populations in the Delaware Bay. The method employs data on horseshoe crabs and red knots to project horseshoe crab population growth and the ability of red knots to reach a threshold departure weight of 180 grams. As more red knots reach threshold weight on the Delaware Bay, their survival and productivity increases resulting in red knot population growth.

The combined information calculates the utility of harvesting crabs at various levels relative to the number of red knots reaching threshold departure weight. For example, the utility of a harvest is "0" if no red knots are reaching threshold departure weight. The model tries to maximize utility based on the size of different harvest amounts. Most notable was the projection of 30 years to obtain a minimum number of 30,000 red knots on the Delaware Bay stopover. This number is based on zero harvest of horseshoe crabs and optimal conditions for shorebirds. It will take several years to determine if this model is reliable and useful. In the mean time, researchers will need to continue with current monitoring and management.

Concern expressed by ENSP staff is that the Atlantic States Marine Fisheries Commission (ASMFC) is not considering the availability of horseshoe crab eggs in setting horseshoe crab harvest quotas. The ASMFC's current horseshoe crab management plan specifies that horseshoe

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crab numbers, as well as crab egg availability for shorebirds, are essential elements to assess and set crab harvest quotas.

J. Burger will attend the Joint Shorebird and Horseshoe Crab Technical Committee meeting in March.

#### Athos I

D. Jenkins noted the Natural Resource representatives (USFWS, NOAA, and NJDEP) have proposed a \$19 million restoration plan for the 2004 Athos I oil spill in which the tanker struck a submerged object in the Delaware River near Philadelphia. The funds would be provided by the Oil Spill Liability Trust Fund and would be used on various projects in NJ. Discussions included the review/prioritizing of projects, DFW's participation in the decision making process and ENSP alerting ENSAC when asked to make such recommendations. An invitation to attend the next ENSAC meeting will be extended to J. Sacco, Section Chief of the Office of Natural Resource Restoration.

#### Arogos Skipper Populations

D. Schweitzer provided a very brief update on the status of Arogos Skipper populations in NJ. NJ has several colonies that may be one metapopulation near Denville, much of it on powerline right of ways. These are the last colonies globally of the little bluestem feeding ecotype. There are two metapopulations on Fort Dix, one of which was doing well in 2008. Pine Barrens populations outside of Ft. Dix are deteriorating and one is extirpated. These are the reedgrass specialists otherwise found in one swale in North Carolina. There is a need to review staff/funding and work with Forest Service with the implementation of controlled burns. More information will be presented at the next meeting.

#### Endangered Species Act

The proposed ESA rule amending the requirement that federal agencies consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service before taking actions that could harm threatened and endangered species was adopted and will be come effective 30 days after the adoption date. Discussions continued noting that the State of California has filed a lawsuit seeking to block the rule based upon the limited public comment period and NEPA violation (filing of an Environmental Impact Assessment rather than Environmental Impact Statement). Several other states, including OR, NY, DE, CT, MA, and NJ have joined California in this legal action.

#### Marine Delphi Review

J. Bowers-Altman reviewed the summary information presented at the November meeting regarding the Marine Mammal Delphi Process. After 4 rounds of review:

- 1) A consensus was achieved on 25 out of 36 species:
  - a) 3 species were voted Endangered (fin, humpback, northern right whales)
  - b) 2 species were voted Special Concern (bottle nose dolphin, harbor porpoise)
  - c) 2 species were voted Secure/Stable (gray seal, harbor seal)
  - d) 2 species were voted Undetermined (striped dolphin, short-finned pilot whale)
  - e) 16 species were voted Not Applicable

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2) 11 species remain unresolved

a) Group 1 - Globally vulnerable to extinction but are neither documented nor suspected within NJ waters (blue, sei and sperm whales). These 3 species are listed in NJ due to federal status and presence in the North Atlantic. Only sick, dying or dead individuals have been documented within NJ waters.

b) Group 2 - globally secure, neither documented nor suspected to occur within NJ waters (Atlantic spotted dolphin, Atlantic white-sided dolphin, common minke whale, long-finned pilot whale, and Risso's dolphin). Only sick, dying or dead individuals have been documented within NJ waters.

c) Group 3 - globally secure, NJ waters represent the latitudinal or inshore extreme of the species range (harp seal, hooded seal, and short-beaked common dolphin).

J. Bowers Altman reported the NMFS does not have an official position on the species listed in group #3 in relation to NJ waters and the information is based on the 2007 stock assessment and NMFS staff.

D. Jenkins defined indigenous marine species as "any species native to North American waters that regularly and predictably enters NJ waters".

**A motion was made by J. Burger, seconded by E. Miller and approved by the Committee to recommend status based on the results of the Delphi review as presented with the following changes:**

**The species listed in Group #1 (blue, sei and sperm whales) are to be removed from the list of NJ species.**

**The species listed in Group #2 (Atlantic spotted dolphin, Atlantic white-sided dolphin, common minke whale, long-finned pilot whale and Risso's dolphin) are to be removed from the list of NJ species.**

**Recommendations for the species in Group #3 include:**

**Harp seal is indigenous to NJ waters and the population stable.**

**Hooded seal is indigenous to NJ waters and the population stable.**

**Short-beaked common dolphin population as undetermined.**

Early Life Stage Surveys of Shortnose Sturgeon in the Delaware River

Hal Brundage, Environmental Research and Consulting Inc, (ERC) presented results of his NMFS Section 6/ENSP funded project "Investigations of Shortnose Sturgeon Early Life Stages in the Delaware River, Spring 2007 and 2008." The species has a long life span (50-60 years) and has a limited number of successful years. The population, currently listed as federally (and state) Endangered, appears to be stable with estimates at approximately 13,000 adults in the Delaware Estuary. Objectives of the project were to 1) document the occurrence of shortnose sturgeon eggs and larvae and their specific habitats in the Delaware River 2) incorporate occurrence information into the Biotics database and 3) identify critical spawning and nursery habitats, and if appropriate, pursue a critical areas designation for these sites. Sturgeon early life

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stages (eggs and larvae) were collected using artificial substrates and D-frame ichthyoplankton nets along a 17 km reach of the lower non-tidal river. Location information for early life stages was entered into Biotics and will be used in the next version of the Landscape Project, which will include an aquatics component. Mr. Brundage is seeking possible funding sources in order to continue his research of early life stages and juvenile/adult movement patterns in the river.

**A motion was made by J. Shissias, seconded by J. Galetto and approved by the Committee to adjourn the meeting at 2:55 p.m.**