

Approved
1/21/2015

Endangered and Nongame Species Advisory Committee
Meeting Minutes
November 19, 2014
Central Region Office
Robbinsville, New Jersey

Members in attendance: Barbara Brummer (chair), Jim Applegate, Emile DeVito, Jane Morton Galetto, Howard Geduldig, Erica Miller, Howard Reinert, Jim Shissias

Absent: Joanna Burger, David Mizrahi, Rick Lathrop

Staff in attendance: Dave Chanda (Director DFW), Larry Herrighty (Assistant Director DFW), Dave Jenkins (Chief, ENSP), Kathy Clark (ENSP), Jeanette Bowers-Altman (ENSP), MacKenzie Hall (ENSP), Kris Schantz (ENSP).

Guests: Kristen Mylecraine, Fred Akers, Mike Davenport

Public notice for this meeting was read by D. Jenkins.

Introductions of those in attendance.

Approval of Minutes

J. Shissias moved for approval of the September 2014 minutes, seconded by J. Applegate. Minutes were approved by voice vote. Barbara Brummer, Emile DeVito, Howard Geduldig and Erica Miller abstained due to their absence from the September meeting.

Status of Action Items

There will be an update on No Net Loss during this meeting.

Director's Report by D. Chanda

The budget remains stressed by covering high fringe rates on staff salaries. There are 15 expected retirements for which approval of backfills are likely to be limited. In the Bureau of Land Management, T. Petrongolo is retiring 12/31/14 and most of that bureau's professionals are retiring by 6/30/15. Director Chanda has asked other bureau chiefs to weigh in on changes to DFW's organizational structure.

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Director Chanda shared a news release on the national Blue Ribbon Panel that will explore options for sustainable funding for natural resource conservation. It will take most of a year for this panel to create recommendations for long term sustainable funding.

Legislative Report

D. Jenkins reported there was a bill that would allow people to certify their properties as managed wildlife habitats, which would be a defense against local “nuisance” complaints. D. Jenkins noted that it was likely that ENSP would be charged with establishing and running such a certification but without any additional funding and so expressed concerns about the bill. ENSP believes that existing NGO certification programs such as National Wildlife Federation’s backyard habitat should be directly referenced in the legislation to avoid the need for rule making. The bill passed out of the Assembly Environment Committee in recent weeks.

A bill had been introduced in the Senate that would outlaw the use of snares for trapping, including by DFW (except for control at hatcheries).

New Business

Snapping Turtle

Background materials were provided on the commercial demand and harvest of snapping turtles, and the lack of harvest restrictions in NJ. D. Jenkins reported that the Division will be attempting to address the harvest in an upcoming revision of the Fish Code. L. Herrighty was asked what the Division action might be. Larry responded that the DFW will need to have data to support whatever action (restrictions or closure) is taken. He noted that approximately 80% of the take is by a few harvesters.

B. Brummer asked whether ENSAC can meet with the FGC Fish Committee to work out the Fish Code recommendations. The plan now is for ENSP to present to and work with the Fish Committee.

J. Applegate noted this is a long lived species with low fecundity that (based on life history) cannot sustain a significant harvest. L. Herrighty responded that we have harvest data but not the population data needed for a good analysis. It was also noted there may be a health risk of PCB contamination. D. Jenkins noted NJ is becoming “the place” to harvest snapping turtles and diamondback terrapins because of liberal regulations.

Fish & Game Council jurisdiction is freshwater (not salt or brackish water), so DFW permits are only for locations above the freshwater line. Harvest of snapping turtles is prohibited in marine waters. Under marine regulations, lack of population data introduces the term “uncertainty,” which suggests caution in harvest management.

B. Brummer asked H. Reinert to represent ENSAC to the Fish Committee meeting(s).

K. Schantz suggested the potential for turtle harvest check stations that would help gather data on sex, size, locations, etc.

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H. Reinert shared that October 30 the USFWS published in the Register the intention to list snapping turtle under CITES Appendix III. The comment period is open until November 29.

Diamondback Terrapin (“DBT”)

As a result of a CITES involvement in approving export of harvested terrapins (listed on CITES Appendix II) DFW became aware of significant harvest of terrapins from NJ waters last year. Background materials were provided to members before this meeting. NJ has an open season for DBT harvest in winter (Nov. 1-March 31) allowing take by hand. USFWS contacted ENSP in regard to 3,500 DBT sold to an aquaculture facility in MD who in turn sold the offspring to an exporter in Louisiana for export to China. Under CITES Appendix II, the export of 14,000 hatchlings needed USFWS permission. DFW Law Enforcement was already investigating possible illegal harvest of DBT that may have been involved here. New information suggests they hibernate in large concentrations, making them vulnerable to intensive harvest. This is another species that is long lived with limited fecundity, and little data on population levels. The DFW Marine Fisheries Council has been alerted that ENSP seeks to restrict the season going forward.

Director Chanda will speak with Marine Fisheries about having an ENSAC member involved in the discussion of this species; DFW/ENSP staff would be attending as well. H. Reinert and possibly J. Burger will be the likely ENSAC members to be involved.

D. Jenkins reported that S. Eggers of CWF has a grant to conduct a diamondback terrapin assessment and has compiled data for all surrounding states. All states except NJ and NY have closed or extremely limited harvests, and NY may be moving to also close or severely restrict harvest.

J. Applegate made a motion to recommend constraining the harvest of snapping turtles and diamondback terrapins due to their life history, NJ’s lenient harvest regulations, and increasing harvest due to increased demand. Seconded by J. Galetto. Passed unanimously.

Tennessee Natural Gas Pipeline (“TGP”)

As a result of TGP, mitigation funds are available to ENSP to implement management of snakes and other herps. The funds were put into an escrow account with the NJ Natural Lands Trust being the trustee. ENSP has developed a management plan that guides the use of mitigation funds to benefit timber rattlesnakes, northern copperheads and other herp species adversely affected by the pipeline project. ENSP will go to the Trust annually with a yearly work/spending plan; ENSAC’s role will be to review and approve each year’s work plan to ensure the work plan is consistent with the Management Plan. ENSP will bring the 2015 work plan to ENSAC in January for approval; B. Brummer said the work plan must be provided to members at least one week before the January meeting.

K. Schantz gave a presentation on the Tenn Gas pipeline with photos. Mitigation for habitat creation will be aimed at forest habitat management rather than creating more habitat in the

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ROW to avoid potentially creating conflicts between venomous snakes and people using the ROW as trails.

No Net Loss Update

R. Lathrop provided D. Jenkins with an update that he has a grant to test the model. There is a reviewing subcommittee including some outside the DEP (Tim Dillingham, Bryon Dubois and Neil Yoskin), headed by Assistant Commissioner Ginger Kopkash. D. Jenkins was invited to participate. Committee members expressed concern that they have not been consulted since writing to the Commissioner last year on this topic.

State Wildlife Action Plan

Public input solicitation will be on the DFW website very soon. ENSP will be announcing the SWAP revision on the Division's Facebook, via listserves and the website. ENSP staff are working on the revision, including species focal species prioritization and conservation opportunity areas, to make the plan more manageable and useful.

Species Status Reviews

There are three species-groups under Delphi status review at the moment: Reptiles/Amphibians, Freshwater Fish and Butterflies. The Butterfly review is closest to completion, and it is possible those results will be ready to present to ENSAC at the January meeting. Freshwater fish and herps will follow.

ENSP will be initiating status review of birds, which will be addressed in two groups: land birds and water birds. D. Jenkins requested that Committee members provide any suggestions for experts who might be considered as bird reviewers.

D. Jenkins suggested we renew invitation for someone from USFWS-NJ Field Office to attend ENSAC meetings, given the importance of recent and expected USFWS listing activity.

The comment period for proposed federal listing of the N. long-eared bat was reopened until 12/31/2014. A decision on that listing isn't expected until April 2015.

H. Reinert shared on his experience assisting with both NJ's and PA's species status evaluations, and PA's use of the NatureServe conservation status assessment tool.

Public Input

F. Akers shared his organization's concern for the populations of river herring and blue-backed herring, which are in decline.

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Meeting adjourned at 2:00 PM by motion (H. Geduldig) and second (H. Reinert).

Summary of Action Items

Request to be part of the DEP's review of the No Net Loss.

D. Jenkins to request from USFWS-NJFO staff attendance at future ENSAC meetings.

ENSP's report on the Lep status review will be made available at least one week prior to the January meeting IF it is to be presented at that meeting.

ENSP will convey ENSAC's concern for turtle harvest regulations at Marine Fisheries Council and FGC's Fish Committee.

Work plan for the Tenn Gas herp management plan will be provided to ENSAC at least one week prior to January meeting, by January 14.

All shorebird information to be presented will be made available to ENSAC well ahead of the January 21 meeting, at least by January 14.

K. Clark will send out list of all 2015 meeting dates.