

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
April 1, 2015
NJ Division of Fish and Wildlife Central Region Office
Robbinsville, New Jersey**

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

Staff in attendance: Larry Herrighty (Assistant Director), Dave Jenkins (Chief ENSP), Kathy Clark (ENSP), Amanda Dey (ENSP), Russ Babb (BMF), Jeff Brust, Craig Tomlin.

Guests: Barbara Sachau, Wendy Walsh (USFWS)

- Meeting was called to order by Acting Chair R, Lathrop.
- 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 Jim Shissias, second by Joanna Burger. Approved unanimously with Emile DeVito abstaining.

Update on Action Items

A revised meeting schedule was provided.

D. Jenkins will provide a summary of WQMP draft regulation changes.

E. Schradling, USFWS, provided materials on aquaculture.

D. Mizrahi will give an update on ENSAC subcommittee.

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

DFW Report

L. Herrighty gave the Director's report. Today NJAS and partners are bringing wild Northern bobwhite to introduce into a Pinelands area that has been managed for quail and early successional species. They will be radio-tracked to determine the outcome of this reintroduction.

Public Comment

B. Sachau commented and voiced opposition to the reintroduction of bobwhite quail and all logging on WMAs. She also presented a statement deriding as hypocritical the Nature Conservancy's use of bears in its advertising while supporting the expansion of the NJ bear hunt (the New Jersey State Chapter Executive Director, who is chair of this committee and a voting member of the Fish and Game Council, joined with other Council members in approving the

expansion of the NJ bear hunt). Ms. Sachau also called for greater public representation on ENSAC.

Legislative Report

Legislative update by D. Jenkins: A bill that would prohibit fishing limits set by NJ beyond those created by federal fishing quotas. Another bill would create a striped bass license plate, which would likely decrease funding that ENSP gets from its license plate sales. A bill was introduced to expand the scope of the Regulatory Flexibility Act relative to potential economic impact of rules on small businesses.

E. DeVito reported that cranberry farmers are pushing for a bill that would allow farming without permitting on any land (including public land) based on past farming history; Senator Sweeney was pushing for this bill, which would have implications for wetlands permitting under state and federal regs. Current cranberry farming initiation (in wetlands) is permitted but subject to a strict limitation in state wetlands regulations that also requires wetland mitigation.

Committee Member Reports

J. Burger reported on the annual snake dig in the Pinelands. They found 33 pine snakes, 1 corn snake, and other species. Since 1990 the number of pine snakes has ranged 12-45. There was one 20 year old pine snake; this study has documented two 23 year old pine snakes.

NEW BUSINESS

Report on Red Knot status 2014

A. Dey provided a summary of data on weekly counts of red knots in May. A combination of aerial and ground counts indicated approx. < 26,000 knots on the bay in each of the last three seasons.

Percent of knots reaching optimal $\geq 180\text{g}$ weight reached 54% in 2014, which is relatively good, however, the stopover population is currently $\frac{1}{2}$ of its former size. Surface horseshoe crab egg index has remained below $5,000 \text{ eggs/m}^2$ in the last 10 years (except 2012). Egg densities in Delaware have been generally higher (approx. 15-20,000) possibly related to aspect of their shoreline, tendency for fewer storm impacts, beach replenishment in places, etc. In Delaware, Mispillion Harbor always has the highest egg density (averaging $\sim 200,000 \text{ eggs/m}^2$) but it's small in area resulting in higher density of shorebirds.

Atlantic Coast Benthic Trawl ran 2002-2012, but was since discontinued. J. Brust added that the continuation of the VA Tech survey, that covered MD-DE-NJ (the Delaware Bay population), will be determined soon as to whether it is supported again. These surveys have shown little trend in horseshoe crab populations. Reported commercial harvest figures have been flat in 2004-2012. In 2013, there was a slight increase in overall harvest (to near 700,000 crabs in VA, MD, and DE); however, as female harvest was discontinued, this harvest represents approximately double the number of males taken in 2012.

Lysate industry take of crabs is increasing and is in the area of 545,000 that are >50% female crabs. Crabs bled for Lysate have an estimated 15% mortality. W. Walsh noted that the lysate

industry could be regulated by ASMFC but is not at this time. J. Galetto suggested that artificial lysate for biomedical purposes is available and there should be more advocacy introducing that into wide commercial use to reduce crab use. A. Dey noted that the greater mortality of horseshoe crabs, however, is by way of their use as bait.

There was discussion among the members on the information that was presented.

Based on the shorebird update, and upon reviewing the statute that created the horseshoe crab harvest moratorium and the criteria that would allow for lifting that moratorium, the Committee finds there is no evidence that supports lifting the moratorium on horseshoe crab harvest. J. Applegate made the motion, seconded by J. Burger. The motion was passed unanimously.

Oyster aquaculture and potential impacts on red knots (note: some of this discussion occurred at the end of the meeting, but is included together here for continuity and context)

D. Mizrahi presented information on current oyster aquaculture activities on Delaware Bay. He voiced concern that new aquaculture areas in the intertidal zone have the potential to affect shorebirds through the disturbance of foraging birds by people tending these structures, and by habitat impacts due to location and possible substrate compaction affecting invertebrate communities. D. Mizrahi suggested that there is also the possibility of impeding horseshoe crab movement and impingement of crabs in structures.

Mandy Dey indicated that a review of historical data of shorebirds in the Cape Shore area (where aquaculture has been ongoing for ~18 years) shows that Cape Shore had some of the highest egg densities -- Botton et al. (1994) found densities in excess of 50,000 eggs/m², but egg densities now rank among the lowest in NJ (< 2,600 eggs/m², 2005-2014). Mandy noted that Red Knot counts there have also fallen, both overall and in the Cape Shore area, which may or may not be causal but could show a relationship between shorebirds and oyster aquaculture (whether by activities or egg densities). Mandy noted that there is a Rutgers study proposal to investigate the potential effects of oyster aquaculture (tending activity and structures) on shorebirds.

The USFWS has aquaculture permit conditions to minimize disturbance impacts; these were provided to the ENSAC prior to this meeting. W. Walsh reported that these guidelines are in use by the US Army Corps of Engineers in their permitting of aquaculture activities.

J. Burger stated that the effects of human disturbance to shorebirds have been understood for some time; there are data and many publications on this topic. With respect to aquaculture and disturbance, she indicated that we need to start with the idea that there may or may not be effects of aquaculture activities on shorebirds. The shoreline is different from south to north so effects may not be consistent from one location to another; the research must be structured to result in recommendations that can be broadly used. The research proposal will look at current aquaculture and proposed activities, including aquaculture structures, people and their activities, bird numbers and activities. Procedures will be consistent at all sites.

D. Jenkins reported that there are pending permit applications for oyster aquaculture that we and the USFWS must act on. With input from shorebird experts, USFWS and ENSP have drafted a map showing high, medium and low shorebird use areas based on bird abundance data.

W. Walsh reported that the permit conditions are being finalized for use this May. After dealing with the new permit applications, USFWS will be entering re-consultation with USACE for ongoing operation at Atlantic-Cape and within the ADZ. She suggested that this may be a good time to transition to a larger scale review and recommendations.

There was additional discussion on oyster aquaculture at the end of the meeting that related to the percent coverage of lease areas with structures and structures plus travel lanes. D. Mizrahi and E. DeVito expressed concern that the travel lanes represent unavailable foraging habitat because birds won't use lanes immediately adjacent to structures, and therefore should be considered as part of the coverage limitation. W. Walsh noted that applicants often apply for maximum structure coverage because of the application process, and some of those will not be fully developed or will be phased in. She expressed hope that research will provide information to these questions.

OLD BUSINESS

Nominations:

Update on nominations for terms expiring April, 2015: J. Shissias reported that the nominating committee is recommending Russ Funari to fill J. Shissias's position for public-at-large. Russ has a passion for natural resources and wildlife, is a member of the CWF-NJ board, chairs the Wetlands Restoration Partnership, and a member of the DEP Water Council. The nominating committee will continue to meet regarding the two other expiring terms, and will have a slate at the May meeting.

Diamondback Terrapins:

D. Jenkins reported that the Administrative Order closed the harvest season for diamondback terrapin for this season only, but that other parts of the AO dealing with strict enforcement of regulations will carry forward beyond this season. There is pending legislation that would change this species to a nongame species; unknown at this time if the bills will move forward.

WQMP Rules:

D. Jenkins, H. Geduldig, R. Lathrop, E. DeVito and possibly J. Galetto will meet tomorrow to discuss WQMP rules and potential effects on T&E wildlife.

State Wildlife Action Plan Revision:

Update on review and revision of the NJ Wildlife Action Plan: D. Jenkins noted that the Division's email listserves are notifying people of new comment opportunities on the Division's website. ENSP biologists are continuing to focus the species list and the methods for doing that are presented on the website.

ADJOURNMENT

J. Applegate motioned to adjourn at 14:42.