

Approved
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**Endangered and Nongame Species Advisory Committee
Meeting Minutes
May 18, 2016
Parvin State Park
Salem County, New Jersey**

Members in attendance: Rick Lathrop, Jim Applegate, Joanna Burger, Jane Morton-Galletto, Erica Miller, Emile DeVito, Howard Reinert, Howard Geduldig, Jim Shissias.

Absent: Barbara Brummer, David Mizrahi.

Staff in attendance: David Jenkins (Chief, ENSP), John Heilferty (ENSP), Kris Schantz (ENSP), Paulette Nelson (Asst. Director, DFW), Matt Brown and John Cianciulli. (DFW Law Enforcement), Robert Auermuller and Cynthia Coritz (DPF), Officer Dawn McDonough (Park Police).

Guests: Drs. Walt Bien and Dane Ward (Drexel University)

- Meeting was called to order Vice Chair Rick Lathrop.
- The public notice for this meeting was read by D. Jenkins.
- Introduction of those in attendance.

Approval of Minutes

Minutes of the meeting were approved without changes. Motion to approve, Joanna Burger, seconded by Erica Miller. Approved unanimously with Rick Lathrop and Howard Reinert abstaining.

Status of Action Items

D. Jenkins reported that all action item related to the later content of this meeting and the meeting location. The meeting location was changed to a more southern location – other action items regarding DEP policies affecting vehicles on state lands and enforcement of regulations would be addressed during the presentations.

Director's Report

Asst. Director P. Nelson informed the committee that there was no Director's report for this meeting, but provided updates on the following:

- Blue Ribbon Panel
 - Legislation implementing the Blue Ribbon Panel recommendations has been sponsored by reps. Don Young and Debbie Dingel. Nationally this would allocate approximately \$1.3 billion for State conservation efforts; NJ could potentially get \$24 million annually. This funding source would replace the State Wildlife Grant program.
 - AFWA is putting together teams that will be/are responsible for various aspects of this, including helping state prepare for the approval and receipt of such funds; i.e., ensuring

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states have identified projects for which these funds would be used and could begin as soon as the funds are available.

Legislative Update:

P. Nelson also provided a legislative report on state legislation of interest to the Division of Fish and Wildlife and to the ENSAC. Several bills of interest were briefly reviewed and discussed.

D. Jenkins noted that legislation that would make the Diamondback Terrapin a “nongame” species and thus prohibit harvest was moving and that an amendment to the current regulation that would close the season was also moving. D. Jenkins noted that the legislative action was arguably a more permanent approach, especially since the regulation specifically offered that the Department would gather data and reevaluate the need for a closed season.

E. DeVito questioned if ENSAC should resubmit their comment(s) regarding the terrapin harvest closure during the public comment period and if so, would ENSAC’s comments become part of the “public comments” listed in the adoption of the bill. D. Jenkins stated that comments submitted during that period would likely be treated the same as all other public comments. J Morton-Galletto reminded the committee that they had already provided comments to the Commissioner supporting the closure of the terrapin harvest.

J. Morton-Galletto made a motion that ENSAC write and thank the Commissioner for his support in this effort, seconded by J. Burger. Committee voted: Motion passed unanimously. The motion was clarified to include and reference the original letter of support with the new letter stating support for the legislation.

ACTION ITEM: Prepare/send a letter to Commissioner Martin thanking him for his support to close the terrapin harvest and declare ENSAC’s support of legislation that would identify the terrapins as a nongame species.

A.D. Nelson also reported on S977 & 978, bills that address the sale and imported of animal parts from African mammals. The bills were conditionally vetoed by the Governor and changes to the bills that corrected some of the DFW concerns were included in the Governor’s conditions. The bills were amended in accordance with the Governor’s conditions and passed both houses.

Public Input

Jason Howell, Pinelands Preservation Alliance, expressed concern regarding the impacts of ORVs and motorized bikes (enduro events) in/to Wharton State Forest. He recommended ENSAC take a position to limit the dates of legal rides to avoid sensitive snake periods/movements and requested ENSAC make a motion to move this issue forward.

ENSAC committee members noted this issue was to be discussed as an agenda item later in the meeting, and deferred discussion until that time.

ENSAC appointment of representative to the Wildlife Rehabilitators Advisory Committee:

J. Morton-Galletto made a motion to reappoint Erica Miller as the ENSAC representative to the Wildlife Rehabilitator's Advisory Committee, J. Burger seconded. Committee voted: Motion passed unanimously.

Following this motion there was some discussion regarding a bill currently in the legislature that would restrict who can/can't act as a wildlife rehabilitator in the State. A.D. Nelson reported that the bill was not moving. DFW continues to regulate wildlife rehabilitators including where they can release animals.

- K. Schantz and J. Burger stated concerns regarding wildlife rehabilitators releasing raccoons at bog turtle sites and their interest in such releases avoiding critical snake sites.
- E. Miller stated that rehabilitators need location data to ensure they avoid such sensitive areas.

J. Burger moved to postpone further discussion and for ENSAC to visit this topic in the future. J. Shissias seconded. Committee voted: Motion passed unanimously.

Snake Conservation Efforts in NJ

J. Burger presented her and Mr. Robert Zappalorti's research on Northern Pine Snakes including habitat use/selection, nesting selection/behavior and the effects of incubation temperature on hatchlings, winter hibernacula, and growth, age and longevity, and threats to the snakes.

D. Ward presented his and W. Bien's research on Northern Pine Snakes including identifying adequate buffers for nesting and winter hibernation areas for the purpose of conservation management and/or planning, qualifying and quantifying the effects of road substrate on locomotion, dispersal capability and mortality risk, and using data to develop population density estimates. Their on-going genetic work was not addressed in this presentation.

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Snake Conservation Efforts in NJ (continued)

K. Schantz provided a summary of ENSP's conservation efforts including snake fungal disease research, habitat management efforts, the recruitment of a volunteer Pinelands research team, and current and future efforts to engage law enforcement (DFW Conservation Officers and P&F Park Police).

J. Heilferty provided a summary of how ENSP uses data to conduct permit and land management reviews, providing an example of how staff would review an *Activity Review Form* for an enduro event.

Discussion followed including questions regarding the Department's regulation of Enduro events and off-road vehicle access, both of which affect snakes. As a result of these discussions ENSAC acted on the following motions:

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J. Burger moved that *legal/permitted* enduro events be limited to the period Dec. 1 – Feb 28 on State lands to avoid critical snake habitat and high snake densities during egress and ingress, E. DeVito seconded.

Discussion: J. Morton-Galletto suggested that the recommendation should be written to describe “when we want off-road vehicle activities prohibited” vs. when they are permitted as the latter implies we approve of the activity; i.e., suggests that we’re trying to create a time period for when they “should occur” when actually we want to say IF we have to have this activity, they can’t do it during X-X. Joanna Burger voiced concurrence with this modification. H. Geduldig commented that from Department standpoint, they would likely write it “more clean” by saying they can obtain a permit from Y-Y rather than when they *can’t* obtain a permit. The motion was clarified to include appropriate wording for this recommendation; i.e., the recommendation would identify when permits can be obtained (December 1 – February 28) rather than when activities are prohibited (March 1 – November 30).

Committee voted: Motion passed with eight (8) of the nine (9) members present in favor, R. Lathrop abstaining.

ACTION ITEM: Prepare/send a recommendation and letter of support to Commissioner Martin to limit the time period when permits can be obtained to conduct motorized vehicle activities on State Parks and Forest lands to minimize the risk of harm to rare snakes.

D. Jenkins commented that although currently there is some limited permitted enduro events that include portions of Wildlife Management Areas, DFW is moving toward eliminating them completely as the purpose of WMAs is for wildlife, hunting, fishing and passive recreational activities (e.g., hiking, birding, etc.).

E. DeVito questioned if it would be of value to offer a mid-summer activity period given ENSAC’s recommendation would reduce the period they could conduct such events by 3 months. D. Jenkins noted that late July to mid-August would be acceptable with regard to minimizing risks to snakes but that the parks and forests have many passive recreational activities/recreationists using parks and forests at this time. He indicated that ENSAC could put forward this idea from the point of view of the snakes, but it would not likely be accepted due to this other issue.

Illegal ORV activities:

E. DeVito commented that ENSAC should support the idea/effort to close roads and trails that are not essential for use (i.e., government personnel and emergency services) and recreation. R. Auermuller had intended to work with hunters to allow them seasonal access but there are roads that no one needs to access other than state and emergency personnel. Maps have been created for Wharton State Forest that identify roads to be closed based on sensitive habitats (e.g., wetlands, snake nesting areas, etc.) and rare species presence but DEP has scuttled that plan for some reason. Discussion among committee members suggested that enduro/ORV organizations are being perceived as or are considered powerful groups and that DEP was succumbing to their political pressure. Emile DeVito pointed out that parks and forest lands dictate where visitors

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can/can't fly model airplanes due to the noise/disturbance to other visitors, yet there are no such restrictions on or concerns regarding the noise generated during enduro events of 150+ riders.

J. Burger made a motion that ENSAC recommend the DFW maintain the prohibition of permitted ORV events on Wildlife Management Areas, E. Miller seconded. Committee voted: Motion passed unanimously.

ACTION ITEM: Prepare/send a recommendation and letter of support to Commissioner Martin to maintain the prohibition of permitted ORV events on Wildlife Management Areas to minimize the risk of harm and/or disturbance to wildlife.

Discussion then moved to the Wharton State Forest Motorized Access Plan when E. DeVito explained the Wharton State Forest plan would have included a map that identified the roads (paved and unpaved) where visitors can/can't access with a motorized vehicle/bike. Such a map would have eliminated the need for signs everywhere which ultimately are removed regularly. E. DeVito recommended ENSAC support such a plan. R. Auermuller commented that the plan he developed/drafted is currently "dead". General discussion regarding the need to define what a "road" is within park borders, what ENSAC can do to help (from a wildlife aspect), the roads not having the traditional infrastructure (i.e., ORVs are driving through wetlands), and how we might be able to identify roads as "legitimate places where visitors can operate motorized vehicles/bikes (i.e., designating areas of access in addition to areas for natural resources and no motorized access). R. Auermuller stated the federal government took this approach. R. Lathrop pointed out that Stokes State Forest has closed dirt roads. K. Schantz requested that if ENSAC moves forward with a strategy to address this issue, they consider a statewide approach (i.e., not just limited to Wharton State Forest), given illegal ORV use in northern parks/forests.

J. Burger made a motion for ENSAC to support the development of maps that designates roads for legitimate motorized vehicle access. E. DeVito seconded. Committee voted: Motion passed unanimously. The motion was clarified to identify the need for an ad hoc subcommittee to draft the letter of support and recommendation. ENSAC members J. Burger, E. DeVito, R. Lathrop, J. Morton-Galletto and J. Howell (PPA) agreed to participate on the sub-committee.

ACTION ITEM: Sub-committee to review available documents from the Pinelands Commission, federal government, and neighboring states' governing agencies to assess and apply/integrate strategies focused on identifying/designating a subset of roads within State Parks and Forests for legitimate motorized vehicle access and associated permitted recreational events. Sub-committee to draft the recommendation for ENSAC review/approval prior to sending to Commissioner Martin.

Howie Geduldig stated this is not likely to happen under this administration. D. Jenkins commented that the recommended process should follow other State or federal government agencies' strategies to address this issue. R. Auermuller shared that the Pinelands Comprehensive Management Plan (CMPs) has very specific language in their motorized statutes regarding motorized vehicle recreation events. J. Howell noted that the Pinelands Commissioners

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are willing to act but it will likely require public pressure before they will address this issue. D. Jenkins recommended that ENSAC members whose organizations have legal counsel, read the Pinelands CMPs and DEP policy regarding vehicle use on state lands, and determine how that information overlaps. D. Jenkins believes the language that was written in CMP was actually meant to decrease motor vehicle use in the Pinelands over time, not further expand them. J. Morton-Galletto and E. DeVito recommended obtaining a map of historic routes/grandfathered routes from the Pinelands Commission, and that the subcommittee speak/meet with the Pinelands Preservation Alliance and the Pinelands Commission staff to gather information to develop the necessary language for this recommendation. J. Howell (PPA) stated that PPA has not been able to locate maps of historic routes (grandfathered routes).

Adjournment

R. Lathrop moved to adjourn meeting, J. Morton-Galletto seconded. Meeting adjourned at 3:30 pm.

Future meeting agenda items to be considered:

- Wildlife rehabilitators
 - Bill addressing the role and responsibilities of wildlife rehabilitators in the State.
 - Inappropriate release locations of predator/scavengers at sensitive reptile/amphibian locations.

SUMMARY LIST OF ALL ACTION ITEMS

ACTION ITEM: Prepare/send a letter to Commissioner Martin thanking him for his support to close the terrapin harvest and declare ENSAC's support of legislation that would identify the terrapins as a nongame species.

ACTION ITEM: Prepare/send a recommendation and letter of support to Commissioner Martin to limit the time period when permits can be obtained to conduct motorized vehicle activities/events on State Parks and Forest lands to minimize the risk of harm to rare snakes.

ACTION ITEM: ENSAC to prepare/send a recommendation and letter of support to Commissioner Martin to maintain the prohibition of permitted ORV activities/events on Wildlife Management Areas to minimize the risk of harm and/or disturbance to wildlife.

ACTION ITEM: Ad hoc sub-committee re. ORV use of state lands to review available documents from the Pinelands Commission, federal government, and neighboring states' governing agencies to assess and apply/integrate strategies focused on identifying/designating a subset of roads within State Parks and Forests for legitimate motorized vehicle access and associated permitted recreational events. Sub-committee to draft the recommendation for ENSAC review/approval prior to sending to Commissioner Martin.