

Approved
01/31/2018

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
October 17, 2017
Assunpink Conservation Center**

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

Absent: Howard Reinert

Staff in attendance: David Jenkins (Chief, ENSP), Kathy Clark, John Heilferty.

Guests: none

Meeting was called to order by Chair Rick Lathrop at 10:05 AM. The public notice for this meeting was read by D. Jenkins.

Approval of Minutes

A motion to approve the minutes of the June 2017 meeting was made by Jim Shissias, seconded by Jane Morton Galetto. E. DeVito and B. Brummer abstained.

Action Items Update

Last meeting's action items are part of today's agenda for discussion.

Director's Report

To be covered in the afternoon session with the Fish & Game Council.

Public Input

No public comments.

Updates / Old Business

Update on the Red Knot / oyster aquaculture meeting

The Sept 20-21 Symposium on Red Knots and Aquaculture (including the Aquaculture Stakeholder Committee) was attended by several ENSAC members (DM, ED, RL, JB, JMG) and ENSP staff (DJ, MD). J. Burger suggested that while each "side" may have thought the other side had extreme positions, the meeting helped to alleviate those concerns. Shorebird concerns were presented in the context of a long history of research. J. Galetto thought there was an improvement in personal relationships. J. Burger and E. DeVito expressed concern about the discussion of "hypotheses" during the last half of the second day of the meeting. D. Mizrahi said it may have been more an exercise in thinking about issues and helping to identify concerns and noted that the science advisors' role is to help identify issues that need development and sharing the scientific information.

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R. Lathrop noted the Stakeholder Committee and the Aquaculture Advisory Committee will reconvene November 1.

D. Jenkins said the conservation measures developed during the Red Knot Biological Assessment are now considered the status quo, and one role of the Stakeholder Committee is to identify other options to the conservation measures that would not diminish protection red knots. Increase in “take” could require reinitiating consultation and take is evaluated in the context of its impacts to recovery. He noted that state (Coastal Zone Management -CZM) regulations address adverse effects to habitat (vs. no take under federal law), therefore NJ permitting could be different from federal guidance.

In response to questions raised regarding the designation of “Critical Habitat,” D. Jenkins said his understanding is that USFWS plans to create a recovery plan outline, then a recovery plan, before considering designating critical habitat (which requires public review and an economic assessment of impacts).

Update: Status of request from ENSAC to DEP Commissioner regarding obtaining lysate horseshoe crab harvest data from Atlantic States Marine Fisheries Commission (ASMFC) --

R. Lathrop presented copies of a *draft* memo from ENSAC to the Commissioner. There was some concern for the data request being made of the ASMFC without first using the DFW Director’s position on the ASMFC. Economic data (e.g., from lysate companies) cannot be made publicly available if it could reveal individual companies’ confidential data. Alternatively, ENSAC can request data from individual states, but would still have to adhere to confidentiality agreements and not make information public in a way that breaks the rule of three. However, the states are not obligated to provide the information. It may be more productive and appropriate for NJDFW to make the request.

R. Lathrop said the proposed approach is to ask that ASMFC collect information to address concerns, such as number of HSC of DBO in the lysate harvest; DBO crab mortality by sex and capture-to-release; chain-of-custody and the fate of DBO crabs used for the lysate industry (released alive or entered into the bait market). D. Jenkins noted that DFW Director Herrightly is a commissioner on the ASMFC, thus it’s best to ask the Director before making the request to the Commissioner.

B. Brummer suggested that the ultimate goal is to eliminate the use of HSC for bait and lysate and questioned what action would result from better information regarding mortality rates in the industries? D. Jenkins responded that the regulated harvest of HSC would then account for the known mortality sources. J. Galetto concurred that that the potential of synthetic sources of batin and lysate might eliminate the harvest of crabs.

D. Jenkins added that J. Brust of Marine Fisheries is working on the issues involving estimated mortality rates and that additional input may be requested from statistician with DEP Division of Science, Research Environmental Health.

R. Lathrop described his conversation with Allen Burgenson, manager at Lonza, regarding the potential LAL substitute. Lonza has a substitute but does not have the validation to get approval

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from FDA. End users (pharmaceutical companies and medical device manufacturers) need to push for the acceptance of the substitute.

New Business

Overview of proposed amendments to N.J.A.C. 7:25-4

D. Jenkins discussed the DFW plan to amend regulations pertaining to exotic and nongame possession permits and scientific collection permits. ENSP is interested in making using the opportunity of amending the subchapter amend the definition of “threatened” wildlife and include threatened species on the endangered list. Currently, species with “endangered” status are on the “list of endangered species” and “threatened” species are on the nongame wildlife list. The changes would increase consistency with the statute and address long-standing confusion.

D. Jenkins provided a draft text. Discussion followed. One of the benefits to making this change (related to the following topic of defining game and nongame) is the ability to list as endangered or threatened species considered “game” species. Currently, a game species cannot be categorized as threatened because threatened is currently a category on the nongame list.

Operationally defining game and nongame

D. Jenkins provided a draft document discussing a proposal that is being considered for internal use.

Motion to adjourn by J. Burger, second by J. Shissias. Meeting Adjourned at 12:08 PM. Committee will join the Fish & Game Council meeting in the main CRO building.

SUMMARY LIST OF ALL ACTION ITEMS

Action item: Invite someone from DFW to provide a briefing to ENSAC on proposed changes to DFW permitting processes for exotic and nongame wildlife.

Action item: Revise memo to Director Herrighty with questions ENSAC wants ASMFC to address.

November 15th is the next ENSAC meeting.