

Approved  
04/20/2018

**Endangered and Nongame Species Advisory Committee  
Meeting Minutes  
January 31, 2018  
Assunpink Conservation Center**

**Members in attendance:** Rick Lathrop (Chair), Jim Applegate, Joanna Burger, Emile DeVito, Jane Morton Galetto, Howard Geduldig.

Absent: Barbara Brummer, Erica Miller, David Mizrahi, Howard Reinert, Jim Shissias.

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

**Guests:** Ryan Rebozo (PPA), Mary Monteschio (NJDEP)

Meeting was called to order by Chair Rick Lathrop at 10:07 AM. The public notice for this meeting was read by D. Jenkins.

**Approval of Minutes**

A motion to approve the minutes of the September 2017 meeting (morning meeting) was made by J. Burger and seconded by E. DeVito. Note that the date in the header is wrong and will be corrected in the final. Minutes approved as amended.

**Action Items Update**

Pursuant to the last meeting's action item, the Memorandum to the Director Herrigty concerning ENSAC's request for more information from the Atlantic States Marine Fisheries Commission on the use of horseshoe crabs by the lysate industry was sent in early January.

Action item from November regarding draft rule changes for exotics and nongame permits and a request for a presentation will be addressed with today's agenda.

**Director's Report**

No one from DFW senior staff was able to attend so D. Jenkins provided the following updates:

Legislative actions: There were two bills passed related to monarch butterflies: 1) DEP to provide waystations for monarchs on state lands, and 2) creating a program for planting detention basins with native plants for pollinators. It is likely that ENSP will be tasked with creating these programs (without funding). *Correction subsequent to this meeting – only the bill that requires DEP to develop monarch waystations on state lands passed.*

There is a Governor's transition team report for DEP that includes greater emphasis on climate change issues. There is also a recommendation to create a pollinator recovery plan.

Another issue identified in this report was a number of species status assessments (Delphi reviews) that were completed but not yet acted on in rulemaking. D. Jenkins explained some of the procedure involved in rule writing and proposing rule changes. Status reviews that were

Approved  
04/20/2018

completed but not enacted in rules are terrestrial mammals, marine mammals, freshwater fish, herps (reptiles and amphibians), lepidoptera (butterflies only), freshwater crustaceans and fairy shrimp, freshwater mussels, and a soon to be completed bird review. Members requested to be kept apprised of the status of the T&E Listing Rule and a determination as to whether ENSAC should more formally request that the T&E Listing Rule be prioritized by the Department.

Recovering America's Wildlife Act has been introduced in the US Congress, and the NJ congressional delegation is mostly supportive of this conservation funding. D. Jenkins and J. Heilferty will attend a national wildlife diversity program managers' meeting at the end of February and should have an update for the March meeting.

### **Public Input**

R. Rebozo expressed his interest in the response to the transition report regarding wildlife status updates, and the preceding discussions addressed his concerns.

### **Updates / Old Business**

#### Status of appointments and re-appointments:

D. Jenkins reported that the Commissioner did not act on any appointments/reappointments, so presently, all members except H. Reinert are serving in expired terms. We will need to await action by the new commissioner. Should ENSAC reconvene nominating committee who would meet with DFW managers? Amend the November 2017 recommendation to add HR's reappointment for April 2018?

**J. Burger made a motion to move forward with the list of requested appointments and reappointments, seconded by H. Geduldig. Discussion followed. J. Burger amended her motion to first determine if H. Reinert wants to continue to serve, and if so, proceed with recommended appointments and reappointments to fill expired terms and those that will expire in April 2018. Motion was seconded by J. Galetto. Motion passed unanimously.**

#### Update on public review of Wildlife Action Plan revision and schedule for final submission

D. Jenkins reported that the SWAP was posted for a 40-day public comment review period that ended January 19. We received a lot of comments, many of which were substantive. Staff are collating those comments and working on responses. The goal is to complete this by end of February and submit to the USFWS as a final SWAP. Approval of our final Plan will be by both Region 5 and Washington offices. Approval is needed for ENSP to obtain State Wildlife Grants funds for work in 2019.

#### Draft amendments to Nongame and Exotics Rules

M. Monteschio presented the proposed changes. Changes apply to definitions, rehabilitators, care and feeding of exotic and dangerous animals, etc. Discussion followed on some of the definitions proposed.

Scientific collecting permits: J. Burger expressed her request to combine SC permit applications to cover multiple projects that may be related, and the idea for multiple year permits, as well as the concern to make renewing multi-year projects easier. D. Jenkins agreed it may be possible to

Approved  
04/20/2018

offer multiple year permits based on ENSP review of the characteristics of certain research projects. Another question concerned adding subpermittees during the field season, for example ad-hoc volunteers. D. Jenkins suggested a permit application could identify a group of “helpers” who are not identified by name but who will be directly supervising the work, versus named subpermittees who might work independent of the project leader. Regarding cost of permits: consolidation of projects may help reduce total costs; another possibility is for ENSP to cover permit fee(s) for projects that are done cooperatively with ENSP.

#### Ethics requirements update

ENSAC members must take ethics training/refreshers course, per D. Jenkins’ Jan. 12 email with attachments and link. Training must meet the state Ethics Commission’s requirements. Refresher is required every year. Some members need to take the full training, while others only need to take the briefing. D. Jenkins needs everyone to return email acknowledging they received the plain language guide and the email. The “outside employment questionnaire” is also required for anyone whose employment has changed (since June 2015) in a way that might raise potential conflicts with ENSAC membership.

#### “Trapping Matters” workshop

The DFW is hosting a workshop on March 7 and 8 for DFW staff that is open to ENSAC members who are interested. If anyone would like to attend, please let D. Jenkins know by noon on Friday (Feb 2).

#### New Business

K. Clark gave a presentation on the status of bald eagle and peregrine falcon in the state.

Meeting adjourned at approximately 3:30 PM

#### SUMMARY LIST OF ALL ACTION ITEMS

Members let D. Jenkins know of interest in Trapping Matters Workshop  
Members complete all state Ethics Commission requirements