

Endangered and Nongame Species Advisory Committee
Meeting Minutes
April 20, 2018
(rescheduled March 21, 2018 meeting)
501 E. State St., Trenton office

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

Absent: Barbara Brummer

Staff in attendance: David Jenkins (Chief, ENSP), John Heilferty, Kathy Clark, Assistant Director Dave Golden, Assistant Director Paulette Nelson.

Guests: Mary Monteschio (NJDEP), Russ Furnari (PSEG), Sylvia Salaun (NJ Forest Watch)

Meeting was called to order by Chair Rick Lathrop at 10:02 AM. The public notice for this meeting was read by D. Jenkins.

Approval of Minutes

A motion to approve the minutes of the 11/15/17 meeting was made by J. Burger and seconded by E. Miller. Minutes approved (D. Mizrahi abstained).

A motion to approve the minutes of the 1/31/18 meeting was made by J. Applegate and seconded by J. Burger. Minutes approved (E. Miller and H. Reinert abstained).

Action Items Update

Director's Report

Assistant Director D. Golden did not have any director's report.

Legislative Update:

Assistant Director P. Nelson reported on some bills from a list of legislative bills that she handed out.

A-3784 would prohibit intentional release of lighter-than-air balloons.

S-1925 would designate the bog turtle as the state reptile, passed the NJ Senate.

S-2287 would designate the Pine Barrens treefrog as the state amphibian.

A-3813 would transfer the DFW to the Dept of Ag.

Assembly Resolution 111 would encourage homeowners to plant for pollinators.

Recap: There were two bills previously considered related to monarch butterflies: 1) DEP to provide waystations for monarchs on state lands, which passed, and 2) creating a program for planting detention basins with native plants for pollinators, which did not pass.

Public Input

Sylvia Salaun introduced herself as representing NJ Forest Watch, a community grassroots organization to help protect and preserve NJ's natural resources, working under NJ Highlands Coalition and based in Sussex County. She offered comments on the draft bird status review report. She encourages keeping Barred owl, N. goshawk, and Bald Eagle, birds that require forest, on the list as E/T. With regard to GWWA, she expressed concerns related to species hybridization, and in general that the status review seems to have more emphasis on grassland and open land species. She noted there are threats to NJ forests posed by invasive insects and storms.

Updates / Old Business

Status of appointments and re-appointments:

D. Jenkins reported that with the change of administration, there has been no action on appointments/reappointments. Presently, all members are serving in expired terms. ENSAC's January recommendations were made and the request is still before the Commissioner's office. D. Jenkins noted that the Commissioner was not yet confirmed and that no action was likely until after confirmation.

Update on the NJ State Wildlife Action Plan

D. Jenkins reported on ENSP's final edits to the NJ SWAP that included edits to threats & actions, and to example Projects, that were made in the database to generate the final copy sent to the USFWS. We expect to have final approval by June. Once approved, we plan to post on the website the approved plan and list of changes made. There is more work to make the plan useful, such as prioritizing recommended work.

Chief D. Jenkins' retirement

D. Jenkins will be retiring as of June 1, and taking vacation for most of May. J. Heilferty will be taking the role of acting chief. R. Lathrop expressed the Committee's appreciation for Dave's work in the ENSP and the Committee.

Update of Recovering America's Wildlife Act – "RAWA"

P. Nelson reported on RAWA, which resulted from recommendations from the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. Federal bill HR-4647 would provide funding from existing oil/gas royalties on federal lands, and transfer annually \$1.3 billion to the Pittman-Robertson conservation fund. There are now 45 House sponsors and wide bipartisan support. A Senate companion bill is coming along.

There is a national campaign underway to encourage support for this bill. Industry is supportive because it would fund proactive conservation.

Distribution of funds would be based on a formula of 50% land area and 50% population. It would provide \$19 million annually to New Jersey DFW with a \$6 million match requirement. Average amount per state is estimated at \$26 mill. Funds can be used for wildlife conservation with partners and for land purchases for wildlife habitat.

This bill needs to get through committee before a general House vote. Sponsors are hoping to get this passed in a year.

Check-in regarding compliance with Ethics Commission requirements

D. Jenkins notes again that all members must certify that they took the ethics refresher course.

Horseshoe crab (HSC) lysate use

R. Lathrop provided an update since the time that ENSAC sent a letter on this topic. On May 3, the ASMFC will meet on HSC benchmark stock assessment, and R. Lathrop has asked DFW staff for a report as a result of that meeting.

R. Lathrop suggests sending the letter to the new NHR Assistant Commissioner. D. Golden reported that acting AC Martha Sapp will be replaced by AC Ray Bukowski next week.

J. Galetto made a motion to resend the current HSC lysate memo, seconded by J. Burger.

Discussion followed. Motion was then amended to update the memo on new (DEP) letterhead, make it to the Acting Commissioner and copy the Deputy Commissioner, Assistant Commissioner, and Director Herrighty. R. Lathrop will add a “welcome” to the new Commissioner, and make reference to the May 3 meeting.

New Business

Bird Status Review – Results

K. Clark opened the discussion about the results of the most recent status review of land birds and waterbirds. K. Clark provided results prior to the initial March 21 ENSAC meeting date, and a spreadsheet of results by email as a working copy for today’s meeting. The results included 94 land birds and 67 waterbirds for which consensus was reached during the status review, and 11 land birds and 11 waterbirds for which consensus was not reached. Species presently categorized as game species are under internal discussion and those status review results will not be addressed today.

J. Burger made a motion to accept the consensus species ranks as reached during the review process, seconded by J. Shissias. Discussion followed. A vote was called and the motion passed unanimously.

Review of non-consensus species:

J. Burger made a motion to accept all decisions where the status that ENSP recommends is the same as the current status, or where ENSP recommends a status where there was no previous status. Motion seconded by E. Miller. A vote was called and the motion passed, one opposed.

ENSAC reviewed each of the species for which consensus was not reached, and for those where the ENSP recommended status differed from current status (excepting birds that would move from no status to the ENSP recommended status).

(See full results on the spreadsheet)

Cattle Egret, breeding status: J. Burger motion to recommend SC, second by E. Miller. Vote was called and motion passed unanimously.

Cattle Egret, non-breeding status: J. Burger motion to recommend S/S, second by H. Reinert. Vote was called and motion passed (1 opposed).

Green Heron, breeding status: J. Burger motion to recommend SC, second by H. Geduldig. Discussion followed. Vote was called and motion passed unanimously.

Saltmarsh Sparrow, non-breeding status: J. Burger motion to recommend SC, second by D. Mizrahi. Vote was called and motion passed unanimously.

Black-billed Cuckoo, non-breeding status: J. Galetto motion to recommend SC, second by J. Burger. Vote was called and motion passed unanimously.

Canada Warbler, non-breeding status: H. Reinert motion to recommend SC, second by J. Galetto. Vote was called and motion passed unanimously.

Eastern Whip-poor-will, non-breeding status: J. Burger motion to recommend SC, second by J. Galetto. Vote was called and motion passed unanimously.

Bicknell's Thrush, non-breeding status: J. Burger motion to recommend SC, second by E. Miller. Discussion followed. Vote was called and motion passed unanimously.

Bald Eagle, breeding status: J. Burger motion to recommend T, second by E. Miller. Discussion followed. Vote was called and motion passed unanimously.

Blue-winged Warbler, breeding status: J. Burger motion to recommend SC, second by J. Applegate. Discussion followed. Vote was called and motion passed (1 opposed).

Nashville Warbler, breeding status: E. DeVito motion to recommend SC, second by J. Burger. Vote was called and motion passed unanimously.

Rose-breasted Grosbeak, breeding status: J. Burger motion to recommend S/S, second by J. Galetto. Discussion followed. Vote was called and motion passed (7 for, 3 opposed).

Other Issues Associated with the Bird Status Review

D. Jenkins initiated a discussion of the issues that arose as a result of the bird status review. The review included a number of species managed as game species. The status review resulted in the suggestion to list N. Bobwhite as endangered. Some of the concerns for such an action include 1) current captive-breeding and release (for hunting); some quail thus released may survive and even breed, and their occurrence would complicate the measure of a wild population. 2) Current proactive management to reestablish wild populations is ongoing, and how would the DEP/DFW or Pinelands Commission regulate given that such populations are dependent on restoration efforts. Additional complications arise from the differential treatment within land use regulations administered by DEP and Pinelands Commission and whether the regulations could recognize and treat differently populations that could be deemed "experimental populations". A species could be listed as endangered but exclude areas for experimental populations. ENSP would have to define a species status, and DEP and Pinelands Commission would probably need to amend their regulations to recognize differential treatment for such "experimental populations."

Discussion followed and touched on various concepts (e.g., "safe harbor," "experimental populations") for addressing the complications of listing game species and of restoration and habitat enhancement projects that might be discouraged by listing and the consequent land use regulatory restrictions.

Next meeting agenda items:

Update on horseshoe crab lysate issue
Status of synthetic lysate
Beach nesting bird management (including predator control)

Changing next meeting from May 16 to June 6.

Meeting adjourned at approximately 2:40 PM

SUMMARY LIST OF ALL ACTION ITEMS