

**MINUTES OF THE
NATURAL LANDS TRUST MEETING**

October 3, 2014

12:00 PM

Office of Natural Lands Management, Trenton, New Jersey

Chairman Catania called the meeting to order at 12:05 PM and roll was taken. A quorum of trustees was present. At least one of the trustees was a state governmental representative.

The Open Public Meetings Act notice was read as follows: Notice of the date, time, location and agenda, to the extent known, was forwarded to three newspapers of general circulation, and provided to the Secretary of State in accordance with the Open Public Meetings Act. It was also noted that such notice was provided on the Trust's website in compliance with the Act requiring State, regional, and local authorities, boards, and commissions to establish a website providing specific information in order to facilitate transparency in government.

In attendance were:

Michael Catania, Chairperson

James Hall, Vice Chairperson

Emile DeVito, Trustee

Matt Spayth, Trustee representative for the
State Treasurer

Judeth Yeany, DEP Trustee

Larry Torok, DEP Trustee

Ed Mulvan, for Rich Boornazian, Trustee
representative for the DEP Commissioner

Ryan Benson, DAG, Trust Counsel

Robert J. Cartica, Executive Director

Martin Rapp, Trust Staff

Cari Wild, Trust Staff

Absent were:

Theresa Lettman, Trustee/Secretary- Treasurer

Steve Eisenhauer, Trustee

Thomas Gilmore, Trustee

State House Commission representative (not appointed)

Guests:

Kelly Wenzel, New Jersey Audubon Society

David Jenkins, DEP Endangered and Nongame Species Program

Anthony Petrongolo, DEP Division of Fish & Wildlife

Amanda Dey, DEP Endangered and Nongame Species Program

Miriam Dunne, DEP Division of Fish & Wildlife

General Public Comment: None

The **March 28, 2014 minutes** were reviewed. DAG Benson suggested that the minutes be amended to reflect the Board's intention to review and update its *Guidelines for Conveyance of Land* at the next meeting. Mr. Torok motioned to approve the minutes. Mr. Hall seconded the motion and the minutes were unanimously approved by a vote of 6 to 0 with Mr. Mulvan abstaining.

Financial Report: Mr. Cartica outlined the Financial Statements for the quarters ending March 31, 2014 and June 30, 2014. Mr. Hall motioned to approve the Financial Statements. Mr. Mulvan seconded the motion and the Financial Statements were unanimously approved by a vote of 7 to 0.

Unfinished Business:

Ms. Wild provided the Board with a **Petty's Island, Pennsauken Township, Camden County Status Report** including notice of renewal of the Trust's contract with New Jersey Audubon Society (NJAS) for educational programming and stewardship at the Petty's Island Preserve. The contract awarded to NJAS on November 1, 2011 was a one-year contract with provision for renewal for four additional one-year terms. Ms. Wild noted that the Trust and NJAS have had a very successful third year, as will be explained in detail by Ms. Wenzel, and the Trust will renew its contract with the NJAS and its subcontractors, Delaware Riverkeeper and Cooper River Watershed Association, for another year. In a power point presentation, Ms. Wenzel provided details regarding NJAS's educational and stewardship activities at Petty's Island over the past year along with their community relations efforts, especially with public and charter schools in Camden County. Through its contract with NJAS, the Trust has provided hundreds of members of the general public with access to Petty's Island.

Mr. Catania provided the **Delaware Bay Migratory Shorebird Subcommittee Report**. The subcommittee is exploring many possibilities including funding through DEP-approved supplemental environmental projects. Mr. Catania reported that the Doris Duke Charitable Foundation recently provided the Conserve Wildlife Foundation of New Jersey with an \$85,000 discretionary grant to support the Delaware Bay Horseshoe Crab Mortality Project. Of the estimated 200,000 to 250,000 horseshoe crabs bled by the biomedical industry each year to obtain lysate, perhaps as many as 10 to 15 percent of the animals, do not survive the bleeding procedure. This funding will study whether there are alternate ways to implement the procedure to reduce mortality.

New Business:

Ms. Dey presented the Delaware Bay Migratory Shorebird Project 2015 Budget Request for the Conserve Wildlife Foundation (CWF) and for the Endangered and Nongame Species Program (ENSP). Ms. Dey advised the Board that the annual amount the Trust provides to CWF and ENSP is critical because it helps develop the scientific support for regulatory actions such as horseshoe crab harvesting restrictions and red knot listing. Ms. Dey indicated that the peak count of the stopover population of red knots on Delaware Bay during 2014 was approximately 25,000, which is roughly the same as the prior two years. Mean horseshoe crab egg density in 2014 was 2,332 eggs/sq. meter. The distribution of red knots indicates that the majority are foraging in New Jersey where beach closures protect foraging birds from human disturbance. Ongoing low egg densities observed in New Jersey reflect egg depletion. Counts in January 2014 of red knots on their main wintering area in Tierra del Fuego, Argentina increased to 14,200 from 10,105 in 2014, but decreased from the count of 14,770 in 2012.

The proposed 2014 shorebird budget is \$58,800, \$44,000 less than the \$102,800 budgeted in 2014. In 2014, only \$64,973 was actually expended. The large discrepancy between what was budgeted and actually spent was the result of uncertainty as to what, if any, federal funds would

become available for Delaware Bay Migratory Shorebird Project activities. Ms. Dey has done a tremendous job in obtaining federal funding in the past couple of years. Therefore, less funding from the Trust's Shorebird Fund is needed this year.

Mr. Catania requested that, as with prior budgets, the 2015 shorebird budget should be approved with a rider authorizing a reallocation of expenses between categories subject to a limitation of the total budgeted amount. He also requested that the Board consider authorizing a \$35,000 upfront payment to CWF in order to fund Delaware Bay shorebird work to be done in May and June 2015 with receipts for such work to be provided at a later time. Mr. DeVito motioned to approve the 2015 budget with the reallocation rider and upfront \$35,000 payment. Mr. Mulvan seconded the motion and the 2015 shorebird budget was approved by a vote of 7 to 0.

Ms. Wild introduced the Division of Fish and Wildlife's request for the **Paulinskill River Greenway Conservation Easement Management Fund Expenditure**. In September 2003 the Trust voted to accept a conservation easement over the Paulinskill River Wildlife Management Area (WMA) along with a management fund, which was required under the terms of a federal Consent Decree between the property owner Hyponex and the Army Corps of Engineers. The Trust's Hyponex Fund currently stands at approximately \$140,000, but \$20,000 of that will be used to reimburse the Trust's General Fund for a biodiversity inventory that was conducted at the Paulinskill River WMA leaving approximately \$120,000. When the Trust accepted the easement it acknowledged that likely uses for the fund included the construction and restoration of water intake structures. Disbursements from the Hyponex Fund estimated to exceed \$15,000 are required to be approved by the Board.

Miriam Dunn presented the Division of Fish and Wildlife's proposal for the construction of water intake structures in partnership with Ducks Unlimited, which will be applying for a North American Wetlands Conservation Act (NAWCA) grant. Mr. Torok questioned whether any endangered or threatened plants would be impacted by the proposal. Ms. Dunn indicated that there are no rare plants in the area of proposed construction but that they would consult with the New Jersey Natural Heritage Program to confirm that. Ms. Yeany advised that the US Fish and Wildlife Service may require an easement as a condition of the NAWCA grant that may conflict with the Trust's easement. Ms. Dunn indicated that she will raise that issue with the US Fish and Wildlife Service and Ducks Unlimited and coordinate with the Trust regarding any such requirements. Mr. DeVito motioned to approve a disbursement from the Hyponex Fund up to \$100,000 towards this project. Mr. Torok seconded the motion and the disbursement was approved by a unanimous vote of 7 to 0.

Mr. Cartica presented the **Endangered and Nongame Species Program Memorandum of Agreement (MOA)** between the Trust and the Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) to manage the mitigation funds the ENSP is to receive from Tennessee Gas as part of the Construction Work Plan, Northeast Upgrade Project. The Trust will manage these funds as the Tennessee Gas Pipeline (TGP) Fund. Under the MOA, the Board will approve disbursements from the TGP Fund provided they are included in an Annual Work Plan that has been approved by the Endangered and Nongame Species Advisory Committee as consistent with the Construction Work Plan. For its management efforts, the Trust will be compensated 20% of the monies that are received by ENSP from Tennessee Gas under the Construction Work Plan, which will be used by the Trust to establish the TGP Acquisition Fund to be used for the acquisition of habitat for species impacted by the Northeast Upgrade Project as well as for the cost of services consistent with the management of the TGP funds. Mr. Hall

motioned to authorized Mr. Catania to execute the MOA subject to review and approval by the NJ Attorney General's Office. Mr. Mulvan seconded the motion, and Mr. Catania was authorized to execute the MOA by a unanimous vote of 7 to 0.

Mr. Cartica presented the **Division of State Forestry Services Memorandum of Agreement (MOA)** between the Trust and the Division of State Forestry Services (SFS) to manage the mitigation funds the SFS receives from Tennessee Gas as part of the Construction Work Plan, Northeast Upgrade Project. The Trust will manage these funds as the Tennessee Gas Pipeline (TGP) Plant Fund. Under the MOA, the Board will approve disbursements from the TGP Plant Fund provided they are included in an SFS approved Annual Work Plan. For its management efforts, the Trust will be compensated 20% of the monies that are received by the SFS from Tennessee Gas under the Construction Work Plan, which will be used by the Trust to establish the TGP Acquisition Fund to be used for the acquisition of habitat for species impacted by the Northeast Upgrade Project as well as for the cost of services consistent with the management of the TGP funds. Mr. Hall motioned to authorize Mr. Catania to execute the MOA subject to review and approval by the NJ Attorney General's Office. Mr. Mulvan seconded the motion, and Mr. Catania was authorized to execute the MOA by a unanimous vote of 7 to 0.

The Board considered the **Revisions to Guidelines for Conveyance of Land**. Ms. Wild explained that the revisions include language to clarify that a conveyance must have no practicable, feasible and available alternative and is required to satisfy a compelling public need or yield a significant public interest. They also specify that replacement lands should have a geographical, hydrological or ecological nexus to the conveyance. The revisions include updates to Green Acres technical requirements regarding appraisal and surveys. Based on a suggestion by Steve Eisenhower regarding surveys, the Guidelines will require that in addition to the Green Acres standards, orange fiberglass markers will be installed at corners and significant points. The reference to the conveyance supporting the State Development Redevelopment Plan (State Plan) will be deleted since the current State Plan is not being used and the intended replacement, the State Strategic Plan, has not been adopted. The requirement to send conveyance applications to a list of environmental organizations will also be deleted because the Trust website can readily provide information to interested environmental organizations. There were some housekeeping changes as well to fix typos. Mr. DeVito motioned to approve, effectively immediately, the revisions to the *Guidelines for Conveyance of Land* including the suggested revisions by the New Jersey Attorney General's Office. Ms. Yeany seconded the motion, and a roll call vote was taken:

Mr. DeVito: Yes
Mr. Hall: Yes
Mr. Mulvan: Yes
Mr. Spayth: Yes
Mr. Torok: Yes
Ms. Yeany: Yes
Mr. Catania: Yes

With seven yes votes, four of them by officials of state government, the motion was unanimously passed.

The Board considered the **Burlington Island-Burlington City/GA Land Management Assignment Offer in Burlington City, Burlington County**. Ms. Yeany recused herself from

the matter based on the advice from the NJ Attorney General's Office that by virtue of her employment within the Green Acres Program her vote may present an appearance of conflict notwithstanding that she has no personal or financial stake in Trust management assignments. Ms. Wild advised that staff has not had an opportunity to inspect the island or evaluate rumors regarding trespass incidents. Ms. Wild also requested that a project area should be established to include the northern half of Burlington Island. Mr. DeVito motioned to accept the Land Management Assignment Offer subject to inspections, and to approve a Burlington Island Project Area to include the northern portion of Burlington Island. Mr. Torok seconded the motion, and the offer was accepted by a vote of 6 to 0 with Ms. Yeany abstaining.

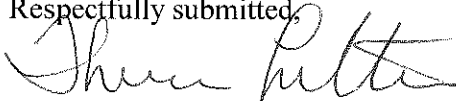
The Board considered the **2013 Annual Report**. Ms. Wild reported that no comments were received on the report approved by the Board on March 28, 2014, and that the report has been finalized and posted on the Trust's website.

The remaining **2014 meeting date** is: December 5, 2014.

Mr. DeVito advised the Board that he attended a meeting in Glen Gardner Borough, Hunterdon County regarding U.S. Concrete's proposed expansion of its quarry. Based on what he heard at the meeting, Glen Gardner Borough does not seem to be in favor of the expansion.

Mr. Mulvan motioned for the meeting to be adjourned. Mr. Hall seconded the motion, and the meeting was adjourned at 2:20 PM by a unanimous vote of 7 to 0.

Respectfully submitted,



Theresa Lettman
Secretary/Treasurer
