

**Endangered and Nongame Species Advisory Committee  
Meeting Minutes  
May 15, 2019  
The Nature Conservancy, Delmont, NJ**

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

**Absent:** Emile DeVito, Howard Reinert

**Staff In Attendance:** John Heilferty, Director Dave Golden, Kathy Clark.

**Guests:** Russ Furnari, Carol Applegate.

Meeting was called to order by Chair Rick Lathrop at 10:15 am. The public notice for this meeting was confirmed by John Heilferty.

**Approval of Minutes**

A motion to approve the minutes of the 1/16/2019 meeting was made by E. Miller and seconded by H. Geduldig. Unanimously approved with minor changes to correct some typos. Motion to approve by J. Burger, second by J. Galetto.

J. Heilferty reviewed status of action items: there are three letters outstanding that are still under preparation and review.

J. Applegate noted that he agreed to review the Wildlife report and comment. (but not exactly what was in the minutes)

With regard to last month's presentation on forest management for GWWA: ENSP is very involved in the development of the NJ Forest Action Plan. D. Golden notes that the ENSAC can get a follow up from Forest Service on their data and planning effort.

**Director's Report**

This is Dave Golden's first meeting as director (technically, Acting Director since 4/1) and he was welcomed by the Committee.

Recent good news: the DFW hired five new employees, including Wendy Barbuck at Assunpink, three fisheries biologists, and soon one coastal biologist.

DFW is establishing an office of GIS that will combine the current four GIS staff from three bureaus into a unit that will work for the Division as a whole. It will take some burden off ENSP for supporting two full-time employees while sharing expertise and build capacity for other bureaus.

With regard to the budget, funding from federal aid is projected to decrease, and recent union contracts have caused an increase in employee expenses. We are looking for state expenditures that could make up the necessary match for ENSP fed aid.

There is an upcoming meeting on offshore wind energy. Marine Fisheries has been involved already. This is likely to be a public meeting on evening of May 28 at Stafford municipal building will include Board of Public Utilities (BPU), Marine Fisheries Council (MFC), Fish and Game Council (FGC), and Shellfish councils. There will be presentations by DEP Division of Land Use Regulation about permitting, Office of Science, and BPU. There is state support for renewable energy, so these planning meetings are important. D. Golden suggested if some Committee members attend, they could bring information back for the July ENSAC meeting. D. Golden will send an email with the details of the May 28 meeting.

Last month DFW staff attended the NE Fish & Wildlife Association meeting in CT. New Jersey will host this meeting in 2020, and Committee members are encouraged to attend. AFWA has published a report on America's Wildlife Values and notes on relevancy of wildlife agencies: "Enhanced conservation through broader engagement." There was discussion on relevancy and R-3.

The Fish and Game Council's Game Committee meets next month and will include discussion of the legal status of four game species that were previously discussed by ENSAC.

Conservation Leadership Program got 29 applicants, and five will be chosen to attend.

There is not yet a new assistant director identified to backfill D. Golden's position.

J. Galetto asked about the Pocket Ranger mobile app for DFW, and D. Golden noted it has been discontinued. DG notes the DEP has plans to renovate all websites.

### **Public Input**

None.

### **Continuing Business:**

Nominating Committee report: R. Lathrop discussed the status of member terms and possible term limits. This committee consists of J. Shissias, E. Miller and H. Geduldig. J. Shissias introduced a plan to the group noting that term limits are a common approach by NGOs. This would require changes in the Bylaws, limit of three consecutive terms by members, and limit of two terms of a chair. There was discussion on this topic. J. Heilferty will ask DFW attorney whether a change in Bylaws requires notification or concurrence by the Commissioner.

B. Brummer made a motion to adopt term limits for the future along with the proposed projected retirement schedule. Second by E. Miller. Discussion. No vote. Motion was changed as follows: **R. Lathrop made a motion to adopt term limits as proposed by the Nominating Committee (amended version attached to these minutes); second by J. Burger. Vote, motion passed unanimously.**

B. Brummer made a motion to approve the term limits and the list of members' final four year term commencement dates listed below. Second by J. Shissias. Discussion followed. No vote; motion was changed as follows:

**B. Brummer made a motion to approve the staggered term system (final term commencement dates below). Second by J. Shissias. Vote was unanimous.**

J. Applegate – 04/1/19

B. Brummer – 4/1/16

J. Burger – 4/1/18

E. DeVito – 4/1/20

H. Geduldig – 4/1/24

R. Lathrop – 4/1/21

E. Miller – 4/1/21

D. Mizrahi – 4/1/22

J. Galetto – 4/1/19

H. Reinert – 4/1/26

J. Shissias – 4/1/15

J. Heilferty reminded members of compliance with the NJ state ethics requirements for all Committee members. J. Heilferty has already sent the compliance documents by email (5/13); that email requires a “received” response. In addition, all members must the ethics course every three years and in-between years require a refresher briefing only. Also required is the Outside Employment Questionnaire and that email reminder was sent by J. Heilferty on May 13. There is a DEP Intranet link (which may not work for those external to DEP) and a fillable PDF form.

Lunch break, 12:10-12:35 pm

### **Legislative Update**

None.

### **New Business**

America's Wildlife Values report: discussion led by J. Applegate. Extensive discussion of the results of the NJ portion of the survey report as well as some of the national figures and trends. It points out that “relevancy” is an important issue to the agency and is a consideration in agency planning. There was extensive discussion on this topic.

Other new business: J. Galetto provided an update on the “Holly Farm” in Millville that is subject of proposed Green Acres acquisition.

NJ is hosting the NEPARC meeting, which starts July 17.

### **Next meeting – possible agenda items**

July 17 is the next scheduled meeting but it may conflict with other events. Chair and Chief will consider a meeting in August or September at Sedge Island.

Meeting adjourned at 1:50 pm.  
Motion to adjourn by JS, second by HG.

**SUMMARY LIST OF ALL ACTION ITEMS**

- J. Heilferty will circulate a slightly revised letter regarding the Off-Road Vehicle on State Lands. Changes suggested to include: mention effects on E&T; conflicts with other users and uses.
- J. Heilferty will take the lead on revisions to the memo from ENSAC to Commissioner supporting predator control to protect beach nesting birds. 1) develop a final version of the more detailed January draft, 2) send a letter of support (mentioning that predator control is important and effective) that also thanks the Commissioner's office for their support.
- S. Petzinger will draft a letter for ENSAC to send to the Commissioner that supports ecological forest management for E&T wildlife, and possibly co-signed by the Fish & Game Council.
- J. Heilferty will compile a list of topics for upcoming meetings and discuss with R. Lathrop to prioritize.

**Proposed changes:**

Additions indicated by underscoring thus; deletions indicated in brackets [thus].

**ENSAC BYLAWS**

**ARTICLE II**

**MEMBERSHIP, OFFICERS, and PROXIES**

**Section 1: Membership**

a. – b. No change.

c. ENSAC members shall serve no more than three consecutive terms. However, upon completion of a partial term of greater than two years without a lapse, that member shall not be appointed to serve more than two additional, consecutive terms. ENSAC members may continue to serve, after expiration of their terms, until their respective successors have been appointed.

**Section 4: Officers**

a. – d. No change.

e. [Although current regulations (N.J.A.C. 7:25-4.18(a)4) allow for consecutive terms and provide no limitation on the number of terms, the ENSAC will generally endeavor to replace the Chairperson and Vice Chairperson after each has served two [(2)] terms.] An ENSAC member shall not be elected to serve more than two consecutive terms as chairperson. However, upon completion of a partial term as Chairperson of greater than two years without lapse, that member shall not be elected to serve more than one additional, consecutive term. The Chairperson may continue to serve, after expiration of her term, until her respective successor has been elected. These same conditions shall be applicable to the Vice Chairperson.

f. – g. No change.

=====

Consistent the changes to Section 1: Membership, c. above, in order to phase in the above term limits in a manner preserving preexisting staggered terms, and to provide for those members expressing a desire to retire earlier, the final four-year term for existing members shall commence no later than:

- Applegate -- 04.01.19
- Brummer – 04.01.16
- Burger – 04.01.18
- DeVito – 04.01.20
- Geduldig – 04.01.24
- Lathrop – 04.01.21
- Miller – 04.01.21
- Mizrahi – 04.01.22
- Morton-Galetto – 04.01.19
- Reinert – 04.01.26
- J. Shissias – 4/1/15