

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

March 16, 2011

Assunpink WMA
Robbinsville, NJ

ATTENDEES

COMMITTEE: Barbara Brummer-Chair, James Applegate, Joanna Burger, Emile DeVito, Jane Galetto, Howard Geduldig, Rick Lathrop, Erica Miller, David Mizrahi, Dale Schweitzer, and James Shissias.

Absent: None

STAFF: Dave Jenkins-Bureau Chief, Larry Herrighty, Carol Kandoth, Tony Petrongolo, Sharon Petzinger, Susan Predl, Amy Wells.

GUESTS: Rick Dutko (DPF), Merrilee Ciche (The League of Humane Voters of NJ), Kelly Mooij (NJAS), Margaret O’Gorman (CWFNJ), Janet Pizar (Public), Barbara Sachau (Public), and others

The meeting was called to order at 10:05 a.m. Notice of the meeting date and location were posted on the DFW website, filed with the Office of the Secretary of State on January 20, 2011, and distributed to the Newark Star Ledger and Atlantic City Press.

Introductions of those present were conducted.

Minutes

A motion was made by Jane Galetto, seconded by Rick Lathrop, to accept the January 2011 minutes as presented. All in favor, no opposed, the minutes were approved.

Action Items

Members reviewed the status of pending action items.

Erica Miller provided an update on the development of artificial conch bait. Results from the preliminary research have not been published as yet; however, key factors that may lead to the development of a substitute have been identified. Unfortunately, the University of Delaware has closed the project due to lack of funding. Given the common interest in conservation of HSC, members will continue to reach out to the pharmaceutical/medical industry for potential funding for continued research.

Barbara Brummer reported on a preliminary meeting with representatives of the DFW, the Department of Health & Senior Services (DHSS) Veterinary Public Health Unit, Fish and Game

Council (FGC), and Domestic Companion Animal Council (DCAC) representatives to redefine the drafted feral cat stakeholder process. Meetings on this topic will continue in July.

Dave Jenkins noted the single species Delphi review of the Atlantic Sturgeon has begun, and reviewed changes in the overall general description of affiliation and grouping of the panelists for this review as compared to the previous review.

Dave Jenkins made mention of a memo from Mick Valent to ENSAC members regarding recommendations for terrestrial mammal status review panelists. A general description of affiliation and expertise of the panel members will be provided to committee members.

Director's Report

In the absence of Director Chanda, Assistant Director Larry Herrightly noted Governor Christie's proposed budget for the coming fiscal year did not include further significant cuts to the Department of Environmental Protection (DEP); however the funding cuts installed during the previous fiscal year have not been restored.

Director Chanda, and several other environmental representatives, traveled to Washington DC to educate the NJ delegation regarding the importance of State Wildlife Grants (SWG).

Proposed Legislation and Rules

- *A2486/S1986*. Joanna Burger advised members of concerns regarding A2486 and S1986 which "Prohibits adoption of new rules exceeding federal standards unless specifically authorized by State law or necessary to protect public health, safety, or welfare."

Discussions continued noting multiple concerns including: retracting progress on many environmental issues; existing federal standards analysis requirements; and justification/interpretation as to why NJ should be stronger than federal regulations.

A motion was made by Jane Galetto, seconded by Emile DeVito, to send a letter to Commissioner Martin noting ENSAC's role of providing recommendations to the Commissioner and itemizing concerns related to proposed legislation A2486 and S1986. All in favor, none opposed, the motion was approved.

- *DEP Proposal*. Jane Galetto advised members of a DEP "Waiver of Department Rules" proposal. The purpose of this proposal is stated as "to establish the conditions and procedures for the Department to approve waivers from strict compliance with its rules where appropriate to address situations where rules conflict, or a rule is unduly burdensome in specific applications, or a net environmental benefit would be realized, or a public emergency exists."

Discussions continued noting concerns including: adoption of this rule may hinder protection of NJ's e/t species; criteria used to determine a net environmental benefit are unclear; and impacts to wildlife habitat protected through land use regulations. Howard Geduldig will review the proposed "Waiver of Department Rules" proposal and, after determining proper protocol for ENSAC commenting on proposed regulation, draft and submit comments or a letter to the Commissioner.

- A3695 / S2740 *Wildlife Rehabilitation Act*. Erica Miller recognized several concerns with A3695 / S2740 known as "Wildlife Rehabilitation Act" which "establishes a Wildlife Rehabilitation Board in, but not of, DEP; and establishes continuing education requirements and permit program for wildlife rehabilitators."

Discussions continued noting concerns regarding redistribution of authority to lesser qualified individuals, incorporation of additional regulatory requirements, conflicting federal rules, duplication of established policies, lack of funding, lack of specialized training for management of multiple species types including e/t species, rabies vector species (RVS), venomous snakes, species with fatal zoonotic diseases and a lack of interagency coordination with regard to release of wildlife and established land management practices/goals and more.

A motion was made by James Applegate, seconded by Joanna Burger, to write a letter to Commissioner Martin supporting the Departments opposition to this bill. All in favor, none opposed, the motion was approved.

Nominating Committee

Rick Lathrop made a motion, seconded by Joanna Burger, to submit a letter of recommendation to Commissioner Martin for the reappointment of James Applegate, Jane Morton Galetto, and James Shissias to ENSAC. All in favor, none opposed, the motion was approved.

NJ Deer Management Program

Previously, ENSAC had provided the Bureau of Wildlife Management with a list of detailed questions regarding white-tailed deer management practices in NJ. In response, Carole Kandoth, Supervising Biologist with the Bureau of Wildlife Management, gave a presentation focused on answering ENSAC's specific questions and reviewing the history, procedures and implementation of NJ's Deer Management Program.

Susan Predl, Principal Biologist with the Bureau of Wildlife Management, gave a presentation on the Effects of Deer on Forest Regeneration. The presentation included details and a summary (to date) of several ongoing deer research projects located throughout the state. Ms. Predl also provided an overview on the Community Based Deer Management Program and corresponding declines in the vehicle road kills.

Public Comment

Margaret O'Gorman, Executive Director of the Conserve Wildlife Foundation of New Jersey, recognized Dr. Erica Miller and Linda Tesauro as the honorees of the 2011 Women in Wildlife Leadership and Inspiration awards respectively. This honor is presented to women that have distinguished themselves in the world of wildlife conservation and have made incredible contributions to wildlife - its protection, recovery and our knowledge about it in New Jersey and beyond. Both women have a long history of working to protect NJ's endangered wildlife species and are greatly appreciated. Formal presentation of the awards will be held at the Prallsville Mill in Stockton NJ on March 27, 2011.

Barbara Sachau voiced support for the incorporation of birth control for deer, stated the DFW is growing deer on wildlife management areas, expressed disapproval of the reduction in the

distance of safety zones for archery hunters and commented on the similarity of vegetation located inside and outside of the enclosure on one of the DMP presentation slides.

Janet Pizar commented that wildlife populations would be restored to sustainable levels if there were a reduction in the number of hunters and harvest amounts. Ms. Pizar also reiterated several reasons for the reduction in forest health provided by Ms. Kandoth.

A motion was made by Rick Lathrop, seconded by Howard Geduldig, approved by Committee to adjourn the meeting at 2:25pm.