

Approved 9/13/2011

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

July 20, 2011

Rutgers EcoComplex
Bordentown, 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, Kathy Clark, Christina Kisiel, Amy Wells.

GUESTS: Rick Dutko (DPF), Eric Davis (USFWS), Kyle Moran (USFWS)

The meeting was called to order at 9:10 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 July 8, 2011, and distributed to the Newark Star Ledger and Atlantic City Press.

Introductions of those present were conducted.

Minutes

A motion was made by James Shissias, seconded by James Applegate, to accept the March 2011 minutes as presented with a minor correction to grammar on page 3. All in favor, no opposed, the minutes were approved.

Action Items

Members reviewed the status of pending action items.

Discussions included the possibility of changing the date of the September 21 meeting to September 13 (prior to the Fish and Game Council meeting) based on the availability of members, staff and scheduled presenters. Members will be notified accordingly.

The recommendations for ENSAC appointment (for members whose terms expired in 2011) have progressed from the Assistant Commissioner to the Commissioners office and are now pending final approval.

H. Geduldig noted that the Department's successful defense of N.J.A.C. 7:15-5.24(b) and N.J.A.C. 7:15-5.25(e) Water Quality Management Planning Rules will enhance the Department's ability, and hopefully create new opportunities, to protect both sensitive species indigenous to the State as well as the critical habitats necessary for their survival. Members acknowledged the

Approved 9/13/2011

benefit of these efforts and agreed to send a complementary letter to the DAG Jane Engel recognizing the accomplishment.

S2740/A3695 Wildlife Rehabilitation Act

S2740/A3695 has been tabled for the moment. More information will be provided during the legislative session of the “joint” ENSAC, FGC, MFC later in the day.

N.J.A.C. 7:25-4 Rule Adoption with Amendments

The public comment period for the readoption of the N.J.A.C. 7:25-4 with amendments closed March 19, 2011, produced approximately 3000 responses. ENSP staff are working to review and respond to comments. The deadline for rule adoption is January 18, 2012.

Landscape Project 3.1

Staff are preparing the next version of Landscape Project 3.1 and aiming to complete it so that notice can be published at the same times as the adoption notice for N.J.A.C. 7:25-4 (see above).

State Wildlife Action Plan (SWAP)

Staff are working on technical revisions to the SWAP and incorporation of some climate change components. Staff expect to finalize this set of revisions for public review by this fall. Re-adoption of the plan, which will include additional revisions, is required in 2015.

The SWAP is available on the ENSP website at <http://www.state.nj.us/dep/fgw/ensp/waphome.htm>

Potential Agenda Items

No agenda items were presented at the meeting.

The regular meeting of the NJ Endangered and Nongame Species Advisory Committee recessed at 9:47 am, and reconvened to hear the presentations to the Joint Council’s meeting (summary attached)

The meeting of the Joint Council’s collectively adjourned at 12:15 pm, concluding the Endangered and Nongame Species Advisory Committee meeting as well.

SUMMARY OF THE PRESENTATIONS MADE AT THE JOINT MEETING OF THE
FISH AND GAME COUNCIL,
MARINE FISHERIES COUNCIL AND
NON-GAME AND ENDANGERED SPECIES ADVISORY COMMITTEE

Rutgers Eco-Complex
Bordentown, NJ
July 20, 2011

A special meeting of the Fish and Game Council, the Marine Fisheries Council and the Endangered and Non-Game Species Advisory Committee (ENSAC) meeting was held on the above date.

This meeting was a continuation of the individual Council's meetings, where roll call and the reading of the public notice was completed. Listed below are those who were in attendance for this special session.

<u>Fish and Game Council</u>	<u>Marine Fisheries Council</u>	<u>ENSAC</u>
D. Burke, Acting Chairman	G. Ewing, Chairman	B. Brummer, Chairwoman
P. Brodhecker	S. Bailey	J. Applegate
B. Brummer	E. Berg	J. Burger
A. Gudmundsson	P. Donnelly	E. DeVito
J. Link	F. Puskas	H. Geduldig
J. Messeroll	S. Radossi	R. Lathrop
R. Puskas	J. Rizzo	E. Miller
D. VanMater		D. Mizrahi
		J. Morton Galetto
		D. Schweitzer
		J. Shissias

Staff from the Division of Fish and Wildlife, as well as members of the public, were also present.

Director Chanda gave a brief introduction as to the intent of this meeting, noting this was possibly the first time a joint meeting of these Council's had occurred. Each member was asked to introduce themselves and state which Council they represent. Director Chanda then noted for those present that the responsibilities of each of these Council's and how they represent the fish and wildlife resource of New Jersey.

Marine Fisheries Chairman Ewing called for the presentations to begin. First to present was Legislative Liaison Paulette Nelson, who reviewed the most recent Legislative activity of concern that has occurred since the May Fish and Game Council meeting. The following bills were noted:

A 3767	Provides totally disabled persons with discount on fishing license fees.
--------	--

A 3811 Provides totally disabled persons with discount on hunting license fees.

The above bills have been through Committee and are waiting for a full vote by the Assembly.

A 3935
S 2169 Authorizes prescribed burning in certain circumstances.

A 4016
S 2856 Establishes flat, digital striped bass motor vehicle license plate.

A 4039 Provides voluntary contributions by taxpayers on gross income tax returns for fish and wildlife management and conservation.

A 4071 Authorizes deer hunting with firearms on Sundays on private property.

A 4083 Establishes certain requirements for trapping of snapping turtles. (Division opposes) *

*There was some discussion on snapping turtles with regard to harvest restrictions, possible health concerns, commercial take, areas where trapping is allowed and related matters. Chief Barno from the Bureau of Freshwater Fisheries was in attendance to answer any questions that were asked.

A 4175
S 2964 Requires DEP to develop and implement artificial reef management plan. (Division opposes)

S 2880 Provides penalty for registration violations occurring under State's saltwater fishing registry program.

S 2913 Establishes apprentice youth firearm hunting license and apprentice youth bow and arrow license.*

*The Division is asking the sponsors of this bill to consider amending it to include adults and non-residents in the apprentice program.

A 3695
S 2740 The "Wildlife Rehabilitation Act" establishes Wildlife Rehabilitation Board, in, but not of, DEP; and establishes continuing education requirements and permit program for wildlife rehabilitation.*

*Legislative Liaison Nelson further explained that a new advisory committee would be formed on this, to be comprised of the following representatives: one avian, three mammal, one reptile, one veterinarian, one ENSAC member, one F & G Council member, and one member from another department (possibly Department of Health), and will allow for Statewide representation. Representatives will serve a three year term, and the committee will meet twice a year. Nominations will be collected by the Division and then forwarded to the Assistant Commissioner's Office, and the Assistant Commissioner will be making these appointments. There was additional discussion on this matter.

The next presentation was made by Eric Davis, Supervisor of the New Jersey field office, United States Fish and Wildlife Service (USFWS). He spoke on the red knot past present and future, and was also asked to address horseshoe crab implications.

Mr. Davis described that the red knot was a candidate for level three status, which is the highest status level for a subspecies. The creation of a Federal listing package for red the knot will begin in August with leftover funding from their Fiscal Year 2011, and the proposed rule should be published by 2012. He further described the process for listing a species. Additionally, he noted that the USFWS has spent 1.3 million dollars on the red knot since 2005. They will be working with the United States Geological Survey (USGS) on a genetic study to resolve taxonomic uncertainty on red knots overwintering in the Gulf of Mexico. The Conserve Wildlife Foundation of New Jersey will be working in cooperation with the UWFWS on program to fit juvenile birds with geo-locators to learn more about their migration routes and wintering sites. In fiscal year 2012 the USGS, as part of their science support Quick Response Program will also assist with more precise population estimates at key stopover points, estimate productivity and identify key wintering sights of the red knot, especially the juveniles.

Additional timelines were also reviewed, with Mr. Davis noting work on the list determination and proposed rule would start in August, with the proposal completed by the Winter of 2012, followed by a public comment period and publication of the rule in the Fall 2013. In 2014, a recovery plan will be written if a listing determination is warranted.

Mr. Davis reviewed information on implications on horseshoe crab if they do list the red knot, with Department of Interior solicitors advising that the ASMFC (Atlantic States Marine Fisheries Council) is not considered a Federal action agency under the Endangered Species Act. The USFWS will have to continue to talk with NOAA (National Oceanic and Atmospheric Administration} since it appears they have the authority to close fisheries, and if this is true, this would be a discretionary Federal action that could put a NOAA decision under section seven of the Endangered Species Act. Decisions made by other states could be under section ten of this act. Mr. Davis added that they will continue to look at the ASMFC ARM (Adaptive Resource Management) model which he understands is specifically designed to show various horseshoe crab harvest levels that would be protective of red knots and that this information could be used as best available science in any consultation, either under section seven or section ten of the Endangered Species Act.

Questions and concerns on this matter were discussed with Mr. Davis by members of the various committees, including funding, data from science, horseshoe crab trawl surveys, the critical habitat component, monitoring of possible future shifts in flight pattern, whether or not climate change had some affect, and effects on the horseshoe crab if the red knot is listed.

The next presentation was made by Chief Dave Jenkins of the Endangered and Non-Game Species Program on the red knot status. He gave a brief summary of the data from the past six months with regard to information collected from South America and the Delaware Bay, noting that he may have more data available at the September Endangered and Non-Game Species Advisory Committee Meeting.

Data from this Spring field season on the Delaware Bay showed red knot and ruddy turnstone populations were low, and the count was down slightly from 2010 but is within the region of counting error for the previous year. The January 2011 Winter count in South America numbers were also down. Chief Jenkins noted no that there were no large changes either up or down for the last several years.

While there was no red knot threshold weight information for 2011 available yet, there was an increase in the threshold of birds making weight of 180 grams from 2009 to 2010. Egg densities along the Delaware and New Jersey coast showed some increase, but were mostly in one or two “hot spots”. Chief Jenkins added the red knots are still reduced in numbers, with no significant sign of trend in either direction. Moore’s Beach in New Jersey was included in the count this year, and there were high numbers of horseshoe crab eggs recorded there. Data from Delaware on the proportion number of red knots reaching the 180 gram threshold was still not available, but information from New Jersey showed that on average the birds’ weights were 8 grams below the 180 gram threshold, and added this is why median numbers are used when calculating bird weights to be more informative. Sanderling was the only species to have been above the threshold 85 grams in weight by May 31.

Chief Jenkins concluded his presentation, noting that they are seeing no reversal in trends.

Supervising Fisheries Biologist Peter Himchak from the Bureau of Marine Fisheries was the next presenter. He spoke on the Horseshoe Crab status, describing both the State and Federal regulatory histories, noting that the New Jersey’s has historically been much more restrictive. Many new regulations have been developed since 1993, and the Endangered and Non-Game Species Advisory Committee and the Marine Fisheries Council have worked together to design many of these, with the most recent being the zero harvest moratorium in 2006-2007. He added that in 1996 the harvest was 604,000 horseshoe crabs, but is now in a closure.

He also noted the Atlantic States Marine Fisheries Commission which covers the Atlantic coastal states from Florida to Maine. Principal Biologist Himchak serves as proxy for Director Chanda on the Management Board, and they put a plan in place in 1998 for multi-species management. The goal of the plan specifically states that they will sustain horseshoe crabs and a level of horseshoe crab sporting population to provide adequate horseshoe crab eggs for migratory birds. For coastal landings, harvests were set at 2.7 million in 1998. This has been reduced to 660 thousand for the past several years. Six addendums have been made to the

original Fisheries Management Plan. Most recently, the State of Delaware has had a harvest of 100,000 crabs, compared to New Jersey which has had none and the harvest has been redirected to areas such as Massachusetts and New York. While the trend analysis in the Delaware Bay and the South Atlantic is good, the New York and New England areas are on a decline.

Also noted was the use of horseshoe crabs in the bio-medical industry. A harvest limit of 57,000 had been set for this purpose when the plan was adopted. He explained that they “bleed” the crabs for a very important medical compound. While 15 to 20 percent will die from the bleeding, there are also losses that occur during harvesting, handling and transport. The Technical Committee has been asked to re-evaluate the 57,000 horseshoe crab harvest limit for other possible options.

Principal Biologist Himchak next reviewed the Adaptive Resource Management (ARM) plan for the Delaware Bay, noting the ARM modeling was done under the purview of the recently formed Delaware Bay Eco-System Technical Committee. While this model has been developed, it has not yet been implemented. Principal Biologist Himchak briefly described the plan, which involves New Jersey, Delaware, Maryland and Virginia and covers many aspects of horseshoe crabs on the Delaware Bay. An addendum (7) may follow in the future, based on harvest information received from Virginia and Maryland, to re-evaluate harvest and survey information for these for states. The next meeting of the horseshoe crab board will be on August 4 in Alexandria, Virginia and more information will be available after that time.

Questions from the Council members were addressed concerning the ARM model, horseshoe crabs and egg information, trawl survey information and funding.

The last speaker was Principal Fisheries Biologist Russ Allen from the Bureau of Marine Fisheries, to talk about the Shad/River Herring Sustainability Plan. He gave a review of the plan, noting that they had to have data to close or sustain the alewife and bluebacks fisheries by January of 2012. There is very limited scientific data for these species, which he reviewed, and all fisheries for shad and river herring will have to be closed by the end of this year.

Principal Biologist Allen noted that the river herring matter does cross all three Council’s present today in some way.

There is a deadline of January 1, 2013 for plan to be in place for American shad through the ASMFC process. The Delaware Basin fishery was reviewed. Fishing on the Hudson River will probably be closed. There is not much data for the Raritan River, which may go to a catch and release only status. Other waters were also reviewed, and it was noted that most areas may be closed. The Delaware River may avoid closure, and a review of the work being done with the Delaware River Basin Fish and Wildlife Management Cooperative for developing a sustainability plan was given.

Questions from the Council’s were addressed, and included whether or not increasing habitat was a consideration, shad activity at Union Lake, the Lehigh dam, harvest and species on the Hudson River.

The session concluded with Director Chanda addressing the members of the Council's. He deferred to Jim Shissias from the Endangered and Non-Game Species Advisory Committee and the Waterfowl Advisory Committee, who has extended an invitation to the Council's to tour the Public Service Electric and Gas (PSE&G) Hoke Creek Nuclear Facility. He is a former employee of PSE&G, and this would give members to see the facility, which is similar to the one in Japan that recently failed. Plans are to do this tour in September or October.

Director Chanda noted that there were several awards to be presented today. He asked Acting Chief Mark Chicketano from the Bureau of Law Enforcement to come forward.

He first noted that Conservation Officer 3's Ryan Harp, Christopher Moscatiello and Edward Klitz have all graduated from the Somerset County Police Academy, and introduced them to those present today.

Acting Chief Chicketano next asked Conservation Officer Jason Snellbaker to come forward to be presented the Shikar Safari Conservation Officer of the Year award. CO Snellbaker has been with the Marine Region since 2000, and a review of his service with the Division was given.

Director Chanda next presented awards to past Council members, who included:

- | | |
|---------------------|---|
| Jane Morton Galetto | 18 years of service to the Fish and Game Council
(currently a member of and past Chair of ENSAC) |
| Dr. Len Wolgast | 6 years of service to the Fish and Game Council |
| Jeanette Vreeland | 9 years of service to the Fish and Game Council, and
past Acting Council Chairwoman |
| Fred Hough | for his years of service to the Fish and Game Council
(was not present) |
| Dick Culp | 8 years of service to the Fish and Game Council
(presented to his widow, Kitty Culp) |

Also presented was an award to Marine Fisheries Chairman Gil Ewing, who is still sitting on the Council, but will not be re-appointed. He will remain on the Council until replaced, and Director Chanda noted that Chairman Ewing has 22 years of service to the Council, and has served as the Chairman for 13 of those years.

The program concluded with comments from each of the Council Chairs on the program today, all of whom were in agreement that this was a good opportunity to meet and learn about each other.

Marine Fisheries Chairman Ewing called for the various Councils' meetings to be collectively adjourned. With all in favor, this session and the three meetings were adjourned at 12:15 pm.