

**Endangered and Nongame Species Advisory Committee  
Meeting Minutes  
November 15, 2023**

**Assunpink Central Region Office  
1 Eldridge Road, Robbinsville, NJ**

Members in attendance: Howard Reinert (acting chair), Emile DeVito, Russ Furnari, Howard Geduldig, Ty Gould-Jacinto, Marion McClary, Erica Miller, David Mizrahi (online),

Absent: Rick Lathrop (Chair), Martha Maxwell-Doyle, Catherine Tredick.

Staff in attendance: Dave Golden (Assistant Commissioner), Lisa Barno (Assistant Director), Kathy Clark (NJFW, ENSP chief), Kim Korth (NJFW), Robert Somes (NJFW), Kim Springer (NJFW), Mary Monteschio (NJFW), Scott Collenburg (NJFW). Online: MacKenzie Hall (ENSP), Shawn Crouse (NJFW, Freshwater Fisheries Chief)

Public: Barbara Sachau (online)

Chair convened the meeting at 10:08.

The public notice for this meeting was read by K. Clark. Meeting agenda was provided to the New Jersey Secretary of State's office and two NJ newspapers.

Introductions of those in attendance.

Chair H. Reinert recognized the recent passing of Dr. Jim Applegate, who was a founding member of the ENSAC and served for more than 40 years.

**Approval of Minutes**

R. Furnari made a motion to approve the minutes from the July meeting, seconded by E. Miller. There was no discussion, and the minutes were approved unanimously (abstaining: H. Reinert, E. DeVito, T. Gould-Jacinto).

**Report by Assistant Commissioner Dave Golden**

Fish and Wildlife staff continue to celebrate the 50<sup>th</sup> anniversary of the Endangered & Nongame Species Conservation Act (ENSCA). Staff have held several field trips with Commissioner Shawn LaTourette to show him some of the important ENSP projects.

Staff continue to make progress on the E&T listing rule, and another rule, the shore protection rule that will allow us to restrict access in intertidal areas to protect endangered species.

Discussion continued regarding the shore protection draft rule pursuant to the 2019 legislation allowing for endangered species protection in intertidal shoreline areas. The draft regulations are in legal review and have to go through Governor's office before being proposed for a 60-day public comment period.

Staff are working on a large coastal restoration project at Abbotts Meadow WMA. NJFW is partnering to use dredge material from the Salem County wind port project to improve the WMA marsh area and build resiliency.

D. Golden extended a welcome to new members Ty Gould-Jacinto and Martha Maxwell-Doyle, and noted the reappointment of R. Furnari.

### **Legislative Updates**

M. Monteschio said no new state updates were available, but the federal proposal for RAWA is still in the works for federal approval. AC Golden added that there is continuing work in the House and Senate that is dependent on agreement on the funding source.

R. Furnari said there's a new proposed bill to require federal agencies to use native plants on projects, which has support of the native plant society.

### **Public Input**

None.

### **Old Business**

ENSAC Representative to the Wildlife Rehabilitator's Advisory Committee: H. Reinert  
E. Miller has agreed to serve as the representative again.

**E. DeVito made a motion, seconded by T. Gould-Jacinto, to have Dr. Erica Miller represent ENSAC on the NJ Association of Wildlife Rehabilitators. Motion passed unanimously (E. Miller abstained).**

Draft Regulations regarding wildlife rehabilitation – Assistant Director L. Barno  
Meetings are scheduled in January and March for the Wildlife Rehabilitator's Advisory Committee to review and comment on draft regulations that set out guidelines for rehabilitation centers to function, firming up regulations that are presently under policy guidance,

State Wildlife Action Plan (SWAP) Update – Kim Korth, ENSP

K. Korth reviewed current progress on the SWAP revision. The process for selecting Species of Greatest Conservation Need (SGCN) went out to public comment. The Technical Advisory Group (TAG) met and also provided review of SGCN selection. Now staff are working on getting the final list out for public comment. Also working on the threats and identifying ways to prioritize threats on statewide and regional levels. The prioritization of threats will be done by polling staff, TAG, and "technical stakeholders." K. Korth is also working on the NE region's committee to develop guidelines for making SWAPs paperless. E. DeVito expressed kudos to the ENSP staff who ran last week's TAG meeting.

## **New Business**

### **Waterloo Road Amphibian Crossing: MacKenzie Hall, ENSP**

This is a major amphibian crossing between Allamuchy Mountain State Park and Waterloo Village historic site. It's been identified as a CHANJ wildlife mitigation site. Amphibian surveys in 2012-2023 tallied 20,550, including spring peeper, spotted salamander, American toad, Jefferson salamander, and wood frog. It's the biggest known amphibian road crossing in NJ. The proportion of salamanders is high compared to all other crossings, making it especially important for those long-lived species.

The proposed passage system began in 2016 with the application to the NJDOT transportation alternatives program (TAP). It was the first TAP-funded project in NJ to address road-wildlife conflict and the first in NJ where a state agency is an awardee - \$503,000 to construct 4 tunnels and about 2500' of guide fence. It's on land and roadway, neither owned by NJFW.

Changes in the design include widening from 2' to 5', which should improve passability by all species, including non-amphibians. As a result of the required changes to the design, the original budget was insufficient, but NJDOT approved the extra funding needed.

Many, many steps were required: agreement with the County, maintenance agreement with state parks, Highlands Council and NJDEP general permits, a NEPA review, a "no net loss of forest" review (approved), internal reviews, surveys for rare plants, timing restrictions for any clearing, having a snake monitor on-site, authorization under Historic Places Act, 2 public info sessions with comment periods, and a county road opening permit. However, ground-breaking is hoped for 2024.

Post-construction monitoring will be by remote cameras and migration night visual surveys (on the road, along the fence, and fence ends).

The Committee thanked MacKenzie for her presentation and hard work.

## ***Break for lunch***

### **Freshwater Fish proposed for endangered and nongame lists: Scott Collenburg**

Scott presented the four species of fish that have been recommended for addition to the list of endangered species and the six species recommended for special concern on the nongame list.

- Atlantic Sturgeon is recommended for endangered status. The Atlantic bight population was listed as Federally threatened in 2012.
- Bridle Shiner and Ironcolor Shiner are both recommended for endangered status. They are considered NJ's two most vulnerable minnows. They are regionally imperiled and ranked as Northeast Regional Species of Greatest Conservation Need (RSGCN). They use slow sluggish waters and ponds. They are threatened by reduced water quality and predation from non-native fishes.

- Slimy Sculpin (recommended for threatened status) is the only Sculpin species found in NJ and is a good indicator species for clean, cold water and pristine habitat. It is one of our two coldwater species (the other being trout). Found in northern NJ, their habitat is threatened by climate change and degradation.
- Recommended for the nongame list as Special Concern:
- American Brook Lamprey is highly imperiled with disjunct populations vulnerable to climate change. It's a species of RSGCN. Found in gravel-sand riffles in cool, clear freshwater creeks with strong flow. Threatened by habitat loss and disjunct populations.
- Blackbanded Sunfish is another RSGCN-ranked fish in the Northeast. They are listed in three states and its current stronghold is in the Pinelands, where naturally acidic waters hinder the establishment of a population of non-native gamefish. They are threatened by habitat loss, reduced water quality, predation by non-native fishes and illegal pet trade.
- Comely Shiner is another minnow species that is regionally imperiled, and they are threatened or very rare in neighboring states of DE, MD, and NY. They are threatened by habitat degradation, reduced water quality, and warming water temperatures.
- Mud Sunfish is found primarily in undisturbed lakes and sluggish streams in the Pinelands and other southern NJ waters. It is a watchlist species in the NE Region assessment. Threatened by habitat loss, small population size, and predation by non-native fishes.
- Northern Hog Sucker is highly specialized for living on the bottom in swift currents. It is common in PA and NY but rarely encountered in NJ. It was once considered one of the common mud-loving species in the Delaware River and its tributaries. Threatened by habitat degradation and poor water quality.
- Shield Darter is in the perch family, has a limited range in northwest NJ, and populations in NJ are small. It is relatively intolerant of habitat degradation and poor water quality. It is also a Northeast RSGCN.

The current protections on these species under the NJ Fish Code include prohibition on take or possession for any indigenous fish that do not have a specified daily creel limit. This banned the possession of native species that are not considered sportfish or baitfish, including all candidate E, T, and SC freshwater fish.

S. Crouse added that in May 2021, Bureau of Freshwater Fisheries staff reviewed the fish species that had been reviewed in the 2015 Delphi assessments, with the result that the recommendations for listing statuses had not changed. AD Barno noted that all earlier Delphi assessments had been reviewed by NJFW staff to determine if any new data collected would result in a change in the proposed status. This information was presented to ENSAC in May 2021.

### **Other Business**

R. Furnari shared that a bill is proposed to allow leasing of state land to provide pollinator habitat. The DEP already has the authority to lease land for farming, but this targets pollinator habitat. AD Barno noted there currently are no roadblocks for anyone to develop and implement a pollinator habitat project on WMA lands and requiring a lease would add unnecessary hurdles to pollinator habitat projects on state lands. Any leases also have to be publicly advertised with open competitive bidding, prior to lease development. The lease approach suggested in legislation would only complicate and delay pollinator habitat projects.

### **Meetings in 2024**

The next regular ENSAC meeting is scheduled for Wednesday, January 17. It will be an in-person meeting. ENSAC meetings in 2024 will be in-person unless otherwise arranged. Dates will be on the website and are:

January 17  
March 20  
May 15  
July 17  
September 18  
November 20

**M. McClary motioned to adjourn, seconded by E. Miller, meeting adjourned at 1:15 PM.**

### **Summary of Action Items**

- 1) (Continuing item) Identify a longer-term strategy for ENSAC involvement in ASMFC's actions.