

Approved
March 16, 2016

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
January 7, 2016
Assunpink Conservation Center
Robbinsville, New Jersey**

Members in attendance: Barbara Brummer, Jim Applegate, Joanna Burger, Emile DeVito, Jane Morton Galetto, Howard Geduldig, Rick Lathrop, Erica Miller, David Mizrahi, Howard Reinert, Jim Shissias.

Staff in attendance: Larry Herrighty (Assistant Director DFW), Dave Jenkins (Chief ENSP), Kathy Clark (ENSP), John Heilferty (ENSP), Mandy Dey (ENSP), Bill Pitts (ENSP), Brian Zarate (ENSP), A. Burnett (DFW Wildlife Mgt).

Guests: Karena DiLeo (DEP-DLUR), Mike Davenport (CWF-NJ), Russ Furnari (PSEG), Scott Angus (NE PARC).

- Meeting was called to order by Chair Barbara Brummer.
- The public notice for this meeting was read by D. Jenkins.
- Introductions of those in attendance.

Approval of Minutes

Minutes of November 18, 2015 meeting were approved without changes. Motion to approve by J. Applegate, seconded by E. Miller. Discussion followed on the resolution passed at the November meeting. Approved unanimously with J. Burger, D. Mizrahi and E. DeVito abstaining.

Legislative Report

D. Jenkins reported that bills have been introduced in the NJ legislature that would add the “African 5” species to protection under 23:2-A (ENSCA). DFW has advised that the proposals are unnecessary because any federally endangered species is automatically protected under ENSCA. Some amendments that referred to IUCN lists(a list promulgated by a non-governmental entity) and CITES I and II were removed. Of the 4 species, only 1 species is not already protected by federal endangered or threatened status (Cape buffalo).

Results of the Delphi status review of NJ reptiles and amphibians

D. Jenkins noted that the Delphi status review report, including ENSP staff recommendations were sent to ENSAC members and that we posted the draft report on the website two weeks before this meeting. Karena DiLeo provided a brief overview of the status review (Delphi) process and how it progressed for this specific review.

J. Burger motioned to accept the results for the status of species for which consensus was reached. Motion seconded by H. Reinert.

Discussion followed, including an additional information on the process provided by K. DiLeo, who coordinated the review process. Species changing to the E or T categories are two (scarlet snake, N. copperhead), which changed from special concern or unknown to threatened; one species (Atlantic green turtle, federally threatened) changed from T to E. D. Jenkins noted that we posted the draft report on the website two weeks before this meeting. J. Applegate noted that the consensus required 7 of 9 votes (rounds 1-2) or 7 of 8 (rounds 3-4), which represents a strong majority. M. Davenport noted consensus (E) was reached in round one for Atlantic hawksbill but four panelists had abstained; however, there are no records in NJ waters.

Committee voted. Motion passed unanimously.

The draft report included a table of 15 non-consensus species and the ENSP staff recommendations. **H. Reinert made a motion to accept the statuses recommended by ENSP for 15 non-consensus species, with the exception of E. mud salamander; seconded by J. Burger.**

Discussion followed:

- The SC recommendation for ground skink due to uncertainty and the U recommendation for N. map turtle and the uncertainty there. B. Zarate explained there is uncertainty as to the map turtle origin; D. Jenkins referred committee to the range of voting, and for the map turtle the weight of voting was for U.
- D. Mizrahi asked about the newly described Atlantic Coast leopard frog (U), and B. Zarate explained the known range in NJ, as both coastal and interior-central. Its range outside NJ extends from North Carolina to Massachusetts.
- H. Geduldig questioned whether E. mud salamander (currently T, recommended U) should be removed because if found, it would not be protected. Staff responded that there is the possibility this species is extirpated. There was further discussion on this and the legal ramifications if it were to be found in the future, and the applicability of E/T/U statuses. This discussion resulted in an amended motion.
- R. Lathrop asked for explanation about spotted salamander recommendation for SC. Staff explained that regulatory protection for this species' habitat (specifically vernal pools) has been diminished by changes in enforcement of isolated wetlands. Discussion followed supporting the threats to vernal pool obligate species (spotted and Jefferson salamanders), including regulations and climate change implications.
- J. Galetto asked for explanation about E. kingsnake given that the weight of voting was to change it from SC to T. Staff responded that there was insufficient information available (or provided in comments) to change it to the threatened status. H. Reinert has studied kingsnakes and suggests they may be threatened due to road kill and collection threats, but notes they are fossorial and difficult to find. E. DeVito and J. Burger agreed that there is not enough information to move them to threatened.

Committee voted. Motion passed unanimously.

J. Burger made a motion to leave the status of E. mud salamander as threatened; seconded by E. DeVito. Committee voted. Motion passed unanimously.

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J. Applegate complimented the ENSP staff on the quality of information provided and the thorough discussion to consider the results of the status review.

Report of the Nominating Subcommittee

R. Lathrop said the Nominating Subcommittee needs to meet to discuss the status of Committee seats that expire in April 2016. D. Jenkins noted there has been no action by the DEP Commissioner's office regarding recommendations for seats that expired in 2014 and 2015. Chair Brummer suggested waiting until the March meeting to take the subcommittee's recommendations.

D. Jenkins noted terms ending in 2016 are E. DeVito (public at large), H. Geduldig (public at large), and B. Brummer (qualified non-profit).

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Director's Report

Larry Herrighty reported that Director Chanda was attending the Blue Ribbon Committee meeting that is developing funding options for wildlife diversity conservation.

L. Herrighty also reported that the DFW will receive income from power line rights-of-way that cross wildlife management area lands.

Progress report on the New Jersey Wildlife Action Plan

D. Jenkins summarized the status of the Wildlife Action Plan revision, making it more focused on a limited number of species and on regional conservation focal areas. P. Woerner presented on the development of conservation focal areas (CFAs) based on the compilation of 41 GIS data layers that resulted in ranked areas of data co-occurrence. J. Heilferty presented on the CFA determination process for the Skylands region.

Update on turtle harvest regulations (snapping turtle and diamondback terrapins)

There was a public hearing held on (just after the ENSAC's November meeting) regarding proposed amendments to the Freshwater Fish Code which includes amendments to the snapping turtle season. DFW has proposed a shorter season and other amendments. A closure during the nesting season was determined to nesting window was inaccurate for NJ, therefore DFW had recommended a shift in the season. Limits on permit entry and size ($\leq 12''$) were also adopted.

Diamondback terrapin: The Department is working a rule that would close the commercial harvest. An Administrative Order to close the Nov 1, 2015–March 15, 2016 season immediately is under active consideration.

Intertidal oyster aquaculture and red knots -- Section 7 consultation update.

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D. Jenkins reported that R. Babb learned at a meeting today that the Army Corps requires our Programmatic Biological Assessment by January 15.

At the November ENSAC meeting ENSAC made a recommendation that was submitted to the Commissioner (copies have been provided). The approach that DFW is taking has not changed course since what we (DFW) reported at the November 18 ENSAC meeting. D. Jenkins indicated that he does not expect that ENSAC's recommendation will be implemented in the conservation measures that DFW recommends within the BA, in particular the ENSAC recommendation for a complete moratorium on new aquaculture in the "northern" segment of the BA "action area." Discussion followed on some of the sticking points including access, ADZ expansion, and phase-out of existing operations in the northern zone. The Division's position is that implementation of DFW's recommendations would result in a de-facto moratorium in the northern segment because of severe restrictions, including no-tending during the red knot stopover. USFWS does not believe that the ESA provides them with a legal basis to impose a moratorium.

Adjournment:

Meeting was adjourned at 2:30 PM.