

Endangered and Nongame Species Advisory Committee
Meeting Minutes
May 19, 2021
Remote meeting via GoToMeeting

Members in attendance: Rick Lathrop (chair), Jim Applegate, Howard Geduldig, Jim Shissias, Joanna Burger, Erica Miller, Jane Morton Galetto

Absent: David Mizrahi, Emile DeVito, Howard Reinert, Barbara Brummer (resigned, replacement member pending Commissioner approval)

Staff in attendance: Dave Golden (Assistant Director DFW), Lisa Barno (Assistant Director DFW), John Heilferty (Chief ENSP), Kathy Clark (ENSP), Sharon Petzinger (ENSP), Kris Schantz (ENSP), Gretchen Fowles (ENSP), Jeanette Bowers-Altman (ENSP), Mary Monteschio, Shawn Crouse (BFF), Tony McBride (BWM), Robert Somes (ENSP), Carole Stanko (BWM), George Miragliogo (NJDFW), MacKenzie Hall (ENSP), Brian Zarate (ENSP)

Public: Katherine Evans, Barbara Sachau, Jason Hafstad (DLRP), Frank (unknown last name), Dave Jenkins, Russ Furnari, Larry Torok (DLRP)

Meeting called to order at 9:11am.

The public notice for this meeting was read by J. Heilferty.

Introductions of those in attendance.

Approval of Minutes

J. Shissias moved for approval of the March 17, 2021, minutes, seconded by J. Morton Galetto. Minutes were approved by voice/show of hands. Unanimously approved.

Director's Report

On April 22, 2021, the Recovering America's Wildlife Act (RAWA) was introduced to the US House of Representatives. NJ would likely receive 15.5 million annually, targeted for SGCN. All DFW regulations under N.J.A.C. 7:25 will sunset in June, so staff have been working on re-adoption without change. M. Monteschio has filed the re-adoption for publication in the June 7 register. This includes E&T wildlife protections, game code, and bear management policy.

A new Northern Regional Office (NRO) is in design with an architect under contract. Five different field offices will be consolidated into this office, which will be LEED certified.

J. Applegate asked about modifications of ag practices on WMAs. D. Golden said there is a pilot program to set aside 500 acres for organic farming practices. The DFW did not receive anticipated funding so will be moving forward on smaller scale. One pilot will be in Whittingham WMA with native American tribe.

J. Morton Galetto mentioned the Holly Farm celebration in June. The Governor is expected to be there. D. Golden reported this is a Green Acres event on June 3. The commissioner, governor, and representatives from Atlantic City Electric will be in attendance.

Legislative Updates

M. Monteschio reported that bill S441/A4810 to establish a government efficiency and regulatory review commission was vetoed by the Governor.

Federal bill for RAWA has 22 cosponsors in the House. R. Lathrop asked what the timeframe is for spending RAWA monies. J. Heilferty stated as proposed, it will be annual appropriations to each state with two calendar years to spend. D. Golden said it is similar to Pittman-Robertson (PR) and State Wildlife Grants (SWG) funding. R. Lathrop asked if there is a sunset. J. Heilferty said it depends on final language of bill. As of now it will be a permanent appropriation that does not need to be voted and approved by Congress on annual basis.

H. Geduldig requested that the legislative materials be provided on the portal.

Public Input

Barbara Sachau requested action for red knots relative to horseshoe crabs, noting the discussion at the last ENSAC meeting.

J. Burger noted disturbance by peregrines and not a lot of knots on the Bay. Need to think about peregrine towers. J. Heilferty responded there are management actions taking place.

Updates

Status of Action Items from March 17, 2021 meeting – J. Heilferty

J. Heilferty reported that the pending nomination memo to the DEP Commissioner needs to be updated. He will update the memo to send up the chain. D. Golden suggested ENSAC should write a letter to the commissioner directly.

J. Heilferty reported that J. Bowers Altman has applied to be part of a 4-state Competitive-SWG grant for mussel conservation work. If awarded, we would use it for surveys, research, and possibly mussel propagation at the DFW fish hatchery.

Regarding last meeting's presentation on rodenticides, M. Monteschio set up a meeting with Dept of Ag pesticide control staff. In the follow-up meeting we will share the wildlife data the DFW has regarding the rodenticide pesticides. E. Miller will present data to their staff to raise awareness of impacts to wildlife, and to ask for coordination to reduce negative impacts.

J. Morton-Galetto noted that she is concerned about terrapins drowning in crab traps. She also requested that ENSP schedule a report to the Committee on horseshoe crabs.

R. Lathrop reported on the ENSAC memo on biomedical harvest approved by Committee and forwarded to Director Golden, who responded to it. Director Golden agreed to work with Marine Fisheries to bring to the attention of ASMFC leadership.

Updates from March 17, 2021, meeting agenda topics

R. Lathrop saw a presentation at the Fish & Game Council about marsh restoration at Cape May and recommended that presentation for ENSAC. D. Golden stated it was the Pond Creek restoration project at Higbee Beach. The bid for work will go out this week. This topic is timely and would be interesting for ENSAC.

R. Lathrop stated the Fish & Game Council is interested in hearing more about the rodenticide problem.

New Business

Nominating Committee Report

The ENSAC Nominating Committee noted that with the lack of Commissioner action on nominations, the term of the Committee Chair (Lathrop) had expired April 1, 2021. It was also noted that the Co-chair's (H. Reinert) term would expire April 1, 2022. The Nominating Committee reaffirmed its recommendation that R. Lathrop be re-appointed as Chair, and R. Lathrop agreed to serve in that capacity. The Nominating Committee also reaffirmed its recommendation that H. Reinert be proactively appointed to a second term as cochair.

ENSAC agreed with the Nominating Committee's recommendations, and recommends that all other pending recommendations made by the Committee in 2020 continue to be advanced to the Commissioner for approval.

Action: J. Morton-Galetto made motion to approve recommendation to have R. Lathrop and H. Reinert serve a second term on ENSAC (J. Burger seconded). No discussion. Unanimously approved.

Action Item: J. Heilferty will change the nominating request memo and send through the Director to the Commissioner. ENSAC will write a letter about the nominations to the Commissioner directly.

Delphi Species Status Assessment Reviews

J. Heilferty introduced this topic, to review species statuses that were reached in Delphi assessments presented to, reviewed, and approved by ENSAC in the past, but for which rules were not yet promulgated. J. Heilferty explained that select DFW staff would provide the Committee with a recap of the original Delphi findings, and then update the Committee regarding any new data or findings the Division is aware of that may add to or potentially warrant reconsideration of the previous Delphi status findings. The Committee was asked to consider the pending statuses and the Division's updated recommendations such that the Division could proceed with rule-writing.

Eight taxa having pending status changes were presented: Birds, mammals, freshwater fish, amphibians and reptiles, lepidoptera, freshwater crustacea, freshwater mussels, marine mammals. Age of the last Delphi status assessment ranges from 0 to 12 years.

Birds

K. Clark presented. The bird Delphi review was completed in 2017, reviewed by ENSAC 2019-2020. 185 species were reviewed. Bald eagle was the only bird species that had significant new data after status review was completed. The bald eagle review in 2017 ended without consensus, split between T and SC, and ENSP and ENSAC recommended adopting T. New information from 2018-2020 showed the population increased from 150 to 220 nests, with nests recorded in all 21 counties in NJ. Productivity averaged 1.3 since 2010, and the Northeast Recover Plan identifies a rate of 1.0 for population maintenance level. Consistent with the Division's protocol on species status assessments, staff conducted a new Delphi review.

K. Clark noted that bird status changes will be made to 38 species. No new information was identified to change the DFW confidence in original Delphi status recommendations except for bald eagle. No questions or concerns were expressed by ENSAC members.

ENSAC agrees with moving forward with existing Delphi recommendations for birds except for bald eagle (see below).

K. Clark then presented the bald eagle Delphi status review that was done Feb-Mar 2021. Nineteen reviewers were invited, and 14 responded. New data were presented to reviewers, including population, productivity, and distribution. After two rounds, reviewers reached consensus on the status of SC. After Round 1, there were 5 votes for T, 7 votes for SC, and 1 vote for Stable/secure. After Round 2, there were 2 votes for T, and 12 votes for SC. ENSP and DFW recommend changing bald eagle status (breeding season) from E (recognizing the T interim status), to SC.

Action: A motion by J. Burger (seconded by J. Applegate) to accept the Delphi review for Bald Eagle to be listed as special concern during the breeding season. Discussion: J. Morton-Galetto would like changes in protections for bald eagles and nests explained. K. Clark stated protections will be less for foraging habitat except in Highlands, where SC species are considered in permit review. Nests are still protected under federal Bald & Golden Eagle Protection Act, but applies smaller nest buffer than state. J. Morton-Galetto asked what percentage of nests are on private lands. K. Clark stated 75%, but it is still illegal to cut down a tree with an active nest. J. Morton-Galetto is concerned about losing protections, but recognizes the need to acknowledge success. J. Burger thinks it's great that we had a plan, it was successful, and not afraid to take things off. J. Applegate is in favor, impressed with panelists moving to consensus after two rounds. The motion passed unanimously.

Terrestrial Mammals

Gretchen Fowles presented on this taxonomic group. The Delphi review was completed 2012, reviewed by ENSAC 2012-2013, with 39 species reviewed. G. Fowles identified more recent

information on woodrat, big brown bat, and bobcat, but recommends the results of the review stand. She presented information on these three species. The woodrat is susceptible to inbreeding depression and mortality from raccoon roundworm infection; populations were and are still in decline in surrounding states; there are still no other known, extant populations in state. ENSP has been addressing the concerns already identified by 1) conducting translocation of animals from PA in 2015-2017, which increased population size and genetic heterozygosity. 2) Continuing year-round roundworm to lower the prevalence of raccoon roundworm. Fowles noted that the Division recommended the status should remain endangered.

M. Hall presented on bats. All native bat species are proposed to be uplisted from U to E or SC. ENSP considered new data on big brown bat, specifically, that it appears to be less affected by white-nose syndrome (WNS) and there has been no widespread mortality. Some other states have small population declines. Big brown bats account for 50% of acoustic recordings, use buildings, tunnels, and bridges for hibernation. Hall noted that the Division still recommends SC as the appropriate status.

G. Fowles presented on bobcat status. Per the pending Delphi review, bobcats are recommended to be downlisted from E to T. The Division acknowledged that recent data showed an increase in sightings and roadkills since 1990s, but with continued restricted geographic range. During the last Delphi review there were concerns about roads and urbanization, low population size, and limited geographic range. ENSP's research on genetics resulted in identifying NJ's bobcat population as a particular genetic group, closely related to NY population. Effective population size based on genetics (i.e., 50.6 as estimated in 2011) usually underestimates the true population. ENSP considered new data: increases in sightings and roadkills, but few sightings south of Rt 78 in last 10 years (based on scats, hair snares, and cameras). Bobcats historically existed statewide and there is still suitable habitat in southern NJ. Therefore, of the factors considered for population status, Resiliency is good, but Redundancy and Representation are not. ENSP still has concerns with urbanization and roads: major roads restrict movement, esp. of females, and there is a lack of safe corridors between northern and southern NJ. New studies since last review estimated population and density using different methods and areas. ENSP's study using scats estimated fluctuating populations between 2007-2016, ranging 179-355 individuals, and 5-9 individuals per 100 km². The Bureau of Wildlife Management's (BWM) study used baited hair snares and cameras, and estimated a population of 665 and 26 individuals per 100 km². Meanwhile, the ongoing genetic studies estimated that the effective pop size increased from 50.6 to 55.3 in 2011, to 82.8 in 2013. Genetics detected some NJ signatures, which means there may have been a remnant population before reintroduction. A growing threat is exposure to rodenticides that may impact fecundity.

Summarizing, the Division recommended no changes to existing Delphi status recommendations for mammals. J. Burger and E. Miller agreed. J. Morton-Galetto suggested the DFW should write rules more frequently than currently being done. The members agreed they are comfortable with moving forward with recommendations as is.

ENSAC agrees to move forward with existing Delphi recommendations for mammals.

Freshwater Fishes

S. Crouse presented on this species group. The Delphi review for freshwater fishes was completed in 2015, and reviewed by ENSAC in 2016. 53 species were reviewed, with 12 species proposed to receive state statuses. Additionally, S. Crouse noted that Atlantic sturgeon had been reviewed in 2012, prompted by federal listing as “endangered” under the Endangered Species Act, and was reviewed by ENSAC in 2012.

This is the first Delphi review for freshwater fish. S. Crouse noted that new information from fisheries data, distribution maps, new occurrences, and new locations were evaluated subsequent to the 2015 Delphi assessment. The Division recommended moving forward with all existing Delphi status recommendations for these species. No questions or concerns from ENSAC.

ENSAC agrees to move forward with existing Delphi recommendations for the freshwater fishes and Atlantic sturgeon.

Reptiles and Amphibians

B. Zarate presented on this group. The Delphi review was completed in 2015, and reviewed by ENSAC in 2016. The Division noted no new information that warrant changes in existing Delphi review statuses. No questions or concerns were expressed by members.

ENSAC agrees to move forward with existing Delphi recommendations for reptiles and amphibians.

Butterflies

R. Somes presented. The Delphi review was completed in 2015, and reviewed by ENSAC in 2015, with 51 species reviewed. There was no new information to warrant change in existing Delphi statuses. Monarch butterfly (recommended status of SC in NJ) was considered for federal listing in 2019, but listing was deferred. The Division recommends no changes to existing Delphi statuses. No questions or concerns from ENSAC members.

ENSAC agrees to move forward with existing Delphi recommendations for butterflies.

Freshwater Crustaceans

R. Somes presented. The Delphi review was completed in 2010, and reviewed by ENSAC in 2010, with 17 species of select crayfish and fairy shrimp reviewed). The Division noted that there was no new information to warrant change in existing Delphi statuses. ENSP recommends no changes to existing Delphi statuses. Fairy shrimp is vernal pool obligate. No questions or concerns from ENSAC.

ENSAC agrees to move forward with existing Delphi recommendations for freshwater crustaceans.

Freshwater Mussels

J. Bowers presented. The Delphi review was completed in 2012, and reviewed by ENSAC in 2012, with 13 species reviewed. ENSP identified no new information that changed the Division’s confidence in the pending Delphi status recommendations. A recent threat noted was the possible introduction of Chinese pondmussel into the Raritan River, purportedly from the sole

known location that was being treated at a former Hunterdon County fish farm pond. R. Lathrop asked about eDNA monitoring. J. Bowers stated they are working on dwarf wedgemussel eDNA, and Rutgers is testing eDNA for Chinese pondmussel. J. Burger asked if anything can be done with Chinese pondmussels. J. Bowers stated they are monitoring for this invasive species and have been actively treating the one known occurrence.

ENSAC agrees to move forward with existing Delphi recommendations for freshwater mussels.

Marine Mammals

J. Bowers presented. The Delphi review was completed in 2008, reviewed by ENSAC in 2008-2009, with 36 species reviewed. No new information was identified to change the Division's confidence in the pending Delphi status recommendations. No questions or concerns from ENSAC.

ENSAC agrees to move forward with existing Delphi recommendations for marine mammals.

Other Business

J. Applegate noted that it is remarkable that ENSP and ENSAC reviewed 468 species, which reflects the stewardship this agency has for wildlife. Appreciates the experts' accrued knowledge and input into the status assessment process.

R. Lathrop and J. Shissias congratulated R. Furnari on his recent receipt of the National Business Leadership Award for his work on wetlands conservation. Russ leads the NJ Corporate Wetlands Restoration Partnership.

Looking ahead

Next meeting will be on July 21, 2021. The Committee will continue to meet virtually but will consider meeting in person in future. The CRO conference room is a possible place for members to meet, spaced out, and allow virtual, call-in by guests and public.

Action item: R. Lathrop will get feedback from committee members on meeting in person vs. virtually.

J. Morton-Galetto made a motion to adjourn (H. Geduldig seconded). Meeting adjourned 12:17pm.

Summary of Action Items

- 1) J. Heilferty will check to make sure the legislative documents were put up on the portal for ENSAC.
- 2) J. Heilferty will change the nominating request memo and send through the Director to the Commissioner.
- 3) ENSAC will write a letter about the nominations to the Commissioner directly.
- 4) R. Lathrop will get feedback from committee members on meeting in person vs. virtually.