

Interim Report
State Wildlife Grants

T-11-T-1

Fish and Wildlife Technical Guidance

Report for Project Year
September 1, 2009 – August 31, 2010

NJ Department of Environmental Protection

DIVISION OF FISH AND WILDLIFE

ENDANGERED AND NONGAME SPECIES PROGRAM



EXECUTIVE SUMMARY

Project:	Fish and Wildlife Technical Guidance
Federal Aid Project:	T-11-T-1 (State Wildlife Grants)
Segment dates:	September 1, 2009 to August 31, 2010
Total Project Expenditures:	\$160,000 (\$80,000 Federal, \$80,000 State)

OBJECTIVE:

To provide guidance on the projects, proposals, and management plans of others in order to maximize beneficial effects to endangered, threatened, special concern and rare wildlife.

JOB 1: Environmental Review on Behalf of SGCN

OBJECTIVE: To provide review and comment on behalf of endangered and rare wildlife to water and land related proposals under the jurisdiction of other governmental agencies.

This job will provide review and comment upon such things as Environmental Impact Statements and Assessments, applications for State permits, proposals for State management actions affecting rare wildlife habitats, flood control and dredging projects, highway projects, proposed legislation, water supply projects, federal and interstate actions requiring endangered wildlife review, and county/local projects requiring endangered wildlife review.

Key Findings:

- ENSP biologists reviewed three major projects proposed by utility companies that entailed the creation of new utility rights-of-way and/or the expansions of existing rights-of-way. The scope and extent of these applications demanded a major time investment from ENSP staff in order to fully assess the potential impacts to threatened and endangered (T&E) species. ENSP advised the Division of Land Use Regulation and the applicants on concerns about habitat loss to T&E wildlife and, where appropriate, provided suggestions on how to avoid or mitigate these impacts. These major reviews were still counted as one review each (in Table 1), but like most long, linear projects, they required a lead review biologist and assistance from other biologists. These projects included:
 - PSE&G Roseland-Susquehanna Line
 - Tennessee Gas Pipeline, 300-series
 - NiSource Gas Transmission Line
- ENSP biologists reviewed 397 projects (Table 1). Most (82%) were projects proposed through the State permit process and were largely reviews of proposed developments. Some of the larger development proposals took an inordinate amount of staff time, multiple review steps, and meetings with applicants and DEP staff; each of these major reviews was still counted as a single review in Table 1, but required a lead review biologist and others who may have assisted:
 - A Wal-Mart development proposed in northern pine snake habitat.
 - 30-mile widening of the westbound lane of the Atlantic City Expressway.
 - 35-mile widening of the NJ Turnpike (exit 6 to 9).
 - A large-scale wind turbine facility proposed in the offshore waters of Atlantic City.

- Several years ago, the DEP's Office of Natural and Historic Resources (NHR) established an internal project review process that requires projects on state land to be reviewed (and approved) by different NHR agencies. ENSP participates in the internal review process and during this reporting period reviewed a total of 51 proposed projects (13% of total staff reviews; Table 1) to screen them for potential negative impacts to rare wildlife species.
- Similar to last year, 8% of the reviews carried out by staff were on projects/activities that were submitted by the Federal government. These reviews came from various federal agencies and included a variety of activities such as: 1) projects for proposed developments that might impact federally listed species (e.g., bog turtle and shortnose sturgeon), 2) federally sponsored habitat management actions, and 3) activities on military installations.
- ENSP biologists reviewed 53 NJDFW Scientific Collection permits and made determinations about whether to approve, approve with modifications, or deny these permits. These are permits that allow trapping or handling of endangered and nongame wildlife, and are usually issued to consultants for pre- and/or post-construction monitoring, and to universities for scientific research. ENSP guidance is generally cautious about such permitting, requiring good cause for the work as well as use of accepted protocols.

Conclusions:

- Within this reporting period over 33 different state, federal, and local agencies requested input and advice from ENSP on projects/activities related to SGCNs and their habitat, with 397 reviews completed by ENSP staff. As such, ENSP clearly serves an instrumental role in representing the needs of rare wildlife on behalf of the NJDEP.

Recommendations:

- This job should continue to be funded on an annual basis job since it allows ENSP to thoroughly consider impacts to endangered, threatened, special concern and nongame wildlife habitat in the course of permit and environmental review.
- ENSP is working with the Department to gain access to the New Jersey Environmental Management System (NJEMS), which will provide staff with an efficient method of tracking the DLUR permit applications that are reviewed by staff. All ENSP staff should be granted access and training for use of NJEMS.

Table 1. Recipients of the Division of Fish and Wildlife, Endangered and Nongame Species Program’s review on behalf of endangered, threatened and special concern wildlife, with number of reviews conducted in this segment.

1. State: reviews	
DEP Land Use Regulation Program (Freshwater Wetland Act, CAFRA, Waterfront Development, Stream Encroachment, Highlands Act, Pinelands Act)	138
Division of Watershed Management	10
Office of Program Coordination and Environmental Review	24
Office of Dredging and Sediment Technology	6
Office of Permit Information and Assistance	1
Division of Parks and Forestry	14
NJDEP Review of Activities Proposed for N&HR-Administered Lands and Waters	51
Division of Solid and Hazardous Waste Management	1
Site Remediation Program	0
Bureau of Wastewater Management	5
Bureau of Marine Water Monitoring	0
Office of Water Policy	2
Office of the Commissioner	5
New Jersey Department of Transportation	6
New Jersey Pinelands Commission	3
Office of Policy, Planning and Science	5
Bureau of Land Management	2
Division of Fish and Wildlife, Exotic and Nongame Permits Office: Scientific Collecting Permits	53
2. U.S. Government: reviews	
U.S. Fish and Wildlife Service	12
Army Corps of Engineers	1
Nuclear Regulatory Commission	1
National Marine Fisheries Service	2
National Park Service	5
Natural Resource Conservation Service	2
Environmental Protection Agency	2
Federal Energy Regulatory Commission	0
U.S. Military: Army, Navy, Air Force, Coast Guard	8
3. Interstate Commissions, etc.: reviews	
Delaware River Basin Commission	0
Atlantic States Marine Fisheries Commission	3
Meadowlands Commission	0

Atlantic Flyway Council	6
US Fish & Wildlife Service, Atlantic Coast Joint Venture	2
Other officially recognized interstate committees and cooperatives	1
4. County and Local Entities: reviews	
County Mosquito Commissions	17
County and Local Park Commissions	4
Watershed Associations	0
Local and Regional Environmental Commissions	2
5. Private, Non-Profit Conservation Organizations: reviews	
National Fish and Wildlife Foundation	1
State and county Federations of Sportsmen's Clubs	0
The Nature Conservancy, Natural Lands Trusts, NJ Audubon, etc.	2
TOTAL	397

JOB 2: Policy and Planning Technical Guidance on Behalf of SGCN

OBJECTIVE: To advise the New Jersey Department of Environmental Protection, the Governor’s Office, and others, with respect to State policies affecting endangered, threatened, special concern and rare wildlife and their habitats.

Key Findings:

- ENSP biologists continued to provide recommendations on key policies and aid the Department in developing and revising regulations that resulted in increased protections for rare wildlife and their habitats.
- Staff advised the Commissioner on a petition to delist the northern pine snake, which was submitted to the Department by the NJ Builder’s Association. This led to the drafting of a status assessment for this species and highlighted the value of conducting status assessments for listed species. ENSP has now decided to complete status assessments for eight additional species over the next year.
- ENSP established a Roads and Wildlife Working Group and is partnering with NJ Department of Transportation (NJDOT) and the Division of Land Use Regulation to assess and address the issues of roads impacting wildlife and habitats.
- ENSP staff continued to be an integral part of the rule amendments for regulating wind and solar power in New Jersey’s coastal region. This year’s work consisted of responding to the public comments of the rule amendments, the Large Scale Wind Siting Map and the guidance document for monitoring the impacts of wind turbines on wildlife, and making adjustments to the aforementioned in response to those comments. The end of the year consisted of finalizing technical changes so that the rule was prepared for its publication in the NJ Register on September 9, 2010.

Advised DEP and others with regard to:	
Land use regulations, current and potential interpretation	<ol style="list-style-type: none">1. Staff continued to advise the Division of Land Use Regulation on how to define and map Critical Wildlife Habitat (habitat supporting non-listed endangered/threatened wildlife) as part of the Coastal Zone Management Rules. Specific attention was paid to Critical Wildlife Habitats for migratory land and shore birds, vernal pool species, and long-legged wading birds.2. Staff provided technical guidance to the rule-writing team for revising the Coastal Zone Management Rules. Amendments that govern wind energy development in the coastal zone were proposed and adopted during this reporting period. We identified the most critical habitats for wildlife species most vulnerable to wind turbine development, and made recommendations to the DEP on how to avoid negative impacts in their wind energy development policies. We also wrote the technical manual on recommended protocols to avoid (and monitor) adverse impacts caused by wind energy development.3. ENSP maintained its advisory role in the development of data

	<p>collection protocols related to natural resource inventories for proposed offshore wind development.</p> <p>4. ENSP aided the Commissioner’s Office with the drafting of a formal response to a legal challenge of the listed status of the northern pine snake (currently listed as State Threatened). In response to this challenge, ENSP staff conducted and drafted a thorough status assessment on this species, which informed the Commissioner’s decision to deny the Builder’s Association’s petition to delist this species.</p>
State Plan implementation	<p>1. ENSP staff established criteria on how to determine/list species of greatest conservation need and revised the list of species based on these new criteria.</p> <p>2. Staff continued to work with NRCS to incorporate the State Plan into state-project selection and ranking. Biologists attended State Technical meetings as well as Program sub-committee meetings to ensure the State Plan was considered in program development.</p>
Interpretation of Landscape Project mapping to regional planning	<p>1. ENSP staff worked with Division of Parks and Forestry staff on the development of a forest management plan for the state properties referred to as the “Berkeley Triangle”. The main emphasis of this plan was to enhance habitat for rare plants and wildlife through the use of forestry various techniques.</p>
Habitat prioritization, protection, acquisition, and management	<p>1. ENSP staff worked with participants of the Raritan-Piedmont Wildlife Habitat Partnership to create forest and riparian management plans for the Central Piedmont Plains zone.</p> <p>2. ENSP continued to recommend “high priority parcels” for acquisition consideration by DEP’s Green Acres program. These parcels were identified because of their importance as habitat for rare wildlife species.</p> <p>3. ENSP staff consulted with DFW staff to develop habitat management to benefit endangered species at Higbee Beach WMA, Ponderlodge (Villas) WMA, and Sparta Mountain WMA.</p> <p>4. ENSP staff established a “Roads and Wildlife Working Group” that is comprised of representatives from the Division of Fish and Wildlife, Division of Land Use Regulation, and Department of Transportation. This group meets monthly and works on various approaches to reduce the impacts of roads on wildlife. One major initiative that has come out of this group over the past year is the development of a statewide habitat connectivity map to identify key habitat connections that must be maintained or restored.</p>

Resource management and allocation	Nothing to report in this segment.
Habitat protection policy and regulation	<p>1. ENSP staff continued to refine the criteria for recommending Category 1 waters (waterbodies that receive the highest level of protection in state land use regulations) to DEP based on presence of obligate aquatic species.</p> <p>2. ENSP staff continued to serve on the Office of Policy and Planning's Ocean/Wind Power Ecological Baseline Survey advisory committee.</p>
Development of Best Management Practices for rare wildlife habitats	<p>1. ENSP staff revised the no-harm best management practices for utility rights-of-way.</p> <p>2. ENSP staff is creating Forestry Management Guidelines for Species of Conservation Concern in New Jersey. Some of NJ's endangered and threatened reptiles, amphibians, and raptors were completed this past year.</p>
NJDEP Policy on Review of Activities Proposed for N&HR-Administered Lands and Waters	Nothing to report in this segment.

Conclusions:

- Staff efforts under this job have resulted in a more comprehensive approach to resource protection and management through interagency cooperation and partnership. As such, protections for SGCNs and their habitats have been improved.

Recommendations:

- ENSP staff should continue its involvement in departmental planning and maintain its role as advisors to the department on the management and protection of species of greatest conservation need.