

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

May 19, 2010

Assunpink Wildlife Management Area

ATTENDEES

COMMITTEE: Barbara Brummer (Chair), James Applegate, Joanna Burger, Emile DeVito, Jane Galetto, Howard Geduldig, Rick Lathrop, James Shissias.

Absent: Erica Miller, David Mizrahi, Dale Schweitzer

STAFF: Dave Jenkins (Chief), Dave Chanda, Kathy Clark, Larry Herrighty, Gretchen Fowles, Tony Petrongolo, Sharon Petzinger, Mick Valent, Amy Wells, Patrick Woerner.

GUESTS: Linda Cherkassky, Dmitry Cherkasky, Mike DeVito, Christine Gural (NJ Sierra Club), Rick Dutko (NJDEP-DPF), Elizabeth George-Cheniara (NJBA), Robert Piel (NJDEP-DLUR), Barbara Sachau, Annette Scherer (USFWS), Larry Torok (NJDEP-DLUR).

The meeting was called to order at 10:10 a.m. Notice of the meeting date and location were filed with and posted at the Office of the Secretary of State on March 18, 2010.

Those in attendance were advised of need to adhere to the schedule as another meeting had been scheduled in the room at 2 p.m.

Introductions of members and public were conducted.

Minutes

A motion was made by J. Shissias, seconded by R. Lathrop, to approve the minutes for January 20, 2010. All in favor, none opposed, the minutes were approved.

Action Items

J. Applegate noted a revision to the format of the action items and expressed concern that such a revision had lead to the deletion of an item of concern. The old format will be reinstated.

Directors Report

Director Chanda provided an update on the status of administrative changes resulting from the new administration and stated that Amy Cradic will continue serving as the Assistant Commissioner for NJ's Natural and Historic Resources.

The Director confirmed the State budget continues to be of concern. Hiring freezes continue as the Division attempts to continue operations with a workforce that has been reduced by 30% coupled with the lack of incentives for staff to take on positions in management.

Staff continue to monitor financial accounts on a daily basis. Most recently, staff noticed a substantial amount of money has been transferred from the Conserve Wildlife License Plate account to the Attorney General's office for legal fees and the match for State Wildlife Grants (SWG) has been eliminated.

Director Chanda acknowledged the DFW had extended condolences to the family of Jose Fernandez. Mr. Fernandez passed away while spear fishing in Rhode Island. He was dedicated to public service holding positions as a Deputy Attorney General, Assistant Director DFW, Director for DPF, and Chair of the NJ Tidelands Council. Services were held at Island Beach State Park on Friday.

Feral Cat Ad Hoc Working Group

B. Brummer acknowledged a delay in action on this issue and stated Dr. Erica Miller, chair of the Feral Cat Ad Hoc Working Group (FCAHWG), is responding to wildlife impacted by the oil spill in the Gulf of Mexico. Discussions on the formation of the FCAHWG have begun. Preliminary meetings with internal staff and stakeholders have proven there is a consensus in that all agree there is a need to reduce the feral cat population. The best method to reach that goal is to be determined.

Members of the public noted concerns including suspicion of purposeful inflation of feral cat population numbers and focusing on the impact of feral cats vs. other human factors including the use of pesticides, USDA "Policies to Kill Wildlife", and controlled burns in NJ's forests. Other areas of concern included utilizing sterilization and birth control in place of lethal methods and the lack of incorporating public comment in the decision making process.

ENSAC members noted that a working group had been established to address the issue of feral cats, the FCAHWG is aware of the issues presented at today's meeting, and in the interest of time, the ENSAC meeting would move forward with the Agenda.

Lead in Wildlife

L. Herrighty noted all states have implemented a ban on the use of lead shot for waterfowl and The Wildlife Society (TWS) has reported, as of 2008, 24 states have instituted restrictions on the use of lead ammunition to minimize the effects to upland game birds, eagles, and other species. Additional alternatives are becoming available and the Association of Fish and Wildlife Agencies (AFWA) is expected to release a recommendation in the next few months. NJDFW fishery biologists and the NJ State Federation of Sportsman's Club are meeting to discuss the issue on June 7, 2010.

Members of the public expressed concern regarding the impact on nongame species such as eagles and the cost to clean up abandoned/closed shooting ranges. The members of the public were acknowledged and informed that Dr. Miller, the Veterinary - Medical representative for ENSAC, had reviewed the medical concerns associated with lead contamination with the Committee at the prior meeting.

T. Petrongolo, Chief-DFW Bureau of Land Management noted the presence of lead contamination on shooting ranges is not a new issue. All DFW shooting ranges have been studied and all have concerns associated with the presence of lead. DFW has closed 3 shooting ranges in the State. Efforts are focusing on keeping the lead confined to the area, researching the

Approved 9/21/2010

possibility of recycling the element and staff are working with the US Environmental Protection Agency and NJ Site Remediation.

A. Wells has reached out to the National Park Service (NPS) to confirm reports of a policy placing a ban on the use of all lead products on NPS properties, and obtain the status on the release of that policy, but NPS has not yet responded.

Red Knots in the Delaware Bay

Dr. Burger reported over 3,000 Red knots have been netted in the Delaware Bay this year. Data loggers have been placed on 47 birds with the hope of recapturing 8-10 birds. While the logger will record information for a defined period of time, the battery for the transmitter will hold recorded data for 5 years. Any recaptured birds will receive a new data logger.

Some members noted their disappointment in the actions taken by the Atlantic States Marine Fisheries Council's (ASMFC) Joint Technical Committees and the use of the current Adaptive Resource Model. Others noted that while it is discouraging, efforts can be more effective from inside the management team as opposed to attempting to make changes from outside the team.

B. Brummer recognized J. Burger for her assertive efforts to help the Shorebirds in the Delaware Bay.

Landscape Project Maps – Division of Land Use Regulation (DLUR)

Larry Torok, Research Scientist – NJDEP Division of Land Use Regulation, gave a presentation on NJ Land Use regulations, the land use permit review process, and the role and application of Landscape project mapping during these reviews.

Protection is established by regulatory jurisdiction defined in the NJ Freshwater Wetlands Protection Act (FWPA), NJ Flood Hazard Area Control Act (FHCA), Coastal Area Facility Review Act (CAFRA), Highlands Water Protection Act (HWPPA), the definition of E/T species under that regulatory jurisdiction, and the language of the protection standards under each Act.

In all instances, the Landscape Project maps serve as an initial indicator that habitat for endangered or threatened species occurs on a project site. Under FWPA and FHCA, the Department must confirm suitability of the onsite habitat. Under CAFRA and HWPPA, suitable habitat for mapped species is assumed. Land Use applications are required to address suitability and impacts to species and habitat to demonstrate compliance with rules. Final regulatory decisions are based on onsite habitat conditions.

Rob Piel, Director-Division of Land Use Regulation explained the use of Landscape mapping is supported by the outside regulated community and, following the release of the Governor's Transition Report, the role of the maps has been explained to both the new administration and the transition team.

J. Applegate noted the Landscape mapping is a preliminary step in the land use permit review process, each review is taken on a site by site basis, and the Landscape Project maps makes the entire process much more transparent.

Staff noted activities such as logging and prescribed burns by state agencies and/or non-profits are also subject to internal reviews and use Landscape Project maps.

Approved 9/21/2010

An invitation will be extended to Transition Team members and others that might have issues with the Landscape Project Mapping so that they may present their concerns to the Committee for discussion.

Delphi Status Review – Golden Winged Warbler (GWWA)

S. Petzinger, Senior Zoologist presented information on the Delphi Review process for the status of the Golden Winged Warbler.

Due to recent data documenting a drastic decline in the golden-winged warbler populations in NJ, ENSAC recommended conducting a single species Delphi on the golden-winged warbler. The previous revision to the rule has been delayed. Therefore, it may be possible to include the result of the GWWA Delphi and ENSAC recommendation in the pending rule proposal.

A brief summary is provided below, however the full report was provided to the members prior to the meeting.

A total of nine experts participated in the Delphi review.

SPECIES	Current Status, Breeding	Breeding Consensus	Round	Proposed Status						
					E	T	SC	S	U	NO
GOLDEN-WINGED WARBLER	SC (T)	no	1		7	2				
					78%	22%				
GOLDEN-WINGED WARBLER	SC (T)	yes	2	E	9	0				
					100%	0%				

After 2 rounds, a 100% consensus was reached for the **GWWA breeding** population be listed as Endangered.

A motion was made by J. Galetto to change the status of the GWWA breeding population from Special Concern to Endangered. The motion was seconded by J. Burger and approved by the Committee.

	Current Status, Non-Breeding	Non-Breeding Consensus	Round	Proposed Status						
					E	T	SC	S	U	NO
GOLDEN-WINGED WARBLER	SC	no	1		2	2	2			3
					33%	33%	33%			33%
GOLDEN-WINGED WARBLER	SC	no	2		2	3	1			3
					33%	50%	17%			33%

After 2 rounds, the Delphi process did not come into consensus with regards to the non-breeding GWWA population, and based on comments and confidence of decisions, it did not appear as

Approved 9/21/2010

though decisions would be changed if a third round was conducted. Three of the nine experts had no opinion on the non-breeding status in both rounds and the confidence level in the decisions decreased in the second round for all the decisions.

Discussions continued noting a change in status of the non-breeding population would not provide a change in protection as the Highlands regulations provide the same level of habitat protection for species with status of E/T and SC; and, in other areas of the State, critical habitat for the migratory birds would provide protection.

A motion was made by J. Burger to leave the status of the GWWA non-breeding population as Special Concern. The motion was seconded by R. Lathrop and approved by the Committee.

NJ Bobcat Program

Mick Valent and Gretchen Fowles presented information on the NJ Bobcat Program. Historical information included a review of population status in New Jersey from colonial times when bobcats occurred statewide, through a decline in the early 1900's due to statewide clearing of forests, and closing of the hunting season in 1972. In 1991 the status changed from a game species to state endangered. A restoration program was conducted from 1978 through 1982 involving the translocation of 24 bobcats from Maine to 4 locations in northern NJ. Over the years, staff have been utilizing scent posts, cameras, a detection dog and collars to identify the presence of bobcats and/or track movement. Current objectives include:

1. Determine the genetic structure of the population of bobcats in NJ
2. Determine the distribution and minimum size of the population
3. Estimate the sex ratio, age distribution, pregnancy rates and age-specific fecundity of the population
4. Identify and address potential threats to the population, such as roads
5. Develop a population assessment and recovery plan for NJ's bobcat population

A motion was made by J. Burger, seconded by E. DeVito and approved by the Committee to adjourn the meeting at 2:00 p.m.