

Approved
3/19/14

Endangered and Nongame Species Advisory Committee
Meeting Minutes
January 29, 2014
Central Region Office
Robbinsville, New Jersey

Members in attendance: Barbara Brummer (chair), Jim Applegate, Emile DeVito, Howard Geduldig, Rick Lathrop, Jim. Shissias, Jane Morton Galetto (late due to snow). **Absent:** Joanna Burger, Erica Miller, David Mizrahi

Staff in attendance: Larry Herrighty (Assistant Director DFW), Paulette Nelson (Assistant Director DFW), Dave Jenkins (Chief ENSP), Kathy Clark (ENSP), Sharon Petzinger (ENSP), Kim Korth (ENSP), Mick Valent (ENSP).

Guests: Barbara Sachou, Kristin Munafo, Melissa Woerner

The public notice for this meeting was read by D. Jenkins.

Introductions of those in attendance.

Approval of Minutes

J. Applegate moved for approval of the November 2013 minutes, seconded by J. Shissias. Minutes were approved by voice vote.

Status of Action Items

D. Jenkins stated that in response to action requested at the last meeting, meeting materials and reference literature were made available electronically, and in paper at today's meeting.

New Action Item suggestion from Committee

E. DeVito brought up the topic of a Habitat Conservation Plan (HCP) "white paper" in development by R. Lathrop and L. Niles. He suggested ENSAC have a special meeting to review this. Jenkins responded that the DEP is considering having stakeholder meetings on the topic. R. Lathrop stated that a report will be finalized end of January and can be given or presented to ENSAC. He stated the project seeks to establish a policy of "no net loss of conservation value," so that in cases of development, habitat value would be calculated and balanced by habitat creation or enhancement implemented through the use of a conservation banking system. The method applies landscape scale values to derive conservation value. The conservation bank credits would be created by preservation and stewardship/management for wildlife, and credits would be determined by the species being managed for and later affected by development. The approach that R. Lathrop and L. Niles have developed had it was started because Highlands rules call for no net loss of E&T habitat; it was followed by interest on the part of a few counties for use in water quality management planning. B. Brummer requested that

Approved
3/19/14

ENSAC members get a copy of the report; D. Jenkins suggested the circulation of the report may require approval by DEP.

D. Jenkins will determine at what point the report can be made available to ENSAC members.
B. Brummer suggested ENSAC could host a stakeholder meeting. E. DeVito suggested ENSAC should have a deep understanding of these ideas prior to any presentation or stakeholder meeting.

Action: *Committee agreed to draft a memo to Commissioner Martin with the following requests: 1) provide ENSAC with copy of the report; 2) inform the ENSAC regarding DEP's intent; 3) hold a meeting with ENSAC before public stakeholder meetings.*

Division report

L. Herrighty reported that all the Division regulations (N.J.A.C. 7:25) are up for re-adoption in 2014. New Jersey Administrative Procedures Act amended in 2010 changed the "sunset" period for agency regulations from five years to seven years and also provided that rules that are proposed for readopting without change do not require an opportunity for public comment. The Governor's policy, however, is to seek stakeholder input prior to any rule re-adoption. Consequently, the Division is scheduled to hold a stakeholder meeting on February 13 at the Assunpink Conservation Center.

L. Herrighty also mentioned a stakeholder meeting on the development of forest stewardship plans for state lands will be held February 7, from 10 AM to noon at the Forestry Resource Education Center in Jackson and that Division staff, including ENSP staff would be participating.

Legislative Report

Assistant Director P. Nelson reported that the legislative session started last week. She found there are few proposed bills that could affect E&T. P. Nelson will review these few to determine if they are of concern: A670 (Vegetation Management Response Act) concerning maintenance of power line ROWs. A1305: native vegetation concerns. A900 is a renewed proposal to increase the size of stream cleaning buffers from 150' to 500'. If any of these are of concern, they will be forwarded to ENSAC members.

B. Brummer requested that P. Nelson provide any relevant proposed rulemaking and legislation.
H. Geduldig suggested the DEP's environmental legislative liaison could notify ENSAC directly; P. Nelson will look into that.

Old Business

Nominating Committee

R. Lathrop reported there are two members whose terms are ending in April, 2014: J. Burger has responded she would like to continue serving, and D. Mizrahi has not yet responded re. his interest in continuing (he is out of the country). H. Reinert's appointment has not yet been approved by Commissioner, but his term is also up for reappointment in April.

Approved
3/19/14

There are still two reappointments awaiting final action (R. Lathrop and E. DeVito).

Action: *R. Lathrop, representing the Nominating Committee, made a motion to nominate J. Burger and D. Mizrahi for four-year terms beginning in April, 2014, pending D. Mizrahi's consent to continue. Motion seconded by H. Geduldig. Discussion: J. Galetto stated the importance of accepting the nomination assuming they agree to attend meetings regularly. B. Brummer read the portion of the bylaws regarding attendance. J. Shissias suggested at some point that the Committee may want to discuss term limits for members. The motion was passed unanimously.*

Holly Ridge Farm update

D. Jenkins reported an update from the Commissioner's office. The Board of Public Utilities (BPU) is still deciding how to respond in light of the court decision regarding the sale of the property from Atlantic Electric to a private developer. There has been no decision regarding the state's potential purchase of the property. The DEP is aware of the support for purchase and preservation by the conservation community.

Weldon Brook Management

S. Petzinger presented on this topic using a PowerPoint that had been distributed prior to the meeting. S. Petzinger is working within the scope of the Golden-winged Warbler (GWWA) Working Group's regional approach, and with NRCS's Working Lands for Wildlife and the Appalachian Mountain Joint Venture. There are 95 bird species commonly associated in areas occupied by GWWAs, reflecting GWWA as a habitat umbrella species. Positive management includes managing forests to mimic disturbance and break up forest age classes, eradicating invasive species, reducing the deer population, increasing beaver populations, and allowing fires where possible. Weldon Brook WMA is 1,550 acres within highly ranked GWWA habitat, of which GWWA management will be focused on about one-third, another one-third will be managed for old-growth forest, and the remaining would be either standard forest or ROW management or no action, over a plan period of 80 years. The DFW plan had some concerns raised (potential for invasive species spread and potential for impacts to rare plants), so the plan was revised to mitigate those concerns, including buffers around endangered plants and their associated wetlands. Forest harvest areas will be monitored and treated to deal with potential invasives plant species.

E. DeVito applauded S. Petzinger for working toward agreement on a difficult management approach. He noted that Natural Heritage got out to survey rare plants and that information was integrated into the plan.

D. Jenkins noted the upcoming meeting at Forest Research Education Center (FREC) will include discussion about this planning process.

Action: *A motion by J. Applegate (seconded by R. Lathrop) to endorse plant community management as an important tool to reach species goals, within an adaptive resource management framework for target and non-target flora and fauna. The motion passed unanimously.*

New Business

NJ State Wildlife Action Plan (SWAP) revision

K. Korth updated the Committee on the plan revision progress. There is a new list of *Northeast* Species of Greatest Regional Conservation Need (SGCN) that will help us define NJ's list of SGCN. ENSP established a DFW working group to guide revision of the SWAP, within which ENSP has a small working group. DFW is seeking a reasonable and robust process to define the Species of Greatest Conservation Need (SGCN) from 400+ species to a smaller group of focal species, possibly in tiers of species. Regional (i.e., Northeast US) importance will be part of these criteria. K. Korth also created an executive committee made up of Non-Governmental Organization (NGO) and agency conservation practitioners that will convene next month. The SGCN ranking criteria will be finalized through a process of interaction between these two groups. Quarterly meetings with a larger group of stakeholders are being considered to keep people up to date with progress and get any additional stakeholder input.

K. Korth noted that we would like the SWAP revision to be a regular ENSAC agenda item to provide updates and perhaps ask for guidance. Such input also will help ENSP meet the public input requirement (by USFWS) of the SWAP revision.

Status of New Jersey Bats

M. Valent updated the Committee. He visited many mine sites in 2013 that had not been surveyed in many years (mid-2000s), and provided a table on the results from nine sites. Overall, the results show huge declines in all species post-White-nose Syndrome (WNS). A tenth site, Mt. Hope mine, was gated in 2008 and surveys conducted since then have shown a change from a minority to a majority of Indiana bats, with captures over 400 Indiana bats in the last three pre-winter seasons.

Mobile acoustic monitoring using "Anabat" equipment was continued using car-driven routes. 171 quality calls were recorded last year but the software could not identify 80% of the calls. We recorded six species identified by the software. Improvements are needed in the software to better identify species.

M. Valent summarized the Population Viability Analysis manuscript that analyzed survival of little brown bats using mark-recapture. It suggests that the mortality rate is declining over time (post-WNS). M. Valent reviewed possible causes: acquired immunity, learned or changing behaviors, or related to evolutionary change. For example, we no longer see large clusters in the mines, where there used to be large numbers and dense clusters – fewer bats but also less-clustered. Juvenile bats may be more susceptible than adults to WNS. Little brown bats are the longest-lived animal for their size at 30 years. Males have a slightly higher survival rate than females. Bats recovering from WNS may forego breeding that season; others could delay reproduction within a season resulting in lower survival of young (relative to young born early in season). Both situations reduce fecundity.

M. Valent is recommending the following work: bring affected bats into captivity prior to spring emergence and provide supportive care to see if they can be restored to health sufficiently to

Approved
3/19/14

successfully bear young. A subset of those (6-10, per WNS procedures) could be held to see if they will give birth in captivity; such knowledge could prove important should captive breeding become necessary in the future.

Tennessee Gas Pipeline

As a result of this pipeline development and the impacts to endangered species, mitigation funds have been set aside for future management and monitoring of reptiles across northern NJ.

ENSAC could perform an oversight role to help ensure that use of the funds is consistent with their intent and make recommendations regarding the release of funds to ENSP from the escrow account. Committee members expressed support to assist in this regard.

H. Geduldig made a motion to adjourn (J. Applegate seconded). Meeting adjourned.

Summary of Action Items

Draft a memo to Commissioner re. No-net-loss HCP “white paper.”