

Approved
1/18/2017

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
November 16, 2016
Assunpink Conservation Center**

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

Absent: Erica Miller

Staff in attendance: Dave Chanda (Fish and Wildlife Director), David Jenkins (Chief, ENSP), Kathy Clark, John Heilferty, Amanda Dey, Gretchen Fowles (ENSP). L. Herrighty joined after lunch.

Guests: Wendy Walsh (US Fish & Wildlife Service)

Meeting was called to order by Chair Barbara Brummer at 10:04 AM. The public notice for this meeting was read by D. Jenkins.

Approval of Minutes

A motion to approve the minutes of the September meeting was made by J. Shissias, seconded by H. Reinert. D. Jenkins noted that some members requested a summary of remarks on the aquaculture topic, and he read a paragraph that would be added to the minutes. A motion to approve the minutes as amended was made by J. Shissias and seconded by J. Galetto; the motion was carried unanimously.

An Executive Session was held with the Committee members, Director D. Chanda, and Chief D. Jenkins. That was followed by an Executive Session with ENSAC members only to discuss personnel matters regarding DFW leadership, after which the regular meeting resumed.

Legislative Update

D. Jenkins reported on proposed legislation that would require NJDEP and NJ Dept of Ag (DoA) to work with the Army Corps of Engineers to develop a joint permit process for aquaculture permitting. The proposal passed both bodies of state legislature and is awaiting governor's signature.

D. Mizrahi reported that some conservation groups proposed amendments to modify this legislation so that the permit process would not be removed from the NJDEP.

Proposed legislation that would facilitate interstate cooperation for wildlife law enforcement is supported by DFW.

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A senate resolution calls in to question the DEP determination that foot encapsulating traps are not covered by the legislative ban on leg hold traps. Passage of this resolution moves the determination regarding so-called foot hold traps into the Senate regulatory oversight process. The encapsulated foot trap is a markedly different technology than the leg hold trap that was outlawed in NJ in 1984.

Action Item: Invite someone from the DFW to talk to ENSAC about mammal trapping methods.

Other pending legislation would require all meetings conducted under the Open Public Meetings Act to begin with the Pledge of Allegiance.

Director's Report was covered during the Executive Session.

Public Input

None.

Updates

Expired ENSAC member terms

D. Jenkins reported there is no news on appointments/reappointments for this Committee. He further noted that the term of Barbara Brummer as Chair was expiring at the end of the calendar year and that the selection of a new Chair by the Committee must be approved by the DEP Commissioner. He speculated that such approval, which is memorialized by an administrative order, would experience the same type of delays as have the appointments to the committee.

Bird Status Assessment using the Delphi Technique

K. Clark reported that ENSP initiated the status review of land birds (95+ species) and waterbirds (75+ species), and the review is in the second round. The process is being performed using SurveyMonkey in order to handle the high number of reviewers and species. These reviews will not be completed until early spring 2017.

Briefing on Adaptive Management for oyster aquaculture

D. Jenkins circulated the Vision for Adaptive Management strategy for adjusting conservation measures addressing impacts of oyster aquaculture on red knots. Shellfish aquaculture requires federal permits by the ACOE, thus to fulfill federal Endangered Species Act (ESA) requirements, DFW developed a Biological Assessment (BA), and USFWS issued "Biological Opinion," (BO) to address potential effects on federally listed red knots. USFWS made "no jeopardy" determination that was based on the inclusion of a set of conservation measures in the BA. The BO also calls for these conservation measures to be adjusted through an adaptive management process.

DFW (Shellfisheries, ENSP), NJ Department of Agriculture, and USFWS ("Agency Work Group") worked together to create a framework for an adaptive management process. Going forward, stakeholders will be invited to participate in the process by way of an appointed "stakeholder committee" with interests in aquaculture and shorebirds. Representation on the stakeholder committee will be balanced between persons whose primary interest lies with

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promoting or fostering aquaculture and persons whose primary interest lies with shorebird conservation., including representatives from local (County and Township) government. The Agency Work Group is recommending that this group appoint a “science advisory group.”

The stakeholder group would provide recommendations to the Agency Work Group (AWG) with respect to the conservation measures. The Agency Working Group is: DoAg (Amanda Wenczel), USFWS (Wendy Walsh), DFW ENSP (Jenkins, Dey), DFW Shellfisheries (Babb, Tomko, Tomlin), ACOE. Given that the stakeholder committee recommendations would come from consensus among differing interests would be grounded in best available scientific information, they would carry considerable weight with regard to the AWG’s decision to making changes to the conservation measures.

Discussion followed.

Role of science: Concern was expressed (JB and DM) that the process did not make science/scientists central to the stakeholder group. W. Walsh responded that science is not optional in this process – what is under consideration is only the mechanism or process approach for integrating science into the adaptive management process.

Stakeholder Committee composition: Given the obligation under the ESA to promote recovery of listed species, shouldn’t the stakeholder committee be skewed (in membership interest) to shorebird interests (JMG). Concern was expressed that stakeholder committee would be biased toward aquaculture because their positions representing the county and township. D. Jenkins and Wendy Walsh responded that the agency work group was aware of that possibility and was working with the local governments to ensure balance. BB wondered whether having an even number on the stakeholder group was a mistake and whether there was still opportunity to change the composition. Wendy Walsh responded that the AWG wanted the recommendations of the stakeholder committee to come from development of consensus positions rather than “majority rules.”

Role of Stakeholder Committee: Questions came up regarding whether the stakeholder committee would be making decision or merely recommendations. D. Jenkins and Wendy Walsh responded that the stakeholder group would make recommendations, not decisions, but that their recommendations would carry significant weight with the agencies.

D. Jenkins reminded the Committee that the adaptive management process is required and that it would only be through such a process that conservation measures could be adjusted. He noted that stakeholders have an interest in how this is done and can provide important insights to the agencies. He also noted that the agencies have the obligation and the capability to ensure that their decisions are based in science and he challenged the Committee to provide constructive recommendations that would ensure that competing interests have opportunity for input while maintaining the application of the best available science.

Lunch break 12:55-1:30 PM

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D. Mizrahi motioned to nominate R. Lathrop to represent ENSAC on the Aquaculture stakeholder group. Seconded by J. Shissias. The motion passed unanimously.

New Business

Gretchen Fowles gave a presentation /update on ENSP's work on bobcats and that status of Bobcats in NJ.

Genetic analysis suggests bobcats sampled in New Jersey appear to have their own unique genetic population signal that is not present in the surrounding states. This needs more analysis but could be the result of genetic mixing of a remnant NJ population with cats reintroduced from Maine and mixing with NY/PA cats.

The sources of mortality in 100 bobcats, 2005-2016 were: 65% Dead On Road (3-8 cats found DOR/year), 33% trapped, and 1% each to territorial battle and rodenticide poisoning.

In the period 2002-2015, ENSP identified 261 individual bobcats using DNA from tissue and scat samples. These data will go into a population analysis, and currently working on this with Dr. Ed Green at Rutgers.

Telemetry has contributed important information on home range and major road crossing locations.

The next step is to evaluate all these data to construct a recovery plan. There are no data on southern NJ bobcats, and the question of their genetic makeup remains. Data on bobcat population analysis will be important to apply to the habitat connectivity project to improve success in road crossings.

SUMMARY LIST OF ALL ACTION ITEMS

Action Item: Invite someone from the DFW to talk to ENSAC about mammal trapping methods.

Meeting Adjourned at 2:30 PM.

Motion by R. Lathrop, seconded by H. Reinert.