

Approved 5/16/2012

NJ Endangered and Nongame Species Advisory Committee

Meeting Minutes

March 21, 2012

NJ Division of Fish and Wildlife  
Central Region Office – Assunpink WMA  
Robbinsville, NJ

**ATTENDEES**

COMMITTEE: Barbara Brummer-Chair, James Applegate, Joanna Burger, Emile DeVito, Howard Geduldig, Jane Galetto, Erica Miller, David Mizrahi and Dale Schweitzer and James Shissias.

Absent: Rick Lathrop.

STAFF: Dave Jenkins (ENSP Bureau Chief), Jeanette Bowers Altman, Gustavo Calvo, Chris Davis, Karena DiLeo, Kathy Clark, Larry Herrighty, Tony Petrongolo, Amy Wells, Brian Zarate.

GUESTS: Rick Dutko, (NJDPF), Maeghan Brass, (NJ Audubon), Fred Akers (GEHWA), Robert Zappalorti (Herpetological Associates).

The meeting was called to order at 10:00 a.m. Notice of the meeting date and location were posted on the DFW website, filed with the Office of the Secretary of State on January 25, 2012, and distributed to the Newark Star Ledger and Atlantic City Press.

Introductions of members and public were conducted.

Minutes

**A motion was made by Jim Applegate, seconded by Emile DeVito, to accept the January 2012 minutes as presented. All in favor, none opposed, the minutes were approved.**

Action Items

E. Miller reported Dupont is planning the release of a formal publication regarding the development of artificial conch bait research findings sometime in 3Q2012.

D. Jenkins noted release of the alternate energy guidance documents to the public is pending administrative approval.

Directors Report

*Administration* - On behalf of Director Chanda, Assistant Director Larry Herrighty reported Assistant Commissioner Amy Cradic has accepted a position in the Governor's Policy Office effective March 26, 2012. Also effective March 26<sup>th</sup>, the current Green Acres and Ecological Restoration Administrator Rich Boornazian will fill the role of Assistant Commissioner for Natural and Historic Resources. The Administer position in Green Acres remains vacant at this time.

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ENSP Bureau Chief's Report

Dave Jenkins reported on the following:

*Land Management on Private Lands* – Discussion of was delayed because not all members were present.

*Rule Amendment and Landscape Project Maps* - The Department has adopted several changes to the list of endangered wildlife at N.J.A.C. 7:25-4.13 and to the list and status of nongame wildlife at N.J.A.C. 7:25-4.17. These changes became effective 2/21/2012. In addition, the Department has also released the Landscape Project (LSP) Mapping Version 3.1 which reflects the changes in the amended rule and applies the approach previously used only in the Highlands area to the entire state.

*Administration* – DEP Commissioner Martin has officially reappointed the following ENSAC members: B. Brummer (Qualified Non-Profit), E. DeVito (Public-at-Large), and H. Geduldig (Public at Large). Members requested a letter be sent to the Commissioner noting appreciation for the quick appointments.

*Budget* – Information on the budget will be presented at a future meeting.

Atlantic Sturgeon

*Federal listing* - Dave Jenkins reported the National Marine Fisheries Service has made a decision to list four distinct population segments of the Atlantic Sturgeon, including the New York Bight segment <http://www.nmfs.noaa.gov/pr/glossary.htm#dps>, which covers all NJ waters, as Endangered under the Endangered Species Act. The rule will become effective April 6, 2012.

*NJ Delphi Review* - Jeanette Bowers-Altman, Principal Zoologist-ENSP, noted a copy of the NJ Final Report of the Status Review of Atlantic Sturgeon had been distributed to the members two weeks prior to the meeting in order to allow time to review the summary information, confidence levels, and the panelists' comments on the species. Ms. Bowers-Altman stated the review process originally consisted of 7 participants. After round 1 of the review, 1 participant declined to participate leaving 6 participants to finish the review process. After 3 rounds, the review results reflected: 4 endangered (6.5c confidence level); 1 threatened (6.0 confidence level), 1 special concern (8 confidence level). A consensus was not achieved.

**A motion was made by Joanna Burger, seconded by Jane Galetto, to assign the status of Endangered to the Atlantic sturgeon. Members held discussions noting their decision is based on the Delphi review, their review of the Atlantic sturgeon Delphi report, and existing materials; the majority of Delphi panelists recommended the species be assigned a status of Endangered (the results were just 1 vote short of a consensus as Endangered); it is incumbent upon ENSAC to protect the species. All in favor; none opposed; the Committee approved the status of the Atlantic Sturgeon as Endangered.**

Further discussions included the federal listing of the Atlantic sturgeon as Endangered (and supporting information included in the federal proposal) supports NJ's decision to list the species as Endangered, and concerns about the potential for the species to be left unprotected should NJ not take action and the federal listing status change in the future.

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### Development of the Aquaculture Development Zone

Gustavo Calvo, Principal Biologist-NJ Bureau of Shell Fisheries, gave a presentation titled Shellfish Aquaculture Zoning: Development of Structural Aquaculture Areas in NJ. Aquaculture Development Zones (ADZs) are designated and pre-permitted areas specifically for shellfish aquaculture activities. Each ADZ consists of number of parcels which are leased to members of the public. Mr. Calvo reviewed the purpose of an ADZ is to cluster activity in a few defined areas, foster orderly and environmentally sound aquaculture development for native species of oysters and hard clams. The presentation reviewed permitting, regulatory and environmental challenges associated with the creation of the ADZ's as well as a review of applicant requirements, conditions for lease/access agreements, and Red knot protection provisions.

Discussions continued noting the use of disease resistant strains of native species reduce disease concerns; water quality is protected as activities do not utilize any chemicals and/or feeding products and structures are cleaned only with high pressure water. In addition, because this is a food product, all activities must comply with health regulations.

Members described the creation of the ADZ's as a well thought out economic development plan with activities focused on farming of native resources rather than a culture of non-native species.

### Secretive Marsh Birds

Christina Davis, Senior Environmental Specialist – ENSP, gave a presentation on Secretive Marsh Bird Acoustic Monitoring: [Call] Notes from the Field. The presentation defined 8 focal species including sedge wren, American bittern, black rail, least bittern, king rail, Virginia rail, clapper rail and sora. Ms. Davis reviewed survey locations, acoustic monitoring units, recording schedules and program software (Song Scope) which recognizes algorithms. Ms. Davis noted the benefits of remote acoustic monitoring vs. traditional call playback including the ability to collect long periods of data, the ability to monitor at times that would be otherwise difficult for human monitoring, limited personnel needed to collect data. Challenges included increased start-up costs for units and the software license, increased volume of data to be processed, relatively new technology and the software has not yet been perfected. Efforts will now focus on assessing whether the survey effort is worth the amount of time invested in analysis, review of placement of the units, and the potential for monitoring other terrestrial species. Ms. Davis recognized Alf Breed for his participation with the field work and Allison Anholt for analyzing the data associated with the project.

### Public Comment

Fred Akers, River Administrator - Great Egg Harbor Water Association, recognized the DFW's efforts of working toward fish conservation and commended ENSAC for correcting, what he characterized as, conservation failures associated with the Atlantic sturgeon and other species. However, he expressed concern noting the lack of interstate/federal protection of marine fish; the implementation of the free salt water fishing registry program leaves the DFW ineligible for federal funding; due to the lack of stable funding source, there are insufficient staff and resources necessary to gather the information to create a BMP; leaving several unprotected species (including river herring American eel and menhaden) at risk. Mr. Akers recognized the implementation of a saltwater fishing license is in need of legislative support in order to provide the resources necessary to begin developing a management plan and protecting the species. Mr. Akers also expressed concerns about New Jersey's lack of support for federal menhaden over-fishing limits and federal bycatch protections for river herring.

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### Three New Species of Frogs in NJ

*American green treefrog* - Karena DiLeo, Seasonal Biologist-ENSP, provided an overview of American green treefrogs, *Hyla cinerea*, and noted the 2011 discovery of a large population of *H. cinerea* southwestern New Jersey along the Delaware River and along the Delaware Bayshore. This was the first recorded occurrence of *H. cinerea* in New Jersey and represents a possible range expansion past their northern-most limit in Delaware. A more comprehensive survey will be completed in 2012. Genetic analyses were undertaken to assess whether the NJ population was established via natural colonization by Delaware treefrogs or by human-aided introduction from elsewhere. So far, the results suggest that New Jersey's green treefrog population is most likely a result of a recent movement of Delaware frogs into NJ. Although movement may have been human-mediated, rising temperatures throughout the eastern and central US are possibly favoring the persistence and establishment of these frogs in new areas.

*New Jersey chorus frog*- Brian Zarate, Senior Zoologist-ENSP, provided an overview of the taxonomic history and preferred habitats of the Chorus frog. Historically, the species had been recognized as a subspecies of *Pseudacris triseriata* [kalmi]. In 2007 the species was redefined and the NJ chorus frog was elevated to a distinct species. New Jersey chorus frog samples from central and northern NJ were sent to Dr. Lemmon in 2009/2010 for analysis, but no results have been returned to date. Northern NJ may represent the species' northern most distribution in the United States. Given the likely limited distribution of *P. kalmi* in the state and the overall limited distribution in the United States, proactive measures may need to be considered to document the true range in New Jersey, identify potential threats, and evaluate the current conservation status.

*Leopard frog* – Jeremy Feinberg, Rutgers University Doctorial Candidate, provided a review of the basic ecology, behavior, geographic ranges of the only two leopard frog species traditionally recognized to occur in the northeastern U.S. The southern leopard frog (*Rana sphenoccephala*), has traditionally been reported as the only leopard frog to occur in New Jersey (throughout the entirety of the state), as well as Long Island, Staten Island, and the five southeastern-most counties in mainland New York State. The northern leopard frog (*Rana pipiens*) has traditionally been reported to occur to the north, west, and east of the southern leopard frog's terminus in New York. Recent visual and auditory accounts from 4 focal populations in northern NJ, southeastern NY, and Staten Island were inconsistent with previously known leopard frog species. Genetic analysis revealed that individuals from these populations are a distinct group from all locally occurring leopard frogs. Work is continuing to identify geographic limits of this novel species of leopard frogs and the range may possibly extend into CT and PA.

Discussions continued noting the need for additional funding for research on frog populations.

**Joanna Burger made a motion, seconded by Dale Schweitzer, to adjourn the meeting. All in favor, none opposed, the meeting was adjourned.**