

Approved
6-26-2014

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
March 19, 2014
NJ Division of Fish and Wildlife Central Region Office
Robbinsville, New Jersey**

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

Staff in attendance: Dave Jenkins (Chief ENSP), Kathy Clark (ENSP), Patrick Woerner (ENSP), Peter Winkler (ENSP).

Guests: Barbara Sachou, Amy Karpati, Scott Angus

- Meeting called to order by Chair Brummer
- The public notice for this meeting was read by D. Jenkins.
- Introductions of those in attendance.

Approval of Minutes

Minutes of 1/29/2014 were approved without changes. Motion to approve by Rick Lathrop, second by Jim Applegate. Approved unanimously with David Mizrahi and Erica Miller abstaining

Minutes of special 2/20/2014 meeting were approved with the following changes: Rick Lathrop's name removed from lists of guests (was already listed as a member in attendance); correction to the list of names of ad hoc sub-committee members to which ENSAC members were to provide input – changed from Howard Geduldig to Emile DeVito. Motion to approve by Emile DeVito, second by Joanna Burger. Approved unanimously. No abstentions.

DFW Report

Dave Jenkins gave brief Division and Program reports noting that Division was addressing an outbreak of furunculosis at the Pequest trout hatchery and that this was impacting trout stocking locations, species and quantities. Referred members to check the DFW website for additional information.

D. Jenkins noted the impending loss of ENSP staff before the end of 2014, Kim Korth (moving) and Mick Valent (retiring) and the difficulties that will likely be faced in backfilling these critical positions. D. Jenkins discussed the proposed reduction in SWG funding in the President's 2015

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budget submitted to Congress and the formation of a Blue Ribbon Panel by the Association of Fish and Wildlife Agencies to explore and propose stable, secure funding options for wildlife diversity conservation.

Public Comment

Public attendee, Barbara Sachau commented on the need for more open meetings, more rapid publication of meeting minutes (noting that it should be acceptable to publish draft minutes), and requesting that questions posed by members of the public such as her should be answered.

J. Burger provided a report on the results of her recent annual excavation of pine snake hibernacula in the New Jersey Pine Barrens.

Old Business

Update on the Millville Holly Farm property and diversion of Durand Glass property.

D. Jenkins provided report on the schedule for the publication and hearings regarding Green Acres diversion (Ogden Rooney process) of the Durand Glass property in Millville which involves purchase of at least a portion of the Holly Farm property. E. DeVito commented on past history and efforts of the Committee (ENSAC) noting our previous recommendation for protection of the entire Holly Farm property based on its importance to several E&T spp. He urged Committee members to watch for the publication of the notices and for the Committee to be ready to prepare a response. D. Jenkins noted that the schedule may allow a very short time to provide comment if the Committee waits until their May 21 meeting (same day as second hearing, if one is scheduled). E. DeVito noted that although the Ogden Rooney process for diversion of state lands does not have to follow the rules for diversion of local government or non-profit lands, it has been the practice of the Department to follow the spirit of the diversion rules. He opined that the Department does not appear to be following that practice in this case.

No-Net-Loss Ad Hoc Subcommittee Report

The Committee reviewed and discussed the highlights of the subcommittee report (incorporated in these minutes by reference). Major concerns / issues expressed were:

- Understanding if and how the recommendations in the report would be rolled out – will it provide habitat protections to areas not currently protected by land use regulations or only in areas currently protected by DEP land use E&T habitat regulations? Committee members suggested that protections should extend to all E&T wildlife habitats.
- Concerned that it could be used to weaken protections that exist under current land use regulations that include E&T wildlife habitat protections.

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- Requires a clearer understanding of the statutory authority that will underpin implementation of this approach than provided thus far.
- Many species have not been addressed in the modeling approach
- Lack of resources to implement.
- Need or ENSAC involvement
- Piloting of the approach before any whole-scale use.
- Report recommended against use in the Pinelands-regulated areas and in Highlands Preservation Area, but for its use in the Highlands Planning Area

The Committee which issues should be raised in a letter/memo to the Commissioner and decided to draft a letter opening with strong support for the concepts put forward in the draft “white paper” that would provide protection to E&T wildlife habitats throughout the state in manner that encourages avoidance, minimization and compensation in a logical, transparent, and biologically defensible framework. The letter would also encourage the Department to involve the Committee as it continues to explore and develop this approaches outlined in the white paper, and noting that this would be consistent with the role that was envisioned by the legislature when they passed the Endangered and Nongame Species Conservation Act forty years ago and charged the Commissioner with appointing a “...committee of experts to advise and assist the Commissioner in carrying out the intent of this act...” The Committee has the expertise, experience and the willingness to perform this role and asks that they be provided that opportunity.

The Committee expressed unanimous support for the Chair to draft and submit a letter reflecting these sentiments to cover a revised report from the Ad Hoc Subcommittee.

The Ad Hoc Subcommittee responsible for reviewing the White Paper and drafting the report agreed to finalize a revised report by 3/24/2014.