

Approved
4/19/2017

**Endangered and Nongame Species Advisory Committee
Meeting Minutes
January 18, 2017
Assunpink Conservation Center**

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

Absent: Rick Lathrop

Staff in attendance: Larry Herrighty (Fish and Wildlife Director), Dave Golden (new Assistant Director), David Jenkins (Chief, ENSP), Kathy Clark, Christina (Kashi) Davis (ENSP). Nathan Figley and Brigtsen Smith (Bureau of Information and Education – Hunter/Trapper Education Program) joined later.

Guests: Scott Angus, Jason Howell

Meeting was called to order by Chair Barbara Brummer at 10:08 AM. The public notice for this meeting was read by D. Jenkins.

B. Brummer opened the meeting and wished J. Burger a happy birthday.

Approval of Minutes

A motion to approve the minutes of the September meeting was made by J. Burger, seconded by J. Shissias. No discussion. Motion was approved by all with E. Miller abstaining.

Action Items Update

D. Jenkins reported that the one action item identified in November is being met with today's trapping presentation by the Bureau of Wildlife Management.

Director's Report

There is sad news in the Division. Conservation Officer Michael Szalaj died suddenly December 30 as a result of a liver infection. Division conservation officers held an honor guard at his funeral.

Biologist Dan Roberts (deer project) died suddenly on January 15 of unknown causes. He was just 40 years old. He had always done a good job on the deer management project and dealing with the public.

Game Code update: the proposal to change regulations to require checking traps once every calendar day was reconsidered by DFW and the FGC, and amended in the final game code. In tidal areas (only) traps must be checked once per calendar day; in upland areas, there is no change and traps must be checked every 24 hours. This amendment to keep the upland regulation

Approved
4/19/2017

the same was in response to concern that the change could result in upland animals (esp. bobcats) being held in traps longer.

Legislative Update

Public law 2016, c.95 was passed and signed by the Governor. This requires the DEP and Dept of Ag (DoAg) to work with Army Corps of Engineers (ACOE) on a joint aquaculture permitting process. The DoAg (among others) suggested this may create more delays rather than streamlining.

P.L. 2016, JR-9 Recognizes the economic importance of aquaculture to NJ.

P.L. 2016, c.95 was passed and requires the DoAg and DEP to adopt coordinated permit application and review program for aquaculture projects.

P.L 2016, c.101 was passed and signed into law. It improves coordination of enforcement of wildlife laws across state lines.

L. Herrighty described some of the difficulties with the summer flounder harvest restrictions instituted by NOAA. It's a complicated issue because of the desire to protect larger female fish that provide most of the annual productivity.

Senate and Assembly bills were introduced that would prohibit trade in shark fins.

Association of Fish and Wildlife Agencies (AFWA) update from D. Jenkins: A bill has not yet been introduced in the new congress that would provide for long term funding for nongame wildlife per the Blue Ribbon Panel's recommendations.

Old Business

Status of ENSAC nominations

There is no progress on ENSAC reappointments/appointments. Names were submitted for terms that expired in 2015. The chairperson position has a 4 year term (consecutive terms allowed) but B. Brummer's current chair position term expired on 12/31/16.

J. Shissias reports that the nominating committee will have a presentation for the March meeting.

H. Geduldig suggested the regulation at N.J.A.C. 7:25-4.18 should be reviewed for possible updates to language and meeting schedule.

NJ Wildlife Action Plan

The services of David VanLuven have been procured for assistance with editing and helping to finalize the SWAP for submittal. Staff will be meeting weekly to maintain the plan on track, and updates will continue to be provided on the DFW website. The plan DFW submits in/around May will not have included a final public review and comment period. The Division will hold the required public comment period in the time between initial submission to USFWS and final draft completion.

Public Input

None.

New Business

Blackbird Mortalities in South Jersey

A report by DFW biologist Dr. Jan Lovy was circulated to ENSAC members described poisoning events that occurred in November and December. Insecticide-treated (neonicotinoid) wheat seed was the culprit resulting in hundreds of blackbirds dying. The seed was not used according to label instructions in that it was broadcast and remained on the surface, available to birds. Testing did not detect the neonicotinoid pesticides in the birds or the seed although that may be a function of testing sensitivity to neonics.

D. Jenkins said the Division needs time to determine the authorities in regulation, enforcement and responsibility. Discussion followed on the problem and implications to birds and especially to pollinators. These pesticides also make their way into aquatic systems through surface and ground water leaching and they are highly toxic to aquatic invertebrates. Neonicotinoids may be the most common pesticides in agriculture today.

H. Reinert asked why, in the DFW report, the compound was not detected in tests at New Bolton Center (UPenn). E. Miller confirmed the tests could not detect it. D. Golden affirmed that the DFW is following up on the testing and methodology.

As an aside: USFWS just listed as endangered the rusty patched bumble bee that is historically native to NJ. It was one of the most common bumble bees prior to a steep decline, possibly related to commercial (greenhouse) use that resulted in lethal infections carried to native populations. However, neonicotinoid pesticides are also implicated in its decline.

Enduro events

D. Golden reported that the DFW has been pulling back on allowing enduro events on wildlife management areas. Two years ago the DFW began prohibiting them because they interfere with DFW primary mission. DFW asked for USFWS interpretation of the events and their interference with DFW mission and thus putting federal aid funding at risk. USFWS agreed with DFW position. The only exception is use of public roads on WMAs.

With regard to state forest lands, organized events are allowed under specific conditions. Further discussion put off until after lunch.

After lunch continued discussion: Jason Howell of Pinelands Preservation Alliance brought information obtained under an OPRA request that included a Brendan T. Byrne State Forest map of “potentially non-sensitive areas” (which includes areas where ENSP did not have rare species data) where single-track trails may be developed on plow lines. After some discussion about the threat of vehicle use of state lands to listed and rare wildlife, the chair asked for members to draft a letter to the Commissioner on this topic. A deadline for this letter’s completion and review by members will be set by B. Brummer.

Approved
4/19/2017

Action item: Members will contribute to a letter to the Commissioner regarding use of state lands by off-road riding events. E. DeVito will coordinate.

Update on the oyster aquaculture/red knot adaptive management strategy

D. Jenkins reported that DFW now has a stakeholder committee with a conference call scheduled for January 27. Changes since the November discussion: the stakeholder committee will not have a township member, but an additional bird conservation and an additional aquaculture rep were added. R. Lathrop and J. Galetto will participate for ENSAC. The science advisory group will be created by the stakeholder committee.

Action item: D. Jenkins will send ENSAC members a list of the committee members.

Update on ENSP's Beach Nesting Bird Program by Christina "Kashi" Davis

Todd Pover of CWF-NJ will be retiring from his job of day-to-day piping plover management coordination, turning over much of that work to C. Davis with help from Emily Heiser of CWF-NJ.

American oystercatcher: A new high of 121 pairs were monitored in 2016 and new beach-strand sites (to 36) were used for nesting. An American Oystercatcher Working Group coordinates research and monitoring across all Atlantic and Gulf Coast states.

Least tern: The ten year trend varies widely while colonies have remained generally stable. Population about 1000-1300 individuals in last ten years, but historically the population was closer to 2,000.

Black skimmer: The population ranges between ~1,800 and 2,800, and number of colonies has ranged as low as 5 in 2009 but up to 10 in 2016. Fewer large colonies but total numbers are not very different from historic numbers. The largest colony hosts most (82%) of the population and tends to have good productivity. NJ began banding skimmers chicks in 2016 with color bands that allow resighting. NJ color band is blue with 3 character codes.

Piping plover: The long term trend number of pairs ranges from 92 pairs to 144 pairs; 115 pairs (approximate long term average and in 2016). Productivity is highly related to nesting population in New Jersey. D. Jenkins noted the recovery goal of 1.5 fledges/pair was developed in the course of the federal recovery plan; the productivity rate necessary for a growing population in NJ is actually lower (≥ 1.00 fledges/pair). J. Burger noted that maintaining the NJ population the same, even without increases, is "winning" because of the increased level of habitat loss and impairments related to human populations. Issues limiting productivity: predation, flooding, abandonment (sometimes the result of adult mortality). Exclosures to prevent predation are still used to improve productivity in select situations.

New in 2016: A piping plover nest was initiated on Island Beach State Park. ENSP led a coordinated approach to the protection of this nest that included the park, surf anglers, and beach

Approved
4/19/2017

users. IBSP is a 9-mile stretch of beach that has gone 25 years without PIPL nesting on the oceanfront. The nest was monitored daily, which documented the brood making full use of the 1km- radial buffer from the nest, as the conservative approach of federal guidelines.

Hurricane Sandy in 2012 improved beach habitat for nesters, and Forsythe NWR beach sites benefitted from lack of post-storm “fixing” of shoreline or dunes. The Holgate portion of Forsythe NWR was particularly improved with wide overwashes that provide excellent habitat for piping plover nesting.

Lunch break 12:50-1:15 PM

Presentation on Piping Plover habitat by Michelle Stantial, State University of NY (by telephone and webinar PowerPoint)

M. Stantial studies piping plover nesting behavior and habitat use in NJ. Goals: identify habitat design features that benefit plovers and understand drivers of chick mortality. There are nine study sites from Barnegat Light to Cape May.

Methods include capture and banding of chicks and adults to monitor individuals and record survival. She found differences in daily survival probability among sites, with highest survival at sites with overwash wet sand areas. Chick growth rates were analyzed by measuring birds every 5-7 days. She also surveyed for predators bi-weekly via tracks (mammals) and visual surveys (birds); she found predator occupancy declined with greater distance from the dune. Predator occupancy (specifically, red fox) is greatest in the 0-25 m from dune, which is the same area where PIPL tend to nest. After 2017, Michelle will have three years of resighting data to examine natal dispersal. She will continue to evaluate habitat availability, habitat use, human disturbance, and foraging rates relative to chick growth. Predator occupancy, chick survival, and habitat quality assessments will all continue.

D. Jenkins thanked Michelle for her presentation, and noted that this kind of research will help focus management and help target the factors that are limiting productivity.

Trapping equipment demonstration by Nathan Figley and Brigtsen Smith (Bureau of information and Education – Hunter/Trapper Education -- Nate Figley is the administrator of the hunter education and trapper education programs for the DFW).

Nate and Brigtsen demonstrated the use of several different types of traps used in furbearer trapping in NJ including: box traps, colony traps, body-gripping traps (previously known as Conibear, a brand name), foot-encapsulating/DP (AKA, “dog-proof trap,” primarily used for raccoons), cable restraint traps (snares), and collarum; and reviewed regulations pertaining to trap types and use in New Jersey.

J. Applegate and the Committee thanked Nate and Brigtsen for their very informative presentation.

Meeting Adjourned at 3:20 PM (however, just 5 members remained at this time)

Approved
4/19/2017

SUMMARY LIST OF ALL ACTION ITEMS

Action item: Members [Emile DeVito, taking lead] will contribute to a letter [memo] to the Commissioner regarding use of state lands by off-road riding events.

Action item: D. Jenkins will send ENSAC members a list of the committee members.