

Endangered and Nongame Species Advisory Committee
DRAFT Meeting Minutes
June 6, 2018
(rescheduled May 16, 2018 meeting)
501 E. State St. Trenton Office

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

Absent:

Staff in attendance: John Heilferty, Acting Chief, ENSP, Kathy Clark, Mandy Dey, Director Larry Herrightly, Assistant Director Paulette Nelson, Assistant Commissioner Ray Bukowski.

Guests: Dave Jenkins (former ENSP chief), Russ Furnari (PSEG)

Meeting was called to order by Chair Rick Lathrop at 10:05 AM. The public notice for this meeting was read by J. Heilferty.

Approval of Minutes

A motion to approve the minutes of the 4/20/18 meeting was made by J. Burger and seconded by E. Miller. Minutes approved (HG and BB abstained).

Action Items Update

None.

Director's Report

Director L. Herrightly reported on the state hiring and spending freezes. The Division of Fish and Wildlife (DFW) learned yesterday the spending freeze should not affect dedicated accounts. The hiring freeze would affect seasonal as well as full-time employees, but most of DFW seasonals are already on the rolls. Discussions have been held on predator control at beachnesting bird beaches. The new commissioner hasn't yet been confirmed and some decisions are waiting on her confirmation.

Legislative Update:

Assistant Director P. Nelson reported on some bills from a list of legislative bills that she handed out.

- S-2419: Would permit certain deer control activities, prohibits deer feeding, and establishes donation for venison program. Passed by the senate environmental committee.
- S-1925, A-1530 (passed house): Designates bog turtle as state reptile. Awaiting Governor's signature.
- S-1093, A-1923: Would prohibit use of exotic animals in any traveling exhibit/zoo/etc. for entertainment purposes; recently amended to allow for education. Are birds listed and are

they covered? Committee would like to review this for the list of animals. The bill has gone through committees in both house and senate and awaiting vote.

- S-2511, A-4020: Would change the title of “conservation officer” to “conservation police officer.”
- A-4069: Would direct DEP to construct and install bat houses on all Parks and Forest land.
- A4106: Just introduced, would allow certain motorcycle events on WMAs. Discussion about whether land deed restrictions would apply. There is no Senate bill yet. The DFW is opposed. The Committee would like to see the full bill if this gains any traction.
- AJR-133: Would designate the last full weekend in August as NJ Bat Night Out.
- Several bills would prohibit smoking on public beaches and parks, but the land defined does not include WMAs or reservoirs.
- ACR-175: Would urge DEP to replace lethal population control methods for foxes on Brigantine Island with non-lethal deterrence methods. The full language is not yet available.

Federal legislation:

HR4647: Would amend the Pittman-Robertson Wildlife Restoration Act to make funds available for SGCN wildlife, allowing for allocation and distribution of Recovering America’s Wildlife Act (RAWA) funds.

HR2591: Would amend Pittman-Robertson Wildlife Restoration Act (PRWRA) to modernize the funding of wildlife conservation to support Recruitment, Retention, Reactivation.

Public Input

None.

Other Committee Business

J. Heilferty and D. Jenkins presented a gift to Barbara Brummer on behalf of the Committee, for her long service as the previous chair of the Committee. She was presented with a signed James Fiorentino book.

Updates / Old Business

R. Lathrop reported on the Committee letter to the Director regarding biomedical use of horseshoe crab lysate, which the Director had passed on to the Atlantic States Marine Fisheries Council (ASMFC). The Committee received the June 1 letter from the ASMFC. Director Herrighty discussed that letter, which confirmed the limits on disclosure of data. Further, the ASMFC uses new data that is incorporated into the population and harvest model only in periodic major reassessments of the Adaptive Resource Management (ARM) model. The ASMFC modelers assert they are incorporating all sources of mortality, and that they see more information than they can make public. The Committee’s concern is for potential impacts on Delaware Bay Origin crab population.

Bird Status Review – Results

K. Clark reported on the email voting that took place after the April 20th ENSAC meeting, which was needed to confirm Committee agreement with the recommended statuses of two non-consensus species accidentally left off the list considered on April 20th. Ten of eleven members responded by email to confirm their agreement with the ENSP recommended status of Great

Blue Heron (remaining SC, breeding) and Royal Tern (status changing from none to S, breeding). The last member (JA) confirmed his agreement with these changes.

New Business

D. Mizrahi reported on the synthetic horseshoe crab (HSC) lysate developments. The patent on the synthetic (recombinant) lysate recently expired. The FDA clarified the regulation about medical lysate uses. The synthetic could be substituted during much of the in-line use of lysate. Pharma companies have strict protocols and changing to a synthetic would require a validation process be completed. B. Brummer noted that the positive PR value of the synthetic could help move the companies' changeover. D. Mizrahi reported on a press event that included Eli Lilly company, in support of the adoption of synthetic lysate (already in use at Eli Lilly plants in NJ and IN, and in European countries).

B. Brummer suggested the Committee provide a summary of information to the other pharmaceutical companies to encourage wider adoption of synthetic lysate. Need something that is brief (2 pages) for executives. D. Mizrahi said there is a document already created that could be adapted for that use. **D. Mizrahi will send that document to BB, JB, RF.**

J. Galetto mentioned questions about the derivation of products made by Lonza (made from DNA of army worm caterpillars, without mortality). Does the adoption of the synthetic require different equipment in hospitals? Would the demand for HSC lysate actually decline? Not clear that total demand would lessen because there is a continuing expansion of demand.

A. Dey: There are best management practices by HSC medical collectors that are now 7 years old, and could perhaps be revisited by ASMFC.

D. Mizrahi: Agree with reducing mortality where possible in biomedical use, but the mortality of the legal harvest for bait is the larger mortality. The synthetic bait that had been in development by LaMonica Seafood has faded away; possible claims that it was not effective enough. J. Heilferty: Avoiding the mortality of bait harvest may be more effective in the long run, and this is an opportunity for industry or university.

D. Mizrahi: Also at question is the genetic/geographic origin (e.g., Delaware Bay Origin) of horseshoe crabs being harvested for all uses. There is interest by a researcher to investigate the genetics of harvested crabs.

E. Miller will ask Dr. Nancy Target about the status of artificial bait as a product.

What is the regulatory handle on what is used as bait? **L. Herrighty to ask Fisheries and/or Shellfisheries biologists.**

Migratory Shorebird update

M. Dey reported on the 2018 update for Red Knot with a handout.

L. Herrighty: In response to M. Dey's note that Dave Smith paper suggests current modeling of horseshoe crab would result in recovery in 60 years, Director Herrighty notes the Magnuson Stevens Act requires recovery plans to be effective in 10 to 15 years. Therefore, ASMFC should review the data to revise the ARM model for harvest quotas.

2018 was a good year overall: Red Knot (RK) weight gains were above average throughout the season. Spawning was strong without any major storms, and widely distributed. Early numbers, there were 12-15,000 eggs/m. As yet unknown percentage of RK made 180g. The fattest birds help derive this measure, and early departures of heavy birds, like in 2018, artificially reduce the %.

Peak count of 32,000 RK on May 23, which is above average. May 26 count was 24,000 RK. The mark-resighting derived population estimate is 43,000-49,000 RK.

Diamondback Terrapins and bycatch

J. Galetto brought up new topic of Diamondback Terrapins and their bycatch in blue crab traps. There is a recent report of 80 dead terrapins that washed up from a trap without excluder devices. Perhaps it's time to expand the required use of turtle excluders on crab traps. Also need public awareness about ghost traps and others that fall into disrepair and should be removed from the waterways. Include this for future meeting topic.

Introduction of Assistant Commissioner Ray Bukowski

AC Bukowski greeted the Committee and introduced himself and began a discussion about his job, issues, and taking input from the Committee.

Next meeting – possible agenda items:

Status of synthetic HSC bait

Beach nesting bird management (including predator control)

Next meeting Wednesday, July 18. The meeting will be located at Assunpink.

September 11 (a Tuesday) will be the joint meeting of ENSAC and Fish & Game Council (FGC). That meeting will be at the Assunpink Conservation Center because the SRO office's conference room will be under construction. Planned start time: 10:00 AM. Director Herrighty will see if the Council can agree to change the 9/11 meeting to Weds, 9/12 or 9/19.

Note: At the June 12, 2018, Fish and Game Commission meeting, it was instead proposed that the joint ENSAC/FGC meeting be held on October 17, 2018, at the Conservation Center. The same issue with the building construction will be present. Not sure where ENSAC could pre-meet before the post-lunch joint meeting.

Possible Joint Meeting topics: game birds reviewed for status in the last Delphi review.

Meeting adjourned at approximately 2:00 PM

SUMMARY LIST OF ALL ACTION ITEMS

D. Mizrahi to send the existing informational document on synthetic lysate to BB, JB, RF, for editing into a brief for other pharmaceutical companies.

D. Mizrahi to ask Dr. Nancy Target about the status of artificial bait as a product.

L. Herrightly to ask Fisheries and/or Shellfisheries biologists about baits used for conch and eel.