

Endangered and Nongame Species Advisory Committee
Meeting Minutes
November 17, 2021
Remote meeting via GoToMeeting

Members in attendance: Rick Lathrop (chair), Jim Applegate, Joanna Burger, Emile DeVito, Russ Furnari, Jane Morton Galetto, Howard Geduldig, Erica Miller, David Mizrahi, Howard Reinert.

Absent: Robin Dougherty

Staff in attendance: Dave Golden (Director DFW), John Heilferty (Chief ENSP), Kathy Clark (ENSP), Mary Monteschio (DFW), Christina (Kashi) Davis (ENSP), Emily Heiser (ENSP), Melissa Woerner (BLM).

Public: Barbara Sachau

Meeting called to order at 9:02 am.

The public notice for this meeting was read by J. Heilferty.

Introductions of those in attendance.

Approval of Minutes

R. Furnari made a motion to approve the minutes from the September meeting, second by J. Galetto. There was no discussion and the minutes were approved.

Director's Report by Director Dave Golden

This week marks the second week that the DEP and DFW staff are back in the office full time. The DFW are also adapting to mandatory testing for those not vaccinated against COVID. Two DFW facilities are being used as testing sites for the DEP.

Assistant Commissioner Ray Bukowski recently retired, and Craig Dorsett is now Acting Assistant Commissioner. Another retirement is Diane Ogonofski, who handled Human Resources actions. At this time, there are a lot of hiring and promotional actions within the Division.

Some important legislative actions: The NJ Waterfowl Stamp price increase was signed by the Governor last Monday, which adds money to the Waterfowl Stamp Fund to support conservation programs and purchase habitat. Also notable, the federal infrastructure bill passed, and that will provide \$350 million for wildlife-highway crossings, and over \$10 billion for wildfire and forest health, among other things.

The DFW is ready to launch the Wildlife Habitat Supporter Program on November 23. Funding generated will go toward wildlife management areas. There was discussion about the desired management for a variety of WMA visitors.

The WHS sticker may eventually substitute for other use permits such as the DFW's boat ramp permit, if only at select sites. Twenty-five other states have voluntary or mandatory programs to access WMAs. All states struggle with supporting land conservation in the face of rising staff and maintenance costs.

The DFW survey of WMA users a few years ago identified areas where a high proportion of users are not license buyers, and those may be the areas where more interaction/signage/trails might target users and future supporters.

Legislative Updates

M. Monteschio reported that (as previously mentioned) the federal infrastructure bill passed. RAWA (Recovering America's Wildlife Act) has 106 House sponsors but the Senate has not added any new co-sponsors.

Public Input

B. Sachau mentioned the minutes should be made available to the public more quickly. According to her, two attendees were not allowed to speak at the October joint meeting. She thinks the time allowed for public input is too brief. She also thinks waterfowl hunting should not be legal. She thinks the wildlife and trees should be protected.

Updates

K. Schantz is proposing two research projects for Northern copperhead, which have been recommended for threatened status. The funding comes from Tennessee Gas Pipeline mitigation funds that were dedicated to the Division, some of which the Division has put in trust. Allocating funds from the NJ Natural Lands Trust requires ENSAC approval of the work plan. The proposal is to release \$500k for ENSP to award two grants for innovative research on survey methods that is suitable for DEP use. The second fund would support Rutgers University research in the amount of \$370k on N. copperhead habitat use, range and dispersal, and habitat characterization in north and central NJ.

J. Burger made a motion to approve the release of \$870k from the Skylands timber rattlesnake/northern copperhead mitigation account in NJ NLT. Seconded by R. Furnari. Discussion followed. The motion passed unanimously.

K. Schantz asked if there are ENSAC members who are willing to review the grant description and scoring variables (but excluding members who may want to bid on this work). R. Furnari, E. Miller, J. Applegate, and H. Geduldig volunteered for this task.

The white paper on Northern Diamondback Terrapin has been delayed; biologist B. Zarate has taken over the project from retired J. Bowers-Altman.

The amendments to the bylaws in 2019 direct that, in November of 2022, the terms of J. Burger and D. Mizrahi will expire; D. Mizrahi's term is subject to reappointment.

Nominations Committee (E. Miller, H. Geduldig, and R. Furnari) will convene to make recommendations for appointment/reappointment. H. Geduldig reported for the Nominations Committee that D. Mizrahi will be reappointed if he is willing to continue serving. The search for a new appointment to fill J. Burger's academic position will begin; the seat requires that candidates have academic/research background and interest in nongame wildlife; and to also advance the Committee's diversity goal and/or experience in urban habitats. R. Lathrop asked for a slate of potential candidates at the January meeting.

New Business

Melissa Woerner presented on the Pond Creek restoration project at Higbee Beach WMA M. Woerner is the habitat planner in the DFW Bureau of Lands Management. The Pond Creek marsh restoration project is funded by natural resource damage funds in the Office of Natural Resources Restoration. The DFW was charged with the project design.

Pond Creek is a tidal creek open to Delaware Bay, but tidal flow has been impeded for many years. Restoration goals: restore tidal hydrology, improve flora and saltmarsh productivity (eradicate Phragmites); construct tidal inundation and water control structures; protect existing freshwater marsh habitat upstream from Pond Creek; improve migratory bird habitat; use excavated sediments to facilitate remediation of the former magnesite area and landfill; establish this site as ecotourism resource.

Part of this site was used for a magnesite industry that resulted in slag fill on parts of the site. The creek's hydrology was changed and inconsistent tidal flow has allowed Phragmites to dominate the marsh, and upstream freshwater habitats have had saltwater intrusion. Fixing the hydrology will restore marsh productivity.

The assessment, engineering, and permitting have been done, and stakeholders were convened for public input. The proposed project will improve the tidal flow of Pond Creek, and feature an earthen berm with four water control structures to protect the freshwater areas from further tidal inundation. The berm will be walkable and have nine wildlife viewing structures/overlooks at sites of interest. In the marsh interior will be high marsh or shell islands for wildlife habitat. A visitor interpretive center is planned for the entrance off Sunset Blvd.

The DEP is revising the project specifications to re-bid it soon.

Discussion: Members expressed appreciation for this project design. E. DeVito asked how sea level rise was accounted for in the modeling. Director Golden noted that the berm, which is the largest feature, is overbuilt and thus will hold up to sea level rise. But the low to high tide within the restored marsh are on a narrow margin in terms of the habitats inside the area. The potential interpretive center will definitely be designed with sea level rise in mind.

Christina (Kashi) Davis and Emily Heiser presented on the 2021 Beach-nesting Bird Project

The Beach-nesting Bird Project monitors beach nesting bird sites from Sandy Hook to Cape May, monitoring for species abundance and productivity, and managing to protect and enhance nest success.

The Memorial Day weekend nor'easter storm defined the 2021 season: it was cold and lasted three days, with heavy rain and wind. The storm hit when many beach-nesting birds were far along in their initial nest attempts.

Piping Plovers

137 pairs (second highest pair count since monitoring began in 1980s) at 28 sites had success of 0.85 fledglings per pair, well below the 1.50 recovery goal. Plover distribution is clustered heavily on federal properties. Failures were largely due to predation (48%) and flooding (36%). Predation was mostly mammalian, and of note, by coyotes this year. The population size and productivity charted since 1987 shows a lot of variability in both pairs and productivity rates. In 2021, there were 259 nesting attempts and 64% failed. The failure rate is usually around 40%. Exclosure use continues to be difficult – exclosed nests hatch at a higher rate than unexclosed (59% v 10%) but have a higher rate of abandonment (with is associated with adult mortality).

Least Terns

1,153 adults at 26 sites, that produced 301 fledglings. Three sites were significant: Horseshoe Island, Holgate, and Point Pleasant Beach. The population trend since 2012 has been fairly stable even though productivity rate has not been ideal.

Black Skimmers

2,099 adults at 6 sites, that produced 1,362 fledglings. Of the 6 sites, 5 sites fledged young (this species nests later and largely escaped the nor'easter). The population trend since 2012 has been fairly stable but the number of colonies has declined to as low as four sites. Staff has been color-banding skimmers with The Wetlands Institute in recent years, which is yielding resighting data; 5 birds were tagged with transmitters in 2021, which should provide data on foraging range of breeding birds.

American Oystercatchers

This species nests on both beaches and marshes, so it is difficult to census and estimate population size. In recent years, more are nesting on beach fronts, which may be a shift away from back-bay habitats. ENSP and its partners monitored 169 pairs at 46 sites, documenting 0.24 chicks per pair. Most pairs nested at three sites (Holgate, Stone Harbor Point, Sandy Hook).

Barnegat Light State Park beach restoration area was completed in 2020, and in 2021, attracted least terns, black skimmers, and five pairs of piping plovers inside the restoration area. Longer term management will be vegetation control to maintain suitable habitat.

Horseshoe Island formed off of the Little Beach unit of Forsythe NWR. It showed up in 2018 and by 2021 was stable enough to host nesting black skimmers, oystercatchers, least and common terns. Thousands of shorebirds used it for resting and foraging, including federally listed piping plover and red knot. Staff are working with USFWS to petition NJ Tidelands Council for management authority to fence nesting colonies and prevent boat landings, etc.

Cape May Meadows sand transfer ENSP worked with partners (US Army Corps, The Nature Conservancy) to remove sand and restore it back to a lower elevation suitable for beach-nesting birds. The removed sand was used for beachfill projects in Cape May City and Cape May Point. As a result, least terns re-occupied and had good nest success.

Discussion:

J. Burger is interested in black skimmer nests in Barnegat Bay. She notes that her band records show that terns are moving north (for example, to Mass.).

E. DeVito asked if piping plover return to nest after their first winter? E. Heiser: they usually do, but males especially tend to have lower success finding mates and territories. D. Mizrahi: Horseshoe Island was important for southbound migrating red knots this fall, so it does need protection. Also, does predator control on federal lands make up for early flooding events? E. Heiser: controlling human disturbance on those federal lands may be more influential to improving nest success. K. Davis adds that human disturbance affects chick success by impeding feeding opportunity. K. Davis added that Horseshoe Island is important for many species including federally listed birds. J. Burger said that keeping the populations of beach-nesting birds stable, even if not increasing, is a win.

Committee members thanked Kashi and Emily for their presentation.

Other Business

J. Galetto suggested a meeting presentation on plants would be welcome.

R. Lathrop suggested a discussion via ad hoc group with the DEP regarding the horseshoe crab ARM model. There was interest from D. Mizrahi, J. Burger, J. Galetto for an ad hoc subgroup (an email will make the request to the entire ENSAC to reach those not in attendance). J. Heilferty said Joe Cimino of Bureau of Shellfisheries can help on this topic; Eric Schradling/Wendy Walsh of USFWS should also be involved.

Looking ahead: Proposed 2022 ENSAC meeting dates

Third Wednesdays in 2022:

January 19

March 16

May 18

July 20

September 21

November 16

Tentative: Possible October joint meeting with FGC? **October 11, 2022?**

Decisions need to be made regarding future meetings in-person at Assunpink office, continued virtual, or some hybrid of those two. Director Golden said the Assunpink conference meeting equipment will be tested to try to accommodate in-person and hybrid options. The Division will seek guidance on policy/procedures for committee/council meetings with regard to COVID.

Next regular ENSAC meeting is Wednesday, January 19, anticipated to be virtual and starting at 9:00 AM.

J. Galetto made a motion to adjourn, seconded by H. Geduldig. Meeting adjourned 12:15 pm.

Summary of Action Items

- 1) Action item: ENSP will report on the status of the “white paper” at an upcoming meeting if it is completed and available.