

Endangered and Nongame Species Advisory Committee
Meeting Minutes
January 19, 2022
Remote meeting via GoToMeeting

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

Absent: none

Staff in attendance: John Heilferty (Chief ENSP), Kathy Clark (ENSP), Mary Monteschio (DFW), Robert Somes (ENSP), Joe Cimino (Marine Fisheries), Jeff Brust (Chief MF), Linda Barry, Samantha MacQuesten, Assistant Director Lisa Barno.

Public: Morgan Mark (Rutgers)

Meeting called to order at 9:02 am.

The public notice for this meeting was read by J. Heilferty. The DFW website has been updated to include the 2022 meetings.

Introductions of those in attendance.

Approval of Minutes

R. Furnari made a motion to approve the minutes from the November meeting, second by E. Miller. There was no discussion and the minutes were approved.

Director's Report by Director Dave Golden

There was no director's report available.

Legislative Updates

M. Monteschio reviewed the introduced legislation. It was a busy "lame duck" session through January 11. The bills A-2070 and S-1016, restricting the use of neonicotinoids, were reintroduced after they were not signed in last session.

In federal legislation: RAWA (Recovering America's Wildlife Act) has 151 co-sponsors in the House, but only two in the Senate. J. Heilferty added that RAWA had a hearing in Senate subcommittee in December, and a hearing in the House subcommittee is scheduled.

Public Input

None.

Updates

The white paper on Northern Diamondback Terrapin was delayed by J. Bowers Altman's retirement. Biologist B. Zarate has taken over the project, and he will have a final draft for review in the March meeting. Discussion followed on the timeline for this document relative to potential changes to shellfisheries regulations (e.g., commercial crabbing).

Report of the Nominations Committee

H. Geduldig introduced the Nominations subcommittee (E. Miller, R. Furnari, H. Geduldig). The committee met after the last ENSAC Meeting to discuss the upcoming vacancy of J. Burger's position in the academic/research category, and they reviewed potential candidates. Resumes of potential candidates will be circulated to ENSAC members for review in the next couple of weeks. The criteria include possession of species knowledge otherwise lacking in ENSAC, greater diversity in the ENSAC, and/or awareness of urban habitats and benefits to urban residents. Following review, the Nominations subcommittee would rank the candidates and contact the highest ranking candidates prior to making this public. The recommendations will be brought to ENSAC at the March meeting.

J. Galetto asked about the expertise desired. J. Heilferty said current Committee members have expertise in herps and birds, so there are other areas that would be desirable. H. Geduldig responded that the subcommittee is reviewing candidates with a variety of expertise.

New Business

Horseshoe Crab management

Joe Cimino, Administrator of the Marine Fisheries Administration, presented info on the Atlantic States Marine Fisheries Commission (ASMFC) next steps:

1. Consider Adaptive Resource Management (ARM) Revision and Peer Review Report;
2. Move to initiate Addendum to the Fisheries Management Plan (FMP);
3. Public Information Document (PID) (summer 2022) and public hearings (in NJ, DE, MD, VA);
4. Board meetings to approve Addendum (likely end of 2022);
5. Consider using the revised ARM model for management in 2023 or 2024.

The ARM model results have suggested that harvest of female horseshoe crab (HSC) would be possible, but the ASMFC Board has already voted to keep harvest levels the same.

R. Lathrop noted the Peer Review Report is a decision point; what if the report is not positive? J. Cimino said the documents were already posted by ASMFC, and the Peer Review Report did approve the ARM revision after suggesting some model runs.

R. Lathrop asked about when stakeholder input (e.g., by ENSAC) is available. J. Cimino said the public hearings period.

D. Mizrahi said that W. Walsh (USFWS) wrote a "minority report" on the ARM that said shorebird biologists were not included in the initiation of the process, only after the ARM revision. J. Cimino responded that there was a majority response to that report, and both reports

are available for ASMFC's consideration. D. Mizrahi restated that there are other considerations that were not fully considered in the process. J. Burger noted that true stakeholder involvement includes full consideration and engagement in the process, such that minority reports would not be necessary.

J. Galetto said that NJ has had limits on HSC harvest that other states are benefitting from, and the model is based on the harvest moratorium in NJ. J. Cimino agreed that the early stage of positive surveys of HSC population is in part due to the NJ moratorium and protection of Delaware Bay females.

J. Cimino notes comments may refer to crab management and/or the model; the ASMFC board meetings are open to the public and subject to comments from the public. D. Mizrahi noted both management and the model metrics are of concern. D. Mizrahi agreed the model needed revision, but felt that more shorebird interests should have been involved in the model revision.

J. Burger expressed that the bottom line is HSC eggs that are available to shorebirds, and discussion has lacked on including that metric in the model. J. Galetto asked if that could be revisited; J. Cimino said that could be done in the future. J. Brust noted that there was shorebird expertise involved in the model, in the Delaware Bay Technical Committee and ARM subcommittee (specifically, L. Niles, W. Walsh, J. Lyons). J. Burger noted that shorebird interests may feel they are not being heard in the process.

R. Lathrop asked for ENSAC's action in their advisory role to the Division.

H. Geduldig notes the ENSAC may have leverage in this topic with their oversight of the NJ moratorium. The moratorium statute provides that ENSAC is the entity that would release NJ from the moratorium. J. Brust notes that HSC harvest is regulated by Marine Fisheries Commission; regardless of the revised model, NJ's harvest restrictions will remain in place because the red knot abundance is a lagging metric.

R. Lathrop asks if the upcoming Board meeting is a pivot point in the process. J. Cimino responded the meeting is next week. The amendment to the FMP will be reviewed (likely October), and the public hearing, are the points for input.

J. Burger is not sure the input will have any effect on the model's revision. For example, egg density will not be considered as a model metric, because the options in this process are accepting the model revision or not.

R. Furnari: Is there a document with the dates of the process? If there is a vote next week on the model, will NJ vote to approve? J. Cimino: The Board will be asking for timeline document next week. NJ has three people who vote, with the DFW agency being one of them; NJ agency finds the model appropriate; it's unknown how the other 2 NJ commissioners will vote. The ASMFC allocates a male-female quota for the states; for MD and VA a portion of their allocation is restricted as part of the DB population, and J. Cimino is supporting zero female harvest of the Delaware Bay population.

R. Lathrop: Can ENSAC express their concerns to the other NJ commissioners? J. Cimino said that can be at the pre-meeting via letter or in person (via J. Heilferty).

R. Lathrop thanked J. Cimino and J. Brust for their participation today.

Solar Act of 2021 – technical guidance on pollinator habitat

J. Heilferty reported on this. BPU is regulating new solar projects. The Bureau of Climate Change and Clean Energy staff review design and siting of solar developments.

There is new legislation that requires standards for use of pollinator-friendly native plant species in grid supply solar facilities. The Department requested the DFW create a document that will be the DEP's recommendations. R. Somes and Wade Wander (ENSP part-time biologist) had already created a recommended seed mix for pollinators. In addition, the Xerces Society and NRCS published a document that provides seed mixes for NJ and related eco-regions, as well as site preparation, techniques, and long-term maintenance of optimal habitat. R. Somes and W. Wander will work up a new document and provide to the Committee in March.

R. Dougherty asked where this document will reside. J. Heilferty responded that the BPU is on the hook for developing the materials required for applications for sites >5 MW projects. R. Dougherty notes there's a native plant society in NJ/Rutgers that could be useful. J. Heilferty agrees we do not want to recreate the wheel, but take advantage of materials available. R. Somes notes we (the state) cannot identify vendors, but regardless, seed sources can be variable annually. R. Furnari notes that PSEG has developed seed mixes for installation at restoration sites and can provide their information. Discussion on the techniques and variety of sites where solar may be developed and maintained.

Offshore Wind Research and Monitoring Initiative

J. Heilferty is contributing to the DEP's offshore wind initiatives, along with staff from Marine Fisheries covering marine species. The BPU requires financial contributions from wind developers to fund research and monitoring, and DEP staff are recommending projects to those ends. There are working groups that also have representation by non-profit conservation groups, among others. Potential projects:

- Expand the Motus network, on- and off-shore;
- Supply transmitters/satellite tags/nanotags to researchers studying avian and bat species migrating or traveling through NJ offshore waters;
- Deploy transmitters/satellite tags/nanotags on avian species handled by DFW staff or via new/existing contractors;
- New contracts with federal partners to fund new, ongoing, or expanded offshore wind research;
- New contracts with NGO partners to implement avian studies.

There was discussion on the types of projects that would help document wildlife use of the offshore areas. Also concerns about the other impacts of offshore wind development that may be seen on-shore. There may be shifts in wildlife use toward offshore waters if inshore water habitat quality changes. Also, the benefits of Motus vs. satellite tags for information quality. J.

Heilferty noted the results of such studies will be reviewed by the DFW/DEP. He also noted there is radar data that has been in place to measure weather and wave height, which may be used going forward, or “mined” for historic avian data. D. Mizrahi noted that offshore radar is likely to be put into use to detect flight altitude, which is crucial information relative to turbines.

Other Business

Next regular ENSAC meeting is Wednesday, March 16, which will be virtual and starting at 9:00 AM. New agenda item for March: freshwater mussels; importance of river dam removals.

J. Burger made a motion to adjourn, seconded by H. Geduldig. Meeting adjourned 11:53 AM.

Summary of Action Items

- 1) The Nominating Subcommittee will send out info on candidates for consideration.
- 2) Pending ENSAC involvement in a pre-meeting with NJ’s three commissioners on ASMFC.
- 3) Identify a longer term strategy for ENSAC involvement in ASMFC’s actions.
- 4) Feedback on solar field pollinator plant recommendations, and ENSP’s list of offshore wind potential research/monitoring projects.
- 5) Review of ENSP’s Northern Diamondback Terrapin “white paper” at the March meeting.