

Endangered and Nongame Species Advisory Committee
Meeting Minutes
March 23, 2022
Remote meeting via GoToMeeting

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

Absent: Joanna Burger, David Mizrahi

Staff in attendance: Dave Golden (Assistant Commissioner), John Heilferty (Chief ENSP), Kathy Clark (ENSP), Mary Monteschio (DFW), Robert Somes (ENSP), Brian Zarate (ENSP), Shawn Crouse (Freshwater Fisheries), Eric Boehm (Freshwater Fisheries)

Public: Eric Schradling (USFWS-NJFO), Beth Styler-Barry (TNC), Barbara Sachau

Meeting called to order at 9:04 am.

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

Introductions of those in attendance.

Approval of Minutes

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

Director's Report by Director Dave Golden

This year marks the 130th anniversary of the NJ fish and wildlife agency.

Update on recent NHR reorganization: there has been discussion about the statutory appointment of Director by the Fish & Game Council. The Commissioner signed an AO that the director appointment would fulfill the AC position. The FGC appointment has been elevated to AC level, so the director position will not be backfilled. The AO implies this appointment will continue beyond this administration. As a result, the "division" of Fish and Wildlife has been elevated to a higher level than division. NHR now has a structure of 3 Assistant Commissioners: D. Golden (Fish & Wildlife), John Cecil (Parks, Forestry, Forest Fire), Elizabeth Dragon (Historic Preservation).

The mask requirement was lifted last week and staff are all back in office. There are few restrictions on public meetings. Some restrictions have been lifted (somewhat) on travel, and D. Golden traveled to the national meeting of Association of Fish and Wildlife Agencies (AFWA) in Spokane, WA. There was a theme for landscape level conservation. The theme of the NE-AFWA that we are hosting in NJ is The Power of Partnerships for Landscape-scale Conservation. The national meeting also discussed RAWA and the possibility of its passage. We

are looking forward to a markup in the Senate, which will be the next positive sign. For NJ, this would mean \$15.5 million for “species of greatest conservation need” (SGCN) conservation; a ramp-up would likely start with several million in the first year.

D. Golden chairs the AFWA Amphibian and Reptile Conservation Committee and he gave a presentation on the topic of illegal turtle trade at the national meeting.

There will be 5 closures on WMAs this year. They will close May 15 and reopen on Sept 6.

- Wildcat Ridge
- Greenwood Forest
- Cedar Lake
- Winslow
- Menantico ponds section of Menantico WMA

Legislative Updates

M. Monteschio reviewed the introduced legislation provided in the report dated 3/1/22.

Everything is sitting in committee with no movement; the next few months the legislature will be working on the budget only.

Update on Recovering America’s Wildlife Act (RAWA): the legislation has 169 co-sponsors in the House (NJ has 3); in the Senate, there are 30 co-sponsors with none from NJ. A small % of the funds would go to rare plants, and that amount may be increased.

D. Golden added the plant funding will be separate from the wildlife funding and will be divided up based on formula to states that have identified plants in their SWAP. J. Heilferty noted we include plants and plant communities in the NJ State Wildlife Action Plan (SWAP), but we did not categorize plants as any plants as SGCN, so we would need to amend our SWAP to do that. Our SWAP is due for complete revision in 2025, so we can incorporate plants at that time, if not before.

E. DeVito noted there are over 900 plants in NJ and >100 rare plants that could be identified for adding into the SWAP.

Public Input

B. Sachau commented that the NJ hunting and fishing populations are down, so there should be no reason to increase agency staff. Regarding illegal turtle trade, she thinks there has been lax enforcement. Regarding RAWA, the public doesn’t get enough input on how funds are spent on wildlife; she thinks there should be more recognition for the way the state has changed. She thinks partnerships between Government and private companies can be negative for the environment. Regarding the task force on forests: She says there is logging and farming occurring in WMAs, and she thinks this excludes wildlife and pushes animals out of public lands.

Updates

ENSAC members are required to file ethics disclosures; the documentation is due every year. J. Heilferty will provide the email contact for Danielle Bajek who will help process these documents.

Northern Diamondback terrapin white paper. J. Heilferty will provide this draft document to Committee members to review. It's been developed by ENSP biologists with some input from Marine Fisheries. At the May meeting, we will have a discussion about the document and potential recommendations to be considered by the ENSP and the larger agency. This is internal-agency, draft-deliberative document that lays out the issues and potential recommendations for the agency. Members who receive it for review are asked to keep it confidential. R. Lathrop asked for members who would like to review on behalf of the ENSAC: H. Reinert, J. Morton-Galetto, R. Furnari, J. Burger.

Pollinator standards for grid supply solar facilities: ENSP drafted a document that was mandated by the Solar Act of 2021 to establish standards for pollinator vegetation management. This document is in draft form now, due to be submitted to the DEP in early April. Concern expressed by members for habitat benefits for other species; the legislation was fairly specific to pollinators. E. DeVito said the focus of solar will probably be agricultural areas and suburban fringe areas, sites where pollinator management may be the best choice anyway. J. Heilferty noted solar projects are also on closed landfills. J. Heilferty requests review by members in a 2 week period: E. DeVito, R. Furnari volunteered to coordinate document review.

Report of the Nominations Committee

ENSAC member Nominating subcommittee recommendations: April 2022 Committee member terms.

H. Geduldig noted that upwards of six people were reviewed as potential candidates for nomination into J. Burger's academic/research position. At this time, the subcommittee is nominating Dr. Marion McClary of Fairleigh Dickenson University. Dr. McClary is a Professor of Biology and Chair of the Department of Biological Sciences, Fairleigh Dickinson University, who has experience in marine environments including the Meadowlands, is active in the Hackensack Watershed, and is a member of the Urban Coast Institute Advisory Committee of Monmouth University.

Motion by R. Furnari to nominate Dr. Marion McClary to the academic/research seat, seconded by E. Miller. Discussion on Dr. McClary's expertise in marine ecology, Phragmites, benthic organisms, as all positive points. **The motion carried unanimously.**

New Business

There are two presentations today.

Interactions between peregrine falcons and shore & beach birds by Kathy Clark

K. Clark gave a presentation on the peregrine falcon population in NJ, specifically nesting and activity in the coastal regions. Historically there were 11-12 peregrine falcon nests in northern NJ, and more nests documented in the NY City-Connecticut area. The restoration program by the Peregrine Fund resulted in the release of hundreds of young peregrines in the eastern US, and

50 in NJ. Marsh towers were the choice of release sites because birds released in cliff sites were killed by great-horned owls.

Peregrines began nesting in the wild in NJ in 1980, and by the mid-1980s were nesting on marsh towers, large (interstate) bridges and some buildings.

In 2021, we tracked 39 nesting pairs statewide: about half in the coastal zone on towers and buildings, another 10 pairs on bridges, and 9 pairs on cliff/quarry sites. Productivity varies by nest substrate: the ten-year average productivity is highest on towers/buildings (2.3 young/active nest), then bridges (1.8 young/active nest), and cliffs/quarries (1.0 young/active nest). In a closer look at coastal sites, 13 of 20 are sites that peregrines occupied unaided by managers, including buildings in Atlantic City, two bridges where they had to be moved during construction, 2 osprey nest platforms, bridges and buildings that are managed to discourage nesting; of the original ten marsh towers, 7 remain.

Evidence of conflicts were presented: the Virginia barrier island study that found lower red knot density in the vicinity of active peregrine nests (Watts and Truitt 2021), and the ENSP Beach-nesting Bird project that records presence and behavior of falcons at beach colonies. On the basis of these studies, we removed the remaining peregrine nest structure within 3 km of Delaware Bayshore. We also created a plan to respond to beach-nesting bird sites when a pattern of individual peregrine behavior warrants attention. In addition, ENSP has assistance from the Little Egg Foundation to run cameras at up to 8 peregrine nests in 2022 to record and assess prey deliveries.

Why nest removal may not have the desired effects on peregrine use of beaches: 1. Many peregrines observed in coastal areas are sub-adult, non-nesting birds, as documented by ENSP. 2. Removing a nest with the intention of dispersing the pair may result in more activity of transient falcons; due to their territoriality, a pair may be excluding transient falcons from the area. 3. The displaced falcons are likely to find another nest structure in the vicinity, which may be difficult to detect. 4. Peregrine falcons reside in, and migrate through, the coastal zone; they hunt over migratory shorebird flocks in both hemispheres, and shorebirds are adapted to aerial predators.

In 2022, ENSP staff will continue to monitor peregrine activity in BNB colonies and respond to problem individuals, as well as proceed with hazing (by disturbance) of perched falcons. We will expand the peregrine prey study by fielding cameras. We have applied for a federal Scientific Collecting Permit that would allow for removal of viable eggs from nests on an experimental basis, on the theory that fewer hatched chicks reduced the foraging needs of local peregrine nests. We will seek funding for a more expansive study that uses telemetry on nesting peregrines in select areas.

Dam Removal and Freshwater Mussels – Eric Schradling, Field Supervisor, USFWS, NJ Field Office, and Beth Styler Barry, The Nature Conservancy.

The benefits of increasing aquatic connectivity: safety, economics, migratory fish and the species they support either as food source or life history (mussels), water quality; climate resilience (wetlands restoration/flooding); recreational opportunities.

Options for dams:

1. No action; 2. repair and reconstruct; or 3. strategic removal.

Mostly they work with willing owners who may not even know they own the dam (which may be in poor condition). Permits require compliance with environmental regulations including those governing endangered species.

Freshwater Mussels: there are eight species that are federally or state listed. Mussels can be relocated away from dams to be removed, inclusive of where the prior impounded water level will be lower. Considerations for relocation include proximity, viability of habitat, monitoring, species hardiness. Examples of mussel relocation: Columbia Dam (NJ), Burnt Mills Dam (NJ), more common in other states with federally listed species. Success ranges 0-88% depending on habitat variables.

Proactive efforts on mussel recovery by USFWS and TNC:

- eDNA surveys in NJ rivers
- mussel propagation with UMass
- Delaware River basin-wide conservation strategy
- Impact avoidance through Section 7 consultation
- Habitat restoration for host species

Discussion followed on the habitats provided by dams, which can be positive for rare mussels, while also be impediments to fish passage. Anadromous fish may not be the species beneficial to mussel (glochidia) movement and dispersal. J. Heilferty suggests the dam structure seems to create specific habitat conditions beneficial for FW mussels, and that more data are needed on the condition of streams/rivers and the habitats (and species) that exist above and below the dam(s). ENSP also has concerns about moving different genetic strains of mussel species, and the translocation of mussels into sites with habitat conditions that may not be good for survival.

E. Schradling responded that translocation procedures are done using best conditions and timing. He agrees that dams create a habitat conducive to mussels, but he does not agree that dams are “prime” habitat that should be increased. Relying on degraded dams in place (that are not being repaired) is a losing strategy for mussel conservation. J. Heilferty responded that the “no action” was not ENSP’s choice, but rather looking for a smaller scale action that maintains habitat for mussels. B. Styler-Barry noted that the NJ SWAP identifies dams as a problem for mussels and fish.

S. Crouse noted that NJ has some unique ecosystems with fish assemblages that have not been impacted by invasive species. So, there are connectivity issues to be considered on both sides of the issue of aquatic impediments. For example, brown trout can be excluded from brook trout areas by impediments like dams or enhanced waterfalls. E. Schradling agreed there are places where dams need to remain to prevent spread of invasive species, contaminants, etc.

Discussion continued on the pros and cons of different kinds of dam removals in various situations. D. Golden wanted to recognize there are trade-offs and these are complex decisions that all the partners should continue to work on. Some cases would be best accomplished by improving passage while maintaining the habitat benefits of structure. E. Schrading noted that if the agency would consider taking ownership of the dam, they would have more control over the management action.

Other Business

Next regular ENSAC meeting is scheduled for Wednesday, May 18, but Chair has conflict so he will poll members for a revised meeting date. Meeting will be virtual and start at 9:00 AM.

R. Furnari made a motion to adjourn, seconded by H. Reinert. Meeting adjourned 12:55 PM.

Summary of Action Items

- 1) A subgroup will lead the review of ENSP's Northern Diamondback Terrapin white paper for discussion at the May meeting.
- 2) A subgroup will review ENSP's draft Pollinator Habitat Management for Solar Facilities and respond to J. Heilferty no later than April 6.
- 3) The Nominating Subcommittee will move forward with the invitation to Dr. Marion McClary.
- 4) (continuing item) Pending ENSAC involvement in a pre-meeting with NJ's three commissioners on ASMFC.
- 5) (continuing item) Identify a longer term strategy for ENSAC involvement in ASMFC's actions.