

**Natural Heritage & Endangered Species Advisory Committee
(NHESAC)**

April 14, 2022

DFW Field Headquarters, Southwest Meeting Room #103
1 Rabbit Hill Road, Westborough, MA 01581
Meeting held virtually via Zoom

MEMBERS:

Present: Bill Brumback, Tim Flanagan, Mark Mello, Wayne Petersen, Kevin Powers, Dave Small

Absent: Joseph Larson

ASSOCIATE MEMBERS:

Present: Andy Finton, Russ Hopping

Absent: None

AGENCY STAFF:

Present: Eve Schlüter

OTHERS:

Present: Peter Severance, Lizzie Roche

– The meeting was called to order at 1:33 P.M. –

1. Approval of Minutes from the Previous Meeting

Kevin Powers motioned that the January 13, 2022, minutes be accepted, Dave Small seconded, and members voted unanimously to approve.

2. Chair's Comments – Mark Mello

- a) One micromoth new to science was discovered in 2021 by Mark.
- b) A new fascicle of the Moths of North America has been published. There are a lot of generic name changes in Notodontidae. These name changes will be reflected in the next update of the MESA list.

3. Board Member's Comments – Joseph Larson

No comments since Joe was absent.

4. NHESP Report & Assistant Director's Report – Eve Schlüter

- a) The MESA list update will begin this fall. Legally, the update is required every five years, but it is usually updated more often: every 2-3 years. Advisory Committee members will be approached for proposals and comments in 2023. After public comment and review from the Fisheries & Wildlife Board, the list should be published in 2024. The last revision was on January 10, 2020.

Question: How are species newly entering the state (and therefore usually rare in numbers) handled for development of the list?

Answer: Rarity of the species and vulnerability are part of the listing criteria, and these criteria can be found on the website.

- b) Eve asked if the Committee was interested in resuming in-person meetings if the space is deemed safe. She will send an email closer to the next meeting date to gauge the member's sentiments. The meeting could possibly be "hybrid" now that the equipment to produce such meetings is available. The next meeting is scheduled for July 14, 2022.
- c) BioMap3 is full steam ahead. They working to finalize the revision, but no public release date has been set yet. This version will be more interactive than past versions, and Eve may be able to show the Committee something at the July meeting (to be decided). Andy Finton from TNC (the project partner) says there are a million balls in the air including data, the web interface, and the underlying documents. The Division has submitted a request for additional funding for rollout and outreach.
- d) Funding: A request for Section 6 funding has been submitted to the USFWS. In the past, Section 6 funding could be only used for Federally listed species. This is the first year that "at-risk" species can be considered under this funding, so the door is open to funding for State listed (not Federally listed) species. The Frosted Elfin in Montague is one such species that will be targeted this year as will some reptile projects. We anticipate hearing back about funding in the fall for use in 2023.
- e) The Great Marsh Project is moving forward with preliminary identification and review of areas for restoration. Funding has been requested from several sources. The emphasis is on restoration of habitat for the Salt Marsh Sparrow. Funding for coastal restoration may also come through the Infrastructure Bill. Russ Hopping of The Trustees has been involved.
- f) After many meetings and a complicated process that began at the end of 2020, the Mosquito Control for the 21st Century Task Force has culminated in a report to the legislature with numerous recommendations from pesticide selection to local engagement and outreach. The report can be found at <https://www.mass.gov/orgs/mosquito-control-for-the-twenty-first-century-task-force>. It will be interesting to see which recommendations are adopted, especially the recommendations suggesting replacement of existing legislation.
- g) Work on revising the regulations for MEPA is progressing. Eve is working on permitting for ecological projects at the MEPA level, specifically the thresholds for review of such projects and their regulations. There are a lot of stakeholders involved to cast a wide net: all agencies, industries, utilities, etc. Local orders of condition do not trigger MEPA review unless contested.
- h) NHESP is looking at the USFWS proposal to relist the Northern Long-Eared Bat from Threatened (T) to Endangered (E). When a species becomes listed as E, the ability to implement the 4(d) rule under the Federal ESA will no longer be the available. The 4(d) rule allows certain activities and

projects to move forward (with conditions – i.e., for bats it was timing of tree removal and certain forestry projects.). This species typically uses trees as maternity roosts but can use other structures as well. If 4(d) is gone, this may affect many MA habitat management projects, which often require vegetation management, beginning in 2023. USFWS is aware of these conflicts and is reviewing options. A loss of habitat is not a primary threat for this species; white-nose syndrome has caused the severe decline.

- i) Exciting news: The Recovering America's Wildlife Act (RAWA) has advanced out of Committee to the Senate floor. It is also out of Committee in the House. There is hope now for reconciliation of the different funding models in the House and Senate bills, and that enactment can be achieved. This would bring \$1.3 billion to the states for implementation of their State Wildlife Action Plans (SWAPs) and an estimated \$14 million to MA. The next version of the Commonwealth's SWAP will occur in 2025.
- j) Eve urged all Committee members and associate members to sign their conflict-of-interest acknowledgments. It is due to Jennifer Longsdorf no later than 26 April.

5. Member's and Associate Member's Comments

Wayne Petersen – Cited reports of unusual eating habits: An osprey catching a vole and a phoebe eating cat food. He also reported that black vultures are becoming increasingly frequent visitors and are breeding in Massachusetts. The black vulture has different hunting and eating habits than the turkey vulture, but the jury is still out on whether there will be competition between the two species. In keeping with the "odd food choices for birds" discussion, black vultures have shown a predilection for eating windshield wiper rubber in other states.

Bill Brumback – Reported that the Native Plant Trust is beginning a new version of *Flora Conservanda: New England*. This is the regional list of plant species in need of conservation, produced with the input from many partners. The last revision was published in 2012.

Tim Flanagan – Asked for clarification on Eve's comments that acoustic monitoring for Northern Long-eared Bats was not accurate enough. Eve replied that acoustic monitoring to the species level is very good, but it is not 100% accurate and therefore is not entirely reliable for determining if the species is living or feeding in an area. For permitting purposes, acoustic monitoring might not be accurate enough to determine species presence or absence.

Dave Small – Reported that there have been local (Athol area) discussions on tree harvesting and habitat management. Some locals want to limit management activities on DCR and DFW lands. Their concern is that trees sequester carbon and cutting them would release that carbon. Therefore, they are in opposition to managing areas for early succession.

Kevin Powers – Reported plans in Plymouth for a proposed \$25 million project by the Corps of Engineers to perform a beach revetment at Plymouth Beach. There are concerns over the effects on nesting by least terns and piping plovers. MassWildlife NHESP is aware of the proposed project. In response to the report that 15 right whale calves had been born this year, Kevin also noted that concentrations of copepods seemed to be more scattered and possibly not as plentiful this year in Cape Cod Bay, resulting in less efficient feeding by right whales.

Andy Finton – Asked about the overlap with black vultures in feeding and nesting. Wayne Petersen reported that their nesting area conditions overlap, but that their feeding habits differed: Turkey vultures find prey using their olfactory senses, black vultures do not. However, they both eat the same prey and can be found feeding together. Black vultures have stronger jaws and often open prey up; turkey vultures often move in after the prey is opened.

Russ Hopping – Has been working on salt marsh restoration and prepping for prescribed fire for Frosted Elfin in North Andover. He also reported on a trial project to develop road crossings for black racers on dirt roads on Martha's Vineyard. He mentioned that shorebirds are returning and that there are very few chipmunks this year as compared to last year, possibly because of a dearth of acorns last fall.

Guest Comments:

Peter Severance – The first shad of the year has been caught in the Merrimack River; a few alewives have also been snagged. He also noted that salinity may be affecting the copepod populations and added that he is concerned about sea-level rise affecting the tidal estuaries on the Merrimack.

Lizzie Roche – From the Massachusetts House Post Audit and Oversight Committee also sat in on the meeting and used the chat feature to say that she enjoyed hearing the information presented.

– The meeting adjourned at 3:10 P.M. –

Drafted by: William Brumback
Submitted by: Kevin Powers