

FINAL MINUTES

Natural Heritage & Endangered Species Advisory Committee (NHESAC)

October 11, 2018

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

MEMBERS:

Present: Tim Flanagan, Joseph Larson, Mark Mello, Wayne Petersen

Absent: William Brumback

ASSOCIATE MEMBERS:

Present: Andy Finton, Russ Hopping, Kevin Powers, Dave Small, Bryan Windmiller

Absent:

AGENCY STAFF:

Present: Tom French, Jon Regosin, Peter Hazelton, Mike Jones, Jake Kubel, Marion Larson, Sarah Maier, Mike Nelson

At the Fisheries and Wildlife Board meeting on October 25, 2018 the Department of Fish and Game Commissioner, Ron Amidon, presented his list of people to appoint, and those to re-appoint as members of the NHESP Advisory Committee, for the Board's approval. These included Tim Flanagan, Joe Larson, Mark Mello, and Wayne Petersen. The Board voted to approve them all. The Commissioner has also appointed Russ Hopping of The Trustees, and re-appointed Andy Finton, Russ Hopping, Kevin Powers, Dave Small, Bryan Windmiller as Associate Members. Two additional members still need to be appointed to fill the seven positions established in statute.

Advisory Committee Chair, Kathleen (Betty) Anderson, passed away Friday, August 24, 2018. Betty was a founding member of the ad hoc Nongame Advisory (1981-1983), then the Nongame Advisory Committee established in 1984 which evolved into the Natural Heritage and Endangered Species Advisory Committee. Betty chaired the Committee from 2000 until her death. Until the next election of officers, Mark Mello is the Acting Chair.

– The meeting was called to order at 1:37 p.m. –

1. Approval of July Minutes

Joe Larson motioned that the July minutes be accepted, Kevin Powers seconded, and members voted unanimously to approve.

2. Acting Chair's Comments – Mark Mello

Mark took time to reflect on Betty Anderson's contributions to the Committee, and on her professional accomplishments. She was an amazing colleague and friend who will be greatly missed. Wayne Petersen and Kevin Powers are working with Marion Larson to organize a celebration of Betty's life to be held here in Westborough at the Field Headquarters.

Mark also welcomed the newest Associate Member, Russ Hopping, Ecology Program Director of The Trustees.

3. Board Member's Comments

The Board has spent a lot of time finding a replacement for retired Director, Jack Buckley. They first appointed Mark Tisa as Acting Director, then conducted interviews, followed by appointing Mark as Director. Now they are working through the system to make his appointment official. They also conducted a search to fill the Deputy Director for Operations position. This search ended with the appointment of Jon Regosin.

August Board meeting held August 14th at Joint Base Cape Cod.

The Board toured the base and viewed the location where the Cape Cod version of the Big MOE will be held. The Board also visited our adjacent Crane Wildlife Management Area where grassland management for Grasshopper Sparrows, Upland Sandpipers, and other species has been underway. On the base, the Board met the civilian biologists and the Executive Director of the Environmental Management Commission, which is responsible for managing all of the natural resources on the base.

The Deerfield river chapter of Trout Unlimited recently received a Trout Unlimited recognition award for their work. The Board recently met the Chapter's Director.

MassWildlife recently co-hosted the biennial meeting of the Northeast Transportation and Wildlife Conference in Amherst (August 10-12). DOT and MassWildlife have developed a wonderful working relationship and received a recognition award for their Linking Landscapes for Wildlife program.

An access dispute at the Burrage Pond Wildlife Management Area has been resolved.

September Board meeting held September 25th at the Connecticut Valley District office.

Final information on Timber Rattlesnakes has been distributed to the members of the Rattlesnake Working Group, and the Science Advisory Group. This fulfills a promise made at the conclusion of the public meetings held to discuss the proposed Quabbin rattlesnake project.

The materials included a cover letter, a summary of responses to questions and concerns submitted by the public about the proposed project, and a new Living with Wildlife fact sheet about rattlesnakes.

Captain Tony Kabir has been promoted to the rank of Lieutenant Colonel and is now the Acting Colonel in charge of the Massachusetts Environmental Police.

Mike Huguenin, Assistant Director for Wildlife, gave a PowerPoint presentation about a proposal received from a private individual from Belchertown to create a system that would allow the use of dogs to track and locate deer that are killed or wounded by hunters and cannot be retrieved. After a review by staff, MassWildlife does not support this proposal. The benefits to hunters are considered to be minimal and existing laws were clearly designed to prohibit the use of dogs in all aspects of deer hunting. The Board supported the agency's position.

Board member Fred Winthrop will be leaving the Board when his current appointment expires.

4. NHESP Report – Jon Regosin

Eight Program staff are scheduled to attend a regional Heritage meeting October 22-26. All thirteen Northeastern states from West Virginia through Maine were invited. This meeting was formerly held on a regular basis, but it has been over fifteen years since the last regional meeting.

Mark Tisa recently attended the annual meeting of the Association of Fish and Wildlife Agencies (AFWA) in Tampa, FL. A major topic of discussion was recruitment, retention, and reactivation (R3), and a new topic of relevancy. Across the country, state fish and wildlife agencies are examining how they are, and should be, relevant to everyone, and how they can better engage the public.

There is a current push to gain support for the Recovering America's Wildlife Act. The National Wildlife Federation describes the proposed Act as follows: The Recovering America's Wildlife Act will redirect \$1.3 billion of existing revenue annually to state-led wildlife conservation efforts, effectively allowing the states to more fully implement their State Wildlife Action Plans. This legislation follows the recommendation of a diverse group of energy, business, and conservation leaders. This group, known as the Blue Ribbon Panel on Sustaining America's Diverse Fish & Wildlife Resources, determined that an annual investment of \$1.3 billion in revenues from energy and mineral development on federal lands and waters could address the needs of thousands of species, preventing them from needing to be added to the Endangered Species Act. The \$1.3 billion will come from existing revenues from energy and mineral fees on federal lands and waters. This is a small portion of the overall revenues from these sources.

Personnel

The Chief of Science position in the NHESP is being posted. This is the position vacated by Jon when he accepted the Deputy Director position.

A Piping Plover intern position is being posted. This position is funded from funds earmarked to support the Piping Plover Habitat Conservation Plan

State Herpetologist, Mike Jones, recently announced his departure.

5. Assistant Director's Report – Tom French

The New York Attorney General took the lead in filing litigation against the Trump administration for issuing a new Solicitor's Opinion which changes nearly a hundred years of interpretation that the Migratory Bird Treaty Act does not allow the incidental take of migratory birds. This new interpretation would remove any liability for the accidental killing of migratory bird such as birds that die as the result of an oil spill. Seven other states, including California, Massachusetts, Illinois, Maryland, New Jersey, New Mexico, and Oregon signed onto the suit. The national Audubon Society, American Bird Conservancy, Center for Biological Diversity, and Defenders of Wildlife have also filed suit.

The Massachusetts Attorney General and California Attorney General were joined by the Attorney Generals of eight other states to challenge the plans of the Secretary of the Interior, Ryan Zinke, and Secretary of Commerce, Wilbur Ross, to change three proposed rules in the Endangered Species Act regulations that would dismantle important protections for imperiled species and their habitats. The eight other states included Maryland, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia.

Several wildlife disease outbreaks are underway. For the first time, avian Newcastle Disease virus has been documented in Massachusetts in Double-crested Cormorants. In the past, Newcastle disease has been documented in Atlantic Canada, occasionally dipping south into Maine, but never as far south as Massachusetts. This disease has also been documented in western coastal Canada and in the Great Lakes where it is being detected this year.

An outbreak of phocine distemper virus in Harbor Seals has caused the deaths of about 1,000 seals in Maine, New Hampshire, and Massachusetts since July. This outbreak has been designated by NOAA as an "unusual mortality event," which authorizes an investigation by a group of marine mammal experts. A separate "unusual mortality event" has been designated for Minke Whales. Since January 2017, seventeen Minke Whales have been found dead in Massachusetts, and 52 have been documented from Maine through South Carolina. These numbers are higher than usual, and are believed to be the result of interactions with fishing gear and disease.

The first fatality in Massachusetts from a Great White Shark attack since 1936 occurred at Newcomb Hollow Beach, Wellfleet on September 15, 2018. Some local officials immediately called for the culling of seals and sharks.

6. Recommended Changes to the Massachusetts List of Endangered, Threatened, and Special Concern Species – Mike Nelson, Invertebrate Zoologist

The Natural Heritage and Endangered Species Program Advisory Committee was established by statute [MGL:131(5B)]. The Committee consists of seven members with the power to vote, so a quorum of four members is required. Currently, there are five appointed members and two empty positions. Four members (Tim Flanagan, Joseph Larson, Mark Mello, Wayne Petersen) were in attendance, so a quorum was present. Traditionally, seven Associate Members who have no legal standing have been appointed by the Commissioner. The Associate Members are encouraged to

participate in every way, including in the discussions and vote, but only the vote of the Members is used to signify the official position of the Committee

Mike reviewed each of the 17 list changes that the NHESP supports, as well as an 18th, the American Kestrel, which was proposed by MassAudubon, that the NHESP does not support.

The following 16 species were discussed, followed by a unanimous vote in support of the NHESP's recommendation:

- Blue-spotted Salamander (predominantly diploid populations in Plymouth & Bristol Co.)
- Eastern Hognose Snake
- Saltmarsh Sparrow
- Peregrine Falcon
- Bald Eagle
- Meadowlark
- Umber Shadowdragon
- Stygian Shadowdragon
- Walsh's Anthophora
- American Bumble Bee
- Yellow-banded Bumble Bee
- Squarrose Sedge
- Two-flowered Rush
- American Chaffseed
- Crooked-stemmed Aster
- Smooth Woodsia

The votes for the following two species were not unanimous:

American Kestrel – This species was proposed by MassAudubon because it has declined regionally and in at least some parts on Massachusetts. The NHESP agreed that the kestrel has declined regionally and in parts of Massachusetts, but because it appears to be stable and possibly even increasing in parts of central and western MA, responsive to nest box programs, and still more common than any of our other listed raptors, listing is still not justified. The NHESP also agrees that the kestrel is a species of conservation and management concern. Fortunately, it appears to be responsive to management efforts. Two Members (Joe Larson and Mark Mello) voted to support the NHESP's proposal not to list the American Kestrel at this time, and two (Tim Flanagan and Wayne Petersen) voted not to support the proposal.

Cobra Clubtail – Mark Mello agreed that this species of dragonfly is very widespread and abundant along most of the Connecticut River, but he voted not to support the NHESP's proposal to delist the species because nearly the entire population is found in just the one river, the Connecticut River, which could be subject to a catastrophic mortality event. Three Members (Tim Flanagan, Joe Larson, and Wayne Petersen) voted to support the NHESP's proposal.

7. Member's and Associate Member's Comments

Kevin Powers – Kevin reported that the U.S. Fish and Wildlife Service is proposing to list the Black-capped Petrel as a Threatened Species. The Black-capped Petrel is a medium gull-sized pelagic seabird that nests in the high mountains of Hispanola and Cuba.

No other Members or Associate Members had any additional comments.

– The meeting adjourned at 5:07 P.M. –

Drafted & Submitted by: Thomas W. French, Assistant Director, NHESP