



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
FISHERIES AND WILDLIFE BOARD
BUSINESS MEETING MINUTES

PRESENT: Steve Sears/Chair, Bob Durand/Vice Chair, Sasha Dyer, Emma Ellsworth, John Organ, Matthew Sisk, Mark S. Tisa/Director, Tom O'Shea/Commissioner/DFG, Eve Schlüter/Deputy Director, Mike Huguenin/Assistant Director/Wildlife, Nicole McSweeney/Assistant Director/Outreach and Education, Trina Moruzzi/Assistant Director/Operations, Todd Richards/Assistant Director/Fisheries, Todd Olanyk/Central Wildlife District Manager, Pat Huckery/Northeast Wildlife District Manager, Andrew Madden/Western Wildlife District Manager, Joe Rogers/Connecticut Valley Wildlife District Manager, James Burnham/Program Coordinator, Tucker Skowyra/Candidate Northeast Wildlife District Technician, Nathan Haley/Western Wildlife District Intern, Pete Milanese/Western Land Agent/DFG, Capt. Scott Amati/OLE, Off. Jonathan Kolis/OLE, Ben Nickley/Berkshire Bird Observatory; PUBLIC: James Cardoza, Gene Chague, Steven Grimaldi, Wayne McLain, Eleanor Tillinghast

DATE: October 24, 2023

LOCATION: The Stationery Factory, 63 Flansburg Ave., Dalton, Massachusetts

Chair Sears opened the October meeting at 11:00 a.m.

Acceptance of Minutes

A motion was made by Mr. Durand to approve the minutes from the September business meeting. The motion was seconded by Ms. Dyer; the vote in favor was unanimous.

Chair's Comments

Chair Sears reported that Governor Healey had announced establishing biodiversity goals for 2030, 2040, and 2050, which he said was a huge opportunity for the agency and the staff. He thanked Commissioner O'Shea for inviting him to the opening of an accessible fishing pier on the Swift River, which he noted was a great example of a public-private partnership. The Chair also reported that he had visited the McLaughlin and Palmer hatcheries and saw firsthand that there is much investment needed to bring them up to date. He mentioned attending the Berkshire County League's recent meeting and offered his thanks to Gene Chague and Wayne McLain for their work on behalf of the league. He also hosted a Trout Unlimited meeting recently, and a Hunter Education class the previous week, and noted that if the students of that class pass the exam, they will be eligible to purchase a hunting license in time for Archery deer season. Chair Sears also reported that he had discussed the new gun law with Jim Wallace and reported that in the law's current form the training can be accomplished through the Massachusetts Hunter Education Program, which may entail a big influx of students and a big impact on the program, so it will be something to watch. He thanked Dr. Organ for two articles he had recently shared and urged the rest of the members to read them, one on biodiversity work and the other related to the Forests as Climate Solutions Initiative. Chair Sears asked that the February meeting have a presentation on landscape conservation, and asked Ms. Ellsworth to lead a discussion on the topic. He also announced that there will be a joint meeting with the DCR Stewardship Council on the same day. The Chair reported that the Board will have its annual election of officers during the November meeting.

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He thanked Eleanor Tillinghast and Ben Nickley of Green Berkshires for Mr. Nickley's planned presentation, and Dr. Schlüter for orchestrating the presentation on the proposed MESA List changes.

Director's Comments

Director Tisa reported he would be participating in two meetings the following week, one of the Council to Advance Hunting and Shooting Sports, which he currently chairs, and the Fall meeting of the Northeast Directors as the president of the NEAFWA.

Commissioner's Comments

Commissioner Tom O'Shea thanked the Chair for hosting the meeting in his interesting building. He also thanked the staff for its work preparing for the Governor's visit to the Westborough Field Headquarters, where she signed the executive orders barring state agencies from purchasing single-use plastic bottles and mandating the establishment of biodiversity goals for the state, which will involve both MassWildlife and Marine Fisheries staff and will be the strongest in the country.

The Commissioner invited the Board members to hold a governance meeting that would be a facilitated discussion of the Department's Strategic Plan. Commissioner O'Shea stated that this would be a great opportunity to get early input from the Board members. The meeting would be a 2—3-hour session with a professional facilitator, and the Commissioner suggested the morning of the November 15 meeting as a good time. He reported that there is no question that the Administration is in full support of the plan, which is due in early April. He also felt it will be an exciting opportunity to continue the work that the Department and MassWildlife are already doing.

Commissioner O'Shea reported that EEA Secretary Tepper had taken an opportunity to visit the McLaughlin Hatchery and take a tour with MassWildlife Habitat Program biologists of recent habitat management work. He stated that he had appreciated that the Chair and Ms. Dyer had joined the dedication of the new accessible fishing location on the Swift River. He pointed out that the project had not only the support of the town but also of a private individual who had donated to the project, and he stated that it is a great model for future work that involves the community.

A brief discussion ensued in which the Board members confirmed the 9:30 start time on November 15 for governance meeting that will entail a facilitated discussion of the Department's strategic plan. The Commissioner urged the Board members to be thinking about biodiversity and what it means to them, noting that he has made the Board the first stop on the further development of the plan.

Law Enforcement Comments

Captain Scott Amati from the Office of Law Enforcement introduced Officer Jonathan Kolis, who will be working in the area. He reported that, on November 19, the newest group of officers will start on field training with experienced officers, and that in January the police academy graduates will enter the in-service academy. He estimated that by the end of the coming year OLE will have an additional 11 officers. He then provided the Board with a brief overview of recent OLE activities, including wildlife-related examples of calls for service that Environmental Police officers had responded to in the previous month.

Personnel Report

Assistant Director of Operations Trina Moruzzi presented the Board members with the Hiring Manager's recommendation for a new Northeast District Wildlife Technician; touched on highlights in the candidate's resume; and introduced the candidate, who was in attendance at the meeting at the request of the chair.

New Hire

| <u>Employee</u> | <u>Position</u> | <u>Location</u> |
|-----------------|--|-----------------|
| Tucker Skowyra | Northeast District Wildlife Technician Wildlife Technician II | Ayer |

The Chair welcomed Mr. Skowyra and thanked him for attending the meeting. Mr. Durand moved acceptance of the Personnel Report as presented; Dr. Organ seconded the motion. Ms. Dyer recused herself, reporting that she is related to the applicant. The vote was five in favor with one recusal.

Updates to the MESA List (Eve Schlüter and Michael Nelson)

Before the presentation, the Chair invited Mr. Sisk to provide a comment he had drafted in anticipation of the presentation:

Dear Fellow DFW Board Members,

I want to take a moment to acknowledge and thank Eve Schlüter, Mike Nelson, and more than twenty Natural Heritage and Endangered Species staff members who have worked tirelessly over the last few years on the MESA process.

I also want to thank and acknowledge the efforts and dedication of Natural Heritage and Endangered Species Advisory Committee members who work closely with the NHES staff and the community at large to discern and review the numerous species you have all heard about today. Like our board, their work is volunteer-driven, and we are extremely lucky to have such a breadth of scientific knowledge among participants.

Being a new member to this board, and as your representative to the NHES Advisory Committee, I had a general idea of the process. However, having now collaborated with the leadership, staff, and advisory committee, I can say without hesitation the team that brought you today's presentation has worked extremely hard and diligently on this project.

Shepherding the MESA process involves professional, scientific, and public relation skills that were all put to the test over the past few years. From my vantage point, the NHES team exceeded expectations and has delivered on their regulatory responsibilities.

In closing, I planned to deliver these remarks during my opportunity to comment, but I felt so strongly about recognizing the NHES staff and the Advisory Committee that I decided to put pen to paper and submit these comments for the record.

Respectfully submitted,

Matthew R. Sisk.

Dr. Schlüter thanked Mr. Sisk for his kind words. She cited the statutory and regulatory underpinnings of the MESA and reviewed the process and procedure for changes to the MESA List, then enumerated the specific listing criteria that must be adhered to when considering species for the List. She invited Dr. Michael Nelson to provide the Board with the information he and other staff had compiled on the 26 species proposed for listing changes, noting that Dr. Nelson had taken the lead on at least the previous two MESA list updates.

Dr. Nelson reported on three vertebrate species, five invertebrates, and 18 plants for which MESA List changes were proposed. He provided detailed reports on each species, including basic natural history where relevant; the rarity, population trend, and threats for each; the current status; the proposed status; and the staff's status recommendation for each one.

At the close of the presentation, Mr. Sisk moved sending the proposed changes to the MESA List to a public hearing; Dr. Organ seconded the motion. After a brief discussion, the vote in favor was unanimous.

Chair Sears invited the meeting to take a brief break for lunch before continuing with the presentations. When the meeting resumed, the Chair requested that Assistant Director Huguenin begin his exposition of some proposed regulations.

Proposed Regulations to Comply with the Interstate Wildlife Violators Compact and Update the Regulations on Wildlife Sanctuaries (Mike Huguenin)

Assistant Director Mike Huguenin began with some updates. He reported that new pages were live that day on MassWildlife's website with information for landowners seeking assistance with wildlife depredations on their property. He reported that Wildlife Program staff has been communicating with farmers, including in the Southeast, to make sure they are aware of their options when dealing with wildlife impacts to their farms. Director Tisa asked Assistant Director Huguenin to clarify for the Board members the difference between the landowner permit and the depredation permit. Assistant Director Huguenin reported that the Landowner permit is for use during hunting seasons by allowing licensed hunters to take does from the property, while the depredation permit is used in non-hunting situations, as an aid to damage control for specific instances of damage outside the hunting seasons.

Assistant Director Huguenin also updated the Board on MassWildlife's Hunters Share the Harvest Program, which is very successful in the amount of donated venison received thus far in the season. He added that staff is also working to increase monetary donations, to help keep pace with the cost of the work being done by the meat processors.

Assistant Director Huguenin reported that in November 2022 a bill was passed that included updates to Chapter 131 in the form of fine increases, at Section 90; implementation of the Wildlife Violators Compact, at Section 90B; and a requirement that MassWildlife mark the boundaries of Wildlife Sanctuaries, at Section 10. As a result, MassWildlife is required to pass regulations instituting the Wildlife Compact process and boundary-marking for sanctuaries.

As background, Assistant Director Huguenin informed the Board that the compact began in 1989, as an agreement between Colorado, Nevada, and Oregon, to prevent violators from simply taking practices that result in hunting, fishing, and trapping violations to a neighbor state. He stated that the Association of Fish and Wildlife Agencies oversees the committee that maintains the national database of violations and that the data is shared regularly with the states. The benefits of the compact are that it prevents illegal activity, provides a more efficient way for states to process nonresident violators by allowing their release on their personal recognizance, and makes license suspensions reciprocal throughout the United States. He reported that the new regulation will codify the procedures under which the Compact is administered in accordance with the new statutory language. He reviewed the procedures that will address how in-state and out-of-state license suspensions for both residents and nonresidents are processed, including hearings, the application of reciprocal laws, and the terms of suspensions.

Turning to the proposed Wildlife Sanctuary regulations, Assistant Director Huguenin reported that the purpose of the statutory change and the proposed regulations is to ensure the proper management of wildlife resources through preservation, to maximize ecological balance and genetic diversity. He reported that there are thirteen sanctuaries with a total of 1,429 acres where hunting and trapping are prohibited. The statutory amendment requires regulations that mandate the marking of sanctuary boundaries, and staff proposes to update 321 CMR 7.00 to mirror the language in the statute, i.e., no

taking of wildlife except under the Powers of the Director at Chapter 131, Section 4(2), and sanctuary boundaries must be conspicuously posted.

Assistant Director Huguenin closed his presentation by summarizing that staff is proposing these regulations to comply with our statutory obligation to develop a process for reciprocating out-of-state suspensions and for notifying other states of any Massachusetts resident with a suspended license, and to align the regulations at 321 CMR 7.00 with the statutory amendment requiring the marking of Wildlife Sanctuary boundaries. He asked the Board for a vote to send the amended regulations to a public hearing.

Dr. Organ moved that both regulations as proposed be sent to a public hearing; Ms. Dyer seconded the motion. After a brief discussion, the vote in favor was unanimous.

Jug End WMA Habitat Management and Bird Banding Efforts by Green Berkshires, Inc. (Andrew Madden and Ben Nickley)

Western Wildlife District Manager Andrew Madden began his presentation on research and management activities at Jug End State Reservation and Wildlife Management Area by providing some history of the property as a popular resort in the Taconics that operated into the 1980s. In 1994, Mr. Madden reported, the Department of Environmental Management, now the Department of Conservation and Recreation (DCR), and MassWildlife developed and formalized a plan to restore and protect the largely pristine area for passive recreation and for ecological research. Under the current management regime, habitat management, including 60 acres that are mowed annually after September 15 in approximately 350-400 personnel-hours per year; hunting and fishing access; and nest box placement and maintenance are the responsibility of MassWildlife, while parking and recreational access, maintenance of structures, and apple tree restoration are the purview of DCR, and both agencies engage in community relations with visitors and with the surrounding communities.

Mr. Madden stated that MassWildlife supports research at Jug End because of its local importance, both to inform MassWildlife's management of the resources at Jug End and other WMAs and to build partnerships with other conservation organizations. He reported that research there is also regionally important because Jug End is part of a broad network of ecologically rich conservation land in the Taconics and the Berkshires and because research and surveys at that location allow MassWildlife to monitor ecological change over time in a way that is possible in only a few places in the state. In particular, Mr. Madden reported that there is a Motus tower at Jug End that enables the tracking and monitoring of wildlife fitted with transmitters, and he introduced Ben Nickley of the Berkshire Bird Observatory and Green Berkshires, Inc., to report on the bird migration monitoring work he is leading at Jug End.

Mr. Nickley thanked the Board for the opportunity to report on the work of Berkshire Bird Observatory (BBO), which is conducting a long-term ecological monitoring project focused on migratory birds. In this time of rapid environmental change, Mr. Nickley stated that it is important to document the changes, and birds are important to study at Jug End because of its position in the Atlantic Flyway. He stressed that the critical area is the Boreal Forest in Canada, 1.5 billion acres that serve as "North America's bird nursery." It hosts hundreds of species, and Mr. Nickley pointed out that many species that breed in the Boreal Forest migrate through Massachusetts along the Atlantic Flyway to wintering grounds in the south. Sampling these birds on their breeding grounds is not feasible, because much of the boreal forest is remote and inaccessible. Therefore, it is critical to document them as they migrate through. Mr. Nickley named and showed pictures of many birds that depend on the Boreal Forest, two of which are on the MESA List, and some of the species also breed in Massachusetts. He showed a series of maps that vividly demonstrated the importance of the Southern Taconics – and Jug End, in particular – as an ideal

spot for the study of migrating birds—both those that breed in the boreal forest and those that have large breeding populations in the state of Massachusetts. Mr. Nickley observed that migrating birds need a wide variety of different kinds of habitat, and Jug End has it all. He also noted that another reason for focusing on Jug End is that the work fits very well with some of the goals of the establishment of Jug End, and quoted the final MassWildlife/DEM management plan, which said that “[s]cientific research and environmental education activities developed by the ... two agencies, schools, universities and nonprofit environmental education groups may be permitted to develop inventory, monitoring and research efforts that help guide management of the site and education efforts that improve public understanding of the natural resources of the site.”

Mr. Nickley reported that he and his team of researchers set up mist nets in stopover habitat, such as shrub-swamp that contains vital, high insect loads and upland orchard habitat that is being daylighted, or opened, as part of MassWildlife’s and DCR’s management efforts. Data from the banding station demonstrates the importance of shrub swamps and early successional habitat for migratory birds and will help inform management practices at Jug End and other MassWildlife properties. He pointed out that the nets are completely removed when the researchers are not in the field, and they are checked every 30 minutes while they are up, to minimize stress and any potential harm to the birds. He also emphasized that the welfare of every individual bird is put first, and that his team strictly subscribes to the bander’s code of ethics. Mist-netting is considered one of the safest methods for sampling vertebrates that involves capture and release, when done properly. Mr. Nickley and his team are highly trained and care deeply for the birds they study. To do this important work, Mr. Nickley stated that the BBO needed a sound study design, federal and state permits, and authorization from MassWildlife.

Outlining the first year of data collection, Mr. Nickley reported that initially they picked up local birds, then the migrants started to come through, especially warblers, and he showed a whole array of birds in a series of slides that highlighted differences in age, sex, and species and captured some of the researchers’ methods. In an interesting graph from 2022, Mr. Nickley depicted the banding data from two difference species, the gray catbird and the ruby-crowned kinglet, April through May, which showed the overlap between the migrations of the two and the numbers banded on different days. Mr. Nickley reported that the overlaps of species and estimated population numbers are being captured over time and that the timing changes, which are beginning already, will also be captured in this long-term study. Noting that he and his team were out every day during the spring migration, he provided a slide showing the spring 2022 recap: 1,016 new birds were banded; 117 were not banded (Hummingbirds require a special permit to band); 392 birds were recaptures that had previously been banded. Mr. Nickley reported that 72 species were banded in all, of which 22 were warbler species. He emphasized that all those numbers were from only 15 mists nests, which demonstrates the very effective placement of the nets on the landscape.

Reporting on the fall migration of 2022, Mr. Nickley stated that the BBO was able to watch examples of early range shifts happening in real time because the team was out there every day, and he pointed out that the phenological mismatch is very interesting: Plants are more stable, while animals’ movement-timings change over time. Mr. Nickley showed examples of birds that are feisty and peck the researchers, and he had a fascinating series of slides showing that the fall warblers are drabber, and very calm in the hand, with multiple examples of very similar species to compare. The fall of 2022 brought many rare birds, and Mr. Nickley reported that this year there were even more (though data collection is not yet complete), noting that in some cases the birds are rare because they’re late. Migration timing is already changing, and the BBO is documenting this phenological shift with their long-term dataset.

Mr. Nickley reported that the safety and welfare of the birds comes first, and that, if researchers conduct rigorous training and adhere to ethical standards, mist-netting is the safest sampling protocol. He also reported that the community is invited to the banding station because outreach, education, and the exposure of young people to the research site are also important aspects of the BBO's mission. For him personally, Mr. Nickley stated that the biggest benefit and most rewarding aspect of his work is to put birds into people's hands and let them release them. He sees these acts as chances to deeply impact others by letting them be so close to the birds, and stressed again that one of the main missions of the BBO is community engagement.

Mr. Nickley stated that his team was banding at Jug End the morning of the meeting and that they messaged him to let him know they got their season's first Fox Sparrow. He had not participated because of his commitment to present his findings to the Board that morning.

At this point, the Chair asked Mr. Nickley to pause in his report for the comments of two Board members who had to leave because of a conflicting engagement.

Ms. Dyer reported that she had gone to the event at the new accessible fishing location and was very moved. She also wanted to report that she appreciated the work and passion in what the NHESP staff does and did to develop the proposed changes to the MESA List.

Ms. Ellsworth stated that she had really appreciated the presentations at this month's meeting and what they demonstrate about MassWildlife's commitment to understanding the natural world and taking action to conserve it. She reported that she had reconnected with hunters and anglers as conservationists through attending a recent meeting.

Mr. Nickley then continued with his report with details about BBO's use of UV light to help age saw-whet owls by examining differences in their feathers. He also included group photos of students, including from the MCLA [Massachusetts College of Liberal Arts], BCC [Berkshire Community College], and the Berkshire School, demonstrating the ways in which the BBO engages with students. He also flipped through some comical photos of birds the team had netted in various poses and from various angles.

Mr. Nickley then detailed the BBO's recent work to conserve American kestrels, starting with some pertinent natural history. He reported that the American kestrel is experiencing a precipitous population decline over most of its range, and that the BBO is building and maintaining nest boxes to supplement habitat and monitor the species at the same time, including across South Berkshire County. The BBO uses its data locally and also contributes to larger continental studies through the American Kestrel Partnership. Showing an impressive map of box locations across lower Berkshire County, Mr. Nickley reported great community partnerships in that work, including on private land and with MassWildlife. He showed a photo of the inside of a box with kestrel eggs, and one of chicks old enough to band, from which the BBO can collect data. He noted in photos how researchers are able to sex the chicks by examining wings and stripes.

Mr. Nickley then reported on a project of the Institute for Bird Populations with which the BBO is collaborating called MAPS, Monitoring Avian Productivity and Survivorship, which captures and compares adults with juveniles to better understand productivity, recruitment, and survival of individual species to better understand and document the long-term effects of climate change and other factors impacting wildlife populations. MAPS cooperators collect information on the age, sex, body condition, and reproductive status of hundreds of species. The birds are given a lightweight, numbered aluminum leg band and released, and subsequent recapture data provide information on survival, reproductive rates, and movement patterns, including at various locations Mr. Nickley showed on a map of Jug End. He reported that there is a JESR MAPS station just south of Jug End with a 2.5-mile radius. Data from the

MAPS banding site samples birds from breeding populations within this 2.5-mile radius, because of post-breeding dispersal, and therefore shows how productive birds are at Jug End and 10 surrounding S. Taconic peaks and slopes. This information can help inform management at Jug End.

Mr. Nickley also reported on Motus, the big collaboration effort to track wildlife movement, particularly of birds and bats. The animals flying by a Motus tower will ping it and get recorded. He reported that BBO's tower is part of one of the 'fence lines' that connect the dots and fill the gaps, so everything that passes gets recorded by the towers of the New England Motus Network, which consists of five fence lines and fifty towers that provide automated telemetry across the entire region. Mr. Nickley displayed a map showing the movement of a bird that was tracked around the Jug End area and an example of a table of the data that gets collected for every bird that pings the towers.

As his presentation closed, Mr. Nickley displayed a slide of the many organizations, businesses, and individuals who have assisted the BBO in its research, including MassWildlife and many of its staff members, and thanked them, the Board, and the attendees of the meeting for their attention.

After a discussion of several questions from Board members, the Chair thanked Mr. Madden and Mr. Nickley for their work and their very interesting reports.

Hunter Education Working Group Update

Mr. Foster was not present at the meeting. Dr. Organ reported that the working group was developing a presentation of its recommendations to bring to the Board at its November meeting.

Confirm November Meeting Date

The members confirmed the date and time of the November business meeting, which is November 15, 2023. To comply with the Commissioner's request, it was confirmed that the governance meeting will begin at 9:30 a.m. and the business meeting will begin at 1:15 p.m.

Members' Comments

Mr. Sisk reported that a presentation had been scheduled to be given by Sarah Wasserman on BioMap at Penniman Park in Braintree the following month.

Mr. Durand reported that he had spoken at a Deerfield Trout Unlimited meeting about the Fisheries and Wildlife Board and the Massachusetts Outdoor Heritage Foundation and that he was very glad to take part in the Governor's signing ceremony at the Field Headquarters in September.

Dr. Organ reported that his Hadley Hunter Education team had run a waterfowl ID course the previous week, noting that it was an excellent group of students. He also attended the Ashfield Rod and Gun Club annual meeting where the recent gun bill passage was discussed.

There being no further business, a motion was made by Mr. Durand to adjourn. The motion was seconded by Mr. Sisk. The vote in favor was unanimous, and the meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Ernie Foster
Secretary

List of documents presented to the Board in its October business meeting packets:

October agenda

Draft September business meeting minutes

October personnel report

Script of the public comment provided by Susan Murray of the Southeastern Massachusetts Agricultural Partnership (SEMAP) at the September meeting