

<u>Species</u>	<u>Scientific Name</u>	<u>Breeding Status<sup>1</sup></u>	<u>Non-Breed<sup>1</sup> Status</u>
Ipswich Sparrow	Passerculus sandwichensis princeps		S
Grasshopper Sparrow	Ammodramus savannarum	T	S
Sharp-tailed Sparrow	Ammodramus caudacuta	S	S
Seaside Sparrow	Ammodramus maritima	S	S
Fox Sparrow	Passerella iliaca		S
Song Sparrow	Melospiza melodia	S	S
Lincoln's Sparrow	Melospiza lincolni		S
Swamp Sparrow	Melospiza georgiana	S	S
White-throated Sparrow	Zonotrichia albicollis	S	S
White-crowned Sparrow	Zonotrichia leucophrys		INC
Dark-eyed Junco	Junco hyemalis	S	S
Lapland Longspur	Calcarius lapponicus		S
Snow Bunting	Plectrophenax nivalis		S
Bobolink	Dolichonyx oryzivorus	T	T
Red-winged Blackbird	Agelaius phoeniceus	S	S
Eastern Meadowlark	Sturnella magna	D	S
Rusty Blackbird	Euphagus carolinus		S
Boat-tailed Grackle	Quiscalus major	INC	S
Common Grackle	Quiscalus quiscula	INC	S
Brown-headed Cowbird	Molothrus ater	INC	S
Orchard Oriole	Icterus spurius	S	S
Northern Oriole	Icterus galbula	S	S
Pine Grosbeak	Pinicola enucleator		S
Purple Finch	Carpodacus purpureus	S	S
House Finch	Carpodacus mexicanus	INC	S
Red Crossbill	Loxia curvirostra		S
White-winged Crossbill	Loxia leucoptera		S
Common Redpoll	Carduelis flammea		S
Pine Siskin	Carduelis pinus		S
American Goldfinch	Carduelis tristis	S	S
Evening Grosbeak	Hesperiphona vespertina		INC

<sup>1</sup>D signifies "Declining," E signifies "Endangered," EX signifies "Extirpated," INC signifies "Increasing," I signifies "Introduced," P signifies "Peripheral," S signifies "Stable," T signifies "Threatened" and U signifies "Undetermined." These terms are defined in N.J.A.C. 7:25-4.1.

As amended, R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

As amended, R.1984 d.132, eff. April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-20.2.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(a): Added text "and endangered".

Amended by R.1986 d.230, effective June 16, 1986.

See: 18 N.J.R. 601(a), 18 N.J.R. 1280(b).

"S" substituted for "T".

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

Substantially amended.

Repeal and New Rule, R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Repealed section—"Defining status of indigenous nongame and endangered wildlife species of New Jersey."

Amended by R.1999 d.235, effective July 19, 1999.

See: 31 N.J.R. 580(a), 31 N.J.R. 1923(b).

In REPTILES, deleted references to Common Snapping Turtles, Red-eared Turtles and Eastern Spiny Softshells; in AMPHIBIANS, deleted references to Bullfrogs and Green Frogs; in MAMMALS, deleted references to European Hares, Black-tailed Jackrabbits, Black Rats, Brown Rats, and House Mice; and in BIRDS, changed Breeding Status for American Bitterns, Great Blue Herons, Little Blue Herons, Black-crowned Night Herons, Cliff Swallows, and Ipswich Sparrows, changed Non-Breeding Status for Red Knots, Ipswich Sparrows and Grasshopper Sparrows, deleted references to Mute Swans, Northern Goshawks, Rock Doves, European Starlings and House Sparrows, and inserted a reference to Copper's Hawks.

Amended by R.2002 d.92, effective March 18, 2002.

See: 33 N.J.R. 2380(a), 34 N.J.R. 1265(b).

Inserted list of INVERTEBRATES, and added footnote 1 to Species Status column head.

Amended by R.2003 d.156, effective April 21, 2003.

See: 34 N.J.R. 2405(a), 35 N.J.R. 1669(a).

Deleted "Queen Snake" and added "Pine Barrens Tree Frog".

Petition for Rulemaking.

See: 41 N.J.R. 3320(a).

**Case Notes**

Endangered species list under the New Jersey Endangered and Non-game Species Conservation Act includes the rattlesnake (citing former N.J.A.C. 7:25-11.1 as N.J.A.C. 7:251101); discussion of compliance with federal environmental procedural requirements in construction of interstate highway. County of Bergen v. Dole, 620 F.Supp. 1009 (D.N.J.1985), affirmed 800 F.2d 1130 (1986).

**7:25-4.18 Endangered and Nongame Species Advisory Committee**

(a) The Endangered and Nongame Species Advisory Committee (committee) shall consist of 11 members appointed by the Commissioner. Prior to the making of any said appointments, the Commissioner shall consult with the committee as to their recommendations.

1. Members shall be reflective of various public groups concerned with, and supportive of, the endangered and nongame species program established by P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13, and shall possess special knowledge, expertise, and/or interest relating to endangered and nongame species of New Jersey. Member affiliation shall be as follows:

<u>Affiliation</u>	<u>Number of Members</u>
i. Academic/research communities	4
ii. Public health/veterinary medicine	1
iii. Qualified non-profit organization (as defined by the Internal Revenue Code at § 501(c)(3)) with strong interest in promoting the nonconsumptive use of wildlife	3
iv. Public at large (that is, not in the capacity of an organizational representative)	3

2. Of the 11 members to be appointed by the Commissioner, initially, two shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve, after the expiration of their terms, until their respective successors are appointed. Any vacancy occurring in the appointed membership of the committee, by expiration of term or otherwise, shall be filled by the Commissioner in the identical manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

3. The Commissioner may remove any member of the committee for cause upon notice and opportunity to be heard.

4. The committee shall select its chairperson from its membership, subject to the approval of the Commissioner, for a term of four years, and consecutive terms shall be permitted.

(b) The committee shall advise and assist the Commissioner in matters related to the intent of "The Endangered and Nongame Species Act," P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13. Notwithstanding subsequent departmental action, the Commissioner shall respond in writing to all reasonable written comments on policy received from the committee.

(c) The committee shall transmit its business during regular meetings, held once each month, at a time and place designated by the committee. Adequate notice, as defined under the "Open Public Meetings Law," P.L. 1975, c.231, codified at N.J.S.A. 10:4-6 to -21, shall be given to the Secretary of State. Six members present shall constitute a quorum.

(d) Members of the committee shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending committee meetings and in the performance of their duties as members thereof.

R.1984 d.509, effective November 5, 1984.

See: 16 N.J.R. 2033(a), 16 N.J.R. 3010(a).

Amended by R.1995 d.357, effective July 3, 1995.

See: 27 N.J.R. 797(a), 27 N.J.R. 2614(a).

Deleted former (a)3 and recodified existing (a)4 and (a)5 as new (a)3 and (a)4.

**7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes**

(a) No permit shall be issued for the purpose of selling any wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be cross-bred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and background, as follows:

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purpose, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M., Monday through Saturday, in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source