

2. To use as food, or to utilize the hide, skin, or other body parts;

3. Euthanasia by an agent of the Division or as ordered by the Commissioner;

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or

5. Euthanasia of research animals held under the scientific holding permits or scientific collecting permit.

Amended by R.1984 d.132, effective April 16, 1984.

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

Amended by R.1991 d.132, effective March 18, 1991.

See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Added (c).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-4.12 Notice of a denial of permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may request a hearing for a review of such determination within 30 days from the date of issuance of the denial, pursuant to the applicable provisions of the Administrative Procedure Act. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402.

(c) Any permittee shall permit division personnel, at any reasonable time to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

Administrative change in (b).

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.13 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Department shall conduct investigations concerning wildlife in order to develop information relating to populations, distributions, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data, the Department may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following species are determined to be endangered:

1. Shortnose Sturgeon, *Acipenser brevirostrum*
2. Trembly's Salamander, *Ambystoma tremblayi*
3. Blue-spotted Salamander, *Ambystoma laterale*
4. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*
5. Pine Barrens Treefrog, *Hyla andersoni*
6. Southern Gray Treefrog, *Hyla chrysocelis*
7. Bog Turtle, *Clemmys muhlenbergi*
8. Timber Rattlesnake, *Crotalus horridus horridus*
9. Corn Snake, *Elaphe guttata guttata*
10. Bald Eagle, *Haliaeetus leucocephalus*
11. Peregrine Falcon, *Falco peregrinus*
12. Northern Goshawk, *Accipiter gentilis*
13. Northern Harrier, *Circus cyaneus*
14. Red-shouldered Hawk, *Buteo lineatus* (Breeding population)
15. Short-eared Owl, *Asio flammeus*
16. Pied-billed Grebe, *Podilymbus podiceps*
17. Upland Sandpiper, *Bartramia longicauda*
18. Sedge Wren, *Cistothorus platensis*
19. Loggerhead Shrike, *Lanius ludovicianus*
20. Henslow's Sparrow, *Ammodrammus henslowii*
21. Vesper Sparrow, *Poocetes gramineus*
22. Piping Plover, *Charadrius melodus*
23. Roseate Tern, *Sterna dougallii*
24. Least Tern, *Sterna abifrons*
25. Black Skimmer, *Rynchops niger*
26. Atlantic Hawksbill, *Eretmochelys imbricata imbricata*
27. Atlantic Loggerhead, *Caretta caretta*
28. Atlantic Ridley, *Lepidochelys kempi*
29. Atlantic Leatherback, *Dermochelys coriacea coriacea*
30. Sperm Whale, *Physeter catodon*
31. Blue Whale, *Balaenoptera musculus*
32. Finback Whale, *Balaenoptera physalus*
33. Sei Whale, *Balaenoptera borealis*
34. Humpback Whale, *Megaptera novaeangliae*
35. Right Whale, *Eubalaena glacialis*
36. Bobcat, *Lynx rufus*
37. Eastern Woodrat, *Neotoma floridana*

38. Mitchell's Satyr, *Neonympha mitchellii mitchellii*
39. Northeastern Beach Tiger Beetle, *Cicindela dorsalis dorsalis*
40. American Burying Beetle, *Nicrophorus americanus*
41. Dwarf Wedge Mussel, *Alasmodonta heterodon*
42. American Bittern, *Botaurus lentiginosus* (Breeding population)

R.1974 d.348, effective December 19, 1974.

See: 7 N.J.R. 6(c).

Amended by R.1975 d.164, effective June 13, 1975.

See: 7 N.J.R. 146(b), 7 N.J.R. 311(a).

Amended by R.1979 d.128, effective March 29, 1979.

See: 11 N.J.R. 10(a), 11 N.J.R. 229(a).

Amended by R.1983 d.638, effective January 17, 1984.

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

(b): Indiana bat delisted; (b)9 and 14 through 23 added.

Amended by R.1984 d.132, effective April 16, 1984.

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

Section recodified from 7:25-11-1.

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

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

Deleted (b)12; renumbered 13.-35. as 12.-34.

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

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

New (b)19; old 19.-34. renumbered 20.-35.

Amended by R.1991 d.277, effective June 3, 1991.

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

Added new 14 in (b); redesignated existing 14 through 16 as 15 through 17. Deleted existing 17—"Cliff Swallow." Added 36 through 41.

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

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

In (b), rewrote 12 and added 42.

7:25-4.14 Requirements for possession of endangered wildlife species

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey nongame and exotic species permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a) above, and who:

1. Has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;
2. Has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgment of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question;

i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

3. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division in accordance with the scientific protocol approved by the Division.

(c) Amateur attempts or intent to propagate an endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has a reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on 24 hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined in this section, executed by the president, director or other employee of the organization with authority to so bind the organization;

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which will be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol

and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division no later than the 15th day following the end of each three month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgment releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages of whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

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

Section recodified from 7:25-11.2.

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

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

(f) added.

Administrative correction and change in (f) and (f)1.

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-4.15 Protection of animal and welfare of public

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal, including all

animals used for exhibition purposes. The animal may not be kept as a pet, for hobby purposes or in situations which, in the judgment of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

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

Section recodified from 7:25-11.3.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.16 Violations

Any person violating any provision of these rules and regulations will be subject to the penalties imposed by N.J.S.A. 23:2A-1 et seq.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

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

Section recodified from 7:25-11.4.

7:25-4.17 Defining status of indigenous wildlife species of New Jersey

The following table defines the status of indigenous non-game wildlife species of New Jersey:

Species	Scientific Name	Species Status
REPTILES		
Common Musk Turtle	Kinosternon odoratum	S
Eastern Mud Turtle	Kinosternon s. subrubrum	U
Spotted Turtle	Clemmys guttata	U
Wood Turtle	Clemmys insculpta	T
Eastern Box Turtle	Terrapene c. carolina	S
Map Turtle	Graptemys geographica	U
Red-bellied Turtle	Pseudemys rubriventris	U
Eastern Painted Turtle	Chrysemys p. picta	S
Midland Painted Turtle	Chrysemys picta marginata	U
Atlantic Green Turtle	Chelonia mydas	T
Northern Fence Lizard	Sceloporus undulatus hyacinthinus	S
Five-lined Skink	Eumeces fasciatus	U
Ground Skink	Scincella lateralis	U
Northern Water Snake	Nerodia s. sipedon	S
Queen Snake	Regina septemvittata	U
Northern Brown Snake	Storeria d. dekayi	S
Northern Red-bellied Snake	Storeria o. occipitamaculata	S
Eastern Garter Snake	Thamnophis s. sirtalis	S
Eastern Ribbon Snake	Thamnophis s. sauritus	S
Eastern Smooth Earth Snake	Virginia v. valeriae	U
Eastern Hognose Snake	Heterodon Platyrrhinos	D
Northern Ringneck Snake	Diadophis punctatus edwardsi	S
Southern Ringneck Snake	Diadophis p. punctatus	S
Eastern Worm Snake	Carphophis a. amoenus	U
Northern Black Racer	Coluber c. constrictor	U
Rough Green Snake	Ophedrys aestivus	S
Eastern Smooth Green Snake	Ophedrys v. vernalis	U
Black Rat Snake	Elaphe o. obsoleta	U
Northern Pine Snake	Pituophis m. melanoleucus	T
Eastern King Snake	Lampropeltis g. getulus	U
Eastern Milk Snake	Lampropeltis t. triangulum	S
Northern Scarlet Snake	Cemophora coccinea copei	U

Species	Scientific Name	Species Status
Northern Copperhead	Agkistrodon contortrix mokasen	U
AMPHIBIANS		
Marbled Salamander	Ambystoma opacum	D
Jefferson Salamander	Ambystoma jeffersonianum	D
Silvery Salamander	Ambystoma platineum	D
Spotted Salamander	Ambystoma maculatum	D
Red-spotted Newt	Notophthalmus v. viridescens	S
Northern Dusky Salamander	Desmognathus f. fuscus	S
Mountain Dusky Salamander	Desmognathus ochrophaeus	U
Red-backed Salamander	Plethodon c. cinereus	S
Slimy Salamander	Plethodon g. glutinosus	S
Four-toed Salamander	Hemidactylium scutatum	D
Northern Spring Salamander	Gyrinophilus p. porphyriticus	D
Northern Red Salamander	Pseudotriton r. ruber	D
Eastern Mud Salamander	Pseudotriton m. montanus	T
Northern Two-lined Salamander	Eurycea b. bislineata	S
Long-tailed Salamander	Eurycea l. longicauda	T
Eastern Spadefoot Toad	Scaphiopus h. holbrookii	D
American Toad	Bufo americanus	S
Fowler's Toad	Bufo woodhouseii fowleri	S
Northern Cricket Frog	Acris c. crepitans	U
Northern Spring Peeper	Hyla c. crucifer	U
Barking Treefrog	Hyla gratiosa	S
Northern Gray Treefrog	Hyla versicolor	S
New Jersey Chorus Frog	Pseudacris triseriata kalmi	U
Upland Chorus Frog	Pseudacris triseriata feriarum	S
Carpenter Frog	Rana varigatipes	U
Wood Frog	Rana sylvatica	S
Southern Leopard Frog	Rana spenocephala	S
Pickering Frog	Rana palustris	S
MAMMALS		
Masked Shrew	Sorex cinereus	S
Tuckahoe Masked Shrew	Sorex cinereus nigriculus	U
Water Shrew	Sorex palustris	U
Smokey Shrew	Sorex fumeus	U
Long-tailed Shrew	Sorex dispar	U
Short-tailed Shrew	Blarina brevicauda	S
Least Shrew	Cryptotis parva	U
Hairy-tailed Mole	Parascalops breweri	U
Eastern Mole	Scalopus aquaticus	S
Star-nosed Mole	Condylura cristata	U
Little Brown Bat	Myotis lucifugus	S
Keen Myotis	Myotis keenii	U
Small-footed Myotis	Myotis subulatus	U
Silver-haired Bat	Lasiorycteris noctivagans	U
Eastern Pipistrel	Pipistrellus subflavus	U
Big Brown Bat	Eptesicus fuscus	S
Red Bat	Lasiurus borealis	S
Northern Yellow Bat	Lasiurus intermedius	P
Hoary Bat	Lasiurus cinereus	U
New England Cottontail	Sylvilagus transitionalis	U
Eastern Chipmunk	Tamias striatus	S
Red Squirrel	Tamiasciurus hudsonicus	S
Southern Flying Squirrel	Glaucomys volans	U
Northern Flying Squirrel	Glaucomys sabrinus	U
Marsh Rice Rat	Oryzomys palustris	S
White-footed Mouse	Peromyscus leucopus	S
Red-backed Mouse	Clethrionomys gapperi	S
Meadow Vole	Microtus pennsylvanicus	S
Pine Vole	Pitymys pinetorum	S
Southern Bog Lemming	Synaptomys cooperi	U
Woodland Jumping Mouse	Napaeozapus insignis	U
Meadow Jumping Mouse	Zapus hudsonius	U
Porcupine	Erethizon dorsatum	INC
Harbor Seal	Phoca vitulina	S
Harp Seal	Pagophilus groenlandica	P
Gray Seal	Halichoerus grypus	P
Hooded Seal	Cystophora cristata	P
Goose-beaked Whale	Ziphius cavirostris	U
Dense Beaked Whale	Mesoplodon densirostris	U
Gervais Beaked Whale	Mesoplodon europaeus	U
True's Beaked Whale	Mesoplodon mirus	U
Pygmy Sperm Whale	Kogia breviceps	U
Dwarf Sperm Whale	Kogia simus	U
Beluga Whale	Delphinapterus leucas	P
Bridled Spotted Dolphin	Stenella frontalis	U
Spotted Dolphin	Stenella plagiodon	U
Striped Dolphin	Stenella coeruleoalba	U

Supp. 3-5-01

Species	Scientific Name	Breeding Status	Non-Breed Status	Species	Scientific Name	Breeding Status	Non-Breed Status
Western Kingbird	Tyrannus verticalis		S	Yellow-breasted Chat	Icteria virens	D	S
Eastern Kingbird	Tyrannus tyrannus	D	D	Summer Tanager	Piranga rubra		S
Horned Lark	Eremophila alpestris	D	S	Scarlet Tanager	Piranga olivacea	S	S
Purple martin	Progne subis	D	S	Northern Cardinal	Cardinalis cardinalis	INC	INC
Tree Swallow	Tachycineta bicolor	S	S	Rose-breasted Grosbeak	Phaeucticus ludovicianus	S	S
Northern Rough-winged Swallow	Stelgidopteryx serripennis	S	S	Blue Grosbeak	Guiraca caerulea	INC	S
Bank Swallow	Riparia riparia	S	S	Indigo Bunting	Passerina cyanea	S	S
Cliff Swallow	Hirundo pyrrhonota	S	S	Dickcissel	Spiza americana	EX	U
Barn Swallow	Hirundo rustica	S	S	Rufous-sided Towhee	Pipilo erythrophthalmus	S	S
Blue Jay	Cyanocitta cristata	INC	S	American Tree Sparrow	Spizella arborea		S
Fish Crow	Corvus ossifragus	INC	S	Chipping Sparrow	Spizella passerina	S	S
Black-capped Chickadee	Parus atricapillus	INC	S	Field Sparrow	Spizella pusilla	S	S
Carolina Chickadee	Parus carolinensis	S	S	Lark Sparrow	Chondestes grammacus		S
Boreal Chickadee	Parus hudsonicus		S	Savannah Sparrow	Passerculus sandwichensis	T	T
Tufted Titmouse	Parus bicolor	INC	S	Ipswich Sparrow	Passerculus sandwichensis princeps		S
Red-breasted Nuthatch	Sitta canadensis	S	S	Grasshopper Sparrow	Ammodramus savannarum	T	S
White-breasted Nuthatch	Sitta carolinensis	S	S	Sharp-tailed Sparrow	Ammodramus caudacuta	S	S
Brown Creeper	Certhia americana	S	S	Seaside Sparrow	Ammodramus maritima	S	S
Carolina Wren	Thryothorus ludovicianus	S	S	Fox Sparrow	Passerella iliaca		S
House Wren	Troglodytes aedon	S	S	Song Sparrow	Melospiza melodia	S	S
Winter Wren	Troglodytes troglodytes		S	Lincoln's Sparrow	Melospiza lincolni		S
Marsh Wren	Cistothorus palustris	D	S	Swamp Sparrow	Melospiza georgiana	S	S
Golden-crowned Kinglet	Regulus satrapa	S	S	White-throated Sparrow	Zonotrichia albicollis	S	S
Ruby-crowned Kinglet	Regulus calendula		S	White-crowned Sparrow	Zonotrichia leucophrys		INC
Blue-gray Gnatcatcher	Poliophtila caerulea	INC	S	Dark-eyed Junco	Junco hyemalis	S	S
Eastern Bluebird	Sialia sialis	S	S	Lapland Longspur	Calcarius lapponicus		S
Veery	Catharus fuscescens	S	S	Snow Bunting	Plectrophenax nivalis		S
Gray-cheeked Thrush	Catharus minimus		S	Bobolink	Dolichonyx oryzivorus	T	T
Swainson's Thrush	Catharus ustulatus		S	Red-winged Blackbird	Agelaius phoeniceus	S	S
Hermit Thrush	Catharus guttatus	S	S	Eastern Meadowlark	Sturnella magna	D	S
Wood Thrush	Hylocichla mustelina	S	S	Rusty Blackbird	Euphagus carolinus		S
American Robin	Turdus migratorius	S	S	Boat-tailed Grackle	Quiscalus major	INC	S
Catbird	Dumetella carolinensis	S	S	Common Grackle	Quiscalus quiscula	INC	S
Northern Mockingbird	Mimus polyglottos	INC	S	Brown-headed Cowbird	Molothrus ater	INC	S
Brown Thrasher	Toxostoma rufum	D	S	Orchard Oriole	Icterus spurius	S	S
Water Pipit	Anthus spinoletta		S	Northern Oriole	Icterus galbula	S	S
Cedar Waxwing	Bombycilla cedrorum	S	S	Pine Grosbeak	Pinicola enucleator		S
Northern Shrike	Lanius exubitor		S	Purple Finch	Carpodacus purpureus	S	S
White-eyed Vireo	Vireo griseus	D	S	House Finch	Carpodacus mexicanus	INC	S
Solitary Vireo	Vireo solitarius	S	S	Red Crossbill	Loxia curvirostra		S
Yellow-throated Vireo	Vireo flavifrons	S	S	White-winged Crossbill	Loxia leucoptera		S
Warbling Vireo	Vireo gilvus	S	S	Common Redpoll	Carduelis flammea		S
Philadelphia Vireo	Vireo philadelphicus		S	Pine Siskin	Carduelis pinus		S
Red-eyed Vireo	Vireo olivaceus	INC	INC	American Goldfinch	Carduelis tristis	S	S
Blue-winged Warbler	Vermivora pinus	INC	S	Evening Grosbeak	Hesperiphona vespertina		INC
Golden-winged Warbler	Vermivora chrysotera	D	S	As amended, R.1983 d.638, effective January 17, 1984.			
Tennessee Warbler	Vermivora peregrina		S	See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).			
Orange-crowned Warbler	Vermivora celata		S	As amended, R.1984 d.132, eff. April 16, 1984.			
Nashville Warbler	Vermivora reficapilla	S	S	See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).			
Northern Parula	Parula americana	P	S	Section recodified from 7:25-20.2.			
Yellow Warbler	Dendroica petechia	S	S	Amended by R.1985 d.215, effective May 6, 1985.			
Chestnut-sided Warbler	Dendroica pensylvanica	S	S	See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).			
Magnolia Warbler	Dendroica magnolia	S	S	Amended by R.1985 d.251, effective May 20, 1985.			
Cape May Warbler	Dendroica tigrina		S	See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).			
Black-throated Blue Warbler	Dendroica caerulescens	S	S	(a): Added text "and endangered".			
Yellow-rumped Warbler	Dendroica coronata		S	Amended by R.1986 d.230, effective June 16, 1986.			
Black-throated Green Warbler	Dendroica virens	S	S	See: 18 N.J.R. 601(a), 18 N.J.R. 1280(b).			
Blackburnian Warbler	Dendroica fusca	S	S	"S" substituted for "T".			
Yellow-throated Warbler	Dendroica dominica	S	S	Amended by R.1987 d.308, effective July 20, 1987.			
Pine Warbler	Dendroica pinus	S	S	See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).			
Prairie Warbler	Dendroica discolor	S	S	Substantially amended.			
Palm Warbler	Dendroica palmarum		S	Repeal and New Rule, R.1991 d.277, effective June 3, 1991.			
Bay-breasted Warbler	Dendroica castanea		S	See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).			
Blackpoll Warbler	Dendroica striata		S	Repealed section—"Defining status of indigenous nongame and endangered wildlife species of New Jersey."			
Cerulean Warbler	Dendroica cerulea	S	S	Amended by R.1999 d.235, effective July 19, 1999.			
Black and White Warbler	Miniotilta varia	S	S	See: 31 N.J.R. 580(a), 31 N.J.R. 1923(b).			
American Redstart	Setophaga ruticilla	S	S	In REPTILES, deleted references to Common Snapping Turtles,			
Prothonotary Warbler	Protonotaria citrea	INC	S	Red-eared Turtles and Eastern Spiny Softshells; in AMPHIBIANS,			
Worm-eating Warbler	Helminthosus vermivorus	S	S	deleted references to Bullfrogs and Green Frogs; in MAMMALS,			
Ovenbird	Seiurus aurocapillus	S	S	deleted references to European Hares, Black-tailed Jackrabbits, Black			
Northern Waterthrush	Seiurus noveboracensis	S	S	Rats, Brown Rats, and House Mice; and in BIRDS, changed Breeding			
Louisiana Waterthrush	Seiurus motacilla	S	S	Status for American Bitterns, Great Blue Herons, Little Blue Herons,			
Kentucky Warbler	Oporornis formosus	S	S	Black-crowned Night Herons, Cliff Swallows, and Ipswich Sparrows,			
Connecticut Warbler	Oporornis agilis		S	changed Non-Breeding Status for Red Knots, Ipswich Sparrows and			
Mourning Warbler	Oporornis philadelphia		S	Grasshopper Sparrows, deleted references to Mute Swans, Northern			
Common Yellowthroat	Geothlypis trichas	S	S	Goshawks, Rock Doves, European Starlings and House Sparrows, and			
Hooded Warbler	Wilsonia citrina	D	S	inserted a reference to Copper's Hawks.			
Wilson's Warbler	Wilsonia pusilla		S				
Canada Warbler	Wilsonia canadensis	S	S				

Case Notes

Endangered species list under the New Jersey Endangered and Nongame 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:

Affiliation	Number of Members
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 of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept; and

6. Except as stated in this section, no person or organization shall possess for any purpose any wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.

ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferors of both pre-Act and post-Act birds shall maintain written documentation as per (b)6i above showing that all birds are either captive-bred or were legally possessed pursuant to these regulations before December 10, 1991. Copies of such documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

New Rule, R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.

(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;

2. Subcutaneous coded identification as provided in this section;