

ASSEMBLY, No. 5638

STATE OF NEW JERSEY 222nd LEGISLATURE

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Sponsored by:

Assemblywoman ALIXON COLLAZOS-GILL

District 27 (Essex and Passaic)

Assemblyman JAMES J. KENNEDY

District 22 (Somerset and Union)

SYNOPSIS

Aligns criteria for designating endangered and threatened wildlife and plant species with federal standards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/22/2026)

1 AN ACT concerning regulations of endangered and threatened
2 species, amending P.L.1973, c.309 and P.L.1989, c.56, and
3 supplementing Title 4 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 3 of P.L.1973, c.309 (C.23:2A-3) is amended to read
9 as follows:

10 3. For the purposes of P.L.1973, c.309 (C.23:2A-1 et seq.),
11 unless the context clearly requires a different meaning:

12 “Best available scientific and commercial data” means all relevant
13 and objective empirical and commercial information available at the
14 time of agency action, including credible and reliable data,
15 quantitative analyses, conceptual and numerical models, and model
16 results, that account for known or potential sources of error, are
17 applied using prevailing principles, methods, tools, and professional
18 standards of practice, and are impartially gathered and objectively
19 applied without reliance on precautionary assumptions in favor of a
20 species or other assumptions or policy prescriptions that bias the
21 application;

22 "Commissioner" means the Commissioner of the Department of
23 Environmental Protection;

24 "Department" means the Department of Environmental
25 Protection;

26 "Endangered species" means any species or subspecies of wildlife
27 whose prospects of survival or recruitment are in jeopardy or are
28 likely within the foreseeable future to become so due to any of the
29 following factors: (1) the destruction, drastic modification, or severe
30 curtailment of its habitat, or (2) its over-utilization for scientific,
31 commercial or sporting purposes, or (3) the effect on it of disease,
32 pollution, or predation, or (4) other natural or manmade factors
33 affecting its prospects of survival or recruitment within the State, or
34 (5) any combination of the foregoing factors. The term shall also be
35 deemed to include any species or subspecies of wildlife appearing on
36 any federal endangered species list;

37 “Foreseeable future” means as far into the future as the department
38 can make reasonably reliable predictions, on a case-by-case basis,
39 about the threats to a species and a species’ response to those threats,
40 using the best available scientific and commercial data, and taking
41 into account considerations including: (1) the species’ life-history
42 characteristics, (2) the projected time-frame of the threat, and (3)
43 environmental variability;

44 "Nongame species" means any wildlife for which a legal hunting
45 or trapping season has not been established or which has not been

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 classified as an endangered species by statute or regulation of this
2 State;

3 "Take" means to harass, hunt, capture, kill, or attempt to harass,
4 hunt, capture, or kill, wildlife;

5 "Wildlife" means any wild mammal, bird, reptile, amphibian, fish,
6 mollusk, crustacean or other wild animal or any part, product, egg or
7 offspring or the dead body or parts thereof.

8 (cf: P.L.2016, c.6, s.2)

9
10 2. Section 4 of P.L.1973, c.309 (C.23:2A-4) is amended to read
11 as follows:

12 4. a. The commissioner shall conduct investigations concerning
13 wildlife indigenous to the State in order to develop information
14 relating to populations, distribution, habitat needs, limiting factors
15 and other biological and ecological data to determine management
16 measures necessary for their continued ability to sustain themselves
17 successfully, without consideration to the economic or other impacts
18 of determinations. On the basis of such determinations the
19 commissioner shall develop management programs which shall be
20 designed to insure the continued ability of wildlife to perpetuate
21 themselves successfully.

22 b. On the basis of such investigations of wildlife and other
23 available scientific and commercial data the commissioner may by
24 rule or regulation promulgate a list of those species and subspecies
25 of wildlife indigenous to the State which are determined to be
26 endangered, giving their common and scientific names by species
27 and subspecies. **【The commissioner shall periodically review the**
28 **State list of endangered species and may by regulation amend the list**
29 **making such additions or deletions as are deemed appropriate.】**

30 c. No later than one year after the effective date of P.L. ,
31 c. (C.) (pending before the Legislature as this bill), and at
32 least every 10 years thereafter, the commissioner shall review and, if
33 warranted, subsequently amend or update the list required under this
34 section with such additions or deletions as are deemed appropriate.

35 d. The commissioner shall delist a species if the Secretary
36 determines, based on consideration of the factors and standards set
37 forth in this section, that the best available scientific and commercial
38 data substantiate that:

39 (1) the species is extinct;

40 (2) the species has recovered to the point that it no longer meets
41 the definition of an endangered or threatened species;

42 (3) information has become available since the original listing
43 decision that shows that the listed entity does not meet the definition
44 of an endangered or threatened species; or

45 (4) information has become available since the original listing
46 decision that shows that the listed entity no longer meets the
47 definition of a species.

1 e. The commissioner shall establish programs necessary for the
2 conservation of endangered or threatened species, including:
3 (1) acquisition of land or aquatic habitat or interests therein;
4 (2) designation of areas as essential habitats for endangered and
5 threatened species;
6 (3) objective, incremental recovery goals for the species; and
7 (4) management protocols for designated essential habitats.
8 (cf: P.L.2016, c.6, s.3)

9
10 3. Section 3 of P.L.1989, c.56 (C.13:1B-15.153) is amended to
11 read as follows:

12 3. As used in **【this act】** P.L.1989, c.56 (C.13:1B-15.151 et seq.):
13 “Best available scientific and commercial data” means all relevant
14 and objective empirical and commercial information available at the
15 time of agency action, including credible and reliable data,
16 quantitative analyses, conceptual and numerical models, and model
17 results, that account for known or potential sources of error, are
18 applied using prevailing principles, methods, tools, and professional
19 standards of practice, and are impartially gathered and objectively
20 applied without reliance on precautionary assumptions in favor of a
21 species or other assumptions or policy prescriptions that bias the
22 application;

23 "Commissioner" means the Commissioner of the Department of
24 Environmental Protection;

25 "Department" means the Department of Environmental
26 Protection;

27 "Endangered species" means any native plant species whose
28 survival in the State or the nation is in jeopardy, including, but not
29 limited to, plant species designated as listed, proposed, or under
30 review by the federal government as endangered or threatened
31 throughout its range in the United States pursuant to the "Endangered
32 Species Act of 1973," Pub.L.93-205 (16 U.S.C. s. 1533), any
33 additional species known or believed to be rare throughout its
34 worldwide range, and any species having five or fewer extant
35 populations within the State;

36 “Foreseeable future” means as far into the future as the department
37 can make reasonably reliable predictions, on a case-by-case basis,
38 about the threats to a species and a species’ response to those threats,
39 using the best available scientific and commercial data, and taking
40 into account considerations including: (1) the species’ life-history
41 characteristics, (2) the projected time-frame of the threat, and (3)
42 environmental variability;

43 "Plant" means any member of the Plant Kingdom, including all
44 roots, stems, leaves, flowers, fruits, seeds, spores, gametophytes and
45 other parts thereof;

46 "Species" means any species, subspecies, or variety of plant.
47 (cf: P.L.1989, c.56, s.3)

1 4. Section 4 of P.L.1989, c.56 (C.13:1B-15.154) is amended to
2 read as follows:

3 4. a. Within one year of the effective date of [this act] P.L.1989,
4 c.56 (C.13:1B-15.151 et seq.), the Division of Parks and Forestry in
5 the Department of Environmental Protection shall, on the basis of
6 research and investigations and other available scientific data on
7 plant species, [and] with the benefit of public comment, and without
8 consideration to the economic or other impacts of determinations,
9 develop and adopt, pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.), a list of plant species occurring
11 in the State which are endangered, either by the destruction, drastic
12 modification, or severe curtailment of their habitat; their over-
13 collection for aesthetic, commercial, educational, recreational, or
14 scientific purposes; the effect on them of disease, pollution, or
15 predation; or any other factor or combination of factors, natural or
16 man-made.

17 b. No later than one year after the effective date of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), and at
19 least every 10 years thereafter, the commissioner shall review and, if
20 warranted, subsequently amend or update the list required under this
21 section, with such additions or deletions as are deemed appropriate.

22 c. The commissioner shall delist a plant species if the Secretary
23 determines, based on consideration of the factors and standards set
24 forth in this section, that the best available scientific and commercial
25 data substantiate that:

26 (1) the species is extinct;

27 (2) the species has recovered to the point that it no longer meets
28 the definition of an endangered or threatened species;

29 (3) information has become available since the original listing
30 decision that shows that the listed entity does not meet the definition
31 of an endangered or threatened species; or

32 (4) information has become available since the original listing
33 decision that shows that the listed entity no longer meets the
34 definition of a plant species.

35 d. The commissioner shall establish programs necessary for the
36 conservation of endangered plant species, including:

37 (1) acquisition of land or interests therein;

38 (2) designation of areas as essential habitats for endangered and
39 threatened plant species;

40 (3) objective, incremental recovery goals for the species; and

41 (4) management protocols for designated essential habitats.

42 (cf: P.L.1989, c.56, s.4)

43

44 5. (New Section) If the United States Fish and Wildlife Service
45 removes the black vulture from the list of protected species under the
46 federal "Migratory Bird Treaty Act" (16 U.S.C. s.703 et seq.), or if
47 the federal "Migratory Bird Treaty Act" is repealed, the department
48 shall promulgate rules and regulations authorizing the taking of black

1 vultures in a similar manner and with the same authorizations as a
2 Migratory Bird Depredation Permit issued by the United States Fish
3 and Wildlife Service.

4
5 6. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill requires the Commissioner of Environmental Protection
11 to review, and if necessary, update, the lists of endangered wildlife
12 and plant species, within one year after the bill's enactment, and at
13 least every 10 years thereafter. This aligns State standards with
14 existing federal regulations.

15 The commissioner would be directed to delist a wildlife or plant
16 species if: (1) the species becomes extinct; (2) the species recovers
17 to the point that it no longer meets the definition of an endangered or
18 threatened species; (3) information becomes available showing that
19 the listed entity no longer meets the definition of an endangered or
20 threatened species; or (4) information becomes available showing
21 that the listed entity no longer meets the definition of a species. The
22 commissioner would be required to make this determination without
23 consideration to the economic or other impacts of adding or delisting
24 a wildlife or plant species.

25 The commissioner would be required to establish programs for the
26 conservation of endangered wildlife and plant species, including the
27 acquisition of land or aquatic habitats, the designation of certain
28 areas as essential habitats, and the adoption of habitat management
29 protocols.

30 Finally, the bill would require the Department of Environmental
31 Protection (DEP) to promulgate rules and regulations authorizing the
32 taking of black vultures, if the black vulture is delisted as a protected
33 species under the federal "Migratory Bird Treaty Act" (16 U.S.C.
34 s.703 et seq.), or if the federal "Migratory Bird Treaty Act" is
35 repealed.