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SUBCHAPTER 4. Endangered, Nongame and Exotic Wildlife

7:25-4.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Breeding population" means, for birds, the species' population, or assemblage of individuals of a species, present in the State during the nesting season (actual dates of the nesting season vary among species).

"Butt-end band" means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

"Captive-bred bird" means any bird that is hatched in captivity from eggs produced by captive parent birds.

"Color mutation" means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant (mutated) color-producing genes.

"Department" means the State's Department of Environmental Protection.

"Director" means the Director of the Division or its successor within the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

"Endangered" (E) means a species whose prospects for survival within the State are in immediate danger due to one or many factors: a loss of or change in habitat, overexploitation, predation, competition, disease. An endangered species requires immediate assistance or extinction will probably follow. See N.J.A.C. 7:25-4.13(b) for listing.

"Exotic mammal, bird, reptile or amphibian", means any nongame species or mammal, bird, reptile or amphibian not indigenous to New Jersey.

"Non-breeding population" means, for birds, the species' population, or assemblage of individuals of a species, present in the State during the parts of the year outside of the nesting season (actual dates of the nesting season vary among species).

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"Nongame species" means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

"Person" shall be defined to include but not limited to corporations, companies, associations, societies including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.

"Seamless leg band" means a solid ring leg band from a source approved by the Department, inscribed with a code approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

"Secure-stable" (S) means a species that appears to be secure in the State and not in any immediately foreseeable danger of becoming "endangered," "threatened," or "special concern."

"Special concern" (SC) means a species that warrants special attention by the Department because of inherent vulnerability to environmental deterioration or habitat modification that would result in its becoming threatened if conditions surrounding the species begin or continue to deteriorate. Factors that can lead to classification as special concern include, but are not limited to, species rarity in the State, highly specialized food and/or habitat requirements, low reproductive rate, isolated populations of the species within the State and/or other characteristics that make the species particularly susceptible to environmental or habitat changes. This category includes a species that meets the foregoing criteria and for which there is little understanding of its current population status in the State.

"Threatened" (T) means a species that may become endangered if conditions surrounding it begin to or continue to deteriorate.

"Undetermined-unknown" (U) means a species that cannot be assigned a status of endangered, threatened, special concern or secure-stable because not enough information exists on which to base such a determination.

"Wild bird" means any bird other than a native, introduced, or feral game bird as defined in N.J.S.A. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. "Wild bird" also means the egg of a wild bird

7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-

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4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or Federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation is false, and who has submitted the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c) below.

(b) No person shall liberate within this State any nongame species or exotic mammal, bird, reptile or amphibian unless such person has first received a permit from the Department which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall take effect until final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or Superior Court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to

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reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person residing outside of New Jersey in accordance with that state's laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty plea in municipal or Superior Court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger or its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director other than those animals authorized by the Director and originally possessed by the permittee and the offspring from interbreeding between those individual animals. No animal may be possessed pursuant to a hobby permit extended by discretion of the Director if possession of the animal violates any Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation, as the case may be, in accordance

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with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, or in any separately-mailed notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation

7:25-4.3 Exotic species and nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to, the following:

1. Birds:

- i. Red-fronted parrot--*Amazona viridigenalis*;
- ii. Turquoise-fronted parrot--*Amazona aestiva*;
- iii. Yellow-checked parrot--*Amazona a. autumnalis*;
- iv. Half-moon conure--*Aratinga canicularis eburnirostrum*;
- v. Jenday parrot--*Aratinga jendays*;
- vi. African gray parrot--*Psittacus erithacus*;
- vii. Macaws--*Ara* spp. & *Anodorhynchus* spp. (Except endangered forms).

2. Mammals:

- i. Ferrets--*Mustela putorius furo*;
- ii. Kinkajou--*Potos flavus*;

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- iii. Coatimundi--*Nasua* spp.;
- iv. European hedgehog--*Erinaceus europeaus*;
- v. Exotic Sheep--Except *Ovis aries*;
- vi. Exotic Goats--except *Capra hircus*.

3. Reptiles:

- i. Pythons--Family Pythonidae;
- ii. Rat Snakes--*Elaphe* spp.;
- iii. Boas--Family Boidae (other than Boa Constrictors);
- iv. King Snakes--*Lampropeltis* spp.;
- v. Racer--*Coluber* spp.;
- vi. Ringneck Snakes--*Diadophis punctatus*;
- vii. Green Snakes--*Opheodrys* spp.;
- viii. Collared Lizard--*Crotaphytus collaris*;
- ix. Monitor--*Varanus* spp.;
- x. Skinks--Family Scincidae;
- xi. Ameiva--*Ameiva* spp.;
- xii. Chuckwalla--*Sauromalus obesus*;
- xiii. Alligator Lizard--*Gerrhonitus* spp.;
- xiv. Geckos--family--Gekkonidae other than Tokay Gecko;
- xv. Armadillo Lizard--*Cordylus cataphractus*;

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

7:25-4.4 Exempted species

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(a) The following listed species of exotic or nongame mammals, birds, reptiles, or amphibians may be possessed in this State without a permit.

1. Birds:

- i.** Budgerigar--*Melopsittacus undulatus*;
- ii.** Cockatiel--*Nymphicus hollandicus*;
- iii.** Peafowl--*Pavo cristatus*;
- iv.** Rock dove--*Columba livia*;
- v.** Canary--*Serinus canaria*;
- vi.** House sparrow--*Passer domesticus*;
- vii.** European starling--*Sturnis vulgaris*;
- viii.** Zebra finch--*Poephila guttatus*;
- ix.** Society finch--*Lonchura domesticus*;
- x.** Ostrich--*Struthio camelus*;
- xi.** Greater Rhea--*Rhea americana*;
- xii.** Lesser Rhea--*Rhea pennata*;
- xiii.** Emu--*Dromaius novaehollandiae*.

2. Mammals:

- i.** Hamster--*Mesocricetus auratus*;
- ii.** Gerbil--*Meriones mongolinensis*;
- iii.** Guinea pig--*Cavia porcellus*;
- iv.** Pigmy goats--*Capra hircus*;
- v.** Mice and Rats--*Mus* spp. and *Rattus* spp.;
- vi.** Chipmunk--*Tamias* spp. & *Eutamias* spp.;

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- vii. Red Squirrel-Tamiasciurus hudsonicus & douglasii;
- viii. Flying Squirrel--Glaucomys spp.;
- ix. Alpaca--Vicugna pacos;
- x. Guanaco--Lama guanicoe;
- xi. Llama--Lama glama;
- xii. Bison (American buffalo)--Bison bison.

3. Reptiles:

- i. American anole-Anolis carolinensis;
- ii. Common iguana-Iguana iguana;
- iii. Boa Constrictor-Constrictor constrictor;
- iv. Eastern painted turtles-Chrysemys picta picta;
- v. Snapping turtles-Chelydra serpentina;
- vi. Fence lizard-Sceloporus occidentalis & undulatus;
- vii. Garter snake-Thamnophis spp. (except T. sirtalis tetrataenia);
- viii. Tokay gecko-Gekko gecko;
- ix. Ribbon snake-Thamnophis spp. (except T. sirtalis tetrataenia).

4. Amphibians:

- i. Leopard frogs-Rana pipiens;
- ii. Green frogs-Rana clamitans;
- iii. American toad-Bufo woodhousei americana;
- iv. Fowlers toad-B.w.fowleri;
- v. Bullfrogs-Rana catesbiana;

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vi. Red Newts-*Notophthalmus viridescens*;

vii. Dusky salamanders-*Desmognathus fuscus*.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation

7:25-4.5 Additional species

A permit shall be required for any other exotic mammals, birds, reptiles or amphibians or nongame species not specifically exempted by N.J.A.C. 7:25-4.4.

7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required

(a) The Division may issue, but shall not be limited to, the following categories of permits:

- 1.** Individual hobby--issued to persons holding exotic mammals, birds, reptiles or amphibians or nongame species for hobby purposes or as pets.
- 2.** Scientific holding--issued to qualified persons holding exotic mammals, birds, reptiles or amphibians or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.
- 3.** Zoological holding--issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians or nongame species, including possession, importation, exportation and sale of species listed in the permit.
- 4.** Pet shop--issued to individuals and establishments engaged in the retail sale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.
- 5.** Animal Dealer--issued to individuals and establishments engaged in the wholesale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.
- 6.** Animal Exhibitor--issued to exhibitors of exotic mammals, birds, reptiles or amphibians or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.
- 7.** Animal Theatrical Agencies--issued to persons owning exotic mammals, birds, reptiles or amphibians or nongame species to be hired for advertising, acting or

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theatrical appearances, including importation, exportation and sale of species listed in the permit.

8. Scientific Collecting--issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. Special Purpose Salvage--issued to persons or institutions to salvage dead migratory birds or parts thereof for scientific or educational purposes.

10. Special Wildlife Salvage--issued to persons or institutions to salvage dead nongame species or parts thereof, other than migratory birds, for scientific or educational purposes.

11. Endangered Species--issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. Depredation Control--issued to persons or establishments to control nongame species which are creating a hazard to public safety, crops, livestock or similar concerns.

13. Rehabilitation--issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. Bird Breeder--issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety (see N.J.A.C. 7:25-4.19). This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue, unless otherwise indicated.

(c) The possession permits shall require an annual application and inspection fee as listed:

Categories of Permits	Annual Application and Inspection Fee
Individual Hobby	\$ 10.00
Individual Hobby/Birds	\$ 20.00
Scientific Holding	\$ 35.00

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Zoological Holding	
--less than 10 animals	\$ 60.00
Zoological Holding	
--more than 10 animals	\$ 110.00
Pet Shop	\$ 100.00
Animal Dealer	\$ 100.00
Animal Exhibitor	
Single Exhibit	\$ 35.00
Annual	\$ 110.00
Animal Theatrical Agency	\$ 110.00
Scientific Collecting	\$ 22.00
Special Purpose Salvage	\$ 7.00
Special Wildlife Salvage	\$ 7.00
Endangered Species	\$ 7.00
Depredation Control	\$ 22.00
Rehabilitation	\$ 7.00
Bird Breeder	\$ 150.00

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an "Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of acquisitions, sales and exchanges, and white copies of temporary permits issued for sale of any regulated species, upon expiration or renewal of their permits.

(f) Zoos and nature centers must submit quarterly reports of birth, deaths, acquisitions and disposals.

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic mammals, birds, reptiles or amphibians or nongame species, their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

(i) Persons holding permits listed above at (a)8 to 12 shall submit reports to the Division of permit activities no more than one month after the expiration of their permits.

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(j) Any person holding an Exotic or Nongame Species Possession Permit pursuant to this subchapter which expires or is revoked shall file a report with the Division within 15 days after expiration or revocation explaining the final disposition of all animals in his or her possession during the calendar year of issue. The explanation shall set forth the following information: the species and number of individuals of each species possessed; the date of birth and current age of each animal; births; deaths and cause of each death; the complete name, address and telephone number of the person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

(k) Pet shops or other establishments dealing in birds other than canary, budgerigar and cockatiel shall prominently display a sign visible to the public on the premises where such birds are offered for sale, which states: After December 10, 1991, only captive-bred birds or birds legally in possession pursuant to New Jersey regulations prior to December 10, 1991 may be offered for sale or purchased in New Jersey. All birds offered for sale except those exempted by New Jersey regulations, must also be marked with a band or micro-chip approved by the New Jersey Division of Fish and Wildlife. To report violations, or questions, call (908) 735-5450.

7:25-4.7 General possession criteria

(a) Prior to the issuance of any permit permitted by these regulations, every applicant shall, on the forms provided by the Department, demonstrate that:

1. The animal will be fed an adequate diet; and
2. The animal is housed or caged in a manner that:
 - i. Allow the animal to perform the normal behavior patterns of its species; and
 - ii. Prevents disease, liberation or accidental injury to the animal and the public; and
3. The method of acquisition did not violate the laws and regulations of this State, any other state or the Federal Government; and
4. The animal shall receive prompt treatment for any illness or injury from a licensed veterinarian; and
5. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock or people of the State, provided that the Division may request certification that the animal for which the permit is being sought is free from infectious diseases and parasites from a licensed New Jersey veterinarian or

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a person recognized as qualified to make such certification by the Director of the Division of Fish, Game and Shellfisheries.

7:25-4.8 Potentially dangerous species

(a) "Potentially dangerous species" is defined as any exotic mammals, birds, reptiles or amphibians or nongame species which, in the opinion of the Division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest or a menace to the public health or indigenous wildlife populations, including, but not limited to the following:

Class/Order	Family/Genus
Primates	Cebidae--New World Monkeys Cercopithecidae--Old World Monkeys and Baboons Pongidae--Apes
Carnivora	Canidae--Nondomestic dogs Ursidae--Bears Felidae--Nondomestic cats
Sauria (Venomous)	Helodermatidae--Gila Monsters
Serpentes (Venomous)	Elapidae--Coral snakes and cobras Viperidae--Vipers Crotalidae--Pit Vipers
Crocodylia	Alligatoridae--Alligators and caiman Crocodylidae--crocodiles Gavialidae--gavials
Psittaciformes	Psittaculis spp.--Ring-necked parakeets Myiopsitta spp.--Monk parakeets Cyanoliseus patagonus--Patagonian Conures
Rodentia	Cynomys spp.--Prairie dogs Spermophilus spp.--Ground Squirrels

(b) The Department, in its discretion, may issue a permit for possession of a potentially dangerous species only after a clear showing that the criteria for the possession of such potentially dangerous species contained in N.J.A.C. 7:25-4.9 have been met.

7:25-4.9 Criteria for the possession of potentially dangerous species

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(a) In addition to the general criteria enumerated above in N.J.A.C. 7:25-4.7, every person applying for a permit to possess potentially dangerous species shall meet each and every of the following criteria to the satisfaction of the Division.

1. Education and Background: Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species.
2. Knowledge: Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired.
3. Protection of the Public: The housing facilities shall also be constructed to prevent public access to and contact with the animal. The potentially dangerous species shall not be kept as a pet, for hobby purposes or in situations, which, in the judgment of the Department, could adversely affect the health of the animal or which could constitute a hazard to the public.
4. Purpose and Intent: Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species.
5. Housing and Feeding: Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required. A summary must be submitted of a continuous source of food for the specific diet of the animals. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.
6. Other restrictions: Under no circumstances shall a person issued a pet shop or animal dealer permit possess any potentially dangerous species on the commercial premises, except in emergencies and for a limited period of time as stipulated by the Department in writing and subsequently agreed to by the animal dealer or pet shop owner, who shall assume full responsibility for the safety and welfare of both the animal and the public during its temporary storage. A potentially dangerous animal already on display at the premises of a pet shop or animal dealer and already under a permit for such display as of January 17, 1995 may remain so displayed under the terms and conditions of that permit for the lifetime of that animal.

7:25-4.10 Endangered species prohibited

(a) Except as specifically hereinafter provided, no permit shall be issued for the possession of any species designated as endangered by the U.S. Department of the Interior or the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 23:2A-4.

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(b) The Department, in its discretion, may issue a permit for the possession of any designated endangered species only after a clear showing by the applicant that all the requirements for the possession of endangered species (N.J.A.C. 7:25-4.14) are met. If the designated endangered species is also designated as an exotic mammal, bird, reptile or amphibian or nongame species or potentially dangerous species, the criteria established by 7:25-4.7 and 7:25-4.9 must also be met.

7:25-4.11 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any animal for which a permit has been issued shall, within 48 hours, report to the Division exactly which animals were transferred and the name and address of the person to whom the animals were transferred.

(b) (Reserved)

(c) Exotic mammals, birds, reptiles or amphibians, or nongame species possessed under these permits may be dispatched in a manner as directed by the Commissioner and consistent with the provisions of the permit for legitimate purposes, including, but not limited to, the following:

1. Euthanasia of sick, injured or surplus animals, to cull individuals to prevent overcrowding or spread of disease; such euthanasia can also be ordered by the Commissioner when necessary to prevent spread of disease;
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

7:25-4.12 Notice of denial or 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 New Jersey

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Department of Environmental Protection, Office of Administrative Hearings and Dispute Resolution, ATTENTION: Adjudicatory Hearing Requests, 401 E. State Street, Mail Code 401-07A, PO Box 420, Trenton, New Jersey 08625-0420.

(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.

7:25-4.13 List of endangered species

(a) N.J.S.A. 23:2A-4 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. Blue-spotted Salamander, *Ambystoma laterale*
3. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*
4. Southern Gray Treefrog, *Hyla chrysocelis*
5. Bog Turtle, *Glyptemys muhlenbergi*
6. Timber Rattlesnake, *Crotalus horridus horridus*
7. Corn Snake, *Elaphe guttata guttata*
8. Bald Eagle, *Haliaeetus leucocephalus* (Breeding population)
9. Peregrine Falcon, *Falco peregrinus* (Breeding population)
10. Northern Goshawk, *Accipiter gentilis* (Breeding population)
11. Northern Harrier, *Circus cyaneus* (Breeding population)
12. Red-shouldered Hawk, *Buteo lineatus* (Breeding population)
13. Short-eared Owl, *Asio flammeus* (Breeding population)
14. Pied-billed Grebe, *Podilymbus podiceps* (Breeding population)
15. Upland Sandpiper, *Bartramia longicauda*
16. Sedge Wren, *Cistothorus platensis*
17. Loggerhead Shrike, *Lanius ludovicianus* (Non-breeding population)

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18. Henslow's Sparrow, *Ammodramus henslowii*
19. Vesper Sparrow, *Poocetes gramineus* (Breeding population)
20. Piping Plover, *Charadrius melodus*
21. Roseate Tern, *Sterna dougallii*
22. Least Tern, *Sternula antillarum*
23. Black Skimmer, *Rynchops niger*
24. Atlantic Hawksbill, *Eretmochelys imbricata imbricata*
25. Atlantic Loggerhead, *Caretta caretta*
26. Atlantic Ridley, *Lepidochelys kempi*
27. Atlantic Leatherback, *Dermochelys coriacea coriacea*
28. Sperm Whale, *Physeter macrocephalus*
29. Blue Whale, *Balaenoptera musculus*
30. Finback Whale, *Balaenoptera physalus*
31. Sei Whale, *Balaenoptera borealis*
32. Humpback Whale, *Megaptera novaeangliae*
33. Northern Right Whale, *Balaena glacialis*
34. Bobcat, *Lynx rufus*
35. Eastern Woodrat, *Neotoma floridana*
36. Mitchell's Satyr, *Neonympha mitchellii mitchellii*
37. Northeastern Beach Tiger Beetle, *Cicindela dorsalis dorsalis*
38. American Burying Beetle, *Nicrophorus americanus*
39. Dwarf Wedgemussel, *Alasmidonta heterodon*;
40. American Bittern, *Botaurus lentiginosus* (Breeding population)
41. Appalachian Grizzled Skipper (butterfly), *Pyrgus wyandot*;
42. Arogos Skipper (butterfly), *Atrytone arogos arogos*;
43. Bronze Copper (butterfly), *Lycaena hyllus*;
44. Queen Snake, *Regina septemvittata*
45. Brook Floater (mussel), *Alasmidonta varicosa*;
46. Green Floater (mussel), *Lasmigona subviridis*.
47. Black Rail, *Laterallus jamaicensis* (Breeding population)

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- 48.** Golden-winged Warbler, *Vermivora chrysoptera* (Breeding population)
- 49.** Red Knot, *Calidris canutus* (Non-breeding population)
- 50.** Indiana Bat, *Myotis sodalis*
- 51.** Gray Petaltail (dragonfly), *Tachopteryx thoreyi*.

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.

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(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;

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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

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6. The applicant shall execute a written acknowledgement 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.

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.

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.

7:25-4.17 List providing conservation status of New Jersey's indigenous nongame wildlife species

The following table sets forth the list and conservation status of nongame wildlife species indigenous to New Jersey in their respective taxonomic classes. For the vertebrate classes of mammals, birds, reptiles, and amphibians, the list is intended to include all indigenous nongame species, that is, all species for which a legal hunting or trapping season has not been established or that have not been classified as an endangered species and that are native to the eastern United States and regularly and predictably occur within the State or its waters. Freshwater and marine fish are not included on this list because none are currently considered "nongame." For the invertebrate classes, the list includes only those species for which the Department has determined that their status is either "threatened" or

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"special concern." The list is ordered alphabetically by species' common names within each taxonomic class.

Species	Scientific Name	Species Status*
BIVALVES		
Creeping	<i>Strophitus undulatus</i>	SC
Eastern Lampmussel	<i>Lampsilis radiata</i>	T
Eastern Pondmussel	<i>Ligumia nasuta</i>	T
Tidewater Mucket	<i>Leptodea ochracea</i>	T
Triangle Floater	<i>Alasmodonta undulata</i>	T
Yellow Lampmussel	<i>Lampsilis cariosa</i>	T
INSECTS		
Allegheny River Cruiser	<i>Macromia alleghaniensis</i>	SC
Arrowhead Spiketail	<i>Cordulegaster oblique</i>	SC
Banner Clubtail	<i>Gomphus apomyius</i>	T
Brook Snaketail	<i>Ophiogomphus aspersus</i>	T
Brush-tipped Emerald	<i>Somatochlora walshii</i>	SC
Checkered White	<i>Pontia protodice</i>	T
Cobra Clubtail	<i>Gomphus vastus</i>	SC
Coppery Emerald	<i>Somatochlora georgiana</i>	SC
Crimson-ringed Whiteface	<i>Leucorrhinia glacialis</i>	SC
Dotted Skipper	<i>Hesperia attalus slossonae</i>	SC
Extra-striped Snaketail	<i>Ophiogomphus anomalus</i>	SC
Forcipate Emerald	<i>Somatochlora forcipata</i>	SC
Frosted Elfin	<i>Callophrys irus</i>	T
Georgia (Lakehurst) Satyr	<i>Neonympha areolatus septentrionalis</i>	SC
Golden-winged Skimmer	<i>Libellula auripennis</i>	SC
Green-faced Clubtail	<i>Gomphus viridifrons</i>	SC
Harpoon Clubtail	<i>Gomphus desertus</i>	T
Harris' Checkerspot	<i>Chlosyne harrisii</i>	SC
Hessel's Hairstreak	<i>Callophrys hesseli</i>	SC
Hoary Elfin	<i>Callophrys polios</i>	SC
Hudsonian Whiteface	<i>Leucorrhinia hudsonica</i>	SC
Kennedy's Emerald	<i>Somatochlora kennedyi</i>	T
Leonard's Skipper	<i>Hesperia leonardus</i>	SC

* E means "Endangered;" S means "Secure-stable;" SC means "Special concern;" T means "Threatened;" and U means "Undetermined-unknown." These terms are defined in N.J.A.C. 7:25-4.1.

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Maine Snaketail	<i>Ophiogomphus mainensis</i>	SC
Midland Clubtail	<i>Gomphus fraternus</i>	SC
New England Bluet	<i>Enallagma laterale</i>	SC
Northern Metalmark	<i>Calephelis borealis</i>	SC
Pine Barrens Bluet	<i>Enallagma recurvatum</i>	SC
Rapids Clubtail	<i>Gomphus quadricolor</i>	SC
Robust Baskettail	<i>Epithea spinosa</i>	T
Sable Clubtail	<i>Gomphus rogersi</i>	SC
Scarlet Bluet	<i>Enallagma pictum</i>	SC
Septima's Clubtail	<i>Gomphus septima</i>	SC
Silver-bordered Fritillary	<i>Bolaria selene myrina</i>	T
Ski-tailed Emerald	<i>Somatochlora elongata</i>	SC
Spatardock Darner	<i>Rhionaeschna mutata</i>	SC
Subarctic Darner	<i>Aeshna subarctica</i>	SC
Superb Jewelwing	<i>Calopteryx amata</i>	T
Tiger Spiketail	<i>Cordulegaster erronea</i>	SC
Two-spotted Skipper	<i>Euphyes bimaculata</i>	SC
Williamson's Emerald	<i>Somatochlora williamsoni</i>	SC
Zebra Clubtail	<i>Stylurus scudderii</i>	SC

AMPHIBIANS

Allegheny Dusky Salamander	<i>Desmognathus ochrophaeus</i>	U
Barking Treefrog	<i>Hyla gratiosa</i>	U
Carpenter Frog	<i>Lithobates virgatipes</i>	SC
Eastern American Toad	<i>Anaxyrus americanus americanus</i>	S
Eastern Mud Salamander	<i>Pseudotriton m. montanus</i>	T
Eastern Spadefoot	<i>Scaphiopus holbrookii</i>	U
Four-toed Salamander	<i>Hemidactylium scutatum</i>	U
Fowler's Toad	<i>Anaxyrus fowleri</i>	SC
Jefferson Salamander	<i>Ambystoma jeffersonianum</i>	SC
Longtail Salamander	<i>Eurycea l. longicauda</i>	T
Marbled Salamander	<i>Ambystoma opacum</i>	SC
New Jersey Chorus Frog	<i>Pseudacris kalmi</i>	U
Northern Cricket Frog	<i>Acris c. crepitans</i>	S
Northern Dusky Salamander	<i>Desmognathus fuscus</i>	S
Northern Gray Treefrog	<i>Hyla versicolor</i>	S
Northern Leopard Frog	<i>Lithobates pipiens</i>	U

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Northern Red Salamander	<i>Pseudotriton r. ruber</i>	S
Northern Spring Peeper	<i>Pseudacris c. crucifer</i>	S
Northern Spring Salamander	<i>Gyrinophilus p. porphyriticus</i>	SC
Northern Two-lined Salamander	<i>Eurycea bislineata</i>	S
Pickereel Frog	<i>Lithobates palustris</i>	S
Pine Barrens Treefrog	<i>Hyla andersonii</i>	T
Red-backed Salamander	<i>Plethodon cinereus</i>	S
Red-spotted Newt	<i>Notophthalmus v. viridescens</i>	S
Slimy Salamander	<i>Plethodon glutinosus</i>	S
Southern Leopard Frog	<i>Lithobates spenocephala utricularia</i>	S
Spotted Salamander	<i>Ambystoma maculatum</i>	S
Upland Chorus Frog	<i>Pseudacris feriarum</i>	U
Wood Frog	<i>Lithobates sylvatica</i>	S
REPTILES		
Atlantic Green Turtle	<i>Chelonia mydas</i>	T
Common Map Turtle	<i>Graptemys geographica</i>	U
Common Musk Turtle	<i>Sternotherus odoratus</i>	S
Eastern Box Turtle	<i>Terrapene c. Carolina</i>	SC
Eastern Garter Snake	<i>Thamnophis s. sirtalis</i>	S
Eastern Hognose Snake	<i>Heterodon platirhinos</i>	S
Eastern King Snake	<i>Lampropeltis g. getula</i>	SC
Eastern Milk Snake	<i>Lampropeltis t. triangulum</i>	S
Eastern Mud Turtle	<i>Kinosternon s. subrubrum</i>	S
Eastern Painted Turtle	<i>Chrysemys p. picta</i>	S
Eastern Rat Snake	<i>Elaphe alleghaniensis</i>	U
Eastern Redbelly Turtle	<i>Pseudemys rubriventris</i>	U
Eastern Ribbon Snake	<i>Thamnophis s. sauritus</i>	S
Eastern Smooth Earthsnake	<i>Virginia v. valeriae</i>	U
Eastern Worm Snake	<i>Carphophis a. amoenus</i>	U
Five-lined Skink	<i>Eumeces fasciatus</i>	U
Ground Skink	<i>Scincella lateralis</i>	U
Midland Painted Turtle	<i>Chrysemys picta marginata</i>	U
Northern Black Racer	<i>Coluber c. constrictor</i>	U
Northern Brown Snake	<i>Storeria d. dekayi</i>	S
Northern Copperhead	<i>Agkistrodon contortrix mokasen</i>	SC

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Northern Fence Lizard	Sceloporus undulatus hyacinthinus	S
Northern Pine Snake	Pituophis m. melanoleucus	T
Northern Red-bellied Snake	Storeria o. occipitomaculata	S
Northern Ringneck Snake	Diadophis punctatus edwardsii	S
Northern Scarlet Snake	Cemophora coccinea copei	U
Northern Water Snake	Nerodia s. sipedon	S
Rough Green Snake	Opheodrys aestivus	S
Smooth Green Snake	Liochlorophis vernalis	U
Southern Ringneck Snake	Diadophis p. punctatus	S
Spotted Turtle	Clemmys guttata	SC
Wood Turtle	Glyptemys insculpta	T

Species	Scientific Name	Breeding Status	Non-breeding Status
BIRDS			
Acadian Flycatcher	Empidonax virescens	S	S
Alder Flycatcher	Empidonax alnorum	S	S
American Avocet	Recurvirostra americana		S
American Bittern	Botaurus lentiginosus	E	SC
American Golden-Plover	Pluvialis dominica		S
American Goldfinch	Spinus tristis	S	S
American Kestrel	Falco sparverius	T	T
American Oystercatcher	Haematopus palliatus	SC	SC
American Pipit	Anthus rubescens		S
American Redstart	Setophaga ruticilla	S	S
American Robin	Turdus migratorius	S	S
American Tree Sparrow	Spizella arborea		S
Baird's Sandpiper	Calidris bairdii		S
Bald Eagle	Haliaeetus leucocephalus	E	T
Baltimore Oriole	Icterus galbula	S	S
Bank Swallow	Riparia riparia	S	S
Barn Owl	Tyto alba	SC	SC
Barn Swallow	Hirundo rustica	S	S
Barred Owl	Strix varia	T	T
Bay-breasted Warbler	Dendroica castanea		S
Belted Kingfisher	Megasceryle alcyon	S	S
Black-and-white Warbler	Mniotilta varia	S	S

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Black Rail	<i>Laterallus jamaicensis</i>	E	T
Black Vulture	<i>Coragyps atratus</i>	S	S
Black-bellied Plover	<i>Pluvialis squatarola</i>		S
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	SC	S
Blackburnian Warbler	<i>Dendroica fusca</i>	SC	S
Black-capped Chickadee	<i>Poecile atricapillus</i>	S	S
Black-crowned Night-Heron	<i>Nycticorax nycticorax</i>	T	SC
Black-headed Gull	<i>Chroicocephalus ridibundus</i>		S
Black-legged Kittiwake	<i>Rissa tridactyla</i>		S
Blackpoll Warbler	<i>Dendroica striata</i>		S
Black-throated Blue Warbler	<i>Dendroica caerulescens</i>	SC	S
Black-throated Green Warbler	<i>Dendroica virens</i>	SC	S
Blue Grosbeak	<i>Passerina caerulea</i>	S	S
Blue Jay	<i>Cyanocitta cristata</i>	S	S
Blue-gray Gnatcatcher	<i>Polioptila caerulea</i>	S	S
Blue-headed Vireo	<i>Vireo solitarius</i>	SC	S
Blue-winged Warbler	<i>Vermivora cyanoptera</i>	S	S
Boat-tailed Grackle	<i>Quiscalus major</i>	S	S
Bobolink	<i>Dolichonyx oryzivorus</i>	T	SC
Bonaparte's Gull	<i>Chroicocephalus philadelphia</i>		S
Boreal Chickadee	<i>Poecile hudsonicus</i>		S
Broad-winged Hawk	<i>Buteo platypterus</i>	SC	S
Brown Creeper	<i>Certhia americana</i>	S	S
Brown Pelican	<i>Pelecanus occidentalis</i>		S
Brown Thrasher	<i>Toxostoma rufum</i>	SC	S
Brown-headed Cowbird	<i>Molothrus ater</i>	S	S
Buff-breasted Sandpiper	<i>Tryngites subruficollis</i>		S
Canada Warbler	<i>Wilsonia canadensis</i>	SC	S
Cape May Warbler	<i>Dendroica tigrina</i>		S
Carolina Chickadee	<i>Poecile carolinensis</i>	S	S
Carolina Wren	<i>Thryothorus ludovicianus</i>	S	S
Caspian Tern	<i>Hydroprogne caspia</i>	SC	S
Cattle Egret	<i>Bubulcus ibis</i>	T	SC
Cedar Waxwing	<i>Bombycilla cedrorum</i>	S	S
Cerulean Warbler	<i>Dendroica cerulea</i>	SC	SC
Chestnut-sided Warbler	<i>Dendroica pensylvanica</i>	S	S

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Chimney Swift	<i>Chaetura pelagica</i>	S	S
Chipping Sparrow	<i>Spizella passerina</i>	S	S
Chuck-will's-widow	<i>Caprimulgus carolinensis</i>	S	S
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	SC	S
Common Grackle	<i>Quiscalus quiscula</i>	S	S
Common Loon	<i>Gavia immer</i>		S
Common Nighthawk	<i>Chordeiles minor</i>	SC	SC
Common Raven	<i>Corvus corax</i>	S	S
Common Redpoll	<i>Acanthus flammea</i>		U
Common Tern	<i>Sterna hirundo</i>	SC	S
Common Yellowthroat	<i>Geothlypis trichas</i>	S	S
Connecticut Warbler	<i>Oporornis agilis</i>		S
Cooper's Hawk	<i>Accipiter cooperii</i>	SC	S
Cory's Shearwater	<i>Calonectris diomedea</i>		S
Curlew Sandpiper	<i>Calidris ferruginea</i>		S
Dark-eyed Junco	<i>Junco hyemalis</i>	S	S
Dickcissel	<i>Spiza americana</i>		S
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	S	S
Dovekie	<i>Alle alle</i>		U
Downy Woodpecker	<i>Picoides pubescens</i>	S	S
Dunlin	<i>Calidris alpina</i>		S
Eastern Bluebird	<i>Sialia sialis</i>	S	S
Eastern Kingbird	<i>Tyrannus tyrannus</i>	S	S
Eastern Meadowlark	<i>Sturnella magna</i>	SC	SC
Eastern Phoebe	<i>Sayornis phoebe</i>	S	S
Eastern Screech-Owl	<i>Megascops asio</i>	S	S
Eastern Towhee	<i>Pipilo erythrophthalmus</i>	S	S
Eastern Whip-poor-will	<i>Caprimulgus vociferus</i>	SC	U
Eastern Wood Pewee	<i>Contopus virens</i>	S	S
Evening Grosbeak	<i>Coccothraustes vespertinus</i>		S
Field Sparrow	<i>Spizella pusilla</i>	S	S
Forster's Tern	<i>Sterna forsteri</i>	S	S
Fox Sparrow	<i>Passerella iliaca</i>		S
Glaucous Gull	<i>Larus hyperboreus</i>		S
Glossy Ibis	<i>Plegadis falcinellus</i>	SC	S
Golden Eagle	<i>Aquila chrysaetos</i>		S
Golden-crowned Kinglet	<i>Regulus satrapa</i>	S	S

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Golden-winged Warbler	Vermivora chrysoptera	E	SC
Grasshopper Sparrow	Ammodramus savannarum	T	SC
Gray Catbird	Dumetella carolinensis	S	S
Gray-cheeked Thrush	Catharus minimus		SC
Great Black-backed Gull	Larus marinus	S	S
Great Blue Heron	Ardea herodias	SC	S
Great Cormorant	Phalacrocorax carbo		S
Great Crested Flycatcher	Myiarchus crinitus	S	S
Great Egret	Ardea alba	S	S
Great Horned Owl	Bubo virginianus	S	S
Greater Shearwater	Puffinus gravis		S
Greater Yellowlegs	Tringa melanoleuca		S
Green Heron	Butorides virescens	S	S
Gull-billed Tern	Gelochelidon nilotica	SC	SC
Hairy Woodpecker	Picoides villosus	S	S
Hermit Thrush	Catharus guttatus	S	S
Herring Gull	Larus argentatus	S	S
Hooded Warbler	Wilsonia citrina	SC	S
Horned Grebe	Podiceps auritus		S
Horned Lark	Eremophila alpestris	T	SC
House Finch	Carpodacus mexicanus	S	S
House Wren	Troglodytes aedon	S	S
Hudsonian Godwit	Limosa haemastica		S
Iceland Gull	Larus glaucoides		S
Indigo Bunting	Passerina cyanea	S	S
Ipswich Sparrow princeps	Passerculus sandwichensis		SC
Kentucky Warbler	Oporornis formosus	SC	SC
Killdeer	Charadrius vociferous	S	S
Lapland Longspur	Calcarius lapponicus		S
Lark Sparrow	Chondestes grammacus		S
Laughing Gull	Leucophaeus atricilla	S	S
Leach's Storm-petrel	Oceanodroma leucorhoa		U
Least Bittern	Ixobrychus exilis	SC	SC
Least Flycatcher	Empidonax minimus	SC	S
Least Sandpiper	Calidris minutilla		S
Lesser Black-backed Gull	Larus fuscus		S

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Lesser Yellowlegs	Tringa flavipes		S
Lincoln's Sparrow	Melospiza lincolnii		S
Little Blue Heron	Egretta caerulea	SC	SC
Little Gull	Hydrocoloeus minutus		S
Long-billed Dowitcher	Limnodromus scolopaceus		S
Long-eared Owl	Asio otus	T	T
Long-tailed Jaeger	Stercorarius longicaudus		U
Louisiana Waterthrush	Parkesia motacilla	S	S
Magnolia Warbler	Dendroica magnolia	S	S
Marbled Godwit	Limosa fedoa		S
Marsh Wren	Cistothorus palustris	S	S
Merlin	Falco columbarius		S
Mississippi Kite	Ictinia mississippiensis		S
Mourning Warbler	Oporornis philadelphia		S
Nashville Warbler	Oreothlypis ruficapilla	SC	S
Northern Cardinal	Cardinalis cardinalis	S	S
Northern Flicker	Colaptes auratus	S	S
Northern Gannet	Morus bassanus		S
Northern Goshawk	Accipiter gentilis	E	SC
Northern Harrier	Circus cyaneus	E	SC
Northern Mockingbird	Mimus polyglottos	S	S
Northern Parula	Parula americana	SC	S
Northern Rough-winged Swallow	Stelgidopteryx serripennis	S	S
Northern Saw-whet Owl	Aegolius acadicus	U	S
Northern Shrike	Lanius excubitor		S
Northern Waterthrush	Parkesia noveboracensis	S	S
Olive-sided Flycatcher	Contopus cooperi		S
Orange-crowned Warbler	Oreothlypis celata		S
Orchard Oriole	Icterus spurius	S	S
Osprey	Pandion haliaetus	T	S
Ovenbird	Seiurus aurocapilla	S	S
Palm Warbler	Dendroica palmarum		S
Parasitic Jaeger	Stercorarius parasiticus		S
Pectoral Sandpiper	Calidris melanotos		S
Peregrine Falcon	Falco peregrines	E	SC
Philadelphia Vireo	Vireo philadelphicus		S

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Pied-billed Grebe	Podilymbus podiceps	E	SC
Pileated Woodpecker	Dryocopus pileatus	S	S
Pine Grosbeak	Pinicola enucleator		S
Pine Siskin	Spinus pinus		S
Pine Warbler	Dendroica pinus	S	S
Pomarine Jaeger	Stercorarius pomarinus		S
Prairie Warbler	Dendroica discolor	S	S
Prothonotary Warbler	Protonotaria citrea	S	S
Purple Finch	Carpodacus purpureus	S	S
Purple Martin	Progne subis	S	S
Purple Sandpiper	Calidris maritima		S
Razorbill	Alca torda		S
Red Crossbill	Loxia curvirostra	U	U
Red Phalarope	Phalaropus fulicarius		S
Red-bellied Woodpecker	Melanerpes carolinus	S	S
Red-breasted Nuthatch	Sitta canadensis	S	S
Red-eyed Vireo	Vireo olivaceus	S	S
Red-headed Woodpecker	Melanerpes erythrocephalus	T	T
Red-necked Grebe	Podiceps grisegena		S
Red-necked Phalarope	Phalaropus lobatus		S
Red-shouldered Hawk	Buteo lineatus	E	SC
Red-tailed Hawk	Buteo jamaicensis	S	S
Red-throated Loon	Gavia stellata		S
Red-winged Blackbird	Agelaius phoeniceus	S	S
Ring-billed Gull	Larus delawarensis		S
Rose-breasted Grosbeak	Pheucticus ludovicianus	S	S
Rough-legged Hawk	Buteo lagopus		S
Royal Tern	Sterna maxima		S
Ruby-crowned Kinglet	Regulus calendula		S
Ruby-throated Hummingbird	Archilochus colubris	S	S
Ruddy Turnstone	Arenaria interpres		S
Ruff	Philomachus pugnax		S
Rusty Blackbird	Euphagus carolinus		S
Saltmarsh Sparrow	Ammodramus caudacutus	SC	S
Sanderling	Calidris alba		SC
Savannah Sparrow	Passerculus sandwichensis	T	S
Scarlet Tanager	Piranga olivacea	S	S

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Seaside Sparrow	<i>Ammodramus maritimus</i>	S	S
Semipalmated Plover	<i>Charadrius semipalmatus</i>		S
Semipalmated Sandpiper	<i>Calidris pusilla</i>		SC
Sharp-shinned Hawk	<i>Accipiter striatus</i>	SC	SC
Short-billed Dowitcher	<i>Limnodromus griseus</i>		S
Short-eared Owl	<i>Asio flammeus</i>	E	SC
Snow Bunting	<i>Plectrophenax nivalis</i>		S
Snowy Egret	<i>Egretta thula</i>	SC	S
Snowy Owl	<i>Nyctea scandiacus</i>		S
Solitary Sandpiper	<i>Tringa solitaria</i>		S
Song Sparrow	<i>Melospiza melodia</i>	S	S
Sooty Shearwater	<i>Puffinus griseus</i>		S
Spotted Sandpiper	<i>Actitis macularius</i>	SC	S
Stilt Sandpiper	<i>Calidris Himantopus</i>		S
Summer Tanager	<i>Piranga rubra</i>	S	S
Swainson's Thrush	<i>Catharus ustulatus</i>		S
Swallow-tailed Kite	<i>Elanoides forficatus</i>		U
Swamp Sparrow	<i>Melospiza Georgiana</i>	S	S
Tennessee Warbler	<i>Oreothlypis peregrine</i>		S
Thick-billed Murre	<i>Uria lomvia</i>		U
Tree Swallow	<i>Tachycineta bicolor</i>	S	S
Tricolored Heron	<i>Egretta tricolor</i>	SC	SC
Tufted Titmouse	<i>Baeolophus bicolor</i>	S	S
Tundra Swan	<i>Cygnus columbianus</i>		S
Turkey Vulture	<i>Cathartes aura</i>	S	S
Veery	<i>Catharus fuscescens</i>	SC	S
Vesper Sparrow	<i>Poocetes gramineus</i>	E	SC
Warbling Vireo	<i>Vireo gilvus</i>	S	S
Western Kingbird	<i>Tyrannus verticalis</i>		S
Western Sandpiper	<i>Calidris mauri</i>		S
Whimbrel	<i>Numenius phaeopus</i>		SC
White-breasted Nuthatch	<i>Sitta carolinensis</i>	S	S
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>		S
White-eyed Vireo	<i>Vireo griseus</i>	S	S
White-rumped Sandpiper	<i>Calidris fuscicollis</i>		S
White-throated Sparrow	<i>Zonotrichia albicollis</i>	S	S
White-winged Crossbill	<i>Loxia leucoptera</i>		U

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Willet	Tringa semipalmata	S	S
Willow Flycatcher	Empidonax traillii	S	S
Wilson's Phalarope	Phalaropus tricolor		S
Wilson's Storm-petrel	Oceanites oceanicus		S
Wilson's Warbler	Wilsonia pusilla		S
Winter Wren	Troglodytes hiemalis	SC	S
Wood Thrush	Hylocichla mustelina	SC	S
Worm-eating Warbler	Helmitheros vermivorum	SC	S
Yellow Rail	Coturnicops noveboracensis		U
Yellow Warbler	Dendroica petechia	S	S
Yellow-bellied Flycatcher	Empidonax flaviventris		S
Yellow-bellied Sapsucker	Sphyrapicus varius	S	S
Yellow-billed Cuckoo	Coccyzus americanus	S	S
Yellow-breasted Chat	Icteria virens	SC	S
Yellow-crowned Night-Heron	Nyctanassa violacea	T	T
Yellow-rumped Warbler	Dendroica coronate	S	S
Yellow-throated Vireo	Vireo flavifrons	S	S
Yellow-throated Warbler	Dendroica dominica	S	S

Species	Scientific Name	Species Status*
MAMMALS		
Atlantic Spotted Dolphin	Stenella frontalis	U
Beluga Whale	Delphinapterus leucas	U
Big Brown Bat	Eptesicus fuscus	U
Blainville's Whale	Mesoplodon densirostris	U
Bottlenose Dolphin	Tursiops truncatus	U
Clymene Dolphin	Stenella clymene	U
Cuvier's Whale	Ziphius cavirostris	U
Dwarf Sperm Whale	Kogia simus	U
Eastern Chipmunk	Tamias striatus	U
Eastern Mole	Scalopus aquaticus	U
Gervais Beaked Whale	Mesoplodon europaeus	U
Gray Seal	Halichoerus grypus	U

* E means "Endangered;" S means "Secure-stable;" SC means "Special concern;" T means "Threatened;" and U means "Undetermined-unknown." These terms are defined in N.J.A.C. 7:25-4.1.

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Hairy-tailed Mole	<i>Parascalops breweri</i>	U
Harbor Porpoise	<i>Phocoena phocoena</i>	U
Harbor Seal	<i>Phoca vitulina</i>	U
Harp Seal	<i>Pagophilus groenlandicus</i>	U
Hoary Bat	<i>Lasiurus cinereus</i>	U
Hooded Seal	<i>Cystophora cristata</i>	U
Keen Myotis	<i>Myotis keenii</i>	U
Killer Whale	<i>Orcinus orca</i>	U
Least Shrew	<i>Cryptotis parva</i>	U
Little Brown Bat	<i>Myotis lucifugus</i>	U
Long-finned Pilot Whale	<i>Globicephala melas</i>	U
Long-tailed Shrew	<i>Sorex dispar</i>	U
Marsh Rice Rat	<i>Oryzomys palustris</i>	U
Masked Shrew	<i>Sorex cinereus</i>	U
Meadow Jumping Mouse	<i>Zapus hudsonius</i>	U
Meadow Vole	<i>Microtis pennsylvanicus</i>	U
Melon-headed Whale	<i>Peponocephala electra</i>	U
Minke Whale	<i>Balaenoptera acutorostrata</i>	U
New England Cottontail	<i>Sylvilagus transitionalis</i>	U
Northern Flying Squirrel	<i>Glaucomys sabrinus</i>	U
Northern Yellow Bat	<i>Lasiurus intermedius</i>	U
Pine Vole	<i>Pitymys pinetorum</i>	U
Porcupine	<i>Erethizon dorsatum</i>	U
Pygmy Sperm Whale	<i>Kogia breviceps</i>	U
Red Bat	<i>Lasiurus borealis</i>	U
Red Squirrel	<i>Tamiasciurus hudsonicus</i>	U
Red-backed Mouse	<i>Clethrionomys gapperi</i>	U
Risso's Dolphin	<i>Grampus griseus</i>	U
Short-beaked Common Dolphin	<i>Delphinus delphis</i>	U
Short-finned Pilot Whale	<i>Globicephala macrorhynchus</i>	U
Short-tailed Shrew	<i>Blarina brevicauda</i>	U
Silver-haired Bat	<i>Lasionycteris noctivagans</i>	U
Small-footed Myotis	<i>Myotis subulatus</i>	U
Smokey Shrew	<i>Sorex fumeus</i>	U
Southern Bog Lemming	<i>Synaptomys cooperi</i>	U
Southern Flying Squirrel	<i>Glaucomys volans</i>	U
Star-nosed Mole	<i>Condylura cristata</i>	U

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Striped Dolphin	Stenella coeruleoalba	U
Tri-colored Bat	Perimyotis subflavus	U
True's Beaked Whale	Mesoplodon mirus	U
Tuckahoe Masked Shrew	Sorex cinereus nigriculus	U
Water Shrew	Sorex palustris	U
White-footed Mouse	Peromyscus leucopus	U
Woodland Jumping Mouse	Napaeozapus isignis	U

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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

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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.

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

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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;

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- 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.

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:

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1. Seamless or butt-end bands as provided in this section;
2. Subcutaneous coded identification as provided in this section;
3. Clipped flight feathers of wing; or
4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A proper-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by micro-chips (subcutaneous implants or coded information) obtained solely from manufacturers expressly authorized by the Department.