

Public Notice
Proposed changes to the List of Threatened and Endangered Species
that are Critically Dependent on Regulated Waters for Survival
30 Day Comment Period

Please be advised that the New Jersey Department of Environmental Protection, Division of Land Resource Protection is proposing the following additions to the List of Threatened and Endangered Species that are Critically Dependent on Regulated Waters for Survival pursuant to the Flood Hazard Area Control Act (FHACA) rules (N.J.A.C. 7:13). This action is being taken to update the list, last revised May 15, 2008, to reflect changes in the status of various nongame animal species in New Jersey consistent with the adoption of recent changes made to the List of Endangered and Nongame Species in accordance with the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq. This list revision will make the list consistent with the Department's recently adopted endangered and nongame species New Jersey status amendments (56 N.J.R. 936(a) (June 3, 2024), 57 N.J.R. 19(b) (Jan. 6, 2025)). At this time the List of Threatened and Endangered Species that are Critically Dependent on Regulated Waters for Survival for plant species is not being updated due to anticipated amendment in 2025 of the State Endangered Plant List Act.

The species proposed for addition to the list have attained endangered or threatened species status in New Jersey and have life history characteristics that make them critically dependent on regulated waters, specifically as to their water quality, flow rate, flood regime, and riparian buffers for the completion of the species' annual life cycles. Providing the stream habitat of these species with the protection standards applicable to a critically dependent on the regulated waters designation (See N.J.A.C. 7:13-4.1(c)2iii) comports with the goals and objectives of the Flood Hazard Area Control Act and the Endangered and Nongame Species Conservation Act.

The Department anticipates beginning to use the revised List of Threatened and Endangered Species that are Critically Dependent on Regulated Waters for Survival after considering public comments as described below and issuing a second public notice in a future NJDEP Bulletin. Upon publication of the second notice, the revised List will apply to all applications submitted under the FHACA rules, except for applications submitted prior to the date of the second public notice that are deemed "complete for review" by the Department as defined at N.J.A.C. 7:13-1.2.

The Department is seeking public comment on these proposed additions and any other relevant information on the status of endangered or threatened animal species as they relate to their status as being critically dependent on watercourse habitats. Comments may be submitted within 30 days of the date of this notice via mail to:

Cathryn Schaffer, Manager
New Jersey Department of Environmental Protection
Watershed and Land Management
Division of Land Resource Protection
Mail Code 501-02A P.O. Box 420
Trenton, New Jersey 08625-0420

Or through email at CDWRevision@dep.nj.gov.

**LIST OF THREATENED AND ENDANGERED SPECIES THAT ARE CRITICALLY
DEPENDENT ON REGULATED WATERS FOR SURVIVAL**

Proposed additions

INVERTEBRATES

NAME	COMMON NAME
Endangered	
<i>Calopteryx amata</i>	Superb Jewelwing (dragonfly)
<i>Epitheca spinosa</i>	Robust Baskettail (dragonfly)
<i>Hylogomphus apomyius</i>	Banner Clubtail (dragonfly)
<i>Ophiogomphu jaspersus</i>	Brook Snaketail (dragonfly)
<i>Phanogomphus descriptus</i>	Harpoon Clubtail (dragonfly)
<i>Somatochlora kennedyi</i>	Kennedy's Emerald (dragonfly)
<i>Tachopteryx thoreyi</i>	Gray Petaltail (dragonfly)

FISH

Endangered	
<i>Acipenser brevirostrum</i>	Shortnose Sturgeon
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic Sturgeon
<i>Notropis bifrenatus</i>	Bridle Shiner
<i>Notropis chalybaeus</i>	Ironcolor Shiner
Threatened	
<i>Cottus cognatus</i>	Slimy Sculpin

AMPHIBIAN

Endangered	
<i>Psuedotriton montanus montanus</i>	Eastern mud salamander