

## 4.10 Threatened and Endangered Species

### 4.10.1 Existing Conditions

The HMD provides an important resting area to the many bird species that migrate along the Atlantic Flyway in the spring and the fall. Its significance as a migratory stopover increases the number of threatened or endangered species that utilize the HMD for habitat. According to the NJMC there are 12 species of birds, one species of reptile, and seven plant species that have been observed within the HMD and are listed by the State of New Jersey as threatened or endangered species (Table 4-10-1) (NJMC, 2004).

State-listed threatened and endangered species are those species identified by the State of New Jersey pursuant to the Endangered and Non-Game Species Conservation Act (N.J.S.A. 23:2A-1 *et seq.*). The NJDEP is responsible for administering this Act. The rules and regulations regarding the protection of these species have been adopted as part of various environmental regulatory programs administered by the NJDEP such as the Freshwater Wetlands Protection Act and Coastal Zone Management program. New Jersey-listed species may not be considered threatened or endangered outside of New Jersey, but have been listed due to their declining populations within the State.

The NJDEP, NJNHP and the NMFS were contacted to determine the presence of threatened or endangered flora or fauna within the vicinity of the Project. The NJNHP maintains a database of the occurrence of federal- and state-listed threatened and endangered species as well as rare natural plant communities and animal habitat throughout the State of New Jersey. In a response letter dated August 30, 2004, the NJNHP noted that New Jersey Landscape Project habitat mapping indicates that colonial water-bird foraging habitat and yellow-crowned night-heron foraging habitat exist within one-quarter mile of the Project (Appendix A). The response also indicates that a northern harrier was spotted within one-quarter mile of the Project. In a response dated January 25, 2005, NMFS noted that with the exception of occasional transients, there are no endangered or threatened species in the Project Site.

The New Jersey Landscape Project Version 2 habitat mapping was also utilized to determine the designation of Walden Marsh, which would be impacted by the proposed rail alignment (Figure 4.10-1). The Landscape Project Data uses a ranking system that ranges from 1 to 5:

- Rank 1, 2 – Areas designated as Rank 1 and 2 lack any formal regulatory protection.
- Rank 3, Rank 4 – Areas designated as Ranks 3 and 4 represent areas that are known to support the presence of state-endangered and state threatened species respectively. Ranks 3 and 4 involve various levels of protection under New Jersey law.
- Rank 5 – Areas designated as Rank 5 are known to support the presence of federally listed threatened or endangered species that involves federal regulatory protection under the Endangered Species Act.

According to Landscape Project mapping, Walden Marsh is categorized as Rank 1, suitable wildlife habitat (NJDEP DFW 2004). Therefore, no additional regulatory protection applies to Walden Marsh in regard to threatened or endangered species.

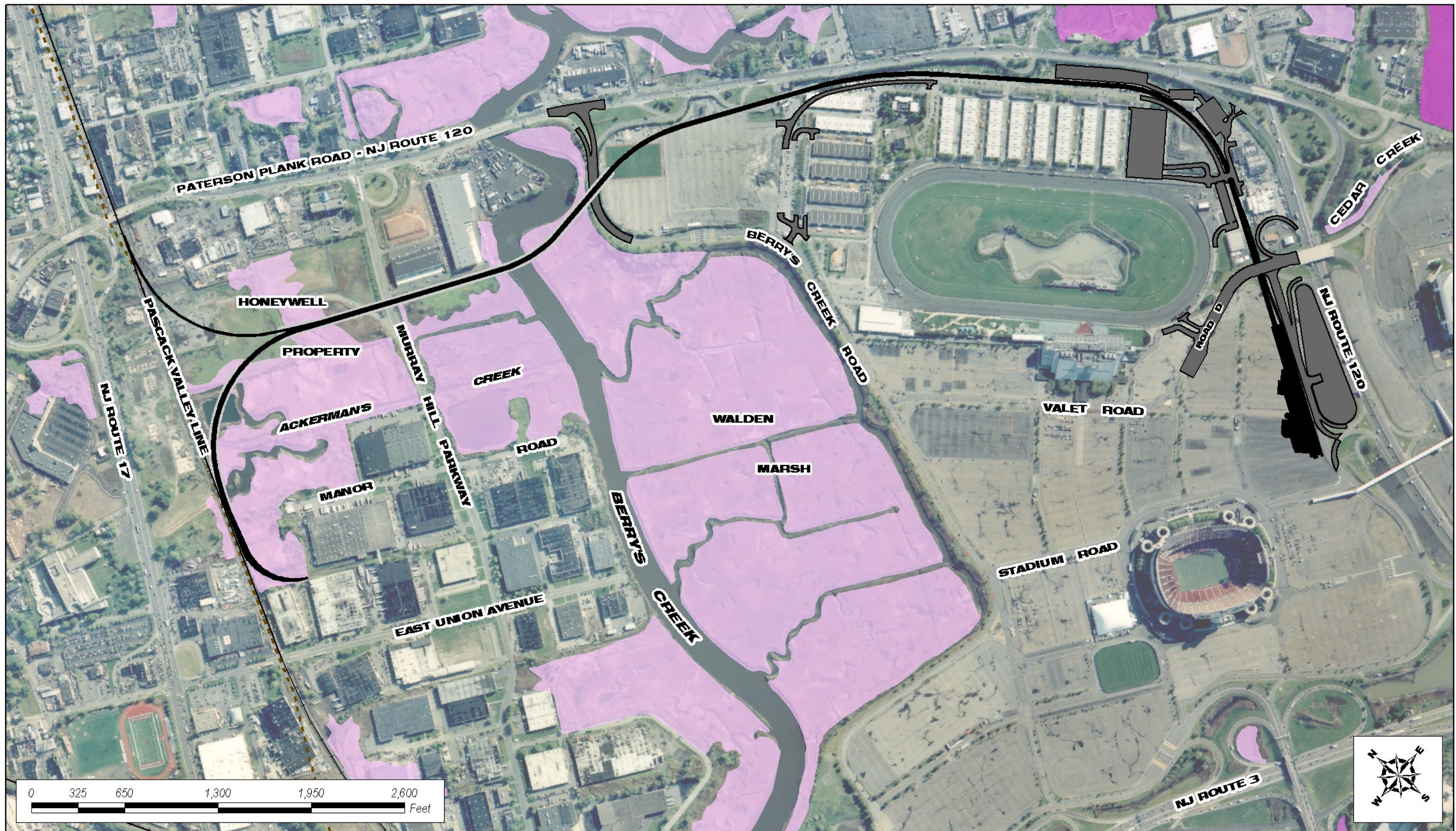
**Table 4-10-1****Threatened and Endangered Species Observed in the Hackensack Meadowlands District**

State-listed bird species in the Hackensack Meadowlands District (HMD) Common name, scientific name, Meadowland breeding status (NB=non-breeding, BR=breeding), seasonality (year-round or migratory), and status (endangered = E and threatened = T) are provided:

Common Name	Scientific Name	Status	Seasonality	NJ Status
Bald eagle*	<i>Haliaeetus leucocephalus</i>	NB	Year-round	T (non-breeding)
Osprey	<i>Pandion haliaetus</i>	BR	Migratory	T
Peregrine falcon	<i>Falco peregrinus</i>	BR	Migratory	E
Northern goshawk	<i>Accipiter gentiles</i>	NB	Migratory	E
Northern harrier	<i>Circus cyaneus</i>	BR	Year-round	E
Red-shouldered hawk	<i>Buteo lineatus</i>	NB	Migratory	T (non-breeding)
Cooper's hawk	<i>Accipiter cooperii</i>	NB	Migratory	T
Short-eared owl	<i>Asio flammeus</i>	NB	Migratory	E
Long-eared owl	<i>Asio otus</i>	NB	Migratory	T
Barred owl	<i>Strix varia</i>	NB	Year-round	T
American bittern	<i>Botaurus lentiginosus</i>	BR	Year-round	E
Bl.-crwnd. night heron	<i>Nycticorax nycticorax</i>	BR	Year-round	T
Yl.-crwnd. night heron	<i>Nyctanassa violacea</i>	BR	Migratory	T
Pied-billed grebe	<i>Podilymbus podiceps</i>	BR	Year-round	E
Upland sandpiper	<i>Bartramia longicauda</i>	BR	Migratory	E
Roseate tern**	<i>Sterna dougallii</i>	NB	Migratory	E
Least tern	<i>Sterna antillarum</i>	NB	Migratory	E
Black skimmer	<i>Rynchops niger</i>	NB	Migratory	T (non-breeding)
Red knot	<i>Calidris canutus</i>	NB	Migratory	T
Red-headed woodpecker	<i>Melanerpes erythrocephalus</i>	NB	Migratory	T
Sedge wren	<i>Cistothorus platensis</i>	NB	Migratory	E
Loggerhead shrike	<i>Lanius ludovicianus</i>	NB	Migratory	E
Bobolink	<i>Dolichonyx oryzivorus</i>	NB	Migratory	T
Vesper sparrow	<i>Pooecetes gramineus</i>	NB	Migratory	E
Savannah sparrow	<i>Passerculus sandwichensis</i>	BR	Migratory	T
*Federally listed as threatened. **Federally listed as endangered.				

Common and scientific names of State-listed (E=endangered and T=threatened plants, insects, mollusks, fishes, and reptiles reported in the Hackensack Meadowlands District (HMD) or Hackensack Water Management Area (HWMA):

Common Name	Scientific Name	Locale	NJ Status
<b>Plants</b>			
Saltmarsh bulrush	<i>Scirpus maritimus</i>	HMD	E
Seaside arrowgrass	<i>Triglochin maritimum</i>	HMD	E
Cyperus-like sedge	<i>Carex pseudocyperus</i>	HMD	E
Torrey's mountain mint	<i>Pycnanthemum torrei</i>	HWMA	E
Barton's St. John's Wart	<i>Hypericum adpressum</i>	HWMA	E
Wafer-ash	<i>Ptelea trifoliata</i>	HMD	E
Smooth rattlesnake root	<i>Prenathes racemosa</i>	HMD	E
Canada hawkweed	<i>Hieracium kalmii</i>	HMD	E
Dog fennel thoroughwort	<i>Eupatorium capillifolium</i>	HMD	E
<b>Insects</b>			
Appalachian grizzled skipper	<i>Pyrgus wyandot</i>	HWMA	E
<b>Mollusks (clams)</b>			
Triangle floater	<i>Alasmidonta undulata</i>	HWMA	T
<b>Fishes</b>			
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	HWMA	E
<b>Reptiles</b>			
Wood turtle	<i>Clemmys insculpta</i>	HMD	T



Source: Landscape Project  
Data Version 2, NJDEP  
Bureau of GIS  
Photo Date: May 2004



**LEGEND**

- Proposed Railroad and Station  
(viaduct along grey border)
- Proposed Roadway Improvements
- Existing Railroad
- NJMC Boundary

- HABITAT RANK**
- RANK 1
  - RANK 3
  - RANK 4



MEADOWLANDS RAILROAD AND  
ROADWAY IMPROVEMENT PROJECT  
ENVIRONMENTAL IMPACT STATEMENT

FIGURE 4.10-1  
LANDSCAPE PROJECT HABITAT MAPPING  
April 2005

Also important to note is that during recent environmental evaluations conducted in the vicinity of the Meadowlands Sports Complex, two black-crowned night herons were observed on several occasions utilizing the open water areas and surrounding trees of Lagoon 3 of the Sports Complex (NJSEA, 2004).

Additionally, there are no areas within the confines of the Meadowlands Railroad and Roadway Improvement Project that have been designated as critical habitat. Areas designated as “critical habitat” are those areas that are known to support populations of federally-listed threatened or endangered species. Federally-listed threatened and endangered species are those species protected under the Federal Endangered Species Act of 1973 (16 U.S.C. 1531 *et al.*, and subsequent amendments). The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibility for administering this federal law. Two federally-listed endangered invertebrate species have been identified as inhabiting portions of Bergen County: the dwarf wedge mussel (*Alasmidonta heterodon*), a freshwater mussel species; and the American burying beetle (*Nicrophorus americanus*), however they have not been documented in the HMD (USACOE, 2002).

#### **4.10.2 No-Action Alternative**

It is anticipated that threatened and endangered species conditions under the No-Action Alternative will be similar to existing conditions.

#### **4.10.3 Preferred Alternative Impacts**

No adverse impacts to threatened or endangered species habitat are anticipated as a result of the Meadowlands Railroad and Roadway Improvement Project. Threatened or endangered species often have very specific niches and usually inhabit less developed areas with minimal human disturbance, unlike that of the Meadowlands Sports Complex. Review of the New Jersey Landscape Project Version 2 habitat mapping confirms that the proposed alignment and roadway improvements would not impact the areas identified in the NJNHP response letter. While construction activity would be required within the vicinity of Lagoon 3, the site where two black-crowned night herons were observed, these activities are not likely to present adverse impacts to the habitat surrounding the lagoon.

#### **4.10.4 Mitigation**

It is not permissible to adversely impact threatened or endangered species. Therefore, mitigation can only be accomplished through avoidance of impacts. The proposed Meadowlands Railroad and Roadway Improvement Project would implement this strategy by completing construction activities in the vicinity of Lagoon 3 when threatened and endangered species are not present. This would be accomplished by completing construction in a quick and timely manner with minimal disturbance during the summer months or in the winter months after any black-crown night herons have migrated south.