

SENATE, No. 3546

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 11, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Directs DEP to study and determine whether monarch butterfly should be designated as endangered species in NJ.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the conservation of monarch butterflies and
2 supplementing P.L.1973, c.309 (C.23:2A-1 et seq.).

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

1. a. The department shall study and make a determination as to whether the monarch butterfly should be designated as an endangered species in New Jersey.

b. In conducting the study and making the determination pursuant to this section, the department shall:

(1) investigate populations, distribution, habitat needs, limiting factors, and other biological and ecological data concerning the State's monarch butterfly population to assess the current health of the monarch species in New Jersey and determine management measures necessary for the continued survival of the species throughout the State;

(2) consider the feasibility and potential advantages and disadvantages of designating the monarch butterfly as an endangered species in New Jersey; and

(3) determine whether the monarch butterfly should be designated as an endangered species pursuant to “The Endangered and Nongame Species Conservation Act,” P.L.1973, c.309 (C.23:2A-1 et seq.).

c. If the department determines that the monarch butterfly should be designated as an endangered species and therefore, requires additional conservation, protection, and management efforts in order to ensure the survival of the species throughout the State, then the commissioner shall:

(1) by rule or regulation, amend the State list of endangered species adopted pursuant to section 4 of P.L.1973, c.309 (C.23:2A-4) to include the monarch butterfly; and

(2) determine and implement the protection and management actions necessary to ensure the survival of the State's monarch butterfly species.

d. No later than one year after the effective date of this act, the department shall prepare and submit a report of its findings to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall include the department's decision as to whether or not the monarch butterfly should be designated as an endangered species and, if so, recommendations to further protect and conserve monarch butterflies throughout the State.

45 2. This act shall take effect immediately.

47 STATEMENT

49 This bill directs the Department of Environmental Protection

1 (DEP) to conduct a study and determine whether the monarch
2 butterfly should be designated as an endangered species in New
3 Jersey.

4 Specifically, this bill would require the DEP, within 90 days
5 after the date the bill is enacted into law, to:

6 (1) investigate populations, distribution, habitat needs, limiting
7 factors, and other biological and ecological data concerning the
8 State's monarch butterfly population to assess the current health of
9 the monarch species in New Jersey and determine management
10 measures necessary for the continued survival of the species
11 throughout the State;

12 (2) consider the feasibility and potential advantages and
13 disadvantages of designating the monarch butterfly as an
14 endangered species in New Jersey; and

15 (3) determine whether the monarch butterfly should be
16 designated as an endangered species according to "The Endangered
17 and Nongame Species Conservation Act," P.L.1973, c.309
18 (C.23:2A-1 et seq.).

19 If the DEP determines that the monarch butterfly should be
20 designated as an endangered species then the commissioner is
21 required to, by rule or regulation, amend the State list of
22 endangered species to include the monarch butterfly and to
23 determine and implement the appropriate protection and
24 management actions necessary to ensure the survival of the State's
25 monarch butterfly species.

26 Approximately, ninety percent of the world's population of
27 monarch butterflies is located within North America. However,
28 monarchs also inhabit about ninety other countries, islands, or
29 island groups around the world. Populations of monarchs have
30 declined significantly worldwide, and within the past forty years,
31 America's eastern population of monarchs has seen population
32 decreases by more than eighty percent. Climate change,
33 insecticides, habitat loss, and wildfires are factors that may have
34 contributed to this recent decline in the monarch species.

35 After a thorough assessment of the monarch butterfly's status,
36 the U.S. Fish and Wildlife Service (Service) found that listing the
37 monarch butterfly as an endangered species or threatened species is
38 warranted but precluded by higher-priority listing actions. The
39 Service added the monarch butterfly to the candidate list as priority
40 number eight, which indicates that the magnitude of threats to the
41 species is moderate and that those threats are imminent. The status
42 of the monarch butterfly will continue to be assessed annually until
43 a listing decision is made. The current decision effectively
44 recognizes that monarch butterflies are threatened with extinction,
45 but does not provide the protections needed to help the monarchs
46 recover.

47 The State of New Jersey is also affected by the population
48 decline of monarchs. Monarch butterflies are among the group of
49 native pollinators that aid in the successful reproduction of many
50 key fruit and vegetable crops across the State, and are crucial to

1 New Jersey's agricultural and economic success. Monarchs are also
2 an indicator species for environmental health, so the recent decline
3 in the health of the monarch species serves an indicator of recent
4 environmental struggles within the State.

5 Under New Jersey's Division of Fish and Wildlife's Endangered
6 and Nongame Species Program, the designation of "endangered
7 species" applies to a species whose prospects for survival within the
8 State are in immediate danger and likely requires immediate action
9 to avoid extinction within the State. The DEP has the opportunity
10 to protect monarch butterflies throughout the State by further
11 studying the current status of monarch butterflies and determining
12 whether or not it would be beneficial to designate the monarch
13 butterfly as an endangered species in New Jersey.