



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New Jersey Field Office

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<http://www.fws.gov/northeast/njfieldoffice>

To Whom It May Concern:

Section 7(a)(2) of the Endangered Species Act (ESA) requires Federal agencies to consult with the U.S. Fish and Wildlife Service (Service) to ensure that actions they fund, authorize, permit or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats. Federal agencies (or their designated representatives) must initiate consultation with the Service if a proposed action *may affect* one or more listed species. In addition, the Service provides review of non-Federal actions that *may affect* federally listed species or their habitats as technical assistance to help non-Federal project proponents ensure compliance with the ESA and with New Jersey land use regulations. Staffing constraints limit the Service's New Jersey Field Office to reviewing only those projects that *may affect* federally listed species. The *may affect* determination is made by the Federal action agency or non-Federal project proponent using the information and instructions on our web site.

<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

Federal agencies are not required to contact the Service if a proposed action will have *no effect* on listed species, or if no listed species are present in the action area. No further ESA consultation or coordination is necessary for projects where the Federal action agency or non-Federal project proponent has followed the procedures on our web site and determined that proposed project activities will have *no effect* on federally listed species. Service concurrence with a *no effect* determination is not required under the ESA and will not be provided by the New Jersey Field Office due to limited staffing. In addition to this letter, the Federal action agency or non-Federal project proponent should retain in their files documentation from our web site at the time of their review, including a dated copy of the report generated by our Information, Planning, and Conservation System (IPaC). **Both Federal and non-Federal project proponents are responsible for generating and maintaining in their files adequate documentation to support a *no effect* determination, by following the instruction on our web site.** Note that under the ESA, a species list is valid for only 90 days; thus, the Service recommends consulting our web site regularly during project planning and implementation for updated species lists and information.

Thank you for your cooperation. Please contact Ron\_Popowski@fws.gov, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,

Eric Schradig  
Field Supervisor

**A NO EFFECT DETERMINATION IS VALID ONLY WITH AN ATTACHED IPaC REPORT AND SUPPORTING DOCUMENTATION AS DETAILED AT THE ABOVE WEB SITE**