

U.S. Fish and Wildlife Service
New Jersey Field Office Project Screening Questions

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INTRODUCTION

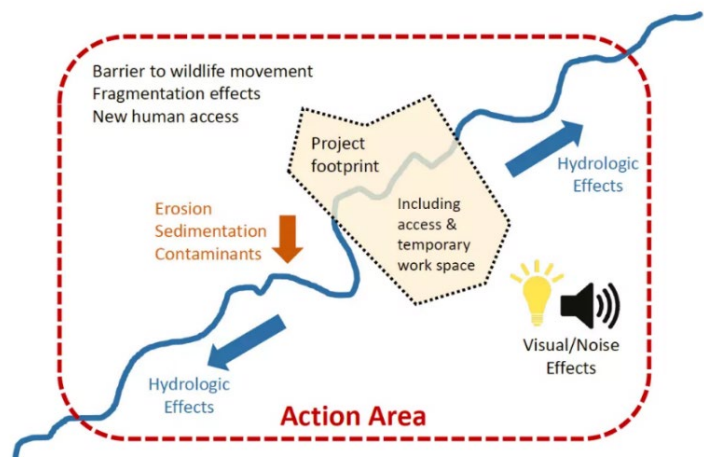
This document was prepared by the U.S. Fish and Wildlife Service’s (Service) New Jersey Field Office (NJFO) as technical assistance to project proponents for activities proposed in New Jersey. This document is intended to be used as part of the project screening process that is conducted by proponents. Project screening focuses on ensuring compliance with the requirements of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA), but the process also addresses other wildlife resources under Service jurisdiction. Complete instructions for project screening and, when appropriate, requesting project review by NJFO, are available on our online *New Jersey Field Office [Project Review Guide](#)*. Specifically, this document is for use under Step 3 of the *[Project Review Guide](#)* (Step 3 is *Determine if Service Review is Needed*). Note: In this document, the term “ESA species” is used to mean all federally listed, proposed and candidate species.

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DEFINITIONS

Action area - all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. [50 CFR Section 402.02]. Further clarification is provided by the national consultation FAQ, “The action area is defined by regulation as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). This analysis is not limited to the “footprint” of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area. The documentation used by a Federal action agency to initiate consultation should contain a description of the action area as defined in the Services' regulations and explained in the Services' consultation handbook. If the Services determine that the action area as defined by the action agency is incorrect, the Services should discuss their rationale with the agency or applicant, as appropriate. Reaching an agreement on the description of the action area is desirable but ultimately the Services can only consult when an action area is defined properly under the regulations.” Please see our online *New Jersey Field Office [Project Review Guide](#)* for specific guidance on delineating action areas in New Jersey.



Candidate species - any species for which the Service has sufficient information on its biological status and threats to propose it as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. Candidate species are not afforded any substantive or procedural protections under the ESA. However, NJFO provides recommendations for these species as technical assistance, and we encourage project proponents to adopt and implement protective measures – especially for projects with a long planning-horizon.

Conference - a process of early interagency cooperation involving informal or formal discussions between a Federal agency and the Services pursuant to section 7(a)(4) of the Act regarding the likely impact of an action on proposed species or proposed critical habitat. Conferences are: (1) required for proposed Federal actions likely to jeopardize proposed species, or destroy or adversely modify proposed critical habitat; (2) designed to help Federal agencies identify and resolve potential conflicts between an action and species conservation early in a project's planning; and (3) designed to develop recommendations to minimize or avoid adverse effects to proposed species or proposed critical habitat.

Conservation measures - are actions to benefit or promote the recovery of listed species that are included by the Federal agency as an integral part of the proposed action. These actions will be taken by the Federal agency or applicant, and serve to minimize or compensate for, project effects on the species under review. These may include actions taken prior to the initiation of consultation, or actions which the Federal agency or applicant have committed to complete in a biological assessment or similar document.

Determination Key - a logically structured set of questions to assist a user in determining whether a proposed project qualifies for a predetermined consultation outcome based on an existing programmatic consultation or internal Service standing analysis. Determination Keys are delivered through the Service's Information for Planning and Consultation (IPaC) website. Determination Keys provide consistent, transparent outcomes and significantly reduce the time to complete consultation for qualifying projects.

Effects of the action - all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the

proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. [50 CFR Section 402.02]

IPaC - Information for Planning and Consultation, an online project planning tool that streamlines the Service's environmental review process.

Is likely to adversely affect - the appropriate finding in a biological assessment (or conclusion during informal consultation) if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not: discountable, insignificant, or beneficial (see definition of "is not likely to adversely affect"). In the event the overall effect of the proposed action is beneficial to the listed species, but is also likely to cause some adverse effects, then the proposed action "is likely to adversely affect" the listed species. If incidental take is anticipated to occur as a result of the proposed action, an "is likely to adversely affect" determination should be made. An "is likely to adversely affect" determination requires the initiation of formal section 7 consultation.

Is not likely to adversely affect - the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

Jeopardize the continued existence of - to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. [50 CFR Section 402.02]

May affect - the appropriate conclusion when a proposed action may pose any effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a "may affect" situation exists, then they must either initiate formal consultation or seek written concurrence from the Services that the action "is not likely to adversely affect" [see definition above] listed species.

No effect - the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat. (Proposed projects in New Jersey can be considered "no effect" if IPaC returns a report of "There are no listed species found within the vicinity of your project," so long as the "project location" entered into IPaC represents the comprehensive action area and not just the footprint of disturbance.)

Official Species List - an output from IPaC providing information on wildlife resources that may occur in a project's action area, including a list of all species that need to be addressed under Section 7 of the ESA.

Take - to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. [ESA Section 3(19)]. "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. "Harass" is defined by the Service as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. [50 CFR Section 17.3]

SCREENING INSTRUCTIONS

- A. Download the [Species Determination Tracker](#) from the online *New Jersey Field Office Project Review Guide*. Review and fill out the “Background Information” tab. Then, as you work through steps below, use the Species Determination Tracker tab to record which method is used to complete consultation for each ESA species occurring in New Jersey. For each ESA species included on your IPaC Official Species List, continue on with the remaining steps listed below.
- B. In the list of Screening Questions below, locate each ESA species returned on your Official Species List from IPaC. **Note about critical habitat:** Each species returned in the IPaC Official Species List must be screened regardless of the IPaC results regarding critical habitat. Species for which no critical habitat has been designated or proposed should still be screened. Likewise, species should be screened even if IPaC indicates that the action area is outside of any designated or proposed critical habitat.
- C. For each ESA species indicated in your IPaC Official Species List, begin with Screening Question 1 and proceed through the applicable question sequence until reaching ONE of the following conclusions for that species:
- No effect.
 - Use the appropriate IPaC Determination Key.
 - May affect. Submit project information to NJFO.
- D. If the Screening Questions indicate that you should use one of the IPaC Determination Keys for a particular species, make a note and proceed through the Screening Questions until you have screened all of the species on your Official Species List. Then use the appropriate IPaC Determination Key(s) to evaluate your project’s effects to the species you’ve noted. **Note about “No Effect:”** If you reached a “no effect” determination for a particular species based on the Screening Questions in this document, you may self-certify the “no effect” determination for that species when prompted by a Determination Key. Please do not self-certify a “no effect” determination in any Determination Key(s) unless you have already reached that conclusion using the Screening Questions.
- E. Important notes about interpreting your Determination Key results.

After completing a Determination Key evaluation, you can generate a concurrence or consistency letter. For example:

The screenshot shows a web application titled "Endangered Species Act Review". At the top right, there are two buttons: "BACK" and "EXIT REVIEW". Below the title is a progress bar with four steps: 1. Request an official species list (checked), 2. Evaluate Determination Keys (active), 3. Analyze project (optional), and 4. Download documentation. The main content area is titled "Determination" and contains the following text: "You have reached a determination of may affect based on this determination key. Review the guidance below and generate a consistency letter for your records." Below this, it states: "Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for the identified species." It also includes a note: "If you think the determination results from this key should be different based on your answers, please contact the local U.S. Fish and Wildlife Service field office." At the bottom of the content area, there is a blue button labeled "GENERATE CONSISTENCY LETTER" and a white button labeled "VIEW / CHANGE ANSWERS".

The letter will include a table showing the effect determination (either “No Effect,” “NLAA” [Not Likely to Adversely Affect], or “May Affect”) returned by the key for each species included in the key. This is an example:

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service’s Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northeastern Beach Tiger Beetle (<i>Habroscelimorpha dorsalis dorsalis</i>)	Threatened	No effect
Piping Plover (<i>Charadrius melodus</i>)	Threatened	May affect
Roseate Tern (<i>Sterna dougallii dougallii</i>)	Endangered	NLAA
Rufa Red Knot (<i>Calidris canutus rufa</i>)	Threatened	May affect
Seabeach Amaranth (<i>Amaranthus pumilus</i>)	Threatened	May affect

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect”. Please contact our New Jersey Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

Evaluating every species on your Official Species List may require using multiple Determination Keys.

- F. No NJFO project review is needed if ALL ESA species on your Official Species List reach one of the following conclusions:
- i. A “No effect” determination based on the Screening Questions, below. In this case, print the [No Effect Letter](#) for your files.
 - ii. A “No effect” determination returned by the appropriate IPaC Determination Key.
 - iii. An NLAA determination returned by the appropriate IPaC Determination Key.

In this case, the project does NOT need to be submitted to NJFO at this time. No further consultation/technical assistance for this species is required unless: 1) the scope, timing, duration, or location of the project changes, 2) new information reveals the project may impact (positively or negatively) ESA species, or 3) a new species is proposed or listed. If any of these conditions occurs, additional consultation or technical assistance should take place.

- G. If ONE OR MORE of the ESA species on your Official Species List receives a “May Affect” determination from the Screening Questions or from a Determination Key, submit the project to NJFO for individual review by following the instructions under Step 4 (*Submit Project Information*) of our online *New Jersey Field Office* [Project Review Guide](#).
- H. Proceed with Steps 5 and 6 of our online *New Jersey Field Office* [Project Review Guide](#). (Step 5 is *Coordinate with the Service* and Step 6 is *Protect Other Wildlife Resources*).

SCREENING QUESTIONS

Bog Turtle (*Glyptemys muhlenbergii*), threatened

Screening Question #1: Has a [Phase 1 survey](#) of the entire action area been conducted by a [recognized, qualified bog turtle surveyor](#)? (See definition of action area, above.)

Yes = Go to Screening Question 2.

No = Go to Screening Question 3.

Screening Question #2: Did the Phase 1 survey find any suitable bog turtle habitat within the action area?

Yes = Go to Screening Question 3.

No = No effect.

Screening Question #3: Does the project include activity in or within 300 feet of a freshwater wetland?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4.

Screening Question #4: Does the project involve ground disturbance; new impervious surface (≥ 0.25 -acre net gain); storm water changes (*e.g.*, new outfalls, increased volume or rate of discharge); wastewater discharges; groundwater or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 5.

Screening Question #5: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 6.

Screening Question #6: Will the project involve any of these: new or expanded human (*e.g.*, pedestrian, vehicle) access to suitable bog turtle habitat; features that may attract predators to bog turtle habitat; or features that may inhibit bog turtle movements among areas of suitable habitat?

Yes = May affect. Submit project information to NJFO.

No = No effect.

Eastern Black Rail (*Laterallus jamaicensis jamaicensis*), threatened

Screening Question #1: Does the project include activity in or within 500 feet of an emergent (*i.e.*, herbaceous) wetland (*e.g.*, tidal or non-tidal; saline, brackish, or fresh)?

Yes = Conduct project review via the Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for eastern black rail. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Piping Plover (*Charadrius melodus*), threatened

Screening Question #1: Does the IPaC Official Species List say, “*This activity area is within a piping plover migration area, and adjacent to habitat for this species. Consultation is ONLY needed for wind, oil, gas, and other energy development. No other activity types in this area are expected to affect this species.*”

Yes = Go to Screening Question 4a.

No = Go to Screening Question 2.

Screening Question #2: Will the project involve any of these: new or expanded human access to any beach; low-flying aircraft (below 500 feet); display of fireworks; or dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 3.

Screening Question #3: Does the project involve a new or enlarged communication tower, broadcast tower, or power line?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4b.

Screening Question #4a: (Conditional Range): Does the project involve wind, oil, gas, and other energy development, production or transport? This includes, but is not limited to, any new or enlarged wind turbine(s) and the large-scale transport or storage of petroleum products and/or spill response planning.

Yes = May affect. Submit project information to NJFO.

No = No effect.

Screening Question #4b: (Species Range): Does the project involve wind, oil, gas, and other energy development, production or transport? This includes, but is not limited to, any new or enlarged wind turbine(s) and the large-scale transport or storage of petroleum products and/or spill response planning.

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 5.

Screening Question #5: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or intertidal habitat (e.g., beach “swash” zone, sand or mud flat)?

Yes = Conduct project review via the Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for piping plover. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Roseate Tern (*Sterna dougallii dougallii*), endangered

Screening Question #1: Will the project involve more than 2 weeks of activity/disturbance on any beach between May 1 and September 30?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 2.

Screening Question #2: Does the project involve a new or enlarged wind turbine, communication tower, broadcast tower, or power line?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 3.

Screening Question #3: Does the project involve transport or storage of petroleum products and/or spill response planning?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4.

Screening Question #4: Does the project include activity in or within 500 feet of an open beach, coastal inlet, river mouth, sand spit, and tidal flat, or rocky structure (e.g., jetty)?

Yes = Conduct project review via the Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for roseate tern. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Rufa Red Knot (*Calidris canutus rufa*), threatened

Screening Question #1: Does the IPaC Official Species List say, “*This activity area is within a red knot migration area, and adjacent to habitat for this species. Consultation is ONLY needed for wind, oil, gas, and other energy development. No other activity types are expected to affect red knots in this area.*”?

Yes = Go to Screening Question 6a.

No = Go to Screening Question 2.

Screening Question #2: Does the IPaC Official Species List say, “*This activity area is upstream of red knot habitat. Consultation is needed ONLY for proposed new or changed petroleum product storage or transport, and for spill response planning. No other activity types are expected to affect red knots in this area.*”?

Yes = Go to Screening Question 6a.

No = Go to Screening Question 3.

Screening Question #3: Will the project involve any of these: new or expanded human access to any beach or intertidal habitat; low-flying aircraft (below 500 feet); display of fireworks; or dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4.

Screening Question #4: Does the project involve a new or enlarged communication tower, broadcast tower, or power line?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 5.

Screening Question #5: Does the project involve any impacts to horseshoe crabs (*e.g.*, potential blockage, entrapment or entanglement of adults; potential entrainment or crushing of eggs or larvae; harvest or collection for any purpose)?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 6b.

Screening Question #6a: (Conditional Range): Does the project involve wind, oil, gas, and other energy development, production or transport? This includes, but is not limited to, any new or enlarged wind turbine(s) and the large-scale transport or storage of petroleum products and/or spill response planning.

Yes = May affect. Submit project information to NJFO.

No = No effect.

Screening Question #6b: (Species Range): Does the project involve wind, oil, gas, and other energy development, production or transport? This includes, but is not limited to, any new or enlarged wind turbine(s) and the large-scale transport or storage of petroleum products and/or spill response planning.

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 7.

Screening Question #7: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or sparsely vegetated intertidal habitat of any kind (*e.g.*, beach “swash” zone, sand flat, mud flat, algal flat, shoal, sand spit, islet, peat bank, tidal marsh blowout/pan)?

Yes = Conduct project review via Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for rufa red knot. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect to rufa red knots and no adverse modification of proposed critical habitat.

Indiana Bat (*Myotis sodalis*), endangered

Screening Question #1: Is the project funded or authorized by the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), or the Federal Transit Administration (FTA)?

Yes = Use the FHWA/FRA/FTA Determination Key to comply with the 2018 revised FHWA/FRA/FTA Programmatic Consultation for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat. If the project’s activities are outside the scope of the Determination Key, you can continue to Screening Question 2.

No = Go to Screening Question 2.

Screening Question #2: Does the project include a new or enlarged wind turbine?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 3.

Screening Question #3: Does the action area contain any caves (and associated karst features), mines, or tunnels that could provide habitat for hibernating bats? **Note:** Consider features that are within the project site or that are otherwise connected (*i.e.*, by physical passageway, airflow or hydrology) to any underground feature that will be directly or indirectly impacted by the project. Yes = May affect. Submit project information to NJFO.
No = Go to Screening Question 4.

Screening Question #4: Is the project located in a municipality with a hibernation occurrence of the Indiana bat according to <https://www.fws.gov/media/new-jersey-municipalities-hibernation-or-maternity-occurrence-indiana-bat-or-northern-long> AND could the project affect hibernating bats? For example, these effects could include disturbance to bats during the inactive season (Nov. 16–Mar. 31) from noise, vibration, smoke, flooding, drilling, blasting, or entry by humans into hibernacula; altering or destroying hibernacula at any time of year by filling hibernacula openings, creating new hibernacula openings that alter air flow, altering water levels or humidity, or collapsing hibernacula from vibration, digging, etc.; and polluting bats' drinking water in a cave.
Yes = May affect. Submit project information to NJFO.
No = Go to Screening Question 5.

Screening Question #5: Is suitable summer habitat for the Indiana bat present within 1000 feet of project activities? (If unsure, answer “Yes.”) **Note:** Suitable summer habitat for Indiana bats consists of forested/wooded ecosystems that contain potential roost trees (*i.e.*, live trees and/or snags ≥ 5 inches diameter at breast height [DBH] with exfoliating bark, cracks, crevices, and/or cavities). These wooded areas may be dense or loose aggregates of trees in forest blocks or wooded corridors (*e.g.*, fencerows, riparian forests). Individual trees can be suitable habitat if they have roost tree characteristics and are located within 1,000 feet of a forested/wooded area. Human-made structures such as buildings, barns, bridges, and bat houses should also be considered potential summer habitat. Additionally, early successional habitat with small diameter trees may be used as foraging habitat by Indiana bats; therefore, a project that would remove or otherwise adversely affect ≥ 20 acres of early successional habitat containing trees between 3 and 5 inches DBH would require coordination/consultation with the Service to ensure that associated impacts would not rise to the level of take.
Yes = Go to Screening Question 6.
No = No effect.

Screening Question #6: Does the project include removal/modification of an existing bridge or culvert that is equal to or greater than 4.5 feet in height and 130 feet in length?
Yes = May affect. Submit project information to NJFO.
No = Go to Screening Question 7.

Screening Question #7: Does the project include cutting/clearing/removal (or other means of bringing down trees) or trimming/pruning/topping of any suitable Indiana bat roost trees (*i.e.*, live trees and/or snags ≥ 5 inches DBH that have peeling bark, cracks, crevices, and/or cavities)?
Yes = Go to Screening Question 8.
No = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for Indiana bat. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

Screening Question #8: Will any of the proposed tree cutting/clearing/removal (or other means of bringing down trees) or tree trimming/pruning/topping be conducted outside of the Indiana bat inactive season? **Note:** The inactive season in municipalities with a hibernation occurrence is November 16 through March 31; in all other municipalities, the inactive season is October 1 through March 31. For guidance, see this chart: <https://www.fws.gov/media/new-jersey-municipalities-hibernation-or-maternity-occurrence-indiana-bat-or-northern-long>.
Yes = May affect. Submit project information to NJFO.
No = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for Indiana bat. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

Northern Long-eared Bat (*Myotis septentrionalis*), endangered

Screening Question #1: Is the project funded or authorized by the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), or the Federal Transit Administration (FTA)?

Yes = Use the FHWA/FRA/FTA Determination Key to comply with the 2018 revised FHWA/FRA/FTA Programmatic Consultation for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat. If the project's activities are outside the scope of the Determination Key, you can continue to Screening Question 2.

No = Go to Screening Question 2.

Screening Question #2: Does the project involve construction or operation of wind turbines?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 3.

Screening Question #3: Does the action area contain any caves (and associated karst features), mines, or tunnels that could provide habitat for hibernating bats? **Note**: Consider features that are within the project site or that are otherwise connected (*i.e.*, by physical passageway, airflow, or hydrology) to any underground feature that will be directly or indirectly impacted by the project.

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4.

Screening Question #4: Is the project located in a municipality with a hibernation occurrence of the northern long-eared bat according to <https://www.fws.gov/media/new-jersey-municipalities-hibernation-or-maternity-occurrence-indiana-bat-or-northern-long> AND could the project affect hibernating bats? For example, these effects could include disturbance to bats during the inactive season (Nov. 16–Mar. 31) from noise, vibration, smoke, flooding, drilling, blasting, or entry by humans into hibernacula; altering or destroying hibernacula at any time of year by filling hibernacula openings, creating new hibernacula openings that alter air flow, altering water levels or humidity, or collapsing hibernacula from vibration, digging, etc.; and polluting bats' drinking water in a cave.

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 5.

Screening Question #5: Will the project cause effects to a bridge?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 6.

Screening Question #6: Will the project cause effects to a culvert or tunnel that is ≥ 23 feet in length AND has interior dimensions ≥ 4.5 feet in height?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 7.

Screening Question #7: Does the project involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) that may contain roosting bats?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 8.

Screening Question #8: Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities? (If unsure, answer "Yes.") **Note**: In the project area and within 1000 feet of the project area, if there are any trees that are of a sufficient size to be potential roosts for northern long-eared bats (*i.e.*, live trees and/or snags ≥ 3 inches diameter at breast height), answer "Yes." A detailed explanation of suitable summer habitat for the northern long-eared bat can be found at <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>.

Yes = Conduct project review via the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Tricolored Bat (*Perimyotis subflavus*), proposed endangered

Screening Question #1: Is the project funded or authorized by the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), or the Federal Transit Administration (FTA)?

Yes = Use the FHWA/FRA/FTA Determination Key* to comply with the 2018 revised FHWA/FRA/FTA Programmatic Consultation for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat. If the project's activities are outside of the scope of the determination key, you can continue to Question 2.

No = Go to Screening Question 2.

**This key is anticipated to be updated in 2024 to include the tricolored bat.*

Screening Question #2: Does the project involve construction or operation of wind turbines?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 3.

Screening Question #3: Is the action area within a half mile of any caves (or associated sinkholes, fissures, or other karst features), rocky outcroppings, mines, tunnels, or bunkers that could provide habitat for hibernating bats?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 4.

Screening Question #4: Will the project cause effects to a bridge?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 5.

Screening Question #5: Will the project cause effects to a culvert or tunnel that is ≥ 23 feet in length AND has interior dimensions ≥ 3.0 feet in height?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 6.

Screening Question #6: Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?

Yes = May affect. Submit project information to NJFO.

No = Go to Screening Question 7.

Screening Question #7: Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities? (If unsure, answer "Yes.") **Note**: In the project area and within 1000 feet of the project area, if there are any trees (of any diameter) that may contain potential roost substrate for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss [*Tillandsia usneoides*], beard lichen [*Usnea trichodea*], and clusters of dead pine needles of large live pines), answer "Yes." For a complete definition of suitable summer habitat for the tricolored bat, see Appendix A in the Service's Range-Wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes = Conduct project review via the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key.* Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

**Note: For actions that may affect a proposed species, agencies cannot consult, but they can confer under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete – or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key – to confirm that the determination is still accurate.*

Dwarf Wedgemussel (*Alasmidonta heterodon*), endangered

Screening Question #1: Does the project include activity in a freshwater river or stream? OR activities within 500 feet of a freshwater river or stream that may affect that river/stream (e.g., impacts to riparian zones, tree clearing, increases in erosion and sedimentation, increases in pollution or actions that can reduce water quality)?

Yes = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for dwarf wedgemussel. Refer to guidance beginning in Step E of the Screening Instructions for guidance on interpreting the outputs of the Determination Key.
No = Go to Question 2.

Screening Question #2: Does the project involve activities that may affect (e.g., water quality, turbidity/sedimentation increases, increased pollution) a freshwater river or stream such as: ground disturbances; new impervious surface (≥ 0.25 acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); waste water discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for dwarf wedgemussel. Refer to guidance beginning in Step E of the Screening Instructions for guidance on interpreting the outputs of the Determination Key.
No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants that may affect a freshwater river or stream (e.g., impacts to riparian zones, accidental introduction of contaminants into watercourse)?

Yes = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for dwarf wedgemussel. Refer to guidance beginning in Step E of the Screening Instructions for guidance on interpreting the outputs of the Determination Key.
No = No effect.

Green Floater (*Lasmigona subviridis*), proposed threatened

Screening Question #1: Does the project include activity in a freshwater river or stream? OR activities within 500 feet of a freshwater river or stream that may affect that river/stream (e.g., impacts to riparian zones, tree clearing, increases in erosion and sedimentation, increases in pollution or actions that can reduce water quality)?

Yes = Submit project information for technical assistance or conference to NJFO.
No = Go to Question 2.

Screening Question #2: Does the project involve activities that may affect (e.g., water quality, turbidity/sedimentation increases, increased pollution) a freshwater river or stream such as: ground disturbances; new impervious surface (≥ 0.25 acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); waste water discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = Submit project information for technical assistance or conference to NJFO.
No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants that may affect a freshwater river or stream (e.g., impacts to riparian zones, accidental introduction of contaminants into watercourse)?

Yes = Submit project information for technical assistance or conference to NJFO.
No = No effect.

Monarch Butterfly (*Danaus plexippus*), candidate

The monarch butterfly was designated a candidate for ESA listing in December 2020. Although candidate species receive no substantive or procedural protection under the ESA prior to listing, the Service encourages consideration of these species in project planning. The monarch range includes all of New Jersey, including small habitat patches within developed areas. The Service

encourages adherence to best management practices for avoiding impacts to the monarch and improving habitat where possible. See these [Best Management Practices and Resources](#).

If the proposed project includes activities with high potential to adversely affect monarchs or their habitat, particularly if the project has a long planning horizon, we encourage you to contact the Service for technical assistance and project-specific recommendations.

Northeastern Beach Tiger Beetle (*Habroscelimorpha dorsalis dorsalis*), threatened

Screening Question #1: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, or intertidal habitat (e.g., beach “swash” zone) AND/OR involve dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = May affect. Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Will the project involve new or expanded human access to any beach?

Yes = May affect. Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project involve transport or storage of petroleum products and/or spill response planning?

Yes = May affect. Submit project information to NJFO.

No = No effect.

Small Whorled Pogonia (*Isotria medeoloides*), threatened

Screening Question #1: Does the project involve tree clearing or other activities in any wooded areas?

Yes = Conduct project review via the Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for small whorled pogonia. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Swamp Pink (*Helonias bullata*), threatened

Screening Question #1: Does the project include any activity within a freshwater forested wetland?

Yes = **The project’s action area contains suitable habitat for swamp pink.** Conduct project review via the Northeast Endangered Species Determination Key, and/or submit project information to NJFO. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for swamp pink. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = Go to Question 2.

Screening Question #2: Does the project involve any of the following activities *within 300 ft* of a freshwater *forested* wetland: any amount of vegetation removal/ground disturbance/new impervious surface (net gain); broadleaf herbicide treatment; changes to stormwater (e.g., change in volume/rate of discharge at existing outfalls)?

Yes = **The project’s action area may contain (i.e., may include hydrologic impacts to) suitable swamp pink habitat.** Conduct project review via the Northeast Endangered Species Determination Key and/or submit project information to NJFO. Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for swamp pink. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = Go to Question 3.

Screening Question #3: Does the project involve any of the following activities *within 0.5 mile (5,280 ft)* of a freshwater *forested* wetland: ≥ 1 acre of ground disturbance/vegetation removal/new impervious surface; significant changes to storm water (e.g., new outfalls); wastewater discharge; ground or surface water withdrawal; water impoundment or diversion

(temporary or permanent); replacement or modification of water control structure; replacement of a bridge/culvert that conveys a permanent waterway?

Yes = **The project's action area may contain (i.e., may include hydrologic impacts to) suitable swamp pink habitat.** Conduct project review via the Northeast Endangered Species Determination Key and/or submit project information to NJFO. Additionally, we recommend answering "no" if the determination key is asking if you would like to make a no effect determination for swamp pink. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Knieskern's Beaked-rush (*Rhynchospora knieskernii*), threatened

Screening Question #1: Does the project include activity in or within 300 feet of an herbaceous, freshwater wetland?

Yes = Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering "no" if the determination key is asking if you would like to make a no effect determination for Knieskern's Beaked-rush. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = Go to Question 2.

Screening Question #2: Does the project involve ground disturbance; new impervious surface (≥ 0.25 -acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); wastewater discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = May affect. Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants?

Yes = May affect. Submit project information to NJFO.

No = No effect.

American Chaffseed (*Schwalbea americana*), endangered

Screening Question #1: Does the project involve disturbance to grassland habitat (e.g., fields, right-of-way) dominated by native herbaceous vegetation? (Grass lawn that is mowed multiple times during the growing season, areas dominated by woody shrubs, and areas dominated by invasive vegetation should NOT be considered grassland habitat.)

Yes = **The project's action area may include suitable habitat for American chaffseed.**

Conduct project review via the Northeast Endangered Species Determination Key. Additionally, we recommend answering "no" if the determination key is asking if you would like to make a no effect determination for American chaffseed. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Sensitive Joint-vetch (*Aeschynomene virginica*), threatened

Screening Question #1: Does the project include activity in or within 500 feet of a brackish or freshwater tidal wetland, or any modifications or impacts to any tidal river?

Yes = Conduct project review via the Northeast Endangered Species Determination Key.

Additionally, we recommend answering "no" if the determination key is asking if you would like to make a no effect determination for sensitive joint-vetch. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.

Seabeach Amaranth (*Amaranthus pumilus*), threatened

Screening Question #1: Will the project involve new or expanded human access to any beach or dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = May affect. Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Does the project involve transport or storage of petroleum products and/or spill response planning?

Yes = May affect. Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or the upper portion of an intertidal zone (*e.g.*, beach “swash” zone)?

Yes = Conduct project review via Northeast Endangered Species Determination Key.

Additionally, we recommend answering “no” if the determination key is asking if you would like to make a no effect determination for seabeach amaranth. Refer to Step E of the Screening Instructions, above, for guidance on interpreting the outputs of the Determination Key.

No = No effect.