

APPENDIX B
Consultations



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

IN REPLY REFER TO:
15-CPA-0031

Jonathan Z. DeLaune, Environmental Specialist
FEMA/U.S. Department of Homeland Security
Jacob K. Javits Federal Office Building
Mitigation Division
26 Federal Plaza, 13th Floor
New York, New York 10278
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DEC 05 2014

Reference: Proposed elevation of four residences and relocation of two residences, Millstone Borough, Somerset County, New Jersey (HMGP-4048-NJ)

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced proposed project pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) ensuring the protection of federally listed endangered and threatened species, the Migratory Bird Treaty Act of 1918 (40 Stat. 755, as amended; 16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; 48 Stat. 401).

A known occurrence or potential habitat for the following federally listed or candidate species is located on or near the project's impact area. However, the Service concurs that the proposed project is not likely to adversely affect federally listed or candidate species for the reasons listed below.

Species	Basis for Determination
Indiana bat (<i>Myotis sodalis</i>) (endangered)	FEMA will require the applicant to abide by the conditions included in the consultation letter dated October 20, 2014
Northern long-eared bat (<i>Myotis septentrionalis</i>) (proposed for listing)	

Except for the above-mentioned species, no other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the proposed project's impact area. Therefore, no further consultation pursuant to the ESA is required. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Please refer to this office's web site at <http://www.fws.gov/northeast/njfieldoffice/Endangered/> for further information including federally listed and candidate species lists, procedures for requesting ESA review, the National Bald Eagle Management Guidelines, and contacts for obtaining information from the New Jersey Natural Heritage and Endangered and Nongame Species Programs regarding State-listed and other species of concern.

Reviewing Biologist:

Carlo Popolizio

Authorizing Supervisor:

Ron Popowski



FEMA

October 20, 2014

Mr. Ron Popowski
Supervisory Fish & Wildlife Biologist
USFWS-New Jersey Field Office
927 N. Main Street
Heritage Square, Building D
Pleasantville, New Jersey 08232

Re: DHS-FEMA Grant HMGP-4048-NJ Millstone Borough
Proposed Elevation of Four Residential Structures and Relocation of Two
Residential Structures
Informal Section 7 Endangered Species Act, Migratory Bird Treaty Act and Bald
and Golden Eagle Protection Act Consultation

Dear Mr. Popowski:

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) has proposed to provide grant funding from its Hazard Mitigation Grant Program (HMGP) to the Borough of Millstone, New Jersey, for relocation of two buildings/residences, and for the elevation of four buildings/residences. The buildings are located within the floodplain and are subject to repeated flooding from the nearby Millstone River. HMGP funds are non-disaster competitive annual grant funds targeted at reducing or eliminating risk of flood damage to buildings insured under the National Flood Insurance Program (NFIP). FEMA is herein initiating informal consultation for the proposed project with your office in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), Migratory Bird Treaty Act of 1918 (40 Stat. 755, as amended; 16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act of 1940 (54 Stat. 240, as amended; 16 U.S.C. 668-668c).

Proposed Project & Existing Conditions Description

The proposed action consists of the relocation of two private residential properties, at 7 South River Road and 13 South River Road, Millstone, NJ and the elevation of four private residential properties, 1393 Main Street, 1403 Main Street, 1413 Main Street, and 1444 Main Street, in the Borough of Millstone, New Jersey. Located along the Millstone River, these properties have been subject to numerous repetitive losses. Homeowner participation is voluntary. The grantee and/or subgrantee will place a deed restriction on the two properties vacated by relocation, to maintain the parcels as open space in perpetuity.

The original home sites are predominantly within the 100-year floodplain (Zone AE) and a floodway. As much as practicable, staging of equipment during all elevation and relocation activities will be on impervious cover. Work areas will also be limited to the extent practicable to the developed areas of the properties. For the relocations, the remaining foundations will be backfilled and all utilities will be capped. It is anticipated that a limited amount of trees, shrubs or other vegetation will be disturbed or removed during the elevation/relocation process due to the proximity of the vegetation to the structures or as a result of minor site clearing for site access/staging. For the elevations, the buildings will remain in substantially the same footprint.

The parcel of property proposed to receive the two relocated homes is approximately .24 miles due north along Millstone River Road. It is located on the west side of the road, just south of the Somerset Courthouse Road bypass, at 40.505148, -74.589028. The parcel of land is currently part of the Green Acres program administered by the NJ Department of Environmental Protection, and is predominantly open agricultural field.

According to initial project scoping in IPaC system, the proposed Northern Long-eared Bat and listed Indiana Bat species are known to occur in the area. The area is not listed as a critical habitat for any of these species. The project area is within the North Atlantic Flyway, but is not otherwise known to support critical migratory bird habitat.

Effects Determination and Conservation Measures

As the proposed action will result in restoration of two lots of open space, the project will have an overall positive benefit on the area's floodplain and upland habitats and the species those habitats support. The project's flood damage risk reduction outcome will benefit the human environment; and the project will indirectly minimize potential waterborne debris during future flood events. Temporary construction noise and activity could potentially temporarily displace wildlife.

FEMA has determined that the proposed project may affect, but is not likely to adversely affect listed species, migratory bird habitat or bald eagles with adherence to the following conservation measures and recommendations included as conditions of the grant:

- The Subgrantee (and its contractors) will perform all the needed tree cutting after Sept. 30 and prior to April 1
- The Subgrantee (and its contractors) must not conduct demolition or tree removal actions within 660 feet of a known Bald Eagle nest from late October through late August
- The Subgrantee (and its contractors) shall limit work area to the developed areas of the site and stage equipment on impervious surfaces, to the extent practicable

- The Subgrantee (and its contractors) must avoid unnecessary clearing of vegetation and protect large trees from construction equipment and disturbance
- Any fill material to be used for foundation backfill shall be brought from offsite and must be from a commercial supplier or other permitted source and meet the definition of clean fill at N.J.A.C. 7:26E- 1.8 and per guidance available at www.nj.gov/dep/srp/guidance/srra/fill_protocol.pdf.
- It is recommended that the Subgrantee restore disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil areas be planted with native plant material, as soon as practicable after exposure, to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the proposed project site:
 - <http://plants.usda.gov/java/>
 - www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
 - www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml

FEMA requests your office's concurrence with our findings within 30 days of receipt of this letter. FEMA would greatly appreciate an electronic response be sent via email to my attention to expedite this grant review process. If you have any questions concerning the project or agency coordination, please contact me at (212) 680-8802 or Jonathan.DeLaune@fema.dhs.gov

Sincerely,



Jonathan Z. DeLaune
Environmental Specialist,
FEMA Region II

Enclosures:

Attachment 1: Site Map

Attachment 2: Area Map