

**FINDING OF NO SIGNIFICANT IMPACT**  
**Department of Homeland Security-Federal Emergency Management Agency**  
**Residential Structure Relocations and Elevations**  
**Millstone Borough, Somerset County, New Jersey**  
**4048-DR-NJ**

**BACKGROUND**

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding Borough of Millstone, NJ as Subgrantee for the relocation of two residential structures and for the elevation of four residential structures. The proposed project would be funded through the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) pursuant to Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (Stafford Act). The purpose of the Hazard Mitigation Grant Program (HMGP) is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The Grantee for the project is the New Jersey Office of Emergency Management (NJOEM) and the project disaster recovery funding reference number is 4048-DR-NJ.

An Environmental Assessment (EA) was prepared by FEMA to assess the potential impacts of the proposed action on the human environment, in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). Pursuant to the National Environmental Policy Act and 44 CFR Part 9, FEMA evaluated alternatives and potential environmental consequences for considered alternatives. The elevations would take place within the 100-year floodplain, and the relocations will move the structures outside of the 100-year floodplain. FEMA's requirement of addressing floodplain management in accordance with Executive Order 11988 and implementing regulations at 44 CFR Part 9 are incorporated with the EA.

FEMA worked with consulting parties through the Section 106 process in accordance with the National Historic Preservation Act to resolve adverse effects of the proposed actions on historic properties and the Historic District. A Memorandum of Agreement was executed and outlines treatment measures as mitigation for the anticipated adverse effects. The proposed action will not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife and fisheries habitat, vegetation, socioeconomics, public safety or transportation. The proposed alternatives have been reviewed, and to the best of our knowledge, do not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area. Mitigation and site resource protection measures have been incorporated into project plans to avoid, minimize or mitigate any adverse impacts.

A public notice was issued in the Hillsborough Beacon and Courier News newspapers on April 22, 2015. The public comment period for the federal agency's EA was from April 22, 2015 to May 23, 2015. No substantive comments were received during the public comment period.

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**CONDITIONS**

The Borough of Millstone must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. The residential structures to be elevated must be elevated above the base flood elevation, or to the elevation required by New Jersey Department of Environmental Protection or local floodplain ordinances, whichever is more stringent. Elevations must be determined using the Best Available Data (*Flood Insurance Rate Map Community-Panel Number 34035C0164E, effective 9/28/2007*) in accordance with the National Flood Insurance Program and 44 CFR Part 9. The Subgrantee must provide copies of the elevation certificates to FEMA/NJOEM at or before grant project closeout per grant administrative procedures to be identified by the NJOEM.
2. Any proposed construction in the floodplain will need to be coordinated with the local floodplain administrator and must comply with Federal, state, and local floodplain laws and regulations.
3. Excavated soil and waste materials will be managed and disposed of in accordance with applicable Federal, state, and local regulations.
4. Applicant shall be responsible to obtain any applicable certifications or permits in accordance with the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24 -39 et seq.) and Stormwater Management Rules (N.J.A.C. 7:8) prior to start of construction. Copies of certifications or permits must be provided to FEMA and NJOEM at or before grant project closeout per grant administrative procedures to be identified by the NJOEM. For more information contact the: SOMERSET-UNION SOIL CONSERVATION DISTRICT at 308 Milltown Road, Bridgewater, NJ 08807; (908) 526-2701; fax (908) 526-7017; [thurlow@co.somerset.nj.us](mailto:thurlow@co.somerset.nj.us) The following website has general information about Soil Erosion & Sediment Control Plan requirements, as well as Stormwater Permits for new site construction: <http://www.nj.gov/agriculture/divisions/anr/nrc/njdep.html>
5. The Subgrantee shall ensure the original home sites on South River Street, once the structures are relocated, are safe and secure. All utilities shall be capped securely, and the property shall remain open space in perpetuity.
6. The construction and installation of the sanitary sewer connection will need to be coordinated with the NJDEP and Borough of Millstone.
7. The Subgrantee (and its contractors) will perform all the needed tree cutting after Sept. 30 and prior to April 1 to avoid the roosting period of the Indiana bat and the Northern long-eared bat. In addition, the removal of standing trees (live or dead) greater than or equal to 3 inches Diameter-at-Breast Height (DBH) should be avoided as much as possible and bright colored flagging or fencing should designate the trees to be removed prior to construction activities to differentiate them from protected trees.
8. 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.
9. 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.

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10. The Subgrantee (and its contractors) must avoid unnecessary clearing of vegetation and protect large trees from construction equipment and disturbance.
11. 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](http://www.nj.gov/dep/srp/guidance/srra/fill_protocol.pdf).
12. The Subgrantee must adhere to the Memorandum Of Agreement executed between the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey Office of Emergency Management, and the Borough of Millstone, Somerset County pursuant to 36 CFR § 800.6(c) dated March 26, 2015 and available in the EA.
13. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the Subgrantee and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. Personnel should take all reasonable measures to avoid or minimize harm to the archaeological find(s) and/or avoid or minimize further unanticipated effects. The person or persons encountering such properties or effects will immediately notify the Sub-grantee at 908-359-5783 and the Sub-grantee will immediately notify the State Historic Preservation Office at 609-984-6019, the FEMA Environmental/Historic Preservation section at 212-680-8677 or 917-561-3292, and the Grantee at 609-963-6900 ext. 6208.
  - The Sub-grantee will produce digital photographs of the unexpected finds, which can be transmitted electronically, and which will be sent to FEMA and SHPO. These photos are for use by the agencies only for identification purposes and will not be duplicated or shared.
  - FEMA and SHPO will then determine if the discovery warrants additional examination. If so, the signatories and invited signatories will consult to determine the appropriate course of action from that point forward in accordance with Federal, tribal, state, and local laws. In addition, the Delaware Nation, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma will be notified by FEMA regarding any inadvertent archaeological discovery. Construction in the area of such sites or effects shall not resume until the requirements of 36 CFR § 800.13(b)(3) have been met.
  - If human remains are discovered during the course of project implementation, the Sub-grantee's contractor shall immediately stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid and minimize harm. The person or persons encountering such properties or effects shall immediately notify the Sub-grantee and the Grantee at 609-963-6900 ext. 6208, who in turn will contact the SHPO at 609-984-6019, FEMA Region 2 Environmental Planning & Historic Preservation at 212-680-8677 or 917-561-3292.
  - The Sub-grantee will immediately contact the County Medical Examiner who will determine if the nature of the human remains is a recent forensic case or pre-contact/historic human remains. The Grantee must determine appropriate legal

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measures under New Jersey Cemetery law (N.J.S.A. 45:27-23.c). For the protection of the potential burials, information regarding the discovery shall not be disclosed to others except for individuals who have a need to know (e.g., site managers).

- At all times human remains shall be treated with the utmost dignity and respect. Reversible actions such as careful obscuring and/or securing the burial(s) through backfilling of soils or other means shall be undertaken. The location shall be immediately secured and protected from damage and disturbance. In the case of pre-contact or historic human remains, it may be necessary to have a guard or police officer on site 24/7 until permission has been granted to remove the human remains to ensure they are adequately protected.
  - Under no circumstances should the human remains or any associated artifacts be disturbed or removed until appropriate consultation has taken place and a plan of action has been developed.
  - In the case of pre-contact human remains, to determine the appropriate course of action in accordance with Federal, tribal, state, and local laws. FEMA shall be responsible to notify the Delaware Nation, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma in these circumstances. Construction in the area of such sites or effects shall not resume until the requirements of 36 CFR §800.13(b) (3) have been met.
14. Somerset County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). Since the proposed project is located in EAB quarantine county, it is required that any woody tree and shrub material to be removed for the proposed action be chipped on site to chips of less than one inch in two dimensions or not be transported whole outside the community in order to adhere with EO13112 Invasive Species and Federal regulations at 7 CFR Part 301.53-1 through 301.53-9. Invasive insects can devastate the forests of the northeast and it is recommended that communities in the northeast treat or handle wood materials in place to minimize the spread of these non-native insects. For more information concerning this environmental stewardship requirement, visit USDA-APHIS, New Jersey State Department of Agriculture, and other websites concerning EAB:
- [www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/emerald\\_ash\\_b/](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/)
  - <http://www.nj.gov/agriculture/divisions/pi/prog/emeraldashborer.html>
  - <http://www.nj.gov/dep/njisc/>
15. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
16. 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:

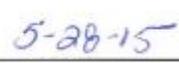
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- <http://plants.usda.gov/java/>
- [www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/](http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/)
- [www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml](http://www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml)

**FINDINGS**

In accordance with NEPA and 44 CFR Part 10, based upon the findings of the EA and adherence to project conditions, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

**APPROVED:**

   
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Katherine Zeringue Date  
Acting Regional Environmental Officer  
Federal Emergency Management Agency, Region II