



Appendix C.

Agency Correspondence



Appendix C. Agency Correspondence

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

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

In Reply Refer To:

October 25, 2019

Consultation Code: 05E2NJ00-2020-SLI-0096

Event Code: 05E2NJ00-2020-E-00214

Project Name: Trenton-Mercer Airport Terminal and ARFF

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected

through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2020-SLI-0096

Event Code: 05E2NJ00-2020-E-00214

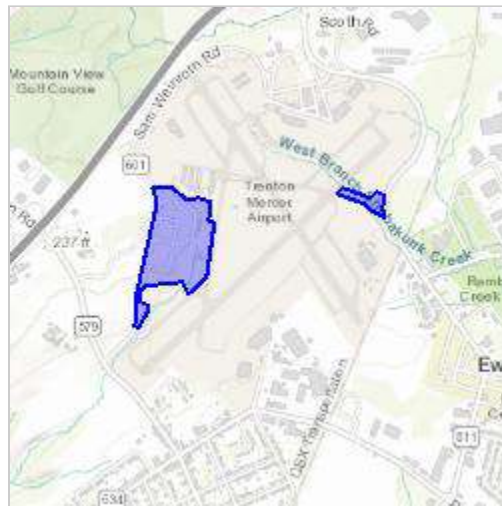
Project Name: Trenton-Mercer Airport Terminal and ARFF

Project Type: TRANSPORTATION

Project Description: Terminal and ARFF replacement

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.27539408560624N74.81931022189245W>



Counties: Mercer, NJ

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [PSS1/4D](#)

RIVERINE

- [R4SBA](#)
- [R5UBFx](#)
- [R5UBH](#)



February 4, 2020

Mail Code 501-04
DEP - Office of Natural Lands Management
NJ Natural Heritage Program
P.O. Box 420
Trenton, NJ 08625-0420

VIA E-MAIL

Re: Trenton Mercer Airport Area 1
Ewing Township
Mercer County, New Jersey
ASGECI Project # 4362

Dear Mr. Cartica,

Our company would like to obtain data on endangered and threatened wildlife and plant species for the above-mentioned project area. A copy of the ESRI Arcview shapefile that shows the study area, and a copy of the Natural Heritage request form are attached. We would also like to obtain information on documented sightings within one mile of the study area as part of a Flood Hazard Area Control Act (N.J.A.C. 7:13) rule application.

In addition to a list of species that may occur in the study area, we would like to obtain a list of species occurring on the Pennington NJ-PA USGS topographic quadrangle and the most recent listing of Priority Sites and Generalized Natural Heritage Index maps in the vicinity of the site.

If you have any questions regarding this request, please feel free to contact me at our office. Thank you very much for your assistance.

Very truly yours,
AMY S. GREENE ENVIRONMENTAL
CONSULTANTS, INC.

Melyssa Garcia
Environmental Scientist

cc: Jennifer LaStella, Project Manager, ASGECI
Laura Orbine, Controller, ASGECI



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

January 22, 2019

Melyssa Garcia
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Boulevard, Suite 209
Flemington, NJ 08822-4666

Re: Trenton Mercer Airport Area 1 (ASGECI # 4362)
Ewing Township, Mercer County

Dear Ms. Garcia:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

NHP File No. 19-4007437-15901

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 19-4007437-15901

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat on the
Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat on the
Project Site Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within the
Immediate Vicinity of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**Vernal Pool Habitat
In the Immediate Vicinity of
Project Site Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type

Vernal Pool Habitat ID

Potential vernal habitat area

1563

Total number of records: 1

Table 3: Within 1 Mile for FHACA Searches (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Strank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Eastern Meadowlark	Sturnella magna	Breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Grasshopper Sparrow	Ammodramus savannarum	Breeding Sighting	3	NA	State Threatened	G5	S2B,S3N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**Vernal Pool Habitat Within
One Mile of the Project Site
Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records: 1	



February 4, 2020

Mail Code 501-04
DEP - Office of Natural Lands Management
NJ Natural Heritage Program
P.O. Box 420
Trenton, NJ 08625-0420

VIA E-MAIL

Re: Trenton Mercer Airport Area 2
Ewing Township
Mercer County, New Jersey
ASGECI Project # 4362

Dear Mr. Cartica,

Our company would like to obtain data on endangered and threatened wildlife and plant species for the above-mentioned project area. A copy of the ESRI Arcview shapefile that shows the study area, and a copy of the Natural Heritage request form are attached. We would also like to obtain information on documented sightings within one mile of the study area as part of a Flood Hazard Area Control Act (N.J.A.C. 7:13) rule application.

In addition to a list of species that may occur in the study area, we would like to obtain a list of species occurring on the Pennington NJ-PA USGS topographic quadrangle and the most recent listing of Priority Sites and Generalized Natural Heritage Index maps in the vicinity of the site.

If you have any questions regarding this request, please feel free to contact me at our office. Thank you very much for your assistance.

Very truly yours,
AMY S. GREENE ENVIRONMENTAL
CONSULTANTS, INC.

Melyssa Garcia
Environmental Scientist

cc: Jennifer LaStella, Project Manager, ASGECI
Laura Orbine, Controller, ASGECI



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

June 7, 2019

Melyssa Garcia
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Boulevard, Suite 209
Flemington, NJ 08822-4666

Re: Trenton Mercer Airport Area 2 (ASGECI # 4362)
Ewing Township, Mercer County

Dear Ms. Garcia:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

NHP File No. 19-4007437-16838

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 19-4007437-16838

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	No	0 pages included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within the
Immediate Vicinity of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

Table 3: Within 1 Mile for FHACA Searches (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Eastern Meadowlark	<i>Sturnella magna</i>	Breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Breeding Sighting	3	NA	State Threatened	G5	S2B,S3N
	Great Blue Heron	<i>Ardea herodias</i>	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat Within
One Mile of the Project Site
Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1



August 19, 2020

VIA ELECTRONIC MAIL (NJFO ProjectReview@fws.gov)

U.S. Fish and Wildlife Service
New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205

RE: Request for Project Review
for Trenton-Mercer Airport Terminal Area Improvements, including:

Terminal Replacement Project
Block 373, Portions of Lots 5, 6, 7, & 45
and Block 423, Portion of Lot 135
Ewing Township, Mercer County, New Jersey

Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project
Block 373, Portion of Lots 9 and 9.01
Ewing Township, Mercer County, New Jersey

APPLICANT: Trenton-Mercer Airport
340 Scotch Road, Suite 200
Ewing, New Jersey 08628
Attn.: Melinda Montgomery, A.A.E., *Airport Manager*

Consultation Codes: 05E2NJ00-2020-SLI-1395 (Terminal Replacement Study Area)
05E2NJ00-2020-E-03174 (ARFF Study Area)

Dear Sir or Madam:

On behalf of Trenton-Mercer Airport, Amy S. Greene Environmental Consultants, Inc., doing business as Amy Greene Environmental (“AGE”), is submitting this request for a project review in support of the Trenton-Mercer Airport (TTN) Terminal Area Improvement Project in Ewing Township, Mercer County, New Jersey (see Attachment B, Figure Maps). The proposed project includes the construction of a new, 125,000 square foot terminal building and associated airport improvements, as well as the relocation of the Airport’s Aircraft Rescue and Firefighting (ARFF) facility. Please refer to Attachment A for a completed New Jersey Field Office Submission Form/Checklist.

Purpose of and Need for Request

The USFWS Information for Planning and Consultation (IPaC) records for both project areas indicates that both the Federally-listed Endangered Indiana bat (*Myotis sodalis*) and Federally-listed Threatened Northern long-eared bat (*Myotis septentrionalis*, NLEB) may be present in the vicinity of the proposed activities and should therefore be considered in an effects analysis for the proposed project.

According to the “New Jersey Municipalities with Hibernation or Maternity Occurrence of Indiana Bat or Northern Long-Eared Bat,” prepared by USFWS New Jersey Field Office and last revised April 8, 2020, the project areas are not located within a municipality identified as maternity or hibernation habitat for the Northern long-eared bat or Indiana bat.

The IPaC Report also identifies birds of concern that are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, specifically bald eagle (*Haliaeetus leucocephalus*), blue-winged warbler (*Vermivora pinus*), red-headed woodpecker (*Melanerpes erythrocephalus*), rusty blackbird (*Euphagus carolinus*), and wood thrush (*Hylocichla mustelina*).

According to NJDEP Landscape Project Mapping, no threatened or endangered wildlife species or rare natural communities were identified in or adjacent to either study area.

The proposed project is subject to review and approval by the Federal Aviation Administration (FAA) in accordance with National Environmental Policy Act (NEPA). An Environmental Assessment (EA) is being prepared and is currently under review. The FAA has requested that the project team coordinate with all agencies, including the USFWS, to verify that permitting for the project is viable and to obtain guidance on potential timing restrictions, protection measures, or other mitigating measures that may need to be incorporated into the project design. Although a project review is not specifically required to address Indiana bat and Northern long-eared bat, input from the USFWS is requested.

Refer to Attachment C, Correspondence, for copies of the USFWS IPaC Reports for each of the project areas.

Project Description

Trenton-Mercer Airport proposes the construction of a new, 125,000 square foot terminal building and associated airport improvements, including passenger aircraft parking positions with commensurate boarding and hold room facilities, the reconfiguration of parking areas and vehicle circulation roads, the construction of a terminal parking garage to meet forecast demand, the demolition and relocation of the existing Aircraft Rescue and Firefighting (ARFF) facility to accommodate the proposed terminal facility, and the demolition of the existing terminal facility. As currently designed, the proposed terminal replacement project will impact NJDEP-regulated freshwater wetlands, wetland transition areas, State open waters, flood hazard areas, and riparian zones. Additionally, approximately 3.5-acres of forested habitat will be cleared to facilitate the construction of the proposed terminal and associated improvements. The new ARFF facility, as proposed, will not result in any impacts to NJDEP-regulated freshwater wetlands, wetland transition areas, State open waters riparian zones, or flood hazard areas. No tree clearing will be required for the construction of the new ARFF facility. Refer to Attachment E for draft design plans.

Existing Conditions

Trenton-Mercer Airport is located in the Township of Ewing, Mercer County, New Jersey and encompasses approximately 1,297 acres. A majority of the airport consists of expansive areas of maintained lawn, runways, taxiways, and associated airport structures. The study areas consist of a variety of habitats, including previously disturbed, developed lands; regularly and periodically maintained lawns; secondary growth upland forest; woody old field; early successional fields; and freshwater wetlands. Land surrounding the Airport consists of mixed deciduous and oak-pine forests interspersed with residential and commercial development and agricultural lands. Secondary growth forests are located primarily to the south, west and north of the existing airport terminal.

Terminal Replacement Study Area

In December 2018, AGE completed a wetlands delineation of an approximate 22-acre study area in support of the proposed terminal replacement project. The study area contains freshwater wetlands, streams,

maintained upland lawn areas, woody old field, and secondary successional uplands forests. In the vicinity of the existing terminal, topography is relatively flat to moderately sloping to the east and southwest toward an Unnamed Tributary of the Delaware River, which is located southwest of the existing airport terminal. A request for a Letter of Interpretation was prepared and submitted to the NJDEP for review and verification in May 2020; review is ongoing.

The Palustrine forested, shrub-scrub, and emergent wetland complexes within the study area generally contained red maple (*Acer rubrum*), ash (*Fraxinus* sp.), box elder (*Acer negundo*), black willow (*Salix nigra*), American elm (*Ulmus americana*), and pin oak (*Quercus palustris*) in the canopy layer. Silky dogwood (*Cornus amomum*), common elderberry (*Sambucus nigra*), Northern spicebush (*Lindera benzoin*), and multiflora rose (*Rosa multiflora*) were found in the shrub layer. The herbaceous layer consisted of sensitive fern (*Onoclea sensibilis*), soft rush (*Juncus effusus*), Japanese siltgrass (*Microstegium vimineum*), reed canary grass (*Phalaris arundinacea*), broad leaf cattail (*Typha latifolia*), common reed (*Phragmites australis*), and arrow-leaved tearthumb (*Persicaria sagittata*).

The vegetation within the manmade, Palustrine emergent ditches along the west side of Sam Weinroth Road included moneywort (*Lysimachia nummularia*), soft rush, watercress (*Nasturtium officinale*), marsh seedbox (*Ludwigia palustris*), barnyard grass (*Echinochloa muricata*), reed canary grass, celery-leaved buttercup (*Ranunculus sceleratus*), and various grass species. These roadside wetlands are periodically cut as part of routine airport maintenance.

A majority of the uplands within this study area included maintained upland lawn that contained various grass species, including Kentucky bluegrass (*Poa pratensis*), English plantain (*Plantago lanceolata*), white clover (*Trifolium repens*), red clover (*Trifolium pratense*), and common dandelion (*Taraxacum officinale*) in the herbaceous layer.

Forested uplands within the study area contained black cherry (*Prunus serotina*), ash, apple (*Malus* sp.), red maple, and American elm in the canopy; wild grape (*Vitis* sp.) and Oriental bittersweet (*Celastrus orbiculatus*) in the woody vine layer; Japanese barberry (*Berberis thunbergii*) and Tatarian honeysuckle (*Lonicera tatarica*) in the shrub layer; and Japanese honeysuckle (*Lonicera japonica*), wild strawberry (*Fragaria vesca*), common reed, tall goldenrod (*Solidago altissima*), Japanese stiltgrass, and wild garlic (*Allium vineale*) in the herbaceous layer.

Within the study area, an unnamed tributary to the Delaware River originates from several outfalls near the existing terminal building, which flows north to southwest. The upper reach of this tributary is highly disturbed and receives surface water runoff from several onsite stormwater management basins. Several additional manmade drainage ditches are also present, which eventually discharge to the unnamed tributary to the Delaware River.

The new terminal building and associated improvements will occur within maintained lawn, existing developed or impervious areas, disturbed early successional fields, and forested habitats. A portion of the new terminal will be constructed over the upper reach of the onsite tributary, which has been severely manipulated to convey stormwater from the airport's stormwater infrastructure.

ARFF Study Area

In December 2018, May 2019, and July 2019, AGE completed a wetlands delineation of an approximate 13-acre study area in support of the proposed ARFF relocation project. The study area consists primarily of maintained lawns with lesser amounts of secondary growth forest and freshwater wetlands in the southeastern portion of the study area. In general, the topography of the study area slopes gently to moderately from the runways and taxiways toward Scotch Road and the West Branch Shabakunk Creek.

A request for a Letter of Interpretation was prepared and submitted to the NJDEP for review and verification in December 2019; review is ongoing.

The Palustrine forested wetland fringes associated with the West Branch Shabakunk Creek contained red maple, black willow, American elm, and silver maple (*Acer saccharinum*) in the canopy layer; red maple saplings; silky dogwood and Northern spicebush in the shrub layer; and soft rush, narrow-leaved cattail (*Typha angustifolia*), and reed canary grass in the herbaceous layer.

Small, isolated emergent wetlands were also identified within the study area within the maintained airfields adjacent to the taxiways. These emergent wetlands generally contained slender rush (*Juncus tenuis*), common fox sedge (*Carex vulpinoidea*), lady's thumb (*Persicaria maculosa*), and yellow nutsedge (*Cyperus esculentus*).

A majority of the uplands within this study area included maintained upland lawn that contained various grass species (*Poa* spp.), English plantain, white clover, red clover, chicory (*Cichorium intybus*), and hawkweed species (*Hieracium* spp.) in the herbaceous layer.

A small area of forested upland was also identified within the southeast portion of the study area. This area contained hackberry (*Celtis occidentalis*), red maple, black cherry, and white ash (*Fraxinus americana*) in the canopy; oriental bittersweet, wild grape, Japanese honeysuckle (*Lonicera japonica*), and poison ivy (*Toxicodendron radicans*) in the woody vine layer; Japanese wineberry (*Rubus phoenicolasius*), multiflora rose, Allegheny blackberry (*Rubus allegheniensis*), and Tatarian honeysuckle (*Lonicera tatarica*) in the shrub layer; and Japanese stiltgrass, garlic mustard (*Alliaria petiolata*), wild garlic (*Allium vineale*), and common mugwort (*Artemisia vulgare*) in the herbaceous layer.

Within the forested portion of the ARFF study area, the West Branch Shabakunk Creek emanates from an outfall and flows southeast, where it becomes impounded due to the present of a manmade dam. From the dam, the stream continues to flow southeast toward Upper Ferry Road, at which point the stream enters an underground culvert.

The proposed ARFF facility and associated improvements are proposed in maintained upland lawn areas.

Purpose and Need of the Project

TTN is an important economic engine for the Trenton region. Enplanements have increased by nearly 200 percent since the start of LCC airline service in 2012. The terminal is experiencing chronic congestion and is significantly undersized for the current level of enplanements. The main terminal building contains old, outdated systems that do not meet the current standards. The existing terminal building was constructed when the airport provided 55,000 annual enplanements compared to the existing demand of over 350,000 annual enplanements. In addition, the existing terminal building was constructed before additional security measures were required as a result of September 11. The terminal would be unable to accommodate existing and future demand. The Proposed Action would accommodate the existing and most current FAA approved forecast passenger enplanements demand.

The purpose of the Proposed Action is to facilitate the accommodation of existing and 2035 FAA approved forecast passenger enplanement demands while meeting the needs of the Transportation Security Administration (TSA), airlines, concessionaires, and passengers, all while providing a modern gateway for the surrounding Mercer County region.

The existing terminal area, including the terminal buildings, access road, and parking areas, do not provide many of the basic passenger amenities and comforts expected by modern travelers. The existing terminal

has numerous deficiencies, which have resulted in safety, security, efficiency, and comfort concerns. Terminal deficiencies include:

- The existing terminal was constructed in 1975 and exceeds the FAA recommended minimum useful lifespan of 40 years.
- The existing terminal consists of additions that were added over time, resulting in an inefficient layout and flow of passengers.
- The existing terminal was constructed to accommodate approximately 170 peak hour enplaned passengers (based on seating capacity) and currently services a minimum of 276 peak hour passengers based on schedule and operations.
- The existing terminal consists of two separate buildings, resulting in passenger confusion.
- The existing terminal does not comply to American Disabilities Act (ADA) standards.
- The existing terminal building HVAC is in various stages of disrepair and needs replacement.
- The existing terminal security measures, including surveillance systems, are inadequate.
- The existing terminal was constructed prior to implementation of TSA requirements, and as such, the TSA checkpoint does not meet standards.
- New security requirements recommend approximately 3,460 square feet for two screening lanes. The current configuration has 1,720 square feet for two screening lanes.
- The recommended number of enplaned passengers to restroom square foot ratio is approximately 3.7 passengers to one square foot vs the current ratio of 8.6 passengers to one square foot. This is 2.3 times below the recommended ratio.
- The existing single terminal hold room seating capacity is inadequate for current passenger enplanements.
- The Airport currently uses four aircraft parking positions. Passengers are required to leave the terminal through one of two doors and walk outside to aircraft via the air ramp/stairs.
- The recommended configuration is for a passenger boarding bridge to serve each aircraft parking position to minimize air conditioning/heating in the aircraft during boarding and provide passengers with protection from the weather.
- The existing terminal building and baggage facility comprises approximately 25,000 SF, and an analysis of required space indicates a need of approximately 125,000 SF.
- Existing terminal access roadway and parking has inefficient wayfinding and existing passenger parking capacity is inadequate for passenger forecast demand.
- The existing ARFF facility needs to be relocated to accommodate a relocated terminal building.

The actual increases in enplaned passengers have occurred despite the congestion of the existing terminal building. Addressing the terminal deficiencies would not increase passenger enplanements, but rather would enhance the experience of passengers already utilizing TTN and those that would do so in the future. Left unaddressed, the terminal area would continue to experience chronic and worsening congestion and operational difficulties associated with passenger overcrowding.

Previous Bat Studies and Agency Coordination

In August 2015, Eco-Tech Consultants, Inc. conducted a summer acoustic study at the Airport in support of the runway obstruction removal project to determine the presence or probable absence of federally listed bat species, specifically Indiana bat and Northern long-eared bat. The level of effort for the survey was based on the maximum area of land disturbance that could be expected as a result of the obstruction removal project. As such, the 2015 study assumed that the proposed project would require the removal of individual or groups of trees that affect navigable airspace within an approximate 130 acres of forested habitat. Please note that tree clearing required for the terminal replacement project overlaps with the proposed obstruction removal project study area, which was based on the maximum area of possible land disturbance (see Attachment B, Figure 1 – Bat Acoustic Survey Sites Figure Map). Also note that the amount of tree clearing proposed as part of the obstruction removal project has since been significantly reduced to only include

critical obstructions, which has been determined to be approximately 31 acres (collectively) of forested habitat, generally located at the departure and approach ends of each runway.

An informal habitat assessment conducted as part of the acoustic study determined that potential habitat in the area was characterized as being low to moderate quality for Northern long-eared bats and not likely to support Indiana bats. Most of the habitat consisted of early to mid-successional forest with a high amount of clutter in the understory and a limited number of potential roost trees. Observations of the surrounding area indicated this type of habitat was plentiful outside the Airport. Automated and qualitative analysis of approximately 90 hours of acoustic data (i.e., eight detector nights) were collected during the summer bat acoustic survey for the obstruction removal project.

Automated acoustic analysis determined the likely presence of eight species within the project vicinity, including the federally endangered Indiana bat and the federally threatened NLEB; however, qualitative analysis of the 16 suspected *Myotis* spp. calls confirmed only one of these calls as being from a *Myotis* species. Both the software and qualitative analysis indicate the call likely came from a little brown bat (*Myotis lucifugus*). Based on the habitat and acoustic survey data collected, it was determined that the habitat is unlikely to support Indiana bats and that any potential impacts to NLEB resulting from the obstruction removal project would be negligible to both the local and overall population. If requested, a copy of the Final Bat Acoustic Survey Report, prepared by Eco-Tech Consultants, Inc. and dated September 2015, will be provided under separate cover.

As stated in a letter, dated October 8, 2015, the USFWS New Jersey Field Office concurred that the loss of foraging and roosting habitat due to the proposed obstruction removal project is anticipated to be insignificant or discountable since no NLEB or Indiana bats were detected during the acoustic study. The USFWS also agreed that the proposed obstruction removal project is not likely to adversely affect NLEB and Indiana bat (see Appendix C for a copy of the concurrence letter). Although the activities associated with the obstruction removal project are not likely to adversely affect federally-listed species, the project may impact other bat species that are currently being reviewed for listing under the ESA, specifically little brown bat (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*); therefore, the USFWS recommends a time-of-year restriction on tree clearing activities for any trees $\geq 5''$ diameter at breast height from April 1 through September 30 to prevent incidental death or injury to other adult bat species and/or their pups.

According to a telephone conversation between myself and Ms. Alicia Protus of the USFWS New Jersey Field Office on October 10, 2019, it is our understanding that no additional presence/absence studies will be required if tree clearing is completed during the winter based on the estimated amount of tree clearing required for the terminal replacement project (approximately 3.5 acres). No tree clearing will be required to facilitate the construction of the new ARFF facility.

Schedule

A conceptual level schedule was developed by Urban Engineers for the proposed project:

- September 2020 – Design development
- October 2020 – Submit permit applications for NJDEP and Delaware & Raritan Canal Commission (DRCC)
- April 2021 – Receive approval from NJDEP and DRCC
- June 2021 – Bid/Procurement
- September 2021 – Start Construction

Conservation Measures

A majority of the proposed project areas consist of maintained airfield grasslands, previously disturbed and developed areas, early successional fields, woody old fields, and forested areas. As currently designed, the

proposed terminal replacement project will impact approximately 3.5-acres of potential bat habitat. No tree clearing will be required for the construction of the new ARFF station. Mitigation of potential impacts to NLEB and Indiana bat resulting from the construction of the new terminal will include time of year restrictions for tree removal. Specifically, tree removal will be limited to October 1 through March 31 to avoid direct impacts to individual bats and potential occupied roost trees. Implementation of this tree clearing timing restriction will also provide protection to migratory birds during the nesting season. Based on the measures to avoid, minimize, and mitigate impacts, it is anticipated that the Proposed Action is not likely to adversely affect the continued existence of potential NLEB, Indiana bat, other bat species, or their habitat.

Following construction, reforestation of approximately 1.68 acres will occur along the south side of the new terminal access road and terminal building to provide some compensation for the loss of forested habitat associated with the construction of the new terminal. Once established, the diversity of planted native trees and shrubs will provide habitat and forage for a variety of wildlife, as well as roosting opportunities for bat species.

Conclusion and Request for USFWS Input

As indicated above, based on the estimated amount of tree clearing required for the terminal replacement project (approximately 3.5 acres), the USFWS has indicated that no additional presence/absence studies will be required if tree clearing is completed during the winter months. The implementation of an all-encompassing tree clearing restriction of April 1 through September 30 will help minimize or avoid direct impacts to Indiana bat, NLEB, and other bat species. This timing restriction is also anticipated to prevent incidental take of nesting migratory birds, chicks, and/or eggs. In addition, the reforestation of approximately 1.68 acres will provide foraging, roosting, and habitat for a variety of wildlife once established. The proposed project activities are not likely to adversely affect Indiana bat, Northern long-eared bat, and migratory birds.

As stated above, an Environmental Assessment (EA) is being prepared and is currently under review by the FAA for the proposed projects. The FAA has requested that the project team coordinate with all agencies, including the USFWS, to verify that permitting for the project is viable and to obtain guidance on potential timing restrictions, protection measures, or other mitigating measures that may need to be incorporated into the project design. Guidance and input from the USFWS is therefore requested.

If you have any questions or require any additional information to complete your review, please contact me at 908-788, 9676, ext. 4889, or on my cell phone at 908-797-0365.

Sincerely,
AMY S. GREENE ENVIRONMENTAL
CONSULTANTS, INC.



Jennifer LaStella
Sr. Project Manager

Attachments

cc: USFWS NJFO: Alicia Protus (via electronic mail)
Urban Engineers: Dale Russell, CJ Rufo, Chris Gubeno, Kelly Hewton (via electronic mail)
McFarland Johnson: Aimee Rutledge (via electronic mail)
Amy Greene Environmental: File #4362

ATTACHMENT A

Request for Project Review

for Trenton-Mercer Airport Terminal Area Improvements, including:

Terminal Replacement Project

Block 373, Portions of Lots 5, 6, 7, & 45

and Block 423, Portion of Lot 135

Ewing Township, Mercer County, New Jersey

and *Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project*

Block 373, Portion of Lots 9 and 9.01

Ewing Township, Mercer County, New Jersey

AGE Project #4362

NEW JERSEY FIELD OFFICE SUBMISSION FORM/CHECKLIST

New Jersey Field Office Submission Form/Checklist (*Optional*)

The following submission form/checklist is being provided by the U.S. Fish and Wildlife Service (Service), New Jersey Field Office (NJFO) as a way to assist with project reviews. This is an optional form that can be submitted with your request for Section 7 consultation or technical assistance. Note, please do not submit requests for project review to the NJFO if:

- 1) IPaC has returned a result of “There are no listed species found within the vicinity of the project”.
- 2) All species given in the IPaC report have “no effect” determinations (see [consultation guidance](#) on the NJFO website and [Project Screening Chart](#)).
- 3) IPaC has returned a result for ONLY northern long-eared bat (*Myotis septentrionalis*, threatened) or Indiana bat (*Myotis sodalis*, endangered) and consultation has been completed using an applicable determination key on IPaC (*i.e.*, the [Northern long-eared bat 4\(d\) rule determination key](#), or the [FHWA/FRA/FTA determination key](#) for projects in the range of the Indiana and northern long-eared bat).

1. **Date:** August 19, 2020
2. **Lead agency or applicant:** Trenton-Mercer Airport (Applicant)

Under Section 7 consultation this refers to the Federal government lead action agency initiating consultation.

3. Requesting agency or individual:

- a. Name: Melinda Montgomery, A.A.E.
- b. Title: *Airport Manager*
- c. Phone: 609-882-1601
- d. Email: mmontgomery@mercercounty.org

4. **Project name(s):** Trenton-Mercer Airport Terminal Area Improvements, including the Terminal Replacement Project and ARFF Station Demolition and Relocation Project

5. **Project consultation code(s) on IPaC official species list(s):** 05E2NJ00-2020-SLI-1395 and -2020-E-03174

6. **County, Township, Block and Lot numbers:** Terminal Replacement Project
Block 373, Portions of Lots 5, 6, 7, & 45
and Block 423, Portion of Lot 135
Ewing Township, Mercer County, New Jersey

ARFF Station Demolition and Relocation Project
Block 373, Portion of Lots 9 and 9.01
Ewing Township, Mercer County, New Jersey

7. **Location of the project in decimal degrees:** Terminal Replacement Project
40.27394, -74.82004

ARFF Station Demolition and Relocation Project
40.27794, -74.80731

8. **Will a State Freshwater Wetland Permit be required?** Yes

9. Provide a list of any other non-Federal authorizations being sought:

NJDEP Flood Hazard Area Individual Permit
Delaware & Raritan Canal Commission (DRCC) Individual Approval for Major Project

10. Detailed project description and summary of available habitat/species surveys results:

Refer to the Letter Request for a Project Review for a detailed project description and description of existing conditions.

11. If tree clearing is being proposed and IPaC has returned a result of Indiana bat, please indicate whether clearing of trees ≥ 5 inches in diameter at breast height will be seasonally restricted. If so, provide the appropriate time- of-year restriction as described at the bottom of the [Project Screening Chart](#).

Tree clearing will be restricted to the winter months, specifically between October 1 and March 31.

12. If IPaC returned a result of northern long-eared bat, does the NLEB 4(d) determination key indicate that incidental take for the project is excepted under the northern long-eared bat 4(d) rule?

Instructions available at:

https://www.fws.gov/midwest/endangered/mammals/nleb/determination_key_instructions_nleb.html

Yes. According to NLEB 4(d) determination key, the Terminal Replacement Project and ARFF Station Demolition and Relocation Project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

13. Proposed conservation measures to avoid impacts to federally listed species identified in your IPaC report (for guidance see [endangered species home pages](#)):

A majority of the proposed project areas consist of maintained airfield grasslands, previously disturbed and developed areas, early successional fields, woody old fields, and forested areas. As currently designed, the proposed terminal replacement project will impact approximately 6-acres of potential bat habitat. No tree clearing will be required for the construction of the new ARFF station. Mitigation of potential impacts to NLEB and Indiana bat resulting from the construction of the new terminal will include time of year restrictions for tree removal. Tree removal will be limited to October 1 through March 31 to avoid direct impacts to individual bats and potential occupied roost trees. Implementation of this tree clearing timing restriction will also provide protection to migratory birds during the nesting season. Based on the measures to avoid, minimize, and mitigate impacts, it is anticipated that the Proposed Action is not likely to adversely affect the continued existence of potential NLEB, Indiana bat, other bat species, or their habitat.

Following construction, reforestation of approximately 1.68 acres will occur along the south side of the new terminal access road and terminal building to provide some compensation for the loss of forested habitat associated with the construction of the new terminal. Once established, the diversity of planted native trees and shrubs will provide habitat and forage for a variety of wildlife, as well as roosting opportunities for bat species.

14. Your assessment of potential impacts to federally listed species from the proposed project, and your preliminary determination for each species (*i.e.*, no effect, may affect but not likely to adversely affect, or may affect and likely to adversely affect). Please list all species found on the IPaC species list and include a determination for each species (see step 3 of [consultation guidance](#) and [Project Screening Chart](#)).

Indiana bat – May affect but not likely to adversely affect

Northern long-eared bat – May affect but not likely to adversely affect

15. Indicate if the Service's recommendations to protect other wildlife resources will be implemented (*i.e.*, step 6 in NJFO's [consultation guidance](#)).

Tree clearing will be restricted to the winter months, specifically October 1 through March 31 to avoid direct impacts to individual bats and potential occupied roost trees. Implementation of this tree clearing timing restriction will also provide protection to migratory birds during the nesting season.

The proposed project will impact freshwater wetlands, wetland transition areas, State open waters, flood hazard areas, and riparian zones. Authorization to impact these environmentally sensitive areas will be requested from the NJDEP. Each project will be designed in accordance with the NJDEP Flood Hazard Area Control Act Rules ("FHACA;" N.J.A.C. 7:13) and Freshwater Wetlands Protection Act Rules ("FWWPA;" N.J.A.C. 7:7A). Further, avoidance, minimization, and mitigating measures will be incorporated into the project design, wherever practicable. Mitigation will be provided for impacts to freshwater wetlands and riparian zones in accordance with the NJDEP FHACA Rules and FWWPA rules.

ATTACHMENT B

Request for Project Review

for Trenton-Mercer Airport Terminal Area Improvements, including:

Terminal Replacement Project

Block 373, Portions of Lots 5, 6, 7, & 45

and Block 423, Portion of Lot 135

Ewing Township, Mercer County, New Jersey

and *Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project*

Block 373, Portion of Lots 9 and 9.01

Ewing Township, Mercer County, New Jersey

AGE Project #4362

FIGURE MAPS

ARFF Station Demolition and Relocation Project (Prepared by AGE)

Figure 1 – County Road Map

Figure 2 – SSURGO Soils Map

Figure 3 – NJDEP Wetlands and Streams Map

Figure 4 – USGS Topographic Map

Terminal Replacement Project Figure Maps (Prepared by AGE)

Figure 1A – County Road Map

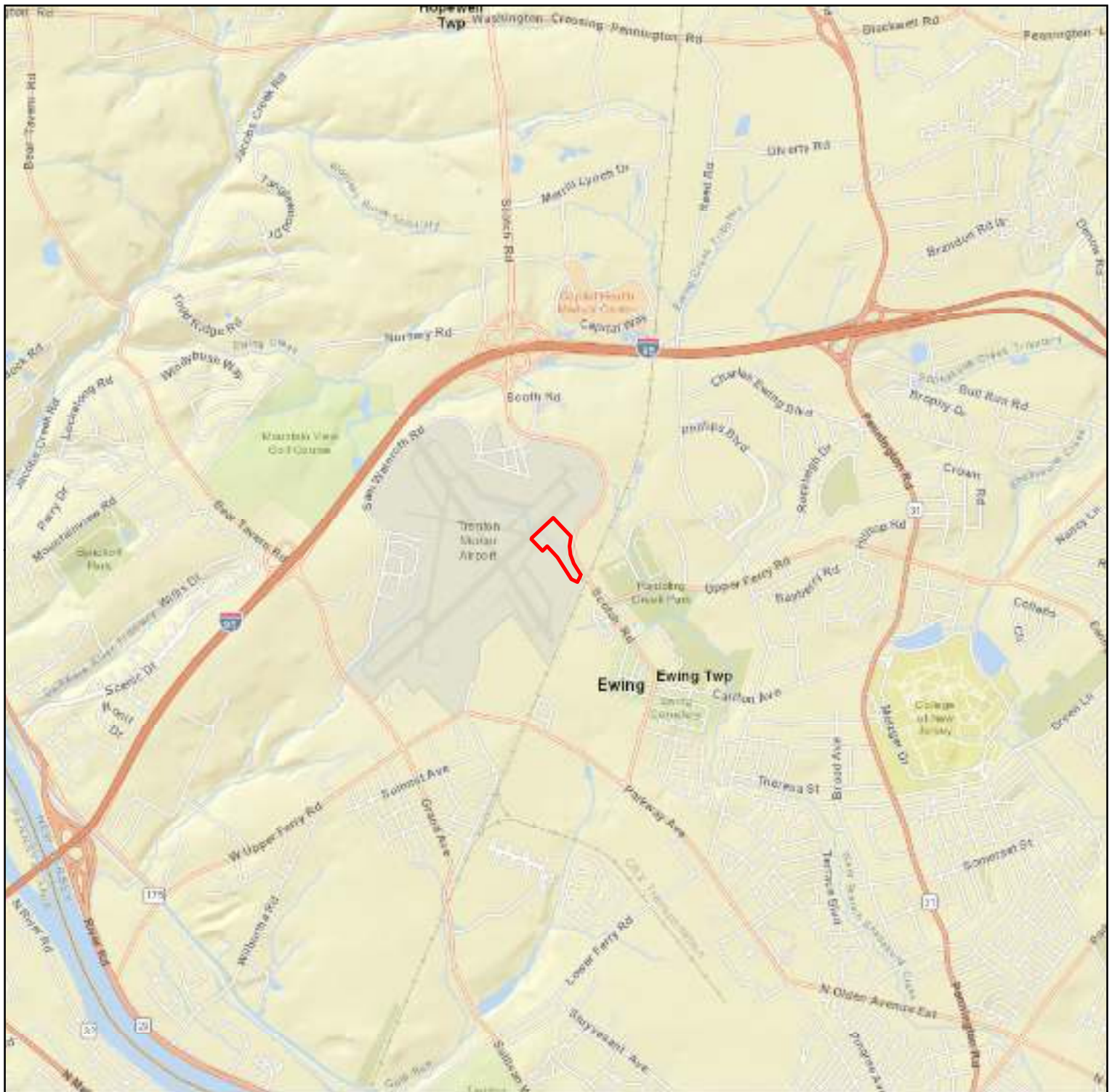
Figure 2A – SSURGO Soils Map

Figure 3A – NJDEP Wetlands and Streams Map


Figure 4A – USGS Topographic Map

Bat Acoustic Survey Figure Map (Prepared by Eco-Tech Consultants, Inc.)

Figure 1 – Bat Acoustic Survey Sites in the Trenton-Mercer Airport Project Area



Legend

 Study Area

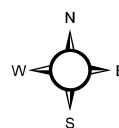



Study Area

Figure 1
County Road Map

Trenton Mercer Airport
Aircraft Rescue and Firefighting (ARFF) Station
Block 373, portion of Lots 9 & 9.01
Ewing Township
Mercer County, New Jersey

ASGECI Project # 4487




3,000

Feet



Source:
ESRI Street Map was developed using Esri basemap data, DeLorme basemap layers, U.S. Geological Survey elevation data, HERE data, and select data from the GIS user community, released by ESRI® Data & Maps, Redlands, California, 2019.



Legend

 Study Area

SOILS LIST:

- QukB - Quakertown silt loam,
2 to 6 percent slopes
- UdbB - Udorthents, bedrock substratum,
0 to 8 percent slopes

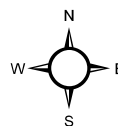


Sources:
Soil Survey Geographic (SSURGO) Database for Mercer County, New Jersey,
U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, Texas, January 2014.
New Jersey 2015 High Resolution Orthophotography, NAD83 NJ State Plane Feet, State of New Jersey -
Office of Information Technology, Office of Geographic Information Systems, Trenton, NJ, February 2015

Figure 2
SSURGO Soils Map

Trenton Mercer Airport
Aircraft Rescue and Firefighting (ARFF) Station
Block 373, portion of Lots 9 & 9.01
Ewing Township
Mercer County, New Jersey

ASGECI Project # 4487







200
Feet





Legend

-  Study Area
-  Streams and Water Quality
-  NJDEP Freshwater Wetlands
-  NJDEP Linear Wetlands

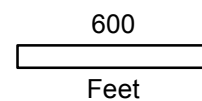
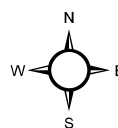


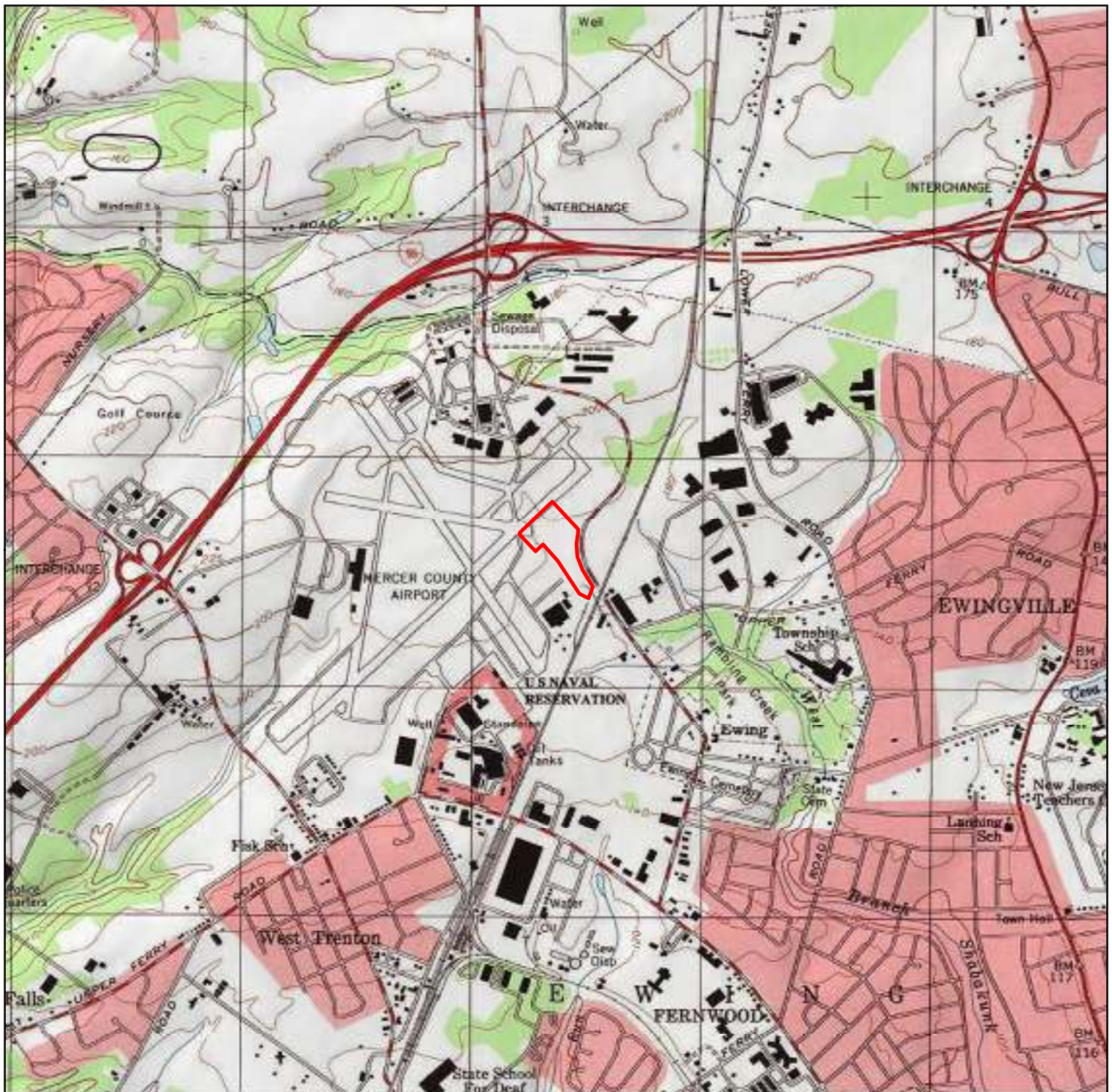
Sources:
 NJDEP Surface Water Quality Standards of New Jersey, NJ Department of Environmental Protection, Water Monitoring & Standards, Bureau of Freshwater and Biological Monitoring, Trenton, NJ, December 2010.
 NJDEP Wetlands of New Jersey by County, 1986, New Jersey Department of Environmental Protection, Office of Information Resources Management, Bureau of Geographic Information & Analysis, NJDEP, November 1999.
 New Jersey 2015 High Resolution Orthophotography, NAD83 NJ State Plane Feet, State of New Jersey - Office of Information Technology, Office of Geographic Information Systems, Trenton, NJ, February 2016

Figure 3
NJDEP Wetlands and Streams Map


Trenton Mercer Airport
 Aircraft Rescue and Firefighting (ARFF) Station
 Block 373, portion of Lots 9 & 9.01
 Ewing Township
 Mercer County, New Jersey

ASGECI Project # 4487





Legend

 Study Area

New Jersey State Plane Coordinates in NAD83 for the approximate center of site -
 North: 526,306' // East: 406,388'

Latitude and Longitude Coordinates in NAD83 for the approximate center of site -
 N: 40° 16' 40.58" / W: 74° 48' 26.30"



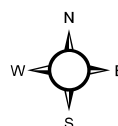
Study Area

Figure 4
USGS Topographic Map

Trenton Mercer Airport
 Aircraft Rescue and Firefighting (ARFF) Station
 Block 373, portion of Lots 9 & 9.01
 Ewing Township
 Mercer County, New Jersey

ASGECI Project # 4487

Source:
 National Geographic Society (NGS) USA Topographic Maps, seamless, scanned images of
 United States Geological Survey (USGS) paper topographic maps, Pennington NJ-PA Quadrangle,
 copyright 2013, distributed as a web mapping service by ESRI® Data & Maps, Redlands, California, 2017




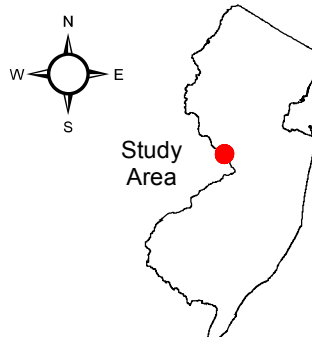
2,000
 Feet





Legend

 Study Area

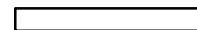


**Figure 1A
County Road Map**

Trenton - Mercer Airport
portions of
Block 373; Lots 5, 6, 7, & 45
and Block 423; Lot 135
Ewing Township
Mercer County, New Jersey

ASGECI Project # 4362

3,000




Feet



Source:
ESRI Street Map was developed using Esri basemap data, DeLorme basemap layers, U.S. Geological Survey elevation data, HERE data, and select data from the GIS user community, released by ESRI® Data & Maps, Redlands, California, 2019.



Legend

 Study Area

SOILS LIST:

- BucB - Bucks silt loam, 2 to 6 percent slopes
- BucC2 - Bucks silt loam, 6 to 12 percent slopes, eroded
- QukB - Quakertown silt loam, 2 to 6 percent slopes
- QukB2 - Quakertown silt loam, 2 to 6 percent slopes, eroded
- QukC2 - Quakertown silt loam, 6 to 12 percent slopes, eroded
- REFB2 - Readington and Abbottstown silt loams, 2 to 6 percent slopes, eroded
- UdbB - Udorthents, bedrock substratum, 0 to 8 percent slopes

Sources:
 Soil Survey Geographic (SSURGO) Database for Mercer County, New Jersey,
 U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, Texas, January 2014.
 New Jersey 2015 High Resolution Orthophotography, NAD83 NJ State Plane Feet, MrSID Tiles, State of New Jersey -
 Office of Information Technology (NJGIT), Office of Geographic Information Systems (OGIS), Trenton, NJ, February 2016.

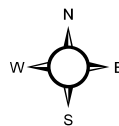


Figure 2A SSURGO Soils Map

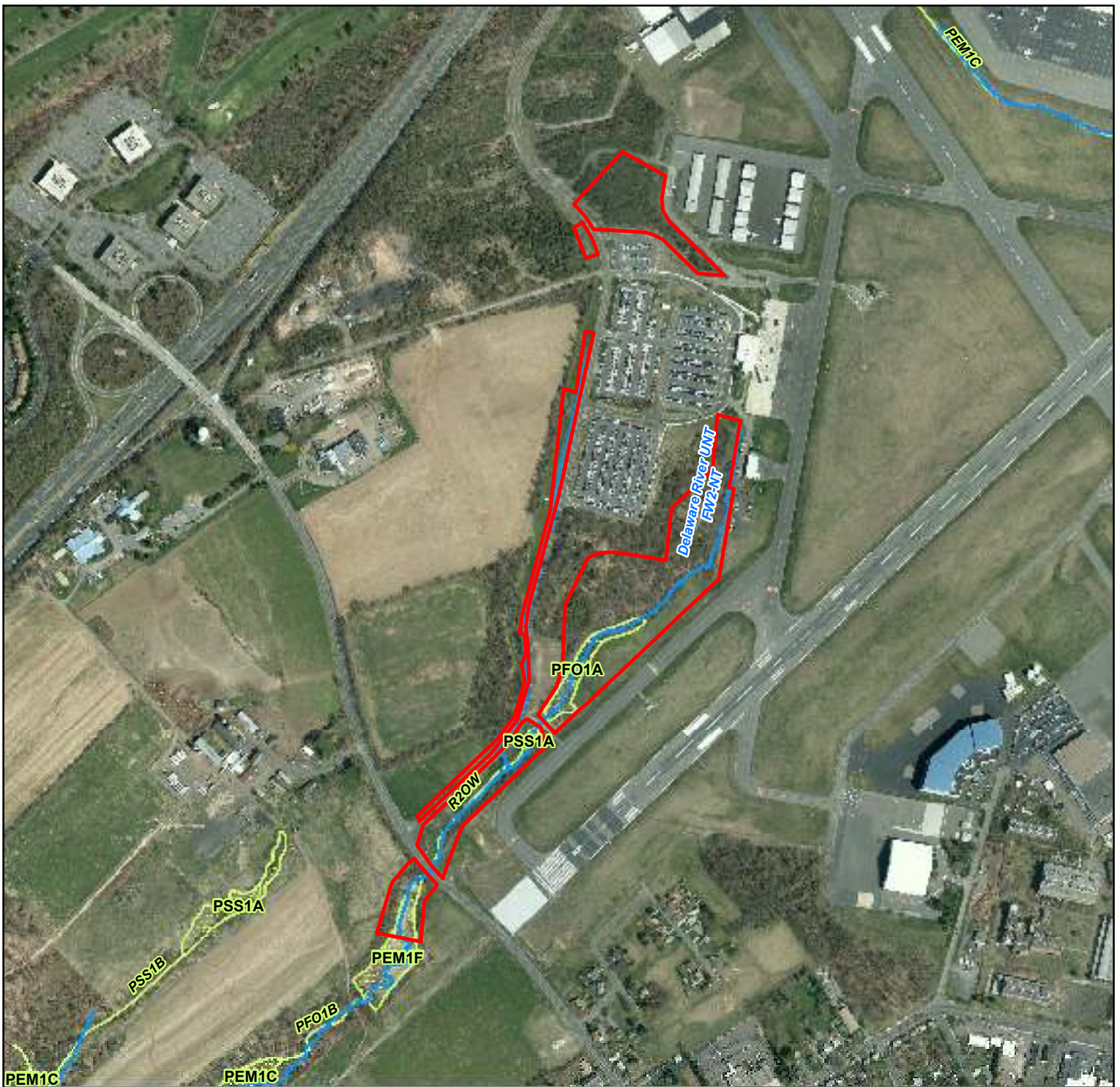
Trenton - Mercer Airport
 portions of
 Block 373; Lots 5, 6, 7, & 45
 and Block 423; Lot 135
 Ewing Township
 Mercer County, New Jersey

ASGECI Project # 4362

600

Feet



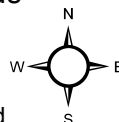


Legend

-  Study Area
-  Streams with Water Quality
-  NJDEP Freshwater Wetlands
-  NJDEP Linear Wetlands

WETLAND CLASSIFICATIONS:

- PEM1F - Palustrine, Emergent, Persistent, Semipermanently Flooded
- PFO1A - Palustrine, Forested, Broad-Leaved Deciduous, Temporarily Flooded
- PSS1A - Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Temporarily Flooded
- R2OW - Riverine, Lower Perennial, Open Water, Unknown Bottom



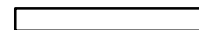
Sources:
 NJDEP Wetlands of New Jersey by County, 1986, New Jersey Department of Environmental Protection (NJDEP), Office of Information Resources Management, Bureau of Geographic Information and Analysis, NJDEP, Trenton, November 1999.
 NJDEP Surface Water Quality Standards of New Jersey, NJ Department of Environmental Protection (NJDEP), Water Monitoring & Standards (WMS), Bureau of Freshwater and Biological Monitoring (BFBM), Trenton, NJ, December 2010.
 New Jersey 2015 High Resolution Orthophotography, NAD83 NJ State Plane Feet, MrSID Tiles, State of New Jersey - Office of Information Technology (NJGIT), Office of Geographic Information Systems (OGIS), Trenton, NJ, February 2016.

**Figure 3A
 NJDEP Wetlands & Streams Map**

Trenton - Mercer Airport
 portions of
 Block 373; Lots 5, 6, 7, & 45
 and Block 423; Lot 135
 Ewing Township
 Mercer County, New Jersey

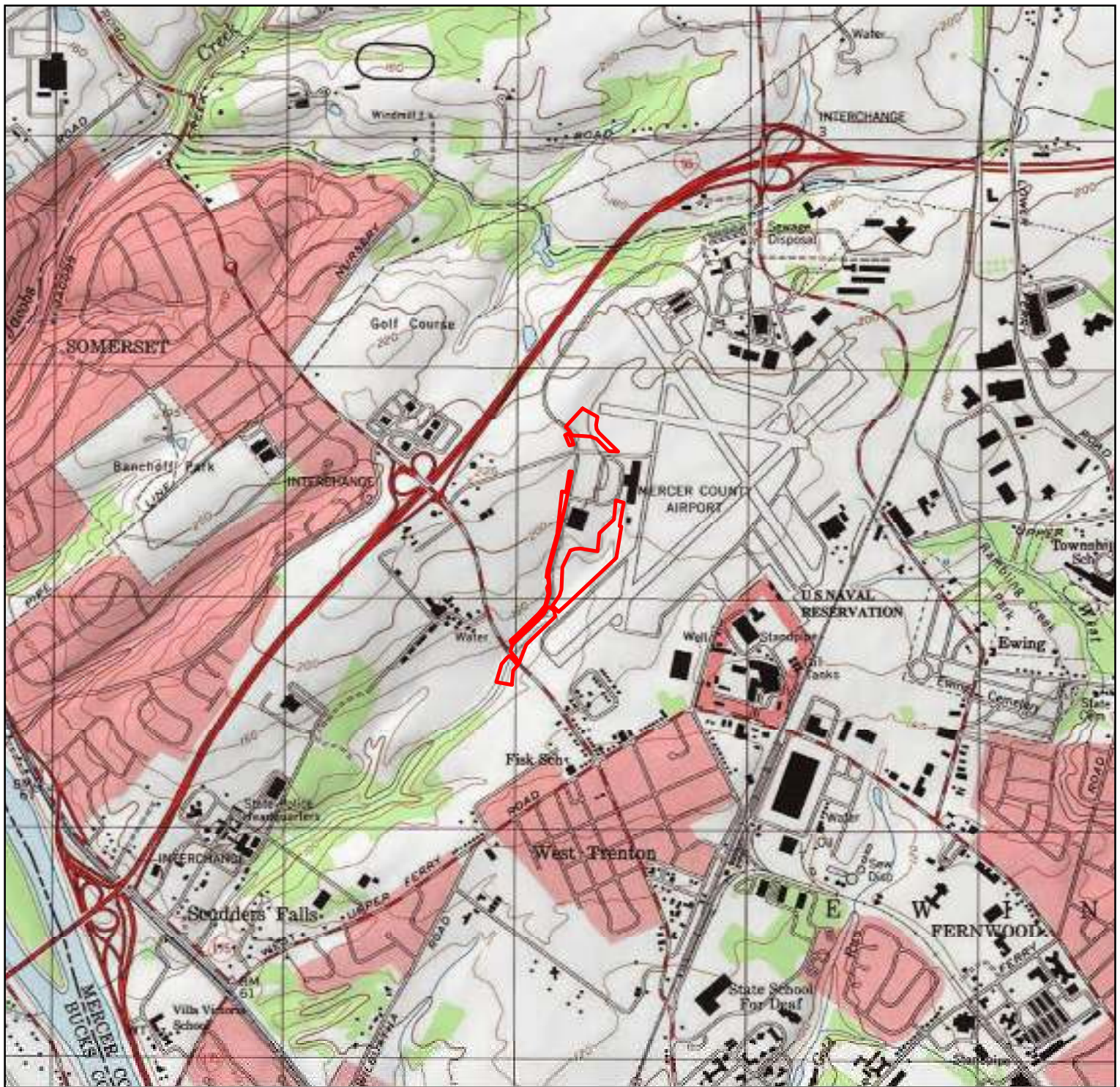
ASGECI Project # 4362

700




Feet



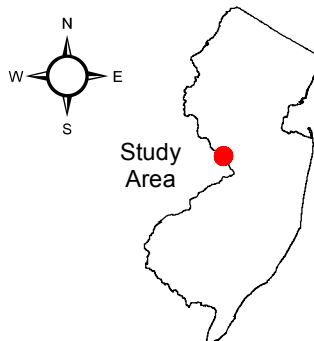


Legend

 Study Area

New Jersey State Plane Coordinates in NAD83 for the approximate center of study area -
 North: 524,862' // East: 402,828'

Latitude and Longitude Coordinates in NAD83 for the approximate center of study area -
 N: 40° 16' 26.19" / W: 74° 49' 12.16"



**Figure 4A
 USGS Topographic Map**

Trenton - Mercer Airport
 portions of
 Block 373; Lots 5, 6, 7, & 45
 and Block 423; Lot 135
 Ewing Township
 Mercer County, New Jersey

ASGECI Project # 4362

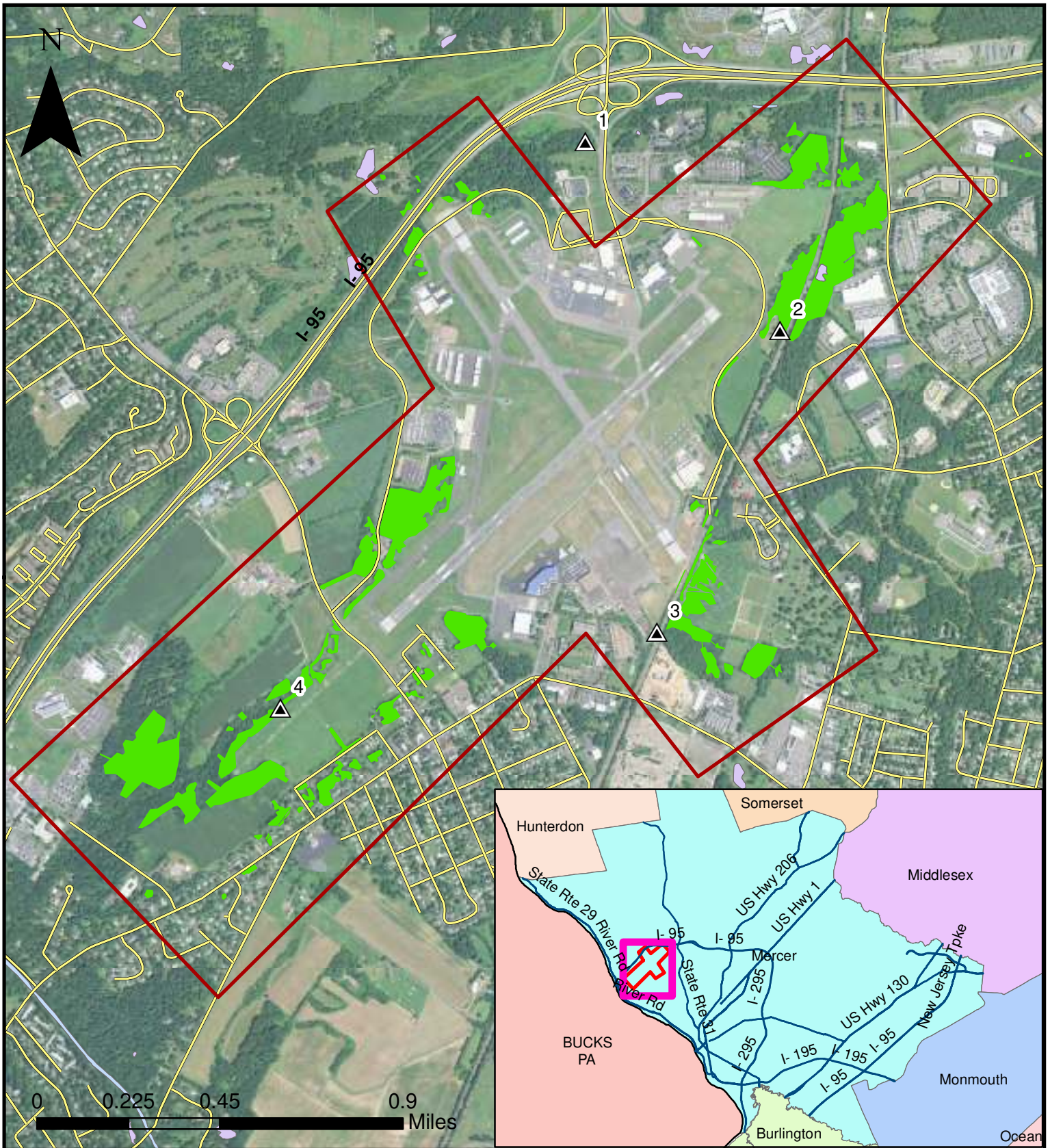
2,000



Feet



Source:
 National Geographic Society (NGS) USA Topographic Maps, seamless, scanned images of
 United States Geological Survey (USGS) paper topographic maps, Pennington NJ/PA Quadrangle,
 copyright 2013, distributed as a web mapping service by ESRI® Data & Maps, Redlands, California, 2011



Legend






-  Acoustic survey sites
-  Project boundary
-  Road
-  Natural water feature
-  Tree obstruction

Figure 1

Bat Acoustic Survey Sites in the Trenton-Mercer Airport Project Area

Mercer County, New Jersey



Eco-Tech
CONSULTANTS

Drawn by: RRN

Print Date: 09/04/15

Prepared for: ASGECI

ETC File: LV2015020

ATTACHMENT C

Request for Project Review
for Trenton-Mercer Airport Terminal Area Improvements, including:
Terminal Replacement Project
Block 373, Portions of Lots 5, 6, 7, & 45
and Block 423, Portion of Lot 135
Ewing Township, Mercer County, New Jersey
and *Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project*
Block 373, Portion of Lots 9 and 9.01
Ewing Township, Mercer County, New Jersey
AGE Project #4362

CORRESPONDENCE

NJDEP Natural Heritage Program Letter for Trenton Mercer Airport Area 1
(Terminal Replacement Study Area),
dated January 22, 2019 (NHP File No. 19-4007437-15901)

NJDEP Natural Heritage Program Letter for Trenton Mercer Airport Area 2
(Terminal Replacement Study Area),
dated June 7, 2019 (NHP File No. 19-4007437-16838)

NJDEP Natural Heritage Program Letter for the ARFF Station,
dated January 24, 2020 (NHP File No. 20-4007437-18525)

USFWS Bat Acoustic Survey Report Concurrence Letter, dated October 8, 2015 (File #2015-I-0629)

USFWS IPaC Report for the Terminal Replacement Project, dated July 29, 2020
(Consultation Code: 05E2NJ00-2020-SLI-1395)

USFWS IPaC Report for the ARFF Station, dated August 18, 2020
(Consultation Code: 05E2NJ00-2020-E-03174)



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

January 22, 2019

Melyssa Garcia
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Boulevard, Suite 209
Flemington, NJ 08822-4666

Re: Trenton Mercer Airport Area 1 (ASGECI # 4362)
Ewing Township, Mercer County

Dear Ms. Garcia:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

NHP File No. 19-4007437-15901

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 19-4007437-15901

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat on the
Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat on the
Project Site Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within the
Immediate Vicinity of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**Vernal Pool Habitat
In the Immediate Vicinity of
Project Site Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type

Vernal Pool Habitat ID

Potential vernal habitat area

1563

Total number of records: 1

Table 3: Within 1 Mile for FHACA Searches (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Strank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Eastern Meadowlark	Sturnella magna	Breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Grasshopper Sparrow	Ammodramus savannarum	Breeding Sighting	3	NA	State Threatened	G5	S2B,S3N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Wood Thrush	Hylocichla mustelina	Breeding Sighting	2	NA	Special Concern	G4	S3B,S4N

**Vernal Pool Habitat Within
One Mile of the Project Site
Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

June 7, 2019

Melyssa Garcia
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Boulevard, Suite 209
Flemington, NJ 08822-4666

Re: Trenton Mercer Airport Area 2 (ASGECI # 4362)
Ewing Township, Mercer County

Dear Ms. Garcia:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

NHP File No. 19-4007437-16838

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 19-4007437-16838

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	No	0 pages included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within the
Immediate Vicinity of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

Table 3: Within 1 Mile for FHACA Searches (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Eastern Meadowlark	<i>Sturnella magna</i>	Breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Breeding Sighting	3	NA	State Threatened	G5	S2B,S3N
	Great Blue Heron	<i>Ardea herodias</i>	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat Within
One Mile of the Project Site
Based on Search of
Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

January 24, 2020

John Pabish
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Boulevard, Suite 209
Flemington, NJ 08822-4666

Re: Trenton Mercer Airport Aircraft Rescue and Firefighting (ARFF) Station - DRGNJ4487-1-FHA
Block(s) - 373, Lot(s) - 9 & 9.01 9 (portions of)
Ewing Township, Mercer County

Dear Mr. Pabish:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted in order to make a riparian zone width determination as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are

NHP File No. 20-4007437-18525

provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 20-4007437-18525

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	No	0 pages included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within the
Immediate Vicinity of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Table 3: Within 1 Mile for Riparian Zone Width Determination
(6 possible reports)**

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences for Riparian Zone Width Determination (Flood Hazard Area Control Act Rule Application) - Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites for Riparian Zone Width Determination - Within One Mile of the Project Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat for Riparian Zone Width Determination - Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat for Riparian Zone Width Determination - Within One Mile of the Project Site Based on Search of Landscape Project 3.3	Yes	1 page(s) included
5. Rare Wildlife Species or Wildlife Habitat for Riparian Zone Width Determination - Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species for Riparian Zone Width Determination - Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p>Rare Wildlife Species or Wildlife Habitat for Riparian Zone Width Determination Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches</p>
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Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Cooper's Hawk	Accipiter cooperii	Breeding Sighting	2	NA	Special Concern	G5	S3B,S4N
	Eastern Meadowlark	Sturnella magna	Breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Grasshopper Sparrow	Ammodramus savannarum	Breeding Sighting	3	NA	State Threatened	G5	S2B,S3N
	Great Blue Heron	Ardea herodias	Foraging	2	NA	Special Concern	G5	S3B,S4N

**Vernal Pool Habitat for Riparian Zone Width Determination
Within One Mile of the Project Site
Based on Search of Landscape Project 3.3**

Vernal Pool Habitat Type	Vernal Pool Habitat ID
Potential vernal habitat area	1563
Total number of records:	1



United States Department of the Interior

FISH AND WILDLIFE SERVICE



In Reply Refer To:
2015-1-0629

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
<http://www.fws.gov/northeast/njfieldoffice/>

Jeffrey H. Schwierjohann
Eco-Tech Consultants, Inc.
11321 Decimal Drive
Louisville, Kentucky 40299

OCT 08 2015

Re: Summer bat acoustic survey report for the proposed obstruction/removal project at the Trenton-Mercer Airport in Ewing Township, Mercer County, New Jersey

Dear Mr. Schwierjohann:

This letter responds to your September 15, 2015 summer bat acoustic survey report submitted to the U.S. Fish and Wildlife Service's (Service), New Jersey Field Office (NJFO). The summer bat survey was completed to determine if the federally listed (threatened) northern long-eared bat (*Myotis septentrionalis*) and/or the federally listed (endangered) Indiana bat (*Myotis sodalis*) may occur within the action area of the Trenton-Mercer Airport in Ewing Township, Mercer County, New Jersey. The proposed project is being completed to remove obstructions that may affect navigable airspace surrounding the Trenton-Mercer Airport. The Service is providing comments regarding the results of the summer bat acoustic survey and potential impacts to migratory birds.

AUTHORITY

The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) to ensure the protection of federally listed endangered and threatened species, and the Migratory Bird Treaty Act of 1918 (40 Stat. 755, as amended; 16 U.S.C. 703-712) (MBTA) to ensure the protection of migratory bird species.

SERVICE REVIEW

The Service has reviewed the results of summer acoustic surveys conducted during the period of August 10 to August 13, 2015 on the subject property. No northern long-eared bats or Indiana bats were positively detected during the summer surveys. Due to the proximity of the project site to known northern long-eared bat and Indiana bat capture sites, transient northern long-eared bats and Indiana bats may occasionally forage or roost at the project site. However, since no northern long-eared bats or Indiana bats were captured, loss of foraging and roosting habitat from the proposed project is anticipated to be insignificant and discountable. Therefore, the Service concurs with your determination that the proposed project is not likely to adversely affect the

northern long-eared bat and Indiana bat. Since the project site is within the known range of the northern long-eared bat and Indiana bat, the project site may be occupied by northern long-eared bats or Indiana bats in future years. Therefore, if tree clearing within the project site is not completed prior to August 13, 2017, the Service must be contacted to determine if additional summer surveys will be required.

Except for the aforementioned species, no federally listed or proposed threatened or endangered flora or fauna are known to occur within the vicinity of the proposed project. In view of these findings we believe that the requirements of Section 7 of the ESA have been fulfilled for this project. Your obligations under Section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered; (2) the proposed action is subsequently modified to include activities that were not considered during this consultation; (3) new species are listed or critical habitat designated; or (4) tree clearing is not completed by August 13, 2017.

MIGRATORY BIRDS

Tree cutting and/or shrub removal can adversely affect migratory birds if conducted during the nesting season. The MBTA prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Neither the MBTA nor its implementing regulations at 50 CFR Part 21 provide for permitting of “incidental take” of migratory birds.

According to the New Jersey Division of Fish and Wildlife Guidance Manual for the Protection of Fish and Wildlife Resources dated June 2008, the appropriate timing restriction to protect nesting migratory birds from tree or shrub/scrub removal is March 15 to July 31. While nests without birds or eggs are unprotected under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs and unfledged chicks is illegal. We recommend implementing the aforementioned seasonal restriction for any proposed tree/shrub removal.

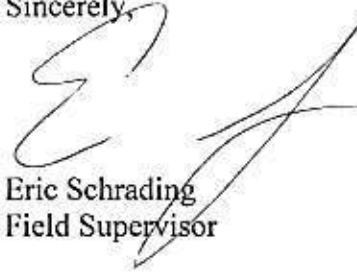
OTHER COMMENTS

The proposed project will remove forested habitat that may affect the navigable airspace surrounding the Trenton-Mercer Airport. Although the activities associated with the project are not likely to adversely affect federally listed species, the proposed project may impact other wildlife that are being reviewed for listing under the ESA. Currently the Service is conducting an internal review of the little brown bat (*Myotis lucifugus*) to determine if this species may warrant protection under the ESA. Based on the 2015 summer acoustic survey results, the little brown bat may occur within the footprint of the proposed project. The assumed presence of little brown bats suggests little brown bats may use the footprint of the project for foraging or as a travel corridor. Although mist netting and radio telemetry was not used to document a maternity colony or maternity roosts, the Service believes maternity roosts may occur in the action area. Removal of maternity roosts during the active season (April 1 to September 30) may result in the death or injury of adults and/or their pups. The removal of maternity roosts may also cause a little brown bat colony to split or search for other roosting and foraging areas. To prevent injury or death to individual little brown bats that may roost in the footprint of the project, the Service

recommends a time-of-year restriction on tree clearing activities. The recommended time-of-year restriction on tree clearing activities (any trees ≥ 5 " diameter at breast height) is from April 1 to September 30.

If you have any questions or require further assistance regarding federally listed threatened or endangered species, or migratory birds, please contact Jeremy Markuson at (609) 383-3938, extension 45.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schradling', written over a printed name and title.

Eric Schradling
Field Supervisor

cc: Jeffrey H. Schwierjohann – (JSchwierjohann@ecotechinc.com)
Christen M. Craig – (ccraig@cscos.com)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

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

In Reply Refer To:

July 29, 2020

Consultation Code: 05E2NJ00-2020-SLI-1395

Event Code: 05E2NJ00-2020-E-02975

Project Name: DRGNJ4362

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected

through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2020-SLI-1395

Event Code: 05E2NJ00-2020-E-02975

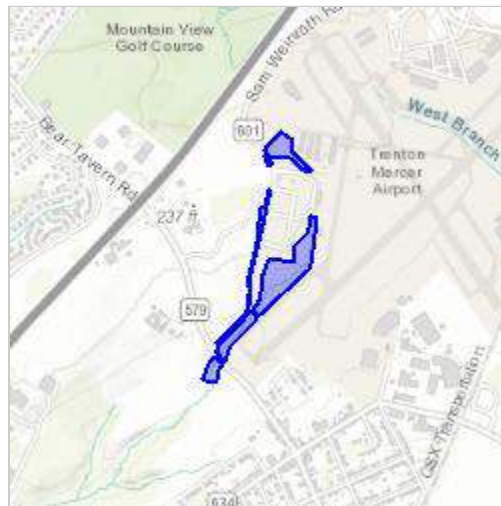
Project Name: DRGNJ4362

Project Type: TRANSPORTATION

Project Description: Trenton - Mercer Airport, portions of Block 373, Lots 5, 6, 7, & 45 and Block 423, Lot 135, Ewing Township, Mercer County, New Jersey

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.2739952446954N74.819660300775W>



Counties: Mercer, NJ

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- [PEM1C](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PSS1/4D](#)
- [PSS4C](#)

RIVERINE

- [R5UBFx](#)
- [R5UBH](#)
- [R2UBH](#)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

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

In Reply Refer To:

August 18, 2020

Consultation Code: 05E2NJ00-2020-SLI-1480

Event Code: 05E2NJ00-2020-E-03174

Project Name: DRGNJ4487

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected

through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2020-SLI-1480

Event Code: 05E2NJ00-2020-E-03174

Project Name: DRGNJ4487

Project Type: TRANSPORTATION

Project Description: Trenton Mercer Airport ARFF Station Ewing Twp Mercer Co NJ

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.27770876423138N74.80711212083173W>



Counties: Mercer, NJ

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [R4SBA](#)

ATTACHMENT D

Request for Project Review

for Trenton-Mercer Airport Terminal Area Improvements, including:

Terminal Replacement Project

Block 373, Portions of Lots 5, 6, 7, & 45

and Block 423, Portion of Lot 135

Ewing Township, Mercer County, New Jersey

and *Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project*

Block 373, Portion of Lots 9 and 9.01

Ewing Township, Mercer County, New Jersey

AGE Project #4362

PHOTOGRAPHS WITH DESCRIPTIONS

TERMINAL REPLACEMENT STUDY AREA



Photo A – View, facing north-northeast, of a manmade emergent wetland ditch (Wetland FF) along the west side of Sam Weinroth Road (west of existing terminal).



Photo B – View, facing northeast near Flag BB60, of maintained upland lawn adjacent to Wetland BB (far left), located southwest of the departure end of Runway 6. This area is well beyond the limit of disturbance (i.e., near the intersection of Sam Weinroth Road and Bear Tavern Road).



Photo C – View, facing north-northeast at Flag OWBB43, of an Unnamed Tributary to the Delaware River and associated wetlands and State open waters, located near the intersection of Sam Weinroth Road and Bear Tavern Road.



Photo D – View, facing northeast near Flag AA1, of an Unnamed Tributary to the Delaware River and associated wetland complex (Wetland AA). The southern end of the limit of disturbance is located to the west; no disturbance is proposed to this portion of Wetland AA or the tributary.



Photo E – View, facing northeast, of an Unnamed Tributary to the Delaware River and associated wetland complex (Wetland AA) located approximately 600 feet southwest of the proposed terminal building. No disturbance to this portion of Wetland AA is proposed.



Photo F – View facing west of a Palustrine emergent wetland with scattered trees and shrubs located approximately 500 feet southwest of the proposed terminal building (Wetland AA). Vegetation in this area included red maple, ash, silky dogwood, soft rush, moneywort, and Japanese stiltgrass. No disturbance to this portion of Wetland AA is proposed.



Photo G – View, facing southeast, of a Palustrine scrub-shrub/emergent wetland (Wetland AA) located immediately south of the new terminal building limit of disturbance.



Photo H – View, facing northwest toward the existing southern parking lot of the terminal, of secondary successional upland forest. This area is proposed to be cleared as to facilitate the construction of the terminal access road and terminal building.



Photo I – View, facing southeast at Flags AA81/AA82 from the top of a stormwater outfall, of a manmade emergent wetland ditch that drains to an Unnamed Tributary to the Delaware River. This area is within the proposed footprint of the new terminal building and associated courtyard.

ARFF STATION STUDY AREA



Photo A – View, facing west-northwest, of an isolated palustrine emergent wetland (Wetland XX) in the western portion of the study area. This wetland is located outside the limit of disturbance associated with the ARFF service road.



Photo B – View, facing southwest, of an isolated palustrine emergent wetland (Wetland YY) in the western portion of the study area. This wetland is located outside the limit of disturbance associated with the ARFF service road.



Photo C – View, facing northeast, of a palustrine forested wetland (Wetland II) in the southern portion of the study area. This wetland complex will not be disturbed as part of the ARFF relocation project.



Photo D – View, facing southwest, of upland forest in the southern portion of the ARFF study area. This area will not be disturbed as part of the ARFF relocation project.



Photo E – View, facing west, of maintained, upland lawn in the eastern portion of the site. No wetlands were identified at this location. A portion of the ARFF parking lot and stormwater basin is proposed within this area (right of the fence).



Photo F – View, facing north along Scotch Road, of maintained, upland lawn in the eastern portion of the site. No wetlands were identified at this location. The ARFF parking lot is proposed in this area along the Scotch Road frontage. The ARFF station will be constructed just outside the view of this photograph (left) in maintained upland lawn areas.

ATTACHMENT E

Request for Project Review

for Trenton-Mercer Airport Terminal Area Improvements, including:

Terminal Replacement Project

Block 373, Portions of Lots 5, 6, 7, & 45

and Block 423, Portion of Lot 135

Ewing Township, Mercer County, New Jersey

and *Aircraft Rescue and Firefighting (ARFF) Station Demolition and Relocation Project*

Block 373, Portion of Lots 9 and 9.01

Ewing Township, Mercer County, New Jersey

AGE Project #4362

DRAFT DESIGN PLANS

Entitled:

Figure 3-6: Relocated Aircraft Rescue and Firefighting

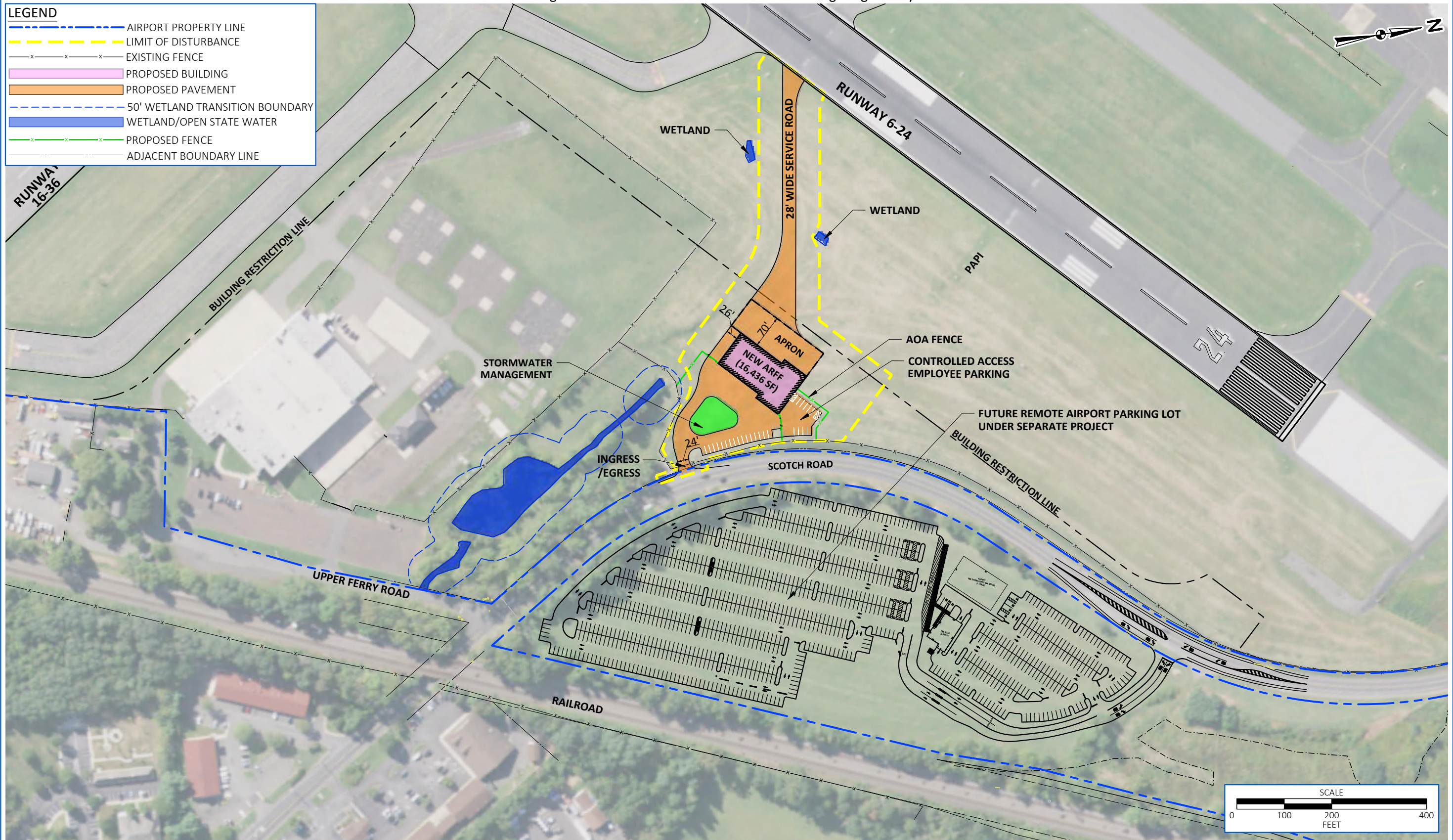
Figure 3-11: Terminal Building Alternative 4C – Replacement Design C – Preferred Alternative

Prepared by:

McFarland Johnson



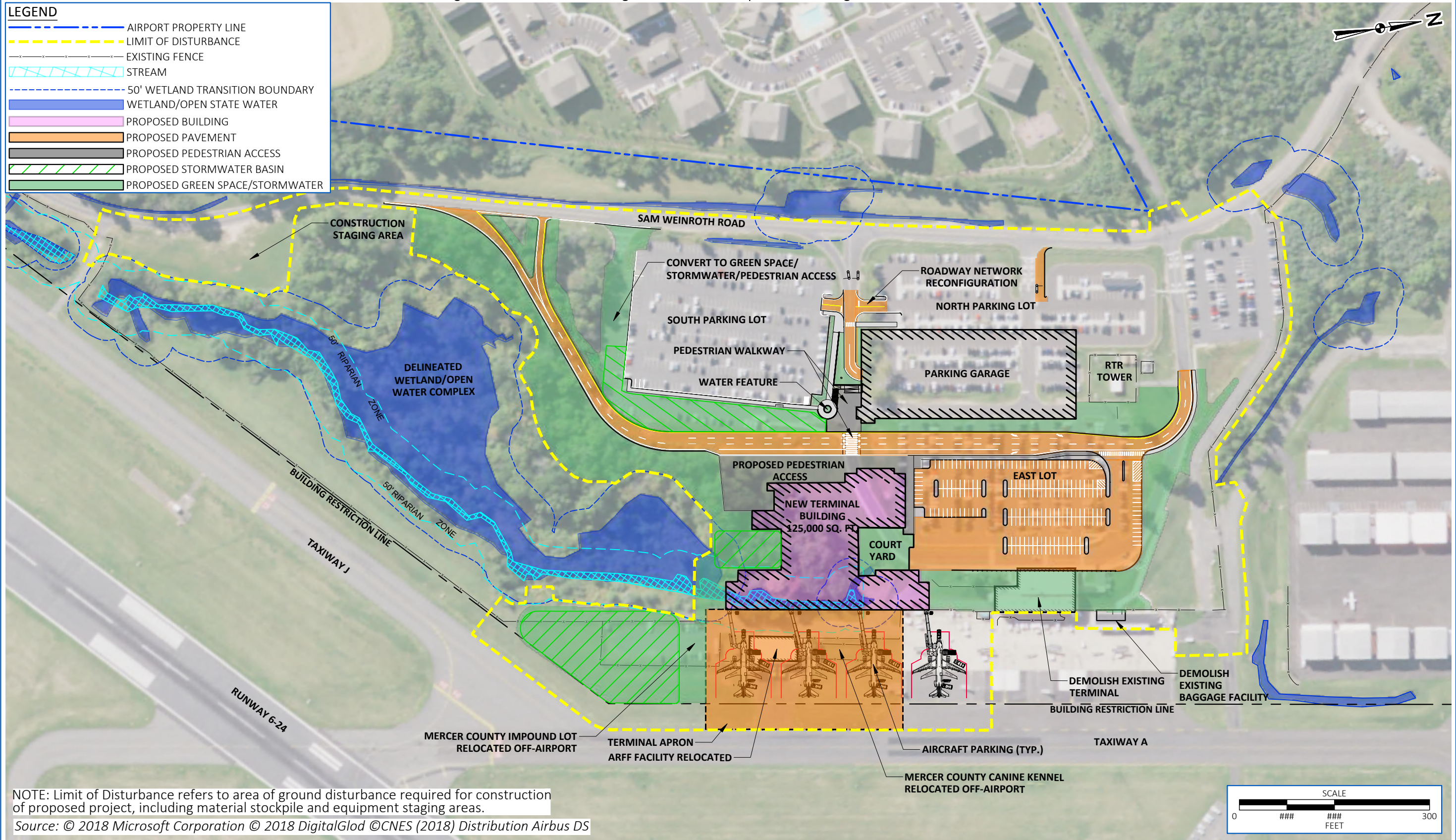
Figure 3-6: Relocated Aircraft Rescue and Firefighting Facility



K:\Trenton\T-18408.00 TTN Terminal EA\Draw\Drawings\Figures\ARFF.dwg



Figure 3-11: Terminal Building Alternative 4C - Replacement Design C - Preferred Alternative





United States Department of the Interior



FISH AND WILDLIFE SERVICE

New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205
Tel: 609/646 9310

www.fws.gov/northeast/njfieldoffice/

In reply refer to:
2020-I-1395

11/12/2020

Jennifer LaStella
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Blvd. Suite 209
Flemington, New Jersey 08822
Email: jennifer.lastella@davey.com

Reference: Trenton-Mercer Airport Terminal Area Improvements, Ewing Township, Mercer County, New Jersey

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.*) (ESA) to ensure the protection of federally listed endangered and threatened species. The following comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comment by the Service as afforded by other applicable environmental legislation.

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

Species	Basis for Determination
Indiana bat (<i>Myotis sodalis</i>), endangered and northern long-eared bat (<i>Myotis septentrionalis</i>), threatened	The proposed project includes approximately 3 acres of tree removal for the terminal replacement project, with reforestation of approximately 1.68 acres after construction. As per the project submission letter dated August 19, 2020, tree removal activities will be limited to October 1 through March 31 to avoid adverse effects to Indiana bat, northern long-eared bat, and at-risk species including the little brown bat (<i>Myotis lucifugus</i>) and tricolored bat (<i>Perimyotis subflavus</i>).

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: 
Alicia Protus

Authorizing Supervisor: RONALD POPOWSKI
Digitally signed by RONALD POPOWSKI
Date: 2020.11.12 10:08:24 -05'00'
Ronald Popowski

National Flood Hazard Layer FIRMMette



74°48'42"W 40°16'53"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	
	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
	With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
	Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD	
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
	Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS	
	NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
	Effective LOMRs
	Area of Undetermined Flood Hazard <i>Zone D</i>

GENERAL STRUCTURES	
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

OTHER FEATURES	
	20.2 Cross Sections with 1% Annual Chance
	17.5 Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature

MAP PANELS	
	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **9/1/2020 at 3:55 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



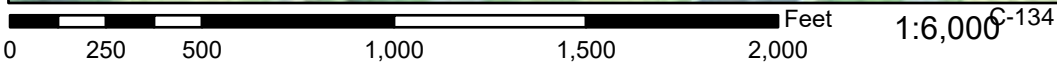
National Flood Hazard Layer FIRMette



74°49'28"W 40°16'45"N



USGS The National Map: Orthoimagery. Data refreshed April 2020



74°48'51"W 40°16'17"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| MAP PANELS | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **9/1/2020 at 3:44 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Pre-Application Conference with DRCC | New ARFF

Conference Call | April 15, 2020 | 2:00 PM – 3:00 PM

Attending: John Hutchinson, Delaware and Raritan Canal Commission (DRCC)
Joe Ruggeri, Delaware and Raritan Canal Commission (DRCC)
Rick Domas, DY Consultants
Parshva Shah, DY Consultants
Niraj Lamichhane, DY Consultants
Alexis Espinoza, DY Consultants
Jen LaStella, Amy Greene Consultants

Meeting began with an introduction of all in the meeting.

After introductions, DY Consultants began a PowerPoint presentation by noting the main agenda items: 1) Introduction; 2) Existing Conditions; 3) Site Constraints; 4) DRCC Permit Requirements; 5) Schedule. DY noted that the location of the future ARFF had to work within various on-site conditions and constraints, e.g., the overall configuration of the lot in relation to Runway 6-24 and Scotch Road; existing grades, existing drainage patterns, and proposed drainage patterns; the Part 77 primary and transitional surfaces; and environmental constraints (presence of wetlands around the nearby stream, 100-year flood hazard area boundary and related 100-foot offset to form the stream corridor, as defined by the Delaware and Raritan Canal Commission).

A proposed site plan was presented and discussed with the group with DY noting how the proposed ARFF location successfully addressed the site constraints and challenges. However, DY noted that some regrading may be required within the stream corridor to accommodate the location of the proposed basin in the vicinity and drainage patterns.

DRCC stated that a Memorandum of Agreement (MOA) exists between the DRCC and Trenton-Mercer Airport for construction at the airport. DRCC to check on this; DY will check with the airport.

DY requested DRCC to confirm that their review authority extended to stormwater runoff and water quality impact review (subchapter 8 of the DRCC regulations), stream corridor impact (subchapter 9) and waiver of stream corridor impact standards (sect. 7:45-12.4), and that no review for visual, historic, natural quality, and traffic impacts would be required. John H replied that he wanted to review the distance of the proposed ARFF site to the canal before he could sign-off on no traffic impact review.

DY asked additional specific questions regarding 1) connecting to the existing catch basin that falls just within the stream corridor and whether that would be permitted as a "conditional use" within the DRCC regs; 2) whether an emergency spillway (500-year storm) could be designed to flow into the existing nearby creek; and 3) about the permissibility of regrading within the stream corridor and then returning it to its pre-construction state of turf area. DRCC stated that they need to see

more details, which will be included in the design. However, DRCC did state that regrading within a stream corridor is a “prohibited use.” DRCC mentioned that some of the items may be allowable, but it ultimately comes down to the DRCC commissioners who review and then determine.

Action Items:

<u>Action by</u>	<u>Action Item</u>
DRCC/DY Consultants	Find MOA between Trenton-Mercer Airport and DRCC
DY Consultants	Begin consideration of drainage designs avoiding stream corridor impact

Attachments: PowerPoint Presentation titled “Pre-Application Conference, Delaware and Raritan Canal Commission, Aircraft Rescue and Firefighting (ARFF) Station, Trenton-Mercer Airport”



TRENTON MERCER REPLACEMENT TERMINAL PROJECT

Urban Engineers, Inc. Project No. 2018020278.001

Date & Time: 08/19/20, 2:30 PM

Location Online Meeting and Conference Call

Purpose: Trenton-Mercer Airport Replacement Terminal DRCC Pre-Application Meeting

Attendees: DRCC – John Hutchison, Joe Ruggeri
Amy Greene – Jen LaStella
McFarland Johnson – Aimee Rutledge
Urban Engineers – CJ Rufo, Chris Gubeno, Kelly Hewton

Items of Discussion:

1. CJ Rufo made introductions and presented the ALP, project overview, and existing conditions.
2. Terminal MOA
 - a. The existing terminal MOA was discussed. A former executive director of the DRCC entered into the agreement with the County drawing an atypical stream corridor boundary around the impervious area adjacent to the ARFF building at TTN. DRCC stated that an exclusion is unusual but was deemed appropriate at that time.
 - b. The DRCC was asked if they would uphold the MOA or require a new boundary be defined based on the data presented by Urban, MJ, and Amy Greene.
 - c. DRCC stated that a mix and match of the two options wouldn't make sense so the decision will be to either accept the MOA or define a new corridor.
 - d. A. Rutledge noted that some of the EA figures may need to be updated depending on the DRCC's decision.
 - e. J. LaStella asked if the decision would be influenced based on the proposed future use for area in question. DRCC responded that they are not so much concerned about the area that is already developed but the areas previously undisturbed.
 - f. A. Rutledge asked if it was known how the boundary associated with the MOA was delineated. DRCC believes it was to ease administrative burdens on the county.
 - g. The DRCC stated that it will need time to review and make their decision regarding the MOA.
3. CJ Rufo continued through the slide deck and presented the alternative analysis, site plan, impacts, proposed stormwater management, and anticipated permitting.
4. CJ Rufo asked if a recharge volume exemption for hazardous materials would be applicable. The DRCC responded that further discussion would be needed once plans were finalized.
5. Permitting and Waivers
 - a. CJ Rufo asked if a Review of Traffic Impact would be required. DRCC responded that they will look into past projects to see if it has previously been required.



- b. DRCC confirmed that a General Permit 2 Authorization will not be needed.
 - c. J. LaStella asked for the DRCC's thoughts on being able to obtain a waiver for the project on the basis of economic hardship/public need.
 - d. DRCC responded that they have never issued a waiver based on economic hardship and recommended not pursuing because of the specific requirements of that waiver. In their opinion, the best approach would be to present it as compelling public need (essential public health and safety need because existing terminal is deficient and there is no alternative). They noted it may be a difficult sell to outside stakeholders and general public.
6. Mitigation
- a. J. LaStella asked DRCC if they thought it was likely the commissioners would request mitigation be performed.
 - b. DRCC responded that they have never seen an approval based on public interest that has not required mitigation. DRCC asked if there was another stream corridor located on the airport property that could be mitigated.
 - c. J. LaStella responded that many of the areas that could potentially be used for mitigation are under obstruction restrictions (FAA) limiting mitigation options but stated she would confirm what the options are for onsite mitigation. J. LaStella asked if the DRCC would consider area enhancements as a form of mitigation versus planting trees.
 - d. The DRCC responded that it is not typically done.
 - e. J. LaStella asked what are the options for offsite mitigation.
 - f. DRCC responded that mitigation along the same stream or even within the same watershed has been approved in the past. An easement on the offsite property can be utilized (an agreement with the property owner plus a deed restriction on behalf of the commission).
 - g. The DRCC also noted that onsite mitigation is generally 1:1 while offsite is generally 2:1.
 - h. J. LaStella informed DRCC that the mitigation requirements for the DEP will be fulfilled through credit purchasing and asked if this was an option for DRCC mitigation requirements as well.
 - i. DRCC stated that their regulations only allow the use of credits for stormwater quality and not for corridor impact mitigation.
7. J. LaStella asked if the DRCC believes the project and viable and permitable under their regulations.
8. DRCC provided an example of an NJ Transit project that also had extensive stream corridor impacts that was ultimately approved. They advised the team provide as much information as possible regarding the alternatives considerations, sizing of the proposed project, and the deficiencies of the existing terminal to present a strong argument to the commissioners.

Aimee N. Rutledge

From: Jennifer LaStella <jlastella@amygreene.com>
Sent: Friday, September 20, 2019 10:58 AM
To: Aimee N. Rutledge; Christopher Rufo
Subject: DRCC Stream Corridor Question for Trenton Mercer Airport (#4362)

Hi Aimee and CJ,

Good news! See below.

Jen LaStella, *Sr. Project Manager*
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Blvd., Suite 209
Flemington, NJ 08822
(O) 908-788-9676, ext. 38
(F) 908-788-6788
jlastella@amygreene.com

From: Joseph Ruggeri <joe.drcc@hotmail.com>
Sent: Friday, September 20, 2019 10:53 AM
To: Jennifer LaStella <jlastella@amygreene.com>
Cc: Romsdahl, Tammy <Tammy.Romsdahl@dep.nj.gov>
Subject: Fw: Stream Corridor Question

Hi Jennifer,

Thank you for you email.

The DRCC would accept the NJ Flood Hazard Area in place of the 100-year floodplain for establishing the Commission stream corridor limits.

Let me know of any addition questions.

Regards,
Joe

Joseph Ruggeri, P.E., CFM

Review Zone Officer
joe.drcc@hotmail.com



Delaware & Raritan Canal Commission
<http://www.nj.gov/dep/drcc>
(609) 397-2000

Sent from [Outlook](#)

From: Jennifer LaStella <jlstella@amygreene.com>
Sent: Friday, September 20, 2019 10:37 AM
To: Romsdahl, Tammy <Tammy.Romsdahl@dep.nj.gov>
Subject: [EXTERNAL] Stream Corridor Question

Hi Tammy,

As discussed, I am currently assisting with the preparation of an Environmental Assessment for a project that is proposed in DRCC Review Zone B. As part of the EA, we are currently identifying what environmentally sensitive areas may be present in the project area. In the very near future, we will determine what impacts may result from the implementation of the project and what permits or approvals may be required. The project engineer determined the flood hazard area using the Approximation Method in accordance with the NJDEP Flood Hazard Area Control Rules. Use of this method usually over-estimates the flood hazard area and is generally very conservative. Unfortunately, we do not have the data necessary to determine the 100-year floodplain, which the stream corridor is based on (100-feet from the 100-year floodplain). Would the DRCC accept the use of the flood hazard area for determining the location of the stream corridor?

Thank you in advance for your time and assistance with the above matter.

Jen LaStella, *Sr. Project Manager*
Amy S. Greene Environmental Consultants, Inc.
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(F) 908-788-6788
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1888

June 5, 2019

Jordan Tate
McFarland Johnson Inc.
Environmental Analyst
5 Depot Street
Freeport, ME 04032

Dear Mr. Tate,

This letter is in response to your March 13 and subsequent follow up emails regarding a request for a Sole Source Aquifer review of the proposed construction of a new terminal at the Trenton-Mercer Airport in Ewing Township, Mercer County, NJ. The project will be funded in part by the Federal Aviation Administration (FAA) and Transportation Security Administration (TSA). A small portion of the site of the proposed project is within a 2-mile-wide strip along the Delaware River known as the "Delaware River Streamflow Zone". It is part of the New Jersey Coastal Plain Aquifer System, which was designated by EPA as a Sole Source Aquifer on June 24, 1988 (citation 53 F.R. 23791). Therefore, our review has been conducted in accordance with Section 1424(e) of the Safe Drinking Water Act (SDWA).

The current terminal is divided into two separate facilities, one for arriving passengers and another for departing passengers. The two structures occupy a total area of ~34,000 sq ft. This terminal has been deemed of insufficient capacity for projected future traffic, and the proposal is to build a new terminal approximately four-times the area. The existing apron (tarmac), where planes park to receive and disembark passengers, would be extended southward and the new, larger terminal would be constructed 50 to 100 ft south of the current one. The existing terminal would be demolished, together with roadway and parking areas, to make room for the new entrance and additional parking.

The land on which construction would take place slopes downward toward the east by about ten feet. Therefore, a level terminal floor would mean that the building would have sub-slab areas (basements) of variable depth, with the west side of the building having only a partial basement. Presumably, the land on which the new apron would be built would be graded to be level as well. The apron construction would consist of a standard concrete slab on crushed stone, with a total thickness of 2 ft, which we assume would resist subsidence.

Water would be provided by the existing municipal system. Wastewater would be collected and conveyed via ductile iron piping, ranging in diameter from 6 to 12", and pumped into the existing system. The pump station has not yet been designed, but the pump would likely be electrically powered. The design for the modification of the existing stormwater drainage system is not yet complete, but stormwater runoff would be directed to a closed stormwater drainage system consisting of reinforced concrete pipe. Heat and hot water would be provided by natural gas, and the only petroleum fuel storage on site would be within the unit powering a backup generator.



Based on the information provided, it is anticipated that this project will not pose a significant threat to public health or ground water resources and complies with Section 1424(e) of the SDWA. Please be advised that meeting the requirements of 1424(c) does not preclude the need to meet National Environmental Policy Act (NEPA) requirements to address direct, indirect, and cumulative impacts. This review does not constitute a review under Section 309 of the Clean Air Act; EPA therefore reserves the right to review additional environmental documents on this project.

If you have any questions concerning this matter or would like additional information, please feel free to contact Michael Pochttsch at (212) 637-4147.

Sincerely yours,

Stephanie Lamster, Acting Team Leader
Environmental Review Team

Cc: Stephen Gould