



In Reply Refer To:  
07-10148

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

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>



DEC 11 2006

B. Jennifer Davis, Branch Chief  
Environmental and Performance Assessment Directorate  
Division of Waste Management and Environmental Protection  
Office of Federal and State Materials and Environmental Management Programs  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Ms. Davis:

This responds to your undated letter to the U.S. Fish and Wildlife Service's New Jersey Field Office (Service) (received November 29, 2006) requesting information on the presence of federally listed threatened and endangered species for the Shieldalloy Metallurgical Corporation Facility, Borough of Newfield, Gloucester County, New Jersey. The Service understands that Shieldalloy Metallurgical Corporation is in the application phase of obtaining a long-term control, possession-only license from the U.S. Nuclear Regulatory Commission to store indefinitely approximately 28,000 cubic meters (54,335 cubic feet) of radioactive ferrocolumbianum slag, 20,000 cubic meters (38,811 cubic feet) of baghouse dust, and 9,000 cubic meters (17,465 cubic feet) of radioactively contaminated soil and debris at its facility in the Borough of Newfield.

#### **AUTHORITY**

This response is provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of federally listed endangered and threatened species. These comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comments by the Service pursuant to the December 22, 1993 Memorandum of Agreement among the U.S. Environmental Protection Agency, New Jersey Department of Environmental Protection (NJDEP), and the Service, if project implementation requires a permit from the NJDEP pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B *et seq.*) or comments pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) if federal authorization is required from the Corps of Engineers; nor do they preclude comments on any forthcoming environmental documents pursuant to the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

## FEDERALLY LISTED SPECIES

Pursuant to Section 6 of the ESA, the Service has delegated management responsibility for nesting and foraging bald eagles to the NJDEP, Endangered and Nongame Species Program (ENSP). Areas surrounding the project site have been identified as foraging habitat for the bald eagle by the ENSP. The ENSP maintains up-to-date information on bald eagle foraging areas. Therefore, the Service recommends that the ENSP be contacted at the address below regarding any recommended restrictions to protect foraging bald eagles. The Service will defer to the ENSP regarding restrictions to protect wintering, migrant, and other eagle foraging habitat not associated with a nest site. Should the ENSP determine that foraging eagles will be killed, injured, or harassed by the long-term storage of radioactive materials, further coordination with the Service will be required. Please contact the ENSP at:

Ms. Kathleen Clark  
Endangered and Nongame Species Program  
Division of Fish and Wildlife  
2201 Route 631  
Woodbine, New Jersey 08270  
(609) 628-2103

Except for the bald eagle, no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur on the project site. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

## VERNAL POOLS

A few vernal pools verified by the New Jersey Division of Fish and Wildlife (NJDFW) are located within and in the vicinity of the subject property. Vernal pools are confined depressions (natural or man-made) without a permanently flowing outlet, ponded for at least two continuous months between March and September of a normal rainfall year, and devoid of breeding fish populations. These temporary wetlands provide habitats for many species of amphibians [several of which breed exclusively in vernal pools (*i.e.*, obligates)], as well as a multitude of reptiles, insects, plants, and other wildlife. Vernal pools are protected pursuant to the New Jersey Freshwater Wetlands Protection Act, which applies to all General Permit Authorizations [N.J.A.C. 7:7A-4.3(b)(16)]. Project proponents should avoid or minimize impacts to vernal pools, coordinate project activities with the NJDFW, and initiate any project activities that would impact vernal pools only after receiving the pertinent State permit authorizations.

## OTHER SERVICE COMMENTS

Your incoming correspondence notes that an Environmental Impact Statement is being prepared for the facility. The Service is concerned about the possible effects of indefinite storage of radioactive materials on fish and wildlife resources in southern New Jersey. We also understand that there are approximately 56,000 human residents within a 2-mile radius of the subject facility and that the facility is listed on the U.S. Environmental Protection Agency's National Priority

List for groundwater contamination and radioactive waste. We request an opportunity to review the Environmental Impact Statement when it is available.

Please refer to this office's web site at <http://www.fws.gov/northeast/njfieldoffice/Endangered/eslist.htm> for a current list of federally listed species or candidate species in New Jersey. Candidate species are species under consideration by the Service for federal listing. Although candidate species receive no substantive or procedural protection under the ESA, the Service encourages you to consider candidate species in project planning. Please contact Carlo Popolizio of my staff at (609) 646-9310, extension 32, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,



John C. Staples  
Assistant Supervisor