

**Environmental Review for  
Activity/Project that is Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR 58.35(a)**

**Responsible Entity:** New Jersey Department of Community Affairs, Richard Constable III, Commissioner

**Applicant Name:** \_\_\_\_\_ (First) \_\_\_\_\_ (Last)

\_\_\_\_\_ City of Asbury Park \_\_\_\_\_ (Business/Corporate Name)

**Project Location:** Ocean Avenue Boardwalk: Asbury Ave to Deal Lake Dr. (Street Address)

Asbury Park (Municipality) Monmouth (County) NJ (State) 07712

4501 (Block) 1.01 (Lot)

**FINDING:**

This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)( ), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**CERTIFICATIONS:**

Laura Sliker, LBG  
Preparer Name and Agency

  
Preparer Signature

7/7/2014  
Preparer Completion Date

\_\_\_\_\_  
RE Certifying Officer Name

\_\_\_\_\_  
RE Certifying Officer Signature

\_\_\_\_\_  
RE CO Signature Date

**Funding Information:**

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	NCR	\$926,070

**Estimated Total HUD Funded Amount:** \$926,070

**Estimated Total Project Cost** [24 CFR 58.32(d)]: (HUD and non-HUD funds): \$926,070

**Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

The Neighborhood and Community Revitalization Program (NCR) supports the long-term recovery of small businesses and recovery by funding long-term economic revitalization priorities and supporting business operations. The program is to assist in public facilities improvements; assist businesses in physical improvements, provide loans, loan guarantees and technical assistance to small businesses; and provide assistance towards façade and code-related improvements. Eligible grantees include redevelopment agencies, municipalities, businesses, and non-profit organizations.

**Description of the Proposed Project** [24 CFR 50.12 & 58.32, 40 CFR 1508.25]:

The purpose of this project is to replace the “cobra head” light fixtures along the Asbury Park boardwalk parallel to Ocean Avenue from Asbury Avenue to Deal Lake Drive. The City of Asbury Park is looking to install fixtures that are more efficient and will provide greater public safety.

The project proposes to expand lighting on the boardwalk north of Convention Hall. The City believes this expansion will significantly improve public safety and the attractiveness of the entire boardwalk area. Both areas will also have the necessary wiring storm-proofed so as to allow the lighting and announcements to remain operational for emergency egress and first-responders both during, and after, a hurricane type event.

These next-generation luminaires would be capable to support features that can be added over time, including LED banners for notification and announcement purposes, security cameras, emergency call buttons, and color change lighting for entertainment purposes.

The new lighting will also increase energy efficiency and reduce long term maintenance costs. Replacing conventional lighting with ENERGY STAR LED fixtures will have a positive environmental impact. LED lighting consumes less electricity, thus reducing energy costs for the municipality. LED bulbs also last up to 10 years, well longer than other street lighting sources thus reducing the City’s maintenance costs. The lower fixtures and better optics will also result in a better quality of light with less glare and greatly help reduce light pollution.

**STATUTORY CHECKLIST** [24 CFR 50.4, 24 CFR 58.5]

**DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”**

**“A box”** The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

**“B box”** The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

**IMPORTANT:** Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
<p><b>1. Air Quality</b> [Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p>	A		<p>The proposed project is located in Monmouth County with the following air quality status: Nonattainment for ozone (1997 and 2008), Maintenance for CO, and Maintenance for PM2.5 (1997 and 2006 standards).</p> <p>See <i>NCR38952_AirQualityMap.pdf</i> Source: <a href="http://www.epa.gov/airquality/greenbk/">http://www.epa.gov/airquality/greenbk/</a></p> <p>The NJDEP Division of Air Quality has issued a Memorandum stating that the activities under the CDBG-DR Program are below the Federal General Conformity regulation’s de minimis thresholds and are presumed to conform to the SIP. See <i>NCR38952_AirQualityGenConfMemo_NCR_TO2012.pdf</i>.</p>
<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	A		<p>The proposed project is not located within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The following distances apply from the project site:</p> <p>Lakehurst Naval Air Station is approximately 18.9 miles from the project site; Newark Liberty International Airport is approximately 31.6 miles; and Atlantic City International Airport is approximately 59.7 miles from the site.</p> <p>See <i>NCR38952_AirportHazardsMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

<p><b>3. Coastal Zone Management</b>          [Coastal Zone Management Act sections 307(c) &amp; (d)]</p>	<p><b>A</b></p>	<p>The proposed project is located within the boundaries of the NJ Coastal Area Facility Review Act (CAFRA) Zone. It is not located within the Upland Waterfront Development Zone or the Hackensack Meadowlands, as defined by the State's Coastal Zone Management Program.</p> <p>Per the Coastal Jurisdictional Determination issued by the NJDEP Division of Land Use Regulation (see <i>NCR38952_CoastalJD_NCR_TO1012.pdf</i>), coastal, waterfront development, or coastal wetland permits are <u>not</u> required for the proposed project.</p> <p>See <i>NCR38952_CoastalZoneManagementActMapCAFRA.pdf</i>          Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
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<p><b>4. Contamination and Toxic Substances</b>          [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><b>A</b></p>	<p>During desktop review, the parcel was found to be within the 3,000 ft. radius of one “threatening” sites on the map: 711 Fourth Avenue (Site ID #93432). See location of site, <i>NCR38952_ToxicHazardousRadioactiveSubstancesMap1.pdf</i>.</p> <p>The site was cleared and is no longer considered a threat (see email correspondence with William Lindner, NJDEP from 04/11/14 and associated spreadsheet <i>NCR38952_ToxicsSiteClearance_NCR_TO1012.pdf</i>).</p> <p>Additional sites are visible on the map but have been determined to be located more than 3,000 feet away from the project site are therefore not considered threatening. See map measuring the distance to the next closest site, <i>NCR38952_ToxicHazardousRadioactiveSubstancesMap2.pdf</i>. The remaining visible sites are farther from the project site and are therefore also not threatening.          Source: NJDEP HUD Environmental Review GIS Tool 2.1</p> <p>The parcel may be within the 3,000 foot radius of additional Hazardous Waste cleanup sites, Landfills, solid waste cleanup sites or Hazardous Waste facilities that handle hazardous materials or toxic substances, however, all sites that were determined by NJDEP to be “non-threatening” to the potential HUD project are not depicted on the map.</p> <p><u>Radon:</u> The property is in a municipality designated as a Tier 3 municipality for radon potential. No further action required, provided the applicant complies with DCA construction codes. See <i>NCR38952_RadonTier_NCR_TO1012.pdf</i>          Source: <a href="http://www.nj.gov/dep/rpp/radon/ctytiera.htm#01">http://www.nj.gov/dep/rpp/radon/ctytiera.htm#01</a></p> <p><u>Lead-Based Paint and Asbestos:</u> HUD lead-based paint poisoning prevention rules do not apply as the proposed activity includes rehabilitation of non-residential property per 24 CFR 35.115(a)(7). OSHA regulations presume that surfacing materials used in buildings constructed prior to 1980 contain potential asbestos-containing materials (ACMs). As no rehabilitation of buildings is proposed as part of this project, no further action is required.</p>
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<p><b>5. Endangered Species</b> [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><b>A</b></p>	<p>No Effect determination</p> <p>According to the NJDEP HUD Environmental Review GIS Tool 2.1, a portion of the boardwalk was identified as potential habitat for the Northern Long-Eared Bat, see <i>NCR38952_EndangeredSpeciesMap.pdf</i>. Following their review of the project site, the NJDEP Endangered and Nongame Species Program has made the determination that the proposed project will not affect Northern Long-Eared Bat, see <i>NCR38952_ENSPDetermination_NCR_TO1012.pdf</i>.</p> <p>In addition, Rank 2 - Common Tern and Rank 4 - Least Tern were shown to be present on the site on the Landscape Project Map. See <i>NCR38952_LandscapeProjectMap.pdf</i>. A Natural Heritage Database (NHD) search identified species based patches on the project site and within one mile of the site. See response letter from Natural Heritage Program, <i>NCR38952_NHDResponse_NCR_TO1012.pdf</i>.</p> <p>Source: NJDEP Landscape Project Database 2012 and NJDEP HUD Environmental Review GIS Tool 2.1.</p>									
<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><b>A</b></p>	<p>The proposed project is located in an area where there is a higher percentage of those living below the poverty level and a higher minority population when compared to the County. However, the proposed project aims to improve conditions in the community and help to alleviate crime. No other adverse environmental conditions were identified, and since this is a public facilities project, impacts to environmental justice populations are expected to be beneficial.</p> <table border="1" data-bbox="760 1157 1526 1375"> <thead> <tr> <th>Geography</th> <th>Percent Minority (by blockgroup)</th> <th>Percent Below Poverty (by tract)</th> </tr> </thead> <tbody> <tr> <td>Ocean Ave, Asbury Park, NJ</td> <td>53.66%</td> <td>30.48%</td> </tr> <tr> <td>Monmouth County, NJ</td> <td>22.37%</td> <td>6.627%</td> </tr> </tbody> </table> <p>See <i>NCR38952_EJChecklist_NCR_TO1012.pdf</i> and associated documentation. Source: EPA EJView Demographics (ACS) 2010</p>	Geography	Percent Minority (by blockgroup)	Percent Below Poverty (by tract)	Ocean Ave, Asbury Park, NJ	53.66%	30.48%	Monmouth County, NJ	22.37%	6.627%
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<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><b>A</b></p>	<p>The proposed project involves rehabilitation of lighting fixtures, and will not increase the residential density. No further action is required.</p> <p><a href="https://www.onecpd.info/environmental-review/explosive-and-flammable-facilities/">https://www.onecpd.info/environmental-review/explosive-and-flammable-facilities/</a></p>									

<p><b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>	<p><b>A</b></p>	<p>The project does not involve the acquisition of undeveloped land, conversion of undeveloped land, new construction, or site clearance. No further analysis is required.</p> <p><a href="https://www.onecpd.info/environmental-review/farmlands-protection">https://www.onecpd.info/environmental-review/farmlands-protection</a></p>
<p><b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><b>A</b></p>	<p>The property is located within the Coastal High Hazard Area (100-year floodplain V) but not within a floodway (see <i>NCR38952_FloodplainMgmtNFIPNotinFloodwayMap.pdf</i>).</p> <p>As confirmed by the Division of Land Use Regulation, this project meets the Flood Hazard Area Permit by Rule 7:13-7.2(b)6. See <i>NCR38952_DLURFloodplainDetermination_NCR_TO1012.pdf</i>.</p> <p>The proposed project was evaluated using the 8 decision-making steps detailed in 24 CFR 55.2(b) A “Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain” was published in Spanish in Reporte Hispano on April 10, 2014 and in English in The Star Ledger on April 11, 2014, which both serve the project area. The notices had a comment period of 15 days. Two comments concerning the program were received in response to the early notice; however, these comments were program-related. The issues brought up in the comments are addressed through the review process for land use and endangered species.</p> <p>No practicable alternatives were identified in the 8-step process. The eight-step analysis and the associated documentation are included as <i>NCR38952_Floodplain8Step_NCR_TO1012.pdf</i>. Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

<p><b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<p><b>A</b></p>	<p>The project is not located within the Historic Property Exemption Zone; further review determined that the proposed project is not 48 years of age and is not a building per the FEMA definition. The boardwalk is not shown as eligible on the FEMA NJ Historic Sites and Properties website (<a href="http://fema.maps.arcgis.com/home/webmap/viewer.html">http://fema.maps.arcgis.com/home/webmap/viewer.html</a>) or on the NJ-GeoWeb (<a href="http://njwebmap.state.nj.us/NJGeoWeb/">http://njwebmap.state.nj.us/NJGeoWeb/</a>). The National Register lists Asbury Park Convention Hall which is located along the boardwalk and beach within the proposed project area; however, no alterations to any buildings are planned for this project. No archeological effects are expected as the project is located on already disturbed soils. A Form 1 (No Historic Properties Affected) was prepared and the NJ State Historic Preservation Office (SHPO) has concurred that there are no historic properties affected within the proposed project’s area of potential effects.</p> <p>See <i>NCR38952_HistoricPreservationExemptionZoneMap.pdf</i>, Form 1 and associated documentation, <i>NCR38952_SHPOForms_NCR_TO1012.pdf</i>, and signed Form 1 <i>NCR38952_SHPOConcurrence_NCR_TO1012.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p><b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><b>A</b></p>	<p>The proposed project involves the replacement of lighting in a public space and is not considered noise sensitive. No further analysis is necessary.</p> <p>Source: HUD Noise Guidebook <a href="https://www.onecpd.info/onecpd/assets/File/Noise-Guidebook-Chapter-1.pdf">https://www.onecpd.info/onecpd/assets/File/Noise-Guidebook-Chapter-1.pdf</a></p>
<p><b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><b>A</b></p>	<p>The project does not involve any activities beyond the replacement of lighting fixtures. The SSA authority only applies to new construction and conversion activities. No further analysis is required.</p> <p>Source: <a href="https://www.onecpd.info/environmental-review/sole-source-aquifers">https://www.onecpd.info/environmental-review/sole-source-aquifers</a></p>
<p><b>13. Wetlands Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<p><b>A</b></p>	<p>The proposed project location is not located on or in proximity to freshwater or coastal wetlands.</p> <p>See <i>NCR38952_WetlandsProtectionMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p><b>14. Wild and Scenic Rivers</b> [Wild and Scenic Rivers Act of 1968, particularly section 7(b) &amp; (c); 36 CFR 297]</p>	<p><b>A</b></p>	<p>The proposed project is not located within one mile of a listed wild and scenic river.</p> <p>See <i>NCR38952_WildScenicRiversMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>



## **24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]**

### **1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]**

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

**No.** Cite or attach Source Documentation: NJDEP HUD Environmental Review Tool 2.1  
See NCR38952 AirportHazardsMap.pdf

[Project complies with 24 CFR 51.303(a)(3).]

**Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

### **2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)] Is the project located in a coastal barrier resource area?**

**No.** Cite or attach Source Documentation: Coastal Barrier Resources System (CBRS), USFWS, 2010.  
See NCR38952 CoastalBarrierResourcesActMap.pdf

[Proceed with project.]

**Yes.** Federal assistance may not be used in such an area.

### **3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]**

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

**No.** Cite or attach Source Documentation: \_\_\_\_\_  
\_\_\_\_\_

[Proceed with project.]

**Yes.** Cite or attach Source Documentation: NJDEP HUD Environmental Review Tool 2.1  
See NCR38952 FloodplainMgmtFloodInsuranceMap.pdf

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

**Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

**No. Federal assistance may not be used in the Special Flood Hazard Area.**

## **Summary of Findings and Conclusions**

**Field Inspection** (Date and completed by): Mark Freed 6/3/2014. No potential recognized environmental conditions (RECs) were observed during site reconnaissance.

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

William Lindner, NJDEP

NJ State Historic Preservation Office

Robert J. Cartica, NJDEP, Office of Natural Lands Management, Natural Heritage Program

Patrick Woerner, NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program

Ryan Anderson, Division of Land Use Regulation, NJDEP

Colleen Keller, Division of Land Use Regulation, NJDEP

Jessica Cobb, Division of Land Use Regulation, NJDEP

**Summary Statement of Findings and Conclusions:**

The proposed project is categorically excluded but cannot convert to Exempt status because the property is located within the Coastal High Hazard Area (100-year floodplain V). This project required compliance with Executive Order 11988 on Floodplain Management. Analysis of the project followed the 8-step process in 24 CFR 55.2(b). Upon completion of this environmental review, the proposed project is found to be in compliance with the Federal laws and authorities listed at 24 CFR 58.35.

Additionally, in accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a), flood insurance must be maintained on insurable structures on the proposed project site for the life of the project.

**Required Mitigation and Project Modification Measures:** [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20]

N/A