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## ENVIRONMENTAL ASSESSMENT

### Determinations and Compliance Findings for HUD-Assisted Projects

#### 24 CFR Part 58

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

**Applicant Name:** Borough of South Toms River (Business/Corporate Name)

**Project Location:** Route 166 between Admiral Ave and Herflicker Blvd. (Street Address) 08757 (Zip) South Toms River (Municipality) Ocean County (County) N/A (Block & Lot)

**Conditions for Approval** [40 CFR 1505.2(c)]: *(List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)*

The following measures are required as conditions for approval of the project:

#### General

1. Acquire all required federal, state, and county/ local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act (NEPA). Since limited design information, scope and data is available for review and a detailed impact analysis was not performed, any modification to access design, sidewalk and apron location, grading and staging areas proposed from final design development, will require a reevaluation of the EA for determination of effects to the resources. All conditions of approval are to be addressed and adhered to prior to and throughout the duration of construction.

#### Construction-Stage Best Management Practices

*Air Quality* – The project must meet the regulatory requirements of New Jersey’s Air Rules/Air Pollution Control Requirements (NCR39437\_RevisedGeneralConformityApplicability\_NCR\_TO1029).

The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.

7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:
  - a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
  - b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
  - c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
  - d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).
9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

*Noise* – Time constraints on construction activity in accordance with local ordinances and proper maintenance and documentation of construction equipment in accordance with manufacturer's specifications to keep unnecessary noise impacts to a minimum.

*Soils and Water Resources* –Prior to the start of the project, the Contractor will obtain a Soil Erosion and Sediment Control Plan Certification under NJSA 4:24-39 (as mandated by the Soil Erosion and Sediment Control Act, Chapter 251, P. L. 1975). A Certification is required for land disturbances of more than 5,000 square feet. The Contractor will submit the Certification received from the Ocean County Soil Conservation District to appropriate agencies and departments as required. The Contractor will install and maintain erosion and sedimentation control measures in accordance with approved plans prior to and throughout construction.

*Section 106 Consultation* – The State of NJ Historic Preservation Office (SHPO) concurs with finding of No Historic Properties Affected (NE) provided that all ground disturbing activities stay within impervious surfaces, including the use of heavy equipment and staging areas. If final design proposes ground disturbing activities within pervious surfaces or additional resources are discovered during project implementation, a reevaluation for Section 106 consultation is required. The applicant must submit the final design plans, associated specifications and any other required information to SHPO for determination of potential effects. If at any time during construction a resource is discovered, the contractor must notify SHPO immediately; work will not resume in the location of the finding until clearance is received from SHPO.

*Wetlands and Surface Waters Protection* – Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil to offsite wetlands and waters and to prevent erosion in offsite wetlands and waters. Construction will adhere to all general conditions for wetlands protection and permit conditions.

*Flood Hazard Area* - A Flood Hazard Area Permit is required for construction of impervious cover (i.e. sidewalk) within 25 feet of the adjacent river bank. Upon completion of final design, the applicant is required to submit an application to NJDEP for authorization of work within the regulated area. All permit conditions, construction specifications and design standards will be adhered to and complied with prior to the start of construction. No equipment or staging area is permitted within the riparian zone.

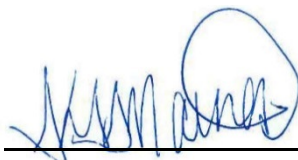
*Highway Occupancy* - A NJ Department of Transportation (DOT) Highway Occupancy Permit is required for installation of items within the State Right of Way. The proposed streetscape improvement project will occupy the ROW and is a regulated category listed within Title 16, Chapter 41. Highway Occupancy Permits (HOP); therefore, authorization of a NJDOT HOP is required for construction. Upon completion of final design, the applicant is required to submit a complete application to NJDOT for authorization of work within the ROW. All permit conditions, construction specifications and design standards will be adhered to and complied with prior to the start of construction.

**FINDING:**

- Finding of No Significant Impact (FONSI) [24 CFR 58.40(g)(1); 40 CFR 1508.27]**  
(The project will not result in a significant impact on the quality of the human environment.)
- Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]**  
(The project may significantly affect the quality of the human environment.)

**CERTIFICATIONS:**

Kristen J. Maines  
Gannett Fleming, Inc.



September 19, 2014

Preparer Name and Agency	Preparer Signature	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	NJEDA Neighborhood Community and Revitalization	\$600,047

**Estimated Total HUD Funded Amount:** \$600,047

**Estimated Total Project Cost [24 CFR 58.32(d)]:** \$600,047 (HUD and non-HUD funds)

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

The purpose of this project is to install streetscape improvements along New Jersey State Highway Route 166 in the Borough of South Toms River from Admiral Avenue to Herflicker Boulevard. The total project cost is estimated at \$600,047 with EDA grant funding \$600,047. Currently the majority of Route 166 does not contain sidewalks or curbing on either side of the roadway. The project need is to develop a cohesive streetscape design along Route 166 providing safe and efficient access for the community residents and businesses while also encouraging commercial waterfront uses and promoting access to the waterfront.

**Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]:** *( Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)*

The Borough of South Toms River proposes to prepare preliminary and final design with the CDBG-DR funds. The approximately 0.6-mile streetscape revitalization project along Route 166 includes new construction of curb and sidewalks; new installation of decorative pedestrian lighting and approximately 48 street trees; new concrete driveway aprons providing safe access to the businesses along the street in addition to necessary site work (excavation and grading) and electrical work related to the above improvements. The anticipated project construction start date is early spring 2015 with a duration of approximately four months.

**Existing Conditions and Trends [24 CFR 58.40(a)]:** *( Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project.)*

Route 166 is a New Jersey State Highway. The majority of Route 166 within the Borough of South Toms River does not contain sidewalks or curbing on either side of the roadway. The only sidewalks and curbs along the road are at the very north end of Mathis Plaza and at the south end of the project area at the intersection of Route 166 and Admiral Avenue. There is approximately 60 feet of sidewalk on the east side of the bridge south of Mathis Plaza. The makeshift curbing on the west side of Route 166 near the Admiral Avenue intersection along a business front was not installed by the Borough.

Existing land uses along the project include various commercial businesses. Residential housing is present along the western side and open space and parkland exist in the northeastern end of the project site. Adjacent land uses include commercial businesses, parks and open space uses in addition to residential and marina. Jakes Branch, a tributary to the Toms River, intersects the northern project limits.

Future planning for the Route 166 corridor includes connecting a portion of the former Barnegat Branch Railroad right-of-way, which exists along Herflicker Boulevard, and creation of a network of bicycle lanes and pedestrian trails. The Borough is also proposing new design guidelines and standards, improved access to the waterfront and open space, along with promoting passive recreation and connectivity.

**PART I: 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 A B		Compliance Documentation
<p><b>1. Air Quality</b> [Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the U.S. Environmental Protection Agency (EPA) Nonattainment Areas Map, Ocean County has been designated a nonattainment or maintenance area for three NAAQS pollutants (NCR39437_AirQualityMap_NCR_TO1029):</p> <ul style="list-style-type: none"> <li>• a moderate attainment area for 8-hour ozone (1997 Standard)</li> <li>• a marginal attainment area for 8-hour ozone (2008 Standard)</li> <li>• a maintenance area for carbon monoxide</li> </ul> <p>There will be temporary, unavoidable increases in particulate matter levels during proposed construction activities. While air quality will be temporarily affected, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</p> <p>Consultation with NJDEP Division of Air Quality has determined that activities under the CDBG-DR program are below the <i>de minimus</i> thresholds of the Federal General Conformity regulations and are presumed to conform to the State Implementation Plan. The project will meet applicable emission standards and regulations of the State Air Pollution Control Code, and will not have an adverse effect on local or regional air quality (NCR39437_DEPAirQuality_Response_NCR_TO1029).</p>

<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located within any Clear Zones or Accident Potential Zones (NCR39437_AirportClearZonesandAccidentPotentialZones_Map_NCR_TO1029) nor is it located within 15,000 feet of a military airport or 2,500 feet of a civilian airport (NCR39437_AirportHazardsMap_NCR_TO1029), so no airport hazard effects are expected.</p> <p>The Ocean County Airport, located in Berkeley Township, is approximately 6 miles west of the project area; the Atlantic City International Airport is approximately 39 miles; Lakehurst Naval Air Station is approximately 9 miles; and Newark Liberty International Airport is approximately 52 miles from the project area.</p>
<p><b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c)&amp; (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The NJ Coastal Area Facility Review Act (CAFRA) of 1973 established the CAFRA zone and boundaries within New Jersey, implementing requirements of the federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq). Certain activities undertaken in the CAFRA zone are regulated by the NJDEP.</p> <p>The project area lies entirely within the CAFRA Zone and portions of the project area lie within the mean high water line buffer zone (NCR39437_CoastalZoneManagementActMapCAFRA_NCR_TO1029).</p> <p>However, the NJDEP Division of Land Use Regulation has determined that the action is not regulated under the Coastal Permit Program and no additional consultation or approval is required (NCR39437_DEP_DLUR_CoastalJurisdictionDetermination_NCR_TO1029).</p> <p>The project site is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands (NCR39437_CoastalZoneManagementActMapCAFRA_NCR_TO1029).</p>
<p><b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area is not listed on a State or Federal Hazardous Waste sites database and no recognized environmental conditions were identified through site reconnaissance.</p> <p>The parcel is located within a 3,000 foot radius of the following sites which were previously identified as a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous waste facility that handles hazardous materials or toxic substances (NCR39437_ToxicHazardousandRadioactiveSubstancesMap_NCR_TO1029):</p> <ul style="list-style-type: none"> <li>• Cedar Cove Marina #179253</li> <li>• JCP&amp;L Toms River Dist. Operations #46778</li> </ul> <p>However, NJDEP has determined these sites to be “non- threatening” to the project (NCR39437_ToxicSite_Response_NCR_TO1029).</p> <p>As the project does not involve any structures intended for human occupation, regulations concerning lead-based paint, asbestos, and radon are not applicable.</p>

<p><b>5. Endangered Species</b> [Endangered Species Act of 1973, particularly section 7;50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Review of the NJDEP HUD Environmental Review Tool 2.1 indicated that the Northern Long-eared bat (Federally proposed endangered) habitat is potentially located within the project boundaries (NCR39437_EndangeredSpeciesMap_NCR_TO1029).</p> <p>Consultation with the U.S. Fish and Wildlife Service (USFWS) was performed through a review of the iPaC landscape explorer tool to obtain a preliminary report of federally-listed species in the vicinity of the project. The report indicated that Knieskern’s Beaked-rush, swamp pink and northern long-eared bat need to be considered in the EA. The project area comprises an upland, improved right of way and is not suitable habitat for Knieskern’s Beaked-rush and swamp pink.</p> <p>Additionally, USFWS provided a list of migratory birds of concern in the project area that need to be considered in the EA (NCR39437_USFWS_EndangeredSpeciesReview_NCR_TO1029). Trees and forested areas will not be impacted. The project will enhance habitat capable of supporting migratory birds by planting indigenous street trees. The project will not interfere with migratory birds using the project area and vicinity for feeding, roosting and resting.</p> <p>A request was sent to the NJDEP, Natural Heritage Program (NHP) requesting searches of the Natural Heritage Database, the Landscape Project habitat mapping, and Biotics Database regarding state endangered and threatened species. The NHP response included records of rare plant and animal species and ecological communities on site or in the immediate vicinity (NCR39437_NaturalHeritageDatabase_Response_NCR_TO1029). The response indicated the following rare wildlife species or wildlife habitat potentially on the project site: black-crowned night-heron, common tern, glossy ibis, great blue heron, little blue heron, snowy egret and tricolored heron. The black-crowned night-heron, a state listed threatened species is identified as potentially occurring on and in vicinity of the project site. The black-crowned night heron nests in forests, scrub/shrub, marshes, and ponds. Although the project will occur adjacent to typical habitat of the black-crowned night heron, there is no in-water work or tree removal therefore the project will have no effect on this state-listed species.</p> <p>Consultation with the NJDEP, Endangered and Nongame Species Program (ENSP) determined that the project will not affect Northern Long-eared bat as tree removal will not occur (NCR39437_ENSP_Response_NCR_TO1029).</p> <p>There is no anticipated risk of take to the state and federally listed wildlife species and conditions regarding mitigation would be addressed during the State Permit process.</p> <p>The project will have no effect on any federal or state-listed species. Based on coordination with federal and state agencies and assessment of effects, compliance with the ESA is complete and no additional consultation is required.</p>
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<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Executive Order (EO) 12898 requires Federal agencies to consider and addresses disproportionately high and adverse human health or environmental effects on minority and low-income populations resulting from their actions.</p> <p>The project area is bordered by several Census blocks and includes environmental justice populations. Minority population percentages surrounding the project area range from 0% to 65%. (NCR39437_EnvironmentalJusticeMap_PercentMinority_NCR_TO1029).</p> <p>Approximately 22 % of the population adjacent to the project area is defined as living below the poverty level (NCR39437_EnvironmentalJusticeMap_PercentPoverty_NCR_TO1029).</p> <p>This project would not cause disproportionate adverse effects or impact residential, commercial, or community facilities or services which may be of importance to environmental justice populations. The proposed public improvements would benefit all citizens through improved pedestrian access and safety and no private lands would be impacted. Thus, the project would not generate disproportionately high and adverse environmental impacts on environmental justice populations (NCR39437_EnvironmentalJustice_Checklist_NCR_TO1029).</p>
<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Under 24 CFR 51.201, the proposed action does not meet the definition of a “HUD-assisted project” and therefore the requirements of 24 CFR 51c do not apply.</p> <p>As the project does not involve any structures intended for human occupation, regulations concerning explosive and flammable operations are not applicable.</p>
<p><b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly section 1504(b) &amp; 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The majority of the streetscape site is developed and has no associated agricultural lands. According to the NJDEP HUD Environmental Review Tool, the project area is not located on land classified as containing Prime Farmland Soils (NCR39437_PrimeFarmlandSoilsMap_NCR_TO1029). Prime Farmlands include all those soils in Land Capability Class I and selected soils from Land Capability Class II. The soils on the property are not designated as agricultural land or prime agricultural soils and the project is located in the Census-designated New York-Newark, NY-NJ-CT “urbanized area.” Therefore, the requirements of the federal Farmland Protection Policy Act (FPPA) are not applicable to the project.</p>



<p><b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>Pursuant to 24 CFR 55 and EO 11988, the proposed project must be evaluated to determine potential effects of any project proposed within a floodplain.</p> <p>The project area is located in the Special Flood Hazard Area (Zone AE) and the Preliminary Flood Insurance Rate Map (FIRM) Panel 304 of 660, Map Number 34029C0304G, revised March 28, 2014.</p> <p>(NCR39437_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_NCR_TO1029)</p> <p>An 8-step floodplain analysis that complies with 24 CFR 55 and EO 11988 was completed (NCR39437_FloodplainAnalysis_NCR_TO1029) and determined the proposed action is the most practicable alternative for meeting the needs of the project while minimizing impacts to the floodplain. A comparable alternative location, outside the floodplain, is adjacent to the Garden State Parkway yet this location is restricted by land use and current land development patterns. Areas west of Route 166 are currently occupied primarily by residential uses so this is not a practical location. These alternatives would not meet the project intent and need for economic revitalization and future redevelopment of the Borough’s underutilized primary commercial business corridor. No practicable alternatives are available and the proposed action is the most practicable alternative for economic revitalization to support employment, commercial businesses and waterfront recreation and tourism.</p> <p>Consultation was performed with the NJDEP–DLUR regarding jurisdiction and applicability to the State’s Flood Hazard Area Control Act Rules (NJAC 7:13) for the proposed project action. The DEP responded that a Flood Hazard Area Permit is required for construction of impervious cover (i.e. sidewalk) within 25 feet of the adjacent river bank which is the flood hazard area and riparian buffer zone associated with the Toms River</p> <p>(NCR39437_DEP_DLUR_FloodHazardAreaApplicabilityDetermination_NCR_TO1029). The Flood Hazard Area Permit must be obtained prior to the commencement of project construction. The project must adhere to applicable permit conditions prior to the commencement of construction and during the construction period.</p>
<p><b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The project area is not included within the Historic Property Exemption Zone (“Green Zone”) according to the NJDEP HUD Environmental Review Tool (NCR39437_HistoricPreservationExemptionZoneMap_NCR_TO1029).</p> <p>Coordination with the New Jersey State Historic Preservation Office (SHPO) was conducted to determine potential effects to cultural resources under Section 106 of the National Historic Preservation Act. The SHPO review determined that the proposed project would have a No Historic Properties Affected (NE) finding, provided that all ground disturbing activities stay within impervious surfaces, including the use of heavy equipment and staging areas. Additionally, no further consultation is required unless additional resources are discovered during project implementation, pursuant to 36 CFR § 800.13. If ground disturbing activities are proposed outside of the existing roadway and impervious surfaces, additional Section 106 review by SHPO of the project final design plans will be necessary (NCR39437_SHPO_Response_NCR_TO1029).</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><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>24 CFR 51.101 (a)(2) states that activities considered to be “noise sensitive land development” must comply with the noise criteria and standards of 24 CFR 51B. As the proposed action does not involve any structures intended for human occupation, it is not considered to be a “noise sensitive land development” and the HUD regulations concerning noise abatement and control are not applicable.</p> <p>The only noise expected from the project will be temporary construction noise that will cease once construction is complete. The project is located in a commercial area, within the right of way of a state highway, and the construction will not require any significant noise generated activities (i.e. blasting, pile driving, etc.). Therefore construction noise is not expected to appreciably add to existing noise levels.</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><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project site overlies the NJ Coastal Plain Aquifer System (NCR39437_SoleSourceAquiferMap_NCR_TO1029). The proposed streetscape project improvements include new concrete sidewalk, curbing, driveway aprons, and street trees and decorative pedestrian lighting.</p> <p>The existing project area is a commercial area. Proposed overall increase in impervious surface coverage will be approximately 5%. The proposed improvements will not significantly change existing impervious coverage area of the project area. Therefore, there will be no net effect to aquifer recharge as a result of project completion. Furthermore, the project has limited potential to impact ground water during and after construction and therefore does not have the potential to create a significant public health hazard. This project meets the 1999 EPA exemption criteria as defined by HUD. EPA consultation/review is not required. (NCR39437_SSAGuidance_NCR_TO1029).</p>
<p><b>13. Wetland Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The GIS Review tool indicates that there are no wetlands located in the project area (NCR39437_WetlandsProtectionMap_NCR_TO1029). However, the National Wetlands Inventory Program (NWI) indicates that a portion of the project area is intersected by and parallels federal mapped wetlands identified as E1UBL (Estuarine and Marine Deepwater) (NCR39437_USFWS_NWI_WetlandsMap_NCR_TO1029). The project area intersects and parallels Jake’s Branch of the Toms River, a tidal waterbody regulated by both the New Jersey DEP (Flood Hazard Area Control Act) and the US Army Corps of Engineers (Section 404 of the Clean Water Act). Since the project involves construction of impervious cover within 25 feet of a stream bank, a Flood Hazard Area Permit is applicable and required for construction (NCR39437_DEP_DLUR_FloodHazardAreaApplicability Determination_NCR_TO1029).</p> <p>No construction or encroachment is proposed at or below the high water line (mean highest high water line). Since there will be no encroachments to the watercourse and adjacent wetlands, so no adverse effects are expected. Construction will adhere to general conditions for wetlands in addition to conditions to be addressed during the Permit process.</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><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project area is not located within 1/4 mile of a designated Wild and Scenic River (WSR) stream bank. The closest designated WSR (Great Egg Harbor River) is approximately 38 miles from the project area. Additionally, the project area is not located within a one-mile radius of a WSR or its tributaries (NCR39437_WildandScenicRiversMap_NCR_TO1029). Therefore, the project will have no adverse effect on protected WSRs. Consultation and review by the National Park Service is not required.</p>

## PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST

[24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Attach additional material as appropriate. **All conditions, attenuation, or mitigation measures have been clearly identified.**

### Impact Codes:

- (1) no impact anticipated
- (2) potentially beneficial
- (3) potentially adverse- requires documentation
- (4) requires mitigation
- (5) significant/potentially significant adverse impact requiring avoidance or modification which may require an Environmental Impact Statement

Impact Categories	Impact Code	Impact Evaluation, Source Documentation and Mitigation or Modification Required
<b>Land Development</b>		
Conformance with Comprehensive and Neighborhood Plans	<b>2</b>	Future planning for the Route 166 corridor includes creation of a revitalized and coordinated streetscape appearance along this commercial corridor while addressing safety and access issues. Adoption of Neighborhood Commercial zones for encouraging reinvestment and improvements to properties is a key component of the land use study area. The South Toms River Master Plan (February 1, 2013) also outlines development of a Marine Recreational District to encourage water-related uses and businesses to support and serve recreation and tourism. The Borough is planning to connect a portion of the former Barnegat Branch Railroad right-of-way, which exists along Herflicker Boulevard, to create a network of bicycle lanes and pedestrian trails. The Master Plan also references implementation of new design guidelines and standards and methods for improved access to the waterfront and open space to promote passive recreation and connectivity.

Land Use Compatibility and Conformance with Zoning	1	<p>According to the Borough's existing land use map (2010), the project limits mostly lie within the Commercial Zone which allows various businesses as primary use. There is a small strip along the western side zoned Residential and the northeastern side of the project limits exists as the Public/Recreation/Open Space zone. Adjacent land uses includes commercial businesses, parks and open space uses in addition to residential and marina which are compatible with the proposed streetscape project and uses typically associated within a commercial waterfront district.</p> <p>The streetscape improvement project lies within the Borough's Future Land Use Zones depicted as Neighborhood Commercial Zone, Marine Mixed Use Zone and Marine Recreational Zone (Future Land Use Map: <a href="http://boroughofsouthtomsriver.com/city-hall/boards-and-commissions/land-use-board/">http://boroughofsouthtomsriver.com/city-hall/boards-and-commissions/land-use-board/</a>). The proposed project would not involve a change in use and therefore present no zoning issues.</p>
Urban Design- Visual Quality and Scale	2	<p>The proposed project is intended to improve the attractiveness and promote safe and efficient pedestrian circulation and access of downtown waterfront businesses and community. The addition of streetscape amenities such as street trees and lighting will prove a more inviting quality for business activity.</p>
Slope	1	<p>The existing slope over the 0.6-mile project area is generally level with no significant changes in topography. Minor grading and excavating is proposed for construction of the sidewalk and the concrete driveway aprons. The conceptual design plans do not indicate changes to existing grade; therefore no negative effects on slope are anticipated.</p>
Erosion	1	<p>The project is in a commercially developed waterfront, coastal community with little permeable land. No erosion effects are expected. Best management practices, including stabilization and temporary seeding of soils, will be implemented for the duration of construction to mitigate for any potential erosion resulting from construction activities.</p>
Soil Suitability	1	<p>The project is in a commercially developed urban setting with a mix of permeable undeveloped lands, waterfront lands, and impermeable developed land. No effects on soil suitability are expected.</p>
Hazards and Nuisances, Including Site Safety	2	<p>The proposed project will improve pedestrian safety through installation of new sidewalks and reconstruction of damaged sidewalks along with construction of driveway aprons for improved access to businesses along the corridor.</p>
Drainage/Storm Water Runoff	1	<p>There is no identified storm water drainage infrastructure along the project limits. There is also no known water quality infrastructure in place along the project corridor. The project proposes additional impervious surface cover of approximately 8,400 square feet or 5% of the project limits. Post construction storm water runoff will continue via overland flow and directed along the state curb, where present. It is anticipated that there will be a negligible change to stormwater flow and quality resulting from implementation of the proposed project action. All required best management practices will be in place prior to construction to mitigate impacts to water quality. Adherence to specific State Permit conditions will also be incorporated.</p>

<p>Noise-Effects of Ambient Noise on Project &amp; Contribution to Community Noise Levels</p>	<p>1</p>	<p>The project is located in an urban commercial area, within the right of way of a state highway. Proposed construction noise will not appreciably add to existing noise levels.</p>																																																																																									
<p>Energy Consumption</p>	<p>1</p>	<p>Energy consumption would include use of typical construction machinery over a short period. There will be an inconsequential increase in energy necessary for pedestrian lighting.</p>																																																																																									
<p><b>Socioeconomic Factors</b></p>																																																																																											
<p>Demographic Character Changes</p>	<p>1</p>	<p>Demographic data from the 2010 U.S. Census indicate South Toms River is a fairly young and diverse community. The proposed project will not affect demographics or housing of the Borough.</p> <table border="1" data-bbox="824 611 1469 1507"> <thead> <tr> <th rowspan="2">Subject</th> <th colspan="2">South Toms River, New Jersey</th> <th colspan="2">New Jersey</th> </tr> <tr> <th>Number</th> <th>Percent</th> <th>Number</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Total population</td> <td>3,684</td> <td>100.0</td> <td>8,791,894</td> <td>100.0</td> </tr> <tr> <td>Median age (years)</td> <td>34.0</td> <td>na</td> <td>39.0</td> <td>na</td> </tr> <tr> <td>White</td> <td>2,490</td> <td>67.6</td> <td>6,029,248</td> <td>68.6</td> </tr> <tr> <td>Black or African American</td> <td>712</td> <td>19.3</td> <td>1,204,826</td> <td>13.7</td> </tr> <tr> <td>American Indian and Alaska Native</td> <td>21</td> <td>0.6</td> <td>29,026</td> <td>0.3</td> </tr> <tr> <td>Asian</td> <td>23</td> <td>0.6</td> <td>725,726</td> <td>8.3</td> </tr> <tr> <td>Native Hawaiian and Other Pacific Islander</td> <td>0.0</td> <td>0.0</td> <td>3,043</td> <td>0.0</td> </tr> <tr> <td>Some Other Race</td> <td>263</td> <td>7.1</td> <td>559,722</td> <td>6.4</td> </tr> <tr> <td>Two or More Races</td> <td>175</td> <td>4.8</td> <td>240,303</td> <td>2.7</td> </tr> <tr> <td>Hispanic or Latino</td> <td>718</td> <td>19.5</td> <td>1,555,144</td> <td>17.7</td> </tr> <tr> <td>Average household size</td> <td>3.36</td> <td>na</td> <td>2.68</td> <td>na</td> </tr> <tr> <td>Average family size</td> <td>3.61</td> <td>na</td> <td>3.22</td> <td>na</td> </tr> <tr> <td>Total housing units</td> <td>1,160</td> <td>100.0</td> <td>3,553,562</td> <td>100.0</td> </tr> <tr> <td>Occupied housing units</td> <td>1,098</td> <td>94.7</td> <td>3,214,360</td> <td>90.5</td> </tr> <tr> <td>Vacant housing units</td> <td>62</td> <td>5.3</td> <td>339,202</td> <td>9.5</td> </tr> <tr> <td>Renter occupied housing units</td> <td>219</td> <td>19.9</td> <td>1,111,895</td> <td>34.6</td> </tr> </tbody> </table>	Subject	South Toms River, New Jersey		New Jersey		Number	Percent	Number	Percent	Total population	3,684	100.0	8,791,894	100.0	Median age (years)	34.0	na	39.0	na	White	2,490	67.6	6,029,248	68.6	Black or African American	712	19.3	1,204,826	13.7	American Indian and Alaska Native	21	0.6	29,026	0.3	Asian	23	0.6	725,726	8.3	Native Hawaiian and Other Pacific Islander	0.0	0.0	3,043	0.0	Some Other Race	263	7.1	559,722	6.4	Two or More Races	175	4.8	240,303	2.7	Hispanic or Latino	718	19.5	1,555,144	17.7	Average household size	3.36	na	2.68	na	Average family size	3.61	na	3.22	na	Total housing units	1,160	100.0	3,553,562	100.0	Occupied housing units	1,098	94.7	3,214,360	90.5	Vacant housing units	62	5.3	339,202	9.5	Renter occupied housing units	219	19.9	1,111,895	34.6
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<p>Displacement</p>	<p>1</p>	<p>No residential or commercial displacements/relocations will result from the project. The proposed project would affect only public property; no private property displacements would occur.</p>																																																																																									

Employment and Income Patterns	1	<p>U.S. Census American Community Survey for the latest 5-year average (2008-2012) show income characteristics in South Toms River are lower than for New Jersey as a whole. The Borough's median household income is \$63,000 while the State of NJ is at \$77,000. The poverty rate is 9.1% for people over the age of 18, and is similar to the state percentage of 8.6%.</p> <p>Within the Borough of South Toms River a total of 1,683 (63.6 percent) persons were part of the labor force. The unemployment rate was at approximately 5.7 percent in the Borough which was slightly higher than the 4.8 percent unemployment rate for the County in 2010 and significantly lower than the state unemployment rate of 9.1% (April 2012).</p> <p><a href="http://southtomsriveronline.files.wordpress.com/2013/08/south-toms-river-master-plan-february-1-2013.pdf">http://southtomsriveronline.files.wordpress.com/2013/08/south-toms-river-master-plan-february-1-2013.pdf</a></p> <p>American Community Survey  <a href="http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml">http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml</a></p> <p>The proposed project will not directly impact employment, but would improve the economic competitiveness of the business district and benefit economic and employment opportunities from tourism.</p>
<b>Community Facilities and Services</b>		
Educational Facilities	1	The proposed project is located within the Toms River Regional School District. No impacts to school facilities or effects on student enrollment would occur.
Commercial Facilities	1	Adjacent land uses include various commercial businesses and shopping plazas with gravel and asphalt parking lots extend along the east and west sides of Route 166. A nursery, pizzeria, nursery and custom car shop are a few of the types of retail and service line businesses present. A recycling center and storage facility are present on the west side. Other tourism-related commercial facilities include a municipal park and a steamboat replica of the "River Lady" on the east side in addition to a marina.
Health Care	1	Community Medical Center: 99 Route 37W is located approximately 2 miles west of the project area.
Social Services	1	The proposed project would not affect the population, demographic or housing characteristics of the city; therefore no impacts on social services demands in the city would occur.
Solid Waste Disposal/Recycling	1	Ocean County Department of Solid Waste Management, 129 Hooper Avenue, Toms River, owns and operates two recycling centers in the County. The Northern Recycling Center located on New Hampshire Avenue in Lakewood Township is the closest facility to the project.
Waste Water/Sanitary Sewers	1	The South Toms River Sewerage Authority provides wastewater services for the Borough Residents.
Water Supply	1	Public water services are provided by United Water Toms River.

<p>Public Safety:</p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire</li> <li>• Emergency Medical</li> </ul>	<p><b>1</b></p>	<p>Police protection along Route 166 is provided by South Toms River Police Department which is headquartered at 144 Mill Street. The South Toms River police has a Patrol Division, Detectives, Traffic Safety, Dare, and Member of E.S.U. as well as EMT officers. EMS services are provided by the South Toms River Volunteer First Aid and Rescue Squad located at 401 Dover Road.</p> <p>Fire service to the project area is provided by the Manitou Park Volunteer Fire Company, Station 18, in Berkeley Township. Station 18's response area includes the Borough of South Toms River and State Route 166. The Toms River Fire Department in Dover Township has six fire companies which also provide support to the Borough of South Toms River.</p>
<p>Parks, Open Space &amp; Recreation:</p> <ul style="list-style-type: none"> <li>• Open Space</li> <li>• Recreation</li> </ul>	<p><b>2</b></p>	<p>The Borough owns various parcels of recreation and open space including parks. Mathis Plaza and Cedar Point provide waterfront recreational opportunities with public access to the Toms River. Mathis Park and Plaza is located at the north end of the project and is the home of the New Jersey Submarine Memorial. South Toms River Park, located north of Dover Road (US Route 9), and Manitou Park also offer recreational opportunities.</p>
<p>Cultural Facilities</p>	<p><b>1</b></p>	<p>Cultural and educational facilities in the vicinity of the project area include three libraries: Ocean County Library located at 101 Washington Street, Toms River; the Beachwood Branch Library and the Berkeley Branch Library located at 30 Station Road in Berkeley Township.</p>
<p>Transportation &amp; Accessibility</p>	<p><b>1</b></p>	<p>There is limited or no pedestrian access along the project limits. The new sidewalk will provide connectivity to the Mathis Plaza and waterfront for residents, commercial businesses and their employees and visitors. The project area occupies the right of way of State Highway Route 166, a two-lane principal arterial carrying an average annual daily traffic (AADT) volume of 24,877 vehicle (1/1/2010 at mile post .66). Counts are anticipated to be higher during summer months due to tourism. The route provides an alternate alignment of U.S. Route 9 through South Toms River and Toms River. The nearest bus transit station is the Toms River Township Municipal Bus Terminal located at 400 Highland Pkwy, Toms River approximately .8 miles north of the project site. Also the Toms River Park and Ride located south of Herflicker Boulevard is just .5 miles north of the project. These transit stations are served by New Jersey Transit Bus Route No. 559. Additionally, the Ocean County Department of Transportation Services has a county transit system, Ocean Ride that provides two major services: Reserve-A-Ride Program and local bus routes.</p>
<p><b>Natural Features</b></p>		
<p>Water Resources</p>	<p><b>1</b></p>	<p>The proposed streetscape project will not affect ground water. This project has limited potential to impact ground water during and after construction. No ground water withdrawals are proposed. Therefore, pursuant to the Safe Drinking Water Act (SDWA), the proposed project will not affect drinking water sources and ground water wells.</p>

<p>Surface Water</p>	<p>1</p>	<p>The streetscape project transects and parallels a tributary of the Toms River however all improvements are taking place in uplands and above the mean high water line of this tidal waterbody. There are no proposed encroachments to the river or adjacent wetlands. A minor percentage of impervious cover is proposed and it is anticipated that this de minimis surface cover will not significantly increase storm water runoff or negatively affect surface water quality. Therefore, the project is not expect to not affect surface water.</p>
<p>Unique Natural Features &amp; Agricultural Lands</p>	<p>2</p>	<p>A section of the project area parallels the Jakes Branch tributary of the Toms River and waterfront lands. A few town parks are also located along this project corridor. The project streetscape improvements with new sidewalk, street lightening and landscaping will complement the character of the waterfront community along with providing safe and efficient access to the waterfront.</p> <p>Prime Farmlands include all soils in Land Capability Class I and selected soils from Land Capability Class II. The soils associated with the linear project area are not designated as agricultural land or prime agricultural soils. According to NRCS soil survey, the property area is comprised of soil map unit LasB identified as Lakewood Sand, 0 to 5% slopes; and soil map unit PstAt, sulfidic substratum, 0 to 3% slopes and frequently flooded. The land capability classes for these two soil units are 7s and 8w, respectively.</p> <p>The project will not affect unique natural features and agricultural lands pursuant to the FPPA.</p>
<p>Vegetation and Wildlife</p>	<p>1</p>	<p>The project area is mostly developed with little natural vegetation cover, limited ornamental landscaping and sparse street trees. The majority of the streetscape improvements will be constructed on existing impervious cover within the highway right of way.</p> <p>The project will not alter or adversely affect any vegetation communities or wildlife habitats on or adjacent to the project area. No threatened or endangered species or associated habitats are located in the project area.</p>



**PART III: 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)]

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:

See NCR39437\_AirportClearZonesandAccidentPotentialZonesMap\_NCR\_TO1029 and NCR39437\_Airport\_HazardsMap\_NCR\_TO1029.

[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:

The project site is not located within a regulated System unit or an Otherwise Protected Area boundary of the Coastal Barrier Resources Act. Further consultation with the USFWS is not required. See NCR39437\_CoastalBarrierResourcesActMap\_NCR\_TO1029.

[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:

The project area lies within a FEMA-identified floodplain (A) and will involve construction within a special flood hazard area (NCR39437\_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap\_NCR\_TO1029).

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.** The proposed project does not involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property or the purchase of machinery, equipment, fixtures, or furnishings that are insurable under NFIP. Additionally, the project does not involve a structure meeting the definition of 44 CFR 59.1, Subpart A. **Therefore, flood insurance requirements are not applicable.**

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

## **Summary of Findings and Conclusions**

**Additional Studies Performed:** (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.)

HUD 8-Step Floodplain Analysis (see NCR39437\_FloodplainAnalysis\_NCR\_TO1029)

**Field Inspection** (Date and completed by):

July 22, 2014 completed by Richard Grubb & Associates, Inc., under contract to Gannett Fleming, Inc.

**List of Sources, Agencies, and Persons Consulted** [40 CFR 1508.9(b)]: (List sources, agencies, and persons consulted for this assessment.)

***Agencies/Persons Consulted***

Mr. Ryan Anderson, NJDEP, Division of Land Use Regulation

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

Ms. Kate Marcopul and Ms. Atalaya Armstrong, NJDEP Historic Preservation Office

Ms. Colleen Keller, NJDEP, Division of Land Use Regulation

Mr. Patrick Woerner, NJDEP, Endangered and Nongame Species Program

Mr. William Linder, NJ DEP Site Remediation Program

***Reference Documents/Data Sources***

Federal Emergency Management Agency. Preliminary FEMA Map Products, Preliminary FIRMs for Ocean County. <http://hazards.fema.gov/femaportal/prelimdownload/>

National Wild and Scenic Rivers System. Maps and GIS Mapping Files. National Wild and Scenic Rivers System. <http://www.rivers.gov/mapping-gis.php>

National Wild and Scenic Rivers System. New Jersey Rivers. National Wild and Scenic Rivers System. Online. Retrieved August 2014. <http://www.rivers.gov/new-jersey.php>

New Jersey Department of Environmental Protection. NJ HUD Environmental Review Tool 2.1. ArcGIS Explorer Online. Retrieved August 2014. <http://www.arcgis.com/explorer/?open=ac492b24c7cc472ea5cf2f57cfaf65ab&extent=-8643120.11643555,4661682.34020292,-7976191.21469309,5121911.72760389>

New Jersey Department of Environmental Protection. NJ-GeoWeb. Retrieved July, 2014, from <http://njwebmap.state.nj.us/NJGeoWeb/WebPages/Map/MapView.aspx>

New Jersey Department of Transportation. Bureau of Transportation Data Development, Traffic Volume Counts. Retrieved September, 2014 from <http://www.state.nj.us/transportation/refdata/roadway/>

New Jersey Office of Information Technology. GIS Data. New Jersey Geographic Information Network. Retrieved July, 2014, from [https://njgin.state.nj.us/NJ\\_NJGINExplorer/index.jsp](https://njgin.state.nj.us/NJ_NJGINExplorer/index.jsp)

South Toms River Borough Master Plan. Borough of South Toms River Land Use Board. Retrieved August, 2014, from <http://southtomsriveronline.files.wordpress.com/2013/08/south-toms-river-master-plan-february-1-20131.pdf>

U.S. Census Bureau. Community Facts. American FactFinder. Retrieved August, 2014, from <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

U.S. Department of Housing and Urban Development (June 2012). Environmental Justice Checklist for HUD or Responsible Entry. <http://www.hud.gov/local/shared/working/r10/environment/justice.pdf>

U.S. Environmental Protection Agency. Counties Designated "Nonattainment" or "Maintenance" Map. Retrieved August, 2014, from <http://www.epa.gov/oaqps001/greenbk/mapnmpoll.html>

U.S. Environmental Protection Agency. U.S. EPA, EJ View. Retrieved July, 2014, from <http://epamap14.epa.gov/ejmap/entry.html>

U.S. Environmental Protection Agency. Sole Source Aquifers. U.S. EPA Region 2 Water. Retrieved July, 2014, from <http://www.epa.gov/region2/water/aquifer/>

U.S. Environmental Protection Agency. Green Book of Nonattainment Areas for Criteria Pollutants. Retrieved August 2014, from <http://www.epa.gov/oaqps001/greenbk/>

U.S. Fish and Wildlife Service. IPaC – Information, Planning, and Conservation System. Retrieved July, 2014, from <http://ecos.fws.gov/ipac/>

USFWS Wetland Mapper <http://www.fwnwls.gov/wetlands/Data/Mapper.html>

U.S. Fish and Wildlife Service, Coastal Barrier Resources System Mapper. Retrieved August, 2014 from <http://www.fws.gov/cbra/Maps/Mapper.html>

### **Lists of Required Permits:**

Ocean County Soil Conservation District Soil Erosion and Sediment Control Plan Certification

Borough of South Toms River Site Plan Approval

NJDEP Flood Hazard Area Permit

NJDOT Highway Occupancy Permit

Ocean County Department of Planning Review

### **Public Outreach [24 CFR 50.23 & 58.43]:**

An Early Floodplain Analysis Notice was published as required by 24 CFR Part 55.20. A combined Final Floodplain/FONSI/Request for Release of Funds (RROF) public notice will be published as required by 24 CFR Part 58.43.

In accordance with HUD regulations, a Public Notice of proposed action and funding will be published in the Newark Star Ledger, and a Spanish translation of the notice will be published in Reporte Hispano. Any substantive comments received will be addressed and incorporated into the final EA.

### **Cumulative Impact Analysis [24 CFR 58.32]:**

The proposed project will not contribute to adverse cumulative effects on environmental resources. Recovery efforts in the NJ Coastal region include rehabilitation, demolition, reconstruction and new construction of private and public structures and infrastructure. The coastal community of South Toms River is undergoing recovery efforts from the damage inflicted by Superstorm Sandy as are many coastal communities within Ocean County. Cumulatively, recovery projects in combination with the proposed action may have a temporary impact on air quality, noise, traffic, wetlands and surface waters during construction activities, but will have a net long-term benefit to the human environment at the local and regional level.

The proposed action will provide a small contribution to improving air quality (through installation of streets trees). The project will improve and promote safe and efficient access for pedestrians and the commercial businesses along the corridor which will positively influence traffic flow.

The proposed actions are not anticipated to substantially contribute to further adverse cumulative environmental effects.

**Project Alternatives Considered** [24 CFR 58.40(e), 40 CFR 1508.9]: *(As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment for each alternative and the reasons for rejecting it.)*

No other comparable action alternatives were considered. The project entails the streetscape improvements along an existing business commercial corridor of the Borough's waterfront area. The infrastructure was damaged by Superstorm Sandy requiring rehabilitation. The proposed improvements would help address the economic revitalization needs of the Route 166 commercial corridor and the community as a whole. Improvements to other locations within the region would not address the need and intended goals of the Route 166 highway corridor. The proposed project would have no significant environmental impacts.

**No Action Alternative** [24 CFR 58.40(e)]:

A No Action Alternative was considered and rejected because the no action alternative would not address the economic revitalization, and rehabilitation needs of South Toms River Borough. Similarly, no alternative actions that would serve the same purpose and would avoid construction within the 100-year floodplain were identified.

**Summary Statement of Findings and Conclusions:**

The proposed action involves revitalization and improvements of an arterial highway corridor within an existing waterfront, commercial zone with installation of new sidewalks, new street lights, and new street trees in addition to concrete driveway aprons. Superstorm Sandy had a widespread and lasting impact on New Jersey's business sector and particularly affected small businesses. The storm caused substantial damage to commercial property.

The proposed action aims to create a well-planned and managed waterfront district that will increase the attractiveness of the Route 166 Commercial Business Corridor and also promote a safe and efficient access, and maintain connectivity while promoting passive recreation within the Borough's adjacent waterfront open space and cultural amenities. Improved and modernized infrastructure will help to attract additional business to the Commercial Business district.

Since limited design information, scope and data is available for review any modification to the conceptual access design, sidewalk and apron location, grading and staging areas proposed from final design development, will require a reevaluation of the EA for determination of effects to the resources. All conditions of approval are to be addressed and adhered to prior to and throughout the duration of construction.

There would be no changes to flood volume or base flood elevation as a result of the project. The streetscape improvements within the road will not result in additional flooding risk to other properties in the vicinity.

Completion of this environmental review and associated consultation confirms that the proposed project would not have a significant environmental impact and that further assessment is not necessary. HUD funding of the proposed action will not have a significant impact on the quality of the human environment.

Based upon the analysis documented in this EA, construction and operation of the proposed action complies with the requirements of applicable statutory authorities and would have no significant impact on the environment. The proposed improvements would provide a net benefit to the Route 166 corridor from an economic (improved character, competitiveness and modernized access for business), mobility and connectivity (improved safe and efficient pedestrian access) and environmental enhancement (landscaping and lighting) standpoint.

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**Required Mitigation and Project Modification Measures:** [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20] *(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)*

Mitigation measures to be employed for project implementation include the following:

No work is to be performed in wetlands and waters. Per SHPO, as a condition of its finding of No Historic Properties Affected (NE), all ground disturbing activities must stay within impervious surfaces, including the use of heavy equipment and staging areas. If final design proposes ground disturbing activities within pervious surfaces or additional resources are discovered during project implementation, a reevaluation for Section 106 consultation is required. If at any time during construction a resource is discovered, the contractor must notify the SHPO immediately; work will not resume in the location of the finding until clearance is received from SHPO. Additional required mitigation measures required include compliance with conditions and best management practices from authorization of the following: DEP Flood Hazard Area Permit, DOT Highway Occupancy Permit, local and county approvals and Soil and Erosion and Sediment Control Certification.

The following measures are required as conditions for approval of the project:

#### **General**

1. Acquire all required federal, state, and county/ local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act (NEPA). Since limited design information, scope and data is available for review and a detailed impact analysis was not performed, any modification to access design, sidewalk and apron location, grading and staging areas proposed from final design development, will require a reevaluation of the EA for determination of effects to the resources. All conditions of approval are to be addressed and adhered to prior to and throughout the duration of construction.

Additionally, the following standard project development and construction management practices, are required.

#### **Construction-Stage Best Management Practices**

*Air Quality* – The project must meet the regulatory requirements of New Jersey’s Air Rules/Air Pollution Control Requirements (see NCR39437\_RevisedGeneralConformityApplicabilityAnalysis\_SBL\_TO1029).

The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:

a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);

b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);

c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and

d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

*Noise* – Time constraints on construction activity in accordance with local ordinances and proper maintenance and documentation of construction equipment in accordance with manufacturer's specifications to keep unnecessary noise impacts to a minimum.

*Soils and Water Resources* – Prior to the start of the project, the Contractor will obtain a Soil Erosion and Sediment Control Plan Certification under NJSA 4:24-39 (as mandated by the Soil Erosion and Sediment Control Act, Chapter 251, P. L. 1975). A Certification is required for land disturbances of more than 5,000 square feet. The Contractor will submit the Certification received from the Ocean County Soil Conservation District to appropriate agencies and departments as required. The Contractor will install and maintain erosion and sedimentation control measures in accordance with the approved plans prior to and throughout construction.

*Section 106 Consultation* – The State of NJ Historic Preservation Office (SHPO) concurs with finding of No Historic Properties Affected (NE) provided that all ground disturbing activities stay within impervious surfaces, including the use of heavy equipment and staging areas. If final design proposes ground disturbing activities within pervious surfaces or additional resources are discovered during project implementation, a reevaluation for Section 106 consultation is required. The applicant must submit the final design plans, associated specifications and any other required information to SHPO for determination of potential effects. If at any time during construction a resource is discovered, the contractor must notify the Borough immediately; work will not resume in the location of the finding until clearance is received from SHPO.

*Wetlands and Surface Waters Protection* – A Flood Hazard Area Permit is required for construction of impervious cover (i.e. sidewalk) within 25 feet of the adjacent river bank. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil to offsite wetlands and waters and to prevent erosion in offsite wetlands and waters. Construction will adhere to all general conditions for wetlands protection and permit conditions.

*Flood Hazard Area* - A Flood Hazard Area Permit is required for construction of impervious cover (i.e. sidewalk) within 25 feet of the adjacent river bank. Upon completion of final design, the applicant is required to submit an application to NJDEP for authorization of work within the regulated area. All permit conditions, construction specifications and design standards will be adhered to and complied with prior to the start of construction. No equipment or staging area is permitted within the riparian zone.

*Highway Occupancy* - A NJ Department of Transportation (DOT) Highway Occupancy Permit is required for installation of items within the State Right of Way. The proposed streetscape improvement project will occupy the ROW and is a regulated category listed within Title 16, Chapter 41. Highway Occupancy Permits (HOP); therefore, authorization of a NJDOT HOP is required for construction. Upon completion of final design, the applicant is required to submit a complete application to NJDOT for authorization of work within the ROW. All permit conditions, construction specifications and design standards will be adhered to and complied with prior to the start of construction.