

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)

-or- City of Brigantine (Business/Corporate Name)

Project Location: 10th Street through Vernon Place Beach Crossings (Street Address)

Brigantine (Municipality) Atlantic (County) NJ (State)

101.01 (Block) 1 (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 mitigation measures are required as conditions for approval of the project:

General

1. Acquire all required federal, state and 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.

Air Quality

3. Use water or chemical dust suppressant in exposed areas to control dust.
4. Cover the load compartments of trucks hauling dust-generating materials.
5. Reduce vehicle speed on non-paved areas and keep paved areas clean.
6. Retrofit older equipment with pollution controls.
7. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
8. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
9. 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).
- 10. 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).
 - 11. 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).
 - 12. 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.

Floodplain Management and Flood Insurance

- 13. The existing ground elevation is not raised in any floodway.
- 14. No aboveground structure is placed in a floodway.
- 15. No habitable building is constructed.
- 16. No disturbance related to the regulated activity is located within 25 feet of any top of bank or edge of water.
- 17. No vegetation is cleared, cut or removed in a riparian zone, except where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated).
- 18. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.
- 19. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches.
- 20. The existing roadway is not expanded.
- 21. No vegetation is cleared, cut or removed in a riparian zone.
- 22. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
- 23. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Coastal Zone Management

- 24. The applicant will obtain a Coastal Area Facility Review Act (CAFRA) permit and a Waterfront Development Permit, which are required for the proposed drainage improvement project per N.J.A.C. 7:7-22.1(a)1 and N.J.A.C. 7:7-2.3(c), respectively.
- 25. The project will be reviewed for compliance with the regulations of the Flood Hazard Control Act (N.J.A.C. 7:13-1.1) during the CAFRA and Waterfront Development review process.

Wetlands Protection

- 26. The applicant will contact the US Army Corps of Engineers (USACE) upon completion of the final design to determine if a wetland permit is required.

FINDING:

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), 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:

Christopher W. Sollenberger, Tetra Tech, Inc.  12/29/14
 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	Neighborhood Community Revitalization	\$805,000

Estimated Total HUD Funded Amount: \$805,000

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$901,600

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

This project includes access improvements designed to improve access to the beach while helping to limit straight line flooding during storm events. The State of New Jersey has allocated \$75 million of CDBG-DR funds for the Neighborhood Community Revitalization (NCR) program. The NCR program is designed to support the long-term recovery of small businesses and communities by funding long-term economic revitalization priorities. It also supports projects that retain or hire new employees thus contributing to the State's economy. This project will help the City of Brigantine by improving the recreational amenities and associated infrastructure in a low and moderate income neighborhood, potentially creating low and moderate income jobs to complete the identified improvements, and enhancing the "quality of life". The enhancements at the

beachfront will provide for better access for all, including handicapped individuals. The planned improvements will have a direct impact on the lives of those who live in this low and moderate income neighborhood as well as the entire community of Brigantine. Without these improvements, blight can occur in the neighborhood because of its susceptibility to flooding, and the public beaches will be less accessible. As is the case whenever needed open space and associated infrastructure improvements occur, the neighborhood will be enhanced, and there will be a better potential that the values of the properties and the resulting ratables will increase.

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.)

Brigantine City is a barrier island community located just north of Absecon Island which includes four communities: Longport, Margate, Ventnor and Atlantic City. The City has seen its ratable base reduced since Superstorm Sandy and many homes and infrastructure has been damaged. Over 1,100 homeowners in the City of Brigantine have provided the City with Letters of Interest to elevate their homes. In addition, the City has well over 200 repetitive loss properties. Both Businesses and homes were damaged by Superstorm Sandy.

This NJEDA grant project is a Recreation, Cultural and Park Land Amenities Project in a US Census designated Low and Moderate Income Neighborhood. The project includes dune path restoration to include ten walkways from Vernon Place to 10th Street South inclusive. The scope will include the installation of gravel and split rail fencing to delineate the path and protect the dune system. This work will provide easier ADA accessible paths for the general public as well as fortify the dune system for greater protection from coastal storms. In addition, drainage improvements will be completed at 4th Street South and the beach. The scope includes the installation of perforated pipe and inlets. All work will be completed on City owned property and design work can be completed quickly by the City Engineer, hence this project can meet the June 31, 2015 deadline.

This NCR application meets the Priority Criteria since the planned improvements are located in or adjacent to Census Tract 101.02, Block 1; a low and moderate income neighborhood and it meets the National Objective of Low and Moderate Income Area Benefit.

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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>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, demolition, major rehabilitation, or new construction.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Atlantic County has been designated a nonattainment or maintenance area for three National Ambient Air Quality Standard (NAAQS) pollutants (see NCR39808_USEPA_NonAttainment-MaintenanceforNAAQS_NCR_TO1058):</p> <ul style="list-style-type: none"> • a moderate nonattainment area for 8-hour ozone (1997 Standard) • a marginal nonattainment area for 8-hour ozone (2008 Standard) • a non-classified maintenance area for carbon monoxide <p>Emissions associated with the proposed project are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds.</p> <p>There will be temporary, unavoidable increases in particulate matter levels during the proposed beachfront access improvement activities. While air quality will be temporarily affected during the improvement activities, the proposed project will adhere to state air quality standards (N.J.A.C. 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</p> <p>In addition, the NJDEP Bureau of Air Quality has determined that streetscape projects and other similar projects are below the de minimis levels for ozone and PM2.5 in Federal General Conformity regulation (40 CFR 93.153(b)(1) Applicability); therefore, this Community Development Block Grant for Disaster Recovery (CDBG-DR) program is presumed to conform, and a conformity determination is not required (see NCR39808_NJDEP_BAQP_StreetscapeDetermination_</p>

		<p>NCR_TO1058).</p> <p>To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey’s Air Rules continues to remain in effect. Activities must still meet the State’s Air Pollution Control requirements, e.g., obtaining permits when necessary, adherence to idling limitations, and implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition for construction, change of land use, increase in density, major rehabilitation, or new construction.</p> <p>The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration’s National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports listed as commercial service airports within the 9 counties most impacted by Superstorm Sandy are Newark Liberty International Airport in Essex and Union Counties, approximately 88 miles north of the proposed project, and Atlantic City International Airport in Atlantic County, approximately 10 miles west-northwest of the proposed project. Runway protection zones extend up to half a mile from the ends of runways along flight paths, and become wider as distance from the runway increases. There are no civil airport runway protection zones in Atlantic County.</p> <p>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station. The clear zones and accidental potential zones associated with the Lakehurst Naval Air Station are located in Burlington County and Ocean County, approximately 40 miles north of the project. Consequently, the proposed project is not located within an airport clear zone or the Lakehurst Accident Potential Zone (see NCR39808_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1058).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, major rehabilitation, or new construction.</p> <p>In response to the 1972 passage of the federal Coastal Zone Management Act, New Jersey developed and received federal approval for New Jersey’s Coastal Management Program (CMP), which addresses the complex coastal ecosystem as a whole, integrating goals and standards for protection and enhancement of natural resources, for appropriate land use and development, and for public access to and use of coastal resources.</p> <p>The Coastal Zone Management rules, N.J.A.C. 7:7E, represent the State's substantive standards for the use and development of resources in New Jersey's coastal zone. These rules are used to</p>

		<p>review permit applications submitted under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; and the Wetlands Act of 1970, N.J.S.A. 13:9A. The Coastal Permit Program rules, N.J.A.C. 7:7, establish the procedures by which New Jersey Department of Environmental Protection (NJDEP) reviews permit applications and appeals from permit decisions under CAFRA, Waterfront Development Law, and the Wetlands Act of 1970.</p> <p>Per the NJDEP’s HUD Environmental Review Tool, the proposed project is located within the CAFRA zone (see NCR39808_CoastalZoneManagementMapCAFRA_NCR_TO1058). However, the NJDEP Division of Land Use Regulation (DLUR) has determined that the action does not require permits under the Coastal Permit Program and no additional consultation or approval is required (see NCR39808_DLUR_CoastalJWetlandJDFloodHazard_NCR_TO1058) for the beach access improvements, but permits (CAFRA and Waterfront Development) will be required for the drainage improvements on 4th Street.</p> <p>The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands and permits pursuant to these applicable statutes are not required (see NCR39808_CoastalZoneManagementActMapCAFRA_NCR_TO1058).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation, but not acquisition, change of use to residential, demolition, leasing, or new construction.</p> <p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property.</p> <p>To identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP’s HUD Environmental Review Tool was conducted. This review identified that the location of proposed project activities is not within the 3,000-foot radius of a “threatening” site.</p> <p>The site reconnaissance performed on October 14, 2014 revealed no visible recognized environmental conditions (RECs) in the vicinity of the proposed project. Photographs were taken during the site reconnaissance. (See NCR39808_Photolog_NCR_TO1058). There were no obstacles to identification of RECs. In addition, the proposed project site is not listed on a State or Federal Hazardous Waste sites database (see NCR39808_ToxicHazardousandRadioactiveSubstancesMap_NCR_TO1058).</p> <p>According to the NJDEP Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential (see NCR39808_NJDEP_RadonPotentialMap_NCR_TO1058). Because this project involves beach access pathways and stormwater</p>

		<p>drainage infrastructure, lead-based paint, asbestos, and radon are not contaminants of concern.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation, but not acquisition, change of use to residential, demolition, leasing, or new construction.</p> <p>The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a T&E species in the wild, or destroy or adversely modify its critical habitat.</p> <p>The environmental review considered potential impacts of the HUD-assisted proposed project to T&E species and, for animals, critical habitats. The review evaluated potential impacts not only to any listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T&E species or critical habitats require consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA.</p> <p>The NJDEP ArcGIS Screening Tool Centroid layer indicates that no federally listed T&E species are documented on the subject properties and a state-listed T&E species may be present on the site; however, the centroid data did not identify the species. Review of the layers for piping plover, red knot and bats (northern long-eared bat) reveal that none of the T&E species layers overlaps the subject properties (see NCR39808_EndangeredSpeciesMap_NCR_TO1058).</p> <p>Consultation with the NJDEP Natural Heritage Program (NHP) identified federally and state-listed plant and animal species on or near the project site. The NHP Landscape Project habitat mapping and the Biotics Database for occurrences of any rare plant species or ecological communities was used to generate a list of any possibly federally or state listed plant and animal species in the project vicinity. Results of this screening indicate that the two federally listed plant species in Atlantic County in the vicinity of the project are seabeach amaranth (<i>Amaranthus pumilus Raf.</i>) and seabeach sandwort (<i>Honckenia peploides var. robusta</i>). These species occur on sandy, ocean beaches in eastern North America and their habitat is restricted to the narrow strip of land between the high tide line and the base of dunes. Suitable habitat for these species is located on site and the areas of the proposed activities; however, it is unlikely that the project will affect these plants as the areas where construction is planned is already in use as beach crossings and therefore the majority of the areas where the walkways are to be constructed are not currently growing plants. In addition, as the work is being performed in areas that already see a large population of people moving through them, as well as already being disturbed by the existing walkways, it is not likely that the changes to the walkways would impact T&E plants and wildlife (see NCR39808_NJDEP_NationalHeritageProgramCorrespondence_NCR_TO1058).</p>

		<p>Consultation with the New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) identified the state-listed yellow-crowned night heron on the site. The ENSP response indicated that because the project does not require any CAFRA permits, there is no need for project-specific conditions to protect the yellow-crowned night heron (see NCR39808_ENSP_Response_Email_NCR_TO1058).</p> <p>The USFWS IPaC landscape explorer tool was used to generate a list of any possibly federally listed plant and animal species in the project vicinity. Results of this screening indicate that the only federally listed plant species in the vicinity is seabeach amaranth (<i>Amaranthus pumilus</i> Raf). Two animal species were listed in the screening as potentially being in the vicinity of the site, the piping plover (<i>Charadrius melodus</i>) and the red knot (<i>Calidris cantus rufa</i>). Additional consultations indicated that the proposed activities would have limited impacts on these species (see NCR39808_USFWS_IPaC_Results_NCR_TO1058).</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition, change of land use, demolition, major rehabilitation, or new construction.</p> <p>The thresholds for minority and low income populations in New Jersey are 48.52 percent (urban areas) and 18.58 percent, respectively. The project area contains Census tracts and blocks with marginal environmental justice populations, i.e., minority populations ranging from ranging from 10 percent to 40 percent and populations below poverty level ranging from 10 percent to 20 percent (see NCR39808_EnvironmentalJusticeMap_PercentMinority_NCR_TO1058 and NCR39808_EnvironmentalJusticeMap_PercentBelowPoverty_NCR_TO1058).</p> <p>The project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services which may be of importance to environmental justice populations. Thus, the project would not generate disproportionately high and adverse environmental impacts on environmental justice populations (see NCR39808_EnvironmentalJusticeChecklist_NCR_TO1058).</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: residential projects involving new construction, rehabilitation where unit density is increased, change of land use to residential, vacant buildings made habitable or any project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use.</p> <p>The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the proposed project increases the number of people exposed to hazardous operations. Therefore, the environmental review for this proposed project is required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C because it involves recreational activities and would not increase the number of people using those recreational areas.</p> <p>The site reconnaissance performed on October 14, 2014 revealed no aboveground storage tanks within one mile of the proposed project.</p>

		<p>In addition, aboveground storage tanks were not observed in the available aerial photographs of the project location and surrounding area (see NCR39808_ToxicHazardousandRadioactiveSubstancesMap_NCR_TO1058).</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, conversion of undeveloped land, new construction, or site clearance.</p> <p>The property involved in the proposed project consists of “land already in or committed to urban development” within the meaning of 7 CFR 658.2(a), and is therefore not farmland for purposes of the Farmland Protection Policy Act. In addition, a review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local importance (see NCR39808_FarmlandProtectionMap_NCR_TO1058).</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves improvements to infrastructure and rehabilitation or repair, but does not include acquisition, disposition, financing or leasing existing building, or building construction.</p> <p>The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the NJDEP’s HUD Environmental Review Tool. Per the screening tool, it has been determined that the entire proposed action is located in a 100-year floodplain, i.e., Zones A and V, with the FEMA Preliminary FIRMs layer applied.</p> <p>The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool. The majority of the proposed project is within Zone V with a base flood elevation (BFE) between 12 and 15 feet, while the remainder of the proposed project is located within Zone A (see NCR39808_FloodplainManagementandFloodInsuranceMap_NCR_TO1058 and NCR39808_8-StepFloodplainAnalysis_NCR_TO1058).</p> <p>An 8-step floodplain analysis was conducted to determine whether the proposed project would have adverse effects on the floodplain. The results of the 8-step floodplain analysis indicate that there are no practicable alternatives to the proposed project. An early public notification was posted on November 10, 2014 (Press of Atlantic City) and November 11, 2014 (El Diario La Prensa) with a comment period of 15 days (See NCR39808_FloodplainEarlyNotice_English_NCR_TO1058, NCR39808_FloodplainEarlyNotice_Spanish_NCR_TO1058, NCR39808_FloodplainEarlyNoticeAffidavit_ThePressofAtlanticCity_NCR_TO1058, and NCR39808_FloodplainEarlyNoticeAffidavit_ElDiarioLaPrensa_NCR_TO1058). No comments were received (see NCR39808_FloodplainEarlyNotice_Comments_NCR_TO1058).</p> <p>A final public notice will be published in accordance with 24 CFR Part 55 for a minimum 7-day comment period. The notice shall</p>

		<p>state the reasons why the project must be located in the floodplain, provide a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55. Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</p> <p>NJDEP DLUR determined that the project does not qualify for a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13- 7.2(b) 6. In addition, the Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(d) 1 would apply (see NCR39808_DLUR_CoastalJDWetlandJDFloodHazard_NCR_TO1058).</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves ground disturbance, rehabilitation, and repair, but not acquisition, demolition, new construction, or disposition.</p> <p>The project is not entirely located within a mapped “green zone” (see NCR39808_HistoricPreservationExemptionZoneMap_NCR_TO1058). Portions of the site are in the green zone, but the majority is located outside of and adjacent to the green zone. Two Secretary of the Interior Qualified Professionals, Christopher L. Borstel, Ph.D. (for archeology) and James C. Sexton (for historic architecture), conducted a review of the proposed project and determined that it is unlikely that the proposed project would affect directly or indirectly any historic or archeological resources listed in or potentially eligible for listing in the National Register of Historic Places (NRHP). On October 31, 2014, pursuant to 36 CFR 800.4(d) (1), the State Historic Preservation Officer (SHPO) concurred with this finding (HPO Project No. 15-0565, Log No. J2014-678, see NCR39808_NJHPO_Response_NCR_TO1058). It should be noted that the footer of the SHPO concurrence file indicates that the document contains three pages; however, the concurrence file provided to Tetra Tech was two pages in length.</p>
<p>11. Noise Abatement and Control [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>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition, conversion, or new construction for residential or other noise-sensitive developments such as hospitals, nursing homes, day care, community centers, etc. 24 CFR 51.101(a) (2) is not applicable as the project is not a noise-sensitive land development.</p> <p>Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program that meets the requirements for exclusion in 24 CFR 51.101(a) (3). That regulation states that HUD noise policy does not apply to “assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The proposed project involves nonresidential properties and would improve storm drainage systems and restore public access ways substantially as they existed prior to Superstorm Sandy.</p>

<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The proposed project is in compliance. It does not involve one of the applicable activities: acquisition of undeveloped land, change of land use or new construction.</p> <p>Review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project is located in an area of a sole-source aquifer. The New Jersey Coastal Plain aquifer system underlies the proposed project site as well as the entire southern half of the state, including all of Atlantic County (see NCR39808_SoleSourceAquifersMap_NCR_TO1058).</p> <p>A memorandum of understanding between EPA and HUD (see NCR39808_USEPA_SoleSourceAquiferReviewofHUDProjects_NCR_TO1058) states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> rehabilitations or improvements to infrastructure already in place, such as water and sewer line replacement, fire hydrant installations, curb cuts, building renovations that done involve significant expansion, street light and sign installment, road repavement, etc. <p>This compliance finding is supported by the fact that street improvement projects are not listed on the EPA Region 2's Sole Source Aquifer web page as a significant pollution source for NJ Coastal Plain Aquifer (see http://www.epa.gov/region02/water/aquifer/coast/coastpln.htm).</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, construction, or expansion of building footprint.</p> <p>A review of the NJDEP HUD Environmental Review Tool indicated that no coastal or freshwater wetlands are present on or adjacent to the proposed project site (see NCR39808_WetlandProtectionMap_NCR_TO1058).</p> <p>NJDEP DLUR reviewed the property and determined that a Wetland Protection Permit would not be required as no wetlands were determined to be located on the site (see NCR39808_DLUR_CoastalJWetlandJDFloodHazard_NCR_TO1058).</p> <p>The USACE reviewed the site and determined that a USACE permit may be required for this project. While distinct presence or absence of wetlands was not noted during the USACE site inspection on November 7, 2014, changes to the final plan may result in the necessity for a permit. In addition, a USACE shore stabilization project is located in this area. Specific restraints may be required for this project, and the USACE should be consulted directly about the design (see NCR39808_USACE_WetlandResponseEmail_NCR_TO1058). The USACE will need to be contacted once the final design is complete to determine if a permit will be required or not.</p> <p>The USFWS IPaC landscape explorer tool indicated that estuarine and marine wetland areas potentially intersect the proposed project area in one or more locations (see NCR39808_USFWS_IPaC_Results_NCR_TO1058).</p>

		<p>It is unlikely that the project will affect estuarine and marine wetland areas as the areas where construction is planned are already in use as beach crossings. As the work is being performed in areas that already see a large population of people moving through them, as well as already being disturbed by the existing walkways, it is not likely that the changes to the walkways would impact estuarine and marine wetlands. Additional consultations indicated that the proposed activities would have limited impacts on wetlands, as no wetlands were determined to be located on the site.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change in land use, major rehabilitation, or new construction.</p> <p>New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Great Egg Harbor River is the nearest Wild and Scenic River to the project site, located approximately 10 miles southwest (see NCR39808_WildandScenicRiversBufferZoneMap_NCR_TO1058). The project is not located within ¼ mile of a Wild and Scenic River stream bank or a one-mile radius of a designated Wild and Scenic River.</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:

The proposed site is not within any runway protection zones (formerly called runway clear zones) at airports subject to 24 CFR 58.6 or any clear zones at military airfields subject to 24 CFR 58.6. See attached file NCR39808_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1058.

[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:

There are nine designated units of the Coastal Barrier Resources System in New Jersey, all of which are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. The proposed project activities will not occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. See attached file NCR39808_USFWS_CoastalBarrierResourcesMap_NCR_TO1058.

[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: The project consists of repair and improvement of recreational facilities and stormwater infrastructure.

[Proceed with project.]

Yes. Cite or attach Source Documentation:

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.

The storm drainage/beach crossing improvement component of 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. As a result, flood insurance requirements are not applicable to this project.

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Mr. Christopher W. Sollenberger, Tetra Tech, performed the site reconnaissance on October 14, 2014.

Summary Statement of Findings and Conclusions:

The proposed activity complies with environmental requirements for funding. The following mitigation measures are recommended to minimize any potential adverse environmental impacts and to ensure compliance is maintained.

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.)

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

General

1. Acquire all required federal, state and 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.

Air Quality

3. Use water or chemical dust suppressant in exposed areas to control dust.
4. Cover the load compartments of trucks hauling dust-generating materials.
5. Reduce vehicle speed on non-paved areas and keep paved areas clean.
6. Retrofit older equipment with pollution controls.
7. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
8. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
9. 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).
10. 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).
11. 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).
12. 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.

Floodplain Management and Flood Insurance

13. The existing ground elevation is not raised in any floodway.
14. No aboveground structure is placed in a floodway.
15. No habitable building is constructed.
16. No disturbance related to the regulated activity is located within 25 feet of any top of bank or edge of water.
17. No vegetation is cleared, cut or removed in a riparian zone, except where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated).
18. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.
19. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches.
20. The existing roadway is not expanded.
21. No vegetation is cleared, cut or removed in a riparian zone.
22. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
23. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Coastal Zone Management

24. The applicant will obtain a Coastal Area Facility Review Act (CAFRA) permit and a Waterfront Development Permit, which are required for the proposed drainage improvement project per N.J.A.C. 7:7-22.1(a)1 and N.J.A.C. 7:7-2.3(c), respectively.
25. The project will be reviewed for compliance with the regulations of the Flood Hazard Control Act (N.J.A.C. 7:13-1.1) during the CAFRA and Waterfront Development review process.

Wetlands Protection

26. The applicant will contact the US Army Corps of Engineers (USACE) upon completion of the final design to determine if a wetland permit is required.