

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: _____ 518 Bayshore Avenue _____ (Street Address)

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

_____ 6705 _____ (Block) _____ 1-10 _____ (Lots)

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.)

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.*

Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR39810_AirQualityMemo). In addition, the following must be met:

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.

Coastal Zone Management Act

The project is located within the Coastal Area Facility Review Act (CAFRA) boundary and the majority of the proposed activities are within 150 feet of the mean high water line (MHWL) (see NCR39810_CoastalZoneManagementActMapCAFRA). Based on the scope of work and consultation with the NJDEP Division of Land Use Regulation (DLUR), however, no additional CAFRA, Waterfront Development or coastal wetlands permits will be required for the in-kind replacement of previously-authorized structures (see NCR39810_DLUR_Response and NCR39810_DLUR_2006_Response).

Floodplain Management and Flood Insurance

1. All proposed reconstruction, substantial improvements, and elevation activities 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).
2. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.
3. 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)].

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Hazardous Waste

The following must be met:

1. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).
2. Should impacted soils be encountered during construction, they should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP).

Soil and Water Quality

Obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.

1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.
2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.

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:

Gary Doss, Dewberry		1/20/2015
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	CDBG-DR NCR	\$689,115.00

Estimated Total HUD Funded Amount: \$689,115

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds)

The estimated total cost of the project is \$771,808.00. \$689,115.00 is the requesting HUD funding value for construction. The remaining amount of \$82,693 covers City funds for soft costs to include engineering and construction management.

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

The Neighborhood and Community Revitalization Program (NCR) supports the long-term recovery of communities in part with funds for economic revitalization projects and public facilities improvements. The Brigantine Public Boat Ramp and surrounding low or moderate income area is within Atlantic County, being one of the nine most impacted

counties damaged by Hurricane Sandy. The Boat Ramp facility and the supporting infrastructure is in need of reconstruction and resiliency measures to restore the recreational facility, reconstruct the supporting roadway and drainage infrastructure to reestablish this valued recreational amenity and encourage local and non-local recreational visitors back into the community, enhance the local quality of life, and provide flood mitigation measures for the recreational facility and surrounding neighborhood. The project is intended to assist the Town of Brigantine to recover from the loss of a valued recreational facility while providing resiliency improvements to the adjacent infrastructure while reducing future flood impacts.

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.)

Work will include flood mitigation measures at the boat ramp with elevation of the facility entrance and adjacent section of Bayshore Avenue in concert with upgrades to the supportive storm drainage system. More specifically, included is water proofing of the facility by installing flood gates at the boat ramp to abate water from accessing the site. Installation of a new storm water pump station is planned to evacuate water from the site during larger storm events, thereby reducing potential flood water impacts to the park site and surrounding properties. The abutting segment of Bayshore Avenue roadbed will be elevated to abate future flood waters. The floating dock damaged by Superstorm Sandy will be reconstructed. An emergency generator to service the pump station will aid in the resiliency of this facility as well as the surrounding low and moderate income qualified neighborhood.

The City envisions the construction activities associated with the revitalization project as having the potential to create low and moderate income jobs during the construction efforts.

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	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 project is in compliance. According to the Department of Environmental Protection Division of Air Quality Memorandum dated January 23, 2014, the General Conformity Rule would apply to this project in Atlantic County as the county is in nonattainment for certain National Ambient Air Quality Standards (NAAQS) and construction activities continue to remain well below the Federal General Conformity regulation’s <i>de minimis</i> thresholds and are presumed to conform to the State Implementation Plan (SIP). See NCR39810_AirQualityMemo.</p> <p>Atlantic County is shown as being designated a nonattainment or maintenance area for the following NAAQS pollutants (see NCR39810_AirQualityMap):</p> <ul style="list-style-type: none"> • Nonattainment for 8 hour Ozone standard of 0.08 ppm (1997 Std) • Nonattainment for 8 hour Ozone standard of 0.075 ppm (2008 Std) • Maintenance area for 8-hour Carbon Monoxide standard of 9ppm <p>Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls. The project will involve installation of flood mitigation measures at the storm-damaged Brigantine Boat Ramp facility (elevation of the facility entrance apron, parking area and abutting section of Bayshore Avenue, installation of flood gates, and construction of supportive drainage infrastructure) and reconstruction of the docks. Temporary impacts to air quality may occur during construction; however, no long-term impacts to air quality are anticipated. The temporary impacts can be mitigated through Best Management Practices (BMPs) including mitigation of dust and fugitive emissions, complying with all state and federal rules for demolition of structures which may contain asbestos, truck bed covers, and retrofitting older equipment with pollution controls.</p>

<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Newark Liberty International Airport is located approximately 100 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the west of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR39810_AirportHazardsMap).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is located within the Coastal Area Facility Review Act (CAFRA) boundary and the majority of the proposed activities are within 150 feet of the mean high water line (MHWL) (see NCR39810_CoastalZoneManagementActMapCAFRA). Based on the scope of work and consultation with the NJDEP Division of Land Use Regulation (DLUR), however, no additional CAFRA, Waterfront Development or coastal wetlands permits will be required for the in-kind replacement of previously-authorized structures. Conditions of the previous DLUR approval, dated March 1, 2006, remain in place for the project and will have to be addressed and/or maintained (see NCR39810_DLUR_Response and NCR39810_DLUR_2006_Response).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project action is in compliance. The project location is not within 3,000 feet of a site determined to be a “threatening” Hazardous Waste cleanup site, Landfill, Solid Waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances by the NJDEP. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible recognized environmental concerns (RECs) within the vicinity of the project. In addition, no evidence of contamination or toxic substances was observed during the site visit. See NCR39810_ToxicHazardousRadioactiveSubstancesMap.</p> <p>The property is within a Tier III Radon Potential area; therefore, further assessment regarding Radon is not required. See NCR39810_RadonMap. In addition, it is noted that the boat house building, located, on the subject parcel, will not be impacted as part of the proposed development. Therefore, lead-based paint (LBP) and asbestos containing materials (ACMs) are not considered a concern.</p>

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the US Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC), piping plover (threatened) and red knot (proposed threatened) may be present within proximity to the site. According to the NJDEP GIS tool, however, these species are NOT present within proximity to the project area (see NCR39810_EndangeredSpeciesMap). The IPaC results also identifies the project area as being within the zone of potential habitat for the federally-threatened plant species Seabeach amaranth; it is noted, however, that the project is proposed to be located within the footprint of the existing dock and bituminous location, and the adjacent inlet does not have dune topography, therefore, no impacts to this species are anticipated.</p> <p>The NJDEP GIS tool identifies habitat for threatened and endangered bat species adjacent to the southwest of the project parcel (see NCR39810_EndangeredSpeciesMap). It is noted that no trees equal to or greater than 10 inches in diameter were observed within the project site near the mapped bats during reconnaissance. The project is proposed to be constructed within the footprint of the existing boat ramp facility; therefore, impacts to this species are not anticipated. It is also noted that according to the NJDEP GIS tool centroid layer, no state or federally-listed species are present within the project site (see NCR39810_EndangeredSpeciesMapCentroid). However, should trees greater than 10 inches be encountered in this area, clearing of these trees would not be permitted between April 1 and September 30.</p> <p>According to correspondence with the NJDEP Natural Heritage Program (NHP), Least Tern (state endangered), Black-crowned night heron (state threatened), Osprey (state threatened) and Yellow-crowned night heron (state threatened) utilize the site for foraging. Foraging habitat for additional bird species of special concern was also identified; however, these species have not been designated as state or federally threatened/endangered. The proposed project is to install flood mitigation measures at the boat ramp facility and reconstruct the existing docks; therefore, impacts to foraging habitat for these species is not anticipated.</p> <p>It is noted that the NHP also identifies the Natural Heritage Priority area of North Brigantine Island as hosting foraging habitat, nesting habitat and nesting colonies for Osprey (state threatened) and additional aves species of concern within one mile of the site; however, because the project will reconstruct facilities within the existing footprint of development, no impacts to these species are anticipated. Also noted are the Atlantic Leatherback (state endangered) and Atlantic Loggerhead (state endangered) reptila species having occupied habitat within a mile radius; however, these species are ocean beach occupants whereas the project is located within the back-bay area within the Wading Thorofare Channel, no impacts to these species are anticipated.</p> <p>The IPaC results (NCR39810_IPAC) and NHP correspondence (NCR39810_NHPResponse) can be found within NCR39810_USFWS and NCR39810_NHP, respectively.</p>
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<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The action is in compliance. The subject census bocks consist of 0-10% minority population (although the immediately surrounding area consists of 0-30% minority populations). In addition, the subject census tract consists of between 0-20% at or below the poverty level (the adjoining census tract to the south consists of between 10 and 20% below the poverty level). The project involves installation of flood mitigation measures and reconstruction of docks at an existing recreational facility, and in accordance with the requirements of the program would not alter the existing demographics of the immediate area. The overall impacts of the project will be beneficial to the local community by restoring storm damaged recreational amenities, upgrading existing storm drainage, and providing potential employment opportunities during construction. Overall, the environmental impacts of the proposed action would be beneficial, and significant adverse effects would not occur. See attached supporting documents:</p> <p>NCR39810_EJChecklist; NCR39810_EnvironmentalJusticePovertyMap; NCR39810_EnvironmentalJusticeMinorityMap.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal is a HUD-assisted "recreational" project as per 24 CFR 51.201; however, no large storage tanks are within one mile of the site (see NCR39810_ASDFMap) and no storage tanks were observed on-site or in the immediate vicinity of the site during the site reconnaissance. Therefore, the project is in conformance with 24 CFR Part 51C.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The action is in compliance. According to NJDEP GIS information, the project sites are not within areas identified as being prime or unique farmlands or within a farmland of statewide importance. Therefore, the project will NOT adversely impact soils of importance to farmland (see NCR39810_FarmlandProtectionSoilsMap).</p> <p>In addition, the following must be met:</p> <ol style="list-style-type: none"> 1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters. 2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.

<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 project construction site is within the 100-year Floodplain Zone AE, which is part of the FEMA designated Special Flood Hazard Area as shown on the FEMA Preliminary FIRM (see NCR39810_FloodplainMgmtandFloodInsuranceNFIPMap). It is noted that the AE zone is a subset of the A zone, as shown on the Preliminary FIRM floodplain map. According to correspondence with NJDEP DLUR (see NCR39810_DLUR_Response), since the project proposed activities within 25 feet of the mean high water line (MHWL), the project will be subject to a Flood Hazard Area Control Act (FHA) Individual Permit.</p> <p>Since no alternatives to locating within the floodplain are practicable, an 8-step decision-making process was conducted as outlined in 24 CFR 55.21. A public notification was posted on January 2, 2014 with a comment period of 15 days. No comments were received. A copy of the 8-step checklist, the 8-step analysis and public notifications can be found in the supporting documentation (see folder NCR39810_8Step).</p> <p>Steps 1-6 have been conducted (see folder NCR39810_8Step). Step 7 (Determination of No Practicable Alternative) involves the publication of a 7-day notice stating the reasons why the project must be located in the floodplain, provides a list of alternatives proposed, and all mitigation measures taken to minimize adverse impacts on the floodplain and preserve natural and beneficial floodplain values. All comments received from this publication will be responded to and fully addressed prior to any funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55 and 58.2. The publication of this notice will be included in the project's Notice of Intent/Request Release of Funds (NOI-RROF) publication.</p> <p>Step 8 will consist of the implementation of the proposed action. Implementation may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The project parcel and associated work efforts are located within the Historical Property Exemption Zone (see NCR39810_HistoricPreservationExemptionZoneMap). Therefore, the project area does not have the potential to impact historic architectural resources. In addition, the project encompasses less than five acres and is situated on a barrier island. According to publicly available NOAA nautical charts and AWOIS data, there are no known shipwrecks near the property and it is not situated within the archaeological site grid or near a known archaeological site. As such, the proposed undertaking appears to be allowable under Tier II Allowance I of the May 2013 Programmatic Agreement for Hurricane Sandy-related projects. No consultation with SHPO is necessary at this time.</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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>A Day/Night Noise Level (DNL) calculation for the project was not conducted. DNL noise standards are applicable only to projects “providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development” (24 CFR 51.101(a)(3)). The proposed project is not for housing or a noise sensitive use; therefore the DNL noise standards are not applicable.</p> <p>It is anticipated that construction activities will create a temporary noise impact. This impact can be mitigated through the use of BMPs such as installation of mufflers on equipment and performing construction during daytime.</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 property is identified as being within the Coastal Plain Sole Source Aquifer (see NCR39810_SoleSourceAquiferCoastalPlainMap). According to the project description provided by the applicant, no increase in impervious surface area is required or proposed for this project. Water and sewer services are furnished by the City of Brigantine through the City’s owned and operated system. The project involves installation of flood mitigation measures at the boat ramp facility. No additional impervious surface is proposed as part of this project. In addition, the proposed backup generator will be natural-gas powered; no above-ground or underground storage tanks are proposed. Therefore, the project meets the conditions stated in the EPA SSA memo (see NCR39810_EPA_SSA_Memo) and consultation with the USEPA Region 2 is not required.</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The United States Fish and Wildlife Services (USFWS) Information, Planning and Conservation System (IPaC) search results indicate that based on National Wetland Inventory (NWI) mapping, estuarine and marine wetlands are within proximity to the project area (see “NCR39810_IPaC”). It is noted, however that no state recognized tidal or freshwater wetlands are shown by the NJDEP GIS tool. See NCR39810_WetlandProtection Map. In addition, according to the NJDEP DLUR response (see NCR39810_DLUR_Response), based on NJDEP’s review, no coastal wetlands are located within the project area. Therefore, the project is not anticipated to impact wetlands.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (16 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values. Five designated Wild and Scenic rivers are located within the State of New Jersey; the Delaware (Lower) River, Delaware (Middle) River, Great Egg Harbor River, Maurice River and the Musconetcong River.</p> <p>The project is in compliance. The nearest scenic river, the Great Egg Harbor River, is approximately 10 miles to the west of the project area (see NCR39810_WildandScenicRiverMap). This distance is greater than the 1 mile buffer zone. Therefore, consultation with the National Park Service is not required.</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:

Newark Liberty International Airport is located approximately 100 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the west of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR39810_AirportHazardsMap).

[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 nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. The nearest CBRS unit is NJ-08P which is located approximately 8 miles to the southwest. See NCR39810_CoastalBarrierResourceActMap.

[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 is within the floodplain (see NCR_FloodplainMgmtandFloodInsuranceNFIPMap)*

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.

The property is located within the 100-year floodplain and includes one structure (boat house) that will require flood insurance. However, the proposed improvements for this project (flood mitigation measures and reconstructed docks) are not "structures" as defined by FEMA in 44 CFR 9.4.

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

Summary of Findings and Conclusions

Field Inspection (Date and completed by): *Site visit conducted on November 5, 2014; completed by Mr. Lawrence Smith, Senior Planner and Mr. Gary Doss, Environmental Planner.*

Summary Statement of Findings and Conclusions: *Based on the findings of this environmental review, the proposed project will have a net benefit on the project area.*

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.)

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.*

Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR39810_AirQualityMemo). In addition, the following must be met:

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.*

Coastal Zone Management Act

The project is located within the Coastal Area Facility Review Act (CAFRA) boundary and the majority of the proposed activities are within 150 feet of the mean high water line (MHWL) (see NCR39810_CoastalZoneManagementActMapCAFRA). Based on the scope of work and consultation with the NJDEP Division of Land Use Regulation (DLUR), however, no additional CAFRA, Waterfront Development or coastal wetlands permits will be required for the in-kind replacement of previously-authorized structures (see NCR39810_DLUR_Response and NCR39810_DLUR_2006_Response).

Floodplain Management and Flood Insurance

1. *All proposed reconstruction, substantial improvements, and elevation activities 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).*
2. *All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.*
3. *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)].*

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Hazardous Waste

The following must be met:

1. *Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).*
2. *Should impacted soils be encountered during construction, they should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP).*

Soil and Water Quality

Obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.

- 1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
- 2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*