

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: _____ (First) _____ (Last)

-or- Atlantic Cape Fisheries, Inc. (Business/Corporate Name)

Project Location: 117-301 Channel Drive (Street Address)

Point Pleasant Beach Borough (Municipality) Ocean (County) NJ (State)

166, 9; 173, 1; 173, 2; 172, 1; 172, 5; 172, 5.01; 166, 10; 171, 9; and 173, 2.01 (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.)

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

While Phase I does not involve any noise sensitive uses, Phase II will involve the construction of a restaurant and a hotel. The restaurant is not a noise sensitive development, therefore no DNL calculations are needed for this building. The hotel, however, is considered a noise sensitive use. Several noise sources exist within the surrounding area, including the New Jersey Transit (NJT) North Jersey Coast Line (approximately 2,000 feet to the west of the proposed hotel location), and Broadway (approximately 300 feet to the south), which links the beaches to the east with NJ State Route 35 to the west (see NCR39812_NoiseMap). In addition, the property's overall use (i.e., active commercial fishing operation) represents a noise source as well. As the designs progress for Phase II of the project, a noise study will need to be developed to determine the ambient outdoor noise level. If it is in excess of 65 decibels (dB), noise attenuation measures will need to be incorporated into the design of the hotel. In addition, the following must be met:

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 "NCR39812_AirQualityMemo.pdf"). 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

1. A Waterfront Development Permit is required if bulkhead work occurs offshore from Block 172 Lot 1 and Block 171 Lot 9, according to NJDEP Division of Land Use Regulation (DLUR) correspondence dated February 6, 2015.

Species of Concern

In order to minimize potential impacts to Least Tern, no landing or staging operations would be permitted on Gull Island, located across Wills Hole Thoroughfare.

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) stated that the Manasquan River is a migratory pathway, nursery and foraging area for anadromous fish. The NMFS stated that in order to minimize impacts to anadromous fish, no in-water activities could occur between March 1 and June 30. Additionally, the NMFS stated that winter flounder spawn in the estuarine portions of the river. To avoid impacts, no dredging or sediment generating activities could occur from January 1 to May 31. The project area has also been mapped as habitat for blue mussel. To minimize

impacts, any bulkhead structures should be built with non-polluting materials. Specifically, pressure-treated lumber should not be used. The NMFS also stated that species of sturgeon live within the Manasquan River; therefore the project may impact these species; as project details become finalized, a consultation pursuant to Section 7 of the Endangered Species Act may be necessary. A copy of the NMFS correspondence can be found in the "NMFS" folder.

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.

Explosive and Flammable Operations

If Phase II of the project moves forward, 24 CFR 51 Subpart C is applicable because there will be an 18,000 gallon stationary tank located on the property and an increase in density would occur. The increase in density is attributed to the construction of a restaurant building at 205 Channel Drive and a hotel at 117 Channel Drive. Therefore, if Phase II progresses, mitigation measures consistent with 24 CFR 51.205 would need to be developed and approved by HUD prior to the commencement of construction activities even if Phase 2 is funded by sources other than HUD.

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)].*
- 4. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).*
- 5. With the exception of the demolition of existing buildings, reconstruction of the bulkhead and associated concrete esplanade, no work is proposed in the V or VE zones for Phase I. This Phase I work is permitted in the V or VE zone because it is a "functionally dependent use" (i.e., is a waterfront structure) per 24 CFR 55.2(b)(6) and will be built to V and VE standards per 24 CFR 55.1(c)(3).*
- 6. Regarding Phase II activities, per 24 CFR 55.1(c)(3), no new construction is permitted in a V or VE zone. The northeast corner of the property is shown on Preliminary FIRM maps as being within the VE zone. The proposed restaurant in Phase II of the project may be partially located within this area, as shown on the applicant's conceptual plans (see "Appendix 7 & 8 - Drawings, Cost Est, CAFRA JD.pdf"). Construction of these buildings is permitted within the AE zone, as long as elevation, flood-proofing and*

flood insurance requirements are met. Please also see 76 FR 77165, December 12, 2011 and 78 FR 68722, November 15, 2013. Should Phase II move forward, the location of these buildings will need to be A or AE zone (or outside of the V or VE zone).

7. *Phase I will be subject to the floodproofing requirements of an FHA Individual Permit per N.J.A.C. 7:13-11.5(q). Phase II of the project would also be subject to the requirements of a Flood Hazard Area Individual Permit; however, demonstration of these requirements will be met in the Phase II CAFRA permit.*
8. *A Waterfront Development Permit is required if bulkhead work occurs offshore from Block 172 Lot 1 and Block 171 Lot 9, according to NJDEP Division of Land Use Regulation (DLUR) correspondence dated February 6, 2015.*

In addition, FEMA responded to the agency consultation request with the below comments and conditions on the project:

1. *In terms of NFIP regulations, any development activity on the property is required to be in conformance with the minimum requirements of the National Flood Insurance Program (NFIP). These requirements are codified in Title 44 of the Code of Federal Regulations (CFR), Part 60.*
2. *Minimum NFIP regulations require that new and substantially improved structures in A Zones must be elevated or floodproofed, if it is non-residential, to or above the level of the base flood, and meet other applicable program requirements as specified in Section 60.3 of the CFR.*
3. *If a structure is located in a coastal high hazard area, V-Zone, it not only must be elevated to or above the base flood elevation, but it also must comply with additional requirements contained in Section 60.3(e) of the NFIP regulations.*
4. *In addition, the NFIP requires communities, in this case, the Borough of Point Pleasant Beach, to review all applications for development in SFHAs and to apply their floodplain management regulations and building codes to work on both the existing and proposed structures. The Borough will be responsible to regulate any construction activity, issue permits and enforce the requirements of their Flood Damage Prevention Ordinance and the minimum requirements of the NFIP for development of this property.*

Hazardous Waste

Based on the construction date of the subject building, an asbestos-containing materials (ACM) and lead-based paint (LBP) survey was conducted (see "NCR39812_LBPACM_Report"). Sampling results indicate that ACM is present in building materials throughout the property; however, LBP was not identified (see Table 1.0 within the report). Based on the results of the survey, the following must be met:

1. *All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:*
 - *National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145*
 - *National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150*
 - *NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials*
 - *New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.*
2. *Regarding asbestos containing material, a qualified person should continuously oversee all demolition activities once they commence.*

3. *Due to the uncertainty regarding the age of the buildings, as well as the limits of sampling (i.e., not all building materials could be sampled), proper management precautions should be taken for any materials that may later be found to be ACM or LBP.*
4. *Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).*
5. *All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.*

In addition, 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

The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet, therefore the applicant will need to obtain Ocean 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.*

Sole Source Aquifers

The property receives municipal water/sewer utilities from the Point Pleasant Beach Water Department, however, the property is also identified as being within the Coastal Plain Sole Source Aquifer (see NCR39812_SSAMap). The property is a type that is not exempt from EPA review (i.e., contains and/or historically contained above ground storage tanks, see "SSA Memo"). Dewberry submitted to EPA Region 2 for review on November 19, 2014. EPA Region 2 responded in a letter dated January 23, 2015, stating that the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act, given the following conditions:

1. *We note that there exists on the project site an 18,000-gallon, double-walled tank containing diesel fuel, with the space between the walls sufficient to contain the volume of liquid in the inner tank. We request that a professional engineer demonstrate, by calculation, that the space between the walls of the tanks can in fact accommodate the entire contents of the primary tank if that tank leaks. There should also be a means of monitoring the contents of the inner tank, to detect leakage.*
2. *We note that there exists three 300-gallon aboveground storage tanks (ASTs) containing lubricating oil used for fishing boat engines. We further note that these tanks are located within a 20-foot long secondary containment made of steel. We request that the volume of that containment be able to accommodate the volume of these tanks plus any rainwater that might accumulate (unless rainwater will not get into the containment).*

3. *We note that the applicant plans to move the tanks to the western end of the property to be closer to where boats will load and unload. We expect that special care will be taken in moving the tanks, which presumably will be empty at the time of the move. We also ask you to consider installing elevated tanks, to harden them against future flooding. It would also make sense to have an impermeable concrete pad beneath the fuel tank to catch any spills during refilling.*
4. *We expect that a Spill Prevention Control and Countermeasure (SPCC) plan will be in place, prepared and certified by a professional engineer. The engineer should also develop and certify a Storm Plan that will provide the tanks with sufficient protection in the event of a major storm and accompanying flood conditions. Please see the enclosed information.*
5. *Our research indicates that tanks generally survive flood conditions when they are protected against becoming buoyant. Thus, we recommend that either the tanks have sufficient contents and that the contents are preferably 3 to 6 feet above flood level, or that the tanks are securely anchored. Connecting piping and valves should be taken into account in avoiding buoyancy.*

The EPA Region 2 offered additional comments to minimize environmental impacts and to further create a more environmentally sustainable project. A copy of the letter (NCR39812_SSAResponse) can be found in the "EPA_SSA" correspondence folder.

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:

Gary Doss, Dewberry
Preparer Name and Agency



Preparer Signature

3/4/2014
Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	CDBG-DR	\$5,000,000

Estimated Total HUD Funded Amount: \$5,000,000

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$13,773,630 (Phase I only)

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

The purpose of the project is to reconstruct and rehabilitate a business that received significant damage as a result of Superstorm Sandy. The project will also increase public access to the waterfront within the Point Pleasant Beach community. This project will help restore economic vitality to the shore community by increasing employment opportunities in marine-related businesses, as well as by promoting local tourism as well as community access to the waterfront area.

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 subject property consists of multiple parcels located at 117-301 Channel Drive. According to GIS information, the property is approximately 7.66 acres in size. Construction dates for the existing buildings were not available; however, based upon publicly available historic imagery (see NCR39812_1979HistoricAerialMap, from www.historicaerials.com), the buildings were built prior to 1979.

The proposed project will consist two phases. Phase I will consist of the reconstruction and elevation of the existing bulkheads at 117 and 205 Channel Drive. A concrete esplanade will be installed behind the reconstructed bulkhead, and sidewalk and landscaping improvements along Baltimore Avenue will be conducted to allow for public access to the waterfront. Existing fishing equipment will be relocated from 205 Channel Drive to 301 Channel Drive. The buildings at 205 and 209 channel drive will be demolished. The building at 301 Channel Drive will be rehabilitated and modernized with an approximately 3,000 square-foot second story addition. The property’s 18,000-gallon double-walled diesel tank will be relocated from its current location, in the center of the property, to a location adjacent to the building at 301 Channel Drive. Stormwater management improvements will also be incorporated into the property. Please refer to the applicant’s soil erosion and sediment control plan and drainage and utility plan (see “20141006 DW Smith Site Improvements Atlantic Capes Fisheries - Part 2.pdf” and “Drainage Plan.pdf” within the applicant documentation).

Phase II of the project will consist of the demolition of the building at 117 Channel Drive and the construction of a hotel building on this parcel. In addition, a restaurant building will be constructed at 205 Channel Drive.

Due to FEMA floodplain requirements, the hotel and restaurant are proposed to be elevated to a height of 15 feet, with the parking incorporated beneath and surrounding the structures. It is noted that the funding being sought in this application will be used only on Phase I. Funding for Phase II will be obtained separately.

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.)

The proposed project is within Point Pleasant Beach Borough in an area characterized by commercial (fishing-related) businesses, as well as single-family residential. The property adjoins the Wills Hole Thoroughfare, a waterway which connects to the Manasquan River and the Manasquan Inlet. Point Pleasant Beach Borough was heavily impacted by flood waters from Superstorm Sandy. In particular, numerous buildings on the property – as well as the property’s bulkheads – were substantially damaged by the storm. In the absence of the current project, the property will continue to deteriorate, contributing to blight conditions, and further inhibiting the productivity of New Jersey’s commercial fishing industry.

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>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 within Ocean County, which is shown as being designated a nonattainment or maintenance area for the following National Ambient Air Quality Standard (NAAQS) pollutants (see NCR39812_AirQualityMap):</p> <ul style="list-style-type: none"> • Nonattainment area for 8 hour Ozone standard of 0.08 ppm (1997 standard) • Nonattainment area for 8 hour Ozone standard of 0.075 ppm (2008 standard) • 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 (see NCR39812_AirQualityMemo). The project will involve the demolition of existing buildings and construction of new buildings. 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 the usage of water or chemical dust suppressant, covering load compartments of trucks carrying dust-generating material, 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 40 miles to the north of the project. Atlantic City International Airport is located approximately 52 miles to the south of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 16 miles west 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 NCR39812_AirportHazardsMap).</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 property is mapped within the Coastal Area Facilities Act (CAFRA) boundary, as well as within 150 feet of the mean high water line (MHWL). See NCR39812_CoastalZoneManagementActMapCAFRA.</p> <p>The applicant submitted a jurisdictional determination inquiry to the NJDEP Division of Land Use Regulation (DLUR) for Phase I of the project, which indicates that based on the scope of work (i.e., rehabilitation/demolition of existing structures, reconstruction of the existing bulkhead), no CAFRA permits are required (see "NCR39812_DLUR_PhaseI"). DLUR correspondence on Phase II of the project (see "NCR39812_DLUR_PhaseII") states that Phase II activities, including the hotel, restaurant, and associated parking, as well as a "New Welding and Mending Shop" as shown on the Phase I, II and III conceptual plans will require a CAFRA permit. Subsequent to the consultation for Phase I, a second consultation request with DLUR was conducted for Phase II work. The Phase II response indicates that CAFRA permits will be required for the large area of pavement in the central portion of the property, associated with the parking lot; however, the applicant stated that to avoid CAFRA permitting for Phase I, the only parking to be incorporated in Phase I will be at 301 Channel Drive (see NCR39812_DLUR_PhaseIIAppResponse). It is also noted that there is no actual separate Phase III of the project as shown on the conceptual plans; these activities are in fact included within Phase II (see the "Appendix 7 & 8 – Drawings, Cost Est, CAFRA JD.pdf" document within the applicant documentation).</p> <p>While the Phase I DLUR response stated no Waterfront Development permits are required, the Phase II response indicated that the DLUR issued a Waterfront Development Permit for bulkhead repair/reconstruction along Blocks 172 Lot 1 and Block 171 Lot 9, Permit #1525-13-0003.1 WFD140001, dated September 25, 2014. This permit authorizes 551 linear feet of vinyl bulkhead replacement within 24 inches of the existing damaged bulkhead. Please note that a copy of this permit was not provided to Dewberry for inclusion in the ERR.</p> <p>The bulkhead replacement is also subject to a US Army Corps of Engineers (USACE) Nationwide Permit 3: Maintenance. Activities covered by this permit include "repair, rehabilitation or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or most recently authorized modification."</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The property is within 3,000 feet of the following toxic site: "Fishermens Supply Corp", site ID 153100 (see NCR39812_ToxicHazardousandRadioactiveSubstancesMap). However, according to correspondence with the NJDEP dated December 11, 2014, this site is cleared and therefore does not represent a concern to the property (see NCR39812_Toxics_Clearance). The subject property has four above-ground storage tanks (one 18,000-gallon diesel double-walled fuel above-ground storage tank (AST), located in the center of the property and three 300-gallon hydraulic and motor oil tanks along the bulkhead, see NCR39812_ASDMap1). No indication of leak or release was observed from these tanks during the November 5, 2014 site visit. Further, the</p>

		<p>applicant provided Dewberry with copies of Environmental Site Assessments (ESAs) prepared at the property by Applied Marine Ecology Lab in December 2012 and December 2013 (see "ESA1.pdf" and ESA2.pdf" within the "NCR39812_ApplicantDocuments" folder). These reports did not identify evidence of <i>recognized environmental conditions</i> (RECs) at the property.</p> <p>Construction dates for the buildings were not available on tax assessment information; however, publicly available historic imagery indicates that these buildings were built prior to at least 1979 (see NCR39812_1979HistoricAerialMap, from www.historicaerials.com). Therefore, an assessment for lead-based paint (LBP) and asbestos-containing materials (ACMs) was conducted at the property (see NCR39812_LBPACM_Report). Sampling results indicate that ACM is present in building materials throughout the property; however, LBP was not identified (for specific lists of materials, see Table 1.0 and Table 2.0 within the report). All construction and demolition activities at the site must comply with applicable federal, state, and local laws and regulations regarding asbestos. In addition, a qualified person should continuously oversee all demolition activities once they commence. Due to the uncertainty regarding the age of the buildings, as well as the limits of sampling (i.e., not all building materials could be sampled), proper management precautions should be taken for any materials that may later be found to be ACM or LBP.</p> <p>It is noted that samples were not taken from the building at 117 Channel Drive. This parcel is not currently owned by the applicant. Furthermore, no work is proposed at this building as part of Phase I. It is noted that Phase II of the project involves the demolition of this building and construction of a hotel building in its place. Should Phase II of the project move forward, this building would need to be evaluated for LBP and ACM; if such materials are identified, they would need to be properly abated and disposed of in accordance with all applicable federal, state and local laws and regulations, and a qualified person should continuously oversee all demolition activities once they commence.</p> <p>The property is within Point Pleasant Borough, which has been identified as a Tier 3 area of low radon potential (see NCR39812_RadonMap). Therefore, no further assessments regarding radon are necessary at this time.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/> The NJDEP GIS Centroid Layer indicates that, while no federally-listed species habitat is present, state-listed species may be present (see NCR39812_EndangeredSpeciesCentroidMap). According to the NJDEP Natural Heritage Program (NHP) response, the property may potentially contain foraging habitat for Bald Eagle and Least Tern (state-endangered). In addition, numerous state-threatened and state-listed avian species of concern are also identified as having potential foraging habitat on-site or within a one mile radius of the site (see Table 1 and Table 2 within</p>

		<p>NCR39812_NHPResponse). Osprey (state-threatened) in particular is identified as having potential nesting habitat on-site. In addition, Table 2 indicates the potential for federally-listed endangered whale and reptilian species within one mile of the site.</p> <p>Notwithstanding the above information, the subject property is noted to be an active commercial fishing operation. Therefore, the subject property is not likely suitable foraging or nesting habitat for these species. Furthermore, according to correspondence with the NJDEP Endangered and Nongame Species Program (ENSP), the project will not have an impact on ospreys. ENSP did note the potential presence of Least Terns and indicated that in order to minimize potential impacts, no landing or staging operations would be permitted on Gull Island, located across Wills Hole Thoroughfare.</p> <p>It is noted that the USFWS Information, Planning and Conservation (IPaC) System identified the general project area as being potential habitat for Piping Plover and Seabeach Amaranth (see NCR39812 IPaC). The subject parcels were not mapped as Piping Plover habitat in the NJDEP GIS tool, and Seabeach Amaranth typically inhabits dune environments. No dunes are present on the subject property; therefore, it is not anticipated that this species would be encountered on the property.</p> <p>Agencies were consulted as part of the project’s Floodplain Management 8 Step process (see Section 9 below). The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) stated that the Manasquan River is a migratory pathway, nursery and foraging area for anadromous fish. The NMFS stated that in order to minimize impacts to anadromous fish, no in-water activities could occur between March 1 and June 30. Additionally, the NMFS stated that winter flounder spawn in the estuarine portions of the river. To avoid impacts, no dredging or sediment generating activities could occur from January 1 to May 31. The project area has also been mapped as habitat for blue mussel. To minimize impacts, any bulkhead structures should be built with non-polluting materials. Specifically, pressure-treated lumber should not be used. The NMFS also stated that species of sturgeon live within the Manasquan River; therefore the project may impact these species; as project details become finalized, a consultation pursuant to Section 7 of the Endangered Species Act may be necessary. While the NHP results of Table 2 indicated the potential for various federally-listed whale and reptilian species within one mile of the site, the NMFS did not indicate any concern in regard to the project’s impacts on these species. A copy of the NMFS correspondence can be found in the “NMFS” folder.</p>
--	--	---

<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The project area is not within areas identified as containing populations below the poverty level (0-10%); however, the subject property overlaps census blocks that are identified as containing minority populations (40-100% minority). See NCR39812_EJMinorityMap, NCR39812_EJPovertyMap, and NCR39812_EJChecklist. According to information provided by the applicant, the proposed project is anticipated to rehabilitate the state’s fishing industry, thereby providing employment opportunities locally as well as throughout all areas of the state that do business with the fishing industry. Furthermore, Phase II of the project would add a restaurant and hotel business to the project, which would increase the availability of mid to low-income job opportunities within the project area. The project will therefore provide a benefit to environmental justice populations.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>The property currently contains one 18,000-gallon diesel double-walled fuel above-ground storage tank (AST), located in the center of the property, three 300-gallon hydraulic and motor oil tanks along the bulkhead (within a single metal container, see “3x300 gallon lubricating oil tanks.pdf”), and one approximately 500-gallon compressed air tank to the north of the building at 117 Channel Drive (see NCR39812_ASDMap1). The project includes relocating (or removing and replacing) the 18,000-gallon tank adjacent to the east of the existing 23,000 square foot 301 Channel Drive building (see project plans within the Applicant Files folder). The tank is not diked, therefore the Acceptable Separation Distance (ASD) for thermal radiation for people is approximately 920 feet and 191 feet for buildings (see “NCR39812_ASDCalc”). This radius covers the entire project area. It is noted that the 300-gallon tanks contain hydraulic and motor oil, and the 500-gallon tank contains compressed air. These are not considered hazardous substances per 24 CFR 51 Subpart C; therefore, no ASD calculation is necessary for these tanks. No other large storage tanks were noted within one mile of the project site (see NCR39812_ASDMap2).</p> <p>Phase I of the project does not include an increase in density or conversion of vacant buildings to habitable buildings. While the project does include an approximately 3,000-square foot addition to the building at 301 Channel Drive, it also includes the demolition of five other buildings on the property (totaling approximately 13,950 square feet), which together accounts for an overall decrease of approximately 10,950 square feet of space on the property. Therefore, the overall density on the project is not proposed to increase, and 24 CFR 51 Subpart C is not applicable to this portion of the project.</p> <p>However, if Phase II of the project moves forward then 24 CFR 51 Subpart C is applicable because there will be an 18,000 gallon stationary tank located on the property and an increase in density would occur. The increase in density is attributed to the construction of a restaurant building at 205 Channel Drive and a hotel at 117 Channel Drive. Therefore, If Phase II progresses, mitigation measures consistent with 24 CFR 51.205 would need to be developed and approved by HUD prior to the commencement of construction activities even if Phase 2 is funded by sources other than HUD.</p> <p>HUD has approved of the above discussion See email correspondence dated February 2, 2015 (NCR39812_HUDASDConcurrence.pdf). All</p>

			documentation referenced in this section is located in the "HUD_ASD" folder in the correspondence folder.
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly section 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the NJDEP GIS tool, the property is not within areas mapped as being prime farmland (see NCR39812_FarmlandSoilsProtectionMap). In addition, the property is not currently used for agricultural purposes, and the project will not involve the conversion of agricultural land into non-agricultural uses.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The majority of the project site is identified as being within the FEMA AE Flood Zone, base flood elevation (BFE) between 9 and 11 feet. The northeastern corner of the property, including the damaged bulkhead and buildings at 205 Channel Drive, is within the VE zone, BFE of 12 feet (see NCR39812_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap). Please note, the AE zone is a subset of the A zone, and the VE zone is a subset of the VE zone, as shown on the NJDEP GIS map.</p> <p>The proposed Phase I and II activities are located within the 100 year floodplain, therefore the project is subject to the Flood Hazard Area Control Act (FHA) rules. According to correspondence with NJDEP DLUR (see NCR39812_DLUR_PhaseII) the project will not require a separate FHA permit for Phase II activities. Demonstration of compliance with FHA will be incorporated within the coastal zone management permits (CAFRA, see Section 3 above) for Phase II.</p> <p>For Phase I, the applicant has stated that the building at 301 Channel Drive will use a combination of flood-proofing measures; the warehouse areas will be wet-flood proofed (i.e., flood waters will be allowed to freely enter and exit, and all water-sensitive utilities will be raised or relocated) to an elevation one foot above the BFE. The office areas of the building will be dry-flood proofed by installing walls and gates in doorways. Phase I will be subject to the floodproofing requirements of an FHA Individual Permit per N.J.A.C. 7:13-11.5(q). In addition, because the project is within the floodplain, NFIP flood disaster insurance is required (refer to Flood Disaster Protection Act of 1972, §58.6(a)).</p> <p>With the exception of the demolition of existing buildings, reconstruction of the bulkhead and associated concrete esplanade, no work is proposed in the V or VE zones for Phase I. This Phase I work is permitted in the V or VE zone because it is a "functionally dependent use" (i.e., is a waterfront structure) per 24 CFR 55.2(b)(6) and will be built to V and VE standards per 24 CFR 55.1(c)(3).</p> <p>Regarding Phase II activities, per 24 CFR 55.1(c)(3), no new construction is permitted in a V or VE zone. The northeast corner of the property is shown on Preliminary FIRM maps as being within the VE zone. The proposed restaurant in Phase II of the project may be partially located within this area, as shown on the applicant's conceptual plans (see "Appendix 7 & 8 - Drawings, Cost Est, CAFRA JD.pdf"). Construction of these buildings is permitted within the AE zone, as long as elevation, flood-proofing and flood insurance requirements are met. Please also see 76 FR 77165, December 12, 2011 and 78 FR 68722, November 15, 2013. Should Phase II move forward, the location of these buildings will need to be outside of the V or VE zone.</p> <p>Since the project involves an Environmental Assessment of a property</p>

		<p>within a floodplain, an 8-step decision-making process was conducted as outlined in 24 CFR 55.21. A public notification was posted on January 30, 2015 with a comment period of 15 days. No comments were received. In addition, a request for comment on the project was submitted to the NOAA NMFS, National Parks Service (NPS), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), USFWS, Federal Emergency Management Agency (FEMA) and U.S. Department of Housing and Urban Development (HUD). Comments from NMFS were received, however, they were in regards to endangered species (see Section 5) and not pertaining to floodplain concerns. No comment was received from NPS, USACE, EPA or HUD. FEMA responded on March 3, 2015 with comments (see NCR39812_FEMA_Response and comments below). A copy of the 8-step checklist, the 8-step analysis and public notifications can be found in the "8 Step" folder within the supporting documentation.</p> <p>Steps 1-6 have been conducted (see folder NCR39812_8Step). Step 7 (Determination of No Practicable Alternative) involves the publication of a 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 funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55. The publication of this notice will be included in the project's Finding of No Significant Impact (FONSI) and 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>In addition, FEMA responded to the agency consultation request with the below comments and conditions on the project:</p> <ol style="list-style-type: none"> 1. In terms of NFIP regulations, any development activity on the property is required to be in conformance with the minimum requirements of the National Flood Insurance Program (NFIP). These requirements are codified in Title 44 of the Code of Federal Regulations (CFR), Part 60. 2. Minimum NFIP regulations require that new and substantially improved structures in A Zones must be elevated or floodproofed, if it is non-residential, to or above the level of the base flood, and meet other applicable program requirements as specified in Section 60.3 of the CFR. 3. If a structure is located in a coastal high hazard area, V-Zone, it not only must be elevated to or above the base flood elevation, but it also must comply with additional requirements contained in Section 60.3(e) of the NFIP regulations. 4. In addition, the NFIP requires communities, in this case, the Borough of Point Pleasant Beach, to review all applications for development in SFHAs and to apply their floodplain management regulations and building codes to work on both the existing and proposed structures. The Borough will be responsible to regulate any construction activity, issue permits and enforce the
--	--	---

			requirements of their Flood Damage Prevention Ordinance and the minimum requirements of the NFIP for development of this property.
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The site is located within the Green Zone (see NCR39812_HistoricPreservationExemptionZoneMap), therefore, an assessment of above-ground historic resources was not necessary. However, the proposed project includes substantial ground disturbing activities throughout the property, adjacent to a waterway. Therefore, the property was submitted to SHPO for a review of archaeological impacts. The SHPO concurred on December 5, 2014 that the proposed project would pose no impact to historic resources (see NCR39812_SHPO_Response1). SHPO further concurred with Phase II activities on January 23, 2015 (see NCR39812_SHPO_Response2). Based on these responses, no further consultation with SHPO is necessary.</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 type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A Day/Night Noise Level (DNL) calculation for Phase I of the project was not conducted. DNL noise standards are applicable 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)). Phase I of the project will involve construction activities at a commercial fishing operation; therefore, the project is not a noise sensitive development and no DNL calculations are required.</p> <p>Phase II will involve the construction of a restaurant and a hotel. The restaurant is not a noise sensitive development, therefore no DNL calculations are needed for this building. The hotel, however, is considered a noise sensitive use. Several noise sources exist within the surrounding area, including the New Jersey Transit (NJT) North Jersey Coast Line (approximately 2,000 feet to the west of the proposed hotel location), and Broadway (approximately 300 feet to the south), which links the beaches to the east with NJ State Route 35 to the west (see NCR39812_NoiseMap). In addition, the property’s overall use (i.e., active commercial fishing operation) represents a noise source as well. As the designs progress for Phase II of the project, a noise study will need to be developed to determine the ambient outdoor noise level. If it is in excess of 65 decibels (dB), noise attenuation measures will need to be incorporated into the design of the hotel.</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 type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The property receives municipal water/sewer utilities from the Point Pleasant Beach Water Department, however, the property is also identified as being within the Coastal Plain Sole Source Aquifer (see NCR39812_SSAMap). The property is a type that is not exempt from EPA review (i.e., contains and/or historically contained above ground storage tanks, see “SSA Memo”). Dewberry submitted to EPA Region 2 for review on November 19, 2014. EPA Region 2 responded in a letter dated January 23, 2015, stating that the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act, given the following conditions:</p>

			<ol style="list-style-type: none"> 1. We note that there exists on the project site an 18,000-gallon, double-walled tank containing diesel fuel, with the space between the walls sufficient to contain the volume of liquid in the inner tank. We request that a professional engineer demonstrate, by calculation, that the space between the walls of the tanks can in fact accommodate the entire contents of the primary tank if that tank leaks. There should also be a means of monitoring the contents of the inner tank, to detect leakage. 2. We note that there exists three 300-gallon aboveground storage tanks (ASTs) containing lubricating oil used for fishing boat engines. We further note that these tanks are located within a 20-foot long secondary containment made of steel. We request that the volume of that containment be able to accommodate the volume of these tanks plus any rainwater that might accumulate (unless rainwater will not get into the containment). 3. We note that the applicant plans to move the tanks to the western end of the property to be closer to where boats will load and unload. We expect that special care will be taken in moving the tanks, which presumably will be empty at the time of the move. We also ask you to consider installing elevated tanks, to harden them against future flooding. It would also make sense to have an impermeable concrete pad beneath the fuel tank to catch any spills during refilling. 4. We expect that a Spill Prevention Control and Countermeasure (SPCC) plan will be in place, prepared and certified by a professional engineer. The engineer should also develop and certify a Storm Plan that will provide the tanks with sufficient protection in the event of a major storm and accompanying flood conditions. Please see the enclosed information. 5. Our research indicates that tanks generally survive flood conditions when they are protected against becoming buoyant. Thus, we recommend that either the tanks have sufficient contents and that the contents are preferably 3 to 6 feet above flood level, or that the tanks are securely anchored. Connecting piping and valves should be taken into account in avoiding buoyancy. <p>The EPA Region 2 offered additional comments to minimize environmental impacts and to further create a more environmentally sustainable project. A copy of the letter (NCR39812_SSAResponse) can be found in the "EPA_SSA" correspondence folder.</p>
<p>13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are no freshwater wetlands on the property or within 150 feet of the project site (see NCR39812_WetlandProtectionMap). In addition, according to correspondence with the DLUR (see NCR39812_DLUR_PhaseII), no coastal wetlands permits are required. Therefore, no impacts to wetlands are anticipated from the proposed project.</p> <p>According to the USFWS IPaC results, the property is adjacent to estuarine and marine deepwater wetlands (see NCR39812_IPaC). The open waters (and all wetlands below the mean high water line [MHWL]) of the Wills Hole Thoroughfare (adjacent to the north of the property) are under U.S. Army Corps of Engineers (USACE) jurisdiction. The USACE jurisdiction also</p>

			<p>extends to all wetlands within 1,000 feet landward of the MHWL (see NCR39812_USACEJurisdictionMap). The bulkhead replacement is subject to a US Army Corps of Engineers (USACE) Nationwide Permit 3: Maintenance. Activities covered by this permit include <i>“repair, rehabilitation or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or most recently authorized modification.”</i> The nationwide permit authorizes minor deviations in the structure’s configuration or area, including changes necessary due to changes in building materials, requirements of regulatory agencies, or current construction codes or safety standards.</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 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.</p> <p>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. The nearest river is the Delaware River (Lower), which is approximately 45 miles to the west of the project area (see NCR39812_WildandScenicRiverMap). This distance is greater than the 1 mile buffer zone. Therefore, consultation with 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
Land Development		
Conformance with Comprehensive and Neighborhood Plans	1	Phase I of the project is intended to rehabilitate the Atlantic Cape Fisheries facility. This will continue the property's commercial fishing use, for which the property is currently zoned. Phase II's conformance with neighborhood and regional master plans will be demonstrated during its site plan and other approval processes.
Land Use Compatibility and Conformance with Zoning	3	According to the Point Pleasant Borough's 2007 Master Plan Reexamination Report, the area between Channel Drive and the waterway (which includes the entirety of the project area) is zoned Marine Conservation (MC). The report recommended that the MC zone be split; this area will be rezoned MC-1, which would allow for uses promoting the fishing/marine industry, and not allow residential uses. Phase I is in conformance with both of these zones. Phase II of the project is meant to encourage public access and promote tourism interests to the fishing industry. Demonstration of Phase II's conformance with zoning regulations will occur as that phase progresses and more detailed Phase II plans are developed.
Urban Design- Visual Quality and Scale	2	Phase I of the project will enhance the visual quality of the local area by demolishing dilapidated storm-damaged buildings and rehabilitating the fish handling building. While preliminary concept plans for Phase II were provided by the applicant, final building and site layout plans have not been developed. Phase II's site plan approval process will ensure compliance with local zoning and other regulations regarding sizing and scale of buildings.
Slope	1	The topography of the property and surrounding area is generally flat, sloping gently to the north towards the Manasquan River. Therefore, no impacts to steep slopes are anticipated.

Erosion	4	<p>The project is not located on steep slopes but is adjacent to a body of water and will involve ground disturbance. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet, therefore the applicant will need to obtain Ocean Soil Conservation District Soil Erosion and Sediment Control Plan Certification. Please refer to the applicant’s soil erosion and sediment control plan and drainage and utility plan (see “20141006 DW Smith Site Improvements Atlantic Capes Fisheries - Part 2.pdf” and “Drainage Plan.pdf” within the applicant documentation). The following requirements will also 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.
Soil Suitability	3	<p>The subject parcel currently contains buildings associated with an active commercial fishing operation. Phase I of the project will involve rehabilitation of the existing bulkhead, construction of a concrete esplanade, demolition of dilapidated on-site buildings and rehabilitation of the building at 301 Channel Drive. Because there will be no significant increase in buildings as part of Phase I, the soils are expected to be suitable to this development. Phase II, however, will involve substantial on-site construction through the addition of new restaurant and hotel buildings. Geotechnical work will need to be conducted as part of the Phase II site plan development process to ensure soils are sufficiently capable of supporting these structures. .</p>
Hazards and Nuisances, Including Site Safety	3	<p>The property currently contains numerous dilapidated buildings rendered vacant due to the damages incurred from Superstorm Sandy. The proposed project will demolish these buildings, thereby enhancing the local neighborhood. Site safety during construction can be managed through the use of BMPs (i.e., perimeter fencing) during construction operations. Regarding asbestos containing material, a qualified person should continuously oversee all demolition activities once they commence.</p>
Drainage/Storm Water Runoff	2	<p>The proposed project will enhance the site’s drainage by installing a stormwater management system on the property. Current drainage percolates through the ground, eventually discharging to the adjoining waterway. The proposed system will discharge to the Point Pleasant Beach Water Department stormwater management system. Please refer to the applicant’s soil erosion and sediment control plan and drainage and utility plan (see “20141006 DW Smith Site Improvements Atlantic Capes Fisheries - Part 2.pdf” and “Drainage Plan.pdf” within the applicant documentation).</p>

<p>Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels</p>	<p>3</p>	<p>A Day/Night Noise Level (DNL) calculation for Phase I of the project was not conducted. DNL noise standards are applicable 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 subject property is used for commercial fishing, which is not a noise sensitive use.</p> <p>Phase II will involve the construction of a restaurant and a hotel. The restaurant is not a noise sensitive development, therefore no DNL calculations are needed for this building. The hotel, however, is considered a noise sensitive use. Several noise sources exist within the surrounding area, including the New Jersey Transit (NJT) North Jersey Coast Line (approximately 2,000 feet to the west of the proposed hotel location), and Broadway (approximately 300 feet to the south), which links the beaches to the east with NJ State Route 35 to the west. In addition, the property’s overall use (i.e., active commercial fishing operation) represents a noise source as well. As the designs progress for Phase II of the project, a noise study will need to be developed to determine the ambient outdoor noise level. If it is in excess of 65 decibels (dB), noise attenuation measures will need to be incorporated into the design of the hotel.</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>Energy Consumption</p>	<p>1</p>	<p>Jersey Central Power and Light (JCP&L) provides electric utilities to the project area. The proposal includes the demolition of several onsite buildings and rehabilitation and modernization of the building at 301 Channel Drive. The project is not anticipated to have a significant impact on the electric utility service. Based on the presumed overall capacity of the local electrical utility, it is not anticipated that Phase I or Phase II of the project will create an excessive demand on electricity. Specific energy requirements of Phase II will be developed and assessed if that phase moves forward.</p>

Socioeconomic Factors																																																																																						
Demographic Character Changes	1	<p>According to 2010 census data, the proposed project is not located in a high diversity residential area. The non-minority population accounts for 92.3% of the total population, compared to approximately 69% for the state as a whole. The proposed project activities are not anticipated to impact the demographic character of the area.</p> <table border="1" data-bbox="732 428 1516 1299"> <thead> <tr> <th rowspan="2">Subject</th> <th colspan="2">Point Pleasant Beach Borough</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>4,665</td> <td>100.0</td> <td>8,791,894 (r43702)</td> <td>100.0</td> </tr> <tr> <td>Median Age (Years)</td> <td>45.7</td> <td>(X)</td> <td>39.0</td> <td>(X)</td> </tr> <tr> <td>White</td> <td>4,308</td> <td>92.30%</td> <td>6,029,248</td> <td>68.6</td> </tr> <tr> <td>Black or African American</td> <td>39</td> <td>0.80%</td> <td>1,204,826</td> <td>13.7</td> </tr> <tr> <td>American Indian and Alaska Native</td> <td>7</td> <td>0%</td> <td>29,026</td> <td>0.3</td> </tr> <tr> <td>Asian</td> <td>39</td> <td>0.80%</td> <td>725,726</td> <td>8.3</td> </tr> <tr> <td>Native Hawaiian and Other Pacific Islander</td> <td>1</td> <td>0%</td> <td>3,043</td> <td>0.0</td> </tr> <tr> <td>Some Other Race</td> <td>211</td> <td>5%</td> <td>559,722</td> <td>6.4</td> </tr> <tr> <td>Two or More Races</td> <td>4</td> <td>0.30%</td> <td>240,303</td> <td>2.7</td> </tr> <tr> <td>Hispanic Total Population</td> <td>421</td> <td>9.00%</td> <td>8,791,894</td> <td>100.0</td> </tr> <tr> <td>Average Household Size</td> <td>2.3</td> <td>(X)</td> <td>2.68</td> <td>(X)</td> </tr> <tr> <td>Average Family Size</td> <td>3.04</td> <td>(X)</td> <td>3.22</td> <td>(X)</td> </tr> <tr> <td>Total Housing Units</td> <td>3,373</td> <td>100.0</td> <td>3,553,562</td> <td>100.0</td> </tr> <tr> <td>Occupied Housing Units</td> <td>1,985</td> <td>58.80%</td> <td>3,214,360</td> <td>90.5</td> </tr> <tr> <td>Vacant Housing Units</td> <td>1,388</td> <td>41.20%</td> <td>339,202</td> <td>9.5</td> </tr> </tbody> </table>	Subject	Point Pleasant Beach Borough		New Jersey		Number	Percent	Number	Percent	Total Population	4,665	100.0	8,791,894 (r43702)	100.0	Median Age (Years)	45.7	(X)	39.0	(X)	White	4,308	92.30%	6,029,248	68.6	Black or African American	39	0.80%	1,204,826	13.7	American Indian and Alaska Native	7	0%	29,026	0.3	Asian	39	0.80%	725,726	8.3	Native Hawaiian and Other Pacific Islander	1	0%	3,043	0.0	Some Other Race	211	5%	559,722	6.4	Two or More Races	4	0.30%	240,303	2.7	Hispanic Total Population	421	9.00%	8,791,894	100.0	Average Household Size	2.3	(X)	2.68	(X)	Average Family Size	3.04	(X)	3.22	(X)	Total Housing Units	3,373	100.0	3,553,562	100.0	Occupied Housing Units	1,985	58.80%	3,214,360	90.5	Vacant Housing Units	1,388	41.20%	339,202	9.5
Subject	Point Pleasant Beach Borough			New Jersey																																																																																		
	Number	Percent	Number	Percent																																																																																		
Total Population	4,665	100.0	8,791,894 (r43702)	100.0																																																																																		
Median Age (Years)	45.7	(X)	39.0	(X)																																																																																		
White	4,308	92.30%	6,029,248	68.6																																																																																		
Black or African American	39	0.80%	1,204,826	13.7																																																																																		
American Indian and Alaska Native	7	0%	29,026	0.3																																																																																		
Asian	39	0.80%	725,726	8.3																																																																																		
Native Hawaiian and Other Pacific Islander	1	0%	3,043	0.0																																																																																		
Some Other Race	211	5%	559,722	6.4																																																																																		
Two or More Races	4	0.30%	240,303	2.7																																																																																		
Hispanic Total Population	421	9.00%	8,791,894	100.0																																																																																		
Average Household Size	2.3	(X)	2.68	(X)																																																																																		
Average Family Size	3.04	(X)	3.22	(X)																																																																																		
Total Housing Units	3,373	100.0	3,553,562	100.0																																																																																		
Occupied Housing Units	1,985	58.80%	3,214,360	90.5																																																																																		
Vacant Housing Units	1,388	41.20%	339,202	9.5																																																																																		
Displacement	2	<p>The current storm damaged buildings are vacant due to damages incurred by the storm; the demolition of these buildings will not displace tenants. Instead, the rehabilitation of the property, including the rehabilitation of and additional square footage associated with the work at 301 Channel Drive, will enable the existing commercial facility to continue operations. Furthermore, Phase II of the project will create additional employment opportunities.</p>																																																																																				

<p>Employment and Income Patterns</p>	<p>2</p>	<p>2008 and 2012 census data shows that Point Pleasant Beach Borough has a slightly higher unemployment rate and slightly higher income level compared to the state as a whole. The project activities will contribute to the recovery of the Cape Atlantic Fisheries business, which directly contribute to the economic recovery of the local community. In addition, short-term employment benefits are also anticipated during the construction phases of the project through the increase in demand for construction-related jobs. Furthermore, Phase II of the project will create an estimated 325 new jobs.</p> <table border="1" data-bbox="732 520 1528 1346"> <thead> <tr> <th rowspan="2">Subject</th> <th colspan="2">Point Pleasant Beach Borough</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>Population 16 years and over</td> <td>3,640</td> <td>100%</td> <td>6,985,329</td> <td>6,985,329</td> </tr> <tr> <td>In Labor Force</td> <td>2,501</td> <td>68.70%</td> <td>4,672,338</td> <td>66.9%</td> </tr> <tr> <td>Civilian Labor Force</td> <td>2,501</td> <td>68.70%</td> <td>4,663,005</td> <td>66.8%</td> </tr> <tr> <td>Employed</td> <td>2,335</td> <td>64.70%</td> <td>4,219,677</td> <td>60.4%</td> </tr> <tr> <td>Unemployed</td> <td>146</td> <td>4.00%</td> <td>443,328</td> <td>6.3%</td> </tr> <tr> <td>Armed Forces</td> <td>0</td> <td>0%</td> <td>9,333</td> <td>0.1%</td> </tr> <tr> <td>Not in labor force</td> <td>1,139</td> <td>31.30%</td> <td>2,312,991</td> <td>33.1%</td> </tr> <tr> <td>Civilian Employed Population 16 Years and Over</td> <td>2,355</td> <td>(X)</td> <td>4,219,677</td> <td>4,219,677</td> </tr> <tr> <td>Median Household Income (dollars)</td> <td>68,969</td> <td>(X)</td> <td>71,637</td> <td>(X)</td> </tr> <tr> <td>Mean Household Income (dollars)</td> <td>96,037</td> <td>(X)</td> <td>96,602</td> <td>(X)</td> </tr> <tr> <td>Median Family Income (dollars)</td> <td>80,982</td> <td>(X)</td> <td>87,389</td> <td>(X)</td> </tr> <tr> <td>Mean Family Income (dollars)</td> <td>108,941</td> <td>(X)</td> <td>112,730</td> <td>(X)</td> </tr> <tr> <td>Per Capita Income (dollars)</td> <td>39,448</td> <td>(X)</td> <td>35,928</td> <td>(X)</td> </tr> <tr> <td>Percentage of People Whose Income in the Past 12 Months is Below Poverty Level</td> <td>(X)</td> <td>11.80%</td> <td>(X)</td> <td>9.9%</td> </tr> </tbody> </table>	Subject	Point Pleasant Beach Borough		New Jersey		Number	Percent	Number	Percent	Population 16 years and over	3,640	100%	6,985,329	6,985,329	In Labor Force	2,501	68.70%	4,672,338	66.9%	Civilian Labor Force	2,501	68.70%	4,663,005	66.8%	Employed	2,335	64.70%	4,219,677	60.4%	Unemployed	146	4.00%	443,328	6.3%	Armed Forces	0	0%	9,333	0.1%	Not in labor force	1,139	31.30%	2,312,991	33.1%	Civilian Employed Population 16 Years and Over	2,355	(X)	4,219,677	4,219,677	Median Household Income (dollars)	68,969	(X)	71,637	(X)	Mean Household Income (dollars)	96,037	(X)	96,602	(X)	Median Family Income (dollars)	80,982	(X)	87,389	(X)	Mean Family Income (dollars)	108,941	(X)	112,730	(X)	Per Capita Income (dollars)	39,448	(X)	35,928	(X)	Percentage of People Whose Income in the Past 12 Months is Below Poverty Level	(X)	11.80%	(X)	9.9%
Subject	Point Pleasant Beach Borough			New Jersey																																																																													
	Number	Percent	Number	Percent																																																																													
Population 16 years and over	3,640	100%	6,985,329	6,985,329																																																																													
In Labor Force	2,501	68.70%	4,672,338	66.9%																																																																													
Civilian Labor Force	2,501	68.70%	4,663,005	66.8%																																																																													
Employed	2,335	64.70%	4,219,677	60.4%																																																																													
Unemployed	146	4.00%	443,328	6.3%																																																																													
Armed Forces	0	0%	9,333	0.1%																																																																													
Not in labor force	1,139	31.30%	2,312,991	33.1%																																																																													
Civilian Employed Population 16 Years and Over	2,355	(X)	4,219,677	4,219,677																																																																													
Median Household Income (dollars)	68,969	(X)	71,637	(X)																																																																													
Mean Household Income (dollars)	96,037	(X)	96,602	(X)																																																																													
Median Family Income (dollars)	80,982	(X)	87,389	(X)																																																																													
Mean Family Income (dollars)	108,941	(X)	112,730	(X)																																																																													
Per Capita Income (dollars)	39,448	(X)	35,928	(X)																																																																													
Percentage of People Whose Income in the Past 12 Months is Below Poverty Level	(X)	11.80%	(X)	9.9%																																																																													
<p>Community Facilities and Services</p>																																																																																	
<p>Educational Facilities</p>	<p>1</p>	<p>The proposed project will not involve the addition of residences to the property; therefore, the project is not anticipated to have an impact on the nearby G Harold Antrim Elementary School, Point Pleasant Beach High School or the Point Pleasant Beach School District as a whole.</p>																																																																															
<p>Commercial Facilities</p>	<p>2</p>	<p>The proposed project is meant to rehabilitate an existing commercial fishing operation. The project will allow the business to resume normal operations following the damages that it incurred during Superstorm Sandy. This will benefit the Atlantic Capes Fisheries directly, as well as indirectly benefit the numerous other fishing-related businesses in the region that do business with Atlantic Capes Fisheries. Phase II of the project will enhance the local entertainment and tourism industry through the addition of a restaurant and hotel facility.</p>																																																																															

Health Care	1	The project will involve construction activities at a commercial fishing operation. No additional residences are proposed. Phase II of the project will involve the addition of a restaurant and hotel; however, based on the scale of the project, no impacts are anticipated to local or regional health care facilities, such as the Ocean Care Center (1517 Richmond Avenue, Point Pleasant, NJ).
Social Services	1	The project will not involve adding residences to the parcel. Therefore, no impacts are anticipated to the Ocean County Board of Social Services.
Solid Waste Disposal/Recycling	1	The Point Pleasant Beach Department of Public Works manages solid waste disposal and recycling services for the borough. Based on the scope of the project (i.e., rehabilitation of an existing commercial fishing operation) it is not expected to have an adverse impact on the borough's waste disposal system.
Waste Water/Sanitary Sewers	1	The Point Pleasant Beach Water Department maintains the borough's sanitary sewer system. Based on the scope of the project (i.e., rehabilitation of an existing commercial fishing operation) it is not expected to have an adverse impact on the borough's sanitary sewer system.
Water Supply	1	The Point Pleasant Beach Water Department maintains the borough's municipal drinking water system. Based on the scope of the project (i.e., rehabilitation of an existing commercial fishing operation) it is not expected to have an adverse impact on the borough's drinking water system.
Public Safety: <ul style="list-style-type: none"> • Police • Fire • Emergency Medical 	2	The project is intended to demolish existing buildings that are dilapidated and vacant. The project will thereby reduce negative impacts that these buildings have on public safety. In addition, Phase II of the project, which will create a restaurant and hotel, are not anticipated to adversely impact public safety.
Parks, Open Space & Recreation: <ul style="list-style-type: none"> • Open Space • Recreation 	2	No existing park, open space or recreational facilities are proposed to be impacted from the proposed project. Instead, the project includes the construction of a concrete esplanade along the property's bulkhead, along with associated streetscape improvements along Baltimore Avenue. This portion of the project is intended to provide public access to the waterfront, allowing the public to view the fishing operations. The project will therefore act to provide additional recreational space for the community.
Cultural Facilities	1	The site is located within the Green Zone (see NCR39812_HistoricPreservationExemptionZoneMap), therefore, an assessment of above-ground historic resources was not necessary. However, the proposed project includes substantial ground disturbing activities throughout the property, adjacent to a waterway. Therefore, the property was submitted to SHPO for a review of archaeological impacts. The SHPO concurred on December 5, 2014 that the proposed project would pose no impact to historic resources (see NCR39812_SHPO_Response1). SHPO further concurred with Phase II activities on January 23, 2015 (see NCR39812_SHPO_Response2). Based on these responses, no further consultation with SHPO is necessary.
Transportation & Accessibility	1	The project is located approximately 1/3 mile to the east of New Jersey Route 35, which is a major north/south arterial roadway. The project is also approximately one mile to the north of the Point Pleasant NJ Transit Station, which provides local and regional transit access. Based on the scope of the project, it is not anticipated to significantly impact local transportation infrastructure.

Natural Features		
Water Resources	4	<p>The property is identified as being within the Coastal Plain Sole Source Aquifer (see NCR39812_SSAMap). The property is a type that is not exempt from EPA review (i.e., contains and/or historically contained above ground storage tanks, see “SSA Memo”). Dewberry submitted to EPA Region 2 for review on November 19, 2014. EPA Region 2 responded in a letter dated January 23, 2015, stating that the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act, given the following conditions:</p> <ol style="list-style-type: none"> 1. <i>We note that there exists on the project site an 18,000-gallon, double-walled tank containing diesel fuel, with the space between the walls sufficient to contain the volume of liquid in the inner tank. We request that a professional engineer demonstrate, by calculation, that the space between the walls of the tanks can in fact accommodate the entire contents of the primary tank if that tank leaks. There should also be a means of monitoring the contents of the inner tank, to detect leakage.</i> 2. <i>We note that there exists three 300-gallon aboveground storage tanks (ASTs) containing lubricating oil used for fishing boat engines. We further note that these tanks are located within a 20-foot long secondary containment made of steel. We request that the volume of that containment be able to accommodate the volume of these tanks plus any rainwater that might accumulate (unless rainwater will not get into the containment).</i> 3. <i>We note that the applicant plans to move the tanks to the western end of the property to be closer to where boats will load and unload. We expect that special care will be taken in moving the tanks, which presumably will be empty at the time of the move. We also ask you to consider installing elevated tanks, to harden them against future flooding. It would also make sense to have an impermeable concrete pad beneath the fuel tank to catch any spills during refilling.</i> 4. <i>We expect that a Spill Prevention Control and Countermeasure (SPCC) plan will be in place, prepared and certified by a professional engineer. The engineer should also develop and certify a Storm Plan that will provide the tanks with sufficient protection in the event of a major storm and accompanying flood conditions. Please see the enclosed information.</i> 5. <i>Our research indicates that tanks generally survive flood conditions when they are protected against becoming buoyant. Thus, we recommend that either the tanks have sufficient contents and that the contents are preferably 3 to 6 feet above flood level, or that the tanks are securely anchored. Connecting piping and valves should be taken into account in avoiding buoyancy.</i> <p>The EPA Region 2 offered additional comments to minimize environmental impacts and to further create a more environmentally sustainable project. A copy of the response can be found in the “EPA_SSA” correspondence folder.</p>

Surface Water	2	<p>The property is located adjacent to the Wills Hole Thoroughfare. According to information provided by the applicant, the project will include bulkhead repairs. The repairs will be in-kind; no changes to the existing layout of the facility's bulkheads are proposed. In addition, the proposal will involve installing a stormwater drainage system that discharges to the municipal system, instead of allowing runoff to discharge into the adjoining waterway. In addition, the NMFS response recommended the usage of non-polluting materials in the construction of the bulkhead. Therefore, the project is anticipated to benefit local surface water quality.</p>
Unique Natural Features & Agricultural Lands	1	<p>The property is not within proximity to any unique natural features or agricultural lands; therefore, no impacts to these resources is anticipated.</p>
Vegetation and Wildlife	4	<p>The property is not mapped as potential habitat for Red Knot or Piping Plover. While potential bat habitat is mapped on nearby properties approximately 140 feet to the west, none of the subject parcels are identified as being potential bat habitat. See NCR39812_EndangeredSpeciesMap.</p> <p>The NJDEP GIS Centroid Layer indicates that, while no federally-listed species habitat is present, state-listed species may be present (see NCR39812_EndangeredSpeciesCentroidMap). According to the NJDEP Natural Heritage Program (NHP) response, the property may potentially contain foraging habitat for Bald Eagle and Least Tern (state-endangered). In addition, numerous state-threatened and state-listed avian species of concern are also identified as having potential foraging habitat on-site or within a one mile radius of the site (see Table 1 and Table 2 within NCR39812_NHPResponse). Osprey (state-threatened) in particular is identified as having potential nesting habitat on-site. In addition, Table 2 indicates the potential for federally-listed endangered whale and reptilian species within one mile of the site.</p> <p>Notwithstanding the above information, the subject property is noted to be an active commercial fishing operation. Therefore, the subject property is not likely suitable foraging or nesting habitat for these species. Furthermore, according to correspondence with the NJDEP Endangered and Nongame Species Program (ENSP), the project will not have an impact on ospreys. ENSP did note the potential presence of Least Terns and indicated that in order to minimize potential impacts, no landing or staging operations would be permitted on Gull Island, located across Wills Hole Thoroughfare.</p> <p>It is noted that the USFWS Information, Planning and Conservation (IPaC) System identified the general project area as being potential habitat for Piping Plover and Seabeach Amaranth (see NCR39812 IPaC). The subject parcels were not mapped as Piping Plover habitat in the NJDEP GIS tool, and Seabeach Amaranth typically inhabits dune environments. No dunes are present on the subject property; therefore, it is not anticipated that this species would be encountered on the property.</p> <p>Agencies were consulted as part of the project's Floodplain Management 8 Step process (see Section 9 below). The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) stated that the Manasquan River is a migratory pathway, nursery and foraging area for anadromous fish. The NMFS stated that in order to minimize impacts to anadromous fish, no in-water activities could occur between March 1 and June 30. Additionally, the NMFS stated that winter flounder spawn in the estuarine portions of the river. To avoid impacts, no dredging or sediment generating activities could occur from January 1</p>

		<p>to May 31. The project area has also been mapped as habitat for blue mussel. To minimize impacts, any bulkhead structures should be built with non-polluting materials. Specifically, pressure-treated lumber should not be used. The NMFS also stated that species of sturgeon live within the Manasquan River; therefore the project may impact these species; as project details become finalized, a consultation pursuant to Section 7 of the Endangered Species Act may be necessary. While the NHP results of Table 2 indicated the potential for various federally-listed whale and reptilian species within one mile of the site, the NMFS did not indicate any concern in regard to the project's impacts on these species. A copy of the NMFS correspondence can be found in the "NMFS" folder.</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: *Newark Liberty International Airport is located approximately 40 miles to the north of the project. Atlantic City International Airport is located approximately 52 miles to the south of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 16 miles west 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 NCR39812_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-04BP which is located approximately 4 miles to the south. See NCR39812_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: *See*

NCR39812_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap

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

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

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

Summary of Findings and Conclusions

Additional Studies Performed: (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.) *Floodplain 8 Step Analysis (see "NCR39812_8Step" folder) and State Historic Preservation Office (SHPO) submittal (see "SHPO" folder within the "NCR39812_Correspondence" folder)*

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

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

Agencies Consulted

NJDEP Office of Natural Lands Management

NJDEP Division of Land Use Regulation

U.S. Army Corps of Engineers

U.S. Fish and Wildlife Service

U.S. National Oceanic and Atmospheric Administration National Marine Fisheries Service

U.S. National Parks Service

Reference Material

New Jersey Department of Community Affairs. "Frequently Asked Questions About the Disaster Recovery Action Plan" Retrieved November 2014.

http://www.nj.gov/dca/announcements/pdf/3_21_FAQ_Disaster_Recovery_Action_Plan.pdf

New Jersey Department of Environmental Protection. Bureau of Geographic Information. Retrieved November 2014. <http://www.state.nj.us/dep/gis/geoweb splash.htm>

U.S. Census Bureau American Fact Finder. Retrieved November 2014.

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

U.S. Census Bureau American Community Survey. Retrieved November 2014.

<http://www.census.gov/acs/www/>

U.S. Department of Housing and Urban Development Noise Assessment Guidelines, Retrieved November 2014.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculat or

U.S. Environmental Protection Agency. EJ View Mapper. Retrieved November 2014.

<http://epamap14.epa.gov/ejmap/entry.html>

U.S. Environmental Protection Agency Region 2. Sole Source Aquifers. Retrieved November 2014.

<http://www.epa.gov/region2/water/aquifer/>

U.S. Federal Emergency Management Agency. Map Service Center. Retrieved November 2014.
<https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

U.S. Fish and Wildlife Service. Endangered Species. U.S. Fish and Wildlife Service, New Jersey Field Office. Retrieved November, 2014, from <http://www.fws.gov/northeast/nifieldoffice/Endangered/>

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

U.S. National Parks Service. National Wild and Scenic Rivers System. Retrieved November 2014.
<http://www.rivers.gov/new-jersey.php>

Point Pleasant Beach Borough Zoning Ordinance and Master Plan Reexamination Report, dated July 12, 2007

Lists of Permits Required:

Local Construction Permits

Road access/opening- local/county road

Ocean Soil Conservation District Soil Erosion and Sediment Control Plan Certification

Site Plan Approval

Flood Hazard Area Control Act Individual Permit

Compliance with New Jersey Stormwater Management Rules (N.J.A.C. 7:8)

Public Outreach [24 CFR 50.23 & 58.43]: *In accordance with HUD regulations, a Public Notice will be published in the local newspaper, The Star Ledger. A Spanish translation of the notice will be published in Reporte Hispano. Any substantive comments received will be incorporated into the EA. Public outreach was also conducted as part of the 8-step floodplain decision-making process. Comments received from agencies are incorporated throughout this report.*

Cumulative Impact Analysis [24 CFR 58.32]:

According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7)." To the extent reasonable and practical, this EA considered the combined effect of the proposed project and other actions occurring or proposed in the vicinity of the proposed project site.

Ocean County and the entire New Jersey coast are undergoing recovery efforts after Superstorm Sandy caused extensive damages. The recovery efforts in the area include rehabilitation, demolition, reconstruction, and new construction. These projects and the proposed project may have a cumulative temporary impact on air quality, noise, traffic and surface water during construction activities, but will have a net long-term benefit to those areas within New Jersey that were significantly impacted by

Superstorm Sandy. No other cumulative effects are anticipated.

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.)

The proposed project is to demolish/rehabilitate buildings rendered vacant due to Sandy-related storm damage and repair the property's bulkhead. Since the program goals are to encourage reconstruction efforts within the storm-impacted communities while meeting flood hazard requirements, no other reasonable alternatives were considered.

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

In the No Action Alternative, the subject property would continue to remain in its current dilapidated state. The No Action Alternative does not meet the Purpose and Need, as it would not help facilitate the recovery of the shore community, notably the New Jersey fishing industry.

Summary Statement of Findings and Conclusions:

Based on the findings of this Environmental Assessment, 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

While Phase I does not involve any noise sensitive uses, Phase II will involve the construction of a restaurant and a hotel. The restaurant is not a noise sensitive development, therefore no DNL calculations are needed for this building. The hotel, however, is considered a noise sensitive use. Several noise sources exist within the surrounding area, including the New Jersey Transit (NJT) North Jersey Coast Line (approximately 2,000 feet to the west of the proposed hotel location), and Broadway (approximately 300 feet to the south), which links the beaches to the east with NJ State Route 35 to the west (see NCR39812_NoiseMap). In addition, the property's overall use (i.e., active commercial fishing operation) represents a noise source as well. As the designs progress for Phase II of the project, a noise study will need to be developed to determine the ambient outdoor noise level. If it is in excess of 65 decibels (dB), noise attenuation measures will need to be incorporated into the design of the hotel. In addition, the following must be met:

- 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 "NCR39812_AirQualityMemo.pdf"). 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

1. *A Waterfront Development Permit is required if bulkhead work occurs offshore from Block 172 Lot 1 and Block 171 Lot 9, according to NJDEP Division of Land Use Regulation (DLUR) correspondence dated February 6, 2015.*

Species of Concern

In order to minimize potential impacts to Least Tern, no landing or staging operations would be permitted on Gull Island, located across Wills Hole Thoroughfare.

The NOAA NMFS stated that the Manasquan River is a migratory pathway, nursery and foraging area for anadromous fish. The NMFS stated that in order to minimize impacts to anadromous fish, no in-water activities could occur between March 1 and June 30. Additionally, the NMFS stated that winter flounder spawn in the estuarine portions of the river. To avoid impacts, no dredging or sediment generating activities could occur from January 1 to May 31. The project area has also been mapped as habitat for blue mussel. To

minimize impacts, any bulkhead structures should be built with non-polluting materials. Specifically, pressure-treated lumber should not be used. The NMFS also stated that species of sturgeon live within the Manasquan River; therefore the project may impact these species; as project details become finalized, a consultation pursuant to Section 7 of the Endangered Species Act may be necessary. A copy of the NMFS correspondence can be found in the "NMFS" folder.

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.

Explosive and Flammable Operations

If Phase II of the project moves forward, 24 CFR 51 Subpart C is applicable because there will be an 18,000 gallon stationary tank located on the property and an increase in density would occur. The increase in density is attributed to the construction of a restaurant building at 205 Channel Drive and a hotel at 117 Channel Drive. Therefore, If Phase II progresses, mitigation measures consistent with 24 CFR 51.205 would need to be developed and approved by HUD prior to the commencement of construction activities even if Phase 2 is funded by sources other than HUD.

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)].*
- 4. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).*
- 5. With the exception of the demolition of existing buildings, reconstruction of the bulkhead and associated concrete esplanade, no work is proposed in the V or VE zones for Phase I. This Phase I work is permitted in the V or VE zone because it is a "functionally dependent use" (i.e., is a waterfront structure) per 24 CFR 55.2(b)(6) and will be built to V and VE standards per 24 CFR 55.1(c)(3).*
- 6. Regarding Phase II activities, per 24 CFR 55.1(c)(3), no new construction is permitted in a V or VE zone. The northeast corner of the property is shown on Preliminary FIRM maps as being within the VE zone. The proposed restaurant in Phase II of the project may be partially located within this area, as shown on the applicant's conceptual plans (see "Appendix 7 & 8 - Drawings, Cost Est, CAFRA JD.pdf"). Construction of these buildings is permitted within the AE zone, as long as elevation, flood-proofing and flood insurance requirements are met. Please also see 76 FR 77165, December 12, 2011 and 78 FR*

68722, November 15, 2013. Should Phase II move forward, the location of these buildings will need to be A or AE zone (or outside of the V or VE zone).

7. Phase I will be subject to the floodproofing requirements of an FHA Individual Permit per N.J.A.C. 7:13-11.5(q). Phase II of the project would also be subject to the requirements of a Flood Hazard Area Individual Permit; however, demonstration of these requirements will be met in the Phase II CAFRA permit.
8. A Waterfront Development Permit is required if bulkhead work occurs offshore from Block 172 Lot 1 and Block 171 Lot 9, according to NJDEP Division of Land Use Regulation (DLUR) correspondence dated February 6, 2015.

In addition, FEMA responded to the agency consultation request with the below comments and conditions on the project:

1. In terms of NFIP regulations, any development activity on the property is required to be in conformance with the minimum requirements of the National Flood Insurance Program (NFIP). These requirements are codified in Title 44 of the Code of Federal Regulations (CFR), Part 60.
2. Minimum NFIP regulations require that new and substantially improved structures in A Zones must be elevated or floodproofed, if it is non-residential, to or above the level of the base flood, and meet other applicable program requirements as specified in Section 60.3 of the CFR.
3. If a structure is located in a coastal high hazard area, V-Zone, it not only must be elevated to or above the base flood elevation, but it also must comply with additional requirements contained in Section 60.3(e) of the NFIP regulations.
4. In addition, the NFIP requires communities, in this case, the Borough of Point Pleasant Beach, to review all applications for development in SFHAs and to apply their floodplain management regulations and building codes to work on both the existing and proposed structures. The Borough will be responsible to regulate any construction activity, issue permits and enforce the requirements of their Flood Damage Prevention Ordinance and the minimum requirements of the NFIP for development of this property.

Hazardous Waste

Based on the construction date of the subject building, an asbestos-containing materials (ACM) and lead-based paint (LBP) survey was conducted (see "NCR39812_LBPACM_Report"). Sampling results indicate that ACM is present in building materials throughout the property; however, LBP was not identified (see Table 1.0 within the report). Based on the results of the survey, the following must be met:

1. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:
 - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
 - National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
 - NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
 - New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.
2. Regarding asbestos containing material, a qualified person should continuously oversee all demolition activities once they commence.
3. Due to the uncertainty regarding the age of the building, as well as the limits of sampling (i.e., not all building materials could be sampled), proper management precautions should be taken for any materials that may later be found to be ACM or LBP.

4. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).
5. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

In addition, 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

The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet, therefore the applicant will need to obtain Ocean 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.

Sole Source Aquifers

The property receives municipal water/sewer utilities from the Point Pleasant Beach Water Department, however, the property is also identified as being within the Coastal Plain Sole Source Aquifer (see NCR39812_SSAMap). The property is a type that is not exempt from EPA review (i.e., contains and/or historically contained above ground storage tanks, see "SSA Memo"). Dewberry submitted to EPA Region 2 for review on November 19, 2014. EPA Region 2 responded in a letter dated January 23, 2015, stating that the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act, given the following conditions:

1. We note that there exists on the project site an 18,000-gallon, double-walled tank containing diesel fuel, with the space between the walls sufficient to contain the volume of liquid in the inner tank. We request that a professional engineer demonstrate, by calculation, that the space between the walls of the tanks can in fact accommodate the entire contents of the primary tank if that tank leaks. There should also be a means of monitoring the contents of the inner tank, to detect leakage.
2. We note that there exists three 300-gallon aboveground storage tanks (ASTs) containing lubricating oil used for fishing boat engines. We further note that these tanks are located within a 20-foot long secondary containment made of steel. We request that the volume of that containment be able to accommodate the volume of these tanks plus any rainwater that might accumulate (unless rainwater will not get into the containment).
3. We note that the applicant plans to move the tanks to the western end of the property to be closer to where boats will load and unload. We expect that special care will be taken in moving the tanks, which presumably will be empty at the time of the move. We also ask you to consider installing elevated

tanks, to harden them against future flooding. It would also make sense to have an impermeable concrete pad beneath the fuel tank to catch any spills during refilling.

4. We expect that a Spill Prevention Control and Countermeasure (SPCC) plan will be in place, prepared and certified by a professional engineer. The engineer should also develop and certify a Storm Plan that will provide the tanks with sufficient protection in the event of a major storm and accompanying flood conditions. Please see the enclosed information.
5. Our research indicates that tanks generally survive flood conditions when they are protected against becoming buoyant. Thus, we recommend that either the tanks have sufficient contents and that the contents are preferably 3 to 6 feet above flood level, or that the tanks are securely anchored. Connecting piping and valves should be taken into account in avoiding buoyancy.

The EPA Region 2 offered additional comments to minimize environmental impacts and to further create a more environmentally sustainable project. A copy of the letter (NCR39812_SSAResponse) can be found in the "EPA_SSA" correspondence folder.