Form 2.1 Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Responsible Entity: New Jersey Department of Community Affairs, Charles Richman, Commissioner

Applicant Name Borough of (First) Point Pleasant (Last)

-or- Rebranding and Revitalizing Channel Drive's (Business/Project Name)

Project Location Channel Drive, (Street Address)

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

Multiple (Block) Multiple (Lot)

FINDING

○ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

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

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

FUNDING INFORMATION

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	*Economic Development Authority (EDA) – Neighborhood and Community Revitalization (NCR) Program*	*$1,372,512.30*

		$0.00
		$0.00

Estimated Total HUD Funded Amount:

$1,372,512.30

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

$1,372,512.30

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

Early on October 29, 2012 Superstorm Sandy made landfall near Brigantine, New Jersey just to the northeast of Atlantic City. The post-tropical cyclone with hurricane-force winds caused widespread damage and extensive flooding throughout the state; however, nine of New Jersey's counties were identified as being the "most impacted" counties in order to most effectively focus disaster recovery efforts. In the wake of the hurricane, a winter storm swept into the area, exaggerating the damage and dramatically hindering emergency response and eventual disaster recovery efforts. The Stronger New Jersey Neighborhood and Community Revitalization (NCR) Program was developed by the New Jersey Economic Development Authority to support long-term recovery of small business and communities by funding long-term economic revitalization priorities. Funding under the NCR program is intended to assist projects located throughout New Jersey, focusing on those located in one of the nine most impacted counties as determined by HUD.

The proposed project will contribute to the revitalization of the Borough of Point Pleasant Beach in Ocean County (one of the nine most impacted counties) by providing a much needed streetscape improvement project along Channel Drive. This project is designed to redevelop and improve the working waterfront district. This will serve to bring business to businesses along the waterfront.

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

The proposed project includes significant streetscape improvements along the entire 4.69-acre, five-block length of Channel Drive in Point Pleasant Beach, New Jersey, which are designed to redevelop and rebrand the working waterfront district. A portion of the existing length of Channel Drive was first built between 1920 and 1931 (see NCR40120HistoricAerialImagery), but has since been widened and repeatedly repaved. By 1947, the entire length of Channel Drive existed as it does today.

Asphalt and concrete work along the entire length of Channel Drive will include the milling and repaving of the roadway, replacing the existing curb with a six inch concrete curb, and lane striping. New crossing signage and concrete pavers will be installed at crosswalks and concrete pavers will be installed at intersections of Channel Drive at Broadway (two intersections), St. Louis Avenue, Chicago Avenue, Baltimore Avenue, and Boston Avenue. On the north side of Channel Drive, streetscape improvements will include the demolition and reconstruction of 13,095 square feet of sidewalk, the installation of concrete paver driveway aprons, two feet of concrete paver verge between sidewalks and curbs, fifty-four decorative light fixtures, five bus shelters, ten benches, and the planting of sixty-four shade trees.

On the south side of Channel Drive, streetscape improvements will include the demolition of existing sidewalk, the reconstruction of sidewalk only at the six road intersections, and the planting of forty-four shade trees. On both the north and south sides of Channel Drive, the stormwater drainage inlets must be replaced/upgraded in accordance with the NJDEP Municipal Separate Storm Sewer System (MS4) permit. Subgrade preparation in the areas of sidewalk installation will require shallow excavation. Additional deeper excavation will be required for the installation of streetscape fixture foundations for light poles, benches, bus shelters, and other structures, as well as for any proposed electrical conduit for the proposed lighting. Minimal existing trees are proposed to be removed from the proposed project area. The project will result in less than 0.25 acres of additional impervious cover. See NCR40120RevisedStreetscapeConceptMap and NCR40120StreetscapeConstructionEstimate.

One parcel at each intersection of Channel Drive and Broadway, 1526_168_5 at the west end and 1526_164_19 at the east end, will be used for new signage, fiberglass signature sculptures, landscaping, and lighting to highlight the entrances to the working waterfront district. Rights to use portions of these two properties will be acquired, with the possibility of purchasing 1526_168_5. There will be no demolition, renovation, or reconstruction of the privately owned structure located at 1526_164_19. The entire project will be constructed within the forty foot public right-of-way of Channel Drive, a local street. A five foot wide, from edge of roadway, shade tree easement will be required on both the north and south sides of Channel Drive. Additionally an eight foot wide, from edge of roadway, streetscape easement will be required on the north side of Channel Drive where necessary for sidewalk installation. All of the property owners contacted to date have expressed an interest in including trees on their property adjacent to the sidewalks, and some of them have also pledged matching dollars to supplement the full grant if needed.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS - For each authority, check either Box "A" or "B" under "Status."
"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR
"B box" The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.
IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS	Compliance Documentation

1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	◉ A ○ B	*The proposed project is in compliance. According to the U.S. EPA, Ocean County is designated as Nonattainment or Maintenance for 3 NAAQS Pollutants (see NCR40120AirQuality):* *• 8-Hour Ozone (1997 Standards)* *• 8-Hour Ozone (2008 Standards)* *• Carbon Monoxide (1971 Standards)* *While Ocean County is identified as being within a 1-hour ozone nonattainment area, all 1-hour ozone areas were revoked as of June 15, 2005, and as such are excluded from the pollutant count on the NAAQS map (see NCR40120AirQuality). Therefore, a general conformity analysis in accordance with the Clean Air Act and 40 CFR Part 93, Subpart B was completed. However, according to the Department of Environmental Protection Division of Air Quality, the revised estimated air emissions (which take into account both residential and commercial construction activities) continue to remain well below the Federal General Conformity regulation's de minimis thresholds and are presumed to conform to the State Implementation Plan (SIP) (see NCR40120AirQualityAssessmentMemo). Correspondence from the New Jersey Department of Environmental Protection Bureau of Air Quality Planning further clarifies that streetscape and other similar projects are included in the general conformity analysis and therefore will not require a conformity determination (see NCR40120AirQualityStreetscapesMemo).* *Additionally, temporary air quality impacts associated with project activities will be mitigated to the greatest extent feasible and will adhere to all local and state air quality standards. All activities must still meet the State's Air Pollution Control requirements.*
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	◉ A ○ B	*The proposed project is in compliance. The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports, within the nine counties most impacted by Superstorm Sandy, listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. Runway protection zones extend up to half a mile from the ends of runways along flight paths, and become wider as distance from the runway increases. Additionally, these runway protection zones are uninhabited and therefore, not applicable to the proposed action. HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station.* *The nearest runway protection zones at Newark Liberty International Airport and Atlantic City International Airport are located approximately 40 miles and 52 miles from the proposed project site, respectively. The nearest clear zones and accidental potential zones at the Lakehurst Naval Air Station are located approximately 14 miles from the proposed project site. Therefore, none of these clear zones are applicable to the proposed action (see NCR40120AirportClearZonesMap).*
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	◉ A ○ B	*The proposed project is in compliance. The project site is located in the Coastal Area Facility Review Act (CAFRA) boundary (see NCR40120CoastalZoneManagementActMapCAFRA) and, therefore, requires a Coastal Jurisdictional Determination. Plans for the proposed project were submitted to the NJDEP Department of Land Use Regulation (DLUR) for review. The proposed project was submitted for review to the NJDEP Department of Land Use Regulation (DLUR) on May 28, 2015 (see NCR40120DLURConsultation). The DLUR determined on June 16, 2015 that a CAFRA permit is not required for the proposed project (see NCR40120DLURDetermination). Similarly, the DLUR determined that a Waterfront Development Permit and a Coastal Wetlands Permit are also not required. The DLUR determination finally states that the project is "presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized". The jurisdictional determination received does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation.*

4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]	◉ A ○ B	*Toxics* *The proposed project action is in compliance. A site visit indicated no mention of distressed vegetation or contamination in the area of the project site (see NCR40120FieldAssessment). Based on this information and after reviewing the site photos, there are no visible RECs in the vicinity of the potential HUD project (see NCR40120FieldAssessment and NCR40120Photoguide which indicates location and orientation of photos located within NCR40120FieldAssessment). The parcel IS within the 3,000 ft. radius of a "threatening" site (see NCR40120ToxicHazardousandRadioactiveSubstancesMap). The site is called FISHERMENS SUPPLY CORP. The Site ID number is 153100. The site has been cleared by NJDEP and is no longer considered threatening to the subject property (see NCR40120HazardousSitesClearance3.12.2015). Sites that were previously determined by NJDEP to be "non-threatening" to the potential HUD project may not be depicted on the map. The parcel is NOT listed on a State or Federal Hazardous Waste sites database.* *A portion of the existing length of Channel Drive was first built between 1920 and 1931 (see NCR40120HistoricAerialImagery), but has since been widened and repeatedly repaved. By 1947, the entire length of Channel Drive existed as it does today, and most of the property along the street was undeveloped, largely cleared land. By 1953, residential and commercial properties were being built along Channel Drive. Given this information and the fact that surrounding areas appear to have always been either cleared land or mixed commercial and residential developments, there are no indications of prior land uses that may have adversely impacted the site.* *Lead-Based Paint* *The proposed project consists of streetscape improvements along the entire length of Channel Drive and is exempt from all requirements of 24 CFR Part 35 because based on 24 CFR Part 35 Subpart B, Sec. 35.115(a)(7), it is "property or part of a property that is not used and will not be used for human residential habitation." Therefore, the project is exempt from lead-based paint assessment.* *Asbestos* *The proposed project is in compliance. The Asbestos National Emission Standards for Hazards Air Pollutants (NESHAP) regulation establishes a national work practice standard that is designed to limit emissions of asbestos from a variety of activities, including demolition and renovation activities. According to 40 CFR Part 61, Subpart M, a facility must be thoroughly inspected prior to construction activities; however, the proposed project does not involve renovation or demolition of a commercial, institutional, industrial, public or residential structure, installation or building. Therefore, no inspection for asbestos is required for the proposed project.* *Radon* *The proposed project is in compliance for radon. The proposed project consists of streetscape improvements along the entire length of Channel Drive and will not involve any structures intended for human habitation. Therefore, a radon map is not needed and there will be no impact of radon on the proposed project.*

5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	○ A ◉ B	*The proposed project, which includes streetscape improvements designed to redevelop and rebrand the working waterfront district, is in compliance. Consultation with the NJDEP Natural Heritage Program (NHP) was required for the proposed project in order to identify any listed plant species or habitat that may affected by the proposed action; therefore, a request for review was submitted on March 16, 2015 (see NCR40120NaturalHeritageConsultation). The review noted that no threatened or endangered plant species were likely to be located on the proposed action site; however, the results did indicate that the Seabeach Sandwort (Hunkckenya peploides var. robusta) may be located in the immediate vicinity of the project site. The USFWS Landscape Tool results also indicated a plant species, the Seabeach amaranth (Amaranthus pumilus), that should be considered for the project (see NCR40120USFWSiPaCLanscapeExplorerTool). A review of an Endangered Plants of New Jersey Fact Sheet indicated that these two species are closely associated and known to grow on beaches and barrier islands. The proposed project site, as seen in the attached site map (see NCR40120SiteLocationMap) and Field Assessment photographs (see NCR40120FieldAssessment), is located within an urban developed area. The majority of the site is paved or manicured grass lawn and would therefore not be a suitable habitat for these plant species, which are known to inhabit sandy ocean beaches. The proposed project will, therefore, not affect the Seabeach amaranth or the Seabeach Sandwort as no project activities will occur on or near a beach. Based on these findings, it has been concluded that the project will have no effect on threatened and endangered plant species.* *The NHP review and USFWS Landscape Tool did indicate some animal species that may be within the vicinity of the project site. Specifically, the NHP review indicated 11 bird species while the USFWS Landscape Tool indicated 25 migratory bird species. However, the animal species that have been determined to be of concern for this program were screened using a desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer which indicates the proposed action site is not within an area of threatened and endangered species concern including the piping plover and red knot (see NCR40120EndangeredSpeciesMap). However, the layers do indicate potential bat sensitivity in areas that intersect the proposed action site. Additionally, even though a desktop review of the HUD Parcel-Centroids shows one centroid on a westernmost parcel associated with the project, this is a streetscape project involving multiple adjacent land parcels; as such, it has been deemed that this data would not be applicable to the entire project (see NCR40120CentroidsMap). Therefore, due to the lack of substantive centroid data and proximity to the bat sensitivity layer, the NJDEP Division of Fish and Wildlife Endangered and Nongame Species Program (ENSP) was consulted on June 17, 2015. Through consultation, ENSP determined that concerns for listed wildlife species (including the Northern Long-Eared Bat) were not anticipated under the condition that no tree removal would occur between the months of April through September. Additionally, tree removal is not to exceed one acre. The project did fall within the ranges for the state endangered Least Tern and state threatened Osprey; however, it was concluded that negative impacts to Ospreys and Least Terns are not anticipated due to the location of the proposed work, which is south and across the water from known Osprey nests and limited to the Channel Drive area (see discussion in NCR40120ENSPConsultation). No additional consultation with ENSP or U.S. Fish and Wildlife Service is required for threatened and endangered animals if the conditions described above are met.*
6. Environmental Justice [Executive Order 12898]	◉ A ○ B	*The proposed project is in compliance. The blocks in the area surrounding the proposed project site consist of 0-10% minority populations (see NCR40120EJMinorityDemographics). The population at or below poverty level in the tracts near the proposed action site is 0-10% (see NCR40120EJPovertyDemographics). The population density in the area near the proposed action site is between 1,000-5,000 people (see NCR40120EJPopDensityDemographics). These demographics are consistent with the surrounding community. The proposed project involves streetscape improvements along Channel Drive and, in accordance with the requirements of the program, would not alter the existing demographics of the immediate area. The overall impacts of the proposed project would be beneficial to the local community by providing a safer and more aesthetically pleasing path for community members to walk and drive along. Therefore, it has been determined that no disproportionate adverse effects would occur.* *Additional Source: NCR40120EJChecklist*
7. Explosive and Flammable Operations [24 CFR 51C]	◉ A ○ B	*The proposed project is in compliance with 24 CFR Part 51 Subpart C. The proposed project involves streetscape improvements along Channel Drive and does not increase residential density, change land use to residential, make a vacant building habitable, involve construction of a new structure, or involve a change of land use. This street improvement project does not meet the definition of a "HUD-assisted Project" and is therefore not subject to the HUD rule (see: 24 CFR 51.201). As such, the proposed project is not an applicable activity and will not require a map or distance determination. Additionally, the proposed project will not include the installation of any ASTs on the subject site; thus it will not create a potential hazard to nearby residents or businesses.*
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	◉ A ○ B	*The proposed project is in compliance. The proposed project site is neither in an area of prime or unique farmlands nor within a farmland of statewide importance (see NCR40120PrimeFarmlandSoilsMap). Additionally, as defined in 7 CFR 658.2, 'Farmland' does not include land already in or committed to urban development or water storage. Therefore, the proposed project, which includes streetscape improvements along a five block stretch of in-place road, does not meet the definition of 'Farmland'. Furthermore, only assistance and actions that would convert farmland to nonagricultural uses are subject to the Farmland Protection Policy Act.*

9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	○ A ◉ B	*The proposed project involves streetscape improvements at Channel Drive and its associated amenities which are designed to redevelop and rebrand the working waterfront district in the Borough of Point Pleasant Beach. The entire 4.69 acre proposed project area is located within the Special Flood Hazard Area Zone AE as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 206 of 611, Map Number 34029C0206F, effective September 29, 2006 (see NCR40120FIRM). The NJDEP HUD Review Tool FEMA Preliminary FIRM layer also indicates that the project area is within the SFHA Zone A (the map legend reference incorporates all "A" categories, including, in this case "AE") (see NCR40120FEMAPreliminaryFIRM). Therefore, the proposed project is subject to 24 CFR 55.20.* *The proposed project involves the streetscape improvements of Channel Drive in which the roadway will be repaved, the existing curb replaced, the lane restriped, and other associated improvements or installations such as sidewalk replacement, storm drain improvements, lighting, bus shelters, benches and planting of shade trees, installation of new signage, fiberglass signature sculptures, landscaping, and lighting that highlight the entrances for the area. The entire proposed project is located within the SFHA Zone AE. This does not meet the criteria under 24 CFR 55.12 to convert to a 5-Step Floodplain Analysis; therefore, the 8-Step Decision Making Process, as required under 24 CFR 55.20, was initiated. Steps 1 through 6 of the 8-step floodplain decision making process have been completed for the proposed project site (see NCR40120Floodplains8-Step). A 15-day "Notice for Early Public Review of a Proposed Activity in the 100-Year Floodplain" was published in The Star-Ledger and El Diario on June 5, 2015 (see NCR40120EarlyFPNoticeEnglish and NCR40120EarlyFPNoticeSpanish). Additionally, the notice was posted to DCA's website (http://www.nj.gov/dca/divisions/sandyrecovery/review) and also electronically sent to State and Federal agencies (see NCR40120EarlyFPAgencyEmail) for further review. The 15-day period expired on June 22, 2015. In a letter dated June 22, 2015 addressed to the DCA, the US EPA, Region 2 commented on the difficulties of obtaining documents pertaining to the project for review from the website provided by the link in the notice (see NCR40120EarlyFPCommentsUSEPA). The EPA requested either a direct e-mailing of the environmental documents or a direct link to the project-specific documents to facilitate their review. Based on the difficulties accessing documents in the website, the EPA also expressed their concerns of the lack of availability of information to the general public and other agencies. Additionally, the EPA offered the following project recommendations: recycled rubberized and porous concrete surfaces; benches made of recycled material; solar panels to provide electrical service for lights fixture; rain gardens incorporated into the sidewalks; and other design approaches as a complement to the recommendations. The DCA received no other comments on this notice (see NCR40120EarlyNoticeNoCommentsDCA1 and NCR40120EarlyNoticeNoCommentsDCA2).* *As required in Step 7 of the 8-Step process, a final public notice, in this case a combined "Notice of Finding of No Significant Impact, Notice of Intent to Request Release of Funds and Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain" will be published in accordance with 24 CFR Part 55 for a minimum 7-day comment period in The Star-Ledger and El Diario. The notice shall state the reasons why the project must be located in the floodplain, provide a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55. Implementation of the proposed project may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.* *The proposed project must comply with all applicable construction requirements in accordance with all local floodplain ordinances. Consultation with the NJDEP/DLUR resulted with a Jurisdictional Determination (DLUR File Number: 1525-15-0004.1; DLUR Activity Number CDT150001) dated June 16, 2015 which stated that a Coastal Area Facility Review Act (CAFRA) was not required per N.J.A.C. 7:7-2.1(a). The DLUR determination finally states that the project is "presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized." (see NCR40120DLURDetermination). Similarly, the DLUR determined that a Waterfront Development Permit and a Coastal Wetlands Permit were also not required. In addition, the DLUR stated that the project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1 and the proposed project appeared to meet the criteria for a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6. The proposed project must comply with all permit requirements as well as all federal, state and local construction standards (see Required Mitigation and Project Modification Measures).* *This is a streetscape improvement project with no existing structures on the proposed project site. The project does not involve the construction or rehabilitation of a structure. Therefore there is expected to be no National Flood Insurance Program (NFIP) requirement for flood insurance related to this project.* *Details associated with Steps 7 and 8 of the 8-step review process are provided below:* *Step 7: Determination of No Practicable Alternative* *A final public notice will be published in accordance with 24 CFR Part 55 for a minimum 7-day comment period. The notice shall state the reasons why the project must be located in the floodplain, provide a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55.* *Step 8: Implement the Proposed Action* *Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.* *Additional Sources: 24 CFR Part 55; Executive Order 11988*

10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	◉ A ○ B	*The proposed action site is not entirely located within the Historic Preservation Exemption Zone (NCR40120HistoricPreservationExemptionZoneMap). Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated March 27, 2015. The email included the form developed by NJHPO for Section 106 Hurricane Sandy disaster recovery evaluations, specifically the "Form 1" which indicated that no historic properties or intact archaeological sites were on the property (NCR40120DEPForm1URSSubmission).* *The proposed action includes streetscape improvements along the length of Channel Drive in Point Pleasant Beach, NJ, designed to redevelop and rebrand the working waterfront district (see Description of the Proposed Project section above for details). At the time of the submission to NJHPO, the project also included proposed work outside of the public right-of-way that consisted of the placement of a sculpture within each of two parcels (1526_168_5 and 1526_164_19). In addition, lot 1526_166_20 was possibly going to be used for staging or signage. Since that time, URS has been made aware that only the eastern half of 1526_164_19 will now be included in the proposed action and 1526_166_20 will not be utilized at all.* *The Form 1 submission presented information on the proposed action site and its viewshed. It noted that while a large majority of the proposed action site was located within the designated Historic Preservation Exemption Zone (HPEZ), a small portion east of the intersection of Channel Drive and Boston Avenue was not captured by this layer. The portions that fell within the HPEZ were exempt from the Section 106 review for above-ground historic buildings given the allowances contained within the Programmatic Agreement that exempt the requirement for a Section 106 review for above-ground historic buildings if the proposed action site falls within the Historic Preservation Exclusion "Green" Zone that was defined by staff of FEMA and the NJHPO through windshield surveys conducted soon after the storm. That exemption / allowance is stated within Stipulation II.D.1 of the Programmatic Agreement and Appendix B (NCR40120ProgrammaticAgreement). The joint FEMA / NJHPO survey that designated this location as not having above-ground historic preservation concerns was Point Pleasant Beach Borough, NJHPO project number 13-0304-1 and was conducted on December 31, 2012; its NJHPO chronological log number for it is L2012-151. Its position within this zone is shown in the enclosed map (NCR40120HistoricPreservationExemptionZoneMap). In regards to the properties outside of the HPEZ, the Form 1 noted that those properties were not within or in view of NRHP-listed or eligible properties or historic districts so there was no affect to historic architectural properties expected.* *In regards to archaeology, it was recommended that the proposed action would have low potential to affect significant archaeological sites as the proposed activities would be restricted to the current right-of-way and within approximately 8 feet of the edge of the roadway. These areas have most likely already been disturbed by road and utility work. Additionally, this area is associated with soils generally attributed to dredge fill or excavated borrow materials from river channels or excavated pits (NCR40120DEPForm1URSSubmission).* *The NJHPO replied by signing the Form 1 on March 31, 2015 that they concurred with the assessment made by URS and the undertaking would not impact historic properties (NCR40120DEPForm1NJHPOResponse). The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required.*
11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	◉ A ○ B	*The proposed project is in compliance. Per HUD directive, 24 C.F.R. Part 51B states that the HUD noise policy must be taken into consideration when projects involve noise sensitive land uses. The regulation [24 CFR 51.101(a)(2)] specifically states that it applies "when noise sensitive land development is proposed in noise exposed areas". The proposed project involves streetscape improvements at Channel Drive and its associated amenities which are designed to redevelop and rebrand the working waterfront district in the Borough of Point Pleasant Beach, and, as such, is not considered a noise sensitive land use.*
12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	◉ A ○ B	*The proposed project involving streetscape improvements is in compliance with 40 CFR 149. The project site is in Ocean County and is within the New Jersey Coastal Plain Aquifer System, which underlies the entire southern half of the state (see NCR40120SoleSourceAquifersMap). In accordance with the HUD-endorsed memo dated August 13, 1996, improvements to infrastructure already in place are not considered to pose a significant hazard to public health by negatively impacting groundwater (see NCR40120Memo1996SoleSourceAquiferReviewOfHUDProjects). Additionally, this streetscape improvement project will not be making any withdraws or contributions to the municipal water and sewer lines. Therefore, the proposed project is not anticipated to have a significant effect on Sole Source Aquifers. This compliance finding is supported by the fact that street improvement projects are not listed on the EPA Region 2's Sole Source aquifer web page as a significant pollution source for NJ Coastal Plain Aquifer – See: http://www.epa.gov/region02/water/aquifer/coast/coastpln.htm.*
13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	◉ A ○ B	*The proposed project is in compliance. A desktop review of the NJDEP Wetlands Protection Map and field data indicates that NJDEP mapped Wetlands are not located within 150 feet of the project site (see NCR40120WetlandsProtectionMap and NCR40120FieldAssessment). Additionally, although Wills Hole Thoroughfare is within 150 feet of Channel Drive, the closest portion of the road is roughly 80 feet south of the waterbody. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands.*

14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	◉ A ○ B	*The proposed project is in compliance with 16 U.S.C. 1271 et seq. The nearest designated segment of the National Wild and Scenic Rivers System (NWSRS) to the proposed action site is the Lower Delaware River, which is located 45 miles west-northwest of the proposed project site (see NCR40120WildScenicRiversMap). There are currently no rivers within the state under study for possible inclusion into the NWSRS (see NCR40120WildScenicRiversGuidance04042013). Additionally, the Wild and Scenic Rivers Act references other protected resources including specific segments of tributaries to Wild and Scenic Rivers as well as river segments registered in the Nationwide Rivers Inventory. The proposed project site is not located within ¼ mile of a Wild and Scenic River stream bank, or within 1 mile of a designated Wild and Scenic River. Therefore, the proposed action will have no adverse effects on any of these resources.*

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

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]
Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ **No.** Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)]]

The proposed project does not involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone. The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 40 miles and 52 miles (respectively) from the proposed project site. The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station. The nearest applicable clear zones and accident potential zones at the Lakehurst Naval Air Station are located approximately 14 miles from the proposed project site (see NCR40120AirportClearZonesMap).

☐ **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: [Proceed with Project]

The nine designated units and twelve 'otherwise protected areas' that comprise the Coastal Barrier Resources System in New Jersey are part of the John H. Chafee Coastal Barrier Resources System and are undeveloped coastal barriers and other areas located on the coasts of the United States. The nearest component of the Coastal Barrier Resource System is approximately 3.26 miles south of the project action site (see NCR40120CoastalBarrierResourcesMap). Therefore, the proposed action would have no impact on coastal

barrier resources.

☐ **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]

The entire 4.69 acre proposed project is located within Flood Zone AE which is part of the FEMA-designated Special Flood Hazard Area (SFHA) (see NCR40120FIRM). The FEMA Preliminary FIRM data provided by the NJDEP HUD Review Tool (see NCR40120FEMAPreliminaryFIRM) also shows the entire project area within the SFHA Zone A (the map legend reference incorporates all "A" categories, including, in this case "AE"). However, this is a streetscape improvement project with no existing structures on the proposed project site. The project does not involve the construction or rehabilitation of a structure. Therefore there is expected to be no National Flood Insurance Program (NFIP) requirement for flood insurance related to this project.

☐ **Yes.** Cite or attach Source Documentation:

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

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

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

◉ **N/A**

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

The field inspection was completed 3/16/2015 by Malik Rasool. The property location was confirmed by the street location. Mr. Rasool inspected the proposed action site and noted no Recognized Environmental Concerns (RECs). See NCR40120FieldAssessment and NCR40120Photoguide for further details.

Summary Statement of Findings and Conclusions:

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

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

General
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.

Acquire all required federal, state and local permits prior to commencement of project activities and comply with all permit conditions.

Endangered Species
The NJDEP Division of Fish and Wildlife Endangered and Nongame Species Program (ENSP) determined that the proposed project would have "no effect" on bat species if construction activities that include tree clearing are seasonally prohibited. Therefore, project activities that include tree clearing are prohibited between April 1 and September 30. Additionally, tree removal is not to exceed one acre.

Floodplain Management
The proposed project is required to comply with all applicable construction requirements in accordance with all local floodplain ordinances.

CERTIFICATIONS

Erich Ortlieb, URS	2015-07-10 18:59:49
Preparer Agency and Name	Completion Date

RE Certifying Officer Name	RE Certifying Officer Signature	RE CO Signature Date