

ENVIRONMENTAL ASSESSMENT

Determinations and Compliance Findings for HUD-Assisted Projects

24 CFR Part 58

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

Applicant Name: _____ (First) _____ (Last)

-or- 525-529 Seventeenth Street (Business/Corporate Name)

Project Location: 525-529 South 17th Street (Street Address)

Newark (Municipality) Essex (County) New Jersey (State)

335 (Block) 15 (Lot)

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

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

General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

Historic Preservation

3. All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans, as signed onto by the New Jersey Department of Community Affairs.
4. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The

applicant will inform the Federal Emergency Management Agency (FEMA) immediately and FEMA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the NHPA.

Floodplain Management and Flood Insurance

5. All proposed reconstruction, repair, elevation and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
6. All structures funded by the Repair, Rehabilitation, Elevation, and Mitigation (RREM) Program and the Small Rental Properties Program, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, 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. In the nine counties included in the RREM and Small Rental Properties Programs, this includes the following municipalities in the following counties:
 - Bergen County: Alpine, Cliffside Park, and Englewood Cliffs
 - Hudson County: Union City
 - Monmouth County: Freehold and Shrewsbury
 - Union County: Winfield
7. 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)].
8. 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 Part 60.3 (e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

Wetlands Protection and Water Quality

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

Noise

11. Outfit all equipment with operating mufflers
12. Comply with the applicable local noise ordinance

Air Quality

13. Use water or chemical dust suppressant in exposed areas to control dust
14. Cover the load compartments of trucks hauling dust-generating materials
15. Wash heavy trucks and construction vehicles before they leave the site
16. Reduce vehicle speed on non-paved areas and keep paved areas clean
17. Retrofit older equipment with pollution controls

18. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction
 19. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material
 20. 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).
- (Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
21. 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).
 22. 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).
 23. 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.

Hazardous Materials

24. 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.
25. 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).
26. 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.
27. All residential structures must be free of mold attributable to Superstorm Sandy.
28. Radon testing and/or mitigation, as described below, is required for structures not in one of the following categories:
 - Structures in municipalities NJDEP classifies as having low radon potential

- Structures with unenclosed air space between the entire lowest floor and the ground
- Structures that have been evaluated by a radon professional and found to require neither testing nor mitigation to ensure that radon is below the standards of 4 picocuries per liter of air and 0.02 working levels, based on a physical inspection of the property, the characteristics of the buildings, and other valid criteria. The radon professional must meet the qualifications in the HUD Office of Multifamily Development Radon Policy, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=13-07ml.pdf>, and must be a certified radon mitigation specialist under NJAC 7:28-27.

Reconstructed homes that are not in one of these three exempt categories must incorporate the radon-resistant construction techniques listed in NJAC 5:23-10.4.

Homes to be rehabilitated that are not in one of the exempt categories must be tested for radon in accordance with accepted standards and the certification requirements in NJAC 7:28-27, and the testing must be documented. If the radon level is below the standards of 4 picocuries per liter of air and 0.02 working levels, no further action is required. If the radon level is at or above either of the standards, radon mitigation measures must be implemented and the home must be retested to ensure that radon levels below the standards have been achieved.

29. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.
30. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

Sole Source Aquifers

31. Comply with all laws, regulations, and industry standards.
32. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood
33. The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low, and may be less than 30% for parcels on which the current impervious area is unusually high.

Wild and Scenic Rivers

34. Comply with any conditions specified by NJDEP and the National Park Service for protection of the Great Egg Harbor River and Menantico Creek, designated Wild and Scenic Rivers.

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:

Beth Williams, Tetra Tech
Preparer Name and Agency

Beth Williams
Preparer Signature

March 25, 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-34-0001B	NJJDCA Neighborhood Enhancement Program	\$1,200,000

Estimated Total HUD Funded Amount: \$1,200,000

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$1,640,000

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

The State of New Jersey was included in the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013). On October 29, 2012, Superstorm Sandy made landfall over the New Jersey coast. The storm surge inundated and severely affected the State’s shoreline from Cape May to Raritan Bay, along the Hudson River, and on the estuaries connecting to Raritan Bay and Newark Bay. Other overland flooding, wind damage and an ensuing snowstorm further damaged these communities as well as other communities throughout New Jersey. In particular, communities within Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union Counties suffered substantial real estate and public infrastructure damage. These nine counties were identified by HUD as the most impacted and distressed counties within New Jersey. This environmental assessment addresses activities at Block 335, Lot 15 in Newark, Essex County, New Jersey.

The Neighborhood Enhancement Program provides funding to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing. The Program is intended to be a component of local plans to invest in and rebuild these communities. It funds the rehabilitation or re-use of abandoned, foreclosed and vacant housing,

structures or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability.

The purpose of this project is to acquire vacant land to develop two new three-family homes in one phase on adjacent lots (Block 335, Lots 15.01 and 15.02) in a section of Newark where new development has been encouraged by Federal, State and City government policy, in response to local economic conditions. When completed, the project will offer affordable rental and homeownership opportunities to moderate-income families, including those displaced by Superstorm Sandy.

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 program provides zero percent loans to eligible entities that will create for sale or rental housing units through either rehabilitation or redevelopment. Initial occupancy of the units developed under this program is restricted to households at or below 80% of Area Median Income as defined by HUD. \$30,000,000 in CDBG-DR funds are allocated to this program. For-profit and nonprofit affordable housing developers with the support of the local government are eligible for participation in the Neighborhood Enhancement Program.

The program will provide up to \$250,000 in subsidy per unit (based on need and bedroom size). The maximum award will be \$1,750,000. Funding can be used for hard and soft costs for the following activities: acquisition, rehabilitation, reconstruction, and demolition. Acquisition and/or demolition must be directly related to new construction or reconstruction.

This project involves the acquisition of vacant land for the construction of two separate three-story, 4,272 square foot, three-family homes in one phase on adjacent lots (Block 335, Lots 15.01 and 15.02) in a section of Newark where new development has been encouraged by Federal, State and City government policy, in response to local economic conditions. Each home will have a front-yard setback similar to other dwellings in the area, traditional front porch, rear-facing two-car garage and parking for three cars at the rear of each lot. There will be landscaped areas in each yard.

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.)

More than 63,000 housing units within the nine most impacted counties sustained flood damage greater than one foot. This is approximately 3 percent of the total housing stock within those counties. Nearly 50 percent of these impacted households are low and moderate income (LMI). Approximately 1,455 of properties within Essex County sustained considerable damage from Superstorm Sandy. Many homeowners and owners of small rental properties, LMI and non-LMI, do not have the resources to repair, reconstruct, elevate or mitigate their properties. In the absence of the proposed project, the damaged properties will continue to deteriorate, which will do further harm to the communities in which the properties are located.

The Neighborhood Enhancement Program will provide loans to eligible nonprofit and for-profit developers to purchase and rehabilitate foreclosed, vacant or abandoned properties in targeted communities. The program will support

efforts to develop a mixed-income model of rebuilding to prevent concentrations of poverty and rebuild strong neighborhoods. The program will encourage development of affordable rental or homeownership housing in the nine most impacted counties as well as areas deemed priority areas throughout the State. The program is designed to alleviate the shortage of rental and for-sale housing and potential blight caused by the storm. The properties may be rented, developed as lease-to-purchase, or used to provide homeownership opportunities for low to moderate income households.

The proposed project centers around the redevelopment of two vacant lots in a “threatened but viable” neighborhood of Newark, New Jersey. In the absence of the proposed project, the shortage of rental and for-sale housing as well as the viability of the neighborhood would continue or worsen.

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 proposed project is in compliance.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Essex County has been designated a nonattainment or maintenance area for five National Ambient Air Quality Standard (NAAQS) pollutants:</p> <ul style="list-style-type: none"> • a moderate attainment area for 8-hour ozone (1997 Standard) • a marginal attainment area for 8-hour ozone (2008 Standard) • a moderate (>12.7 parts per million) maintenance area for carbon monoxide • a maintenance area for particulate matter (PM_{2.5}) (2006 Standard) • a maintenance area for particulate matter (PM_{2.5}) (1997 Standard) <p>There will be temporary, unavoidable increases in particulate matter levels during the proposed construction activities. While air quality will be temporarily affected during construction activities, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.) Air quality effects will be mitigated to the extent feasible.</p> <p>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the New Jersey Department of Community Affairs (DCA), HUD Community Development Block Grant for Disaster Recovery (CDBG-DR) for the Hurricane Sandy recovery</p>

		<p>efforts according to a memorandum from the DAQ dated January 23, 2014. The general conformity analysis is required by the Clean Air Act and Federal Regulation (40 CFR Part 93, (Subpart B)). This revision is due to updated information received from the Sandy Recovery Environmental and Historic Preservation Review Program regarding commercial construction activities associated with the CDBG-DR, which were not assessed in the original environmental assessment. The revised estimated air emissions, including the air emissions related to commercial construction activities, continue to remain well below the Federal General Conformity regulation's de minimis thresholds and are presented to conform to the State Implementation Plan (SIP).</p> <p>To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continues to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g. obtaining permits when necessary, adherence to idling limitations, implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures that may contain asbestos.</p> <p>Documentation supporting this finding is presented as Appendix A.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports listed as commercial service airports 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. The commercial airport runway protection zone in Essex County is uninhabited. Newark Liberty International Airport is located approximately 14,645 feet from the proposed project location and Atlantic City International Airport is located approximately 476,543 feet from the proposed project location. Both are civilian airports (See Appendix B).</p> <p>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways</p>

		<p>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 Joint Base McGuire-Dix-Lakehurst (JBMDL). The clear zones and accidental potential zones at the McGuire component of JBMDL are in Burlington County and Ocean County. The McGuire component of JBMDL is located approximately 281,630 feet from the proposed project location. The zones at the Lakehurst component of JBMDL are in Ocean County, approximately 245,500 feet from the proposed project location. There are no military airfield clear zones or accident potential zones in Essex County.</p> <p>Documentation supporting this finding is presented as Appendix B.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>In response to the 1972 passage of the federal Coastal Zone Management Act, New Jersey developed and received federal approval for New Jersey's Coastal Management Program (CMP), which addresses the complex coastal ecosystem as a whole, integrating goals and standards for protection and enhancement of natural resources, for appropriate land use and development, and for public access to and use of coastal resources.</p> <p>The Coastal Zone Management rules, N.J.A.C. 7:7E, represent the State's substantive standards for the use and development of resources in New Jersey's coastal zone. These rules are used to review permit applications submitted under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; and the Wetlands Act of 1970, N.J.S.A. 13:9A. The Coastal Permit Program rules, N.J.A.C. 7:7, establish the procedures by which NJDEP reviews permit applications and appeals from permit decisions under CAFRA, Waterfront Development Law, and the Wetlands Act of 1970.</p> <p>The CMP authority under CAFRA applies to the construction of any development defined in Section 3 of the Act (N.J.S.A. 13:19-3) or in N.J.A.C. 7:7-2.1 that is being constructed within the coastal area described in Section 4 of the Act (N.J.S.A. 13:19-4). The CMP authority under the Waterfront Development Law applies to the filling or dredging of, or placement or construction of structures, pilings or other obstructions in, any tidal waterway, or in certain upland areas adjacent to tidal waterways outside the area regulated under CAFRA, as explained in N.J.A.C. 7:7-2.3.</p> <p>The proposed project is in compliance. The site is not located within the CAFRA zone, the Upland Waterfront Development area, or the New Jersey Meadowlands District. Documentation supporting this finding is</p>

		presented as Appendix C.
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property.</p> <p>In order to identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP’s HUD Environmental Review Tool was conducted (See Appendix D). This review identified that the project site is within the 3,000-foot radius of ten (10) “threatening” sites. A table identifying the names, addresses and Site Identification Numbers for the ten threatening sites is included in Appendix D. The sites were reviewed by NJDEP, which found these sites to be in substantial compliance with NJDEP regulations.</p> <p>A review of NJDEP’s Geoweb was also conducted in order to identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances. This resource is an area web-based application tool which draws environmental data from NJDEP’s GIS database and includes the databases searched by NEPAssist. No additional threatening sites were identified by the NJDEP Geoweb tool.</p> <p>The project site is not listed on a State or Federal Hazardous Waste sites database.</p> <p>Site reconnaissance revealed no visible recognized environmental conditions (RECs) in the vicinity of the property.</p> <p>In accordance with regulations adopted by the Federal Occupational Safety and Health Administration (OSHA), surfacing material (including sprayed material and troweled on acoustical plaster, fireproofing, etc.), thermal system insulation, and flooring materials (vinyl and asphalt) used in buildings constructed no later than 1980 are presumed to contain potential asbestos-containing materials (ACMs), unless testing proves otherwise. After 1980, the aforementioned materials are not presumed to be ACMs. However, certain types of products including, but not limited to, acoustical ceiling tile, vinyl floor tile, and drywall could potentially still contain ACMs. As the proposed project involves a vacant residential lot containing no structures, ACMs are not expected to present a concern to the project.</p> <p>Lead is a toxic metal used in a variety of products and materials. When lead is absorbed into the body, it can cause damage to the brain and other vital organs, like</p>

		<p>the kidneys, nerves, and blood. Both inside and outside the home, deteriorated lead-paint releases its lead, which then mixes with household dust and soil. Many homes built prior to 1978 have lead-based paint. As the proposed project involves a vacant residential lot containing no structures, lead-based paint is not expected to present a concern to the project.</p> <p>According to the New Jersey Department of Environmental Protection Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential.</p> <p>Documentation supporting these findings are presented as Appendix D.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7;50 CFR 402]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a T&E species in the wild, or destroy or adversely modify its critical habitat.</p> <p>The environmental review considered potential impacts of the HUD-assisted project to T&E species and, for animals, critical habitats. The review evaluated potential impacts not only to any listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T&E species or critical habitats require consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA.</p> <p>Examination of NJDEP Geoweb data revealed that the proposed project site is not listed within a Natural Heritage Priority Site zone and no Special Concern Species, State Threatened Species, State Endangered Species, or Federally Listed Species were identified on or in the immediate vicinity of the proposed project site. No threatened or endangered species (piping plover, red knots or bats) were identified in the vicinity of the proposed project site based on a review of the NJDEP’s HUD Environmental Review Tool (See Appendix E). Consultation with the New Jersey Department of Environmental Protection (NJDEP) State Forestry Services – Natural Heritage Program (NHP) determined that no rare plant species, ecological communities or rare wildlife species or wildlife habitat are documented on or in the immediate vicinity of the proposed project site.</p> <p>Documentation supporting this finding is presented as</p>

		Appendix E.
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The Neighborhood Enhancement Program provides funding to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing. The Program is intended to be a component of local plans to invest in and rebuild these communities. It funds the rehabilitation or reuse of abandoned, foreclosed, and vacant housing, structures, or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability.</p> <p>The project area does consist of environmental justice populations – 40-100% minority population with 30-40% living below poverty (see Appendix F). However, no disproportionately high or adverse effects on minority and low-income populations are expected (See Appendix F).</p> <p>The purpose of this proposed project is to acquire vacant land to develop two new construction three-family homes in one phase on adjacent lots (Block 335, Lots 15.01 and 15.02) in a section of Newark where new development has been encouraged by Federal, State and City government policy, in response to local economic conditions. When completed, the project will offer affordable rental and/or homeownership opportunities to environmental justice populations, including those displaced by Superstorm Sandy.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to reconstruct, rehabilitate, elevate, or mitigate housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased and the activities are limited to the existing footprint.</p> <p>The proposed project involves the construction of two three-family residential structures on a vacant lot in the City of Newark. Research conducted revealed that the vacant parcel was historically occupied by three residential structures; however, occupancy of the former structures could not be determined. Therefore, an aerial photo review was conducted. The aerial photo review showed no large tanks within a 1-mile radius of the project site and no aboveground storage tanks were observed on nearby properties in the immediate vicinity during site reconnaissance (See Appendix G).</p>

<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>The proposed project is in compliance. The housing site involved in the proposed project are “land already in or committed to urban development” within the meaning of 7 CFR 658.2(a), and are therefore not farmland for purposes of the Farmland Protection Policy Act.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. The proposed project is not in a 100-year floodplain (A and V zones) or a floodway. Documentation supporting this finding is presented as Appendix H.</p>
<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>DCA has signed on to the Programmatic Agreement (PA) with FEMA, the New Jersey State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans (Refer to Appendix I for the PA). The PA exempts from further historic preservation review those projects that are in areas surveyed by the joint FEMA-SHPO survey team and found to contain no historic aboveground properties in accordance with 36 CFR 800.4(d)(1), provided there is no ground disturbance of archaeological resources. The PA finds that the proposed activities on properties in these areas will have “no effect on historic properties” (refer to Stipulations II and VII.A in the PA in Appendix I).</p> <p>The PA also provides an exemption from further review for the proposed activities on buildings or structures less than 48 years of age, provided the proposed activities substantially conform to the original footprint or are performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district (refer to Tier I allowance II.A and Tier II allowance VII.A in Appendix I of the PA).</p> <p>The PA and any and all future amendments will be adopted/utilized to complete the Section 106 review.</p> <p>Consultation with the SHPO will be required for properties that are listed on the National Register, properties that are 48 years of age or older and are outside of the GIS-mapped “no historic aboveground properties” areas, and properties on which the proposed activities require disturbance of previously undisturbed soil. The consultation process for these properties is set forth in the PA with expedited timelines and allowance for use of Standard Treatment Measures to resolve adverse effects without execution of a project-specific Memorandum of Agreement.</p>

		<p>The proposed project is not located entirely within a mapped "green zone" (See Appendix I). A Secretary of the Interior Qualified Professional, Christopher L. Borstel, Ph.D., conducted a review of the proposed project and determined that it is unlikely that the proposed project would affect directly or indirectly any historic or archeological resources listed in or potentially eligible for listing in the National Register of Historic Places (see supporting documentation in Appendix I). The proposed project is in compliance.</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="checkbox"/></p>	<p>The proposed project is in compliance. Per HUD directive, 24 C.F.R. Part 51B, is not applicable to a disaster recovery program, including reconstruction, rehabilitation, elevation and mitigation that meets the requirements for exclusion in 24 CFR 51.101(a)(3). That regulation states that HUD noise policy does not apply to "assistance that has the effect of restoring facilities substantially as they existed prior to the disaster."</p> <p>The proposed project involves the construction of two three-family residential structures on a vacant lot in the City of Newark. Research conducted revealed that the vacant parcel was historically occupied by three residential structures; however, occupancy of the former structures could not be determined. Upon completion, the project has the potential to provide affordable rental and homeownership opportunities to moderate-income families, including those displaced by Superstorm Sandy.</p> <p><u>Demolition and Construction Noise</u> Construction would represent a temporary source of noise impacts for the property site and adjacent areas. Noise levels generated by heavy equipment typically range from about 65 A-weighted decibels (dBA) to about 90 dBA at a distance of 50 feet. Most heavy equipment produces noise levels of 85 dBA or less at a distance of 50 feet. Pile drivers, demolition shears, crushing/screening plants, and a few other types of equipment can produce noise levels above 90 dBA at a distance of 50 feet. Noise from construction equipment typically diminishes at about 6 dBA per doubling of distance. For example, a noise level of 85 dBA at a distance of 50 feet typically drops to 79 dBA at 100 feet and to 73 dBA at 200 feet. Construction at the project site generally would be limited to daytime hours. The project sponsor would require construction contractors to implement noise reduction measures that include maintaining proper mufflers on equipment, relocating equipment away from noise-sensitive receptors where possible, and shutting off idling equipment.</p> <p><u>Community Noise</u> Acceptable exterior noise levels set forth by HUD</p>

		<p>regulations for new housing construction are 65 dB day-night average sound level (DNL) or less. The regulations consider the range between exceeding 65 dB DNL and 75 dB DNL as normally unacceptable, unless appropriate sound attenuation measures are provided. Unacceptable noise levels set by the HUD regulations are 75 dB DNL and higher. HUD guidance includes a noise assessment methodology for establishing whether the DNL at the site is acceptable, normally unacceptable, or unacceptable for new housing construction. The noise assessment methodology takes into account noise from arterial roadways within 1,000 feet of the project site, civil airports or military airfields within 15 miles, and railroads within 3,000 feet.</p> <p>No major roadways were observed within 1,000 feet of the project site. The largest major roadway, the Garden State Parkway, is located approximately 2,200 feet west of the project site.</p> <p>No railways were identified within 3,000 feet of the project site. Therefore, railways were not included in the HUD noise assessment.</p> <p>No military airfields were observed within 15 miles of the project site. Civil airports are defined as commercial service airports designated in the Federal Aviation Administration’s National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. Newark Liberty International Airport is approximately 2.5 miles southeast of the project site. The project site is outside the 60 dB DNL noise contour of Newark Liberty International Airport (See Appendix J). Therefore, in accordance with HUD guidance, no airports were included in the HUD noise assessment.</p> <p>Based on the above, a quantitative HUD noise assessment has not been conducted, and the project site is determined to have acceptable noise levels under existing conditions. As a result, community noise impacts would be less than significant.</p> <p>Documentation supporting this finding is presented as Appendix J.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The proposed project is not in an area of a sole-source aquifer. One sole-source aquifer, the Buried Valley Aquifer, is located in western Essex County.</p> <p>Documentation supporting this finding is presented as Appendix K.</p>

<p>13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. No coastal or freshwater wetlands are present on or adjacent to the proposed project site. Documentation supporting this finding is presented as Appendix L.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage (16 U.S.C.1271). The Act prohibits federal support for activities such as the construction of dams or other on-stream activities that would harm a designated river’s free-flowing condition, water quality, or outstanding resource values.</p> <p>The National Park Service reviews activities within a designated river that have the potential for direct and adverse effect on the values for which a river was designated. In addition, provisions of the act have been incorporated into New Jersey’s Coastal Zone Management Rules at N.J.A.C. 7:7E-3.46. Development within a quarter mile of a designated river segment that would have a direct and adverse effect on any “outstandingly remarkable resource value” of a designated river is prohibited. Specific standards apply to construction of docks, piers, moorings, shoreline stabilizations, linear development, communication and cell towers, bridges, and culverts.</p> <p>New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. There are no Wild and Scenic Resource Systems located within Essex County (See Appendix M). Documentation supporting this finding is presented as Appendix M.</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	The proposed project, involving residential use in an R (Residential) District, involves the construction of two three-family structures consistent with requirements of the Kent/Brenner/Springfield Redevelopment Plan and 2012 City of Newark Master Plan Land Use Element. Contractors will obtain appropriate permits. Documentation supporting this finding is presented as Appendix N.
Land Use Compatibility and Conformance with Zoning	1	The proposed project, a residential use in an R District, involves the construction of two three-family structures consistent with zoning requirements of the Kent/Brenner/Springfield Redevelopment Plan and 2012 City of Newark Master Plan Land Use Element. The construction of two three-family homes would maintain the current residential land use of the proposed project's surrounding area and would therefore be compatible with existing land use of the proposed project's surrounding area. Documentation supporting this finding is presented as Appendix N.
Urban Design- Visual Quality and Scale	2	The proposed work would improve visual quality relative to current conditions by redeveloping a vacant property and restoring the residential character. The scale of the three-story buildings would be consistent with the scale of other adjacent properties.
Slope	1	Because the site is relatively flat and was previously developed for residential use, existing slope is not expected to affect the proposed project.

Erosion	1	<p>Because the site is relatively flat and was previously developed for residential use, erosion is not expected to affect the proposed project and is generally addressed during the local permitting process. Prior to the issuance of construction permits, the landowner is required to secure a Soil Erosion & Sedimentation Control Permit.</p>
Soil Suitability	1	<p>Review of the United States Department of Agriculture (USDA) Web Soil Survey identified that the proposed project site as being underlain by Boonton-Urban Land, Boonton substratum complex, red sandstone lowland, 0 to 8 percent slopes soils. This soil type has a rating reported as “Somewhat limited” for the construction of dwellings without basements. The “Somewhat limited” rating is defined by the USDA as a soil with features that are moderately favorable for the specified use where limitations can be overcome or minimized by special planning, design or installation. According to USDA, soils of this type have a fair performance and moderate maintenance can be expected. Documentation supporting this finding is presented as Appendix O.</p> <p>Also, because the site was previously developed for residential use, it can be concluded that the soils are suitable for residential redevelopment. If unsuitable soils have caused structural problems for previous homes on the project site, this would generally be addressed during the local permitting process.</p>
Hazards and Nuisances, Including Site Safety	1	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property.</p> <p>In order to identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP’s HUD Environmental Review Tool identified that the project site is within the 3,000-foot radius of ten (10) threatening sites. A table identifying the names, addresses and Site Identification Numbers for the ten threatening sites is included in Appendix D. The sites were reviewed by NJDEP, which found these sites to be in substantial compliance with NJDEP regulations and therefore considered under control.</p> <p>A review of NJDEP’s Geoweb was also conducted in order to identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances. This resource is an area web-based application tool which draws environmental data from NJDEP’s GIS database and includes the databases searched by NEPassist. No additional “threatening” sites were identified by the NJDEP Geoweb tool.</p> <p>As the proposed project involves a vacant residential lot containing no structures, ACMs and lead-based paint are not expected to present a concern to the project.</p> <p>According to the New Jersey Department of Environmental Protection Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential. Documentation supporting this finding is presented as Appendix D.</p>

		It is not anticipated that the project site would present unusual hazards or nuisances.
Drainage/Storm Water Runoff	4	The City of Newark is required by applicable permits to manage stormwater runoff from construction activities and municipal separate storm water systems (MS4 regulations, N.J.A.C. 7:14A et seq.). The proposed project will result in temporary soil disturbances during construction on the project site. Implementation of best management practices and the requirement of stormwater discharge permits with oversight by local soil conservation districts will minimize any potential short-term impacts (see Conditions for Approval #1 and #9).
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels	4	The proposed construction activity at the project site would cause temporary increases in noise levels at nearby residences. Noise impacts would be mitigated to the extent feasible (see Conditions for Approval #11 and #12).
Energy Consumption	1	Some energy would be consumed in implementing the proposed project; however, the project would not expand the housing stock in the immediate vicinity as the proposed project site was historically occupied by three residential structures. Therefore, the implementation of the proposed project would not increase long-term energy consumption.
Socioeconomic Factors		
Demographic Character Changes	2	The proposed project would help to improve the demographic character of the proposed project's neighborhood by creating new residences for homeowners and/or tenants impacted and/or displaced by Superstorm Sandy.
Displacement	2	The proposed project would not displace any residents or businesses. The proposed project would provide a potential source of housing for residents displaced by Superstorm Sandy.
Employment and Income Patterns	2	The proposed project will provide a temporary boost to the construction industry and may temporarily increase employment. Because it is a residential development, the project would not affect long-term employment and income patterns.
Community Facilities and Services		
Educational Facilities	1	Elementary and middle school students attend Abington Avenue School at 209 Abington Avenue, Newark. High School students attend West Side High School at 403 South Orange Avenue, Newark. Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have a minimal impact on local school-age populations (http://www.nps.k12.nj.us/Page/1).

Commercial Facilities	1	Several small grocery stores and automatic teller machine (ATM) locations are within walking distance from the proposed project location. Additional retail establishments are within a one-mile radius including small privately owned pharmacies, salons, and clothing stores. Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have a minimal impact on the demand for commercial services.
Health Care	1	Saint Michael's Medical Center is located at 111 Central Avenue in Newark, approximately 2.5 miles from the project location. This facility provides a full-range of medical services including emergency medical services. Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have a minimal impact on the demand for health care.
Social Services	1	<p>There are many social service agencies and organizations located in Newark and within the general vicinity of the proposed project location including:</p> <ul style="list-style-type: none"> • New Community Corporation – 274 South Orange Ave, Newark • The Bridge, Inc. – 589 Grove Street, Irvington • Irvington Neighborhood Improvement Consortium – 346 16th Avenue, Irvington <p>Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have a minimal impact on the demand for social services.</p>
Solid Waste Disposal/Recycling	1	Trash and recycling services are provided by the City of Newark. The proposed project would result in the generation of construction waste. However, because the proposed project involves construction of housing on a property that previously contained housing and only six new units, overall, the proposed project would have a minimal impact on the demand for solid waste disposal/recycling services.
Waste Water/Sanitary Sewers	1	Wastewater services are provided by the City of Newark's Department of Water & Sewer Utilities. Because the proposed project involves construction of housing on a property that previously contained housing and only six new units, the proposed project would have a minimal impact on the demand for waste water/sanitary sewer systems. All publicly owned and operated waste water and sanitary sewer systems in the project area are in operation and are assumed to have sufficient capacity for a development of this size.
Water Supply	1	Water services are provided through the City of Newark's Department of Water & Sewer Utilities. Because the proposed project involves construction of housing on a property that previously contained housing and only six new units, the proposed project would have a minimal impact on the demand for water supply. All publicly owned and operated drinking water supplies in the project area are in operation and are assumed to have sufficient capacity for a development of this size.

<p>Public Safety:</p> <ul style="list-style-type: none"> • Police • Fire • Emergency Medical 	<p>1</p>	<p>The City of Newark’s Police Department headquarters is located at 43 Dickerson Street, approximately two miles from the project location. The City of Newark’s fire services are located at 241 West Market Street, approximately two miles from the project location. Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have a minimal impact on the demand for police protection, fire protection and emergency medical services.</p>
<p>Parks, Open Space & Recreation:</p> <ul style="list-style-type: none"> • Open Space • Recreation 	<p>1</p>	<p>West Side Park is located less than one block southeast of the project location at the corner of South 13th Street and 18th Avenue. West Side Park consists of approximately 31.36 acres and has multi-purpose courts, baseball and football fields, tennis courts, running track, playground, and community center building. Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have no impact on open space or recreation.</p>
<p>Cultural Facilities</p>	<p>1</p>	<p>Cultural and educational facilities for the benefit of neighborhood residents include:</p> <ul style="list-style-type: none"> • Newark Public Library – 5 Washington Street, Newark • Newark School of the Arts – 89 Lincoln Park, Newark • Garden State Ballet School – 1020 Broad Street, Newark <p>Because the proposed project involves construction of housing on a property that previously contained housing and only six new families, the proposed project would have no impact on cultural facilities.</p>
<p>Transportation & Accessibility</p>	<p>1</p>	<p>Local bus transit is provided by NJ Transit with bus stops along 15th and 16th Avenues. The proposed project would have a minor and temporary increase in construction traffic. However, because the proposed project involves construction of housing on a property that previously contained housing, the proposed project would have no impact on transportation and accessibility to transportation.</p>
<p>Natural Features</p>		
<p>Water Resources</p>	<p>4</p>	<p>The proposed project would not pose a significant threat to ground water or other water resources. The project is consistent with the applicable regulations for Wetlands Protection, Coastal Zone Management, Floodplain Management and Sole Source Aquifers, which are protective of water resources of the State (see above findings). Mitigation measures would be implemented to avoid or minimize any potential temporary impacts (see Conditions for Approval #5, #6, #7, #8, #9, #10, #31, #32, and #33).</p>
<p>Surface Water</p>	<p>4</p>	<p>The proposed project would not pose a significant threat to surface water. The project does not include any work in surface waters and there will be no new discharges to surface water. Any impacts will be temporary during construction and effectively managed using required mitigation measures (see Conditions for Approval #9).</p>
<p>Unique Natural Features & Agricultural Lands</p>	<p>1</p>	<p>The proposed project would have no effect on unique natural features or agricultural land. None of the proposed activities would occur on agricultural land. No sites listed on the National Registry of Natural Landmarks are present in the vicinity of the proposed project.</p>

Vegetation and Wildlife	1	The activities associated with the proposed project are not expected to generate long-term adverse impacts on vegetation or wildlife. Because the proposed project involves construction of housing on a previously developed property, any impacts to vegetation and wildlife are expected to be minimal.
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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:

The project site is not within any runway protection zones (formerly called runway clear zones) at airports subject to 24 CFR 58.6 or clear zones at military airfields subject to 24 CFR 58.6. Documentation supporting this finding is presented in Appendix B.

[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 area also uninhabited. The proposed project activities will not occur on designated coastal barriers or in “otherwise protected areas,” and the proposed project would have no impact on coastal barrier resources. Documentation supporting this finding is presented in Appendix P.

[Proceed with project.]

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

No. Cite or attach Source Documentation:

The proposed project is not located within the 100-year floodplain or FEMA-identified Special Flood Hazard Area. Documentation supporting this finding is presented in Appendix H.

[Proceed with project.]

Yes. Cite or attach Source Documentation:

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

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

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

Summary of Findings and Conclusions

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

No additional studies were performed.

Field Inspection (Date and completed by):

Field inspection conducted on December 11, 2013, by Chris Sollenberger, Tetra Tech.

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

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FAA, National Plan for Integrated Airport Systems, 2013-2017. Accessed December 9, 2013: http://www.faa.gov/airports/planning_capacity/npias/reports/media/2013/npias2013Narrative.pdf. (Appendix B)

John H. Chafee Coastal Barrier Resources System, New Jersey map. Accessed January 20, 2014: <http://www.fws.gov/CBRA/Maps/Locator/NJ.pdf>. (Appendix P)

National Park Service, National Registry of Natural Landmarks. Accessed December 9, 2013: www.nature.nps.gov/nrl/docs/NNLRegistry.pdf.

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New Jersey Department of Community Affairs (NJDCA), Areawide Compliance Process, Executive Order 11988 – Floodplain Management, Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union Counties, New Jersey.

NJDCA, Community Development Block Grant Disaster Recovery Action Plan, March 2013. Accessed December 9, 2013: <http://nj.gov/dca/announcements/pdf/CDBG-DisasterRecoveryActionPlan.pdf>.

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NJDEP, Radiation Protection and Release Prevention. Radon Potential by Municipality. Accessed March 25, 2014: <http://www.state.nj.us/dep/rpp/radon/ctytiera.htm#07> (Appendix D)

NJDEP, New Jersey Natural Heritage Program, Office of Natural Lands Management. Beth Williams, letter correspondence, December 23, 2013. (Appendix E)

NJDEP, State Forestry Services, ONLM - Natural Heritage Program. Robert Cartica, letter correspondence, January 9, 2014. (Appendix E)

NJDEP, New Jersey Geological and Water Survey, Digital Geodata Series, DGS98-6 Sole-Source Aquifers of New Jersey. Accessed December 10, 2013: <http://www.njgeology.org/geodata/dgs98-6.htm>. (Appendix K)

NJDEP. NJ-GeoWeb Environmental Mapping Tool. Accessed December 2013 and January 2014:
<http://www.state.nj.us/dep/gis/geoweb splash.htm>

NJDEP. William Lindner, email correspondence, January 15, 23, and 27, 2014. (Appendix D)

New Jersey Department of Transportation (NJDOT), Bureau of Transportation Data & Safety. Antoun Abraham, email correspondence, January 31, 2014. (Appendix J)

North Jersey Transportation Planning Authority (NJTPA), Modeling and Forecasting. Robert Diogo, telephone correspondence, January 31, 2014. (Appendix J)

Newark Public Schools. Accessed March 6, 2014: <http://www.nps.k12.nj.us/Page/1>

Port Authority of New York and New Jersey (PANYNJ), Aviation Department, Aviation Planning Division. Newark Liberty International Airport Airport Layout Plan, 1997. (Appendix B)

PANYNJ Aviation Department. Newark Liberty International Airport Map, 2011. (Appendix B)

Programmatic Agreement Among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a Result of Hurricane Sandy. (Appendix I)

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USEPA, Environmental Justice. EJView. Accessed March 5 and 6, 2014:
<http://epamap14.epa.gov/ejmap/entry.html>

United States Fish and Wildlife Service (USFWS), National Wild and Scenic Rivers System Interactive Map. Accessed January 16, 2014: www.rivers.gov/maps/conus.php. (Appendix M)

USFWS, Official Coastal Barrier Resources System Maps. Accessed January 24, 2014:
<http://www.fws.gov/CBRA/Maps/>. (Appendix P)

Appendices

- Appendix A** Air Quality
- Appendix B** Airport Hazards
- Appendix C** Coastal Zone Management
- Appendix D** Contamination & Toxic Substances
- Appendix E** Endangered Species
- Appendix F** Environmental Justice
- Appendix G** Explosive and Flammable Operations
- Appendix H** Floodplain Management/Flood Disaster Protection Act
- Appendix I** Historic Preservation
- Appendix J** Noise Abatement and Control
- Appendix K** Sole Source Aquifers
- Appendix L** Wetland Protection
- Appendix M** Wild and Scenic Rivers
- Appendix N** Land Development
- Appendix O** Soil Suitability
- Appendix P** Coastal Barriers Resources Act

Lists of Permits Required:

The City of Newark requires landowners interested in constructing three or more new residential dwellings on their property to consult with the Central Planning Office to determine whether or not a site plan application is required. If three or more units are proposed, the filing of a major site plan application would be required. Once the appropriate forms have been completed and plans submitted, the application would be scheduled for a hearing before the Central Planning Board for review and approval or denial.

Based on a review of the grant application for the project, forms and plans were submitted to the Central Planning Office and a hearing before the Central Planning Board occurred on January 22, 2007 where the Central Planning Board approved the proposed project for the following reasons:

- This project redevelops underutilized land where redevelopment should be encouraged and promoted.
- This project provides an attractive project that conforms to applicable standards.

The City of Newark requires landowners interested in developing a parcel of land to consult with the City's Zoning office to determine if the desired use is permitted. If the desired use is permitted, the land owner must then consult with the City's Central Planning Office and complete relevant applications for a site plan review. If the desired use is not permitted, the land owner may complete an application for a use variance review.

Based on a review of the grant application for the project, specifically the Central Planning Board Resolution, the project is located in the Third Residential District, no variances are required but construction and Soil Erosion & Sedimentation Control permits would be required.

Public Outreach [24 CFR 50.23 & 58.43]:

Public outreach was not conducted during EA preparation.

Cumulative Impact Analysis [24 CFR 58.32]:

The proposed project, a residential use in a residential neighborhood, involves the construction of two three-family structures consistent with housing projections referenced in the Kent/Brenner/Springfield Redevelopment Plan and 2012 City of Newark Master Plan. Therefore, the project is not expected to have a significant impact on housing numbers.

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.)

This project was identified as a result of a landowner who submitted a funding request application through the NEP. Based on review of the grant application, the applicant stated that because the project is a residential use in a residential neighborhood, and conforms to the zoning requirements of the West Ward Redevelopment Plan and 2012 City of Newark Master Plan Land Use Element, no other alternatives were considered.

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

A No Action Alternative would involve no development of the vacant parcel and continuation of the existing environmental conditions.

Summary Statement of Findings and Conclusions:

Based upon the analysis contained in this environmental assessment, environmental review of the proposed project indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969, with the possible exception of the subject areas listed below. Additional subject areas would experience less than significant adverse effects. Implementing the Conditions for Approval would result in less than significant or no impacts for the following subject areas:

- Drainage/Storm Water Runoff;
- Noise Effects;
- Water Resources; and
- Surface Water

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.)

No requirements beyond the Conditions for Approval discussed previously within this environmental assessment.