

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

Pursuant to 24 CFR 58.35(a)

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

Applicant Name: _____ (First) _____ (Last)

-or- Homes For All, Inc. (Business/Corporate Name)

Project Location: First Avenue, Third Avenue & 7th Street (South Toms River) (Street Address)

Berkeley Township (Municipality) Ocean (County) NJ (State)

30 (Block), 5, 6, 7 (Lot)

30 (Block), 60.01, 61, 62 (Lot)

49 (Block), 511 (Lot)

58 (Block), 141-144 (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)).

CERTIFICATIONS:

Laura Sliker, Louis Berger

Preparer Name and Agency

Laura Sliker

Preparer Signature

3/26/2014

Preparer Completion Date

Richard Constable

RE Certifying Officer Name

RC

RE Certifying Officer Signature

4-15-14

RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-001	NEP	\$435,400

Estimated Total HUD Funded Amount: \$435,400

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

The total project cost is \$1,325,400.00 with DCA funding of \$435,400.

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

The purpose of this project is to create new single family homes for purchase located in the Ocean County Area, one of counties affected by Super Storm 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.)

Units will be two story (on slab) with 3 & 4 bedrooms and 2 ½ baths. Approximate square footage is 1,660 SF & 2,310 SF. The property is wooded, vacant land in the Manitou Park Section of Berkeley Township.

This project will consist of acquisition of the property, excavation, site work, new construction of unit and landscaping. An environmental study has not been performed. The design work for the units are complete (see attached floor plans). No work has been initiated. Homes For All anticipates taking title to the land once funds are approved and released by HUD & DCA.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

“B box” The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data.

Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties.

Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	A		The proposed project is located in Ocean County with the following air quality status: Nonattainment for ozone (1997 and 2008), Maintenance for CO. See: <i>NEP0076_AirQualityMap.pdf</i> . Source: http://www.epa.gov/airquality/greenbk/ The NJDEP Division of Air Quality has issued a Memorandum stating that the activities under the CDBG-DR Program are below the Federal General Conformity regulation's de minimis thresholds and are presumed to conform to the SIP. Memo 1/23/2014 (in file).
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	A		The proposed project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. Lakehurst Naval Air Station zone is approximately 6 miles Northwest of the project area. Atlantic City International is approximately 38 miles and Newark Liberty International is approximately 50 miles from the project area. See <i>NEP0076_AirportClearZonesandAccidentPotentialZonesMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1

3. Coastal Zone Management		<p>B</p> <p>The proposed project is located within a coastal zone. NJDEP Division of Land Use has determined that no coastal zone permits are required for Block 30, Lots 5-7 and 60.01,61,62 or Block 58, Lots 141-144. <u>However, a CAFRA permit is required for Block 49, Lot 511.</u> See Jurisdictional Determination documents in folder <i>NEP0076_Coastal Zone Jurisdictional Determinations</i> in the Supporting Documentation folder.</p> <p>See <i>NEP0076_CoastalZoneManagementActMapCAFRA.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]	<p>A</p>	<p>The property: (i) is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) is not located within 3,000 feet of a toxic or solid waste landfill site; (iii) does not have an underground storage tank (which is not a residential fuel tank); and (iv) is not known or suspected to be contaminated by toxic chemicals or radioactive materials. (See <i>NEP0076_ToxicHazardousandRadioactiveSubstancesMap.pdf</i>) Source: NJDEP HUD Environmental Review GIS Tool 2.1</p> <p>The property is in a municipality designated as a Tier 3 municipality for radon potential. No further action required, provided the applicant complies with DCA construction codes. (See <i>NEP0076_MunicipalityRadonTierTable_NEP_TO2006.pdf</i>) Source: http://www.nj.gov/dep/rpp/radon/ctytiera.htm#01</p>

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>		<p>1. The portion of the project located on <u>Block 49, Lot 511</u> is mapped habitat for the State Endangered Corn Snake and State Threatened Northern Pine Snake. Since this site requires a CAFRA permit, as per ENSP, the species review and final determination will be addressed in accordance with the normal Division of Land Use Regulation review process. This Block and Lot also has restrictions regarding Long-Eared Bat (see #3 below).</p> <p>2. No Effect Determination: The portion of the project located on <u>Block 30, Lots 60.01, 61 & 62</u> is also mapped habitat for the State Endangered Corn Snake and State Threatened Northern Pine Snake. However, ENSP has reviewed these lots and determined that there are no concerns for these species according to their HUD-specific screening layer. These Block/Lots also have restrictions regarding Long-Eared Bat (see #3 below)</p> <p>B</p> <p>3. The portion of the project located on <u>Block 49, Lot 511</u> and <u>Block 30, Lots 60.01, 61 & 62</u> is located within Northern Long-Eared Bat habitat which is a proposed federally listed species. <u>ENSP has made a determination of No Effect on Long-Eared Bat habitat with the condition that NO removal of trees are permitted during the time period between 4/1 and 9/30 and the removal will not exceed one acre.</u></p> <p>4. No Effect Determination: The portion of the project located on Block 58, Lots 141-144 and Block 30, Lots 5-7 was found to have no state or federally listed species identified.</p> <p>See <u>NEP0076_EndangeredSpeciesMap.pdf</u> and <u>NEP0076_LandscapeProjectMap.pdf</u> Sources: <u>NEP0076NHD_Response_14-3907482-4789.pdf</u> and <u>NEP0076_ENSP_Email_Non-TieredT&EGuidance030414.pdf</u>, NJDEP HUD Environmental Review GIS Tool 2.1 and NJDEP Landscape Project, 2012.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p>A</p>	<p>The proposed project is not located in an area where minority or low-income populations occur and the project is not likely to raise environmental justice issues.</p> <p>(See: <i>EJ Checklist</i> in Supporting Documentation folder) Sources: ESRI Community Analyst, US Census Bureau 2010, EPA EJView.</p>

7. Explosive and Flammable Operations [24 CFR 51C]		<p>The site of the proposed project is located within the immediate vicinity (1 mile) of several hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature. The type and scale of such hazardous operations was determined through site reconnaissance. The distance of such operations from the project site and a preliminary calculation of the acceptable separation distance (ASD) between such operations and the project site have been calculated (see attached documentation) using the Acceptable Separation Distance Electronic Assessment Tool.</p> <p>B</p> <p>Upon measurement, the distance between the project location and four of the ASTs DID NOT meet the ASD. THIS PROJECT WILL NOT BE ELIGIBLE TO MOVE FORWARD UNLESS THE AST ISSUES MENTIONED ABOVE ARE MITIGATED. See required mitigation issues section.</p> <p>Please see further description and reconnaissance reports in <i>NEP0076_ASTDescriptions_NEP_TO2006.pdf</i> in Supporting Documentation folder, maps <i>NEP0076_AST1Map.pdf</i> through <i>NEP0076_AST27Map.pdf</i>, and photographs <i>NEP0076_EA_AST1.pdf</i> through <i>NEP0076_EA_AST27.pdf</i>.</p>
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	A	<p>The property is not located on prime farmland or farmland of statewide or unique importance.</p> <p>See <i>NEP0076_FarmlandProtectionMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	A	<p>The property is not located within the Special Flood Hazard Area.</p> <p>See <i>NEP0076_FloodplainMgmtFloodInsuranceMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	A	<p>The proposed project sites are not located in the green zone. However, the project received SHPO concurrence that no historic properties will be affect dated 1/16/14. See <i>NEP0076_SHPO_Concurrence.pdf</i> in Supporting Documentation file.</p> <p>See <i>NEP0076_HistoricPreservationExemptionZoneMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	A	<p>Analysis of the proposed project site resulted in an estimated DNL of 62.4 dBA for the closest receptor. This is within the range of typical suburban residential areas and below the 65 DNL threshold for land use capability. The noise level at other receptors, all of which are further from the Parkway, would be less than the predicted level for the closest receptor.</p> <p>See files in <i>NEP0076 Noise Analysis</i> folder in Supporting Documentation Folder and <i>NEP0076NoiseScreeningMap.pdf</i>.</p>
12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	B	<p>The grantee proposes new construction that is located within the Coastal Plains Sole Source Aquifer designated by the EPA. As the property's land use is in a residential/urbanized area will have access to public sewer and municipal water, it is not anticipated that the proposed project would create a significant hazard to public's health by adversely impacting groundwater so long as the development does not result in more than 75% of impervious cover. Also, during construction of the new residence, the grantee must utilize appropriate Soil Erosion Sediment Control Best Management Practices in accordance with state requirements for protecting the drinking water system provided by the aquifer.</p> <p>See Memo-1996 EPA-Sole Source Aquifer Review in Supporting Documentation folder. See <i>NEP0076_SoleSourceAquifeMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	A	<p>The proposed project in not located on or adjacent to wetlands.</p> <p>See <i>NEP0076_WetlandsProtectionMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	A	<p>The project is not located within one mile of a listed wild and scenic river or the project will not have an effect upon the natural, free flowing or scenic qualities of such a river.</p> <p>See <i>NEP0076_WildScenicRiversMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

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

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ **No.** Cite or attach Source Documentation: NJDEP HUD Environmental Review GIS Tool 2.1
(See NEP0076 AirportHazardMap.pdf)

[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: Coastal Barrier Resources System (CBRS), USFWS, 2010.
(See NEP0076 CoastalBarrierResourcesAct.pdf)

[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: NJDEP HUD Environmental Review GIS Tool 2.1
(See NEP0076 FloodplainMgmtandFloodInsuranceMap.pdf)

[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

Field Inspection (Date and completed by): William Oakes and Mark Freed, December 23, 2013.

Summary Statement of Findings and Conclusions:

It is the finding of this environmental review record, that the proposed project requires additional steps and/or permits in order to comply with the regulations pertaining to Explosive and Flammable Operations [24 CFR 51C], The Safe Drinking Water Act of 1974, The Endangered Species Act of 1973 and the Coastal Zone Management Act sections 307(c) & (d). The project must mitigate as described below.

Required Mitigation and Project Modification Measures:

Upon measurement, the distance between the project location and four of the ASTs DID NOT meet the necessary Acceptable Separation Distance (ASD). THIS PROJECT WILL NOT BE ELIGIBLE TO MOVE FORWARD UNLESS THE AST ISSUES ARE MITIGATED in accordance with the mitigation measures listed in 24 CFR 51.205.

The grantee proposes new construction that is located within the Coastal Plains Sole Source Aquifer designated by the EPA. In order to comply with the Safe Drinking Water Act of 1974, the project may not result in more than 75% impervious ground cover. In addition, during construction, the grantee must utilize appropriate Soil Erosion Sediment Control Best Management Practices in accordance with state requirements for protecting the drinking water system provided by the aquifer.

In order to achieve No Effect with regard to the Long Eared Bat, the ENSP requires the condition that NO trees are removed during the time period between 4/1 and 9/30 and the removal of trees does not exceed one acre.

In compliance with the Coastal Area Facility Review Act, the project proposed to be located on Block 49, Lot 511 will require a CAFRA permit as determined by the Division of Land Use Regulation.

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