

From: Deiber, Camilla
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Cc: [Shaw, Heather](#); [Raskin, Morgan](#)
Subject: RREM and LRRP Federal Section 106 Consultation - Notice of Proposed Standard of Treatment for Pierce's Woods Development (NEP0226)
Date: Wednesday, April 09, 2014 2:02:00 PM
Attachments: [image001.png](#)

Mr. Theodore Gooding
Ocean, Inc.
P.O. Box 1029
Toms River, NJ 08754
NEP0226

Dear RREM Applicant:

I am writing concerning the current status of your RREM application. This is to advise you that your application was referred to the Department of Environmental Protection (DEP) by the Department of Community Affairs (DCA) for DEP to perform the required federal environmental review. This environmental review must occur to determine and document that all environmental requirements are satisfied before DCA can commit grant funding for your property.

Your environmental review is pending the completion of the federal Section 106 of the National Historic Preservation Act notification requirements which commences on the date of this notification to you, and concludes in 15 days.

The NJ Department of Environmental Protection (DEP) is the Environmental Review Agency for the Housing and Urban Development Community Development Block Grant – Disaster Recovery Program (CDBG-DR). The CDBG-DR program is funding the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM) and Landlord Rental Repair (LRRP) Grant programs that provides homeowners and landlords with grants to restore their homes or their rental units damaged by Superstorm Sandy.

Federal funding requires that environmental and historic preservation reviews be performed for every property that is eligible for federal funding.

Section 106 of the National Historic Preservation Act (NHPA) is one of several federal statutes and regulations for which compliance must be documented to demonstrate compliance with the NHPA. NHPA requires Federal agencies to take into account the effects of their undertakings (in the case of RREM and LRRP the undertaking relates to the rehabilitation, elevation and reconstruction activities) on historic properties or on archaeological resources.

Historic properties are structures that are included in the National Register of Historic Places or that meet the criteria for the National Register.

The goal of the Section 106 process is to identify and avoid, minimize, or mitigate adverse effects on historic properties. For the purpose of the RREM and LRRP programs it may not be possible to avoid or minimize the negative impacts to an historic house or a ground disturbance that could affect archaeological remains. Instead mitigation will be required to compensate for the adverse effect to an historic property.

How this applies to you:

Specifically, your property has been determined to be potentially eligible as historic because of the age of your home (older than 48 years) or its potential to contribute to an historic district, or because of potential archaeological (below ground) resources.

Typically, federal Section 106 requires that a cultural resource survey be conducted and documented to determine if a house is eligible for listing on the National Register of Historic Places, or if there are archaeological resources on your property. For the purpose of the RREM and LRRP Programs, this formal survey step will be omitted. Instead, I have proposed to the Deputy State Historic Preservation Officer (DSHPO), and he has concurred, that we can assume that the property is historic or has archaeological value as applicable, and that there will be an adverse effect to the historic integrity of the property because of the type of activity.

With the assumption that the property is historic or has archaeological resources, there is also the assumption that the property will be adversely affected by the activities funded with federal monies (in this case elevation, rehabilitation or reconstruction work). With these assumptions we are required to propose mitigation as we cannot avoid or minimize impacts.

We have proposed the following mitigation amounts to be paid to the municipality or county to apply it toward a community wide historic preservation study or other preservation related use as allowed under a Programmatic Agreement:

- 1) \$3,000 for each above-ground historic property that will be adversely affected by RREM or LRRP activities.
- 2) \$6,000 for each property identified to have archaeological value that will be adversely affected by RREM or LRRP activities.

To implement the actions above (known as a treatment standard), I am required to notify you and your municipality of this proposed action and provide a 15 day comment period. The 15-day comment period is to allow the homeowner and municipality to comment if they are opposed to proposed treatment standard which: 1) assumes the property is historic or has

archaeological value; 2) that the RREM or LRRP activity will have an adverse effect; and, 3) that the mitigation amount and its use is acceptable. The 15 day comment period concludes on April 22, 2014.

You are not required to respond or comment to this notice unless you are opposed to this proposed action. If you are opposed to this treatment standard, please respond to this email or notify me at the following address: cdeiber@louisberger.com. I would also encourage that you contact me with any questions.

For clarification, this does not negatively affect you or the continuation of your RREM grant. This is the means for DEP to conclude your environmental review and document compliance with NHPA. It does not require you to list your property on the National Register, change how you design your home, prevent you from elevating or rehabilitating, and it does not affect the amount of your RREM grant. This is a positive action to conclude the review and move your application to DCA so they can begin to finalize your grant.

If you have any questions, please contact me at the above number or cdeiber@louisberger.com.

Sincerely,



Donna Mahon, Director
Sandy Recovery Environmental and
Historic Preservation Review Program

Camilla Deiber

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