

## Lackowicz, Rob

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**From:** Lackowicz, Rob  
**Sent:** Wednesday, March 19, 2014 7:30 PM  
**To:** 'shawn.lockyear@gmail.com'  
**Cc:** McLaughlin, Sara  
**Subject:** Update on your Habitat for Humanity, Hurricane Sandy applications NEP0230a and NEP0230b  
**Attachments:** Applicant\_Notice\_NEP0230a\_NEP0230b\_031914.pdf

Dear Mr. Lockyear,

The attached letter is a notification that your Hurricane Sandy NEP program application, on behalf of the Habitat for Humanity, is proceeding. During the environmental review that is required under federal guidelines, your parcel or the area around it was found to have the potential to contain a historic or Native American archaeological site. To avoid field surveys that would slow down the process, the NJ Departments of Environmental Protection, Community Affairs and the Historic Protection Office have agreed to the procedure outlined in the letter, whereby federal funds will be given to the municipalities for other historic research.

This does not negatively affect you or the continuation of your NEP grant and the action will not cost you any money. This is just a formal notification that is required by the regulations to document the agreement that will allow your application to move forward. At the end of the 15 day comment period, DEP will automatically finalize your environmental review and send it to DCA so they can begin to finalize your grant.

The additional information is found within the letter written by Donna Mahon, the Director of the New Jersey Dept. of Environmental Protection. Please feel free to contact me or her if you have any questions.

Sincerely,  
Rob Lackowicz (M.A.)  
Cultural Resources Manager  
URS Corporation  
Office: 225-935-2974  
Email: [rob.lackowicz@urs.com](mailto:rob.lackowicz@urs.com)



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CHRIS CHRISTIE  
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*Lt. Governor*

BOB MARTIN  
*Commissioner*

March 19, 2014

Mr. Shawn Lockyear  
Habitat for Humanity of Cape May  
303 and 311 Sumner Street  
Cape May Courthouse, NJ 08210  
Neighborhood Enhancement Program Applications: NEP0230a and NEP0230b

Dear NEP Applicant:

I am writing concerning the current status of your Neighborhood Enhancement Program (NEP) 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 can be completed upon completion of a comment period required by Section 106 of the federal National Historic Preservation Act (NHPA). The required comment period 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 Neighborhood Enhancement Program, which provides funding to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing.

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

Section 106 of the NHPA is one of several federal authorities with which compliance must be documented to demonstrate compliance with the NHPA. NHPA requires federal agencies to take into account the effects of activities they fund on historic properties, including archaeological resources. Historic properties are structures or sites that are included in the National Register of Historic Places or that meet the criteria for listing in 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 NEP programs it may not be possible to avoid or minimize a negative impact to a historic house or a ground disturbance that could affect archaeological remains. Instead, mitigation will be required to compensate for the adverse effect to a 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 these particular NEP applications, 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 by the State to the municipality or county to apply toward a communitywide 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.

Both of the above listed properties fall in the second category, as there is some thought by the HPO that historic or Native American archaeological sites may be present.

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 the proposed treatment standard that assumes: 1) the property is historic or has archaeological value; 2) the NEP activity will have an adverse effect; and 3) the mitigation amount and its use is acceptable. The 15-day comment period concludes on April 3, 2014.

**You are not required to respond or comment on this notice. If you are opposed to the proposed treatment standard, please respond to this email or notify the NJDEP consultant who is making this notification to you on my behalf at the following address:**

URS Corporation  
437 High Street  
Burlington, NJ 08016

**I also encourage you to contact the NJDEP consultant or me with any questions. Certainly, if you would prefer to direct your questions to me, you are welcome to do so at [Donna.Mahon@dep.state.nj.us](mailto:Donna.Mahon@dep.state.nj.us).**

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Lackowicz', with a long horizontal flourish extending to the right.

Rob Lackowicz  
URS Cultural Resources Manager

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