

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 E. Constable III, Commissioner

Applicant Name: _____ (First) _____ (Last)

-or- Dolphin Creek, LLC (Business/Corporate Name)

Project Location:

Site A - 455 West Spicer, Wildwood City, New Jersey and

Site B - 442-444 West Garfield Avenue, Wildwood City, New Jersey (Street Address)

Wildwood (Municipality) Cape May (County) New Jersey (State)

151 (Block) Site A -1; Site B - 21, 22 (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:

Sara Lasher, URS

Preparer Name and Agency

Richard E. Constable, III

RE Certifying Officer Name

Sara Lasher

Preparer Signature

RE

RE Certifying Officer Signature

May 8, 2014

Preparer Completion Date

5-20-14

RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	Neighborhood Enhancement Program	\$600,000

Estimated Total HUD Funded Amount:

The estimated total HUD funded amount is \$600,000.

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

The estimated total cost of the project is \$726,775. The NEP funding amount is \$600,000 while funding through private capital equals \$126,775.

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

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 and provide housing opportunities for residents displaced by the storm. The Program provides zero percent loans to eligible entities (including for profit and nonprofit affordable housing developers) to fund the rehabilitation or re-use of abandoned, foreclosed and vacant housing, structures or lots. The Program addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. Funding may be used for hard and soft costs associated with acquisition, rehabilitation, reconstruction, and demolition of these properties. Acquisition and/or demolition must be directly related to new construction or reconstruction. 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.

The primary goal of this project, new construction of two residential structures containing three rental units, is to provide affordable housing opportunities under NEP guidelines.

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.)

Project Type: New Construction of two residential structures on three separate but adjacent parcels

Project Description:

The proposed project consists of constructing by-right two new buildings. The site consists of 3 contiguous vacant lots with utilities, water, sewer, gas, and electric in the city improved street. The NJDEP GIS parcel data does not yet reflect the division of these lots and therefore, encompasses both sites (3 lots) under a single PAMS PIN, 0514 151 1. The proposed action site at 455 West Spicer, Wildwood City, New Jersey (PAMS PIN 0514 151 1), will be referred to as Site A. The proposed action site at 442-444 West Garfield Avenue, Wildwood City, New Jersey (PAMS PIN 0514 151 21 and 0514 151 21), will be referred to as Site B. No structures were on either parcel at the time of Superstorm Sandy. Site B consists of two lots that will be combined into one lot of 70 feet by 100 feet. A three story duplex will be built to the maximum allowable 35 feet in height on Site B. The ground level will be excavated for an enclosed shared parking garage, an enclosed storage area for bikes, and another enclosed area for storage. The building will be built with Energy Star appliances and to the national code for sensory handicap. The second level will

consist of three bedrooms and two bathrooms all featuring low flow fixtures. A mechanical room and laundry facility will be located next to the bedrooms. All living space is on one floor. This unit will be approximately 1,500 square feet, and the third floor will be a completely separate unit and mirror the second floor. Site A consists of one lot of 40 feet by 100 feet. A single family, one floor, four bedroom residence that will be built to feature handicap mobility accessibility will be constructed on Site A. The unit floor plan will resemble the floor plans at Site B with the exception that the mechanical room will be moved to the attic to increase floor space. Additionally, one of the bathrooms will feature a roll in shower with offset dials and the kitchen island will have a five foot clearance to allow for wheel chair turn around. At both Sites A and B, the lowest occupied floor of the structures will be constructed to at least 1-foot above the highest applicable 100-year flood level.

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
1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance. Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP). Conforming to a SIP means that an action will not cause or contribute to a new violation of any standard in any area, increase the frequency or severity of any existing violation of any standard in any area, or delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. EPA's federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from an action are identified. The identified air emissions in the nonattainment area are compared to the de minimis levels in the regulation to determine compliance. If the emissions from the action are below the de minimis levels, the action complies with the CAA. The General Conformity Rule would apply to this project in Cape May County since the county is in nonattainment for certain National Ambient Air Quality Standards (NAAQS). For more details regarding the methodology used to estimate the air emissions, see Air Quality Methodology document attached. According to the 'Counties Designated "Nonattainment" or "Maintenance" for Clean Air Act's National Ambient Air Quality Standards (NAAQS)', Cape May County is designated as Nonattainment or Maintenance for 2 NAAQS Pollutants. The 2 NAAQS areas of nonattainment or maintenance areas include the 8-Hour Ozone (1997) and the 8-Hour Ozone (2008). The estimated air emissions for this action, assume all of the CDBG-DR funds will be used for construction activities are conservative in nature according to the Division of Air Quality Memorandum dated January 23,

		2014. Sources: CAA 176(c) & (d); EPA's Federal General Conformity Rule (40 CFR Part 90) – Air Quality Assessment Memo; Counties Designated as “Nonattainment or Maintenance” Map; New Jersey 8-hour Ozone Nonattainment Areas (1997 Standard) Map; New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard) Map; Air Quality Methodology Memo.
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p> The proposed action, including Site A and Site B, 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 runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 120 miles and 34 miles (respectively) from the proposed action sites. Additionally, these runway protection zones are uninhabited and therefore, not applicable to the proposed project. HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is Joint Base McGuire-Dix-Lakehurst (JBMDL). The nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 73 miles from the proposed action sites; and therefore, are not applicable to the proposed projects. See Airport Clear and Accident Potential Zone Map. </p>

3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action, including Site A and Site B, is in compliance. The proposed project activities include new construction of a single family residential dwelling and a residential duplex on currently vacant adjacent properties (Sites A and B). The proposed sites are located within the Coastal Area Facility Review Act (CAFRA) boundary; and therefore, require a Coastal Jurisdictional Determinations. Applications for review of each of these properties were submitted to the NJDEP Department of Land Use Regulation (DLUR) on March 27, 2014. In a letter dated April 8, 2014 for Site A, the DLUR determined that "a CAFRA permit is not required for the proposed construction of a single family dwelling and a duplex located more than 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune in the City of Wildwood, a non-qualifying municipality. The regulatory threshold for the number of residential dwelling units at this site is 25; therefore the proposed project is not regulated" for both Sites A and B. Additionally, the Department determined that Waterfront Development and Coastal Wetlands permits are not required for either of the project sites. This, however, does not relieve the applicant of the responsibility of obtaining any other required State, Federal, or local permits or approvals as required by law. For Site B, the Department of Land Use Regulation did not issue a determination or permit for block 151 lots 21 and 22 because they are not subdivided from block 151 lot 1 and do not "technically" exist. Therefore, the current jurisdictional determination issued for lot 1 encompasses lot 1, lot 22, and lot 23. See Coastal Zone Management Maps; Division of Land Use Regulation Request/Reply; Division of Land Use Regulation memo.</p>
4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Toxics: The proposed action, including Site A and Site B, is in compliance. The subject properties may be within 3,000 feet of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances, however, all sites have been reviewed and determined by NJDEP to be "non-threatening" to the potential HUD projects have been removed from the dataset depicted on the maps. Only sites determined to be "threatening" by the NJDEP are visible on the maps. See Toxic Hazardous and Radioactive Substances</p>

		<p>Map for each site. Additionally, the subject properties are NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible Recognized Environmental Concerns (RECs) in the vicinity of the potential HUD project.</p> <p>Lead Based Paint: The proposed action, including Site A and Site B, both involving new construction, is in compliance. In accordance with 24 CFR Part 35:115(a)(1), given the structure has not yet been constructed, "a residential property for which construction was completed on or after January 1, 1978," is exempt from a Lead Based Paint Assessment. All activities must also 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.</p> <p>Asbestos: The proposed project action, including Site A and Site B, both involving new construction, is in compliance. According to 40 CFR 61 Subpart M, the standards for demolition and renovation "apply to the owner or operator of a demolition or renovation [project]." The proposed new construction will not include demolition or renovation activities. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the 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 at 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.</p> <p>Radon: The proposed project, including Site A and Site B, both involving new construction, is in compliance. According to the New Jersey Department of Environmental Protection Radon Potential, Wildwood in Cape May County is located in a Tier 3 Zone, which is classified as Low Potential for Radon. In accordance with N.J.A.C. 5:23-10.1, "standards and procedures to ensure that construction techniques that minimize radon entry and that facilitate any post-construction radon removal that is required shall be incorporated in the construction of all buildings in Use Groups E and R in tier one areas</p>
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			and are permitted to be incorporated elsewhere in New Jersey." Therefore, in areas of Low Radon potential (Tier 3), compliance with these construction techniques is not required; however, those construction techniques that are feasible may be incorporated to reduce the risk of radon exposure. See Radon Potential Map.
5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project action, including Site A and Site B, is in compliance. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates that the project sites are not anticipated to affect threatened and endangered species including the piping plover, red knot, and bats (see attached Threatened and Endangered Species map). Additionally, desktop review of the HUD Parcel-Centroids shows that there are no other federal and state listed threatened and endangered animal species associated with these project sites. Therefore, no additional consultation with U.S. Fish and Wildlife Service is needed for threatened and endangered animals. Consultation with the NJDEP Natural Heritage Program (NHP) was required for the proposed projects due to the construction intent, construction of two new structures on three previously undeveloped contiguous lots. A request for review was submitted to the Natural Heritage Program on February 27, 2014. Two submittals, covering the three lots and all associated addresses were submitted to NHP for review. The NHP Reviewer contacted URS and indicated that due to the GIS parcel data, all three lots were encompassed under one PAMS PIN (0514_151_1). The submitted reviews would need to be combined and a single report and response letter would be provided for this PAMS PIN. The proposed project was initially submitted for review as reconstruction and elevation of an existing structure, and subsequently corrected to new construction. However, as indicated in the attached correspondence with NHP, the change in construction intent will not affect the findings provided by the Natural Heritage Program. The NHP report indicates other animal species tracked by the Endangered and Nongame Species Program are in the vicinity of the project site; however, the species that have been determined to be of concern for this program were screened using NJDEP GIS screening tool as described above. The report also indicated that species based patches of rare wildlife or wildlife habitat are within the vicinity of the proposed project site; however,</p>

			no threatened or endangered plant species were located on the project site. Based on these findings, it has been concluded that the proposed project will have no effect on threatened and endangered species and that no further review with USFWS is required. See NHP Database Report and Threatened and Endangered Species map.
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance. The area immediately surrounding the project sites consists of primarily minority populations (40-100%) and 0-10% of the population is at or below the poverty level. The population density in the area is between 1000-5000 people / sq mi. These demographics are consistent with the community. The proposed project involves the construction of two new residential structures on adjacent lots and in accordance with the requirements of the program would provide safer and more economically viable housing for minority and/or low income families. Additionally, because the program seeks to help minority and low income families in the communities where they currently live and work, the area is currently developed for residential use and would not expose the residents to an adverse environmental impact. Overall, the environmental impacts of the proposed action would be beneficial, and significant adverse effects would not occur. See attached Environmental Justice Checklist; Minority, Population Density, and Poverty Demographics Maps.
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project, including Site A and Site B, is subject to 24 CFR 51 Subpart C because it is increasing residential density. Therefore, a search was conducted to identify aboveground storage tanks (ASTs) within a 1-mile radius of the subject properties. Desktop review of aerial photos revealed several ASTs within 1 mile of the potential HUD projects. See attached table listing detailed AST information. See location of the tanks on the AST Map. Upon measurement, the distance from these ASTs to the subject properties exceeded the necessary Acceptable Separation Distance (ASD). No further action necessary.
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance. The proposed project site is not in an area of prime or unique farmlands or farmland of statewide importance. See Prime Farmland Soils Map. Additionally, as defined in 7 CFR 658.2, "Farmland" does not include land

			already in or committed to urban development or water storage. Therefore, the proposed action, repairs of an existing structure on a parcel with pre-existing development, does not meet the definition of "Farmland". Additionally, assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures and sites converted prior to the time an application for assistance from a federal agency, including assistance and actions related to the construction of minor new ancillary structures (such as garages or sheds) do not involve conversion of farmland to nonagricultural uses and are exempt from the requirements of 7 CFR 658.
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9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed project action is in compliance. The proposed project sites are located in a Floodplain Zone AE, which is part of the FEMA designated Special Flood Hazard Area as shown on the FEMA Preliminary FIRMS. See Floodplain Map. The proposed projects include new construction of two new residential structures. Therefore, completion of the 8-step process and a Notice of Intent are required for the proposed project. A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Reporte Hispano (April 10, 2014) and The Press of Atlantic City (April 11, 2014). The 15-day period expired on April 26, 2014. NJDEP received two public comments on this notice. The comments received by NJDEP were related to programmatic policies and were not related to impacts to the floodplain from the proposed activities. Practicable alternatives to locating in the floodplain and potential impacts to the proposed action were evaluated by applying the 8-Step Process. The 8-Step process also identified ways to minimize threats to life and property and to restore and preserve the natural and beneficial floodplain values. However, no practicable alternatives to locating the project in the floodplain were identified. A "Final Notice and Public Explanation" of Policy Determination will be published in accordance with 24 CFR 55, on May 15, 2014 for a 7-day comment period. NJDEP will take all comments into consideration prior to project implementation. The DCA will ensure that all mitigation measures prescribed in the 8-Step Process will be adhered to. Additionally, the NJDEP establishes standards for floor elevations for buildings constructed and fill placed in the floodplain through its Flood Hazard Area Control Act rules (N.J.A.C. 7:13). The proposed project activity, new construction of two residential structures, will occur within the 100-year floodplain and is a 'regulated activity' per N.J.A.C. 7:13-2.4. In accordance with the amended Flood Hazard Area Control Act rule, adopted on January 24, 2013, a formal application must be submitted to the Department. The Department will conduct a project-specific review under the applicable requirements at N.J.A.C. 7:13-9, 10 and 11 and may issue an Individual Permit. The proposed project must comply with all permit requirements as well as all and federal, state and local elevation and construction standards. Sources: FEMA Firm Panel 34029C0329F, effective date September 29, 2006; 24 CFR Part 55; Executive Order 11988; 8-Step Process for Floodplains.</p>
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10. Historic Preservation

[National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]



The proposed action, including Site A and Site B, is in compliance with NHPA Section 106 requirements. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was not required for this project given the allowances contained within the Programmatic Allowance between NJHPO and Federal Emergency Management Agency (FEMA) for Hurricane Sandy and its subsequent expansion to include the state Departments of Environmental Protection (NJDEP) and Community Affairs (NJDCOA). The preamble to Appendix B states the types of reviews that do not require SHPO consultation. The Tier I Allowances exempts the requirement for a Section 106 review for above-ground historic buildings if they were constructed less than 48 years ago. That exemption / allowance is stated within Appendix B, Tier I allowance Stipulation II. The tax assessment record for this property from the New Jersey Association of County Tax Boards does not have a date of construction listed. In order to determine if the application met the Tier 1 allowance, a review of historic imagery was made. It demonstrated that there was no building on the lot in 2012, before Hurricane Sandy made landfall. Aerial imagery from Bing and Google Earth shows that there has been no building on this parcel since 1991, the earliest date that imagery is available. Given that this will be new construction that will not impact a historic building that was on the lot at the time of the storm, the proposed project meets this allowance. See vacant lot verification file and tax card. The Programmatic Agreement also states that an archaeological investigation of the project area is not required when it is a reconstruction project, if it is located on a barrier island. That allowance is stated under Appendix B, Tier II Stipulation I. The city of Wildwood is located on the southernmost barrier island of New Jersey, which it shares with the communities of North Wildwood, Wildwood Crest and Diamond Beach. None of the above exceptions apply; therefore the project is exempt from an archaeological review. The application of this allowance was made by Jeremy Lazelle of URS, an archaeologist who meets the Secretary of Interior's professional standards for archaeology. The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. Furthermore, as the proposed program action is permitted under the Tier II allowance for

			archaeology, consultation with the Native American Tribe signatories to the Programmatic Agreement was not needed. Sources: Programmatic Agreement for New Jersey Hurricane Sandy Disaster Recovery; Vacant Lot Verification and Property Tax Card in S106 Review Docs.
11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project sites. Noise analysis is required for projects within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, and/or within the noise contours of a major airport. The proposed project sites are not located within 1,000 feet of any major or arterial roadway, within 3,000 feet of any railroad, nor within the noise contours of a major airport. Therefore, an outdoor weighted average day-night sound level (DNL) calculation is not required in accordance with HUD regulations. Construction noise will be a temporary impact that will be controlled by Best Management Practices. Construction noise will be within applicable city, state and federal codes. Thus, construction noise is not expected to have an impact to the projects or surrounding areas. Sources: HUD Noise Guide; 24 CFR Part 51 Subpart B.
12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance with 40 CFR 194. The project site is in Cape May County and is within the New Jersey Coastal Plain Aquifer System, which underlies the entire southern half of the state. In accordance with the EPA Sole Source Aquifer Review of HUD Projects letter dated August 13, 1996, sites "in urbanized areas, single or multi-unit housing developments, community centers and schools that will use existing public water and sewer" does not have the potential to create a 'significant hazard to public health' by adversely impacting ground water either during construction or after completion and facility is in operation and are excluded from Sole Source Aquifer review. Therefore, the proposed project is not anticipated to have a significant effect on sole source aquifers. See Sole Source Aquifer Map, EPA Sole Source Aquifer Review of HUD Project correspondence dated August 13, 1996, and Sole Source Aquifer Guidance Memo.

13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project actions, new construction of two structures on three previously undeveloped contiguous parcels, are in compliance. A desktop review of the NJDEP Wetlands Protection Map, USFWS NWI mapped wetlands, and field data indicates that mapped / potential Wetlands are not located within 150 feet of the project site. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands. See Wetlands Protection Map and National Wetlands Inventory Map.
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action, including Site A and Site B, is in compliance. 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. The nearest segment of the Wild and Scenic Rivers, Great Egg Harbor River, is 17 miles north-northeast of the proposed action sites. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. The proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.

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: The proposed action sites (Site A and Site B), are not within any Civil Airport Runway Clear Zone or a Military Airfield Clear Zone. The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 120 miles and 34 miles (respectively) from the proposed action sites. Additionally, these runway protection zones are uninhabited and therefore, not applicable to the proposed project. 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 nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 73 miles from the proposed action sites; and therefore, are not applicable to the proposed projects. See Airport Clear and Accident Potential Zone Maps. [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 and twelve "otherwise protected areas" that comprise the Coastal Barrier Resources System in New Jersey are part of the John H. Chafee Coastal Barrier Resources System. 16 U.S. Code § 3503 established the John H. Chafee Coastal Barrier Resources System, to consist of those undeveloped coastal barriers and other areas located on the coasts of the United States. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. The proposed construction of two structures on parcels that have been previously designated for development and are not within any designated coastal barrier unit or "otherwise protected area," would have no impact on coastal barrier resources. See Coastal Barrier Resources Map. [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: ____ [Proceed with project.]

☒ **Yes.** Cite or attach Source Documentation: The proposed project action is in compliance. The parcel is located in a Floodplain Zone AE, which is part of the FEMA designated Special Flood Hazard Area shown on the Floodplain Map.

FEMA FIRM Map Number 3453290001C, effective February 16, 1996. Therefore, the proposed action is subject to floodplain regulations. See Floodplain Map

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):

The field inspections at both sites were completed 2/4/2014 by Brad Borowy. The property locations were confirmed by the parcels. Mr. Borowy inspected the parcels and noted no recognized environmental conditions (RECs). The properties have the potential to increase in residential units. Several Aboveground Storage Tanks (ASTs) have been identified within 1 mile of the project sites. See attached Field Assessments for further details.

Summary Statement of Findings and Conclusions:

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

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

Project Conditions:

All structures, in, or partially in the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, 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. 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)].

Publication of the Final Floodplain Notice, as required by the 8-Step Decision Making Process for Floodplains must be completed and any comments must be taken into consideration and responded to prior to proceeding with the proposed project activities.

The proposed sites are located within the Coastal Area Facility Review Act (CAFRA) boundary and therefore, require a Coastal Jurisdictional Determination. The Department of Land Use Regulation was unable to issue a determination or permit for Lots 21 and 22 considering they are not subdivided and do not "technically" exist. Therefore, to be in compliance, jurisdictional determination will need to be obtained once the lots have been subdivided.

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

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.

All activities must comply with Section 106 of the National Historic Preservation Act 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.

All proposed reconstruction, substantial improvements, and elevation activities 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).

All structures, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, 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)].

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)].

Outfit all equipment with operating mufflers

Comply with the applicable local noise ordinance

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.

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.