

## Doss, Gary

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**From:** Smith, Lawrence  
**Sent:** Tuesday, April 01, 2014 1:31 PM  
**To:** homecorp@verizon.net  
**Cc:** Mahon, Donna; Henne, Laura; Doss, Gary; Burk, Andrea  
**Subject:** NEP Federal Section 106 Consultation - Notice of Proposed Standard of Treatment



### State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE DEPUTY COMMISSIONER  
Mail Code 401-07

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*Lt. Governor*

April 1, 2014

127 Valley Road Condominium Development  
127 Valley Road  
Montclair, New Jersey 07042  
NEP0233

Dear NEP Applicant:

I am writing concerning the current status of your 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 (NEP), property owners with grants to address the shortage of affordable rental and for sale housing caused by Superstorm Sandy, while at the same time returning abandoned and blighted housing to viability.

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 program 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 the NEP program, 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.

Your property is in the second category.

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 property owner 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 16, 2014.

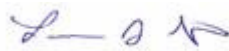
**You are not required to respond or comment on this notice. If you are opposed to the proposed treatment standard, please respond to this email or notify the NJDEP consultant who is making this notification to you on my behalf at the following address:**

**Lawrence Smith, AICP, PP  
Senior Planner  
Dewberry  
600 Parsippany Road, Suite 301  
Parsippany, New Jersey 07054**

**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 grant. 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 project, or prevent you from rebuilding, elevating or rehabilitating, and it does not affect the amount of your NEP grant. This is a positive action to conclude the review and move your application to DCA so they can begin to finalize your grant.**

Sincerely,



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

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