

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: Erika (First) Jack (Last)

Project Location: 126 Bright St., Apt 103 (Street Address)

Jersey City (Municipality) Hudson (County) NJ (State)

342 (Block) 25.103 C0103 (Lot)

Conditions for Approval: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

Flood Insurance

Proof of flood insurance, in accordance with 24 CFR 58.6(a), must be provided to the Department of Community Affairs in order for this site to remain eligible for this program. 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 residence [24 CFR 58.6(a)(1)]. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Floodplain Management

As a result of the project activities, the footprint of the building will not be increased; and the structure will not be relocated closer to any regulated water, within a floodway, or on a beach, dune or wetland; therefore, the project qualifies for FHA PBR N.J.A.C. 7:13-7.2(a)3. The proposed project must comply with all permit requirements as well as all federal, state and local construction standards.

Hazardous/Toxics Materials

Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

Lead Based Paint

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.

Asbestos

Based on the age of the structure, it can be reasonably assumed that some materials at the project site may contain asbestos. In the event that Potential Asbestos Containing Building Materials (PACBM) are identified during project activities/renovation activities, these materials if disturbed will require special handling and waste disposal. The contractor will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to the renovation occurring. 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, fabrication, demolition, and spraying operations at 40 CFR 61.150; NJAC 7:26-2.12-Generator requirements for disposal of asbestos containing waste materials; and New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Section 106

Application property is within an area of historic significance or is eligible for listing on the National Register of Historic Places. Work in the attached scope has been reviewed and approved by the NJ HPO. Any scope adjustments that involve exterior changes in terms of elevation height, materials used, or in changed design elements must be reviewed and approved by NJ HPO to ensure continued Program compliance, before work is performed.

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:

Juliet Jacobs, URS
Preparer Name and Agency


Preparer Signature

1/16/2015
Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM)	\$33,610.49

Estimated Total HUD Funded Amount:

The HUD funded amount is not to exceed \$33,610.49.

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

The total estimated project cost amounts to \$39,272.08.

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

The purpose of the proposed action is to assist homeowners in repairing, reconstructing, elevating, or mitigating their homes that were damaged or destroyed by Superstorm Sandy and the subsequent snowstorm. The project is needed to help provide safe and adequate housing for residents of these storm ravaged communities.

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.)

The proposed action will include rehabilitation of one unit in a multi-unit residential structure that contains more than four units. A date of construction was not listed on county property records for the four-story, multi-unit residence (see RRE0032126MFTaxCard and RRE0032126MFTaxCard2). However, based on the building's form, materials, and style (Neo-Grec Style), and a review of historical.com, the building is estimated to be constructed between 1865 and 1895 (see RRE0032126MFDEPForm2URSSubmission). The proposed action site is located at 126 Bright Street, Apartment 103, Jersey City, New Jersey. The scope of the proposed action will include installation of smoke and carbon monoxide detectors as well as the removal and replacement of a toilet, plumbing, and a shower head. Renovations will include addressing storm-related damage and bringing the unit up to current minimum property standards. The property record for the structure does not provide its fair market value (see RRE0032126MFTaxCard2); while the property record for the applicant's unit also does not provide a fair market value, it does provide a sale price from 8/1/2008 of \$257,000 (see RRE0032126MFTaxCard). The estimated cost of repairs including any work in place is \$39,272.08, which results in a 15% improvement value when compared to the sale price. (It may be reasonably determined that the total building's fair market value, including all units contained within the multi-unit residential structure, exceeds the sale price of the individual unit under review, thereby establishing the individual unit's sale price as a conservative estimator of improvement value.) Therefore as defined in 24 CFR 55.2(b)(10)(iii), the cost of repairing the unit is not considered to be a "substantial improvement" and will be considered minor rehabilitation. All activities would be limited to the interior of the unit. Pre-award and pre-application activities are limited to work completed within the same existing footprint.

County tax record data for the unit owned by the applicant lists the unit's PAMS PIN as 0906 13901 21 C0103 and the unit's prior PAMS PIN as 0906 342 25 C0103 (see RRE0032126MFTaxCard). County tax record data for the entire structure lists the parcel's PAMS PIN as 0906 13901 21 and the parcel's prior PAMS PIN as 0906 342 25 (RRE0032126MFTaxCard2). NJDEP's HUD review parcel data lists the entire parcel's PAMS PIN as 0906 342 25.103 and the applicant unit's PAMS PIN as 0906 342 25.103 C0103. The proposed activity was reviewed as 0906 342 25.103 C0103 to match NJDEP's HUD review PAMS PIN for the applicant's unit.

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	
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance. According to the U.S. EPA, Hudson County is designated as Nonattainment or Maintenance for 5 NAAQS Pollutants (see RRE0032126MFAirQuality):</p> <ul style="list-style-type: none"> • 8-Hour Ozone (1997 Standards) • 8-Hour Ozone (2008 Standards) • Carbon Monoxide (1971 Standards) • PM-2.5 (1997 Standards) • PM-2.5 (2006 Standards) <p>While Hudson County is also identified as being within a 1-hour ozone nonattainment area, all 1-hour ozone areas were revoked as of June 15, 2005, and as such are excluded from the pollutant count on the NAAQS map (see RRE0032126MFAirQuality). Therefore, a general conformity analysis in accordance with the Clean Air Act and 40 CFR Part 93, Subpart B was completed. However, according to the Department of Environmental Protection Division of Air Quality, the revised estimated air emissions (which take into account both residential and commercial construction activities) continue to remain well below the Federal General Conformity regulation’s de minimis thresholds and are presumed to conform to the State Implementation Plan (SIP) (see RRE0032126MFAirQualityAssessmentMemo).</p>

		<p>Additionally, temporary air quality impacts associated with construction will be mitigated to the greatest extent feasible and will adhere to all local and state air quality standards. All activities must still meet the State’s Air Pollution Control requirements.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed action 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, within the nine counties most impacted by Superstorm Sandy, 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. 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 the Lakehurst Naval Air Station.</p> <p>The nearest runway protection zones at Newark International Airport and Atlantic City International Airport are located approximately 5.2 miles and 90 miles from the proposed action site, respectively. The nearest clear zones and accidental potential zones at the Lakehurst Naval Air Station are located approximately 47 miles from the proposed action site. Therefore, none of these clear zones are applicable to the proposed action (see RRE0032126MFAirportClear ZonesMap).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed action is in compliance. The proposed action site is not located in any Coastal Zone boundaries (see RRE0032126MFCoastalZoneManagementActMap). Therefore, rehabilitation of the residence is not a regulated activity and is consistent with New Jersey’s Coastal Zone Management Program.</p>

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><u>Toxics</u></p> <p>The proposed project is in compliance. Site photos revealed a metal pipe on the side of the subject property that runs up the entire building. The pipe is likely to be a vent pipe for the building. It can be seen in in photographs 0906_342_25.103_C0103_EA_Right_2, 0906_342_25.103_C0103_EA_Right_3, and 0906_342_25.103_C0103_EA_Right_4 (see RRE0032126MFFieldAssessment). There are no signs of stressed vegetation or contamination in the area surrounding the pipe. Therefore, no visible Recognized Environmental Conditions (RECs) were observed in the vicinity of the potential HUD project that would conflict with the intended use of the property or health and safety of the occupants. The parcel IS within the 3,000 ft. radius of a “threatening” site. The site is called ANGELOS GULF SERVICE STATION. The Site ID number is 7387. The site has been cleared by NJDEP (see RRE0032126MFHazardousSitesClearance12.11.2014) and is no longer considered threatening to the subject property. Sites that were previously determined by NJDEP to be “non-threatening” to the potential HUD project may not be depicted on the map (see RRE0032126MFToxicHazardousandRadioactiveSubstancesMap). The parcel is not listed in a State or Federal Hazardous Waste sites database. County tax data lists no date of construction (see RRE0032126MFTaxCard and RRE0032126MFTaxCard2); however, based on historical imagery, URS estimates the building’s date of construction to be between 1865 and 1895 (see RRE0032126MFDEPForm2URSSubmission). Given this information and that the parcel and its immediate surrounding area is largely residential, there are no indications of prior land uses that may have adversely impacted the site.</p> <p>The applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).</p> <p><u>Lead Based Paint</u></p> <p>The proposed action involves the rehabilitation of one unit in a multi-unit residential structure. County tax data lists no date of construction (see RRE0032126MFTaxCard and RRE0032126MFTaxCard2); however, based on historical</p>
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		<p>imagery, URS estimates the building’s date of construction to be between 1865 and 1895 (see RRE0032126MFDEPForm2URSSubmission). Creative Environment Solutions Corp. (CES) assessed the property on 7/15/2014 (RRE0032126MFLBPAssessment). URS is concerned that it may be lacking regulatory required information [40 CFR 745.227(a),(b),&(d)]. The lead based paint risk assessment report states that no lead based paint or lead based paint hazards were found and notes that lead concentrations that meet or exceed the HUD published levels identified as being potentially dangerous (e.g. greater than or equal to 1.0 milligrams per centimeter) were not encountered. A lead free certificate was issued on 7/16/2014 (RRE0032126MFLBPAssessment). However, there was one positive X-ray fluorescent (XRF) analyzer reading (9.9 milligrams per centimeter) on an exterior door casing/trim component that was not retested, discussed, or otherwise recognized in the assessment report. There is still potential for lead-based paint because the date of construction is estimated to be prior to 1978. A valid lead assessment will need to be conducted in accordance with 24 CFR Part 35, Subpart B, which notes that any property constructed prior to January 1, 1978 is required to comply with applicable federal, states, 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><u>Asbestos</u></p> <p>The proposed action involves the rehabilitation of one unit in a multi-unit residential structure. The property was constructed prior to 1980 and as such is suspect for containing Asbestos Containing Building Materials (ACBM). Creative Environment Solutions Corp. (CES) performed a limited inspection of the property for ACBM on 7/15/2014. CES did not visually identify any suspect asbestos-containing materials (see RRE0032126MFAbestosAssessment). As such, no bulk samples were collected, thereby avoiding destructive measures and inaccessible areas. However, based on the age of the structure, it can be reasonably assumed that some materials at the project site may contain asbestos. In the event that Potential Asbestos Containing Building Materials (PACBM) are identified during project activities/renovation activities, these materials if disturbed will require special handling and waste disposal. The contractor will engage the</p>
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			<p>services of a New Jersey licensed firm that specializes in ACBM removal prior to the renovation occurring. 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; and New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.</p> <p>Radon</p> <p>The proposed action, rehabilitation of a single unit in a multi-unit residential structure is in compliance. The proposed action site is located in Jersey City. According to the New Jersey Department of Environmental Protection Radon Map, Jersey City in Hudson County is located in a Tier 3 Zone, which is classified as Low Potential for Radon (see RRE0032126MFRadonPotentialMap). 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 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.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action, rehabilitation of one unit in a multi-unit residential structure, is in compliance. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates the proposed action site is not within an area of threatened and endangered fauna species including the piping plover, red knot, and bat species (see RRE0032126MFEndangeredSpeciesMap). Desktop review of the HUD Parcel-Centroids shows that there are no state-listed or federally-listed animal endangered species associated with this project site (see RRE0032126MFCentroidsMap). Additionally, the proposed</p>

			<p>rehabilitation activities are limited to the interior of the unit and do not have the potential to affect state-listed or federally-listed endangered species. Therefore, consultation with NJ Department of Environmental Protection, Division of Fish and Wildlife, Endangered and Nongame Species Program as well as the NJ Natural Heritage Program is not required. No further review for threatened and endangered species is required.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The blocks in the area surrounding the proposed action site consist of 40-100% minority populations (see RRE0032126MFEJMinorityDemographics). The population at or below poverty level in the tracts near the proposed action site is 0-10% and 20-30% (see RRE0032126MFEJPovertyDemographics). The population density in the area near the proposed action site is between 1000-5000 people / sq. mi. and 5000+ people/sq. mi. (see RRE0032126MFEJPopDensityDemographics). These demographics are consistent with the surrounding community. The proposed action involves the rehabilitation of a single unit in a multi-unit residential structure and in accordance with the requirements of the program would not alter the existing demographics of the immediate area. The overall impacts of the project would be beneficial to the local community by addressing the shortage of affordable housing in communities most impacted by the storm, and by returning blighted buildings to viability, disproportionate adverse effects would not occur.</p> <p>Additional Source: RRE0032126MFEJChecklist</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance with 24 CFR Part 51 Subpart C. Per HUD policy decision issued January 6, 2014, the proposed action will not result in an increase in residential density, therefore, 24 CFR 51 (c) does not apply (see RRE0032126HUDASTMemo). The proposed action, rehabilitation of a single unit in the existing building, will remain within the existing footprint and is not an applicable activity requiring a map or distance determination.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The proposed action site is neither in an area of prime or unique farmlands nor within a farmland of statewide importance (see RRE0032126MFPrimeFarmlandSoilsMap). Additionally, as defined in 7 CFR 658.2, "Farmland" does not include land</p>

		<p>already in or committed to urban development or water storage. Therefore, the proposed action, which includes rehabilitation of one unit in a multi-unit residential structure, 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.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The proposed action is in compliance. FIRM Panel 108 of 118, Map Number 34017C0108D, effective August 16, 2006 shows that the proposed action site is not located within the FEMA-designated Special Flood Hazard Area, (see RRE0032126MF FIRM); however, because the NJDEP HUD Review Tool Preliminary FIRM data places the structure within a SFHA Zone A (see RRE0032126MFFloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap), the structure is subject to 24 CFR 55.20.</p> <p>The property record for the structure does not provide its fair market value (see RRE0032126MFTaxCard2); while the property record for the applicant's unit also does not provide a fair market value, it does provide a sale price from 8/1/2008 of \$257,000 (see RRE0032126MFTaxCard). The estimated cost of repairs including any work in place is \$39,272.08, which results in a 15% improvement value when compared to the sale price. (It may be reasonably determined that the total building's fair market value, including all units contained within the multi-unit residential structure, exceeds the sale price of the individual unit under review, thereby establishing the individual unit's sale price as a conservative estimator of improvement value.) Therefore as defined in 24 CFR 55.2(b)(10)(iii), the cost of repairing the unit is not considered to be a "substantial improvement". Therefore elevation is not required. Additionally, under 24 CFR part 55.12(a), this project is exempt from the decision making steps in §55.20(b), (c), and (g) which represent steps 2, 3 and 7 of the 8-Step Process, resulting in a 5-Step Floodplain Analysis. The 5-Step Floodplain Analysis assessed project alternatives including the 'No Action' alternative, gave consideration to direct and indirect impacts to the floodplain that may result</p>

		<p>from the project and determined that there are no practicable alternatives to the proposed project (see RRE0032126MFFloodplain5-Step). As a result of the project activities, the footprint of the building will not be increased; and the structure will not be relocated closer to any regulated water, within a floodway, or on a beach, dune or wetland; therefore, the project qualifies for FHA PBR N.J.A.C. 7:13-7.2(a)3. The proposed project must comply with all permit requirements as well as all federal, state and local construction standards.</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The proposed action complies with Section 106 of the National Historic Preservation Act. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated December 16, 2014. The email included the form developed by NJHPO for Section 106 disaster recovery evaluations, specifically the "Form 2" which stated that although the multiple-family, mixed-use building was assessed as a contributing resource to the National Register of Historic Places (NRHP) Van Vorst Park Historic District Extension and listed on the State Register, it is not individually eligible for listing on the NRHP. The submitted form stated the opinion that the proposed action would have No Adverse Effect on the Van Vorst Park Historic District Extension on the condition that the proposed action would be completed as describe in the provided scope of work, as reviewed by NJHPO, and would not include additional alterations to the building's exterior. The proposed action involves the removal and replacement of non-historic materials, or involves interior work not visible from the public right-of-way and therefore the property would not alter the eligible historic district's integrity of setting, feeling, and association (see RRE0032126MFDEPForm2URSSubmission).</p> <p>The NJHPO concurred in an email dated December 22, 2014 by signing the provided Form 2 (see RRE0032126MFDEPForm2NJHPOResponse). The project may proceed without further SHPO consultation for above ground historic concerns, providing the project conditions are met. The proposed project is not situated in a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required.</p> <p>The Programmatic Agreement (PA) states that an</p>

			<p>archaeological investigation of the proposed action site is not required if it is a rehabilitation project with no significant new land disturbance. That allowance is stated under Appendix B, Tier I Stipulation I (see RRE0032126MFProgrammatic Agreement). Following discussion between NJHPO, NJDEP and NJDCA that allowance was defined to mean that an archaeological review by SHPO or the Native American Tribe signatories is not required if the project activity involves the rehabilitation of a building (without elevation) that was extant at the time Hurricane Sandy struck. This project falls into that category. Therefore, no consultation is required with the PA parties.</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program, including reconstruction, rehabilitation, elevation and mitigation that meets the requirements for exclusion in 24 CFR 51.101(a)(3). That regulation states that HUD noise policy does not apply to “assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The proposed rehabilitation of the existing residence would restore housing substantially as it existed prior to Superstorm Sandy.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance with 40 CFR 149. The proposed action site is located in Hudson County. The nearest contingent of the Environmental Protection Agency (EPA) designated Sole Source Aquifer (SSA) system to the proposed action site is the Buried Valley Aquifer, situated to the west of the proposed project site; however, there are no contingents of the EPA-designated Sole Source Aquifer (SSA) system which underlie Hudson County (see RRE0032126MFSoleSourceAquifersMap). Therefore, the proposed action will not impact anysole source aquifers.</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. A desktop review of the NJDEP Wetlands Protection Map and field data indicates that mapped/potential Wetlands are not located within 150 feet of the proposed action site. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands (see RRE0032126MFWetlandsProtectionMap and RRE0032126MFFieldAssessment).</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance with 16 U.S.C. 1271 et seq. The nearest designated segment of the National Wild and Scenic Rivers System (NSWRS) to the proposed action site</p>

		<p>is the Musconetcong River, which is located 40 miles west-northwest of the proposed action site (see RRE0032126MF WildScenicRiversMap). There are currently no rivers within the state under study for possible inclusion into the NWSRS. Protected resources also include specific segments of tributaries to Wild and Scenic Rivers as referenced in the Wild and Scenic Rivers Act, as well as river segments registered in the Nationwide Rivers Inventory. The proposed action site is not located within ¼ mile of a Wild and Scenic River stream bank, or within 1 mile of a designated Wild and Scenic River. Therefore, the proposed action will have no adverse effects on any of these resources.</p>
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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 does not involve the sale or acquisition of property located within a 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 5.2 miles and 90 miles (respectively) from the proposed action site. The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station. The nearest applicable clear zones and accident potential zones at the Lakehurst Naval Air Station are located approximately 47 miles from the proposed action site (see RRE0032126MFAirportClearZonesMap). [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 and are undeveloped coastal barriers and other areas located on the coasts of the United States. The nearest component of the Coastal Barrier Resource System is approximately 10.59 miles southeast of the proposed action site. Therefore, the proposed action would have no impact on coastal barrier resources (see RRE0032126MFCoastalBarrierResourcesMap). [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. The subject parcel is not located within the FEMA-designated Special Flood Hazard Area, as shown on the FIRM Panel 108 of 118, Map Number 34017C0108D, effective August 16, 2006 (see RRE0032126MFFIRM); however, because the NJDEP HUD Review Tool Preliminary FIRM data places the structure within a SFHA Zone A (see RRE0032126MFFloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap), flood insurance will be required for participation in this program in accordance with 24 CFR 58.5(a). Proof of flood insurance must be provided to the Department of Community Affairs in order for this site to remain eligible for this program (see Required Mitigation and Project Modification Measures).

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 inspection was completed on 12/15/2014 by Rob Lackowicz. The property location was confirmed by the address being listed on the structure. Mr. Lackowicz inspected the proposed action site and noted no Recognized Environmental Conditions (RECs) (see RRE0032126MFFieldAssessment).

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:

(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.)

Flood Insurance

Proof of flood insurance, in accordance with 24 CFR 58.6(a), must be provided to the Department of Community Affairs in order for this site to remain eligible for this program. 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 residence [24 CFR 58.6(a)(1)]. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Floodplain Management

As a result of the project activities, the footprint of the building will not be increased; and the structure will not be relocated closer to any regulated water, within a floodway, or on a beach, dune or wetland; therefore, the project qualifies for FHA PBR N.J.A.C. 7:13-7.2(a)3. The proposed project must comply with all permit requirements as well as all federal, state and local construction standards.

Hazardous/Toxics Materials

Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

Lead Based Paint

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.

Asbestos

Based on the age of the structure, it can be reasonably assumed that some materials at the project site may contain asbestos. In the event that Potential Asbestos Containing Building Materials (PACBM) are identified during project activities/renovation activities, these materials if disturbed will require special handling and waste disposal. The contractor will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to the renovation occurring. 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, fabrication, demolition, and spraying operations at 40 CFR 61.150; NJAC 7:26-2.12-Generator requirements for disposal of asbestos containing waste materials; and New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Section 106

Application property is within an area of historic significance or is eligible for listing on the National Register of Historic Places. Work in the attached scope has been reviewed and approved by the NJ HPO. Any scope adjustments that involve exterior changes in terms of elevation height, materials used, or in changed design elements must be reviewed and approved by NJ HPO to ensure continued Program compliance, before work is performed.