

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: Providence Seashore House, LLC (Business/Corporate Name)

Project Location: 35 S. Annapolis Avenue (Street Address)

Atlantic City (Municipality) Atlantic (County) New Jersey (State)

199 (Block) 4 (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.)

General:

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.

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:

The property owner will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to any renovations 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; New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Floodplain Management:

The Department of Community Affairs will complete step 7 of the 8-step Decision Making Process for Floodplains as required in 24 CFR 55.20. A final public notice will be published in accordance with 24 CFR Part 55 stating the reasons why the project must be located in the floodplain, providing a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project.

The project is required to meet all applicable elevation and construction requirements in accordance with the National Flood Insurance Program (NFIP) and all local floodplain ordinances. In accordance with 44 CFR 60.3(c), all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the

community's firm must have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of 44 CFR 60.3(c)(3)(ii), and provide a certificate which includes the specific elevation (in relation to mean sea level) to which such structure is floodproofed.

Additionally, for all new construction and substantial improvements, fully enclosed areas below the lowest floor (usable solely for parking of vehicles, building access or storage in an area other than a basement) which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Flood Hazard Control Act:

The project qualifies for New Jersey Flood Hazard Control Act, Permit-by-Rule N.J.A.C. 7:13-7.2(a)3 and Permit-by-Rule N.J.A.C. 7:13-7.2(d)1 provided the permit conditions for each are met:

N.J.A.C. 7:13-7.2(a)3 for the reconstruction, relocation and/or elevation of a lawfully existing building outside a floodway, provided:

- i. The footprint of the building is not increased by more than 300 square feet;
- ii. The lowest floor of the building is reconstructed or elevated to at least one foot above the flood hazard area design flood elevation;
- iii. The area below the lowest floor of the building is not used for habitation and remains open to floodwaters, in accordance with N.J.A.C. 7:13-11.5(n), (o) and (p);
- iv. The building is not expanded or relocated closer to any regulated water or within a floodway;
- v. Any building being relocated is either moved outside any riparian zone or situated within an area where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated);
- vi. No vegetation is cleared, cut or removed in a riparian zone, except for vegetation within 20 feet of the building if such disturbance is necessary to facilitate its reconstruction, relocation and/or elevation; and
- vii. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.

N.J.A.C. 7:13-7.2(d)1 for the repaving and/or resurfacing of a lawfully existing paved roadway or paved parking area outside a floodway, provided:

- i. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches;
- ii. The existing roadway is not expanded; and
- iii. No vegetation is cleared, cut or removed in a riparian zone.

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 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.

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)].

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:

Lauren LeBlanc, URS
Preparer Name and Agency


Preparer Signature

1/9/2015
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	<u>New Jersey Economic Development Authority: Stronger NJ Business Loan Program</u>	\$816,216

Estimated Total HUD Funded Amount:

The Total HUD Funded Amount is \$816,216.

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

The Total Project Cost is \$816,216.

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

Early on October 29, 2012, Sandy made landfall near Brigantine, New Jersey, just to the northeast of Atlantic City, as a post-tropical cyclone with hurricane-force winds causing widespread damage and extensive flooding. In the wake of the hurricane, a winter storm swept into the area, exaggerating the damage and dramatically hindering emergency response and subsequent disaster recovery efforts. Hurricane Sandy (unofficially known as "Superstorm Sandy") was the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, as well as the second-costliest hurricanes in United States history. The Stronger New Jersey Business Loan Program was developed by the Economic Development Authority to support long-term recovery of small businesses and communities by funding long-term economic revitalizing priorities. Funding under the SBL program is intended to assist with projects throughout New Jersey, focusing on those located in one of the nine "most impacted" counties as determined by HUD.

The project will contribute to the revitalization of the Municipality of Atlantic City in Atlantic County (one of the nine disaster-declared counties) by providing much needed repairs to Providence Seashore House, LLC. The primary goals of this project are to address storm-related damage to the facility in addition to purchasing new equipment and improving the facility.

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 project will include the rehabilitation of a two-story wood frame structure located at 35 S. Annapolis Avenue, Atlantic City, New Jersey. The property consists of a sixteen space asphalt parking lot and a facility that employs seventeen staff for children (and their families) who are medically fragile and/or technologically dependent and who are eligible for Medicaid. The property is approximately 0.48 acres and is situated with S. Annapolis Avenue at its front and S. Parker Avenue at its rear between Clayhagy and Van Ransleer Avenues. Atlantic County records list no date of construction (see SBL39524TaxCard); however, the review of historic aerials and records (HistoricAerials.com) showed the original two-story main building and tower was Station Absecon (used as a U.S. Lifesaving Service Station [current-day U.S. Coast Guard]), most likely designed in the 1890's and was in place by 1920, with a one-story addition at the rear constructed between 1963 and 1970 (see SBL39524DEPForm2URSSubmission). The first floor of the 7,700 square foot structure includes toddler and infant rooms; offices for a director, a nurse, a dietician, a social worker, a speech therapist, and physical/occupational therapists; a staff lounge; a copy room; restrooms; a laundry room; and a reception and waiting area. The second floor has a smaller footprint and includes additional office space, a multi-purpose room, and a restroom. The structure was damaged as a result of Superstorm Sandy. The property record for the structure provides a value of \$1,212,900 (see SBL39524TaxCard), while the estimated cost of repairs is \$816,216 resulting in a 67%

improvement value. The proposed action is therefore considered a “Substantial Improvement” as defined in 24 CFR 55.2(b)(10)(i) and will be considered major rehabilitation. The scope of this project will include interior and exterior repairs with no change in land use. Rehabilitation of Superstorm Sandy damages and structure improvements include repairing the roof, repairing exterior siding, replacing two steel entry doors, providing additional lighting for security, and installing an elevator to make the second floor accessible to handicapped children and clinic patients. On the property grounds, additional renovation work includes some clearing and grubbing, re-grading, landscaping, paving for parking and access roads, and runoff control. The project will also include the purchase of equipment to be used to repair and maintain the facility. All activities would be limited to the disturbed area of the previously developed lot. The primary goals of this project are to create an updated facility that could employ up to 36 staff and to add a marketing office and a medical clinic expansion program on the second floor that would provide needed services to the underprivileged residents of Atlantic City and Atlantic County. See SBL39524ConfirmationOfCESTLevelOfReview and SBL39524ScopeOfWorkClarification.

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, Atlantic County is designated as Nonattainment or Maintenance for three NAAQS Pollutants (See SBL39524AirQuality):</p> <ul style="list-style-type: none"> • 8-Hour Ozone (1997 Standards) • 8-Hour Ozone (2008 Standards) • Carbon Monoxide (1971 Standards) <p>While Atlantic 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 (SBL39524AirQuality). 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 SBL39524AirQualityAssessmentMemo). 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"/></p>	<p><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. The runway protection zones associated with Atlantic City International Airport and Newark Liberty International Airport are located approximately 8.5 miles and 92 miles (respectively) from the proposed site, and therefore are not applicable to the 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), which extend up to 15,000 feet (about 2.8 miles) from the end of the runway. 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 accidental potential zones at the Lakehurst Naval Air Station are located approximately 45 miles from the proposed project site, and therefore are not applicable to the proposed project (see SBL39524AirportClearZonesMap).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The proposed project site is located in the Atlantic City Coastal Area Facility Review Act (CAFRA) (see SBL39524CoastalZoneManagementActMapCAFRA). A request for Jurisdictional Determination for the proposed action within the CAFRA zone was sent to the New Jersey Department of Environmental Protection Department of Land Use Regulation (NJDEP DLUR) on November 12, 2014. NJDEP DLUR responded on November 17, 2014 with a Coastal Jurisdictional Determination. See SBL39524CZMConsultation for consultation request and response. Based on a review of the Coastal Permit Program Rules, a CAFRA permit is not required for the proposed project site, which is located more than 150 feet landward of the mean high waterline of any tidal waters or the landward limit of a beach or dune in Atlantic City (a non-</p>

		<p>qualifying municipality). Additionally, a Waterfront Development permit and a Coastal Wetlands permit are not required. The jurisdictional determination received does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation.</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><u>Toxics:</u> The proposed action is in compliance. The site is currently being used as a commercial structure. Site photos show a trash dumpster located on left side of the subject property (shown in photograph 0102_199_4_EA_Left_1 in SBL39524FieldAssessment). There are no signs of stressed vegetation or contamination in the area surrounding the trash dumpster. The dumpster does not appear to pose a threat or hazard to the subject property or the occupants, and site reconnaissance revealed no visible Recognized Environmental Conditions (RECs) in the vicinity of the potential HUD project. The parcel IS currently located within the 3,000 ft. radius of a “threatening” site (see SBL39524ToxicHazardousandRadioactiveSubstancesMap). The site is called PARKWAY AUTO SERVICE INC. The Site ID number is 23031. The site has been cleared by NJDEP and is no longer considered threatening to the subject property (see SBL39524HazardousSitesClearance11.13.2014). Sites that were previously determined by NJDEP to be “non-threatening” to the potential HUD project may not be depicted on the map. The tax card lists no date of construction (see SBL39524TaxCard); however, the review of historic aerials and records (HistoricAerials.com) showed the original two-story main building and tower was Station Absecon (used as a U.S. Lifesaving Service Station [current-day U.S. Coast Guard]), most likely designed in the 1890’s and was in place by 1920, with a one-story addition at the rear constructed between 1963 and 1970 (see SBL39524DEPForm2URSSubmission). Based on previous use, there is no indication that this parcel was previously listed on nor is it currently listed on a State or Federal Hazardous Waste sites database.</p> <p><u>Lead Based Paint:</u> A date of construction for the two-story wood frame structure was not listed on the Atlantic County property records (see SBL39524TaxCard). According to Historic Preservation review the original two-story main building was present by 1920, with a one-story addition in the rear constructed between 1963 and 1970 (see</p>

		<p>SBL39524DEPForm2URSSubmission). Eagle Industrial Hygiene Assoc. Inc. performed a lead-based paint inspection and risk assessment on February 15, 2008 and March 10, 2008 (see SBL39524LBPEagleIndustrialHygieneResults). URS was concerned that it may be lacking regulatory required information [40 CFR 745.227 (a), (b), & (d)]. ICF international agreed and asked URS to complete a new survey in order to be conservative (see SBL39524LBPreviewGuidanceMemo). URS Corporation assessed the property for Lead Based Paint, which concluded that no lead-based paint was identified above the EPA regulatory level. All paint was in good condition according to Table 2-2 Lead Regulatory Levels (see SBL39524LBPAssessmentReport). One XRF reading (#452) came up as positive with a value of 1.5 g/cm³. Two QA measurements were immediately taken in the same location (#453 and #454) and both came back as negative with a value of 0.0 g/cm³. The positive reading was discarded, and the testing combination in question (drywall ceiling in activity room) was classified as negative. All other testing combinations were negative. 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.</p> <p><u>Asbestos:</u></p> <p>The property was constructed prior to 1980 and as such is suspect for containing Asbestos Containing Materials (ACM). URS assessed the property for ACM on 12/12/2014. URS collected samples in 22 rooms on the first floor and 10 rooms on the second floor of the two-story wood frame structure. All samples tested negative for asbestos. However, the tiles, roof underlayment, vapor barrier, and carpet mastic are all presumed to contain asbestos and were not tested in order to avoid damage and/or these areas were inaccessible. The list of Presumed Asbestos Containing Building Materials (PACM) and Asbestos Containing Building Materials (ACBM) detected at the property is included in Table 3 of the Asbestos Survey Report (see SBL39524AsebstosAssessmentReport). This list of materials will be observed during the reconstruction and/or renovation phase as an ACBM. These materials, if disturbed during the reconstruction and/or renovation phase will require special handling and waste disposal. The Construction 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</p>
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			<p>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><u>Radon:</u> The proposed project site, rehabilitation of a two-story wood frame structure, is in compliance. The proposed project site is located in Atlantic City. According to the New Jersey Department of Environmental Protection Radon Potential Map, Atlantic City in Atlantic County is located in a Tier 3 Zone, which is classified as a 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 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 SBL39524RadonPotentialMap).</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 is in compliance. Desktop review of the HUD Parcel-Centroids shows there are no federally listed endangered animal species associated with this project site. However, the attached Centroids Map (see SBL39524EndangeredSpeciesCentroidMap) lists a “yes” for possible state listed endangered animal species associated with the proposed project site. Therefore, consultation with the NJ Department of Environmental Protection, Division of Fish and Wildlife, Endangered and Nongame Species Program was required. In the determination dated November 19, 2014 (see SBL39524ENSPConsultation), the ENSP biologist concluded that no conflicts with state-listed endangered or threatened wildlife were anticipated as a result of the proposed action. Additionally, review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates the project site is not anticipated to affect threatened and endangered animal species including the piping plover, red knot, and bat species (see SBL39524EndangeredSpeciesMap). A review of</p>

		<p>the U.S. Fish and Wildlife Service (USFWS) iPaC Landscape Tool was also carried out (see SBL39524USFWSiPaCLandscapeToolResults). The tool indicated that the piping plover and red knot should be considered in our review for the site; however, as indicated above, the NJDEP HUD Environmental Review Tool specifies that these species will not be affected due to the location of the proposed project site. The ENSP biologist confirmed this determination (see SBL39524ENSPConsultation). The review for threatened and endangered animal species is therefore concluded.</p> <p>The proposed action is not anticipated to affect threatened and endangered plant species. A request for review was submitted to the Natural Heritage Program (NHP) on January 19, 2015 (see SBL39524NHPConsultation). The review indicated that no threatened or endangered plant species were located on or in the immediate vicinity of the project site. The NHP review did indicate some animal species that may be within the vicinity of project site based on a search of species based patches; however, the animal species that have been determined to be of concern for this program were screened using desk GIS review as described above. The USFWS iPaC Landscape Tool was also consulted and the results indicated a flowering plant species, the Seabeach amaranth (<i>Amaranthus pumilus</i>), that should be considered for the project. USFWS describes the Seabeach amaranth as a species known to grow on beaches and barrier islands. The proposed site, as seen in the attached site map (see SBL39524SiteLocationMap) and Field Assessment photographs (see SBL39524FieldAssessment), is located within an urban developed area. The majority of the site is currently paved and/or graveled, with no vegetation growth aside from ornamental flower beds as shown in photograph 0102_199_4_EA_Left_1 of the Field Assessment (SBL39524FieldAssessment). The proposed project will therefore not affect the Seabeach amaranth as no construction activities will occur on or near a beach. Based on these findings, it has been concluded that the project will have no effect on threatened and endangered species and that no further review with USFWS is required. Additional</p> <p>Additional Source: USFWS New Jersey Field Office Federally Listed Endangered Species, Seabeach Amaranth (<i>Amaranthus pumilus</i>): http://www.fws.gov/northeast/njfieldoffice/endangered/amaranth.html</p>
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<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 tracts in the area surrounding the project site have minority populations of 40-100% (see SBL39524EJMinorityDemographics). The population at or below poverty level in the tracts near the project site is 0-10% and 20-30% (see SBL39524EJPovertyDemographics). The population density in the area near the project site is between 1,000-5,000 people / sq mi (see SBL39524EJPopDensityDemographics). These demographics are consistent with the surrounding community. The proposed action involves the rehabilitation and improvement of an existing commercial 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 proposed action would be beneficial to the local community, by providing increased medical and child care services in addition to employment opportunities. Additionally, the area is currently developed for commercial use and would not expose the employees 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 SBL39524EJChecklist.</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. The proposed action, the rehabilitation of the Providence Seashore House, LLC facility, does not increase residential density, change land use to residential, make a vacant building habitable, involve new construction, or involve a change of land use. Therefore the proposed project is not an applicable activity and will not require a map or distance determination. Additionally, the proposed project will not include the installation of any ASTs on the subject parcel; thus it will not create a potential hazard to nearby residents or businesses.</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 project site is not in an area of prime or unique farmlands or within a farmland of statewide importance (see SBL39524PrimeFarmlandSoilsMap). 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, which includes rehabilitation of a two-story wood frame 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</p>

		<p>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 project site is located within Floodplain Zone A8, which is part of a FEMA-designated Special Flood Hazard Area (SFHA), as shown on the FIRM Panel 4 of 5, Map Number 3452780004D, effective August 15, 1983 (See SBL39524FIRM). The NJDEP HUD Review Tool also indicates that the parcel is in a FEMA Preliminary FIRM SFHA Zone A (the map legend reference incorporates all “A” categories, including “A8”) (See SBL39524PreliminaryFIRMMMap). The property record for the structure provides a value of \$1,212,900 (see SBL39524TaxCard), while the estimated cost of repairs is \$816,216 resulting in a 67% improvement value. The proposed action involving the rehabilitation without elevation of a two-story non-residential structure is therefore considered a “Substantial Improvement”. Steps 1-6 of the 8-Step Floodplain Making Decision Process, as required under 24 CFR 55.20 have been completed for the proposed project (See SBL39524Floodplain8-Step). A 15-day “Notice for Early Public Review of a Proposed Activity in the 100-Year Floodplain” was published in Press of Atlantic City (AC) and El Diario on December 8, 2014 (see SBL39524EarlyEnglishAffidavit and SBL39524EarlySpanishAffidavit). Additionally, the notice was posted to DCA’s website and sent to potentially interested agencies (see SBL39524FloodplainEmailtoAgencies). The 15-day comment period for the notice ended on December 23, 2014. The Division of Land Use Regulation and NOAA Fisheries Greater Atlantic Regional Fisheries Office Habitat Conservation Division responded affirming previously completed consultations in addition to compliance with all regulated activities (see SBL39524FHACacomment and SBL39524NOAAcomment). Additionally, DCA received no public comments (see SBL39524EarlyFloodplainNotice and SBL39524EarlyFloodplainNotice2). DCA will complete step 7 of the 8-step Decision Making Process for Floodplains where the final “Notice of Intent to Take Action in a Floodplain” will be published in the Press of Atlantic City (AC) and El Diario. The final public notice will be published, in accordance with 24 CFR Part 55.20, stating the reasons why the project must be located in the floodplain, providing a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully</p>

		<p>addressed prior to funds being committed to the proposed project. Step 8 is implementation of the proposed action which may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</p> <p>The proposed project, rehabilitation of a non-residential structure, consists mainly of interior and exterior repair work which is regulated by the Flood Hazard Area Control Act rules. 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 Flood Hazard Area Control Act Permit-By-Rule N.J.A.C 7:13-7.2(a)3. Paving of the parking lot and access road qualifies for a Flood Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(d)1. The proposed project must comply with all permit requirements (see Required Mitigation and Project Modification Measures below).</p> <p>The project is required to meet all applicable elevation and construction requirements in accordance with the National Flood Insurance Program (NFIP) and all local floodplain ordinances. In accordance with 44 CFR 60.3(d) flood plain management criteria for flood-prone areas, when the Federal Insurance Administrator has provided a notice of final base flood elevations within zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V (see SBL39524FIRM), the community shall meet the requirements of paragraphs (d)(1) through (9) and (c)(1) through (14) of this section and require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM. The criteria outlined in 60.3(c)(3) require that substantial improvements of non-residential structures within Zones A1-30 have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Additionally, all flood proofing activities must comply with the requirements of paragraphs (c)(4) and (5) of this section (see Required Mitigation and Project Modification Measures below). As required by NFIP,</p>
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		<p>flood insurance must be obtained and maintained for the economic life of the project in order for this site to remain eligible for this program.</p> <p>Additional Sources: 24 CFR Part 55.20; Executive Order 11988</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project 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 November 24, 2014. The email included the form developed by NJHPO for Section 106 disaster recovery evaluations, specifically the "Form 2" which stated URS architectural historians determined the current building to be a historic property individually eligible for listing in the National Register of Historic Places (NRHP) under Criterion A for its local, state, and national significance as one of the earliest regional US Lifesaving Service Stations (USLSS), the precursor to the United States Coast Guard. The submitted form also stated the opinion that the proposed rehabilitation project would not adversely affect historic properties, including the building itself and the surrounding National Register of Historic Places (NRHP) eligible South Atlantic City Historic District. URS suggested that the NJHPO consider recognizing the building's prior function through a state marker or plaque but this was not made into a project condition (see SBL39524DEPForm2URSSubmission).</p> <p>The NJHPO replied in an email dated December 9, 2014 that they did not concur with the URS assessment. The agency stated that the building was evaluated at a New Jersey State Historic Preservation Office (HPO) eligibility staff meeting on December 3, 2014 and determined that it was not eligible for listing on the NRHP, and that there are no historic properties affected within the project's Area of Potential Effects (see SBL39524DEPForm2NJHPOResponse). New Jersey DEP and DCA agree to accept the SHPO finding and the project may proceed without further SHPO consultation on above ground resources. The proposed project is not situated in a local historic district so consultation with the municipal government was not required.</p> <p>The Programmatic Agreement for the program states that an archaeological investigation of the project area 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 SBL39524ProgrammaticAgreement). Following discussion</p>

			<p>between NJHPO, NJDEP and NJDCA that allowance was defined to mean that an archaeological review by SHPO and consultation with the Native American Tribal signatories are 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.</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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project site. 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 15 miles of a major airport. The proposed project site is not located within 1,000 feet of any major or arterial roadway or within 3,000 feet of any railroad (See SBL39524NoiseDetermination). The proposed project site is located approximately 8.5 miles to the southeast of Atlantic City International Airport. Because of the distance between the two locations and the fact that the noise contour zones are limited to the immediate area surrounding the airport, it has been determined that the proposed project site is located outside of the noise contour zones associated with Atlantic City International Airport (See SBL39524AtlanticCityInternationalNoiseMap). Additionally, an abandoned airfield, formerly known as Bader Field, is located to the immediate north-northeast of the proposed project site. However, the airfield was permanently closed for operations as of September 2006. Therefore, Bader Field is not considered to be a noise concern.</p> <p>Because the proposed project site is not located within 1,000 feet of a major or arterial roadway, within 3,000 feet of a railroad, or with any noise contour zones associated with an airport, 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 project or surrounding areas.</p> <p>Additional Sources: HUD Noise Guide and 24 CFR Part 51 Subpart B</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance with 40 CFR 149. The proposed project site is in Atlantic City, Atlantic County, and is within the New Jersey Coastal Plain Aquifer System (see SBL39524SoleSourceAquifersMap), which underlies the entire southern half of the state. Correspondence from NJ</p>

			<p>DEP dated April 8, 2014 states, “new construction or rehabilitation projects that rely on municipal public water and sewer as funded via CDBG-DR will not require consultation from EPA Region 2 as long as their threshold criteria per EPA guidance memos for Regions 1-3 (Region 2 policy memos that I have filed) are not exceeded” (see SBL39524SSAGuidanceMemo04.08.2014). The proposed action site is serviced by municipal water and sewer service providers; specifically, Atlantic City Municipal Utilities Authority and Atlantic City Sewerage Company, respectively (see SBL39524WaterAndSewerServiceProviders Confirmation). Therefore, in accordance with the EPA memo dated August 13, 1996, the proposed action 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” (see SBL39524Memo1996EPASoleSourceAquifer ReviewOfHUDProjects).</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 (See SBL39524WetlandsProtectionMap) and field data (see SBL39524FieldAssessment) indicates that mapped/potential Wetlands are not located within 150 feet of the proposed project site. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands.</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. 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. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Currently there are no rivers within New Jersey under study for possible inclusion in the Wild and Scenic River System. The nearest segment of the Wild and Scenic Rivers System is Great Egg Harbor River which is located 7.9 miles west of the proposed project site (see SBL39524WildScenicRiversMap). Protected resources also include river segments registered in the Nationwide Rivers Inventory. The proposed project site is not within ¼ of a mile from the nearest Wild and Scenic River stream bank or within one-mile radius of a Wild and Scenic River. The proposed activity will have no adverse effect on Wild and Scenic Rivers.</p>

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 is in compliance. 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 Atlantic City International Airport and Newark Liberty International Airport are located approximately 8.5 miles and 92 miles (respectively) from the proposed project site, and therefore are not applicable to the proposed project (see SBL39524AirportClearZonesMap). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is Lakehurst Naval Air Station. The nearest applicable clear zones and accidental potential zones at Lakehurst Naval Air Station are located approximately 45 miles from the proposed project site and therefore, are not applicable to the proposed project. The proposed project is not located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone, and does not involve the sale or acquisition of property. See SBL39524AirportClearZonesMap. [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 5.18 miles northeast of the project site. Therefore, the proposed action would have no impact on coastal barrier resources. See SBL39524CoastalBarrierResourcesMap. [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 site is located in a Floodplain Zone A8, which is part of a FEMA-designated Special Flood Hazard Area as shown on FIRM Panel 4 of 5, FIRM Map Number 3452780004D, effective August 15, 1983 (See SBL39524FIRM). Therefore, flood insurance is required for participation in this program in accordance with 24 CFR 58.6(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.

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 11/8/2014 by Brian Rodriguez. The property location was confirmed by the address on the structure. Mr. Rodriguez inspected the parcel and noted no Recognized Environmental Conditions (RECs). See SBL39524FieldAssessment.

Summary Statement of Findings and Conclusions:

The proposed action 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.)

General:

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.

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:

The property owner will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to any renovations 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; New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Floodplain Management:

The Department of Community Affairs will complete step 7 of the 8-step Decision Making Process for Floodplains as required in 24 CFR 55.20. A final public notice will be published in accordance with 24 CFR Part 55 stating the reasons why the project must be located in the floodplain, providing a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project.

The project is required to meet all applicable elevation and construction requirements in accordance with the National Flood Insurance Program (NFIP) and all local floodplain ordinances. In accordance with 44 CFR 60.3(c), all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm must have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Where a non-residential structure is intended to be made watertight below the base flood level, a registered

professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of 44 CFR 60.3(c)(3)(ii), and provide a certificate which includes the specific elevation (in relation to mean sea level) to which such structure is floodproofed.

Additionally, for all new construction and substantial improvements, fully enclosed areas below the lowest floor (usable solely for parking of vehicles, building access or storage in an area other than a basement) which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Flood Hazard Control Act:

The project qualifies for New Jersey Flood Hazard Control Act, Permit-by-Rule N.J.A.C. 7:13-7.2(a)3 and Permit-by-Rule N.J.A.C. 7:13-7.2(d)1 provided the permit conditions for each are met:

N.J.A.C. 7:13-7.2(a)3 for the reconstruction, relocation and/or elevation of a lawfully existing building outside a floodway, provided:

- i. The footprint of the building is not increased by more than 300 square feet;
- ii. The lowest floor of the building is reconstructed or elevated to at least one foot above the flood hazard area design flood elevation;
- iii. The area below the lowest floor of the building is not used for habitation and remains open to floodwaters, in accordance with N.J.A.C. 7:13-11.5(n), (o) and (p);
- iv. The building is not expanded or relocated closer to any regulated water or within a floodway;
- v. Any building being relocated is either moved outside any riparian zone or situated within an area where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated);
- vi. No vegetation is cleared, cut or removed in a riparian zone, except for vegetation within 20 feet of the building if such disturbance is necessary to facilitate its reconstruction, relocation and/or elevation; and
- vii. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.

N.J.A.C. 7:13-7.2(d)1 for the repaving and/or resurfacing of a lawfully existing paved roadway or paved parking area outside a floodway, provided:

- i. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches;
- ii. The existing roadway is not expanded; and
- iii. No vegetation is cleared, cut or removed in a riparian zone.

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 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.

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)].