

**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: Michael (First) Blount (Last)
_____(Business/Corporate Name)

Project Location: 1745 North Avenue (Street Address)
Commercial (Municipality) Cumberland (County) NJ (State) 08349
213 (Block) 27 (Lot)

FINDING:

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

CERTIFICATIONS:

<u>Laura Sliker, LBG</u> Preparer Name and Agency	 Preparer Signature	<u>5/13/2014</u> 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-34-001	LRRP	\$120,326.63

Estimated Total HUD Funded Amount: \$120,326.63

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds): \$120,326.63

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

The Landlord Rental Repair Program (LRRP) is designed to restore rental properties that were damaged by Superstorm Sandy. It is intended to “fill in the gap” between the cost to repair the rental unit(s) and the funds the landlord has available to make those repairs.

Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]:

The proposed project involves the reconstruction of a single-family rental house within the footprint of the existing damaged building. The applicant plans to salvage the existing building in the reconstruction.

The LRRP provides up to \$50,000 per storm-damaged unit to assist eligible landlords of rental property to repair residential rental property damaged by Superstorm Sandy. To be eligible for the award, the landlord must then rent the repaired unit(s) to low and moderate income families at approved affordable rents. The duplication of benefits analysis takes into consideration all of the funds that the landlord received to repair the damaged unit(s) including insurance, SBA assistance, and any assistance from other sources that were for repair of the structure. To determine the award, other sources of repair funds will be subtracted from the cost to repair.

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	
1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	A		The proposed project is located in Cumberland County with the following air quality status: Nonattainment for 8-Hour Ozone (1997 and 2008). Source: http://www.epa.gov/airquality/greenbk/ (See <i>0602_213_27_AirQualityMap.pdf</i>) The NJDEP Division of Air Quality has issued a Memorandum stating that the activities under the CDBG-DR Program are below the Federal General Conformity regulation’s de minimis thresholds and are presumed to conform to the SIP. <i>Memo 1/23/2014</i> (in file).
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	A		The proposed project not located within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The following distances apply from the project site: Atlantic City International Airport is approximately 27 miles (shown on map); Lakehurst Naval Air Station is approximately 62 miles; and Newark Liberty International Airport 108 miles from the site. (See <i>0602_213_27_AirportClearZoneMap.pdf</i>) Source: NJDEP HUD Environmental Review GIS Tool 2.1

<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p>A</p>	<p>The proposed project is located within the coastal zone. The NJDEP Division of Land Use Regulation has conducted a Coastal Jurisdictional Determination and has concluded that no coastal permits will be required for the reconstruction.</p> <p>(See 0602_213_27_CoastalZoneManagementActMapCAFRA.pdf) See SRP0037411_CoastalJD_040314.pdf Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
---	-----------------	---

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p>A</p>	<p>During field reconnaissance, a pipe coming up from the ground was noted as a potential recognized environmental concern (REC) possibly related to an underground storage tank (UST). See photograph <i>0602_213_27_Photo10_Pipe.pdf</i>. However, upon further consultation with the property owner and Bill Lindner of NJDEP, the pipe was determined to be related to an old drinking well, and is not an environmental concern. <i>(See SRP0037411_LindnerEmail_LRRP_TO0062.pdf)</i> in the Supporting Documentation folder.</p> <p>Upon desktop review, the parcel was found to be within the 3,000 ft. radius of the following “threatening” site on the map.</p> <ol style="list-style-type: none"> 1. Port Norris Express (ID 75645) (cleared 4/3) <p>The site was cleared and is no longer considered a threat (see email correspondence with William Lindner, NJDEP from 04/03/14 and associated spreadsheet in Supporting Documentation folder.</p> <p>The parcel may be within the 3,000 foot radius of additional Hazardous Waste cleanup sites, Landfills, solid waste cleanup sites or Hazardous Waste facilities that handle hazardous materials or toxic substances, however, all sites that were determined by NJDEP to be “non-threatening” to the potential HUD project are not depicted on the map.</p> <p><i>(See 0602_213_27_ToxicHazardousRadioactiveSubstancesMap_Geoweb.pdf)</i> Source: HUD GIS tool did not have Toxics layer for Cumberland County. Potential toxic sites were mapped using the NJDEP Geoweb tool to show NJEMS and known contaminated sites. As per correspondence with Kim McEnvoy, NJDEP from 03/10/14, contaminated site #75645 was the only SRP site within 3000 ft of the project site in need of compliance review. See email <i>SRP0037411_McEnvoyEmail031014_LRRP_TO0062.pdf</i>.</p> <p>The property is in a municipality designated as a Tier 3 municipality for radon potential. No further action required, provided the applicant complies with DCA construction codes. <i>(See SRP0037411_MunicipalityRadonTier_LRRP_TO0062.pdf)</i> Source: http://www.nj.gov/dep/rpp/radon/ctytiera.htm#01 Asbestos investigations on December 13, 2013 did not identify asbestos containing materials at the site. Lead Hazard evaluation conducted on December 7, 2013 found no lead-based pain or lead-based paint hazards.</p>
---	-----------------	---

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p>A</p>	<p>No Effect determination: There are no state or federally listed species identified on the project site. NJDEP Natural Heritage found potential patches of species habitat on or near the project site. ENSP and USFWS reviewed this site and determined a review was necessary only for potential impact to bald eagle nests. USFWS determined that there are no concerns for the project relative to the nearest bald eagle nest.</p> <p>See Response letter from NJDEP, Natural Heritage Program dated 3/19/14 (<i>SRP0037411_NHDResponse_LRRP_TO0062.pdf</i>) and email from Patrick Woerner dated 4/10/14 (<i>SRP0037411_PatWoernerEmail_041014.pdf</i>) in Supporting Documentation folder.</p> <p>(See <i>0602_213_27_LandscapeProjectMap.pdf</i>)</p> <p>Source: NJDEP Landscape Project Database 2012. Note: endangered species habitat layers are not mapped in the HUS GIS Tool for Cumberland County.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p>A</p>	<p>The proposed project is located in an area that does not experience minority or low income populations when compared to the Township and the County as a whole. Due to the residential nature of the project, it is not likely to raise environmental justice issues.</p> <p>(See: <i>SRP0037411_EJChecklis_LRRP_TO0062.pdf</i> and associated documentation in Supporting Documentation folder) Sources: ESRI Community Analyst, US Census Bureau 2010</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p>A</p>	<p>ASD requirements do not apply because the definition for HUD assisted projects at 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations; therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased is not required to apply 24 CFR Part 51 Subpart C.</p> <p>Source: <i>24 CFR Part 51 Subpart C</i></p>

<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p>A</p>	<p>The property is located upon farmland of statewide importance and prime farmland. The USDA NRCS has reviewed the project and has determined that urban activity already exists at the site and that the Farmland Protection Policy does not apply to this project.</p> <p><i>See SRP0037411_FarmlandDetermination_LRRP_TO0062.pdf</i> in Supporting Documentation folder.</p> <p><i>(See 0602_213_27_FarmlandProtectionMap.pdf)</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p>A</p>	<p>The proposed project is not located within the Special Flood Hazard Area.</p> <p><i>(See 0602_213_27_FloodplainMgmtFloodInsuranceMap.pdf)</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p>A</p>	<p>The project is not located within the Historic Property Exemption Zone.</p> <p>A Form 1 (No Historic Properties Affected) was completed. However, the “Undertaking” and “Property Description” sections incorrectly described the project as rehabilitation instead of as reconstruction. Even though this is a reconstruction project, it still qualifies for an exemption since the property is not located near a historic district, the building is not deemed to be historic, and the property is less than ¼ of an acre.</p> <p>The NJ SHPO has concurred that there are no historic properties affected within the proposed project’s area of potential effects.</p> <p><i>(See SRP0037411_SHPO_032414.pdf</i> in Supporting Documentation folder and <i>0602_213_27_HistoricPreservationExemptionZoneMap.pdf)</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</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>A</p>	<p>Noise analysis is not required under 24 CFR Part 51.101(a)(3) which exempts emergency assistance under disaster assistance provisions.</p> <p><i>Source: 24 CFR Part 51.01(a)(3) General Policy</i></p>

<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>		<p>The grantee proposes reconstruction that is located within the Coastal Plains Sole Source Aquifer designated by the EPA. The applicant has indicated the potential need to replace the private well at the site. The following conditions apply:</p> <p>Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood</p> <p>B The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low, and may be less than 30% for parcels on which the current impervious area is unusually high.</p> <p>(See <i>0602_213_27_SoleSourceAquiferMap.pdf</i>) and email in Supporting Documentation Folder.</p> <p>Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>		<p>B The existing structure is located within the wetland transition area. Upon field investigation, wetlands were identified approximately 15 feet from the existing structure. If the structure stays within the existing footprint or the structure is relocated further away from the wetland, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required.</p> <p>(See <i>0602_213_27_WetlandsProtectionMap.pdf</i>, <i>0602_213_27_WetlandSketch.pdf</i>, and <i>602_213_27_Photo1-5_Wetlands1-5.pdf</i>)</p> <p>Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p>A</p>	<p>The proposed project is not located within one mile of a listed wild and scenic river.</p> <p>(See <i>0602_213_27_WildScenicRiversMap.pdf</i>)</p> <p>Source: NJDEP HUD Environmental Review GIS Tool 2.1</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: NJDEP HUD Environmental Review Tool 2.1
(See 0602 213 27 AirportClearZonesMap.pdf)

[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: Coastal Barrier Resources System (CBRS), USFWS, 2010.
(See 0602 213 27 CBRS Mapper.pdf)

[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: NJDEP HUD Environmental Review Tool 2.1
(See 0602 213 27 FloodplainMgmtFloodInsuranceMap.pdf)

[Proceed with project.]

Yes. Cite or attach Source Documentation: _____

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): William Oakes and Dana Flynn on 2/20/2014

Summary Statement of Findings and Conclusions:

It is the finding of this environmental review that the federal action of releasing funding to aid this project will not have a significant impact on the quality of the human environment contingent upon compliance with the AST requirements, wetland protection measures and compliance with the Safe Water Drinking Act of 1974 as specified below.

Required Mitigation and Project Modification Measures: [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20]

The existing structure is located within the wetland transition area. Upon field investigation, wetlands were identified approximately 15 feet from the existing structure. The structure must either stay within the existing footprint or be relocated further away from the wetland and best management practices must be implemented.

The proposed project is located upon a Sole Source Aquifer as designated by the EPA. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood. The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low, and may be less than 30% for parcels on which the current impervious area is unusually high.