Form 2.1 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, Charles Richman, Commissioner

Applicant Name DMM (First) Associates (Last)

-or- Thundering Surf (Business/Project Name)

Project Location 300 Taylor Ave, (Street Address)

Beach Haven (Municipality) Ocean (County) NJ (State)

186 (Block) 1.20 (Lot)

CONDITIONS FOR APPROVAL

Conditions for Approval [40 CFR 1505.2(c)]: (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:
1. Acquire all required federal, state, and county/ local permits and approvals prior to commencement of construction and comply with all permit conditions.
2. 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 (NEPA).

Coastal Zone Management:
The proposed project meets the CAFRA permit-by-rule regulations, as long as the conditions noted in Question 3 of the Statutory Checklist and the DLUR jurisdictional determination (SBL621290_DLUR_CAFRA_Determination_SBL_TO1147) are met. If the scope of work changes and no longer meets these conditions, the application must be resubmitted to DLUR for reevaluation.

Hazardous Materials:
The applicant/facility must provide evidence that proper information, training, and equipment are provided to employees that may handle sodium hypochlorite solution.

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. Flood insurance must be maintained for the extent and

amount of the loan. 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)].

Air Quality
The project must meet the regulatory requirements of New Jersey's Air Rules/Air Pollution Control Requirements (see SBL621290_RevisedGeneralConformityApplicabilityAnalysis_SBL_TO1147). The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:
1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:
a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).
(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "three-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Soils and Water Resources:
The construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control.

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)).

FUNDING INFORMATION

Note: Certification signatures can be found at the end of the document.

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	*Stronger NJ Business Loan*	*$2,671,200.00*
		$0.00
		$0.00

Estimated Total HUD Funded Amount:

$2,671,200.00

Estimated Total HUD Funded Amount Description

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

$2,671,200.00

Estimated Total Project Cost Description

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

The purpose of the proposed action is to update and renovate a portion of the Thundering Surf Water Park and Adventure Golf Course at 300 Taylor Avenue in Beach Haven Borough, New Jersey. Thundering Surf Waterpark and Adventure Golf is a major tourism and local entertainment venue and an important component of the local tourism

sector. The project is proposed is to aid in the revitalization of the tourism industry in Beach Haven Borough and the broader Long Beach Island community.

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 existing Thundering Surf Waterpark and Adventure Golf facility was constructed circa 1989 (see SBL621290_Application_SBL_TO1147 and SBL621290_SiteHistory_SBL_TO1147). The proposed project would involve the following actions on the 1.86 acre parcel at 300 Taylor Avenue, Beach Haven Borough, Ocean County:

- Demolition of the existing miniature golf course;
- Construction of a new, three-level miniature golf course;
- Construction of a new eight-lane racer slide;
- Replacement of the existing multi-level play structure; and
- Replacement of the existing wooden support structure for the water park with a new galvanized steel support structure.

The proposed project would not expand the overall footprint of the park but only affect the internal layout of individual park components.

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

1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	◉ A ○ B	*According to the U.S. Environmental Protection Agency (EPA), Ocean County has been designated a non-attainment area for two NAAQS pollutants (SBL621290_AirQualityMap_SBL_TO1147):* *• moderate attainment area for 8-hour ozone (1997 Standard)* *• marginal attainment area for 8-hour ozone (2008 Standard)* *Additionally, Ocean County is designated as a maintenance area for one NAAQS pollutant criteria:* *• carbon monoxide (1971 Standard)* *Note: EPA revoked the 1979 1-hour ozone standard in 1985, so that NAAQS criteria no longer applies.* *There will be temporary, unavoidable increases in particulate matter levels during proposed construction activities. While air quality will be temporarily affected, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.* *Consultation with NJDEP Division of Air Quality has determined that activities under the CDBG-DR program are below the de minimus thresholds of the Federal General Conformity regulations and are presumed to conform to the State Implementation Plan. The project will meet applicable emission standards and regulations of the State Air Pollution Control Code, and will not have an adverse effect on local or regional air quality (SBL621290_RevisedGeneralConformityApplicability_SBL_TO1147).*
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	◉ A ○ B	*The project is not located within any Clear Zones or Accident Potential Zones (SBL621290_AirportClearZonesandAccidentPotentialZonesMap_SBL_TO1147) nor is it located within 15,000 feet of a military airport or 2,500 feet of a civilian airport (SBL621290_AirportHazardsMap_SBL_TO1147), so no airport hazard effects are expected.* *Atlantic City International Airport is approximately 18 miles; Lakehurst Naval Air Station is approximately 32 miles; and Newark Liberty International Airport is approximately 76 miles from the project.*

3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	○ A ◉ B	*The New Jersey Coastal Area Facility Review Act (CAFRA) of 1973 established the CAFRA zone and boundaries within New Jersey, implementing the requirements of the federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq). Certain activities undertaken within the CAFRA zone are regulated by the NJDEP. The project is located within the CAFRA Zone (SBL621290_CoastalZoneManagementActMapCAFRA_SBL_TO1147).* *Consultation with the NJDEP Division of Land Use (DLUR) was completed to determine CAFRA requirements for the proposed project (SBL621290_DLUR_CAFRA_Determination_SBL_TO1147). DLUR determined that a CAFRA permit for the project was not required per N.J.A.C. 7:7-4.7, Permit-by-rule 7, provided the following requirements are met:* *1. The expansion or relocation is in compliance with the applicable requirements or codes of municipal, State and Federal law:* *2. Except as provided in condition #8 below, the expansion or relocation is not proposed on a beach, dune, or wetland:* *3. In the case of residential development, the expansion does not result in an increase in the number of dwelling units;* *4. In the case of commercial development, the expansion does not result in an increase in the number of parking spaces or equivalent parking area associated with the development;* *5. Except as provided in condition #8 below, the expansion or relocation does not result in additional impacts to special areas as defined at N.J.A.C. 7:7-9;* *6. The expansion or relocation meets the requirements of N.J.A.C. 7:7-9.25 and 9.26, and* *7. The expansion does not increase the surface area of the footprint of the development by a cumulative total of more than 400 square feet on the property constructed after July 19, 1994.* *8. Where the expansion includes structures such as stairs or an ADA-compliant ramp, which are constructed only for access to a residential or commercial development required to be elevated pursuant to the New Jersey Uniform Construction Code, N.J.A.C 5:23, in accordance with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, there is no feasible alternative location for these structures outside of a beach, dune, wetland, or other special areas as defined at N.J.A.C. 7:7E-3.* *As currently proposed, the project meets each of the above requirements.* *The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands (SBL621290_CoastalZoneManagementActMapCAFRA_SBL_TO1147).*

4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]	○ A ◉ B	*The project site is not included in a State or Federal Hazardous Waste sites database.* *The site does contain a sodium hypochlorite solution storage tank. This chemical is used for disinfection of water for the waterpark portion of the facility (see SBL621290_CEST_TO1147_ASTSodiumHypochloriteStorageContainer). The tank is not pressurized and sodium hypochlorite is not a flammable material, therefore no concerns related to explosive or flammable operations (Question 7 below) were noted. Sodium hypochlorite is commonly applied in swimming pools for water disinfection and oxidation and is not considered a hazard when properly applied (SBL621290_NJDOH_NaOCl_Facts_SBL_TO1147). The storage tank appears to be in good condition and is generally not accessible to patrons. The applicant/facility must provide evidence that proper information, training, and equipment are provided to employees that may handle sodium hypochlorite solution.* *(Note: Pressurized AST air tanks were also noted on site. These tanks were found to be in good condition and not of concern related to contamination. The tanks are addressed below under Question 7. Explosive and Flammable Operations). No other recognized environmental concerns were noted from the field review of the site.* *The project site may be within the 3,000-foot radius of a hazardous waste cleanup site, landfill, solid waste cleanup site or hazardous waste facility that handles hazardous materials or toxic substances, however, all sites that were determined by NJDEP to be non-threatening to the potential HUD project are not depicted on the NJ HUD Environmental Review Tool 2.1 map. Only sites determined to be "threatening" by the NJDEP are depicted on the map (SBL621290_ToxicHazardousandRadioactiveSubstancesMap_SBL_TO1147).* *The project site is within the 3,000-foot radius of the Friendly Management Co. Service Station (Site ID# 3255) which was identified as a potentially threatening site. However, based on technical review by NJDEP, this site has been cleared (SBL621290_Toxics_Response_DEP_SBL_TO1147).* *The project is located in Beach Haven Borough, Ocean County, which is designated as a municipality having a Tier 3 radon potential (low radon potential) (SBL621290_RadonPotential_SBL_TO1147). No testing or mitigation for radon is required.* *OSHA regulations presume that surfacing materials used in buildings constructed in or prior to 1980 contain potential asbestos-containing materials (ACMs). HUD lead-based paint (LBP) poisoning prevention rules at 24 CFR Part 35 apply to structures for which construction was completed on or before January 1, 1978. The existing structure was constructed circa 1989 (see SBL621290_Application_SBL_TO1147 and SBL621290_SiteHistory_SBL_TO1147); therefore given the age of the structure, ACMs and LBP were not considered to be present.*

5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	◉ A ○ B	*Consultation with the US Fish and Wildlife Service (USFWS) was completed through a review of the iPaC landscape explorer tool to obtain a preliminary USFWS species list for the project area (SBL621290_USFWS_EndangeredSpeciesReview_SBL_TO1147). The report identified three federally threatened species potentially occurring in the vicinity of the project: piping plover, red knot, and seabeach amaranth.* *Review of the NJDEP HUD Environmental Review Tool 2.1 did not indicate the presence of piping plover, red knot, or northern long-eared bat habitat in the vicinity of the project and no centroid hits were noted for federal or state listed species concerns (SBL621290_EndangeredSpeciesMap_SBL_TO1147).* *Seabeach amaranth occurs on barrier island beaches just above the high tide line, growing on nearly pure sand substrate. As the project limits involve a developed, urbanized area with no habitat capable of supporting seabeach amaranth, no impacts to this species would occur.* *The USFWS also noted that the review of the proposed project should consider effects on the following non-listed migratory bird species: American oystercatcher, Black-billed cuckoo, Hudsonian godwit, Least tern, Lesser yellowlegs, Rusty blackbird, and Wood thrush. As the project site does not include any natural habitat or trees and project activities do not have the potential to take or injure individuals, the proposed project would have no effect on migratory birds or habitat.* *Coordination with the NJDEP, Natural Heritage Program (NHP) through their Natural Heritage Database did not indicate any plant species or habitats of concern on or in the vicinity of the project site (SBL621290_NHP_DatabaseReport_SBL_TO1147). NHP did indicate the potential presence of bottlenose dolphin (an ENSP tracked species) on the project site. The project site does not include nor is adjacent to a marine oceanic habitat used by bottlenose dolphin, therefore the proposed project would not effect this species.* *Additionally, NHP indicated the following animal species potentially present in the vicinity of the project site:* *• Aves (birds): Black skimmer, Black-crowned night heron, Caspian tern, Cattle egret, Common tern, Glossy ibis, Gull-billed tern, Least tern, Little blue heron, osprey, Snowy egret, Tricolored heron, and Yellow-crowned heron.* *• Mammals: Fin whale, Humpback whale, and North Atlantic right whale.* *As noted, review of the NJDEP HUD Environmental Review Tool 2.1 did not indicate the presence of any of these species or any centroid hits indicating federal or state species concerns. No natural vegetation or habitat exists on or adjacent to the project site, so the proposed project would not directly effect these bird species or their foraging or nesting activities. Also, the project site does not include nor is adjacent to a marine oceanic habitat, so the proposed project would have no effect on marine mammals.* *The proposed project would have No Effect on any federal or state-listed endangered or threatened species. Based on coordination with federal and state agencies and assessment of effects, compliance with the ESA is complete and no additional consultation is required.*

6. Environmental Justice [Executive Order 12898]	◉ A ○ B	*Executive Order (EO) 12898 requires Federal agencies to consider and address disproportionately high and adverse human health or environmental effects on minority and low-income populations resulting from their actions.* *The project site is in a predominantly coastal urban area consisting of local businesses, residential homes, and seasonal rental properties.* *The population of the Census demographic designation which includes the area surrounding the project site exhibits approximately 8 percent minority population (Census block group 7380.02.1) (SBL621290_EnvironmentalJusticeMap_PercentMinority_SBL_TO1147). Those living below the poverty level in the general area comprise approximately 6% of the population (Census tract 7380.02) (SBL621290_EnvironmentalJusticeMap_PercentPoverty_SBL_TO1147).* *The proposed project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services which may be of importance to environmental justice populations. The project would not generate disproportionately high and adverse environmental impacts on environmental justice populations (SBL621290_EnvironmentalJustice_Checklist_SBL_TO1147).*
7. Explosive and Flammable Operations [24 CFR 51C]	◉ A ○ B	*The proposed action is in compliance with 24 CFR Part 51 Subpart C.* *The project currently proposes the rehabilitation of an existing commercial facility with no proposed change in use. No ASTs containing potentially explosive or flammable substances were identified within a 1-mile radius of the project site.* *Pressurized air ASTs were noted on the site (see SBL621290_CEST_TO1147_ASTPressurizedAirTanks) but these do not meet the definition of a hazardous substance (24 CFR 51.201), which is defined as petroleum products (petrochemicals) and chemicals that can produce blast overpressure or thermal radiation levels in excess of the standards set forth in §51.203 and included in the list of hazardous materials provided in Appendix I of the regulations (Note: neither air nor sodium hypochlorite are included on the list of hazardous substances provided under Appendix I of associated with the 24 CFR 51.201).*
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	◉ A ○ B	*The project site is urbanized with no associated agricultural lands. According to the NJDEP HUD Environmental Review Tool, the project site is not located on land classified as containing prime farmland soils (SBL621290_FarmlandProtectionMap_SBL_TO1147). The soils on the property are not designated as farmland of unique or statewide importance and the project is located in the Census-designated New York-Newark, NY NJ- CT urbanized area. Therefore, the requirements of the federal Farmland Protection Policy Act (FPPA) are not applicable.*

9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	○ A ◉ B	*Pursuant to 24 CFR 55 and EO 11988, the proposed project was evaluated to determine potential effects within a flood hazard area. The project is located in the 100-year floodplain (Zone AE) on the FEMA Preliminary Flood Insurance Rate Map (FIRM) (SBL621290_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SBL_TO1147). (Note: the floodplain map and legend using the NJDEP HUD Environmental Review Tool depicts the floodplain zone as "A", which is a generalized category that includes FEMA-designated zone "AE" and other non-coastal 100-year floodplain areas).* *Under HUD regulations, this project consists of a "substantial improvement" to a nonresidential structure and is therefore not exempt from the requirements of 24 CFR 55.20 (24 CFR 55.12). The proposed project is considered a "substantial improvement" [24 CFR 55.2(b)(10)(i)] because the rehabilitation cost is more than 50% of the 2015 assessed value of the property:* *- HUD funding: $2,671,200.00* *- Assessed property value: $3,152,700.00* *- HUD funding/percentage of improvement: 85%* *As a substantial improvement, the project is subject to the HUD floodplain management decisionmaking process at 24 CFR Part 55.20, which contains eight steps including public notice and an examination of practicable alternatives.* *An 8-Step Floodplain Analysis was completed to comply with EO 11988 and HUD 24 CFR 55 (SBL621290_8StepFloodplainAnalysis_SBL_TO1147). The analysis determined there is no practicable alternative to locating the proposed action in the floodplain, 1) the need to revitalize the local community and tourism sector through enhancement of key recreational attractions; 2) the lack of alternative and comparable locations outside of a flood hazard area; and 3) the limited scope of the proposed project related to impacts on human health,public property, and floodplain values.* *Overall, construction of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of flood waters on the project site or surrounding areas. Implementation of the proposed action would provide necessary improvements with no net-change in floodplain development compared to pre-Sandy conditions. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and Executive Order 11988 on Floodplain Management (42 FR 26951).* *The applicant is required to maintain flood insurance for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less).* *The DCA will ensure that the project is constructed as proposed to ensure no adverse floodplain impacts. Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project. The applicant is required to obtain all required federal, state, and county/local permits prior to commencement of construction and comply with all permit conditions. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act (NEPA).*

10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	◉ A ○ B	*The proposed project complies with Section 106 of the National Historic Preservation Act and applicable regulations at 36 CFR 800.* *The proposed project is composed entirely of work included in the Tier I or Tier II allowances of the Programmatic Agreement between the Federal Emergency Management Agency (FEMA), New Jersey State Historic Preservation Officer (SHPO), New Jersey Office of Emergency Management, the Advisory Council on Historic Preservation (ACHP), the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans.* *The project site is within the Historic Property Exemption Zone ("Green Zone") according to the NJDEP HUD Environmental Review Tool (SBL621290_HistoricPreservationExemptionZone_SBL_TO1127). This zone includes areas determined by SHPO to contain no above-ground historic properties. Therefore, the proposed project is defined as having no effect on above-ground standing structures and no additional consultation is required.* *Regarding archaeological resources, the project site is located on a barrier island, is not located within an archaeological site grid and does not have any of the exceptions listed in Tier II Programmatic Allowance 1 in Appendix B of the Programmatic Agreement. The proposed project does not involve reconstruction, elevation or other earth-disturbing activities. Therefore, the proposed project is defined as having no effect on below ground archaeological resources and no additional consultation is required.*
11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	◉ A ○ B	*24 CFR 51.101 (a)(2) states that activities considered to be "noise sensitive land development" must comply with the noise criteria and standards of 24 CFR 51B. As the proposed action does not involve noise sensitive uses (housing, mobile home parks, nursing homes, hospitals and other non-housing uses where quiet is integral to the project's function), it is not considered to be a "noise sensitive land development" and the HUD regulations concerning noise abatement and control are not applicable.* *The only noise expected from the project will be temporary construction noise that will cease once construction is complete. The project is located in an urban area and the construction will not require any significant noise-creating activities (i.e. blasting, pile driving, etc.). Construction noise is not expected to appreciably add to existing ambient levels.*

12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	◉ A ○ B	*The proposed project is in compliance with 40 CFR 149. The project site lies within the NJ Coastal Plain Aquifer System (SBL621290_SoleSourceAquiferMap_SBL_TO1147).* *NJDEP guidance indicates that new construction or rehabilitation projects that rely on municipal public water and sewer will not require EPA consultation. The Borough of Beach Haven Water Department (currently being supplied from the Long Beach Township Water Department) provides potable water service and the Beach Haven Sewer Utility (member of the Ocean County Utilities Authority) provides waste water service to the subject property. Proposed improvements will not change existing impervious coverage of the area. Therefore, there will be no net effect to aquifer recharge as a result of project completion. Furthermore, the project has a highly unlikely potential to impact ground water during or after construction and therefore has a highly unlikely potential to create a significant hazard to public health.* *Therefore, as the project site is served by municipal sewer and water, the project meets the exemption criteria in the 1996 EPA Guidance memo as confirmed by HUD (SBL621290_SSAGuidance_SBL_TO1147) and project review or consultation with EPA is not required.*
13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	◉ A ○ B	*The proposed project is in compliance with 24 CFR 55 and EO 11990. Based on review of the NJDEP HUD Environmental Review Tool, no New Jersey mapped jurisdictional wetlands are located within or adjacent to the project site (SBL621290_WetlandsProtectionMap_SBL_TO1147). No potential wetlands or wetland conditions were noted during the field review of the project site. Additionally, based on a review of the USFWS Wetlands Mapper application, there are no National Wetland Inventory (NWI) wetlands located in or near the project site (SBL621290_USFWS_Wetlands_SBL_TO1147). Therefore, the proposed project would have no direct or indirect effect on coastal or freshwater wetlands.*
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	◉ A ○ B	*The proposed project is in compliance with 36 CFR 2971. The project site is not located within 1/4 mile of a designated Wild and Scenic River (WSR) stream bank and will have no adverse effect on protected WSRs. The closest designated WSR (Great Egg Harbor River) is approximately 21 miles from the project site. Additionally, the project site is not located within a one-mile radius of a WSR or its tributaries (SBL621290_WildandScenicRivers Map_SBL_TO1147). Therefore, the proposed project would have no adverse effect on WSRs and consultation and review by the National Park Service is not required.*

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: [Project complies with 24 CFR 51.303(a)(3)]]

See SBL621290_AirportClearZonesandAccidentPotentialZonesMap_SBL_TO1147 and

SBL621290_AirportHazardsMap_SBL_TO1147.

☐ **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: [Proceed with Project]

The project site is not located within a regulated System unit or an Otherwise Protected Area boundary of the Coastal Barrier Resources Act. The project site is approximately 4,474 feet from the nearest boundary of an Otherwise Protected Area under the CBRA. See SBL621290_CoastalBarrierResourcesActMap_SBL_TO1147. Further consultation with the USFWS is not required.

☐ **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 project area lies within a FEMA-identified floodplain (AE) and will involve construction within a special flood hazard area (SBL621290_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SBL_TO1147).

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.**

◯ **N/A**

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Field inspection of the project site was completed on July 13, 2015 by Richard Grubb Associates, Inc. under contract to Gannett Fleming, Inc.

Summary Statement of Findings and Conclusions:

The purpose of this project is to update and renovate, replace and demolish parts of Thundering Surf Water Park and Adventure Golf Course, located at 300 Taylor Avenue in Beach Haven, NJ. The existing site is occupied by the Water Park and a 36-hole Adventure Golf Course, built in 1989. Project activities will include: Demolition of the existing golf course, construction of a new, three-level miniature golf course, construction of a new eight-lane racer slide, replacement of the existing multi-level play structure, and replacement of the existing wooden support structure for the water park with a new galvanized steel support structure. The proposed project would not involve a change in the footprint of the structure or area of impervious coverage.

Completion of this categorical exclusion environmental review and associated consultation confirms that the proposed project would not have a significant environmental impact and that further assessment is not necessary. HUD funding of the proposed action, with implementation of required mitigation measures and best management construction practices would not have a significant impact on the quality of the human environment.

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

General:
1. Acquire all required federal, state, and county/ local permits and approvals prior to commencement of construction and comply with all permit conditions.
2. 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 (NEPA).

Coastal Zone Management:
The proposed project meets the CAFRA permit-by-rule regulations, as long as the conditions noted in Question 3 of the Statutory Checklist and the DLUR jurisdictional determination

(SBL621290_DLUR_CAFRA_Determination_SBL_TO1147) are met. If the scope of work changes and no longer meets these conditions, the application must be resubmitted to DLUR for reevaluation.

Hazardous Materials:
The applicant/facility must provide evidence that proper information, training, and equipment are provided to employees that may handle sodium hypochlorite solution.

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. Flood insurance must be maintained for the extent and amount of the loan. 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)].

Air Quality
The project must meet the regulatory requirements of New Jersey's Air Rules/Air Pollution Control Requirements (see SBL621290_RevisedGeneralConformityApplicabilityAnalysis_SBL_TO1147). The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:
1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:
a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).
(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "three-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4

engines, or equipment equipped with an exhaust retrofit device.

Soils and Water Resources:
The construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control.

CERTIFICATIONS

Russell Spangler, Gannett-Fleming	2015-08-11 17:29:27
Preparer Agency and Name	Completion Date

RE Certifying Officer Name	RE Certifying Officer Signature	RE CO Signature Date