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Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: Tropical Storm Ida Community Development Block Grant – Disaster Recovery (CDBG-DR) Long-Term Recovery and Mitigation Support Grants Homeowner Assistance and Recovery Program

Responsible Entity: New Jersey Department of Community Affairs (DCA)

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: New Jersey

Preparer: ICF

Certifying Officer Name and Title: Samuel Viavattine, Deputy Commissioner

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): ICF
Point of Contact: Tanner Melendez and Steven Sherman, ICF

Direct Comments to:

DRM.EHPComments@dca.nj.gov
Division of Disaster Recovery and Mitigation
New Jersey Department of Community Affairs
101 South Broad Street
PO Box 823
Trenton, NJ 08625-0823

Project Location: 376 Pennington Ave., Passaic City, NJ 07055

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

This is the site-specific review for activities eligible under the Homeowner Assistance Recovery Program (HARP). The proposed activity is reconstruction of the single-family residential structure at 376 Pennington Ave., Passaic City, NJ 07055 (HARP010741R). The structure was damaged as a result of Tropical Storm Ida. The structure was constructed in 1951. Proposed

work would include demolition, sitework, and design and construction of a 2-bedroom / 1,020 square-foot home consistent with program standards. The project was originally scoped as a rehabilitation with potential elevation; however, during feasibility review, it was determined that the project exceeded the rehabilitation threshold. As a result, the determination was flipped, and full demolition with reconstruction of a new, compliant structure was recommended to better achieve program standards and long-term resilience. All activities would be limited to the disturbed area of the previously developed lot. The location of the proposed activity can be seen in the Project Location Map in Appendix A.

Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a)(3)(i), and subject to laws and authorities at §58.5_____

Funding Information

Grant Number	HUD Program	Funding Amount
B-21-DF-34-0001	CDBG-DR, Homeowner Assistance and Recovery Program (HARP)	$359,100.00

Estimated Total HUD Funded Amount: $359,100.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:** $359,100.00

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	The project is in compliance. The project activity site is not located within 2,500 feet of a civil commercial service airport or within 15,000 feet of a military airport. See the Airport Hazards Map in Appendix B.

Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	The designated Coastal Barrier Resources System units in New Jersey are uninhabited and are not located along any of the 12 county HUD or Grantee MID areas (including Passaic County). See the Coastal Barrier Resources Map in Appendix C. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	There is a regulatory floodway mapped within the proposed action's property boundary. The application property is within the 100-year floodplain (SFHA: [Zone AE]). See FIRM Map in Appendix D. Although the FIRM indicates that the applicant structure is located within the 100-year floodplain and a small portion of the structure appears to be intersected by the floodway, a Letter of Map Amendment dated 7/29/2019 determined that the structure is located in Zone X (Shaded) (500-year floodplain). See Letter of Map Change documentation in Appendix D. Therefore, the structure is located outside of the Special Flood Hazard Area (SFHA) and flood insurance is not required.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☐ No ☒	The project is in compliance. Emissions associated with project activities are estimated to be well below *de minimis* thresholds under the General Conformity Rule. Section 176(c) of the Clean Air Act (CAA) requires that any federally funded activity in a nonattainment or maintenance area conforms to the State Implementation Plan (SIP). Conformance with the SIP requires the project activity not: • Cause or contribute to a new violation of any standard in any area;

		• Increase the frequency or severity of any existing violation of any standard in any area; or • Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. <u>Ozone</u> The State of New Jersey is in nonattainment for the 2015 8-Hour Ozone federal standard of 0.070 parts per million (ppm) and 2008 8-Hour Ozone. New Jersey's nonattainment areas are associated with two larger multi-state nonattainment areas: New York-Northern New Jersey-Long Island and Philadelphia-Wilmington-Atlantic City. Both of New Jersey's nonattainment areas have been classified as either "marginal" or "moderate" ozone nonattainment areas. Passaic County is classified as an area of non-attainment for 8-Hour Ozone (2008 and 2015). Passaic County is classified as "severe 15" for the 8-Hour 2008 standard and "moderate" for the 8-Hour 2015 standard. The 8-Hour Ozone (1997) standard was revoked on April 6, 2015, and the 1-Hour Ozone (1979) standard was revoked on June 15, 2005. See Figure E-1 and Figure E-2 in Appendix E. <u>Emissions from proposed project</u> Direct emissions from project activities are associated with mobile sources used during reconstruction, rehabilitation, elevation, and mitigation activities, which include plate compactors, loaders, backhoes, cranes, tractors, and excavators. No or minimal indirect emissions associated with project activities are anticipated. Project activities would not delay attainment of NAAQS or contribute to a new or existing violation. Demolition and construction activities may contribute to temporary, short-term emissions of dust proximate to the project site but are not expected to affect air

		quality. Implementation of Best Management Practices (BMPs) during construction activities would contribute to dust suppression. See Figure E-3 and Figure E-4 in Appendix E for consultation with NJDEP for NAAQS and SIP compliance. <u>Conclusion:</u> Project activities are not expected to have a significant impact on ozone, and the proposed action is not expected to exceed *de minimis* thresholds established under 40 CFR 93.153. Therefore, the proposed action is exempt from General Conformity requirements and is in compliance with the CAA.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The project is in compliance. The application site is not located within a designated Coastal Zone Management Area, the Upland Waterfront Development area, the New Jersey Hackensack Meadowlands District or the Tidelands Claims mapped area. See Coastal Zone Map in Appendix F.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☒ No ☐	The project is in compliance. There were no federally listed toxics sites of concern within the review radius. There are no Superfunds or Brownfields within 3,000 feet. No Toxic Releases, Water Discharges, Air Pollution, Hazardous Waste and Toxic Substances Control Act site were found within 250 ft of the property. There were no NJDEP state toxics sites identified within 250 ft. of the project site. The CDC National Environmental Public Health Tracking Network database was used to find radon testing results in Passaic County within the last 10 years. Seven (7) tests were available in Passaic County between 2016 and 2026. The average radon concentration for these tests is 1.71 pCi/L. Based on CDC data, radon concentrations in Passaic County do not exceed 4.0 pCi/L and therefore, testing or mitigation is not required. See Federal and State Toxics Maps and Passaic County radon testing results in Appendix G. Based on review of regulatory databases and other

		information sources, the applicant site DOES NOT appear to be located proximate to a site(s) of environmental concern or have any identified environmental concerns that could impact the site (see Site Inspection in Appendix N). Based on a build date of 1951, LBP and Asbestos measures are required prior to project activities. Mitigation measures for LBP and asbestos are described below.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The project is in compliance. No effect determination reached in consultation with USFWS through IPaC on 4/23/2026. No critical habitat or threatened/endangered species are present on the property. No tree clearing will occur. See Endangered Species Map and Species List in Appendix H.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	The project is in compliance. HUD regulations require that there will be no increase in the number of housing units on the property than existed before Tropical Storm Ida. Project activities do not include construction that will increase residential density. No additional housing units will be added to the property.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	The project is in compliance. Activities are contained within the applicant's pre-storm property. A change in land use will not occur. No required mitigation measures apply. Project activities on previously disturbed ground are compliant with the Farmlands Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☒ No ☐	The 0.2 percent annual chance flood approach was used to evaluate the project's location within the Floodplain of Concern. The application property is within the 100-year floodplain (SFHA: [Zone AE]). See FIRM Map in Appendix D. Although the FIRM indicates that the applicant structure is located within the 100-year floodplain and a small portion of the structure appears to be intersected by the floodway, a Letter of Map Amendment dated 7/29/2019 determined

		that the structure is located in Zone X (Shaded) (500-year floodplain). See Letter of Map Change documentation in Appendix D. A portion of the applicant property is located within the FEMA regulatory floodway. Therefore, it was necessary to perform the 8-Step Floodplain Decision-Making Process. The first six steps of the 8-step floodplain decision making process in 24 CFR 55.20 were completed for the proposed project (See 8-Step Floodplain Analysis in Appendix D). The Early Floodplain/Wetland Notice was posted in English and Spanish on the NJDCA website on 2/27/2026 (See Early Floodplain Notices and Postings in Appendix D). As a part of the notice, NJ DCA held a public comment period for the public to "…express concern and provide information about these areas." No comments were received on the Early Floodplain Notice published on 2/27/2026 as part of Step 2 of the process (See No Comment Confirmation in Appendix D). It was concluded that there is no practicable alternative to implementing the proposed project in the Floodplain of Concern in Passaic County. Step 7 is the publication of a Final Floodplain Notice, which will be combined with the Notice of Finding of No Significant Impact and the Notice of Intent to Request Release of Funds. The Final Notice will be published in accordance with 24 CFR Part 55 for a 15-day public comment period. All comments received during the comment period will be addressed prior to funds being committed to the proposed project. In addition, as a condition of HUD assistance as stated in 24 CFR 55.8(a)(1)(ii); a permanent covenant shall be applied to the property to restrict buildings or improvements that may modify or occupy the floodway. The total estimated project cost is $359,100.00. Based on an interior area of 1,190 square feet, the Market Structure Value is $261,919.00. Therefore, the cost of

		the proposed project is approximately 137% of the pre-storm value of the structure. Based on the proposed action of reconstruction and the project cost, the project meets FEMA's definition of substantial improvement and elevation of the structure is required. Elevation activities in the floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Elevation requirements would be determined using the Floodplain of Concern elevation.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☐ No ☒	The original project was in compliance. The structure was built in 1951. The project does require State Historic Preservation Office (SHPO) consultation. A Programmatic Agreement developed in accordance with National Historic Preservation Act Regulations at 36 CFR § 800.14(b) between the DCA and NJ Historic Preservation Office (HPO), the Advisory Council on Historic Preservation (ACHP), the Delaware Nation, Delaware Tribe of Indians, the Stockbridge-Munsee Community, the Absentee Shawnee Tribe of Indians of Oklahoma, and Shawnee Tribe provides the mechanism for evaluating site-specific effects on historic properties related to CDBG-DR funding activities for Tropical Storm Ida recovery. The Programmatic Agreement sets forth the procedures for: • Evaluating whether the funded activity has the potential to affect a historic property, regardless if any are known to exist at the project site; • If activities may have an effect, provides the process for determining whether the property is listed on or eligible for the National Register of Historic Places (NRHP); • If there is a historic property or district, assessing effects on the

		characteristics that qualify it for the NRHP. The initial proposed scope of work that entailed the construction of a utility building did not meet Tier II Programmatic Allowances for Above Ground Resources or for Archaeological resources and required National Historic Preservation Act Section 106 consultation. The updated proposed scope of work entails the reconstruction of the house, which includes filling in the basement and elevating all mechanics to above ground level. No Above Ground Historic Properties are within the APE, and no Above Ground Historic Properties would be affected by the proposed scope of work. No Archeological Historic Properties would be affected by the proposed scope of work. SHPO concurred no historic properties would be affected by the proposed project on July 23, 2025. Upon review of the updated proposed scope of work, the previous Section 106 Consultation findings remain valid as no additional archaeological or above ground resources are within the APE. SHPO concurred no historic properties would be affected by the proposed project on April 9, 2026. The comment period ended on April 18. 2026. Section 106 Consultation is concluded. See Historic Preservation Map in Appendix I.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☐ No ☒	The project is in compliance. The activities are contained within the applicant's pre-storm property. HUD has determined that 24 CFR Part 51 Subpart B is not applicable to disaster recovery programs provided that the disaster assistance is provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. Therefore, project activities that do not increase residential density and involve

		rehabilitation or reconstruction on the same parcel of land do not require additional review. See Noise Email in Appendix J.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☐ No ☒	The project is in compliance. The project is not located on a sole source aquifer. See Sole Source Aquifer map in Appendix K.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☒ No ☐	The project is in compliance. There is a NWI-mapped wetland intersecting the project property approximately 15 ft from the project structure (see Wetlands Map in Appendix L). The site inspection indicated that the MacDonald Brook, a stone and mortar walled constrained waterway, runs along the back of the property behind the home (See site inspection in Appendix N). Project activities would involve reconstruction of a single-family home on a previously disturbed parcel. Because of the project activity's location within 150 ft of a mapped wetland, the 8-step decision-making process was required. The first six steps of the 8-step floodplain decision making process in 24 CFR 55.20 were completed for the proposed project (See 8-Step Floodplain Analysis in Appendix D). The Early Floodplain/Wetland Notice was posted in English and Spanish on the NJDCA website on 2/27/2026 (See Early Floodplain Notices and Postings in Appendix D). As a part of the notice, NJ DCA held a public comment period for the public to "…express concern and provide information about these areas." No comments were received on the Early Floodplain Notice published on 2/27/2026 as part of Step 2 of the process (See No Comment Confirmation in Appendix D). It was concluded that there is no practicable alternative to implementing the proposed project in the floodplain and wetland in Passaic County. Step 7 is the publication of a final floodplain notice, which will be combined with the Notice of Finding of No Significant Impact and the Notice of Intent to Request Release of Funds. The final

		public notice will be published in accordance with 24 CFR Part 55 for a 15-day public comment period. All comments received during the comment period will be addressed prior to funds being committed to the proposed project. Adverse wetlands impacts are not considered likely. BMPs for erosion and sedimentation control would be implemented as part of HARP. Such BMPs would include: • Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance. • Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed. • Existing drain inlets are to be protected from debris, soil, and sedimentation. • No heavy equipment is to be operated within wetlands. Using best management practices, no adverse impact to the wetland is expected. Site-specific conditions are included below.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☐ No ☒	The project is in compliance. As seen in the Wild and Scenic Rivers Map in Appendix M, the closest wild and scenic river is Musconetcong between Warren and Morris County. There are no Wild and Scenic Rivers in Passaic County or nearby surrounding Counties.

Field Inspection (Date and completed by)**:**

DCA Inspection Date: 2/25/2025

Inspection Report Preparer: ICF

Inspection Report Prepared Date: 1/14/2026

Summary of Findings and Conclusions:

Environmental analysis has been completed and determined that mitigation measures would be required to avoid adverse impacts to contamination and toxic substances, floodplain management, and wetlands protection.

Based on the findings of this CEST, the project is not anticipated to have adverse impacts with implementation of the mitigation measures listed below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Contamination and Toxic Substances	The applicant must comply with all laws and regulations concerning the proper handling, removal, and disposal of hazardous materials (e.g., asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods). The structure was built prior to 1982, therefore Asbestos testing is required. All activities must comply with applicable federal, state, and county laws and regulations regarding asbestos, including but not limited to the following: • 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, 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. The structure was built prior to 1978. Therefore, LBP testing is required. 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 35(b)(h)(j).

Floodplain Management	Consistent with 24 CFR 55.8, a permanent covenant or comparable restriction will preserve all onsite Floodplain of Concern and/or wetland areas from future development or expansion of existing uses in the floodplain. Any rehabilitation that does not expand the footprint of the buildings or the number of units on the site would be allowed within the Floodplain of Concern outside of the floodway. Elevation activities in the floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Elevation requirements would be determined using the Floodplain of Concern elevation.
Wetlands Protection	The action agency will implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters and to prevent erosion in onsite and off-site wetlands and waters. The action agency will minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns. Staging activities should occur in the front yard to further minimize any potential wetland disturbance.

Conditions for Approval

The following mitigation measures are required as conditions for approval of the project:

1. Acquire all required federal, state, and local permits prior to construction and comply with all permit conditions.
2. Must meet Green Building Standards as defined by one or more of the following categories: ENERGY STAR; EPA Indoor AirPlus; Leadership and Energy in Environmental Design (LEED); and/or ICC-700 National Green Building Standards.
3. If the scope of work of a proposed activity changes, the application for funding must be revised and resubmitted for reevaluation under NEPA.

Historic Preservation

4. All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the, the New Jersey State Historic Preservation Officer, the Advisory Council on Historic Preservation, 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, as signed onto by the New Jersey Department of Community Affairs.
5. If project activities uncover archaeological deposits, including any Native American pottery, stone tools, bones, or human remains, the project shall be halted, and the applicant shall immediately stop work in the vicinity of the discovery and take reasonable measures to avoid or

minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform DCA and DCA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).

Floodplain Management and Flood Insurance

6. Structures and insurable properties in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)].
7. 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)].
8. All structures funded by the HARP Program, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.

Endangered Species

9. **Indiana Bat and Northern Long-eared Bat**
    a. The project proponent will provide the contractor with educational materials describing bat use of buildings.
    b. During the project, if any evidence of bat occupancy (e.g., live or dead bats, guano, staining at entry points) is observed or suspected, the contractor must immediately pause work on the structure and contact the project proponent. In turn, the project proponent must contact the Service for further guidance.
    c. If a federally listed bat species is determined to be present, the federal action agency (or project proponent, if designated as a non-federal representative) must reinitiate consultation with the Service before continuing project activities that may disturb the bats.
10. **Tricolored Bat**
    a. If the proposed project is not completed prior to the effective date of a final rule to list the tricolored bat (anticipated in 2026), the project proponent should reinitiate coordination with the Service to determine if additional conservation measures may be appropriate to avoid adverse effects to the species.
11. **Bog Turtle**
    a. The NJ State Soil Conservation Committee's standards for soil erosion and sediment control will be utilized in BMP's for the property to minimize potential indirect effects to bog turtles and their habitat.
12. **Monarch Butterfly**
    a. The monarch butterfly (Danaus plexippus, proposed threatened) may occur within the action area. This project is not likely to jeopardize the continued existence of this species; therefore, ESA Section 7(a)(4) conference is not required. Once a final rule to list the monarch butterfly is published and goes into effect (typically 30–60 days after publication), Section 7(a)(2) requirements for consultation and Section 9 prohibitions against unpermitted 'take' of the species will apply. If the proposed project is not completed prior to the effective date of a final rule to list the monarch butterfly, the action agency should assess the project's potential impacts to monarch butterflies and reinitiate consultation with the Service if remaining project activities 'may affect' the species. For assistance, contact the New Jersey Field Office. Information on the monarch butterfly is available at https://www.fws.gov/species/monarch-danaus-plexippus.

b. The Service encourages adherence to best management practices for avoiding impacts to the monarch from project activities and improving habitat where possible; https://www.fws.gov/media/narratives-and-best-practices-federally-listed-proposed-and-candidate-species-new-jersey

13. **Bald Eagles:**
    a. If any of the aforementioned activities (rehabilitation, demolition, or rebuilding) are planned to take place within 660 feet of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (January through July or through fledging), it is recommended that the applicant or their designated agent coordinate with the New Jersey state agency responsible for wildlife management. For more information, please visit the Service's regional web page: https://www.fws.gov/program/eagle-management/eagle-incidental-disturbance-and-nest-take- permits.
14. **Migratory Birds:**
    a. The MBTA prohibits incidental injury and killing of birds (including nests, eggs, and chicks), including in your project's action area. Stressors to consider include vegetation removal or alteration (including spread of invasive species); ground disturbance; structures (e.g., window glass, tall features, overhead powerlines, entrapment hazards); lighting; noise; chemical hazards; features or activities that may promote feral cat or predator populations; and human presence. Migratory birds are protected year-round but are particularly vulnerable during their breeding season (March 15 September 15 for many species), during which we recommend conducting field surveys no more than five days before project activities to locate any nests, eggs, and flightless birds. If breeding birds are present in your action area, the Service recommends postponing activity and/or implementing conservation measures that minimize disturbance and avoid violating the MBTA. Please refer to the Migratory Birds section of your IPaC Report for additional information on birds of conservation concern that may occur in the action area, including their breeding season dates and web links to help identify stressors and inform conservation measures. For projects that cannot avoid impacts to migratory birds, proponents should contact the Service's Migratory Birds Project for information on permitting (https://www.fws.gov/program/migratory-bird-permit).
    b. If any native birds are nesting in the structures, it is important to avoid disturbing adults, nests, eggs, or chicks to prevent potential violations of the Migratory Bird Treaty Act. If nests are found or birds are regularly using the structures for roosting, it is recommended that the applicant or their designated agent coordinate with the Service's Field Office. Additionally, they should visit the Service's Migratory Bird Program website at https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory- birds for guidance on how to avoid and minimize impacts.

Wetlands Protection and Water Quality

15. Implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters and to prevent erosion in onsite and off-site wetlands and waters.
16. Minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns.

Noise

17. Outfit all heavy equipment with operating mufflers.
18. If applicable, comply with local noise ordinance.
19. If application site is in a high noise area, then use appropriate Green Building Standard methods (see Condition 2) to attenuate.

Air Quality

20. Use water or chemical dust suppressant to control excessive dust in exposed areas.

21. Cover the load compartments of trucks hauling dust-generating materials.
22. Dust emissions either windblown or generated from construction activities should be controlled to prevent offsite impacts or material tracked onto the roadways. N.J.A.C. 7:27-5.2.
23. Air pollution including odors that are detectable offsite that are injurious to human health or would result in citizen complaints are prohibited. N.J.A.C. 7:27-5.2.
24. Wash heavy trucks and construction vehicles before site departure.
25. Reduce vehicle speed on non-paved areas and keep paved areas clean.
26. Retrofit older equipment with pollution controls.
27. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
28. 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. 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. Stationary storage tanks 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. Tanks, reservoirs, containers, or bins 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. Stationary reciprocating engines 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).
    e. The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-21 for stationary permitting requirements. This includes but is not limited to, construction equipment-stationary construction equipment or emergency generators, may require air pollution permits if it is located on the site for longer than one-year N.J.A.C. 7:27-8.2(d)15. There are general permits for boilers and emergency generators (https://www.state.nj.us/dep/aqpp/gp.html) if the units can meet the prescribed requirement in the general permits.

(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.)

29. Any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in N.J.A.C. 7:27-14 and 15. Minimize idling and ensure that all on-road vehicles and non-road construction equipment at the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non- Road Diesel Rule (40 CFR Parts 9, 69, 80, 89, 94, 1039, 1051, 1065, 1068).
30. If possible, operate newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines or an exhaust retrofit device.

Hazardous Materials

31. All activities must comply with applicable federal, state, and county laws and regulations regarding asbestos, including but not limited to the following:
    a. National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
    b. National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
    c. NJAC 7:26-2.12-Generator requirements for disposal of asbestos containing waste materials.
    d. New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34-5A-32 et seq.
32. Applicant must comply with all laws and regulations concerning the proper handling, removal, and disposal of hazardous materials (e.g., asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).

33. 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 35(b)(h)(j).
34. All residential structures must be free of mold attributable to Tropical Storm Ida.
35. Radon testing and/or mitigation, as described below, is required for structures not in one of the following categories:
    a. Structures in municipalities NJDEP classifies as having low radon potential.
    b. Structures with unenclosed air space between the entire lowest floor and the ground
    c. Structures that have been evaluated by a radon professional and found to require neither testing nor mitigation to ensure that radon is below the standards of 4 picocuries per liter of air and 0.02 working levels, based on a physical inspection of the property, the characteristics of the buildings, and other valid criteria. The radon professional must meet the qualifications in the HUD Office of Multifamily Development Radon Policy, available at http://portal.hud.gov/hudportal/documents/huddoc?id=13-07ml.pdf, and must be a certified radon mitigation specialist under NJAC 7:28-27.

Reconstructed homes that are not in one of these three exempt categories must incorporate the radon-resistant construction techniques listed in NJAC 5:23-10.4. Homes to be rehabilitated that are not in one of the exempt categories must be tested for radon in accordance with accepted standards and the certification requirements in NJAC 7:28-27. All testing must be documented. If the radon level is below the standards of 4 picocuries per liter of air and 0.02 working levels, no further action is required. If the radon level is at or above either of the standards, radon mitigation measures must be implemented, and the home must be retested until radon levels below the standards have been achieved.

36. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.
37. Employ spill mitigation measures immediately upon a spill of hazardous material.

Sole Source Aquifers

38. Comply with all laws, regulations, and industry standards.
39. 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.
40. 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.

Determination:

☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **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 because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. 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 now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Tanner Melendez Date: 5/12/2026

Name/Title/Organization: Tanner Melendez / Senior Environmental Planner / ICF

Responsible Entity Agency Official Signature:

Date: 05/26/2026

Name/Title: Samuel R. Viavattine, Deputy Commissioner, NJDCA

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Appendix A: Project Location Map

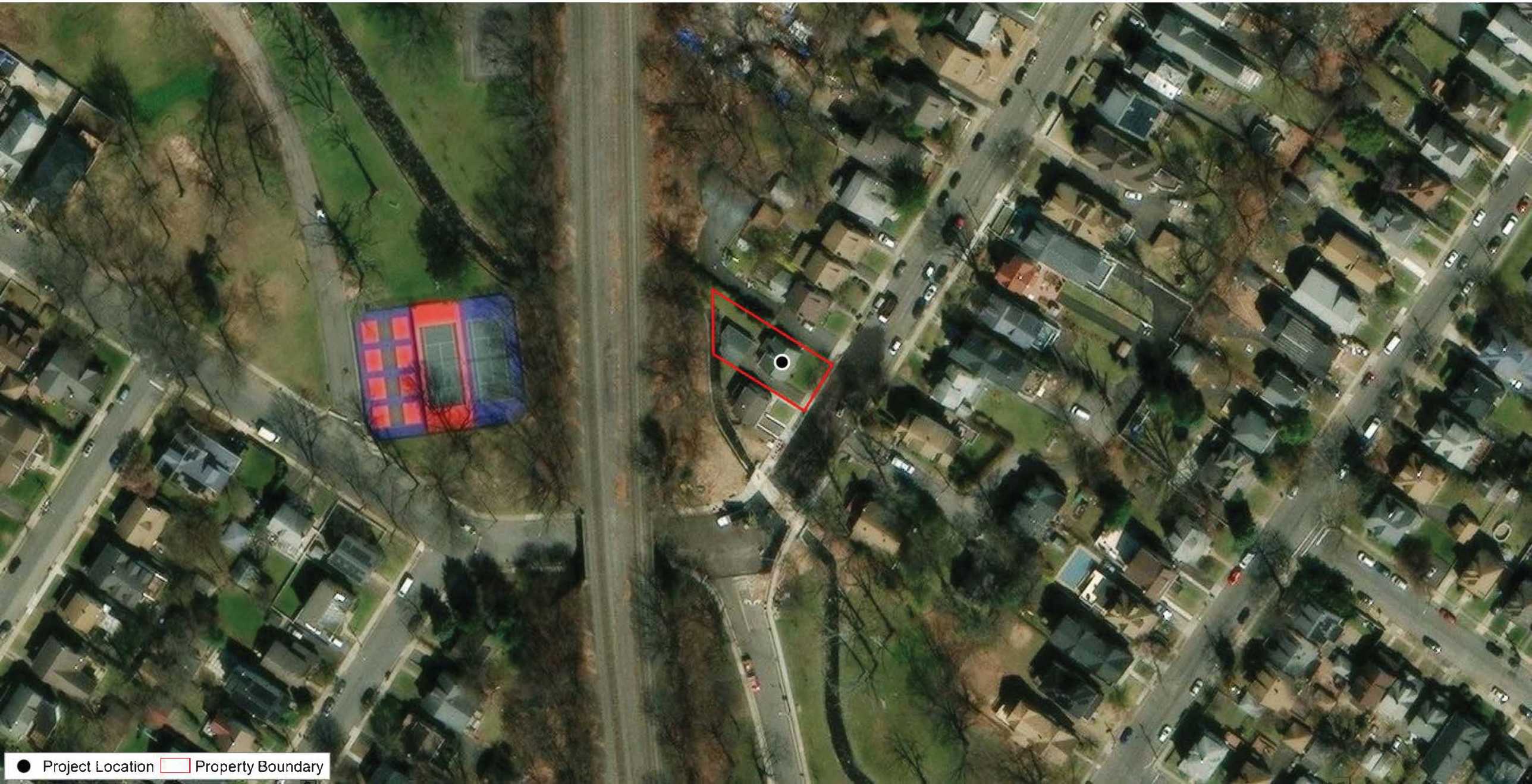
376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Project Location Map

Map created by ICF. Data source: ArcGIS REST Service, accessed (1/16/2026, 1:06:55 PM EST) at

N

0 100 ft 200 ft



Appendix B:
Airport Hazards

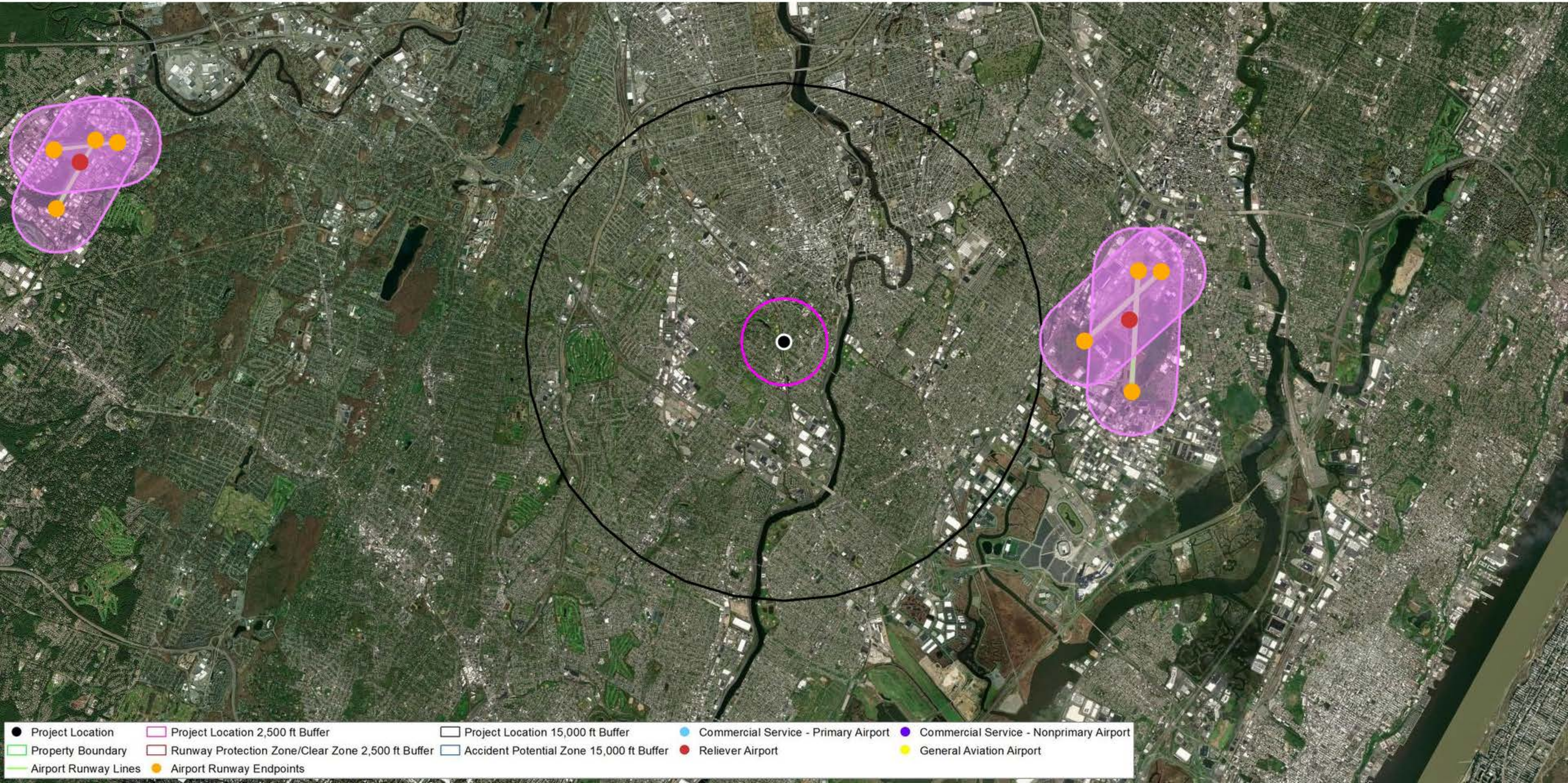
376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Airport Hazards

Map created by ICF. Data source: U.S. Department of Transportation, ArcGIS Rest Service, accessed (1/16/2026, 1:06:58 PM EST) at
https://geo.dot.gov/mapping/rest/services/NTAD/Runways/MapServer/0
https://services1.arcgis.com/eQvj8DwdViKNjB0j/arcgis/rest/services/Aviation_Facilities_2023/FeatureServer/0

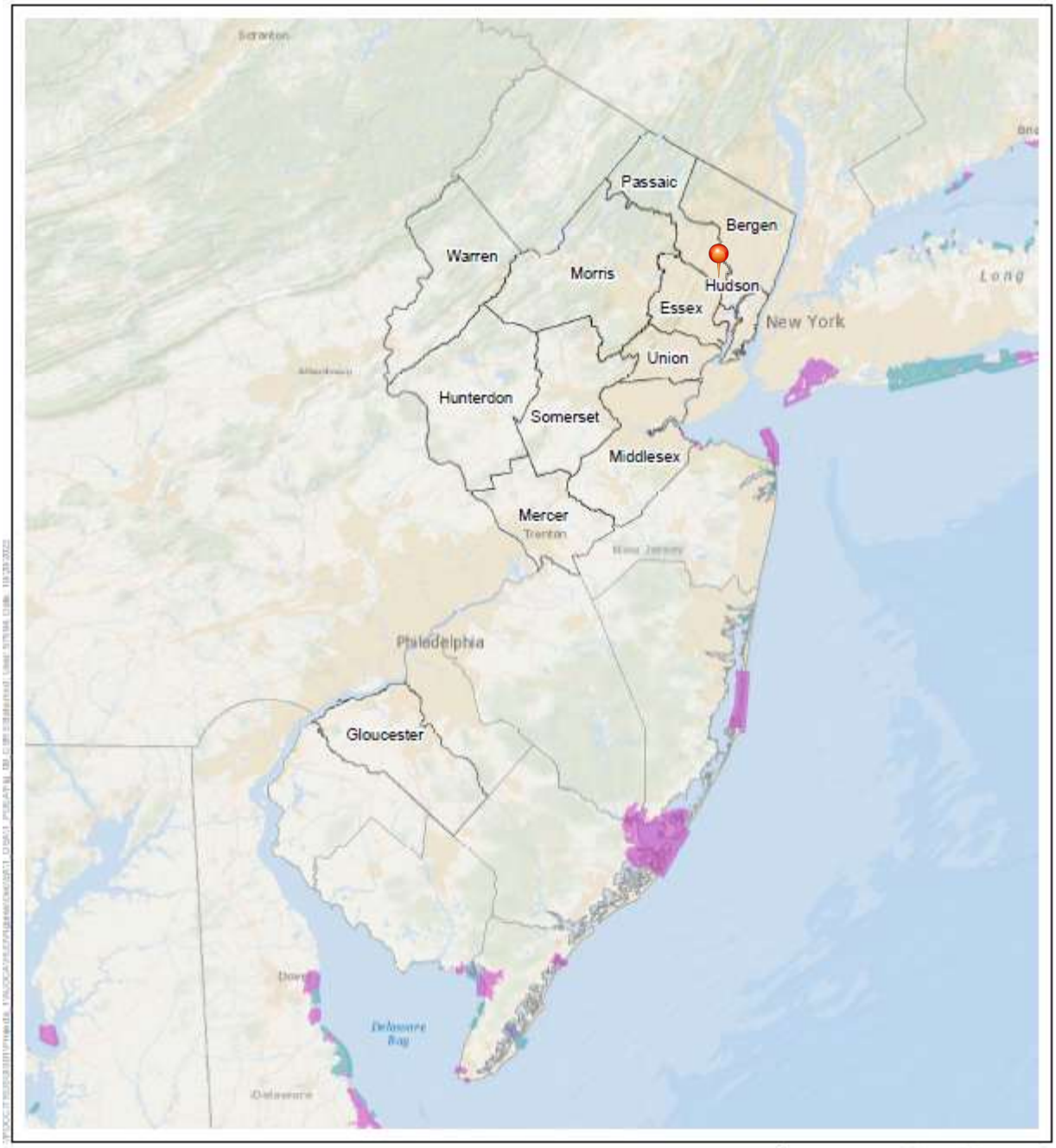
N

1/2 mi 1 mi 2 mi



Appendix C: Coastal Barrier Resource Systems

Coastal Barrier Resources Map - NJ



Coastal Barrier Resource Unit Type

- Otherwise Protected Area
- System Unit



Coastal Barrier Resources

N

0 10 20 Miles

1:1,500,000

Appendix D: Flood Insurance and Floodplain Management

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - FIRM, Floodplain Management and Flood Insurance (EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

Map created by ICF. Data source: FEMA, National Flood Hazard Layer (NFHL) ArcGIS REST Service, accessed (1/16/2026, 1:06:56 PM EST) at https://hazards.fema.gov/gis/nfhl/rest/services/public/NFHL/MapServer

Flood Zone: AE
Panel Number: 34003C0235H
Effective Date: 8/28/2019

N

0 100 ft 200 ft



376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - PFIRM, 1. Floodplain Management and Flood Insurance (EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

Map created by ICF. Data source: FEMA, National Flood Hazard Layer (NFHL) ArcGIS REST Service, accessed (1/16/2026, 1:06:59 PM EST) at https://hazards.fema.gov/gis/nfhl/rest/services/PrelimPending/Prelim_NFHL/MapServer

Flood Zone:
Panel Number:
Effective Date:

N

0 100 ft 200 ft



 | Date: July 29, 2019 | Case No.: 19-02-0905A | LOMA

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF PASSAIC, PASSAIC COUNTY, NEW JERSEY	A parcel of land, as described in the Deed recorded as Instrument No. 2012021768, in Book D2171, Page 13, in the Office of the County Clerk, Passaic County, New Jersey
	COMMUNITY NO.: 340403	
AFFECTED MAP PANEL	NUMBER: 34031C0257F	
	DATE: 9/28/2007	
FLOODING SOURCE: MACDONALD BROOK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:40.846584, -74.133335 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	376 Pennington Avenue	Structure (Residence)	X (shaded)	--	56.8 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE FLOODWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

REG. # 601-1843914

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at http://www.fema.gov/about/regoff.htm.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

REG. # 61-1843914

Federal Emergency Management Agency

Washington, D.C. 20472

April 10, 2020

The Honorable Hector Lora
Mayor, City of Passaic
330 Passaic Street
Passaic, NJ 07055

Case No:	17-02-0805V
Community:	City of Passaic, Passaic County, New Jersey
Community No.:	340403
Effective Date:	April 18, 2020

LOMC-VALID

Dear Mayor Lora:

On April 17, 2020, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued new or revised Flood Insurance Rate Map (FIRM) panels within your community. This letter identifies the Letter of Map Change (LOMC) actions [i.e., Letters of Map Amendment (LOMAs) and Letters of Map Revision-based on Fill (LOMR-Fs)] for properties and/or structures located in your community that are still valid as of the effective date shown above. Any revalidation letters previously issued for your community have been superseded as of the effective date listed above.

All effective LOMCs within your community have been reviewed, including LOMCs located in areas not revised during this FIRM update. LOMAs and LOMR-Fs for which the original determination has not been superseded by new or revised information will remain in effect until superseded by a subsequent LOMC or by a revision to the FIRM panel on which the property and/or structure is located.

The enclosed table lists the FEMA case number, issue date, project identifier, and FIRM panel number for the LOMCs revalidated by this letter. Please refer to the original determination document to obtain the details of the outcome for the properties and/or structures included in the determination (such as flood zone, base flood elevations, property elevations, etc).

Letters of Map Revision (LOMRs) previously issued for FIRM panels that were revised by the recent map update for your community have either been incorporated into the revised FIRM or have been superseded by the revised FIRM. LOMRs issued for FIRM panels that were not revised by the recent map update for your community are not included on the enclosed table and will remain in effect until superseded by a revision to that FIRM panel.

If there is a LOMC not on the enclosed list that you feel should have been revalidated, we encourage you to submit the LOMC for re-determination. When requesting a re-determination, we ask that a cover letter be sent along with a copy of the original determination letter to: LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Re-determinations may also be requested online at https://www.fema.gov/online-lomc.

Because these revalidated LOMCs will not be reprinted or distributed to primary map users, such as local insurance agents and mortgage lenders, your community will serve as a repository for this information. We encourage you to disseminate the information reflected by this LOMC-VALID letter throughout your community so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information.

Copies of previously issued LOMCs, if needed, may be obtained from your community's map repository, FEMA's Map Service Center website located at https://msc.fema.gov, or by contacting the FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627).

For additional information or questions relating to LOMCs not listed on the enclosed table, or mapping in general, please contact the FMIX at the number provided above.

Sincerely,



Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

cc: LOMC Subscription Service Subscribers
Community Map Repository
Dennis Harrington, Engineer, City of Passaic
Michael Moriarty, Director, Mitigation Division, FEMA Region II
Alan Springett, Senior Civil Engineer, FEMA Region II
John H. Moyle, NFIP State Coordinator, New Jersey Dept. of Environmental Protection
Joseph Ruggeri, P.E., CFM, Supervising Engineer, New Jersey Dept. of Environmental Protection

REVALIDATED LETTERS OF MAP CHANGE FOR CITY OF PASSAIC, NJ

Case No: 17-02-0805V **Community No.: 340403**

April 18, 2020

Case No.	Date Issued	Identifier	FIRM Panel Number
[redacted]	12/6/2011	[redacted]	34031C0257G
[redacted]	12/8/2011	[redacted]	34031C0257G
[redacted]	4/19/2012	[redacted]	34031C0276G
19-02-0905A	7/29/2019	376 PENNINGTON AVENUE	34031C0257G

INTEROFFICE MEMORANDUM

TO: SAM VIAVATTINE

FROM: APPEALS REVIEW PANEL

SUBJECT: HARP APPEAL – JAMES L. EVERS

DATE: JANUARY 23, 2024

CC: N/A

[redacted] owns, and at the time of the Hurricane Ida, lived in, a residence at 376 Pennington Ave, Passaic City, NJ, 07055. [redacted] applied for the Hurricane Ida Homeowner Assistance and Recovery Program ("HARP") on March 2, 2023. On Nov. 15, 2023, [redacted] was sent an Eligibility Determination Notice, finding the application to be ineligible for HARP assistance due to the "property being located entirely within a FEMA designated floodway." On Nov. 29, 2023, [redacted] appealed this decision, providing documentation to evidence that the structure on the property was not in the regulatory floodway. On Jan. 10, 2024, our review panel examined the appeal and the documentation provided. The review panel recommends that the appeal be granted, as the documentation provided as well as existing FEMA flood maps indicate that the built structure relevant to this application is not within the regulatory floodway.

1. **The [redacted] application was initially denied due to a finding that the property was located within a FEMA designated floodway.**

The Eligibility Determination Notice sent Nov. 15, 2023 stated to Evers that the application was ineligible due to "your property being located entirely within a FEMA designated floodway."[1] DEP rules implementing the New Jersey Flood Area Control Act strictly limit development within a designated floodway, and HARP policy documents state that homes located in the floodway are among several reasons a site may not be suitable for reconstruction or rehabilitation.[2]

2. **The [redacted] appeal documented a claim that their property is not within a FEMA designated floodway.**

The [redacted] appeal sent Nov. 29, 2023 states that the [redacted] home is not within a FEMA designated floodway. Included within the appeal are a FEMA Letter of Map Amendment and a FEMA Letter of Map Change.

---

[1] See Attachment A.

[2] Department of Community Affairs, Division of Disaster Recovery and Mitigation, "Homeowner Assistance and Recovery Program Policy," Feb. 2, 2023 at 29; N.J.A.C. 7:13 (titled generally as "Flood Hazard Area Control Rules").

The Letter of Map Amendment, dated July 29, 2019, determines that while some segments of the lot remain within the regulatory floodway, the home itself (designated in the document as 'Structure - Residence') is not within the regulatory floodway or the Special Flood Hazard Area ("SFHA").[3]

The Letter of Map Change, dated April 10, 2020, notes that new Flood Insurance Rate Map ("FIRM") panels have been generated for the community. The letter indicates that several properties impacted previously by Letters of Map Change are within the updated FIRM panels. Enclosed with the letter is a subsection that details which Letters of Map Amendment have been revalidated with the new FIRM panels (in other words, which determinations based on the previous panels are still valid with the new panels). 376 Pennington Ave is confirmed to be revalidated in the attached subsection.[4]

3. **The review panel finds that the property is not within a FEMA designated floodway, and recommends the appeal be granted.**

After a review of the initial denial, the appeal, the attached documentation, and an independent review of the FEMA FIRM panels, the review panel has determined the property is not within a FEMA designated floodway, and recommends the appeal be granted.

The initial Letter of Map Amendment differentiates between the property as a whole and the residence structure. It indicates a removal of the residence structure from the SFHA, and specifically states that "while a portion of the property is located within the SFHA and the regulatory floodway… the subject of this determination is not." The subject of the determination is listed as the residence structure. When the FIRM maps were updated in 2020, the subsequent letter re-affirmed the initial determination that the structure remains outside the regulatory floodway.

Additionally, the review panel independently reviewed the FIRM maps directly from the FEMA website and verified that the residence structure itself is visually outside the regulatory floodway. The review panel notes that while a cursory review of the lot seems to show a substantial section of the residence within the floodway, a clearer image pulled from Google Maps satellite imagery shows that this is a detached garage or shed.[5] The detached structure is outside the scope of Evers' application, as the application requests aid only for his residence, not detached outbuildings, in compliance with HARP rules.[6]

Because the FEMA documents indicate that the residence is not within the regulatory floodway, and an independent review of the latest FIRM panels visually confirm the residence to be outside the floodway, the review panel recommends the appeal be granted.

[3] See Attachment B.
[4] *Id.*
[5] See Attachment C.
[6] *Id.*

ATTACHMENT A

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Acting Commissioner

November 15, 2023

[redacted]
376 Pennington Ave
Passaic City, NJ 07055.
HARP010741

RE: Eligibility Determination Notice

Dear [redacted]:

Thank you for submitting your application to the Homeowner Assistance and Recovery Program (HARP). After thorough review, we regret to inform you that your application has been deemed ineligible for the following reason:

> Regulatory Floodway: Due to your property being located entirely within a FEMA designated floodway, your property is ineligible for the HARP Program. However, you may be eligible for the Blue Acres Buyout Program and can find more information here: https://dep.nj.gov/blueacres/

If you feel this determination was made in error based on the HARP Policy (nj.gov/dca/ddrm/programs/ida/housing_HARP.shtml) you may appeal this decision in writing within sixty (60) days. Please supply proof of eligibility with your appeal. Once received, a second application review will be conducted along with a review of your submitted materials. Should additional eligibility concerns arise during the review of your appeal, you may be asked to provide additional information. Once all reviews are complete, you will receive a response in writing. Please forward your appeal and any supporting documentation to:

Attention: Legal and Regulatory Affairs
Department of Community Affairs
Division of Disaster Recovery and Mitigation
P.O. Box 823
101 South Broad Street
Trenton, NJ 08625-0800

Sincerely,
Division of Disaster Recovery and Mitigation
Department of Community Affairs

ATTACHMENT A

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Acting Commissioner

noviembre 15, 2023

[redacted]
376 Pennington Ave
Passaic City, NJ 07055.
HARP010741

Asunto: Aviso sobre Decisión de Elegibilidad

Estimado/a señor/a [redacted]:

Le agradecemos el envío de su solicitud al Programa de Asistencia y Recuperación de Propietarios de Vivienda (HARP, por sus siglas en inglés). Después de revisar de manera exhaustiva su solicitud, lamentamos informarle que no es elegible para participar en el Programa por el siguiente motivo:

> Aliviadero: Debido a que su propiedad se encuentra completamente dentro de un área de aliviadero designada por FEMA, su propiedad no es elegible para el HARP. Sin embargo, puede ser elegible para el Programa de Compra Voluntaria Blue Acres y puede tener más información aquí: https://dep.nj.gov/blueacres/

Sin embargo, si usted cree que esta decisión no es la correcta con base en la Política del HARP (nj.gov/dca/ddrm/programs/ida/housing_HARP.shtml), puede apelar por escrito dentro del plazo de sesenta (60) días. Por favor, proporcione pruebas acerca de su elegibilidad junto con la apelación. Una vez que recibamos la apelación por escrito, se revisará otra vez la solicitud junto con los documentos que haya adjuntado. En caso de que surjan otras preguntas sobre su elegibilidad durante la revisión de su apelación, se le podría pedir que proporcione información adicional. Cuando se finalicen por completo todas las revisiones, se le enviará la respuesta por escrito. Por favor, envíe la apelación y toda la documentación probatoria a la siguiente dirección:

Atención: Legal and Regulatory Affairs
Department of Community Affairs
Division of Disaster Recovery and Mitigation
P.O. Box 823
101 South Broad Street
Trenton, NJ 08625-0800

Atentamente
División de Recuperación y Mitigación de Desastres
Departamento de Asuntos Comunitarios

ATTACHMENT B

[redacted]

376 Pennington Avenue, Passaic, N.J. 07055
(973) 220-7532 : edbservice@aol.com

November 29, 2023

ATTENTION: Legal and Regulatory Affairs
Dept of Community Affairs
Div of Disaster Recovery and Mitigation
P.O. Box 823
101 South Broad Street
Trenton, NJ 08625-0800

RE: APPEAL OF ELIGIBILITY DECISION

Dear DCA Official;

Please reconsider my HARP program eligibility after reviewing the FEMA determination letters that indicate my principal structure is NOT in a Special Hazard Flood Area.

Attached is a LOMA (removal) letter from FEMA dated September 28, 2007 and a revalidation letter from FEMA dated April 18, 2020.

Attached also is your letter of denial for reference.

Please let me know if there is any additional information you may need.

Sincerely,

[redacted]

RECEIVED
DEC 11 2023
By

Federal Emergency Management Agency

Washington, D.C. 20472

ATTACHMENT B

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF PASSAIC, PASSAIC COUNTY, NEW JERSEY	A parcel of land, as described in the Deed recorded as Instrument No. 2012021768, in Book D2171, Page 13, in the Office of the County Clerk, Passaic County, New Jersey
	COMMUNITY NO.: 340403	
AFFECTED MAP PANEL	NUMBER: 34031C0257F	
	DATE: 9/28/2007	
FLOODING SOURCE: MACDONALD BROOK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:40.846584, -74.133335 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	376 Pennington Avenue	Structure (Residence)	X (shaded)	--	56.8 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE FLOODWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

ATTACHMENT B

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at http://www.fema.gov/about/regoff.htm.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

ATTACHMENT B

Federal Emergency Management Agency

Washington, D.C. 20472

April 10, 2020

The Honorable Hector Lora
Mayor, City of Passaic
330 Passaic Street
Passaic, NJ 07055

Case No:	17-02-0805V
Community:	City of Passaic, Passaic County, New Jersey
Community No.:	340403
Effective Date:	April 18, 2020

LOMC-VALID

Dear Mayor Lora:

On April 17, 2020, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued new or revised Flood Insurance Rate Map (FIRM) panels within your community. This letter identifies the Letter of Map Change (LOMC) actions [i.e., Letters of Map Amendment (LOMAs) and Letters of Map Revision-based on Fill (LOMR-Fs)] for properties and/or structures located in your community that are still valid as of the effective date shown above. Any revalidation letters previously issued for your community have been superseded as of the effective date listed above.

All effective LOMCs within your community have been reviewed, including LOMCs located in areas not revised during this FIRM update. LOMAs and LOMR-Fs for which the original determination has not been superseded by new or revised information will remain in effect until superseded by a subsequent LOMC or by a revision to the FIRM panel on which the property and/or structure is located.

The enclosed table lists the FEMA case number, issue date, project identifier, and FIRM panel number for the LOMCs revalidated by this letter. Please refer to the original determination document to obtain the details of the outcome for the properties and/or structures included in the determination (such as flood zone, base flood elevations, property elevations, etc).

Letters of Map Revision (LOMRs) previously issued for FIRM panels that were revised by the recent map update for your community have either been incorporated into the revised FIRM or have been superseded by the revised FIRM. LOMRs issued for FIRM panels that were not revised by the recent map update for your community are not included on the enclosed table and will remain in effect until superseded by a revision to that FIRM panel.

If there is a LOMC not on the enclosed list that you feel should have been revalidated, we encourage you to submit the LOMC for re-determination. When requesting a re-determination, we ask that a cover letter be sent along with a copy of the original determination letter to: LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Re-determinations may also be requested online at https://www.fema.gov/online-lomc.

Because these revalidated LOMCs will not be reprinted or distributed to primary map users, such as local insurance agents and mortgage lenders, your community will serve as a repository for this information. We encourage you to disseminate the information reflected by this LOMC-VALID letter throughout your community so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information.

Copies of previously issued LOMCs, if needed, may be obtained from your community's map repository, FEMA's Map Service Center website located at https://msc.fema.gov, or by contacting the FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627).

For additional information or questions relating to LOMCs not listed on the enclosed table, or mapping in general, please contact the FMIX at the number provided above.

Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

cc: LOMC Subscription Service Subscribers
Community Map Repository
Dennis Harrington, Engineer, City of Passaic
Michael Moriarty, Director, Mitigation Division, FEMA Region II
Alan Springett, Senior Civil Engineer, FEMA Region II
John H. Moyle, NFIP State Coordinator, New Jersey Dept. of Environmental Protection
Joseph Ruggeri, P.E., CFM, Supervising Engineer, New Jersey Dept. of Environmental Protection

ATTACHMENT B

REVALIDATED LETTERS OF MAP CHANGE FOR CITY OF PASSAIC, NJ

Case No: 17-02-0805V **Community No.: 340403**

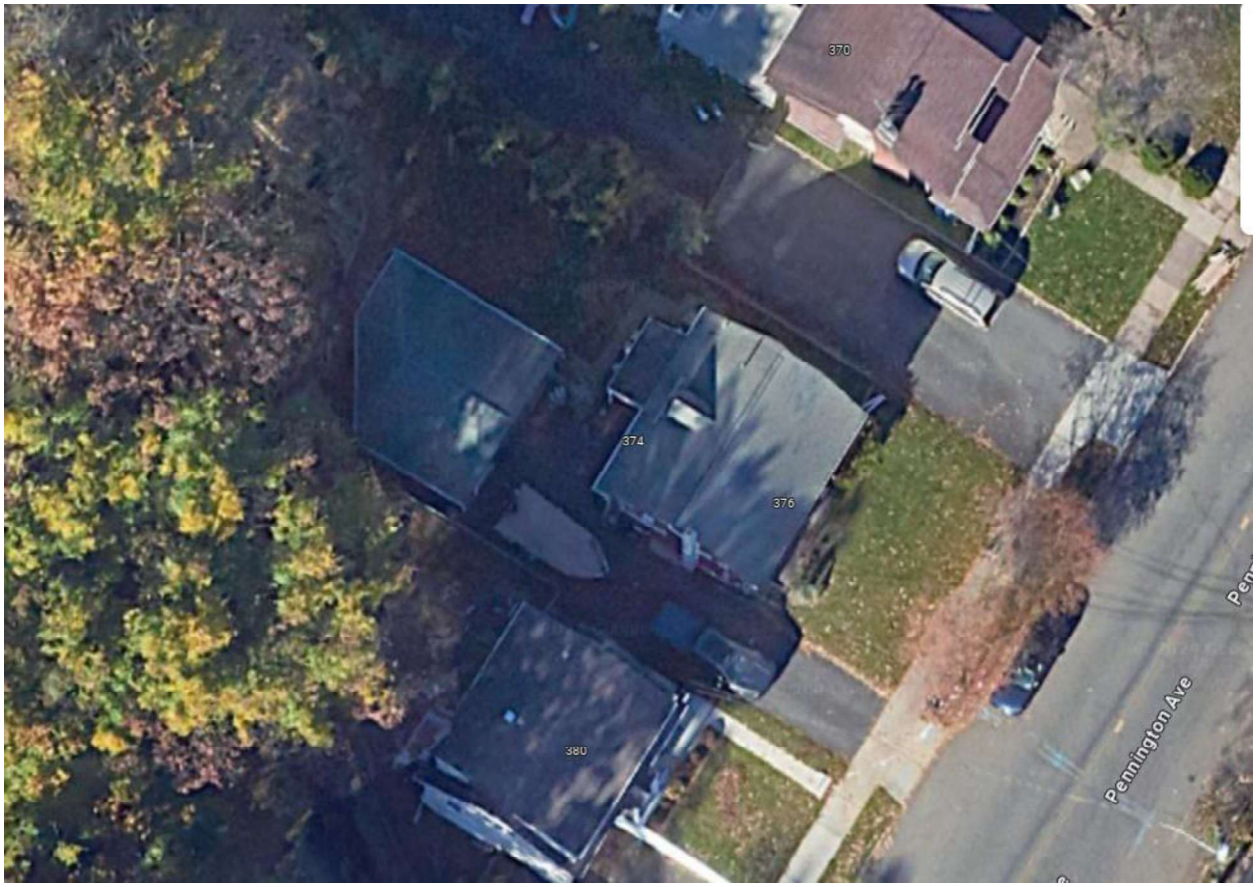
April 18, 2020

Case No.	Date Issued	Identifier	FIRM Panel Number
[redacted]	12/6/2011	[redacted]	34031C0257G
[redacted]	12/8/2011	[redacted]	34031C0257G
[redacted]	4/19/2012	[redacted]	34031C0276G
19-02-0905A	7/29/2019	376 PENNINGTON AVENUE	34031C0257G

ATTACHMENT C



- **Note:** The shaded area in the above figure is the regulatory floodway. It appears in the above lower-resolution image to significantly overlap the residence, however, the below higher resolution image shows that this is a detached shed or garage, not a part of the residence at bar in the HARP application.



Environmental and Historic Preservation Review Information

The Environmental and Historic Program of the Division of Disaster Recovery and Mitigation ensures that all funded projects meet federal compliance. The federal government requires all construction work done in Hurricane Ida recovery programs and Superstorm Sandy recovery programs that are funded with Community Development Block Grant Disaster Recovery (CDBG-DR) dollars be reviewed in a tiered environmental assessment to ensure projects undertaken will have no significant impact on the environment. Therefore, no construction work can begin on projects until all levels of environmental review have been complete and found to be in compliance. Public notices about the environmental review records for recovery projects are published in English and Spanish on this webpage.

Any individual, group, or agency disagreeing with a project's environmental review determination or wishing to comment on the project may submit written comments within a set public comment period to:

Division of Disaster Recovery and Mitigation, Environmental Historic Program
New Jersey Department of Community Affairs
101 South Broad Street
PO Box 823
Trenton, NJ 08625-0823

Public comments may also be submitted via email at DRM.EHPComments@dca.nj.gov.
When submitting a public comment, please be sure to reference the project name and location in the comment.

Public comments can additionally be submitted to:

Gerilee Bennett, Acting Division Director
Office of Disaster Recovery (ODR) Division, HUD
451 Seventh Street SW
Washington, D.C. 20410

The following are Hurricane Ida recovery projects that are currently in the environmental review public comment period:

Posted on February 27, 2026

Proposed Action under the Homeowner Assistance and Recovery Program (HARP)

Early Notice and Public Review of a Proposed Activity in a Floodplain and Wetland

Project Description: Demolition and reconstruction activities within the footprint of the existing structures to address storm-related damage.

Locations:

- [redacted]
- 376 Pennington Ave., Passaic City, NJ 07055
- [redacted]

PUBLIC NOTICE

All comments received by March 15, 2026, will be considered by DCA. Comments should specify which public notice they are addressing.

Acciones propuestas en el marco del Programa de Asistencia y Recuperación de Propietarios (HARP, por sus siglas en inglés)

Aviso preliminar y revisión pública de actividad propuesta en llanura de inundación y humedal

Descripción del Proyecto: Las actividades de demolición y reconstrucción dentro de la superficie ocupada por las estructuras existentes para hacer frente a los daños causados por la tormenta.

Ubicaciones:

[redacted]

- 376 Pennington Ave., Passaic City, NJ 07055

[redacted]

AVISO PÚBLICO

Todos los comentarios recibidos hasta el 15 de marzo de 2026 serán considerados por el DCA. Los comentarios deben especificar a qué aviso se refieren.

The following are Superstorm Sandy recovery projects that are currently in the environmental review public comment period:

There are currently no Superstorm Sandy recovery projects in the environmental review public comment period.

Phone : Constituent Services Office
(609) 913-4824

Email
DRM.EHPComments@dca.nj.gov

Mail
Division of Disaster Recovery and Mitigation
PO Box 823
101 South Broad Street
Trenton, NJ 08625-0823

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Codes & Regs
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Advisory Boards
Alerts & Issues
Publications
Construction Reporter
Forms
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Topics A-Z
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General Planning Services
Request Services
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Transparency

Office of Information Privacy

News & Announcements

Press Releases
Announcements & Public Notices
RFP's
Office of Communications

Affiliates

Government Records Council
NJ Historic Trust
NJ Housing & Mortgage Finance Agency
LUARCC
NJ Redevelopment Authority
Urban Enterprise Zone (UEZ) Authority

Statewide

Governor Mikie Sherrill
Lt. Governor Dr. Dale G. Caldwell
NJ Home
Services A to Z
Departments/Agencies
Contact Us
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Legal Statement & Disclaimers
Accessibility Statement

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Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

Early Notice and Public Review of a Proposed Activity in a Floodplain and Wetland

To: All interested Agencies, Groups, and Individuals

This is to give notice that the New Jersey Department of Community Affairs (DCA), as the Responsible Entity under 24 CFR Part 58, has determined that the following proposed actions under the Homeowner Assistance and Recovery Program (HARP): New Housing Development Program part of the *Tropical Storm Ida Action Plan For the State of New Jersey* (Action Plan) [CDBG-DR, grant number B-21-DF-34-0001] are located in the floodplain and wetland, and DCA will be identifying and evaluating practicable alternatives to locating the actions within the floodplain and wetland and the potential impacts on the floodplain/wetland from the proposed actions, as required by Executive Order 11988, Executive Order 11990, and in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.

The State of New Jersey will receive Community Development Block Grant Disaster Recovery (CDBG-DR) funding to support long-term recovery and mitigation efforts following Hurricane Ida. Hurricane Ida passed through New Jersey from September 1st through September 3rd, 2021, bringing lashing winds and torrential rains leading to catastrophic flash flooding over portions of central and northern New Jersey. In response, the State of New Jersey's Action Plan has allocated $68,928,700 to HARP in the 12 affected counties: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren. The HARP will provide grants for activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities such as structural and utility retrofits, grading and slope stabilization, and drainage improvements.

The four (4) proposed project locations are as follows:

- [redacted]
- [redacted]
- HARP010741R- 376 Pennington Ave., Passaic City, NJ 07055
- [redacted]

The portions of property of these project locations are located within the floodway. All applicant structures are outside of the floodway and no funded activities will occur within the floodway.

DCA has determined on a site-specific basis as to whether the structures at the four (4) project locations are located within the floodplain by using the best available mapping data from the Federal Emergency Management Agency, United States Fish and Wildlife Service (USFWS) National Wetlands Inventory(NWI), and NJDEP. The structures at the four (4) project locations are located within the floodplain:

- [redacted]
- [redacted]
    - [redacted]
- HARP010741R- 376 Pennington Ave., Passaic City, NJ 07055
    - Although the FIRM indicates the structure is located within the 100-year floodplain and a portion of the structure appears to be intersect the floodway, a Letter of Map Amendment dated 7/29/2019 determined that the structure is in Zone X (Shaded) (500-year floodplain).

- Per USFWS NWI, a mapped wetland in the backyard of the structure, intersecting the garage. However, a site visit confirmed no wetland habitat within the fenced property.
- [redacted]
  - [redacted]

All these project parcels are within 150 feet of a wetland. The proposed actions include demolition and reconstruction of the homes within the footprints of the existing lots. No work will occur directly within wetlands, and best management practices for erosion and sedimentation control will be used to minimize potential indirect impacts. Therefore, no impacts to wetlands are anticipated.

The proposed projects will be limited to demolition and reconstruction of the homes within the footprint of the existing lots and will maintain all natural and beneficial functions of the floodplain and wetland including floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna. No funded activities will occur within the floodway. Due to the scope of demolition and reconstruction within the floodplain, elevation is required at the four (4) project locations. The structures will be designed so that the lowest habitable floor is elevated to the Design Flood Elevation determined by the Department of Environmental Protection, minimum Base Flood Elevation plus three (3) feet, or as required by the local jurisdiction, whichever is highest.

There are three primary purposes for this notice. First, people who may be affected by activities in the floodplain and wetland and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the floodplain and wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigate project impacts on the floodplain/wetland. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplain can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplain, it must inform those who may be put at greater or continued risk.

Written comments must be received by DCA at the following address on or before March 15, 2026, Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner. Additional project information, including floodplains and wetlands maps for each affected county, can be viewed from 9 AM to 5 PM at the above address and https://www.nj.gov/dca/ddrm/resources/environmental.shtml. Comments may also be submitted via email at DRM.EHPComments@dca.nj.gov.

Date: February 27, 2026

Aviso preliminar y revisión pública de actividad propuesta en llanura de inundación y humedal

A: Todas las agencias, grupos e individuos interesados en la actividad propuesta

Por medio del presente se notifica que el Departamento de Asuntos Comunitarios de Nueva Jersey (DCA, por sus siglas en inglés), en calidad de entidad responsable bajo 24 CFR, parte 58, ha determinado que la siguiente actividad propuesta bajo el Programa de Asistencia y Recuperación de Propietarios de Viviendas (HARP, por sus siglas en inglés): Programa de Desarrollo de Nuevas Viviendas, es parte del *Plan de Acción frente a los efectos de la Tormenta Tropical Ida para el Estado de Nueva Jersey* (Plan de Acción) [CDBG-DR, subvención número B-21-DF-34-0001], y se ubica en una llanura de inundación y un humedal. Por lo tanto, el DCA identificará y evaluará alternativas viables para establecer las acciones previstas dentro de la llanura de inundación y el humedal, así como los efectos potenciales de las actividades propuestas en esas zonas, como lo requieren la Orden Ejecutiva 11988 y la Orden Ejecutiva 11990, y conforme a las regulaciones del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD, por sus siglas en inglés) en 24 CFR 55.20, subparte C: Procedimientos para la toma de decisiones sobre la gestión de llanuras aluviales y protección de humedales.

El Estado de Nueva Jersey recibirá fondos del Bloque de Subvenciones para el Desarrollo de la Comunidad y Recuperación por Desastre (CDBG-DR, por sus siglas en inglés) para apoyar las iniciativas de recuperación y mitigación a largo plazo debido al embate del huracán Ida que atravesó Nueva Jersey entre el 1 de septiembre y el 3 de septiembre del 2021, con vientos azotadores y lluvias torrenciales, que conllevaron inundaciones repentinas catastróficas sobre partes del centro y norte de Nueva Jersey. Para atender los daños de la tormenta, el Plan de Acción del Estado de Nueva Jersey ha asignado $68,928,700 para el HARP en los 12 condados afectados: Bergen, Essex, Hudson, Middlesex, Passaic y Hudson. Somerset, Unión, Gloucester, Hunterdon, Mercer, Morris y Warren. El HARP proporcionará subvenciones para las actividades que sean necesarias con el fin de restaurar las viviendas dañadas por la tormenta, por medio de obras de rehabilitación, reconstrucción, elevación y/u otras de mitigación, tales como la modernización de estructuras y de servicios públicos, la nivelación y estabilización de pendientes, y mediante mejoras al drenaje.

Las cuatro (4) ubicaciones propuestas para los proyectos son las siguientes:

- [redacted]
- [redacted]
- HARP010741R- 376 Pennington Ave., Passaic City, NJ 07055.
- [redacted]

Algunas áreas específicas donde se ubica el proyecto se encuentran dentro del cauce de inundación. Sin embargo, las estructuras del solicitante están fuera del cauce de inundación y no se financiarán actividades dentro de este cauce.

El DCA ha determinado, con base en un análsis específico del sitio, si las estructuras en las cuatro (4) ubicaciones del proyecto se encuentran dentro de la llanura de inundación con el uso de los mejores datos de cartografía disponibles de la Agencia Federal de Manejo de Emergencias, el Inventario Nacional de Humedales del Servicio de Pesca y Vida Silvestre de los Estados Unidos (USFWS, por sus siglas en inglés) y el Departamento de Protección Ambiental de Nueva Jersey (NJDEP, por sus siglas en inglés).

Las estructuras en las cuatro (4) ubicaciones del proyecto se encuentran dentro de la llanura de inundación:

- [redacted]
- [redacted]
  - [redacted]
- HARP010741R- 376 Pennington Ave., Passaic City, NJ 07055.
  - Aunque el Mapa de Tasas del Seguro contra Inundaciones (FIRM, por sus siglas en inglés) indica que la estructura está ubicada dentro de la llanura de inundación de 100 años y parcialmente en el cauce de inundación, en la Carta de Enmienda del Mapa, con fecha 7/29/2019, se determinó que la estructura está en la Zona X (sombreada) (llanura de inundación de 500 años).
  - Según el USFWS NWI, existe un humedal cartografiado en el patio trasero de la estructura, que cruza el garaje. Sin embargo, una visita al sitio confirmó que no existe hábitat de humedales dentro de la propiedad vallada.
- [redacted]
  - [redacted]

Todas estas parcelas del proyecto están a 150 pies de un humedal. Las acciones propuestas incluyen la demolición y reconstrucción de las viviendas dentro del área cubierta por los lotes existentes. No se realizará en forma directa ningún trabajo dentro de los humedales, y se usarán las mejores prácticas de manejo para el control de la erosión y la sedimentación para minimizar los posibles impactos indirectos. Por lo tanto, no se prevén impactos en los humedales.

Los proyectos propuestos se limitarán a la demolición y reconstrucción de las viviendas dentro del área de los lotes existentes y se mantendrán todas las funciones naturales y beneficiosas de la llanura de inundación y los humedales, incluyendo el almacenamiento y el acarreo de aguas de inundación, la descarga o recarga de aguas subterráneas, el control de la erosión, el mantenimiento de la calidad del agua y hábitat para la flora y la fauna. No se financiarán actividades dentro del cauce de inundación. Debido al alcance de la demolición y reconstrucción dentro de la llanura de inundación, se requiere elevar las cuatro (4) ubicaciones del proyecto y se diseñarán las estructuras para que el piso más bajo habitable se eleve a la Elevación de Diseño ante Inundaciones, determinada por el DEP, es decir, a la mínima Elevación de Inundación Base más tres (3) pies, o según la requiera la jurisdicción local, a la que sea más alta.

Este aviso tiene tres propósitos principales. En primer lugar, dar oportunidad de expresar sus preocupaciones y proporcionar información sobre estas zonas a las personas que puedan verse afectadas por las actividades en la llanura de inundación y los humedales, así como a las que tienen interés en la protección del medio ambiente natural. Se exhorta a quienes deseen enviar comentarios a ofrecer sitios alternativos fuera de la llanura de inundación y el humedal, otros métodos con el mismo propósito del proyecto, y métodos para minimizar y mitigar los efectos del proyecto en la llanura de inundación y el humedal. En segundo lugar, un programa adecuado de avisos públicos puede ser una importante herramienta educativa pública, ya que la difusión de información y la solicitud de comentarios públicos sobre llanuras de inundación pueden facilitar y mejorar las iniciativas federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. Tercero, como cuestión de

equidad, cuando el Gobierno federal determina que participará en acciones que tienen lugar en llanuras de inundación, debe informar a quienes puedan estar en mayor o continuo riesgo.

El DCA recibirá los comentarios por escrito en la siguiente dirección en o antes del 15 de marzo de 2026, **Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner.** Se puede obtener información adicional del proyecto, incluyendo sobre las llanuras de inundación y los mapas de humedales para cada condado afectado, en la dirección anterior, entre las 9 a.m. y 5 p.m., y en https://www.nj.gov/dca/ddrm/resources/environmental.shtml. Los comentarios también pueden enviarse por correo electrónico a DRM.EHPComments@dca.nj.gov.

Date: 27 de febrero de 2026

Outlook

RE: Early Floodplain Notice for 4 Reconstruction CESTs

From Smith-Herman, Nicholas [DCA] [redacted]
Date Mon 3/16/2026 2:28 PM
To Melendez, Tanner [redacted] Sherman, Steven [redacted]
Cc Giangrande, Lisa [DCA] [redacted]

Good afternoon Tanner,

No public comments have been received.

Thanks,
Nick

From: Melendez, Tanner [redacted]
Sent: Monday, March 16, 2026 2:19 PM
To: Sherman, Steven [redacted] Smith-Herman, Nicholas [DCA] <Nicholas.Smith-[redacted]
Cc: Giangrande, Lisa [DCA] [redacted]
Subject: [EXTERNAL] Re: Early Floodplain Notice for 4 Reconstruction CESTs

Good afternoon,

The public comment period for the HARP014678R, HARP010835R, HARP010741R, and HARP010978R Early Floodplain Notice expired yesterday, 3/15/2026. Can you please confirm whether any comments were received in response to the public notice?

Thank you,

Tanner Melendez, CFM | Senior Environmental Planner
[redacted]

[redacted]

U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery

New Jersey Department of Community Affairs Homeowner Assistance of Recovery Program (HARP)

8-STEP DECISION MAKING PROCESS

Passaic County, New Jersey

Introduction

The Homeowner Assistance Recovery Program (HARP), as proposed by the New Jersey Department of Community Affairs (NJ DCA) is in response to extreme rainfall and significant flash flooding caused by Tropical Storm Ida and aims to address the State's need for housing, especially safe, decent, and affordable housing.

This document summarizes the 8-step floodplain and wetland decision making process completed for HARP as proposed by NJ DCA.

HARP would provide funding for homeowners of single-family homes (one to four residential units) within the twelve most impacted counties (Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, Warren). HARP provides grants to eligible property owners for activities necessary to restore their storm-damaged structures, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Owners with properties in the Special Flood Hazard Area (SFHA) or other New Jersey Department of Environmental Protection (NJDEP)-designated flood risk areas would be required to obtain and maintain flood insurance. The homeowner will be required to provide DCA a copy of the flood insurance policy or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance. In addition, as a condition of HUD assistance as stated in 24 CFR 55.8(a)(1)(ii); a permanent covenant shall be applied to the property to restrict buildings or improvements that may modify or occupy the floodway and permanent flood insurance would be placed on the property to ensure that flood insurance is maintained when ownership transfers.

The proposed project (HARP010741R) is located at 376 Pennington Ave., Passaic City, Passaic County, NJ 07055.

Step 1: Determine whether the action is located in a Federal Flood Risk Management Standard floodplain or wetland.

NJ DCA has determined on a site-specific basis as to whether a parcel is located within the floodplain or a wetland by using the best available mapping data from the Federal Emergency Management Agency, United States Fish and Wildlife Service National Wetlands Inventory, and NJDEP. The 0.2 percent annual chance flood approach was used to determine whether the action is located in a floodplain. The subject parcel at the proposed project location is partially located within the floodway,

and according to the FIRM (Panel 34003C0235H, effective 8/28/2019), the structure is located within the 100-year floodplain (Zone AE), with a small portion of the structure within the floodway. However, a Letter of Map Amendment dated 7/29/2019 determined that the structure is located in Zone X (Shaded) (500-year floodplain). This information was provided to DCA and it was determined that the applicant is eligible for HARP assistance. The floodway covers a significant portion of the back yard on the western extent of the property. The structure is not impacted by the floodway.

The proposed project location is partially located within a Riverine wetland, as identified by the USFWS National Wetland Inventory. However, proposed work will be limited to reconstruction activities within the footprint of the existing structure. Based on the proposed action of reconstruction within the existing developed footpriny at the project location, no impacts to wetlands are anticipated. Best management practices for erosion and sedimentation control will be used to minimize potential impacts.

NJ DCA has determined that project activities associated with HARP may be located in, or affect, the floodplain and/or wetlands. When required, homes would be elevated above the floodplain elevation as identified on the best available floodplain maps in accordance with federal, state, and local regulations.

Project activities with structures or insurable property located partially or wholly within the 100-year floodplain would be required to participate in the National Flood Insurance Program (NFIP). The NFIP requirement is not applicable to projects with structures or insurable property located in Zone X or those outside of all SFHA floodplains.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

A 15-day "Early Notice and Public Review of a Proposed Activity in a Floodplain and Wetland" was published on February 27, 2026 on the NJ DCA website. The notice was available in English and Spanish. The 15-day comment period expired on March 15, 2026.

DCA provided confirmation on March 16, 2026, that no comments were received from the public in response to the Early Notice.

Step 3: Identify and evaluate practicable alternatives.

HARP provides grants to eligible homeowners of single-family homes (one to four units). The program assists property owners in achieving safe and code-compliant housing that meets minimum property standards through rehabilitation, reconstruction, elevation, and/or other mitigation activities. Other alternatives would not serve to meet the dual purpose of helping the property owner rebuild and to rebuild in such a way as to better withstand the next major storm event.

New Jersey is the most densely populated state in the country and therefore, a policy to prohibit any development in the floodplain is not considered practicable due to the great number of parcels located within the floodplain and wetlands in the counties most affected by Hurricane Ida.

The only practicable alternative would be the No Action Alternative, which would mean that applicants would not receive grants under HARP. As a result, these property owners would not be provided financial assistance to rehabilitate, reconstruct, elevate, or otherwise mitigate their homes to better withstand the next storm event. Thus, their properties would be more vulnerable to future flooding conditions. Therefore, the No Action Alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

Step 4: Identify Potential Direct and Indirect Impacts of Associated with the Occupancy or Modification of the Floodplain and Wetlands

The proposed project would involve rehabilitation, reconstruction, and/or other mitigation activities to a storm-damaged single-family home (one to four units) on a previously developed parcel within the floodplain and wetland. Thus, the proposed project would enable the homeowner to reconstruct their home but would not expand the housing stock relative to conditions prior to Hurricane Ida and thereby would not increase floodplain or wetland occupancy. Homes within the floodplain would be required to be elevated if they meet the substantial improvement requirement, thereby reducing future damages from flooding. The only exceptions to this requirement are historic structures that are listed on the National Register of Historic Places, determined eligible for listing on the National Register, determined to contribute to a historic district, listed on the state inventory of historic places, or listed on the inventory of historic places of a community with a certified historic preservation program (see definition of historic structure in 44 CFR 59.1). These structures would have elevation height requirements considered on a case-by-case basis. The total estimated project cost is $359,100.00. Based on an interior area of 1,190 square feet, the Market Structure Value is $261,919.00. Therefore, the cost of the proposed project is approximately 137% of the pre-storm value of the structure. Based on the proposed action reconstruction and the project cost, the project meets FEMA's definition of substantial improvement and elevation of the structure is required. Elevation activities in the floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Elevation requirements would be determined using the Floodplain of Concern elevation.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain and wetlands.

Property owners participating in HARP would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding, and benefit floodplain and wetland values:

1. With the exception of historic structures (as defined in 44 CFR 59.1), all proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Elevation requirements would be determined using the Floodplain of Concern elevation.
2. The elevation of historic structures would be considered on a case-by-case basis.

3. Structures in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)].
4. In the case of "Coastal High Hazard" areas, a registered professional engineer is to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for Coastal High Hazard zones in FEMA regulation 44 CFR Part 60.3(e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).
5. Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance.
6. Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed.
7. Existing drain inlets are to be protected from debris, soil, and sedimentation.
8. No heavy equipment is to be operated within wetlands.

Therefore, the requirements of HARP will help ensure a minimal adverse impact to the floodplain and wetland at the proposed project location.

Step 6: Reevaluate the Alternatives.

The analysis in Steps 4 and 5 provides no basis for modifying the preliminary conclusion reached in Step 3.

In the absence of the proposed actions, the applicant would not receive financial assistance to rehabilitate, reconstruct, or otherwise repair their storm-damaged structure, and may not be able to afford to do so on their own. As a result, the property owner would not be provided financial assistance to rehabilitate, reconstruct, or elevate their home and thus their property would be more vulnerable to future flooding conditions. Thus, the No Action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection. Additionally, selecting alternative project locations outside of the floodplain is not considered practicable due to the great number of parcels located within the floodplain and wetlands in the counties most affected by Hurricane Ida.

Step 7: Determination of No Practicable Alternative

It is the determination of NJ DCA that there is no practicable alternative to locating the proposed project in the floodplain and wetland. This is due to 1) the need to provide safe and affordable housing; 2) the desire not to displace residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain and wetland values.

A final notice will be posted on the NJ DCA website and will be available in English and Spanish. The notice will explain the reasons why the modified project must be located in the floodplain, offer a list of alternatives considered at Steps 3 and 6, and describe all mitigation measures at Step 5 taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

Step 8: Implement the Proposed Action

Step 8 is implementation of the proposed project. NJ DCA will ensure that the mitigating measures identified in the steps above are implemented.

Appendix E: Air Quality

Appendix E – Clean Air

Clean Air Act, as amended, particularly section 176 (c) & (d); 40 CFR 6, 51, 93

Table E-1: NAAQS - Passaic County

National Ambient Air Quality Standards (NAAQS) Pollutant - Passaic County	Attainment Status for 2022	Classification
8-Hour Ozone (2008)	Nonattainment	Severe-15
8-Hour Ozone (2015)	Nonattainment	Moderate
Carbon Monoxide (1971)	Attainment	Moderate 12.7ppm
PM-2.5 (2006)	Attainment	Former Subpart 1

Table E-2: Clean Air Sources

Agency	Link	Accessed Date	Dataset Date
U.S. Environmental Protection Agency (EPA)	https://www3.epa.gov/airquality/greenbook/anayo_nj.html	11/21/2022	10/31/2022
U.S. Environmental Protection Agency (EPA)	https://www.epa.gov/green-book/green-book-gis-download	10/21/2022	2/1/2022

Air Quality Emissions Estimates

Step 1: Obtain national data that relates residential housing spending to diesel fuel usage from Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, prepared by Sierra Research for the Office of Mobile Sources, U.S. Environmental Protection Agency (report number SR93-03-02, March 19, 1993, Table 7-4 on page 7-6). Based on the 1987 Census of Construction, $1,200 of off-highway fuel is used for every million dollars of single-family housing (SFH) construction. Also, $880 of off-highway fuel is used for every million dollars of non-SFH residential construction. Assuming the Tropical Storm Ida construction activities will be a mix of SFH and non-SFH residential construction, an average value of $1,040 of off-highway fuel per million dollars of construction will be used.

Step 2: Convert the diesel fuel usage factor to gallons of fuel per million dollars ($M) of current residential construction spending. An average 1987 diesel price of $0.55 per gallon is from page 7-10 of the Sierra report. To convert the construction spending from 1987 dollars to current dollars, producer price indices (PPI) for finished goods less food and energy were obtained for 1987 (113.3) and 2022 (242.771) from U.S. Department of Labor Bureau of Labor Statistics.[5] The diesel fuel usage factor is converted as follows:

$1,040 fuel/$M1987constn X 1 gal diesel/$0.55 X 113.3/242.771 = 882.47 gal diesel/$Mconstn

Step 3: Obtain emission factors in terms of annual tons of pollutant per million gallons of nonroad diesel fuel to enable the estimation of pollutant emissions per million dollars of construction spending. As part of the New Jersey Superstorm Sandy Recovery Program, the NJDEP ran the EPA NONROAD model to

[5] https://www.bls.gov/ppi/detailed-report/ppi-detailed-report-december-2022.pdf.

produce annual construction pollutant emissions and fuel usage. The NONROAD results were used to generate emission factors by considering the total annual construction pollutant emissions for the twelve counties along with the total diesel fuel used by the construction equipment. This resulted in emission factors of 6.90, 64.89, 5.51 and 0.13 pollutant tons per million gallons of diesel fuel for VOC, NOx, PM2.5 and SO2 respectively. Using the emission factors from the NONROAD model and 882.47 gal diesel/$Mconstn from Step 2, the following emission factors are calculated: 0.0078, 0.0735, 0.00624 and 0.00015 annual tons of pollutant per million dollars of residential construction spending for VOC, NOx, PM2.5 and SO2 respectively.

Step 4: Apply the emission factors to the projected spending for Tropical Storm Ida recovery projects. The spending for the project is estimated to be $120 million over a 24-month period beginning mid-2023 and ending mid-2025. Although construction will take place over the course of the 24-month period, for a conservative analysis the full funding amount will be considered for a single year of emissions estimates. General conformity emissions are estimated for each impacted nonattainment area. Of the 12 counties in which HUD-funded Tropical Storm Ida recovery projects will be concentrated, 10 are in the northern ozone nonattainment area and 2 are in the southern nonattainment area. The northern PM2.5 nonattainment area includes 11 of the 12 counties. Therefore, for the ozone precursor pollutants (VOC and NOx), 2024 project construction spending is assumed to be $20 million for the southern ozone nonattainment area and $100 million for the northern ozone nonattainment area, and for PM2.5, 2024 project construction spending is assumed to be $110 million.[6] Using these spending assumptions and the emission factors from Step 3, the following are the estimated 2024 emissions:

Table E-3: Estimated VOC, NO_x, and PM2.5 Emissions for 2024

Nonattainment Area	VOC (tons/year)	NOx (tons/year)	PM2.5 (tons/year)	SO2 (tons/year)
Ozone Northern	.78	7.35	N/A	N/A
Ozone Southern	.156	1.47	N/A	N/A
PM2.5 Northern	N/A	N/A	.69	.02
General Conformity Limits	25	25	100	100

Agencies/Regulations Consulted During Broad Review:

U.S. Environmental Protection Agency (EPA)

Supporting Documentation:

Figure E-1: Air Quality Ozone Map – Passaic County, NJ

Figure E-2: Nonattainment/Maintenance Status for NAAQS Criteria Pollutants Table

Figure E-3: NJDEP Air Quality Consultation Request Letter and Email Transmittal

Figure E-4: NJDEP Consultation Response

[6] This assumes that the $120 million in project spending is split evenly between the 12 counties, for a total of $10 million for each county.

ENVIRONMENTAL FINDING: The project is in compliance. A Tier 1 was completed which analyzed the total program air quality impacts for HARP, SRRP, and Smart Move projects. While this CEST falls outside of the scope of the Tier 1, the analysis conducted for air quality is applicable for this application because the Tier 1 found that program activities would not have any significant impact on ozone, and the proposed actions for the program are not expected to exceed de minimis thresholds. Given the scope of this site-specific action, reconstruction of the single-family structure would not exceed de minimis thresholds.

Figure E-1: Air Quality Ozone Map – Passaic County, NJ

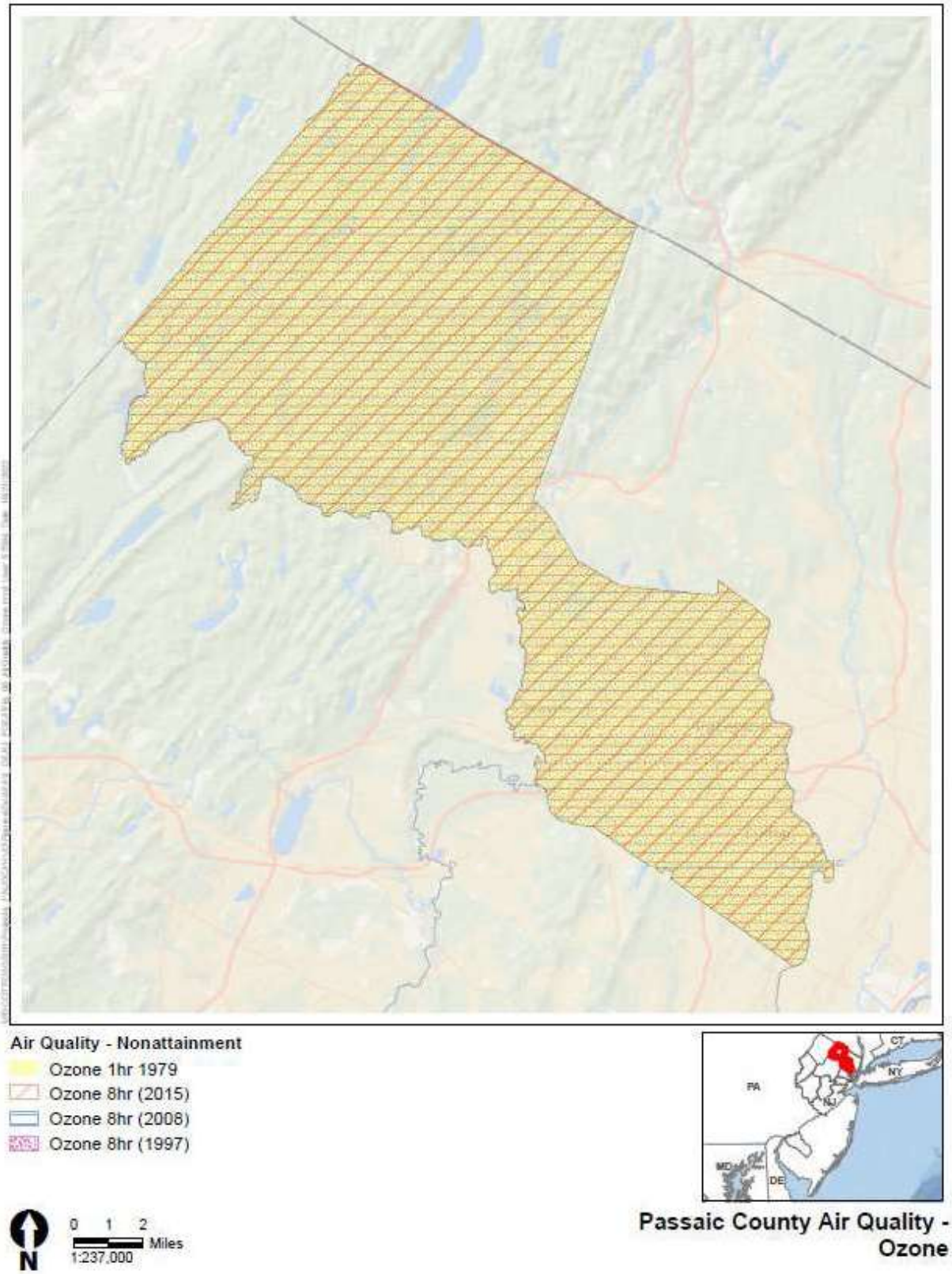
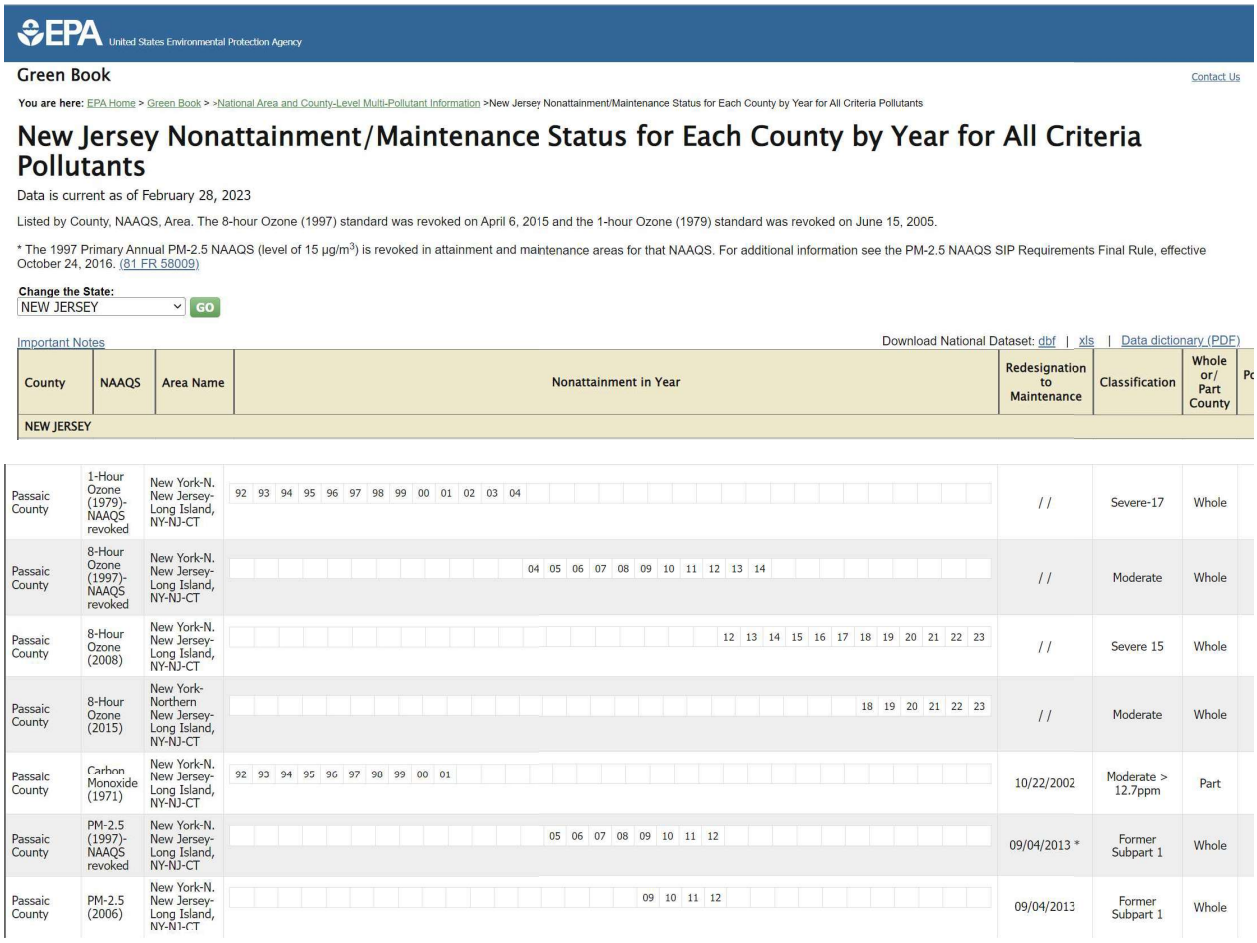


Figure E-2: Nonattainment/Maintenance Status for NAAQS Criteria Pollutants Table



EPA United States Environmental Protection Agency

Green Book

Contact Us

You are here: EPA Home > Green Book > >National Area and County-Level Multi-Pollutant Information >New Jersey Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

New Jersey Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Data is current as of February 28, 2023

Listed by County, NAAQS, Area. The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

* The 1997 Primary Annual PM-2.5 NAAQS (level of 15 μg/m^3) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

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Important Notes

Download National Dataset: dbf | xls | Data dictionary (PDF)

County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or/ Part County	Pc
NEW JERSEY							
Passaic County	1-Hour Ozone (1979)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	92 93 94 95 96 97 98 99 00 01 02 03 04	/ /	Severe-17	Whole	
Passaic County	8-Hour Ozone (1997)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	04 05 06 07 08 09 10 11 12 13 14	/ /	Moderate	Whole	
Passaic County	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT	12 13 14 15 16 17 18 19 20 21 22 23	/ /	Severe 15	Whole	
Passaic County	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT	18 19 20 21 22 23	/ /	Moderate	Whole	
Passaic County	Carbon Monoxide (1971)	New York-N. New Jersey-Long Island, NY-NJ-CT	92 93 94 95 96 97 98 99 00 01	10/22/2002	Moderate > 12.7ppm	Part	
Passaic County	PM-2.5 (1997)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	05 06 07 08 09 10 11 12	09/04/2013 *	Former Subpart 1	Whole	
Passaic County	PM-2.5 (2006)	New York-N. New Jersey-Long Island, NY-NJ-CT	09 10 11 12	09/04/2013	Former Subpart 1	Whole	

Figure E-3: NJDEP Air Quality Consultation Request Letter and Email Transmittal

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 18, 2023

New Jersey DEP-Office of Permitting & Project Navigation
David Pepe, Director
401 East State Street,
Mail Code 401-07J
P.O. Box 420
Trenton, NJ 08625-0420
[redacted]

Subject: NJ DCA Tier 1 Environmental Assessment Air Quality Evaluation

Dear Mr. Pepe,

The New Jersey Department of Community Affairs (DCA) is preparing a Tiered Environmental Review to process applications for long-term recovery and mitigation efforts following Tropical Storm Ida through Federal U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. CDBG-DR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements) from the remnants of Tropical Storm Ida in 2021. DCA, acting as the Responsible Entity in lieu of HUD, is required under the Clean Air Act to evaluate the potential air quality impacts of the proposed projects.

DCA is notifying your agency so that you can review the proposed compliance process to meet the National Ambient Air Quality Standards (NAAQS) and New Jersey State Implementation Plan (SIP).

Proposed Project Background

DCA has allocated CDBG-DR funds for the Homeowner Assistance and Recovery Program (HARP), the Small Rental Repair Program (SRRP), and Smart Move Program. Provided below is a detailed description of each program:

- Homeowner Assistance and Recovery Program (HARP) - Provides grants to eligible homeowners for expenses necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Eligible structure types include single-family homes, duplexes, triplexes, townhomes, modular homes, manufactured homes, and condominiums.
- Small Rental Repair Program (SRRP) - Provides zero interest forgivable loans to owners of rental properties for activities necessary to restore storm-damaged rental housing for low- and moderate-income renters, including rehabilitation, reconstruction, elevation, and/or other

mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.

- Smart Move Program - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that are participating in Blue Acres buyout programs as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

The geographic extent of these programs will be the 12 counties determined eligible for funding under presidential declaration DR-4614 and identified under New Jersey's Ida Recovery Action Plan, located on the DCA website: https://www.nj.gov/dca/ddrm/home/idaactionplan.shtml. Counties include Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren **(Attachment 1)**.

Review Procedures

Through the environmental review procedures and applicable mitigation measures, DCA intends for proposed CDBG-DR funded activities to avoid negative impacts to air quality during construction and operations of the proposed projects. The proposed review procedures describe how DCA will act as the responsible federal entity to oversee and document that the proposed action complies with state and federal regulations.

Since site-specific locations are not known at this time, DCA intends to complete a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2). The first tier will be 12 county-wide environmental reviews, which examine all environmental topics listed in the U.S. HUD regulations for CDGB-DR funding, including 24 CFR 58.5 and 58.6, and National Environmental Policy Act (NEPA). The second tier will require analysis at the site-specific review level. Each site-specific project will be assigned to one of the following activity categories.

1) **Rehabilitation**: Repairing (possibly including elevating) homes and small rental properties that sustained damage as a result of Tropical Storm Ida but were not so severely damaged that reconstruction is required. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").
2) **Reconstruction within existing footprint**: Construction of a new dwelling on the existing property within 20.0 percent of the original (first-floor) building footprint ("Proposed Action 2").
3) **Reconstruction beyond existing footprint**: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first-floor) building footprint ("Proposed Action 3").
4) **New Construction**: New construction of single-family homes. The new developments will be built outside the 500-year floodplain and the inland or coastal climate adjusted floodplain, as defined by DEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

DCA understands that New Jersey is currently in nonattainment status in some areas for 8-hour ozone (2008; 2015) and sulfur dioxide (portion of Warren County). DCA's review of the NAAQS, the NJ SIP, and

previous emissions estimates for the NJ Sandy recovery project[1] have resulted in a determination that the proposed actions would not be expected to equal or exceed the *de minimis* thresholds established under 40 CFR 93.153 and would therefore be exempt from general conformity requirements.

Best management practices will be required for all construction activities by way of mandatory mitigation measures:

- Use of water in exposed areas to control excessive dust.
- Covering trucks hauling soil and other materials to prevent dust generation.
- Minimize idling of all vehicles.
- Retrofitting older equipment with pollution control measures.

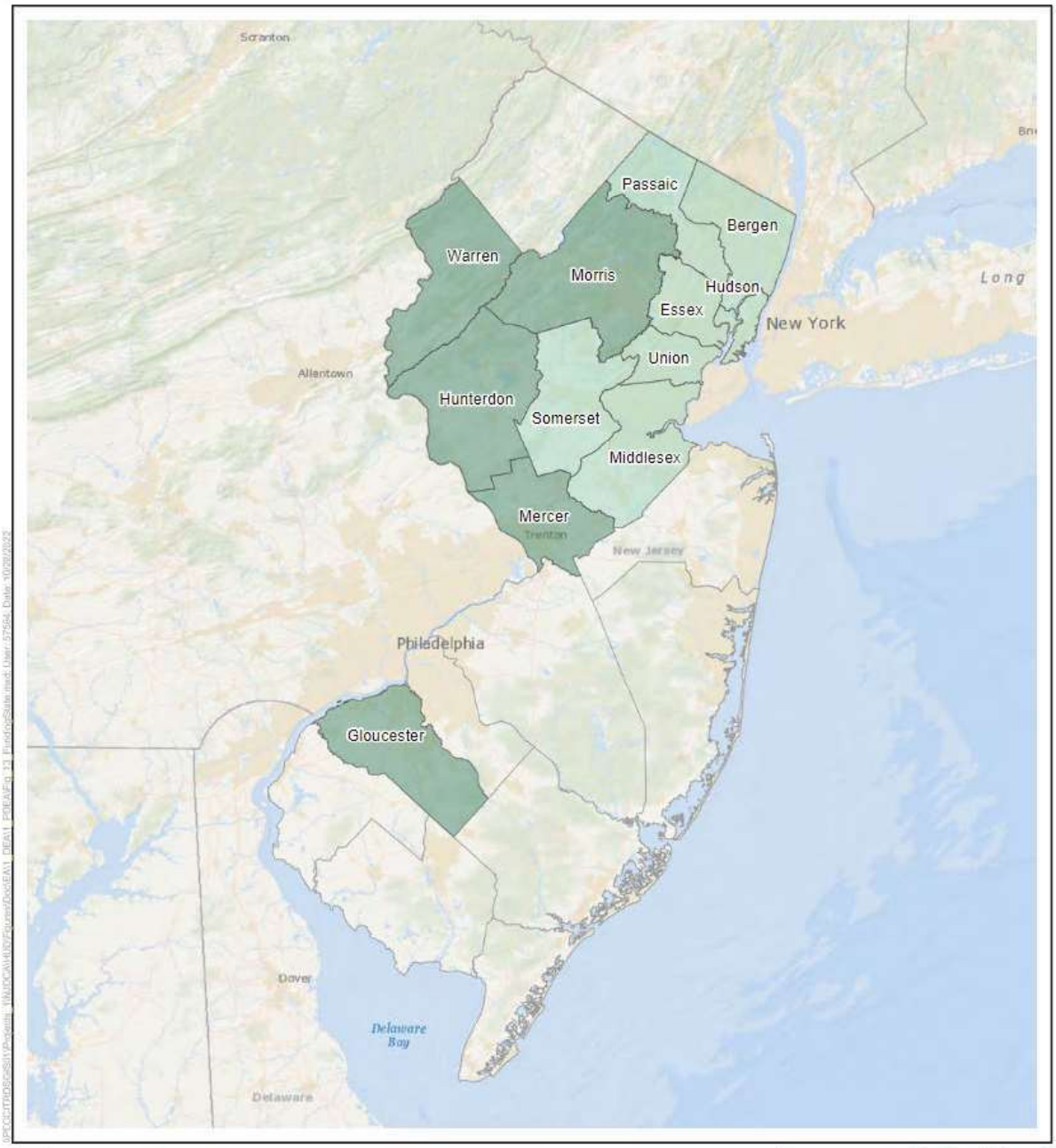
Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at [redacted].

Sincerely,

Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

Attachment 1: Counties eligible for Tropical Storm Ida funding.
Attachment 2: AQ Emissions Estimate.

[1] Provided in Attachment 2. The emissions estimates were prepared in 2013 with a projection to 2014 for analysis purposes. The programs being evaluated as part of the Tropical Storm Ida recovery project would expend up to approximately $119 million in federal funds; the Hurricane Sandy recovery project evaluated the estimated emissions from approximately $1.8 billion in federal funding.



Attachment 1: Counties Eligible for HARP, SRRP and Smart Move Funding

Attachment 2

Methodology to Estimate Emissions from the Housing Rehabilitation, Reconstruction, Elevation, and Mitigation Associated With Hurricane Sandy—Use of Fuel for Residential Construction and Average Pollutant Emission Factors

Step 1: Obtain national data that relates residential housing spending to diesel fuel usage from Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, prepared by Sierra Research for the Office of Mobile Sources, U.S. Environmental Protection Agency (report number SR93-03-02, March 19, 1993, Table 7-4 on page 7-6). Based on the 1987 Census of Construction, $1,200 of off-highway fuel is used for every million dollars of single family housing (SFH) construction. Also, $880 of off-highway fuel is used for every million dollars of non-SFH residential construction. Assuming the Superstorm Sandy construction activities will be a mix of SFH and non-SFH residential construction, an average value of $1,040 of off-highway fuel per million dollars of construction will be used.

Step 2: Convert the diesel fuel usage factor to gallons of fuel per million dollars ($M) of current residential construction spending. An average 1987 diesel price of $0.55 per gallon is from page 7-10 of the Sierra report. To convert the construction spending from 1987 dollars to current dollars, producer price indices (PPI) for finished goods less food and energy were obtained for 1987 (113.3) and 2012 (182.4) from http://data.bls.gov/pdq/SurveyOutputServlet . The diesel fuel usage factor is converted as follows:

$1,040 fuel/$M1987constn X 1 gal diesel/$0.55 X 113.3/182.4 = 1,175 gal diesel/$Mconstn

Step 3: Obtain emission factors in terms of annual tons of pollutant per million gallons of nonroad diesel fuel to enable the estimation of pollutant emissions per million dollars of construction spending. The NJDEP ran the EPA NONROAD model to produce 2014 annual construction pollutant emissions and fuel usage for the nine New Jersey counties in which Superstorm Sandy recovery efforts will be concentrated. Details regarding the results of the NONROAD model runs are provided in the appendix. The NONROAD results were used to generate emission factors by considering the total annual construction pollutant emissions for the nine counties along with the total diesel fuel used by the construction equipment. This resulted in emission factors of: 6.90, 64.89, 5.51 and 0.13 pollutant tons per million gallons of diesel fuel for VOC, NOx, PM2.5 and SO2 respectively. Using the emission factors from the NONROAD model and 1,175 gal diesel/$Mconstn from Step 2, the following emission factors are calculated: 0.00811, 0.0762, 0.00647 and 0.00015 annual tons of pollutant per million dollars of residential construction spending for VOC, NOx, PM2.5 and SO2 respectively.

Step 4: Apply the emission factors to the projected spending for the Superstorm Sandy rebuilding project. The spending for the project is estimated to be $1.8 billion over a 24 month period beginning mid-2013 and ending mid-2015. The focus of this analysis will be the 2014 calendar year because project construction emissions are expected to be highest in that year (half of $1.8 billion or $900 million). General conformity emissions are estimated for each impacted nonattainment area. Of the nine counties in which HUD-funded Superstorm Sandy recovery projects will be concentrated, six are in the northern ozone nonattainment area and three are in the southern nonattainment area. However, the shoreline length is roughly equally split between the northern and southern ozone nonattainment areas. Six of the nine counties are in the northern

PM2.5 nonattainment area. Therefore, for the ozone precursor pollutants (VOC and NOx), 2014 project construction spending is assumed to be $450 million (half of $900 million) for each nonattainment area and for PM2.5, 2014 project construction spending is assumed to be $600 million (2/3 of $900 million). Using these spending assumptions and the emission factors from Step 3, the following are the estimated 2014 emissions:

Table 1: Estimated VOC, NO_x and PM2.5 Emissions Associated with HUD-Funded Housing Projects

Nonattainment Area	VOC (tons/year)	NOx (tons/year)	PM2.5 (tons/year)	SO2 (tons/year)
Ozone Northern	4	34	NA	NA
Ozone Southern	4	34	NA	NA
PM2.5 Northern	NA	NA	4	0.09
General Conformity Limits	25	100	100	100

The methodology used to determine the emissions estimates in Table 1: Estimated VOC, NO_x and PM2.5 Emissions Associated with HUD-Funded Housing Projects is consistent with the damage reported by county and the method of distribution of funds included in the New Jersey Department of Community Affairs, Community Development Block Grant Disaster Recovery Action Plan (March 2013).[1]

[1] http://www.state.nj.us/dca/announcements/pdf/CDBG-DisasterRecoveryActionPlan.pdf (pages 2-4 and 4-2)

From: Greene, Robert
To: Pepe, David [DEP]
Cc: Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven; Nolan, Katherine [DEP]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs
Date: Thursday, January 19, 2023 4:01:37 PM
Attachments: image001.png
image002.png
NJDEP Contamination and Toxic Substances.pdf
NJDCA Tier 1 EA Air Quality.pdf

Hi David,

Signed letters for Contamination and Toxic Substances and Air Quality are attached. We have one more letter that we will be sending for ENSP review in the next week or two after incorporating USFWS feedback.

Thanks again for your help coordinating everything.
Rob

From: Pepe, David [DEP] [redacted]
Sent: Wednesday, January 4, 2023 8:38 AM
To: Sherman, Steven [redacted]; Nolan, Katherine [DEP] [redacted]
Cc: Burton, Judith [DCA] [redacted]; Mackay, Elizabeth [DCA] [redacted]; Greene, Robert [redacted]; Leager, Leslie [redacted]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs

HI Steve - you can send them to me and I will make sure the proper programs review.

Thank you,
David Pepe, P.G. , Director
New Jersey Department of Environmental Protection
Office of Permitting & Project Navigation
[redacted]
Website: http://www.nj.gov/dep/pcer/

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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From: Sherman, Steven [redacted]
Sent: Wednesday, January 4, 2023 8:23 AM
To: Pepe, David [DEP] [redacted]; Nolan, Katherine [DEP] <[redacted]
Cc: Burton, Judith [DCA] [redacted]; Mackay, Elizabeth [DCA] [redacted]; Greene, Robert <[redacted]>; Leager, Leslie [redacted]
Subject: [EXTERNAL] RE: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

Hope you had a nice holiday. I just wanted to follow up on the request below. For HUD-funded CDBG-DR Tier 1 (county-wide) environmental assessments, should we send consultation letters regarding Air Quality, Endangered Species and Contamination and Toxic Substances to the Office of Permitting and Project Navigation or to the relevant NJDEP divisions (i.e.. Division of Air Quality)?

Thank you,
Steven

From: Sherman, Steven
Sent: Wednesday, December 28, 2022 10:03 AM
To: [redacted]
Cc: Burton, Judith [redacted]; Mackay, Elizabeth [DCA] [redacted]; Greene, Robert <[redacted]>; Leager, Leslie [redacted]
Subject: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

ICF is supporting DCA in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation or new construction of housing structures.

In developing the Tier 1 EAs, we wanted to confirm the proposed approach and obtain guidance on a few environmental resource sections. Provided below are those resources along with some additional details of which we are requesting information. Where applicable, we are modeling the approaches based on the NJ Sandy Recovery Program.

- **Air Quality**:

    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
- **Endangered Species**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Guidance on incorporating state listed species and critical habitat in environmental reviews
    - Guidance on required state permits and/or mitigation measures
- **Contamination and Toxic Substances**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Confirmation of search radius/clearance requirements for toxic sites (ex: superfund, brownfield, RCRA…)
    - Guidance on required state listed sites to analyze within range of the proposed action

While we do not anticipate that permits will be required for the Broad County-wide Tier 1 EAs, there may be some permits for the subsequent site-specific Tier 2 environmental reviews of mostly single-family structures. Do you know which points of contact I should reach out to at DEP for the above resources categories? We will be sending along a letter and email to the appropriate points of contact which detail the proposed action (for Tier 1s and Tier 2s) along with the proposed approaches.

Thanks,
Steve

Steven Sherman | Senior Environmental Planner, Environment & Planning | [redacted] icf.com [redacted]

Figure E-4: NJDEP Consultation Response

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Permitting and Project Navigation
401 East State Street, Mail Code 401-07J, P.O. Box 420
Trenton, New Jersey 08625-0420
Phone: (609) 292-3600 Fax: (609) 292-1921
www.nj.gov/dep/pcer

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHAWN M. LaTOURETTE
Commissioner

February 22, 2023

Steven Sherman
ICF International

RE: Request for Guidance: NJ Department of Community Affairs Hurricane Ida Tier 1 Environmental Assessment
12 counties: Passaic, Bergen, Hudson, Essex, Union, Morris, Warren, Hunterdon, Sommerset, Middlesex, Mercer, Gloucester.

The New Jersey Department of Environmental Protection's (Department) Office of Permitting and Project Navigation (OPPN) distributed for review and comment a request for guidance on the proposed approach to prepare the NJ DCA Tier 1 Environmental Assessment. ICF International is supporting the Department of Community Affairs in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation, or new construction of housing structures.

Based on the information provide for review, the Department offers the following comments for your consideration:

Division of Land Resource Protection
Bureau of Tidelands
The review process should include an analysis of potential Tidelands ownership. Tidelands refers to all lands that are now or were formerly flowed by the mean high tide of a natural waterbody (such as the ocean, bays, and tidal sections of rivers and creeks, and includes marshlands inundated by the tide). The State of New Jersey owns in fee simple all lands that are flowed by the tide up to the high-water line and claims ownership of those formerly flowed tidelands as delineated on the Tidelands Claims Maps. In those areas that are still flowed by the tide, the claim line is not static, and are subject to continuing shoreline processes where the State's Tidelands ownership can extend to the current mean high water line that may be inshore of the mapped claim line. Tidelands concerns property ownership rights and regulatory permit approval does not convey nor relinquish the State's ownership rights. The existing structure or continued use thereof, or the construction, reconstruction, placement of fill and/or shoreline stabilization work are examples of activities that may require Tidelands approval via a lease, license, or grant if the activity or structure is located within currently flowed Tidelands or Tidelands claim area.

Bureau of Flood Hazard Area and Stormwater Engineering

Flood hazard authorization will be required for the various types of projects which include reconstruction within the existing footprint (Proposed Action 2), reconstruction beyond the existing footprint (Proposed Action 3), and new construction (Proposed Action 4). If the rehabilitation (Proposed Action 1) of a home result in a substantial improvement, then a flood hazard authorization will be required. For reference, a substantial improvement is one in which the cost of doing the work equals or exceeds 50% of the market value of the home. Regardless, if rehabilitation involves elevating a home, a flood hazard authorization will be required.

DCA relies on the Uniform Construction Code (UCC). The UCC governs elevations of the lowest floor of a building. This is consistent with the Flood Hazard Rules, however, may need further analysis. UCC and Flood Hazard differs for additions to buildings that do not result in a substantial improvement. The UCC does not require the floor of the addition to be at any specific elevation, however, the Flood Hazard regulations requires the floor of the addition to be elevated at least one foot above the flood hazard elevation. This inconsistency can lead to compliance issues and frustration on the part of building owners.

Whether categorized into Proposed Actions 2 or 3, any reconstruction of an existing building cannot extend into the floodway. In cases where the original footprint is in the floodway, deviations from this footprint upon reconstruction may not necessarily qualify for authorization under the Flood Hazard Area Control Act Rules.

Please be aware that encroachment into the riparian zone is minimized, and where unavoidable, does not exceed allowable regulatory limits.

If you have any questions, please contact Christina Albizati at [redacted]

Historic Preservation Office

The Historic Preservation Office (HPO) is consulting with the Department of Community Affairs (DCA) regarding these programs, pursuant to Section 106 of the National Historic Preservation Act. DCA is in the process of drafting a Programmatic Agreement (PA) to address historic preservation consultation for these programs. The PA will govern all consultation processes and exemptions for each of DCA's United States Department of Housing and Urban Development-funded programs related to Hurricane Ida. As a result, we look forward to further consultation with DCA regarding the development and implementation of this agreement.

If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 23-0494 in any future calls, emails, submissions, or written correspondence to help expedite your review and response.

If you have any questions, please contact Jesse West-Rosenthal at [redacted]

New Jersey Division of Fish Wildlife

The Office of Environmental Review is reviewing the additionally submitted documents and will follow up with written guidance.

If you have any questions, please contact Kelly Davis at [redacted]

If you have any questions regarding the Endangered and Non-Game Species Program, please contact Kathy Clark at [redacted]

Division of Resilience Engineering & Construction

Bureau of Climate Resilience Design & Engineering

The following comments are based on the approach for each level of review to comply with Environmental Assessment Contamination and Toxic Substance Approach Comments, under 24 CFR 58.5 (i)(2)(i). As noted, HUD requires the proposed project site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended utilization of the property.

Tier 1 Approach:

Hazards: It is recommended in HUD policies, along with Federal, State and local standards, that following hazards be included in this section of the Tier 1: Radon, Asbestos, Lead-based Paint (LBP) and Mold. As well as best management practices on the overall approach, including demolition guidance for residences that contain asbestos and LBP, and how these hazards will be assessed in the site-specific Tier 2 reviews. All residential structures funded by HUD should be "free and clear" of the above noted items.

EPA Screening: The general approach of utilizing EPA's NEPAssist at the counties level for a broad review is acceptable, with understanding that a site-specific review will be needed to catch any additional EPA sites that may be listed after the Tier 1 is complete.

Tier 2 Approach:

Screening and Review Criteria: While utilizing NJDEP GeoWeb, there is a known contaminated sites list (KCSL) that is useful for the initial site screening. It is recommended that DCA generate a detailed review process that identifies the exact criteria used to "clear" and "not clear" project sites. This detailed process should include what mitigation is appropriate with certain hazards. The review process criteria should identify what specific documents or maps will be used to support any determination and who will be making those determinations.

Document Review: If the document review is an Open Public Records Act (OPRA) file review request, online documents only, the qualifications to perform the review must be noted on behalf of DCA. It is recommended for DCA staff to be trained on GeoWeb information to understand the information and to establish the connected databases that can be used determine site-specific SRP information.

Consultation: DCA intends to determine that the site and/or facilities do not conflict with the intended use of the project, and clarify how the information is determined. Including if there are multiple media concerns and transport concerns via soil, groundwater, and vapor. It is recommended that DCA document a review diagram of when consultation is needed and who they intend to consult with when these transport and potential exposure concerns are identified. This may be an internal meeting with SRP staff to agree on consultation criteria including time frame, contacts, and consultation product.

Site Inspections: Site inspections should include past and/or present evidence of Underground Storage Tanks (USTs) and/or Aboveground Storage Tanks (ASTs) not only on the property or within a structure but adjacent to the structure/property. It is recommended that the site inspection identify hazards such as asbestos, LBP, or mold.

Phase 1 Reviews: It is unclear the purpose of a Phase 1 at this stage of the funding. If all the above-noted items were reviewed and the hazards and mitigation requirements the Phase 1 would be the document needed for a purchaser to protect their property investment. The Tier 2's are essentially the documents that protect HUD's investment. On previous HUD-funded projects, Phase 1 documents were typically provided by commercial entities to protect their investment. The project team utilizes that Phase 1 and any other site remediation-type documents to support remediation of a hazard or that no hazard exists. The project team would confirm those hazards with the Tier 2 review. It is not recommended DCA perform Phase 1 reviews.

If you have any questions, please contact Kim McEvoy at [redacted]

Air Permitting

N.J.S.A. 26:2C-9.2d exempts (1) One- or two-family dwellings and (2) A dwelling of six or less family units, one of which is owner occupied from air permitting.

The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-21 for stationary permitting requirements. This includes but is not limited to, construction equipment-stationary construction equipment or emergency generators, may require air pollution permits if it is located on the site for longer than one year N.J.A.C. 7:27-8.2(d)15.

There are general permits for boilers and emergency generators (https://www.state.nj.us/dep/aqpp/gp.html) if the units can meet the prescribed requirement in the general permits.

Idling Vehicles- any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in N.J.A.C. 7:27-14 and 15.

Air pollution including odors that are detectable offsite that are injurious to human health or would result in citizen complaints are prohibited. N.J.A.C. 7:27-5.2.

Fugitive Dust - dust emissions either windblown or generated from construction activities should be controlled to prevent offsite impacts or material tracked onto the roadways. N.J.A.C. 7:27-5.2.

If you have any questions, please contact Danny Wong at [redacted]

Air Bureau of Evaluation and Planning

The Air Quality Evaluation states the 12 counties determined eligible for funding include: Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren.

Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union, and Warren counties are part of the New York, Northern New Jersey, Long Island, and Connecticut (NY-NJ-CT) ozone nonattainment area, while Gloucester and Mercer counties are part of the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) ozone nonattainment area. On October 7, 2022, the U.S. Environmental Protection Agency (USEPA) issued two final rules that reclassified New Jersey's nonattainment areas. 87 FR 60926 reclassified the NY-NJ-CT nonattainment area from "serious" to "severe" nonattainment for the 75 ppb 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS), and 87 FR 60897 reclassified the PA-NJ-MD-DE nonattainment area from "marginal" to "moderate" for the 70 ppb 2015 8-hour ozone NAAQS. In the Federal General Conformity regulation (40 CFR 93.153), the corresponding de minimis level for a "severe" nonattainment area is 25 tons per year (tpy) for NOx or VOC, and 100 tpy for NOx and 50 tpy for VOC for a "moderate" nonattainment area. The effective date of these rules is November 7, 2022.

It is recommended that the applicant ensure that the correct classifications and thresholds are included in the draft Environmental Assessments and used to determine compliance with General Conformity regulations.

More information on the reclassification of the NY-NJ-CT nonattainment area for the 2008 8-hour ozone standard can be found here: https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20458.pdf.

More information on the reclassification of the PA-NJ-MD-DE nonattainment area for the 2015 8-hour ozone standard can be found here: https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20460.pdf.

Attachment 2 of the Air Quality Evaluation ("Methodology to Estimate Emissions from the Housing Rehabilitation, Reconstruction, Elevation, and Mitigation Associated with Hurricane Sandy – Use of Fuel for Residential Construction and Average Pollutant Emission Factors") contains the methodology used to estimate emissions for New Jersey Sandy Recovery projects that took place during a 24 month period beginning mid-2013 and ending mid-2015. While the Department accepted this methodology for the evaluation of the analogous Sandy recovery projects, please note that use of this methodology with all of the Sandy assumptions would result in very conservative (high) estimates of emissions from the upcoming Ida recovery projects. The producer price indices (PPI) for finished goods less food and energy (from 2012), and the nonroad equipment emission factors (from 2014) can be updated to more recent values that will result in directionally lower project emissions estimates.

For example, the most recently available PPI for finished goods less food and energy for the year 2022 (242.771) can be found here: https://www.bls.gov/ppi/detailed-report/ppi-detailed-report-december-2022.pdf.

If you have any questions, please contact Connor Milligan at [redacted]

Thank you for providing the New Jersey Department of Environmental Protection the opportunity to comment on the Request for Guidance: NJ Department of Community Affairs Hurricane Ida Tier 1 Environmental Assessment. Should you have any questions or need additional information, please contact Hannah Locke at the Office of Permitting and Project Navigation at [redacted]

Sincerely,

David Pepe, Director

From:	Locke, Hannah [DEP]
To:	Greene, Robert; Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven
Cc:	Pepe, David [DEP]; Nolan, Katherine [DEP]; Martin-Torres, Chaneice [DEP]
Subject:	NJ DCA Hurricane Ida Tier 1 EAs - NJDEP Comment Letter
Date:	Wednesday, February 22, 2023 12:13:32 PM
Attachments:	DCA Tier 1 EA - Request for Guidance - NJDEP Comment Letter.pdf

Good afternoon,

Please see the attached NJDEP comment letter. Please let me know if you have any questions.

Sincerely,

Hannah Locke (she/her)
Environmental Services Trainee
Office of Permitting and Project Navigation
New Jersey Department of Environmental Protection
[redacted]
NJDEP

NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

Appendix F: Coastal Zone Management

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Coastal Zone Management

Map created by ICF. Data source: New Jersey Department of Environmental Protection, NJ Meadowlands Commission, ArcGIS REST Service, accessed (1/16/2026, 1:07:01 PM EST) at
https://mapsdep.nj.gov/arcgis/rest/services/Features/Land_CAFRA_coast/MapServer/0
https://maps.nj.gov/arcgis/rest/services/Framework/Government_Boundaries/MapServer/7
https://mapsdep.nj.gov/arcgis/rest/services/Features/Hydrography/MapServer/30

N

0 100 ft 200 ft



Appendix G: Contamination and Toxic Substances

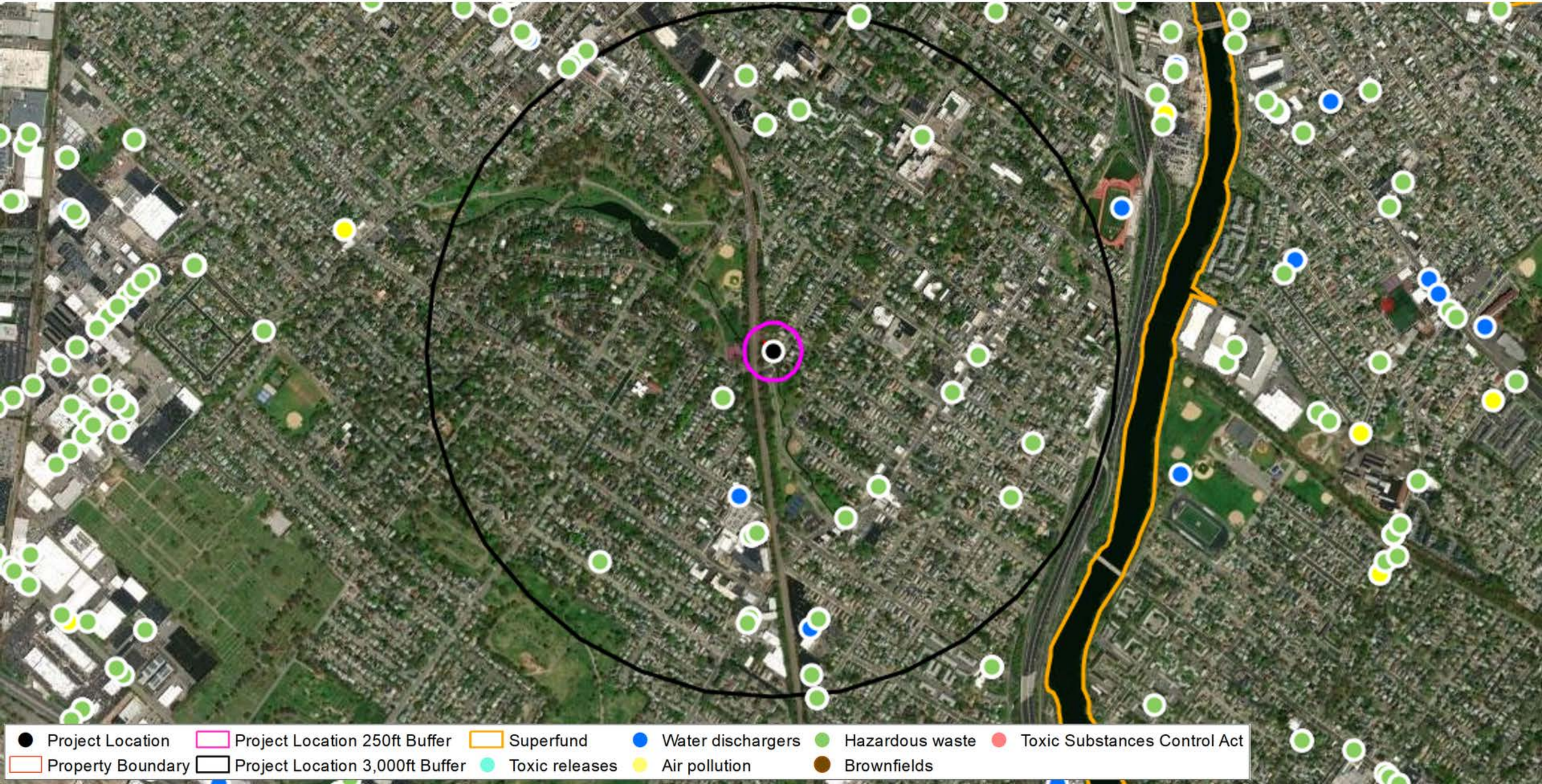
376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - EPA Hazardous Sites

Map created by ICF. Data source: Environmental Protection Agency, Toxics/EPA Envirofacts Facility Locations, ArcGIS REST Service, accessed (1/16/2026, 1:06:48 PM EST) at https://geopub.epa.gov/arcgis/rest/services/EMEF/efpoints/MapServer

N

0 1/4 mi 1/2 mi 1 mi



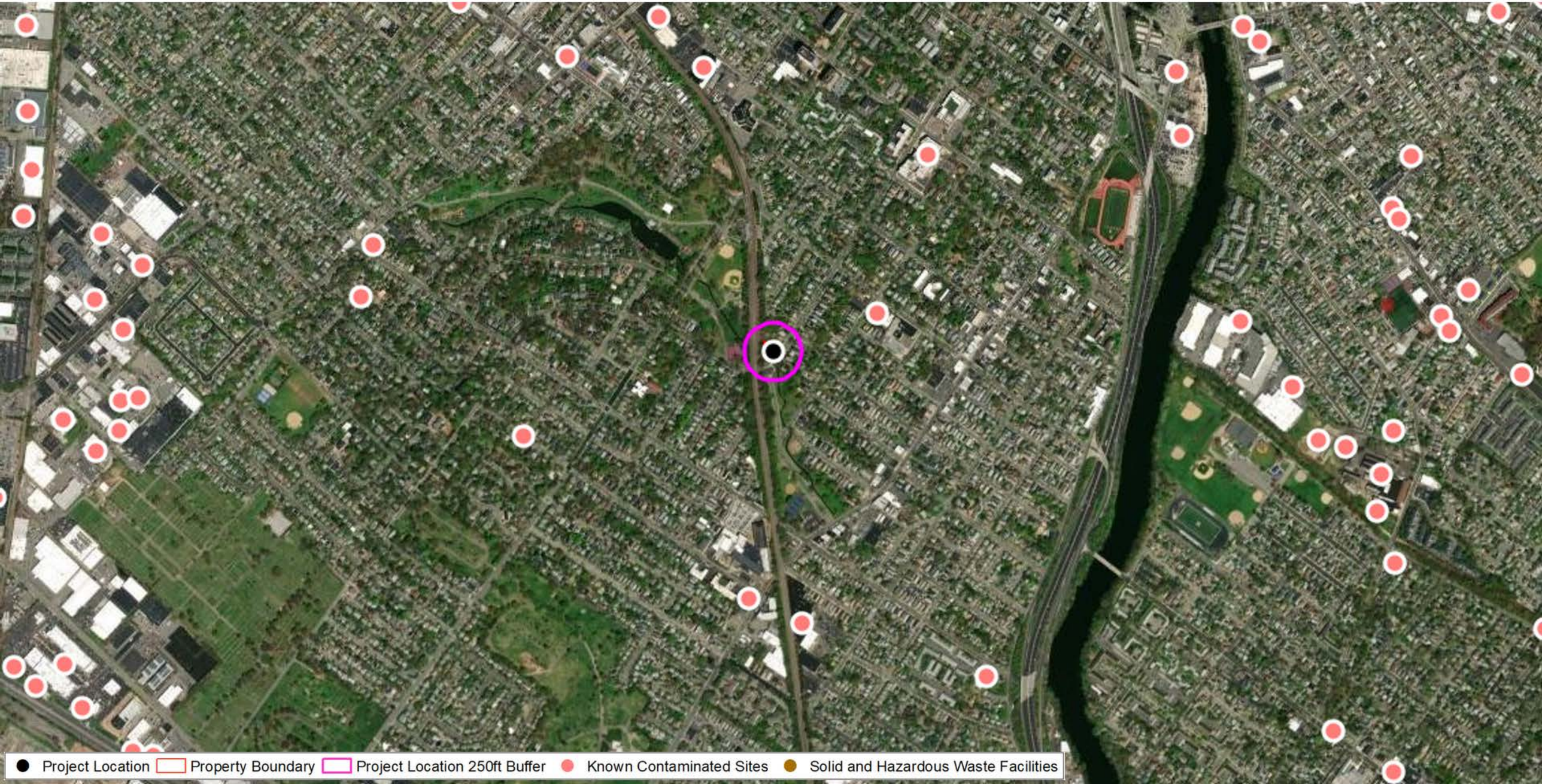
376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - NJDEP Sites and Facilities

Map created by ICF. Data source: New Jersey Department of Environmental Protection, Known Contaminated Sites List, Solid & Hazardous Waste Facilities, ArcGIS REST Service, accessed (1/16/2026, 1:06:45 PM EST) at https://mapsdep.nj.gov/arcgis/rest/services

N

0 1/4 mi 1/2 mi 1 mi



Passaic County NJ Radon Data, 2016-2026

StateFIPS	State	CountyFIPS	County	Year	Value (pCi/L)
34	New Jersey	34031	Passaic	2016	1.7
34	New Jersey	34031	Passaic	2017	1.7
34	New Jersey	34031	Passaic	2018	1.7
34	New Jersey	34031	Passaic	2019	1.7
34	New Jersey	34031	Passaic	2020	2.1
34	New Jersey	34031	Passaic	2021	1.6
34	New Jersey	34031	Passaic	2022	1.5
				Average	1.714286

Source: https://ephtracking.cdc.gov/DataExplorer/

Appendix H: Endangered Species

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Endangered Species

Map created by ICF. Data source: United States Fish & Wildlife Service, ArcGIS REST Service, accessed (1/16/2026, 1:06:55 PM EST) at https://services.arcgis.com/QVENGdaPbd4LUkLV/arcgis/rest/services/USFWS_Critical_Habitat

N

0 100 ft 200 ft



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 8205
Phone: (609) 646-9310

In Reply Refer To: 04/23/2026 19:22:40 UTC
Project Code: 2025-0074790
Project Name: HARP010741R

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office Project Review Guide web page as the next step in evaluating potential project impacts: http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts

such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the project code in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 8205
(609) 646-9310

PROJECT SUMMARY

Project Code: 2025-0074790
Project Name: HARP010741R
Project Type: Residential Construction
Project Description: The proposed activity is reconstruction (Proposed Action 2) of the single-unit residential structure at the address listed above. The structure was damaged as a result of Tropical Storm Ida. The existing structure would be demolished and replaced with a new single-unit residential structure. The lowest occupied floor of the new structure would be elevated at least 2 feet above the highest applicable 100-year flood level determined using the best available data. Construction of the new dwelling on the existing property is within 20.0 percent of the original (first-floor) building footprint. A map showing the location of the proposed activity is attached.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.846578449999996,-74.1333046660128,14z



Counties: Passaic County, New Jersey

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743 General project design guidelines: https://ipac.ecosphere.fws.gov/project/HKH2GF24DVEJBFKUWC4NZIZXCQ/documents/generated/10545.pdf	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

---

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/ activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

Ensure Your Eagle List is Accurate and Complete
If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

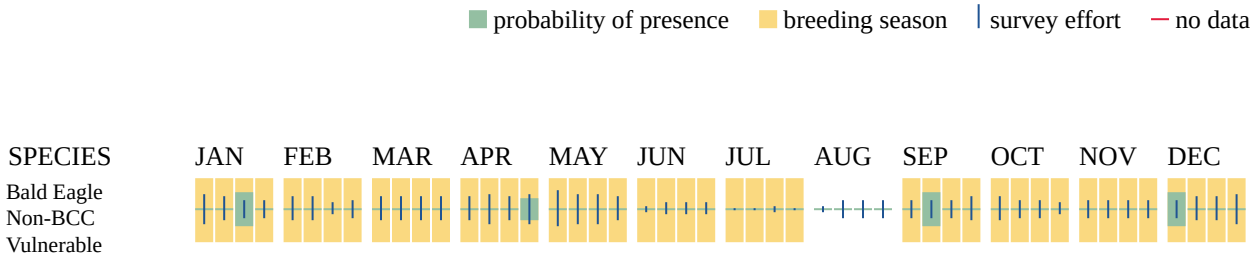
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (▪)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Prairie Warbler *Setophaga discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

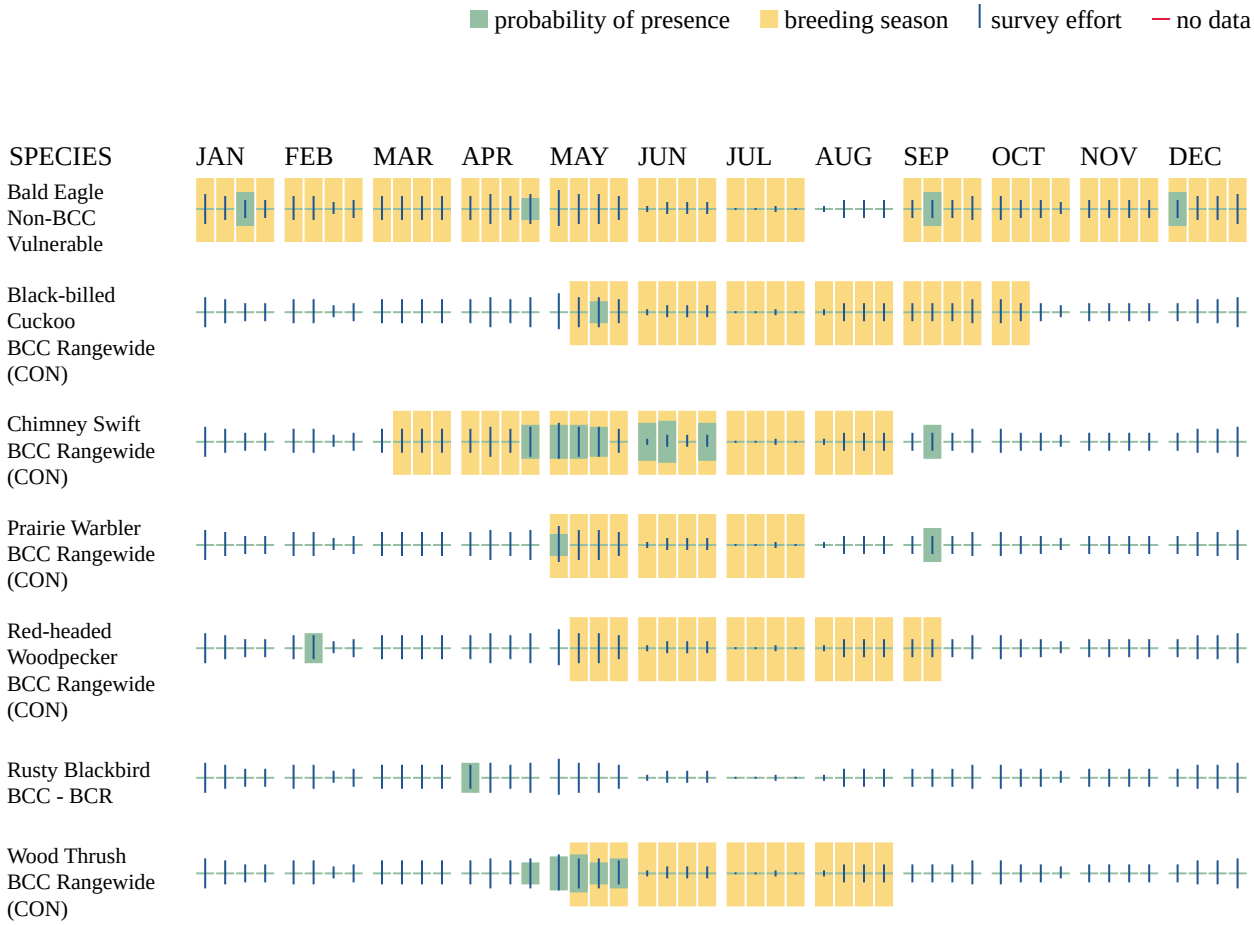
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (▪)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds

- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

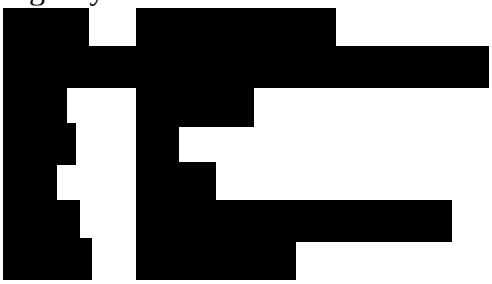
Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R2UBH

IPAC USER CONTACT INFORMATION

Agency: ICF



LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

Appendix I: Historic Preservation

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

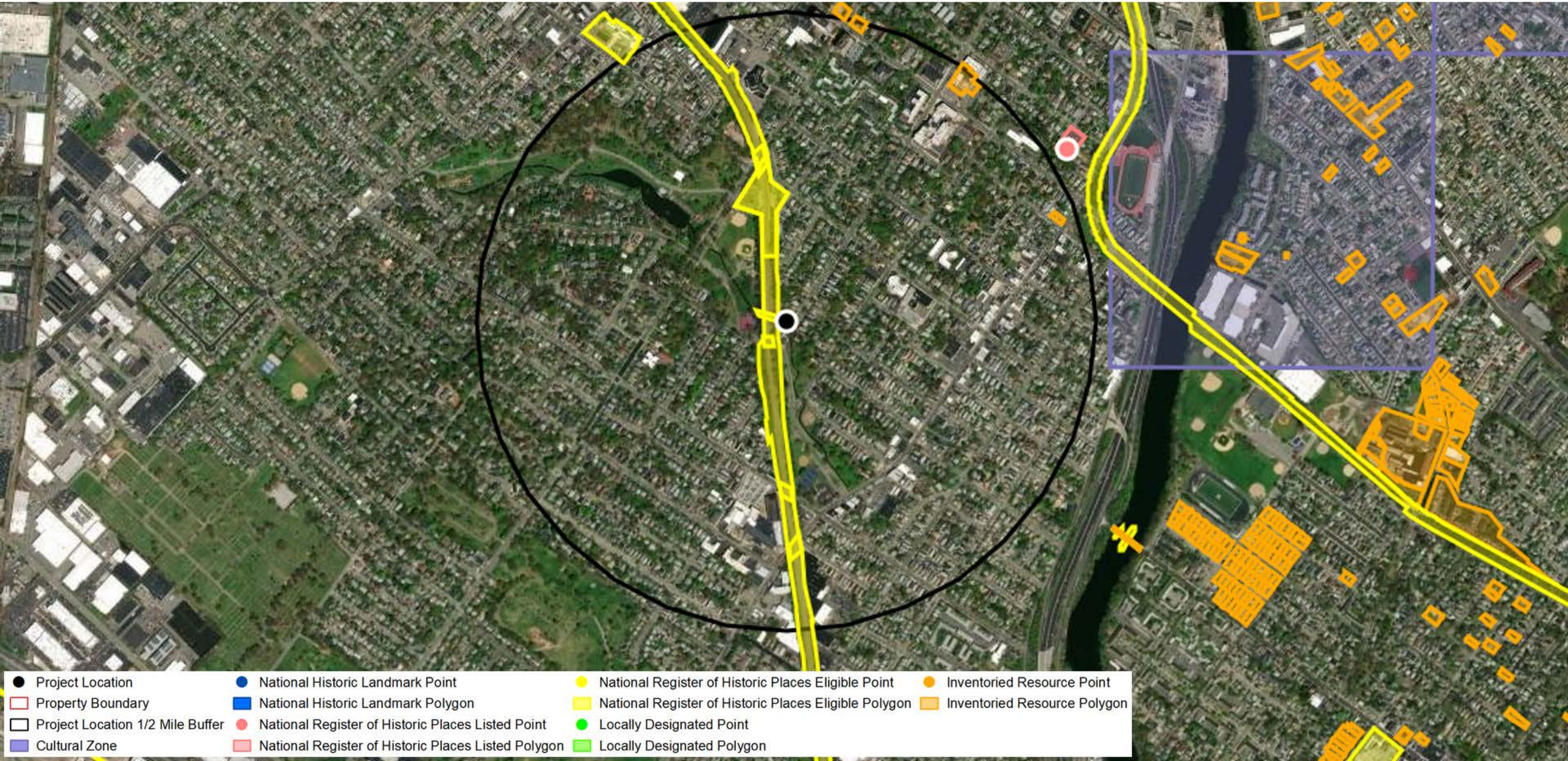
HARP010741R-CEST - Historic Preservation

Map created by ICF. National Park Service, NJ DEP, National Register of Historic Places points and polygons, ArcGIS REST Service, accessed (1/16/2026, 1:07:18 PM EST) at https://mapservices.nps.gov/arcgis/rest/services/cultural_resources/nrhp_locations/MapServer, https://mapsdep.nj.gov/arcgis/rest/services/Features/Land/MapServer/.

The Cultural Zone is based on the New Jersey Archaeological Site Grid plus a buffer to indicate the potential presence of archeological sites within the vicinity of the project area.

N

0 1/8 mi 1/4 mi



Project #5, See Page 2
HPO-D2026-068

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

JACQUELYN A. SUÁREZ
Commissioner

To: Kate Marcopul, Administrator and Deputy State Historic Preservation Officer, New Jersey Historic Preservation Office

From: Nicholas Smith-Herman, Division of Disaster Recovery and Mitigation, Environmental & Historic Preservation, Department of Community Affairs

Date: March 11, 2026

RE: Homeowner Assistance and Recovery Program (HARP) Application
Re-evaluation of Updated Scopes of Work

The U.S. Department of Housing and Urban Development (HUD) awarded the State of New Jersey Community Development Block Grant-Disaster Recovery (CDGB-DR) funds to support long-term recovery and mitigation efforts following Hurricane Ida (DR-4614) through the New Jersey (NJ) Department of Community Affairs (DCA). HUD has determined that this program is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800. HUD has authorized NJ DCA to initiate consultation with the New Jersey Historic Preservation Office (NJ HPO) on its behalf. Section 106 consultation for the Tier 2 reviews that was initiated in our letter to your office dated February 14, 2024, for NJ HPO project number HPO-C2024-157. In subsequent letters, we continued Section 106 consultation for the Tier 2 reviews of specific HARP applications detailed in the **Table 1**, below.

The purpose of this memo is to address our re-evaluation of the proposed scope of work since the previous Section 106 consultation for the Tier 2 reviews was conducted. We have re-evaluated the proposed scope of work and have determined that demolition and reconstruction of the existing residence would better achieve program standards and long-term resilience due to multiple risk factors. The existing building would be demolished and replaced with a new residence. The lowest occupied floor of the new building would be elevated at least two feet above the highest applicable 100-year flood level determined using the best available data. Construction of the new residence on the existing property would be within 20.0 percent of the original (first floor) building footprint.

Table 1 below provides details of nine Tier 2 review previously subject to Section 106 consultation with your office. For each of the Tier 2 reviews identified in the table below, DCA previously determined, and SHPO concurred that no historic properties are present within the APE, and that no historic properties would be affected by the proposed rehabilitation scope of work. In the re-evaluation of the revised proposed scope of work to infill the basement and reconstruct the residence, DCA has determined that the Section 106 findings of **No Historic Properties Affected** remain valid.

project # See below
HPO-D2026-068
Page 2

Table 1. Tier 2 Site Specific Reviews Previously Subject to Section 106 Consultation

Prior HPO Chrono #	DCA Project ID	Address	Prior Scope of Work	Prior HPO Determination Date	Updated Scope of Work	DCA's Findings on Updated Scope
[redacted]	HARP014549R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP014225R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP012212R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP012861R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
G2025-240	HARP010741R-CEST	376 Pennington Ave., Passaic City, NJ 07055	Addition	July 23, 2025	Basement Infill and Reconstruction	No Historic Properties Affected
[redacted]	HARP010978R-CEST	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP010143R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP010245R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	HARP011531R	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

25-1688-2

[redacted]

I concur with your finding that there are no historic properties affected within the project's area of potential effects. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

NJB

Katherine J. Marcopul 4.9.2026

Katherine J. Marcopul — Date

Deputy State Historic Preservation Officer

NP

DCA NJ Department of Community Affairs

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

March 11, 2026

City of Passaic
Mayor Hector C. Lora
Historic Preservation Commission
330 Passaic Street
Passaic, NJ 07055
Via email: mayor@cityofpassaicnj.gov

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mayor Lora,

This letter is to follow up with you regarding our previous invitation to consult with our office as a consulting party under Section 106 of the National Historic Preservation Act (Section 106). In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, previously initiated consultation under Section 106 of the National Historic Preservation Act with your organization for the previously proposed undertaking, in accordance with 36 CFR Part 800. The previous correspondence to you included the Tier 2 Site Specific Review for the grant application that is the subject of this letter, which is identified in the table below. The Tier 2 Site Specific Review provided details about the subject property, the evaluation of the subject property for eligibility to be listed in the National Register of Historic Places, and NJDCA's findings regarding the proposed project.

The previously proposed undertaking entailed rehabilitation activities to the residence located on the parcel for the grant application that is the subject of this letter, which is identified in the table below. However, since our previous correspondence with you, the proposed undertaking has been re-evaluated, and it has been determined that demolition and reconstruction of the existing residence would better achieve program standards and long-term resilience due to multiple risk factors. The existing building would be demolished and replaced with a new residence. The lowest

occupied floor of the new building would be elevated at least two feet above the highest applicable 100-year flood level determined using the best available data. Construction of the new residence on the existing property would be within 20.0 percent of the original (first floor) building footprint.

Table 1 below details the Tier 2 Site Specific Review(s) for which your organization previously received correspondence.

NJDCA has re-opened the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and maintained the project's previously established Area of Potential Effects (APE) for both archaeological and historic architectural resources.

We respectfully request your continued participation as a consulting party regarding the proposed revised scope of work and seek any additional input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the proposed project as it relates to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

cc: Steven Sherman, ICF
Robert Greene, ICF

Table 1. Tier 2 Site Specific Reviews Subject to Previous Section 106 Correspondence

NJDCA Project ID	Address	Date of Previous Section 106 Correspondence	Addressee's Response to Previous Section 106 Correspondence	Prior Scope of Work	Updated Scope of Work	NJDCA's Findings on Updated Scope
HARP010741R-CEST	376 Pennington Ave., Passaic City, NJ 07055	July 3, 2025	No response.	Addition	Basement Infill and Reconstruction	No Historic Properties Affected

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

March 11, 2026

Passaic County Open Space, Farmland, and Historic Preservation Advisory Committee
Salvatore Presti, Assistant Planner
401 Grand Street, Soom 417
Paterson, NJ 07505
Via email: salvatorep@passaiccountynj.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mr. Presti,

This letter is to follow up with you regarding our previous invitation to consult with our office as a consulting party under Section 106 of the National Historic Preservation Act (Section 106). In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, previously initiated consultation under Section 106 of the National Historic Preservation Act with your organization for the previously proposed undertaking, in accordance with 36 CFR Part 800. The previous correspondence to you included the Tier 2 Site Specific Review for the grant application that is the subject of this letter, which is identified in the table below. The Tier 2 Site Specific Review provided details about the subject property, the evaluation of the subject property for eligibility to be listed in the National Register of Historic Places, and NJDCA's findings regarding the proposed project.

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We respectfully request your continued participation as a consulting party regarding the proposed revised scope of work and seek any additional input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the proposed project as it relates to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

cc: Steven Sherman, ICF
Robert Greene, ICF

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[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

March 11, 2026

Passaic County Historical Society
3 Valley Road
Paterson, NJ 07503
Via email: president@lambertcastle.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

To Whom It May Concern,

This letter is to follow up with you regarding our previous invitation to consult with our office as a consulting party under Section 106 of the National Historic Preservation Act (Section 106). In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, previously initiated consultation under Section 106 of the National Historic Preservation Act with your organization for the previously proposed undertaking, in accordance with 36 CFR Part 800. The previous correspondence to you included the Tier 2 Site Specific Review for the grant application that is the subject of this letter, which is identified in the table below. The Tier 2 Site Specific Review provided details about the subject property, the evaluation of the subject property for eligibility to be listed in the National Register of Historic Places, and NJDCA's findings regarding the proposed project.

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We respectfully request your continued participation as a consulting party regarding the proposed revised scope of work and seek any additional input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the proposed project as it relates to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

cc: Steven Sherman, ICF
Robert Greene, ICF

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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

March 11, 2026

Passaic County Cultural & Historic Affairs
Kelly C. Ruffel, Director
199 Totowa Road
Wayne, NJ 07470
Via email: kellyr@passaiccountynj.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Ms. Ruffel,

This letter is to follow up with you regarding our previous invitation to consult with our office as a consulting party under Section 106 of the National Historic Preservation Act (Section 106). In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, previously initiated consultation under Section 106 of the National Historic Preservation Act with your organization for the previously proposed undertaking, in accordance with 36 CFR Part 800. The previous correspondence to you included the Tier 2 Site Specific Review for the grant application that is the subject of this letter, which is identified in the table below. The Tier 2 Site Specific Review provided details about the subject property, the evaluation of the subject property for eligibility to be listed in the National Register of Historic Places, and NJDCA's findings regarding the proposed project.

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If you have any questions, comments, or concerns about the proposed project as it relates to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

cc: Steven Sherman, ICF
Robert Greene, ICF

Table 1. Tier 2 Site Specific Reviews Subject to Previous Section 106 Correspondence

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[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

HPO PROJECT #S25-1689-1
Chrono:
G2025-240
25-1690-1
25-1691-1
~~25-1692-1~~
25-1688-1

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

JACQUELYN A. SUÁREZ
Commissioner

July 3, 2025

Kate Marcopul
Administrator and Deputy State Historic Preservation Officer
New Jersey Historic Preservation Officer
501 East State Street, Plaza Building, 4th Floor
Trenton, NJ 08625

RE: Homeowner Assistance and Recovery Program (HARP) Application
Totowa Borrough, Haledon Borough, Passaic City, Clifton City
Passaic County, New Jersey

Dear Ms. Marcopul,

The U.S. Department of Housing and Urban Development (HUD) awarded the State of New Jersey Community Development Block Grant-Disaster Recovery (CDGB-DR) funds to support long-term recovery and mitigation efforts following Hurricane Ida (DR-4614) through the New Jersey (NJ) Department of Community Affairs (DCA). HUD has determined that this program is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 CFR Part 800. HUD has authorized NJ DCA to initiate consultation with the New Jersey Historic Preservation Office (NJ HPO) on its behalf. This letter serves as a continuation of the Section 106 consultation for the Tier 2 reviews that was initiated in our letter to your office dated February 14, 2024, for NJ HPO project number HPO-C2024-157.

Project Activities & Area of Potential Effects

These HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. These activities include grants to eligible homeowners and landlords for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Attached to this letter are packets of information pertaining to each parcel covered by this letter. Each packet includes a map showing the location of the proposed activities. Therefore, the Area of Potential Effects (APE) for each Tier 2 review is defined as the tax parcel associated with each application.

HPO#s 25-1689-1
25-1688-1 25-1690-1
25-1691-1
~~25-1692-1~~
Chirano G2025-270

Programmatic Agreement

NJ DCA has hired ICF to conduct Tier 2 reviews pursuant to the PA. ICF's staff of Secretary of the Interior-Qualified Architectural Historians and Archaeologists reviewed the HARP program and proposed activities to determine that the PA Tier I and Tier II Allowances do not apply to the applications due to the nature of the proposed activities. The proposed activities not covered by PA Allowances for all cases include lot grading and installation of silt fences, except for HARP010741, which involves the construction of a 10x10 utility building. Therefore, the attached packets of information provide the Tier 2 Site-Specific Review for each application that is the subject of this letter.

Tier 2 Site-Specific Reviews

For the grant applications that are the subject of this letter, as identified below, NJ DCA is submitting the required documentation under cover of this letter for consultation with NJ HPO.

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]		

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]		

City of Passaic

HARP Identification No.	Address	Date of Construction
HARP010741	376 Pennington Avenue, Passaic City, NJ 07055	1951

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]		

DCA NJ Department of Community Affairs

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HPO #s 25-1689-1
25-1688-1 25-1690-1
25-1691-1
~~25-1692-1~~
Chrono G2025-240

Findings

As noted in the attached information packet for each application, NJ DCA has determined there are no known archaeological resources located within the APE for each application. Additionally, NJ DCA has determined there are no historic properties located within the APE for each application. Therefore, NJ DCA finds No Historic Properties Affected for these Tier 2 reviews.

Consultation

Pursuant to the PA, NJ DCA is inviting the following local governments to consult on the Section 106 review of the applications, as follows:

Passaic City
Mayor Hector C. Lora
Historic Preservation Commission
330 Passaic Street
Passaic, NJ 07055
Via email: mayor@cityofpassaicnj.gov

Borough of Haledon
Mayor Michael A. Johnson Sr.
510 Belmont Avenue
Haledon, N.J. 07508
Via email: mjohnson@haledonboronj.com

City of Clifton
Mayor Raymond Grabowski
900 Clifton Avenue, First Floor
Clifton, NJ 07013
Via email: gdemarzo@cliftonnj.org

Borough of Totowa
Mayor John Coiro
537 Totowa Road at Cherba Place
Totowa, NJ 07512
Via email: mayorcoiro@totowanj.org

Passaic County Department of Cultural & Historic Affairs (DCHA)
Kelly C. Ruffe - Director
199 Totowa Road
Wayne, NJ 07470
Via email: kellyr@passaiccountynj.org

DCA NJ Department of Community Affairs

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HPO #s 25-1689-1
25-1688-1 25-1690-1
25-1691-1
~~25-1692-1~~
Chrono G2025-240

Passaic County Historical Society
3 Valley Road
Paterson, NJ 07503
Library@lambertcastle.org

Passaic County Open Space, Farmland, and Historic Preservation Advisory Committee
Open Space Advisory Committee
Salvatore Presti, Assistant Planner
401 Grand Street, Room 417
Paterson, NJ 07505
Via email: salvatorep@passaiccountynj.org

NJ DCA welcomes any additional potential consulting party suggestions from NJ HPO.

NJ DCA will continue to review any application received under this program pursuant to the PA. Any applications that require consultation with NJ HPO and other entities will be submitted for review in accordance with the initiation letter and the PA.

We look forward to working with you.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

I concur with your finding that there are no historic properties affected within the project's area of potential effects. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

NP NP

Katherine J. Marcopul 7-28-25

Katherine J. Marcopul Date
Deputy State Historic Preservation Officer

Enclosures: Tier 2 Site-Specific Review Information Packets

CC: Meghan Barratta, NJ HPO
Jesse West-Rosenthal, NJ HPO
Christopher Romanoski, NJ HPO
Steve Sherman, ICF
Robert Greene, ICF

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Tier 2 Site-Specific Review
HARP010741

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

July 3, 2025

Passaic City
Mayor Hector C. Lora
Historic Preservation Commission
330 Passaic Street
Passaic, NJ 07055
Via email: mayor@cityofpassaicnj.gov

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mayor Lora,

In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. These activities include grants to eligible homeowners and landlords for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, structural reconstruction, grading and slope stabilization, and drainage improvements.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with your respective organization for the proposed undertaking in accordance with 36 CFR Part 800.

For the grant application that is the subject of this letter, as identified below, NJ DCA is submitting required documentation under cover of this letter for consultation with your organization.

HARP Identification No.	**Address**	**Date of Construction**
HARP010741	376 Pennington Avenue, Passaic City, NJ 07055	1951

NJDCA has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Area of Potential Effects (APE) for both archaeological and historic architectural resources.

We respectfully request your continued participation as a consulting party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,



Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

Enclosure: Tier 2 Site-Specific Review Information Packet

Tier 2 Site-Specific Review
HARP010741

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

JACQUELYN A. SUÁREZ
Commissioner

July 3, 2025

Passaic County Department of Cultural & Historic Affairs (DCHA)
Kelly C. Ruffel - Director
199 Totowa Road
Wayne, NJ 07470
Via email: kellyr@passaiccountynj.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Ms. Ruffel,

In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. These activities include grants to eligible homeowners and landlords for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, structural reconstruction, grading and slope stabilization, and drainage improvements.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with your respective organization for the proposed undertaking in accordance with 36 CFR Part 800.

For the grant applications that are the subject of this letter, as identified below, NJ DCA is submitting the required documentation under cover of this letter for consultation with your organization.

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

City of Passaic

HARP Identification No.	Address	Date of Construction
HARP010741	376 Pennington Avenue, Passaic City, NJ 07055	1951

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

NJDCA has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the projects' Area of Potential Effects (APE) for both archaeological and historic architectural resources. We respectfully request your continued participation as a consulting party regarding the Proposed Projects and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the Proposed Projects as they relate to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

Enclosure: Tier 2 Site-Specific Review Information Packet

Tier 2 Site-Specific Review
HARP010741

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

July 3, 2025

Passaic County Historical Society
3 Valley Road
Paterson, NJ 07503
Via email: Library@lambertcastle.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

To Whom It May Concern,

In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. These activities include grants to eligible homeowners and landlords for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, structural reconstruction, grading and slope stabilization, and drainage improvements.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with your respective organization for the proposed undertaking in accordance with 36 CFR Part 800.

For the grant applications that are the subject of this letter, as identified below, NJ DCA is submitting the required documentation under cover of this letter for consultation with your organization.

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

City of Passaic

HARP Identification No.	Address	Date of Construction
HARP010741	376 Pennington Avenue, Passaic City, NJ 07055	1951

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

NJDCA has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the projects' Area of Potential Effects (APE) for both archaeological and historic architectural resources. We respectfully request your continued participation as a consulting party regarding the Proposed Projects and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the Proposed Projects as they relate to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

Enclosure: Tier 2 Site-Specific Review Information Packet

Tier 2 Site-Specific Review
HARP010741

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

July 3, 2025

Passaic County Open Space, Farmland, and Historic Preservation Advisory Committee
Open Space Advisory Committee
Salvatore Presti, Assistant Planner
401 Grand Street, Room 417
Paterson, NJ 07505
Via email: salvatorep@passaiccountynj.org

Re: Hurricane Ida Community Development Block Grant – Disaster Recovery: Long-Term Recovery and Mitigation Support Grants, Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mr. Presti,

In an effort to address long-term recovery and mitigation efforts following Hurricane Ida (DR-4614), HUD-funded grants will be used to address impacts on housing from the hurricane that resulted in the need for rehabilitation, reconstruction, restoration of open space, or other work. These activities include grants to eligible homeowners and landlords for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, structural reconstruction, grading and slope stabilization, and drainage improvements.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes of features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with your respective organization for the proposed undertaking in accordance with 36 CFR Part 800.

For the grant applications that are the subject of this letter, as identified below, NJ DCA is submitting the required documentation under cover of this letter for consultation with your organization.

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

City of Passaic

HARP Identification No.	Address	Date of Construction
HARP010741	376 Pennington Avenue, Passaic City, NJ 07055	1951

[redacted]

HARP Identification No.	Address	Date of Construction
[redacted]	[redacted]	[redacted]

NJDCA has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the projects' Area of Potential Effects (APE) for both archaeological and historic architectural resources. We respectfully request your continued participation as a consulting party regarding the Proposed Projects and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days.

If you have any questions, comments, or concerns about the Proposed Projects as they relate to cultural resources, please contact me.

Thank you for your consideration and cooperation.

Sincerely,

Nicholas Smith-Herman
Division of Disaster Recovery and Mitigation
Environmental & Historic Preservation
Department of Community Affairs
101 S. Broad Street, PO Box 823
Trenton, NJ 08625
[redacted]

Enclosure: Tier 2 Site-Specific Review Information Packet

Tier 2 Site-Specific Review
HARP010741

Tier 2 Site Specific Review
HARP010741
376 Pennington Ave., Passaic City
Passaic County, New Jersey 07055
Tax Parcel ID: 1607_3286.03_44
Date of Construction: 1951

ICF Archeologist Phillip Quirk and ICF Historian April Scudder prepared the documentation for this Tier 2 Site Specific Review. They conducted digital research and aerial photography and historic map analysis. They meet the qualifications of an archeologist and historic preservation professional as defined in Title 35 of the Code of Federal Regulations, Part 61.

Proposed Scope of Work

The proposed scope of work for the subject application includes hazardous materials testing, in-kind repair of concrete, sealing of interior walls, and the installation of a backwater valve and a French drain. The proposed construction of a 10x10 utility structure does not meet PA allowances.

The Area of Potential Effect (APE) is defined as the tax parcel associated with the address since the proposed project activities are limited to the parcel.

Environmental Setting

Geology and Topography

The APE is situated within the Piedmont physiographic province. The Piedmont is characterized by a low rolling plain divided by a series of higher ridges underlain by slightly folded sedimentary rocks of the Triassic and Jurassic age (240 to 140 million years old) and Igneous rocks of the Jurassic age. Elevation across the Piedmont in New Jersey ranges from sea level at Newark Bay to 885 feet at High Mountain but generally averages between 100 and 400 feet (Dalton 2003). Bedrock within the APE consists of units of the Passaic Formation, Sandstone and Siltstone Facies, a Late Triassic formation comprised of reddish-brown shale, siltstone, and mudstone with interbedded argillites (Olsen 1980).

Hydrology

The closest permanent water is McDonalds Brook, which runs along the rear of the property. McDonalds Brook was once a natural watercourse but is now confined to an artificial channel and is diverted underground along much of its length. The brook is a tributary of the Passaic River and joins the river approximately 0.7 miles southeast of the APE. The Passaic River flows south approximately 9 miles to empty into Newark Bay and ultimately the Atlantic Ocean.

Climate and Vegetation

Climate within the APE is consistent with the Central Climate Zone. The climate of this region can vary dramatically between urban, paved locations and unpaved areas due to the "heat island" effect. Buildings and paved surfaces retain more heat, thereby affecting the local temperatures. Because of the prevalence of paved surfaces, nighttime temperatures in heavily developed parts of the zone are regularly warmer than surrounding suburban and rural areas (NJSC 2025).

Summers are warm, humid, and wet, and winters are cold with frequent snow. Over the course of the year, the average daily temperature in Passaic County ranges from 27°F in January to 72°F in July. Precipitation is fairly consistent throughout the year, with February typically the driest month averaging 2.84 inches and July the wettest with an average of 4.22 inches (NJSC 2025).

The APE is located within the Glaciated Triassic Lowlands ecoregion. Which are characterized by glaciated, undulating plains that are dominated by urban activity, underlain by Triassic sedimentary rock, and covered by Wisconsinan-age drift. Native vegetation was probably mixed oak, sugar maple, and northern hardwoods, but has been replaced due to historic development (Woods et al., 2007). The APE is a landscaped suburban lot with a small grassy lawn and ornamental shrubs and trees.

Soils

Soils within the APE consist of Fluvaquents and Udifluvents, 0 to 3 percent slopes, frequently flooded. These soils, formed in sandy alluvium, are found on floodplains, and as the name indicates, flood frequently. A-horizon soils are typically loam to 10 inches below surface, overlying subsoil of fine sand or sandy loam to 60 inches. Water table is typically encountered at 12 inches below surface (NRCS 2025).

Background Research

Historic aerial photographs, historic map review, New Jersey State Archive Early Land Records, and any other pertinent literature were also considered. Aerial photography from 1931 shows the lot as undeveloped but shows most of the surrounding neighborhood has been constructed. The 1953 aerial shows the house has been constructed which is consistent with the 1951 construction date found on tax assessors records. Subsequent aerial photography from 1954 through the present shows the vicinity has remained a densely populated suburban landscape (NETR 2025).

The earliest topographic map available, the 1888 1:62,500 Paterson, NJ map, shows the APE as an undeveloped area adjacent to the Boonton Branch of the Delaware, Lackawanna, and Western Railroad. The first map to show Pennington Avenue is the 1947 1:24,000 Orange, NJ topo, which shows the vicinity as an urban environment and does not depict individual structures. All subsequent topo maps show the area as a developed urban area, reflecting what is seen in the aerial photos (USGS 2025).

New Jersey State Archive Early Land Records is a database of state land records.

These records range from 1650 to 1996. However, records that post-date 1785 are kept at the county level and are generally not included in this database. More than 500 records for Passaic County and the city of Passaic were returned during the search. While some of these records may pertain to the property location or properties within one-half mile, the records are mainly handwritten surveyor notes or land patents without maps or graphics, and it is unclear if any records contain evidence of historic archaeological resources within the APE.

Results of New Jersey HPO Cultural Resources Geographic Information System

The data contained within the New Jersey Historic Preservation Office (HPO) Cultural Resources Geographic Information System (CRGIS) is produced and maintained by the HPO to provide accurate cultural resource information to governments, regulated customers, and the public. The dataset includes a vector grid of approximately one-half-mile cells indicating the presence or absence of Archeological Districts or Sites that:

1. Are National Historic Landmarks;
2. Are included in the New Jersey or National Registers of Historic Places;
3. Have been determined Eligible for inclusion in the registers through federal or state processes administered by the HPO;
4. Have been designated as Local Landmarks or Districts by local governments; or
5. Have been identified through early twentieth century state-wide archeological survey, modern cultural resource survey, or other documentation on file at the HPO.

A search of the applicant's address found that eligible archaeological resource(s) are not within a half-mile vector grid of the APE. There are no known eligible archaeological resources within a half-mile mile of the APE. As such, no survey reports pertaining to eligible archaeological resource(s) were requested from the New Jersey HPO. There are no previously recorded archaeological resources within the APE.

ICF historians also reviewed the HPO CRGIS to identify properties previously listed in the National Register of Historic Places (NRHP) within a half-mile buffer of the subject property. The property located at 376 Pennington Ave, Passaic City has not been previously determined eligible for NRHP listing, and it is not located within a historic district. The NRHP-eligible Delaware, Lackawanna and Western Railroad Boonton Branch Historic District sits 0.02 miles west of the subject property. The Delaware, Lackawanna and Western Railroad Boonton Branch/Howard Avenue Bridge is a contributing resource to the historic district and sits 0.03 miles west of the subject property. The bridge facilitates access to the subject property and the surrounding neighborhood.

Historic Context

To evaluate the subject property for NRHP eligibility under Criteria A, B, C, and D, the following provides a brief historic context of the property.

The area now known as Passaic City was originally inhabited by the Lenape Native Americans, who called the region “pahsayèk,” meaning “valley” or “place where the land splits.” European settlement began in 1678 when Dutch trader established a fur trading post, naming the area Acquackanonk Township. Early settlers were attracted by the fertile land and strategic location along the Passaic River, facilitating trade and agriculture. In 1685, Hartman Michielson purchased the site from the Delaware Indians, further solidifying European presence in the region (Di Costanzo 2023; City of Passaic 2025a).

During the American Revolutionary War, Passaic’s strategic location made it a site of military significance. General George Washington’s troops occupied the area, and following their retreat, British General Lord Cornwallis was quartered there. These events underscore Passaic’s role in the broader conflict between American and British forces (City of Passaic 2025b; Revolutionary War New Jersey 2025).

The nineteenth century marked a period of industrial growth for Passaic. The establishment of textile and metal industries transformed the city into a manufacturing hub. The arrival of the Erie Railroad further spurred economic development, facilitating the transport of goods and attracting a diverse workforce. This industrial expansion led to significant population growth and urbanization, shaping Passaic’s economic and social landscape (Auerbach 1998).

In the early twentieth century, Passaic continued to evolve industrially and culturally. A notable event was the 1926 textile strike, where over 15,000 workers protested wage reductions and poor working conditions. This strike highlighted labor struggles and contributed to the broader labor rights movement in the United States (Auerbach 1998).

Transportation infrastructure has played a crucial role in Passaic’s development. The construction of Route 21, also known as the McCarter Highway, was developed in the mid-twentieth century, providing a vital north-south artery that improved access to neighboring cities and supported local industries. Additionally, the Passaic River has been central to the city’s history, serving as a critical waterway for trade and industry.

The house at 376 Pennington Avenue, Passaic City sits in a primarily residential neighborhood with some commercial development to the southeast of the subject property along Main Avenue. The Delaware, Lackawanna, and Western Railroad Boonton Branch sits to the west of the subject property, adjacent to the Veterans’ Memorial Park. Hughes Lake sits to the west of the subject property within the Veterans’ Memorial Park and is linked to the Passaic River to the east of the subject property by way of a brook, facilitated by the McDanolds Brook Flood Control Project out of Veterans’ Memorial Park. Development in the neighborhood is first shown on topographic maps from 1888, which shows the existing railroad infrastructure. In topographic maps from 1898, neighborhood development is shown expanding from central Passaic City, most likely due to industry expansion and the need for housing.

Property records indicate a construction date of 1951. The house first appears in historic aerial imagery from 1953. The house has retained its original footprint, although material alterations have occurred. These include replacement windows, doors, and roofing.

Expected Archeological Potential

The goals of the background research were to identify the parcel's proximity to known historic properties and archaeological sites and determine the likelihood of the presence of intact subsurface archaeological deposits.

There are no previously recorded archaeological resources within a one half-mile radius of the APE. The proximity to the McDonalds Brook suggests that the area could have been exploited by Native Americans to obtain resources. Historic research indicates that the parcel was undeveloped prior to the 1950s. The construction of the house in 1951 and subsequent development of the property, including the installation of underground utilities suggest that there is very low potential for intact soils and pre-contact or historic-era archaeological deposits to remain within the APE.

Historic Resources Review

The following provides ICF historians' evaluation of the property for NRHP eligibility under Criteria A, B, C, and D.

To be eligible under Criterion A, the property would need to be associated with events that made a significant contribution to local, state, or national history. The subject property was constructed in 1951 as a single-family residence. Research did not yield any information that the subject property was the site of an important historical event or pattern of events that helped shape the built environment in Passaic City. The property did not serve as a catalyst for residential development because the trend had been established years prior as development in the neighborhood is shown on both topographic maps and historic aerial imagery that predate the construction of the subject property. As such, the subject property is not significant under NRHP Criterion A.

The property would need to be associated with a significant person or persons to be eligible under Criterion B. Historic research, including historic newspaper searches, census records, local directories, and online databases, has not revealed any significant associations with the lives of persons important to history at the local, state, or national level. Research did not yield evidence of the property being the home or workplace of any person who contributed to the history of Passaic City. As such, the subject property is not significant under NRHP Criterion B.

For eligibility under Criterion C, the property must embody the distinctive characteristics of a type, period, or method of construction, possess high artistic value, or be considered the work of a master. The subject property is an example of a Minimal Traditional single-family home. The property is a common example of its type and does not exhibit any high artistic value. Research did not uncover any information regarding architects or builders and the property is likely not the work of a master.

Furthermore, it does not represent a significant or distinguishable entity whose components may lack individual distinction. As such, the subject property is not significant under NRHP Criterion C.

To be eligible under Criterion D, the property must have yielded or be likely to yield important information in history or prehistory. Typical of similar buildings, the subject property does not have any potential to yield important information regarding construction or engineering materials, methods, or technologies used in the 1940s and early 1950s. As such, the subject property is not significant under NRHP Criterion D.

For these reasons, this property has been determined not eligible for NRHP-listing under Criteria A, B, C, and D. Therefore, an assessment of effects of the proposed project on the subject property was not undertaken.

Findings

Based on the review of the subject property, NJ DCA has determined the potential for intact pre- colonial or historic-era archaeological resources within the APE is low. Additionally, NJ DCA has determined there are no historic properties located within the APE of this Tier 2 review. Therefore, NJ DCA finds No Historic Properties Affected for this Tier 2 review.

References

Auerbach, Mark S.

1998 "An Overview of the History of the City of Passaic, New Jersey." City of Passaic. Electronic document, https://www.cityofpassaic.com/DocumentCenter/View/220/From-Its-Founding-to-1998---A-Historical-Overview-of-Passaic-PDF. Accessed February 27, 2025.

City of Passaic

2025a Passaic's Indigenous Peoples. Available online at https://www.cityofpassaic.com/413/Passaics-Indigenous-People. Accessed February 27, 2025.

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View of southeast (front) elevation facing northwest.



View of southwest elevation facing northeast



View of northeast elevation facing southwest.



View of northwest (rear) elevation facing southeast.



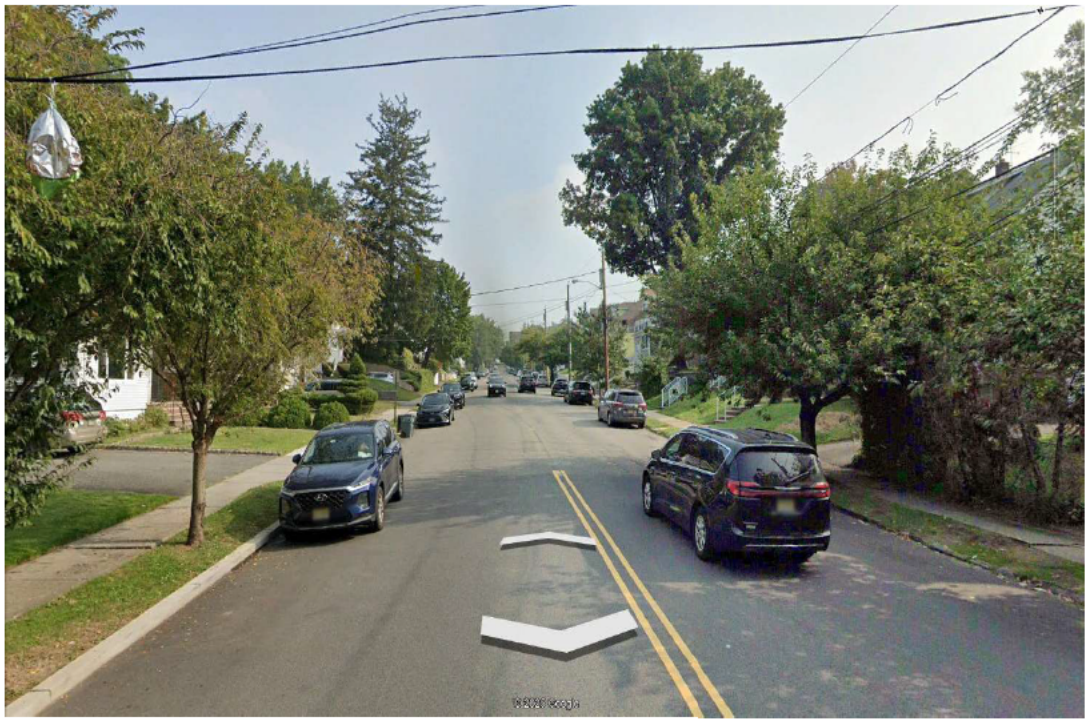
View of backyard facing northwest.



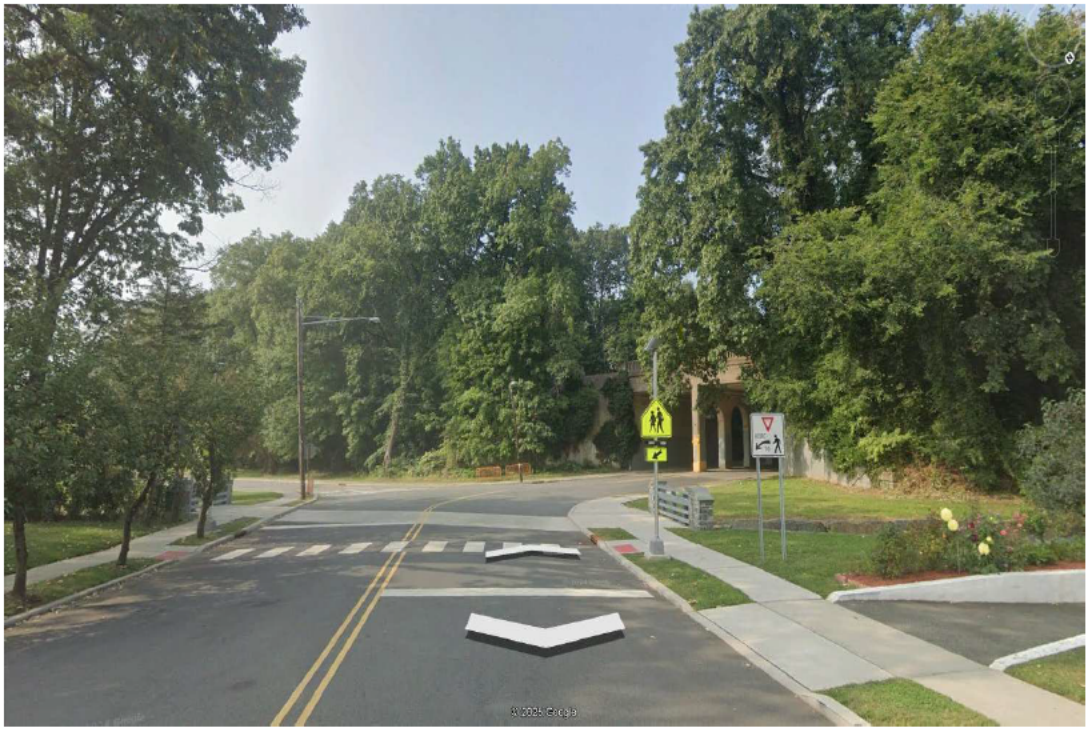
View of MacDonald Brook constrained waterway running from the south to the northwest adjacent to the rear of the subject property.



View of backyard facing northwest.



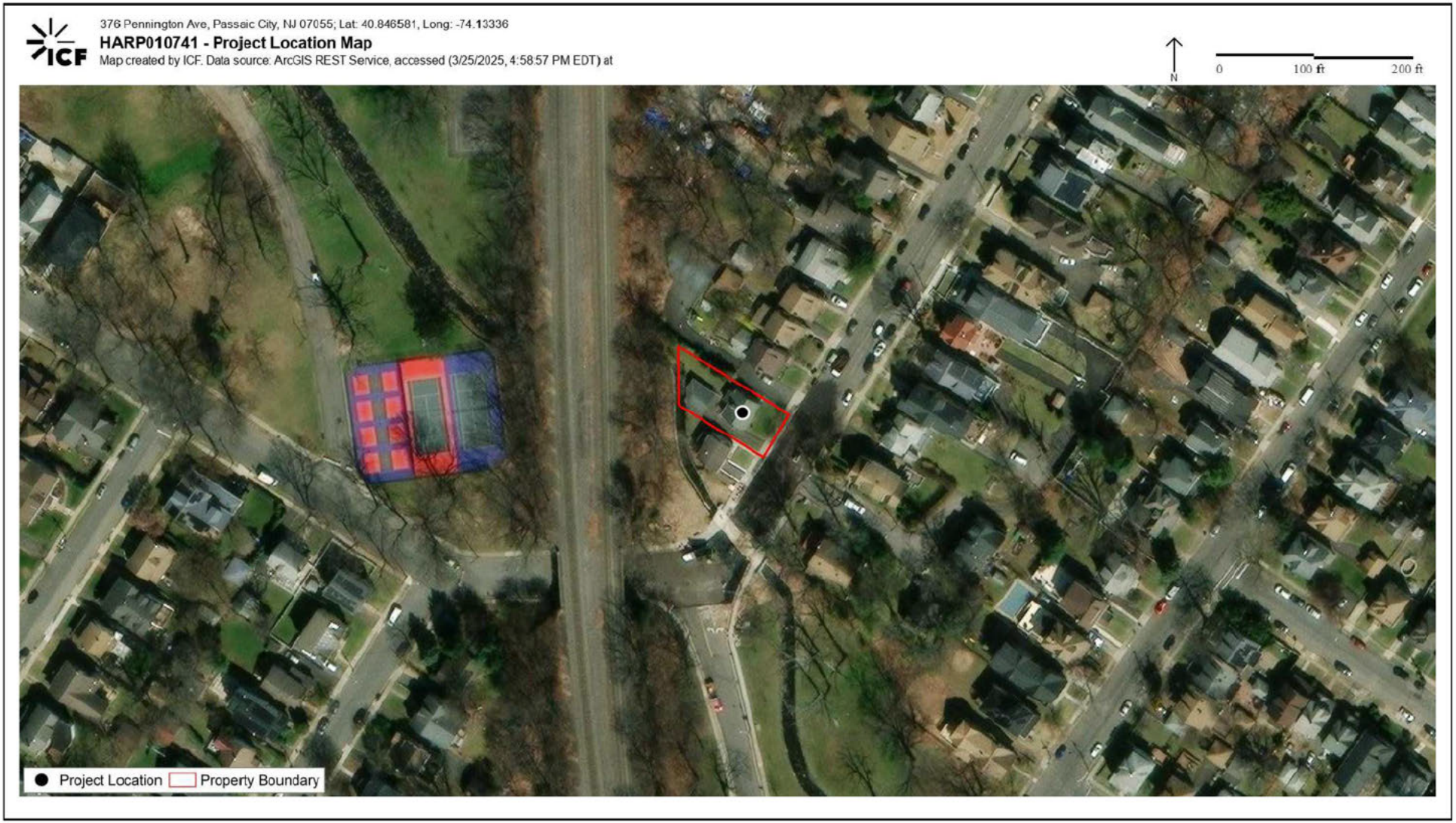
Streetscape view facing northeast along Pennington Ave. from the subject property. Image courtesy of Google Earth (September 2024).

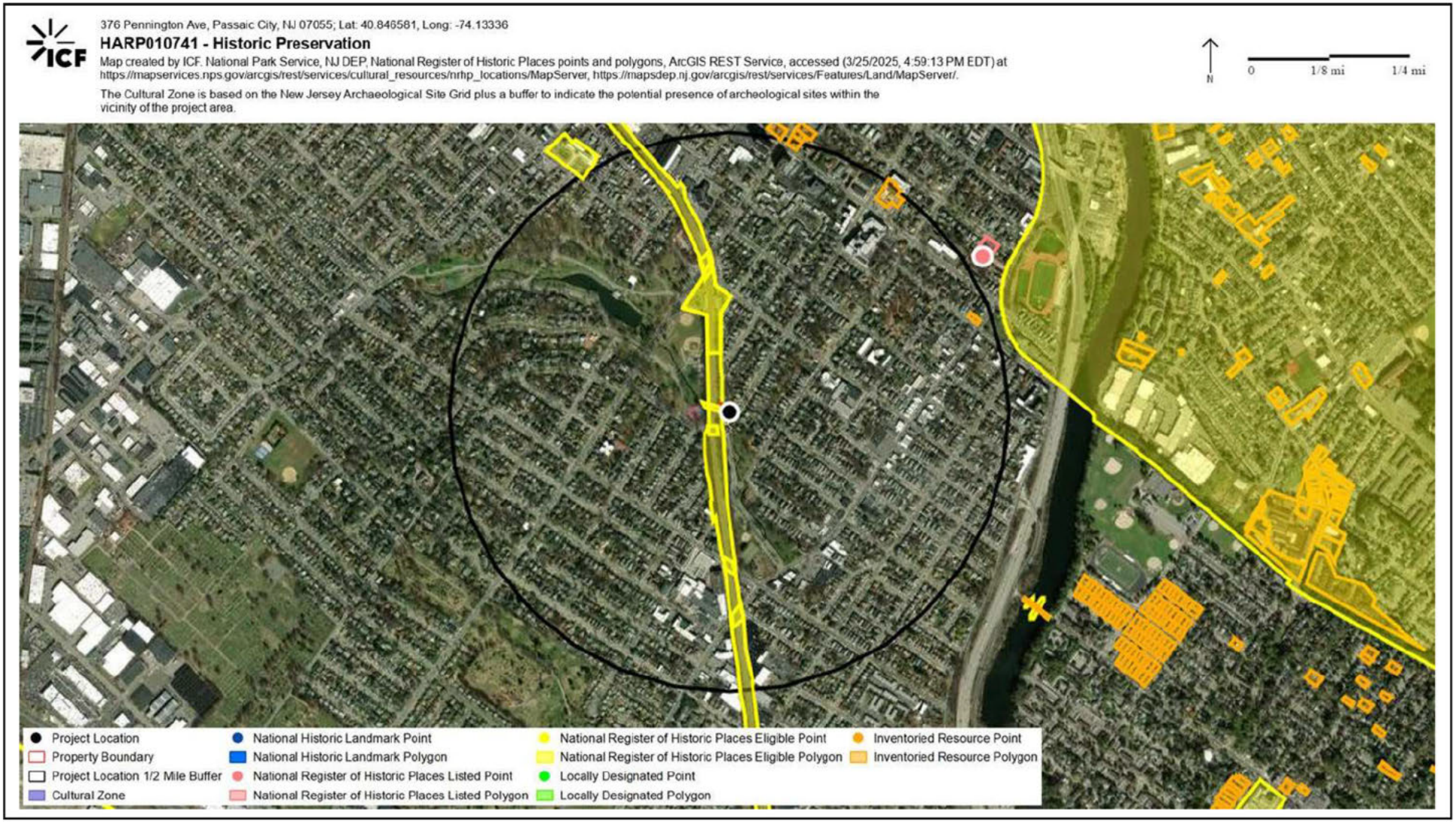


Streetscape view facing southwest along Pennington Ave. from the subject property. Image courtesy of Google Earth (September 2024).



Streetscape view facing southwest along Pennington Ave. from the subject property. Image courtesy of Google Earth (July 2013).


376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336
HARP010741 - Project Location Map
Map created by ICF. Data source: ArcGIS REST Service, accessed (3/25/2025, 4:58:57 PM EDT) at
N
0
100 ft
200 ft
Project Location
Property Boundary


376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336
HARP010741 - Historic Preservation
Map created by ICF. National Park Service, NJ DEP, National Register of Historic Places points and polygons, ArcGIS REST Service, accessed (3/25/2025, 4:59:13 PM EDT) at https://mapservices.nps.gov/arcgis/rest/services/cultural_resources/nrhp_locations/MapServer, https://mapsdep.nj.gov/arcgis/rest/services/Features/Land/MapServer/.
The Cultural Zone is based on the New Jersey Archaeological Site Grid plus a buffer to indicate the potential presence of archeological sites within the vicinity of the project area.
N
0
1/8 mi
1/4 mi
Project Location
Property Boundary
Project Location 1/2 Mile Buffer
Cultural Zone
National Historic Landmark Point
National Historic Landmark Polygon
National Register of Historic Places Listed Point
National Register of Historic Places Listed Polygon
National Register of Historic Places Eligible Point
National Register of Historic Places Eligible Polygon
Locally Designated Point
Locally Designated Polygon
Inventoried Resource Point
Inventoried Resource Polygon

Appendix J: Noise Abatement and Control Correspondence

Outlook

Fw: Noise and above ground storage tanks - New Jersey

From Greene, Robert [redacted]
Date Thu 2/20/2025 9:51 AM
To Sherman, Steven [redacted]

From: Sullivan, Neil [redacted]
Sent: Friday, March 11, 2016 3:50 PM
To: Pettit, Chris [redacted] Sherman, Steven [redacted] Greene, Robert [redacted]
Subject: FW: Noise and above ground storage tanks - New Jersey

NEIL SULLIVAN | Principal | [redacted] | icfi.com
ICF INTERNATIONAL | 9300 Lee Highway, Fairfax, VA 22031 | [redacted]

From: Schopp, Danielle L [redacted]
Sent: Monday, March 18, 2013 12:32 PM
To: Sullivan, Neil
Cc: Potter, James M; Rivera, Nelson A; Furda, Michael R; Fretwell, Therese J; Sanders, Jerimiah J
Subject: RE: Noise and above ground storage tanks - New Jersey

Neil,
As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3).

In addition, 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.

Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,
Danielle

Danielle Schopp, JD, MPA
Director, Office of Environment and Energy
Department of Housing and Urban Development
451 7th Street SW, Room 7250
Washington, DC 20410

[redacted]
http://portal.hud.gov/portal/page/portal/HUD/topics/environment

Please consider the environment before printing this e-mail

From: Sullivan, Neil [redacted]
Sent: Monday, March 18, 2013 10:26 AM
To: Schopp, Danielle L
Subject: Noise and above ground storage tanks - New Jersey

Danielle,

Just to follow up on our call on Thursday, NJ DEP requested that I e-mail you and confirm that there is no need to conduct a noise analysis for rehab and reconstruction projects (as defined by HUD) for 1-4 unit homes (the subject of NJ's first Tier 1 EA). Your comment that the analysis is unnecessary is based on the citation below at 24 CFR Part 51.101(a)(3). Can you please confirm that NJ can just cite the highlighted text below and avoid doing noise and AST analysis for both rehab and reconstruction projects?

Thanks
Neil

24 CFR Part 51.101(a)(3)
HUD support for new construction. HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.

NEIL SULLIVAN | Senior Manager | [redacted] | icfi.com
ICF INTERNATIONAL | 9300 Lee Highway, Fairfax, VA 22031 | [redacted]
Connect with us on social media.

Appendix K: Sole Source Aquifers

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Sole Source Aquifer

Map created by ICF. Data source: ArcGIS REST Service, accessed (1/16/2026, 1:06:59 PM EST) at https://services.arcgis.com/cJ9YHowT8TU7DUyn/ArcGIS/rest/services/Sole_Source_Aquifers_August_2019/FeatureServer/0

N

0 100 ft 200 ft



Appendix L:
Wetlands
Protection

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Wetlands Protection

Map created by ICF. Data source: United States Fish & Wildlife Service, National Wetland Inventory, ArcGIS REST Service, accessed (1/16/2026, 1:07:01 PM EST) at https://www.fws.gov/wetlandsmapservice/rest/services/Wetlands/MapServer

N

0 100 ft 200 ft



Appendix M: Wild and Scenic Rivers

376 Pennington Ave, Passaic City, NJ 07055; Lat: 40.846581, Long: -74.13336

HARP010741R-CEST - Wild and Scenic Rivers

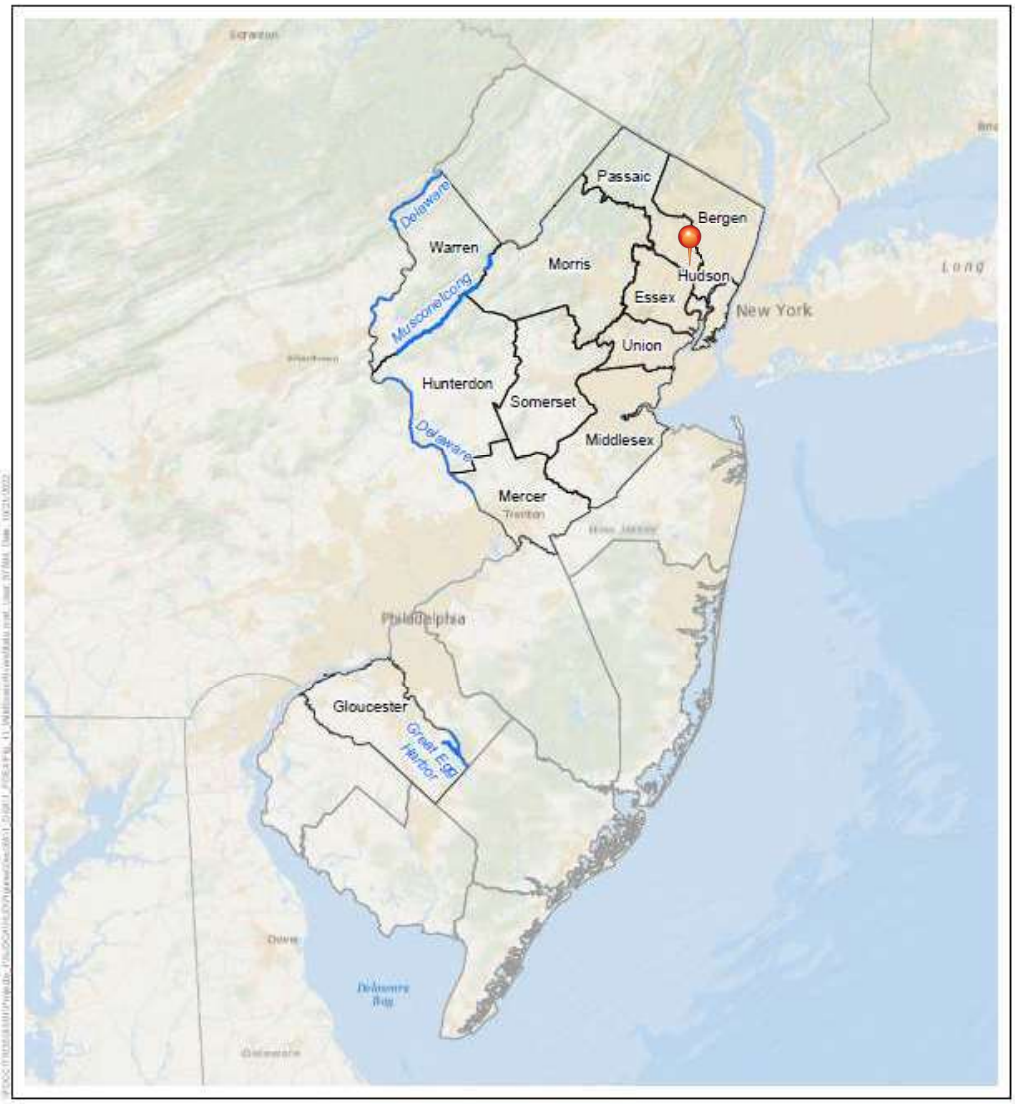
Map created by ICF. Data source: USFS, NPS, BLM, FWS, ArcGIS REST Service, accessed (1/16/2026, 1:07:20 PM EST) at
https://services1.arcgis.com/fBc8EJBxQRMcHlei/ArcGIS/rest/services/WildScenicRiversV2_AGOL/FeatureServer/1
https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_WildScenicRiverActiveStudyRivers_01/MapServer/1
https://mapservices.nps.gov/arcgis/rest/services/Hydro/NationwideRiversInventory/MapServer/0

N

0 100 ft 200 ft



Wild and Scenic Rivers Map - NJ



Appendix N:
Site Inspection

Site Inspection Report

Applicant ID: HARP01741R	
Address: 376 Pennington Ave., Passaic City, NJ 07055	
	DCA Inspection Date: 2/25/2025
Enviro. Site Inspection Report Preparer: ICF	**Enviro. Site Inspection Report Prepared Date:** 1/14/2026
Program Type: HARP	**Project Description:** Reconstruction
Location Verified By: House number	**Parcel Status:** Structure exists

General Property Conditions:

Was the property accessible? Yes

Any general safety or environmental hazards on or adjacent to subject property? No

Was the building occupied at time of visit? Yes

Is there a city posting indicating property is condemned? No

General Comments: The Inspection Report notes that the home is adjacent to a rail abutment and stream. Stream is constrained with stone and mortar walls.

Environmental Observations:

Wetlands:

1. **Is there any evidence of wetlands on or adjacent to the subject property?** Yes
   If Yes, how far is the wetland from the subject structure?

   Additional information (such as description of wetlands, vegetation present, if present on or adjacent to the property…):
   The home is adjacent to a rail abutment and MacDonald Brook, a stone and mortar walled-constrained waterway running behind home.

Endangered Species:

1. **Are there any signs of relevant Threatened or Endangered Species?** No
   If Yes, provide additional information:

Contamination and Toxic Substances:

1. **Are there any signs the property is or was previously used for commercial or industrial purposes?** No

   If Yes, provide additional information:

2. **Are there any above ground storage tanks (including 55-gallon drums) located on or adjacent to the subject property?** No

   If yes, state location of tank/drum, number of tanks/drums, use of tank.

   2a. Is the tank/drum labeled? (If yes, take a photo of label) Yes / No

3. **Are there any signs of underground storage tanks (USTs), or faulty septic system on or adjacent to the subject property?** No
   If possible, UST is present, speak to or call applicant to ask if they could provide any details.

   If Yes to question 3, answer the questions below:

   3a. Are UST vents or caps present? Yes / No

   If yes, state specific location in relation to house/lot, the material and diameter of vent/cap, if they lead to basement or buried in ground.

4. **Is there any evidence or indication of leaking electrical equipment (such as transformer, capacitor, or hydraulic equipment) present on site?** No

   If yes, provide additional information below:

5. **Is there a debris pile on or adjacent to the subject property?** No

   If yes, provide additional information below:

6. **Is there any evidence of corrosion, rust, or leaks, such as surface staining, distressed vegetation, visible spill or pungent, foul or noxious odor?** No

   If yes, provide additional information below:

Please provide additional notes, comments, sketches, and observations below:

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of house number.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of the front of structure.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of the right side of structure.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of the left side of structure.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of the back of structure.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of backyard.

Site Photos:

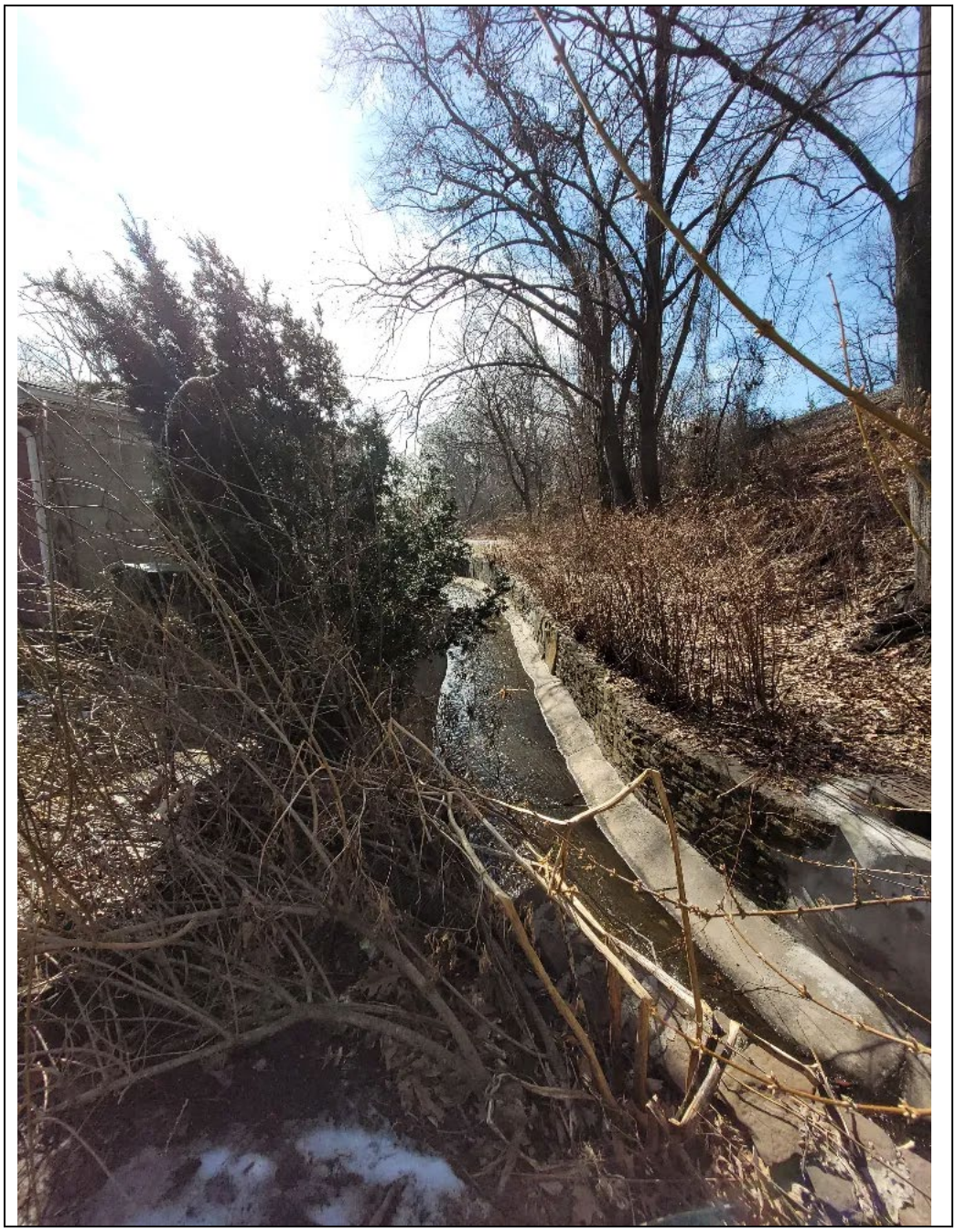
Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	Additional view of backyard and out-building.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	View of MacDonald Brook constrained waterway running behind home.

Site Photos:

Applicant ID #	HARP01741R
Property Address:	376 Pennington Ave., Passaic City, NJ 07055



Description:	Additional view of MacDonald Brook constrained waterway running behind home.