U.S. Department of Housing and Urban Development
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Washington, DC 20410
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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: Steve Sherman and Tanner Melendez, 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: 35 Tennyson Pl, 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 35 Tennyson Pl, Passaic City, NJ 07055 (HARP010835R). The structure was damaged as a result of Tropical Storm Ida. The structure was constructed circa 1923. Proposed

work would include demolition, sitework, and design and construction of a 4-bedroom/ 1,800 square-foot home according to 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)	$456,100.00

Estimated Total HUD Funded Amount: $456,100.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:** $456,100.00

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. There are no civil commercial service airports within 2,500 ft of the property nor military airports within 15,000 ft of the project site. See 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 project is in compliance. 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 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 ☐	The applicant structure is located in Zone AE (100-year floodplain). Additionally, there is a regulatory floodway mapped within the proposed action's property boundary. See FIRM map and 8-Step Floodplain Analysis in Appendix D. The project is located within an NFIP participating community. Flood insurance is required. The applicant 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. This requirement will be recorded as a permanent restrictive covenant on the property to ensure that future owners understand the flood insurance requirements. Site-specific conditions are included below.
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 – nonattainment" 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-4 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 compliance for the proposed action was achieved in the Tier 1 Environmental Assessment. 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 in a designated Coastal Zone Management Area, the Upland Waterfront Development area, the New Jersey Hackensack Meadowlands District, or 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 ☐	This project is in compliance. There were federally listed toxics sites of concern within the review radius, but no Brownfield Sites were found within 3,000 ft of the property. There is 1 Superfund site identified

		within 3,000 ft of the property (See Superfund documentation in Appendix G). Toxic Releases, Water Discharges, Air Pollution, Hazardous Waste and Toxic Substances Control Act sites were not within 250 ft of the property. Based on the proposed action of reconstruction within the existing developed footprint, no impact is anticipated. 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 1923, 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 ☐	This project is in compliance. USFWS provided response on 4/28/2026 concurring with the determination that the proposed project has no effect on federally listed or proposed listed species. See attached consultation request/concurrence. Mitigation measures and conditions are included below in the Conditions for Approval and Site-Specific Environmental Conditions Summary sections below.
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	Yes ☒ No ☐	The 0.2-percent annual chance flood approach was used to evaluate the project's location within the Floodplain of Concern. The applicant structure is located within the Floodplain of Concern, and a

Executive Order 11988, particularly section 2(a); 24 CFR Part 55		portion of the project property is located within a 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 Document 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 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. The applicant 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. The total estimated project cost is $456,100.00. Based on an interior area of 1,955 square feet, the Market Structure Value is $430,295.50. Therefore, the cost of the proposed project is approximately 106% 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.
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 1923. A Programmatic Agreement was 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, which 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 of 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 original proposed action met Tier II programmatic allowances II.A, II.B, and II.E for above ground resources, which require in-kind repair or replacement of walls, sealant on walls, interior French drain, sump pump, roof, gutters, and downspouts in accordance with the Programmatic Agreement. The Programmatic Agreement allows for installation and repair of drywall provided no decorative plaster or other decorative features are covered. Painting and surface preparation provided color/finish must be matched to pre-existing finish, and the coating and preparation must be limited to the material repaired or replaced or immediately adjacent thereto. The Programmatic Agreement also allows in-kind repair, and where necessary, in-kind replacement, or strengthening of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components. Additionally, the proposed action meets a Tier II programmatic allowance for above ground resources which requires non-destructive or concealed testing for hazardous materials and/or for assessment of hidden damages. The original proposed action met Tier II Programmatic Allowance I.A for Archaeological Resources. The revised project scope includes the reconstruction of the property which does not meet the Programmatic Agreement and SHPO consultation was required for both Archaeological Resources and Above Ground Resources. SHPO concurred no historic properties would be affected by the proposed project on April 17, 2026. The comment period ended on April 20, 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 "…noise is not applicable for disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3)." 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 activity is not located on a sole source aquifer. No further review required. See Sole Source Aquifers 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 Riverine wetland intersecting the project property approximately 120 ft from the project structure (see Wetlands Map in Appendix L). The site inspection indicated that there was a Riverine wetland observed beyond the property boundary (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: 2/13/2025
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 flood insurance, contamination and toxic substances, endangered species, 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
Flood Insurance	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)]. 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)].
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).
Endangered Species	The action agency will provide the project proponent/contractor with educational materials describing bat use of buildings. If any evidence of bat occupancy (e.g., live or dead bats, guano, staining at entry points) is observed before or during the project, the project proponent/contractor must immediately pause work on the structure and contact the action agency and the USFWS New Jersey Field Office for further guidance. If a federally listed bat species is determined to be present, the action agency must reinitiate consultation with the USFWS before continuing project activities that may cause disturbance to the bats.

	As requested by USFWS: "Implementing the above-described requirement for Indiana bats and NLEBs—to pause construction and notify the Service if any evidence of bat occupancy is found—would also allow for the identification and conservation of tricolored bats. 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."
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. In the twelve counties included in the HARP, this includes the following municipalities in the following counties:
    - Bergen County: Alpine Borough and Englewood Cliffs Borough
    - Gloucester County: Newfield Borough

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.
38. with National Fire Protection Association 58 and associated set-back distances.

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: 5/1/2026

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

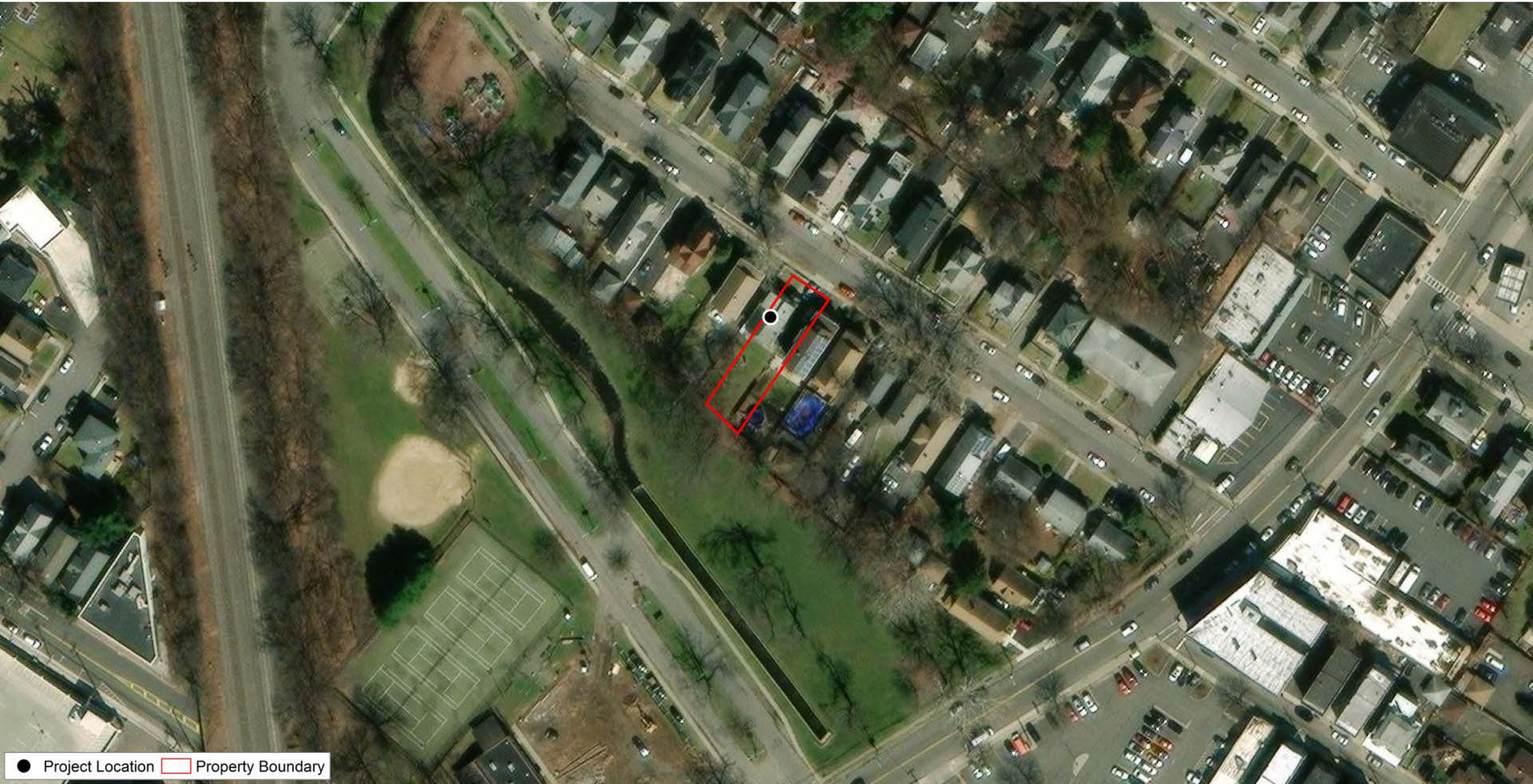
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Project Location Map

Map created by ICF. Data source: ArcGIS REST Service, accessed (1/16/2026, 1:06:53 PM EST) at

N

0 100 ft 200 ft



Appendix B:
Airport Hazards

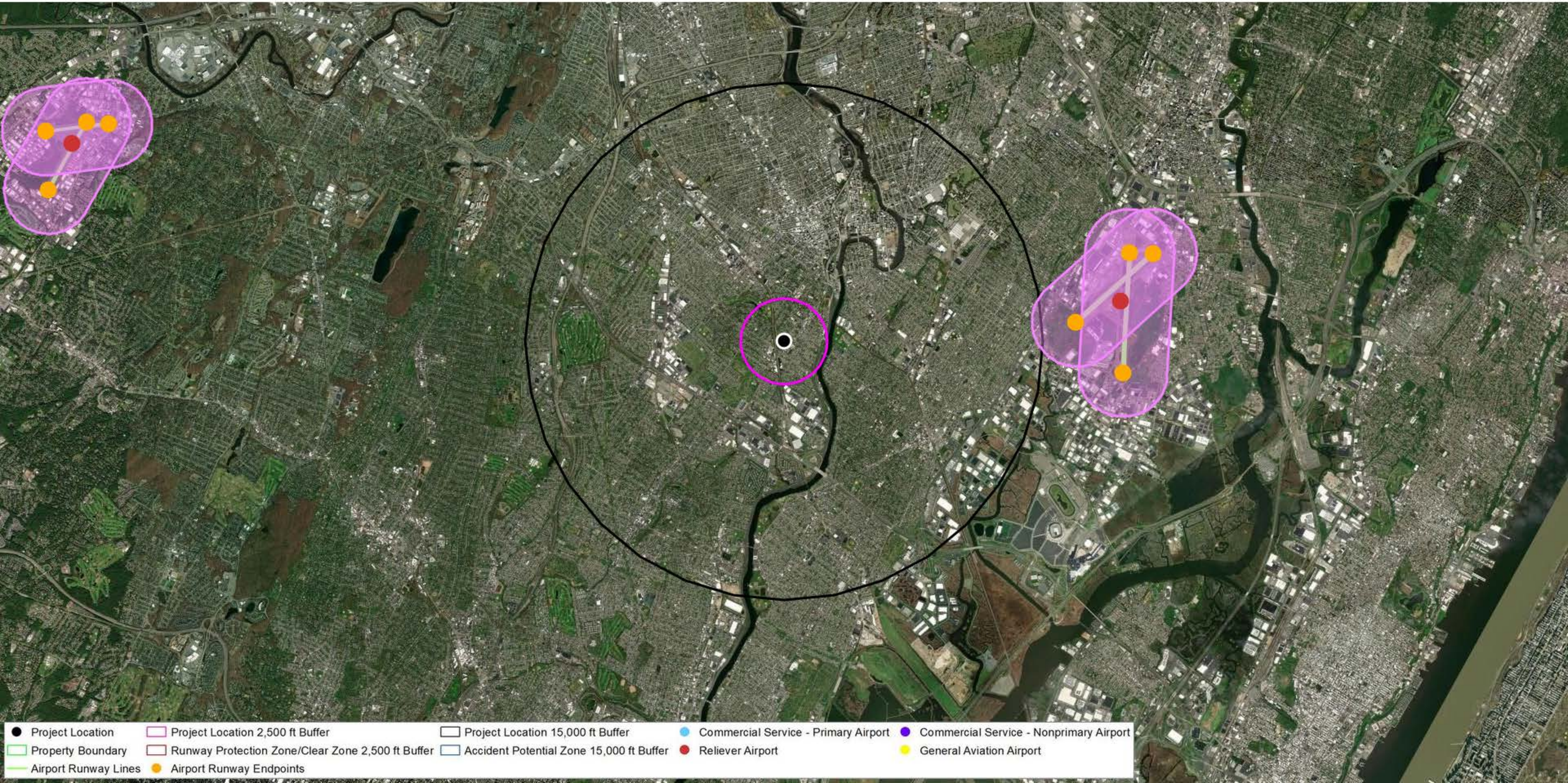
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Airport Hazards

Map created by ICF. Data source: U.S. Department of Transportation, ArcGIS Rest Service, accessed (1/16/2026, 1:06:55 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

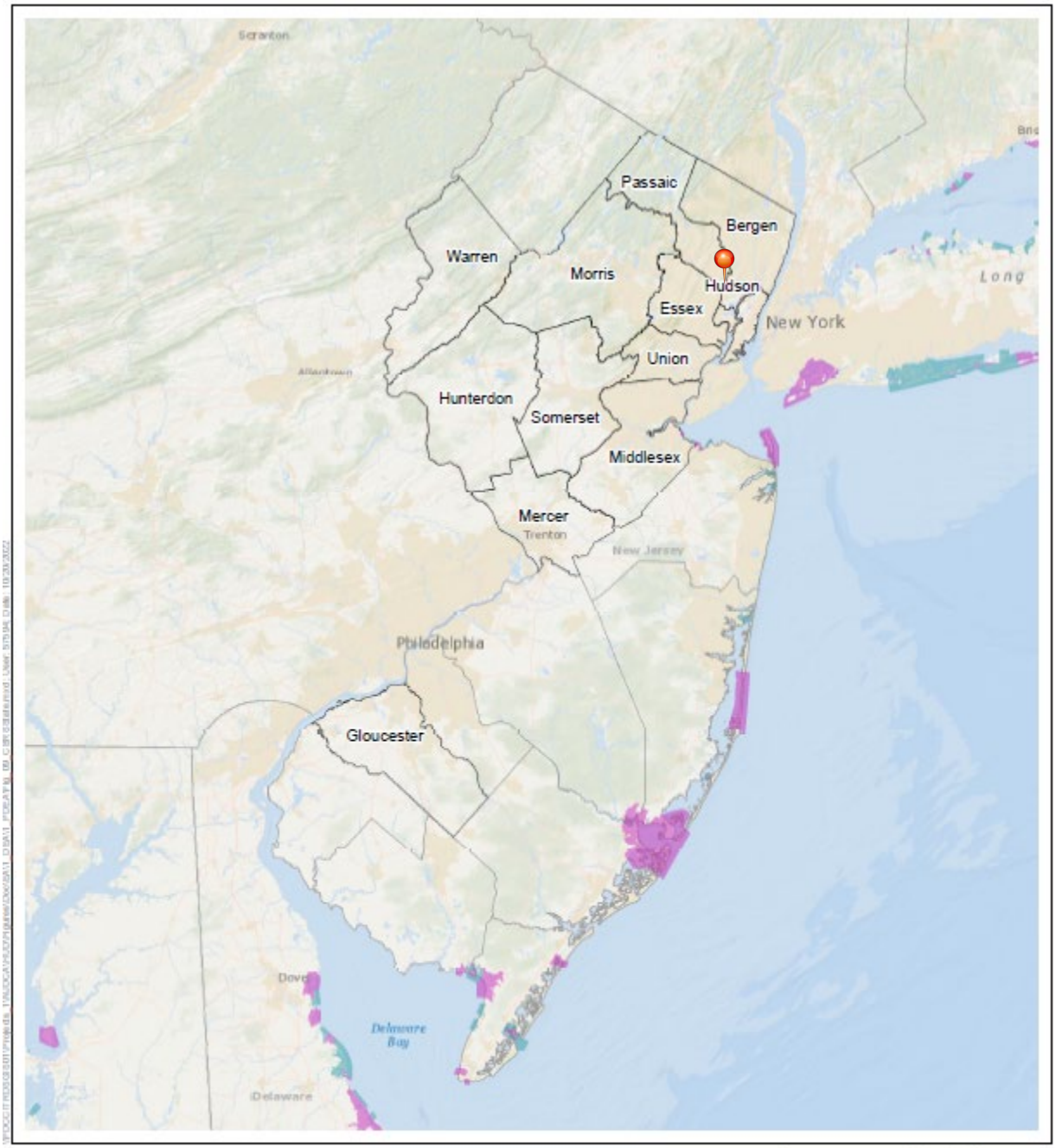
N

1/2 mi 1 mi 2 mi



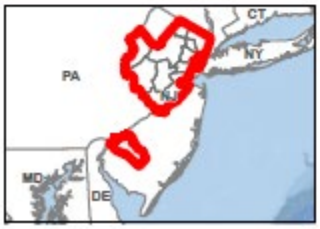
Appendix C:
Coastal Barrier Resource Systems

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

35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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, 1:07:03 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



35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

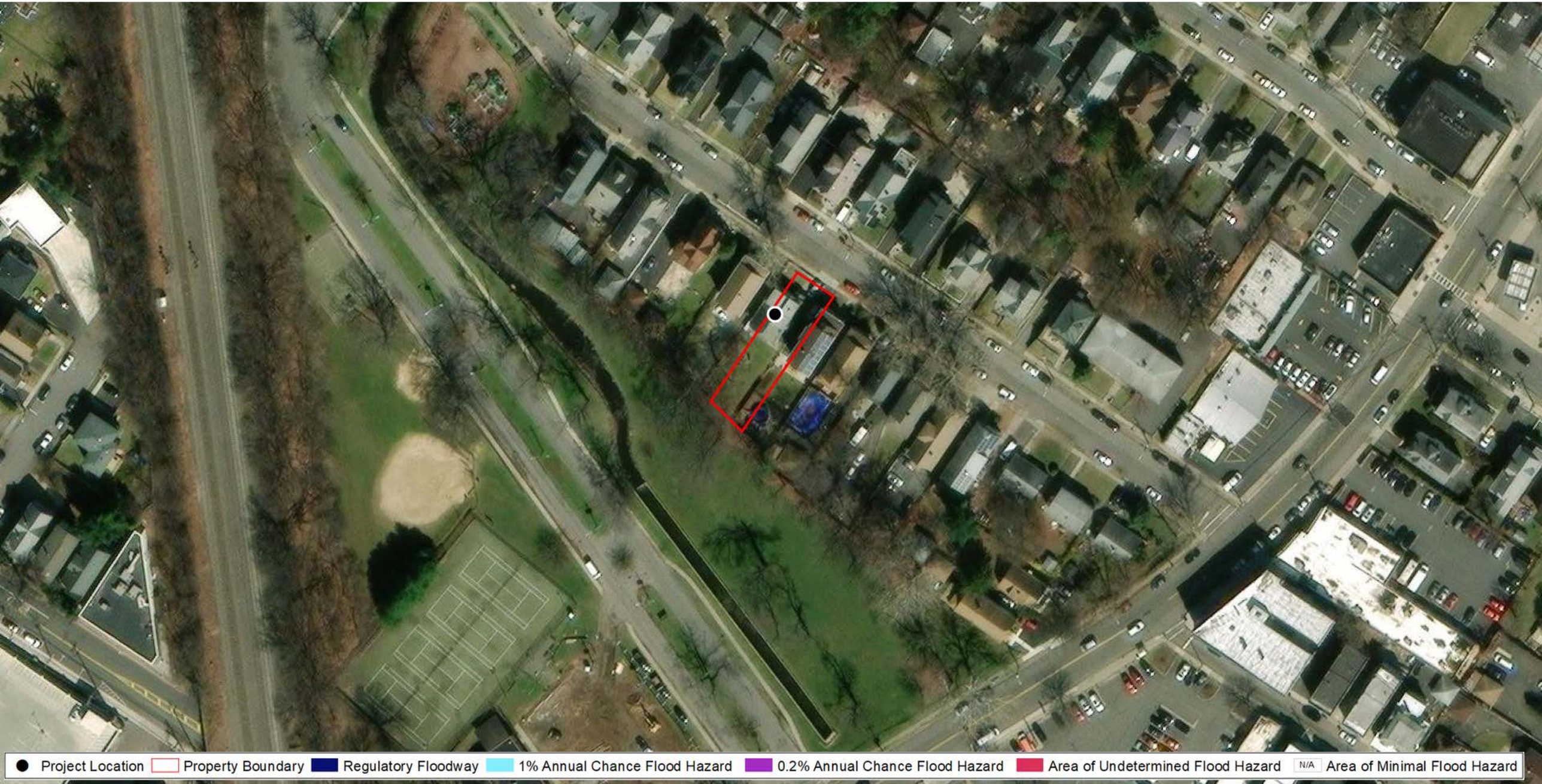
HARP010835R-CEST - PFIRM, 1. Floodplain Management and Flood Insurance (EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

Map created by ICF. Data source: FEMA, National Flood Hazard Layer (NFHL) ArcGIS REST Service, accessed (1/16/2026, 1:06:58 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



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]
- 35 Tennyson Pl, 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]
- 35 Tennyson Pl, 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

Codes & Standards

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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
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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]
- HARP010835R- 35 Tennyson Pl, Passaic City, NJ 07055
- [redacted]
- [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]
- HARP010835R- 35 Tennyson Pl, Passaic City, NJ 07055
  The structure is located within the 100-year floodplain.
- [redacted]
  - [redacted]

- [redacted]
  - [redacted]
- [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]
- HARP010835R- 35 Tennyson Pl, Passaic City, NJ 07055.
- [redacted]
- [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].
- HARP010835R- 35 Tennyson Pl, Passaic City, NJ 07055.
  La estructura se encuentra dentro de la llanura de inundación de 100 años.
- [redacted]
  - [redacted]
  - [redacted]
- [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 (HARP010835R) is located at 35 Tennyson Pl, Passaic City, 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

partially within the 100-year floodplain (Zone AE). The floodway covers a small portion of the back yard on the southwestern extent of the property. The structure is not impacted by the floodway.

The proposed project location is not located within 150 feet of wetland, as identified by the USFWS National Wetland Inventory. However, there is a riverine wetland located just outside of this radius. 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 footprint at the project location and the lack of wetlands on site, no impacts to wetlands are anticipated. Best management practices for erosion and sedimentation control will be used to minimize potential impacts to any offsite wetlands.

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. 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 $456,100.00. Based on an interior area of 1,955 square feet, the Market Structure Value is $430,295.50. Therefore, the cost of the proposed project is approximately 106% 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

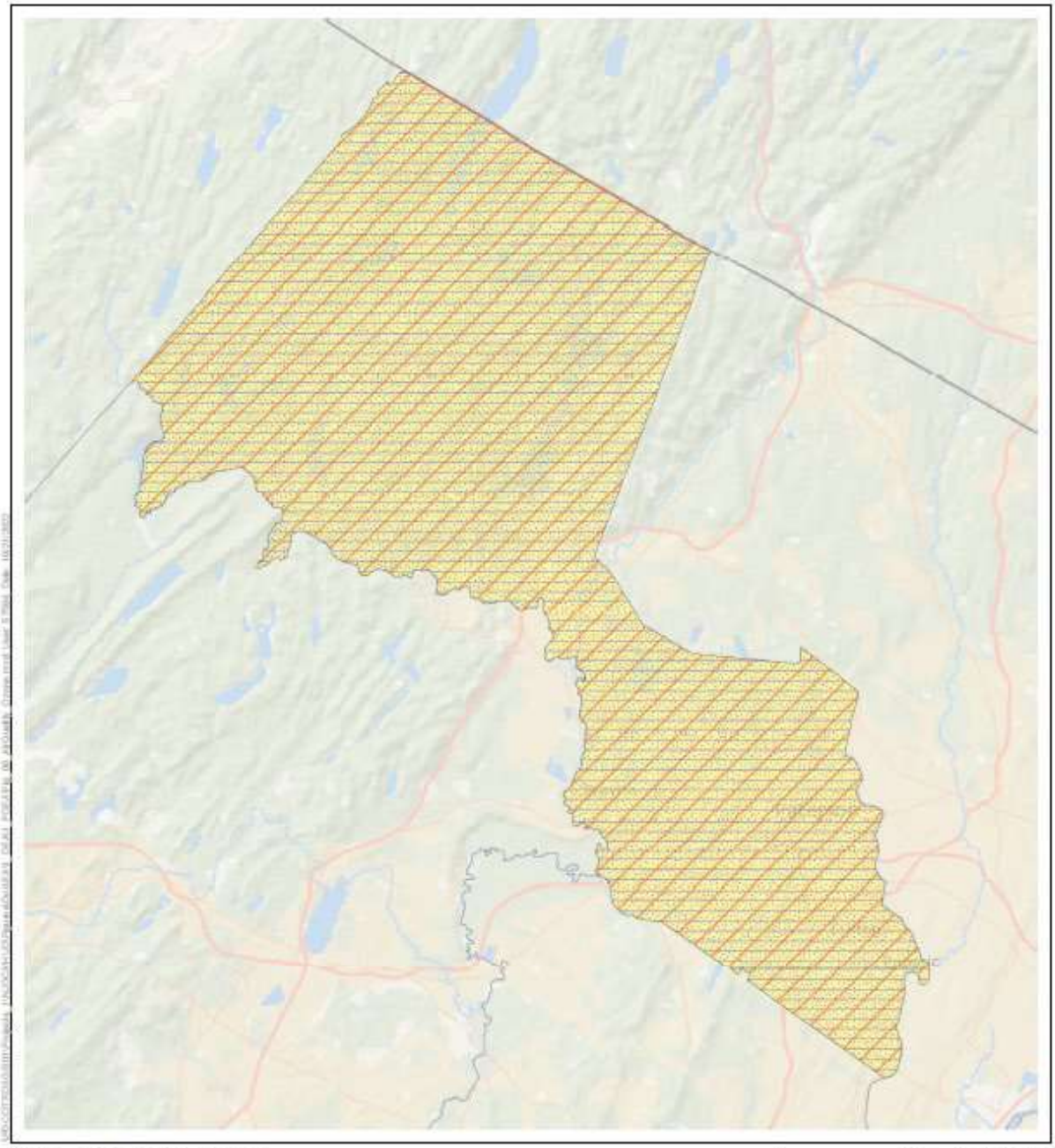
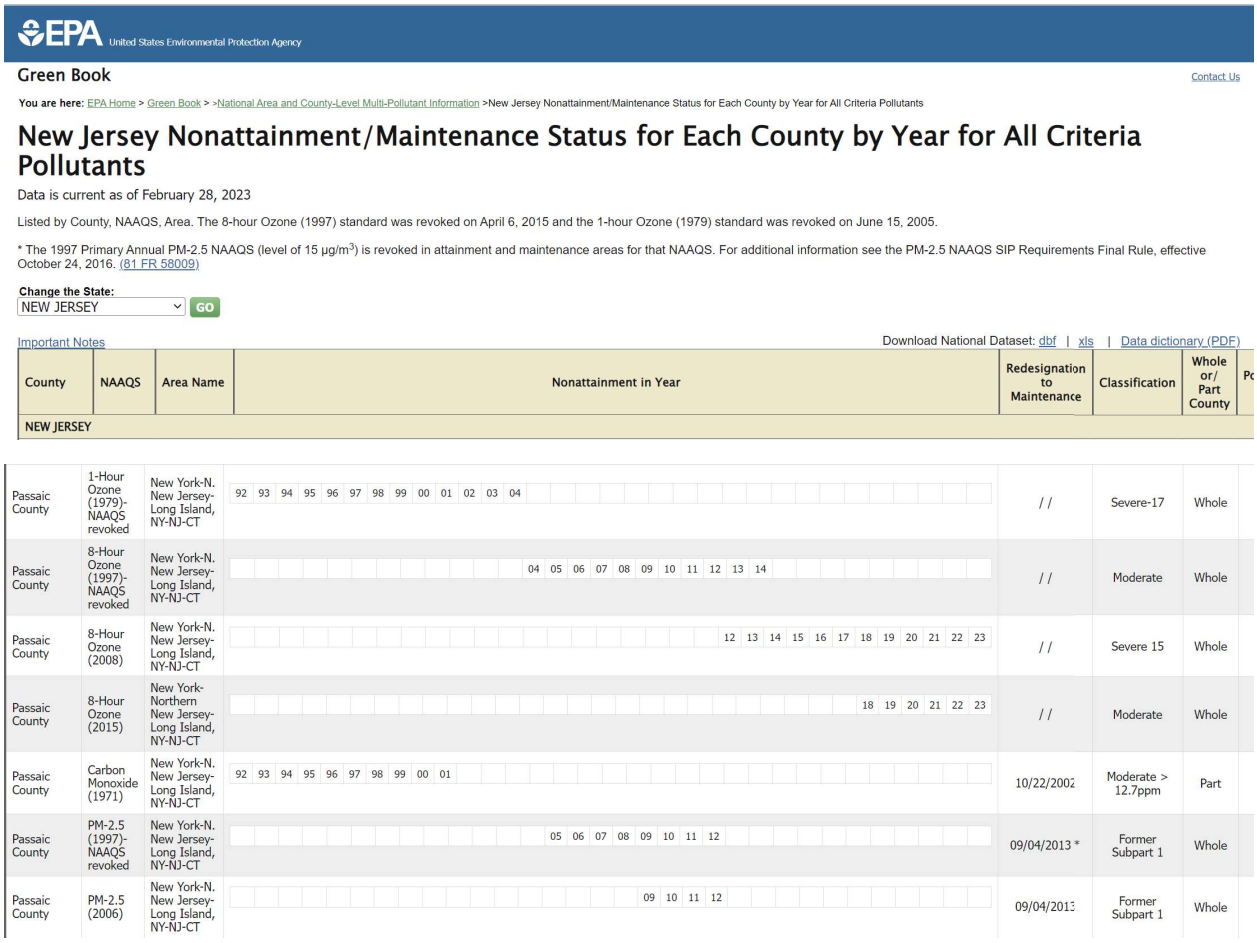


Figure E-2: Nonattainment/Maintenance Status for NAAQS Criteria Pollutants Table



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	10/22/200	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	09/04/201	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
Phone: (609) 292-3600

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.

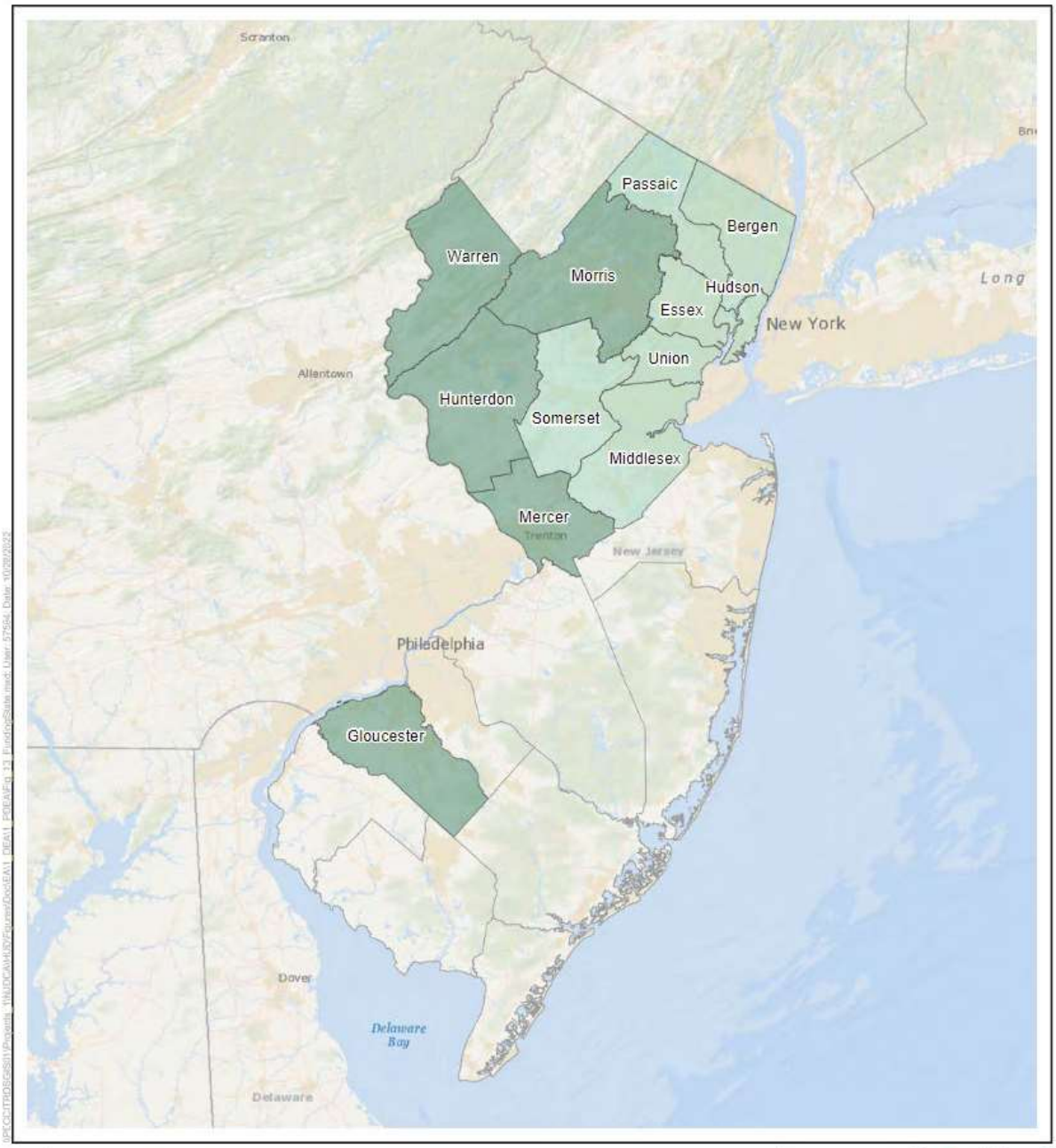
Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at [redacted]

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

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Appendix F: Coastal Zone Management

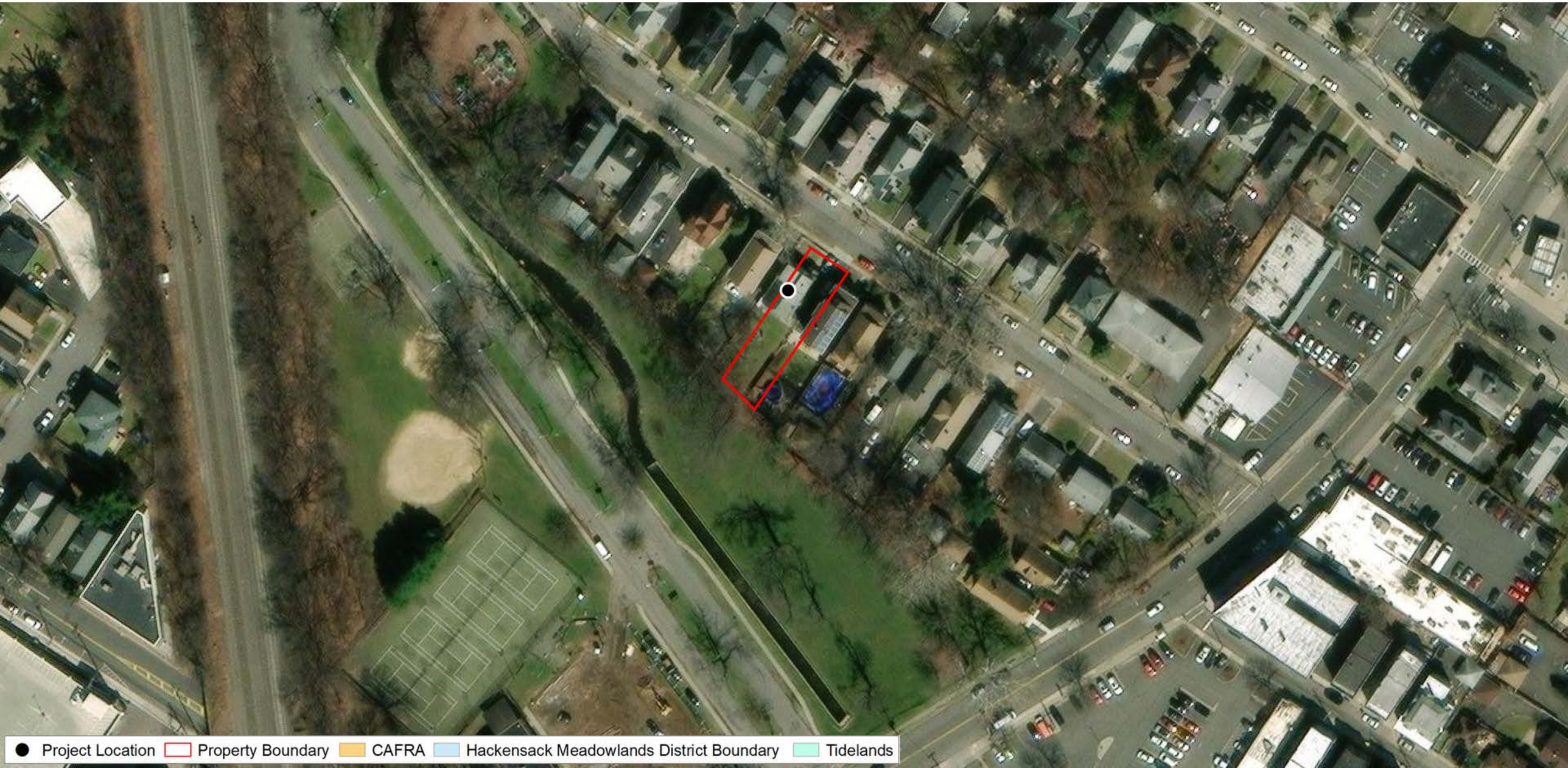
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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, 1:07:02 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

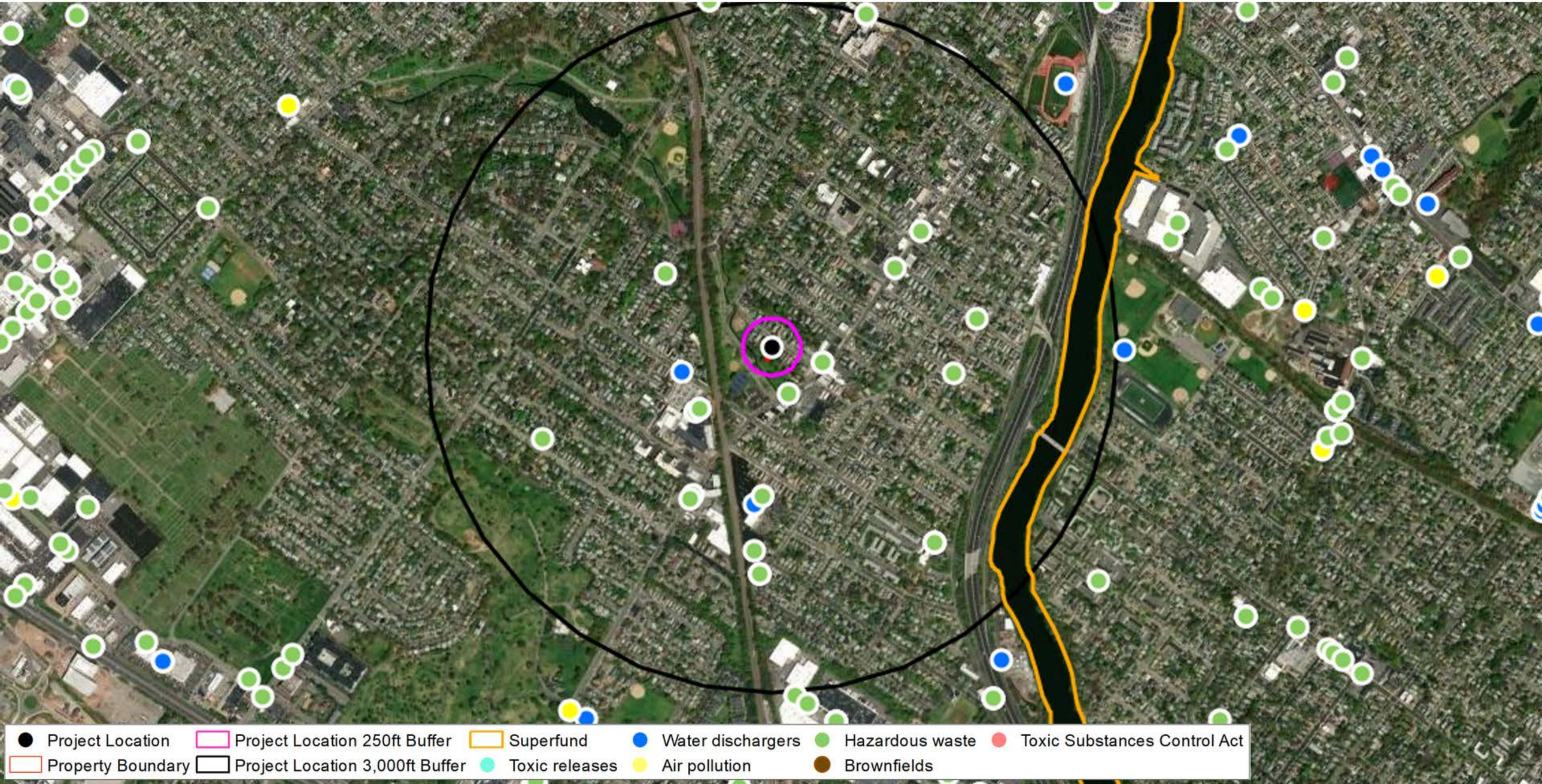
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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



Contamination and Toxic Sites Summary

Application ID #: HARP010835

Property Address: 35 Tennyson Pl, Passaic City, NJ 07055

Case ID	Facility Name	Registry ID	Facility URL	Dir	Distance in ft	Type	Compliance Status
HARP010835	DIAMOND ALKALI CO.		https://www.epa.gov/superfund/diamond-alkali	E	3167	Superfund Site	Not available

DIAMOND ALKALI CO.
NEWARK, NJ

Cleanup Activities

Sign up for this Superfund site's mailing list

On this page:

- Background
- What Has Been Done to Clean Up the Site?
- What Is the Current Site Status?

On related pages:

- Operable Units
- Cleanup Progress

Background

The Diamond Alkali Superfund site includes the former manufacturing facility at 80-120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area (LPRSA), and the Newark Bay Study Area. The LPRSA includes the 17-mile tidal stretch of the river from Dundee Dam to Newark Bay and tributaries. The Newark Bay Study Area includes Newark Bay and portions of the Hackensack River, Arthur Kill and Kill van Kull. The area surrounding the site is densely populated and heavily industrialized.

Kolker Chemical Works, Inc. produced Dichloro-diphenyl-trichloroethane (DDT) and other chemicals at 80 Lister Avenue in the 1940s. The Diamond Alkali Company (later purchased by and merged into Occidental Chemical Corporation or OCC) owned and operated the facility in the 1950s and 1960s. The facility manufactured agricultural chemicals including herbicides used in "Agent Orange", a defoliant chemical that removes leaves from trees and plants. These manufacturing processes produced an extremely toxic chemical, 2,3,7,8-TCDD (dioxin).

The state of New Jersey and EPA sampled at and near 80 Lister Avenue and in the river in 1983. Sampling revealed high levels of dioxin. Following the sampling, EPA listed the site on the Superfund National Priorities List (NPL) in 1984. EPA and NJ found dioxin, pesticides, and other hazardous substances in the soil and groundwater at 80-120 Lister Avenue as well as dioxin, polychlorinated biphenyls (PCBs), metals, polycyclic aromatic hydrocarbons (PAHs), and pesticides in sediment in the Lower Passaic River.

New Jersey prohibits consuming fish or shellfish from the Lower Passaic River and Newark Bay. Cleanup activities to date include immediate actions at 80-120 Lister Avenue and surrounding properties, removal actions in the Lower Passaic River, and the interim cleanup for 80-120 Lister Avenue. EPA selected a cleanup plan in March 2016 for the lower 8.3 miles of the Lower Passaic River.

EPA selected a cleanup plan in September 2021 to address an interim cleanup action for the upper 9 miles of the Lower Passaic River. Additional investigations and planning for long-term cleanup are ongoing.

The EPA issued a Proposed Plan for a final cleanup plan at 80 and 120 Lister on September 10, 2024. The EPA's preferred alternative "Optimize Containment Remedy" aims to finalize cleanup efforts by improving existing systems and ensuring long-term safety and containment at the Diamond Alkali Superfund site.

What Has Been Done to Clean Up the Site?

EPA and the New Jersey Department of Environmental Protection (NJDEP) found high levels of dioxin at and in the vicinity of 80-120 Lister Avenue and in the Passaic River in 1983. Based on these investigations, EPA and NJDEP secured the properties at 80-120 Lister Avenue, covered the exposed soil to prevent the spread of contaminants, and cleaned up dioxin found on nearby properties. EPA listed the site on the National Priorities List in 1984.

Based on additional studies of the contamination on 80-120 Lister Avenue, EPA selected an interim containment cleanup plan in 1987, which was completed by Occidental Chemical Corporation (OCC) under EPA oversight in 2001. The interim cleanup included covering contaminated material with a cap to prevent it from spreading, installing subsurface slurry walls and a flood wall around the property to block the spread of contaminated groundwater, and constructing a groundwater collection and treatment system.

EPA, NJDEP and a number of other federal and state agencies investigated the contamination in the Passaic River in the 1980s and 1990s. In the early 2000s, EPA expanded the study to address the 17-mile Lower Passaic River, and in May 2007, EPA signed an agreement with a group of potentially responsible parties known as the Cooperating Parties Group (CPG) to complete the 17-mile study, under EPA oversight.

During the 17-mile study, the sediment of the lower 8.3 miles of the Lower Passaic River were found to be a major source of contamination to the rest of the river and Newark Bay, leading EPA to select a cleanup plan for that lower 8.3-mile stretch in 2016. OCC under EPA oversight designed the lower 8.3-mile cleanup. The final design was approved by EPA in May 2024.

In 2012, Tierra Solutions, on behalf of OCC and under EPA oversight, dredged sediment with very high levels of dioxin contamination from the Lower Passaic River adjacent to 80-120 Lister Avenue. In 2014, the CPG, under EPA oversight, dredged and capped a highly contaminated mudflat at river mile 10.9 on the east bank of the river, near a park in Lyndhurst, NJ.

In 2004, EPA and OCC signed an agreement in which OCC agreed to conduct a study of the Newark Bay Study Area (Newark Bay and portions of the Hackensack River, Arthur Kill and Kill van Kull) under EPA oversight. That study is on-going.

In September 2021, EPA selected an interim plan for the upper nine miles of the LPRSA that calls for cleaning up sediment and erosional areas by dredging and capping areas of the riverbed between river mile 8.3 and Dundee Dam. OCC under EPA oversight is currently designing the interim upper nine mile cleanup. After the interim cleanup plan has been completed, EPA will use an adaptive management approach to sample and gauge the progress towards meeting the preliminary cleanup goals that will be established and documented in a final Record of Decision.

EPA evaluates the protectiveness of cleanups every five years in a process called a Five-Year Review. EPA completed the fifth Five-Year Review in 2021 for the 80-120 Lister Avenue properties.

What Is the Current Site Status?

EPA divided the Diamond Alkali site cleanup into four phases, called Operable Units (OUs): the 80-120 Lister Avenue properties (OU1), the lower 8.3 miles of the Lower Passaic River (OU2), the entire 17-mile Lower Passaic River Study Area (LPRSA) (OU4), and the Newark Bay Study Area (OU3).

Operable Unit 1 (80-120 Lister Ave): The EPA issued a proposed plan for a final cleanup for 80 and 120 Lister Avenue. The plan addresses contaminated soil, debris and groundwater at the site and outlines the EPA's preferred cleanup alternative, as well as other alternatives considered.

The EPA's preferred cleanup alternatice is "Alternative 2", which is an optimized containment remedy. This would enhance the existing interim solution with improvements like replacing groundwater extraction wells, upgrading the groundwater treatment system, and maintaining the site's cap in perpetuity, which means forever. The EPA considered several alternatives ranging from no further action to targeted excavation with off-site disposal. However, excavation is challenging due to the site's complex structure and hazardous contamination beneath critical infrastructure like the floodwall. The EPA evaluated the proposed alternatives based on their protectiveness of people's health and the environment, compliance with regulations, long-term effectiveness, and cost.

The public comment period is open from September 10 until November 12, 2024.

The EPA's plan aims to finalize cleanup efforts by improving existing systems and ensuring long-term safety and containment at the 80-120 Lister Ave portion of the Diamond Alkali Superfund site while minimizing short-term risks associated with excavation. Public comment is encouraged during the comment period, community feedback will be considered in the final decision-making process. The EPA, in consultation with the NJDEP, will finalize the cleanup plan after considering all public comments and additional data.

Operable Unit 2 (Lower 8.3 miles of the Lower Passaic River): EPA selected a cleanup plan for this stretch of the river in 2016. The cleanup includes some dredging and placing a cap over the bottom of the river, bank-to-bank, to isolate the contaminated sediment from the rest of the river system. Under the design of the cleanup plan, approximately 2.5 million cubic yards of sediment will be dredged from the river before the cap is installed, so that the cap does not make flooding worse and to accommodate the federally-authorized navigation channel in the 1.7 miles of the river closest to Newark Bay. The dredged materials will be barged or pumped to an upland processing facility, where it will be squeezed dry and sent off-site for disposal at licensed disposal facilities.

Occidental Chemical Corporation performed the engineering work needed to design this complex work in the lower 8.3 miles, under EPA oversight. EPA approved the design in May 2024. For the next step, EPA expects that performing parties will build the upland processing facility, after which it will take approximately eight years to dredge and cap the river. EPA expects the cleanup to be performed and funded by potentially responsible parties.

Operable Unit 4 (17-mile Lower Passaic River Study Area [LPRSA]): In September 2021, EPA selected an interim cleanup plan for the upper 9 miles of the Lower Passaic River that calls for addressing specific areas of sediment that serve as sources of contamination to the rest of the river and to the food chain. The OU4 cleanup is intended to complement the OU2 cleanup plan, the two working together to address the human health and ecological risk posed by the site-related contamination in the Lower Passaic River. EPA included in the cleanup plan dredging and capping areas of the riverbed as well as areas at depth that may become exposed through erosion. The dredged materials will be processed at one or more commercial processing facilities for off-site disposal at licensed disposal facilities. OCC under EPA oversight is currently designing the upper nine mile cleanup. The design and construction phases are each expected to take about 3 - 4 years to complete.

After the interim cleanup has been completed, EPA will sample and measure progress toward meeting the cleanup goals that are still being developed, in consultation with the New Jersey Department of Environmental Protection (NJDEP). EPA will decide if any further work is needed, and document a final cleanup plan in a

Record of Decision.

Operable Unit 3 (Newark Bay Study Area): Occidental Chemical Corporation, under EPA oversight, is currently doing a comprehensive study called a remedial investigation and feasibility study (RI/FS) to examine the nature and extent of contamination and options for addressing it. EPA approved the report that lays out the results of the investigation in May 2022 and anticipates that the feasibility study will be submitted for EPA review in 2025. EPA expects to use this information to propose a cleanup plan for Newark Bay in 2026.

Once these various river and bay cleanups have been completed, it will still be many years before the levels of contamination in fish and crab have decreased to levels that are considered safe to eat.

DIAMOND ALKALI CO.
NEWARK, NJ

Health & Environment

Sign up for this Superfund site's mailing list

On this page:

- What Are the Risks at the Site?
- Contaminant Information
- Performance Measures

What Are the Risks at the Site?

Contaminated sediment of the Lower Passaic River and Newark Bay poses a significant threat to people's health and the health of wildlife that live in and along the river and bay. The primary risks are from eating contaminated fish and shellfish from the river. The Diamond Alkali Superfund site is considered "Human Exposure Not Under Control" because of the on-going ingestion of fish and shellfish caught from the Lower Passaic River and Newark Bay complex. Mercury, PCBs, and dioxins are among the major contaminants found in fish and shellfish in the Lower Passaic River, its tributaries, and Newark Bay. It is prohibited to catch blue crab in these waters because they are so heavily contaminated. The state of New Jersey has for decades issued prohibitions on eating any fish or crab caught from the Lower Passaic River because of high contaminant levels in fish and crab tissue. These contaminants can be especially harmful to women considering pregnancy, pregnant women, and nursing mothers. Children are also at risk of developmental and neurological problems if exposed to these chemicals.

EPA has already initiated activities to address this risk, including: working with the state of New Jersey to ensure the public is informed of the consumption prohibitions and advisories; on-going maintenance and evaluation of the containment remedy at the former Diamond Alkali facility, which will prevent further migration of contamination to the Passaic River and Newark Bay; issuance of the Record of Decision for the sediment of the lower 8.3 miles of the Lower Passaic River; issuance of the Record of Decision for the interim cleanup plan for sediment in the upper 9 miles of the Lower Passaic River; and the continuation of the studies of the river and bay to identify the nature and extent of contamination at the site.

Contaminant Information

View a full list of contaminants of concern for this site.

Performance Measures

EPA uses performance measures to track environmental results at Superfund sites. If you have any questions or concerns about the measures at this site, please contact the site team members listed under Site Contacts.

Read more about Superfund Remedial Performance Measures.

Performance Measure	Status at this Superfund Site	What does this mean?
Human Exposure Under Control		**Yes** means assessments indicate that across the entire site: 1. There are currently no unacceptable human exposure pathways; and 2. EPA has determined the site is under control for human exposure. **No** means an unsafe level of contamination has been detected at the site and a reasonable expectation exists that people could be exposed. **Insufficient data** means that, due to uncertainty regarding exposures, one cannot draw conclusions as to whether human exposures are controlled, typically because: 1. Response to the contamination has not begun; or 2. The response has begun, but it has not yet generated information sufficiently reliable to evaluate whether there are currently any unacceptable human exposure pathways at the site.
Groundwater Migration Under Control	Yes	**Yes** means EPA reviewed all information on known and reasonably expected groundwater contamination. EPA concluded the migration of contaminated groundwater is stabilized and there is no unacceptable discharge to surface water. EPA will conduct monitoring to confirm that affected groundwater remains in the original area of contamination. **No** means EPA has reviewed all information on known and reasonably expected groundwater contamination, and the migration of contaminated groundwater is not stabilized. **Insufficient data** means that due to uncertainty regarding contaminated groundwater migration, EPA cannot draw conclusions as to whether the migration of contaminated groundwater is stabilized.
Construction Complete	No	**Yes** means the physical construction of the cleanup is complete for the **entire site**. **No** means either physical construction is not complete or actions are still needed to address contamination.

Performance Measure	Status at this Superfund Site	What does this mean?
Sitewide Ready for Anticipated Use	No	**Yes** means: 1. All cleanup goals affecting current and reasonably anticipated future land uses of the entire site have been achieved, so there are no unacceptable risks; 2. All required land-use restrictions or other controls have been put in place; and 3. The site has achieved Construction Complete status. **No** means that one or more of these three criteria have **not** been met. However, a site listed as **no** may still have redevelopment occurring on portions of the site and additional redevelopment may be possible. *Important Note: Sitewide Ready for Anticipated Use (SWRAU) is an internal performance measure and is not a reporting of site-specific risk. The determination that a site is SWRAU is based on the information available at the time the determination is made. That determination may revert if site conditions change, or if new or additional information is discovered regarding the contamination at the site.*

DIAMOND ALKALI CO.
NEWARK, NJ

Redevelopment

Sign up for this Superfund site's mailing list

On this page:

- About the Superfund Redevelopment Program
- Redevelopment at the Site
- Economic Activity at the Site

About the Superfund Redevelopment Program

Superfund Redevelopment works with communities to provide site-specific reuse support and help return Superfund sites to productive use. Learn more at Superfund Redevelopment Program and view reuse updates from this site and others around the country.

Redevelopment at the Site

The cooperative efforts of the government partners, the PRPs, and the CAG have supported more than just the site cleanups. These efforts enabled local job creation and the designation of the Passaic River as an Urban Waters Federal Partnership project. As recipients of an EPA Urban Waters grant, Ironbound Community Corporation and the City of Newark worked together on riverfront tours, boat tours, and educational workshops. They designed these projects to bring locals to the Passaic River to learn about its past, the present challenges, and to imagine the river's future.

Economic Activity at the Site

EPA does not have economic information for this site at this time, or economic data is not applicable due to site use. View information about redevelopment economics at Superfund sites.

OCTOBER 1, 2024

DIAMOND ALKALI CO.
NEWARK, NJ

Site Documents & Data

For assistance with 508 Accessibility, please reach out to the Site Contacts.

Sign up for this Superfund site's mailing list

On this page:

- Reports and Documents
- Administrative Records
- Site Data
- Public Information Repositories

Reports and Documents

Note: Large collections may take longer to load.

- Key Documents (9 documents)
- Final Allocation Recommendation Report and Supporting Documents (81 documents)
- Correspondence (13 documents)
- FY2018 SETTLEMENT AGREEMENT (6 documents)
- SPP - Cash Out 1 and 2 - Agreements and Supporting Documents (118 documents)
- SPP Decision Documents (24 documents)
- SPP Enforcement and Settlement Documents (12 documents)
- SPP FY2016 SETTLEMENT AGREEMENT (6 documents)
- SPP Public Available Documents (29 documents)
- SPP Public Meeting Documents (4 documents)
- SPP Technical Reports and Studies (2 documents)

Administrative Records

Note: Large collections may take longer to load.

- FY2009 REMOVAL AR (12 documents)
- FY2012 REMOVAL AR RM 10.9 (24 documents)
- FY2016 ROD AR LOWER 8 MILES OF LOWER PASSAIC RIVER (581 documents)
- FY2021 ROD AR OU4 (797 documents)
- FY2023 UAO OU4 (13 documents)

- FY2024 ROD AMENDMENT AR OU1 (467 documents)

Site Data

Other Site Name:
In addition to DIAMOND ALKALI CO., this site has also been referred to as:
- DIAMOND ALKALI CO
- PASSAIC RIVER
- PASSAIC RIVER STUDY AREA

National Priorities List Status: Final
The National Priorities List is intended primarily to guide EPA in determining which sites warrant further investigation. Learn more about the NPL.

City and State: NEWARK, NJ

County: ESSEX

Congressional District: 08

EPA ID: NJD980528996

Public Information Repositories

EPA provides space for the public to view records related to Superfund work at the site.

EPA provides space for the public to view records related to Superfund work at the site. The administrative record file is available at EPA Record Collections website and the following locations:

Newark Public Library, New Jersey Reference Section, 5 Washington Street, Newark, New Jersey 07101
Phone: (973) 733-7784

Elizabeth Public Library, 11 South Broad Street, Elizabeth, New Jersey, 07202
Phone: (908) 354-6060

U.S. EPA, Region 2, Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007-1866
Phone: (212) 637-4308

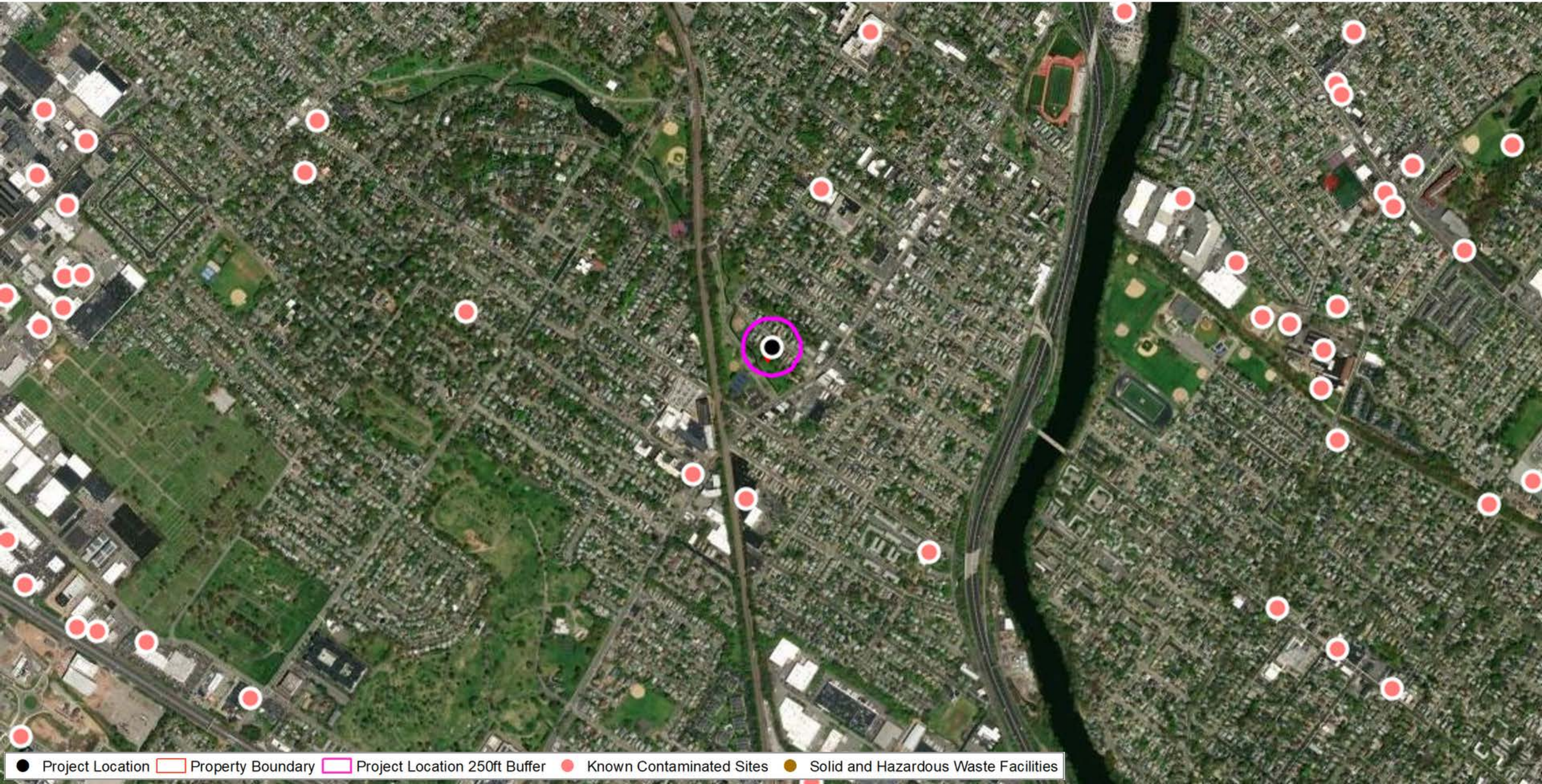
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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

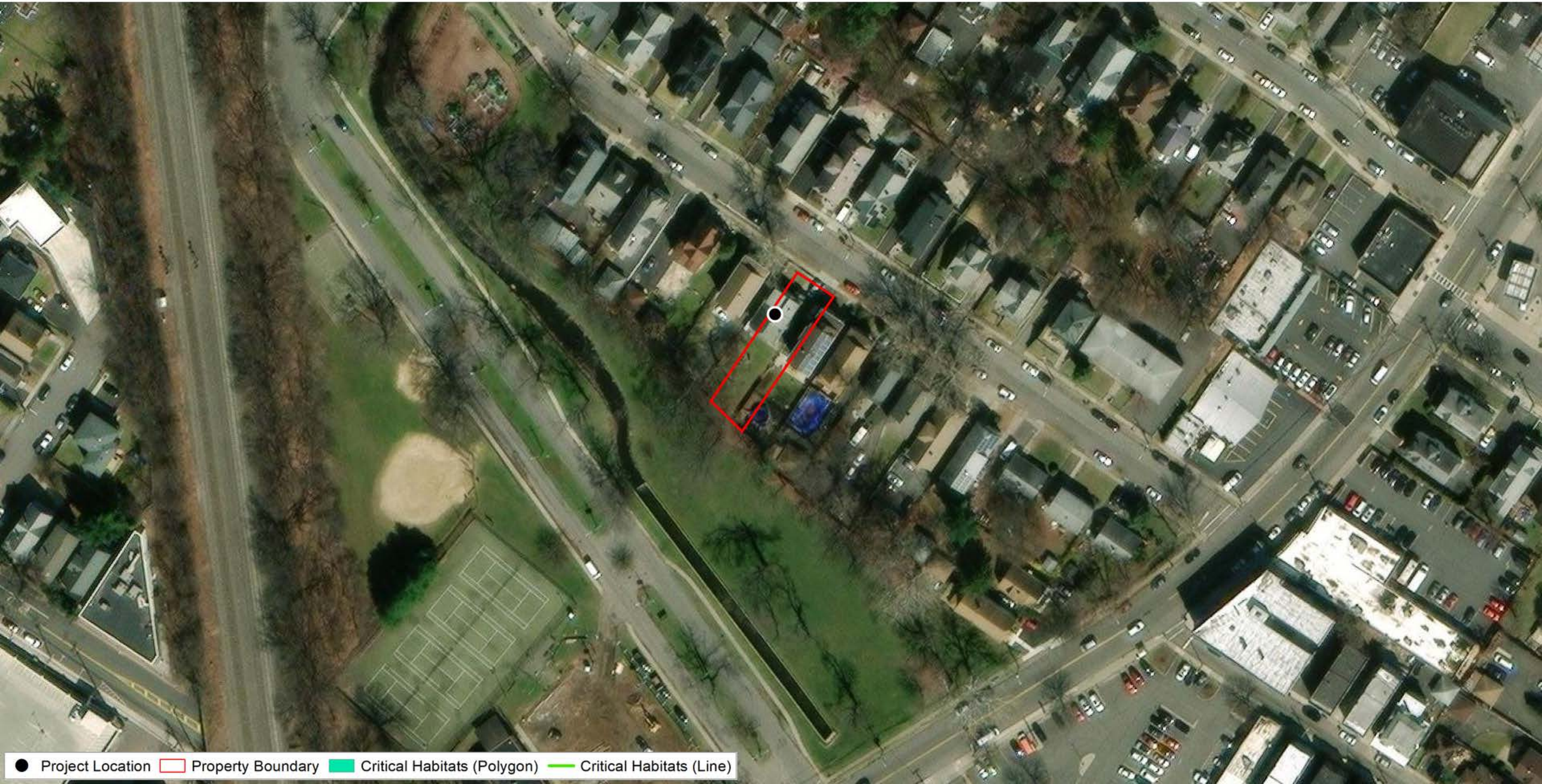
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Endangered Species

Map created by ICF. Data source: United States Fish & Wildlife Service, ArcGIS REST Service, accessed (1/16/2026, 1:06:53 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 19:28:41 UTC
Project Code: 2025-0118470
Project Name: HARP010835R

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: 2025-0118470
Project Name: HARP010835R
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/@40.8436921,-74.13166943636548,14z



Counties: Passaic County, New Jersey

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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.

MAMMALS

NAME	STATUS
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 General project design guidelines: https://ipac.ecosphere.fws.gov/project/MENY54CJAJAIFCO3HRVEXJ6VWU/documents/generated/10545.pdf	Proposed Endangered

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/MENY54CJAJAIFCO3HRVEXJ6VWU/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.

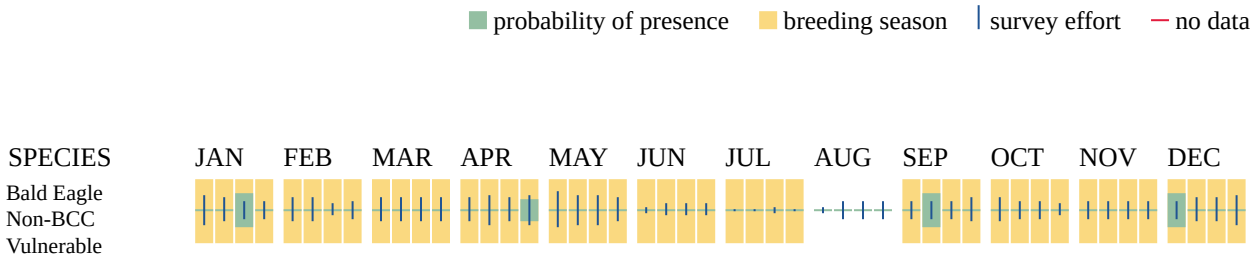
Probability of Presence (■)

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.

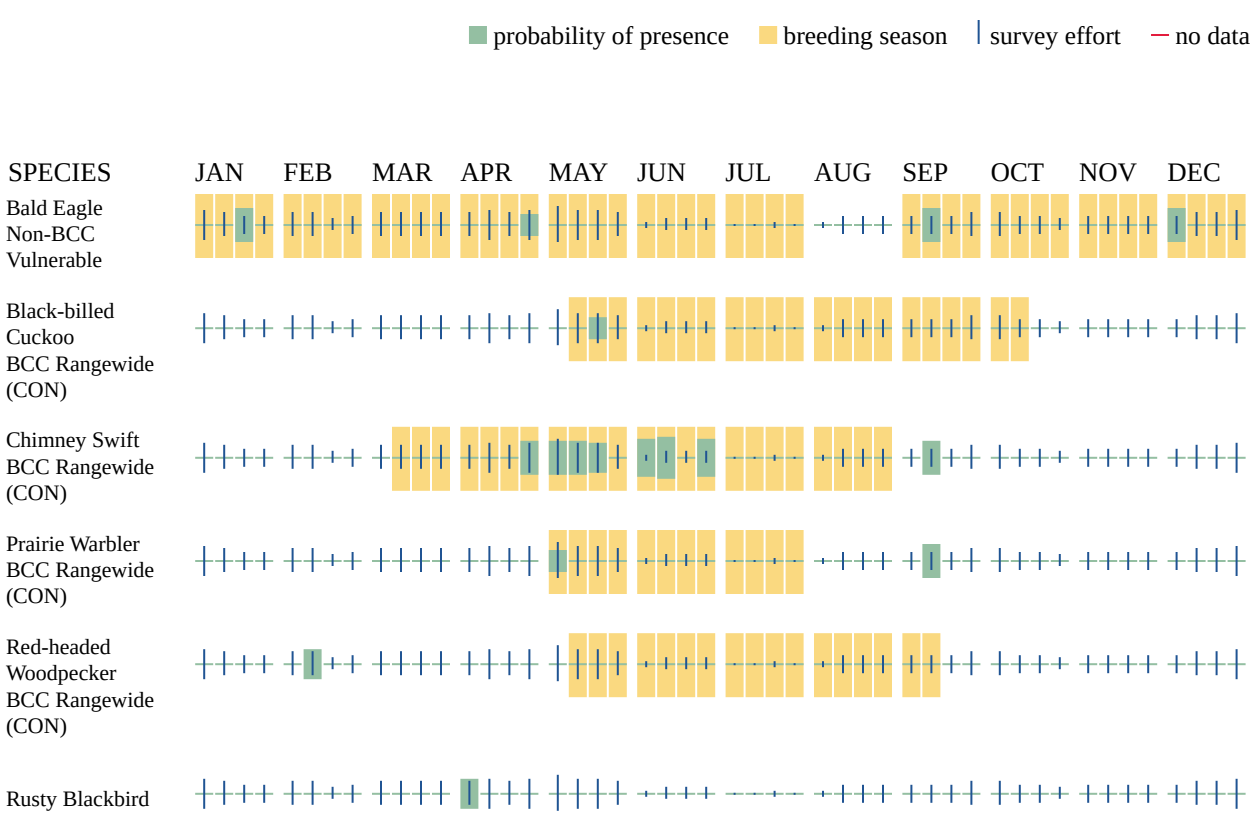
Probability of Presence (■)

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.



BCC - BCR

Wood Thrush
BCC Rangewide
(CON)



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.

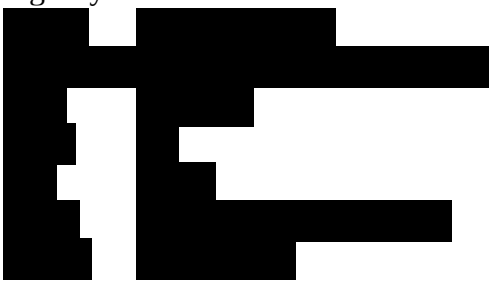
For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

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.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: ICF



LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

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: 04/28/2026 13:18:06 UTC
Project code: 2025-0118470
Project Name: HARP010835R

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Housing and Urban Development

Subject: Record of project representative's no effect determination for 'HARP010835R'

Dear Nicholas Smith-Herman:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 28, 2026, for 'HARP010835R' (here forward, Project). This project has been assigned Project Code 2025-0118470 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions

occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New Jersey Ecological Services Field Office and reference Project Code 2025-0118470 associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

HARP010835R

2. Description

The following description was provided for the project 'HARP010835R':

> 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.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.843683999999996,-74.13167709563442,14z



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

   Automatically answered
   No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

   Automatically answered
   No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

   No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer ‘yes’ to this question.

   Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

   No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

   Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

   Yes

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

   No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

   No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

    Automatically answered

    No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

    No

12. Will the action cause effects to a bridge?

    Note: Covered bridges should be considered as bridges in this question.

    No

13. Will the action result in effects to a culvert or tunnel at any time of year?

    No

14. Are trees present within 1000 feet of the action area? **Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    Yes

15. Does the action include the intentional exclusion of bats from a building or building-like structure? **Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

    No

16. Does the action involve removal, modification, or maintenance of a human-made building-like structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

17. Will the action cause construction of one or more new roads open to the public?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads? **Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

    No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

20. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

    Note: For information regarding NSF/ANSI 60 please visit https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects

    No

21. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

    No

22. Will the action include drilling or blasting?

    No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use at night)?

    No

24. Will the proposed action involve the use of herbicides or pesticides (e.g., fungicides, insecticides, or rodenticides)?

    No

25. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.
    Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

26. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable forested northern long-eared bat or tricolored bat roosting habitat? **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

27. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

    No

28. Will the proposed action result in the use of prescribed fire?

    Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

    No

29. Does the action area intersect the tricolored bat species list area?

    Automatically answered
    Yes

30. Is the action area located within 0.5-mile of radius of an entrance/opening to any known tricolored bat hibernacula or winter roost?

    Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

    Automatically answered
    No

31. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

32. Has a presence/probable absence bat survey targeting the tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area?

    No

33. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities? (If unsure, answer ""Yes."") **Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines.

    Yes

34. Do you have any documents that you want to include with this submission?

    No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Department of Housing and Urban Development
Name: Nicholas Smith-Herman
Address: 101 S. Broad Street
Address Line 2: PO Box 823
City: Trenton
State: NJ
Zip: 08608
[redacted]

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

Thigpen, Morgan

From: Crestol, Sarah R [redacted]
Sent: Wednesday, September 6, 2023 3:52 PM
To: [redacted]
Subject: RE: [EXTERNAL] NJ DCA Project Review Request
Attachments: SignsOfBatsInBuildings_MHall.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Morgan,

Thank you – I always appreciate when applicants send us thorough, well-organized consultation packages!

To move forward, I have two questions:

1. There is a small chance that Indiana bats, northern long-eared bats, or tricolored bats could roost in the houses that are going to be renovated. Since the probability is low, we don't find it necessary to request a bat survey for any of the projects. Instead, we'd like to request that we incorporate a condition in our consultation for each project: if evidence of bat occupancy is observed before or during construction/renovation, then the project will need to be paused and our office will need to be notified. **Would you agree to this condition?**
    a. More formally, this would be the condition: "The action agency will provide the project proponent/contractor with educational materials describing bat use of buildings. If any evidence of bat occupancy (e.g., live or dead bats, guano, staining at entry points) is observed before or during the project, the project proponent/contractor must immediately pause work on the structure and contact the action agency and the USFWS New Jersey Field Office for further guidance. If a federally listed bat species is determined to be present, the action agency must reinitiate consultation with the USFWS before continuing project activities that may cause disturbance to the bats."
    b. I've attached a PDF that shows how to find evidence of bat occupancy.

2. One project (HARP012071, at 258 N. Livingston Avenue) has a stream and wetlands within the project area, and there is a large wetland complex downstream of the project site. In consideration of potential indirect effects to bog turtles, **would you agree to implement erosion and sediment control measures at the site?** Please let me know.

If you have any questions, feel free to ask!

Best wishes,
Sarah Crestol

Sarah Crestol
Biologist
U.S. Fish & Wildlife Service
New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4, Galloway, NJ 08205
[redacted]

Bats roosting out in the open (sort of)…look for them in corners, along center beams, and in tight spots where they feel warm & safe.









Often you won't see bats (especially from late summer through early spring, when they probably aren't there). But droppings are left behind wherever they've roosted. This is guano…







< Guano beneath bat houses on a barn



Line of bats roosting in narrow space between ceiling joists



Guano visible on lath & plaster attic walls



Small guano pile & some sprinkles on attic ducts



Guano is heaviest beneath favorite roost spots and exits

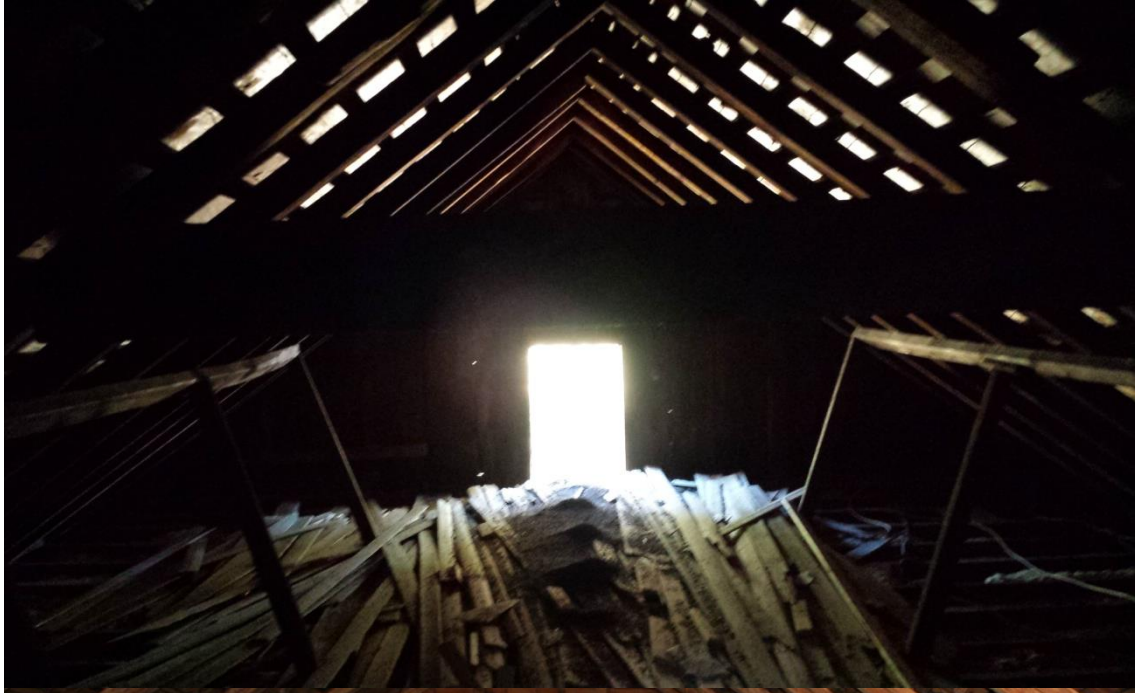
< Looking up at a colony of bats in a bat house. They can really cram in together.





It's not unusual to see a fallen pup beneath a roost. Sometimes they slip off their mom or the roost surface and can't get back up. At left is a very young (few days old) pup; at right is one that's a little older (~3 weeks).

Guano is common along the center line of attics & barns, because bats like to roost in the peaks where it's warmer and snugger. The top photo shows guano piles made by a colony of ~50 big brown bats. The barn loft in the bottom photo had >1,000 little brown bats before White-nose Syndrome hit (now there are 80 left).





Bats are not rodents and they can't chew or claw their way into a structure. But they only need a space ~1/2" wide to enter a building. Unscreened (or torn screen) attic vents are a common entry point.









From the outside, look for small openings (>1/2”) or stains from the bats’ body oils, which build up over time as the bats leave & re-enter the structure nightly spring through late summer.

Attic vents, the peaks of eaves, and the corners where building materials don’t quite fit together are common bat entry points.



< The dirty look of this shutter is from the guano of bats roosting behind it. Also look for droppings beneath shutters.



Sometimes it's hard to identify the bats' entry/exit point…maybe it's too high up or not obvious. Watch to see where the bats exit from at dusk (or enter at dawn).





< A big brown bat exiting her barn roost at dusk

Appendix I: Historic Preservation

35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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



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 20, 2026

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
Bergen, Essex, Middlesex, Passaic, and Union Counties, 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.

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 that are not covered by PA Allowances include the filling in of basements and reconstruction of residences. 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 required documentation under cover of this letter for consultation with NJ HPO.

[redacted]

	HARP Identification No.	Address	Date of Construction
[redacted]	HARP010918R	[redacted]	[redacted]

[redacted]

	HARP Identification No.	Address	Date of Construction
[redacted]	HARP014547R	[redacted]	[redacted]

[redacted]

	HARP Identification No.	Address	Date of Construction
[redacted]	HARP014678R-CEST	[redacted]	[redacted]

<u>Passaic County</u>

	HARP Identification No.	Address	Date of Construction
#26-0939	HARP010835R-CEST	35 Tennyson Place, Passaic City, NJ 07055	1930

NJ DEPARTMENT OF Community Affairs

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[redacted]

HARP Identification No.	Address	Date of Construction
HARP011007R	[redacted]	[redacted]
HARP012028R	[redacted]	[redacted]
HARP012608R	[redacted]	[redacted]

[redacted]

Findings

As noted in the attached information packets, NJ DCA has determined the potential for intact pre-colonial or historic-era archaeological resources within the APE of each application is **low**. 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:

Bergen County

Township of Mahwah
Mayor Jim Wysocki
Jenn Storms, Historic Preservation Commission
475 Corporate Drive
Mahwah, NJ 07430
Via email: jwysocki@mahwahtwp.org ; jstorms@mahwahtwp.org

Bergen County Division of Cultural & Historic Affairs
Elaine Kiernan Gold, Historic Preservation Specialist
One Bergen County Plaza, 4th Floor
Hackensack, NJ 07601
Via email: egold@bergencountynj.gov

Bergen County Historical Society
P.O. Box 55
River Edge, NJ 07661
Via email: contactBCHS@BergenCountyHistory.org

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Essex County

City of East Orange
Mayor Ted R. Green
44 City Hall Plaza
East Orange, NJ 07018
Via email: constituentservices@eastorange-nj.gov

The Historical Society of East Orange, Inc.
P.O. Box 1024
East Orange, NJ 07019
Via email: eohistoricalsociety@yahoo.com

Essex County Division of Cultural and Historic Affairs
Kip's Castle Park
22 Crestmont Road
Verona, NJ 07044
Via email: essexarts@parks.essexcountynj.org

Middlesex County

Borough of South Plainfield
Mayor Matthew P. Anesh
2480 Plainfield Avenue
South Plainfield, NJ 07080
Via email: anesh@southplainfieldnj.com

South Plainfield Historical Society
Dorothy Miele, Liaison
The History Center
115 Sylvania Place
South Plainfield, NJ 07080
Via email: sphistoricalsociety@verizon.net

Middlesex County Division of History and Historic Preservation
County Administration Building
75 Bayard Street
New Brunswick, NJ 08901
Via email: history@co.middlesex.nj.us

Passaic County

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

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Passaic County Historical Society
Lambert Castle Museum
3 Valley Road
Paterson, NJ 070503
Via email: library@lambertcastle.org

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

Union County

Borough of Roselle
Mayor Donald A. Shaw
108 West Third Avenue
Roselle, NJ 07203
Via email: dshaw@boroughofroselle.com

Township of Springfield
Mayor Harris Laufer
100 Mountain Avenue
Springfield, NJ 07081
Via email: harris.laufer@springfield-nj.us

Springfield Historical Society
The Cannon Ball House
126 Morris Avenue
Springfield, NJ 07081
Via email: springfieldnjhistory@gmail.com

Borough of Roselle Park
Mayor Joseph Signorello, Jr.
100 East Westfield Avenue
Roselle Park, NJ 07204
Via email: jsignorello@rosellepark.net

Roselle Park Historical Society
9 W. Grant Avenue
Roselle Park, NJ 07204
Via email: rphistory@rosellepark.net

Union County Office of Cultural and Heritage Affairs
Kathy Kakaletris, Administrator
10 Elizabethtown Plaza
Elizabeth, NJ 07202
Via email: culturalinfo@ucnj.org

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Union County Historical Society
Dr. Carl Hanson House,
38 Springfield Avenue
Cranford, NJ 07016
Via email: info@unioncountyhistoricalsocietynj.org ; uncohissoc1@gmail.com

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]

Enclosures: Tier 2 Site-Specific Review Information Packets

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

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.

MB

Katherine J. Marcopul — 4/17/26

Katherine J. Marcopul — Date
Deputy State Historic Preservation Officer

NP

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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 20, 2026

Passaic County Department of Cultural and 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,

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 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
HARP010835R-CEST	35 Tennyson Place, Passaic City, NJ 07055	1930

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

cc: Steven Sherman, ICF
Robert Greene, ICF

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 20, 2026

Passaic County Historical Society
Lambert Castle Museum
3 Valley Road
Paterson, NJ 070503
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 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
HARP010835R-CEST	35 Tennyson Place, Passaic City, NJ 07055	1930

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

cc: Steven Sherman, ICF
Robert Greene, ICF

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 20, 2026

City of Passaic
Mayor Hector C. Lora
City of Passaic Historic Preservation Commission
330 Passaic Steet
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 organization for the proposed undertaking in accordance with 36 CFR Part 800.

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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
609-930-1460

Enclosure: Tier 2 Site-Specific Review Information Packet

cc: Steven Sherman, ICF
Robert Greene, ICF

Tier 2 Site-Specific Review
HARP010835R-CEST

Tier 2 Site Specific Review
HARP010835R-CEST
35 Tennyson Place, Passaic City
Passaic County, New Jersey 07055
Date of Construction: 1930

ICF Archaeologist 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 archaeologist 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 the reconstruction of the property, which does not meet Programmatic Agreement (PA) Tier II allowances for Above Ground and Archaeological resources and requires National Historic Preservation Act (NHPA) Section 106 consultation.

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

Physiographic province: Piedmont

Characteristics:

- 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 ranges from sea level at Newark Bay to 885 feet at High Mountain but generally averages between 100 and 400 feet (Dalton 2003).
- local bedrock geology: Passaic Formation (Olsen 1980).

Hydrology

The nearest permanent stream is McDonalds Brook, located approximately 150 feet southwest of the house, behind the property. McDonalds Brook empties into the Passaic River 0.5 miles southwest of the APE. The Passaic River flows southward and empties into Newark Bay 8.5 miles south of the APE, with the waters ultimately joining with the Atlantic Ocean. The Passaic River Basin drains 937.3 square miles (EPA 2026).]

Climate and Vegetation

Climate: Central Zone (NJSC 2026).

Characteristics:

- 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 2026).
- 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 29.7°F in January to 71.7°F in July (NJSC 2026).
- precipitation is fairly consistent throughout the year, with February typically the driest month averaging 2.84 inches of rain and July the wettest with an average of 4.19 inches of rain (NJSC 2026).

Vegetation: Northern Piedmont; Glaciated Triassic Lowlands ecoregion (Woods et al., 2007)

Characteristics

- Glaciated, undulating plains that are dominated by urban activity, underlain by Triassic sedimentary rock, and covered by Wisconsinan-age drift (Woods et al., 2007).
- Native vegetation was probably mixed oak, sugar maple, and northern hardwoods, but has been replaced due to historic development (Woods et al., 2007)
- Current vegetation in the APE consists of a manicured lawn with ornamental shrubs, with some older hardwoods behind the lot along McDonalds Brook.

Soils

Soils: Urban land-Boonton complex, red sandstone lowland, 0 to 8 percent slopes and Fluvaquents and Udifluvents, 0 to 3 percent slopes, frequently flooded

Characteristics:

- Urban land is typically found in areas where the surface is covered by pavement, concrete, buildings, and other buildings underlain by disturbed and natural soil material or areas that have been previously disturbed by historic development] (NRCS 2026).

- Fluvaquents and Udifluvents, 0 to 3 percent slopes, frequently flooded are wet soils formed in sandy alluvium in floodplains. The water table is typically less than a foot below ground surface.

Background Research[1]

Historic aerial photographs, historic map review, New Jersey State Archive Early Land Records, and any other pertinent literature were also considered. The earliest aerial photographs from 1931 show the current neighborhood, including the subject house and the road network in place. Subsequent photography shows the neighborhood and surrounding area have remained a suburban landscape, similar to what was present in 1931 (NETR 2026).

The earliest topographic map available from 1888 shows the APE as an undeveloped area adjacent to McDonalds Branch between the Boonton Branch of the Delaware, Lackawanna and Western Railroad and Main Street. The first topographic map to show Tennyson Place is the 1942 1:250,000 Passaic, NJ map. The 1947,1:24.000 Orange, NJ map shows all of the surrounding infrastructure in place, and the neighborhood is shaded as an orange urban landscape that does not show individual houses. Later maps reflect the suburban landscape observed in the aerial photography (USGS 2026).

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 Archaeological 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

[1] 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. 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.

5. Have been identified through early twentieth century state-wide archaeological survey, modern cultural resource survey, or other documentation on file at the HPO.

A search of the applicant's address found that there are no NRHP eligible archaeological resources within an one-half mile of the APE. As such, no survey reports and site forms pertaining to NRHP-listed, NRHP-eligible, or previously identified archaeological resources were requested from the New Jersey State Museum. 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 an one-half-mile buffer of the subject property. The property located at 35 Tennyson Place, Passaic City has not been previously determined eligible for NRHP listing, and it is not located within a historic district. The following resources are located within the one-half-mile buffer of the subject property:

- NRHP-Eligible Delaware, Lackawanna, and Western Railroad Boonton Branch (DL&WBB) Historic District; 0.09 miles west
- NRHP-Eligible DL&WBB/Howard Avenue Bridge; 0.2 miles northwest
- NRHP-Eligible DL&WBB/McDonald Brook Culvert; 0.24 miles northwest
- NRHP-Eligible Passaic Railroad Station; 0.33 miles northwest

Additional historic resources within the half-mile buffer have been identified but they are non-contributing or have not been assessed for eligibility.

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 35 Tennyson Place, Passaic City is in a relatively residential area with most of the commercial development occurring to the south along nearby Main Avenue. Some industrial development occurs to the west of the property along the NRHP-Eligible Delaware, Lackawanna, and Western Boonton Branch Railroad. The subject property is adjacent to McDonald's Brook, a tributary of the Passaic River. Development in the neighborhood is first shown on topographic maps from 1888 and shows some of the existing infrastructure, including Main Avenue, Brook Avenue, the railroad, Howard Avenue, and Bond Street. Property records indicate a construction date of 1930. The house first appears in historic aerial imagery from 1931. The house has retained its original footprint, although material and design alterations have occurred. These include replacement siding, windows, doors, and roofing at unknown dates. There has also been an addition to add a second story to the front half the house.

Expected Archaeological 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.

Background research indicates that the house was constructed in 1930. No previously recorded archaeological sites have been identified within one-half mile of the APE. The proximity to McDonalds Branch and the Passaic River suggests that the area could have been exploited by Native Americans to obtain resources. Development of the property since initial construction, including landscaping, driveway and walkway construction, the installation of underground utilities, and the presence of Urban land soils suggests that there is a low probability for intact precolonial or historic-era archaeological resources 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 1930 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 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 newspaper searches, census records, and local directories, 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 house has a bungalow form. The property is a common example of its type and does not exhibit any high artistic value. Research did not uncover any information regarding the architect or builder, 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, and this property also does not appear to be part of a historic district. The immediate neighborhood was developed incrementally in the late nineteenth and early twentieth century but does not reflect a unified subdivision plan or architecturally distinguished enclave. While the dwellings on Tennyson Place are relatively similar in scale and form, many, including 35 Tennyson Place, have experienced alterations such as installation of replacement siding, windows, doors, and roofing that diminish the integrity of materials, workmanship, and feeling. These cumulative changes have eroded the ability of the streetscape to convey a strong sense of place and time. 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 1930s. 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.

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Primary (northeast) elevation facing southwest.



Rear (southwest) elevation, facing northeast.



Oblique of primary (northeast) and northwest elevations, facing south.



Oblique of primary (northeast) and southeast elevations, facing west.



View of backyard, facing southwest.



Streetscape facing southeast (image courtesy of Google Streetview, 2025).

35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Project Location Map

Map created by ICF. Data source: ArcGIS REST Service, accessed (1/16/2026, 1:06:53 PM EST) at

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0 100 ft 200 ft



35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-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



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

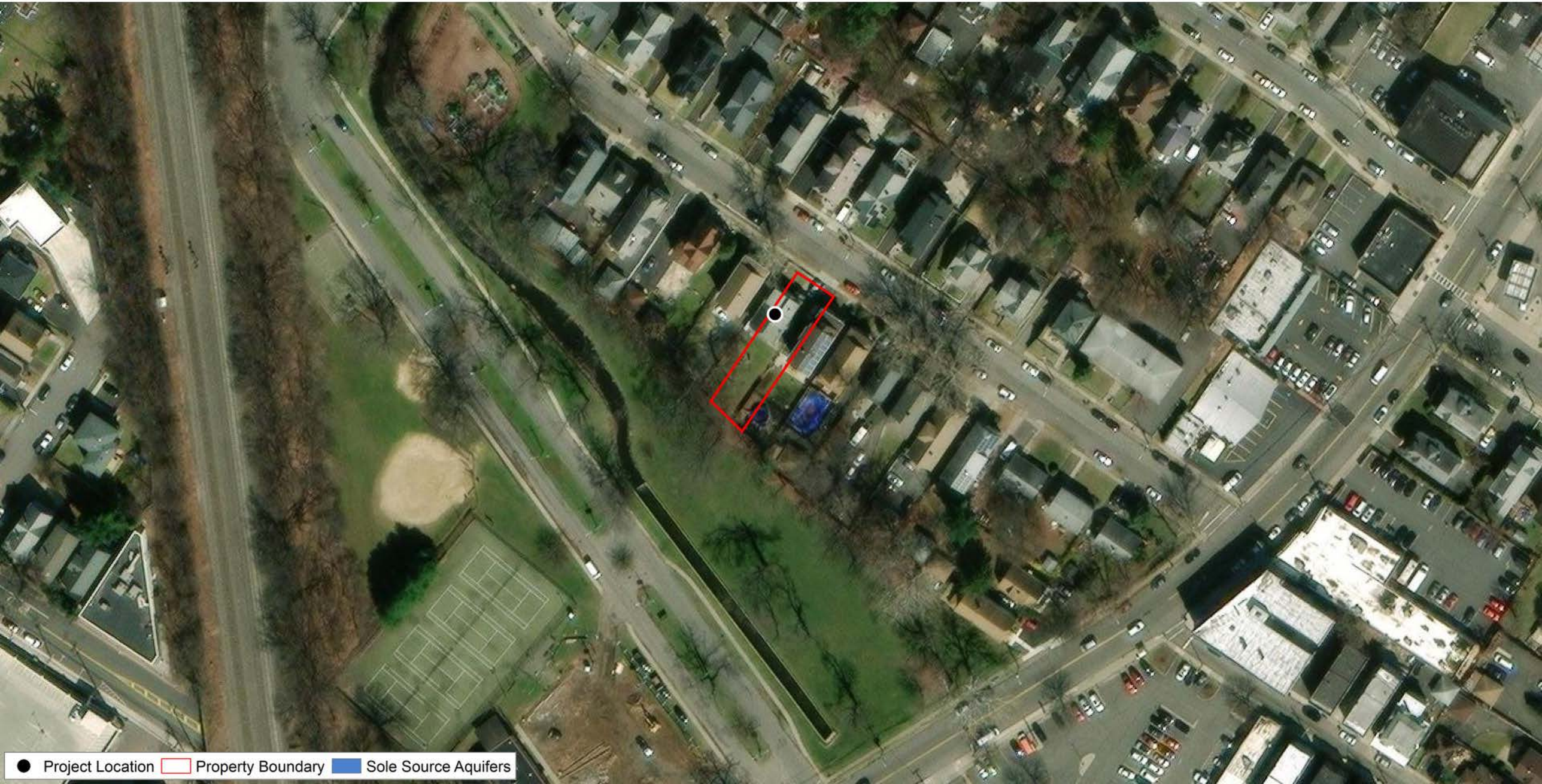
35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Sole Source Aquifer

Map created by ICF. Data source: ArcGIS REST Service, accessed (1/16/2026, 1:06:55 PM EST) at https://services.arcgis.com/cJ9YHowT8TU7DUyn/ArcGIS/rest/services/Sole_Source_Aquifers_August_2019/FeatureServer/0

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Appendix L:
Wetlands
Protection

35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Wetlands Protection

Map created by ICF. Data source: United States Fish & Wildlife Service, National Wetland Inventory, ArcGIS REST Service, accessed (1/16/2026, 1:07:03 PM EST) at https://www.fws.gov/wetlandsmapservice/rest/services/Wetlands/MapServer

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Appendix M: Wild and Scenic Rivers

35 Tennyson Pl, Passaic City, NJ 07055; Lat: 40.84375, Long: -74.131625

HARP010835R-CEST - Wild and Scenic Rivers

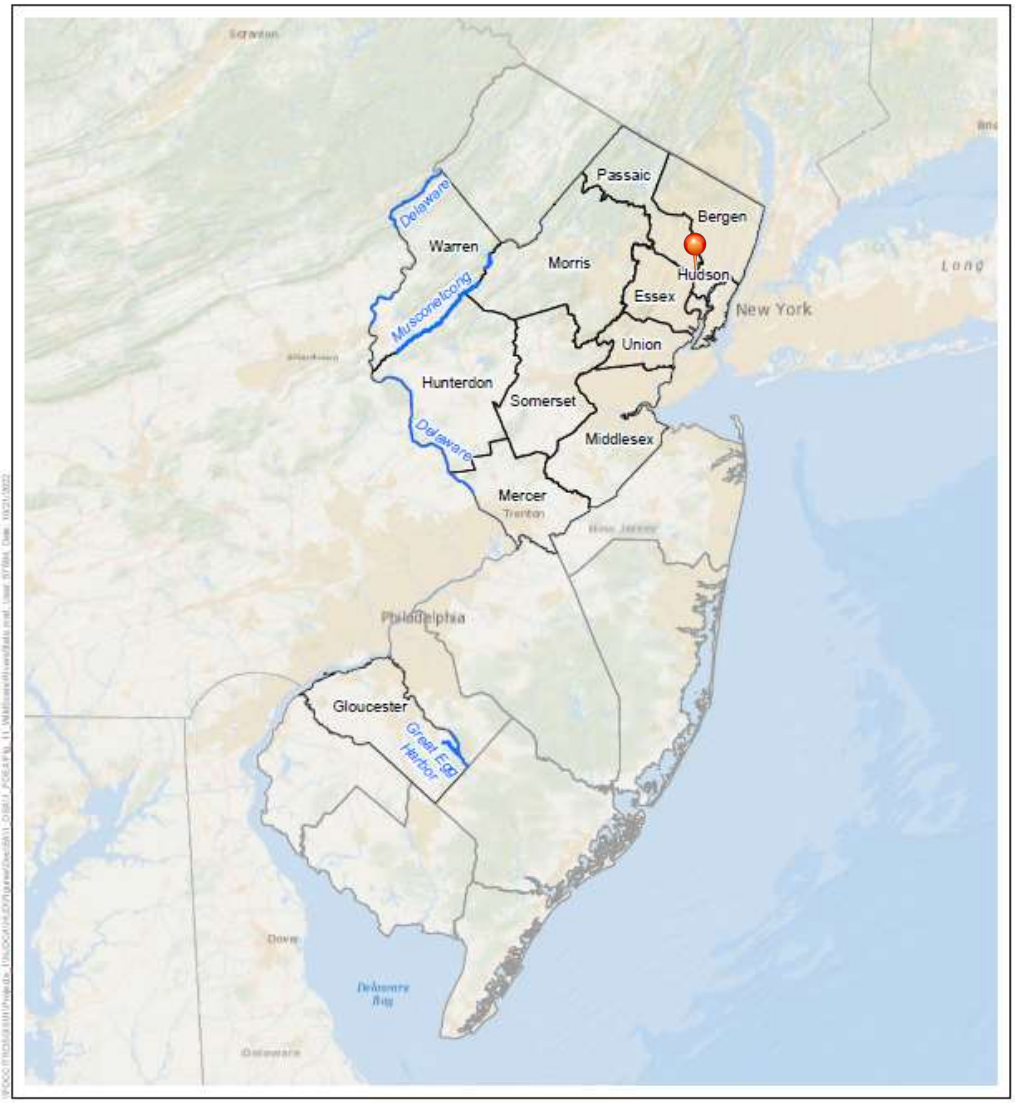
Map created by ICF. Data source: USFS, NPS, BLM, FWS, ArcGIS REST Service, accessed (1/16/2026, 1:07:19 PM EST) at
https://services1.arcgis.com/fBc8EJBxQRMcHlei/ArcGIS/rest/services/WildScenicRiversV2_AGOL/FeatureServer/1
https://apps.fs.usda.gov/arcx/rest/services/EDW/EDW_WildScenicRiverActiveStudyRivers_01/MapServer/1
https://mapservices.nps.gov/arcgis/rest/services/Hydro/NationwideRiversInventory/MapServer/0

N

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Wild and Scenic Rivers Map - NJ



Appendix N:
Site Inspection

Site Inspection Report

Applicant ID: HARP010835R	
Address: 35 Tennyson Pl, Passaic City, NJ 07055	
	DCA Inspection Date: 2/13/2025
Enviro. Site Inspection Report Preparer: ICF	**Enviro. Site Inspection Report Prepared Date**: 1/14/2026
Program Type: HARP	**Project Description:** Reconstruction
Location Verified By: *GPS*	**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:

Environmental Observations:

Wetlands:

1. **Is there any evidence of wetlands on or adjacent to the subject property?** Yes

   There is a riverine wetland adjacent to the subject property well beyond the property boundary

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 #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Front of structure (8/2/2024)

Site Photos:

Applicant ID #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Left side of structure (8/2/2024)

Site Photos:

Applicant ID #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Right side of structure (8/2/2024)

Site Photos:

Applicant ID #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Back of structure (8/2/2024)

Site Photos:

Applicant ID #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Back yard and back of structure (2/13/2025)

Site Photos:

Applicant ID #	HARP010835R
Property Address:	35 Tennyson Pl, Passaic City, NJ 07055



Description:	Riverine wetland in distance beyond property boundaries (2/13/2025)