

**RE-EVALUATION OF ENVIRONMENTAL ASSESSMENT
AND OTHER ENVIRONMENTAL FINDINGS**

§ 58.47 The Responsible Entity must re-evaluate its environmental findings to determine if the original findings are still valid.

PROJECT SUMMARY

Project Name:

New Jersey Rehabilitation, Reconstruction, Elevation and Mitigation (RREM) Program and Landlord Rental Repair Program (LRRP) (formerly Small Rental Properties Program) (1 to 4 residential units within a building).

Grant Number: B-13-DS-34-0001 **HUD Program:** CDBG-DR

Responsible Entity (RE) Organization Name: New Jersey Department of Community Affairs

Responsibility Entity Address: 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800

Preparer Name/Title: Diane Dow, Section Chief

Email: Diane.Dow@dep.state.nj.us

Phone: 609-984-1475

Responsible Entity (RE) Certifying Official: Commissioner Richard E. Constable, III

RE Contact: Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery

Email: Stacy.Bonnaffons@dca.state.nj.us

Phone: 609- 203-8154

Project Funding:

HUD funded amount: \$670,000,000

Estimated Total Project Cost: \$1.8 billion

Project Description: The RREM and Landlord Rental Repair Programs will fund activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities within the disturbed area of the previously developed parcel within the nine counties in New Jersey most impacted by Superstorm Sandy (Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union).

Reconstruction is to assist owners of homes and small rental properties that were so severely damaged as a result of the storm that repair is not feasible or would not be cost effective. When applicable, the completed reconstructed home will be built to the 2009 Residential International Code and will meet the energy efficiency guidelines of the U.S. Environmental Protection Agency (EPA)'s Energy STAR program.

Rehabilitation is to assist owners of homes and small rental properties that were damaged as a result of the storm, but 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.

Elevation and mitigation are to assist owners of homes and small rental properties whose properties were affected by the storm. Elevation activities would involve, for non-historic structures, raising the building to at least one foot above the highest applicable State or Federal Emergency Management Agency (FEMA) elevation level. Mitigation would involve structural and non-structural measures meant to limit the impacts of future natural disasters.

Subject to a July 30, 2013 U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice (CPD-13-038), HUD will permit grantees to charge to grants the pre-award and pre-application costs of homeowners, businesses, and other qualifying entities for eligible costs they have incurred in response to a Presidentially-declared disaster. The CPD provides for the New Jersey Department of Community Affairs (NJDCA) as the Grantee to expand the allowable activities to include reimbursements to homeowners within their HUD approved RREM and LRRP Programs.

The initial estimate of applicants in all nine counties that may seek CDBG-DR grant funding from the RREM Program and LRRP was 39,690. Based on the number of applications received for these programs that number is still an appropriate estimate.

PROPOSED CHANGE

X (1) The scope, scale, nature, magnitude and location of the project are substantially unchanged from that as originally reviewed and approved; further, no new circumstances or environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions of the project have been discovered; and the selection of an alternative not in the original finding is not proposed.

___(2) There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued;

___(3) The recipient proposes the selection of an alternative not in the original finding. Circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project.

Explain the proposed change, new activity, new project description, reason for change, change in scope, change in funding:

The proposed change to the RREM Program and LRRP pursuant to the July 30, 2013 CPD Notice is the addition of the ability for the NJDCA to reimburse eligible homeowners for pre-award and pre-application costs for activities associated with reconstruction, rehabilitation and demolition costs for work commenced or completed prior to their eligibility award or their grant funding application. The eligible reimbursement activities are limited to reconstruction (including elevation), rehabilitation and demolition within the existing footprint of the damaged structure. The initial EA evaluated the same activities within the disturbed area of the previously developed parcel.

This change adds an additional eligible funding component to the RREM Program and LRRP. The proposed change does not alter the environmental conditions.

Review of the Record:

The (EA) conducted for the original RREM Program and a portion of the LLRP evaluated the functional activities of reconstruction, rehabilitation, elevation and mitigation of existing homes within the disturbed area of the previously developed parcel. The EA also focused on the evaluation of these activities within the nine New Jersey counties identified in the DCA’s Action Plan as being the most impacted by Superstorm Sandy. The result of the EA was a Finding of No Significant Impact.

That funded activities of the original RREM Program and LRRP were evaluated based on the potential for a more significant impact than what is eligible for funding under the pre-award and pre-application CPD because of the potential for these activities to occur outside of the pre-storm building footprint. Under the CPD, eligible rehabilitation and reconstruction activities are limited to the same footprint of the damaged structure. Limiting reconstruction to the exact location of the damaged home lessens the risk for environmental impacts because the structure is or was already in that location prior to the storm and therefore the impacts have already occurred.

The below table identifies the laws and authorities that were demonstrated to be compliant in the Tier 1 broad review and those laws and authorities that will be subject to a site-specific Tier 2 review and evaluation that indicates how compliance will be continued.

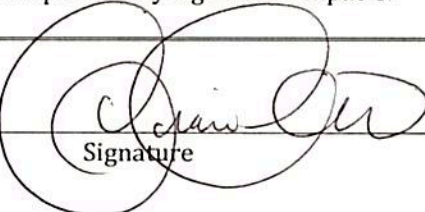

Tier 1	Continued Compliance	Tier 2	Continued Compliance
Sole Source Aquifers	No change in impact. Activities will not occur outside of existing footprint.	Historic Preservation (36 CFR Part 800);	Section 106 compliance will be based on the protocol within the Tier 2 assessment.
Wild & Scenic Rivers Act	No change in impact. Activities will not occur outside of existing footprint.	Floodplain Management and Flood Insurance (24 CFR 58.5(b) and 24 CFR 58.6)	No change in impact. The functional activities and geographic locations are unchanged. The 8-step analysis is unaffected by this change in funding eligibility for work within the existing footprint.
General Conformity determinations under the Clean Air Act	No change in impact. Activities will not occur outside of existing footprint.	Wetlands Protection (EO 11990);	Permanent impacts not permitted. Temporary impacts will be based on the protocol within the Tier 2 assessment.

Farmland Protection Policy Act	No change in impact. Activities will not occur outside of existing footprint.	Coastal Zone Management Act (Sections 307 (c), (d));	Compliance will be based on the protocol within the Tier 2 assessment.
Environmental Justice	No change in impact.	Endangered Species Act (50 C.F.R.402; 16 USC 1531 et seq.);	No change in impact. Under CPD this can convert to compliant for reimbursement activities.
Noise Abatement & Control	No change in impact. Not applicable to assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.	Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 C.F.R. 58.5(i)(2)(i));	Compliance will be based on the protocol within the Tier 2 assessment.
Coastal Barrier Resource Act/Coastal Barrier Improvement Act	No change in impact.	Siting of HUD-Assisted Projects near Hazardous Operations (24 C.F.R. 51C)	Less impact because projects where the footprint of the damaged structure does not expand or move, are compliant.
		Airport Clear Zones and Accident Potential Zones (24 CFR 51D)	No change in impact. Under CPD this can convert to compliant for reimbursement activities.

CONCLUSION

X The original findings are still valid.

___ The responsible entity determines that the original findings are no longer valid; it must prepare an EA or an EIS if its evaluation indicates potentially significant impacts.

Prepared by:			
Diane Dow	Section Chief, NJDEP		9-4-13
Print Name	Title	Signature	Date
Responsible Entity:			
Richard E. Constable, III	Commissioner, DCA		9-10-13
Print Name	Title	Signature	Date