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

Pursuant to 24 CFR 58.35(a)

Responsible Entity: New Jersey Department of Community Affairs, Richard Constable III, Commissioner

Applicant Name: _____ (First) _____ (Last)

-or- Keansburg Borough (Business/Corporate Name)

Project Location: Along Main Street, Carr Avenue, Church Street, Beachway Avenue, Raritan Avenue, East Shore Street, and Oak Street (Street Address)

Keansburg (Municipality) Monmouth (County) New Jersey (State)

Blocks and Lots:

For Building Façade Improvements:

Block 10, Lot 6	Block 13, Lot 7	Block 64, Lot 14	Block 156, Lot 5
Block 10, Lot 7	Block 14, Lot 2	Block 66, Lot 6	Block 156, Lot 6
Block 11, Lot 6	Block 14, Lot 7	Block 94, Lots 54.1	Block 156, Lots 7.01&7.02
Block 12, Lot 8	Block 14, Lot 8	Block 95, Lot 2	Block 158, Lot 10
Block 12, Lot 9	Block 14, Lot 9	Block 113, Lot 7	Block 158, Lot 13
Block 13, Lot 1	Block 22, Lot 1	Block 114, Lot 14	Block 166, Lot 1
Block 13, Lot 2.02	Block 50, Lot 17	Block 114, Lot 17.02	Block 166, Lot 4
Block 13, Lot 3	Block 52, Lot 7	Block 120, Lots 1&2	Block 166, Lot 5
Block 13, Lot 5.01	Block 56, Lot 19	Block 129, Lot 1.01	Block 185, Lots 1&2

For Storm Drainage:

Along portions of Raritan Avenue, East Shore Street, Beachway Avenue, and Oak Street.

Conditions for Approval [40 CFR 1505.2(c)]: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

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

General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

Floodplain Management and Flood Insurance

3. The existing ground elevation is not raised in any floodway.
4. No aboveground structure is placed in a floodway.
5. No habitable building is constructed.
6. No disturbance related to the regulated activity is located within 25 feet of any top of bank or edge of water.
7. No vegetation is cleared, cut or removed in a riparian zone, except where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated).
8. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.
9. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches.
10. The existing roadway is not expanded.
11. No vegetation is cleared, cut or removed in a riparian zone.
12. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year 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).
13. 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)].

Hazardous Materials


14. For façade improvement activities, if buildings were constructed prior to 1978 and project activities may result in inhalation hazards or generate waste materials then lead-based paint and asbestos sampling must be conducted prior to initiation of any improvement activities.
15. All façade improvement activities must comply with applicable federal, state, and local 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. N.J.A.C. 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.

16. 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).
17. All façade improvement 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 Part 35 Subparts B, H, and J.

FINDING:

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

CERTIFICATIONS:

Joseph Fischl, Tetra Tech, Inc.		10/7/14
Preparer Name and Agency	Preparer Signature	Preparer Completion Date
RE Certifying Officer Name	RE Certifying Officer Signature	RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	Neighborhood Community Revitalization	\$1,437,966

Estimated Total HUD Funded Amount:

\$1,437,966

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

\$1,622,966 (with \$185,000 from NJDOT Grant)

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

This project includes drainage improvements/storm mitigation measures, streetscape improvements, and building facade improvements to be completed in two phases (Phase 1 - drainage improvements/storm mitigation measures and streetscape improvements, Phase 2 - building facade improvements).

The State of New Jersey has allocated \$75 million of CDBG-DR funds for the Neighborhood Community Revitalization (NCR). The NCR is designed to support the long-term recovery of small businesses and communities by funding long-term economic revitalization priorities. It also supports projects that retain or hire new employees thus contributing to the State's economy. Keansburg is located in one of the nine most storm-impacted counties and is a storm-impacted municipality with established traditional business districts. In addition, Keansburg has a commercial district that is integrated with its residential neighborhoods. This project would result in a public benefit to the municipality by mitigating future flood events and revitalizing a depressed commercial district.

The purpose of the drainage improvements is to eliminate regular flooding and provide improved storm mitigation to strengthen, preserve and more adequately maintain the infrastructure throughout three affected drainage areas. These improvements will enhance the newly constructed outfall pipes and reduce flooding in the commercial business districts. The purpose of the facade improvements is to restore the appearance and appeal of the Keansburg commercial district through the repair and rehabilitation of the commercial building facades.

The drainage improvements are needed to address areas that experience severe flooding during Hurricane Sandy and remain vulnerable to future flooding during storm events. The building facade improvements are needed to revitalize commercial properties in the commercial district along Main Street, Carr Avenue, Church Street and Beachway Avenue that were inundated with 4 to 6 feet of flood waters as a result of Super Storm Sandy. Thirty (30) of the eighty-four (84) commercial businesses in town remain vacant. According to NJ Department of Community Affairs (DCA), the Borough ranks 5th in the state in property tax reductions with revenue loss of \$27,596,000, and 1,291 commercial and residential properties had their structures devalued due to damages caused by Super Storm Sandy. Façade improvements would help restore value and tax ratables as well as revitalize the affected commercial district.

Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]: (Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)

This Project includes three components: drainage improvements/storm mitigation measures, streetscape improvements, and building facade improvements to be completed in two phases (Phase 1 - drainage improvements/storm mitigation measures and streetscape improvements, Phase 2 - building facade improvements).

The first phase of this two phase project is the storm water mitigation phase involving drainage improvements and storm mitigation measures at three locations: the Raritan Avenue drainage system, and Beachway Avenue and Bayview Avenue in the vicinity of two stormwater outfalls (Outfall#11 Pipe Extension and Outfall #14 Pipe Extension, respectively) (see NCR38959_USGSPProjectLocationMap_NCR_TO1028). These locations correspond to three separate drainage areas for a combined drainage area of 237 acres, about 46 percent of the total land

area of the town. Upgrade of the stormwater outfalls was completed under separate funding from the U.S. Army Corps of Engineers.

For the first phase, an existing, outdated drainage system would be replaced along the Raritan Avenue, East Shore Street and Oak Street drainage system and Beachway Avenue and Bayview Avenue in the vicinity of the two previously installed stormwater outfalls. These replacement activities are located within municipally owned rights-of-way. In conjunction with the replacement of stormwater infrastructure, streetscape improvements would be completed to restore grades and ensure proper street drainage to stormwater inlets. Streetscape improvements include limited subgrade work, milling, and repaving; replacement of existing curbs; installation of ADA-compliant sidewalk ramps at corners; and replacement of sidewalks. Streetscape improvements would be implemented along Raritan Avenue, Carr Avenue, East Shore Street, and Oak Street; on Beachway Avenue west of Highland Avenue; and at the intersection of Bayview and Beachway Avenues.

The second phase, façade rehabilitation, involves only minor rehabilitation and includes repointing brickwork, power washing exteriors, painting and replacing windows and doorways with energy efficient models on up to 38 commercial buildings, located on 39 parcels owned by 36 separate entities, along Main Street, Carr Avenue, Church Street, and Beachway Avenue (see NCR38959_USGSProjectLocationMap_NCR_TO1028). Improvement of the commercial buildings' exteriors to the buildings involves some clearing, stucco installation, and installation of awning and lightings. Rehabilitation of the existing buildings would not change the building footprint or elevation.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

“B box” The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data.

Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties.

Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, demolition, major rehabilitation, or new construction.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Monmouth County has been designated a nonattainment or maintenance area for five National Ambient Air Quality Standard (NAAQS) pollutants (see NCR38959_USEPA_NonAttainment-MaintenanceforNAAQS_NCR_TO1028):</p> <ul style="list-style-type: none"> • a moderate nonattainment area for 8-hour ozone (1997 Standard) • a marginal nonattainment area for 8-hour ozone (2008 Standard) • a non-classified maintenance area for carbon monoxide • a maintenance area for particulate matter (PM2.5) (2006 Standard) • a maintenance area for particulate matter (PM2.5) (1997 Standard) <p>Emissions associated with the proposed project are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds.</p> <p>There will be temporary, unavoidable increases in particulate matter levels during the proposed storm drainage, streetscape and façade improvement activities. While air quality will be temporarily affected during drainage, streetscape and façade improvement activities, the proposed project will adhere to state air quality standards (N.J.A.C. 7:27-1 et seq.) Air quality effects will be mitigated to the extent feasible.</p> <p>In addition, the NJDEP Bureau of Air Quality has determined that streetscape projects and other similar projects are below the de minimis levels for ozone and PM2.5 in Federal General Conformity regulation (40 CFR 93.153(b)(1) Applicability), therefore the CDBG-DR is presumed to conform and a conformity determination is not</p>

		<p>required (see NCR38959_NJDEP_BAQP_StreetscapeDetermination_NCR_TO1028).</p> <p>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the DCA, HUD Community Development Block Grant for Disaster Recovery (CDBG-DR) for the Hurricane Sandy recovery efforts according to a memorandum from the DAQ dated January 23, 2014 (see NCR38959_RevisedGeneralConformityApplicability_NCR_TO1028). The general conformity analysis is required by the Clean Air Act and Federal Regulation (40 CFR Part 93, (Subpart B)). This revision is due to updated information received from the Sandy Recovery Environmental and Historic Preservation Review Program regarding commercial construction activities associated with the CDBG-DR, which were not assessed in the original environmental assessment. The revised estimated air emissions, including the air emissions related to commercial construction activities, continue to remain well below the Federal General Conformity regulation's de minimis thresholds and are presented to conform to the State Implementation Plan (SIP).</p> <p>To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continues to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g., obtaining permits when necessary, adherence to idling limitations, implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures that may contain asbestos.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition for construction, change of land use, increase in density, major rehabilitation, or new construction.</p> <p>The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports listed as commercial service airports within the 9 counties most impacted by Superstorm Sandy are Newark Liberty International Airport in Essex and Union Counties, approximately 15 miles northeast of the proposed project, and Atlantic City International Airport in Atlantic County, approximately 71 miles southwest of the proposed project. Runway protection zones extend up to half a mile from the ends of runways along flight paths, and become wider as distance from the runway increases. There are no civil airport runway protection zones in Monmouth County.</p> <p>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station. The clear zones and accidental potential zones associated with the Lakehurst Naval Air Station are located in Burlington County and Ocean County, approximately 27 miles southwest of the project.</p>

			<p>Consequently, the proposed project is not located within an airport clear zone or the Lakehurst Accident Potential Zone (see NCR38959_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1028).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, major rehabilitation, or new construction.</p> <p>In response to the 1972 passage of the federal Coastal Zone Management Act, New Jersey developed and received federal approval for New Jersey's Coastal Management Program (CMP), which addresses the complex coastal ecosystem as a whole, integrating goals and standards for protection and enhancement of natural resources, for appropriate land use and development, and for public access to and use of coastal resources.</p> <p>The Coastal Zone Management rules, N.J.A.C. 7:7E, represent the State's substantive standards for the use and development of resources in New Jersey's coastal zone. These rules are used to review permit applications submitted under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; and the Wetlands Act of 1970, N.J.S.A. 13:9A. The Coastal Permit Program rules, N.J.A.C. 7:7, establish the procedures by which New Jersey Department of Environmental Protection (NJDEP) reviews permit applications and appeals from permit decisions under CAFRA, Waterfront Development Law, and the Wetlands Act of 1970.</p> <p>Per the NJDEP's HUD Environmental Review Tool, the proposed project is located within the CAFRA zone (see NCR38959_CoastalZoneManagementMapCAFRA_NCR_TO1028). However, the NJDEP Division of Land Use Regulation (DLUR) has determined that the action does not require permits under the Coastal Permit Program and no additional consultation or approval is required (see NCR38959_NJDEP_DLUR_CoastalJurisdictionalDetermination_NCR_TO1028).</p> <p>The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands and permits pursuant to these applicable statutes are not required (see NCR38959_CoastalZoneManagementActMapCAFRA_NCR_TO1028).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation, but not acquisition, change of use to residential, demolition, leasing, or new construction.</p> <p>HUD policy requires that the proposed 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 use of the property.</p> <p>To identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP's HUD Environmental Review Tool was conducted. This review identified that the location of proposed project activities is</p>

		<p>not within the 3,000-foot radius of a “threatening” site.</p> <p>The site reconnaissance performed on August 13, 2014 revealed no visible recognized environmental conditions (RECs) in the vicinity of the proposed project. There were no obstacles to identification of RECs. In addition, the proposed project site is NOT listed on a State or Federal Hazardous Waste sites database (see NCR38959_Toxic HazardousandRadioactiveSubstancesMap_NCR_TO1028).</p> <p>According to the NJDEP Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential (see NCR38959_ToxicHazardousand RadioactiveSubstancesMap_NCR_TO1028).</p> <p>Based on an evaluation of structures constructed prior to 1978, a total of 34 out of the 36 commercial properties that are potentially part of this project may have lead-based paint or asbestos associated with their facades. Two of the 34 properties have 2 structures located on sub lots; therefore, the number of structures with potential to contain lead-based paint or asbestos totals 36.</p> <p>HUD policy requires that the proposed 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. For buildings constructed prior to 1978, façade improvement activities may result in inhalation hazards or generate waste materials because lead-based paint and asbestos may be present. For buildings constructed prior to 1978 lead-based paint and asbestos sampling would be conducted prior to initiation of any improvement activities where those activities may result in inhalation hazards or generate waste materials. If contaminants are identified, they will be remediated according to all applicable city, state and federal regulations.</p> <p>All solid waste materials must be managed and transported in accordance with the state’s solid and hazardous waste rules. Lead and asbestos will be handled in accordance with all applicable federal, state and local regulations.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: demolition, major rehabilitation, new construction, acquisition of undeveloped land, or change in land use.</p> <p>The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a T&E species in the wild, or destroy or adversely modify its critical habitat.</p> <p>The environmental review considered potential impacts of the HUD-assisted proposed project to T&E species and, for listed animal species, their critical habitats. The review evaluated potential impacts not only to listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T&E species or their critical habitats require consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA.</p>

		<p>Northern long-eared bat habitat was identified in the vicinity of the proposed Outfall #11 Pipe Extension based on a review of the NJDEP’s HUD Environmental Review Tool (see NCR38959_EndangeredSpeciesMap_NCR_TO1028). This species is proposed to be federally listed as endangered. Consultation with NJDEP Endangered and Non-Game Species Program (ENSP) concluded that the project would not have an effect on this species; however, the project did intersect potential state listed species habitat according to ENSP’s review of the project area (see NCR38959_NJDEP_ENSP_Response_Woerner_NCR_TO1028). Further review by ENSP indicated the presence of Osprey habitat in the project area but concluded that the project would not affect this species (seeNCR38959_NJDEP_ENSP_Response_Clark_NCR_TO1028).</p> <p>The federally listed seabeach amaranth (<i>Amaranthus pumilus</i> Raf.) occurs on sandy, ocean beaches in eastern North America and has been documented in Monmouth County. Habitat for this species is restricted to the narrow strip of land between the high tide line and the base of dunes. While the proposed project would not be located in sandy, ocean beaches, work associated with Outfall #11 pipeline extension is located within 50 feet of beach habitat. Surveys of suitable habitat within Keansburg were conducted in 2010-2011 and again in 2012 as part of a beach replenishment effort. No seabeach amaranth was found during any of the surveys (see NCR38959_KeansburgSeabeachAmaranthSurveyReport_NCR_TO1028).</p> <p>Coordination with the NJDEP Natural Heritage Program (NHP) did not identify seabeach amaranth or any other federally listed plant species on or near the project site; but did indicate the potential presence of one state listed plants species and foraging or nesting habitat for 10 state listed bird species, two of which are listed as both foraging and nesting occurrences, within a quarter mile of the project. Coordination with the ENSP did not identify any of these state listed species as a concern (see NCR38959_NJDEP_NaturalHeritage ProgramResponse_NCR_TO1028, NCR38959_NJDEP_ENSP_Response_Woerner_NCR_TO1028, and NCR38959_NJDEP_ENSP_Response_Clark_NCR_TO1028).</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition, change of land use, demolition, major rehabilitation, or new construction.</p> <p>The proposed activities would encourage people in the areas most affected by Superstorm Sandy to continue living where they live now. The State of New Jersey has allocated \$75 million of CDBG-DR funds for the Neighborhood Community Revitalization (NCR). The NCR is designed to support the long-term recovery of small businesses and communities by funding long-term economic revitalization priorities. It also supports projects that retain or hire new employees thus contributing to the State’s economy</p> <p>Executive Order (EO) 12898 requires Federal agencies to consider and address disproportionately high and adverse human health or environmental effects on minority and low-income populations resulting from their actions. The project area covers several Census blocks and potentially includes environmental justice populations. The thresholds for minority and low income populations in New Jersey are 48.52 percent (urban areas) and 18.58 percent,</p>

			<p>respectively. The project area contains Census tracts and blocks with marginal environmental justice populations, i.e., minority populations ranging from ranging from 10 percent to 40 percent and populations below poverty level ranging from 10 percent to 20 percent (see NCR38959_EnvironmentalJusticeMap_PercentMinority_NCR_TO1028 and NCR38959_EnvironmentalJusticeMap_PercentBelowPoverty_NCR_TO1028)</p> <p>The project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services which may be of importance to environmental justice populations. Thus, the project would not generate disproportionately high and adverse environmental impacts on environmental justice populations (see NCR38959_EnvironmentalJusticeChecklist_NCR_TO1028).</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: residential projects involving new construction, rehabilitation where unit density is increased, change of land use to residential, vacant buildings made habitable or any project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use.</p> <p>The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the proposed project increases the number of people exposed to hazardous operations. Therefore, the environmental review for this proposed project is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C because it does not involve residential units and would not increase the employee population of the commercial properties.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve acquisition of undeveloped land, conversion of undeveloped land, new construction, or site clearance.</p> <p>The property involved in the proposed project consists of “land already in or committed to urban development” within the meaning of 7 CFR 658.2(a), and is therefore not farmland for purposes of the Farmland Protection Policy Act. In addition, a review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local importance (see NCR38959_FarmlandProtectionMap_NCR_TO1028).</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed project is in compliance. The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the NJDEP’s HUD Environmental Review Tool. Per the screening tool, it has been determined that the entire proposed action is located in a 100-year floodplain, i.e., Zone AE, with the FEMA Preliminary FIRMs layer applied.</p> <p>The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool. Most of the property is within Zone AE with a base flood elevation (BFE) of 11 feet. One commercial property and the work to improve drainage associated with the Outfall #11 pipeline extension is within Zone AE with a BFE of 12 feet (see NCR38959_FloodplainManagementandFloodInsuranceMap_NCR_TO1028 and NCR38959_8-StepFloodplainAnalysis_NCR_TO1028). Note that the referenced map shows Zone</p>

		<p>"A" in the legend and Zone "AE" is incorporated within this classification.</p> <p>An 8-step floodplain analysis was conducted to determine whether the proposed project would have adverse effects on the floodplain. The results of the 8-step floodplain analysis indicate that there are no practicable alternatives to the proposed project. An early public notification was posted on September 5, 2014 with a comment period of 15 days. No comments were received (see NCR38959_8-StepFloodplainAnalysis_NCR_TO1028).</p> <p>NJDEP DLUR determined that the project qualifies for a Flood Hazard Area Permit Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6. In addition, the Flood Hazard Area Permit-by-Rule at N.J.A.C. 7:13-7.2(d)1 would apply (see NCR38959_NJDEP_DLUR_FloodHazardAreaApplicabilityDetermination_NCR_TO1028).</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation and repair, but not acquisition, demolition, disposition, ground disturbance, or new construction.</p> <p>DCA has signed on to the Programmatic Agreement (PA) among FEMA, the New Jersey State Historic Preservation Officer (SHPO), 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 a result of Hurricane Sandy. The PA exempts from further historic preservation review those projects that are in areas surveyed by the joint FEMA-SHPO survey team and found to contain no historic aboveground properties in accordance with 36 CFR 800.4(d)(1), provided there is no ground disturbance of archaeological resources. The PA finds that the proposed activities on properties in these areas will have "no effect on historic properties" (refer to Stipulations II and VII.A in Appendix B of the PA).</p> <p>The PA also provides an exemption from further review for the proposed activities on buildings or structures less than 48 years of age, provided the proposed activities substantially conform to the original footprint or are performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district (refer to Tier I allowance II.A and Tier II allowance VII.A in Appendix B of the PA). The PA and any and all future amendments will be adopted/utilized to complete the Section 106 review.</p> <p>Consultation with the SHPO is required for properties that are listed on the National Register of Historic Places (NRHP), properties that are 48 years of age or older and are outside of the GIS-mapped "no historic aboveground properties" areas, and properties on which the proposed activities require disturbance of previously undisturbed soil. The consultation process for these properties is set forth in the PA with expedited timelines and allowance for use of Standard Treatment Measures to resolve adverse effects without execution of a project-specific Memorandum of Agreement.</p> <p>Twenty-two of the 38 commercial businesses are located in a Historic Properties Exemption Zone (Green Zone) (see NCR38959_HistoricPreservationExemptionZoneMap_NCR_TO1028) and therefore meet PA Tier II Allowance VII.A.2 for historic architecture.</p>

		<p>The remaining 16 commercial businesses were evaluated for eligibility to the NRHP. SOI-qualified architectural historian James C. Sexton, Ph.D., conducted this review and concluded that none of the 16 commercial properties outside the Green Zone were potentially eligible for listing on the NRHP. On August 29, 2014, , pursuant to 36 CFR 800.4(d)(1), the SHPO concurred with the finding of no historic properties affected with respect to the commercial façade improvements component of the project (HPO Project No. 14-4413, Log No. H2014-548, see NCR38959_NJHPO_Response_NCR_TO1028).</p> <p>The storm drainage improvements are primarily located in soils mapped by Natural Resources Conservation Service (NRCS) as Udorthents-Urban land complex, 0 to 8 percent slopes (Udaub). These soils are altered by extensive cutting, filling, and excavation and are indicative of extensive prior ground disturbance. Localized ground disturbances are also indicated by the dense underground infrastructure of storm and sanitary sewers documented by construction plans. Small portions of the proposed improvements in the vicinity of Outfalls #11 and #14 are situated in Hooksan sand, 0 to 5 percent slopes, rarely flooded (HorBr). This mapping unit is characteristic of dynamic beach environments with generally poor preservation of archeological deposits. No portion of the project area is situated within in a SHPO archeological sensitivity grid square. SOI-qualified archeologist, Christopher L. Borstel, Ph.D., RPA, concluded that the proposed storm drainage improvements component would result in no historic properties affected. On August 29, 2014, pursuant to 36 CFR 800.4(d)(1), the SHPO concurred with this finding (HPO Project No. 14-4413, Log No. H2014-548, see NCR38959_NJHPO_Response_NCR_TO1028).</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve one of the applicable activities: acquisition, conversion, or new construction for residential or other noise-sensitive developments such as hospitals, nursing homes, day care, community centers, etc.</p> <p>Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program that meets the requirements for exclusion in 24 CFR 51.101(a)(3). That regulation states that HUD noise policy does not apply to “assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The proposed project involves nonresidential properties and would restore and improve storm drainage systems and commercial property exteriors substantially as it existed prior to Superstorm Sandy.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance because it does not involve one of the applicable activities: acquisition of undeveloped land, change of land use or new construction.</p> <p>Review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project is located in an area of a sole-source aquifer. The New Jersey Coastal Plain aquifer system underlies the proposed project site as well as the entire southern half of the state, including all of Monmouth County (see NCR38959_SoleSourceAquifersMap_NCR_TO1028).</p> <p>A memorandum of understanding between EPA and HUD (see NCR38959_USEPA_SoleSourceAquiferReviewofHUDProjects_NCR_</p>

			<p>TO1028) states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> rehabilitations or improvements to infrastructure already in place, such as water and sewer line replacement, fire hydrant installations, curb cuts, building renovations that done involve significant expansion, street light and sign installment, road repavement, etc. <p>This compliance finding is supported by the fact that street improvement projects are not listed on the EPA Region 2's Sole Source Aquifer web page as a significant pollution source for NJ Coastal Plain Aquifer (see http://www.epa.gov/region02/water/aquifer/coast/coastpln.htm).</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, construction, or expansion of building footprint.</p> <p>A review of the NJDEP HUD Environmental Review Tool indicated that no coastal or freshwater wetlands are present on or adjacent to the proposed project site (see NCR38959_WetlandProtectionMap_NCR_TO1028).</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change in land use, major rehabilitation, or new construction.</p> <p>New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. There are no Wild and Scenic Resource Systems located within Monmouth County. Great Egg Harbor River is the nearest Wild and Scenic River to the project site, located approximately 67.5 miles southwest (see NCR38959_WildandScenicRiversBufferZoneMap_NCR_TO1028).</p>

24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation: The proposed project site is not within any runway protection zones (formerly called runway clear zones) at airports subject to 24 CFR 58.6 or clear zones at military airfields subject to 24 CFR 58.6. See attached file NCR38959_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1028.

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

Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)] Is the project located in a coastal barrier resource area?

No. Cite or attach Source Documentation: There are nine designated units of the Coastal Barrier Resources System in New Jersey all of which are uninhabited. The 12 “otherwise protected areas” associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. The proposed project activities will not occur on designated coastal barriers or in “otherwise protected areas,” and the proposed project would have no impact on coastal barrier resources. See attached file NCR38959_USFWSCoastalBarrierResources_NCR_TO1028.

[Proceed with project.]

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

No. Cite or attach Source Documentation: _____

[Proceed with project.]

Yes. Cite or attach Source Documentation: The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using NJDEP’s HUD Environmental Review Tool. It has been determined that the entire proposed action is located in a 100-year floodplain, i.e., zone A, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool. See attached file NCR38959_FloodplainManagementandFloodInsurance Map_NCR_TO1028.

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR. ***The flood insurance requirements would be applicable only to the façade improvement***

component of the proposed project.

The storm drainage/streetscape improvement component of the proposed project does not involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property or the purchase of machinery, equipment, fixtures, or furnishings that are insurable under NFIP. Additionally, the project does not involve a structure meeting the definition of 44 CFR 59.1, Subpart A. ***Therefore, flood insurance requirements are not applicable.***

No. Federal assistance may not be used in the Special Flood Hazard Area.

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Mr. Matt Adelson, Tetra Tech, performed the site reconnaissance on August 13, 2014.

Summary Statement of Findings and Conclusions:

The proposed activity complies with environmental requirements for funding. The following mitigation measures are recommended to minimize any potential adverse environmental impacts and to ensure compliance is maintained.

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

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

General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

Floodplain Management and Flood Insurance

3. The existing ground elevation is not raised in any floodway.
4. No aboveground structure is placed in a floodway.
5. No habitable building is constructed.
6. No disturbance related to the regulated activity is located within 25 feet of any top of bank or edge of water.
7. No vegetation is cleared, cut or removed in a riparian zone, except where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated).
8. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.

9. The surface of the existing roadway or parking area is raised by no more than three inches. Multiple repaving and/or resurfacing is permissible provided the cumulative impact of the activity does not result in raising the pavement by more than three inches.
10. The existing roadway is not expanded.
11. No vegetation is cleared, cut or removed in a riparian zone.
12. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year 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).
13. 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)].

Hazardous Materials

14. For façade improvement activities, if buildings were constructed prior to 1978 and project activities may result in inhalation hazards or generate waste materials then lead-based paint and asbestos sampling must be conducted prior to initiation of any improvement activities.
15. All façade improvement activities must comply with applicable federal, state, and local 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. N.J.A.C. 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.
16. 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).
17. All façade improvement 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 Part 35 Subparts B, H, and J.