

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: City of Long Branch (Business/Corporate Name)

Project Location: Brighton Avenue ROW between Ocean Blvd And Railroad (Street Address) Long Branch (Municipality) Monmouth (County) NJ (State) 07740 (Zip)

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

Section 106 Compliance

Review of project plans by the New Jersey State Historic Preservation Office (SHPO) was conducted under the requirements of Section 106 of the National Historic Preservation Act. The western terminus of the project is adjacent to the NRHP-eligible New York and Long Branch Railroad Historic District. The SHPO has assigned a finding of No Historic Properties Adversely Affected provided that the work is carried out in accordance with provided plans and improvements will not extend into the rail bank of the NRHP-eligible New York and Long Branch Railroad Historic District. (NCR39441_SHPO_Response_NCR_TO1026).

General

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

Construction-Stage Best Management Practices

Air Quality – The project must meet the regulatory requirements of New Jersey’s Air Rules/Air Pollution Control Requirements (NCR39441_RevisedGeneralConformityApplicabilityAnalysis_NCR_TO1026). The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:
 - a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
 - b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
 - c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
 - d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and “three-minute idling” limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Noise – Time constraints on construction activity in accordance with local ordinances and proper maintenance and documentation of construction equipment in accordance with manufacturer’s specifications to keep unnecessary noise impacts to a minimum.

Soils and Water Resources –The Construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control. The Contractor will install and maintain erosion and sedimentation control measures and appropriate best management practices prior to and throughout construction, and in compliance with the contract project drawings.

CERTIFICATIONS:

Kristen J. Maines
Deputy Program Manager
Gannett Fleming, Inc.

August 15, 2014
Preparer Completion Date

Preparer Name and Agency

Preparer Signature

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	\$750,000.00

Estimated Total HUD Funded Amount:

\$750,000.00

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

\$750,000.00

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

The City of Long Branch is proposing streetscape improvements and storm damage repairs within Brighton Avenue Commercial District. The project is intended to address inadequate pedestrian lighting, electrical code issues, ADA crosswalks, access and drainage issues at the intersection of Second and Brighton Avenues. The project is intended to address sidewalk and safety issues for local residential and destination visitors utilizing the Commercial District.

In recent years, there has been a significant increase in summer resort traffic to Brighton Avenue shops, restaurants and the West End Park. During the summer months, the City provides outdoor concerts and other City events at this location. Growing community interest in the events in past years has led to improvements such as newly proposed band shell and digital sign for posting future upcoming events.

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

The City of Long Branch is proposing a streetscape improvement project within the 50-foot wide right-of-way of Brighton Avenue, from Ocean Avenue west to the North Jersey Coast Line railroad (NJTransit). The project includes: drainage repair; inlet repair; lighting; installation and repair of pavers between sidewalk and curb; installation of tree grates at the base of existing street trees; additional street trees where needed; and paver crosswalks with ADA compliant concrete handicap ramps for improved pedestrian safety. Approximately 1,500 linear feet of Brighton Avenue would be restored and upgraded as part of this proposed project. The existing paved road width is 36 feet. No net change in impervious surface coverage would occur and the project does not include any building or façade improvements.

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>According to the U.S. Environmental Protection Agency (EPA) Nonattainment Areas Map, Monmouth County has been designated a nonattainment or maintenance area for five NAAQS pollutants (NCR39441_AirQualityMap_NCR_TO1026):</p> <ul style="list-style-type: none"> • a moderate attainment area for 8-hour ozone (1997 Standard) • a marginal attainment area for 8-hour ozone (2008 Standard) • a non-classified maintenance area for carbon monoxide • a maintenance area for particulate matter (PM_{2.5}) (2006 Standard) • a maintenance area for particulate matter (PM_{2.5}) (1997 Standard) <p>There will be temporary, unavoidable increases in particulate matter levels during proposed construction activities. While air quality will be temporarily affected, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</p> <p>Consultation with NJDEP Division of Air Quality has determined that activities under the CDBG-DR program are below the de minimus thresholds of the Federal General Conformity regulations and are presumed to conform to the State Implementation Plan. The project will meet applicable emission standards and regulations of the State Air Pollution Control Code, and will not have an adverse effect on air quality. (NCR39441_DEPAirQuality_Response_NCR_TO1026).</p>

<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area is not located within any Clear Zones or Accident Potential Zones (NCR39441_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1026) nor is it located within 15,000 feet of a military airport or 2,500 feet of a civilian airport (NCR39441_AirportHazardsMap_NCR_TO1026), so no airport hazard effects are expected.</p> <p>Atlantic City International Airport is approximately 64 miles; Lakehurst Naval Air Station is approximately 25 miles; and Newark Liberty International Airport is approximately 30 miles from the project area.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The New Jersey Coastal Area Facility Review Act (CAFRA) of 1973 established the CAFRA zone and boundaries within New Jersey, implementing the requirements of the federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq). Certain activities undertaken within the CAFRA zone are regulated by the NJDEP.</p> <p>The project site is within the CAFRA Zone (NCR39441_CoastalZoneManagementActMapCAFRA_NCR_TO1026). However, the NJDEP Division of Land Use Regulation has determined that the action is not regulated under the Coastal Permit Program and no additional consultation or approval is required (NCR39441_DEP_DLUR_CoastalJurisdictionalDetermination_NCR_TO1026).</p> <p>The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands (NCR39441_CoastalZoneManagementActMapCAFRA_NCR_TO1026).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area is not included in a State or Federal Hazardous Waste sites database and no recognized environmental conditions were identified through site reconnaissance.</p> <p>The project area may be within the 3,000-foot radius of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances, however, all sites that were determined by NJDEP to be “non-threatening” to the potential HUD project are not depicted on the NJ HUD Environmental Review Tool 2.1 map. Only sites determined to be “threatening” by the NJDEP are depicted on the map (NCR39441_ToxicHazardousandRadioactiveSubstanceMap_NCR_TO1026).</p> <p>As the project does not involve any structures intended for human occupation, regulations concerning lead-based paint, asbestos and radon are not applicable.</p>

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Consultation with the US Fish and Wildlife Service (USFWS) was completed through a review of the iPaC landscape explorer tool to obtain a preliminary USFWS species list for the project area (NCR39441_USFWS_EndangeredSpeciesReview_NCR_TO1026). The report identified two federally threatened species potentially in the vicinity of the project: piping plover and seabeach amaranth.</p> <p>Review of the NJDEP HUD Environmental Review Tool 2.1 (NCR39441_EndangeredSpeciesMap_NCR_TO1026) did not indicate the presence of piping plover. The review tool did indicate the potential presence of northern long-eared bat. Coordination confirmed that ENSP has no concerns with this project for threatened and endangered species (NCR39441_ENSP_Response_NCR_TO1026), including the northern long-eared bat.</p> <p>Coordination with the NJDEP, Natural Heritage Program (NHP) was completed requesting a search of the Natural Heritage Database, the Landscape Project habitat mapping, and Biotics Database for state endangered and threatened species. The NHP response indicated no records of rare plant and animal species and ecological communities on the site (NCR39441_NaturalHeritageDatabase_Response_NCR_TO1026).</p> <p>Seabeach amaranth occurs on barrier island beaches just above the high tide line, growing on nearly pure sand substrate. As the project area is a developed, urbanized area with no habitat capable of supporting seabeach amaranth, no impacts to amaranth are expected.</p> <p>The project will have No Effect on any federal or state-listed species. Based on coordination with federal and state agencies and assessment of effects, compliance with the ESA is complete and no additional consultation is required.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 mainly comprising commercial development and includes small environmental justice populations. The Census blocks contained adjacent to the project area have up to 59% minority population (NCR39441_EnvironmentalJusticeMap_PercentMinority_NCR_TO1026). Areas adjacent to the project area have 10-20% of their population living below poverty level (NCR39441_EnvironmentalJusticeMap_PercentPoverty_NCR_TO1026). 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 (NCR39441_EnvironmentalJustice_Checklist_NCR_TO1026).</p>

<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Under 24 CFR 51.201, the proposed action does not meet the definition of a “HUD-assisted project” and therefore the requirements of 24 CFR 51c do not apply.</p> <p>As the project does not involve any structures intended for human occupation, regulations concerning explosive and flammable operations are not applicable.</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 project area is urbanized with no associated agricultural lands and zoned for neighborhood commercial uses. According to the NJDEP HUD Environmental Review Tool, the project area is not located on land classified as containing Prime Farmland Soils (NCR39441_FarmlandProtectionMap_NCR_TO1026). Soils in the project area are not designated as agricultural land or prime agricultural soils and the project is located in the Census-designated New York, NY “urbanized area.” Therefore, the requirements of the federal Farmland Protection Policy Act (FPPA) are not applicable.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is not located within a Special Flood Hazard Area (100-year floodplain) and is exempt from the requirements of 24 CFR 55 and EO 11988 (NCR39441_FloodplainMgmtandFloodInsuranceMap_NCR_TO1026).</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site is not included within the Historic Property Exemption Zone (“Green Zone”) according to the NJDEP HUD Environmental Review Tool (NCR39441_HistoricPreservationExemptionZoneMap_NCR_TO1026).</p> <p>Review of project plans by the New Jersey State Historic Preservation Office (SHPO) was conducted under the requirements of Section 106 of the National Historic Preservation Act. The western terminus of the project is adjacent to the NRHP-eligible New York and Long Branch Railroad Historic District. The SHPO has assigned a finding of No Historic Properties Adversely Affected provided that the work is carried out in accordance with provided plans and improvements will not extend into the rail bank of the NRHP-eligible New York and Long Branch Railroad Historic District. (NCR39441_SHPO_Response_NCR_TO1026).</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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>24 CFR 51.101 (a)(2) states that activities considered to be “noise sensitive land development” must comply with the noise criteria and standards of 24 CFR 51B. As the proposed action does not involve any structures intended for human occupation, it is not considered to be a “noise sensitive land development” and the HUD regulations concerning noise abatement and control are not applicable.</p> <p>The only noise expected from the project will be temporary construction noise that will cease once construction is complete. The project is located in an urban area and the construction will not require any significant noise-creating activities (i.e. blasting, pile driving, etc.) so construction noise is not expected to appreciably add to existing levels.</p>

<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area lies within the NJ Coastal Plain Aquifer System (NCR39441_SoleSourceAquiferMap_NCR_TO1026). The existing project area is an urbanized downtown area. The proposed improvements will not change existing impervious coverage of the site. Therefore, there will be no net effect to aquifer recharge as a result of project completion. Furthermore, the project has no potential to impact ground water during or after construction and will therefore has not potential to create a significant hazard to public health. Therefore, this project meets the 1999 EPA exemption criteria as defined by HUD. EPA consultation/review is not required. (NCR39441_SSAGuidance_NCR_TO1026).</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>No jurisdictional wetlands (federal or state) are located within or adjacent to the project area (NCR39441_WetlandsProtectionMap_NCR_TO1026).</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 project is not located within 1/4 mile of a designated Wild and Scenic River (WSR) stream bank and will have no adverse effect on protected WSRs. The closest designated WSR is approximately 64 miles from the project area. Additionally, the project area is not located within a one-mile radius of a WSR or its tributaries (NCR39441_WildandScenicRiversMap_NCR_TO1026). Therefore, consultation and review by the National Park Service is not required.</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:
See NCR39441_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1026 and
NCR39441_AirportHazardsMap_NCR_TO1026.

[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:
The project area is not located within a regulated System unit or an Otherwise Protected Area boundary of the Coastal Barrier Resources Act. Further consultation with the USFWS is not required. See
NCR39441_CoastalBarrierResourcesActMap_NCR_TO1026.

[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
The project area is not located within a Special Flood Hazard Area (100-year floodplain) and is exempt from the requirements of 24 CFR 55 and EO 11988. Further consultation is not required. See
NCR39441_FloodplainMgmtandFloodInsuranceMap_NCR_TO1026.

[Proceed with project.]

- Yes.** Cite or attach Source Documentation: _____

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

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

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

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Completed on June 18, 2014 by Rowbear Consulting under contract to Gannett Fleming, Inc.

Summary Statement of Findings and Conclusions:

The proposed action involves streetscape and drainage improvements within an urbanized, commercial corridor in the City of Long Branch, NJ. Improvements would include drainage and inlet repair; lighting; installation and repair of pavers; installation of tree grates; additional street trees; and paver crosswalks with ADA compliant ramps for improved pedestrian safety.

Completion of this categorical exclusion environmental review and associated consultation confirms that the proposed project would not have a significant environmental impact and that further assessment is not necessary. HUD funding of the proposed action will not have a significant impact on the quality of the human environment.

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

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