

**-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 E. Constable III, Commissioner

**Applicant Name:** \_\_\_\_\_ (First) \_\_\_\_\_ (Last)

**-or- Habitat for Humanity of Cape May County (Business/Corporate Name)**

**Project Location:**

Site A – 303 Sumner Street, Cape May Courthouse, New Jersey, 08210

Site B – 311 Sumner Street, Cape May Courthouse, New Jersey, 08210

Site C – 101 West Anna Street, Cape Map Courthouse, New Jersey, 08210

Site D – 209 Reeves Street, Cape May Courthouse, New Jersey, 08210 (Street Address)

Middle Township (Municipality) Cape May (County) New Jersey (State)

Site A – 949; Site B - 949; Site C - 942; Site D - 965 (Block) Site A – 3.03; Site B – 3.01; Site C - 3; Site D - 10(Lot)

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**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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**CERTIFICATIONS:**

Sara Lasher, URS  
Preparer Name and Agency

  
\_\_\_\_\_  
Preparer Signature

April 17, 2014  
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	NEP – Neighborhood Enhancement Program	\$145,474

**Estimated Total HUD Funded Amount:**

The estimated total HUD funded amount is \$145,474.

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

The estimated total project cost is \$485,474. Funding sources include: an NEP grant in the amount of \$145,474; \$150,000 from Mustard Seed of Cape May County; \$30,000 from the Federal Home Loan Bank of New York/AHP Program; \$80,824 from Thrivent Financial for Lutherans/Thrivent Builds Program; a \$10,000 grant from Crest Savings Bank; \$30,873 from the Middle Township Coach Trust Fund; and a \$38,303 construction loan from the Crest Savings Bank.

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

The Neighborhood Enhancement Program provides funding to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing. The Program is intended to be a component of local plans to invest in and rebuild these communities and provide housing opportunities for residents displaced by the storm. The Program provides zero percent loans to eligible entities including for profit and nonprofit affordable housing developers to fund the rehabilitation or re-use of abandoned, foreclosed and vacant housing, structures or lots. The Program addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. Funding may be used for hard and soft costs associated with acquisition, rehabilitation, reconstruction, and demolition of these properties. Acquisition and/or demolition must be directly related to new construction or reconstruction. Initial occupancy of the units developed under this program is restricted to households at or below 80% of Area Median Income as defined by HUD.

**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.)

**Project Type:** New construction of three single-family residential structures on three individual housing sites and acquisition of one parcel (to be selected between Sites C and D).

**Project Description:** The purpose of this project is to build three single-family homes in the Whitesboro neighborhood in Middle Township, New Jersey. Two of the homes will be built at 303 and 311 Sumner Street (Site A and B), on lots currently owned by Habitat for Humanity of Cape May County. Sites C and D are currently owned by Middle Township and have been designated for affordable housing via municipal resolution. Habitat for Humanity will acquire one of the two lots (Site C or D) for construction of the third house. Sites A, B, C, and D were all vacant lots as of October 28, 2012 and are currently still vacant. All lots have municipal water and sewer available and municipal solid waste pick-up. Sites C and D are wooded and will require clearing prior to construction. All three homes will be new construction, site-built homes. They will have concrete block foundations, wood frame construction, asphalt shingle roofs and vinyl siding. The floor plans range from 3-5 bedrooms, depending upon the requirements of the selected homeowner family. The homes will have high-efficiency forced air propane heating systems. The water heater, range and clothes dryer will be propane as well, while other appliances will be electric. High R-value windows and insulation will be installed for purposes of energy efficiency.

**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><b>1. Air Quality</b>                      [Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP). Conforming to a SIP means that an action will 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. EPA’s federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from an action are identified. The identified air emissions in the nonattainment area are compared to the de minimis levels in the regulation to determine compliance. If the emissions from the action are below the de minimis levels, the action complies with the CAA. The General Conformity Rule would apply to this project in Cape May County since the county is in nonattainment for certain National Ambient Air Quality Standards (NAAQS). For more details regarding the methodology used to estimate the air emissions, see Air Quality Methodology document attached. According to the 'Counties Designated "Nonattainment" or "Maintenance" for Clean Air Act's National Ambient Air Quality Standards (NAAQS)', Cape May County is designated as Nonattainment or Maintenance for 2 NAAQS Pollutants. The 2 NAAQS areas of nonattainment or maintenance areas include</p>

			<p>the 8-Hour Ozone (1997) and the 8-Hour Ozone (2008). The estimated air emissions for this action assume that all of the CDBG-DR funds will be used for construction activities and, therefore, are conservative in nature according to the Division of Air Quality Memorandum dated January 23, 2014. The estimated air emissions may be overestimated since certain real estimate transactions are exempt from general conformity requirements. Sources: CAA 176(c) &amp; (d); EPA's Federal General Conformity Rule (40 CFR Part 90); New Jersey 8-hour Ozone Nonattainment Areas (1997 Standard) Map; New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard) Map; Air Quality Memorandum.</p>
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<p><b>2. Airport Hazards</b>                  (Clear Zones and Accident Potential Zones)                  [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. 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 in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. 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. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 118 miles and 32 miles (respectively) from the proposed action site. Additionally, these runway protection zones are uninhabited and therefore, not relevant to the proposed projects. 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 Joint Base McGuire-Dix-Lakehurst (JBMDL). The nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 71 miles from the proposed action sites and therefore, are not relevant to the proposed projects. See Airport Clear and Accident Potential Zones Maps.</p>
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<p><b>3. Coastal Zone Management</b>                  [Coastal Zone Management Act sections 307(c) &amp; (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance. The proposed project activities include new construction of single family residential structures on currently vacant properties (Sites A, B, C, and D). The proposed sites are located within the Coastal Area Facility Review Act (CAFRA) boundary and therefore require Coastal Jurisdictional Determinations. Applications for review for each of these properties were submitted to the NJDEP Department of Land Use Regulation (DLUR) on March 27, 2014. In responses dated April 8, 2014, the DLUR determined that “a CAFRA permit is not required for the proposed construction of a single family dwelling located more than 150’ landward of the mean high water line of any tidal waters or the landward limit of a beach or dune in Middle Township, a non-qualifying municipality. The regulatory threshold for the number of residential dwelling units at the site is 25; therefore, the proposed project is not regulated” for all four sites. Additionally, the Department determined that Waterfront Development and Coastal Wetlands permits are not required for any of the project sites. This, however, does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law. See Coastal Zone Management Maps.</p>
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<p><b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Toxics: Site A</b> - The proposed project action is in compliance. The subject property may be within 3,000 feet 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 have been reviewed and determined by NJDEP to be “non-threatening” to the potential HUD project have been removed from the dataset depicted on the map. Only sites determined to be “threatening” by the NJDEP are visible on the map. See Toxic Hazardous and Radioactive Substances Map. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible RECs in the vicinity of the potential HUD project.</p> <p><b>Site B</b> - The proposed project action is in compliance. The subject property may be within 3,000 feet 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 have been reviewed and determined by NJDEP to be “non-threatening” to the potential HUD project have been removed from the dataset depicted on the map. Only sites determined to be “threatening” by the NJDEP are visible on the map. See Toxic Hazardous and Radioactive Substances Map. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property indicated that a dirt pile containing vegetative debris was present near the front of the property. It is recommended that the debris be removed as part of the project in order to mitigate any potentially hazardous conditions.</p> <p><b>Site C</b> - The proposed project action is in compliance. The subject property may be within 3,000 feet 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 have been reviewed and determined by NJDEP to be “non-threatening” to the potential HUD project have been removed from the dataset depicted on the map. Only sites determined to be “threatening” by the NJDEP are visible on the map. See Toxic</p>
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		<p>Hazardous and Radioactive Substances Map. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible RECs in the vicinity of the potential HUD project.</p> <p><b>Site D -</b> The proposed project action is in compliance. The subject property may be within 3,000 feet 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 have been reviewed and determined by NJDEP to be “non-threatening” to the potential HUD project have been removed from the dataset depicted on the map. Only sites determined to be “threatening” by the NJDEP are visible on the map. See Toxic Hazardous and Radioactive Substances Map. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible RECs in the vicinity of the potential HUD project.</p> <p><b>Lead Based Paint:</b> The proposed action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. In accordance with 24 CFR Part 35:115(a)(1), given the structures have not yet been constructed, “a residential property for which construction was completed on or after January 1, 1978,” is exempt from Lead Based Paint Assessment.</p> <p><b>Asbestos:</b> The proposed project action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. According to 40 CFR 61 Subpart M, the standards for demolition and renovation “apply to the owner or operator of a demolition or renovation [project].” The proposed new construction will not include demolition or renovation activities.</p> <p><b>Radon:</b> The proposed project action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. According to the New Jersey Department of Environmental Protection Radon Potential Map, Middle Township in Cape May County is located in a Tier 3 Zone, which is classified as Low Potential for Radon. In accordance with N.J.A.C. 5:23-10.1, “standards and procedures to ensure that construction techniques that minimize radon entry and that facilitate any post-construction radon removal that is required shall be incorporated in the construction of all buildings in Use</p>
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		<p>Groups E and R in tier one areas and are permitted to be incorporated elsewhere in New Jersey.” Therefore, in areas of Low Radon potential (Tier 3), compliance with these construction techniques is not required; however, those construction techniques that are feasible may be incorporated to reduce the risk of radon exposure. See Radon Potential Map.</p>
<p><b>5. Endangered Species</b>                  [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p><b>Site A</b> - The proposed project action is in compliance. Desktop review of the HUD Parcel-Centroids shows that there are no other federal and state listed threatened and endangered animal species associated with this project site. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates that the project site is not anticipated to affect threatened and endangered species including the piping plover or red knot (see attached Threatened and Endangered Species map); however, the project does fall within the bat sensitivity layer. The U.S. Fish and Wildlife Service, New Jersey Field Office (FWS) was consulted on March 25, 2014. The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. The project may proceed with the condition that no tree clearing activities may be carried out between April 1st and September 30th. No additional consultation with U.S. Fish and Wildlife Service is required for threatened and endangered animals. Consultation with the NJDEP Natural Heritage Program (NHP) was required the proposed project due to the construction intent, construction of a structure on a previously undisturbed parcel. A request for review was submitted to the Natural Heritage Program on February 27, 2014. The construction intent was changed during review from reconstruction and elevation of an existing structure to new construction. However, as indicated in the attached correspondence with NHP, the change in construction intent will not affect the findings provided by the Natural Heritage Program. The review indicated that one rare plant species (Woolly Ragwort, <i>Senevio tomentosus</i>) is located in the vicinity of the project site; however, this plant species is not indicated to be present on the project site. All project activities will be performed within the project site boundaries which were specified during consultation and, therefore, are not anticipated to affect the Woolly Ragwort. The NHP review</p>

		<p>also indicates some animal species on or near the project site; however, the species that have been determined to be of concern for this program were screened using desk GIS review as described above. Based on these findings, it has been concluded that the proposed project will have no effect on threatened and endangered species and that no further review with USFWS is required.</p> <p><b>Site B -</b> The proposed project action is in compliance. Desktop review of the HUD Parcel-Centroids shows that there are no other federal and state listed threatened and endangered animal species associated with this project site. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates that the project site is not anticipated to affect threatened and endangered species including the piping plover or red knot (see attached Threatened and Endangered Species map); however, the project does fall within the bat sensitivity layer. The U.S. Fish and Wildlife Service, New Jersey Field Office (FWS) was consulted on March 25, 2014. The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. The project may proceed with the condition that no tree clearing activities may be carried out between April 1st and September 30th. No additional consultation with U.S. Fish and Wildlife Service is required for threatened and endangered animals.</p> <p>Consultation with the NJDEP Natural Heritage Program (NHP) was required the proposed project due to the construction intent, construction of a structure on a previously undisturbed parcel. A request for review was submitted to the Natural Heritage Program on February 27, 2014. The construction intent was changed during review from reconstruction and elevation of an existing structure to new construction. However, as indicated in the attached correspondence with NHP, the change in construction intent will not affect the findings provided by the Natural Heritage Program. The review indicated that one rare plant species (Woolly Ragwort, <i>Senevio tomentosus</i>) is located in the vicinity of the project site; however, this plant species is not indicated to be present on the project site. All project activities will be performed within the project site boundaries which were specified during consultation and, therefore, are not anticipated to affect the Woolly Ragwort. The NHP review</p>
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		<p>also indicates some animal species on or near the project site; however, the species that have been determined to be of concern for this program were screened using desk GIS review as described above. Based on these findings, it has been concluded that the proposed project will have no effect on threatened and endangered species and that no further review with USFWS is required.</p> <p><b>Site C</b> - The proposed project action is in compliance. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates that the project site is not anticipated to affect threatened and endangered species including the piping plover, red knot, and bats (see attached Threatened and Endangered Species map). Additionally, desktop review of the HUD Parcel-Centroids shows this there are no other federal and state listed threatened and endangered animal species associated with this project site. Therefore, no additional consultation with U.S. Fish and Wildlife Service is needed for threatened and endangered animals.</p> <p>Consultation with the NJDEP Natural Heritage Program (NHP) was required for the proposed project due to the construction intent, construction of a structure on a previously undisturbed parcel. A request for review was submitted to the Natural Heritage Program on February 27, 2014. The construction intent was changed during review from reconstruction and elevation of an existing structure to new construction. However, as indicated in the attached correspondence with NHP, the change in construction intent will not affect the findings provided by the Natural Heritage Program. The review indicated that no threatened or endangered plant species were located on or in the immediate vicinity of the project site. The NHP review indicates some animal species on or near the project site; however, the species that have been determined to be of concern for this program were screened using desk GIS review as described above. Based on these findings, it has been concluded that the proposed project will have no effect on threatened and endangered species and that no further review with USFWS is required.</p> <p><b>Site D</b> - The proposed project action is in compliance. Desktop review of the HUD Parcel-Centroids shows that there are no other federal and state listed threatened and endangered animal species associated with this project site. A desktop</p>
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		<p>review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates that the project site is not anticipated to affect threatened and endangered species including the piping plover or red knot (see attached Threatened and Endangered Species map); however, the project does fall within the bat sensitivity layer. The U.S. Fish and Wildlife Service, New Jersey Field Office (FWS) was consulted on March 25, 2014. The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. The project may proceed with the condition that no tree clearing activities may be carried out between April 1st and September 30th. No additional consultation with U.S. Fish and Wildlife Service is required for threatened and endangered animals.</p> <p>Consultation with the NJDEP Natural Heritage Program (NHP) was required for the proposed project due to the construction intent, construction of a structure on a previously undisturbed parcel. A request for review was submitted to the Natural Heritage Program on February 27, 2014. The construction intent was changed during review from reconstruction and elevation of an existing structure to new construction. However, as indicated in the attached correspondence with NHP, the change in construction intent will not affect the findings provided by the Natural Heritage Program. The review indicated that no threatened or endangered plant species were located on or in the immediate vicinity of the project site. The NHP review indicates some animal species on or near the project site; however, the species that have been determined to be of concern for this program were screened using desk GIS review as described above. Based on these findings, it has been concluded that the proposed project will have no effect on threatened and endangered species and that no further review with USFWS is required.</p>
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<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action, including Site A, Site B, Site C, and Site D, is in compliance. The area immediately surrounding the project sites consists of an approximately 20-30% minority population and 0-10% of the population is at or below the poverty level. The population density in the area is between 200-1,000 people / sq mi. These demographics are consistent with the community. The proposed projects involve the construction of three new residential structures. In accordance with the requirements of the program, initial occupancy of the units developed under this program is restricted to households at or below 80% of Area Median Income. The Program supports local plans to invest in and rebuild these communities and provide housing opportunities for residents displaced by the storm. Overall, the environmental impacts of the proposed action would be beneficial, by addressing the shortage of affordable housing in communities most impacted by the storm, and returning blighted buildings to viability, disproportionate adverse effects would not occur. See attached Environmental Justice Checklist; Minority, Population Density, and Poverty Demographic Maps.</p>
<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed projects, including Site A, Site B, Site C, and Site D, is subject to 24 CFR 51 Subpart C, because each property will result in an increase in residential density. Therefore, a search was conducted to identify aboveground storage tanks (ASTs) within a 1-mile radius of each of the subject properties. Desktop review of aerial photos revealed several ASTs within 1 mile of the potential HUD projects. See attached tables in the Field Assessments listing detailed AST information for each site. Additionally, see locations of the tanks on the AST Map for each site. Upon measurement, the distance from these ASTs to the subject properties exceeded the necessary Acceptable Separation Distance (ASD). No further action necessary. Sources: AST Maps; Field Assessment Forms</p>

<p><b>8. Farmland Protection</b>                  [Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action sites, including Site A, Site B, Site C, and Site D, are in compliance. The proposed sites are all characterized as farmlands of statewide or unique importance, however, according to the "South Section Zoning Township of Middle" revised in February of 2012, the site location is labeled as Zone R for Residential development. The proposed projects consist of new construction of three single family homes on parcels that are already in or committed to urban development. Therefore, in accordance with 7 CFR 658.2, this project does not meet the definition of "farmland," which does not include land already in or committed to urban development. See Zoning Map and Prime Farmland Soils Map.</p>
<p><b>9. Floodplain Management</b>                  [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project action, including Site A, Site B, Site C, and Site D, is in compliance. The sites are not within a FEMA-designated Special Flood Hazard Area. Therefore, the proposed actions are not subject to floodplain regulations. See Floodplain Map.</p>
<p><b>10. Historic Preservation</b>                  [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>Site A</b> - The proposed project complies with NHPA Section 106 requirements. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated February 24, 2014. The email included a form developed by URS for Section 106 disaster recovery evaluations involving locations where high archaeological site potential was suspected, but not proven (Site Visit Form). The submitted form stated that there was no concern that the undertaking would affect above-ground cultural resources. The basis for this determination for above-ground historic properties was through the allowances contained within the Programmatic Agreement between NJHPO and Federal Emergency Management Agency (FEMA) for Hurricane Sandy and its subsequent expansion to include the state Departments of Environmental Protection (NJDEP) and Community Affairs (NJCA). The preamble to Appendix B states the types of reviews that do not require SHPO consultation. The Tier I Allowances exempts the requirement for a Section 106 review for above-ground historic buildings if they were constructed less than 48 years ago. That exemption/ allowance is stated within Appendix B, Tier I allowance Stipulation II. There is no tax assessment record for this property from the New Jersey Association of County Tax</p>

		<p>Boards. In order to determine if the application met the Tier 1 allowance, historic imagery was reviewed. It demonstrated that there was no building or development on the lot in 2012, before Hurricane Sandy made landfall. Given that this will be new construction that will not impact a historic building that was on the parcel at the time of the storm, the proposed project meets this allowance (vacant lot verification file). The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. The NJHPO was consulted for archaeological concerns as it will involve new construction. The URS form submitted on February 24, 2014 indicated that the parcel was of relatively large size, did not display evidence of ground disturbance, was near water features and situated on well-draining soils. The form stated that the parcel had the potential to contain an unrecorded archaeological site and that subsurface testing was warranted to ensure the project activities would not affect an undocumented historic property. The NJHPO replied by letter on February 26, 2014 that they concurred with the assessment made by URS and the undertaking could impact an archaeological site (NJHPO Concur). In order to expedite the review of Hurricane Sandy applications, the SHPO and the New Jersey Department of Community Affairs (NJCA) agreed to the following protocol for implementing a Section 106 Treatment Standard under the Programmatic Agreement for the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) and Landlord Rental Repair Programs (LRRP). This standard is invoked when the SHPO has stated that additional field assessments are needed to determine NRHP-eligibility of above ground buildings or archaeological resources. The Treatment Standard requires that property will be treated as eligible and compensatory mitigation will be assessed: \$3,000 per each above-ground property affected and \$6,000 per property for potential effects to archaeological sites. The Treatment Standard was developed specifically for the RREM &amp; LRRP programs. After receipt of the archaeology field assessment request, URS initiated consultation with NJDEP and NJHPO to determine if the above treatment plan could also encompass this Neighborhood Enhancement Program parcel. Anthony McNichol and Kate Marcopul at NJHPO stated in a March 13, 2014 communication to URS that: "NEP projects are subject to the</p>
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		<p>same adverse effect treatment protocols as RREM and LRRP with the caveat that 'larger' projects (typically those larger than a single-family dwelling), would require negotiation between the consulting parties. This means that NEP projects would be looked at on a case by case basis. Projects 14-1669, 70, 71, and 72 are small enough that they are covered under the \$3,000/6,000 treatment standard." This information was forwarded on to NJDEP. Per the stipulations in the Programmatic Agreement, the Treatment Standards requires a separate concurrence by the SHPO, a minimum 15-day comment period that is provided to the municipality and to the affected homeowner, and that these communications be documented in the Environmental Review Record. URS conducted these required consultations on behalf of NJDEP. The request for concurrence to the SHPO was submitted by email on March 13, 2014 (NJHPO AE MIT Request). SHPO replied that they concurred to the proposed mitigation treatment in a letter received on March 18, 2014 (NJHPO Reply AE MIT). The second stage of the consultation process, letters to the municipality and the applicant involved, were sent by email on March 19, 2014 (Applicant Notice). No response was received by either party and a memorandum recording that fact was created on April 4, 2014 by URS, the day after the 15 day comment period ended (Memorandum of Record). Section 106 compliance was achieved through the above culmination of the Standard Treatment consultation process and the agreement by NJDCA to pay \$6,000 in compensatory mitigation.</p> <p>Sources: Programmatic Agreement for New Jersey Hurricane Sandy Disaster Recovery. Vacant lot verification file. URS Site Visit form submitted to NJHPO and signed letter from NJHPO. Adverse effect mitigation request submitted to NJHPO and agency reply. Applicant notification letter. Municipal notification letter. Memorandum of Record.</p> <p><b>Site B</b> - The proposed project complies with NHPA Section 106 requirements. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated February 24, 2014. The email included a form developed by URS for Section 106 disaster recovery evaluations involving locations where high archaeological site potential was suspected, but not proven (Site Visit Form). The submitted form stated that there was no concern that the undertaking would affect</p>
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		<p>above-ground cultural resources. The basis for this determination for above-ground historic properties was through the allowances contained within the Programmatic Agreement between NJHPO and Federal Emergency Management Agency (FEMA) for Hurricane Sandy and its subsequent expansion to include the state Departments of Environmental Protection (NJDEP) and Community Affairs (NJCA). The preamble to Appendix B states the types of reviews that do not require SHPO consultation. The Tier I Allowances exempts the requirement for a Section 106 review for above-ground historic buildings if they were constructed less than 48 years ago. That exemption / allowance is stated within Appendix B, Tier I allowance Stipulation II. There is no tax assessment record for this property from the New Jersey Association of County Tax Boards. In order to determine if the application met the Tier 1 allowance, historic imagery was reviewed. It demonstrated that there was no building or development on the lot in 2012, before Hurricane Sandy made landfall. Given that this will be new construction that will not impact a historic building that was on the parcel at the time of the storm, the proposed project meets this allowance (Vacant Lot Verification File). The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. The NJHPO was consulted for archaeological concerns as it will involve new construction. The URS form submitted on February 24, 2014 indicated that the parcel was of relatively large size, did not display evidence of ground disturbance, was near water features and situated on well-draining soils. The form stated that the parcel had the potential to contain an unrecorded archaeological site and that subsurface testing was warranted to ensure the project activities would not affect an undocumented historic property. The NJHPO replied by letter on February 26, 2014 that they concurred with the assessment made by URS and the undertaking could impact an archaeological site (NJHPO Concur). In order to expedite the review of Hurricane Sandy applications, the SHPO and the New Jersey Department of Community Affairs (NJCA) agreed to the following protocol for implementing a Section 106 Treatment Standard under the Programmatic Agreement for the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) and Landlord</p>
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		<p>Rental Repair Programs (LRRP). This standard is invoked when the SHPO has stated that additional field assessments are needed to determine NRHP-eligibility of above ground buildings or archaeological resources. The Treatment Standard requires that property will be treated as eligible and compensatory mitigation will be assessed: \$3,000 per each above-ground property affected and \$6,000 per property for potential effects to archaeological sites. The Treatment Standard was developed specifically for the RREM &amp; LRRP programs. After receipt of the archaeology field assessment request, URS initiated consultation with NJDEP and NJHPO to determine if the above treatment plan could also encompass this Neighborhood Enhancement Program parcel. Anthony McNichol and Kate Marcopul at NJHPO stated in a March 13, 2014 communication to URS that: "NEP projects are subject to the same adverse effect treatment protocols as RREM and LRRP with the caveat that 'larger' projects (typically those larger than a single-family dwelling), would require negotiation between the consulting parties. This means that NEP projects would be looked at on a case by case basis. Projects 14-1669, 70, 71, and 72 are small enough that they are covered under the \$3,000/6,000 treatment standard." This information was forwarded on to NJDEP. Per the stipulations in the Programmatic Agreement, the Treatment Standards requires a separate concurrence by the SHPO, a minimum 15-day comment period that is provided to the municipality and to the affected homeowner, and that these communications be documented in the Environmental Review Record. URS conducted these required consultations on behalf of NJDEP. The request for concurrence to the SHPO was submitted by email on March 13, 2014 (NJHPO AE MIT Request). SHPO replied that they concurred to the proposed mitigation treatment in a letter received on March 18, 2014 (NJHPO AE MIT Reply). The second stage of the consultation process, letters to the municipality and the applicant involved, were sent by email on March 19, 2014 (Applicant notice). No response was received by either party and a memorandum recording that fact was created on April 4, 2014 by URS, the day after the 15 day comment period ended (Memorandum of Record). Section 106 compliance was achieved through the above culmination of the Standard Treatment consultation process and the agreement by NJDCA to pay \$6,000 in compensatory mitigation.</p>
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		<p>conducted these required consultations on behalf of NJDEP. The request for concurrence to the SHPO was submitted by email on March 13, 2014 (NJHPO AE MIT Request). SHPO replied that they concurred to the proposed mitigation treatment in a letter received on March 18, 2014 (NJHPO AE MIT Reply). The second stage of the consultation process, letters to the municipality and the applicant involved, were sent by email on March 19, 2014 (Applicant Notice). No response was received by either party and a memorandum recording that fact was created on April 4, 2014 by URS, the day after the 15 day comment period ended (Memorandum of Record). Section 106 compliance was achieved through the above culmination of the Standard Treatment consultation process and the agreement by NJDCA to pay \$6,000 in compensatory mitigation.</p> <p>Sources: Programmatic Agreement for New Jersey Hurricane Sandy Disaster Recovery. Vacant lot verification file. URS Site Visit form submitted to NJHPO and signed letter from NJHPO. Adverse effect mitigation request submitted to NJHPO and agency reply. Applicant notification letter. Municipal notification letter. Memorandum of Record.</p> <p><b>Site D</b> - The proposed project complies with NHPA Section 106 requirements. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated February 24, 2014. The email included a form developed by URS for Section 106 disaster recovery evaluations involving locations where high archaeological site potential was suspected, but not proven (Site Visit Form). The submitted form stated that there was no concern that the undertaking would affect above-ground cultural resources. The basis for this determination for above-ground historic properties was through the allowances contained within the Programmatic Agreement between NJHPO and Federal Emergency Management Agency (FEMA) for Hurricane Sandy and its subsequent expansion to include the state Departments of Environmental Protection (NJDEP) and Community Affairs (NJDCA). The preamble to Appendix B states the types of reviews that do not require SHPO consultation. The Tier I Allowances exempts the requirement for a Section 106 review for above-ground historic buildings if they were constructed less than 48 years ago. That exemption / allowance is stated within Appendix B, Tier I allowance</p>
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		<p>Stipulation II. There is no tax assessment record for this property from the New Jersey Association of County Tax Boards. In order to determine if the application met the Tier 1 allowance, historic imagery was reviewed. It demonstrated that there was no building or development on the lot in 2012, before Hurricane Sandy made landfall. Given that this will be new construction that will not impact a historic building that was on the parcel at the time of the storm, the proposed project meets this allowance (Vacant Lot Verification). The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. The NJHPO was consulted for archaeological concerns as it will involve new construction. The URS form submitted on February 24, 2014 indicated that the parcel was of relatively large size, did not display evidence of ground disturbance, was near water features and situated on well-draining soils. The form stated that the parcel had the potential to contain an unrecorded archaeological site and that subsurface testing was warranted to ensure the project activities would not affect an undocumented historic property. The NJHPO replied by letter on February 26, 2014 that they concurred with the assessment made by URS and the undertaking could impact an archaeological site (NJHPO Concur). In order to expedite the review of Hurricane Sandy applications, the SHPO and the New Jersey Department of Community Affairs (NJCA) agreed to the following protocol for implementing a Section 106 Treatment Standard under the Programmatic Agreement for the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) and Landlord Rental Repair Programs (LRRP). This standard is invoked when the SHPO has stated that additional field assessments are needed to determine NRHP-eligibility of above ground buildings or archaeological resources. The Treatment Standard requires that property will be treated as eligible and compensatory mitigation will be assessed: \$3,000 per each above-ground property affected and \$6,000 per property for potential effects to archaeological sites. The Treatment Standard was developed specifically for the RREM &amp; LRRP programs. After receipt of the archaeology field assessment request, URS initiated consultation with NJDEP and NJHPO to determine if the above treatment plan could also encompass this Neighborhood Enhancement Program parcel. Anthony McNichol and Kate</p>
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		<p>Marcopol at NJHPO stated in a March 13, 2014 communication to URS that: "NEP projects are subject to the same adverse effect treatment protocols as RREM and LRRP with the caveat that 'larger' projects (typically those larger than a single-family dwelling), would require negotiation between the consulting parties. This means that NEP projects would be looked at on a case by case basis. Projects 14-1669, 70, 71, and 72 are small enough that they are covered under the \$3,000/6,000 treatment standard." This information was forwarded on to NJDEP. Per the stipulations in the Programmatic Agreement, the Treatment Standards requires a separate concurrence by the SHPO, a minimum 15-day comment period that is provided to the municipality and to the affected homeowner, and that these communications be documented in the Environmental Review Record. URS conducted these required consultations on behalf of NJDEP. The request for concurrence to the SHPO was submitted by email on March 13, 2014 (NJHPO AE MIT Request). SHPO replied that they concurred to the proposed mitigation treatment in a letter received on March 18, 2014 (NJHPO AE MIT Reply). The second stage of the consultation process, letters to the municipality and the applicant involved, were sent by email on March 19, 2014 (Applicant Notice). No response was received by either party and a memorandum recording that fact was created on April 4, 2014 by URS, the day after the 15 day comment period ended (Memorandum of Record). Section 106 compliance was achieved through the above culmination of the Standard Treatment consultation process and the agreement by NJDCA to pay \$6,000 in compensatory mitigation.</p> <p>Sources: Programmatic Agreement for New Jersey Hurricane Sandy Disaster Recovery. Vacant lot verification file. URS Site Visit form submitted to NJHPO and signed letter from NJHPO. Adverse effect mitigation request submitted to NJHPO and agency reply. Applicant notification letter. Municipal notification letter. Memorandum of Record.</p>
<p><b>11. Noise Abatement and Control</b>                  [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><b>Site A</b> - The proposed project is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project site. Noise analysis is required for projects within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, and/or within the noise contours of a major airport.</p>

		<p>The proposed project site is not within 1,000 feet of a major or arterial roadway or within the noise contours of a major airport; however it is located approximately 1145 feet from a railroad. The outdoor weighted average day-night sound level (DNL) calculated in accordance with HUD Noise Assessment Guidelines is 54.8 decibels (dB), which HUD regulations classify as acceptable and allowable since it does not exceed 65 dB. Construction noise will be a temporary impact that will be controlled by Best Management Practices. Construction noise will comply with applicable city, state and federal codes. Thus, construction noise is not expected to have an impact to the project or surrounding areas.</p> <p><b>Site B</b> - The proposed project is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project site. Noise analysis is required for projects within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, and/or within the noise contours of a major airport. The proposed project site is not within 1,000 feet of a major or arterial roadway or within the noise contours of a major airport; however it is located approximately 1297 feet from a railroad. The outdoor weighted average day-night sound level (DNL) calculated in accordance with HUD Noise Assessment Guidelines is 53.9 decibels (dB), which HUD regulations classify as acceptable and allowable since it does not exceed 65 dB. Construction noise will be a temporary impact that will be controlled by Best Management Practices. Construction noise will comply with applicable city, state and federal codes. Thus, construction noise is not expected to have an impact to the project or surrounding areas.</p> <p><b>Site C</b> - The proposed project is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project site. Noise analysis is required for projects within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, and/or within the noise contours of a major airport. The proposed project site is not within 1,000 feet of a major or arterial roadway or within the noise contours of a major airport; however it is located approximately 1414 feet from a railroad. The outdoor weighted average day-night sound level (DNL) calculated in accordance with HUD Noise Assessment Guidelines is 53.4 decibels (dB), which HUD regulations classify as acceptable and allowable since it does not exceed</p>
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		<p>65 dB. Construction noise will be a temporary impact that will be controlled by Best Management Practices. Construction noise will comply with applicable city, state and federal codes. Thus, construction noise is not expected to have an impact to the project or surrounding areas.</p> <p><b>Site D</b> - The proposed project is in compliance. HUD policy requires that adequate consideration be given to noise exposure and sources of noise that may impact the proposed project site. Noise analysis is required for projects within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, and/or within the noise contours of a major airport. The proposed project site is not within 1,000 feet of a major or arterial roadway or within the noise contours of a major airport; however it is located approximately 687 feet from a railroad. The outdoor weighted average day-night sound level (DNL) calculated in accordance with HUD Noise Assessment Guidelines is 58.1 decibels (dB), which HUD regulations classify as acceptable and allowable since it does not exceed 65 dB. Construction noise will be a temporary impact that will be controlled by Best Management Practices. Construction noise will comply with applicable city, state and federal codes. Thus, construction noise is not expected to have an impact to the project or surrounding areas.</p> <p>Sources for Sites A, B, C, and D: U.S. Department of Housing and Urban Development (HUD) Day/Night Noise Level Electronic Assessment Tool; HUD Noise Guide; 24 CFR Part 51 Subpart B; U.S. Department of Transportation Crossing Inventory Report.</p>
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<p><b>12. Sole Source Aquifers</b>                  [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 proposed project, including Site A, Site B, Site C, and Site D, is in compliance with 40 CFR 149. The project sites are in Cape May County and are within the New Jersey Coastal Plain Aquifer System, which underlies the entire southern half of the state. In accordance with the EPA Sole Source Aquifer Review of HUD Projects letter dated August 13, 1996, projects “in urbanized areas, single or multi-unit housing developments, community centers and schools that will use existing public water and sewer” do not have the potential to create a ‘significant hazard to public health’ by adversely impacting ground water either during construction or after completion and facility is in operation, and are excluded from Sole Source Aquifer review. Therefore, the proposed project is not anticipated to have a significant effect on Sole Source Aquifers. See Sole Source Aquifer Maps and EPA Sole Source Aquifer Review of HUD Project correspondence dated August 13, 1996.</p>
<p><b>13. Wetlands Protection</b>                  [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project action, including Site A, Site B, Site C, and Site D, new construction of a structure on a previously undeveloped parcel, is in compliance. A desktop review of the NJDEP Wetlands Protection Maps, USFWS NWI mapped wetlands, and field data indicates that mapped/potential Wetlands are not located within 150 feet of the project sites. Therefore, these projects will have no direct or indirect effect on coastal or freshwater wetlands. See Wetlands Protection Maps and National Wetlands Inventory Maps.</p>
<p><b>14. Wild and Scenic Rivers</b>                  [Wild and Scenic Rivers Act of 1968, particularly section 7(b) &amp; (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Site A</b> - The proposed project is in compliance. 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. The nearest segment of the Wild and Scenic Rivers, Great Egg Harbor River, is approximately 15 miles north-northeast of the proposed action site. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. The proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.</p> <p><b>Site B</b> - The proposed project is in compliance. New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware</p>

		<p>River, Great Egg Harbor River, Maurice River, and Musconetcong River. The nearest segment of the Wild and Scenic Rivers, Great Egg Harbor River, is approximately 15 miles north-northeast of the proposed action site. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. The proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.</p> <p><b>Site C</b> - The proposed project is in compliance. 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. The nearest segment of the Wild and Scenic Rivers, Great Egg Harbor River, is approximately 14 miles north-northeast of the proposed action site. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. The proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.</p> <p><b>Site D</b> - The proposed project is in compliance. 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. The nearest segment of the Wild and Scenic Rivers, Great Egg Harbor River, is approximately 15 miles north-northeast of the proposed action site. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. The proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.</p>
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**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 action, new construction, including Site A, Site B, Site C, and Site D, is in compliance. 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 in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. 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. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 118 miles and 32 miles (respectively) from the proposed action site. Additionally, these runway protection zones are uninhabited and therefore, not relevant to the proposed projects.

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 Joint Base McGuire-Dix-Lakehurst (JBMDL). The nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 71 miles from the proposed action sites and therefore, are not relevant to the proposed projects. See Airport Clear and Accident Potential Zones Maps.

[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: Site A, Site B, Site C, and Site D are in compliance. The nine designated units and twelve "otherwise protected areas" that comprise the Coastal Barrier Resources System in New Jersey are part of the John H. Chafee Coastal Barrier Resources System. 16 U.S. Code § 3503 established the John H. Chafee Coastal Barrier Resources System, to consist of those undeveloped coastal barriers and other areas located on the coasts of the United States. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. Therefore, the proposed construction of three structures on parcels that have been previously zoned for residential development are not within any designated coastal barrier units or "otherwise protected areas," and would have no impact on coastal barrier resources. See Coastal Barrier Resources Map and Middle Township Zoning Map.

[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 proposed action sites, including Site A, Site B, Site C, and Site D, are not located in the FEMA-designated Special Flood Hazard Area. Therefore, flood insurance is not required for participation in this program in accordance with 24 CFR 58.6(a). Source: 24 CFR Part 58.6(a). FEMA FIRM Panel 3400910010A Effective Date January 21, 1983. [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):

Field inspections were performed on Site A, Site B, Site C, and Site D. The field inspections were completed 2/4/2014 by Brad Borowy. The property locations were confirmed by the parcel. Mr. Borowy inspected the parcels and noted no recognized environmental conditions (RECs) at any of the sites. The properties have the potential to increase in residential units. Several Aboveground Storage Tanks (ASTs) have been identified within 1 mile of the project sites. See attached Field Assessments of each site for further details.

### **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.)

#### **Site Specific Project Conditions:**

##### **Site A -**

Threatened and Endangered Species: The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. Therefore, project activities that include tree clearing are prohibited between April 1 and September 30.

Archaeology: DCA shall consult with NJHPO and DEP to develop and implement a scope of work for mitigation that will mitigate the effect of the project on archaeological resources through the completion of Standard Treatment Measure G, as referenced in Appendix C of the Programmatic Agreement.

##### **Site B -**

Threatened and Endangered Species: The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. Therefore, project activities that include tree clearing are prohibited between April 1 and September 30.

Archaeology: DCA shall consult with NJHPO and DEP to develop and implement a scope of work for mitigation that will mitigate the effect of the project on archaeological resources through the completion of Standard Treatment Measure G, as referenced in Appendix C of the Programmatic Agreement.

Contamination and Toxic Substances: Site reconnaissance of the subject property indicated that a dirt pile containing vegetative debris was present near the front of the property. It is recommended that the debris be removed as part of the project in order to mitigate any potentially hazardous conditions.

##### **Site C -**

Archaeology: DCA shall consult with NJHPO and DEP to develop and implement a scope of work for mitigation that will mitigate the effect of the project on archaeological resources through the completion of Standard Treatment Measure G, as referenced in Appendix C of the Programmatic Agreement.

##### **Site D -**

Threatened and Endangered Species: The FWS determined that the proposed project would have “no effect” on bat species if construction activities that include tree clearing are seasonally prohibited. Therefore, project activities that include tree clearing are prohibited between April 1 and September 30.

Archaeology: DCA shall consult with NJHPO and DEP to develop and implement a scope of work for mitigation that will mitigate the effect of the project on archaeological resources through the completion of Standard Treatment Measure G, as referenced in Appendix C of the Programmatic Agreement.

**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.

**Historic Preservation:**

3. 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 Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, 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.
4. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately 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 immediately and DCA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and 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:**

5. All proposed reconstruction, substantial improvements, and elevation activities 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).
6. All structures, 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 nine counties, this includes the following municipalities in the following counties:
  - Bergen County: Alpine Borough, Cliffside Park Borough, and Englewood Cliffs Borough
  - Hudson County: Union City
  - Monmouth County: Freehold Borough and Shrewsbury Township
  - Union County: Winfield Township
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. In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the latest (most recent) FEMA-issued Maps), adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop,

review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).

**Wetlands Protection and Water Quality:**

9. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters. (NOT NEEDED FOR REHAB)

10. Minimize soil compaction by minimizing project activities including staging of materials and equipment in vegetated areas, including lawns.

**Noise:**

11. Outfit all equipment with operating mufflers

12. Comply with the applicable local noise ordinance

**Air Quality:**

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

14. Cover the load compartments of trucks hauling dust-generating materials

15. Wash heavy trucks and construction vehicles before they leave the site

16. Reduce vehicle speed on non-paved areas and keep paved areas clean

17. Retrofit older equipment with pollution controls

18. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction

19. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material

20. 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.)

21. 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 "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

22. 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).

23. 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.

**Hazardous Materials:**

24. All activities must comply with applicable federal, state, and local 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.

**25.** 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).

**26.** 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 Part 35 Subparts B, H, and J.

**27.** All residential structures must be free of mold.

**28.** Radon testing and/or mitigation, as described below, is required for structures not in one of the following categories:

- Structures in municipalities NJDEP classifies as having low radon potential
- Structures with unenclosed air space between the entire lowest floor and the ground
- 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, and the 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 to ensure that radon levels below the standards have been achieved.

**29.** 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.

**30.** Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

#### **Sole Source Aquifers:**

**31.** Comply with all laws, regulations, and industry standards.

**32.** Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

**33.** The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low, and may be less than 30% for parcels on which the current impervious area is unusually high.

#### **Wild and Scenic Rivers:**

**34.** Comply with any conditions specified by NJDEP and the National Park Service for protection of the Great Egg Harbor River and Menantico Creek, designated Wild and Scenic Rivers.