

## Doss, Gary

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**From:** Smith, Lawrence  
**Sent:** Tuesday, April 01, 2014 1:32 PM  
**To:** rjackson@montclairnjusa.org  
**Cc:** Mahon, Donna; Henne, Laura; Burk, Andrea; Doss, Gary  
**Subject:** NEP Federal Section 106 Consultation - Notice of Proposed Standard of Treatment

Dear Honorable Mayor Robert Jackson:

The NJ Department of Environmental Protection (DEP) is the Environmental Review Agency for the Housing and Urban Development Community Development Block Grant – Disaster Recovery Program (CDBG-DR). The CDBG-DR program is funding the Neighborhood Enhancement Program (NEP) Grant program that provides property owners with grants to address the shortage of affordable rental and for sale housing caused by Superstorm Sandy, while at the same time returning abandoned and blighted housing to viability.

I am sending you the below notification as a representative of DEP. Dewberry has been engaged by the NJDEP to perform the federally required environmental and historic preservation reviews and has been authorized on their behalf to implement the federally required Section 106 notification requirements concerning properties within your municipality.

Federal funding requires that environmental and historic preservation reviews be performed for every property that is eligible for federal funding. DEP is performing these reviews on behalf of the NJ Department of Community Affairs (DCA), which is the State agency responsible for the administration of the CDBG-DR Program.

Section 106 of the National Historic Preservation Act is one of several federal statutes and regulations for which compliance must be documented to demonstrate federal funding compliance.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) <http://www.achp.gov/nhpa.html> requires Federal agencies to take into account the effects of their undertakings on historic properties. Historic properties are properties that are included in the National Register of Historic Places <http://www.cr.nps.gov/nr/welcome.htm> or that meet the criteria for the National Register <http://www.achp.gov/criteria.html>. The goal of the Section 106 process is to identify and avoid, minimize, or mitigate adverse effects on historic properties.

Below you will find a table of properties that are historic properties or contribute to an historic district. These properties have been determined by the State Historic Preservation Office as requiring further assessment to determine if they meet the National Register eligibility criteria. The DEP, on behalf of the DCA, has proposed to the Deputy State Preservation Officer (DSHPO) that these properties be treated as eligible for listing on the National Register in order to expedite the Section 106 consultation process. Further, we anticipated that the activities of the NEP program will have an adverse effect on the historical significance of these properties.

Part of the Section 106 process requires consultation to resolve adverse effects. As such, DEP, on behalf of DCA is proposing to use the Expedited Review Process in the Programmatic Agreement among FEMA, New Jersey State Historic Preservation Officer (SHPO), the New Jersey State Office of Emergency Management, and 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.

In order to mitigate the anticipated adverse effects on the historic properties listed on the below table, DEP, on behalf of DCA is proposing to implement the Standard Mitigation Treatments listed below the table.

**Treat as Eligible:**

NEP Application Number	Street Address	Block/Lot	Proposed Treatment Amount
NEP0233	127 Valley Road	1509_40	\$6,000


**Proposed Standard Treatment:**

The DEP, on behalf of DCA, is proposing to set aside \$3,000 for each above-ground historic property that will be adversely affected by RREM activities and \$6,000 for each property identified to have archaeological value that will be adversely affected by NEP activities. These mitigation funds will be used to complete projects in storm damaged areas and would document the historic significance of these properties or provide for public interpretation as specified in Standard Mitigation Treatments D and E of Appendix C of the Programmatic Agreement. The specific scope of these mitigation treatments will be developed through additional consultation between DCA, DEP, and HPO. The DSHPO has concurred with this proposed treatment standard.

The Programmatic Agreement provides that the affected municipalities be provided with a 15 day comment period. If no objections to the proposed mitigation treatments are received within 15 days of this notice, we will proceed to implement this standard treatment.

If you have any questions concerning this proposal or the process, please contact me at 609-341-5313.

Sincerely,



On behalf of Donna Mahon  
 Director, DEP Sandy Recovery  
 Environmental and Historic Preservation Program

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