

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: Richard (First) O'Reilly (Last)

-or- _____ (Business/Corporate Name)

Project Location: 5 Island View Way, Unit 15

Sea Bright (Municipality) Monmouth (County) NJ (State) 07760

1.06 (Block) 14 (Lot)

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

Because this project consists of minor rehabilitation, it does not require Flood Hazard Area permits from the Department. Pursuant to N.J.A.C. 7:13-7.2(b)4, repair of a lawfully existing structure qualifies for a Permit-by-Rule. However, the applicant must carry flood insurance on the subject structure for its economic life in order to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values. No other mitigation or project modification measures are required.

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.
- 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)).

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	RREM	\$34,512.02

Estimated Total HUD Funded Amount: \$34,512.02

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$34,512.02

The estimated total HUD Funded Amount is the sum of the Eligible Work in Place (\$33,524.49) and the Estimated Cost of Repair (ECR; \$987.53) from Form 6AD. The estimated Total Project Cost is the sum of the Total Work in Place (\$33,524.49) and the ECR (\$ 987.53) from Form 6AD.

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

The purpose of this project is to rehabilitate an existing 1,873-square-foot, 3-level apartment unit located in Sea Bright at the address listed above. The structure was damaged as a result of Superstorm Sandy. The structure was constructed in 1982. Renovations would include addressing storm-related damage and bringing the property up to current minimum property standards. All activities would be limited to the disturbed area of the existing unit. Pre-award and pre-application activities are limited to work completed within the same footprint of the damaged structure.

Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]:

The project parcel is located within a six-unit, 7,098-square-foot building constructed in 1982 (see *RRE0005446MF_TaxCards.pdf*). The building is part of the 68-unit “Island View Townhomes” development comprised of ten buildings (see *RRE0005446MF_ProjectLocationMap.pdf*). The project involves the minor rehabilitation of a residential condo unit, as necessary. No exterior work will be required, and there will be no change in footprint, land use, or density. The unit has public water, sewer, and utilities. Work would include general repairs of physical damages resulting from Superstorm Sandy. Based on the fact that the cost for the minor rehabilitation planned for the unit is \$34,512.02, which is less than 50% of the estimated pre-storm market value of the entire six-unit multifamily building before property damage occurred (estimated at \$1,643,300 from tax records; see *RRE0005446MF_TaxCards.pdf*), the project is not considered a “substantial improvement.”

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 A B		Compliance Documentation
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	A		<p>Although the County of Monmouth is designated as Nonattainment or Maintenance for 5 NAAQS pollutants, the project does not include acquisition of undeveloped land, change of land use, demolition, major rehabilitation, or new construction, so it can be assumed that any associated emissions are below the de minimis levels. In addition, the NJDEP Division of Air Quality has issued a Memorandum stating that the activities under the CDBG-DR Program are below the Federal General Conformity regulation’s de minimis thresholds, are presumed to conform to the SIP, and are therefore in compliance with the Clean Air Act.</p> <p>See <i>RRE0005446MF_AirQualityMap.pdf</i> and <i>RRE0005446MF_AirQualityGenConfMemo.pdf</i></p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	A		<p>The airport hazards rule is not applicable to the proposed project as the project involves only minor rehabilitation, and the scope does not involve acquisition for construction, change in land use, increased density, major rehabilitation, or new construction. Additionally, the project site is located 26 miles north of the Lakehurst Naval Air Station, 25 miles south of Newark Liberty International Airport, and 68 miles north of Atlantic City International Airport. As a result, the proposed project would not interfere with any established airport clear zones or lie within accident potential zones.</p> <p>See <i>RRE0005446MF_AirportClearZonesMap.pdf</i> Source: 24 CFR 51.302, HUD Guidance, and NJDEP HUD Environmental Review GIS Tool 2.1</p>

<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p>A</p>	<p>Although it is located within the Coastal Area Facility Review Act (CAFRA) zone, the Coastal Zone Management Act is not applicable to the proposed project as the scope does not include acquisition of undeveloped land, change of land use, major rehabilitation, or new construction. In addition, this project is not located within 150 feet of the Mean High Water Line.</p> <p>See <i>RRE0005446MF_CoastalZoneManagementMap.pdf</i> Source: N.J.S.A. 13:19, N.J.A.C. 7:7, and HUD Guidance</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p>A</p>	<p>The proposed project is in compliance. The proposed project is not located within 3,000 feet of a site that contains hazardous materials or contaminants that could affect the health and safety of occupants or that conflict with the intended use of the property. The parcel may be within the 3,000 foot radius of additional Hazardous Waste cleanup sites, Landfills, solid waste cleanup sites or Hazardous Waste facilities that handle hazardous materials or toxic substances; however, all sites that were determined by NJDEP to be “nonthreatening” to the potential HUD project are not depicted on the map. No evidence of contamination or RECs was identified during the site inspection.</p> <p>See <i>RRE0005446MF_ToxicHazardsMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p> <p><u>Radon</u>: The property is in a municipality designated as a Tier 3 municipality for radon potential, indicating a low potential for radon. No further action is required (e.g. mitigation or testing), provided the applicant complies with DCA construction codes. See: <i>RRE0005446MF_RadonTier.pdf</i>; <i>RRE0005446MF_RadonMap.pdf</i></p> <p>Source: http://www.nj.gov/dep/rpp/radon/ctytiera.htm#13</p> <p><u>Asbestos and Lead-Based Paint</u>: The potential exists for lead-based paint to be present in buildings constructed prior to 1978 and for asbestos to be present in buildings constructed prior to 1980. The project property was constructed in 1982 (See <i>RRE0005446MF_TaxCards.pdf</i>), so it is assumed that there is no potential for lead-based paint or asbestos to be present. Additionally, the project was determined to be exempt from these assessments pursuant to DCA direction, and no Hazmat testing and Lead Assessment was required to be scheduled (see: <i>RRE0005446MF_HazmatExemptionForm.pdf</i>).</p>

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p>A</p>	<p>Potential long-eared bat and piping plover habitat is mapped in the general area of the project property, but not in the immediate project area or on the project property. The project property centroid indicates that the potential presence of federal and state-listed species; however, due to the nature of the proposed project activities, the proposed project has been determined to have no effect. The proposed rehabilitation activities are limited to the interior of the unit and do not have the potential to affect state listed or federally proposed or listed endangered animal species. Therefore, consultation with NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program is not required, queries with the NJ Natural Heritage Program and the USFWS iPaC landscape explorer tool are not required, and the project can proceed. Since the project does NOT involve major rehabilitation/reconstruction, the NHP Database and USFWS iPaC tool searches for plant species are not required.</p> <p><i>See RRE0005446MF_EndangeredSpeciesMap.pdf and RRE0005446MF_EndangeredSpeciesMap2.pdf</i></p> <p>Source: NJDEP HUD Environmental Review GIS Tool 2.1 and HUD Guidance</p>									
<p>6. Environmental Justice [Executive Order 12898]</p>	<p>A</p>	<p>Demographic (minority/poverty) indicators reveal that the area in which the proposed project is located experiences a lower proportion of minority residents and essentially the same level of poverty compared to the county within which it is located (Monmouth). Moreover, the proposed project is residential in nature. There would be no adverse environmental impact caused by the proposed action, nor is the proposed action subject to an adverse environmental impact. Therefore it is not expected to pose an environmental justice concern.</p> <table border="1" data-bbox="781 1409 1555 1556"> <thead> <tr> <th>Geography</th> <th>Percent Minority (by blockgroup)</th> <th>Percent Below Poverty (by tract)</th> </tr> </thead> <tbody> <tr> <td>Sea Bright</td> <td>10.1%</td> <td>6.5%</td> </tr> <tr> <td>Monmouth County</td> <td>22.4%</td> <td>6.3%</td> </tr> </tbody> </table> <p><i>See RRE0005446MF_EJChecklist.pdf; RRE0005446MF_EJViewPoverty_MinorityMap.pdf,</i> Source: U.S. Census Bureau's 2006-2010 American Community Survey 5-year Summary (ACS) as viewed on EPA's EJView.</p>	Geography	Percent Minority (by blockgroup)	Percent Below Poverty (by tract)	Sea Bright	10.1%	6.5%	Monmouth County	22.4%	6.3%
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<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p>A</p>	<p>The proposed action is in compliance with 24 CFR Part 51 Subpart C. As a result of this proposed action, the number of dwelling units on the proposed residential site would not increase. Moreover, the proposed project does not include development, construction, or conversion. No further analysis is required.</p> <p>Source: 24 CFR 51C and HUD Guidance</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p>A</p>	<p>The Farmland Protection Policy Act does not apply as the proposed project does not include any activities, including new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another.</p> <p>Source: 7 CFR 658.2(a) and HUD Guidance</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p>B</p>	<p>The proposed project unit is located within the Special Flood Hazard Area (100-year floodplain Zone A, which incorporates Zone AE) as mapped by the Federal Emergency Management Agency (FEMA) (see <i>RRE0005446MF_FIRM.pdf</i> in Supporting Documentation folder). As a result, and due to the fact that the proposed HUD funding is less than 50 percent of the estimated pre-storm property value of the structure, a 5-Step Floodplain review was warranted. The 5-step review determined that there is no practicable alternative to locating the proposed project in the flood zone. This is due to: 1) the structure already being located within the floodplain and 2) the ability to mitigate and minimize impacts on human health, public property, and floodplain values. Per 24 CFR 55.12(a)(3), since the proposed project involves only minor, interior rehabilitation to interior rehabilitation to existing multifamily housing, no alternative beyond the No Action alternative was considered.</p> <p>Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project</p> <p>Because this project is rehabilitation, it does not require Flood Hazard Area permits from the Department. Pursuant to N.J.A.C. 7:13-7.2(b)4, repair of a lawfully existing structure qualifies for a Permit-by-Rule. However, NFIP flood insurance is required on the subject structure for its economic life in order to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values.</p>

<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p>A</p>	<p>No historic properties would be affected. The existing structure was built in 1982 and is located within the Historic Property Exemption Zone. Additionally, as no ground disturbance is proposed for this project, this project meets the Tier 1 Allowance listed in Appendix B of the Programmatic Agreement and no archaeological investigation is required.</p> <p>See: <i>RRE0005446MF_HistoricPreservationMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p>A</p>	<p>The proposed project does not involve acquisition, conversion, new construction. The rehabilitation activities would not increase residential density. Thus, the noise abatement and control authority is not applicable.</p> <p>In addition, noise abatement and control regulations are not applicable to RREM projects pursuant to 24 CFR Part 51.101(a)(3), which exempts projects that are part of disaster recovery programs, provided that the project does not increase residential density and does not involve new construction.</p> <p>Source: 24 CFR Part 51</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p>A</p>	<p>The proposed project does not involve new construction or conversion activities, so the sole source aquifer (SSA) authority is not applicable. The property is serviced by municipal sewer and water. Sewer service is provided by Two Rivers Water Reclamation Authority. Water service is provided by New Jersey American Water.</p> <p>Source: 40 CFR Part 149, and HUD Guidance</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<p>A</p>	<p>The proposed project does not involve new construction (as defined in Executive Order 11990), acquisition of undeveloped land, change in land use, expansion of a building's footprint, or ground disturbance that would impact wetlands. Therefore this authority does not apply (see project description). Mapped wetlands are located approximately 302.79 feet from the proposed project site, and are not mapped on the property. Wetlands on or near the property were not observed during site reconnaissance. The project is in compliance and no further action is required.</p> <p>Source: Executive Order 11990 and HUD Guidance See <i>RRE0005446MF_WetlandsProtectionMap.pdf</i></p>

<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p>A</p>	<p>The Wild and Scenic Rivers Act does not apply as the proposed project does not include the acquisition of undeveloped land, change in land use, major rehabilitation, or new construction. Moreover, the proposed action is not within proximity to a designated Wild, Scenic, or Recreational River. The proposed project site is over 47 miles from the Lower Delaware River, which is the closest Wild and Scenic River. The proposed project is not located within one-quarter mile of a Wild and Scenic River stream bank, nor within a one-mile radius of a designated Wild and Scenic River.”</p> <p>See: <i>RRE0005446MF_WildScenicRiversMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</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: NJDEP HUD Environmental Review GIS Tool 2.1
See RRE0005446MF AirportClearZonesMap.pdf

[Project complies with 24 CFR 51.303(a)(3).] The project site is located 26 miles north of the Lakehurst Naval Air Station, 25 miles south of Newark Liberty International Airport, and 68 miles north of Atlantic City International Airport. As a result, the proposed project would not interfere with any established airport clear zones or lie within accident potential zones.

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: Coastal Barrier Resources System (CBRS), USFWS, 2010
See RRE0005446MF CoastalBarrierResourcesMap.pdf

[Proceed with project.]

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

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

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

No. Cite or attach Source Documentation: _____
[Proceed with project.]

Yes. Cite or attach Source Documentation: NJDEP HUD Environmental Review GIS Tool2.1; See RRE0005446MF FloodplainManagementMap.pdf

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): Tom Shinskey and Gregory Russo on March 13, 2015.

Summary Statement of Findings and Conclusions:

The proposed project has been reviewed and it is the finding of this environmental review that, upon compliance with the requirements for mitigation and project modification measures detailed below, the federal action of releasing funding to aid this project 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.)

Because this project consists of minor rehabilitation, it does not require Flood Hazard Area permits from the Department. Pursuant to N.J.A.C. 7:13-7.2(b)4, repair of a lawfully existing structure qualifies for a Permit-by-Rule. However, the applicant must carry flood insurance on the subject structure for its economic life in order to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values. No other mitigation or project modification measures are required.