ENVIRONMENTAL ASSESSMENT

Determinations and Compliance Findings for HUD-Assisted Projects

24 CFR Part 58

Responsible Entity: New Jersey Department of Community Affairs, Charles Richman, Acting Commissioner

Applicant Name: (First) (Last)

-or- Yank Marine Services, LLC/Penny Hill Marine LLC (Business/Corporate Name)

Project Location: 487 Main Street (Street Address)

Maurice River Township (Municipality) Cumberland (County) NJ (State)

276 (Block) 4 (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.)

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.*
3. *The project has been issued a New Jersey Department of Environmental Protection (NJDEP) Division of Land Use Regulation (DLUR) Waterfront Development Permit (originally issued on May 21, 2010) and a U.S. Army Corps of Engineers (USACE) Permit (originally issued on January 24, 2011). Copies of the permits can be found in the "Applicant Documents" folder (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf"). The State of New Jersey passed the Permit Extension Act (PEA) of 2014 on December 26, 2014. The PEA states that DLUR permits originally set to expire between January 1, 2015 and June 30, 2015 will now expire on June 30, 2016. The project's Waterfront Development Permit, which was originally set to expire on May 20, 2015, has therefore been extended until June 30, 2016. The USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). Should the work not be complete by the end of 2015, additional permit extensions would need to be granted pursuant to the conditions of both permits.*
4. *The DLUR and USACE permits include conditions for species of concern (DLUR permit condition D; USACE permit special condition 6), wetland vegetation (DLUR permit conditions G, H, and I; USACE permit special conditions 21 – 24) and dredging activities (DLUR permit conditions B – F; USACE permit*

special conditions 10, 11, and 13 – 17). These conditions, as well as all other conditions listed in the permits, must be followed.

Noise

The noise standards of 24 CFR 51 Subpart B are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The project is a commercial shipbuilding operation, which is not considered a noise sensitive use; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the property. However, to minimize impacts to nearby properties, the applicant should comply with the following:

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see "SBL39754_AirQualityMemo.pdf"). In addition, the following must be met:

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
    a. *Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
    b. *Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);*
    c. *Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and*
    d. *Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).*
9. *Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).*
10. *Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).*
11. *Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.*

Coastal Zone Management

The applicant has secured an NJDEP Division of Land Use Regulation (DLUR) Waterfront Development Individual Permit and a U.S. Army Corps of Engineers (USACE) permit for their proposed work (see "Yank Marine-NJDEP Waterfront Permit" and "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the "Applicant Documents" folder within the Supporting Documents folder). The DLUR permit, which originally was set to expire on May 20, 2015, was extended by the 2014 Permit Extension Act (PEA), passed on December 26, 2014 (See "State Permit Extension Act.pdf" email, within the "Applicant Documents" folder). The permit authorizes the proposed work and states that the project is in compliance with the New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E). In addition, the USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). As long as all proposed work is conducted in accordance with these permits, no further coastal permits are required.

Prior to construction, the applicant must submit proof to the DLUR of the recording of a Grant of Conservation Restriction/Easement. In addition, if construction activities are not completed by the end of 2015, permit extensions will need to be sought pursuant to the requirements of both permits. The applicant must also adhere to all of the conditions of the DLUR permit, including reporting any unanticipated environmental impacts to the DLUR (Special Condition 8), timing restrictions for marine species protection (Condition D), and minimizing impacts from dredging activities (Conditions B, C, E and F).

Species of Concern

As part of the permitting process, the USACE sought comment from the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The USFWS stated that while no threatened or endangered species are identified in the project area, the project should be managed in accordance with the National Bald Eagle Management Guidelines and State regulations. The NMFS mandated that timing restrictions be enacted from March 1 to June 30 to minimize impacts to anadromous fish species. NMFS further stated that BMPs must be enacted to minimize water quality impacts with respect to sediment and turbidity. These conditions are included in the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine Statement of Findings.pdf" within the applicant documentation).

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Explosive and Flammable Operations

The property contains six above-ground storage tanks (ASTs) as shown on SBL39754_ASDMap1, therefore the project is subject to Acceptable Separation Distance (ASD) requirements per 24 CFR 51 Subpart C. These tanks are only periodically in use and/or not used. It was recommended to the applicant (who agreed per email SBL39754_Applicant_Tanks_Response, located within the Applicant Folder which is within the Correspondence folder of the Supporting Document directory) that they relocate and store Tanks 1-5 permanently in an alternative location on the property (see SBL39754_ASDMap1 for suggested locations). It is acknowledged that operations may require the tanks to be located in proximity to the docks while in use; therefore, it is required that the tanks only temporarily remain in their current location (within the existing

secondary containment) when in use, and be permanently stored in an alternate location when not in use. The new alternative location will need to be bermed in a manner that is sufficient to contain any spill (similar to the existing location). Based on the size and capacity of the tanks, the proposed location's diked area must be at least 12 feet by 36 feet by 12 inches high, and located at least 110 feet from any building. In addition, it is required that the tanks be relocated to the central or eastern portion of the property, outside of the 100-year floodplain for Sole Source Aquifer compliance (see SBL39754_ASDMap1 for suggested locations and discussion in Section 12). Prior to being moved, the tanks should be emptied of their contents to reduce the risk of accidental spill or release while being moved.

Tank 6 provides heating oil to the main building (see "TankPic3" which is located within the SBL39754_SitePhotos directory). As a result, this tank cannot be relocated to a location away from the main building (e.g., the proposed location for tanks 1-5). Unlike the other tanks, however, this tank is not located in the floodplain. The tank is not currently within secondary containment; to prevent the risk of release into soil/groundwater, it is required that the tank be placed within secondary containment that serves as a diked enclosure and is sufficient to capture any release. It is also required that the applicant construct a thermal mitigation barrier (such as a concrete block wall) between this tank and the main building to mitigate ASD concerns. Any mitigation measure proposed would need to be approved by HUD prior to construction.

The applicant has indicated that they are willing to meet these requirements (see SBL39754_Applicant_Tanks_Response, located within the "Applicant" folder which is within the "Correspondence" folder of the Supporting Document directory). In addition, HUD has concurred that this approach is acceptable (see email correspondence with HUD, SBL39754_HUD_ASD_Response, dated February 5, 2015, saved within the "HUD_ASD" correspondence folder)

Floodplain Management and Flood Insurance

1. *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).*
2. *All structures funded by the CDBG-DR programs, 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 (NFIP). It is noted, however, that according to consultation with FEMA (see "SBL39754_FEMA_Response") the project activities are not regulated by the NFIP.*
3. *The docks, piers and bulkheads are shown as being within/adjacent to the floodway. The placement of these structures within the floodway is permitted per 24 CFR 55.1(c)(1) because they are "functionally dependent uses" per 24 CFR 55.5(b)(6) (i.e., their location within the waterway is a necessity for their operation).*
4. *No buildings on-site are shown as being mapped within the floodplain, and no buildings are proposed to be constructed within the floodplain (see SBL39754_FloodplainMgmtandFloodInsuranceNFIP NotInFloodwayMap2).*
5. *Tanks 1-5 are shown as being within the 100-year floodplain. To reduce the risk of release during a flood event, these tanks should be relocated to an alternate location on the property outside of the 100-*

year floodplain. This alternate location should also contain secondary containment sufficient to contain any release (see Explosive and Flammable Operations condition discussion above).

6. *A Waterfront Development Permit was approved for the project by the NJDEP Division of Land Use Regulation (DLUR). Therefore, no additional Flood Hazard Area Control Act (FHA) permits are required. A copy of the DLUR permit (see "Yank Marine-NJDEP Waterfront Permit.pdf") can be found within the "Applicant Documents" folder within the Supporting Documents folder.*
7. *The property's tanks (1-5) are located within the 100-year floodplain (see SSA discussion) and within the ASD of the proposed dock expansions (see Explosive and Flammable Operations discussion). These tanks must be relocated out of the 100-year floodplain and 110 feet from any building into a new permanent storage location. This new location must include secondary containment sufficient to capture any release. The tanks may be relocated temporarily to their current existing condition (within secondary containment) when in use (e.g., when being used for boat loading/unloading). Further details can be found in the SSA and Explosive and Flammable Operations discussions.*

Hazardous Waste

Construction dates for the existing buildings were not available on tax records; however, according to publicly available historic aerials from www.historicaerials.com (see SBL39754_HistoricAerial1951 and SBL39754_HistoricAerial1991), the buildings were built in stages from 1951 until 1991. Based on these dates, there is a potential for the buildings to contain asbestos-containing materials (ACMs) and lead-based paint (LBP). It is noted, however, that no construction work is proposed at these buildings; therefore, the potential for exposure to these materials is low. Should work be proposed at these buildings in the future, they would need to be evaluated for LBP and ACM; if such materials are identified, they would need to be properly abated and disposed of in accordance with all applicable federal, state and local laws and regulations, and a qualified person would need to continuously oversee any and all construction activities once they commence.

The property contains six ASTs. The location of the tanks is identified in SBL39754_ASDMap1. During the site visit on February 10, 2015, no visible sign of release was observed from the tanks. Tank #6 was observed to lack secondary containment; it is required that secondary containment be installed at this tank to capture any potential future release. In addition, Tanks 1-5 are recommended to be relocated to meet Sole Source Aquifer (SSA) and ASD requirements (see discussions in Sections 7 and 12). The relocation of these tanks will also involve placing them within secondary containment.

Properties with 1,320 gallons or greater in above-ground storage tanks are subject to the Spill Prevention Control & Countermeasure Rule (SPCC) rule and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc., as per 40 CFR Part 112. The property's storage tanks total approximately 2,825 gallons; therefore, the applicant must maintain an SPCC plan.

Previous studies conducted at the property encountered soil contamination from formerly used gasoline dispensers (See Phase I and Phase II reports within the "Phase I and II Reports" folder, within the "Supporting Documentation" folder). The dispensers were reportedly located on the docks and connected to the current tank storage area via above-ground piping. Localized areas of impacted soils were encountered, excavated, and disposed of off-site. These dispensers have not been used since that time. Furthermore, no indication of release was observed from the storage tanks during the current

assessment. Based on current observations and the results of the Phase I and II studies, the historic release does not represent a current concern. As long as the tanks are maintained within secondary containment, measures are taken to safely move the tanks from their permanent to their temporary location (and back), and the applicant utilizes industry-standard best management practices for the operation and maintenance of ASTs, the risk for release is low.

However, should impacted soils be encountered in the future or during project implementation, the soil should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP). The applicant must also comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) (e.g., perimeter fencing) during construction operations. In addition, use of BMPs and industry standard practices (e.g., high visibility signage) can help improve site safety during the property's normal operation.

Soil and Water Quality

The project is not located on steep slopes but is adjacent to a body of water and will involve ground disturbance. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, the applicant will need to obtain Cumberland-Salem Soil Conservation District Soil Erosion and Sediment Control Plan Certification. Please refer to the applicant's site plans included within the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the applicant documentation). The following requirements will also be met.

1. *Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
2. *Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*

Sole Source Aquifers

The property is underlain by the Coastal Plain Aquifer, which is a designated Sole Source Aquifer (see SBL39754_SSAMap). In addition, the property is on private well and septic, currently contains several above-ground storage tanks (see full list in Sections 4 and 7 below) and has had at least one previous documented release (see discussion in Section 4 below). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder) and formal consultation with the EPA was required.

Dewberry submitted consultation to the EPA on February 3, 2015. The EPA responded via letter dated March 17, 2015 (See SBL39754_SSA_Response), located within the "EPA_SSA" folder in the "Correspondence" supporting document folder, stating the project meets the requirements of the Safe Drinking Water Act of

1974 Section 1424(e) as long as the following conditions are met:

1. *Tanks 1-5 must be stored in a location outside of the 100-year floodplain when not in use. Secondary containment must be installed at this new location sufficient to contain any release from the tanks. Relocation of these tanks (and installation of secondary containment at the new location) is also required for HUD ASD compliance. Please refer to the discussion in Section 7.*
2. *Secondary containment must be installed at Tank 6 sufficient to contain any release from this tank.*
3. *Per 40 CFR Part 112, any facility storing a total of 1,320 gallons or more of fuel oil in ASTs is subject to a Spill Prevention Control & Countermeasure Rule (SPCC) and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc. In addition, the SPCC should address issues regarding safety and environmental concerns while moving the tanks from their temporary "in use" location to their permanent "not in use" location.*

The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:

1. *Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible.*
2. *Utilize cleaner fuel and limit vehicle idling.*
3. *Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts.*

For a complete list of the EPA's recommendations, please refer to their letter response (see SBL39754_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.

Wetland Protection

The majority of the parcel is gravel-covered. No freshwater wetlands were mapped by NJDEP on-site (see SBL39754_WetlandProtectionMap). It is noted, however, that open waters are classified as wetlands under USACE jurisdiction. In addition, proposed dredging activities will impact approximately 4,916 square feet of intertidal and subtidal shallows and 3,1002,500 square feet of coastal wetlands on-site (located along the northeast corner of the property, abutting the Maurice River). The applicant has been permitted by the USACE and DLUR to disturb these areas as long as a 1:1 wetland subtidal shallows mitigation area (measuring 5,000 square feet) is created on-site and a 3:1 coastal wetland mitigation area is created (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf" located in the "Applicant Documents" folder within the Supporting Documents folder). According to the permit conditions, the coastal wetland mitigation area will measure approximately 0.174 acres (7,500 square feet), of which approximately 0.071 acres will be accounted for in the new 5,000 square foot subtidal shallows and approximately 0.103 acres will be accounted for through re-establishment of on-site coastal wetlands and mudflats.

As long as the wetland mitigation conditions of the approved permits are met, no adverse impact to wetlands is anticipated. The DLUR and USACE permits include conditions for wetland vegetation (DLUR permit conditions G, H, and I; USACE permit special conditions 21 – 24) and dredging activities (DLUR permit conditions B – F; USACE permit special conditions 10, 11, and 13 – 17). As long as these and all other conditions in the DLUR and USACE permits are met, no adverse impacts to wetlands are anticipated.

FINDING:

☒**Finding of No Significant Impact (FONSI) [24 CFR 58.40(g)(1); 40 CFR 1508.27]**

(The project will not result in a significant impact on the quality of the human environment.)

☐**Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]**

(The project may significantly affect the quality of the human environment.)

CERTIFICATIONS:

Gary Doss, Dewberry	Gary Doss	4/21/2015
Preparer Name and Agency	Preparer Signature	Preparer Completion Date
RE Certifying Officer Name	RE Certifying Officer Signature	RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	CDBG-DR	$1,917,000

Estimated Total HUD Funded Amount: $1,917,000

Estimated Total Project Cost [24 CFR 58.32(d)]**:** (HUD and non-HUD funds) $1,947,000 (The applicant will be privately financing $30,000 of the project's costs, as stated on their grant application).

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

The proposed project is intended to demolish an existing damaged pier and replace it with two new piers, a boat lift, and a berthing pier. The project will increase the facility's boat lifting capacity from 50-tons to 200-tons. The applicant intends to temporarily install a 200-ton boat lift, which they currently own at another facility, instead of the permitted 600-ton lift. This is due to cost constraints. The applicant has stated that they will ultimately install the 600-ton lift in the place of the 200-ton lift (no timeframe for this activity was provided; however, because a 600-ton lift was approved in the permits, it is not anticipated that there will be any environmental or permitting concerns by temporarily utilizing the 200-ton lift). The project will enable the applicant to meet the increased demand for shipbuilding services in New Jersey by increasing the business' operational capacity. In addition, the project will help revitalize the shore economy by allowing the applicant to increase their workforce (due to their increased operational capacity), thereby contributing to the local economy.

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

The subject property is located at 487 Main Street in Dorchester, Maurice River Township, Cumberland County, New Jersey. According to GIS information, the property is approximately 5.81 acres in size as shown in tax assessment records (see SBL39754_TaxCard). Construction dates for the existing buildings were not available on tax records; however, according to publicly available historic aerials from www.historicaerials.com (see SBL39754_HistoricAerial1951 and SBL39754_HistoricAerial1991), the buildings were built in stages from 1951 until 1991. It is noted that there is no work proposed at these buildings as part of the project.

The applicant was issued an NJDEP DLUR Waterfront Development Permit in May of 2010 and a USACE Permit in January of 2011 for their proposed work (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf" located in the "Applicant Documents" folder within the Supporting Documents folder). The State of New Jersey passed the Permit Extension Act (PEA) of 2014 on December 26, 2014. The PEA states that DLUR permits originally set to expire between January 1, 2015 and

June 30, 2015 will now expire on June 30, 2016. The project's Waterfront Development permit, which was originally set to expire on May 20, 2015, has therefore been extended until June 30, 2016. The USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). The permitted activities will include the removal of the existing piers and docks and construction of a new 6' by 175' berthing pier, 12' by 20' timber dock and two concrete deck/runway piers measuring approximately 20' by 180 feet to support a new 600-ton Marine Travelift boat lift equipment. In addition, there will be dredging to deepen the boat well to provide space for larger boats. The applicant will also construct coastal wetland mitigation areas on-site (approximately 5,000 square feet of subtidal shallow mitigation and 0.174 acres of coastal wetland mitigation) to account for coastal wetlands and subtidal shallows disturbed during the construction process.

The property currently includes two 78-foot piers that support a 50-ton Marine Travelift boat lift, an existing boat well (between the two piers) and one 140-foot stationary pier for temporary boat docking, as identified in the project's NJDEP Grant Application (see "Yank Marine-Application.pdf" within the Applicant Documents folder). The applicant's scope of work as stated in the grant application included the demolition of the two 78-foot piers and replacement with new piers and concrete runways (no dimensions given in the description) for a new boat well and 200-ton boat lift. In addition, the 140-foot stationary pier, which was substantially damaged by Superstorm Sandy, would be demolished and replaced with a new 210' by 10' berthing pier. There would also be associated dredging to accommodate the larger pier and deeper boat well.

Upon review of the project's approved permits, it was determined that the scope of work in the applicant's NJDEP grant application differed from the scopes of work within the USACE and DLUR permits. Of note, the permits indicate that the new berthing pier would measure 175' by 6', not 210' by 10'. In addition, the permits state that a 600-ton boat lift will be installed, not a 200-ton boat lift. Dewberry informed the applicant that if the proposed 210' by 10' berthing pier option were pursued, it would require a permit modification from both the DLUR and USACE because of the increased footprint of disturbance over what was originally approved (175' by 6'). Due to time constraints, it was determined by the applicant that this was not a feasible option, and the applicant agreed to revert their scope of work back to that which was originally approved of in the DLUR and USACE permits (see "SBL39754_Applicant_Permit_Response.pdf" within the "Applicant" folder within the "Correspondence" folder).

It is noted that the applicant will still pursue the 200-ton boat lift option in the short term (as discussed in their grant application), instead of the 600-ton boat lift option (as approved in the permits). This is because of cost constraints and the fact that the applicant currently owns a 200-ton lift at another facility, which it will disassemble and move to the subject property. Because USACE and DLUR approved a 600-ton lift, it is not anticipated that the short term use of a smaller-capacity lift will have any permitting ramifications (e.g., the need to apply for permit modifications). Furthermore, the disassembling and reassembling of the boat lifts is not anticipated to have adverse environmental impacts.

Regarding the two permits, the DLUR and USACE are two separate agencies with different missions and jurisdictional responsibilities. As such, the list of proposed activities in the DLUR and USACE permits (which were not prepared concurrently) is slightly different. Of note, the DLUR permit states that the boat lift's two supportive concrete deck piers will measure 20' by 180', while the USACE permit mentions only one supportive concrete deck pier for the lift and states it will measure 20' by 175'. In addition, the permit discussions differ slightly in the description of the size of portions of the wetland mitigation area. However,

The proposed site layouts (including the wetland mitigation area) in the site plans approved of in each permit are the same (the plans in the USACE permit are attached at the end of the permit document, the plans for the DLUR permit can be found in the "Applicant Documents\CD OF ALL DRAWINGS\NJDEP PERMIT\PERMIT DRAWINGS" directory within the ERR). Therefore, as long as the applicant conforms with these approved site plans, no permit modifications are anticipated.

Please note: The project is within Cumberland County, New Jersey. This is not one of the nine most impacted counties by Superstorm Sandy; therefore, the NJDEP ArcGIS tool does not include the following layers for this area: HUD Review Parcels, HUD Review Parcel Centroids, Historic Preservation Exemption "Green Zone", Mean High Water Line (MHWL) 150 foot Buffer Zone, Threatened and Endangered Animals (Piping Plover, Red Knot and Bats) and Hazardous Sites of Concern. As a result, the approximate property boundary has been outlined in red on all maps generated using the NJDEP ArcGIS tool, and alternative data sources were used where appropriate, such as NJDEP's publicly available Landscape 3.1 (for Threatened and Endangered species listings) and hazardous waste layers were used.

Existing Conditions and Trends [24 CFR 58.40(a)]**:** (Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project.)

The property is within the Dorchester community of Maurice River Township in an area characterized primarily by residential (single-family) development and commercial marine-related waterfront properties. The property currently services privately-owned and government-owned boats up to 50 tons. This includes private yachts, commercial ships (such as water taxis and fishing vessels) and police, fire and coast guard vessels. Without the project, the need for higher shipyard capacity in the State of New Jersey will remain unmet, and local and regional owners of ships over 50 tons will need to seek these services out of state.

PART I: 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	STATUS B	Compliance Documentation
1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	☒	☐	The project is within Cumberland County, which is shown as being designated a nonattainment or maintenance area for the following National Ambient Air Quality Standard (NAAQS) pollutants (see SBL39754_AirQualityMap): • Nonattainment area for 8 hour Ozone standard of 0.08 ppm (1997 standard) • Nonattainment area for 8 hour Ozone standard of 0.075 ppm (2008 standard) Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see SBL39754_AirQualityMemo). The project will involve the construction of a new boat lift, associated docks/bulkheads, and piers. Temporary impacts to air quality may occur during construction; however, no long-term impacts to air quality are anticipated. The temporary impacts can be mitigated through BMPs including the usage of water or chemical dust suppressant, covering load compartments of trucks carrying dust-generating material, and retrofitting older equipment with pollution controls.
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	☒	☐	Newark Liberty International Airport is located approximately 106 miles to the north of the project. Atlantic City International Airport is located approximately 25 miles to the northeast of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 60 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see SBL39754_AirportHazardsMap).

3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	☐	☒	The project is within the Coastal Area Facility Review Act (CAFRA) zone and will involve work at and below the mean high water line (MHWL, see SBL39754_CoastalZoneManagementActMapCAFRA). It is noted that work will also be conducted upland, within 150 feet of the MHWL; however, the 150 foot buffer area has not been mapped for this area on the NJDEP ArcGIS tool. The area below the MHWL, as well as wetlands within 1,000 feet upland of the MHWL, is also under USACE jurisdiction (see SBL39754_USACEJurisdictionMap). The applicant has secured an NJDEP DLUR Waterfront Development Individual Permit and USACE permit for their proposed work (see "Yank Marine-NJDEP Waterfront Permit" and "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the "Applicant Documents" folder within the Supporting Documents folder). The DLUR permit, which originally was set to expire on May 20, 2015, was extended by the 2014 PEA, passed on December 26, 2014 (See "State Permit Extension Act.pdf" email, within the "Applicant Documents" folder). The State Permit Extension Act (PEA) of 2014 extends the permit until June 30, 2016. The permit authorizes the proposed work and states that the project is in compliance with the New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E). In addition, the USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). As long as all proposed work is conducted in accordance with these permits, no further coastal permits are required. Prior to construction, the applicant must submit proof to the DLUR of the recording of a Grant of Conservation Restriction/Easement. In addition, if construction activities are not completed by the end of 2015, permit extensions will need to be sought pursuant to the requirements of both permits. The applicant must also adhere to all of the conditions of the DLUR permit, including reporting any unanticipated environmental impacts to the DLUR (Special Condition 8), timing restrictions for marine species protection (Condition D), and minimizing impacts from dredging activities (Conditions B, C, E and F).
4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]	☐	☒	The property is within Cumberland County, which is not one of the nine most impacted counties by Superstorm Sandy. As a result, the "Hazardous Sites" layers have not been generated by NJDEP for inclusion on the NJDEP ArcGIS tool for this area. However, the site is within 3,000 feet of six SRP-PI sites (Perfumes of Hawaii, PI Number 87229; Maurice River Twp Bd of Ed Leesburg Elementary, PI Number 47148; Dorchester Shipyard, PI Number 9499; Maurice River TWP DPW, PI Number 47262; Dorchester Hardware Co Inc, PI Number 75372; and 433-435 Main Street, PI Number 87045). See SBL39754_ToxicHazardousandRadioactiveSubstancesMap1. According to correspondence from NJDEP on April 17, 2015, these sites have been determined to be in substantial compliance with NJDEP regulations and are therefore not considered a concern to the property (see SBL39754_Toxics_Response and "Dewberry_04172015.pdf within the "Toxics" folder in the "Correspondence" folder). In addition, Dewberry reviewed the USEPA EJ Mapper for potential nearby sites of concern (see SBL39754_ToxicHazardousandRadioactiveSubstancesMap2). The EJ

			Mapper identified an additional PCS/ICIS site approximately 600 feet to the northeast (Penny Hill Marine). This is actually a listing for the subject parcel under the property's former name. The EPA Envirofacts website shows no permit violations associated with this site. The EJ Mapper also identified several other PCS/ICIS sites along Main Street within one mile of the site. Due to the presumed groundwater flow in the region (towards Maurice River) no releases from these sites would be expected to impact the subject property; therefore, none of these listings are considered a concern. The EJ Mapper did not identify any toxic release (TRI), Superfund (CERCLIS) or Brownfield (ACRES) sites within 3,000 feet of the project. During the site reconnaissance on February 10, 2015, various chemical and equipment storage areas were observed. In general, housekeeping was observed to be good, with no visible signs of leaks or releases. In addition, the property has the following above-ground storage tanks: 1. 275-gallon diesel fuel (in use) 2. 500-gallon gasoline (not in use) 3. 275-gallon waste oil (periodically in use) 4. Approx. 1,000-gallon diesel fuel (periodically in use - used as a holding tank when ships are docked) 5. Approx. 500-gallon "spare" tank (not in use) 6. 275-gallon heating oil tank (in use) The location of the tanks is identified in SBL39754_ASDMap1 (located within the "SBL39754_ParcelMaps" folder). No visible sign of release was observed from the tanks. Tank #6 was observed to lack secondary containment; it is required that secondary containment be installed at this tank to capture any potential future release. In addition, Tanks 1-5 are required to be relocated to meet SSA and ASD requirements (see discussions in Sections 7 and 12). The relocation of these tanks will also involve placing them within secondary containment. HUD has concurred that this approach (moving of the tanks) is acceptable (see email correspondence with HUD, SBL39754_HUD_ASD_Response, dated February 5, 2015, saved within the "HUD_ASD" correspondence folder). Dewberry submitted the project to the USEPA Region 2 for SSA compliance. The EPA responded with a conditional approval, and noted that properties with 1,320 gallons or greater in above-ground storage tanks are subject to the SPCC Rule and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc., as per 40 CFR Part 112. The property's storage tanks total approximately 2,825 gallons; therefore, the applicant must maintain an SPCC plan. Please see Section 12 below for a complete discussion of the SSA submittal. Previous studies conducted at the property encountered soil contamination from formerly used gasoline dispensers (See Phase I and Phase II reports within the "Phase I and II Reports" folder, within the "Supporting Documentation" folder). The dispensers were reportedly located on the docks and connected to the current tank storage area via above-ground piping. Localized areas of impacted soils were encountered, excavated, and disposed of off-site. These dispensers have

			not been used since that time. Furthermore, no indication of release was observed from the storage tanks during the current assessment. Based on current observations and the results of the Phase I and II studies, the historic release does not represent a current concern. As long as the tanks are maintained within secondary containment, measures are taken to safely move the tanks from their permanent location to their temporary location (and back), and the applicant utilizes industry-standard best management practices for the operation and maintenance of ASTs (such as those recommended by the USEPA Office of Water, see "EPA_AST_BMPs.pdf" within the "BMP" supporting document folder), the risk for release is anticipated to be low. However, should impacted soils be encountered in the future or during project implementation, the soil should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a LSRP. The applicant must also comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods). Construction dates for the existing buildings were not available on tax records; however, according to publicly available historic aerials from www.historicaerials.com (see SBL39754_HistoricAerial1951 and SBL39754_HistoricAerial1991), the buildings were built in stages from 1951 until 1991. Based on these dates, there is a potential for the buildings to contain ACMs and LBP. It is noted, however, that no construction work is proposed at these buildings; therefore, the potential for exposure to these materials is low. Should work be proposed at these buildings in the future, they would need to be evaluated for LBP and ACM; if such materials are identified, they would need to be properly abated and disposed of in accordance with all applicable federal, state and local laws and regulations, and a qualified person would need to continuously oversee any and all construction activities once they commence. The property is within Maurice River Township, which has been identified as a Tier 3 area of low radon potential (see SBL39754_RadonMap). Therefore, no further assessments regarding radon are necessary at this time.
5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	☐	☒	As part of the permitting process that the applicant previously pursued for these proposed improvements, the USACE sought comment from the USFWS and the NMFS. The USFWS stated that while no threatened or endangered species are identified in the project area, the project should be managed in accordance with the National Bald Eagle Management Guidelines and State regulations. The NMFS mandated that timing restrictions be enacted from March 1 to June 30 to minimize impacts to anadromous fish species. NMFS further stated that BMPs must be enacted to minimize water quality impacts with respect to sediment and turbidity. These conditions are included in the USACE permit (see "Yank

			Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine Statement of Findings.pdf" within the "Applicant Documents" folder within the Supporting Documents folder). The USFWS and NMFS were contacted again as part of the current Floodplain and Wetland 8 Step process (see Section 9 below). The NMFS responded on February 18, 2015, stating that no ESA-species under NMFS jurisdiction were expected to occur within the project area; therefore no further ESA Section 7 consultation is required (see SBL39754_NMFS_Response). Notwithstanding this information, the previous NMFS comments and timing restrictions provided as part of the applicant's permit efforts are included within the approved USACE permit (see above); therefore, these timing restrictions must still be met. In addition, the USFWS responded on February 13, 2015 deferring to their earlier comments provided in the USACE permit. The project is not located within the nine most impacted counties in New Jersey; therefore, the NJDEP ArcGIS tool does not include endangered species information for this area. However, Dewberry utilized publicly available NJDEP Landscape 3.1 GIS information and determined that no threatened or endangered species are mapped on-site. In addition, with the exception of the previously-mentioned bald eagle, the project is not mapped as containing any other mapped threatened/endangered species (see SBL39754_ThreatenedEndangeredSpeciesMap). Osprey are shown as using the open waters of the Maurice River as foraging habitat; however, based on its scope, and the fact that the NJDEP DLUR and USACE have issued permits, the project is not anticipated to adversely impact this species. Additionally, since no mapped bat species are shown on or in proximity to the property on the Landscape 3.1 map, and no trees greater than 5 inches in diameter are proposed to be removed as part of the project, no impacts to Indiana bat or long-eared bats are anticipated. As long as the USFWS and NMFS' conditions discussed above (and included in the USACE permit Special Condition 6 and in the DLUR permit, Condition D) are met, no impacts to species of concern are anticipated. In addition, according to the permits, the USFWS and DLUR did not indicate any protective measures required towards threatened/endangered plant species; therefore, no adverse impacts to these species are anticipated.
6. Environmental Justice [Executive Order 12898]	☒	☐	The property is not shown as being within areas of environmental justice populations on the EPA's EJ Mapper application. This application uses 2010 census data refined to the census tract and census block level. The population of the property's census block is between 0-10% minority and the property's census tract is between 0-10% below poverty (see SBL39754_PovertyMap, SBL39754_MinorityMap and SBL39754_EJChecklist). According to the applicant, the project will increase their operational capacity, thereby enabling them to hire approximately 25-30 additional employees, including low to moderate income full-time employees. Therefore, the project will have no adverse impact on environmental justice populations. In fact, while the project is not within an area of environmental justice populations, the project is anticipated to benefit low to moderate income individuals through increased employment opportunities.

7. Explosive and Flammable Operations [24 CFR 51C]	☐	☒	The applicant will be expanding the size of their dock to accommodate larger boats. While none of the on-site buildings will be increased in size, the applicant has stated that the project will enable them to increase the number of employees they hire (as a result of increased business operations from the larger dock facilities). Therefore, the project is subject to the requirements of 24 CFR 51 Subpart C. The property has several ASTs; Dewberry recommended to the applicant that they temporarily locate these tanks in their current location (within the existing secondary containment, in proximity to the expanded docks) only while in use (when being used during boat loading/unloading) and relocate them permanently at another location (also within secondary containment) on-site when not in use. HUD has concurred that this approach is acceptable (see email correspondence with HUD, SBL39754_HUD_ASD_Response, dated February 5, 2015, saved within the "HUD_ASD" correspondence folder). This approach is discussed in detail below: The property has the following above-ground storage tanks: 1. 275-gallon diesel fuel (in use) 2. 500-gallon gasoline (not in use) 3. 275-gallon waste oil (periodically in use) 4. Approx. 1,000-gallon diesel fuel (periodically in use - used as a holding tank when ships are docked) 5. Approx. 500-gallon "spare" tank (not in use) 6. 275-gallon heating oil tank (in use) Attached is a map showing the locations of these tanks (see SBL39754_ASDMap1). Tanks 1-3 are within a bermed concrete block diked enclosure, measuring approximately 20 feet by 15 feet by 2 feet high. Tank 4 is within a separate secondary containment system, adjacent to tanks 1-3 (see photo "TankPic1"). Based on previous consultations with HUD, Tank 4's containment system can be considered a "dike" for the purposes of Acceptable Separation Distance calculations. The containment for this tank measures approximately 15 feet by 8 feet by 2 feet high. We have calculated the ASD for these two tank enclosures to be 94 feet and 63 feet, respectively, for Thermal Radiation for People. The proposed expanded docks are within this area. Tank 5 is not in use and is located about 100 feet southeast of tanks 1-4 (see TankPic2). Since these tanks are only periodically in use (when boats are being loaded/unloaded) and/or not used, it was recommended to the applicant (who agreed per email SBL39754_Applicant_Tanks_Response) that they store Tanks 1-5 permanently in an alternative location on the property (see SBL39754_ASDMap1 for suggested locations). It is acknowledged that operations may require the tanks to be located in proximity to the docks while in use; therefore, it is required that the tanks only temporarily remain in their current location (within the existing secondary containment) when in use and be permanently stored in an alternate location when not in use. The new alternative location will need to be bermed in a manner that is sufficient to contain any spill (similar to the existing location). Based on the size and capacity of the tanks, the proposed location's diked area must be at least 12 feet by 36 feet by 12 inches high (allowing a capacity of approx. 3,230 gallons, which

			is sufficient to contain the approx. 2,550 gallon capacity of tanks 1-5), and located at least 110 feet from any building, as required through correspondence with HUD. 110 feet is the ASD of a diked enclosure measuring 12 feet by 36 feet (see SBL39754_HUD_ASD_Calc.pdf within the "HUD_ASD" folder, within the "Correspondence" folder). In addition, it is required that the tanks be relocated to the central or eastern portion of the property, outside of the 100-year floodplain for SSA compliance (see discussion in Section 12). The applicant will need to develop a relocation plan to address safety and environmental concerns with moving the tanks. This should be included in a Spill Prevention Control and Countermeasure (SPCC) plan. In addition, prior to being moved, the tanks should be emptied of their contents to reduce the risk of accidental spill or release while being moved. The applicant has indicated that they are willing to meet the above tank relocation requirements (see SBL39754_Applicant_Tanks_Response, located within the "Applicant" Folder which is within the "Correspondence" folder of the Supporting Document directory). Tank 6 provides heating oil to the main building (see "TankPic3"). As a result, this tank cannot be relocated to a location away from the main building (e.g., the proposed location for tanks 1-5). Unlike the other tanks, however, this tank is not located in the floodplain. The tank is not currently within secondary containment; to prevent the risk of release into soil/groundwater, it is required that the tank be placed within secondary containment that serves as a diked enclosure and is sufficient to capture any release. It is also required that the applicant construct a thermal mitigation barrier (such as a concrete block wall) between this tank and the main building to mitigate ASD concerns. Any mitigation measure proposed would need to be approved by HUD prior to construction. It is noted that no other large above-ground storage tanks were observed within 1 mile of the property (see SBL39754_ASDMap2).
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly section 1504(b) & 1541; 7 CFR 658]	☒	☐	According to the U.S. Department of Agriculture (USDA) Web Soil Survey, soils on the property are classified primarily as Fort Mott loamy sand (see SBL39754_FarmlandProtectionSoilsMap). This soil group is classified as farmland of statewide importance. It is noted, however, that the subject property has not historically been utilized and is not currently utilized for agricultural purposes. Further, according to the Maurice River Township zoning maps, the parcel is currently zoned VLI (Village Light Industrial) and is within a development sub-district overlay (see SBL39754_MauriceRiverTwpZoningMap1 and SBL39754_MauriceRiverTwpZoningMap2). Therefore, the project will not involve the conversion of agricultural land into non-agricultural uses, and no further consultation is warranted.
9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	☐	☒	The property is approximately 5.81 acres. It is noted that at the time of the publication of the early Floodplain and Wetland 8 Step notice (see below), the only available floodplain information for this portion of Cumberland County was FEMA Q3 Mapping, which indicated that approximately 1.5 acres of the property was located within the 100-year A (Base Flood Elevations determined) Flood Zone, as shown on Flood Insurance Rate Map (FIRM) Panel 20 of 35 no. 3401720020C, revised

			September 17, 1982 (see SBL39754_FloodplainMgmtandFloodInsurance NFIPNotInFloodwayMap1). No portions of the property were shown within the floodway. Subsequently, FEMA Preliminary FIRM mapping was made available, which identified approximately 0.8 acres of the property within the floodplain (Zone A) and approximately 0.25 acres of the property within the floodway of the Maurice River (see SBL39754_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap2). The docks, piers and bulkheads are shown as being within/adjacent to the floodway. The placement of these structures within the floodway is permitted per 24 CFR 55.1(c)(1) because they are "functionally dependent uses" per 24 CFR 55.5(b)(6) (i.e., their location within the waterway is a necessity for their operation). No buildings on-site are shown as being mapped within the floodplain, and no buildings are proposed to be constructed within the floodplain. Since the project involves an Environmental Assessment of a property within a floodplain, and the usage of the waterfront is essential to the property's operations (i.e., no practical alternative to locating in the floodplain was possible), an 8-step decision-making process was conducted as outlined in 24 CFR 55.21. Since the project will also impact coastal wetlands, the 8-step included a discussion of wetland impacts pursuant to Executive Order 11990. A public notification was posted on February 13, 2015 with a comment period of 15 days. No public comments were received. In addition, a request for comment on the project was submitted to the NOAA NMFS, National Parks Service (NPS), USACE, EPA, USFWS, FEMA HUD. No comment was received from NPS, EPA or HUD. Comments from NMFS were received on February 18, 2015; however, they were in regards to endangered species (see Section 5 above) and not pertaining to floodplain concerns (see SBL39754_NMFS_Response). USACE responded on February 13, 2015 deferring to the comments in their approved permit for the project (see SBL39754_USACE_Response). FEMA responded on March 3, 2015 with comments (see SBL39754_FEMA_Response) indicating that the project activities were not regulated by the NFIP, therefore their office has no comments on the project. Copies of these responses can be found within applicable folders, within the "Correspondence" folder in the Supporting Documents directory. A copy of the 8-step analysis and public notifications can be found in the "8 Step" folder within the supporting documentation. Steps 1-6 have been conducted (see "8-Step" folder). Step 7 (Determination of No Practicable Alternative) involves the publication of a notice stating the reasons why the project must be located in the floodplain, provides a list of alternatives proposed, and all mitigation measures taken to minimize adverse impacts on the floodplain and preserve natural and beneficial floodplain values. All comments received from this publication will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Orders 11988 and 11990 or 24 CFR Part 55. The publication of this notice will be included in the project's Finding of No Significant Impact (FONSI) and Notice of Intent/Request Release of Funds (NOI-RROF) publication.

			Step 8 will consist of the implementation of the proposed action. Implementation may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project. It is noted that pursuant to N.J.A.C. 7:13-2.1(a) et seq, since the project has received an approved Waterfront Development permit, no additional Flood Hazard Area Control Act (FHA) permits are required.
10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	☐	☒	The Historic Preservation Exemption Zone ("Green Zone") was not mapped for the project area, as it was only mapped for communities within the nine most impacted counties, and the project is within Cumberland County, which is not included in that list. The NJDEP GIS tool does, however, include historic preservation data for this county, including the NJDEP State Historic Preservation Offices' Historic Archaeological Site Grid, Historic Districts and Historic Properties. No historic districts or historic properties are mapped within proximity to the property; however, the project is shown as being overlapped by the Historic Archaeological Site Grid (see SBL39754_HistoricPreservationMap). During the applicant's previous permitting process, the USACE consulted with SHPO suggesting that based on the proposed improvements (i.e., ground disturbance in proximity to the shoreline of the Maurice River), it was likely that the project would have an adverse impact on historic archaeological resources. The USACE recommended to SHPO that a survey, including the usage of side-scanning sonar, be conducted to determine the presence or absence of underwater shipwrecks. The SHPO concurred with this assessment on November 17, 2010 (see "SHPO concur with survey request.pdf" within the "Applicant Documents" folder). Subsequently, the applicant conducted geotechnical work which determined that the soils on-site were significantly disturbed. Furthermore, the applicant provided USACE with documentation showing that the area of the proposed work had previously been used as a boat ramp, indicating that this area was historically disturbed and that the probability of encountering historic archaeological resources was low. USACE submitted a letter to SHPO on January 3, 2011, stating that based on this additional information, no further archaeological surveys would be required (see "No Hist Prop Affected Scanned ltrs.pdf" within the applicant documentation). SHPO concurred with this assessment via email correspondence dated January 25, 2011 (see "RE yank Marine boat lift and dock.pdf" within the applicant documentation). As long as work is conducted in accordance with the approved permits, no further correspondence with SHPO is necessary. The USACE permit states (USACE permit General Condition 3) that if previously unknown historic or archaeological remains are encountered during construction, the USACE must be notified immediately.
11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR	☐	☒	A Day/Night Noise Level (DNL) calculation for the project was not conducted. DNL noise standards are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or

51B]			insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The project will involve construction activities at a commercial shipbuilding facility; therefore, the project is not a noise sensitive development and no DNL calculations are required. In addition, construction noise will be temporary in nature. To minimize impacts to nearby properties, the applicant should comply with the following: 1. Outfit all equipment with operating mufflers. 2. Comply with the applicable local noise ordinance.
12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	☐	☒	The property is underlain by the Coastal Plain Aquifer, which is a designated Sole Source Aquifer (see SBL39754_SSAMap). In addition, the property is on private well and septic, currently contains several above-ground storage tanks (see full list in Sections 4 and 7 above) and has had at least one previous documented release (see discussion in Section 4 above). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder) and formal consultation with the EPA was required. Dewberry consulted with the EPA on February 3, 2015. The EPA responded via letter dated March 17, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met: 1. Tanks 1-5 must be stored in a location outside of the 100-year floodplain when not in use. Secondary containment must be installed at this new location sufficient to contain any release from the tanks. Relocation of these tanks (and installation of secondary containment at the new location) is also required for HUD ASD compliance. Please refer to the discussion in Section 7 above. 2. Secondary containment must be installed at Tank 6 sufficient to contain any release from this tank. 3. Per 40 CFR Part 112, any facility storing a total of 1,320 gallons or more of fuel oil in ASTs is subject to the SPCC rule and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc. In addition, the SPCC should address issues regarding safety and environmental concerns while moving the tanks from their temporary "in use" location to their permanent "not in use" location. The EPA also offered additional comments for ways that the project can minimize its environmental impact, including: 1. Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible. 2. Utilize cleaner fuel and limit vehicle idling. 3. Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts. For a complete list of the EPA's conditions, please refer to their letter

			response (SBL39754_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.
13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	☐	☒	The majority of the parcel is gravel-covered. No freshwater wetlands were mapped by NJDEP on-site (see SBL39754_WetlandProtectionMap). It is noted, however, that open waters are classified as wetlands under USACE jurisdiction. In addition, proposed dredging activities will impact approximately 4,916 square feet of intertidal and subtidal shallows and 2,500 square feet of coastal wetlands on-site (located along the northeast corner of the property, abutting the Maurice River). The applicant has been permitted by the USACE and DLUR to disturb these areas as long as a 1:1 subtidal shallows mitigation area (measuring 5,000 square feet) is created on-site and a 3:1 coastal wetland mitigation area is created (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf" located in the "Applicant Documents" folder within the Supporting Documents folder). The coastal wetland mitigation area will measure approximately 0.174 acres (7,500 square feet), of which approximately 0.071 acres will be accounted for in the new 5,000 square foot subtidal shallows and approximately 0.103 acres will be accounted for through re-establishment of on-site coastal wetlands and mudflats. The DLUR and USACE permits including conditions for wetland vegetation (DLUR permit conditions G, H, and I; USACE permit special conditions 21 – 24) and dredging activities (DLUR permit conditions B – F; USACE permit special conditions 10, 11, and 13 – 17). As long as these and all other conditions in the DLUR and USACE permits are met, no adverse impacts to wetlands are anticipated. An 8-step process for floodplains and wetlands was conducted; please see Section 9 for a discussion.
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	☒	☐	The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (16 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values. Five designated Wild and Scenic rivers are located within the State of New Jersey; the Delaware (Lower) River, Delaware (Middle) River, Great Egg Harbor River, Maurice River and the Musconetcong River. The project is located along the banks of the Maurice River; however, according to the NJDEP GIS tool and the *Final Comprehensive Management Plan and Environmental Impact Statement for the Maurice National Scenic and Recreational River* dated January 2001, prepared by the NPS (see "Maurice Management Plan NPS 2001.pdf" within the Maurice River Plans folder), the designated portions of the Maurice River begin at the Route 670 bridge and extend upstream (see page 8 of the report). The subject property is located approximately 1.28 miles downstream of this bridge; therefore, the project site is outside of the 1 mile buffer area of the designated segment of the river (see SBL39754_WildandScenicRiversMap). In addition, during the USACE's permitting process and during the current 8 Step Floodplain review (see discussion in Section 9), the National Parks Service (NPS) was notified of the proposed project. According to the

			USACE, the NPS had no comment on the project during the applicant's previous permitting process, and no response has been received by the NPS during the current 8 Step process. Furthermore, according to the *Final Comprehensive Management Plan and Environmental Impact Statement for the Maurice National Scenic and Recreational River*, the NPS determined that each municipality's local river management plans and zoning ordinances meet the protection standards of the Wild and Scenic Rivers Act. The local municipality (Maurice River Township) has zoned the subject parcel as Village/Light Industrial (VLI) (see SBL39754_MauriceRiverTwpZoningMap1 and SBL39754_MauriceRiverTwpZoningMap2). The subject parcel is in conformance with this zoning. The comprehensive plan also states that traditional land uses will be maintained. The proposed project will not involve changing the traditional land use of this parcel (shipbuilding). Based on this information, while the property is located along the banks of the Maurice River, it is located outside of the designated portions of the river. In addition, because the property has continually operated as a shipyard since at least the mid-20th century and is in conformance with local zoning, the proposed project is not anticipated to have any impact to the wild and scenic quality of the Maurice River.

PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST

[24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Attach additional material as appropriate. **All conditions, attenuation, or mitigation measures have been clearly identified.**

Impact Codes:

(1) no impact anticipated
(2) potentially beneficial
(3) potentially adverse- requires documentation
(4) requires mitigation
(5) significant/potentially significant adverse impact requiring avoidance or modification which may require an Environmental Impact Statement

Impact Categories	Impact Code	Impact Evaluation, Source Documentation and Mitigation or Modification Required
Land Development		
Conformance with Comprehensive and Neighborhood Plans	1	The property is within the Dorchester community of Maurice River Township, which is located along the Maurice River. As discussed in Section 14, the Maurice River has been designated as a Wild and Scenic River by the NPS. In the *Final Comprehensive Management Plan and Environmental Impact Statement for the Maurice National Scenic and Recreational River* dated January 2001 (see "Maurice Management Plan NPS 2001.pdf" within the Maurice River Plans folder), the NPS determined that each municipality's local river management plans and zoning ordinances meet the protection standards of the Wild and Scenic Rivers Act. The *Maurice River Local Management Plan for the Maurice River and its Tributaries*, dated July 1991 and issued by the Cumberland County Planning Board (see "Local Management Plan 1991.pdf" within the Maurice River Plans folder), identifies development within Maurice River Township as occurring primarily within three village areas (Dorchester, Leesburg and Port Elizabeth). The plan states that these villages have historically relied on maritime-based commercial activities, and the plan recommends future development be concentrated within these villages (see page 9 of the Local Management Plan). The subject property is located within Dorchester village, within an area designated for maritime-related business (see Inset C within Map Four (PDF page 63) within the Local Management Plan). The property is currently a marine-related business, and no changes to that use are proposed in the project. Therefore, the project is in conformance with the local river management plan.

Land Use Compatibility and Conformance with Zoning	1	According to the Maurice River Township zoning maps, the parcel is currently zoned VLI (Village Light Industrial) and is within a development sub-district overlay (see SBL39754_MauriceRiverTwpZoningMap1 and SBL39754_MauriceRiverTwpZoningMap2). The current use is in conformance with this zoning, and the project will not change the current land use.
Urban Design- Visual Quality and Scale	1	The proposed project will involve the addition of a dock, larger boat lift, and new berthing pier to the property. No new buildings are proposed as part of the project activities. The project will enable the applicant to service larger boats; however, this is not anticipated to cause an adverse impact to the existing visual quality of the area as this parcel is currently and has historically been used as a shipyard/boat repair facility.
Slope	1	The topography of the property and surrounding area is generally flat, sloping gently to the west towards the Maurice River. Therefore, no impacts to steep slopes are anticipated.
Erosion	4	The project is not located on steep slopes but is adjacent to a body of water and will involve ground disturbance. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore the applicant will need to obtain Cumberland-Salem Soil Conservation District Soil Erosion and Sediment Control Plan Certification. Please refer to the applicant's site plans included within the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the applicant documentation). The following requirements will also be met. 1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters. 2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.
Soil Suitability	3	The subject parcel currently contains a dock, piers and a boat lift. The project will involve expanding upon these facilities. Geotechnical work will need to be conducted as the project moves to construction to ensure soils are sufficiently capable of supporting the new facilities. In the event soils do not meet minimum suitability standards for construction, soil mitigation may be required.
Hazards and Nuisances, Including Site Safety	4	The property currently contains a dilapidated storm-damaged pier. This pier represents a site safety hazard and is proposed to be removed and replaced with a new berthing pier as part of the project. Site safety during construction can be managed through the use of BMPs (e.g., perimeter fencing) during construction operations. In addition, usage of BMPs and industry standard practices (e.g., high visibility signage) can help improve site safety during the property's normal operation. Tanks 1-3 are within a bermed concrete block diked enclosure, measuring approximately 20 feet by 15 feet by 2 feet high. Tank 4 is within a separate secondary containment system, adjacent to tanks 1-3 (see photo "TankPic1"). Based on previous consultations with HUD, Tank 4's containment system can be considered a "dike"

		for the purposes of Acceptable Separation Distance calculations. The containment for this tank measures approximately 15 feet by 8 feet by 2 feet high. We have calculated the ASD for these two tank enclosures to be 94 feet and 63 feet, respectively, for Thermal Radiation for People. The proposed expanded docks are within this area. Tank 5 is not in use and is located about 100 feet southeast of tanks 1-4 (see TankPic2). Since these tanks are only periodically in use (when boats are being loaded/unloaded) and/or not used, it was recommended to the applicant (who agreed per email SBL39754_Applicant_Tanks_Response) that they store Tanks 1-5 permanently in an alternative location on the property (see SBL39754_ASDMap1 for suggested locations). It is acknowledged that operations may require the tanks to be located in proximity to the docks while in use; therefore, it is required that the tanks only temporarily remain in their current location (within the existing secondary containment) when in use and be permanently stored in an alternate location when not in use. The new alternative location will need to be bermed in a manner that is sufficient to contain any spill (similar to the existing location). Based on the size and capacity of the tanks, the proposed location's diked area must be at least 12 feet by 36 feet by 12 inches high (allowing a capacity of approx. 3,230 gallons, which is sufficient to contain the approx. 2,550 gallon capacity of tanks 1-5), and located at least 110 feet from any building, as required through correspondence with HUD. 110 feet is the ASD of a diked enclosure measuring 12 feet by 36 feet (see SBL39754_HUD_ASD_Calc.pdf within the "HUD_ASD" folder, within the "Correspondence" folder). In addition, it is required that the tanks be relocated to the central or eastern portion of the property, outside of the 100-year floodplain for SSA compliance (see discussion in Section 12). The applicant will need to develop a relocation plan to address safety and environmental concerns with moving the tanks. This should be included in a Spill Prevention Control and Countermeasure (SPCC) plan. In addition, prior to being moved, the tanks should be emptied of their contents to reduce the risk of accidental spill or release while being moved. The applicant has indicated that they are willing to meet the above tank relocation requirements (see SBL39754_Applicant_Tanks_Response, located within the "Applicant" Folder which is within the "Correspondence" folder of the Supporting Document directory). Tank 6 provides heating oil to the main building (see "TankPic3"). As a result, this tank cannot be relocated to a location away from the main building (e.g., the proposed location for tanks 1-5). Unlike the other tanks, however, this tank is not located in the floodplain. The tank is not currently within secondary containment; to prevent the risk of release into soil/groundwater, it is required that the tank be placed within secondary containment that serves as a diked enclosure and is sufficient to capture any release. It is also required that the applicant construct a thermal mitigation barrier (such as a concrete block wall) between this tank and the main building to mitigate ASD concerns. Any mitigation measure

		proposed would need to be approved by HUD prior to construction.
Drainage/Storm Water Runoff	1	The property does not contain any stormwater management system. Rainwater runoff generated on-site percolates through the ground, eventually discharging to the adjoining Maurice River. The majority of the subject parcel is gravel covered, with the exception of areas covered by the building footprints. The proposed project will not substantially increase impervious coverage; therefore, drainage and runoff conditions on the property are not expected to be adversely impacted. The EPA, in their response to the application's SSA submittal, noted that the proposal will not adversely impact stormwater runoff; however, the EPA did suggest that the property owner can utilize LID principles, such as incorporation of rain gardens and bioretention facilities, to improve stormwater conditions. These are non-mandatory recommendations by the EPA to help minimize the property's environmental impacts.
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels	4	A DNL calculation for the project was not conducted. DNL noise standards are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The project will involve construction activities at a commercial shipbuilding facility; therefore, the project is not a noise sensitive development and no DNL calculations are required. In addition, construction noise will be temporary in nature. To minimize impacts to nearby properties, the applicant should comply with the following: 1. Outfit all equipment with operating mufflers. 2. Comply with the applicable local noise ordinance.
Energy Consumption	1	Atlantic City Electric provides electric utilities to communities within Southern New Jersey, including Maurice River Township. The proposal includes the construction of new docks, piers and a larger boat lift. Based on the presumed overall capacity of the local electrical utility, it is not anticipated that the project will create an excessive demand on the electric utility.

Socioeconomic Factors

Demographic Character Changes — 2

According to 2010 municipally-aggregated census data, the proposed project is located in proximity to minority residential populations. The non-minority population of the township as a whole accounts for 58% of the total population, compared to approximately 69% for the state. The proposed project activities are not anticipated to adversely impact the demographic character of the area; in fact, the project may benefit minority populations through increased employment opportunities.

Census Table DP-1	Maurice River Township		New Jersey	
Subject	**Number**	**Percent**	**Number**	**Percent**
Total Population	7,976	100.0	8,791,894 (r43702)	100.0
Median Age (Years)	38.1	(X)	39.0	(X)
White	4,629	58.0%	6,029,248	68.6
Black or African American	2,874	36.0%	1,204,826	13.7
American Indian and Alaska Native	35	0.4%	29,026	0.3
Asian	28	0.4%	725,726	8.3
Native Hawaiian and Other Pacific Islander	2	0.0%	3,043	0.0
Some Other Race	274	3.4%	559,722	6.4
Two or More Races	134	1.7%	240,303	2.7
Hispanic Total Population	919	11.5%	8,791,894	100.0
Average Household Size	2.62	(X)	2.68	(X)
Average Family Size	3.05	(X)	3.22	(X)
Total Housing Units	1,506	100.0	3,553,562 (r21676)	100.0
Occupied Housing Units	1,364	90.6%	3,214,360 (r7446)	90.5
Vacant Housing Units	142	9.4%	339,202	9.5

Displacement — 2

The project will not involve the demolition of any buildings; therefore, no displacement is anticipated from the project. Instead, the project will increase the operating capacity of the property, thereby creating an increased demand for jobs on-site.

<table>
<tr><td>Employment and Income Patterns</td><td>2</td><td>Municipally-aggregated Census data from 2008 and 2013 show that Maurice River Township has a similar unemployment rate and lower income level compared to the state as a whole. The project activities will contribute to the recovery and operation of the applicant, Yank Marine Services, which will in turn directly contribute to the economic recovery of the local community. Short term employment benefits will occur during the construction phases of the project through the increase in demand for construction-related jobs. Once construction is complete, the applicant's shipyard will have an increased capacity; therefore the applicant anticipates hiring approximately 25-30 additional employees, including low to medium income employees. Therefore, no adverse impact to low income populations is anticipated. In fact, the project will result in long term positive economic impacts.
<table>
<tr><th>Census Table DP03</th><th colspan="2">Maurice River Township</th><th colspan="2">New Jersey</th></tr>
<tr><th>Subject</th><th>Number</th><th>Percent</th><th>Number</th><th>Percent</th></tr>
<tr><td>Population 16 years and over</td><td>7,388</td><td>100.0%</td><td>6,985,329</td><td>6,985,329</td></tr>
<tr><td>In Labor Force</td><td>1,843</td><td>24.9%</td><td>4,672,338</td><td>66.9%</td></tr>
<tr><td>Civilian Labor Force</td><td>1,843</td><td>24.9%</td><td>4,663,005</td><td>66.8%</td></tr>
<tr><td>Employed</td><td>1,638</td><td>22.2%</td><td>4,219,677</td><td>60.4%</td></tr>
<tr><td>Unemployed</td><td>205</td><td>2.8%</td><td>443,328</td><td>6.3%</td></tr>
<tr><td>Armed Forces</td><td>0</td><td>0.0%</td><td>9,333</td><td>0.1%</td></tr>
<tr><td>Not in labor force</td><td>5,545</td><td>75.1%</td><td>2,312,991</td><td>33.1%</td></tr>
<tr><td>Civilian Employed Population 16 Years and Over</td><td>1,638</td><td>(X)</td><td>4,219,677</td><td>4,219,677</td></tr>
<tr><td>Median Household Income (dollars)</td><td>65,870</td><td>(X)</td><td>71,637</td><td>(X)</td></tr>
<tr><td>Mean Household Income (dollars)</td><td>68,503</td><td>(X)</td><td>96,602</td><td>(X)</td></tr>
<tr><td>Median Family Income (dollars)</td><td>72,031</td><td>(X)</td><td>87,389</td><td>(X)</td></tr>
<tr><td>Mean Family Income (dollars)</td><td>77,465</td><td>(X)</td><td>112,730</td><td>(X)</td></tr>
<tr><td>Per Capita Income (dollars)</td><td>16,380</td><td>(X)</td><td>35,928</td><td>(X)</td></tr>
<tr><td>Percentage of People Whose Income in the Past 12 Months is Below Poverty Level</td><td>(X)</td><td>10.1%</td><td>(X)</td><td>9.9%</td></tr>
</table>
</td></tr>
<tr><td colspan="3">Community Facilities and Services</td></tr>
<tr><td>Educational Facilities</td><td>1</td><td>The project will not involve the addition of residences; therefore, the project is not anticipated to impact local schools or school districts, including the Maurice River Township Elementary School and the Maurice River Township School District.</td></tr>
<tr><td>Commercial Facilities</td><td>2</td><td>The proposed project will increase the potential workforce size at the property. This will have a benefit to local businesses (such as George's Pizzeria at 654 Main Street, Leesburg, NJ and the Maurice River CITGO at 3890 Route 47, Dorchester, NJ) through an increased demand in goods and services.</td></tr>
</table>

Health Care	1	The project will involve construction activities at a shipyard. No additional residences are proposed; however, the project will result in the applicant increasing the size of their workforce by approximately 25-30 employees. Based on the overall scale of the project, no impacts are anticipated to local or regional health care facilities, such as the Ispira Medical Center (Vineland, NJ) or the Shore Medical Center (Somers Point, NJ).
Social Services	1	The project will not involve adding residences to the property; therefore, no impacts are anticipated to the Cumberland County Board of Social Services.
Solid Waste Disposal/Recycling	1	The Maurice River Township Department of Public Works conducts waste and recycling pickup within the township. Based on the scale of the project and the presumed capacity of the municipality, the project is not anticipated to have adverse impacts on the municipality's waste handling system.
Waste Water/Sanitary Sewers	4	The property is currently serviced by private well and septic. No public sewer or wastewater utilities are connected to the property and the project will not involve the connection of any such utilities. The project was submitted to the EPA Region 2 for review for SSA compliance. The EPA approved of the project in a letter dated March 17, 2015 (see SBL39754_SSA_Response) with conditions that will help mitigate the project's potential impact to the aquifer. A complete discussion can be found in Section 12 above, and a complete listing of the conditions can be found in the EPA's letter response.
Water Supply	4	The property is currently serviced by private well and septic. No public water utilities are connected to the property and the project will not involve the connection of any such utilities. The project was submitted to the EPA Region 2 for review for SSA compliance. The EPA approved of the project in a letter dated March 17, 2015 (see SBL39754_SSA_Response) with conditions that will help mitigate the project's potential impact to the aquifer. A complete discussion can be found in Section 12 above, and a complete listing of the conditions can be found in the EPA's letter response.
Public Safety: • Police • Fire • Emergency Medical	2	The project is intended to increase the operational capacity of the existing shipyard. The facility services police, fire and coast guard boats, and the proposed project will increase their ability to service larger police, fire and coast guard boats; therefore, the project is anticipated to provide a benefit to these local public safety agencies. In addition, the increased size of the property's workforce is not anticipated to adversely impact nearby public safety agencies, including the Maurice River Township Fire Department (Leesburg District) or the NJ State Police, which operate locally out of the police barracks at 8861 Highland Avenue in Port Norris, NJ (two miles to the northwest of the site).
Parks, Open Space & Recreation: • Open Space • Recreation	1	No existing park, open space or recreational facilities are proposed to be impacted from the proposed project. The project is located along the banks of the Maurice River, which is designated as wild and scenic (see Section 14 above); however, the project is not located along the designated portion of the river. In addition, the subject parcel has historically been utilized as a shipyard and is proposed to continue in this use. Therefore, no impacts are anticipated to the Maurice River.
Cultural Facilities	3	The project will involve construction activities at an active shipyard. No residences will be added as part of the proposed project activities. No impacts are anticipated to nearby cultural facilities, such as the Bayshore Center at Bivalve (Port Norris, NJ).

		The Historic Preservation Exemption Zone ("Green Zone") was not mapped for the project area, as it was only mapped for communities within the nine most impacted counties, and the project is within Cumberland County, which is not included in that list. The NJDEP GIS tool does, however, include historic preservation data for this county, including the NJDEP State Historic Preservation Offices' Historic Archaeological Site Grid, Historic Districts and Historic Properties. No historic districts or historic properties are mapped within proximity to the property; however, the project is shown as being overlapped by the Historic Archaeological Site Grid (see SBL39754_HistoricPreservationMap). During its permitting process, the USACE submitted to SHPO indicating that based on the proposed improvements (i.e., ground disturbance in proximity to the shoreline of the Maurice River), it was likely that the project would have an adverse impact on historic archaeological resources. The USACE recommended to SHPO that a survey, including the usage of side-scanning sonar, be conducted to determine the presence or absence of underwater shipwrecks. The SHPO concurred with this assessment on November 17, 2010 (see "SHPO concur with survey request.pdf" within the applicant documentation). Subsequent to this, the applicant conducted geotechnical work which determined that the soils on-site were significantly disturbed. Furthermore, the applicant provided USACE with documentation showing that the area of the proposed work had previously been used as a boat ramp, indicating that this area was historically disturbed and that the probability of encountering historic archaeological resources was low. USACE submitted to SHPO on January 3, 2011, stating that based on this further information, no further archaeological surveys would be required (see "No Hist Prop Affected Scanned ltrs.pdf" within the applicant documentation). SHPO concurred with this assessment via email correspondence dated January 25, 2011 (see "RE yank Marine boat lift and dock.pdf" within the applicant documentation). As long as work is conducted in accordance with the approved permits, no further correspondence with SHPO is necessary. The USACE permit states (USACE permit General Condition 3) that if previously unknown historic or archaeological remains are encountered during construction, the USACE must be notified immediately.
Transportation & Accessibility	1	The project is located along Main Street (Route 616), which serves as the local arterial roadway for Dorchester. The property is in close proximity to State Routes 47 and 347, which connect the project area to the larger communities of Millville/Vineland to the north and the New Jersey shore to the south and east. The project is expected to increase the number of full-time employees on-site by approximately 25-30. Based on the presumed roadway capacities, this addition of employees on-site is not expected to adversely impact the transportation network.

Natural Features		
Water Resources	4	The property is underlain by the Coastal Plain Aquifer, which is a designated Sole Source Aquifer (see SBL39754_SSAMap). In addition, the property is on private well and septic, currently contains several above-ground storage tanks (see full list in Sections 4 and 7 above) and has had at least one previous documented release (see discussion in Section 4 above). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder) and formal consultation with the EPA was required. Dewberry consulted with the EPA on February 3, 2015. The EPA responded via letter dated March 17, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met: 1. Tanks 1-5 must be stored in a location outside of the 100-year floodplain when not in use. Secondary containment must be installed at this new location sufficient to contain any release from the tanks. Relocation of these tanks (and installation of secondary containment at the new location) is also required for HUD ASD compliance. Please refer to the discussion in Section 7 above. 2. Secondary containment must be installed at Tank 6 sufficient to contain any release from this tank. 3. Per 40 CFR Part 112, any facility storing a total of 1,320 gallons or more of fuel oil in ASTs is subject to a Spill Prevention Control & Countermeasure Rule (SPCC) and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc. In addition, the SPCC should address issues regarding safety and environmental concerns while moving the tanks from their temporary "in use" location to their permanent "not in use" location. The EPA also offered additional comments for ways that the project can minimize its environmental impact, including: 1. Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible. 2. Utilize cleaner fuel and limit vehicle idling. 3. Construct bioretention facilities, rain gardens, vegetated rooftops and other LID options to minimize stormwater impacts. For a complete list of the EPA's conditions, please refer to their letter response (SBL39754_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.

Surface Water	4	The property is adjacent to the Maurice River. The applicant has obtained a NJDEP DLUR Waterfront Development Permit and USACE Permit for their proposed construction. In addition, the project requires relocation of the property's on-site ASTs to meet SSA and ASD requirements (see Sections 7 and 12 above). This location must be outside of the 100-year floodplain and have secondary containment installed sufficient to contain any release or spill. Spill protection during the movement of these tanks should be included in the property's SPCC. Further, the property's heating oil tank (Tank 6) will require the installation of secondary containment as well. As long as these measures are taken and as long as the conditions of the property's approved DLUR and USACE permits are met, no adverse impacts to the waterway are anticipated. A complete list of the conditions can be found within each permit (see "Yank Marine-USACE PERMIT ISSUED 013111" and "Yank Marine-NJDEP Waterfront Permit" within the "Applicant Documents" folder within the Supporting Documents folder).
Unique Natural Features & Agricultural Lands	1	According to the USDA Web Soil Survey, soils on the property are classified primarily as Fort Mott loamy sand (see SBL39754_FarmlandProtectionSoilsMap). This soil group is classified as farmland of statewide importance. It is noted, however, that the subject property has not historically been utilized and is not currently utilized for agricultural purposes. Therefore, the project will not involve the conversion of agricultural land into non-agricultural uses.
Vegetation and Wildlife	4	As part of the permitting process that the applicant previously pursued for these proposed improvements, the USACE sought comment from the USFWS and the NMFS. The USFWS stated that while no threatened or endangered species are identified in the project area, the project should be managed in accordance with the National Bald Eagle Management Guidelines and State regulations. The NMFS mandated that timing restrictions be enacted from March 1 to June 30 to minimize impacts to anadromous fish species. NMFS further stated that BMPs must be enacted to minimize water quality impacts with respect to sediment and turbidity. These conditions are included in the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine Statement of Findings.pdf" within the "Applicant Documents" folder within the Supporting Documents folder). The USFWS and NMFS were contacted again as part of the current Floodplain and Wetland 8 Step process (see Section 9 above). The NMFS responded on February 18, 2015, stating that no ESA-species under NMFS jurisdiction were expected to occur within the project area; therefore no further ESA Section 7 consultation is required (see SBL39754_NMFS_Response). Notwithstanding this information, the previous NMFS comments and timing restrictions provided as part of the applicant's permit efforts are included within the approved USACE permit (see above); therefore, these timing restrictions must still be met. In addition, the USFWS responded on February 13, 2015 deferring to their earlier comments provided in the USACE permit.

		The project is not located within the nine most impacted counties in New Jersey; therefore, the NJDEP ArcGIS tool does not include endangered species information for this area. However, Dewberry utilized publicly available NJDEP Landscape 3.1 GIS information and determined that no threatened or endangered species are mapped on-site. In addition, with the exception of the previously-mentioned bald eagle, the project is not mapped as containing any other mapped threatened/endangered species (see SBL39754_ThreatenedEndangeredSpeciesMap). Osprey are shown as using the open waters of the Maurice River as foraging habitat; however, based on its scope, and the fact that the NJDEP DLUR and USACE have issued permits, the project is not anticipated to adversely impact this species. Additionally, since no mapped bat species are shown on or in proximity to the property on the Landscape 3.1 map, and no trees greater than 5 inches in diameter are proposed to be removed as part of the project, no impacts to Indiana bat or long-eared bats are anticipated. As long as the USFWS and NMFS' conditions discussed above (and included in the USACE permit Special Condition 6 and in the DLUR permit, Condition D) are met, no impacts to species of concern are anticipated. In addition, according to the permits, the USFWS and DLUR did not indicate any protective measures required towards threatened/endangered plant species; therefore, no adverse impacts to these species are anticipated.

PART III: 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)]

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: *Newark Liberty International Airport is located approximately 106 miles to the north of the project. Atlantic City International Airport is located approximately 25 miles to the northeast of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 60 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see SBL39754_AirportHazardsMap). [Project complies with 24 CFR 51.303(a)(3).]*

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

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☒**No.** Cite or attach Source Documentation: *The nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. The nearest CBRS unit is NJ-14P which is located approximately 4 miles to the southeast. See SBL39754_CoastalBarrierResourceActMap. [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: *See SBL39754_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap2*

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

☒**Yes**. **Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR. *The project's proposed activities are within the 100-year floodplain (see SBL39754_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap2) however, based on correspondence with FEMA, the proposed construction activities are not regulated by the NFIP (see SBL39754_FEMA_Response). It is also noted that none of the property's buildings are located within the 100-year floodplain as shown on the GIS map.*

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

Summary of Findings and Conclusions

Additional Studies Performed: (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.) *Floodplain and Wetland 8 Step Review*

Field Inspection (Date and completed by)**:** *February 10, 2015, completed by Gary Doss, Environmental Planner, and Christopher Mullan, Environmental Scientist. The findings of the site visit are discussed throughout this report.*

List of Sources, Agencies, and Persons Consulted [40 CFR 1508.9(b)]**:** (List sources, agencies, and persons consulted for this assessment.)

Agencies Consulted

U.S. Army Corps of Engineers
U.S. Environmental Protection Agency, Region 2
U.S. Federal Emergency Management Agency
U.S. Fish and Wildlife Service
U.S. Department of Housing and Urban Development
U.S. National Oceanic and Atmospheric Administration National Marine Fisheries Service
U.S. National Parks Service

Reference Material

New Jersey Department of Community Affairs. "Frequently Asked Questions About the Disaster Recovery Action Plan" Retrieved February 2015.
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http://www.census.gov/acs/www/

U.S. Department of Housing and Urban Development Noise Assessment Guidelines, Retrieved February 2015.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculator

U.S. Environmental Protection Agency. EJ View Mapper. Retrieved March 2015.
http://epamap14.epa.gov/ejmap/entry.html

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http://www.epa.gov/region2/water/aquifer/

U.S. Federal Emergency Management Agency. Map Service Center. Retrieved January 2015. https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1

U.S. Fish and Wildlife Service. Endangered Species. U.S. Fish and Wildlife Service, New Jersey Field Office. Retrieved February 2015, from http://www.fws.gov/northeast/njfieldoffice/Endangered/

U.S. National Parks Service. National Wild and Scenic Rivers System. Retrieved January 2015. http://www.rivers.gov/new-jersey.php

Maurice River: Local Management Plan for the Maurice River and its Tributaries, prepared by the Cumberland County Department of Planning and Development, issued July 1991.

Final Comprehensive Management Plan and Environmental Impact Statement for the Maurice National Scenic and Recreational River, prepared by the National Park Service, issued January 2001.

Maurice River Township Zoning Maps, prepared by the Maurice River Township Zoning Office, dated February and October 2005.
http://mauricerivertwp.org/mrtzonemaps.html

Lists of Permits Required:
Local Construction Permits
Road access/opening- local/county road
Cumberland-Salem Soil Conservation District Soil Erosion and Sediment Control Plan Certification
Site Plan Approval
Compliance with New Jersey Stormwater Management Rules (N.J.A.C. 7:8)
NJDEP DLUR Waterfront Development Permit (already obtained by applicant)
USACE Permit (already obtained by applicant)
Spill Prevention, Control, and Countermeasure Plan

Public Outreach [24 CFR 50.23 & 58.43]**:**
In accordance with HUD regulations, a Public Notice will be published in the local newspaper, The South Jersey Times. A Spanish translation of the notice will be published in Reporte Hispano. Any substantive comments received will be incorporated into the EA. Public outreach was also conducted as part of the 8-step floodplain decision-making process. Comments received from agencies are incorporated throughout this report.

Cumulative Impact Analysis [24 CFR 58.32]**:**
According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7)." To the extent reasonable and practical, this EA considered the combined effect of the proposed project and other actions occurring or proposed in the vicinity of the proposed project site.

Cumberland County and the entire New Jersey coast are undergoing recovery efforts after Superstorm Sandy caused extensive damages. The recovery efforts in the area include rehabilitation, demolition, reconstruction, and new construction. These projects and the proposed project may have a cumulative temporary impact on air quality, noise, traffic and surface water during construction activities, but will have a net long-term benefit to those areas within New Jersey that were significantly impacted by Superstorm Sandy. No other cumulative effects are anticipated.

Project Alternatives Considered [24 CFR 58.40(e), 40 CFR 1508.9]**:** (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment for each alternative and the reasons for rejecting it.)

The scope of work provided in the NJDEP application (see "Yank Marine-Application.pdf" within the applicant documentation folder) differed slightly from that which was approved of previously in the NJDEP DLUR Waterfront Development permit and USACE permit. Specifically, the application stated that the new berthing pier would measure 210' by 10' while the permits approved only a 175' by 6' pier. If the applicant were to pursue the alternative as outlined in their submitted application, permit modifications would need to be obtained from the USACE and DLUR. As a result, this option was eliminated and the applicant has stated that they will keep all construction activities to be in accordance with the approved permits (see "SBL39754_Applicant_Permit_Response.pdf" within the "Correspondence" folder). While they confirm that they will construct the project in accordance with the permit, one deviation that they will be pursuing is to temporarily install a 200-ton boat lift, which they currently own at another facility, instead of the permitted 600-ton lift. This is due to cost constraints. The applicant has stated that they will ultimately install the 600-ton lift in the place of the 200-ton lift. Since the applicant's desire is to increase their operational capacity, no other reasonable alternatives were considered.

The list of proposed activities in the DLUR and USACE permits (which were not prepared concurrently) is slightly different. Of note, the DLUR permit states that the boat lift's two supportive concrete deck piers will measure 20' by 180', while the USACE permit mentions only one supportive concrete deck pier for the lift and states it will measure 20' by 175'. The site layouts in the site plans mentioned in each permit, however, are the same (the plans in the USACE permit are attached at the end of the permit document, the plans for the DLUR permit can be found in the "Applicant Documents\CD OF ALL DRAWINGS\NJDEP PERMIT\PERMIT DRAWINGS" directory within the ERR).

No Action Alternative [24 CFR 58.40(e)]**:**

In the No Action Alternative, the applicant would not be able to increase their shipyard capacity, and the economic demand for larger shipbuilding in New Jersey would remain unmet. The No Action Alternative does not meet the Purpose and Need, as it would not contribute to the recovery of the shore community, notably the New Jersey shipbuilding industry.

Summary Statement of Findings and Conclusions:

Based on the findings of this Environmental Assessment, the proposed project will have a net benefit on the project area. The project will enable the applicant to meet the local and regional demand for increased shipbuilding capacity and in doing so will be able to create new employment opportunities.

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.)

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.*
3. *The project has been issued a New Jersey Department of Environmental Protection (NJDEP) Division of Land Use Regulation (DLUR) Waterfront Development Permit (originally issued on May 21, 2010) and a U.S. Army Corps of Engineers (USACE) Permit (originally issued on January 24, 2011). Copies of the permits can be found in the "Applicant Documents" folder (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf"). The State of New Jersey passed the Permit Extension Act (PEA) of 2014 on December 26, 2014. The PEA states that DLUR permits originally set to expire between January 1, 2015 and June 30, 2015 will now expire on June 30, 2016. The project's Waterfront Development Permit, which was originally set to expire on May 20, 2015, has therefore been extended until June 30, 2016. The USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). Should the work not be complete by the end of 2015, additional permit extensions would need to be granted pursuant to the conditions of both permits.*
4. *The DLUR and USACE permits include conditions for species of concern (DLUR permit condition D; USACE permit special condition 6), wetland vegetation (DLUR permit conditions G, H, and I; USACE permit special conditions 21 – 24) and dredging activities (DLUR permit conditions B – F; USACE permit special conditions 10, 11, and 13 – 17). These conditions, as well as all other conditions listed in the permits, must be followed.*

Noise

The noise standards of 24 CFR 51 Subpart B are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The project is a commercial shipbuilding operation, which is not considered a noise sensitive use; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the property. However, to minimize impacts to nearby properties, the applicant should comply with the following:

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see "SBL39754_AirQualityMemo.pdf"). In addition, the following must be met:

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*

4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
    a. *Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
    b. *Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);*
    c. *Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and*
    d. *Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).*
9. *Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).*
10. *Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).*
11. *Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.*

Coastal Zone Management

The applicant has secured an NJDEP Division of Land Use Regulation (DLUR) Waterfront Development Individual Permit and a U.S. Army Corps of Engineers (USACE) permit for their proposed work (see "Yank Marine-NJDEP Waterfront Permit" and "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the "Applicant Documents" folder within the Supporting Documents folder). The DLUR permit, which originally was set to expire on May 20, 2015, was extended by the 2014 Permit Extension Act (PEA), passed on December 26, 2014 (See "State Permit Extension Act.pdf" email, within the "Applicant Documents" folder). The permit authorizes the proposed work and states that the project is in compliance with the New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E). In addition, the USACE permit was also extended in December of 2014; the new expiration date is December 31, 2015 (see "SBL39754 ACOE Permit Extension.pdf"). As long as all proposed work is conducted in accordance with these permits, no further coastal permits are required.

Prior to construction, the applicant must submit proof to the DLUR of the recording of a Grant of Conservation Restriction/Easement. In addition, if construction activities are not completed by the end of 2015, permit extensions will need to be sought pursuant to the requirements of both permits. The applicant must also adhere to all of the conditions of the DLUR permit, including reporting any unanticipated environmental impacts to the DLUR (Special Condition 8), timing restrictions for marine species protection (Condition D), and minimizing impacts from dredging activities (Conditions B, C, E and F).

Species of Concern

As part of the permitting process, the USACE sought comment from the United States Fish and Wildlife

Service (USFWS) and the National Marine Fisheries Service (NMFS). The USFWS stated that while no threatened or endangered species are identified in the project area, the project should be managed in accordance with the National Bald Eagle Management Guidelines and State regulations. The NMFS mandated that timing restrictions be enacted from March 1 to June 30 to minimize impacts to anadromous fish species. NMFS further stated that BMPs must be enacted to minimize water quality impacts with respect to sediment and turbidity. These conditions are included in the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine Statement of Findings.pdf" within the applicant documentation).

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Explosive and Flammable Operations

The property contains six above-ground storage tanks (ASTs) as shown on SBL39754_ASDMap1, therefore the project is subject to Acceptable Separation Distance (ASD) requirements per 24 CFR 51 Subpart C. These tanks are only periodically in use and/or not used. It was recommended to the applicant (who agreed per email SBL39754_Applicant_Tanks_Response, located within the Applicant Folder which is within the Correspondence folder of the Supporting Document directory) that they relocate and store Tanks 1-5 permanently in an alternative location on the property (see SBL39754_ASDMap1 for suggested locations). It is acknowledged that operations may require the tanks to be located in proximity to the docks while in use; therefore, it is required that the tanks only temporarily remain in their current location (within the existing secondary containment) when in use, and be permanently stored in an alternate location when not in use. The new alternative location will need to be bermed in a manner that is sufficient to contain any spill (similar to the existing location). Based on the size and capacity of the tanks, the proposed location's diked area must be at least 12 feet by 36 feet by 12 inches high, and located at least 110 feet from any building. In addition, it is required that the tanks be relocated to the central or eastern portion of the property, outside of the 100-year floodplain for Sole Source Aquifer compliance (see SBL39754_ASDMap1 for suggested locations and discussion in Section 12). Prior to being moved, the tanks should be emptied of their contents to reduce the risk of accidental spill or release while being moved.

Tank 6 provides heating oil to the main building (see "TankPic3" which is located within the SBL39754_SitePhotos directory). As a result, this tank cannot be relocated to a location away from the main building (e.g., the proposed location for tanks 1-5). Unlike the other tanks, however, this tank is not located in the floodplain. The tank is not currently within secondary containment; to prevent the risk of release into soil/groundwater, it is required that the tank be placed within secondary containment that serves as a diked enclosure and is sufficient to capture any release. It is also required that the applicant construct a thermal mitigation barrier (such as a concrete block wall) between this tank and the main building to mitigate ASD concerns. Any mitigation measure proposed would need to be approved by HUD prior to construction.

The applicant has indicated that they are willing to meet these requirements (see SBL39754_Applicant_Tanks_Response, located within the "Applicant" folder which is within the "Correspondence" folder of the Supporting Document directory). In addition, HUD has concurred that this approach is acceptable (see email correspondence with HUD, SBL39754_HUD_ASD_Response, dated February 5, 2015, saved within the "HUD_ASD" correspondence folder)

Floodplain Management and Flood Insurance

1. *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).*
2. *All structures funded by the CDBG-DR programs, 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 (NFIP). It is noted, however, that according to consultation with FEMA (see "SBL39754_FEMA_Response") the project activities are not regulated by the NFIP.*
3. *The docks, piers and bulkheads are shown as being within/adjacent to the floodway. The placement of these structures within the floodway is permitted per 24 CFR 55.1(c)(1) because they are "functionally dependent uses" per 24 CFR 55.5(b)(6) (i.e., their location within the waterway is a necessity for their operation).*
4. *No buildings on-site are shown as being mapped within the floodplain, and no buildings are proposed to be constructed within the floodplain (see SBL39754_FloodplainMgmtandFloodInsuranceNFIP NotInFloodwayMap2).*
5. *Tanks 1-5 are shown as being within the 100-year floodplain. To reduce the risk of release during a flood event, these tanks should be relocated to an alternate location on the property outside of the 100-year floodplain. This alternate location should also contain secondary containment sufficient to contain any release (see Explosive and Flammable Operations condition discussion above).*
6. *A Waterfront Development Permit was approved for the project by the NJDEP Division of Land Use Regulation (DLUR). Therefore, no additional Flood Hazard Area Control Act (FHA) permits are required. A copy of the DLUR permit (see "Yank Marine-NJDEP Waterfront Permit.pdf") can be found within the "Applicant Documents" folder within the Supporting Documents folder.*
7. *The property's tanks (1-5) are located within the 100-year floodplain (see SSA discussion) and within the ASD of the proposed dock expansions (see Explosive and Flammable Operations discussion). These tanks must be relocated out of the 100-year floodplain and 110 feet from any building into a new permanent storage location. This new location must include secondary containment sufficient to capture any release. The tanks may be relocated temporarily to their current existing condition (within secondary containment) when in use (e.g., when being used for boat loading/unloading). Further details can be found in the SSA and Explosive and Flammable Operations discussions.*

Hazardous Waste

Construction dates for the existing buildings were not available on tax records; however, according to publicly available historic aerials from www.historicaerials.com (see SBL39754_HistoricAerial1951 and SBL39754_HistoricAerial1991), the buildings were built in stages from 1951 until 1991. Based on these dates, there is a potential for the buildings to contain asbestos-containing materials (ACMs) and lead-based paint (LBP). It is noted, however, that no construction work is proposed at these buildings; therefore, the potential for exposure to these materials is low. Should work be proposed at these buildings in the future, they would need to be evaluated for LBP and ACM; if such materials are identified, they would need to be properly abated and disposed of in accordance with all applicable federal, state and local laws and regulations, and a qualified person would need to continuously oversee any and all construction activities once they commence.

The property contains six ASTs. The location of the tanks is identified in SBL39754_ASDMap1. During the site visit on February 10, 2015, no visible sign of release was observed from the tanks. Tank #6 was observed to lack secondary containment; it is required that secondary containment be installed at this tank to capture any potential future release. In addition, Tanks 1-5 are recommended to be relocated to meet Sole Source Aquifer (SSA) and ASD requirements (see discussions in Sections 7 and 12). The relocation of these tanks will also involve placing them within secondary containment.

Properties with 1,320 gallons or greater in above-ground storage tanks are subject to the Spill Prevention Control & Countermeasure Rule (SPCC) rule and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc., as per 40 CFR Part 112. The property's storage tanks total approximately 2,825 gallons; therefore, the applicant must maintain an SPCC plan.

Previous studies conducted at the property encountered soil contamination from formerly used gasoline dispensers (See Phase I and Phase II reports within the "Phase I and II Reports" folder, within the "Supporting Documentation" folder). The dispensers were reportedly located on the docks and connected to the current tank storage area via above-ground piping. Localized areas of impacted soils were encountered, excavated, and disposed of off-site. These dispensers have not been used since that time. Furthermore, no indication of release was observed from the storage tanks during the current assessment. Based on current observations and the results of the Phase I and II studies, the historic release does not represent a current concern. As long as the tanks are maintained within secondary containment, measures are taken to safely move the tanks from their permanent to their temporary location (and back), and the applicant utilizes industry-standard best management practices for the operation and maintenance of ASTs, the risk for release is low.

However, should impacted soils be encountered in the future or during project implementation, the soil should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP). The applicant must also comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) (e.g., perimeter fencing) during construction operations. In addition, use of BMPs and industry standard practices (e.g., high visibility signage) can help improve site safety during the property's normal operation.

Soil and Water Quality

The project is not located on steep slopes but is adjacent to a body of water and will involve ground disturbance. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, the applicant will need to obtain

Cumberland-Salem Soil Conservation District Soil Erosion and Sediment Control Plan Certification. Please refer to the applicant's site plans included within the USACE permit (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" within the applicant documentation). The following requirements will also be met.

1. *Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
2. *Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*

Sole Source Aquifers

The property is underlain by the Coastal Plain Aquifer, which is a designated Sole Source Aquifer (see SBL39754_SSAMap). In addition, the property is on private well and septic, currently contains several above-ground storage tanks (see full list in Sections 4 and 7 below) and has had at least one previous documented release (see discussion in Section 4 below). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder) and formal consultation with the EPA was required.

Dewberry submitted consultation to the EPA on February 3, 2015. The EPA responded via letter dated March 17, 2015 (See SBL39754_SSA_Response), located within the "EPA_SSA" folder in the "Correspondence" supporting document folder, stating the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met:

1. *Tanks 1-5 must be stored in a location outside of the 100-year floodplain when not in use. Secondary containment must be installed at this new location sufficient to contain any release from the tanks. Relocation of these tanks (and installation of secondary containment at the new location) is also required for HUD ASD compliance. Please refer to the discussion in Section 7.*
2. *Secondary containment must be installed at Tank 6 sufficient to contain any release from this tank.*
3. *Per 40 CFR Part 112, any facility storing a total of 1,320 gallons or more of fuel oil in ASTs is subject to a Spill Prevention Control & Countermeasure Rule (SPCC) and must prepare an SPCC plan to address requirements including tank tightness testing, secondary containment, overfill protection, etc. In addition, the SPCC should address issues regarding safety and environmental concerns while moving the tanks from their temporary "in use" location to their permanent "not in use" location.*

The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:

1. *Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible.*
2. *Utilize cleaner fuel and limit vehicle idling.*
3. *Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts.*

For a complete list of the EPA's recommendations, please refer to their letter response (see SBL39754_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.

Wetland Protection

The majority of the parcel is gravel-covered. No freshwater wetlands were mapped by NJDEP on-site (see SBL39754_WetlandProtectionMap). It is noted, however, that open waters are classified as wetlands under

USACE jurisdiction. In addition, proposed dredging activities will impact approximately 4,916 square feet of intertidal and subtidal shallows and 3,1002,500 square feet of coastal wetlands on-site (located along the northeast corner of the property, abutting the Maurice River). The applicant has been permitted by the USACE and DLUR to disturb these areas as long as a 1:1 wetland subtidal shallows mitigation area (measuring 5,000 square feet) is created on-site and a 3:1 coastal wetland mitigation area is created (see "Yank Marine-USACE PERMIT ISSUED 013111.pdf" and "Yank Marine-NJDEP Waterfront Permit.pdf" located in the "Applicant Documents" folder within the Supporting Documents folder). According to the permit conditions, the coastal wetland mitigation area will measure approximately 0.174 acres (7,500 square feet), of which approximately 0.071 acres will be accounted for in the new 5,000 square foot subtidal shallows and approximately 0.103 acres will be accounted for through re-establishment of on-site coastal wetlands and mudflats.

As long as the wetland mitigation conditions of the approved permits are met, no adverse impact to wetlands is anticipated. The DLUR and USACE permits include conditions for wetland vegetation (DLUR permit conditions G, H, and I; USACE permit special conditions 21 – 24) and dredging activities (DLUR permit conditions B – F; USACE permit special conditions 10, 11, and 13 – 17). As long as these and all other conditions in the DLUR and USACE permits are met, no adverse impacts to wetlands are anticipated.