

Form 2.1 Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

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

Applicant Name Malusa & Sons, Inc. (First) DBA Nino's Family Restaurant (Last)

-or- (Business/Project Name)

Project Location 423 E. Magnolia Ave., (Street Address)

Wildwood (Municipality) Cape May (County) NJ (State)

238 (Block) 12 (Lot)

FINDING

This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

FUNDING INFORMATION

Grant Number	HUD Program	Funding Amount
<i>B-13-DS-34-0001</i>	<i>Stronger NJ Business Loan (SBL)</i>	<i>\$696,202.00</i>
		<i>\$0.00</i>

		\$0.00
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Estimated Total HUD Funded Amount:

\$696,202.00

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

\$830,299.46

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

The objective of this grant application is to provide funding to assist in the relocation of the existing Nino's Family Restaurant to a new location at 423 East Magnolia Avenue in the City of Wildwood, Cape May County. The existing Nino's Family Restaurant in North Wildwood suffered severe storm damages during Superstorm Sandy and the structure was deemed unsuitable for restoration. The proposed relocation of the restaurant would utilize an existing, seasonal restaurant building in Wildwood. CDBG funding of this action is critical in re-establishing local businesses and employment opportunities that were impacted by Superstorm Sandy.

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 original application and environmental review (SBL38781) for Nino's Family Restaurant (located at 201 West Walnut Ave, North Wildwood) which was impacted by Superstorm Sandy proposed demolition and reconstruction. Upon completion of this review (SBL38781), the applicant decided to pursue a different project involving acquisition and rehabilitation of an existing restaurant at 423 East Magnolia Ave, Wildwood. The new Nino's Family Restaurant will be located in the City of Wildwood, adjacent to Wildwood Boardwalk and the beach. The building was constructed in 1945 and resides on a 0.1033-acre parcel. The planned improvements include: removal and replacement of two signs; removal of existing siding, corners, and window trim and replacement with stucco and brick; new interior brick and stucco wall in lobby; painting of the ceiling and lobby area; renovations to bathrooms; installation of lighting fixtures; new restaurant equipment; and new table tops, chairs, and small wares.

Proposed project costs are:

Acquisition: \$610,000.00

Construction: \$220,299.46

TOTAL: \$830,299.46

Funding for the project is proposed as:

Private funds: \$134,097.46

CDBG EDA Loan: \$696,202.00 (which includes \$610,000 for acquisition and \$86,202 for construction)

TOTAL: \$830,299.46

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS - For each authority, check either Box "A" or "B" under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

"B box" The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS	Compliance Documentation
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>According to the U.S. Environmental Protection Agency (EPA) Nonattainment Areas Map, Cape May County has been designated a nonattainment area for two NAAQS pollutants (SBL618138_AirQualityMap_SBL_TO1124):</i></p> <ul style="list-style-type: none"> • moderate attainment area for 8-hour ozone (1997 Standard) • marginal attainment area for 8-hour ozone (2008 Standard) <p><i>Cape May County is not currently designated as a maintenance area for any NAAQS pollutant.</i></p> <p><i>There will be temporary, unavoidable increases in particulate matter levels during proposed construction activities. While air quality will be temporarily affected, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</i></p> <p><i>Consultation with NJDEP Division of Air Quality has determined that activities under the CDBG-DR program are below the de minimus thresholds of the Federal General Conformity regulations and are presumed to conform to the State Implementation Plan. The project will meet applicable emission standards and regulations of the State Air Pollution Control Code, and will not have an adverse effect on local or regional air quality (SBL618138_RevisedGeneralConformityApplicability_SBL_TO1124).</i></p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The project site is not located within any Clear Zones or Accident Potential Zones (SBL618138_AirportClearZonesandAccidentPotentialZonesMap_SBL_TO1124) nor is it located within 15,000 feet of a military airport or 2,500 feet of a civilian airport (SBL618138_AirportHazardsMap_SBL_TO1124), so no airport hazard effects are expected.</i></p> <p><i>Atlantic City International Airport is approximately 45 miles; Lakehurst Naval Air Station is approximately 99 miles; and Newark Liberty International Airport is approximately 160 miles from the project site.</i></p>

<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The New Jersey Coastal Area Facility Review Act (CAFRA) of 1973 established the CAFRA zone and boundaries within New Jersey, implementing the requirements of the federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq). Certain activities undertaken within the CAFRA zone are regulated by the NJDEP. The relocated project site is within the CAFRA Zone (SBL618138_CoastalZoneManagementActMapCAFRA_SBL_TO1124). The original damaged commercial restaurant location will not be used for rehabilitation, but be relocated to an existing building from 1945. N.J.A.C. 7:7-2.1(c)3 is no longer applicable as the structure at the new location was not damaged or destroyed in a natural event. However, pursuant to N.J.A.C. 7:7-2.1(c)1, the structure at the proposed location will not require a CAFRA permit given the project includes an existing structure from 1945 that was constructed prior to the Municipal Land Use Law, P.L. 1975, c.291 (N.J.S.A. 40:55D-1 et seq.) or a final municipal building or construction permit on or before July 19, 1994. The proposed project will not enlarge or relocate the footprint of the development; and will not increase impervious coverage on the site. Therefore no additional consultation or approval is required as the project is not regulated/covered under current HUD regulations.</i></p> <p><i>The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands (SBL618138_CoastalZoneManagementActMapCAFRA_SBL_TO1124).</i></p>
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<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p><i>The project site is not included in a State or Federal Hazardous Waste sites database, and no recognized environmental conditions were identified during site reconnaissance. The project site may be within the 3,000-foot radius of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances, however, all sites that were determined by NJDEP to be “non-threatening” to the potential HUD project are not depicted on the NJ HUD Environmental Review Tool 2.1 map. Only sites determined to be “threatening” by the NJDEP are depicted on the map (SBL618138_ToxicHazardousandRadioactiveSubstancesMap_SBL_TO1124). There are no “threatening” sites identified within 3,000 feet of the project site. HUD lead-based paint (LBP) poisoning prevention rules at 24 CFR Part 35 apply as the project involves structures for which construction was completed on or before January 1, 1978. OSHA regulations presume that surfacing materials used in buildings constructed in or prior to 1980 contain potential asbestos-containing materials (ACMs). According to available date from Cape May County GIS database, the structure was built in 1945. Given the age of the structure, LBP and ACMs were considered to be potentially present. A pre-construction building survey for LBP/ACM was completed on April 21, 2015 by PARS Environmental Inc. Floor tile and mastic (approximately 200 square feet) in the basement and some pipe insulation (approximately 10 linear feet) were identified as ACM within the structure; all were noted to be in good condition (SBL618138_ACM_Survey_SBL_TO1124). It is recommended that all identified ACM that may be impacted by the planned rehabilitation/reconstruction be removed and properly disposed of by a licensed asbestos abatement contractor in accordance with applicable federal, state and local regulations. Wherever ACM is proposed to remain in-place (without rehabilitation), it is recommended that an operations and maintenance (O&amp;amp;amp;amp;amp;M) program be developed to define work practices, training requirements and management procedures designed to maintain ACM in good condition. If additional suspect materials are identified in concealed areas during rehabilitation, it is recommended that activities that would disturb these materials cease and the materials be sampled and analyzed to assess the potential presence of asbestos. LBP dust hazards were identified (detected via wipe sampling) on the bakery floor and on the exit floor (SBL618138_LBP_Survey_SBL_TO1124). Due to the presence of these worker hazards, current HUD, US EPA, NJDCA, and OSHA lead-safe work practices and worker/occupant protection practices must be implemented to safely complete all work involving the disturbance of LBP coated surfaces and components. The OSHA Lead Exposure in Construction Industry Standard is applicable to the proposed action (29 CFR 1926.62), as are the protocols in HUD Guidelines for the Evaluation and Control of LBP Hazards in Housing, 2nd Edition, July 2012 – see sections 4.0, 5.0, 6.0 7.0 and 8.0 of the LBP Survey report for summarized details regarding required cleaning, stabilization/replacement, monitoring and other mitigation requirements. The project is located in the City of Wildwood, Cape May County, which is designated as a municipality having a Tier 3 radon potential (low radon potential) (SBL618138_RadonPotential_SBL_TO1124). No testing or mitigation for radon is required. The capped gray pipe seen in photo SBL618138_CESTTO1124_NorthElevation2 is of similar material to that of the flag pole (to the left) and the metal fence (to the right). The pole appears to be part of the metal fence, perhaps as a pole to hold the gate open or as an extra barrier for cars parking near the building and does not appear to be part of an AST or UST.</i></p>
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<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>Consultation with the US Fish and Wildlife Service (USFWS) was completed through a review of the iPaC landscape explorer tool to obtain a preliminary USFWS species list for the project area (SBL618138_USFWS_EndangeredSpeciesReview_SBL_TO1124). The report identified three federally threatened species potentially in the vicinity of the project: piping plover, red knot, and seabeach amaranth.</i></p> <p><i>The report also notes the potential presence of migratory birds and coastal birds, including the state endangered least tern and black skimmer. However, the rehabilitation project would not impact any natural areas or trees potentially used by migratory or coastal birds.</i></p> <p><i>Seabeach amaranth occurs on barrier island beaches just above the high tide line, growing on nearly pure sand substrate. As the project limits involve a developed, urbanized area with no habitat capable of supporting seabeach amaranth, no impacts to this species would occur.</i></p> <p><i>Review of the NJDEP HUD Environmental Review Tool 2.1 (SBL618138_EndangeredSpeciesMap_SBL_TO1124) did not indicate the presence of piping plover, red knot, or northern long-eared bat. The Review Tool did not show any centroid hits for state listed endangered species.</i></p> <p><i>Coordination with the NJDEP, Natural Heritage Program (NHP) through their Natural Heritage Database indicated records of two state endangered vascular plants (Seabeach Sandwort and Sea-beach Evening-primrose) and three state endangered wildlife species (Black Skimmer, Migratory Raptor Concentration Site, and Least Tern) within the immediate vicinity of the project. The NHP response also indicated record of one species of special concern (Common Tern) and another non-endangered animal species (Southeastern Beach Tiger Beetle) within the immediate vicinity of the project site (SBL618138_NaturalHeritageDatabase_Response_SBL_TO1124.pdf).</i></p> <p><i>The project does not involve major rehabilitation as activities are limited to interior and exterior repairs to an existing building that will remain within the same footprint. As previously noted, the project is located within a developed, urbanized area with no habitat capable of supporting federally or state listed plant species.</i></p> <p><i>The project activities will not disturb any vegetation, protected species, or critical habitat. The project will have No Effect on any federal or state-listed species. Based on coordination with federal and state agencies and assessment of effects, compliance with the ESA is complete and no additional consultation is required.</i></p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>Executive Order (EO) 12898 requires Federal agencies to consider and address disproportionately high and adverse human health or environmental effects on minority and low-income populations resulting from their actions. The project area covers several Census blocks, including environmental justice populations.</i></p> <p><i>The project site is in a predominantly coastal urban area consisting of local businesses, residential homes, condominiums, and apartments. Census information corresponding to the project location indicates approximately 20% minority population (SBL618138_EnvironmentalJusticeMap_PercentMinority_SBL_TO1124) and approximately 30% of population living below poverty level (SBL618138_EnvironmentalJusticeMap_PercentPoverty_SBL_TO1124) in the vicinity of the project.</i></p> <p><i>The project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services which may be of importance to environmental justice populations. The project would not generate disproportionately high and adverse environmental impacts on environmental justice populations (SBL618138_EnvironmentalJustice_Checklist_SBL_TO1124).</i></p>

<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The project currently proposes the rehabilitation of an existing commercial restaurant with no proposed change in use. No ASTs containing potentially explosive or flammable substances were identified within a 1-mile radius of the project site. Per April 2015 NJDEP EA CEST Guidance, this project is exempt as it does not include: residential projects involving new construction, rehabilitation where unit density is increased, change of land use to residential, vacant buildings made habitable, or any project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use. The proposed action is in compliance with 24 CFR Part 51 Subpart C.</i></p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The project area is urbanized with no associated agricultural lands. According to the NJDEP HUD Environmental Review Tool, the project area is not located on land classified as containing Prime Farmland Soils (SBL618138_FarmlandProtectionMap_SBL_TO1124). The soils on the property are not designated as agricultural land or prime agricultural soils and the project is located in the Census-designated Villas NJ “urbanized area.” Therefore, the requirements of the federal Farmland Protection Policy Act (FPPA) are not applicable.</i></p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p><i>Pursuant to 24 CFR 55 and EO 11988, the proposed project was evaluated to determine potential effects within a flood hazard area. The project is located in the 100-year floodplain (Zone AE) on the FEMA Preliminary Flood Insurance Rate Map (FIRM) (SBL618138_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SBL_TO1124). (Note: the floodplain map and legend using the NJDEP HUD Environmental Review Tool depicts the floodplain zone as “A”, which is a generalized category that includes FEMA-designated zone “AE” and other non-coastal 100-year floodplain areas). A 5-Step Floodplain Analysis was completed to comply with EO 11988 and HUD 24 CFR 55 (SBL618138_5StepFloodplainAnalysis_SBL_TO1124). The analysis determined there is no practicable alternative to locating the proposed action in the floodplain, due to 1) the local and statewide need of re-establishing local businesses in the wake of Superstorm Sandy; 2) the placement of the existing restaurant structure, whereas new construction or relocation would require additional imperious surface coverage within the floodplain or revitalization in non-impacted areas, and 3) no net-change in floodplain impact in comparison with pre-Sandy conditions. Overall, construction of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of flood waters on the project site or surrounding areas. Implementation of the proposed action would provide necessary improvements with no net-change in floodplain development. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and Executive Order 11988 on Floodplain Management (42 FR 26951). Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project. The applicant is required to obtain all required federal, state, and county/local permits prior to commencement of construction and comply with all permit conditions. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act (NEPA).</i></p>

<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>Required coordination associated with Section 106 of the National Historic Preservation Act has been completed and the proposed action is in compliance with Section 106 requirements.</i></p> <p><i>The project site is not within the Historic Property Exemption Zone (“Green Zone”) according to the NJDEP HUD Environmental Review Tool and is older than 48 years (SBL618138_HistoricPreservationExemptionZone_SBL_TO1124).</i></p> <p><i>Regarding archaeological resources, the project site is located on a barrier island, is not located within an archaeological site grid and does not have any of the exceptions listed in Tier II Programmatic Allowance 1 in Appendix B of the Programmatic Agreement.</i></p> <p><i>Coordination with the New Jersey Historic Preservation Office was conducted to determine potential effects to cultural resources under Section 106 of the National Historic Preservation Act. The NJHPO determined that there are no historic properties affected within the project’s area of potential effects, pursuant to 36 CFR 800.4(d)(1), for the following reasons: 1) property lacks integrity of materials/design; 2) not within/in view of a historic district; 3) lacks distinctive characteristics that make it individually eligible for listing on NRHP (SBL618138_SHPO_Response_SBL_TO1124).</i></p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>24 CFR 51.101 (a)(2) states that activities considered to be “noise sensitive land development” must comply with the noise criteria and standards of 24 CFR 51B. As the proposed action does not involve noise sensitive uses (housing, mobile home parks, nursing homes, hospitals and other non-housing uses where quiet is integral to the project’s function), it is not considered to be a “noise sensitive land development” and the HUD regulations concerning noise abatement and control are not applicable.</i></p> <p><i>The only noise expected from the project will be temporary construction noise that will cease once construction is complete. The project is located in an urban area and the construction will not require any significant noise-creating activities (i.e. blasting, pile driving, etc.). Construction noise is not expected to appreciably add to existing ambient levels.</i></p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The project site lies within the NJ Coastal Plain Aquifer System (SBL618138_SoleSourceAquiferMap_SBL_TO1124).</i></p> <p><i>The City of Wildwood Water Utility and Sewer Utility Departments are the current providers for municipal water and sewer to the restaurant. Proposed improvements will not change existing impervious coverage of the area. Therefore, there will be no net effect to aquifer recharge as a result of project completion. Furthermore, the project has a highly unlikely potential to impact ground water during or after construction and therefore has a highly unlikely potential to create a significant hazard to public health. Therefore, this project meets the 1999 EPA exemption criteria as defined by HUD. EPA consultation/review is not required. (SBL618138_SSAGuidance_SBL_TO1124).</i></p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>No state jurisdictional wetlands are located within or adjacent to the project site (SBL618138_WetlandsProtectionMap_SBL_TO1124). According to the USFWS Wetlands Mapping Application there are no wetlands located in or near the project site (SBL618138_USFWS_Wetlands_SBL_TO1124).</i></p>

14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	<input checked="" type="radio"/> A <input type="radio"/> B	<i>The project is not located within 1/4 mile of a designated Wild and Scenic River (WSR) stream bank and will have no adverse effect on protected WSRs. The closest designated WSR (Great Egg Harbor River) is approximately 15.91 miles from the project site. Additionally, the project site is not located within a one-mile radius of a WSR or its tributaries (SBL618138_WildandScenicRivers Map_SBL_TO1124). Therefore, consultation and review by the National Park Service is not required.</i>
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24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)]

See SBL618138_AirportClearZonesandAccidentPotentialZonesMap_SBL_TO1124 and SBL618138_AirportHazardsMap_SBL_TO1124.

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: [Proceed with Project]

The project area is not located within a regulated System unit or an Otherwise Protected Area boundary of the Coastal Barrier Resources Act. Further consultation with the USFWS is not required. See SBL618138_CoastalBarrierResourcesActMap_SBL_TO1124. [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:

The project area lies within a FEMA-identified floodplain (AE) and will involve construction within a special flood hazard area (SBL618138_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SBL_TO1124).

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

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

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

N/A

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

April 15, 2015 by Richard Grubb and Associates, Inc. under contract to Gannett Fleming, Inc.

Summary Statement of Findings and Conclusions:

The proposed project consists of the acquisition and rehabilitation of an existing restaurant within the City of Wildwood, NJ. The project entails the removal and replacement of two signs; removal of existing siding, corners, and window trim and replacement with stucco and brick; new interior brick and stucco wall in lobby; painting of the ceiling and lobby area; renovations to bathrooms; installation of lighting fixtures; new restaurant equipment; and new table tops, chairs, and small wares. No changes to the footprint of the building would occur.

Completion of this categorical exclusion environmental review and associated consultation confirms that the proposed

project would not have a significant environmental impact and that further assessment is not necessary. HUD funding of the proposed action, with implementation of required mitigation measures and best management construction practices would not have a significant impact on the quality of the human environment.

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

No mitigation or project modifications, beyond the following conditions, are required for approval.

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

General

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

Construction-Stage Best Management Practices

Air Quality – The project must meet the regulatory requirements of New Jersey’s Air Rules/Air Pollution Control Requirements (see SBL618138_RevisedGeneralConformityApplicabilityAnalysis_SBL_TO1124). The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

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

(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
- 9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and “three-minute idling” limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and*

15.8).

10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (&&&<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Hazardous Materials

1. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

2. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

3. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

4. The applicant/contractor must implement ACM removal (if ACM areas are proposed to be disturbed) and an ACM operations and maintenance (O&&&&M) program (for ACM areas not proposed to be disturbed) as noted in the Pre-Rehabilitation Asbestos Survey Report, dated May 1, 2015 prepared by PARS Environmental Inc. (see SBL618138_ACM_Survey_SBL_TO1124)

5. The applicant/contractor must implement lead-based paint special cleaning protocols and lead hazard control options as noted in the Pre-Rehabilitation Lead-Based Paint Risk Assessment Report, dated May 1, 2015 prepared by PARS Environmental, Inc., including the OSHA Lead Exposure in Construction Industry Standard (29 CFR 1926.62) and HUD Guidelines for the Evaluation and Control of LBP Hazards in Housing, 2nd Edition, July 2012 (see SBL618138_LBP_Survey_SBL_TO1124).

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

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

CERTIFICATIONS

Russell Spangler, Gannett-Fleming

2015-05-06 11:01:19

Preparer Agency and Name

Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date