

**Environmental Review for
Activity/Project that is Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Responsible Entity: New Jersey Department of Community Affairs, Richard E. Constable III, Commissioner

Applicant Name: Joseph (First) Firetto (Last)

-or- _____ (Business/Corporate Name)

Project Location: 51/55 Sampson Avenue, Seaside Heights Boro, New Jersey 08751 (Street Address)

Seaside Heights Boro (Municipality) Ocean (County) New Jersey (State)

36 (Block) 60 (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)).

CERTIFICATIONS:

Karyn Harrison, URS
Preparer Name and Agency



Preparer Signature

5/7/2014

Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-13-DS-34-0001	Landlord Rental Rehabilitation Program	up to \$50,000 per unit

Estimated Total HUD Funded Amount:

The estimated total HUD funded amount is \$150,000.

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

The estimated total project cost is \$167,779.22. The work in place for which the applicant may be reimbursed is estimated to be \$148,741.48 and the estimated cost of remaining repairs is \$19,037.74.

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

The purpose of the proposed action is to assist residents and owners of small rental properties in repairing/rebuilding homes or rental properties that were damaged or destroyed by Superstorm Sandy and the subsequent snowstorm. The project is needed to help provide adequate housing for residents of these homes and small rental properties.

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

Project Type: Rehabilitation of two units within a four-unit residential structure and rehabilitation of a single family residential structure on the same property.

Project Description:

The property consists of two residential structures and a parking area for residents. The structures on the property include a two-story, single-family residential structure (1-unit) and a two-story, four-unit residential structure. The proposed rehabilitation project will include rehabilitation of Units 1 and 2 (lower floor) of the two-story, four-unit structure and also rehabilitation of the two-story, single-family structure. The property address is 51/55 Sampson Avenue, Seaside Heights Boro, New Jersey. The single-family residential structure (51 Sampson Ave.) was built in 1936 according to Ocean County tax records. A date of construction was not listed for the four-unit structure. The structures were damaged as a result of Superstorm Sandy. Renovations will include addressing storm-related damage and bringing the property up to current minimum property standards and compliance with applicable ADA, elevation and construction requirements. As indicated in the attached memo (dated 5/ 15/2014), the base grade elevation at the property is 5.03' and the ABFE is 7'. The structure sits above a crawlspace which puts the first main structural member for the main floor approximately 3' above grade (approximately 8.03' above mean sea level) and as such would not require additional elevation to comply. All electrical and mechanical components which are functionally part of the structure (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities) will be designed, located and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding. All activities would be limited to the disturbed area of the previously developed lot.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”

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

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

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

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance. Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP). Conforming to a SIP means that an action will not: Cause or contribute to a new violation of any standard in any area; Increase the frequency or severity of any existing violation of any standard in any area; or Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. EPA’s federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from an action are identified. The identified air emissions in the nonattainment area are compared to the de minimis levels in the regulation to determine compliance. If the emissions from the action are below the de minimis levels, the action complies with the CAA. The General Conformity Rule would apply to this project in Ocean County since the county is in nonattainment for certain National Ambient Air Quality Standards (NAAQS). For more details regarding the methodology used to estimate the air emissions, see Air Quality Methodology document attached. According to the 'Counties Designated "Nonattainment" or "Maintenance" for Clean Air Act's National Ambient Air Quality Standards (NAAQS)', Ocean County is designated as Nonattainment or Maintenance for 3 NAAQS Pollutants. The 3 NAAQS areas of nonattainment or maintenance areas include the 8-Hour Ozone (1997), the 8-Hour Ozone (2008), and Carbon</p>

			<p>Monoxide. However, the proposed action site is not located in the area of Ocean County designated as maintenance for Carbon Monoxide. The estimated air emissions for this action, assumes all of the CDBG-DR funds will be used for construction activities and therefore, are conservative in nature according to the Division of Air Quality Memorandum dated January 23, 2014.</p> <p>Sources: CAA 176(c) & (d); EPA's Federal General Conformity Rule (40 CFR Part 90); New Jersey 8-hour Ozone Nonattainment Areas (1997 Standard) Map; New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard) Map; New Jersey Carbon Monoxide (CO) Maintenance Areas Map; Division of Air Quality Memorandum dated January 23, 2014; Air Quality Methodology document.</p>
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<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration’s National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. Runway protection zones extend up to half a mile from the ends of runways along flight paths, and become wider as distance from the runway increases. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 50 miles and 42 miles (respectively) from the proposed action site. Additionally, these runway protection zones are uninhabited and therefore, not applicable to the proposed project. HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is Joint Base McGuire-Dix-Lakehurst (JBMDL). The nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 13 miles from the proposed action site and therefore, are not applicable to the proposed project. See Airport Clear and Accident Potential Zones Map.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed project action is in compliance. The project site is located in the Coastal Area Facility Review Act (CAFRA) boundary; however, under Permit-by-rule (a)7, the “CAFRA exemption,” states that “reconstruction of any development which was legally existing on and damaged subsequent to July 19, 1994” that does not result in the “enlargement or relocation of the footprint” or “an increase in the number of units” is exempt for a Coastal Zone permit. Therefore, the project action, rehabilitation of structures within the existing footprint of the buildings, is not regulated and is consistent with New Jersey’s Coastal Zone Management Program. See Coastal Zone Management Map.</p>

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><u>Toxics:</u> The proposed project action is in compliance. The subject property may be within 3,000 feet of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances, however, all sites that have been reviewed and determined by NJDEP to be “non-threatening” to the potential HUD project have been removed from the dataset depicted on the map. Only sites determined to be “threatening” by the NJDEP are visible on the map. See Toxic Hazardous and Radioactive Substances Map. Additionally, the subject property is NOT listed on a State or Federal Hazardous Waste sites database. Site reconnaissance of the subject property and immediately adjacent properties revealed no visible RECs in the vicinity of the potential HUD project. See attached Field Assessment.</p> <p><u>Lead Based Paint:</u> The two-story, single-family residential structure (1-unit) was built in 1936 according to Ocean County tax records. The two-story, four-unit residential structure is presumed to be built prior to January 1, 1978. PARS Environmental Inc. assessed the property for Lead Based Paint. Upon inspecting this site, PARS Environmental Inc. noted that Lead Based Paint hazards were not identified on surfaces of both structures. PARS Environmental Inc. recommends that both Interim Controls and Permanent Controls (Abatement) be implemented to reduce human exposure or possible exposure to lead-based paint hazards and permanently eliminate the LBP hazard. 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. See Risk Assessment.</p> <p><u>Asbestos:</u> PARS Environmental Inc. assessed the property for Asbestos Containing Materials (ACMs) and detected asbestos on the exterior of both structures. In accordance with 40 CFR 61.150, Asbestos abatement is required in order to continue with rehabilitation. See Asbestos Survey Report. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the National Emission Standard for Asbestos, standard for</p>
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		<p>demolition and renovation, 40 CFR 61.145; National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations at 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.</p> <p>Radon: The proposed project, rehabilitation of two existing residential structures, is in compliance. According to the New Jersey Department of Environmental Protection Radon Potential, Seaside Heights Boro in Ocean County is located in a Tier 3 Zone, which is classified as Low Potential for Radon. In accordance with N.J.A.C. 5:23-10.1, “standards and procedures to ensure that construction techniques that minimize radon entry and that facilitate any post-construction radon removal that is required shall be incorporated in the construction of all buildings in Use Groups E and R in tier one areas and are permitted to be incorporated elsewhere in New Jersey.” Therefore, in areas of Low Radon potential (Tier 3), compliance with these construction techniques is not required; however, those construction techniques that are feasible may be incorporated to reduce the risk of radon exposure. See Radon Potential Map.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project action is in compliance. For Sandy-related projects, HUD activities generally rebuild or repair existing structures within the disturbed area of the previously developed site. Endangered and Nongame Species Program (ENSP) and Natural Heritage Program (NHP) have determined that proposed HUD activities outside of mapped areas where threatened and endangered species or critical habitat are known to exist will have 'no effect' on federally listed species. The project site does not fall within a Threatened and Endangered Species mapped area (see Endangered Species Map). Additionally, the proposed project activities will involve repairs within the existing footprint and will not disturb any vegetation. Therefore, it has been concluded that the proposed action will have no effect on any Threatened and Endangered species or critical habitat, and no additional review is required.</p>

<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance. The area immediately surrounding the project site consists of 10-20% minority populations, and 10-20% of the population is at or below the poverty level. The population density in the area is between 200-1,000 people /sq. mi. These demographics are consistent with the surrounding community overall. The proposed project activity includes rehabilitation and of single family structure and two units within a four-unit residential structure. In accordance with the requirements of the program, the project would provide safer and more economically viable housing for minority and/or low income families. Additionally, because the program seeks to help minority and low income families in the communities where they currently live and work, the area is currently developed for residential use and would not expose the residents to an adverse environmental impact. Overall, the environmental impacts of the proposed action would be beneficial, and significant adverse effects would not occur. See attached Environmental Justice Checklist; Minority, Population Density, and Poverty Demographic Maps.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance with 24 CFR Part 51 Subpart C. The proposed project activities, rehabilitation of the residential structures, will remain within the existing footprint. Per HUD policy decision issued January 6, 2014, as long as the [residential] density is not increased, 24 CFR 51 (c) does not apply because the number of people exposed to a hazard has not increased. See HUD guidance memo.</p>

<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action site is in compliance. The proposed project site is not in an area of prime or unique farmlands or farmland of statewide importance. Additionally, as defined in 7 CFR 658.2, "Farmland" does not include land already in or committed to urban development or water storage. Therefore, the proposed action, repairs of existing structures on a parcel with pre-existing development, does not meet the definition of "Farmland". Additionally, assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures and sites converted prior to the time an application for assistance from a federal agency, including assistance and actions related to the construction of minor new ancillary structures (such as garages or sheds) do not involve conversion of farmland to nonagricultural uses and are exempt from the requirements of 7 CFR 658.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p>The proposed project action is in compliance. The site is located in a Floodplain Zone A, which is part of the FEMA designated Special Flood Hazard Area as shown on the FEMA Preliminary FIRMS. See Floodplain Map. The Estimated Prestorm Value of the home is \$251,802. The estimated cost of repairs is \$167,779.22, resulting in a 66.6% improvement value. As defined in 24 CFR 55.2(8)(i), the cost of repairing the structure is considered to be substantial improvement. Therefore, the structure is required to meet all applicable elevation and construction requirements.</p> <p>In an e-mail dated May 15, 2014, the contractor indicated that the base grade elevation at the property is 5.03' and the ABFE is 7'. The existing structure sits above a crawlspace which puts the first main structural member for the main floor approximately 3' above grade (approximately 8.03' above mean sea level) and as such would not require additional elevation to comply. Additionally, all electrical and mechanical components which are functionally part of the structure (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities) must be designed, located and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding. The contractor must provide a copy of the elevation certificate to document compliance.</p> <p>Additionally, completion of the 8-step process and a Notice of Intent are required for the proposed project. A 15-day</p>

		<p>“Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain” was published in Reporte Hispano (April 10, 2014) and The Star Ledger (April 11, 2014). The 15-day period expired for each paper, respectively, on April 25 and April 26, 2014. NJDEP received two public comments on this notice. The comments received by NJDEP were related to programmatic policies and were not related to impacts to the floodplain from the proposed activities. Practicable alternatives to locating in the floodplain and potential impacts to the proposed action were evaluated by applying the 8-Step Process. The 8-Step process also identified ways to minimize threats to life and property and to restore and preserve the natural and beneficial floodplain values. However, no practicable alternatives to locating the project in the floodplain were identified. A “Final Notice and Public Explanation” of Policy Determination to include notice of a 7-day comment period will be published in accordance with 24 CFR 55. NJDEP will take all comments into consideration prior to project implementation. The DCA will ensure that all mitigation measures prescribed in the 8-Step Process will be adhered to.</p> <p>The proposed project must also comply with the Flood Hazard Area Control Act. NJDEP establishes standards for floor elevations for buildings constructed and fill placed in the floodplain through its Flood Hazard Area Control Act rules (N.J.A.C. 7:13). The proposed project activity, rehabilitation of a residential structure, will occur within the 100-year floodplain and is a ‘regulated activity’ per N.J.A.C. 7:13-2.4. In accordance with the amended Flood Hazard Area Control Act rule, adopted on January 24, 2013, a formal application must be submitted to the Department. The Department will conduct a project-specific review under the applicable requirements at N.J.A.C. 7:13-9, 10 and 11 and may issue an Individual Permit. The proposed project must comply with all permit requirements as well as all federal, state and local elevation and construction standards.</p> <p>Sources: FEMA Firm Panel 34029C0329F, effective date September 29, 2006; 24 CFR Part 55; Executive Order 11988; 8-Step Decision Making Process for Floodplains.</p>
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<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project complies with NHPA Section 106 requirements. Consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was not required for this project given the allowances contained within the Programmatic Agreement between NJHPO and Federal Emergency Management Agency (FEMA) for Hurricane Sandy and its subsequent expansion to include the state Departments of Environmental Protection (NJDEP) and Community Affairs (NJCA). That document exempts the requirement for a Section 106 review for above-ground historic buildings if it falls within the Historic Preservation Exclusion “Green” Zone that was defined by staff of FEMA and the NJHPO through windshield surveys conducted soon after the storm. That exemption / allowance is stated within Stipulation II.D.1 of the Programmatic Agreement and Appendix B, Stipulation VII.A.2. The joint FEMA / NJHPO survey that designated this location as not having above-ground historic preservation concerns was Union Beach Borough NJHPO project number 13-0248-1 and was conducted on December 17, 2012. The NJHPO chronological log number for it is L2002-072. Its position within this zone is shown in the enclosed map (Historic Preservation Exemption Zone Map). The Programmatic Agreement also states that an archaeological investigation of the project area is not required if it is a rehabilitation project, if no significant new land disturbance will result. That allowance is stated under Appendix B, Tier I Stipulation I. Following discussion between NJHPO, NJDEP and NJCA, that allowance was defined to mean that archaeological investigations are not required if the project activity involves the rehabilitation of a building (including elevation) that was extant at the time Hurricane Sandy struck. The proposed project activity is limited to rehabilitation activities, therefore no archaeological studies were required, nor was consultation with NJHPO or Native American Tribes. The proposed project is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. Furthermore, as the proposed program action is limited to rehabilitating existing buildings, consultation with the Native American Tribe signatories to the Programmatic Agreement was not needed.</p> <p>Sources: Programmatic Agreement for New Jersey Hurricane Sandy Disaster Recovery; S106 Clearance; Map showing</p>
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			location of application property within the Historic Preservation Exclusion Zone.
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is in compliance. Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program, including reconstruction, rehabilitation, elevation and mitigation that meets the requirements for exclusion in 24 CFR 51.101(a)(3). That regulation states that HUD noise policy does not apply to “assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The proposed rehabilitation of the existing residential structures would restore housing substantially as it existed prior to Superstorm Sandy.
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is in compliance with 40 CFR 149. The project site is in Ocean County and is within the New Jersey Coastal Plain Aquifer System area, which underlies the entire southern half of the state. In accordance with the EPA Sole Source Aquifer Review of HUD Projects correspondence dated August 13, 1996, sites “in urbanized areas, single or multi-unit housing developments, community centers and schools that will use existing public water and sewer” do not have the potential to create a ‘significant hazard to public health’ by adversely impacting ground water either during construction or after completion and facilities are in operation, are excluded from Sole Source Aquifer review. Therefore, the proposed project is not anticipated to have a significant effect on sole source aquifers. See Sole Source Aquifer Map, EPA Sole Source Aquifer Review of HUD Projects correspondence dated August 13, 1996, and Sole Source Aquifer Guidance Memo.
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project action, rehabilitation of structures on a previously developed parcel, is in compliance. A desktop review of the NJDEP Wetlands Protection Map, USFWS NWI mapped wetlands, and field data indicates that mapped/potential Wetlands are not located within 150 feet of the project site. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands. See Wetlands Protection Map and National Wetlands Inventory Map.

<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Of the four Wild and Scenic Rivers in New Jersey, only one lies within the nine counties program area, Great Egg Harbor River, which is 43 miles southwest of the proposed action site. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. Additionally, there are currently no rivers within the state under study for possible inclusion into the Wild and Scenic River System. None of the designated segments of Wild and Scenic Rivers are located in Ocean County, therefore, the proposed activity will have no direct or indirect effect on Wild and Scenic Rivers. See Wild and Scenic Rivers Map.</p>
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24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]**1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]**

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

No. Cite or attach Source Documentation: The proposed action is in compliance. The proposed project does not involve the sale or acquisition of property and is not located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone. The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 50 miles and 42 miles (respectively) from the proposed action site. Additionally, these runway protection zones are uninhabited and therefore, not applicable to the proposed project. The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is Joint Base McGuire-Dix-Lakehurst (JBMDL). The nearest applicable clear zones and accidental potential zones at JBMDL are located approximately 13 miles from the proposed action site and therefore, are not applicable to the proposed project.

[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 and twelve "otherwise protected areas" that comprise the Coastal Barrier Resources System in New Jersey are part of the John H. Chafee Coastal Barrier Resources System. 16 U.S. Code § 3503 established the John H. Chafee Coastal Barrier Resources System, to consist of those undeveloped coastal barriers and other areas located on the coasts of the United States. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. Therefore, the proposed rehabilitation of an existing structure on a previously developed parcel is not within any designated coastal barrier units or "otherwise protected areas," and would have no impact on coastal barrier resources. See Coastal Barrier Resources Map. [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 site is located in a Floodplain Zone A, which is part of the FEMA designated Special Flood Hazard Area as shown on the FEMA Preliminary FIRMS. FEMA Firm Panel 34029C0329F, effective date September 29, 2006. Therefore, the proposed action is subject to floodplain regulations.

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

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

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

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

The field inspection was completed 3/16/2014 by Brian Rodriguez. The property location was confirmed by the address on each of the homes. Mr. Rodriguez inspected the parcel and did not observe any Recognized Environmental Conditions (REC) at the subject property. See attached Field Assessment for further details.

Summary Statement of Findings and Conclusions:

The proposed activity complies with environmental requirements for funding. The following mitigation measures are recommended to minimize any potential adverse environmental impacts and to ensure compliance is maintained.

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

Project Specific Conditions:

All structures, 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. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Publication of the Final Floodplain Notice, as required by the 8-Step Decision Making Process for Floodplains must be completed and any comments must be taken into consideration and responded to prior to proceeding with the proposed project activities.

The structure is required to meet all applicable elevation and construction requirements and provide a copy of the elevation certificate to document compliance. Additionally, all electrical and mechanical components which are functionally part of the structure (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities) must be designed, located and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

The NJDEP establishes standards for floor elevations for buildings constructed and fill placed in the floodplain through its Flood Hazard Area Control Act rules (N.J.A.C. 7:13). The proposed project activity, rehabilitation of a residential structure, will occur within the 100-year floodplain and, and is a 'regulated activity' per N.J.A.C. 7:13-2.4. In accordance with the amended Flood Hazard Area Control Act rule, adopted on January 24, 2013, a formal application must be submitted to the Department. The Department will conduct a project-specific review under the applicable requirements at N.J.A.C. 7:13-9, 10 and 11 and may issue an Individual Permit. The proposed project must comply with all permit requirements as well as all and federal, state and local elevation and construction standards.

The proposed project is required to 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. Additionally, the project 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).

The Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation establishes a national work practice standard that is designed to limit emissions of asbestos from a variety of activities, including demolition and renovation operations. According to 40 CFR Part 61, Subpart M, the facility was inspected and Asbestos Containing Materials were identified. Before any work can begin, Asbestos Abatement must take place in the common hallway, where the ACMs were identified. 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.

All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans, as signed onto by the New Jersey Department of Community Affairs (DCA).