



U.S. Department of Housing and Urban Development

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

Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: Tropical Storm Ida Community Development Block Grant – Disaster Recovery (CDBG-DR) Long-Term Recovery and Mitigation Support Grants Homeowner Assistance and Recovery Program

Responsible Entity: New Jersey Department of Community Affairs (DCA)

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: New Jersey

Preparer: ICF

Certifying Officer Name and Title: Samuel Viavattine, Deputy Commissioner

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): ICF

Point of Contact: Tanner Melendez and Steven Sherman, ICF

Direct Comments to:

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Division of Disaster Recovery and Mitigation
New Jersey Department of Community Affairs
101 South Broad Street
PO Box 823
Trenton, NJ 08625-0823

Project Location: 106 Harmon Street, Lincoln Park, NJ 07035

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

This is the site-specific review for activities eligible under the Homeowner Assistance Recovery Program (HARP). The proposed activity is reconstruction of the single-family residential structure at 106 Harmon Street, Lincoln Park, NJ 07035 (HARP015126). The structure was damaged as a result of Tropical Storm Ida. The structure was constructed circa 1935. Proposed

work would include demolition, sitework, and design and construction of a 2-bedroom / 1,020 square-foot home consistent with program standards. All activities would be limited to the disturbed area of the previously developed lot. The location of the proposed activity can be seen in the Project Location Map in Appendix A.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a)(3)(i), and subject to laws and authorities at §58.5 _____

Funding Information

Grant Number	HUD Program	Funding Amount
B-21-DF-34-0001	CDBG-DR, Homeowner Assistance and Recovery Program (HARP)	\$285,788.00

Estimated Total HUD Funded Amount: \$285,788.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$285,788.00

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No ☐ ☒	The project is in compliance. The project activity site is not located within 2,500 feet of a civil commercial service airport or

		within 15,000 feet of a military airport. See the Airport Hazards Map in Appendix B.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No ☐ ☒	The designated Coastal Barrier Resources System units in New Jersey are uninhabited and are not located along any of the 12 county HUD or Grantee MID areas (including Morris County). See the Coastal Barrier Resources Map in Appendix C. 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.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No ☒ ☐	There is a regulatory floodway mapped within the proposed action’s property boundary, and the application property is within Zone AE of the Special Flood Hazard Area (SFHA). See FIRM (panel 34031C0191G, effective 4/17/2020) in Appendix D. Flood insurance is required. The project is located within an NFIP participating community. The applicant will be required to provide DCA a copy of the flood insurance policy or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance. In addition, as a condition of HUD assistance as stated in 24 CFR 55.8(a)(1)(ii); a permanent covenant shall be applied to the property to restrict buildings or improvements that may modify or occupy the floodway. This requirement will be recorded as a permanent restrictive covenant on the property to ensure that future owners understand the flood insurance requirements. Site-specific conditions are included below.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No ☐ ☒	The project is in compliance. Emissions associated with project activities are estimated to be well below <i>de minimis</i> thresholds under the General Conformity Rule. Section 176(c) of the Clean Air Act (CAA) requires that any federally funded

		activity in a nonattainment or maintenance area conforms to the State Implementation Plan (SIP). Conformance with the SIP requires the project activity 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. <u>Ozone</u> The State of New Jersey is in nonattainment for the 2015 8-Hour Ozone federal standard of 0.070 parts per million (ppm) and 2008 8-Hour Ozone. New Jersey's nonattainment areas are associated with two larger multi-state nonattainment areas: New York-Northern New Jersey-Long Island and Philadelphia-Wilmington-Atlantic City. Both of New Jersey's nonattainment areas have been classified as either "marginal" or "moderate" ozone nonattainment areas. Morris County is classified as an area of non-attainment for 8-Hour Ozone (2008 and 2015). Morris County is classified as "Severe 15" for the 8-Hour 2008 standard and "moderate" for the 8-Hour 2015 standard. The 8-Hour Ozone (1997) standard was revoked on April 6, 2015, and the 1-Hour Ozone (1979) standard was revoked on June 15, 2005. See Figure E-1 and Figure E-2 in Appendix E. <u>Emissions from proposed project</u> Direct emissions from project activities are associated with mobile sources used during reconstruction, rehabilitation, elevation, and mitigation activities, which include plate compactors, loaders, backhoes, cranes, tractors, and excavators. No or minimal
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		indirect emissions associated with project activities are anticipated. Project activities would not delay attainment of NAAQS or contribute to a new or existing violation. Demolition and construction activities may contribute to temporary, short-term emissions of dust proximate to the project site but are not expected to affect air quality. Implementation of Best Management Practices (BMPs) during construction activities would contribute to dust suppression. See Figure E-3 and Figure E-4 in Appendix E for consultation with NJDEP for NAAQS and SIP compliance. <u>Conclusion:</u> Project activities are not expected to have a significant impact on ozone, and the proposed action is not expected to exceed <i>de minimis</i> thresholds established under 40 CFR 93.153. Therefore, the proposed action is exempt from General Conformity requirements and is in compliance with the CAA.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No ☐ ☒	The project is in compliance. The application site is not located within a designated Coastal Zone Management Area, the Upland Waterfront Development area, the New Jersey Hackensack Meadowlands District or the Tidelands Claims mapped area. See Coastal Zone Map in Appendix F.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No ☒ ☐	The project is in compliance. There were no federally listed toxics sites of concern within the review radius. There are no Superfund or Brownfield sites within 3,000 feet. No Toxic Releases, Water Discharges, Air Pollution, Hazardous Waste and Toxic Substances Control Act site were found within 250 ft of the property. There were no NJDEP state toxics sites identified within 250 ft. of the project site. The CDC National Environmental Public Health Tracking Network database was used to find radon testing results in Morris County within the last 10 years. Seven (7) years of state-tested

		annual mean radon concentration data were available in Morris County between 2016 and 2026. The average radon concentration for this data is 2.54 pCi/L. Based on CDC data, radon concentrations in Morris County do not exceed 4.0 pCi/L and therefore, testing or mitigation is not required. See Federal and State Toxics Maps and Morris County radon testing results in Appendix G. Based on review of regulatory databases and other information sources, the applicant site DOES NOT appear to be located proximate to a site(s) of environmental concern or have any identified environmental concerns that could impact the site (see Site Inspection in Appendix N). Based on a build date of circa 1935, LBP and Asbestos measures are required prior to project activities. Mitigation measures for LBP and asbestos are described below.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No ☒ ☐	This project is in compliance. USFWS provided response on 9/16/2026 concurring with the determination that the proposed project has not likely to adversely federally listed or proposed listed species. See attached consultation request/concurrence. Mitigation measures and conditions are included below in the Conditions for Approval and Site-Specific Environmental Conditions Summary sections below. See Endangered Species Map and Species List in Appendix H.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No ☐ ☒	The project is in compliance. HUD regulations require that there will be no increase in the number of housing units on the property than existed before Tropical Storm Ida. Project activities do not include construction that will increase residential density. No additional housing units will be added to the property.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections	Yes No ☐ ☒	The project is in compliance. Activities are contained within the applicant's pre-storm property. A change in land use will not

1504(b) and 1541; 7 CFR Part 658		occur. No required mitigation measures apply. Project activities on previously disturbed ground are compliant with the Farmlands Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No ☒ ☐	The 0.2 percent annual chance flood approach was used to evaluate the project's location within the Floodplain of Concern. The application property is within Zone AE of the 100-year floodplain, and a portion of the applicant property is located within the FEMA regulatory floodway. See FIRM (panel 34031C0191G, effective 4/17/2020) in Appendix D. Additionally, the FIRM indicates that the applicant structure is located within the 100-year floodplain. Therefore, it was necessary to perform the 8-Step Floodplain Decision-Making Process. The first six steps of the 8-step floodplain decision making process in 24 CFR 55.20 were completed for the proposed project (See 8-Step Floodplain Analysis in Appendix D). The Early Floodplain/Wetland Notice was posted in English and Spanish on the DCA website on 7/17/2026 (See Early Floodplain Notices and Postings in Appendix D). As a part of the notice, DCA held a public comment period through 8/2/2026 for the public to "...express concern and provide information about these areas." No comments were received on the Early Floodplain Notice published on 7/17/2026 as part of Step 2 of the process (See No Comment Confirmation in Appendix D). It was concluded that there is no practicable alternative to implementing the proposed project in the Floodplain of Concern in Morris County. Step 7 is the publication of a Final Floodplain Notice, which will be combined with the Notice of Finding of No Significant Impact and the Notice of Intent to Request Release of Funds. The Final Notice will be published in accordance with 24 CFR Part 55 for a 15-day public comment period. All comments received during the comment period will be

		addressed prior to funds being committed to the proposed project. In addition, as a condition of HUD assistance as stated in 24 CFR 55.8(a)(1)(ii); a permanent covenant shall be applied to the property to restrict buildings or improvements that may modify or occupy the floodway. The total estimated project cost is \$285,788.00. Based on an interior area of 1,466 square feet, the Market Structure Value is \$322,666.60. Therefore, the cost of the proposed project is approximately 89% of the pre-storm value of the structure. Based on the proposed action of reconstruction and the project cost, the project meets FEMA's definition of substantial improvement and elevation of the structure is required. Elevation activities in the 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). Elevation requirements would be determined using the Floodplain of Concern elevation.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No ☐ ☒	The project in compliance. The building was built circa 1935. The project does require State Historic Preservation Office (SHPO) consultation. A Programmatic Agreement developed in accordance with National Historic Preservation Act Regulations at 36 CFR § 800.14(b) between the DCA and NJ Historic Preservation Office (HPO), the Advisory Council on Historic Preservation (ACHP), the Delaware Nation, Delaware Tribe of Indians, the Stockbridge-Munsee Community, the Absentee Shawnee Tribe of Indians of Oklahoma, and Shawnee Tribe provides the mechanism for evaluating site-specific effects on historic properties related to CDBG-DR funding activities for Tropical Storm Ida recovery. The Programmatic Agreement sets forth the procedures for: Evaluating whether the funded activity has the potential to affect a historic property, regardless if any

		are known to exist at the project site; • If activities may have an effect, provides the process for determining whether the property is listed on or eligible for the National Register of Historic Places (NRHP); • If there is a historic property or district, assessing effects on the characteristics that qualify it for the NRHP. The proposed scope of work entails the reconstruction of the house, which includes filling in the basement and elevating all mechanics to above ground level. No Above Ground Historic Properties are within the APE, and no Above Ground Historic Properties would be affected by the proposed scope of work. No Archeological Historic Properties would be affected by the proposed scope of work. SHPO concurred no historic properties would be affected by the proposed project on September 9, 2026. The comment period ended on September 12, 2026. Section 106 Consultation is concluded. See Historic Preservation Map in Appendix I.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No ☐ ☒	The project is in compliance. The activities are contained within the applicant's pre-storm property. HUD has determined that 24 CFR Part 51 Subpart B is not applicable to disaster recovery programs provided that the disaster assistance is provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. Therefore, project activities that do not increase residential density and involve rehabilitation or reconstruction on the same parcel of land do not require additional review. See Noise Email in Appendix J.

Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No ☐ ☒	The project is in compliance. The project is located on a sole source aquifer, and the project activity consists of demolition and reconstruction of an existing structure. A Memorandum of Understanding (MOU) between HUD Region II and EPA Region II was established to assist the agencies in meeting the Sole Source Aquifer project review requirements. According to the MOU, EPA and HUD mutually agree that construction of individual residential structures containing 1-4 units would not create a significant hazard to public health and are therefore excluded from further review. See Sole Source Aquifer Map and Region II MOU in Appendix K.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No ☒ ☐	The project is in compliance. There is an NWI-mapped Riverine wetland and Freshwater Forested/Shrub wetland intersecting the subject property approximately 50 ft from the project structure (see Wetlands Map in Appendix L). Project activities would involve reconstruction of a single-family home on a previously disturbed parcel. Because of the project activity's location within 150 ft of a mapped wetland, the 8-step decision-making process was required. The first six steps of the 8-step floodplain decision making process in 24 CFR 55.20 were completed for the proposed project (See 8-Step Floodplain Analysis in Appendix D). The Early Floodplain/Wetland Notice was posted in English and Spanish on the DCA website on 7/17/2026 (See Early Floodplain Notices and Postings in Appendix D). As a part of the notice, DCA held a public comment period through 8/2/2026 for the public to "...express concern and provide information about these areas." No comments were received on the Early Floodplain Notice published on 7/17/2026 as part of Step 2 of the process (See No Comment Confirmation in Appendix D). It was concluded that there is no practicable alternative to implementing the proposed project in the floodplain and

		wetland in Morris County. Step 7 is the publication of a final floodplain notice, which will be combined with the Notice of Finding of No Significant Impact and the Notice of Intent to Request Release of Funds. The final public notice will be published in accordance with 24 CFR Part 55 for a 15-day public comment period. All comments received during the comment period will be addressed prior to funds being committed to the proposed project. Adverse wetlands impacts are not considered likely. BMPs for erosion and sedimentation control would be implemented as part of HARP. Such BMPs would include: • Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance. • Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed. • Existing drain inlets are to be protected from debris, soil, and sedimentation. • No heavy equipment is to be operated within wetlands. Using best management practices, no adverse impact to the wetland is expected. Site-specific conditions are included below.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No ☐ ☒	The project is in compliance. As seen in the Wild and Scenic Rivers Map in Appendix M, the closest wild and scenic river is Musconetcong between Warren and Morris County. There are no Wild and Scenic Rivers in the vicinity of the proposed project area. Furthermore, the proposed actions are limited to the reconstruction of a home within the existing developed parcel and therefore, the project will not have any impact on Wild and Scenic Rivers, Study Rivers, or rivers listed in the Nationwide Rivers Inventory.

Field Inspection (Date and completed by):

DCA Inspection Date: 2/27/2024

Inspection Report Preparer: ICF

Inspection Report Prepared Date: 7/29/2026

Summary of Findings and Conclusions:

Environmental analysis has been completed and determined that mitigation measures would be required to avoid adverse impacts to flood insurance, contamination and toxic substances, endangered species, floodplain management, and wetlands protection.

Based on the findings of this CEST, the project is not anticipated to have adverse impacts with implementation of the mitigation measures listed below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Flood Insurance	Structure and insurable properties in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)]. 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)].
Contamination and Toxic Substances	The 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). The structure was built prior to 1982, therefore Asbestos testing is required. All activities must comply with

	applicable federal, state, and county 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. The structure was built prior to 1978. Therefore, LBP testing is required. 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 35(b)(h)(j).
Endangered Species	The action agency will provide the project proponent/contractor with educational materials describing bat use of buildings. If any evidence of bat occupancy (e.g., live or dead bats, guano, staining at entry points) is observed before or during the project, the project proponent/contractor must immediately pause work on the structure and contact the action agency and the USFWS New Jersey Field Office for further guidance. If a federally listed bat species is determined to be present, the action agency must reinitiate consultation with the USFWS before continuing project activities that may cause disturbance to the bats. As requested by USFWS: “Implementing the above-described requirement for Indiana bats and NLEBs—to pause construction and notify the Service if any evidence of bat occupancy is found—would also allow for the identification and conservation of tricolored bats. If the proposed project is not completed prior to the effective date of a final rule to list the tricolored bat (anticipated in 2026), the project proponent should reinitiate coordination with the Service to determine if

	additional conservation measures may be appropriate to avoid adverse effects to the species.”
Floodplain Management	Consistent with 24 CFR 55.8, a permanent covenant or comparable restriction will preserve all onsite Floodplain of Concern and/or wetland areas from future development or expansion of existing uses in the floodplain. Any rehabilitation that does not expand the footprint of the buildings or the number of units on the site would be allowed within the Floodplain of Concern outside of the floodway. Elevation activities in the 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). Elevation requirements would be determined using the Floodplain of Concern elevation.
Wetlands Protection	The action agency will implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters and to prevent erosion in onsite and off-site wetlands and waters. The action agency will minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns. Staging activities should occur in the front yard to further minimize any potential wetland disturbance.

Conditions for Approval

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

1. Acquire all required federal, state, and local permits prior to construction and comply with all permit conditions.
2. Must meet Green Building Standards as defined by one or more of the following categories: ENERGY STAR; EPA Indoor AirPlus; Leadership and Energy in Environmental Design (LEED); and/or ICC-700 National Green Building Standards.
3. If the scope of work of a proposed activity changes, the application for funding must be revised and resubmitted for reevaluation under NEPA.

Historic Preservation

4. 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, the New Jersey State Historic Preservation Officer, 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.

5. If project activities uncover archaeological deposits, including any Native American pottery, stone tools, bones, or human remains, the project shall be halted, and the applicant shall immediately stop work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform DCA and DCA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).

Floodplain Management and Flood Insurance

6. Structures and insurable properties in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)].
7. 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)].
8. All structures funded by the HARP Program, 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.

Endangered Species

9. Indiana Bat and Northern Long-eared Bat

- a. The project proponent will provide the contractor with educational materials describing bat use of buildings.
- b. During the project, if any evidence of bat occupancy (e.g., live or dead bats, guano, staining at entry points) is observed or suspected, the contractor must immediately pause work on the structure and contact the project proponent. In turn, the project proponent must contact the Service for further guidance.
- c. If a federally listed bat species is determined to be present, the federal action agency (or project proponent, if designated as a non-federal representative) must reinstitute consultation with the Service before continuing project activities that may disturb the bats.

10. Tricolored Bat

- a. If the proposed project is not completed prior to the effective date of a final rule to list the tricolored bat (anticipated in 2026), the project proponent should reinstitute coordination with the Service to determine if additional conservation measures may be appropriate to avoid adverse effects to the species.

11. Bog Turtle

- a. The NJ State Soil Conservation Committee's standards for soil erosion and sediment control will be utilized in BMPs for the property to minimize potential indirect effects to bog turtles and their habitat.

12. Monarch Butterfly

- a. The monarch butterfly (*Danaus plexippus*, proposed threatened) may occur within the action area. This project is not likely to jeopardize the continued existence of this species; therefore, ESA Section 7(a)(4) conference is not required. Once a final rule to list the monarch butterfly is published and goes into effect (typically 30–60 days after publication), Section 7(a)(2) requirements for consultation and Section 9 prohibitions against unpermitted 'take' of the species will apply. If the proposed project is not completed prior to the effective date of a final rule to list the monarch butterfly, the action agency should assess the project's potential impacts to monarch butterflies and

reinitiate consultation with the Service if remaining project activities ‘may affect’ the species. For assistance, contact the New Jersey Field Office. Information on the monarch butterfly is available at <https://www.fws.gov/species/monarch-danaus-plexippus>.

- b. The Service encourages adherence to best management practices for avoiding impacts to the monarch from project activities and improving habitat where possible; <https://www.fws.gov/media/narratives-and-best-practices-federally-listed-proposed-and-candidate-species-new-jersey>

13. Bald Eagles:

- a. If any of the aforementioned activities (rehabilitation, demolition, or rebuilding) are planned to take place within 660 feet of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (January through July or through fledging), it is recommended that the applicant or their designated agent coordinate with the New Jersey state agency responsible for wildlife management. For more information, please visit the Service's regional web page: <https://www.fws.gov/program/eagle-management/eagle-incident-disturbance-and-nest-take-permits>.

14. Migratory Birds:

- a. The MBTA prohibits incidental injury and killing of birds (including nests, eggs, and chicks), including in your project's action area. Stressors to consider include vegetation removal or alteration (including spread of invasive species); ground disturbance; structures (e.g., window glass, tall features, overhead powerlines, entrapment hazards); lighting; noise; chemical hazards; features or activities that may promote feral cat or predator populations; and human presence. Migratory birds are protected year-round but are particularly vulnerable during their breeding season (March 15 September 15 for many species), during which we recommend conducting field surveys no more than five days before project activities to locate any nests, eggs, and flightless birds. If breeding birds are present in your action area, the Service recommends postponing activity and/or implementing conservation measures that minimize disturbance and avoid violating the MBTA. Please refer to the Migratory Birds section of your IPaC Report for additional information on birds of conservation concern that may occur in the action area, including their breeding season dates and web links to help identify stressors and inform conservation measures. For projects that cannot avoid impacts to migratory birds, proponents should contact the Service's Migratory Birds Project for information on permitting (<https://www.fws.gov/program/migratory-bird-permit>).
- b. If any native birds are nesting in the structures, it is important to avoid disturbing adults, nests, eggs, or chicks to prevent potential violations of the Migratory Bird Treaty Act. If nests are found or birds are regularly using the structures for roosting, it is recommended that the applicant or their designated agent coordinate with the Service's Field Office. Additionally, they should visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-disturbance-migratory-birds> for guidance on how to avoid and minimize impacts.

Wetlands Protection and Water Quality

- 15. Implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters and to prevent erosion in onsite and off-site wetlands and waters.
- 16. Minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns.

Noise

- 17. Outfit all heavy equipment with operating mufflers.
- 18. If applicable, comply with local noise ordinance.

19. If application site is in a high noise area, then use appropriate Green Building Standard methods (see Condition 2) to attenuate.

Air Quality

20. Use water or chemical dust suppressant to control excessive dust in exposed areas.
21. Cover the load compartments of trucks hauling dust-generating materials.
22. Dust emissions either windblown or generated from construction activities should be controlled to prevent offsite impacts or material tracked onto the roadways. N.J.A.C. 7:27-5.2.
23. Air pollution including odors that are detectable offsite that are injurious to human health or would result in citizen complaints are prohibited. N.J.A.C. 7:27-5.2.
24. Wash heavy trucks and construction vehicles before site departure.
25. Reduce vehicle speed on non-paved areas and keep paved areas clean.
26. Retrofit older equipment with pollution controls.
27. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
28. 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. 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. Stationary storage tanks 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. Tanks, reservoirs, containers, or bins 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. Stationary reciprocating engines 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).
 - e. The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-21 for stationary permitting requirements. This includes but is not limited to, construction equipment-stationary construction equipment or emergency generators, may require air pollution permits if it is located on the site for longer than one-year N.J.A.C. 7:27-8.2(d)15. There are general permits for boilers and emergency generators (<https://www.state.nj.us/dep/aqpp/gp.html>) if the units can meet the prescribed requirement in the general permits.

(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.)

29. Any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in N.J.A.C. 7:27-14 and 15. Minimize idling and ensure that all on-road vehicles and non-road construction equipment at 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, 89, 94, 1039, 1051, 1065, 1068).
30. If possible, operate newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines or an exhaust retrofit device.

Hazardous Materials

31. All activities must comply with applicable federal, state, and county laws and regulations regarding asbestos, including but not limited to the following:
 - a. National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
 - b. National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
 - c. NJAC 7:26-2.12-Generator requirements for disposal of asbestos containing waste materials.

- d. New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34-5A-32 et seq.
- 32. 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).
- 33. 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 35(b)(h)(j).
- 34. All residential structures must be free of mold attributable to Tropical Storm Ida.
- 35. Radon testing and/or mitigation, as described below, is required for structures not in one of the following categories:
 - a. Structures in municipalities NJDEP classifies as having low radon potential.
 - b. Structures with unenclosed air space between the entire lowest floor and the ground
 - c. Structures that have been evaluated by a radon professional and found to require neither testing nor mitigation to ensure that radon is below the standards of 4 picocuries per liter of air and 0.02 working levels, based on a physical inspection of the property, the characteristics of the buildings, and other valid criteria. The radon professional must meet the qualifications in the HUD Office of Multifamily Development Radon Policy, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=13-07ml.pdf>, and must be a certified radon mitigation specialist under NJAC 7:28-27.

Reconstructed homes that are not in one of these three exempt categories must incorporate the radon-resistant construction techniques listed in NJAC 5:23-10.4. Homes to be rehabilitated that are not in one of the exempt categories must be tested for radon in accordance with accepted standards and the certification requirements in NJAC 7:28-27. All testing must be documented. If the radon level is below the standards of 4 picocuries per liter of air and 0.02 working levels, no further action is required. If the radon level is at or above either of the standards, radon mitigation measures must be implemented, and the home must be retested until radon levels below the standards have been achieved.

- 36. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.
- 37. Employ spill mitigation measures immediately upon a spill of hazardous material.

Sole Source Aquifers

- 38. Comply with all laws, regulations, and industry standards.
- 39. Storage tanks below the base flood elevation must be watertight and must be anchored to resist flotation and lateral movement during a storm surge or other flood.
- 40. The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low and may be less than 30% for parcels on which the current impervious area is unusually high.

Determination:

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **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 because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. 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 now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Tanner Melendez Date: 9/23/2026

Name/Title/Organization: Tanner Melendez / Senior Environmental Planner / ICF

Responsible Entity Agency Official Signature:

Samuel R. Viavattine Date: 09/23/2026

Name/Title: Samuel R. Viavattine, Deputy Commissioner, NJDCA

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).