Tier 1 Environmental Assessment

New Jersey Department of Community Affairs

Tropical Storm Ida Community Development Block Grant – Disaster Recovery:

Long-Term Recovery and Mitigation Support Grants

Homeowner Assistance and Recovery Program

Small Rental Repair Program

Smart Move Program

Hudson County, New Jersey

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Tiered Environmental Broad Review Environmental Assessment Storm Damaged Home Restoration Unspecified Sites

Introduction

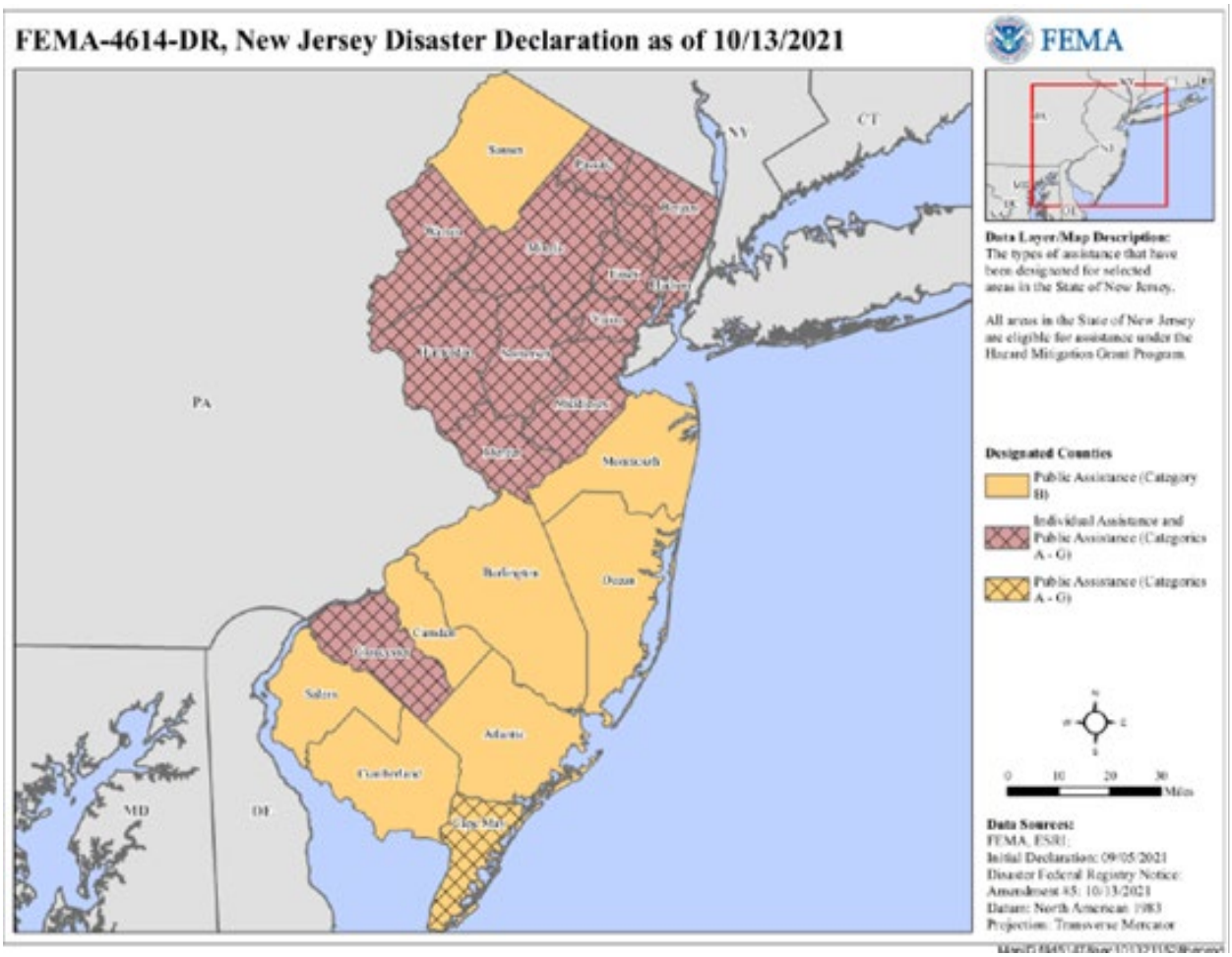
Hurricane Ida made landfall on the Louisiana coast on August 29, 2021. After producing devastating damage in parts of Louisiana, the storm weakened as it moved inland over the following 2 days. By the night of August 31, the then Tropical Depression Ida moved into the southwest portion of the Appalachians. As it continued northeast through the Appalachians, Ida began to interact with a frontal system and became a post-tropical cyclone early on September 1. However, the baroclinic influence caused by its interaction with the front caused the post-tropical cyclone to re-strengthen and it became a strongly forced frontal low as it continued further northeast. From early morning through late evening of September 1, the center of the storm tracked over West Virginia, to approximately along the Interstate 95 corridor from northeast Maryland to northeast New Jersey. Hurricane Ida passed through New Jersey from September 1 through September 3, 2021, bringing lashing winds and torrential rains.

Along its path, the remnants of Hurricane Ida produced severe impacts over a large swath of the eastern mid-Atlantic, becoming one of the area's worst natural disasters ever observed. Hours of torrential rainfall near and just west of the center's track, fed by the remnants of tropical moisture, led to catastrophic flash flooding over portions of central and northern New Jersey. Numerous rivers experienced major flooding with some having their highest crests on record. In addition, as the system's warm front lifted through the region, an unusually favorable environment for severe weather developed across much of New Jersey. Several tornadoes occurred during the afternoon and evening of September 1, including particularly strong and damaging tornadoes over Gloucester County, New Jersey. The remnants of Ida departed the region by the night of September 1; however, flood waters would take several days to recede in some cases and, for some areas, recovery from the catastrophic flooding and tornadoes will take years.

The remnants of Hurricane Ida damaged the aqueduct that provides water to Hoboken and Jersey City. A boil water advisory that went into effect 24 hours afterward remained in place for 4 days. The storm caused powerful flash flooding, some of the worst in the State's history. The massive floods brought with them the destruction of homes and small businesses and damage to the already deteriorating sewage and stormwater networks.

A disaster was Presidentially declared on September 5, 2021. All of New Jersey's 21 counties were included in the disaster declaration under DR-4614. These counties were eligible for different Federal Emergency Management Agency (FEMA) programs based on the impacts of the disaster, as shown in Figure 1.

Figure 1: FEMA DR-4614, New Jersey's Presidentially Declared Disasters by County



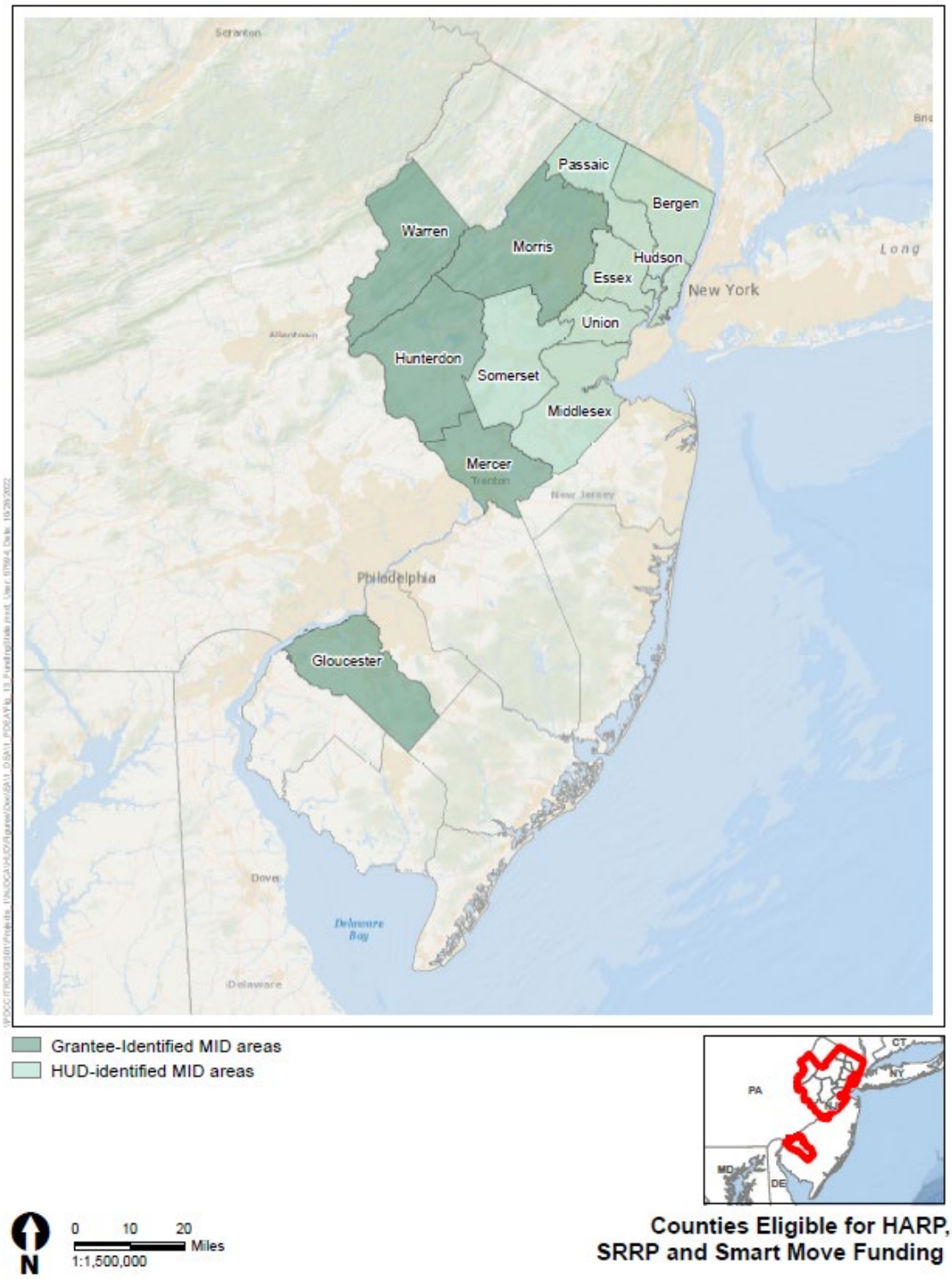
This document presents the Environmental Broad Review for the Tropical Storm Ida Recovery funds dispensed by the New Jersey Department of Community Affairs (DCA) for the Homeowner Assistance and Recovery Programs (HARP), Small Rental Repair Program (SRRP), and Smart Move Program in Hudson County, New Jersey. In response to the 2021 Tropical Storm Ida, the U.S. Department of Housing and Urban Development (HUD) allocated $228,346,000[1] in Community Development Block Grant Disaster Recovery (CDBG-DR) funds through the Disaster Relief Supplemental Appropriations Act of 2022 for major disasters occurring in 2020 and 2021 (Public Law 117-43), approved on September 30, 2021 (Appropriations Act), to the State of New Jersey for distribution in the 12 affected counties (Figure 2). The funds are necessary expenses for activities authorized under Title I of the Housing and Community Development Act of 1074 (42 United States Code 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the "most impacted and distressed" (MID) area resulting from a qualifying major disaster in 2020 or 2021. CDBG-DR funding is designed to address the needs that remain after all other assistance has been exhausted.

HUD requires funds to be used for costs related to unmet needs in the "most impacted and distressed" (MID) areas resulting from qualifying disasters. New Jersey is required to spend at least 80% of all Ida

[1] Allocation Notice FR-6326-N-01.

CDBG-DR funds, or $182,676,800, to benefit the HUD-identified MID areas. Hudson County was one of the seven HUD-identified MID areas.

Figure 2: Counties Eligible for HARP, SRRP and Smart Move Funding



DCA, as the Responsible Entity (RE) for administering CDBG-DR funds for recovery from Tropical Storm Ida, is required to complete environmental reviews for actions covered within 24 CFR 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities". The environmental reviews for the proposed actions will be completed in compliance with the National Environmental Policy Act 42 U.S.C. § 4321 which "requires that each federal agency to determine the environmental impacts of its actions."[2] HUD provides guidance on the impact categories which require environmental review compliance with Federal related laws and authorities listed at 24 CFR 50.4, 58.5, and 58.6.

Project Location

The geographic scope described herein is the area of Hudson County in northeast New Jersey (Figure 3). According to United States Census Bureau data, Hudson County's population as of 2020 was estimated to be 670,046 (U.S. Census 2020). Based on the 2022 National Land Cover Database (NLCD) dataset, the county's total area is approximately 30,014 acres. Land cover types classified by the NLCD are shown in Table 1 and Figure 4. The county has a total area of approximately 46.90 square miles.

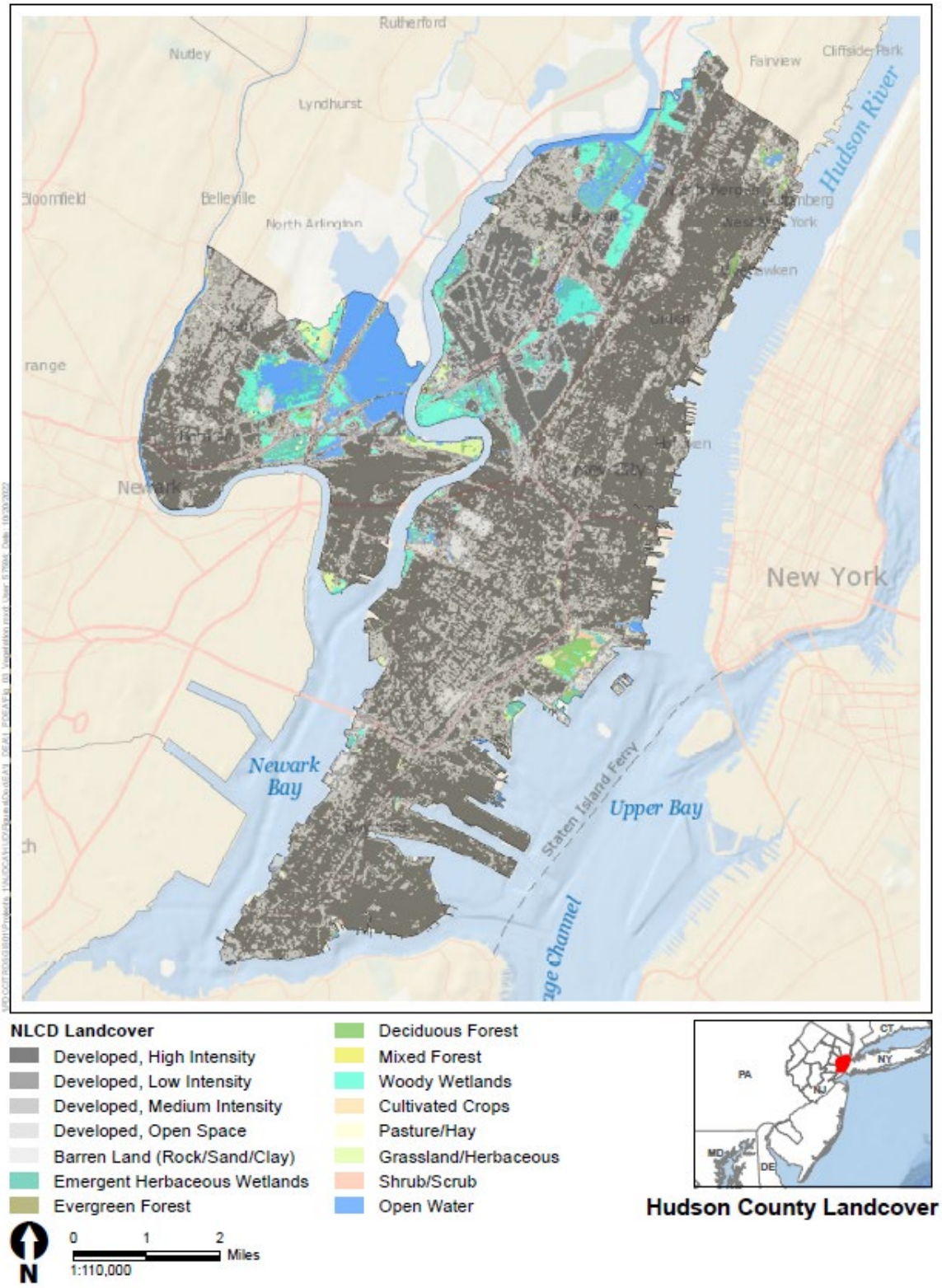
Table 1: Hudson County Land Cover Designations

Land Cover Type	Acres	Land Cover Type	Acres
Barren Land	67.4	Evergreen Forest	8
Cultivated Crops	13.8	Grassland/Herbaceous	279.6
Deciduous Forest	214.7	Mixed Forest	7.8
Developed, High Intensity	15,703.5	Open Water	1,501.6
Developed, Low Intensity	1,920.6	Pasture/Hay	15.6
Developed, Medium Intensity	7,598.4	Shrub/Scrub	73.0
Developed, Open Space	888	Woody Wetlands	986.5
Emergent Herbaceous Wetlands	735.4	**Total**	**30,013.9**

[2] HUD Exchange: Environmental Assessment. Available at: https://www.hudexchange.info/programs/environmental-review/environmental-assessment/. Accessed: November 2022.

Figure 3: Hudson County

Figure 4: Hudson County Landcover



Program Description

The three programs for which HUD is providing funding covered under this Tier 1 EA for Hudson County includes HARP, SRRP, and Smart Move. These programs provide housing assistance for properties that were impacted from Tropical Storm Ida or areas located within or near disaster-impacted communities. Provided below is a detailed description of each program covered within this Tier 1 EA:

- Homeowner Assistance and Recovery Program (HARP) - Provides grants to eligible single-family homeowners to reimburse for expenses necessary to restore their storm-damaged homes. Such expenses could relate to rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Only costs incurred after an award will be eligible for reimbursement. Reimbursement of pre-award costs is not allowed. Additional funds may be provided to address site-specific accessibility needs to make housing accessible for individuals living with disabilities. Homeowners living in the Special Flood Hazard Area (SFHA), or other NJDEP-designated flood risk areas will be required to obtain and maintain flood insurance. DCA will place a permanent flood insurance covenant on the property to ensure that flood insurance is maintained when ownership transfers. Homeowners who are required to relocate due to rehabilitation or reconstruction through this program may be eligible for temporary rental assistance. Homeowners who own duplexes and triplexes, when one of the units is an eligible HARP unit, may receive assistance for the rehabilitation of the rental units, provided they agree to meet program affordability and small rental requirement terms. In cases where homes have been substantially damaged, the cost to rehabilitate is not reasonable, or the home cannot be rehabilitated in a manner to reasonably accommodate the impacted household, homeowners may be eligible for reconstruction or acquisition at current fair market value and incentivized to relocate.

- Small Rental Repair Program (SRRP) - Provides zero interest forgivable loans to owners of single-family rental properties (one to seven units) for activities necessary to restore storm-damaged rental housing for low- and moderate-income renters, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Assistance also may be provided to make housing accessible for individuals living with disabilities. Substantial rehabilitation, or reconstruction of properties with more than four rental units will include the installation of broadband infrastructure, where feasible. Only costs incurred after an award will be eligible for reimbursement. Reimbursement of pre-award costs is not allowed.

- Smart Move - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that are participating in Blue Acres buyout program as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

Single family housing projects that are deemed applicable to HARP, SRRP or Smart Move programs will require a site-specific environmental review (further discussed in Appendix B). All projects will be assigned a “Proposed Action” as designated below:

1. Rehabilitation: Repairing (possibly including elevating) homes and small rental properties which sustained damage as a result of Tropical Storm Ida but were not so severely damaged that reconstruction is required. Cost of the rehabilitation cannot exceed 50.0% of the total value of the proposed structure. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").
2. Reconstruction: Construction of a new dwelling on the existing property within 20.0 percent of the original (first-floor) building footprint ("Proposed Action 2").
3. Reconstruction: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first-floor) building footprint ("Proposed Action 3").
4. New Construction: New construction of single-family homes in Hudson County. The new developments will be built outside the 100-year and 500-year floodplains and the inland or coastal climate adjusted floodplain, as defined by DEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

Environmental Review Record Classification and Tiering Plan

The broad review of the proposed actions for the HARP, SRRP and Smart Move programs is not exempt or categorically excluded under 24 CFR § 58.34, Exempt activities, and 24 CFR § 58.35, Categorical exclusions. DCA has determined an Environmental Assessment (EA) is required to analyze the proposed action and its potential environmental impacts per § 58.36, Environmental assessments, and subject to the laws and authorities at 24 § CFR 58.5, 24 § CFR 58.6, and NEPA.

HUD regulations at 24 CFR § 58.15, Tiering, allows responsible entities to tier their environmental reviews and analysis by evaluating impacts at a broader level, such as aggregating projects within a single county, followed by a narrow or focused analysis at a later date at the site-specific review level. The first tier, or broad review, describes the proposed action and identifies the potential environmental effects that may result. The second tier, or site-specific review, then references or summarizes the issues addressed at the broad review level where compliance with NEPA and HUD's regulations at 24 CFR Part 58 has been demonstrated and provides additional analyses for areas where compliance was not achieved at the broad review level. By tiering the environmental review in this way, the environmental review process is made more efficient and allows the decisionmaker and the public to "eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review" (40 § CFR 1502.20).

Because project locations are not known at this stage of the tiered review, potential environmental effects at the site-specific level cannot be known. The broad review that follows in Appendix A describes NEPA and HUD regulations where compliance can be achieved at the county level, and if compliance cannot be achieved, then a plan to achieve compliance, mitigate impacts when possible, and recommend an alternative to the proposed action when projects are deemed noncompliant at the site-specific review level is described.

Once applicants have been selected for funding, a site-specific review must be completed prior to committing HUD funding to the project. The site-specific review checklist is included in Appendix B and will document the individual project site's compliance with NEPA and HUD regulations that could not be achieved at the broad review level. If, after completing the site-specific review checklist, the project site

is determined to have no impacts or would be fully mitigated through required mitigation measures, then the ERR is complete and the project can proceed.

APPENDIX A
BROAD-LEVEL TIERED ENVIRONMENTAL REVIEW TIER 1 OF A 2-STEP ENVIRONMENTAL ASSESSMENT

Broad-Level Tiered Environmental Review Tier 1 of a 2-Step Environmental Assessment

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, Smart Move Program, and Small Rental Repair Program

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

State/Local Identifier: New Jersey

RE Preparer: ICF

Certifying Officer: Samuel Viavattine, Deputy Commissioner

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): ICF

Point of Contact: Steven Sherman and Robert Greene, ICF Consultants

Project Location: Hudson County, New Jersey

Direct Comments to: Samuel Viavattine, Deputy Commissioner
Department of Community Affairs
PO Box 823
Trenton, NJ 08625-0800

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

The project activities include grants to eligible homeowners, under the Homeowner Assistance and Recovery Program (HARP) and Smart Move Program, as well as landlords, under the Small Rental Repair Program (SRRP), for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. The mitigation component can include structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.

Homeowners under HARP and rental properties under the SRRP located in the Special Flood Hazard Area (SFHA) or other NJDEP-designated flood risk areas will be required to obtain and maintain flood insurance. DCA will place a permanent flood insurance covenant on the property to ensure that flood insurance is maintained when ownership transfers. Structures located in an SFHA, or high-risk flood area defined by DEP, will be required to be elevated at least 2 feet above base flood elevation. Eligible costs also include demolition and removal of the original structure, if needed.

For homes that have been substantially damaged, the cost to rehabilitate is not reasonable, or the home cannot be rehabilitated in a manner to reasonably accommodate the impacted household, homeowners may be eligible for reconstruction or acquisition at current fair market value and incentivized to relocate.

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

The purpose of the proposed programs is to assist the 12 affected counties identified under New Jersey's Ida Recovery Action Plan (Action Plan) by providing residents and landlords with funds to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities.

Tropical Storm Ida caused extensive damage to homes, personal property, and land across New Jersey through a combination of destructive weather events. Many New Jersey residents were left with significant property damage, were displaced from their homes (in some cases, from their hometowns), or have experienced homelessness since the disaster.

Ten months after the disaster, many residents were still searching for livable and affordable housing. In some cases, residents spent multiple months living in hotel rooms or short-term apartment stays while they searched for alternative housing options.

Residents encountered many roadblocks to securing long-term housing, including a shortage of affordable options, challenges in understanding the rental and/or home buying processes, and a lack of public information about fair housing rights. It is imperative that New Jersey residents receive resilient, safe, and long-term housing options that low- and moderate-income residents can afford.

Approximate size of the project area: 30,014 acres

Length of time covered by this review: 5 years from the date of EA signature

Level of Environmental Review Determination:

Environmental Assessment per 24 CFR 58.36.

Funding Information

Grant Number	HUD Program	Program Name	Funding Amount
B-21-DF-34-0001	CDBG-DR	Homeowner Assistance and Recovery Program (HARP)	$68,928,700
B-21-DF-34-0001	CDBG-DR	Small Rental Repair Program	$20,000,000
B-21-DF-34-0001	CDBG-DR	Smart Move Program	$30,000,000

Estimated Total HUD Funded Amount: $118,928,700

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $118,928,700 HUD funded plus any additional funds expended by homeowners above and beyond their grant amount.

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☒ No ☐	Compliance achieved in the Broad Review as detailed below. 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)) (See Figure A1-2). The only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties, Atlantic City International Airport in Atlantic County and Trenton Mercer Airport in Mercer County (Figure A1-1). Runway protection zones extend approximately half a mile from the ends of runways along flight paths and become wider as distance from the runway increases. 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 clear zones and accident potential zones at the McGuire component of JBMDL are in Burlington County and Ocean County. The zones at the Lakehurst component of JBMDL are in Ocean County. There are no military airfield clear zones or accident potential zones in Hudson County. There are no civil or military airports located in Hudson County and the surrounding counties do not have civil or military airports in which the runway protection zone or clear zone/accident potential zone would extend into Hudson County.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☒ No ☐	Compliance achieved in the Broad Review as detailed below. 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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		MID areas (including Hudson County) (Figure A2-1). 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 ☒	Compliance will be achieved during the site-specific review, as described below. Hudson County contains approximately 11,665.9 acres of FEMA-designated Special Flood Hazard Areas (SFHA) (See Figure A9-1). Potential sites within the HARP and SRRP could be within the FEMA-designated floodplain (100- or 500-year floodplain) or a high-risk flood area defined by NJDEP. Owners of those parcels will be required to obtain and maintain flood insurance. This requirement will be recorded as a permanent restrictive covenant on the property to ensure that future owners understand the flood insurance requirements. Sites selected to be included in the Smart Move Program would not be located within the 100-year or 500-year floodplain and therefore would not require flood insurance. See Site-Specific Review Strategy and Checklist, Appendix B.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☒ No ☐	Compliance achieved in the Broad Review as detailed below. Emissions associated with project activities are estimated to be well below *de minimis* 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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		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. Hudson County is classified as an area of non-attainment for 8-Hour Ozone (2008 and 2015). Hudson 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 A3-1 and Figure A3-2. <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 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 A3-3 and Figure A3-4 for consultation with NJDEP for NAAQS and SIP compliance. <u>Conclusion</u> DCA does not anticipate that project activities would have any significant impact on ozone, and the proposed action is not expected to exceed *de minimis* 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 ☒	Compliance will be achieved during the site-specific review, as described below. New Jersey has implemented coastal zone management rules, N.J.A.C. 7:7, to create standards for the use and development of resources in New Jersey's coastal zone. The coastal zone management

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		rules govern the review of permit applications submitted under the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, and the Wetlands Act of 1970. DCA consulted with NJDEP Division of Land Resource Protection on an appropriate analysis methodology and on February 22, 2023, NJDEP responded with additional measures to be incorporated into site-specific reviews to achieve compliance with the Coastal Zone Management Act (see Figure A3-4). Specifically, NJ DEP requested that the site-specific review process should include an analysis of potential Tidelands ownership, which refers to all lands that are now or were formerly flowed by the mean high tide of a natural waterbody. The Hackensack Meadowlands Region coastal zone lie within Hudson County. See Figure A4-1. In accordance with the Coastal Permit Program rules (N.J.A.C. 7:7) and the Coastal Zone Management rules (N.J.A.C.7:7E), for actions that stay within the existing footprint, within the Hackensack Meadowlands Region coastal zone, the CZM review is concluded. Projects which require ground disturbance outside the existing footprint will require consultation with the NJ Division of Land Use Regulation regarding potential permits for development. Hackensack Meadowlands Region coastal zones Tidal ownership claims are present in Hudson County and will be reviewed for compliance during the site-specific review process. See Figure A4-1. See Site-Specific Review Strategy and Checklist, Appendix B.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)]	Yes ☐ No ☒	Compliance will be achieved during site-specific review. Under 24 CFR Part 58.5(i)(2), HUD requires that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. 1. Environmental review of multifamily properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		proposed sites are not adversely affected by the hazards. 2. Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. 3. The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary. <u>Hazardous Materials</u> DCA will review NEPAssist and/or NJDEP's GeoWeb platform for each project site. NEPAssist provides findings from EPA's Superfund List (CERCLIS), National Priorities List (NPL), Toxic Release Inventory, Brownfields, Air Facility Systems, and Hazardous Waste (RCRA) databases. NJDEP's GeoWeb provides Solid & Hazardous Waste Facility and Known Contaminated Site data pulled from state and federal sources, including NEPAssist. See Figures A5-1 and A5-2 for maps showing EPA-listed and State-listed toxic and contaminated sites at a county-wide level. Each site-specific review will provide a toxics and contamination site map showing the nearby toxic and contaminated sites in relation to the proposed project. See Table A5-3 for hazardous facility search radii. Each site-specific review will also include a listing of potentially toxic and contamination sites/facilities within the review radius as well as compliance information. See Site-Specific Review Strategy and Checklist, Appendix B. A site-inspection would be conducted for each potential site by or on behalf of DCA. The site inspection would report any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property. See Figure A5-3 and A3-4 for correspondence with the NJDEP regarding proposed review procedures, methodology, and radii for NJDEP and EPA sites. <u>Asbestos, Lead Based Paint and Mold</u> HUD policy requires all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect occupant health, including lead-based paint, asbestos-containing materials, and mold, at the completion of

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		the project. All activities must comply with applicable federal, state and local laws and regulations regarding asbestos, lead-based paint and mold: • 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; • HUD's lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, K and R. • HUD's Interior air quality regulations in 24 CFR Part 982.401 Subpart H. • 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. <u>Radon</u> In addition, it is HUD's policy that all occupied structures proposed for inclusion in HUD-funded programs be free of radioactive substances that could affect the health of occupants. According to NJDEP, Hudson County is a Zone 2, having moderate radon potential (Figure A5-4). Radon testing or mitigation for homes in the following categories would not be required: • Structures with unenclosed air space between the entire lowest floor and the ground • Structures evaluated by a radon professional and found to require neither testing nor mitigation to ensure that radon is below 4 picocuries per liter of air and 0.02 working levels. The radon professional must meet the qualifications set by the HUD Office of Multifamily Development Radon Policy and must be a certified radon mitigation specialist under N.J.A.C. 7:28-27. For homes that are proposed for reconstruction or new construction and are not within one of the two categories above, radon-resistant construction techniques must be incorporated pursuant to NJAC 5:23-10.4. Homes that are proposed for rehabilitation and not within one of the two categories above must be tested for radon and all testing must be documented and included as part of the ERR. If the radon level is below the standards of 4

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		picocuries per liter of air and 0.02 working levels, no further action is required. However, if the radon level is at or above either of the standards, radon mitigation measures should be implemented, and the home retested to ensure that radon levels below the standards are achieved. Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. Mold should not be a problem in houses that are demolished and reconstructed, but could remain in rehabilitated housing if steps are not taken to eliminate mold during the rehabilitation. All residential structures funded under the HARP and SRRP must be free of mold attributable to Tropical Storm Ida. See Site-Specific Review Strategy and Checklist, Appendix B.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	Compliance will be achieved during the site-specific review as described below. USFWS' Information for Planning and Consultation (IPaC) system was consulted to obtain a preliminary USFWS species list of Hudson County. Four protected species were identified in the IPaC results: northern log-eared bat, tricolored bat, piping plover and monarch butterfly. See Figure A6-1. No critical habitats were identified within Hudson County. See Figure A6-1. The proposed activities include rehabilitation, reconstruction, and/or elevation of residences on previously disturbed parcels, and new construction on parcels zoned for residential use. Thus, the proposed activities are not anticipated to affect threatened or endangered species. Tree clearing may be required for certain projects. Each Tier 2 site-specific environmental review will state if tree clearing is required for the proposed action and if tree clearing is required for projects for which the Indiana Bat or Northern-long-eared bat are present (per the IPaC report). For these types of projects, DCA will follow the guidance below. The most current guidance on tree removal for the protection of federally listed bats would be implemented and that current guidance indicates:[3]

[3] New Jersey Ecological Services Field Office. United States Fish and Wildlife Service. Available at: https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide. Accessed: November 2022.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		• "For projects where IpaC has returned a result of Indiana bat, please indicate whether or not tree clearing is proposed. If tree clearing is proposed, describe the species, size (diameter at breast height), and number (or acres) of trees proposed for removal; and indicate whether clearing of tress >5 inches in diameter at breast height will be seasonally restricted as follows, making reference to the Bat Municipality List. ○ In municipalities with hibernation occurrence: April 1 – November 15. ○ In municipalities with maternity occurrence: April 1 – September 30. ○ In municipalities with both hibernation and maternity occurrence: April 1 – November 15. ○ In areas of potential occurrence (i.e., all areas returned by IpaC but not on the bat municipality list): April 1 – September 30. • For projects where IpaC has returned a result of Northern long-eared bat, indicate whether or not the project occurs in a municipality with known hibernacula or maternity roost trees (Bat Municipality List). For projects involving any Federal funding or Federal authorization that may affect the Northern long-eared bat, the Federal action agency must notify the NJFO at least 30 days before starting the action." On December 9, 2022, DCA sent a consultation letter to the USFWS and requested approval of the proposed site-specific evaluation process. The USFWS provided a response on January 13, 2023, with tools and resources to assist with the environmental reviews of the proposed actions. See Figure A6-2. On January 20, 2023, the DCA sent NJDEP a consultation letter requesting confirmation of the site-specific review approach. On March 9, 2023, NJDEP responded with an approved site-specific review methodology for documenting compliance and making an effects determination for state-listed threatened and endangered species. See Figure A6-3. See Site-Specific Review Strategy and Checklist, Appendix B.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	Compliance will be achieved during the site-specific review as described below. Project activities that do not result in an increase in residential density (i.e., increasing the bedrooms in a home, adding rental units, new residential construction) do not require an evaluation of explosive and flammable hazards. See Figure A7-1. Project activities that do result in an increase in residential density will require a site-specific review to identify explosive and flammable hazards located within one mile of the project site. These hazards will be identified through a combination of windshield surveys, aerial imagery, and a desktop review of online databases. Any explosive or flammable hazards identified within one mile will be investigated to determine the size, contents, and any other relevant data to calculate the acceptable separation distance (ASD) using the HUD online calculator. See Site-Specific Review Strategy and Checklist, Appendix B.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	Compliance will be achieved during the site-specific review as described below. Project activities on previously disturbed ground are compliant with the Farmlands Protection Policy Act. Project activities resulting in new construction or in-ground disturbance on land that was not previously disturbed or used for residential purposes may have the potential to affect protected farmland and will be evaluated at the site-specific level. While a majority of the acreage in Hudson County is considered “not prime farmland” there are 203.1 acres of land considered “prime farmland”, “farmland of local Importance”, “farmland of statewide Importance” and “farmland of unique importance” (Table A8-1 and Figure A8-1). See Site-Specific Review Strategy and Checklist, Appendix B.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	Compliance will be achieved during the site-specific review. The Smart Move Program would involve new construction on selected sites outside of the 100-year and 500-year floodplain and would thereby be in compliance with Executive Order 11988. The 500-year floodplain is the minimal floodplain of concern for Critical Actions. The proposed activities associated with HARP and SRRP are not Critical Actions as defined in 24 CFR 55.2(b)(3) and therefore

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		not subject to requirements that apply to structures located in the 500-year floodplain. DCA determined that project activities associated with HARP and SRRP may be located in, or affect, the 100-year floodplain. The first six steps of the 8-step floodplain decision making process in 24 CFR 55.20 have been completed for the proposed project. No comments were received on the public notice published as part of Step 2 of the process (See Figure A9-6). It was concluded that there is no practicable alternative to implementing the proposed project in the 100-year floodplain in Hudson 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. The 8-step process is provided in Figure A9-2. The following mitigation measures will be implemented as part of HARP and SRRP: • All proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations would be determined using the higher of the Advisory Based Flood Elevation (BFE), the effective BFE, or the design flood elevation shown on NJDEP flood maps. Structures must be elevated with the lowest floor, including the basement, at least 2 feet above the 1% annual chance floodplain elevation (base flood elevation). Mixed-use structures with no dwelling units and no residents below 2 feet above base flood elevation must be elevated or floodproofed in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or a successor standard up to at least 2 feet above base flood elevation. • 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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		maintained when ownership transfers [24 CFR 58.6(a)(1)]. The Flood Hazard Area Control Act rules, in effect since 2007, require the lowest floor of each building in flood hazard areas to be constructed at least one foot above this elevation. In accordance with NFIP regulations, elevation requirements will be considered on a case-by-case basis for historic structures that are listed on the National Register of Historic Places, determined eligible for listing on the National Register, determined to contribute to a historic district, listed on the state inventory of historic places, or listed on the inventory of historic places of a community with a certified historic preservation program (see definition of historic structure in 44 CFR 59.1). NJDEP establishes standards for floor elevations for buildings constructed and fill placed in the floodplain through its Flood Hazard Area Control Act rules. The Flood Hazard Area Control Act rule, last amended October 5, 2021, included a permit-by-rule (effectively an automatic permit) that allows people reconstructing and elevating buildings in accordance with the State's elevation standard to proceed with construction without the need for a formal permit application or review process provided they build in accordance with the standards of the permit-by-rule found at N.J.A.C. 7:13-7.2(a)(3). If the standards of the permit-by-rule are exceeded, either a general permit or an individual permit would be required. NJDEP has the following elevation requirements regarding rehabilitation, reconstruction and elevation of housing structures: • All residential property owners located in tidal floodplains who rebuild their properties are to build the lowest floor to at least two foot above the best available (most recent) base flood; and • All residential property owners located in non-tidal floodplains that have to rebuild because their property is substantially damaged are to build the lowest floor to at least one foot above the State design flood elevation, which will result in a lowest floor that is at least two feet above FEMA's BFE. Placement of fill in the floodplains of nontidal rivers and streams is prohibited under the Flood Hazard

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		Area Control Act rules, and activities involving fill in these areas would not be eligible for funding. In addition, properties located within a FEMA-delineated floodway are not eligible for funding assistance. See Site-Specific Review Strategy and Checklist, Appendix B.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 (54 U.S.C. 306108) and 110 (54 U.S.C. 306101); 36 CFR Part 800	Yes ☐ No ☒	Compliance will be achieved during the site-specific review. The proposed activities must be evaluated at the site-specific level. A Programmatic Agreement developed in accordance with National Historic Preservation Act Regulations at 36 CFR § 800.14(b) provides the mechanism for evaluating site-specific effects on historic properties related to CDBG-DR funding activities for Tropical Storm Ida recovery (See Appendix E). The Programmatic Agreement, to be executed, was developed 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 and 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 NRHP; • If there is a historic property or district, assessing effects on the characteristics that qualify it for the NRHP The Advisory Council on Historic Preservation was invited to comment on the Programmatic Agreement on January 9th, 2023. On February 9th, 2023, DCA sent the consulting parties a request for review and comment on the Draft Programmatic Agreement. See Figure A10-2 for consultation correspondence. See Site-Specific Review Strategy and Checklist, Appendix B.
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 ☒	Compliance will be achieved during the site-specific review. 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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		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 Figure A7-1. Project activities that include new construction on an undeveloped parcel of land are subject to 24 CFR Part 51 Subpart B, and potential noise generators in the vicinity of the project (see Figure A11-1) will be evaluated during the site-specific review process. See Site-Specific Review Strategy and Checklist, Appendix B.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424I; 40 CFR Part 149	Yes ☒ No ☐	Compliance achieved in the Broad Review as detailed below. There are no sole source aquifers located within Hudson County (see Figure A12-1). Therefore, the proposed project activities do not have the potential to impact sole source aquifers.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	Compliance will be achieved during the site-specific review. DCA determined that project activities associated with HARP, SRRP and Smart Move may be located in, or affect, wetlands. The first six steps of the 8-step wetlands decision making process in 24 CFR 55.20 have been completed for the proposed project. No comments were received on the public notice published as part of Step 2 of the process (see Figure A9-6). It was concluded that there is no practicable alternative to implementing the proposed project in the wetlands in Hudson County. Step 7 is the publication of a final wetlands 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. The 8-step process is provided in Figure A9-2. Project activities would involve rehabilitation, reconstruction, elevation, and/or other mitigation activities of single-family and small rental (one to four units) properties on previously disturbed

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		parcels. Though wetland impacts are not considered likely, BMPs for erosion and sedimentation control would be implemented as part of HARP and SRRP. 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. If the proposed activities were to be located over waters of the United States, a United States Army Corps of Engineers (USACE) permit under the Rivers and Harbor Appropriation Act of 1899. Any project that is not consistent with the Rivers and Harbors Appropriation Act of 1899 would not be funded. See Site-Specific Review Strategy and Checklist, Appendix B.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☒ No ☐	Compliance is achieved in the Broad Review as detailed below. 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. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. As seen in Figure A14-1, the closest wild and scenic river is Musconetcong between Warren and Morris County. There are no Wild and Scenic Rivers in Hudson County or nearby surrounding Counties.
Environmental Justice Executive Order 12898	Yes ☒ No ☐	Compliance is achieved in the Broad Review as detailed below. Per Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations", HUD is required "…to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations."[4]

[4] Environmental Justice. HUD Exchange. Available at: https://www.hudexchange.info/programs/environmental-review/environmental-justice/. Accessed: 11/2022.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		The HARP program would prioritize low-income households through a phased application approach. The Action Plan states in Phase 1, the program would accept applications from households making less than 80% of annual median income (AMI), Phase II would accept applications from households making up to 120% of AMI and Phase III would accept applications for households making up to 120% AMI to $250,000. According to the Action Plan, the SRRP program is designed to principally provide affordable rental housing to LMI households living in disaster-impacted communities for up to 5 years, though it is anticipated that if the state funds community housing and development organizations or other non-profit developers through this program, those projects will result in longer-term affordability for repaired or rehabilitated units. The program's outreach and engagement will target households and landlords with limited English proficiency and households at or below 30% of AMI. To meet the LMI national objective, rental housing assisted with CDBG-DR funds must be principally rented to LMI households at affordable rents. For this program, all units must be affordable for LMI households. For the Smart Move program, the Action Plan states at least 70% of the homes must be sold to LMI households. This program will work with local governments and developers to identify sites to minimize concentrations of poverty. The proposed HARP and SRRP would improve existing housing conditions and enable residents to remain in their homes. The proposed Smart Move program would support energy-efficient affordable housing opportunities for low- to moderate-income residents. Thus, the proposed project would benefit the areas low-income populations and would comply with Executive Order 12898.
Essential Fish Habitat **Magnuson-Stevens Fishery Conservation and Management Act**	Yes ☒ No ☐	Compliance is achieved at the Broad review as detailed below. The Magnuson-Stevens Fishery Conservation and Management Act applies to ocean fish, including ocean fish that spawn in fresh water or in estuaries (anadromous fish). The act requires protection of essential fish habitat, which is defined as habitat fish need for spawning, breeding, feeding, or growth to maturity.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	**If Yes:** Describe compliance determinations made at the broad level. **If No:** Describe the policy, standard, or process to be followed in the site-specific review.
		Because of New Jersey's location on the Atlantic Ocean, and the presence of streams and estuaries used for spawning, an analysis of the proposed action's potential to effect essential fish habitat is provided. While essential fish habitat is present in Hudson County (see Figure A16-1), the implementation of best management practices for erosion and sediment control and management of site contaminants would prevent the introduction of sediment and contamination into essential fish habitat. Since the proposed actions will take place on land (and not in or over essential fish habitat) proposed project activities would not have a significant adverse effect on essential fish habitat and is in compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

Environmental Assessment Factors

[24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

(1) Minor beneficial impact

(2) No impact anticipated

(3) Minor Adverse Impact – May require mitigation

(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Project activities would include the restoration of storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements, which would make the structures compliant with local plans and ordinances. Rehabilitation, reconstruction, and new construction activities would all take place in residentially zoned areas and there would be no changes to land use. There would also be no increase in urban density as a result of project activities, as the projects would enable pre-storm residents to remain in their county. All construction related to project activities would conform to all local and state regulations governing scale and urban design, and there would be no negative impacts.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	Most project activities would be on existing residential lots where slope concerns were addressed during construction. The project parcels have already been assessed for suitability, and they are therefore expected to have suitable slope, erosion, drainage, and stormwater runoff. New construction activities would either avoid sites with slope, erosion, drainage, and storm water runoff issues or provide suitable mitigation as part of local and county requirements. The construction contractor would enact BMPs to prevent any storm water runoff during construction activities.
Hazards and Nuisances including Site Safety and Noise	3	Projects would be evaluated during the site-specific review process. Noise levels would temporarily increase during construction. All construction activities would comply with local and county ordinances for noise. These impacts would be minor and temporary, and with BMPs and local ordinances in place would not be expected to result in significant adverse impacts. Site safety would be evaluated during the site-specific review process, and similar to noise, would require BMPs to comply with local and county ordinances governing construction sites, site safety, and site access. Significant adverse impacts are therefore not expected.
Energy Consumption	2	Construction activities would include standard tools and equipment for residential construction. Because the homes would be rehabilitated or reconstructed in existing residential areas that include all necessary infrastructure, it is expected that the energy demands from construction and operation of the project sites would be commensurate with pre-storm levels. No impacts are anticipated as a result.
SOCIOECONOMIC		
Employment and Income Patterns	1	Project activities would be expected to add new jobs to the local economy in the short-term for construction-related activities. After construction is complete, employment and income patterns are expected to return to pre-storm levels. Any residents who were displaced from the storm would return to their communities, their

Environmental Assessment Factor	Impact Code	Impact Evaluation
		previous employment, and would utilize local commercial services. As a result, minor beneficial impacts are anticipated.
Demographic Character Changes, Displacement	2	The proposed project activities would return applicants to their pre-storm communities and neighborhoods. Applicants whose homes are not eligible for rehabilitation and reconstruction (e.g., project site is located within a floodway, the ERR could not avoid or mitigate potential impacts, etc.) can choose to accept program funds if they agree to move to a new property, which could be located in a new community. Although these instances are expected to be minimal, it could result in minor changes in demographics. However, because relocation would be voluntary, displacement would only occur based on the applicant's decision.
Environmental Justice	2	No significant adverse environmental impacts were identified during the broad level environmental review and any adverse impacts identified during the site-specific review stage would be mitigated or avoided through required mitigation measures. Any projects that are unable to mitigate identified impacts would not be funded through the program. DCA, through their Action Plan, has identified and implemented steps to ensure that their CDBG-DR programs, including those covered under this broad level review, would not have an unjustified discriminatory effect on or failure to benefit vulnerable populations and underserved communities. Project activities would replace pre-storm housing and bring applicants back into their pre-storm communities and neighborhoods, and would not be expected to result in disproportionate adverse environmental or health impacts.
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	Project activities would enable impacted applicants to return to their pre-storm communities and would not increase population or educational and cultural facility utilization as a result. No impact is anticipated.
Commercial Facilities	2	Project activities would return impacted community members to their storm-damaged homes, resulting in a return to pre-storm commercial utilization. Minor short-term benefits would occur as a result of construction activities. No impact is anticipated.
Health Care and Social Services	2	Project activities would not result in an increase in population, and there would therefore not be an increase in health care and social service utilization. The local population would return to pre-storm levels and there would continue to be adequate capacity for health and social services. No impact is anticipated.
Solid Waste Disposal / Recycling	3	Significant quantities of solid waste may result from project activities, which includes demolition, construction, and rehabilitation. Federal, state, county, and local ordinances would require the proper disposal of all hazardous materials (e.g., lead-based paint and asbestos containing materials) and the disposal of construction-generated waste. After construction is complete, residents would return to their storm-damaged homes and there would be no increase in demand on solid waste and recycling services beyond pre-storm levels. Minor

Environmental Assessment Factor	Impact Code	Impact Evaluation
		adverse impacts are anticipated from construction activities, which would be temporary and mitigated based on federal, state, and local requirements.
Waste Water / Sanitary Sewers	2	Project activities would not result in an increase in population and therefore would not impact wastewater and sanitary sewers. Applicants and program contractors will follow all applicable regulations, permits and BMPs to minimize any potential impacts (See Conditions for Approval).
Water Supply	2	Project activities would not result in an increase in population and therefore would not impact water supply.
Public Safety - Police, Fire and Emergency Medical	2	Project activities would not result in an increase in population and therefore would not increase demand for police, fire and/or emergency medical services.
Parks, Open Space and Recreation	2	The proposed project of rehabilitation, reconstruction, elevation and/or other mitigation activities for housing structures which are zoned as residential would have no impact on parks, open space and/or recreation.
Transportation and Accessibility	2	While there may be increases in construction traffic, this increase would be minor and temporary and would not result in impacts to transportation and accessibility due to the proposed project.
NATURAL FEATURES		
Unique Natural Features, Water Resources	3	Unique natural features are primarily geological features that are rare or of special social/cultural, economic, educational, aesthetic, or scientific value. HUD considers development on or near natural features to have the ability to render those features inaccessible to investigators or visitors, degrade their value, or otherwise limit potential future use and appreciation of those resources. Project activities would involve the rehabilitation or reconstruction of residential structures on previously disturbed residential land, on a scale similar to pre-storm development. Each project site has been evaluated for its potential to impact the surrounding environment and, where necessary, mitigation measures and BMPs have been placed to reduce, avoid, or minimize potential impacts. With this analysis and required mitigation/BMP measures in place, no impacts are anticipated.
Vegetation, Wildlife	3	The rehabilitation or reconstruction of storm damaged homes within the existing footprint would not be expected to impact vegetation or wildlife. Project activities requiring the construction of a home outside of an existing footprint would be evaluated at the site-specific review level to ensure that no adverse effects to listed species or habitat would occur. Any mitigation that is required as a result of the site-specific review would ensure that no impacts occur. Any projects that may affect listed species would be required to either mitigate potential impacts or find a suitable project alternative. Therefore, no impacts are anticipated.

Environmental Assessment Factor	Impact Code	Impact Evaluation
CLIMATE AND ENERGY		
Climate Change Impacts	3	The Action Plan requires all funded projects located in the 100-year floodplain to be covered by flood insurance and flood insurance must be maintained when ownership transfers. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must also adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control act rules. NJDEP has additional requirements for elevation that are detailed in the Floodplain Management section of this EA. Future climate impacts on Hudson County would include increases in temperature, frequency and intensity of storm events, and an overall increase in precipitation, among others. The U.S. Climate Resilience Toolkit *The Climate Explorer* data tool provides climate projections at the county level. Hudson County is projected to see an approximately 7 percent increase in precipitation (from 46.57 inches to 49.66 inches) of rain per year from the 1961-1990 observed average by the 2050s. These increases could result in increased flood risk. Project activities would avoid and mitigate the risk through previously discussed elevation and building requirements, and significant adverse impacts are not expected to result.
Energy Efficiency	1	The project activities would rehabilitate and reconstruct storm damaged homes in previously developed residential areas with associated energy and water infrastructure. Therefore, there is no expected increase in demand on local infrastructure as a result of project activities. The Smart Move program will fund the new development of quality, energy-efficient, resilient, and affordable housing in lower risk areas within or near disaster-impacted communities that are participating in Blue Acres program. New construction will meet HUD's Green and Resilient Building Standards, which requires that the new building meet an industry-recognized green building standard that has achieved certification and a minimum energy efficiency standard. The DCA Action Plan states that all rehabilitation, reconstruction, or new construction projects must meet at least one industry-standard certification, including • ENERGY STAR® (Certified Homes or Multifamily High Risk) • LEED (New Construction, Homes, Midrise, Existing Building Operations and Maintenance, or Neighborhood Development) • ICC 700 National Green Building Standard® • U.S. Environmental Protection Agency (EPA) Indoor airPLUS • Any other equivalent comprehensive green building standard program acceptable to HUD With these requirements in place, the project activities would result in a beneficial increase in energy efficiency by replacing older housing stock and appliances with newer, more efficient modern construction homes with energy efficient appliances.

Additional Studies Performed:

No additional studies were required for the Tier 1 Broad Review. Additional studies may be required in subsequent Tier 2 site-specific reviews.

Field Inspection (Date and completed by):

A field inspection was not needed for Tier 1 Broad Review. Field inspections will be completed for each Tier 2 site-specific review.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

U.S. Census. 2020. Available at: https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html. Accessed: November 2022.

U.S. Climate Resilience Toolkit. Available at https://toolkit.climate.gov/#climate-explorer. Accessed: November 29, 2022.

U.S. Department of Housing and Urban Development (HUD). Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice. 2022. Available at: https://www.hud.gov/sites/dfiles/CPD/documents/6326-N-01_Allocations_CDBG-DR_Consolidated_Waivers.pdf. Accessed November 23, 2022.

HUD. HUD Exchange: Environmental Assessment. Available at: https://www.hudexchange.info/programs/environmental-review/environmental-assessment/. Accessed: November 2022.

Additional sources, agencies and persons consulted are located within Attachments 1-16.

List of Permits Obtained:

All required and necessary permits will be specified within the Tier 2 site-specific environmental reviews.

Public Outreach [24 CFR 50.23 & 58.43]:

An early Floodplain/Wetlands public notice was published in the newspapers Star-Ledger and Reporte Hispano on December 23, 2022, which provided the public a notification and request for comments of the proposed action. The Tier 1 Broad Review was posted to the DCA website and a combined public notice (Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds and Final Notice and public Explanation of a Proposed Activity in a 100-Year Floodplain/Wetland) was published in the newspapers Star-Ledger and Reporte Hispano on March 31, 2023, which provided the public an opportunity to review the Tier 1 EA and provided comments on the proposed action. No comments were received during either public comment period and the Early and Final notices/affidavits of publication are provided within Attachment 9 Figure A9-6 and Appendix C.

Cumulative Impact Analysis

[24 CFR 58.32]**:**

The proposed programs would not contribute to the adverse cumulative impacts on environmental resources. The proposed HARP and SRRP would involve the rehabilitation, reconstruction, elevation and/or other mitigation measures of storm-damaged residences. The Smart Move Program would involve new construction of single-family residences on parcels outside of the 100-year and 500-year floodplain. Thus, the proposed programs would improve the resiliency of Hudson County residents which will have a cumulative benefit to the region.

The large number of properties involved creates the potential for cumulative impacts. The proposed activities may have minor and temporary environmental impacts during the construction phase. Potential impacts will be mitigated through the mitigation measures and conditions described below, as well as any identified during the site-specific analysis. If mitigation is not possible, then the proposed activities on the site would not be eligible for funding consideration. Furthermore, the proposed programs would have the long-term benefit of providing safe, affordable and resilient housing to Hudson County residents.

Alternatives

[24 CFR 58.40(e); 40 CFR 1508.9]:

HARP and SRRP would provide grants and forgivable loans to eligible owners of single-family (one to four units) and multi-family (up to seven units) homes and rental properties for activities necessary to restore their storm-damaged properties. The proposed programs would assist property owners in achieving safe and code-compliant housing that meets minimum property standards through rehabilitation, reconstruction, elevation, and/or other mitigation activities. No other alternatives were considered, as they would not serve to help the property owner rebuild and rebuild in such a way as to better withstand the next major storm event.

The Smart Move program would support affordable housing opportunities for low- to moderate-income residents in areas less prone to flooding. New construction of single-family homes would be sited on parcels zoned for residential use and outside of the 100-year and 500-year floodplain. No other alternatives were considered.

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

Under the No Action Alternative, property owners would not receive financial assistance as part of the HARP or SRRP to rehabilitate, reconstruct, elevate, or otherwise mitigate their homes to better withstand the next storm event. As a result, their properties would be more vulnerable to future flooding conditions.

Under the No Action Alternative, affordable housing opportunities for low- to moderate-income residents would not be supported under the Smart Move Program. As a result, the State's capability of meeting the housing needs of low- to moderate-income households and participants of federal buyout programs would remain limited.

Thus, the No Action Alternative would not address the purpose and need of the project.

Summary of Findings and Conclusions

Based upon completion of this Broad Review environmental assessment, environmental review of the HARP, SRRP and Smart Move Program indicates that there will be no significant impact changes to existing environmental conditions across the impact categories, with the possible exception of the subject areas listed below.

- Flood Insurance
- Contamination and Toxic Substances
- Coastal Zone Management

- Endangered Species
- Explosive and Flammable Hazards
- Farmlands Protection
- Floodplain Management
- Historic Preservation
- Noise Abatement and Control
- Wetland Protection

The above subject areas require site-specific analysis before it can be concluded that the proposed project activities would have no significant environmental impacts on an individual site. The Tier 2 Site-Specific Review Form can be found in Appendix B. The Tier 2 must be completed prior to the proposed activities occurring on a particular site.

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

This section presents mitigation measures adopted by the DCA to reduce, avoid, or eliminate adverse environmental impacts and to avoid noncompliance or nonconformance with the above-listed authorities and factors. These general measures/conditions, along with site-specific conditions identified during implementation of the site-specific strategy (Appendix B), will be incorporated by DCA environmental staff into project contracts, development agreements, and other relevant documents.

GENERAL ENVIRONMENTAL GRANT CONDITIONS

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, 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).

Migratory Species

6. If project construction will occur on a new footprint and clearing of potential migratory bird habitat will occur within 50 feet of the construction site between March 15 and September 15, then a nest survey must be undertaken by a qualified biologist. If nests are identified, then a minimum 50-foot buffer from the work area is required until the nest is no longer active. If an active migratory bird nest is incidentally disturbed during clearing, then the contractor shall collect and immediately transport the eggs to a wildlife rehabilitator. The New Jersey Department of Community Affairs shall be notified of this action by the contractor, so the activity is noted in the ERR.

Floodplain Management and Flood Insurance

7. All proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations would be determined using the higher of the Advisory Based Flood Elevation (BFE), the effective BFE, or the design flood elevation shown on NJDEP flood maps. All structures must be elevated with the lowest floor, including the basement, at least 2 feet above the 1% annual chance floodplain elevation (base flood elevation). Mixed-use structures with no dwelling units and no residents below 2 feet above base flood elevation must be elevated or floodproofed in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or a successor standard up to at least 2 feet above base flood elevation.

8. 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)].

9. 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)].

10. Applications approved to build within the “Coastal High Hazard” areas (V or VE Zones shown on the current effective FEMA FIRM) must adhere to construction standards, methods, and techniques requiring a registered professional engineer to either develop, review, or approve specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).

Wetlands Protection and Water Quality

11. 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.

12. Minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns.

Noise Quality

13. Outfit all heavy equipment with operating mufflers.
14. If applicable, comply with local noise ordinance.
15. If application site is in a high noise area, then use appropriate Green Building Standard methods (see Condition 2) to attenuate.

Air Quality

16. Use water or chemical dust suppressant to control excessive dust in exposed areas.
17. Cover the load compartments of trucks hauling dust-generating materials.
18. Wash heavy trucks and construction vehicles before site departure.
19. Reduce vehicle speed on non-paved areas and keep paved areas clean.
20. Retrofit older equipment with pollution controls.
21. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
22. 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).

(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.)

23. 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).
24. 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

25. 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.

26. 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).

27. 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).

28. All residential structures must be free of mold attributable to Tropical Storm Ida.

29. 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.

30. 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.

31. Employ spill mitigation measures immediately upon a spill of hazardous material.

Aboveground Storage Tanks

32. Construction activities on parcels with aboveground storage tanks (ASTs) between 125 and 1,000 gallons will require compliance with National Fire Protection Association 58 and associated set-back distances.

Sole Source Aquifers

33. Comply with all laws, regulations, and industry standards.
34. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.
35. 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.

Wild and Scenic Rivers

36. Comply with any conditions specified by NJDEP and the National Park Service for protection of the Great Egg Harbor River, Delaware River, and Musconetcong River, designated Wild and Scenic Rivers.

Determination:

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

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

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

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

Preparer Signature: Steven Sherman Date: March 22, 2023

Name/Title/Organization: Steven Sherman / Senior Environmental Planner / ICF

Responsible Entity Agency Official Signature:

Date: March 23,2023

Name/Title: Samuel Viavattine/Deputy Commissioner

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).

This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.

Attachment 1 – Airport Hazards

24 CFR 51(d)

Table A1-1: Airports in Hudson County

Airports in Hudson County	Airport Type
None	N/A

Civil Airports are defined by U.S. Housing and Urban Development Regulation § 51.301 "An existing commercial service airport as designated in the National Plan of Integrated Airport Systems (NPAIS) prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982." NPAIS defines commercial service airports as "publicly owned airports that have at least 2,500 passenger boardings each calendar year and receive scheduled passenger service (49 USC 47102(7))."

Table A1-2: Airport Hazards Sources

Agency	Link	Accessed Date	Dataset Date
Bureau of Transportation Statistics	https://www.bts.gov/ntad	11/8/2022	4/29/2021
Federal Aviation Administration	https://www.faa.gov/airports/planning_capacity/categories	11/21/2022	10/12/2022
Federal Aviation Administration	https://www.faa.gov/airports/planning_capacity/npias/current/2023_NPIAS_Appendix_A	11/2/2022	8/2/2022

Agencies/Regulations Consulted During Broad Review:

U.S. Department of Housing and Urban Development (HUD) Regulations

U.S. Department of Transportation

Supporting Documentation:

Figure A1-1: Airports Map Hudson County, NJ

Figure A1-2: Federal Aviation Administration's National Plan of Integrated Airport Systems Airports

ENVIRONMENTAL FINDING: Compliance has been achieved at the Tier 1 Broad Level Review since there are no civil or military airports located in Hudson County. Evaluation at the site-specific level is not required.

Figure A1-1: Airports Map – Hudson County, NJ:

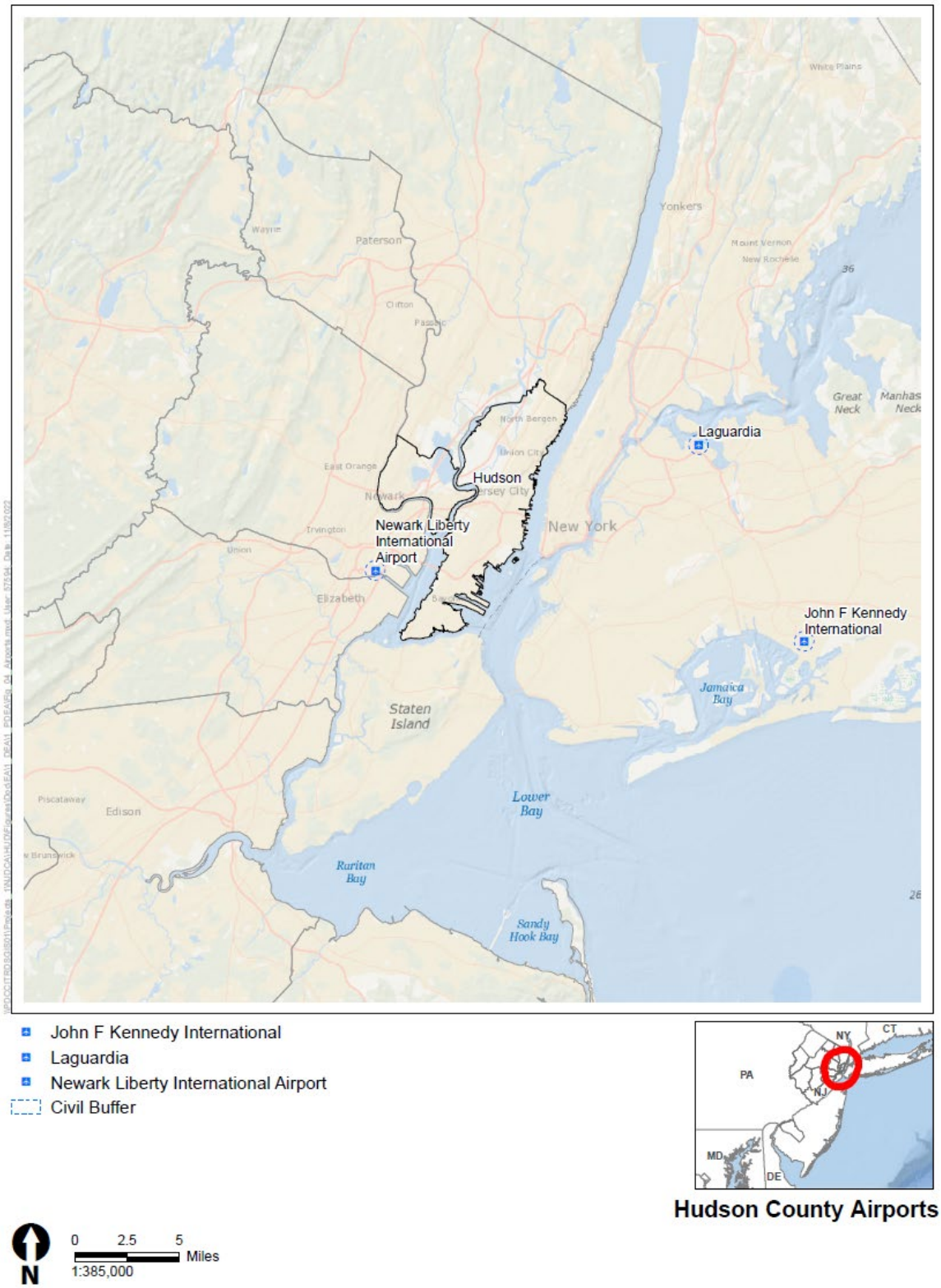


Figure A1-2: Federal Aviation Administration's National Plan of Integrated Airport Systems

City	Airport	LocID	Ownership	Svc Lvl (FY23)	Hub (FY23)	Role (FY23)	Enplaned (CY21)	Based (CY21) Aircraft	Development Estimate 2023-2027
Atlantic City	Atlantic City International	ACY	PU	P	S		426,686	47	$17,071,143
Belmar/Farmingdale	Monmouth Exec	BLM	PR	R		Unclassified	179	39	$0
Caldwell	Essex County	CDW	PU	R		Regional	27	199	$3,526,667
Hammonton	Hammonton Municipal	N81	PU	GA		Local	0	35	$2,135,418
Lakewood	Lakewood	N12	PU	GA		Local	0	38	$3,340,863
Lincoln Park	Lincoln Park	N07	PR	R		Regional	0	106	$2,399,639
Linden	Linden	LDJ	PU	R		Local	8	24	$0
Manville	Central Jersey Regional	47N	PR	R		Unclassified	0	79	$0
Millville	Millville Municipal	MIV	PU	GA		Regional	9	30	$12,236,362
Morristown	Morristown Municipal	MMU	PU	R		National	291	122	$45,323,328
Mount Holly	South Jersey Regional	VAY	PU	R		Local	0	77	$7,998,970
Newark	Newark Liberty International	EWR	PU	P	L		14,514,049	3	$74,812,093
Ocean City	Ocean City Municipal	26N	PU	GA		Basic	0	12	$1,659,358
Princeton/Rocky Hill	Princeton	39N	PR	R		Unclassified	17	30	$0
Readington	Solberg-Hunterdon	N51	PR	R		Unclassified	0	46	$0
Robbinsville	Trenton-Robbinsville	N87	PR	R		Unclassified	2	28	$0
Somerville	Somerset	SMQ	PR	R		Regional	0	82	$1,341,111
Sussex	Sussex	FWN	PR	R		Unclassified	0	26	$0
Teterboro	Teterboro	TEB	PU	R		National	9955	110	$38,611,112
Toms River	Ocean County	MJX	PU	GA		Regional	65	68	$5,552,444
Trenton	Trenton Mercer	TTN	PU	P	N		243,529	154	$47,499,558
West Milford	Greenwood Lake	4N1	PU	GA		Local	0	32	$2,398,129
Wildwood	Cape May County	WWD	PU	GA		Local	5	41	$5,225,555
Woodbine	Woodbine Municipal	OBI	PU	GA		Local	0	45	$3,960,275

Attachment 2 – Coastal Barrier Resources

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

Table A2-1: Coastal Barrier Resources - Hudson County

Name	Unit Type	Acres
None	N/A	0
Total Area		0
Percentage of Hudson County		0%

Table A2-2: Coastal Barrier Resources Sources

Agency	Link	Accessed Date	Dataset Date
U.S. Fish and Wildlife Service	https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data	10/21/2022	3/13/2019

Agencies/Regulations Consulted During Broad Review:

U.S. Fish and Wildlife Service (USFWS)

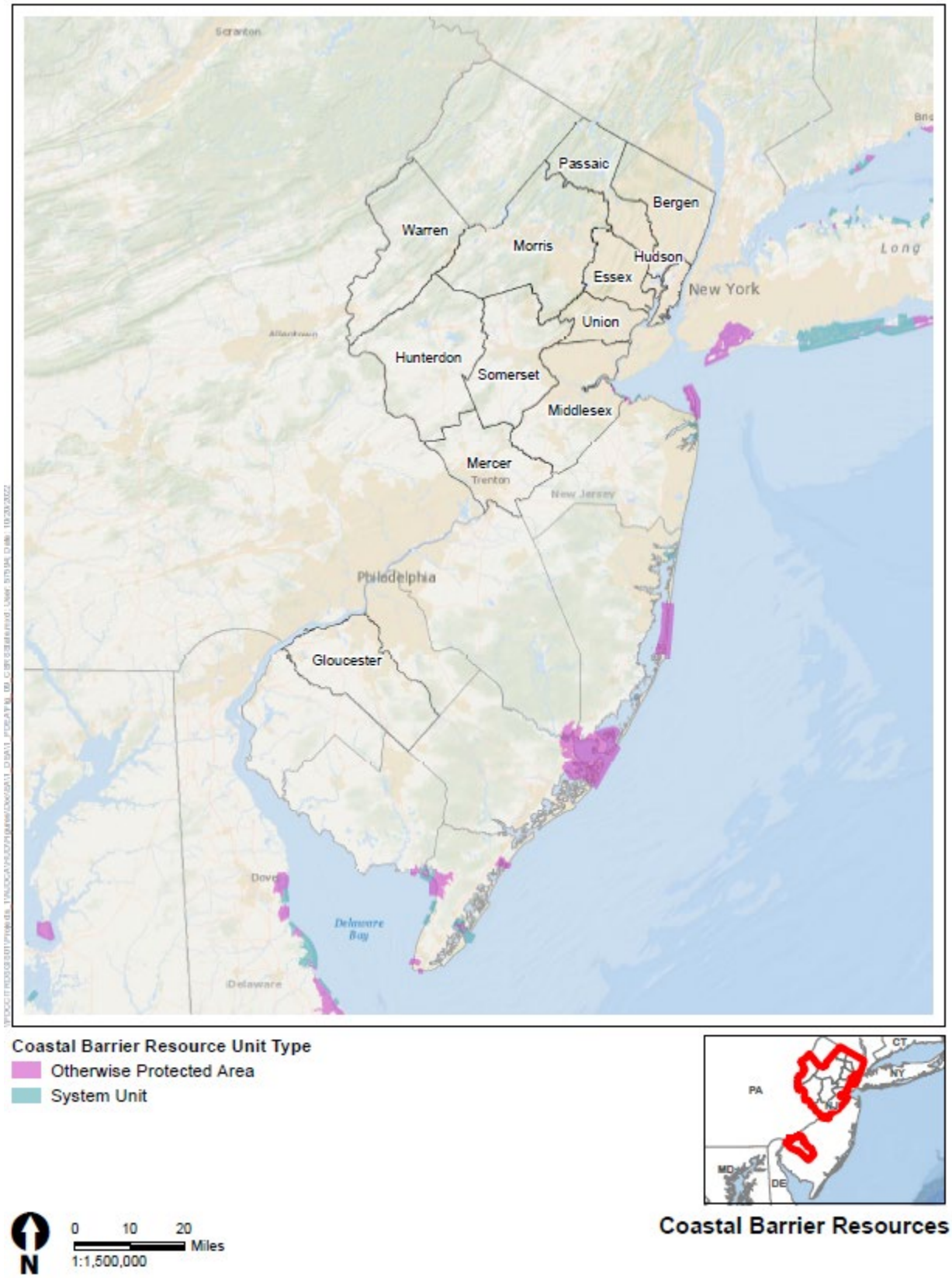
New Jersey Department of Environmental Protection (NJDEP) Division of Land Resource Protection (DLUR)

Supporting Documentation:

Figure A2-1: Coastal Barrier Resources Map – NJ

ENVIRONMENTAL FINDING: Compliance has been achieved in the Tier 1 Broad Review since the Coastal Barrier Resources System are uninhabited and are not located along Hudson County. Evaluation at a site-specific level is not required.

Figure A2-1: Coastal Barrier Resources Map - NJ



Attachment 3 – Clean Air

Clean Air Act, as amended, particularly section 176 (c) & (d); 40 CFR 6, 51, 93

Table A3-1: NAAQS - Hudson County

National Ambient Air Quality Standards (NAAQS) Pollutant - Hudson County	Attainment Status for 2022	Classification
8-Hour Ozone (2008)	Nonattainment	Severe 15
8-Hour Ozone (2015)	Nonattainment	Moderate
Carbon Monoxide (1971)	Attainment	Moderate 12.7ppm
PM-2.5 (2006)	Attainment	Former Subpart 1

Table A3-2: Clean Air Sources

Agency	Link	Accessed Date	Dataset Date
U.S. Environmental Protection Agency (EPA)	https://www3.epa.gov/airquality/greenbook/anayo_nj.html	12/12/2022	10/31/2022
U.S. Environmental Protection Agency (EPA)	https://www.epa.gov/green-book/green-book-gis-download	12/12/2022	2/1/2022

Air Quality Emissions Estimates

Step 1: Obtain national data that relates residential housing spending to diesel fuel usage from Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, prepared by Sierra Research for the Office of Mobile Sources, U.S. Environmental Protection Agency (report number SR93-03-02, March 19, 1993, Table 7-4 on page 7-6). Based on the 1987 Census of Construction, $1,200 of off-highway fuel is used for every million dollars of single-family housing (SFH) construction. Also, $880 of off-highway fuel is used for every million dollars of non-SFH residential construction. Assuming the Tropical Storm Ida construction activities will be a mix of SFH and non-SFH residential construction, an average value of $1,040 of off-highway fuel per million dollars of construction will be used.

Step 2: Convert the diesel fuel usage factor to gallons of fuel per million dollars ($M) of current residential construction spending. An average 1987 diesel price of $0.55 per gallon is from page 7-10 of the Sierra report. To convert the construction spending from 1987 dollars to current dollars, producer price indices (PPI) for finished goods less food and energy were obtained for 1987 (113.3) and 2022 (242.771) from U.S. Department of Labor Bureau of Labor Statistics.[5] The diesel fuel usage factor is converted as follows:

$1,040 fuel/$M1987constn X 1 gal diesel/$0.55 X 113.3/242.771 = 882.47 gal diesel/$Mconstn

Step 3: Obtain emission factors in terms of annual tons of pollutant per million gallons of nonroad diesel fuel to enable the estimation of pollutant emissions per million dollars of construction spending. As part of the New Jersey Superstorm Sandy Recovery Program, the NJDEP ran the EPA NONROAD model to produce annual construction pollutant emissions and fuel usage. The NONROAD results were used to

[5] https://www.bls.gov/ppi/detailed-report/ppi-detailed-report-december-2022.pdf.

generate emission factors by considering the total annual construction pollutant emissions for the twelve counties along with the total diesel fuel used by the construction equipment. This resulted in emission factors of 6.90, 64.89, 5.51 and 0.13 pollutant tons per million gallons of diesel fuel for VOC, NOx, PM2.5 and SO2 respectively. Using the emission factors from the NONROAD model and 882.47 gal diesel/$Mconstn from Step 2, the following emission factors are calculated: 0.0078, 0.0735, 0.00624 and 0.00015 annual tons of pollutant per million dollars of residential construction spending for VOC, NOx, PM2.5 and SO2 respectively.

Step 4: Apply the emission factors to the projected spending for Tropical Storm Ida recovery projects. The spending for the project is estimated to be $120 million over a 24-month period beginning mid-2023 and ending mid-2025. Although construction will take place over the course of the 24-month period, for a conservative analysis the full funding amount will be considered for a single year of emissions estimates. General conformity emissions are estimated for each impacted nonattainment area. Of the 12 counties in which HUD-funded Tropical Storm Ida recovery projects will be concentrated, 10 are in the northern ozone nonattainment area and 2 are in the southern nonattainment area. The northern PM2.5 nonattainment area includes 11 of the 12 counties. Therefore, for the ozone precursor pollutants (VOC and NOx), 2024 project construction spending is assumed to be $20 million for the southern ozone nonattainment area and $100 million for the northern ozone nonattainment area, and for PM2.5, 2024 project construction spending is assumed to be $110 million.[6] Using these spending assumptions and the emission factors from Step 3, the following are the estimated 2024 emissions:

Table A3-3: Estimated VOC, NO_x, and PM2.5 Emissions for 2024

Nonattainment Area	VOC (tons/year)	NOx (tons/year)	PM2.5 (tons/year)	SO2 (tons/year)
Ozone Northern	.78	7.35	N/A	N/A
Ozone Southern	.156	1.47	N/A	N/A
PM2.5 Northern	N/A	N/A	.69	.02
General Conformity Limits	25	25	100	100

Agencies/Regulations Consulted During Broad Review:

U.S. Environmental Protection Agency (EPA)

Supporting Documentation:

Figure A3-1: Air Quality Ozone Map – Hudson County, NJ

Figure A3-2: Nonattainment/Maintenance Status for NAAQS Criteria Pollutants Table

Figure A3-3: NJDEP Air Quality Consultation Request Letter and Email Transmittal

Figure A3-4: NJDEP Consultation Response

ENVIRONMENTAL FINDING: Compliance with the Clean Air Act has been achieved through the Tier 1 Broad review since project activities would not have any significant impact on ozone, and the proposed action are not expected to exceed de minimis thresholds. Evaluation at a site-specific level is not required.

[6] This assumes that the $120 million in project spending is split evenly between the 12 counties, for a total of $10 million for each county.

Figure A3-1: Air Quality Ozone Map – Hudson County, NJ

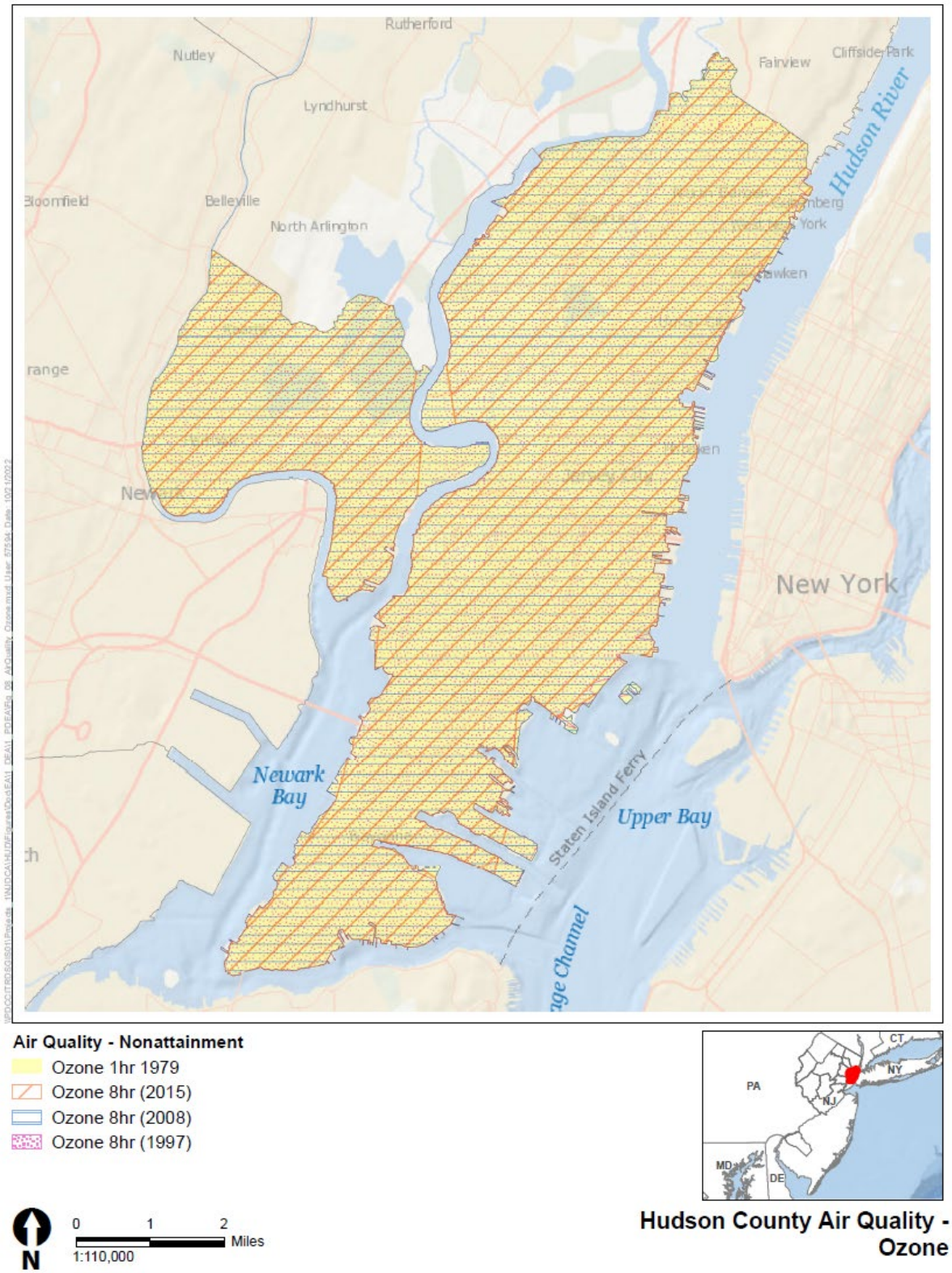


Figure A3-2: Nonattainment/Maintenance Status for NAAQS Criteria Pollutants Table

EPA United States Environmental Protection Agency

Green Book

Contact Us

You are here: EPA Home > Green Book > >National Area and County-Level Multi-Pollutant Information >New Jersey Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

New Jersey Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Data is current as of February 28, 2023

Listed by County, NAAQS, Area. 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.

* The 1997 Primary Annual PM-2.5 NAAQS (level of 15 μg/m^3) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

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Important Notes

Download National Dataset: dbf | xls | Data dictionary (PDF)

County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or/ Part County	Po
NEW JERSEY							
Hudson County	1-Hour Ozone (1979)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	92 93 94 95 96 97 98 99 00 01 02 03 04	/ /	Severe-17	Whole	
Hudson County	8-Hour Ozone (1997)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	04 05 06 07 08 09 10 11 12 13 14	/ /	Moderate	Whole	
Hudson County	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT	12 13 14 15 16 17 18 19 20 21 22 23	/ /	Severe 15	Whole	
Hudson County	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT	18 19 20 21 22 23	/ /	Moderate	Whole	
Hudson County	Carbon Monoxide (1971)	New York-N. New Jersey-Long Island, NY-NJ-CT	92 93 94 95 96 97 98 99 00 01	10/22/2002	Moderate > 12.7ppm	Whole	
Hudson County	PM-2.5 (1997)-NAAQS revoked	New York-N. New Jersey-Long Island, NY-NJ-CT	05 06 07 08 09 10 11 12	09/04/2013 *	Former Subpart 1	Whole	
Hudson County	PM-2.5 (2006)	New York-N. New Jersey-Long Island, NY-NJ-CT	09 10 11 12	09/04/2013	Former Subpart 1	Whole	

Figure A3-3: NJDEP Air Quality Consultation Request Letter and Email Transmittal

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 18, 2023

New Jersey DEP-Office of Permitting & Project Navigation
David Pepe, Director
401 East State Street,
Mail Code 401-07J
P.O. Box 420
Trenton, NJ 08625-0420
Phone: (609) 292-3600

Subject: NJ DCA Tier 1 Environmental Assessment Air Quality Evaluation

Dear Mr. Pepe,

The New Jersey Department of Community Affairs (DCA) is preparing a Tiered Environmental Review to process applications for long-term recovery and mitigation efforts following Tropical Storm Ida through Federal U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. CDBG-DR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements) from the remnants of Tropical Storm Ida in 2021. DCA, acting as the Responsible Entity in lieu of HUD, is required under the Clean Air Act to evaluate the potential air quality impacts of the proposed projects.

DCA is notifying your agency so that you can review the proposed compliance process to meet the National Ambient Air Quality Standards (NAAQS) and New Jersey State Implementation Plan (SIP).

Proposed Project Background

DCA has allocated CDBG-DR funds for the Homeowner Assistance and Recovery Program (HARP), the Small Rental Repair Program (SRRP), and Smart Move Program. Provided below is a detailed description of each program:

- Homeowner Assistance and Recovery Program (HARP) - Provides grants to eligible homeowners for expenses necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Eligible structure types include single-family homes, duplexes, triplexes, townhomes, modular homes, manufactured homes, and condominiums.
- Small Rental Repair Program (SRRP) - Provides zero interest forgivable loans to owners of rental properties for activities necessary to restore storm-damaged rental housing for low- and moderate-income renters, including rehabilitation, reconstruction, elevation, and/or other

mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.

- Smart Move Program - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that are participating in Blue Acres buyout programs as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

The geographic extent of these programs will be the 12 counties determined eligible for funding under presidential declaration DR-4614 and identified under New Jersey's Ida Recovery Action Plan, located on the DCA website: https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml. Counties include Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren (**Attachment 1**).

Review Procedures

Through the environmental review procedures and applicable mitigation measures, DCA intends for proposed CDBG-DR funded activities to avoid negative impacts to air quality during construction and operations of the proposed projects. The proposed review procedures describe how DCA will act as the responsible federal entity to oversee and document that the proposed action complies with state and federal regulations.

Since site-specific locations are not known at this time, DCA intends to complete a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2). The first tier will be 12 county-wide environmental reviews, which examine all environmental topics listed in the U.S. HUD regulations for CDGB-DR funding, including 24 CFR 58.5 and 58.6, and National Environmental Policy Act (NEPA). The second tier will require analysis at the site-specific review level. Each site-specific project will be assigned to one of the following activity categories.

1) **Rehabilitation**: Repairing (possibly including elevating) homes and small rental properties that sustained damage as a result of Tropical Storm Ida but were not so severely damaged that reconstruction is required. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").
2) **Reconstruction within existing footprint**: Construction of a new dwelling on the existing property within 20.0 percent of the original (first-floor) building footprint ("Proposed Action 2").
3) **Reconstruction beyond existing footprint**: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first-floor) building footprint ("Proposed Action 3").
4) **New Construction**: New construction of single-family homes. The new developments will be built outside the 500-year floodplain and the inland or coastal climate adjusted floodplain, as defined by DEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

DCA understands that New Jersey is currently in nonattainment status in some areas for 8-hour ozone (2008; 2015) and sulfur dioxide (portion of Warren County). DCA's review of the NAAQS, the NJ SIP, and

previous emissions estimates for the NJ Sandy recovery project[1] have resulted in a determination that the proposed actions would not be expected to equal or exceed the *de minimis* thresholds established under 40 CFR 93.153 and would therefore be exempt from general conformity requirements.

Best management practices will be required for all construction activities by way of mandatory mitigation measures:

- Use of water in exposed areas to control excessive dust.
- Covering trucks hauling soil and other materials to prevent dust generation.
- Minimize idling of all vehicles.
- Retrofitting older equipment with pollution control measures.

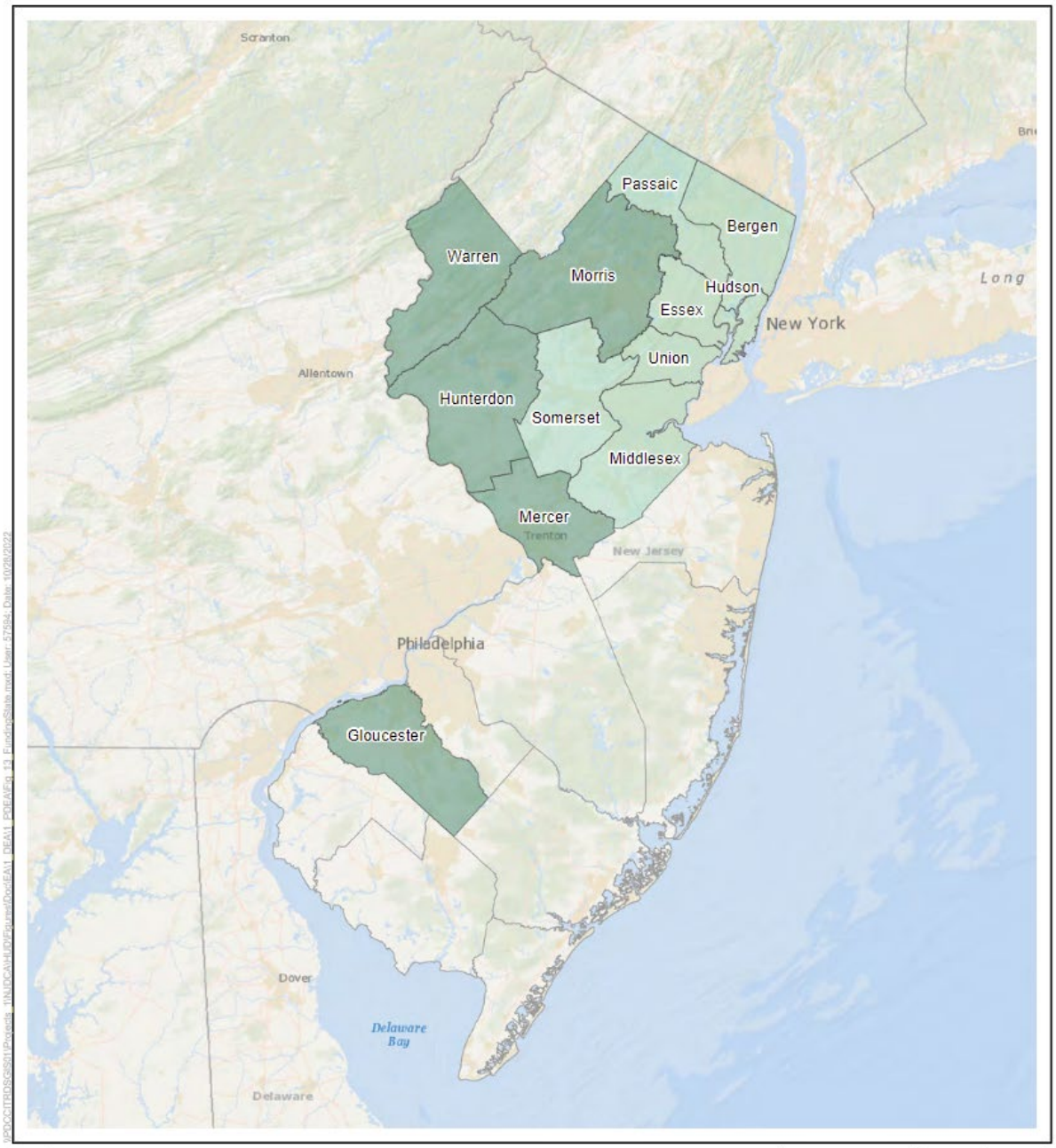
Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at Samuel.Viavattine@dca.nj.gov.

Sincerely,

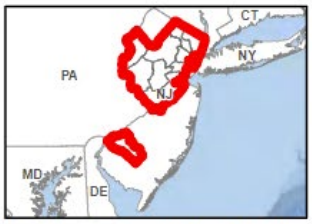
Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

Attachment 1: Counties eligible for Tropical Storm Ida funding.
Attachment 2: AQ Emissions Estimate.

[1] Provided in Attachment 2. The emissions estimates were prepared in 2013 with a projection to 2014 for analysis purposes. The programs being evaluated as part of the Tropical Storm Ida recovery project would expend up to approximately $119 million in federal funds; the Hurricane Sandy recovery project evaluated the estimated emissions from approximately $1.8 billion in federal funding.



Grantee-Identified MID areas
HUD-identified MID areas



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Attachment 1: Counties Eligible for HARP, SRRP and Smart Move Funding

Attachment 2

Methodology to Estimate Emissions from the Housing Rehabilitation, Reconstruction, Elevation, and Mitigation Associated With Hurricane Sandy—Use of Fuel for Residential Construction and Average Pollutant Emission Factors

Step 1: Obtain national data that relates residential housing spending to diesel fuel usage from Evaluation of Methodologies to Estimate Nonroad Mobile Source Usage, prepared by Sierra Research for the Office of Mobile Sources, U.S. Environmental Protection Agency (report number SR93-03-02, March 19, 1993, Table 7-4 on page 7-6). Based on the 1987 Census of Construction, $1,200 of off-highway fuel is used for every million dollars of single family housing (SFH) construction. Also, $880 of off-highway fuel is used for every million dollars of non-SFH residential construction. Assuming the Superstorm Sandy construction activities will be a mix of SFH and non-SFH residential construction, an average value of $1,040 of off-highway fuel per million dollars of construction will be used.

Step 2: Convert the diesel fuel usage factor to gallons of fuel per million dollars ($M) of current residential construction spending. An average 1987 diesel price of $0.55 per gallon is from page 7-10 of the Sierra report. To convert the construction spending from 1987 dollars to current dollars, producer price indices (PPI) for finished goods less food and energy were obtained for 1987 (113.3) and 2012 (182.4) from http://data.bls.gov/pdq/SurveyOutputServlet . The diesel fuel usage factor is converted as follows:

$1,040 fuel/$M1987constn X 1 gal diesel/$0.55 X 113.3/182.4 = 1,175 gal diesel/$Mconstn

Step 3: Obtain emission factors in terms of annual tons of pollutant per million gallons of nonroad diesel fuel to enable the estimation of pollutant emissions per million dollars of construction spending. The NJDEP ran the EPA NONROAD model to produce 2014 annual construction pollutant emissions and fuel usage for the nine New Jersey counties in which Superstorm Sandy recovery efforts will be concentrated. Details regarding the results of the NONROAD model runs are provided in the appendix. The NONROAD results were used to generate emission factors by considering the total annual construction pollutant emissions for the nine counties along with the total diesel fuel used by the construction equipment. This resulted in emission factors of: 6.90, 64.89, 5.51 and 0.13 pollutant tons per million gallons of diesel fuel for VOC, NOx, PM2.5 and SO2 respectively. Using the emission factors from the NONROAD model and 1,175 gal diesel/$Mconstn from Step 2, the following emission factors are calculated: 0.00811, 0.0762, 0.00647 and 0.00015 annual tons of pollutant per million dollars of residential construction spending for VOC, NOx, PM2.5 and SO2 respectively.

Step 4: Apply the emission factors to the projected spending for the Superstorm Sandy rebuilding project. The spending for the project is estimated to be $1.8 billion over a 24 month period beginning mid-2013 and ending mid-2015. The focus of this analysis will be the 2014 calendar year because project construction emissions are expected to be highest in that year (half of $1.8 billion or $900 million). General conformity emissions are estimated for each impacted nonattainment area. Of the nine counties in which HUD-funded Superstorm Sandy recovery projects will be concentrated, six are in the northern ozone nonattainment area and three are in the southern nonattainment area. However, the shoreline length is roughly equally split between the northern and southern ozone nonattainment areas. Six of the nine counties are in the northern

.

PM2.5 nonattainment area. Therefore, for the ozone precursor pollutants (VOC and NOx), 2014 project construction spending is assumed to be $450 million (half of $900 million) for each nonattainment area and for PM2.5, 2014 project construction spending is assumed to be $600 million (2/3 of $900 million). Using these spending assumptions and the emission factors from Step 3, the following are the estimated 2014 emissions:

Table 1: Estimated VOC, NO_x and PM2.5 Emissions Associated with HUD-Funded Housing Projects

Nonattainment Area	VOC (tons/year)	NOx (tons/year)	PM2.5 (tons/year)	SO2 (tons/year)
Ozone Northern	4	34	NA	NA
Ozone Southern	4	34	NA	NA
PM2.5 Northern	NA	NA	4	0.09
General Conformity Limits	25	100	100	100

The methodology used to determine the emissions estimates in Table 1: Estimated VOC, NO_x and PM2.5 Emissions Associated with HUD-Funded Housing Projects is consistent with the damage reported by county and the method of distribution of funds included in the New Jersey Department of Community Affairs, Community Development Block Grant Disaster Recovery Action Plan (March 2013).[1]

[1] http://www.state.nj.us/dca/announcements/pdf/CDBG-DisasterRecoveryActionPlan.pdf (pages 2-4 and 4-2)

From: Greene, Robert
To: Pepe, David [DEP]
Cc: Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven; Nolan, Katherine [DEP]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs
Date: Thursday, January 19, 2023 4:01:37 PM
Attachments: image001.png
image002.png
NJDEP Contamination and Toxic Substances.pdf
NJDCA Tier 1 EA Air Quality.pdf

Hi David,

Signed letters for Contamination and Toxic Substances and Air Quality are attached. We have one more letter that we will be sending for ENSP review in the next week or two after incorporating USFWS feedback.

Thanks again for your help coordinating everything.
Rob

From: Pepe, David [DEP] <David.Pepe@dep.nj.gov>
Sent: Wednesday, January 4, 2023 8:38 AM
To: Sherman, Steven <Steven.Sherman@icf.com>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs

HI Steve - you can send them to me and I will make sure the proper programs review.

Thank you,
David Pepe, P.G. , Director
New Jersey Department of Environmental Protection
Office of Permitting & Project Navigation
Office Phone (609) 292-3600
Direct Phone (609) 984-4515
Fax (609) 292-1921
Email: david.pepe@dep.nj.gov
Website: http://www.nj.gov/dep/pcer/

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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From: Sherman, Steven <Steven.Sherman@icf.com>
Sent: Wednesday, January 4, 2023 8:23 AM
To: Pepe, David [DEP] <David.Pepe@dep.nj.gov>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: [EXTERNAL] RE: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

Hope you had a nice holiday. I just wanted to follow up on the request below. For HUD-funded CDBG-DR Tier 1 (county-wide) environmental assessments, should we send consultation letters regarding Air Quality, Endangered Species and Contamination and Toxic Substances to the Office of Permitting and Project Navigation or to the relevant NJDEP divisions (i.e.. Division of Air Quality)?

Thank you,
Steven

From: Sherman, Steven
Sent: Wednesday, December 28, 2022 10:03 AM
To: David.Pepe@dep.nj.gov; Katherine.Nolan@dep.nj.gov
Cc: Burton, Judith <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

ICF is supporting DCA in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation or new construction of housing structures.

In developing the Tier 1 EAs, we wanted to confirm the proposed approach and obtain guidance on a few environmental resource sections. Provided below are those resources along with some additional details of which we are requesting information. Where applicable, we are modeling the approaches based on the NJ Sandy Recovery Program.

- **Air Quality**:

    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
- **Endangered Species**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Guidance on incorporating state listed species and critical habitat in environmental reviews
    - Guidance on required state permits and/or mitigation measures
- **Contamination and Toxic Substances**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Confirmation of search radius/clearance requirements for toxic sites (ex: superfund, brownfield, RCRA...)
    - Guidance on required state listed sites to analyze within range of the proposed action

While we do not anticipate that permits will be required for the Broad County-wide Tier 1 EAs, there may be some permits for the subsequent site-specific Tier 2 environmental reviews of mostly single-family structures. Do you know which points of contact I should reach out to at DEP for the above resources categories? We will be sending along a letter and email to the appropriate points of contact which detail the proposed action (for Tier 1s and Tier 2s) along with the proposed approaches.

Thanks,
Steve

Steven Sherman | Senior Environmental Planner, Environment & Planning | steven.sherman@icf.com | icf.com +1.215.359.7856 mobile

Figure A3-4: NJDEP Consultation Response

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Permitting and Project Navigation
401 East State Street, Mail Code 401-07J, P.O. Box 420
Trenton, New Jersey 08625-0420
Phone: (609) 292-3600 Fax: (609) 292-1921
www.nj.gov/dep/pcer

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHAWN M. LaTOURETTE
Commissioner

February 22, 2023

Steven Sherman
ICF International

RE: Request for Guidance: NJ Department of Community Affairs Hurricane Ida Tier 1 Environmental Assessment
12 counties: Passaic, Bergen, Hudson, Essex, Union, Morris, Warren, Hunterdon, Sommerset, Middlesex, Mercer, Gloucester.

The New Jersey Department of Environmental Protection's (Department) Office of Permitting and Project Navigation (OPPN) distributed for review and comment a request for guidance on the proposed approach to prepare the NJ DCA Tier 1 Environmental Assessment. ICF International is supporting the Department of Community Affairs in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation, or new construction of housing structures.

Based on the information provide for review, the Department offers the following comments for your consideration:

Division of Land Resource Protection
Bureau of Tidelands
The review process should include an analysis of potential Tidelands ownership. Tidelands refers to all lands that are now or were formerly flowed by the mean high tide of a natural waterbody (such as the ocean, bays, and tidal sections of rivers and creeks, and includes marshlands inundated by the tide). The State of New Jersey owns in fee simple all lands that are flowed by the tide up to the high-water line and claims ownership of those formerly flowed tidelands as delineated on the Tidelands Claims Maps. In those areas that are still flowed by the tide, the claim line is not static, and are subject to continuing shoreline processes where the State's Tidelands ownership can extend to the current mean high water line that may be inshore of the mapped claim line. Tidelands concerns property ownership rights and regulatory permit approval does not convey nor relinquish the State's ownership rights. The existing structure or continued use thereof, or the construction, reconstruction, placement of fill and/or shoreline stabilization work are examples of activities that may require Tidelands approval via a lease, license, or grant if the activity or structure is located within currently flowed Tidelands or Tidelands claim area.

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Bureau of Flood Hazard Area and Stormwater Engineering
Flood hazard authorization will be required for the various types of projects which include reconstruction within the existing footprint (Proposed Action 2), reconstruction beyond the existing footprint (Proposed Action 3), and new construction (Proposed Action 4). If the rehabilitation (Proposed Action 1) of a home result in a substantial improvement, then a flood hazard authorization will be required. For reference, a substantial improvement is one in which the cost of doing the work equals or exceeds 50% of the market value of the home. Regardless, if rehabilitation involves elevating a home, a flood hazard authorization will be required.

DCA relies on the Uniform Construction Code (UCC). The UCC governs elevations of the lowest floor of a building. This is consistent with the Flood Hazard Rules, however, may need further analysis. UCC and Flood Hazard differs for additions to buildings that do not result in a substantial improvement. The UCC does not require the floor of the addition to be at any specific elevation, however, the Flood Hazard regulations requires the floor of the addition to be elevated at least one foot above the flood hazard elevation. This inconsistency can lead to compliance issues and frustration on the part of building owners.

Whether categorized into Proposed Actions 2 or 3, any reconstruction of an existing building cannot extend into the floodway. In cases where the original footprint is in the floodway, deviations from this footprint upon reconstruction may not necessarily qualify for authorization under the Flood Hazard Area Control Act Rules.

Please be aware that encroachment into the riparian zone is minimized, and where unavoidable, does not exceed allowable regulatory limits.

If you have any questions, please contact Christina Albizati at Christina.Albizati@dep.nj.gov.

Historic Preservation Office
The Historic Preservation Office (HPO) is consulting with the Department of Community Affairs (DCA) regarding these programs, pursuant to Section 106 of the National Historic Preservation Act. DCA is in the process of drafting a Programmatic Agreement (PA) to address historic preservation consultation for these programs. The PA will govern all consultation processes and exemptions for each of DCA's United States Department of Housing and Urban Development-funded programs related to Hurricane Ida. As a result, we look forward to further consultation with DCA regarding the development and implementation of this agreement.

If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 23-0494 in any future calls, emails, submissions, or written correspondence to help expedite your review and response.

If you have any questions, please contact Jesse West-Rosenthal at Jesse.West-Rosenthal@dep.nj.gov.

New Jersey Division of Fish Wildlife
The Office of Environmental Review is reviewing the additionally submitted documents and will follow up with written guidance.

If you have any questions, please contact Kelly Davis at Kelly.Davis@dep.nj.gov.

If you have any questions regarding the Endangered and Non-Game Species Program, please contact Kathy Clark at Kathy.Clark@dep.nj.gov.

Division of Resilience Engineering & Construction

Bureau of Climate Resilience Design & Engineering

The following comments are based on the approach for each level of review to comply with Environmental Assessment Contamination and Toxic Substance Approach Comments, under 24 CFR 58.5 (i)(2)(i). As noted, HUD requires the proposed project site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended utilization of the property.

Tier 1 Approach:

Hazards: It is recommended in HUD policies, along with Federal, State and local standards, that following hazards be included in this section of the Tier 1: Radon, Asbestos, Lead-based Paint (LBP) and Mold. As well as best management practices on the overall approach, including demolition guidance for residences that contain asbestos and LBP, and how these hazards will be assessed in the site-specific Tier 2 reviews. All residential structures funded by HUD should be "free and clear" of the above noted items.

EPA Screening: The general approach of utilizing EPA's NEPAssist at the counties level for a broad review is acceptable, with understanding that a site-specific review will be needed to catch any additional EPA sites that may be listed after the Tier 1 is complete.

Tier 2 Approach:

Screening and Review Criteria: While utilizing NJDEP GeoWeb, there is a known contaminated sites list (KCSL) that is useful for the initial site screening. It is recommended that DCA generate a detailed review process that identifies the exact criteria used to "clear" and "not clear" project sites. This detailed process should include what mitigation is appropriate with certain hazards. The review process criteria should identify what specific documents or maps will be used to support any determination and who will be making those determinations.

Document Review: If the document review is an Open Public Records Act (OPRA) file review request, online documents only, the qualifications to perform the review must be noted on behalf of DCA. It is recommended for DCA staff to be trained on GeoWeb information to understand the information and to establish the connected databases that can be used determine site-specific SRP information.

Consultation: DCA intends to determine that the site and/or facilities do not conflict with the intended use of the project, and clarify how the information is determined. Including if there are multiple media concerns and transport concerns via soil, groundwater, and vapor. It is recommended that DCA document a review diagram of when consultation is needed and who they intend to consult with when these transport and potential exposure concerns are identified. This may be an internal meeting with SRP staff to agree on consultation criteria including time frame, contacts, and consultation product.

Site Inspections: Site inspections should include past and/or present evidence of Underground Storage Tanks (USTs) and/or Aboveground Storage Tanks (ASTs) not only on the property or within a structure but adjacent to the structure/property. It is recommended that the site inspection identify hazards such as asbestos, LBP, or mold.

Phase 1 Reviews: It is unclear the purpose of a Phase 1 at this stage of the funding. If all the above-noted items were reviewed and the hazards and mitigation requirements the Phase 1 would be the document needed for a purchaser to protect their property investment. The Tier 2's are essentially the documents that protect HUD's investment. On previous HUD-funded projects, Phase 1 documents were typically provided by commercial entities to protect their investment. The project team utilizes that Phase 1 and any other site remediation-type documents to support remediation of a hazard or that no hazard exists. The project team would confirm those hazards with the Tier 2 review. It is not recommended DCA perform Phase 1 reviews.

If you have any questions, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Air Permitting

N.J.S.A. 26:2C-9.2d exempts (1) One- or two-family dwellings and (2) A dwelling of six or less family units, one of which is owner occupied from air permitting.

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.

Idling Vehicles- 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.

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.

Fugitive Dust - 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.

If you have any questions, please contact Danny Wong at Danny.Wong@dep.nj.gov.

Air Bureau of Evaluation and Planning

The Air Quality Evaluation states the 12 counties determined eligible for funding include: Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren.

Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union, and Warren counties are part of the New York, Northern New Jersey, Long Island, and Connecticut (NY-NJ-CT) ozone nonattainment area, while Gloucester and Mercer counties are part of the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) ozone nonattainment area. On October 7, 2022, the U.S. Environmental Protection Agency (USEPA) issued two final rules that reclassified New Jersey's nonattainment areas. 87 FR 60926 reclassified the NY-NJ-CT nonattainment area from "serious" to "severe" nonattainment for the 75 ppb 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS), and 87 FR 60897 reclassified the PA-NJ-MD-DE nonattainment area from "marginal" to "moderate" for the 70 ppb 2015 8-hour ozone NAAQS. In the Federal General Conformity regulation (40 CFR 93.153), the corresponding de minimis level for a "severe" nonattainment area is 25 tons per year (tpy) for NOx or VOC, and 100 tpy for NOx and 50 tpy for VOC for a "moderate" nonattainment area. The effective date of these rules is November 7, 2022.

It is recommended that the applicant ensure that the correct classifications and thresholds are included in the draft Environmental Assessments and used to determine compliance with General Conformity regulations.

More information on the reclassification of the NY-NJ-CT nonattainment area for the 2008 8-hour ozone standard can be found here: https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20458.pdf.

More information on the reclassification of the PA-NJ-MD-DE nonattainment area for the 2015 8-hour ozone standard can be found here: https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20460.pdf.

Attachment 2 of the Air Quality Evaluation ("Methodology to Estimate Emissions from the Housing Rehabilitation, Reconstruction, Elevation, and Mitigation Associated with Hurricane Sandy – Use of Fuel for Residential Construction and Average Pollutant Emission Factors") contains the methodology used to estimate emissions for New Jersey Sandy Recovery projects that took place during a 24 month period beginning mid-2013 and ending mid-2015. While the Department accepted this methodology for the evaluation of the analogous Sandy recovery projects, please note that use of this methodology with all of the Sandy assumptions would result in very conservative (high) estimates of emissions from the upcoming Ida recovery projects. The producer price indices (PPI) for finished goods less food and energy (from 2012), and the nonroad equipment emission factors (from 2014) can be updated to more recent values that will result in directionally lower project emissions estimates.

For example, the most recently available PPI for finished goods less food and energy for the year 2022 (242.771) can be found here: https://www.bls.gov/ppi/detailed-report/ppi-detailed-report-december-2022.pdf.

If you have any questions, please contact Connor Milligan at Connor.Milligan@dep.nj.gov.

Thank you for providing the New Jersey Department of Environmental Protection the opportunity to comment on the Request for Guidance: NJ Department of Community Affairs Hurricane Ida Tier 1 Environmental Assessment. Should you have any questions or need additional information, please contact Hannah Locke at the Office of Permitting and Project Navigation at Hannah.Locke@dep.nj.gov.

Sincerely,

David Pepe, Director

From: Locke, Hannah [DEP]
To: Greene, Robert; Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven
Cc: Pepe, David [DEP]; Nolan, Katherine [DEP]; Martin-Torres, Chaneice [DEP]
Subject: NJ DCA Hurricane Ida Tier 1 EAs - NJDEP Comment Letter
Date: Wednesday, February 22, 2023 12:13:32 PM
Attachments: DCA Tier 1 EA - Request for Guidance - NJDEP Comment Letter.pdf

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Good afternoon,

Please see the attached NJDEP comment letter. Please let me know if you have any questions.

Sincerely,

Hannah Locke (she/her)
Environmental Services Trainee
Office of Permitting and Project Navigation
New Jersey Department of Environmental Protection
Office: (609) 292-3600 Desk: (609) 341-3120

NJDEP

NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

Attachment 4 – Coastal Zone Management

Coastal Zone Management Act, section 307 (c) & (d)

Table A4-1: Coastal Management Zones - Hudson County

Coastal Management Zones in Hudson County	9,366.9 acres (31%)

Table A4-2: Coastal Management Zones Source

Agency	Internet link	Accessed Date	Dataset Date
New Jersey Department of Environmental Protection (NJDEP) Bureau of GIS	https://njdep.maps.arcgis.com/home/item.html?id=6608f9feb7314ce7bfcb26aba82cf1be	10/28/2022	11/8/2021

Agencies/Regulations Consulted During the Broad Review:

New Jersey Department of Environmental Protection (NJDEP) Coastal Management Program

Supporting Documentation:

Figure A4-1: Coastal Management Zones and Tidelands Map Hudson County, NJ

Figure A4-2: NJ DEP Tidelands Claim Response

ENVIRONMENTAL FINDING: Compliance will be achieved during the site-specific review, as described below. The Hackensack Meadowlands Region coastal zone lies within Hudson County. Hudson County contains property in the Hackensack Meadowlands Region and designated Tidelands areas. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A4-1: Coastal Management Zones and Tidelands in Hudson County Map

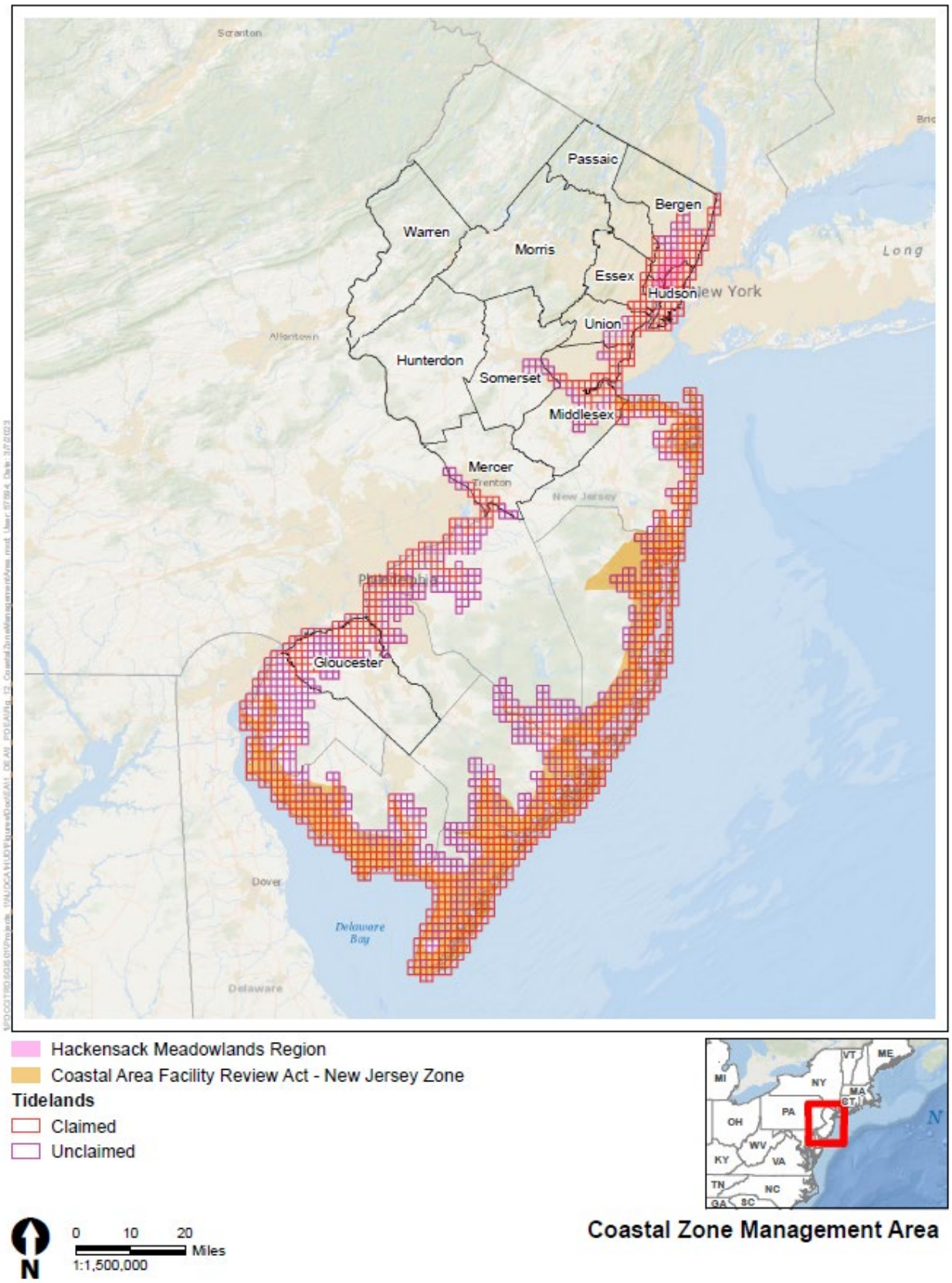


Figure A4-2: NJDEP Tidelands Claim Response

From: Nolan, Katherine [DEP]
To: Sherman, Steven; Locke, Hannah [DEP]; Greene, Robert; Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs - NJDEP Comment Letter
Date: Thursday, March 9, 2023 12:53:13 PM
Attachments: image001.png

Hi Steve,

I'm reaching out for Hannah who is on vacation this week. I reached out to Randy Bearce in our Bureau of Tidelands and he is not familiar with any mapped data layer for the Mean-High Water Line in general or former post Ida mean high water line mapping. There was some discussion post-Sandy about mapping the current MHWL but nothing came of it.

Randy wanted to note that the Tidelands claim line is NOT the MHWL. People often have a misunderstanding of this layer. It was not intended to be the MHWL. It is one overall datalayer but the line itself is made up of segments that can be from a variety of sources. At some locations it may have been the MHWL at the time the claim line mapping was done, but that would have been around 1980, over 40 years have passed since then. The real purpose was to assert the State's claim of ownership for those areas that were formerly flowed by the tide but were filled prior to the claims mapping. The claim is not fixed or static along existing shorelines.

His suggestion would be that the DCA application form should ask questions like –
Does the property border the water?
What is the name of the water-body?
Is the property regularly inundated by the tide?
Is the house on piles or elevated?
Is the house or other structures or outbuildings regularly inundated on a regular basis?

If the answer is yes to any of those, then the location of the MHWL may be an issue that then should be explored further.

He would assume that if a property may border the water / MHWL wouldn't matter as much as far as DCA funding goes, as long as it doesn't touch the house, but if the house itself is inundated by the MHWL that would be a different story.

Please feel free to reach out to him if you have further questions. His email is Randy.Bearce@dep.nj.gov.

Thank you,

Katie Nolan
Environmental Specialist 3
Office of Permitting and Project Navigation
401 E. State St. | P.O. Box 420 | Trenton, N.J. 08625
Direct: (609) 984-6506 | Office: (609) 292-3600 | Fax: (609) 633-1196

Attachment 5 – Contamination and Toxic Substances

24 CFR 50.3(i) & 58.5(i)(2)

Table A5-1 EPA Hazardous Sites - Hudson County:

Hazardous Site Type	Number in Hudson County
Hazardous Waste (RCRAinfo)	2,293
Air Pollution (ICIS-Air)	501
Water Discharges (NPDES)	685
Toxic Release Inventory (TRI)	110
Superfund (NPL)	5
Brownfields (ACRES)	65
Toxic Substances Control Act (TSCA)	59
Total	**3,718**

Table A5-2 NJDEP Hazardous Sites - Hudson County:

NJDEP Sites and Facilities	Number of Sites/Facilities
Known Contaminated Sites	253
Solid and Hazardous Waste Facilities	17
Total	**270**

Table A5-3: Potentially Hazardous Facility Review Radius Table

Potentially Hazardous Facilities	Review Radius (feet)
Federal Air Pollution Facility (ICIS-AIR)	250 feet
Federal Brownfields (ACRES)	3,000 feet
Federal Hazardous Waste (RCRAinfo)	250 feet
Federal Superfund (CERCLA and NPL)	3,000 feet
Federal Toxic Release Inventory (TRI)	250 feet
Federal Toxic Substances Control Act (TSCA)	250 feet
Federal Water Discharge (NPDES)	250 feet
State Known Contaminated Sites	3,000 feet
State Solid & Hazardous Waste Facilities	3,000 feet

Table A5-4: Contamination and Toxic Substances Sources

Agency	Link	Accessed Date	Dataset Date
ASTM International	https://www.astm.org/e1527-13.html	11/30/2022	2014
U.S. Environmental Protection Agency (EPA)	https://www.epa.gov/enviro/data-downloads	10/28/2022	4/6/2022
U.S. Environmental Protection Agency (EPA)	https://www.epa.gov/superfund/superfund-data-and-reports	11/22/2022	6/10/2022
U.S. Environmental Protection Agency (EPA)	https://www.epa.gov/sites/default/files/2015-03/documents/new_jersey.pdf	10/21/2022	8/17/2022
NJ Department of Environmental Protection (NJDEP)	https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d	01/25/23	N/A

Agencies/Regulations Consulted During the Broad Review:

U.S. Environmental Protection Agency (EPA)

U.S. Department of Housing and Urban Development (HUD)

New Jersey Department of Environmental Protection

Supporting Documentation:

Figure A5-1: Contaminated and Toxic Substances Sites Map - Hudson County

Figure A5-2: NJDEP Contaminated and Toxic Substances Sites Map - Hudson County

Figure A5-3: NJDEP Potentially Hazardous Facilities Request Letter, Email Transmittal and Methodology

Figure A5-4: EPA Radon Zones Map

ENVIRONMENTAL FINDING: Compliance will be achieved during site-specific review since HARP, SRRP and Smart Move projects have the potential to be impacted by on-site or nearby toxic and contaminated substances including asbestos, lead-based paint, mold, and Radon. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A5-1: Contaminated and Toxic Substances Sites Map - Hudson County

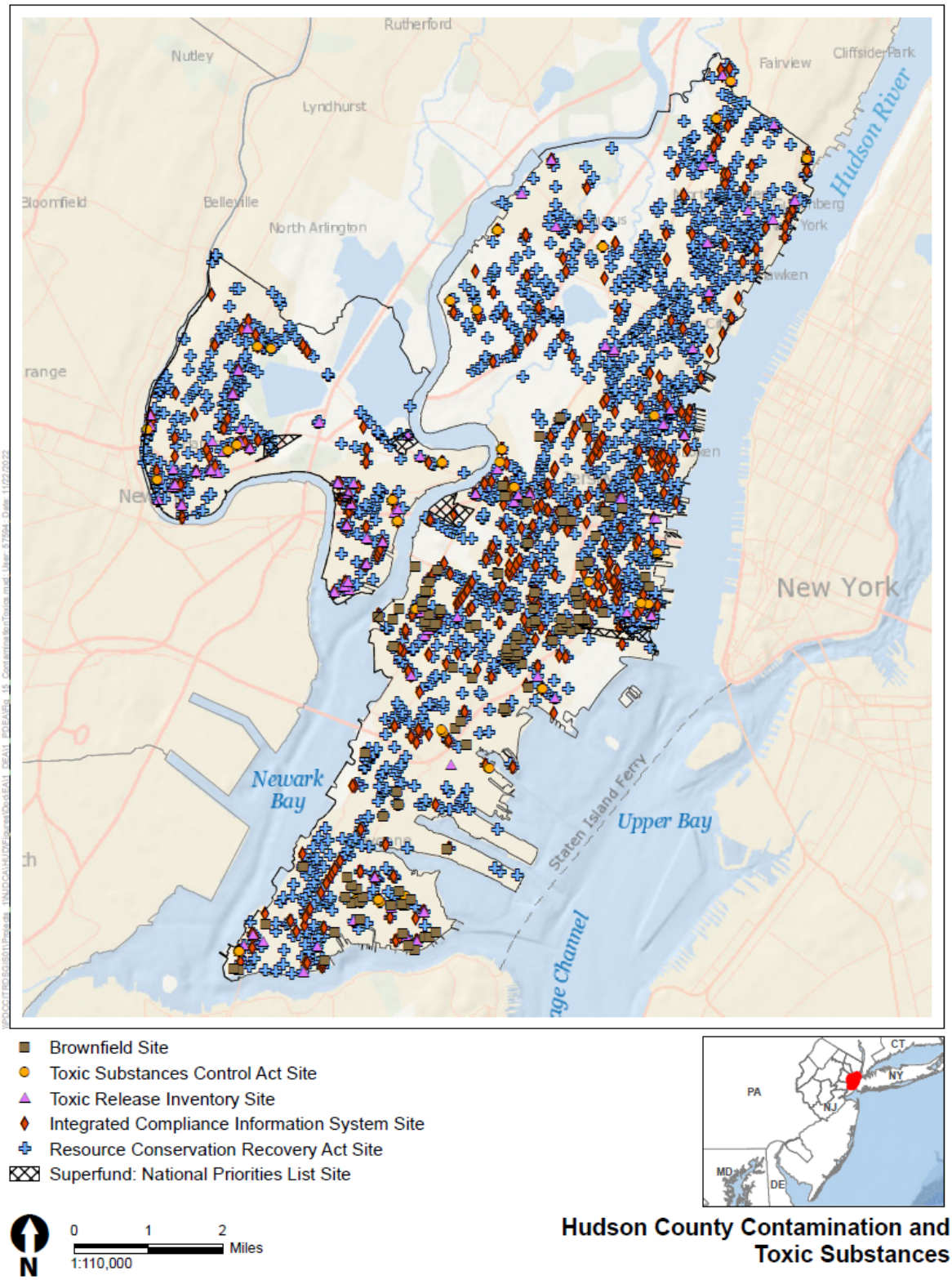
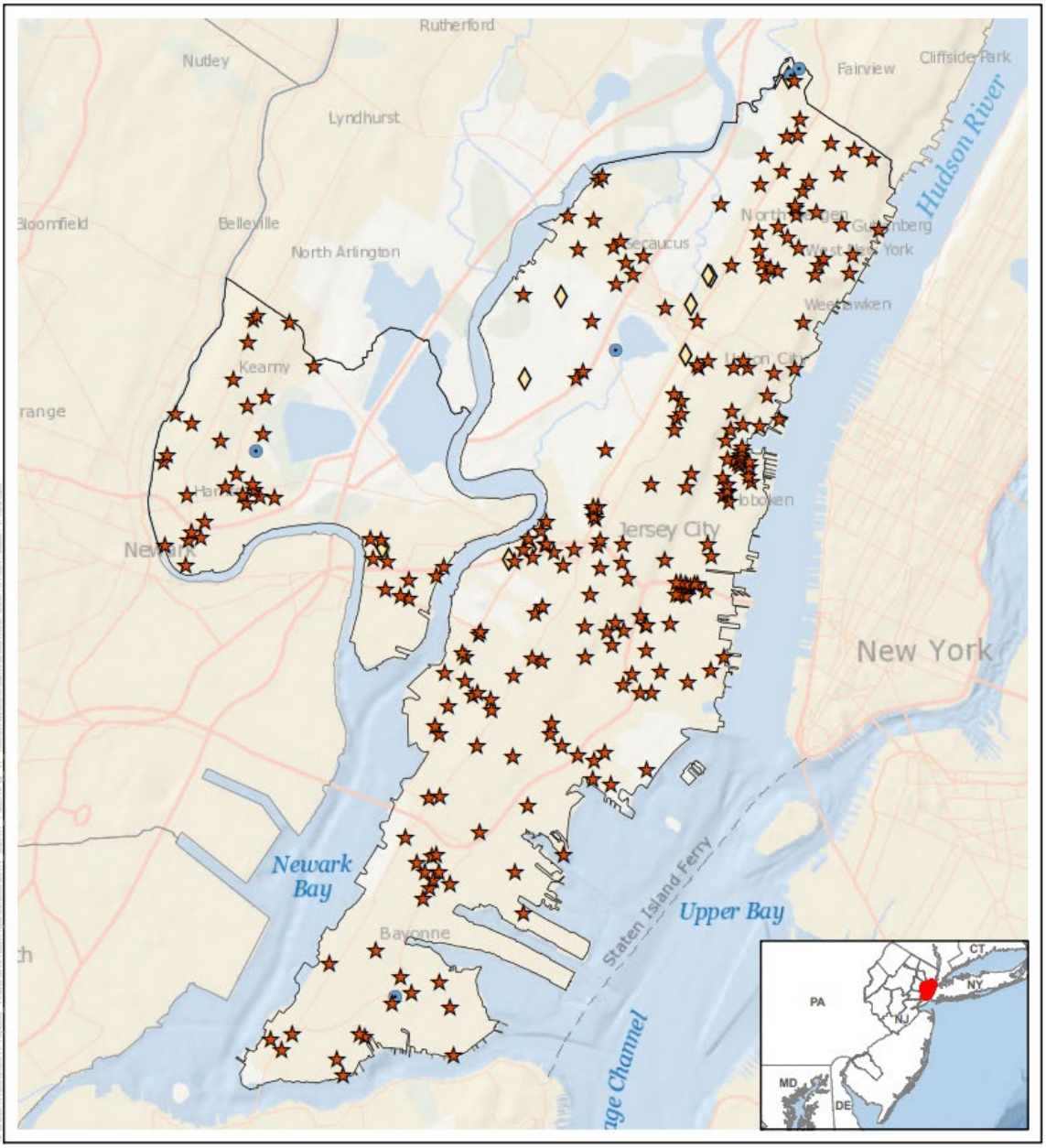


Figure A5-2: NJDEP Contaminated and Toxic Substances Sites Map – Hudson County



Facility Type

- Hazardous Waste TSD Facility
- Solid Waste Recycling Facility - Class B
- Transfer Station / Materials Recovery Facility
- Known Contaminated Site

N

0 1 2 Miles
1:110,000

Hudson County
Solid & Hazardous Waste, Contaminated Sites

Figure A5-3: NJDEP Potentially Hazardous Facilities Request Letter, Email Transmittal and Methodology

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 18, 2023

NJDEP-Office of Permitting & Project Navigation
David Pepe, Director
401 East State Street
Mail Code 401-07J
P.O. Box 420
Trenton, NJ 08625-0420
Phone: (609)-292-3600

Subject: NJ DCA Tier 1 Environmental Assessment Contamination and Toxic Substances Approach

Dear Mr. Pepe,

The New Jersey Department of Community Affairs (DCA) is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) to process applications for long-term recovery and mitigation efforts following Tropical Storm Ida through U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. CDBG-DR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements), from the remnants of Tropical Storm Ida in 2021. DCA, acting as the Responsible Entity in lieu of HUD, is required as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2) to review for on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property.

Provided below is a proposed approach and review criteria for federally listed and state listed sites of hazardous or toxic concern. DCA is requesting your review of the proposed procedures and review criteria.

Proposed Project Background

DCA has allocated CDBG-DR funds for the Homeowner Assistance and Recovery Program (HARP), the Small Rental Repair Program (SRRP), and Smart Move Program. Provided below is a detailed description of each program:

- Homeowner Assistance and Recovery Program (HARP) - Provides grants to eligible homeowners for expenses necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Eligible structure types include single-family homes, duplexes, triplexes, townhomes, modular homes, manufactured homes, and condominiums. Only costs incurred after an award would be eligible.

- Small Rental Repair Program (SRRP) - Provides zero interest forgivable loans to owners of rental properties for activities necessary to restore storm-damaged rental housing for low- and moderate-

income renters, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.

- Smart Move Program - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that are participating in Blue Acres buyout programs, as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

The geographic extent of these programs will be the 12 counties determined eligible for funding under presidential declaration DR-4614 and identified under New Jersey's Ida Recovery Action Plan, located on the DCA website: https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml. Counties include Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren (**Attachment 1**).

Review Procedures

DCA, in accordance with NEPA and HUD environmental review procedures, will act as the Responsible Entity to oversee and document that the proposed action complies with state and federal regulations.

Since site-specific locations are not known at this time, DCA intends to complete a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2). The first tier will be 12 county-wide environmental reviews, which examine all environmental resources listed in the HUD regulations for CDGB-DR funding, including 24 CFR 58.5 and 58.6, and NEPA. The second tier will include those environmental resources that require analysis at the site-specific review level. Each site-specific project will be assigned to one of the following activity categories.

1) **Rehabilitation**: Repairing (possibly including elevating) homes and small rental properties that sustained damage as a result of Tropical Storm Ida but were not so severely damaged that reconstruction is required. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").
2) **Reconstruction within existing footprint**: Construction of a new dwelling on the existing property within 20.0 percent of the original (first-floor) building footprint ("Proposed Action 2").
3) **Reconstruction beyond existing footprint**: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first-floor) building footprint ("Proposed Action 3").
4) **New Construction**: New construction of single-family homes. The new developments will be built outside the 500-year floodplain and the inland or coastal climate adjusted floodplain, as defined by NJDEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

HUD policy requires that the proposed project site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended utilization of the property. In order to identify sites near the proposed project locations that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), DCA proposes the use of source data from NEPAssist, a web-based application tool that draws environmental data from the U.S. Environmental Protection Agency's (EPA's) Geographic Information System (GIS) databases. The review would include an examination of the EPA's Superfund (CERCLA) and National Priorities List (NPL), Water Dischargers (NPDES), Toxic Substances Control Act (TSCA), Toxics Release Inventory (TRI), Brownfields (ACRES), Air Pollution (ICIS-

AIR), and Hazardous Waste databases (RCRAInfo). Table 1 lists the number of EPA Facilities located in the 12 counties eligible for funding.

Table 1: EPA Facilities in 12 Counties Eligible for Funding

EPA Facility Type	Number of Facilities
Air Pollution	5220
Brownfields	380
Hazardous Waste	25730
Superfund	82
Toxic Releases	1476
Toxic Substances Control Act	971
Water Discharge	8822
Total	**42681**

If NEPAssist source data[1] demonstrates that there are no EPA facilities within a county, then that would be addressed in the broad review (Tier 1). Otherwise, the site-specific (Tier 2) review would include a listing of EPA Facilities and corresponding map(s) of the facilities within a specified review criterion. DCA proposes to use the review radius for EPA facilities shown in Table 2[2]. These distances allow DCA to focus on EPA facilities within an immediate proximity of the site-specific structures which may pose a greater concern to the site-specific property than facilities outside of the review radius.

Table 2: Review Radius for EPA Facilities

EPA Facility Type	Review Radius
Air Pollution	250 feet
Brownfields	3,000 feet
Hazardous Waste	250 feet
Superfund	3,000 feet
Toxic Releases	250 feet
Toxic Substances Control Act	250 feet
Water Discharge	250 feet

For EPA facilities within the review radius, DCA would reference the EPA's Enforcement and Compliance History Online (ECHO) report (or other EPA sourced document) to determine if there are any enforcement and compliance concerns. If no concerns are noted, then DCA would conclude that the EPA facilities would not impact the health and safety of occupants or conflict with the intended utilization of the property. A brief statement regarding the number of EPA facilities within the review radius and their compliance status would be included in the site-specific review.

DCA proposes to use the NJDEP GeoWeb[3] on-line based application mapping tool to identify state listed sites of concern which have the potential to affect the health and safety of project occupants or conflict with the intended use of the property. DCA would conduct an assessment of "Known Contaminated Sites" and "Solid & Hazardous Waste Facilities (35 Acres and above)". Table 3 lists the number of NJ DEP Sites and Facilities located in the 12 counties eligible for funding.

[1] https://www.epa.gov/nepa/nepassist
[2] The distances are more conservative than the HUD approved distances for CDBG-DR site specific reviews in Harris County, Texas in 2019 (see Attachment 2).
[3] https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d

Table 3: Number of NJ DEP Sites/Facilities

NJ DEP Sites and Facilities	Number of Sites/Facilities
Known Contaminated Sites	1710
Solid & Hazardous Waste Facilities	149
Total:	**1859**

If the NJ DEP sites and facilities are within the review radius of the proposed project property, a listing of the NJ DEP sites and facilities along with a corresponding map(s) would be provided within the site-specific review. DCA proposes to use the review radius for NJ DEP sites and facilities shown in Table 4. The distances for the review radius are based upon the HUD Exchange guidance to assess sites within "3,000 feet of a toxic or solid waste landfill site"[4].

Table 4: Review Radius for NJ DEP Sites/Facilities

NJ DEP Sites and Facilities	Review Radius
Known Contaminated Sites	3,000 feet
Solid & Hazardous Waste Facilities	3,000 feet

If sites are shown to be within the review radius, then DCA would perform a document review of the sites and facilities to determine if there is the potential to affect the health and safety of project occupants or conflict with the intended use of the property. If DCA is not able to reach this determination, then DCA would consult with NJDEP to determine whether the site/facility is in substantial compliance with NJDEP regulations and is therefore considered under control.

In addition, site inspections would be conducted, to assess each applicant's property for potential hazards, soil stains, odors, and any other visible signs of contamination. If no visible signs of contamination are noted, then DCA would conclude that the site is clear of such hazards.

For acquisitions and proposed sites that are determined or suspected to be contaminated by toxic chemicals or radioactive materials, DCA would perform a Phase I Environmental Site Assessment in accordance with the requirements of ASTM E 1527-21 *Standard Practice for Environmental Site Assessments, Phase I Environmental Site Assessment Process*.

If any signs of contamination are identified, the project would not be funded by DCA until evidence is provided that the site is clear of such hazards or appropriate mitigation measures are completed.

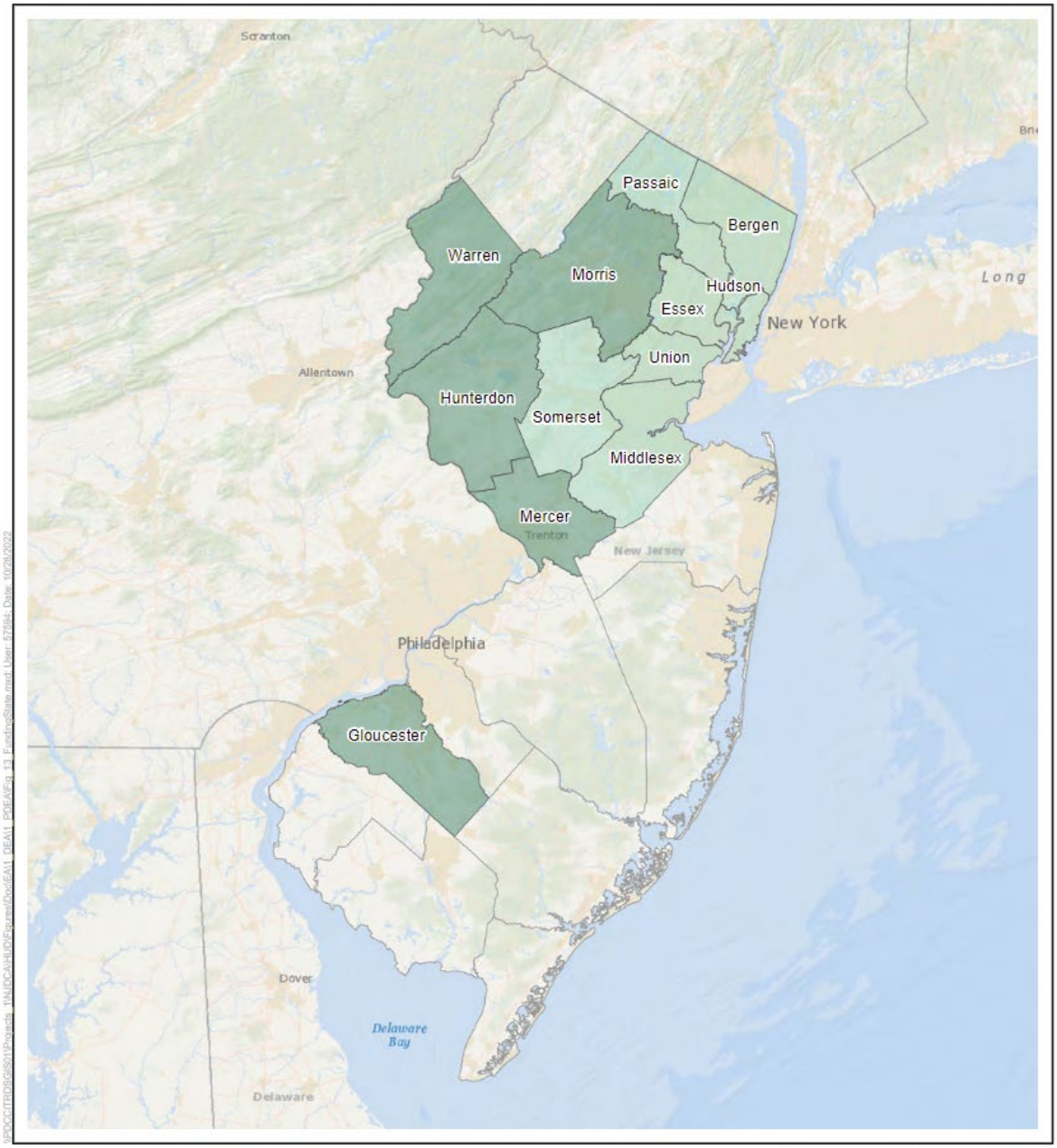
Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at Samuel.Viavattine@dca.nj.gov.

Sincerely,

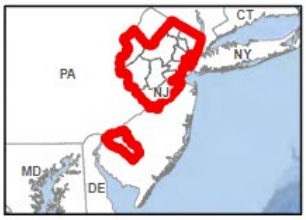
Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

Attachment 1: Counties eligible for Hurricane Ida funding.

[4] https://www.hudexchange.info/environmental-review/site-contamination/



Grantee-Identified MID areas
HUD-identified MID areas



N

0 10 20 Miles
1:1,500,000

Attachment 1: Counties Eligible for HARP, SRRP and Smart Move Funding

From: Greene, Robert
To: Pepe, David [DEP]
Cc: Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven; Nolan, Katherine [DEP]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs
Date: Thursday, January 19, 2023 4:01:37 PM
Attachments: image001.png
image002.png
NJDEP Contamination and Toxic Substances.pdf
NJDCA Tier 1 EA Air Quality.pdf

Hi David,

Signed letters for Contamination and Toxic Substances and Air Quality are attached. We have one more letter that we will be sending for ENSP review in the next week or two after incorporating USFWS feedback.

Thanks again for your help coordinating everything.
Rob

From: Pepe, David [DEP] <David.Pepe@dep.nj.gov>
Sent: Wednesday, January 4, 2023 8:38 AM
To: Sherman, Steven <Steven.Sherman@icf.com>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs

HI Steve - you can send them to me and I will make sure the proper programs review.

Thank you,
David Pepe, P.G. , Director
New Jersey Department of Environmental Protection
Office of Permitting & Project Navigation
Office Phone (609) 292-3600
Direct Phone (609) 984-4515
Fax (609) 292-1921
Email: david.pepe@dep.nj.gov
Website: http://www.nj.gov/dep/pcer/

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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From: Sherman, Steven <Steven.Sherman@icf.com>
Sent: Wednesday, January 4, 2023 8:23 AM
To: Pepe, David [DEP] <David.Pepe@dep.nj.gov>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: [EXTERNAL] RE: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

Hope you had a nice holiday. I just wanted to follow up on the request below. For HUD-funded CDBG-DR Tier 1 (county-wide) environmental assessments, should we send consultation letters regarding Air Quality, Endangered Species and Contamination and Toxic Substances to the Office of Permitting and Project Navigation or to the relevant NJDEP divisions (i.e.. Division of Air Quality)?

Thank you,
Steven

From: Sherman, Steven
Sent: Wednesday, December 28, 2022 10:03 AM
To: David.Pepe@dep.nj.gov; Katherine.Nolan@dep.nj.gov
Cc: Burton, Judith <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

ICF is supporting DCA in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation or new construction of housing structures.

In developing the Tier 1 EAs, we wanted to confirm the proposed approach and obtain guidance on a few environmental resource sections. Provided below are those resources along with some additional details of which we are requesting information. Where applicable, we are modeling the approaches based on the NJ Sandy Recovery Program.

- **Air Quality**:

    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
- **Endangered Species**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Guidance on incorporating state listed species and critical habitat in environmental reviews
    - Guidance on required state permits and/or mitigation measures
- **Contamination and Toxic Substances**
    - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
    - Confirmation of search radius/clearance requirements for toxic sites (ex: superfund, brownfield, RCRA…)
    - Guidance on required state listed sites to analyze within range of the proposed action

While we do not anticipate that permits will be required for the Broad County-wide Tier 1 EAs, there may be some permits for the subsequent site-specific Tier 2 environmental reviews of mostly single-family structures. Do you know which points of contact I should reach out to at DEP for the above resources categories? We will be sending along a letter and email to the appropriate points of contact which detail the proposed action (for Tier 1s and Tier 2s) along with the proposed approaches.

Thanks,
Steve

Steven Sherman | Senior Environmental Planner, Environment & Planning | steven.sherman@icf.com | icf.com +1.215.359.7856 mobile

Process for NJDEP Consultation and Compliance Determinations

The process begins with the consultant submitting the toxic site(s) identified within 3,000 feet of the property applying for HUD Funds (Applicant) for a NJDEP consultation. Then a NJDEP consultation process is performed internally by NJDEP compliance personnel and NJDEP Geologists. Initial compliance determination for each Toxic Review is based on information originating from the New Jersey Environmental Management System (NJEMS). NJEMS is a database maintained by NJDEP that catalogues environmental issues within the State of New Jersey. The further assessment of an identified "Out of Compliance" site would require that a formal NJDEP Toxic review request be made from the contractor.

The NJDEP Toxics review is then performed within the NJDEP as a separate administrative function. This review process consists of a two-stage screening process: 1) desktop database (NJEMS) review and 2) physical file search/site-specific geological review (performed by an NJDEP geologist). The purpose of this review is to identify potential Areas of Concern (AOC's) that represent the location of greatest contaminant concentration and risk, and secondly, to identify potential receptors and exposure pathways. Each review contains a baseline description of the site and surrounding area and includes:

> Physical Setting, Topography, Current/Historical Property Use, Local Property Use, Aerial photographs, and any information gained from review of any Prior Environmental Assessment Investigations conducted at the site. In the absence of site-specific data, information on geology and ground water flow may be extrapolated from information gleaned from surrounding properties. This supplemental information is utilized to estimate drainage patterns, depth and direction of ground water flow. Ground water acts as a transport mechanism for contamination that might impact potable water supplies, structures or represent a vapor intrusion (VI) hazard. The conclusion of this two-stage review identifies if the "Out of Compliance" site is actually an environmental concern that could impact the HUD funded project.

If the NJDEP geologist determines that the site is indeed "Out of Compliance" after the 2-stage review, he/she will then determine the "Limited Sites Impacted" through a "blind" study. The geologist is unaware of the location of the applicant relative to the contaminated site until after he/she has determined the "Limited Sites Impacted". The "Limited Sites Impacted" includes the non-compliant site <u>and any adjacent properties</u> that the geologist has determined may be affected by the non-compliant site. A "**Limited Sites Impacted"** designation is then given to the non-compliant site; meaning that the NJDEP has pared down the list of sites identified within the 3,000 foot radius of the out of compliance site to a fewer amount of lots. This area is plotted on a map and a geologic assessment report is generated. If the applicant location falls within the "**Limited Sites Impacted"** area, the applicant will need either a "conditional clearance" from NJDEP (see details below) or they must conduct a Phase 1 and Phase 2 ASTM investigation to determine if they are actually impacted by the contaminated site.

After all relevant levels of the NJDEP toxic review are complete, the NJDEP emails the contractor with a HUD compliance review outcome for each requested site. There are three HUD compliance outcomes that the NJDEP issues: "**clear**,", "**not clear**" or "**conditional clearance**." A "clear" designation means that the site is actually in compliance or the discharge at an "Out-of-Compliance" site does not represent a threat to the HUD funded project. A "not clear" designation means that the applicant is the discharger, is "Out of Compliance" and will not reach compliance unless further environmental investigations or remediation is performed. A "conditional clearance" designation indicates that a potential environmental

hazard has been identified at the site but the applicant can be conditionally cleared if engineering controls are employed as mitigation measures during construction.

This process has decreased the number of applicants that were potentially impacted by threatening sites.

The State of New Jersey has primacy over its hazardous waste program, and NJEMS acts as a clearinghouse for regulated activities and regulated discharges called into the Spill Hotline. Identification within the NJEMS database is typically the result of programmatic regulation or contaminant discovery during property transfers. The listings contained within NJEMS are identified by program, and some sites may be involved with multiple regulatory programs within the NJDEP. NJEMS is updated by the NJDEP on a daily basis.

For sites undergoing a NJDEP Toxic review, each file is accessed and information on the violation or discharge is recorded, including any information on interim remedial measures, remedial investigations and remediation. A determination on the origin of potential contaminants (petroleum vs. non-petroleum based) is made. Data is examined and compared to current standards. In the absence of site-specific data, neighboring NJEMS sites are accessed for information on depth and direction of ground water. Available information is characterized according to its level of regulatory compliance. Terminology outlined in ASTM 1527-13 defines Recognized Environmental Conditions (RECS), Controlled Recognized Environmental Conditions (CRECS) and Historical Recognized Environmental Conditions (HRECS). Those terms are described below in relation to how NJEMS data is utilized in the site review.

Recognized Environmental Conditions (RECs) – NJEMS records are utilized to determine site specific concerns related to discharges or potential discharges from regulated materials. RECs may be identified through a field inspection, or through involvement in a regulated program, such as RCRA, ECRA/ISRA, or UST.

Controlled Recognized Environmental Conditions (CRECS) – NJEMS identifies and is capable of displaying sites that have institutional controls such as a ground water Classification Exception Area (CEA) or a Deed Restriction. These are sites that have media contaminated above regulatory standards but have defined the extent and modeled contaminated fate and transport to a compliance point. Information from a CEA at a site other than the target site can be utilized for determining regional ground water quality, ground water depth, ground water directions, and can provide assumptions on the rate of contaminant transport.

Historical Recognized Environmental Concerns (HRECS) – NJEMS information is reviewed to determine if a discharge or regulated unit has been closed according to applicable State and Federal regulations. If applicable standards for soil, vapor and ground water have been met, the applicant is not considered to be impacted by the Toxic Review Site.

1. NJDEP Compliance Review Process. NJDEP personnel identifies the SRP PI # for each Toxic site. The Consultant provides the TOXIC site's Contaminated Site ID to help identify the SRP PI#. The SRP PI # is found through either NJEMS or Masterfile Search engines. This SRP PI # is used to do further Compliance file searches since it identifies files/information associated specifically with the NJDEP Site Remediation Program (SRP).

2. Once the SRP PI # is identified then the TOXIC site is sent on for Compliance Determinations through a NJEMS file search. NJEMS Compliance Determination Reviews are done by looking only at information uploaded into the NJDEP NJEMS system. NJEMS is a database for active or inactive SRP cases. Each TOXIC site is looked at through NJEMS to answer the question – Is the TOXIC site COMPLIANT with NJDEP Regulations and Timeframes?

NJDEP personnel determines if a site is a Publicly Funded Case, Brownfield, Unknown Source Investigation, Immediate Environmental Concern / Homeowner Heating Oil Case/ Licensed Site Remediation Professional (LSRP) Case, etc. – need to understand what type of case it is to understand if it is in compliance (can be cleared) or out of Compliance (cannot be cleared).

Items that would be searched to identify Compliance:

- Each Activity under the Grey Bar – Understand Grey Bar codes to understand if there is different Activity not in Compliance
- Must be Current on submittals if a LSRP case or if the IEC is currently be investigated
- Status of Case
- When Report Submittals are Due
- Enforcement Action against facility – old versus new
- Closure Documents
- Outstanding Underground Storage Tank issues

These items are searched to Identify if anything is delinquent. If the only issues found are administrative type issues (example: a fee has not been paid) we will not hold up the case clearance. No applicant will be denied because they are within 3,000 feet of a site that is out of compliance for ONLY administrative reasons. These cases will be considered "In Compliance" for the purposes of the HUD review process.

If the case is delinquent for technical reasons (examples: no investigation/cleanup work has been done, work has stalled and deadlines have not been met or the case has been sent to enforcement) the Department may declare the site to be "Out of Compliance."

Compliance Review Outcomes:

Cleared – NJDEP has found this site to be in substantial compliance with NJDEP regulations and is therefore considered under control.

Not cleared – Site is not in compliance with NJDEP regulations and is still considered a potential threat to the HUD applicant site.

Conditional Clearance – Site could be cleared if the construction of the project would mitigate the potential environmental hazard. For example, if the environmental issue was vapor intrusion and the home will be built on unenclosed pilings, the vapor intrusion concern is no longer relevant. Specific comments will be provided when appropriate.

Working On – DEP staff are working to gather information to make a determination.

Using NJ-GeoWeb for Identifying NJEMS sites for Project Sites

1. Go to Mapping Link on NJDEP website http://www.nj.gov/dep/gis/newmapping.htm
2. Select Interactive Mapping NJ-GeoWeb
3. Select the **Launch GeoWeb Profile** bar
4. Select in the upper left tab "Searches" and search by Parcels by Block/Lot by entering the Pams Pin number
5. Under the Blue Map Content Box (on right side)
    a. expand **GeoWeb** and then expand the **Sites and Facilities**
    b. select "NJEMS sites"
6. Select Advanced Tool (on the left side); select Buffer Selections and at the FIND drop down select "NJEMS sites" then select the "Near Currently selected" and change the distance to 3000 ft. and then select Search
7. This will give you a list of sites at the bottom of the page marked "Results"
    a. Click on Identify button on top toolbar of Map
    b. Make sure Attribute Detail is for NJEMS Sites
    c. Identify Program Interest for each Result (make sure you scroll through all Program Types listed in More Information)
8. Submit ONLY those that are listed as **SRP-PI** sites to NJDEP for Compliance Determination.
    a. Please submit in the spreadsheet the NJEMS ID # as with any submittal
    b. Additional SRP-PI # is OK but we NEED the NJEMS ID #
9. Click on or off of the Result toolbar to generate a map of ONLY the SRP-PI sites or use another mapping tool for map

If **Compliance Cannot be Determined**, then information received from NJEMS review needs additional action.

Additional Action is needed by NJDEP personnel. A follow-up call to the NJDEP Case Manager or LSRP is made to determine if they are out of Compliance or if the information was not current in NJEMS database.

If **Non-Compliant** or no information exists, then **Geologic Review.**

NJDEP Geologist will look at NJEMS information then pull Site Remediation Program (SRP) files, look at GIS and geologic information to determine if there was:

- Any impact at the site by looking at media impacted, contaminants impacting media, Soil/Aquifer/Ground water information, and review most current information that pertains to contaminant transport and depth of contamination that may be present at site.

Physical Files on individual sites are used to determine available information that is not entered into the NJEMS system. Examples may include, but not be limited to, hand written field notes, diagrams, photographs and ancillary information on contaminant fate and transport. Investigative data is evaluated to determine aquifer characteristics and estimates on plume travel. Potable well impact information is considered to be an immediate environmental concern (IEC) that is addressed through the installation of POETS or connection to a municipal water supply. Information may identify a source or a likely source but is generally restricted in that follow up data is limited or dated. As much information as possible is gleaned from the file review and incorporated into the geologic review to determine the following:

- **Ground Water** – Depth and direction of flow may be inferred from neighboring remedial sites or surface water bodies. Intersection of the water table with utilities or historic fill represents a preferential pathway for contaminant transport. The type of contaminant and the discharge environment factor into the longevity of the plume. Depositional environments (i.e. aerobic/anaerobic) and the presence of organic material in the soil influence degradation rates. Soil, ground water and vapor data from the target site and/or nearby sites are compared to State standards.

- **Vapor Intrusion** – Potentially impacted sites may be exposed to a risk of vapor intrusion from impacted soils and from a ground water plume. Potentially impacted sites may be upgradient, downgradient, or sidegradient from the source of contamination. The State of New Jersey requires the collection of VI samples if product, or contamination that exceeds the Ground Water Screening Level (GWSL) within 100 ft. (vertically or horizontally) of a building for non-petroleum products or within 30 ft. of a building for petroleum products. For HUD Compliance purposes, a tiered screening process consistent with ASTM E2600-08 is used to identify vapor intrusion potential at a particular property.

    - Tier 1 – An initial non-invasive screening process based on the likelihood of vapor intrusion due to the physical setting or site conditions is conducted. In accordance with NJDEP guidelines, the potential for vapor intrusion is considered to be unlikely if the lineal distance between the defined edge of the contaminant exceeds 30.0 ft. for petroleum based contamination or 100.0 ft. for non-petroleum based contamination and a structure designed for occupation. For HUD compliance purposes in relation to the Toxic Review, an additional safety factor has been added to the separation distance calculation for sites with limited or no data. Rather than base the separation distance on the edge of the plume to a structure, the separation distances are calculated based on property line to property line.

    - Tier 2 – Sampling is not performed by the NJDEP, but if available, site specific ground water and/or soil vapor concentrations are compared to the NJDEP vapor intrusion screening levels.

    - Tier 3 – Consideration of attenuation factors. Physical samples are not collected as part of the Toxic Review process. Geology, stratigraphy and hydrology are considered to determine if a physical barrier is present between the contamination and potentially affected areas. If ground water contamination exceeds the vapor intrusion screening level, separation distances described above or the presence of a clean water lens at least 6.0 ft. thick between the contamination and the residential structure are considered attenuating factors that remove vapor intrusion as a concern for the applicant.

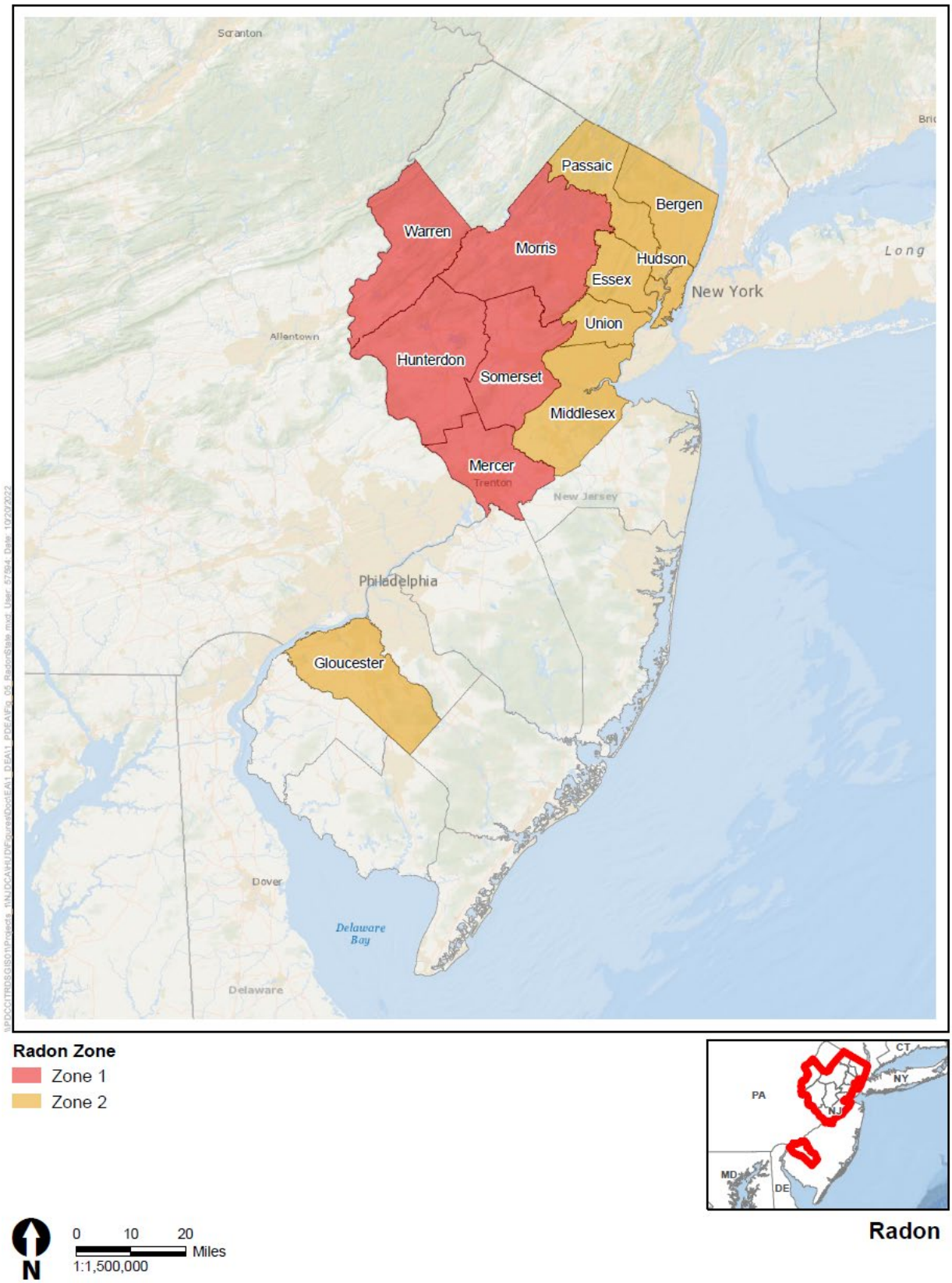
    - Tier 4 – Selection of mitigation alternatives. If an applicant is within an area identified by the Toxics reviewer as potentially being impacted by vapor intrusion, engineering control measures are provided to the contractor for consideration in lieu of collecting compliance samples.

The DEP geologist writes up their findings that encapsulates all of the information reviewed to determine the impacted area: Soil/ground water impacted, free product onsite/offsite, direction of potential ground water plume, and Vapor Intrusion concerns. The "Area Impacted" is then plotted on a map that includes the non-compliant site and adjacent properties that the geologist has determined may be impacted by the non-compliant site. A **"Limited Sites Impacted"** designation is given to the non-compliant site**.**

The "Area Impacted" is determined through a "blind" study. The geologist doesn't plot the location of the applicant relative to the contaminated site until after he has determined the "Area Impacted". If the applicant location falls within the **Limited Sites Impacted** area, the applicant will need either a "conditional clearance" from NJDEP or they must conduct a Phase 1 and Phase 2 ASTM investigation to determine if they are actually impacted by the contaminated site.

If Geologist determines that the contamination is unlikely to impact the applicant property via soils, groundwater or Vapor Intrusion (VI) then a **Clear by Geologist** designation is given to the site.

Figure A5-4: EPA Radon Zones Map



Attachment 6 – Threatened, Endangered, and Migratory Species

Endangered Species Act of 1973, particularly section 7; 50 CFR 402
Migratory Bird Treaty Act of 1918, 50 CFR 10, 20, 21, Executive Order 13186

Table A6-1: Federally Listed Critical Habitat - Hudson County:

Designated Critical Habitat in Hudson County	Acres in Hudson County
None	N/A

Table A6-2: Federally Listed Threatened, Endangered and Migratory Species - Hudson County:

Species	Category	Status
Northern Long-eared Bat	Mammals	Threatened
Tricolored Bat	Mammals	Proposed Endangered
Piping Plover	Bird	Threatened
Monarch Butterfly	Insects	Candidate
American Oystercatcher	Bird	Migratory Birds
Bald Eagle	Bird	Migratory Birds
Black Scoter	Bird	Migratory Birds
Black Skimmer	Bird	Migratory Birds
Black-billed Cuckoo	Bird	Migratory Birds
Black-legged Kittiwake	Bird	Migratory Birds
Blue-winged Warbler	Bird	Migratory Birds
Bobolink	Bird	Migratory Birds
Brown Pelican	Bird	Migratory Birds
Canada Warbler	Bird	Migratory Birds
Cerulean Warbler	Bird	Migratory Birds
Chimney Swift	Bird	Migratory Birds
Common Eider	Bird	Migratory Birds
Common Loon	Bird	Migratory Birds
Double-crested Cormorant	Bird	Migratory Birds
Eastern Whip-poor-will	Bird	Migratory Birds
Golden Eagle	Bird	Migratory Birds
Great Shearwater	Bird	Migratory Birds
Gull-billed Tern	Bird	Migratory Birds
Hudsonian Godwit	Bird	Migratory Birds
Kentucky Warbler	Bird	Migratory Birds
King Rail	Bird	Migratory Birds
Lesser Yellowlegs	Bird	Migratory Birds
Long-eared Owl	Bird	Migratory Birds
Long-tailed Duck	Bird	Migratory Birds

Pomarine Jaeger	Bird	Migratory Birds
Prairie Warbler	Bird	Migratory Birds
Prothonotary Warbler	Bird	Migratory Birds
Purple Sandpiper	Bird	Migratory Birds
Razorbill	Bird	Migratory Birds
Red Phalarope	Bird	Migratory Birds
Red-breasted Merganser	Bird	Migratory Birds
Red-headed Woodpecker	Bird	Migratory Birds
Red-neck Phalarope	Bird	Migratory Birds
Red-throated Loon	Bird	Migratory Birds
Ring-billed Gull	Bird	Migratory Birds
Roseate Tern	Bird	Migratory Birds
Royal Tern	Bird	Migratory Birds
Ruddy Turnstone	Bird	Migratory Birds
Rusty Blackbird	Bird	Migratory Birds
Short-billed Dowitcher	Bird	Migratory Birds
Sooty Tern	Bird	Migratory Birds
South Polar Skua	Bird	Migratory Birds
Surf Scoter	Bird	Migratory Birds
White-winged Scoter	Bird	Migratory Birds
Willet	Bird	Migratory Birds
Wilson's Storm-petrel	Bird	Migratory Birds
Wood Thrush	Bird	Migratory Birds

Table A6-3: Threatened, Endangered and Migratory Species Sources

Agency	Link	Accessed Date	Dataset Date
U.S. Fish and Wildlife Service	https://www.fws.gov/program/endangered-species	11/2/2022	n/a
U.S. Fish and Wildlife Service	https://ipac.ecosphere.fws.gov/	11/2/2022	n/a
U.S. Fish and Wildlife Service	https://services.arcgis.com/QVENGdaPbd4LUkLV/ArcGIS/rest/services/USFWS_Critical_Habitat/FeatureServer	11/23/2022	11/10/2022
U.S. Fish and Wildlife Service	https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide	11/10/2022	n/a

Agencies/Regulations Consulted During the Broad Review:

U.S. Fish and Wildlife Service (USFWS)

New Jersey Department of Environmental Protection (NJDEP)

Supporting Documentation:

Figure A6-1: USFWS Information for Planning and Consultation (IPaC) report - Hudson County

Figure A6-2: Section 7 ESA Consultation Letter and Response between DCA and USFWS

Figure A6-3: NJDEP Endangered Species Consultation Request Letter, Response and Email Transmittal

ENVIRONMENTAL FINDING: Compliance will be achieved during site-specific review since HARP, SRRP and Smart Move projects have the potential to impact threatened and endangered species. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A6-1: USFWS Information for Planning and Consultation (IPaC) Report - Hudson County

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

In Reply Refer To:
Project Code: 2023-0011716
Project Name: Hudson County Tier 1 EA

November 02, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic

change, chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably forseeable future that would not occur without ("but for") the project that is currently being proposed.

Additionally, please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
(609) 646-9310

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Project Code: 2023-0011716
Project Name: Hudson County Tier 1 EA
Project Type: Residential Construction
Project Description: NJ DCA Tropical Storm Ida Community Development Block Grant
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.73278885,-74.06903888169978,14z

Counties: Hudson County, New Jersey

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Birds

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: • The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Oystercatcher *Haematopus palliatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935	Breeds Apr 15 to Aug 31
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Aug 31

NAME	BREEDING SEASON
Black Scoter *Melanitta nigra* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Black-legged Kittiwake *Rissa tridactyla* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Blue-winged Warbler *Vermivora pinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Brown Pelican *Pelecanus occidentalis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jan 15 to Sep 30
Canada Warbler *Cardellina canadensis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler *Dendroica cerulea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 28 to Jul 20
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Common Eider *Somateria mollissima* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jun 1 to Sep 30

NAME	BREEDING SEASON
Common Loon *gavia immer* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464	Breeds Apr 15 to Oct 31
Double-crested Cormorant *phalacrocorax auritus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478	Breeds Apr 20 to Aug 31
Eastern Whip-poor-will *Antrostomus vociferus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Great Shearwater *Puffinus gravis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Gull-billed Tern *Gelochelidon nilotica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
Hudsonian Godwit *Limosa haemastica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Kentucky Warbler *Oporornis formosus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
King Rail *Rallus elegans* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

NAME	BREEDING SEASON
Long-eared Owl *asio otus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Long-tailed Duck *Clangula hyemalis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238	Breeds elsewhere
Pomarine Jaeger *Stercorarius pomarinus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Prairie Warbler *Dendroica discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Purple Sandpiper *Calidris maritima* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Razorbill *Alca torda* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jun 15 to Sep 10
Red Phalarope *Phalaropus fulicarius* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Red-breasted Merganser *Mergus serrator* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Red-necked Phalarope *Phalaropus lobatus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere

NAME	BREEDING SEASON
Red-throated Loon *Gavia stellata* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Ring-billed Gull *Larus delawarensis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Roseate Tern *Sterna dougallii* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds May 10 to Aug 31
Royal Tern *Thalasseus maximus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Apr 15 to Aug 31
Ruddy Turnstone *Arenaria interpres morinella* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Sooty Tern *Onychoprion fuscatus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Mar 10 to Jul 31
South Polar Skua *Stercorarius maccormicki* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Surf Scoter *Melanitta perspicillata* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere

NAME	BREEDING SEASON
White-winged Scoter *Melanitta fusca* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Willet *Tringa semipalmata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5
Wilson's Storm-petrel *Oceanites oceanicus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

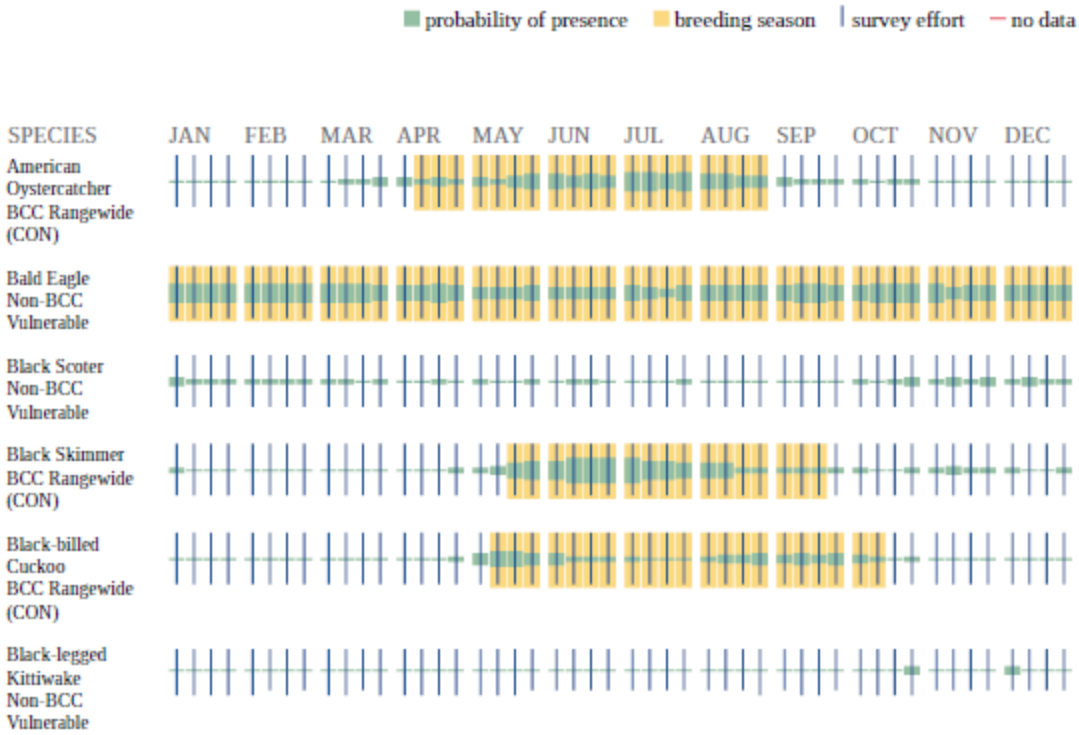
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

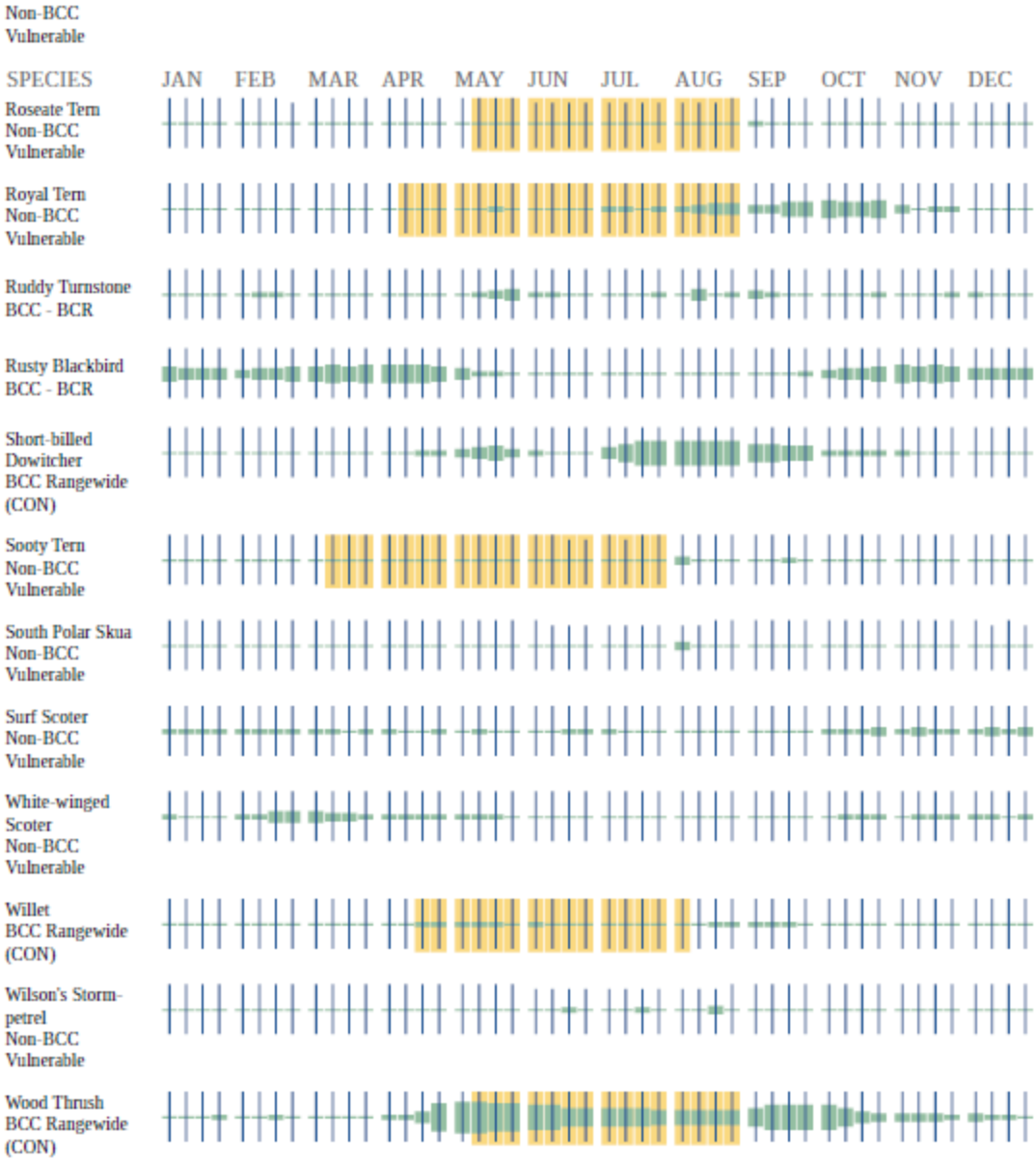
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Blue-winged Warbler BCC - BCR
Bobolink BCC Rangewide (CON)
Brown Pelican Non-BCC Vulnerable
Canada Warbler BCC Rangewide (CON)
Cerulean Warbler BCC Rangewide (CON)
Chimney Swift BCC Rangewide (CON)
SPECIES
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
Common Eider Non-BCC Vulnerable
Common Loon Non-BCC Vulnerable
Double-crested Cormorant Non-BCC Vulnerable
Eastern Whip-poor-will BCC Rangewide (CON)
Golden Eagle Non-BCC Vulnerable
Great Shearwater Non-BCC Vulnerable
Gull-billed Tern BCC Rangewide (CON)
Hudsonian Godwit BCC Rangewide (CON)
Kentucky Warbler BCC Rangewide (CON)

King Rail
BCC Rangewide
(CON)
Lesser Yellowlegs
BCC Rangewide
(CON)
Long-eared Owl
BCC Rangewide
(CON)
SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
Long-tailed Duck
Non-BCC
Vulnerable
Pomarine Jaeger
Non-BCC
Vulnerable
Prairie Warbler
BCC Rangewide
(CON)
Prothonotary
Warbler
BCC Rangewide
(CON)
Purple Sandpiper
BCC Rangewide
(CON)
Razorbill
Non-BCC
Vulnerable
Red Phalarope
Non-BCC
Vulnerable
Red-breasted
Merganser
Non-BCC
Vulnerable
Red-headed
Woodpecker
BCC Rangewide
(CON)
Red-necked
Phalarope
Non-BCC
Vulnerable
Red-throated Loon
Non-BCC
Vulnerable
Ring-billed Gull



Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look

at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be

aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: State of New Jersey
Name: Elisabeth Mahoney
Address: 1902 Reston Metro Plaza
City: Reston
State: VA
Zip: 20190
Email elisabeth.mahoney@icf.com
Phone: 7039343000

Lead Agency Contact Information

Lead Agency: Department of Housing and Urban Development

Figure A6-2: Section 7 ESA Consultation Letter and Response between DCA and USFWS

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

December 9, 2022

Eric Schrading, Field Supervisor
United States Fish and Wildlife Service
New Jersey Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
http://www.fws.gov/northeast/njfieldoffice
Tel: (609) 646 – 9310
By email to: NJFO_ProjectReview@fws.gov

Subject: NJ DCA Tier 1 Environmental Assessment Section 7 Consultation

Dear Mr. Schrading,

The New Jersey Department of Community Affairs (DCA) is preparing a Tiered Environmental Review to process applications for long-term recovery and mitigation efforts following Hurricane Ida through Federal U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. CDBG-DR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements) from the remnants of Hurricane Ida in 2021. DCA, acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.5(e) to evaluate potential impacts not only to any listed endangered or threatened species but also to any proposed endangered or threatened species and critical habitats, as described under Endangered Species Act Section 7.

DCA is requesting the United States Fish and Wildlife Service (USFWS) review the following methodology and provide comments and or approval of the proposed process.

DCA has allocated CDBG-DR funds for the Homeowner Assistance and Recovery Program (HARP), the Small Rental Repair Program (SRRP), and Smart Move Program. Provided below is a detailed description of each program:

- Homeowner Assistance and Recovery Program (HARP) - Provides grants to eligible homeowners for expenses necessary to restore their storm-damaged homes, such expenses could relate to rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Eligible structure types include single-family homes, duplexes, triplexes, townhomes, modular homes, manufactured homes, and condominiums.

- Small Rental Repair Program (SRRP) - Provides zero interest forgivable loans to owners of rental properties for activities necessary to restore storm-damaged rental housing for low- and moderate-income renters, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.
- Smart Move Program - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that may be participating in Blue Acres buyout programs as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

The geographic extent of these programs will be 12 counties determined eligible for funding under presidential declaration DR-4614 and identified under New Jersey's Action Plan. Counties include Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren (**Figure 1**).

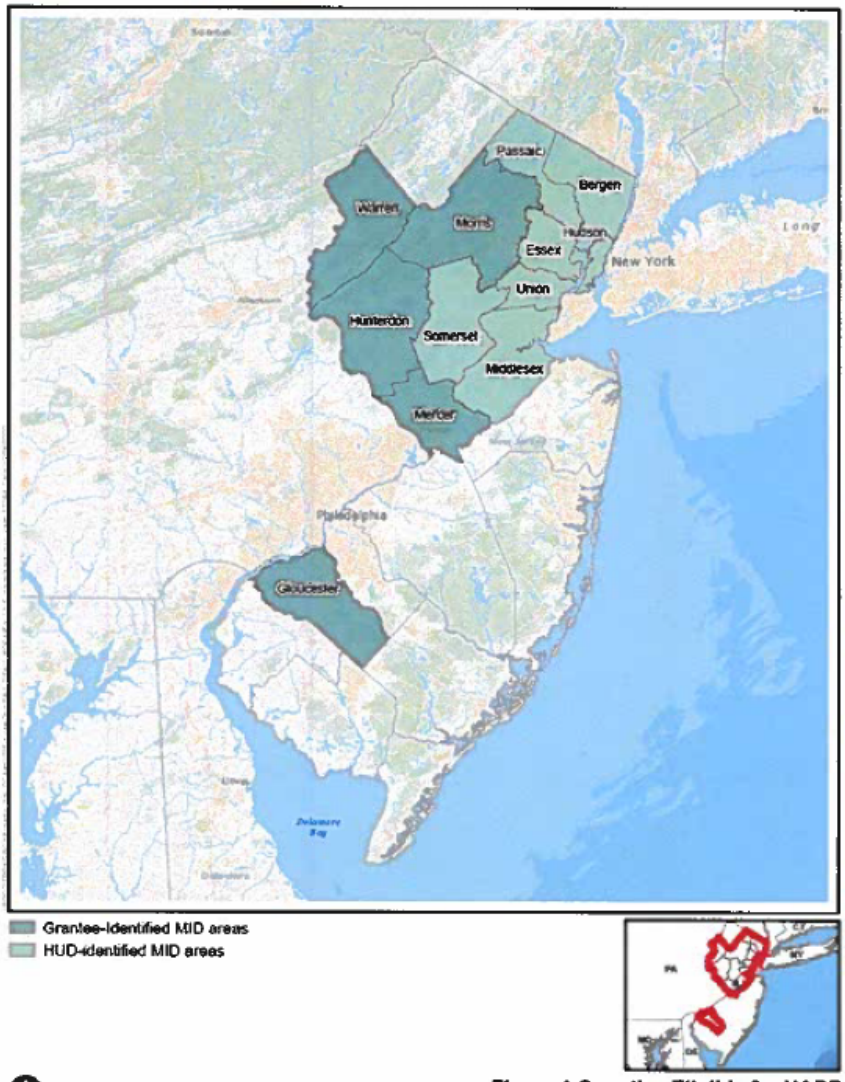


Figure 1 Counties Eligible for HARP, SRRP and Smart Move Funding

Through the environmental review procedures and applicable mitigation measures, DCA intends for proposed CDBG-DR funded activities to avoid negative impacts to threatened and endangered species' habitat to the maximum extent practicable. The proposed review procedures describe how DCA will act as the responsible federal entity to oversee and document that the proposed action complies with state and federal regulations.

Since site-specific locations are not known at this time, DCA intends to complete a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2). The first tier will be 12 county-wide environmental reviews, which examine all environmental topics listed in the U.S. HUD regulations for CDGB-DR funding, including 24 CFR 58.5 and 58.6, and National Environmental Policy Act (NEPA). The second tier will require analysis at the site-specific review level. Each site-specific project will be assigned to one of the following activity categories.

1) **Rehabilitation**: Repairing (including elevation when required) homes and small rental properties that sustained damage as a result of Hurricane Ida but were not so severely damaged that reconstruction is required. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").
2) **Reconstruction within existing footprint**: Construction of a new dwelling on the existing property within 20.0 percent of the original (first-floor) building footprint ("Proposed Action 2").
3) **Reconstruction beyond existing footprint**: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first-floor) building footprint ("Proposed Action 3").
4) **New Construction**: New construction of single-family homes. The new developments will be built outside the 500-year floodplain and the inland or coastal climate adjusted floodplain, as defined by DEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

Within each site-specific environmental review, the Endangered Species section will provide an analysis and effects determination for federally listed species based on the list of species generated by the USFWS' Information for Planning and Consultation (IPaC) website,[1] state species databases [through NJDEP Endangered and Nongame Species Program (ENSP) and the NJDEP Natural Heritage Program (NHP)], and other available information (e.g., aerial photographs); and if necessary, site visits performed by a qualified biologist to evaluate the conditions, including potential habitat, of the site. The four possible review determinations include:

- **Survey Not Warranted/Had Negative Finding** – IPaC results indicate that federally listed species do not occur nor have potential to occur in or around the site (i.e., IPaC returns no results for threatened and endangered species), or, if IPaC does return results that indicate potential presence of species, the work location displays no evidence that the site would support the species based on available information (e.g., databases, field photographs, aerial photos).
- **No Effect** – the proposed residential construction action does not involve activities that would have the potential to affect threatened or endangered species listed or critical habitat listed on IPaC for the site.

https://ipac.ecosphere.fws.gov/

- **Not Likely to Adversely Affect** – the project may affect threatened or endangered species and/or critical habitat listed on IPaC for the site and will be further investigated.
- **Likely to Adversely Affect** – an adverse effect to threatened or endangered species and/or critical habitat listed on IPaC for the site may occur as a direct or indirect result of the proposed action or its connected actions.

If the database review identifies the potential for threatened and endangered species or their suitable habitat to be present that could potentially be affected by the construction activities, a qualified biologist/ecological professional will perform a site visit to definitively assess the potential for threatened and endangered species or their habitat to be affected by the program action.

If the professional biologist/ecologist deems the project would have "No Effect," this aspect of the review is complete. A memo or letter report will be placed in the file's Environmental Review Record (ERR) that justifies the finding made from the site visit, including appropriate photographs and maps. It shall be reviewed by DCA for accuracy before acceptance.

If the professional biologist/ecologist deems the project is "Not Likely to Adversely Affect" any protected species or habitat, then Section 7 consultation with the USFWS will be initiated by preparing and sending to the USFWS the memo or letter report that describes the site visit findings, including appropriate photographs and maps. The consultation document will also include any recommendations regarding realistic and appropriate avoidance and minimization actions that could be taken during construction. If the USFWS concurs with the finding, then all communications and any avoidance and minimization actions indicated by USFWS will be entered into the ERR and form part of the requirements for the applicant to receive assistance. The finding shall be reviewed by DCA for accuracy before acceptance.

If after the site visit the professional biologist/ecologist deems the project is "Likely to Adversely Affect" a federally protected T&E species, the applicant's environmental reviewer will document this finding by preparing a memo or letter report for the ERR that describes the site visit findings, including appropriate photographs and maps. A similar process will be taken if the USFWS and DCA does not concur with a "Not Likely to Adversely Affect" determination after consultation has been initiated with your agency. In either case, the applicant will be notified that the currently proposed location is not eligible for federal funding and consulted to select an alternative viable location. A professional biologist/ecologist will review the new selected site to verify that it is suitable and then transmit this information to the USFWS for their concurrence. If no suitable alternative location is available, DCA may decline to fund the project or may instead initiate formal consultation with the USFWS under Section 7 of the Endangered Species Act per 50 CFR 402. All consultations and findings from this process will be kept in the project's ERR and will be reviewed by DCA for accuracy before acceptance.

Tree clearing may be required for certain projects. Each Tier 2 site-specific environmental review will state if tree clearing is required for the proposed action and if tree clearing is required for projects for which the Indiana Bat or Northern-long-eared bat are present (per the IPaC report). For these types of projects, NJ DCA will follow the guidance below. The most current guidance on tree removal for the protection of federally listed bats would be implemented and that current guidance indicates:[2]

- "For projects where IPaC has returned a result of Indiana bat, please indicate whether or not tree clearing is proposed. If tree clearing is proposed, describe the species, size (diameter at breast height), and number (or acres) of trees proposed for removal; and indicate whether

[2] https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide

clearing of trees >5 inches in diameter at breast height will be seasonally restricted as follows, making reference to the Bat Municipality List.

- with both hibernation and maternity occurrence: April 1 - November 15.
- In areas of potential occurrence (i.e., all areas returned by IPaC but not on the bat municipality list): April 1 - September 30.
- For projects where IPaC has returned a result of Northern long-eared bat, indicate whether or not the project occurs in a municipality with known hibernacula or maternity roost trees (Bat Municipality List).
- For projects involving any Federal funding or Federal authorization that may affect the Northern long-eared bat, the Federal action agency must notify the NJFO at least 30 days before starting the action."

Attached to this email are IPaC reports for the 12 Counties covered in the proposed action of the tiered environmental review. We are aware that the Northern Long-Eared bat will be reclassified from threatened to endangered on January 30, 2023. If the Tier 1 EA is finalized after this date, DCA would include updated IPaC reports which would reflect this change.

Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at Samuel.Viavattine@dca.nj.gov.

Sincerely,

Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Field Office
4 East Jimmie Leeds
Road, Suite 4 Galloway,
New Jersey 08205 (609)
646-9310

January 13, 2023

Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
P.O. Box 823
Trenton, New Jersey 08625
Attn: Judith Burton

Dear Mr. Viavattine:

The New Jersey Department of Community Affairs (DCA) is preparing a Tiered Environmental Review to process applications for long-term recovery and mitigation efforts following Hurricane Ida through Federal U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (COBG-OR) funds. The COBG-OR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements) from the remnants of Hurricane Ida in 2021. The DCA, acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.S(e) to evaluate potential impacts not only to any listed endangered or threatened species but also to any proposed endangered or threatened species and critical habitats, pursuant to Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). The DCA has requested the U.S. Fish and Wildlife Service (Service) review DCA's methodology and provide comments and/or approval of the proposed process.

To streamline review of future site-specific projects, the DCA should refer to the Service's New Jersey Field Office (NJFO) Project Screening Questions (https://www.fws.gov/media/new-jersey-field-office-project-screening-questions) to determine if project-specific review is needed. Additionally, projects may be screened for effect determinations through the Service's Information for Planning and Consultation (IPaC, https://ipac.ecosphere.fws.gov/) determination keys. Applicable keys include the Northeast Endangered Species Determination Key, currently available for use, and the Northern Long-eared Bat Rangewide Determination Key, which will be available after January 30, 2023. Projects that reach a determination key result of "no effect" or "may affect, but not likely to adversely affect" will not need further consultation or technical assistance for the applicable species. Projects that reach a determination key result of "You have

reached a preliminary determination of may affect for species covered by this determination key." should be submitted to the Service for additional review.

Enclosed are instructions for using the Northeast Endangered Species Determination Key and Using a Determination Key (Demo Only) video, to facilitate implementation of the procedures identified above. The Service has also enclosed the New Jersey Municipalities with Hibernation or Maternity Occurrence of Indiana Bat or Northern Long-eared Bat list.

Thank you for your efforts toward the conservation of fish and wildlife resources. Please contact Rebecca Klee at Rebecca_Klee@fws.gov if you have any questions or require further assistance regarding threatened or endangered species.

Sincerely,

ERIC SCHRADING

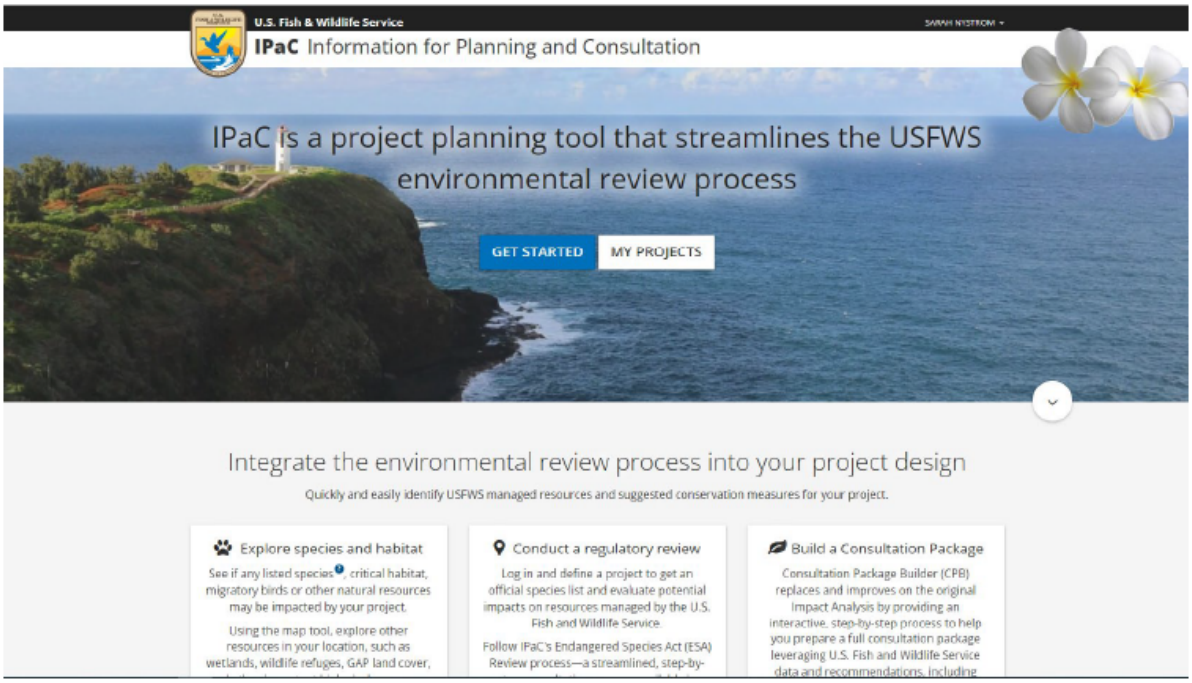
Digitally signed by ERIC SCHRADING
Date: 2023.01.13 13:25:45 -05'00'

Eric Schrading
Field Supervisor

Enclosures

To Use a Determination Key in IPaC.

Navigate to IPaC at https://ipac.ecosphere.fws.gov/



Click **Log In** and log in with your login.gov information.

Click on **Get Starte**d and draw a project in a location where you expect to have northern long-eared bat presence and click continue.

In the What's Next box, click **Define Project**, enter a Project Name and Project Description (optional), click Save.

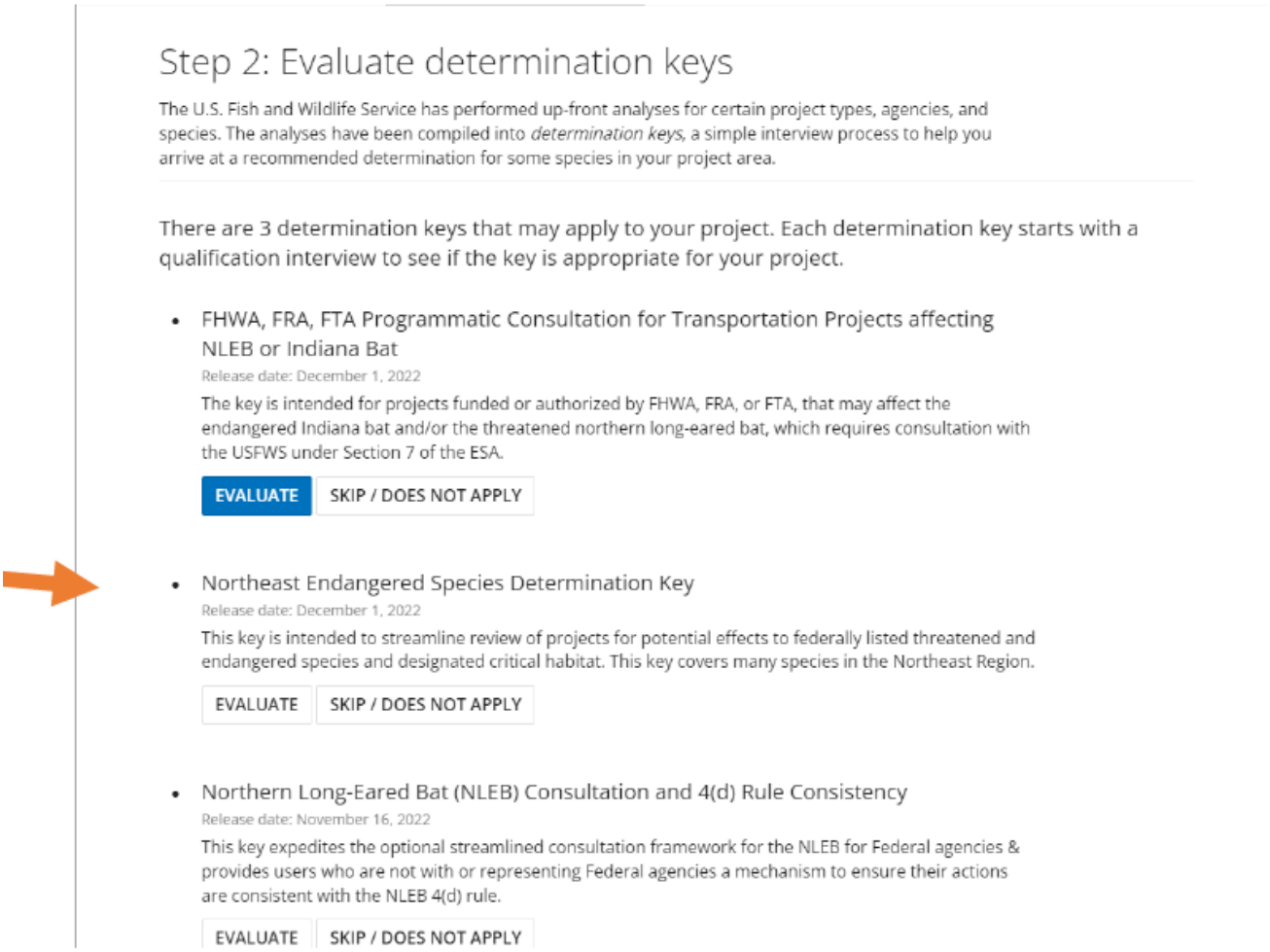
In the What's Next box, click **Start Review**.

Click **Continue** at the bottom of the page.

Request an Official Species List or skip this step.

Click on Next Step: **Determination Keys**.

On the next page, scroll down to the appropriate determination key.



Click **Evaluate** under the Northeast Endangered Species Determination Key. It's important to ensure that you're evaluating the correct key.

Scroll to the bottom of the description and click **Check if my Project Qualifies**

IpaC will start presenting the questions from the key. As you answer each question, a "**change answer**" box will appear underneath your answer in case you need to modify your answers. If you can apply avoidance and minimization measures that will allow you to avoid impacts to a species, you can modify the project description and return to the key to change your answers. This is appropriate because avoiding impacts is always beneficial to Endangered Species. Otherwise, please answer each questions as accurately as possible depending on the details provided in the project description/ proposed action.

The first questions are applicable to multiple species. We've set the key up to allow you to answer each question once, then apply that answer to additional species within the key. When that happens, text will appear automatically in the key without requiring you to provide individual answers. The key will show which species is being worked on by including an indication that your project has intersected the AOI of the species.

In some places, the key will answer questions automatically for you based on intersecting your project location with information included in the key (e.g., if your project is within 0.5 mile of Indiana bat hibernacula, the key will answer that question for you automatically).

To test questions that intersect the project location with data stored in the key, test the key by drawing different projects in locations that should intersect with known data points.

Once you reach a determination, that information will appear at the bottom of the key. Click **Save and Continue**.

If you're done with project review, click **Generate Consistency/Concurrence Letter**.

The output letter will include the project specific information entered into IPaC, a copy of all of your answers to the key and any other documents uploaded to the key (e.g., survey results). When you generate an output letter, IPaC will submit the letter by email to the appropriate local Field Office and right a record to our project tracking information. If you are a designated representative for a federal agency, IPaC will not submit these records to that agency. Please follow the instructions provided by the federal agency in order to provide key results to them. IPaC will store records associated with this project under the Project Name in the My Projects page. You can access these records in the future. If you need to change any of the answers to your questions, you can delete the current evaluation, re-answer the questions of the key and re-submit the key.

New Jersey Municipalities with Hibernation or Maternity Occurrence of Indiana Bat or Northern Long-eared Bat.

Maternity Time of Year Restriction: April 1 – September 30

Potential Time of Year Restriction: April 1 – September 30

Hibernation Time of Year Restriction: April 1 – November 15

All municipalities returned by IPaC for these bat species but not shown on this list are potential occurrences.

COUNTY	Municipality	Indiana Bat	Northern long-eared Bat
ATLANTIC	Absecon City		Maternity
ATLANTIC	Atlantic City		Maternity
ATLANTIC	Egg Harbor Township		Maternity
ATLANTIC	Galloway Township		Maternity
ATLANTIC	Hamilton Township		Maternity
ATLANTIC	Hammonton Town		Maternity
ATLANTIC	Pleasantville City		Maternity
BERGEN	Fair Lawn Borough		Maternity
BERGEN	Franklin Lakes Borough		Maternity
BERGEN	Glen Rock Borough		Maternity
BERGEN	Mahwah Township		Hibernation/Maternity
BERGEN	Oakland Borough		Hibernation/Maternity
BERGEN	Ridgewood Village		Maternity
BERGEN	Wyckoff Township		Maternity
BURLINGTON	Bass River Township		Maternity
BURLINGTON	Shamong Township		Maternity
BURLINGTON	Tabernacle Township		Maternity
BURLINGTON	Washington Township		Maternity
CAMDEN	Waterford Township		Maternity
ESSEX	Fairfield Township	Hibernation	Maternity
ESSEX	Livingston Township	Maternity	Maternity
ESSEX	Millburn Township	Maternity	
ESSEX	Roseland Borough		Maternity
ESSEX	West Caldwell Township		Maternity
HUNTERDON	Alexandria Township		Hibernation
HUNTERDON	Bethlehem Township		Hibernation
HUNTERDON	Bloomsbury Borough		Hibernation
HUNTERDON	Clinton Town		Hibernation
HUNTERDON	Clinton Township		Hibernation
HUNTERDON	Delaware Township		Maternity
HUNTERDON	East Amwell Township		Maternity
HUNTERDON	Hampton Borough		Hibernation
HUNTERDON	High Bridge Borough		Hibernation
HUNTERDON	Holland Township		Hibernation
HUNTERDON	Lebanon Borough		Hibernation
HUNTERDON	Raritan Township		Hibernation
HUNTERDON	Readington Township		Hibernation
HUNTERDON	Tewksbury Township	Maternity	Hibernation
HUNTERDON	Union Township		Hibernation
HUNTERDON	West Amwell Township		Maternity

MERCER	Ewing Township		Maternity
MERCER	Hopewell Borough		Maternity
MERCER	Hopewell Township		Maternity
MERCER	Lawrence Township		Maternity
MERCER	Princeton Borough		Maternity
MERCER	Princeton Township		Maternity
MIDDLESEX	Dunellen Borough	Maternity	
MIDDLESEX	East Brunswick Township		Maternity
MIDDLESEX	Edison Township		Maternity
MIDDLESEX	Highland Park Borough		Maternity
MIDDLESEX	Middlesex Borough	Maternity	
MIDDLESEX	New Brunswick City		Maternity
MIDDLESEX	North Brunswick Township		Maternity
MIDDLESEX	Piscataway Township		Maternity
MIDDLESEX	South Plainfield Borough		Maternity
MONMOUTH	Colts Neck Township		Maternity
MONMOUTH	Eatontown Borough		Maternity
MONMOUTH	Howell Township		Maternity
MONMOUTH	Ocean Township		Maternity
MONMOUTH	Tinton Falls Borough		Maternity
MORRIS	Boonton Town	Hibernation	Hibernation
MORRIS	Boonton Township	Hibernation/Maternity	Hibernation
MORRIS	Butler Borough	Hibernation	Hibernation/Maternity
MORRIS	Chatham Borough	Maternity	Maternity
MORRIS	Chatham Township	Maternity	Maternity
MORRIS	Chester Township	Hibernation/Maternity	
MORRIS	Denville Township	Hibernation/Maternity	Hibernation/Maternity
MORRIS	Dover Town	Hibernation	Hibernation/Maternity
MORRIS	East Hanover Township	Maternity	Maternity
MORRIS	Florham Park Borough	Maternity	Maternity
MORRIS	Hanover Township	Hibernation/Maternity	Maternity
MORRIS	Harding Township	Maternity	Maternity
MORRIS	Jefferson Township	Maternity	Hibernation/Maternity
MORRIS	Kinnelon Borough	Maternity	Hibernation/Maternity
MORRIS	Lincoln Park Borough	Hibernation	Maternity
MORRIS	Long Hill Township	Maternity	Maternity
MORRIS	Madison Borough	Maternity	Maternity
MORRIS	Mendham Borough	Hibernation/Maternity	Maternity
MORRIS	Mendham Township	Maternity	Maternity
MORRIS	Mine Hill Township	Hibernation	Hibernation/Maternity
MORRIS	Montville Township	Hibernation	Hibernation/Maternity
MORRIS	Morris Plains Borough	Hibernation/Maternity	
MORRIS	Morris Township	Hibernation/Maternity	Maternity
MORRIS	Morristown Town	Hibernation/Maternity	Maternity
MORRIS	Mount Arlington Borough	Hibernation	Hibernation/Maternity
MORRIS	Mount Olive Township	Hibernation	Maternity
MORRIS	Mountain Lakes Borough	Hibernation	Hibernation
MORRIS	Netcong Borough	Hibernation	Maternity
MORRIS	Parsippany-Troy Hills Township	Hibernation/Maternity	Hibernation/Maternity
MORRIS	Pequannock Township	Hibernation	Maternity
MORRIS	Randolph Township	Hibernation	Hibernation/Maternity
MORRIS	Riverdale Borough	Hibernation	Hibernation/Maternity
MORRIS	Rockaway Borough	Hibernation/Maternity	Hibernation/Maternity

MORRIS	Rockaway Township	Hibernation/Maternity	Hibernation/Maternity
MORRIS	Roxbury Township	Hibernation	Hibernation/Maternity
MORRIS	Victory Gardens Borough	Hibernation	Hibernation/Maternity
MORRIS	Washington Township	Maternity	
MORRIS	Wharton Borough	Hibernation	Hibernation/Maternity
OCEAN	Barnegat Township		Maternity
OCEAN	Berkeley Township		Maternity
OCEAN	Island Heights Borough		Maternity
OCEAN	Long Beach Township		Maternity
OCEAN	Ocean Gate Borough		Maternity
OCEAN	South Toms River Borough		Maternity
OCEAN	Stafford Township		Maternity
OCEAN	Toms River Township		Maternity
PASSAIC	Bloomingdale Borough	Hibernation	Hibernation/Maternity
PASSAIC	Haledon Borough		Maternity
PASSAIC	Hawthorne Borough		Maternity
PASSAIC	North Haledon Borough		Maternity
PASSAIC	Paterson City		Maternity
PASSAIC	Pompton Lakes Borough		Hibernation/Maternity
PASSAIC	Prospect Park Borough		Maternity
PASSAIC	Ringwood Borough		Hibernation/Maternity
PASSAIC	Totowa Borough		Maternity
PASSAIC	Wanaque Borough		Hibernation/Maternity
PASSAIC	Wayne Township		Hibernation/Maternity
PASSAIC	West Milford Township	Hibernation/Maternity	Hibernation/Maternity
PASSAIC	West Paterson Borough		Maternity
SALEM	Pennsville Township		Maternity
SOMERSET	Bedminster Township	Maternity	Maternity
SOMERSET	Bernards Township	Maternity	Maternity
SOMERSET	Bernardsville Borough	Maternity	Maternity
SOMERSET	Far Hills Borough	Maternity	Maternity
SOMERSET	Franklin Township		Hibernation/Maternity
SOMERSET	Green Brook Township	Maternity	
SOMERSET	Hillsborough Township		Maternity
SOMERSET	Manville Borough		Maternity
SOMERSET	Millstone Borough		Maternity
SOMERSET	Montgomery Township		Maternity
SOMERSET	North Plainfield Borough	Maternity	
SOMERSET	Peapack-Gladstone Borough	Maternity	Maternity
SOMERSET	Warren Township	Maternity	
SOMERSET	Watchung Borough	Maternity	
SUSSEX	Andover Township	Maternity	Hibernation
SUSSEX	Byram Township	Hibernation/Maternity	Hibernation/Maternity
SUSSEX	Franklin Borough	Maternity	Hibernation/Maternity
SUSSEX	Hamburg Borough	Maternity	Hibernation
SUSSEX	Hardyston Township	Maternity	Hibernation/Maternity
SUSSEX	Hopatcong Borough	Hibernation	Hibernation/Maternity
SUSSEX	Lafayette Township	Maternity	Hibernation
SUSSEX	Newton Town	Maternity	
SUSSEX	Ogdensburg Borough	Hibernation	Hibernation/Maternity
SUSSEX	Sparta Township	Hibernation/Maternity	Hibernation/Maternity
SUSSEX	Stanhope Borough	Hibernation	Maternity
SUSSEX	Stillwater Township		Maternity

SUSSEX	Sussex Borough	Maternity	Maternity
SUSSEX	Vernon Township	Maternity	Maternity
SUSSEX	Walpack Township		Hibernation/Maternity
SUSSEX	Wantage Township	Maternity	Maternity
UNION	Berkeley Heights Township	Maternity	Maternity
UNION	Mountainside Borough	Maternity	
UNION	New Providence Borough	Maternity	Maternity
UNION	Plainfield City	Maternity	
UNION	Scotch Plains Township	Maternity	
UNION	Springfield Township	Maternity	
UNION	Summit City	Maternity	Maternity
WARREN	Blairstown Township		Hibernation/Maternity
WARREN	Greenwich Township		Hibernation
WARREN	Hardwick Township		Hibernation/Maternity
WARREN	Knowlton Township		Hibernation
WARREN	Pohatcong Township		Hibernation

Sherman, Steven

From: Klee, Rebecca J <rebecca_klee@fws.gov>
Sent: Friday, January 13, 2023 1:38 PM
To: Burton, Judith [DCA]; michael.r.furda@hud.gov
Cc: Smith-Herman, Nicholas [DCA]; Mahon, Donna M; Mackay, Elizabeth [DCA]; Sherman, Steven
Subject: Re: [EXTERNAL] RE: NJ DCA Tier 1 Environmental Assessment Section 7 Consultation - Meeting Request
Attachments: 20230113_DCA_ConsulationProcedures.pdf; Northeast Endangered Species Dkey Instructions .pdf; 2022 bat municipalties table_lbat_Revised.pdf

Hi All,

Following our phone call, I have put together an attached letter documenting the streamlining tools that should be included in the DCA's protocol when screening HUD projects.

To streamline review of future site-specific projects, the DCA should refer to the Service's New Jersey Field Office (NJFO) Project Screening Questions (https://www.fws.gov/media/new-jersey-field-office-project-screening-questions) to determine if project-specific review is needed. Additionally, projects may be screened for effect determinations through the Service's Information for Planning and Consultation (IPaC, https://ipac.ecosphere.fws.gov/) determination keys. Applicable keys include the Northeast Endangered Species Determination Key, currently available for use, and the Northern Long-eared Bat Rangewide Determination Key, which will be available after January 30, 2023. Projects that reach a determination key result of "no effect" or "may affect, but not likely to adversely affect" will not need further consultation or technical assistance for the applicable species. Projects that reach a determination key result of "You have 2 reached a preliminary determination of may affect for species covered by this determination key." should be submitted to the Service for additional review.

Enclosed are instructions for using the Northeast Endangered Species Determination Key and Using a Determination Key (Demo Only) video (https://www.youtube.com/watch?v=QkamFZK8EfU), to facilitate implementation of the procedures identified above. The Service has also enclosed the New Jersey Municipalities with Hibernation or Maternity Occurrence of Indiana Bat or Northern Long-eared Bat list.

Thank you for your efforts toward the conservation of fish and wildlife resources. Please contact Rebecca Klee at Rebecca_Klee@fws.gov if you have any questions or require further assistance regarding threatened or endangered species.

Rebecca Klee
Fish and Wildlife Biologist
New Jersey Ecological Services Field Office
US Fish and Wildlife Service
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205

Office Phone: 609-382- 5625
Cell: 908-930-1878
Email: rebecca_klee@fws.gov
https://www.fws.gov/office/new-jersey-ecological-services

From: Klee, Rebecca J <rebecca_klee@fws.gov>
Sent: Wednesday, January 4, 2023 11:24 AM
To: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; michael.r.furda@hud.gov <michael.r.furda@hud.gov>
Cc: Smith-Herman, Nicholas [DCA] <Nicholas.Smith-Herman@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Steven.sherman@icf.com <Steven.Sherman@icf.com>
Subject: Re: [EXTERNAL] RE: NJ DCA Tier 1 Environmental Assessment Section 7 Consultation - Meeting Request

Sounds good! I'll send an invite to all.

Rebecca Klee
Fish and Wildlife Biologist
New Jersey Ecological Services Field Office
US Fish and Wildlife Service
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205

Office Phone: 609-382- 5625
Cell: 908-930-1878
Email: rebecca_klee@fws.gov
https://www.fws.gov/office/new-jersey-ecological-services

From: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>
Sent: Wednesday, January 4, 2023 11:22 AM
To: Klee, Rebecca J <rebecca_klee@fws.gov>; michael.r.furda@hud.gov <michael.r.furda@hud.gov>
Cc: Smith-Herman, Nicholas [DCA] <Nicholas.Smith-Herman@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Steven.sherman@icf.com <Steven.Sherman@icf.com>
Subject: [EXTERNAL] RE: NJ DCA Tier 1 Environmental Assessment Section 7 Consultation - Meeting Request

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Rebecca,

We would like to set time to meeting to be Friday, 1/13/2023 at 10:00AM.

Thank you.

Judith Burton, Program Specialist 3
Subrecipient Oversight and Monitoring
Division of Disaster Recovery & Mitigation
NJ Department of Community Affairs
Direct: 609-913-4229
Email: Judith.Burton@dca.nj.gov

2

CONFIDENTIALITY NOTICE The information contained in this communication from the Department of Community Affairs is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Division of Disaster Recovery & mitigation at 609.292.7420 to arrange for the return of this information.

From: Klee, Rebecca J <rebecca_klee@fws.gov>
Sent: Tuesday, January 3, 2023 1:59 PM
To: michael.r.furda@hud.gov
Cc: Diehl, Nancy [DCA] <Nancy.Diehl@dca.nj.gov>; Smith-Herman, Nicholas [DCA] <Nicholas.Smith-Herman@dca.nj.gov>; Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>
Subject: [EXTERNAL] NJ DCA Tier 1 Environmental Assessment Section 7 Consultation - Meeting Request

Hi All,

My name is Rebecca Klee of the New Jersey Field Office. I recently received your request for a NJ DCA Tier 1 Environmental Assessment Section 7 Consultation to work on establishing a streamlined informal consultation process for certain HUD projects. I thought it would be best to have a meeting to discuss next steps. Here is my availability the next 2 weeks:

Thursday 1/5 before 12pm or after 2pm
Friday 1/5 All Day
Monday 1/9 before 3pm
Tuesday 1/10 All day
Wednesday 1/11 after 1pm
Thursday 1/12 All day
Friday 1/13 All Day

Please let me know what works best and I will send a Microsoft Teams Invite. Please let me know who to include on the meeting. Thank you!

Rebecca Klee
Fish and Wildlife Biologist
New Jersey Ecological Services Field Office
US Fish and Wildlife Service
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205

Office Phone: 609-382- 5625
Cell: 908-930-1878
Email: rebecca_klee@fws.gov
https://www.fws.gov/office/new-jersey-ecological-services

Figure A6-3: NJDEP Endangered Species Consultation Request Letter, Response and Email Transmittal

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 20, 2023

NJ Fish and Wildlife – ENSP
John Heilferty, Chief
Mail Code 501-03
P.O. Box 420
Trenton, NJ 08625-0420
Tel: (609) 292-9400

Subject: NJ DCA Tier 1 Environmental Assessment Section 7 Consultation

Dear Mr. Heilferty,

The New Jersey Department of Community Affairs (DCA) is preparing a National Environmental Policy Act (NEPA) Tiered Environmental Review to process applications for long term recovery and mitigation efforts following Tropical Storm Ida. The program is funded through Federal U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. CDBG-DR funds will be used to restore storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities (including structural and utility retrofits, grading and slope stabilization, and drainage improvements) from the remnants of Tropical Storm Ida in 2021. DCA, acting as the Responsible Entity in lieu of HUD, is required under 24 CFR 58.5(e) to evaluate potential impacts not only to any listed endangered or threatened species but also to any proposed endangered or threatened species and critical habitats, as described under Endangered Species Act (ESA) Section 7.

DCA has initiated consultation with the United States Fish and Wildlife Service (USFWS) and provided a proposed methodology to demonstrate compliance with Section 7. DCA requested that USFWS provide comments on, or approval of, the proposed process. The USFWS requested a meeting in response to the consultation request, and a call was held on Friday, January 13, 2023, with USFWS, HUD, and DCA representatives. The proposed approach was updated based on feedback provided by the USFWS and incorporates their recommended tools and resources. USFWS provided a letter with comments on the proposed approach on January 13, 2023 (**Attachment 1**).

Program Background

DCA has allocated CDBG-DR funds for the Homeowner Assistance and Recovery Program (HARP), the Small Rental Repair Program (SRRP), and Smart Move Program. Provided below is a detailed description of each program:

- **Homeowner Assistance and Recovery Program (HARP)** - Provides grants to eligible homeowners for expenses necessary to restore their storm-damaged homes, such expenses could relate to rehabilitation, reconstruction, elevation, and/or other mitigation activities. These mitigation activities could include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. Eligible structure types include single-family homes, duplexes, triplexes, townhomes, modular homes, manufactured homes, and condominiums. Only costs incurred after an award would be eligible.
- **Small Rental Repair Program (SRRP)** - Provides zero interest forgivable loans to owners of rental properties for activities necessary to restore storm-damaged rental housing for low- and moderate-income renters, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Mitigation activities include, but are not limited to, structural and utility retrofits to make the building more resistant to floods, grading and slope stabilization, and drainage improvements.
- **Smart Move Program** - Subsidizes the new development of quality, energy-efficient, resilient, and affordable single-family housing in lower risk areas within or near disaster-impacted communities that may be participating in Blue Acres buyout programs as well as disaster impacted first-time homebuyers with incomes at or below 120% AMI. The program aims to provide safe housing for relocating residents and new affordable housing in low-risk areas.

The geographic extent of these programs will be the 12 counties determined eligible for funding under presidential declaration DR-4614 and identified under New Jersey's Ida Recovery Action Plan, located on the DCA website: https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml. Counties include Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren (**Attachment 2**).

Proposed Review Process

Through the environmental review procedures and applicable mitigation measures, DCA intends for proposed CDBG-DR funded activities to avoid negative impacts to threatened and endangered species' habitat to the maximum extent practicable. The proposed review procedures describe how DCA will act as the responsible federal entity to oversee and document that the proposed action complies with state and federal regulations.

Because site-specific locations are not known at this time, DCA intends to complete a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2). The first tier will be 12 county-wide environmental reviews, which examine all environmental topics listed in the U.S. HUD regulations for CDGB-DR funding, including 24 CFR 58.5 and 58.6, and NEPA. The second tier will require analysis at the site-specific review level. Each site-specific project will be assigned to one of the following activity categories.

1) **Rehabilitation**: Repairing (possibly including elevating) homes and small rental properties that sustained damage as a result of Tropical Storm Ida but were not so severely damaged that reconstruction is required. The rehabilitation must result in a housing unit that meets minimum property standards, the State of New Jersey's Uniform Construction Code, and the HUD Office of Community Planning and Development's Green Building Retrofit checklist, when applicable ("Proposed Action 1").

2) **Reconstruction within existing footprint**: Construction of a new dwelling on the existing property within 20.0 percent of the original (first floor) building footprint ("Proposed Action 2").

3) **Reconstruction beyond existing footprint**: Construction of a new dwelling on the existing property that exceeds 20.0 percent of the original (first floor) building footprint ("Proposed Action 3").

4) **New Construction**: New construction of single-family homes. The new developments will be built outside the 500-year floodplain and the inland or coastal climate adjusted floodplain, as defined by DEP. The site and housing designs will include additional resilience and energy efficiency construction standards, which will be defined in the program guidelines. ("Proposed Action 4").

Within each site-specific environmental review, the Endangered Species section will provide an analysis and effects determination for federally listed species based on the list of species generated by the USFWS's Information for Planning and Consultation (IPaC) website, state species databases [through NJDEP Landscape Viewer and the NJDEP Natural Heritage Program (NHP)], and other available information (e.g., aerial photographs). If the IPaC report indicates the potential presence of a listed endangered or threatened species and/or critical habitat within the property of the proposed action, DCA will utilize the USFWS New Jersey Field Office (NJFO) Project Screening Questions and/or the USFWS IPaC determination keys. Based upon the IPaC review and other databases and resources (i.e. NJFO Screening Questions), DCA will propose an effect determination. The four possible review determinations include:

- **Survey Not Warranted/Had Negative Finding** – IPaC and other database results indicate that federally listed species do not occur nor have potential to occur in or around the site (i.e., IPaC returns no results for threatened and endangered species), or, if IPaC does return results that indicate potential presence of species, the work location displays no evidence that the site would support the species based on available information (e.g., databases, field photographs, aerial photos).

- **No Effect** – the proposed residential construction action does not involve activities that would have the potential to affect threatened or endangered species or critical habitat listed on IPaC and other databases for the site.

- **Not Likely to Adversely Affect** – the project may affect threatened or endangered species and/or critical habitat listed on IPaC and other databases for the site and will be further investigated.

- **Likely to Adversely Affect** – an adverse effect to threatened or endangered species and/or critical habitat listed on IPaC and other databases for the site may occur as a direct or indirect result of the proposed action or its connected actions.

If the database review identifies the potential for federally threatened and endangered species or their suitable habitat to be present that could potentially be affected by the construction activities, DCA will submit the project to USFWS for additional review.

Tree clearing may be required for certain projects. Each Tier 2 site-specific environmental review will state if tree clearing is required for the proposed action and if tree clearing is required for projects for which the Indiana Bat or Northern-long-eared bat are present (per the IPaC report). For these types of

projects, NJ DCA will follow the guidance below. The most current guidance on tree removal for the protection of federally listed bats would be implemented and that current guidance indicates:[1]

- For projects where IPaC indicates the presence of the Indiana bat, please indicate whether or not tree clearing is proposed. If tree clearing is proposed, describe the species, size (diameter at breast height), and number (or acres) of trees proposed for removal; and indicate whether clearing of trees >5 inches in diameter at breast height will be seasonally restricted as follows, making reference to the Bat Municipality List.
    - In municipalities with hibernation occurrence: April 1 - November 15.
    - In municipalities with maternity occurrence: April 1 - September 30.
    - In municipalities with both hibernation and maternity occurrence: April 1 - November 15.
    - In areas of potential occurrence (i.e., all areas returned by IPaC but not on the bat municipality list): April 1 - September 30.
- For projects where IPaC has returned a result for the Northern long-eared bat, indicate whether or not the project occurs in a municipality with known hibernacula or maternity roost trees (Bat Municipality List).
- For projects involving any federal funding or federal authorization that may affect the Northern long-eared bat, the federal action agency must notify the NJ USFWS Field Office at least 30 days before starting the action.

Attachment 3 includes IPaC reports for the 12 Counties covered in the proposed action of the tiered environmental review. We are aware that the Northern Long-Eared bat will be reclassified from threatened to endangered on January 30, 2023. If the Tier 1 EA is finalized after this date, DCA would include updated IPaC reports which would reflect this change.

Thank you for your assistance with this matter. Please provide your response to Samuel Viavattine via e-mail at Samuel.Viavattine@dca.nj.gov.

Sincerely,

Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

Attachment 1: USFWS Response Letter
Attachment 2: Project Location Map
Attachment 3: IPaC Reports

Greene, Robert

From: Greene, Robert
Sent: Friday, January 20, 2023 5:14 PM
To: Pepe, David [DEP]
Cc: Burton, Judith [DCA]; Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven; Nolan, Katherine [DEP]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs
Attachments: NJDEP ENSP Letter.pdf

Hi David,

Attached please find the signed letter for ENSP review.

Have a great weekend!
Rob

From: Greene, Robert
Sent: Thursday, January 19, 2023 4:00 PM
To: Pepe, David [DEP] <David.Pepe@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Leager, Leslie <Leslie.Leager@icf.com>; Sherman, Steven <Steven.Sherman@icf.com>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs

Hi David,

Signed letters for Contamination and Toxic Substances and Air Quality are attached. We have one more letter that we will be sending for ENSP review in the next week or two after incorporating USFWS feedback.

Thanks again for your help coordinating everything.
Rob

From: Pepe, David [DEP] <David.Pepe@dep.nj.gov>
Sent: Wednesday, January 4, 2023 8:38 AM
To: Sherman, Steven <Steven.Sherman@icf.com>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs

HI Steve - you can send them to me and I will make sure the proper programs review.

Thank you,
David Pepe, P.G. , Director
New Jersey Department of Environmental Protection
Office of Permitting & Project Navigation
Office Phone (609) 292-3600
Direct Phone (609) 984-4515
Fax (609) 292-1921

Email: david.pepe@dep.nj.gov
Website: http://www.nj.gov/dep/pcer/

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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From: Sherman, Steven <Steven.Sherman@icf.com>
Sent: Wednesday, January 4, 2023 8:23 AM
To: Pepe, David [DEP] <David.Pepe@dep.nj.gov>; Nolan, Katherine [DEP] <Katherine.Nolan@dep.nj.gov>
Cc: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: [EXTERNAL] RE: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

Hope you had a nice holiday. I just wanted to follow up on the request below. For HUD-funded CDBG-DR Tier 1 (county-wide) environmental assessments, should we send consultation letters regarding Air Quality, Endangered Species and Contamination and Toxic Substances to the Office of Permitting and Project Navigation or to the relevant NJDEP divisions (i.e.. Division of Air Quality)?

Thank you,
Steven

From: Sherman, Steven
Sent: Wednesday, December 28, 2022 10:03 AM
To: David.Pepe@dep.nj.gov; Katherine.Nolan@dep.nj.gov
Cc: Burton, Judith <Judith.Burton@dca.nj.gov>; Mackay, Elizabeth [DCA] <Elizabeth.Mackay@dca.nj.gov>; Greene, Robert <Robert.Greene@icf.com>; Leager, Leslie <Leslie.Leager@icf.com>
Subject: NJ DCA Hurricane Ida Tier 1 EAs

Good Morning,

ICF is supporting DCA in drafting 12 county-wide Tier 1 HUD Community Development Block Grant-Disaster Recovery Environmental Assessments (EAs). The Tier 1 EAs will analyze the proposed program actions of providing housing assistance for properties that were impacted from Hurricane Ida or areas located within or near disaster-impacted communities. These actions include activities necessary to restore homeowners/landlords' storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities. While the Tier 1 EAs will be a broad county-wide review of environmental impacts, the subsequent Tier 2s will be site-specific reviews of reconstruction, rehabilitation or new construction of housing structures.

In developing the Tier 1 EAs, we wanted to confirm the proposed approach and obtain guidance on a few environmental resource sections. Provided below are those resources along with some additional details of which we are requesting information. Where applicable, we are modeling the approaches based on the NJ Sandy Recovery Program.

- **Air Quality**:
  - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
- **Endangered Species**
  - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
  - Guidance on incorporating state listed species and critical habitat in environmental reviews
  - Guidance on required state permits and/or mitigation measures
- **Contamination and Toxic Substances**
  - Confirmation of the proposed Broad County Tier 1 and Site-Specific Tier 2 approach
  - Confirmation of search radius/clearance requirements for toxic sites (ex: superfund, brownfield, RCRA…)
  - Guidance on required state listed sites to analyze within range of the proposed action

While we do not anticipate that permits will be required for the Broad County-wide Tier 1 EAs, there may be some permits for the subsequent site-specific Tier 2 environmental reviews of mostly single-family structures. Do you know which points of contact I should reach out to at DEP for the above resources categories? We will be sending along a letter and email to the appropriate points of contact which detail the proposed action (for Tier 1s and Tier 2s) along with the proposed approaches.

Thanks,
Steve

Steven Sherman | Senior Environmental Planner, Environment & Planning | steven.sherman@icf.com | icf.com +1.215.359.7856 mobile

Threatened and Endangered Species HUD CDBG Methodology

Superstorm Sandy Recovery Roles and Methodology

- **NJDEP:** NJDEP is responsible for fulfilling HUD's federal consultation obligations under the ESA. It is authorized to conduct all informal and formal consultation activities with the USFWS and NMFS, as applicable. NJDEP is also the agency responsible for state-listed threatened and endangered species.
- **ENSP:** ENSP is the NJDEP division that has oversight of the state's endangered and threatened wildlife. ENSP has also been delegated the responsibility to consult with USFWS on behalf of NJDEP.
- **DPF:** DPF is the NJDEP division that has oversight of state threatened and endangered plants on the State Endangered Plant list.

T&E Species Consultation Procedures

Determination Scenario	Finding / Who Determines	Consultation Needed? / Which Agency
Federally Listed Animal	**No Effect** / Contractor determines using DEP screening tool (species and Centroids layers) and does not have to consult with ENSP or USFWS.	No / Consultation with ENSP or USFWS is not required.
Federally Listed Animal	**May Affect** / Contractor determines using DEP screening tool (species and Centroids layers) and then must consult with ENSP for verification.	Yes / ENSP reviews material provided by Contractor to determine if "May Affect" finding is accurate. If not, a No Effect determination is made and no further consultation required. If yes, ENSP must consult with USFWS.
Federally Listed Animal	**May Affect, Not Likely to Adversely Affect** / ENSP determines during consultation with Contractor (from EAF-provided materials)	Yes / If ENSP determines project May Affect, Not Likely to Adversely Affect, ENSP must seek concurrence with USFWS.
Federally Listed Animal	**May Affect, Likely to Adversely Affect** / ENSP determines during consultation with Contractor (from Contractor materials)	Yes / If ENSP determines May Affect, Likely to Adversely Affect, ENSP must enter formal consultation with USFWS.
State Listed Animal	**State Listed Animal IS Present in Project Area AND DLUR Permit IS Needed** / Contractor determines using DEP screening tool (state species category on Centroids layer) & based on DLUR permit requirement.	No / Consultation with ENSP is not needed under this scenario. Any mitigation will be outcome of permit DLUR permit process. EA/CEST must be conditioned on satisfying mitigation through permitting process.

Determination Scenario	Finding / Who Determines	Consultation Needed? / Which Agency
State Listed Animal	**State Listed Animal IS Present in Project Area AND DLUR Permit NOT Needed** / Contractor determines using DEP screening tool (state species category on Centroids layers) and based on DLUR permit requirement.	Yes / Contractor must consult with ENSP on any required mitigation.
Federally Listed Plant	**No Effect** / Contractor determines based on no plants being present in project area from results of the NHP Database search AND the USFWS IPaC landscape explorer tool.	No / Consultation not needed with NJDEP or USFWS for this scenario.
Federally Listed Plant	**May Affect** / Contractor determines using a positive hit result for plant(s) from the NHP Database search and/or, as needed, the USFWS IPaC landscape explorer tool.	Yes / Contractor must first determine whether to complete a biological assessment or evaluation; then, once biological review completed, must determine type of May Affect category; then informs NJDEP Division of Parks and Forestry (DPF) of May Affect finding; then, must consult with USFWS on behalf of NJDEP.
Federally Listed Plant	**May Affect, Not Likely to Adversely Affect** / Contractor determines using a positive hit result for plant(s) from the NHP Database search and/or, as needed, the USFWS IPaC landscape explorer tool, and the results of the biological assessment or evaluation.	Yes / Contractor, on behalf of DPF, must seek concurrence with USFWS.
Federally Listed Plant	**May Affect, Likely to Adversely Affect** / Contractor determines using a positive hit result for plant(s) from the NHP Database search and/or, as needed, the USFWS IPaC landscape explorer tool, and the results of the biological assessment or evaluation.	Yes / Contractor, on behalf of DPF, must undertake formal consultation with USFWS. DPF will coordinate gathering of additional needed information and facilitate EAF and USFWS discussions concerning acceptable mitigation.
State Listed Plant	**State Listed Plant IS Present in Project Area** / Contractor determines from the NHP Database search results.	Yes / If Contractor can't make a clear case for a No Effect determination, based on site inspection for state plant habitat, they must consult with DPF and mitigation measures will be determined by DPF **ONLY** during project wetland permitting process.

Tropical Storm Ida Proposed Roles and Methodology

- **NJDEP:** NJDEP is the agency responsible for state-listed threatened and endangered species.
- **ENSP:** ENSP is the NJDEP division that has oversight of the state's endangered and threatened wildlife. Consultation requests for state-listed T&E animal species would be sent to ENSP for Tropical Storm Ida.
- **DPF:** DPF is the NJDEP division that has oversight of state threatened and endangered plants on the State Endangered Plant list. Consultation requests for state-listed T&E plant species would be sent to DPF for Tropical Storm Ida.

T&E Species Consultation Procedures

Determination Scenario	Finding / Who Determines	Consultation Needed? / Which Agency
State Listed Animal	**State Listed Animal IS Present in Project Area AND DLUR Permit is Needed** / Contractor determines using DEP screening tool (NJ Landscape Project) & based on DLUR permit requirement.	No / Consultation with ENSP is not needed under this scenario. Any mitigation will be outcome of DLUR permit process. EA/CEST must be conditioned on satisfying mitigation through permitting process.
State Listed Animal	**State Listed Animal IS Present in Project Area AND DLUR Permit NOT Needed** / Contractor determines using DEP screening tool (NJ Landscape Project) and based on DLUR permit requirement.	Yes, / If Contractor can't make a clear case for a *No Effect* determination based on site inspection they must consult with ENSP on any required mitigation.
State Listed Plant[1]	**State Listed Plant IS Present in Project Area** / Contractor determines from the NHP Database search results.	Yes / If Contractor can't make a clear case for a No Effect determination based on site inspection for state plant habitat they must consult with DPF and mitigation measures will be determined by DPF **ONLY** during project wetland permitting process.

From: Nolan, Katherine [DEP]
To: Burton, Judith [DCA]; Locke, Hannah [DEP]
Cc: Mackay, Elizabeth [DCA]; Leager, Leslie; Sherman, Steven; Pepe, David [DEP]; Greene, Robert; Davis, Kelly [DEP]
Subject: RE: NJ DCA Hurricane Ida Tier 1 EAs
Date: Thursday, March 9, 2023 8:28:13 AM
Attachments: image001.png
image003.png
image004.png
ENSP proposed method for DCA - 1 final.docx

Good Morning Judith,

Please see the attached outline provided by NJDEP Fish and Wildlife.

If you have any questions or need anything else, please let me know.

Sincerely,

Katie Nolan
Environmental Specialist 3
Office of Permitting and Project Navigation
401 E. State St. | P.O. Box 420 | Trenton, N.J. 08625
Direct: (609) 984-6506 | Office: (609) 292-3600 | Fax: (609) 633-1196

NJDEP

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Tropical Storm Ida Proposed Roles and Methodology

NJ Department of Environmental Protection: NJDEP is the agency responsible for protecting environmental quality and public health, and creating vibrant, sustainable communities.

Division of Land Resource Protection: DLUR is the agency responsible for regulating land use activities through a permit process in accordance with the rules & regulations of NJ.

NJ Fish & Wildlife - Endangered & Non-game Species Program: NJFW is the agency dedicated to the protection, management and wise use of New Jersey's fish and wildlife resources. ENSP is the NJFW Bureau that has oversight of the state's endangered and threatened wildlife. Consultation requests for state-listed T&E animal species would be sent to ENSP for Tropical Storm Ida.

NJ Division of Parks & Forestry: DPF is the NJDEP division that has oversight of state threatened and endangered plants on the State Endangered Plant list. Consultation requests for state-listed T&E plant species would be sent to DPF for Tropical Storm Ida.

New Jersey Department of Community Affairs: DCA is the Department responsible for completing a tiered environmental review, made up of a broad review (Tier 1) and a site-specific review (Tier 2).

T&E Species Consultation Procedures

Determination Scenario	Finding / Who Determines	Consultation Needed? / Which Agency
State Listed Animal	**State Listed Animal Habitat IS Present in Project Area AND DLUR Permit is Needed** / DCA determines using DEP screening tool (NJ Landscape Project) & based on DLUR permit requirement	**No /** Consultation with ENSP is not needed under this scenario. Any mitigation will be outcome of DLUR permit process. EA/CEST must be conditioned on satisfying mitigation through permitting process.
State Listed Animal	**State Listed Animal Habitat IS Present in Project Area AND DLUR Permit is NOT Needed** / DCA determines using DEP screening tool (NJ Landscape Project).	**Yes /** If DCA can't make a clear case for " No Effect " (no impact to listed species habitat) determination based on site inspection, they must consult with ENSP on any required mitigation
State Listed Plant	**State Listed Plant IS Present in Project Area** / DCA determines using NHP Database search results	**Yes /** If DCA can't make a clear case for " No Effect " determination based on site inspection, they must consult with ENSP on any required mitigation

Attachment 7 – Explosive and Flammable Hazard

24 CFR 51(c)

There are U.S. Department of Housing and Urban Development (HUD)-listed flammable/explosive substance containers within Hudson County.

Sources:

Not applicable for Tier 1 EA. Maps and datasets may be needed in the site-specific review.

Agencies/Regulations Consulted During Broad Review

U.S. Department of Housing and Urban Development (HUD)

Supporting Documentation

Figure A7-1: Correspondence with HUD Office of Environment and Energy

ENVIRONMENTAL FINDING: Compliance will be achieved during the site-specific review since projects within Proposed Action 4 could result in an increase in residential density which would require a site-specific review to identify explosive and flammable hazards located within one mile of the project site. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A7-1: Correspondence with HUD Office of Environment and Energy

From: Schopp, Danielle L [mailto:Danielle.L.Schopp@hud.gov]
Sent: Monday, March 18, 2013 12:32 PM
To: Sullivan, Neil
Cc: Potter, James M; Rivera, Nelson A; Furda, Michael R; Fretwell, Therese J; Sanders, Jerimiah J
Subject: RE: Noise and above ground storage tanks - New Jersey

Neil,
As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3).

In addition, ASD requirements do not apply because the definition for HUD assisted projects at 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations; therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased is not required to apply 24 CFR Part 51 Subpart C.

Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,
Danielle

Danielle Schopp, JD, MPA
Director, Office of Environment and Energy
Department of Housing and Urban Development
451 7th Street SW, Room 7250
Washington, DC 20410

phone (202) 402-4442
fax (202) 708-3363
http://portal.hud.gov/portal/page/portal/HUD/topics/environment

Please consider the environment before printing this e-mail

From: Sullivan, Neil [mailto:Neil.Sullivan@icfi.com]
Sent: Monday, March 18, 2013 10:26 AM
To: Schopp, Danielle L
Subject: Noise and above ground storage tanks - New Jersey

Danielle,
Just to follow up on our call on Thursday, NJ DEP requested that I e-mail you and confirm that there is no need to conduct a noise analysis for rehab and reconstruction projects (as defined by HUD) for 1-4 unit homes (the subject of NJ's first Tier 1 EA). Your comment that the analysis is unnecessary is based on the citation below at 24 CFR Part 51.101(a)(3). Can you please confirm that NJ can just cite the highlighted text below and avoid doing noise and AST analysis for both rehab and reconstruction projects?

Thanks
Neil

24 CFR Part 51.101(a)(3)
HUD support for new construction. HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are 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.

NEIL SULLIVAN | Senior Manager | 703.218.2533 (o) | Neil.Sullivan@icfi.com | icfi.com
ICF INTERNATIONAL | 9300 Lee Highway, Fairfax, VA 22031 | 703.975.8853 (m)

Attachment 8 – Farmland Protection

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR 658

Table A8-1: Acres of Protected Farmland - Hudson County

Category	Acres in Hudson County
All areas are prime farmland	139.9
Not prime farmland	29,918.7
Farmland of local importance	0
Farmland of statewide importance	61.3
Farmland of unique importance	1.9
Total	**30,121.9**

Table A8-2: Farmland Protection Sources:

Agency	Internet link	Accessed Date	Dataset Date
U.S. Department of Agriculture	https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSur vey.aspx	11/17/2022	11/8/2022
U.S. Department of Agriculture	https://nrcs.app.box.com/v/soils/folder/180112652169	11/17/2022	11/8/2022

Agencies/Regulations Consulted During Broad Review

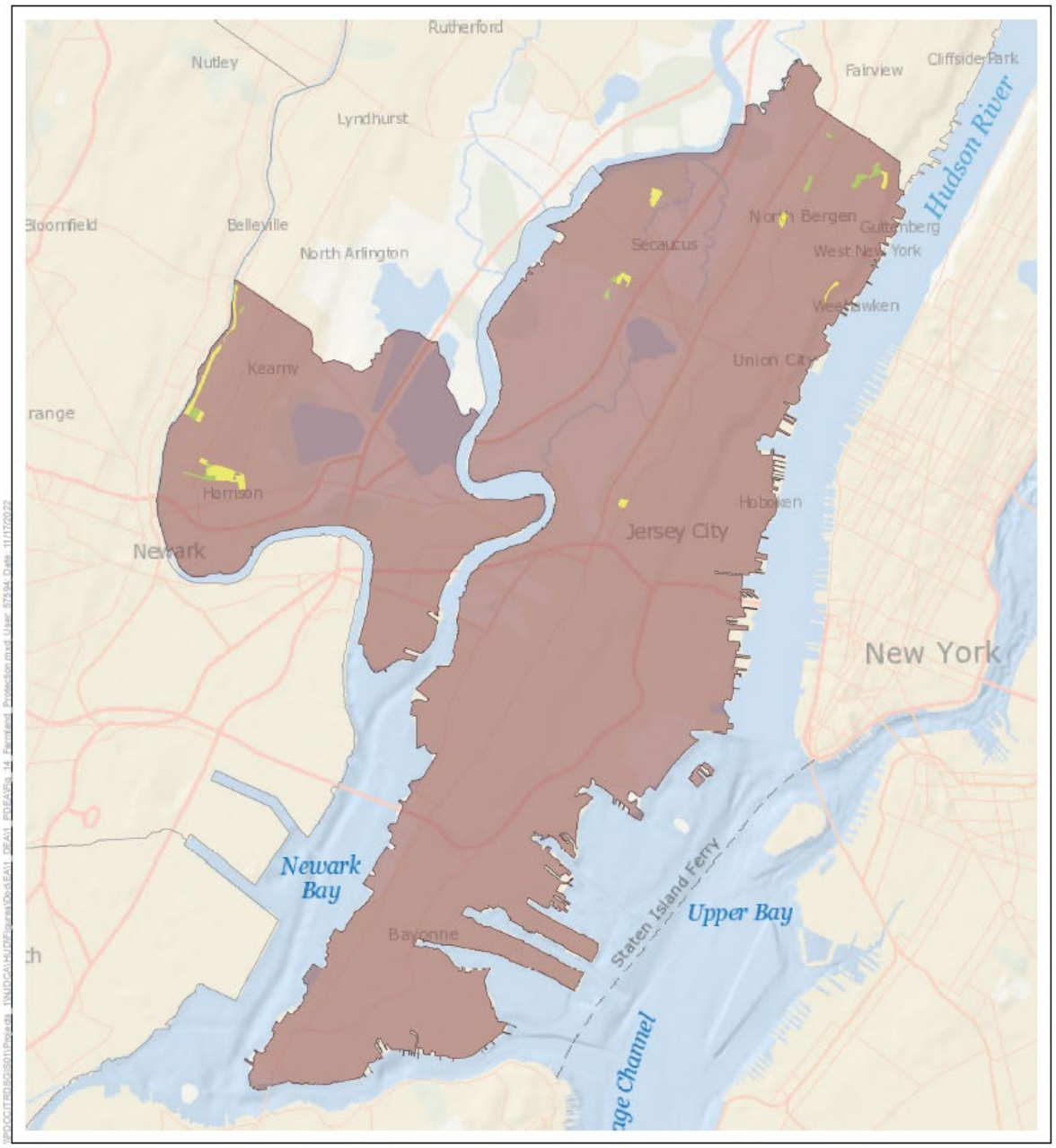
U.S. Department of Agriculture (USDA)

Supporting Documentation:

Figure A8-1: Farmland Protection Map - Hudson County

ENVIRONMENTAL FINDING: Compliance will be achieved during the site-specific review since project activities resulting in new construction or in-ground disturbance on land that was not previously disturbed or used for residential purposes may have the potential to affect protected farmland. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A8-1: Farmland Protection Map – Hudson County



Farm Class

- All areas are prime farmland
- Farmland of statewide importance
- Farmland of unique importance
- Not prime farmland

N

0 1 2 Miles
1:110,000

Hudson County Farmland Protection

Attachment 9 – Floodplain Management

Executive Order 11988, particularly section 2(a); 24 CFR 55

Table A9-1: Flood Zone Acres – Hudson County

Zone Designation	Acres in Hudson County
A	577.3
AE	10,923.7
AH	162.2
VE	2.7
X	18,523.7
Total	**30,189.6**

Table A9-2: Floodplain Management Sources:

Agency	Internet Link	Accessed Date	Dataset Date
Federal Emergency Management Agency	https://msc.fema.gov/portal/home	10/21/2022	6/4/2007

Agencies/Regulations Consulted During Broad Review:

Federal Emergency Management Agency (FEMA)

New Jersey Department of Environmental Protection (NJDEP)

Supporting Documentation:

Figure A9-1 –FEMA Special Flood Hazard Area Zones Map - Hudson County

Figure A9-2 – 8-Step Floodplain/Wetland Decision-Making Process

Figure A9-3 – Text of Early Floodplain Notification

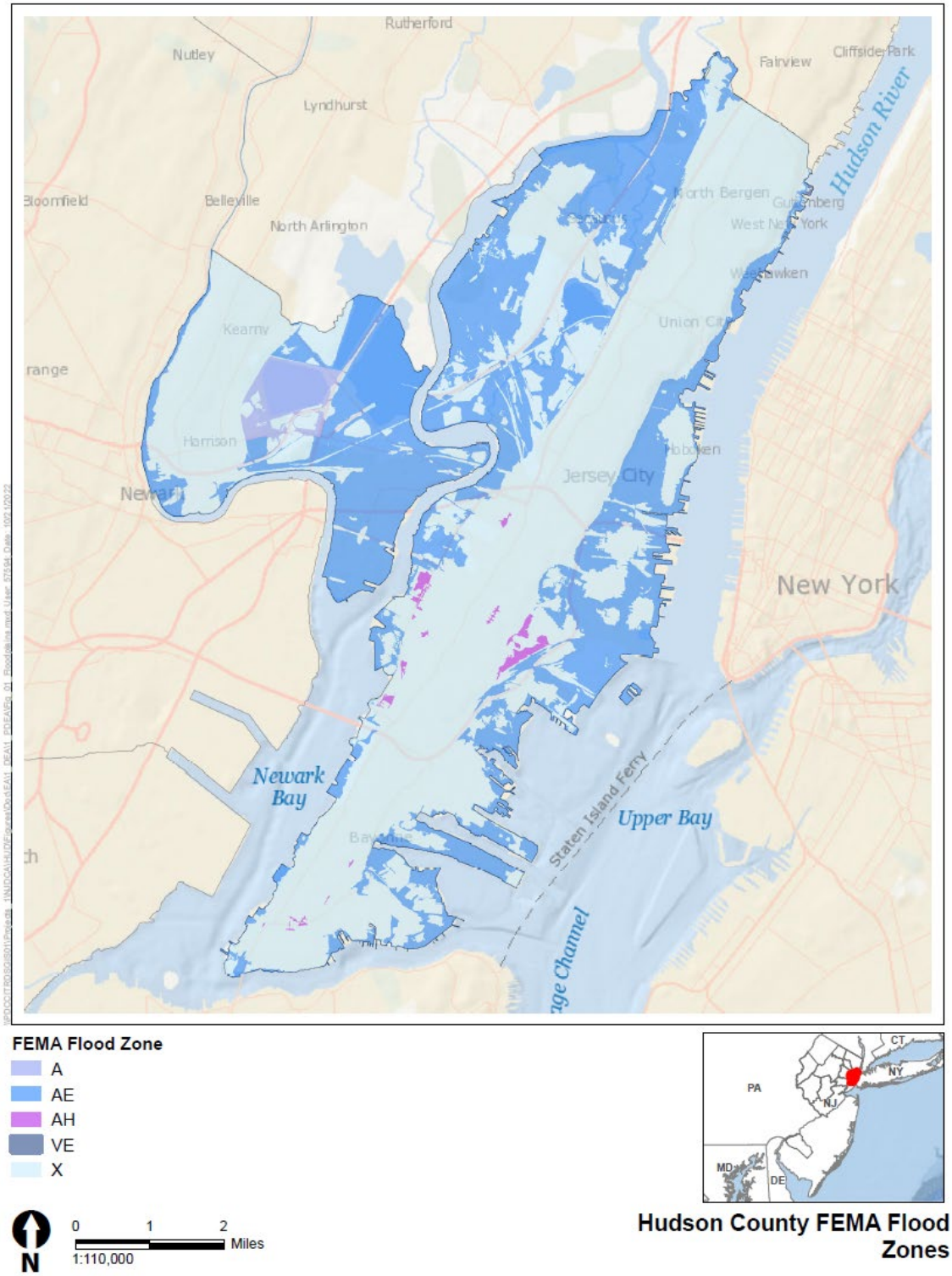
Figure A9-4 – Affidavit and Clipping of Early Floodplain Notification – Star Ledger

Figure A9-5 – Affidavit and Clipping of Early Floodplain Notification – Reporte Hispano

Figure A9-6 – Correspondence to Interested Parties of Early Notice Publication

ENVIRONMENTAL FINDING: Compliance will be achieved during the site-specific review since HARP and SRRP project parcels have the potential to be located within a FEMA or Hudson County-designated Special Flood Hazard Area (SFHA). The Smart Move Program would involve new construction on selected sites outside of the 100-year and 500-year floodplain and would thereby be in compliance with Executive Order 11988.

Figure A9-1: FEMA Flood Zones Map - Hudson County



Hudson County FEMA Flood Zones

Figure A9-2 – 8-Step Floodplain Decision-Making Process

U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery

New Jersey Department of Community Affairs Homeowner Assistance of Recovery Program (HARP), Small Rental Repair Program (SRRP), and Smart Move Program

8-STEP DECISION MAKING PROCESS

Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, Warren

Introduction

The Homeowner Assistance Recovery Program (HARP), Small Rental Repair Program (SRRP) and Smart Move Program, as proposed by the New Jersey Department of Community Affairs (NJ DCA) are in response to extreme rainfall and significant flash flooding caused by Tropical Storm Ida and aim to address the State's need for housing, especially safe, decent, and affordable housing.

This document summarizes the 8-step floodplain and wetland decision making process completed for HARP and Small Rental Repair Program SRRP as proposed by NJ DCA.

The Smart Move Program would involve new construction on selected sites outside of the floodplain and wetlands and zoned for residential purposes by the local municipality. Therefore, the Smart Move Program is not subject to the 8-step decision making process.

HARP and SRRP would provide funding for homeowners and owners of small rental properties (1 to 4 residential units within a building) within the twelve most impacted counties (Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, Warren). HARP and SRRP will provide grants or zero interest forgivable loans to eligible property owners for activities necessary to restore their storm-damaged structures, including rehabilitation, reconstruction, elevation, and/or other mitigation activities. Owners with properties in the Special Flood Hazard Area (SFHA) or other New Jersey Department of Environmental Protection (NJDEP)-designated flood risk areas would be required to obtain and maintain flood insurance. A permanent flood insurance covenant would be placed on the property to ensure that flood insurance is maintained when ownership transfers.

Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or wetland.

The 500-year floodplain is the minimal floodplain of concern for Critical Actions. The proposed activities associated with HARP and SRRP are not Critical Actions as defined in 24 CFR 55.2(b)(2), and therefore not subject to requirements that apply to structures located in the 500-year floodplain.

NJ DCA has determined that project activities associated with HARP and SRRP may be located in, or affect, the 100-year floodplain and/or wetlands. When required, homes would be elevated above the

base flood elevation as identified on the best available floodplain maps in accordance with federal, state, and local regulations.

Below is a table showing an estimate of acres of floodplains and wetlands in the twelve impacted counties.

County	SFHA (acres)	Wetlands (acres)
Bergen	22,295	9,070
Essex	12,579	5,847
Hudson	11,666	1,663
Middlesex	27,971	32,800
Passaic	15,701	7,250
Somerset	19,779	17,617
Union	7,910	2,419
Gloucester	25,544	32,031
Hunterdon	14,995	14,256
Mercer	15,802	16,531
Morris	40,543	38,996
Warren	14,853	15,508

Source: 2023 FEMA Flood Map Service Center: Welcome! Available at: https://msc.fema.gov/portal/home.

NJ DCA would determine on a site-specific basis as to whether a parcel is located within the 100-year floodplain or a wetland by using the best available mapping data from the Federal Emergency Management Agency, United States Fish and Wildlife Service National Wetlands Inventory and NJDEP.

Project activities located partially or wholly within the 100-year floodplain would be required to participate in the National Flood Insurance Program (NFIP). The NFIP requirement is not applicable to project sites located in Zone X or those outside of all SFHA floodplains.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

A 15-day "Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Wetland" was published on December 23, 2022, in the Star Ledger, the South Jersey Times and Reporte Hispano. The 15-day comment period expired on January 9, 2023. The notice targeted local residents, including those in the floodplain.

DCA provided confirmation on January 10, 2023, that no comments were received from the public regarding the proposed action.

Step 3: Identify and evaluate practicable alternatives.

HARP and SRRP would provide grants and forgivable loans to eligible owners of single-family (one to four units) and multi-family (up to seven units) homes and rental properties for activities necessary to restore their storm-damaged properties. The proposed programs would assist property owners in

achieving safe and code-compliant housing that meets minimum property standards through rehabilitation, reconstruction, elevation, and/or other mitigation activities. No other alternatives were considered, as they would not serve to meet the dual purpose of helping the property owner rebuild and to rebuild in such a way as to better withstand the next major storm event.

New Jersey is the most densely populated state in the country and therefore a policy to prohibit any development in the floodplain is not considered practicable due to the great number of parcels located within the floodplain and wetlands in the counties most affected by Hurricane Ida.

The only practicable alternative on a programmatic level would be the No Action Alternative, which would mean that Applicants would not receive grants or forgivable loans under HARP or SRRP. As a result, these property owners would not be provided financial assistance to rehabilitate, reconstruct, elevate, or otherwise mitigate their homes to better with withstand the next storm event. Thus, their properties would be more vulnerable to future flooding conditions. Thus, the No Action Alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

Step 4: Identify Potential Direct and Indirect Impacts of Associated with the Occupancy or Modification of the Floodplain and Wetlands

The proposed programs would involve rehabilitation, reconstruction, elevation and/or other mitigation activities to storm-damaged single-family homes or small rental properties (one to four units) on previously developed parcels that may be within the floodplain and/or wetlands. Thus, the proposed programs would enable households to return to their homes but would not expand the housing stock relative to conditions prior to Hurricane Ida and thereby would not increase floodplain or wetland occupancy. Homes within the 100-year floodplain would be required to be elevated, thereby reducing future damages from flooding. The only exceptions to this requirement are historic structures that are listed on the National Register of Historic Places, determined eligible for listing on the National Register, determined to contribute to a historic district, listed on the state inventory of historic places, or listed on the inventory of historic places of a community with a certified historic preservation program (see definition of historic structure in 44 CFR 59.1). These structures would have elevation height requirements considered on a case-by-case basis.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain and wetlands.

Property owners participating in HARP or SRRP would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding, and benefit floodplain and wetland values:

1. With the exception of historic structures (as defined in 44 CFR 59.1), all proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations would be determined using the higher of the Advisory Based Flood Elevation (BFE), the effective BFE, or the design flood elevation shown on NJDEP flood maps.

2. The elevation of historic structures would be considered on a case-by-case basis.
3. 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)].
4. In the case of "Coastal High Hazard" areas, a registered professional engineer is to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for Coastal High Hazard zones in FEMA regulation 44 CFR Part 60.3(e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).
5. Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance.
6. Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed.
7. Existing drain inlets are to be protected from debris, soil, and sedimentation.
8. No heavy equipment is to be operated within wetlands.

Therefore, the requirements of HARP and SRRP will help ensure a minimal adverse impact to the floodplain and/or wetlands.

Step 6: Reevaluate the Alternatives.

The analysis in Steps 4 and 5 provides no basis for modifying the preliminary conclusion reached in Step 3.

In the absence of the proposed programs, Applicants would not receive financial assistance to rehabilitate, reconstruct, elevate or otherwise repair their storm-damaged structures, and may not be able to afford to do so on their own. As a result, these property owners would not be provided financial assistance to rehabilitate, reconstruct, or elevate their homes and thus their properties would be more vulnerable to future flooding conditions. Thus, the No Action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

Step 7: Determination of No Practicable Alternative

It is the determination of NJ DCA that there is no practicable alternative to locating the proposed programs in the floodplain or wetlands. This is due to 1) the need to provide safe and affordable housing; 2) the desire not to displace residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain and wetland values.

A final notice was published on March 31, 2023, in the Star Ledger, the South Jersey Times and Reporte Hispano. The 15-day comment period expired on April 17, 2023. The final notice was consistent with the prior notice. The notice explains the reasons why the modified project must be located in the floodplain, offers a list of alternatives considered at Steps 3 and 6, and describes all mitigation measures at Step 5 taken to minimize adverse impacts and preserve natural and beneficial floodplain values. The notice is in Appendix C of this document. No concerns were expressed by the public concerning this notice.

Step 8: Implement the Proposed Action

Step 8 is implementation of the proposed HARP and SRRP. NJ DCA will ensure that the mitigating measures identified in the steps above are implemented.

Figure A9-3 – Text of Early Floodplain Notification

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Wetland

New Jersey Department of Community Affairs

To: All interested Agencies, Groups, and Individuals

This publication is to give notice that the New Jersey Department of Community Affairs (DCA), as the Responsible Entity under Part 58, has determined that project activities associated with the Homeowner Assistance and Recovery Program (HARP), Small Rental Repair Program (SRRP), and Smart Move: New Housing Development Program part of the *Tropical Storm Ida Action Plan For the State of New Jersey* (Action Plan), may be located in, or affect, the 100-year floodplain and wetlands, and DCA will be determining the potential impacts on the floodplain and wetlands from HARP,SRRP and Smart Move activities, as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.

The State of New Jersey will receive Community Development Block Grant Disaster Recovery (CDBG-DR) funding to support long-term recovery and mitigation efforts following Hurricane Ida. Hurricane Ida passed through New Jersey from September 1st through September 3rd, 2021, bringing lashing winds and torrential rains leading to catastrophic flash flooding over portions of central and northern New Jersey. In response, the State of New Jersey's Action Plan has allocated $68,928,700 to HARP, $20,000,000 to SRRP and $30,000,000 to Smart Move in the 12 affected counties: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren. The HARP and SRRP will provide grants for activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities such as structural and utility retrofits, grading and slope stabilization, and drainage improvements. The Smart Move program will subsidize the new development of quality, energy-efficient, resilient, and affordable housing in lower risk areas within or near disaster-impacted communities. All three programs will assist eligible applicants within the 12 affected counties.

The application process for HARP, SRRP and Smart Move is projected to begin in early-2023, and therefore exact project locations are not known at this time. However, given the existence of 100-year floodplains and/or wetlands within each of the 12 affected counties, it is assumed that some project locations may occur within, or proximate to, floodplains and/or wetlands. When required, homes will be elevated above the base flood elevation as identified on the best available floodplain maps in accordance with federal, state, and local regulations.

The mapped acreage for the 100-year floodplain Special Flood Hazard Areas (SFHA) Zones A, AE, AO,VE; and wetlands for each county is listed below. Project activities located partially or wholly within the 100-year floodplain will be required to participate in the National Flood Insurance Program (NFIP). The NFIP requirement is not applicable to project sites located in Zone X or those outside of all SFHA floodplains.

Bergen—SFHA: 22,295 acres; Wetlands: 9,070 acres.
Essex—SFHA: 12,579 acres; Wetlands: 5,847 acres.
Hudson—SFHA: 11,666 acres; Wetlands: 1,663 acres.
Middlesex—SFHA: 27,971 acres; Wetlands: 32,800 acres.
Passaic—SFHA: 15,701 acres; Wetlands: 7,250 acres.

Somerset—SFHA: 19,779 acres; Wetlands: 17,617 acres.
Union—SFHA: 7,910 acres; Wetlands: 2,419 acres.
Gloucester—SFHA: 25,544 acres; Wetlands: 32,031 acres.
Hunterdon—SFHA: 14,995 acres; Wetlands: 14,256 acres.
Mercer—SFHA: 15,802 acres; Wetlands: 16,531 acres.
Morris—SFHA: 40,543 acres; Wetlands: 38,996 acres.
Warren—SFHA: 14,853 acres; Wetlands: 15,508 acres.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by **DCA** at the following address on or before **January 9, 2023:** Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner. Additional project information, including floodplains and wetlands maps for each affected county, can be viewed from 9 AM to 5 PM at the above address and https://www.nj.gov/dca/ddrm/resources/environmental.shtml. Comments may also be submitted via email at DDRM.EHPComments@dca.nj.gov.

Date: December 23, 2022

Notificación previa y revisión pública de una actividad propuesta en una llanura inundable de 100 años o un humedal

Departamento de Asuntos Comunitarios de Nueva Jersey

Para: Todos los organismos, grupos e individuos interesados

Esta publicación tiene como fin notificar que el Departamento de Asuntos Comunitarios de Nueva Jersey (DCA, por su sigla en inglés), como Entidad Responsable según la Parte 58, ha determinado que las actividades del proyecto asociadas con el Programa de Asistencia y Recuperación para Propietarios de Viviendas (HARP, por su sigla en inglés), el Programa de Reparación de Pequeños Alquileres (SRRP, por su sigla en inglés) y el Programa Smart Move para el Desarrollo de Nuevas Viviendas, parte del Plan de Acción de la Tormenta Tropical Ida para el Estado de Nueva Jersey (Plan de Acción), pueden estar ubicadas en, o afectar, la llanura inundable de 100 años y los humedales. El DCA determinará los impactos potenciales en la llanura inundable y los humedales de las actividades del HARP, SRRP y Smart Move, según lo exigen las Órdenes Ejecutivas 11988 y 11990, y de acuerdo con las regulaciones del HUD en 24 CFR 55.20 Subparte C, Procedimientos para formular determinaciones sobre la gestión de llanuras inundables y la protección de humedales.

El Estado de Nueva Jersey recibirá fondos del Programa de Subvenciones en Bloque de Desarrollo Comunitario para la Recuperación tras Desastres (CDBG-DR, por su sigla en inglés) para apoyar los esfuerzos de recuperación y mitigación a largo plazo luego del huracán Ida. El huracán Ida pasó por Nueva Jersey entre el 1 y el 3 de septiembre de 2021, trayendo vientos azotadores y lluvias torrenciales que provocaron inundaciones repentinas catastróficas en partes del centro y el norte de Nueva Jersey. En respuesta, el Plan de Acción del Estado de Nueva Jersey ha asignado $68,928,700 al HARP, $20,000,000 al SRRP y $30,000,000 al *Smart Move* en los 12 condados afectados: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris y Warren. El HARP y el SRRP otorgarán subvenciones para las actividades necesarias para restaurar las viviendas dañadas por la tormenta, incluyendo la rehabilitación, reconstrucción, elevación y otras actividades de mitigación, como la adaptación de las estructuras y los servicios públicos, nivelación y estabilización de taludes y mejoras de drenaje. El programa *Smart Move* subvencionará el nuevo desarrollo de viviendas de calidad, energéticamente eficientes, resilientes y asequibles en áreas de menor riesgo dentro o cerca de las comunidades afectadas por el desastre. Los tres programas ayudarán a los solicitantes elegibles dentro de los 12 condados afectados.

Se proyecta que el proceso de solicitud para el HARP, SRRP y *Smart Move* comience a principios de 2023 y, por lo tanto, en este momento se desconocen las ubicaciones exactas de las actividades del proyecto. Sin embargo, dada la existencia de llanuras inundables de 100 años y humedales en cada uno de los 12 condados afectados, se supone que algunas ubicaciones del proyecto podrían encontrarse dentro o cerca de llanuras inundables y humedales. Cuando sea necesario, las viviendas se elevarán por encima del nivel de inundación base identificado en los mejores mapas de llanuras inundables disponibles, de acuerdo con las regulaciones federales, estatales y locales.

A continuación se enumeran los acres mapeados para las Áreas Especiales de Peligro de Inundación de 100 años (SFHA, por su sigla en inglés), es decir, las Zonas A, AE y AO,VE, y también los humedales de

cada condado. Las actividades del proyecto ubicadas parcial o totalmente dentro de la llanura inundable de 100 años deberán participar en el Programa Nacional de Seguro contra Inundaciones (NFIP, por su sigla en inglés). El requisito del NFIP no se aplica a los sitios del proyecto ubicados en la Zona X o a aquellos fuera de todas las llanuras inundables de tipo SFHA.

Bergen—SFHA: 22,295 acres; Humedales: 9,070 acres.
Essex—SFHA: 12,579 acres; Humedales: 5,847 acres.
Hudson—SFHA: 11,666 acres; Humedales: 1,663 acres.
Middlesex—SFHA: 27,971 acres; Humedales: 32,800 acres.
Passaic—SFHA: 15,701 acres; Humedales: 7,250 acres.
Somerset—SFHA: 19,779 acres; Humedales: 17,617 acres.
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Morris—SFHA: 40,543 acres; Humedales: 38,996 acres.
Warren—SFHA: 14,853 acres; Humedales: 15,508 acres.

Esta notificación tiene tres objetivos principales. En primer lugar, las personas que pudiesen verse afectadas por actividades en llanuras inundables y humedales, y aquellas que tengan interés en la protección del entorno natural, deben tener la oportunidad de expresar sus inquietudes y aportar información sobre estas áreas. En segundo lugar, un programa de notificación pública adecuado puede ser una importante herramienta de educación pública. La difusión de información y la solicitud de comentarios del público sobre las llanuras inundables y los humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados a la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de equidad, cuando el gobierno federal determina que participará en acciones que se lleven a cabo en llanuras inundables y humedales, debe informar a quienes pueden verse expuestos a un riesgo mayor o continuo.

Los comentarios por escrito deben ser recibidos por el **DCA** en la siguiente dirección a más tardar el **9 de enero de 2023:** Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner. Puede consultarse información adicional sobre el proyecto, incluyendo los mapas de llanuras inundables y humedales para cada condado afectado, de 9 a. m. a 5 p. m. en la dirección mencionada arriba y en https://www.nj.gov/dca/ddrm/resources/environmental.shtml (en inglés). Los comentarios también pueden enviarse por correo electrónico a DDRM.EHPComments@dca.nj.gov.

Fecha: 23 de diciembre de 2022

Figure A9-4 – Affidavit and Clipping of Early Floodplain Notification – Star Ledger

NJ Advance Media
Woodbridge Corporate Plaza
ATTN: Legal Advertising Dept.
485 Route 1 South
Bldg E., Suite 300
Iselin, NJ 08830

Star Ledger

ICF
980 9TH STREET, SUITE 1200
SACRAMENTO, CA 95814

AD#:0010532338

Sales Rep: NJLegalRepNJ
Account Number:1000935905
AD#: 0010532338

Remit Payment to:
NJ Advance Media
Dept 77571
P.O. Box 77000
Detroit, MI 48277-0571

FOR QUESTIONS CONCERNING THIS AFFIDAVIT,
PLEASE CALL 732-902-4318 OR EMAIL legalads@njadvancemedia.com

Page 1 of 4

Date	Position	Description	P.O. Number		Costs
12/23/2022	Notices NJ	Early Notice and Public Review of a Proposed Activity in a 100-Year	Early Floodplain Wetlands Notice_English_NJ DCA		
			Ad Size		
				Affidavit Fee - 12/23/2022	$90.00
			2 x 112 L	Basic Ad Charge - 12/23/2022	$269.83
				Total	$359.83

CLAIMANTS CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of law that this bill or invoice is correct in all its particulars, that the goods have been furnished or services have been rendered as stated herein, that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim, that the amount herein stated is justly due and owing, and that the amount charged is a reasonable one.

Date: 12/28/2022 Fed ID#: 13-4123607

Signature: Chris Tighe Official Position: AR Manager

CERTIFICATION BY RECEIVING AGENCY

I, having knowledge of the facts, certify and declare that the goods have been received or the services rendered and are in compliance with the specifications or other requirements, and said certification is based on signed delivery slips or other reasonable procedures or verifiable information.

Signature: _____

Title: _____ Date: _____

CERTIFICATION BY APPROVAL OFFICIAL

I certify and declare that this bill or invoice is correct, and that sufficient funds are available to satisfy this claim. The Payment shall be chargeable to:

Appropriation Account(s) and Amounts Charged: P.O.#: _____

Signature: _____

THIS FORM APPROVED FOR USE BY LOCAL GOVERNMENTS BY THE LOCAL FINANCE BOARD

NJ SL Legal Liner

Star Ledger

LEGAL AFFIDAVIT

AD#: 0010532338 Total $359.83

State of New Jersey,) ss
County of Middlesex)
Lisa Arrington being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that Star Ledger is a public newspaper, with general circulation in Atlantic, Burlington, Cape May, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):
Star Ledger 12/23/2022

Principal Clerk of the Publisher

Sworn to and subscribed before me this 28th day of December 2022

Notary Public

DARIAN N ALEXANDER
Notary Public, State of New Jersey
My Commission Expires
November 13, 2027

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Wetland

New Jersey Department of Community Affairs

To: All interested Agencies, Groups, and Individuals

This publication is to give notice that the New Jersey Department of Community Affairs (DCA), as the Responsible Entity under Part 58, has determined that project activities associated with the Homeowner Assistance and Recovery Program (HARP), Small Rental Repair Program (SRRP), and Smart Move: New Housing Development Program part of the Tropical Storm Ida Action Plan For the State of New Jersey (Action Plan), may be located in, or affect, the 100-year floodplain and wetlands, and DCA will be determining the potential impacts on the floodplain and wetlands from HARP,SRRP and Smart Move activities, as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.

The State of New Jersey will receive Community Development Block Grant Disaster Recovery (CDBG-DR) funding to support long-term recovery and mitigation efforts following Hurricane Ida. Hurricane Ida passed through New Jersey from September 1st through September 3rd, 2021, bringing lashing winds and torrential rains leading to catastrophic flash flooding over portions of central and northern New Jersey. In response, the State of New Jersey's Action Plan has allocated $68,928,700 to HARP, $20,000,000 to SRRP and $30,000,000 to Smart Move in the 12 affected counties: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren. The HARP and SRRP will provide grants for activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities such as structural and utility retrofits, grading and slope

stabilization, and drainage improvements. The Smart Move program will subsidize the new development of quality, energy-efficient, resilient, and affordable housing in lower risk areas within or near disaster-impacted communities. All three programs will assist eligible applicants within the 12 affected counties.

The application process for HARP, SRRP and Smart Move is projected to begin in early-2023, and therefore exact project locations are not known at this time. However, given the existence of 100-year floodplains and/or wetlands within each of the 12 affected counties, it is assumed that some project locations may occur within, or proximate to, floodplains and/or wetlands. When required, homes will be elevated above the base flood elevation as identified on the best available floodplain maps in accordance with federal, state, and local regulations.

The mapped acreage for the 100-year floodplain Special Flood Hazard Areas (SFHA) Zones A, AE, AO,VE; and wetlands for each county is listed below. Project activities located partially or wholly within the 100-year floodplain will be required to participate in the National Flood Insurance Program (NFIP). The NFIP requirement is not applicable to project sites located in Zone X or those outside of all SFHA floodplains.

Bergen—SFHA: 22,295 acres; Wetlands: 9,070 acres.
Essex—SFHA: 12,579 acres; Wetlands: 5,847 acres.
Hudson—SFHA: 11,666 acres; Wetlands: 1,663 acres.
Middlesex—SFHA: 27,971 acres; Wetlands: 32,800 acres.
Passaic—SFHA: 15,701 acres; Wetlands: 7,250 acres.
Somerset—SFHA: 19,779 acres; Wetlands: 17,617 acres.
Union—SFHA: 7,910 acres; Wetlands: 2,419 acres.
Gloucester—SFHA: 25,544 acres; Wetlands: 32,031 acres.
Hunterdon—SFHA: 14,995 acres; Wetlands: 14,256 acres.
Mercer—SFHA: 15,802 acres; Wetlands: 16,531 acres.
Morris—SFHA: 40,543 acres; Wetlands: 38,996 acres.
Warren—SFHA: 14,853 acres; Wetlands: 15,508 acres.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by DCA at the following address on or before January 9, 2023: Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner. Additional project information, including floodplains and wetlands maps for each affected county, can be viewed from 9 AM to 5 PM at the above ad-

dress and https://www.nj.gov/dca/ddrm/resources/enviro
nmental.shtml. Comments may also be submitted via email
at DDRM.EHPComments@dca.nj.gov.

Date: December 23, 2022
12/23/22 $269.83

Figure A9-5 – Affidavit and Clipping of Early Floodplain Notification – Reporte Hispano

REPORTE HISPANO

December 23, 2022

This letter is our sworn affidavit that advertisements ordered by

ICF

for the NJ DCA for public announcements for the :

HARP, SSR and Smart Move Post Hurricane Ida for the Division of Disaster Recovery and Mitigation, NJ DCA

has been published in Reporte Hispano, New Jersey's Hispanic newspaper, on Friday December 23, 2022.

Sincerely,

Cara Marcano
Reporte Hispano
609 933 1400

Notificación previa y revisión pública de una actividad propuesta en una llanura inundable de 100 años o un humedal

Departamento de Asuntos Comunitarios de Nueva Jersey
Para: Todos los organismos, grupos e individuos interesados

Esta publicación tiene como fin notificar que el Departamento de Asuntos Comunitarios de Nueva Jersey (DCA, por su sigla en inglés), como Entidad Responsable según la Parte 58, ha determinado que las actividades del proyecto asociadas con el Programa de Asistencia y Recuperación para Propietarios de Viviendas (HARP, por su sigla en inglés), el Programa de Reparación de Pequeños Alquileres (SRRP, por su sigla en inglés) y el Programa Smart Move para el Desarrollo de Nuevas Viviendas, parte del Plan de Acción de la Tormenta Tropical Ida para el Estado de Nueva Jersey (Plan de Acción), pueden estar ubicadas en, o afectar, la llanura inundable de 100 años y los humedales. El DCA determinará los impactos potenciales en la llanura inundable y los humedales de las actividades del HARP, SRRP y Smart Move, según lo exigen las Órdenes Ejecutivas 11988 y 11990, y de acuerdo con las regulaciones del HUD en 24 CFR 55.20 Subparte C, Procedimientos para formular determinaciones sobre la gestión de llanuras inundables y la protección de humedales.

El Estado de Nueva Jersey recibirá fondos del Programa de Subvenciones en Bloque de Desarrollo Comunitario para la Recuperación tras Desastres (CDBG-DR, por su sigla en inglés) para apoyar los esfuerzos de recuperación y mitigación a largo plazo luego del huracán Ida. El huracán Ida pasó por Nueva Jersey entre el 1 y el 3 de septiembre de 2021, trayendo vientos azotadores y lluvias torrenciales que provocaron inundaciones repentinas catastróficas en partes del centro y el norte de Nueva Jersey. En respuesta, el Plan de Acción del Estado de Nueva Jersey ha asignado $68,928,700 al HARP, $20,000,000 al SRRP y $30,000,000 al Smart Move en los 12 condados afectados: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris y Warren. El HARP y el SRRP otorgarán subvenciones para las actividades necesarias para restaurar las viviendas dañadas por la tormenta, incluyendo la rehabilitación, reconstrucción, elevación y otras actividades de mitigación, como la adaptación de las estructuras y los servicios públicos, nivelación y estabilización de taludes y mejoras de drenaje. El programa Smart Move subvencionará el nuevo desarrollo de viviendas de calidad, energéticamente eficientes, resilientes y asequibles en áreas de menor riesgo dentro o cerca de las comunidades afectadas por el desastre. Los tres programas ayudarán a los solicitantes elegibles dentro de los 12 condados afectados.

Se proyecta que el proceso de solicitud para el HARP, SRRP y Smart Move comience a principios de 2023 y, por lo tanto, en este momento se desconocen las ubicaciones exactas de las actividades del proyecto. Sin embargo, dada la existencia de llanuras inundables de 100 años y humedales en cada uno de los 12 condados afectados, se supone que algunas ubicaciones del proyecto podrían encontrarse dentro o cerca de llanuras inundables y humedales. Cuando sea necesario, las viviendas se elevarán por encima del nivel de inundación base identificado en los mejores mapas de llanuras inundables disponibles, de acuerdo con las regulaciones federales, estatales y locales.

A continuación se enumeran los acres mapeados para las Áreas Especiales de Peligro de Inundación de 100 años (SFHA, por su sigla en inglés), es decir, las Zonas A, AE y AO,VE, y también los humedales de cada condado. Las actividades del proyecto ubicadas parcial o totalmente dentro de la llanura inundable de 100 años deberán participar en el Programa Nacional de Seguro contra Inundaciones (NFIP, por su sigla en inglés). El requisito del NFIP no se aplica a los sitios del proyecto ubicados en la Zona X o a aquellos fuera de todas las llanuras inundables de tipo SFHA.

Bergen—SFHA: 22,295 acres; Humedales: 9,070 acres.
Essex—SFHA: 12,579 acres; Humedales: 5,847 acres.
Hudson—SFHA: 11,666 acres; Humedales: 1,663 acres.
Middlesex—SFHA: 27,971 acres; Humedales: 32,800 acres.
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Morris—SFHA: 40,543 acres; Humedales: 38,996 acres.
Warren—SFHA: 14,853 acres; Humedales: 15,508 acres.

Esta notificación tiene tres objetivos principales. En primer lugar, las personas que pudiesen verse afectadas por actividades en llanuras inundables y humedales, y aquellas que tengan interés en la protección del entorno natural, deben tener la oportunidad de expresar sus inquietudes y aportar información sobre estas áreas. En segundo lugar, un programa de notificación pública adecuado puede ser una importante herramienta de educación pública. La difusión de información y la solicitud de comentarios del público sobre las llanuras inundables y los humedales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados a la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de equidad, cuando el gobierno federal determina que participará en acciones que se lleven a cabo en llanuras inundables y humedales, debe informar a quienes pueden verse expuestos a un riesgo mayor o continuo.

Los comentarios por escrito deben ser recibidos por el **DCA** en la siguiente dirección a más tardar el **9 de enero de 2023**: Division of Disaster Recovery and Mitigation, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 823, Trenton, NJ 08625 and 609-292-3750, Attention: Samuel Viavattine, Deputy Commissioner. Puede consultarse información adicional sobre el proyecto, incluyendo los mapas de llanuras inundables y humedales para cada condado afectado, de 9 a. m. a 5 p. m. en la dirección mencionada arriba y en https://www.nj.gov/dca/ddrm/resources/environmental.shtml (en inglés). Los comentarios también pueden enviarse por correo electrónico a DDRM.EHPComments@dca.nj.gov.

Fecha: 23 de diciembre de 2022

Figure A9-6 – Correspondence to Interested Parties of Early Notice Publication

From: Burton, Judith [DCA]
To: Sherman, Steven
Cc: Mackay, Elizabeth [DCA]
Subject: FW: Ida Environmental Reviews Public Notice _ No Comments Received
Date: Tuesday, January 10, 2023 2:37:18 PM
Attachments: image001.png

Hi Steve,

This is to confirm that no comments were received during the Tier 1 EAs Early Floodplain/Wetland Public Notice period which ended Monday, January 9, 2023,

Judith Burton, Program Specialist 3
Subrecipient Oversight and Monitoring
Division of Disaster Recovery & Mitigation
NJ Department of Community Affairs
Direct: 609-913-4229
Email: Judith.Burton@dca.nj.gov

CONFIDENTIALITY NOTICE The information contained in this communication from the Department of Community Affairs is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Division of Disaster Recovery & mitigation at 609.292.7420 to arrange for the return of this information.

From: Ryan, Lisa [DCA] <Lisa.Ryan@dca.nj.gov>
Sent: Tuesday, January 10, 2023 2:23 PM
To: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Heath, Amy [DCA] <Amy.Heath@dca.nj.gov>; Pamidimukkala, Jyothi [DCA] <Jyothi.Pamidimukkala@dca.nj.gov>; Petty, Tammori [DCA] <Tammori.Petty@dca.nj.gov>
Subject: RE: Ida Environmental Reviews Public Notice

Hi Judith,

I did not receive any public comments. I know public comments could be submitted via email at DRM.EHPComments@dca.nj.gov. I'm not sure who is manning that email account.

Regards,

Lisa

Lisa M. Ryan
Office of Communications
New Jersey Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800
(609) 706-0660 (work cell)
(609) 913-4267 (office)
lisa.ryan@dca.nj.gov

From: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>
Sent: Tuesday, January 10, 2023 2:20 PM
To: Ryan, Lisa [DCA] <Lisa.Ryan@dca.nj.gov>; Heath, Amy [DCA] <Amy.Heath@dca.nj.gov>; Pamidimukkala, Jyothi [DCA] <Jyothi.Pamidimukkala@dca.nj.gov>; Petty, Tammori [DCA] <Tammori.Petty@dca.nj.gov>
Subject: RE: Ida Environmental Reviews Public Notice

Good afternoon,

The comment period closed yesterday. Can you let me know if any comments were received?

Thanks,

Judith Burton, Program Specialist 3
Subrecipient Oversight and Monitoring
Division of Disaster Recovery & Mitigation
NJ Department of Community Affairs
Direct: 609-913-4229
Email: Judith.Burton@dca.nj.gov

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From: Ryan, Lisa [DCA] <Lisa.Ryan@dca.nj.gov>
Sent: Tuesday, December 20, 2022 2:02 PM
To: Burton, Judith [DCA] <Judith.Burton@dca.nj.gov>; Heath, Amy [DCA] <Amy.Heath@dca.nj.gov>;

Attachment 10 – Historic Preservation

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR 800

Table A10-1: Historic Resources – Hudson County

Category	Number in Hudson County
National Register of Historic Places	Listed: 69 (comprised of 45 buildings, 2 structures, 3 object, and 19 districts)

Note: some properties may be tallied more than once, because they are included in more than one category, or because an action was taken to re-evaluate the property (e.g., boundary increase).

Table A10-2: Historic Preservation Sources

Agency	Internet link	Access Date	Dataset Date
National Park Service	https://www.nps.gov/subjects/nationalregister/database-research.htm	11/21/2022	6/28/2022
New Jersey HPO	https://www.nj.gov/dep/hpo/1identify/nrsr_lists/HUDSON.pdf	12/13/2022	9/29/2022

Agencies/Regulations Consulted During Broad Review

Advisory Council on Historic Preservation (ACHP)

U.S. Department of Housing and Urban Development (HUD)

U.S. National Park Service (NPS)

New Jersey Department of Environmental Protection (NJDEP)

New Jersey Department of Community Affairs (DCA)

New Jersey Historic Preservation Office (NJ HPO)

Supporting Documentation:

Figure A10-1 – Historic Preservation Map (Known or Identified Historic Resources)– Hudson County

Figure A10-2 – Consultation Correspondence between DCA and Consulting Parties

Appendix E – Programmatic Agreement

ENVIRONMENTAL FINDINGS: Compliance will be achieved during the site-specific review since all proposed actions have the potential to adversely affect historic properties, in the following manner:

1. Proposed Action 1 could directly affect a property if the building or structure proposed for repair is individually listed on or eligible for listing on the National Register of Historic Places (NRHP) or is located within the boundary of an NRHP-listed or NRHP-eligible historic district.
2. Proposed Actions 2-4 involve some ground disturbance, which has the potential to disturb an archaeological site that is NRHP-listed or may be determined NRHP-eligible. In addition, new

construction has the potential to affect a historic property if it is located within the boundary of an NRHP-listed or NRHP-eligible historic district.

3. Proposed Actions 1-4 activities may require consultation with a Native American Tribe that attaches religious and cultural significance to historic properties that may be affected. Tribes with interests in Hudson County include the Delaware Nation of Oklahoma, Delaware Tribe of Indians, and Shawnee Tribe (Source: U.S. Department of Housing and Urban Development, https://egis.hud.gov/TDAT/)

All Proposed Actions 1-4 applications must be evaluated at the site-specific level. A Programmatic Agreement developed in accordance with National Historic Preservation Act Regulations at 36 CFR § 800.14(b) 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, to be executed, was developed between the DCA, NJ HPO, the Advisory Council on Historic Preservation, the Delaware Nation, Delaware Tribe of Indians, the Stockbridge-Munsee Community, the Absentee Shawnee Tribe of Indians of Oklahoma, and Shawnee Tribe and 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 NRHP;
- If there is a historic property, assessing effects on the characteristics that qualify it for the NRHP
- If effects would be adverse, seeking alternatives to eliminate the effect or mitigation measures to reduce the effect.

See Site-Specific Review Strategy and Checklist Appendix B.

Figure A10-1: Historic Preservation Map (Known or Identified Historic Resources)– Hudson County

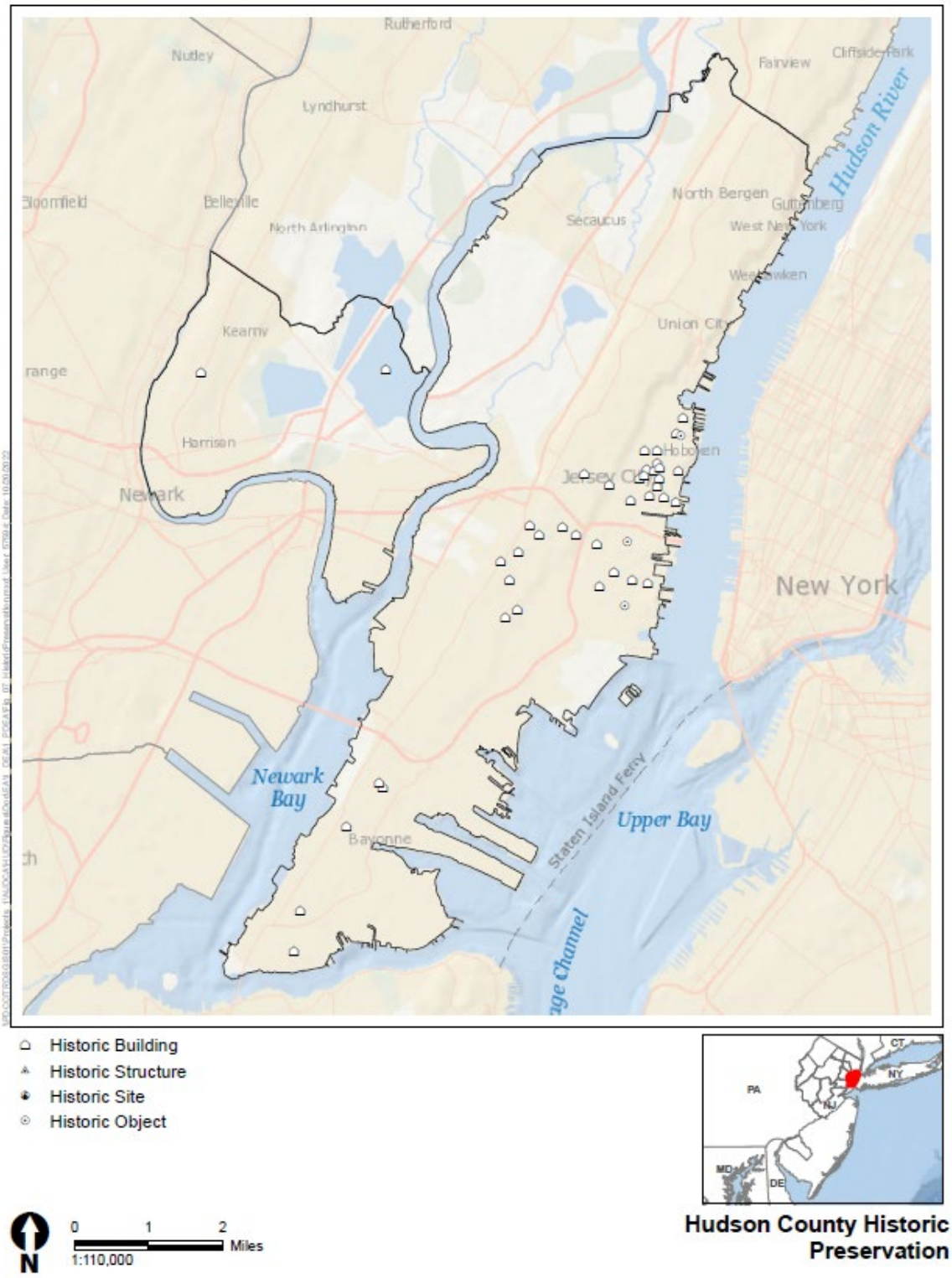

Figure A10-2: Consultation Correspondence between DCA and Consulting Parties

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DISASTER RECOVERY AND MITIGATION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 9, 2023

Jaime Loichinger, Assistant Director
Advisory Council on Historic Preservation
via e-mail to e106@achp.gov

RE: Disaster recovery in New Jersey--invitation to participate in development of a Section 106 Programmatic Agreement for HUD funded activities

Dear Ms. Loichinger:

The New Jersey Department of Community Affairs (DCA) is the Department of Housing and Urban Development's (HUD) delegated responsible entity for complying with Section 106 of the National Historic Preservation Act for the use of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for disaster recovery activities in New Jersey, including Tropical Storm Ida. In previous years, beginning in 2013 with Superstorm Sandy recovery activities, DCA was able to utilize the Federal Emergency Management Agency's (FEMA) Prototype Programmatic Agreement (PPA) for Section 106 compliance--but this is no longer an option because the FEMA PPA has expired and is being amended in a manner that no longer affords this option for HUD's responsible entity. As a result of consultation with HUD and the New Jersey State Historic Preservation Officer (NJ HPO), DCA has now decided to develop our own programmatic agreement specifically tailored to activities utilizing CDBG-DR funds.

Pursuant to 36 CFR § 800.14(b), DCA respectfully requests the Advisory Council on Historic Preservation's (ACHP) involvement in the development of the Programmatic Agreement (PA). Details are provided below to inform and support ACHP's decision.

Description of programs

DCA has proposed a series of programs designed in accordance with HUD eligible activities to meet HUD National Objectives, including *Homeowner Assistance and Recovery Program (HARP); Smart Move--New Housing Development; Blue Acres; Small Rental Repair Program (SRRP); Tenant-Based Rental Assistance; Housing Counseling and Legal Aid Assistance; Resilient Communities; FEMA Non-Federal Cost Share; Resilient New Jersey; and Statewide Housing Mitigation Tool.*

Details about each of these programs are available in Appendix A of the attached draft PA and at the following link to DCA's *Action Plan for the State of New Jersey Tropical Storm Ida*: https://www.nj.gov/dca/ddrm/pdf_docs/Ida%20Action%20Plan_508_ENG.pdf Of these programs, the following have the potential to affect historic properties because they would provide funds to repair or replace

Page 1 of 4

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damaged housing, build new housing units, develop more resilient infrastructure, or incorporate resilience and mitigation measures: *HARP, Smart Move, Blue Acres, Small Rental Repair Program, Resilient Communities Program,* and *FEMA Non-Federal Cost Share*. The review process for determining whether the scope of work could affect historic properties is described in Stipulation II—Project Review in the attached draft PA.

Rationale for Developing a Programmatic Agreement

The rationale for choosing to develop a programmatic agreement instead of the typical Section 106 process is consistent with three of four items in the ACHP's regulations at 36 CFR § 800.14(b) describing when a PA may be used, as follows:

i. *When effects on historic properties are similar and repetitive...or regional in scope*
ii. *When effects on historic properties cannot be fully determined prior to approval of an undertaking*
iii. *When nonfederal parties are delegated major decision making responsibilities.*

In previous years, beginning in 2013 with Superstorm Sandy recovery activities, DCA was able to utilize FEMA's PPA for Section 106 compliance. Recently DCA learned the FEMA PPA expired and is being amended in a manner that no longer affords this option for HUD's responsible entity. On November 10, 2022, after consultation with HUD and NJ HPO, DCA decided an independent PA can and should be executed for activities utilizing CDBG-DR funds for Tropical Storm Ida recovery and future disasters.

DCA's draft PA (attached) was developed after a review of relevant components from FEMA's PPA in the State of New Jersey, and existing CDBG-DR PAs for Connecticut, Louisiana, Mississippi, North Carolina, and Texas. DCA's draft PA is customized based on CDBG-DR funded activities described in DCA's *Action Plan for the State of New Jersey Tropical Storm Ida* and existing environmental guidance detailed in the *New Jersey Department of Environmental Protection's Environmental Review Guidance for CEST and EA Projects Receiving CDBG-DR Funds Under 24 CFR Part 58* (NJ CDBG-DR Guidance), dated May 24, 2019.

Steps Already Taken to Identify Historic Properties

Program activities are widespread across the State of New Jersey and, as a result, Stipulation III.B.1 in the draft PA describes the process for identifying historic properties after a specific project applies for a HUD-funded program. Existing methodology described *in NJ CDBG-DR Guidance Section 2.3.10.3. Assessment—Status B* and included as Appendix C of the draft PA would be followed, including the use of specialized tools, forms, and process, including *Green Zones, Historic Archaeological Grid, Under Content, select Historic Archaeological Site Grid* and *NJ-Geoweb*.

Consultation Plan

For consistency, DCA and its contractors shall follow the steps for consultation detailed in the NJ CDBG-DR Guidance, dated May 24, 2019, with relevant pages attached as Appendix C to the draft PA. Stipulation III.B. items 2 through 5 in the draft PA describe DCA's consultation plan for determining and notifying appropriate

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consulting parties for each project, including but not limited to certified local governments, participating Tribes, and the NJ HPO. Stipulation III.C. in the draft PA describes the more rigorous Section 106 party consultation plan when a standard project review is required. To date, DCA has not received consulting party comments for Tropical Storm Ida recovery. However, DCA is consulting with the same parties which were signatories to the FEMA PPA. DCA will see consulting party comments during the development and review of the HUD CDBG-DR funded activities PA.

Tribal Consultation

DCA will be inviting and consulting with the same federally recognized tribes who were involved in FEMA's PPA, including 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. The provisions are described in the draft PA as follows:

- Stipulation I.A.2—DCA's acknowledgment of Tribes' special expertise in assessing the National Register of Historic Places eligibility of properties to which they attach religious and cultural significance.
- Stipulation III.B.3—for DCA contractors to understand the provisions for tribal consultation
- Stipulation III.C—for tribal consultation under a standard project review
- Stipulation V.A.3—unanticipated discovery
- Stipulation V.A.5—human remains
- Appendix E—Guidance for Tribal Consultation.

Public Views

DCA published the *Action Plan for the State of New Jersey Tropical Storm Ida* on their website for public review and comment. Comments along with DCA responses are located in Section 5.4 of the Tropical Storm Ida Action Plan, located on the DCA website: https://www.nj.gov/dca/ddrm/home/Idaactionplan.shtml. Although not related to historic preservation, DCA published an early floodplain/wetland public notice on December 23, 2022, in multiple newspapers to advertise and request public comments on the proposed actions of housing recovery and mitigation efforts within the HARP, SRRP and Smart Move programs. The proposed actions of these programs are located in the following twelve affected counties: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren. Public comment period closes on January 9, 2023, and to date no comments have been received on the proposed action.

Schedule

Given that FEMA's PPA is no longer in effect and that DCA is not able to utilize the in-process amendment to FEMA's PPA, DCA will be trying to complete its independent PA as soon as possible. Furthermore, because the parties have been consulting on Section 106 compliance for disaster recovery efforts in New Jersey through

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the FEMA PPA since 2013, DCA is hopeful they are familiar with the consultation process and will cooperate to achieve the following aggressive schedule:

- ***December 1, 2022***: the attached draft PA was submitted by DCA to NJ HPO for conceptual review and comment.
- ***Early-January 2023***: DCA will be reaching out to ACHP and Federally Recognized Tribes to notify them the draft PA is in development and to learn of their level of participation.
- ***Mid-January 2023***: Revise draft PA with any comments received from NJ HPO and ACHP.
- ***Late-January 2023***: The draft PA will be circulated to all signatories and consulting parties for review and comment.
- ***February 2023***: The revised PA will be circulated for final review and execution.

Pursuant to 36 CFR § 800.14(b), DCA respectfully requests ACHP's involvement in the development of the PA. We hope the information provided in this letter is adequate for you to make an informed decision. A copy of the draft PA is attached for your convenience. If you have any questions, please do not hesitate to contact Judith Burton of my staff at 609-913-4229 or at Judith.Burton@dca.nj.gov.

Sincerely,

Samuel Viavattine, Deputy Commissioner
New Jersey Department of Community Affairs
PO Box 823
Trenton, NJ 08625

cc: Katherine J. Marcopul, Deputy NJHPO, kate.marcopul@dep.nj.gov

Enclosure: Draft PA. Submitted to NJ HPO on December 1, 2022, updated January 5, 2023.

From: Burton, Judith [DCA]
To: jloichinger@achp.gov; Marcopul, Kate [DEP]; dfrazier@astribe.com; 106NAGPRA@astribe.com; cbutler@astribe.com; ddotson@delawarenation-nsn.gov; sallen@delawarenation-nsn.gov; cspeck@delawarenation-nsn.gov; klucas@delawarenation-nsn.gov; lheady@delawaretribe.org; temple@delawaretribe.org; sbachor@delawaretribe.org; shawneetribe@shawnee-tribe.com; "tonya@shawnee-tribe.com"; epaden@shawnee-tribe.com; thpo@mohican-nsn.gov
Cc: Mackay, Elizabeth [DCA]; Starzak, Richard; Guzzo, Dorothy [DCA]; Leager, Leslie; Sherman, Steven; Smith-Herman, Nicholas [DCA]
Subject: Section 106 Draft Programmatic Agreement for HUD funded projects in New Jersey, request for comments
Date: Thursday, February 9, 2023 4:28:11 PM
Attachments: image001.png
draft_DCA_CDBG-DR_PROGRAMMATIC_AGREEMENT_2023-02-09_for_consulting_party_review.docx
draft_DCA_CDBG-DR_PROGRAMMATIC_AGREEMENT_2023-02-09_for_consulting_party_review.pdf

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Hello, Section 106 Consulting Parties,

The New Jersey Department of Community Affairs (DCA) is the Department of Housing and Urban Development's (HUD) delegated responsible entity for complying with Section 106 of the National Historic Preservation Act for the use of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for disaster recovery activities in New Jersey, including Tropical Storm Ida. DCA is inviting you to participate in development of a draft Programmatic Agreement (PA). DCA's goal is to fulfill its responsibilities under Section 106 through a process that is thorough, efficient, and effective. To that end, this PA focuses on activities associated with various housing programs as described in DCA's Ida Recovery Action Plan (Appendix A). We have brought in programmatic allowances (Appendix B) found useful for CDBG-DR programs in other states including CT, LA, MS, NC, and TX. DCA is appreciative to the five federally recognized Tribes whose initial comments are shown in Appendices E1-E5, and we look forward to any further comments you may have.

Schedule. In terms of a schedule, we would like to receive your comments in 30 days, by Friday, March 10. For your convenience, we would be happy to schedule a group call to answer any questions you may have one week before the deadline, on approx. Friday, March 3. Of course, if you have questions before then, feel free to contact me via e-mail and we will get back to you promptly.

We look forward to your comments and working with you.

Sincerely,

Judith Burton, Program Specialist 3
Subrecipient Oversight and Monitoring
Division of Disaster Recovery & Mitigation
NJ Department of Community Affairs
Direct: 609-913-4229
Email: Judith.Burton@dca.nj.gov

Attachment 11 – Noise Abatement and Control

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51(b)

Dataset(s) used in evaluation:

No GIS dataset available. Requires site-specific review when triggered.

Agencies/Regulations Consulted During Broad Review:

U.S. Housing and Urban Development (HUD) Regulations

Supporting Documentation:

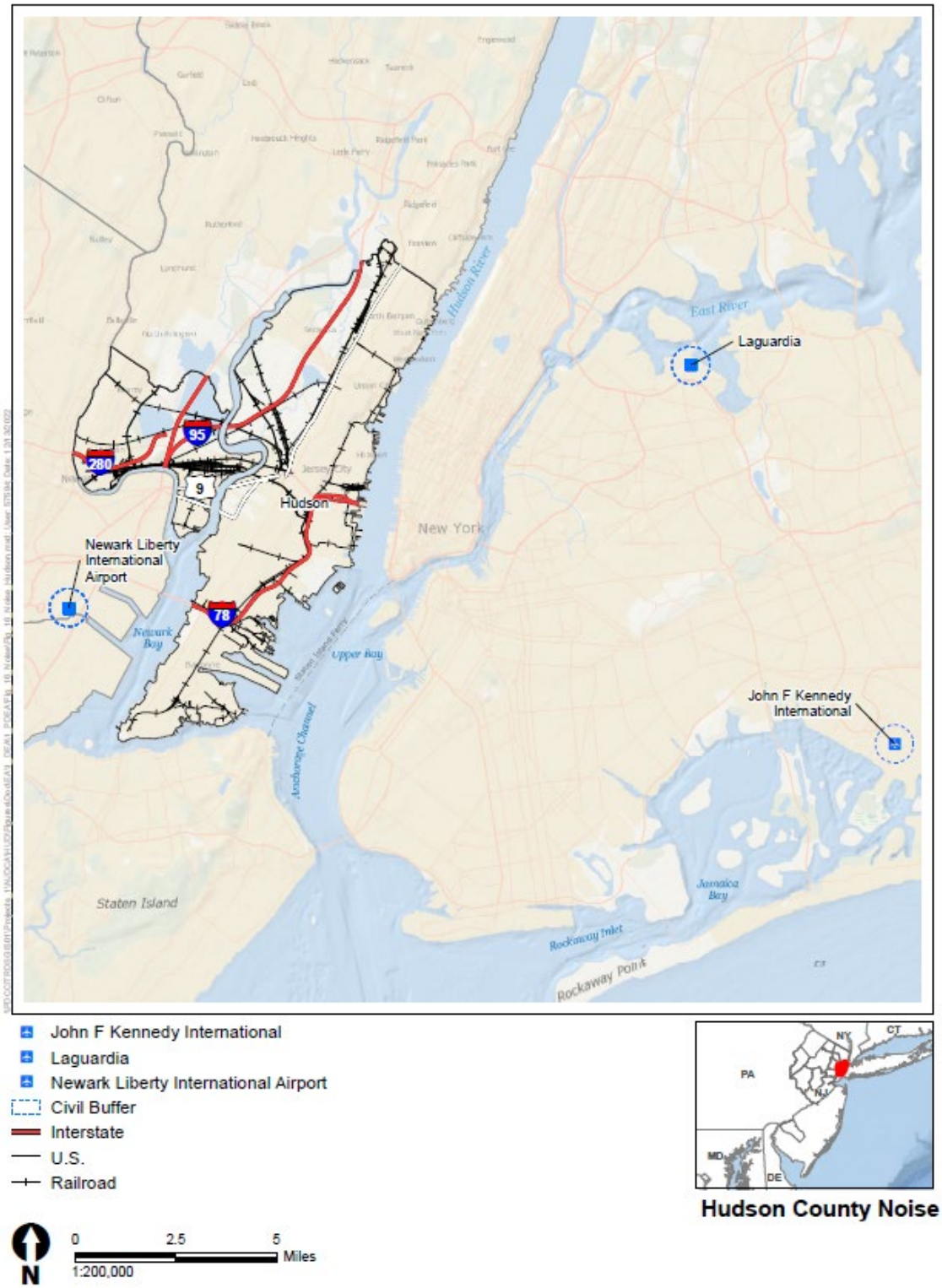
Figure A11-1 – Noise Map – Hudson County

ENVIRONMENTAL FINDING: Compliance will be achieved during the site-specific review since there are potentially projects which will require construction outside of the applicant's original storm damaged footprint.

For Proposed Actions 1-3, additional review is not required since HUD has determined that noise abatement and control is not applicable to a disaster recovery program which meets the definition under 24 CFR 51.101(a)(3).

For Proposed Action 4, projects involve new construction outside of the applicant's original storm-damaged land parcel, they will be evaluated at the site-specific level. See Site-Specific Review Strategy and Checklist Appendix B.

Figure A11-1: Noise Map – Hudson County



Attachment 12 – Sole Source Aquifers

Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149

Table A12-1: Sole Source Aquifers – Hudson County

Sole Source Aquifer in Hudson County	N/A

Table A12-2: Sole Source Aquifers Sources

Agency	Internet link	Accessed Date	Dataset Date
U.S. Environmental Protection Agency	https://www.epa.gov/dwssa/map-sole-source-aquifer-locations	11/9/2022	05/25/2022
State of New Jersey Department of Environmental Protection	https://nj.gov/dep/njgs/geodata/dgs98-6.htm	11/9/2022	06/1998

Agencies/Regulations Consulted During Broad Review

U.S. Department of Housing and Urban Development (HUD)

U.S. Environmental Protection Agency (EPA)

New Jersey Department of Environmental Protection (NJDEP)

Supporting Documentation

Figure A12-1 – Sole Source Aquifer Map – Hudson County, NJ

Figure A12-2 – SSA MOU Between HUD and EPA Region II

ENVIRONMENTAL FINDINGS: Compliance has been achieved in the Tier 1 Broad Review since the proposed project locations are not located on a sole source aquifer. There are no sole source aquifers within Hudson County. Evaluation at a site-specific level is not required.

Figure A12-1: Sole Source Aquifer Map – Hudson County, NJ

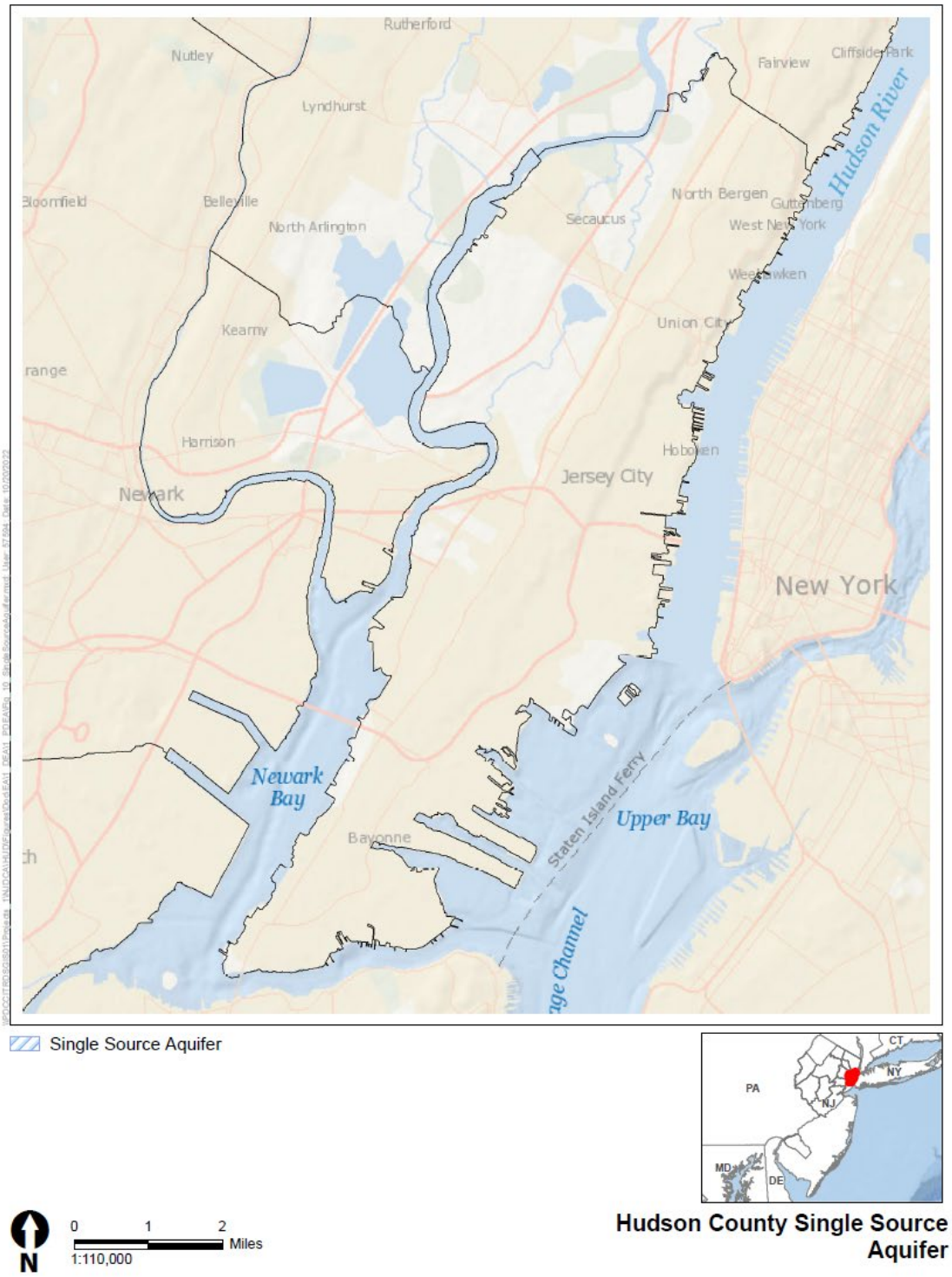


Figure A12-2: SSA MOU Between HUD and EPA Region II

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGION II, NEW YORK, NEW YORK

AND

THE ENVIRONMENTAL PROTECTION AGENCY
REGION II, NEW YORK, NEW YORK

PURPOSE and GOAL

This Memorandum of Understanding (MOU) is established to assist the Environmental Protection Agency (EPA), Region II, and the Department of Housing and Urban Development (HUD), Region II, in meeting the Sole Source Aquifer (SSA) project review requirements of Section 1424(e) of the 1974 Safe Drinking Water Act (SDWA) PL 93-523.

The MOU establishes a formal agreement of each agency's responsibilities and the procedures to be followed in evaluating the potential groundwater impact of projects/activities submitted for HUD Federal financial assistance which are located within the project review area of a designated SSA in Region II.

Under Section 1424(e), an aquifer may be designated by EPA as a SSA if it is determined that the aquifer is the sole or principal source of drinking water for an area and, if contaminated, would create a significant hazard to public health. Following designation, no commitment of Federal financial assistance may be entered into for any project/activity within the SSA project review area which the EPA Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

The overall goal is to ensure that each project/activity receiving Federal financial assistance in a SSA project review area is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health.

GEOGRAPHIC AREAS AFFECTED

This MOU applies to HUD federal financially assisted projects/activities in the project review area of all current and future designated SSAs in Region II.

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Attachment 1, Designated SSAs in Region II, lists the designated SSA areas within the states of New York and New Jersey in EPA, Region II; the date of designation; and the Federal Register Notice citation. Attachment 1 also provides a map of the SSA project review area boundary for each of the designated aquifers. When any other SSAs are designated in Region II, EPA will notify HUD in writing.

DEFINITIONS

Significant Hazard to Public Health:

A level of contaminant which causes or may cause the aquifer to:

(a) Exceed any (1) maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard; (2) state standard where more stringent than the Federal standard; (3) public health advisory level for currently unregulated contaminants; at any point where the water may be used for drinking purposes, or

(b) May otherwise adversely affect the health of persons, or

(c) May require a public water system to install additional treatment to prevent such adverse effect.

Federal Financial Assistance:

Financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the federal government in any form including contracts, grants and loan guarantees. Actions or projects carried out by the federal government itself do not involve federal financial assistance.

Actions performed for the federal government by contractors should be distinguished from contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance.

Federal financial assistance is limited to benefits earmarked for a specific project or action and directly awarded to the project or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives federal assistance not specifically related to the project in question is not federal financial assistance under Section 1424(e).

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SSA Project Review Area:

The area within which federal financially assisted projects/activities will be reviewed, which includes the designated area and may include all or a portion of the streamflow source area(s). The designated area can include the area above the aquifer, the area which recharges the aquifer (possibly including all or a portion of the streamflow source area) and the area where the population served by the aquifer resides. Streamflow source zone is defined as the upstream headwaters area of losing streams (streams contributing to recharge to Ground Water) that drain into the recharge area. The extent of the SSA project review area is outlined in the Federal Register designation notice for that SSA. Attachment 1 lists the Federal Register Notice citation and provides a map of the SSA project review area.

MOU ATTACHMENTS

Attachment 1: Designated SSAs in Region II

Attachment 2: A. Non-Housing Initial Screen Criteria
B. Housing Initial Screen Criteria

Attachment 3: SSA Preliminary Review Information Requirements

Attachment 4: Hazardous Constituents

ENVIRONMENTAL REVIEW RESPONSIBILITY

Pursuant to Section 1424(e) of the SDWA, EPA is responsible for designating SSAs and reviewing federal financially assisted projects/activities within SSA project review areas.

Pursuant to the National Environmental Policy Act (NEPA) and other provisions of law, HUD is responsible for environmental review and decision making except in those cases delegated by law such as with Community Development Block Grant Program (CPD). Environmental responsibility includes compliance with Section 1424(e) of the SDWA.

EIS EARLY NOTIFICATION/SCOPING

If an Environmental Impact Statement (EIS) is prepared for a project/activity in a SSA project review area, HUD or its grant recipients that assume by law environmental responsibilities and EPA shall coordinate at the earliest possible time so that the draft EIS contains EPA's SSA review determination. This is to ensure that any possible groundwater contamination has been considered.

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This early notification will serve to initiate consultations with the developer to determine the scope of study that may be necessary if any formal groundwater quality assessment is required.

REVIEW PROCESS:
COMMUNITY PLANNING AND DEVELOPMENT (CPD) and HOUSING PROGRAM

The general procedures to be followed by HUD, its delegated agencies and EPA in reviewing HUD federal financially assisted activities and determining their potential impact on the SSA are outlined below. The overall goal is to ensure that each project/activity receiving federal financial assistance is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health. Two levels of potential review are: (1) Initial Screen/Preliminary Review, and (2) Formal Section 1424(e) Review.

I. **Excluded Projects/Activities**

EPA and HUD mutually agree that the following list of project/activity categories would not create a significant hazard to public health:

-Construction of individual new residential structures containing from one to four units

-Funding of planning grants

-Rehabilitation of residential units

-Funding of all other grants for non-construction projects/activities

-Projects identifed as exempt in 24 CFR 58.34

These categories of projects/activities are therefore excluded from the Initial Screen/Preliminary Review requirements as outlined in Sections II and III below. Potential CPD recipients; states; other delegated agencies and HUD are responsible for making this determination for their respective programs. EPA may request information on these projects/activities and conduct a review if EPA determines it to be necessary.

II. **CPD Applications/Final Statements**

A. Initial Screen/Preliminary Review

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HUD shall notify all potential CPD recipients, including states that are administering HUD programs (Non-Entitlement Small Cities Program, etc.) and other delegated agencies with jurisdiction in SSA project review areas of the SSA review requirements under Section 1424(e) and of their responsibility as outlined in this MOU.

Potential CPD recipients shall conduct an initial screen of CPD projects/activities proposed for HUD federal financial assistance prior to submission of an application or final statement to HUD. Attachment 2.A, Non-Housing Initial Screen Criteria, shall be used for CPD projects/activities that do not involve housing; and Attachment 2.B, Housing Initial Screen Criteria, for CPD projects/activities involving housing only.

EPA shall be notified of any projects/activities which result in a positive response to one of the criteria questions in Attachment 2. Where a project/activity meets one of the criteria in Attachment 2, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with applicable project/final statement information.

Upon receipt of the above, EPA will conduct it's Preliminary Review. If additional information is required, EPA will inform the potential CPD recipient and HUD. The potential CPD recipient shall be responsible for submitting to EPA any additional information requested in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance, or proceed to a Formal Section 1424(e) Review. The project/activity may be cleared as is, or with modifications.

B. Timeframe for **Preliminary Review** and Notification

Within fifteen calendar days of EPA's receipt of the project's final statement, Attachment 2 and Attachment 3, EPA will notify the potential CPD recipient and HUD of one or more of the following:

- the project/activity has received SSA review clearance
- the project/activity requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project, is required
- the project/activity raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Review is required

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

HUD shall not authorize a release of funds until all outstanding issues with regard to the subject project/activity have been resolved.

C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify the potential CPD recipient and HUD of this decision. If additional information is required, the potential CPD recipient shall be responsible for submitting the requested information to EPA in a timely manner. EPA may also schedule a public hearing to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project/activity, request more information, suggest modifications or disapprove the project/activity.

III. **Housing Program Applications**

A. Initial Screen/Preliminary Review

HUD shall notify all of its field offices of the SSA review requirements under Section 1424(e) and of their responsibilities as outlined in this MOU.

HUD shall conduct an initial screen of housing projects proposed for HUD Federal financial assistance. Attachment 2.B, Housing Initial Screen Criteria, shall be used for this review. EPA shall be notified of any projects which result in a positive response to one of the criteria questions in Attachment 2.B. Where a project meets one of the criteria in Attachment 2.B, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with the applicable project information.

Upon receipt of the above, EPA will conduct its Preliminary Review. If additional information is required, EPA will inform the HUD field office who shall than be responsible for submitting to EPA the requested information in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance or proceed to a Formal Section 1424(e) Review. The project may be cleared in its existing form, or with modifications.

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B. Timeframe for **Preliminary Review** and Notification

Within fifteen calendar days of EPA's receipt of the pertinent environmental information from the housing application, Attachment 2 and Attachment 3, EPA will notify HUD of one or more of the following:

- the project has received SSA review clearance
- the project requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project is required
- the project raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Detailed Review is required

The project environmental clearance needed for project approval shall not be considered complete (appropriate sign-offs) until outstanding SSA issues with regard to the subject project have been satisfactorily resolved.

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify HUD of this decision. If additional information is required, HUD shall be responsible for submitting the requested information to EPA in a timely manner. A public hearing may be held to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project, request more information, suggest modifications or disapprove the project.

D. Local Area Certification For Housing Environmental Review

If the community is wholly or partially within a SSA project review area boundary, the local certified agency shall have the same responsibility as HUD in meeting the SSA review requirements as outlined in Section 1424(e) and this MOU.

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GENERAL PROCEDURAL MATTERS

Materials submitted to EPA by HUD or the applicant will be addressed to the attention of:

Chief, Environmental Impacts Branch
U.S. EPA Region II
26 Federal Plaza, Room 500
New York, New York 10278

Chief, Environmental Review Section
USEPA Region 2
290 Broadway, 25th floor
New York, NY 10007

The following representatives will serve as liaisons for HUD and EPA respectively. The liaisons will maintain communication as needed regarding projects/activities affecting the SSAs and this MOU.

HUD: Regional Office Environmental Officer
(212) 264-0793

EPA: Chief, Environmental Impacts Branch
(212) 264-1840

Chief, Environmental Review Section
212-637-3738

This MOU is subject to revision upon agreement by both parties.

U.S. Department of Housing and Urban Development

A. M. Villane, Jr., DDS
Regional Administrator/
Regional Housing Commissioner

Date: AUG 24 1990

U.S. Environmental Protection Agency

Constantine Sidamon-Eristoff
Regional Administrator

Date: 8/10/90

ATTACHMENT 1

DESIGNATED SOLE SOURCE AQUIFERS IN REGION II

Name	State	Citation	Publication Date
Brooklyn/Queens Aquifer System (AS)	NY	49 FR 2950	01/24/84
Buried Valley AS	NJ	45 FR 30537	05/08/80
Cattaraugus Creek AS	NY	52 FR 36100	09/25/87
Clinton Street-Ballpark AS	NY	50 FR 2025	01/14/85
Cortland-Homer-Preble AS	NY	53 FR 22045	06/13/88
Highlands AS	NJ/NY	52 FR 37213	10/05/87
Nassau/Suffolk	NY	43 FR 26611	06/21/78
New Jersey Coastal Plain AS	NJ	53 FR 23791	06/24/88
Northwest New Jersey Fifteen Basin AS	NJ	53 FR 23685	06/23/88
Ridgewood Area	NJ	49 FR 2943	01/24/84
Schenectady/Niskayuna AS	NY	50 FR 2022	01/14/85
Upper Rockaway River Basin AS	NJ	49 FR 2946	01/24/84

ATTACHMENT 2.A

NON-HOUSING PROJECT/ACTIVITY INITIAL SCREEN CRITERIA
(For projects in a designated Sole Source Aquifer area)

The following list of criteria questions are to be used as an initial screen to determine which **non-housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For housing projects/activities see Attachment 2.B) If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and any other pertinent information should than be forwarded to EPA at the address below.

Any project/activity not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded. Contact EPA if you have any questions.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

Chief, Environmental Review Section
USEPA Region 2
290 Broadway, 25th floor
New York, NY 10007
212-637-3738

CRITERIA QUESTIONS

	YES	NO	N/A
1. Is the project/activity located within a currently designated or proposed groundwater sensitive area such as a special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.? [This information can be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]	___	___	___
2. Is the project/activity located within a one half mile radius (2640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.]	___	___	___

3. Will the project/activity include or directly cause: (check appropriate items)

- construction or expansion of solid waste disposal, recycling or conversion facilities ___ ___ ___
- construction or expansion or closure of landfills ___ ___ ___
- construction or expansion of water supply facilities (i.e., treatment plant, pump house, etc.) ___ ___ ___
- construction or expansion of on-site wastewater treatment plants or sewage trunk lines, greater than 1/4 mile ___ ___ ___
- construction or expansion of gas or petroleum trunk lines, greater than 1200 feet ___ ___ ___
- construction or expansion of railroad spurs or similar extensions ___ ___ ___
- construction or expansion of municipal sewage treatment plants ___ ___ ___

4. Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents? ___ ___ ___

If these constituents are used during the construction phase of the project, than an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and that they will be promptly removed after construction is completed.

5. Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons? ___ ___ ___

6. Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit? ___ ___ ___

This attachment was completed by:

Name: _____

Title: _____

Address: _____

_____

_____

Telephone number: _____

Date: _____

ATTACHMENT 2.B

HOUSING/PROJECT INITIAL SCREEN CRITERIA
(For projects in a designated Sole Source Aquifer area.)

The following list of criteria questions are to be used as an initial screen to determine which **housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For non-housing projects see Attachment 2.A). If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and applicable project information than be forwarded to EPA at the address below.

Any project not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded. Contact EPA if you have any questions.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

Chief, Environmental Review Section
USEPA Region 2
290 Broadway, 25th floor
New York, NY 10007
212-637-3738

CRITERIA QUESTIONS:

	YES	NO	N/A
1. Is the project located within a currently designated or proposed ground water sensitive area such as a Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.? [This information can be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]	___	___	___
2. Is the project located within a one half mile radius (2640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.]	___	___	___
3. Will the total impervious surfaces be greater than 75 percent?	___	___	___
4. Is the propsed project site greater than 30 acres?	___	___	___
5. Will the proposed density of the project be greater than 150 units per acre ?	___	___	___

6. Will the project include or directly cause:
(check appropriate items)
- construction or expansion of water supply facilities (i.e., treatment plant, pumphouse, etc.) ___ ___ ___
- construction or expansion of on-site wastewater treatment plants ___ ___ ___
- construction or expansion of sewage trunk lines greater than 1320 feet in length ___ ___ ___
- construction or expansion of gas or petroleum trunk lines greater than 1320 feet ___ ___ ___

7. Will the project include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents? If these constituents are used during the construction phase of the project, an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and they will be promptly removed after construction is completed. ___ ___ ___

8. Will the project include bulk storage of petroleum in underground or above ground tanks in excess of 10,000 gallons or permit verification? ___ ___ ___

9. Will the project require a federal or state pollutant discharge elimination permit or modification of an existing permit? ___ ___ ___

This attachment was completed by:

Name: _____

Title: _____

Address: _____

_____

_____

Telephone number: _____

Date: _____

ATTACHMENT 3

SSA PRELIMINARY REVIEW INFORMATION REQUIREMENTS

Where currently available, the information in this Attachment should be provided to the Environmental Protection Agency (see address below) along with the application/final statement; Attachment 2.A, Non-Housing Initial Screen Criteria or Attachment 2.B, Housing Initial Screen Criteria; and any other information which may be pertinent to a Sole Source Aquifer review. Where applicable, indicate the source of your information.

Chief, Environmental Impacts Branch
USEPA, Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

Chief, Environmental Review Section
USEPA Region 2
290 Broadway, 25th floor
New York, NY 10007
212-637-3738

	ENCLOSED YES	ENCLOSED NO
I. Project/Activity Location		
1. Provide the geographic location and total acreage of the project/activity site. Include a site location map which identifies the site in relation to the surrounding area. [Examples of maps which can be used include: 1:24,000 or 1:25,000 U.S. Geological Survey quadrangle sheet, Hagstroms Street Map.]	___	___
2. If applicable, identify which groundwater sensitive areas (Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.) the project/activity is located within or adjacent to. [This information may be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]	___	___
II. Nature of Project/Activity		
3. Provide a general narrative describing the project/activity including but not limited to: type of facility; type of activities to be conducted; number and type of units; number of residents etc. Provide the general layout of the project/activity site and a site-plan if available.	___	___

III. Public Water Supply

4. Provide a description of plans to provide water supply. ___ ___

5. Provide the location of nearby existing or proposed public water supply wells or wellfields within a one half mile radius (2640 feet) of the project/activity. Provide the name of the supplier(s) of those wells or wellfields. This information should be available from the local health department, State health department or the State environmental agency. If private wells are to be used, then information necessary to obtain a well drilling permit should be provided. ___ ___

V. Wastewater and Sewage Disposal

6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district. ___ ___

7. Provide a description of plans to handle storm water runoff. ___ ___

8. Identify the location, design, size of any on-site recharge basins, dry wells, leaching fields, retention ponds etc. ___ ___

VI. Use, Storage, Transport of Hazardous or Toxic Materials **(Applies only to non-housing projects/activities)**

9. Identify any products listed in Attachment 3, Hazardous Constituents, of the Housing and Urban Development-Environmental Protection Agency Memorandum of Understanding which may be used, stored, transported, or released as a result of the construction activity. ___ ___

10. Identify the number and capacity of underground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site. ___ ___

11. Identify the number and capacity of above ground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site. ___ ___

Attachment 13 – Wetlands Protection

Table A13-1: Wetlands– Hudson County

Wetland Type	Acres in Hudson County
Estuarine and Marine Wetland	1,561.6
Freshwater Emergent Wetland	65.3
Freshwater Forested/Shrub Wetland	35.8
Total	**1,662.7**

Table A13-2: Wetlands Sources

Agency	Internet Link	Accessed Date	Dataset Date
National Wetland Inventory – U.S. Fish and Wildlife Service	https://www.fws.gov/program/national-wetlands-inventory/data-download	10/27/2022	10/6/2022

Agencies/Regulations Consulted During Broad Review

U.S. Fish and Wildlife Service (USFWS)

Supporting Documentation

Figure A13-1 –Wetlands Map - Hudson County

Figure A9-2 – 8-Step Floodplain/Wetland Decision-Making Process

Figure A9-3 – Text of Early Floodplain Notification

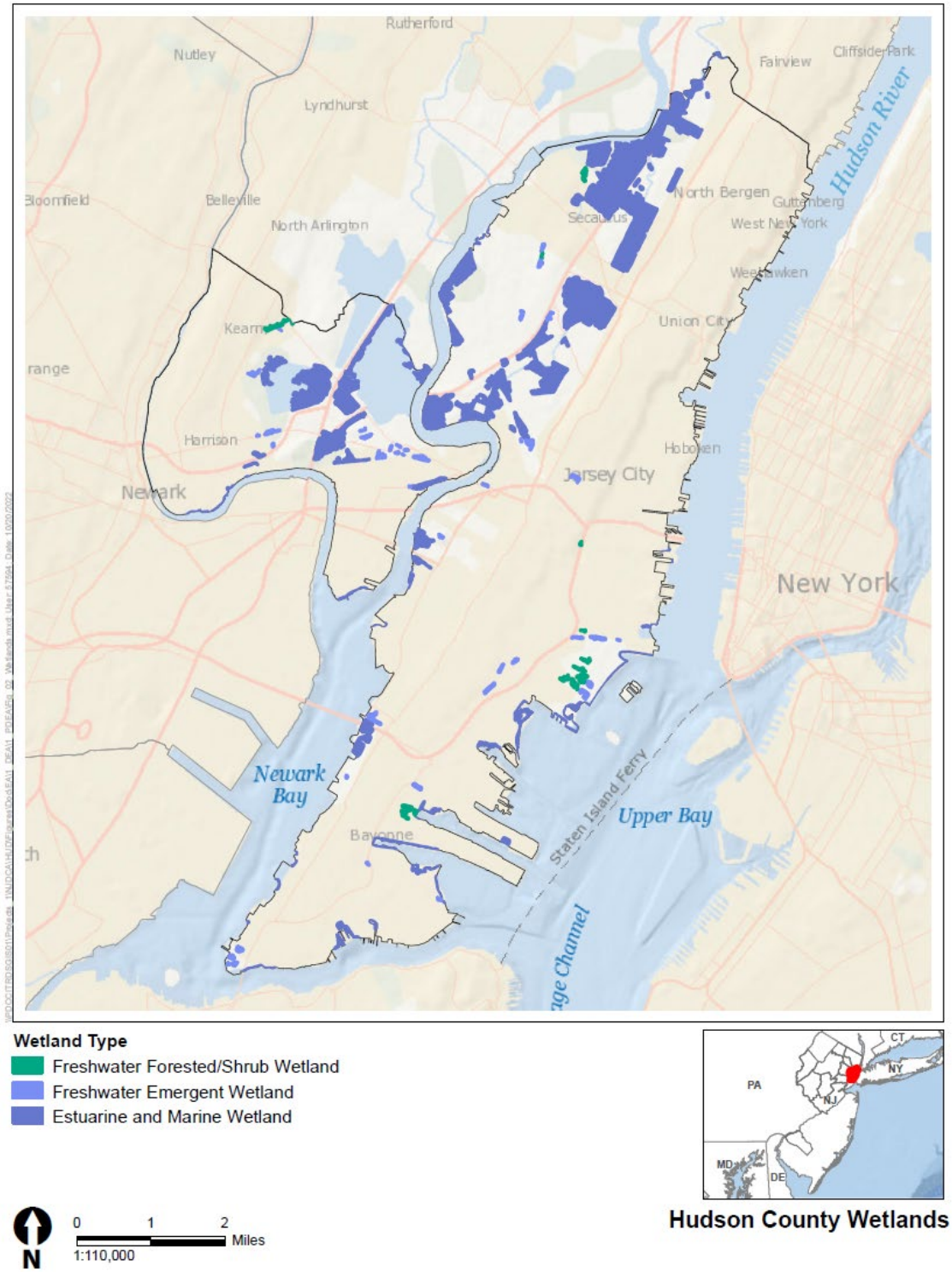
Figure A9-4 – Affidavit and Clipping of Early Floodplain Notification – Star Ledger

Figure A9-5 – Affidavit and Clipping of Early Floodplain Notification – Reporte Hispano

Figure A9-6 – Correspondence to Interested Parties of Early Notice Publication

ENVIRONMENTAL FINDINGS: Compliance will be achieved during the site-specific review since all HARP, SRRP and Smart Move projects have the potential to negatively impact wetlands through elevation or construction work within the current or new footprint if the proposed project work site is within or adjacent to a wetland. Site-Specific Review Strategy and Checklist Appendix B.

Figure A13-1: Wetlands Map - Hudson County



Attachment 14 – Wild and Scenic Rivers

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

Table A14-1: Wild and Scenic Rivers– Hudson County

Wild and Scenic River in Hudson County	None

Table A14-2: Wild and Scenic Rivers Sources

Agency	Internet link	Accessed Date	Dataset Date
U.S. National Park Service	https://nps.maps.arcgis.com/home/webmap/viewer.html?webmap=8ecd2c2e783c4dfa9636e1805df0e441	10/21/2022	11/6/2020

Agencies/Regulations Consulted During Broad Review

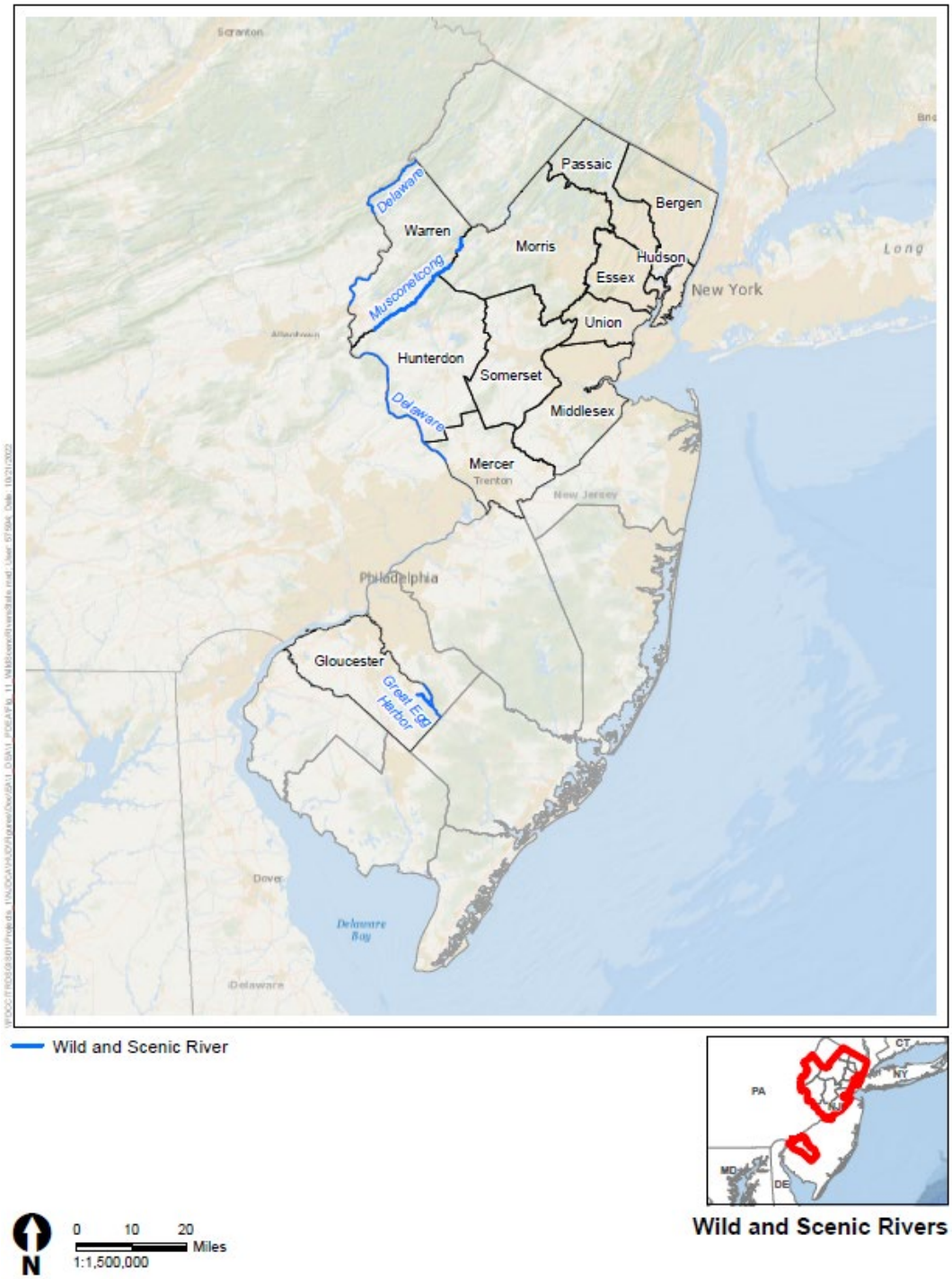
U.S. Fish and Wildlife Service (USFWS)

Supporting Documentation

Figure A14-1 –Wild and Scenic Rivers Map - Hudson County

ENVIRONMENTAL FINDING: Compliance has been achieved in the Tier 1 Broad Review since no areas designated as wild and scenic rivers lie within Hudson County. Evaluation at a site-specific level is not required.

Figure A14-1: Wild and Scenic Rivers Map - Hudson County



Attachment 15 – Environmental Justice

Executive Order 12898

Table A15-1: Minority Population– Hudson County

County	Total Population	Total Hispanic Population	Total Hispanic Population %	Total People of Color	Total People of Color %
Hudson County	670,046	288,647	43.1%	477,166	71.2%

Table A15-2: Minority Population– Hudson County

County	Total Population	Households	Low Income %
Hudson County	670,046	258,591	32.4

Table A15-3: Environmental Justice Sources

Agency	Link	Accessed Date	Dataset Date
U.S. Environmental Protection Agency	https://ejscreen.epa.gov/mapper/	11/18/2022	4/1/2022
U.S. Department of Housing and Urban Development	https://www.hudexchange.info/programs/environmental-review/environmental-justice/	11/18/2022	n/a

Agencies/Regulations Consulted During Broad Review

U.S. Environmental Protection Agency (EPA)

Environmental Finding: Compliance has been achieved in the Tier 1 Broad Review since HARP and SRRP programs would improve existing housing conditions and enable residents to remain in their homes and the Smart Move program would support energy-efficient affordable housing opportunities for low- to moderate-income residents. Further evaluation of this resource not required at the site-specific level.

Attachment 16 – Essential Fish Habitat

Magnuson-Stevens Fishery Conservation and Management Act of 1976 [16 UCS 1801 et seq.]

Table A16-1: Essential Fish Habitat Sources

Agency	Link	Accessed Date	Dataset Date
National Oceanic and Atmospheric Administration	https://www.habitat.noaa.gov/application/efhinventory/index.html	11/30/2022	3/10/2021

Agencies/Regulations Consulted During Broad Review

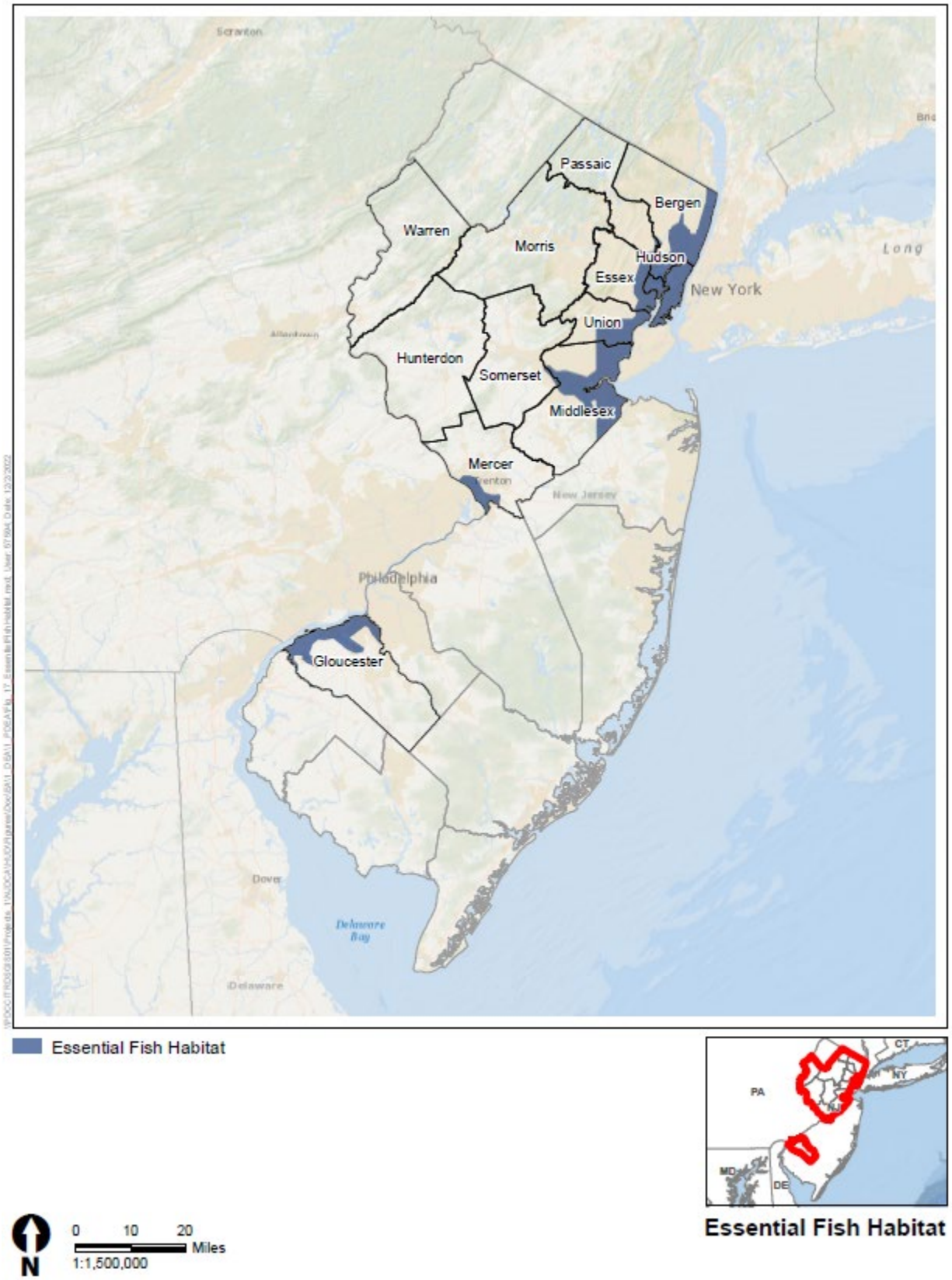
National Oceanic and Atmospheric Administration (NOAA)

Supporting Documentation

Figure A16-1 –Essential Fish Habitat Map - Hudson County

Environmental Finding: Compliance has been achieved in the Tier 1 Broad Review since the proposed actions will take place on land (and not in or over essential fish habitat) proposed project activities would not have a significant adverse effect on essential fish habitat. Further evaluation of this resource not required at the site-specific level.

Figure A16-1: Essential Fish Habitat Map - Hudson County



APPENDIX B
ENVIRONMENTAL SITE-SPECIFIC REVIEW STRATEGY AND CHECKLIST

Environmental Site-Specific Review Checklist

Site-Specific Review Checklist

DCA Homeowner Assistance Recovery Program (HARP), Small Rental Repair Program (SRRP), Smart Move Program

(Version 1.0, February 2023)

(For use following the NJ DCA Tier 1 Environmental Assessments for HARP, SRRP and Smart Move programs)

Note: Throughout this annotated form, explanatory language is in blue font.

Agency Name / Grant #	DCA	B-21-DF-34-0001
CDBG-DR Program	☐ HARP ☐ SRRP ☐ Smart Move	
Applicant Name / ID #	**(First, Last)**	**Ex: HARP0000000, SRRP0000000, SM0000000**
Project Address and Zip		
County / X,Y Coord		
Pams Pin #/Tax Parcel ID		
Final Notice Publication		
RROF / AUGF Dates		
Date Submitted to DCA		
Date of Structure	**(SOI Qualified Historian Verified)**	
Proposed Action	Using the Broad Review, this project is categorized as Proposed Action ☐ 1 ☐ 2 ☐ 3 ☐ 4	
Project Description	**Introduction for all activities:** A Tier 1 Environmental Assessment was completed for NJ DCA's Homeowner Assistance Recovery Program (HARP), Small Rental Repair Program (SRRP), Smart Move Program. This is the site-specific review for activities eligible under this program. **Include at least the following paragraph. Revise as appropriate to provide sufficient scope details such as if the existing structure has been or needs to be demolished, if elevation is necessary and if tree removal is required.** • **For Proposed Action 1 (Rehabilitation)** The proposed activity is rehabilitation (Proposed Action 1) for the **(insert number ex: single)** – unit residential structure at the address listed above. The structure was damaged as a result of Tropical Storm Ida. The structure was constructed in **(insert year)**. Renovations would include addressing storm-related damage and bringing the property up to current minimum property standards and compliance with applicable ADA requirements. All activities would be limited to the disturbed	

	area of the previously developed lot. A map showing the location of the proposed activity is attached. Activities could include mitigation and/or elevation. **Discuss in the Project Description how you determined whether the project qualifies as minor rehabilitation or if it requires substantial damage/improvement (major rehabilitation).** **- If the structure or property was damaged by the storm, then the Substantial Damage calculation should be used. "Substantial Damage (SD) means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Work on structures that are determined to be substantially damaged is considered to be substantial improvement, regardless of the actual work performed." FORMULA: Determine if the total rehabilitation cost to the damaged residence(s)/non-residential structure is less than 50% of the market value (from tax records) before the property damage occurred. If the property rehabilitation cost is less than 50% of this amount, the project would be considered to be minor rehabilitation. Rehabilitation costs equal to or greater than 50% would be considered substantial damage.** **- If the structure or property was not damaged by the storm, then the Substantial Improvement calculation should be used. "Substantial Improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost which equals or exceeds 50 percent of the market value of the structure (or smaller percentage if established by the community) before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed." FORMULA: Determine if the total rehabilitation cost to the damaged residence(s)/non-residential structure is less than 50% of the market value (from tax records) of the cost of the structure or property prior to the proposed project. If the property rehabilitation cost is less than 50% of this amount, the project would be considered to be minor rehabilitation. Rehabilitation costs equal to or greater than 50% would be considered substantial improvement.** • **Proposed Action 2 (Reconstruction within 20% of building footprint)** The proposed activity is reconstruction (Proposed Action 2) of the **(insert number)**-unit residential structure at the address listed above. The structure was damaged as a result of Tropical Storm Ida. The structure was constructed in **(insert year)**. The existing structure would be demolished and replaced **(revise if structure has already been demolished)** with a new **(insert number)**-unit residential structure. The lowest occupied floor of the new structure would be elevated at least 2 feet above the highest applicable 100-year flood level determined using the best available data. Construction of the new dwelling on the existing property is within 20.0 percent of the original (first-floor) building footprint. A map showing the location of the proposed activity is attached. **The sentence regarding elevation above the 100-year flood level should be removed from the description if the new structure would be entirely outside the 100-year floodplain. All structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1% annual chance (or 100-year) floodplain, which receive assistance for new construction, reconstruction, rehabilitation of substantial damage, or rehabilitation that results in substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least 2 feet above the 1% annual chance floodplain elevation (base flood elevation). Mixed-use structures with no dwelling units and no residents below 2 feet above base flood elevation must be elevated or floodproofed in accordance with FEMA**

	floodproofing standards at 44 CFR 60.3(c)(3)(ii) or a successor standard up to at least 2 feet above base flood elevation. **Mixed-use structures with no dwelling units and no residents below 2 feet above base flood elevation must be elevated or floodproofed up to at least 2 feet above base flood elevation.** • **Proposed Action 3 (Reconstruction that exceeds 20% of building footprint)** The proposed activity is reconstruction (Proposed Action 3) of the **(insert number)**-unit residential structure at the address listed above. The structure was damaged as a result of Tropical Storm Ida. The structure was constructed in **(insert year)**. The existing structure would be demolished and replaced **(revise if structure has already been demolished)** with a new **(insert number)**-unit residential structure. The lowest occupied floor of the new structure would be elevated at least 2 feet above the highest applicable 100-year flood level determined using the best available data. Construction of the new dwelling on the existing property exceeds 20.0 percent of the original (first-floor) building footprint. A map showing the location of the proposed activity is attached. **See additional elevation guidance in Proposed Action 2.** • **Proposed Action 4 (New Construction of single-family home within the same county)** The proposed activity is new construction (Proposed Action 4) of a single-family residential structure within **(insert County name)** County. The address of the applicant at the time of the storm is **(insert project prior address)**. The applicant's address for which the new single-family residential dwelling will be built is located at **(insert address of new structure)**. The environmental review in the following site-specific checklist is for the address of the proposed new structure. The new structure is located within the same county as the applicant's pervious structure at the time of the storm. A map showing the location of the proposed activity is attached.
Construction Actions	Select all actions that will be performed during construction: ☐ Rehabilitation – interior ☐ Demolishing / removing storm-damaged building ☐ Rehabilitation – exterior ☐ Reconstruction – same footprint (+/-20% original 1st floor) ☐ Elevation ☐ Reconstruction – expanded footprint (>20% original) ☐ Building addition ☐ Reconstruction – new footprint (different parcel location) ☐ Excavating new well ☐ Replacement - manufactured home ☐ Removing trees within 50 feet of storm-damaged house ☐ Abandoning, repairing, or replacing septic system ☐ Local stormwater retention regulations may require detention basin or similar excavations ☐ Other – **(specify)** **NOTE: If project changes from rehabilitation to reconstruction, or elevation is added after project was approved, DCA must be notified, and a re-evaluation of the project is required, and written approval is necessary before proceeding.**
Environmental Finding	☐ The proposed activity conditionally complies with environmental requirements for funding. ☐ The proposed activity does not comply with environmental requirements for funding because **(state topic(s) that makes it ineligible)**. ☐ A finding cannot be made without: **(provide explanation)**

Environmental Site-Specific Conditions to be Addressed During Construction

DCA could request this form be filled out during the environmental review as a resource to the construction contractor.

	Category	Inspection Checkpoints (0, 50%, 100%)
	Historic Preservation	
[ ]	[ ] Use of historically acceptable building materials [ ] Specific historic building exterior design [ ] Setback restrictions	Pre-Con, 50%, 100%
[ ]	Required to report unusual buried cultural materials	When occurs
	Floodplain, Elevation, and Insurance	
[ ]	V-zone engineering design standards required	Pre-Con
[ ]	Damaged building is in floodway and must be entirely removed.	100%
[ ]	Permanent restrictive covenant required for floodway	Pre-Con
[ ]	Elevation to required level above BFE	100%
[ ]	Purchase and maintain NFIP flood insurance	100%
	Coastal Zone Management	
[ ]	Coastal zone management conditions	Pre-Con, 100%
	Hazardous Materials	
[ ]	Lead-based paint hazard noted for rehabilitation:	
	[ ] LBP testing report negative. No hazard present.	Pre-Con
	[ ] Assuming present. Requires controls and clearance report	50%, 100%
	[ ] LBP testing report positive. Requires controls and clearance	Pre-Con, 100%
[ ]	Asbestos hazard noted for reconstruction. Landfill ticket required.	100%
[ ]	Asbestos hazard noted for rehabilitation:	
	[ ] Asbestos testing report negative. No hazard present.	Pre-Con
	[ ] Assuming present. Requires controls and clearance	50%, 100%
	[ ] Asbestos testing report positive. Requires controls and clearance	Pre-Con, 50%, 100%
	[ ] Debris present that must be segregated to authorized landfill	100%
[ ]	Mold hazard noted for rehabilitation:	
	[ ] Mold testing report negative. No hazard present.	Pre-Con
	[ ] Assuming present. Requires remediation and clearance report	50%, 100%
	[ ] Mold testing report positive. Requires remediation and clearance	Pre-Con, 50%, 100%
[ ]	Other hazardous material(s) identified that require mitigation	Pre-Con, 100%
	Other	
[ ]	Local stormwater retention regulations may require detention basin	Inform DCA
[ ]		Call DCA

Builder's Pre-Construction Meeting Receipt Acknowledgement

Builder's Representative		Date:
Builder's Signature		

Site Specific Checklist

Compliance Achieved in Broad Review

Compliance has already been achieved for the following resource categories: Coastal Barrier Resources, Clean Air, and Environmental Justice. The remaining sections listed below will require compliance at a site-specific review.

1. Historic Preservation

(36 CFR 800)

A. **Programmatic Agreement Review**

Above Ground Resources	**Archaeological Resources**
☐ Project is comprised entirely of an activity listed in the Tier I or Tier II Programmatic Allowances specified in the Programmatic Agreement. ☐ Activity meets Tier I Programmatic Allowance # _____ ☐ Activity meets Tier II Programmatic Allowance # _____ (Requires SOI qualified professional) **Name of SOI qualified professional:** {Name} **(Above Ground Review concluded)**	☐ Project is comprised entirely of an activity listed in the Tier I or Tier II Programmatic Allowances specified in the Programmatic Agreement. ☐ Activity meets Tier I Programmatic Allowance # _____ ☐ Activity meets Tier II Programmatic Allowance # _____ (Requires SOI qualified professional) **Name of SOI qualified professional:** {Name} **(Archaeology Review concluded)**

If both Above Ground Resources and Archaeological Resources are checked, the historic preservation review is complete and has a Section 106 finding of **No Historic Properties Affected.** *If neither or only one review topic is completed above the remaining topic(s) must be assessed by completing the following section.*

B. **Standard Project Review: SHPO/Tribal Consultation Performed**

☐ No above ground Section 106-defined historic properties or NRHP-listed, NRHP-eligible or local historic districts are in the Area of Potential Effects. **No Historic Properties Affected Determination.** SHPO concurrence on file. **(Above Ground Review Concluded)** ☐ Individual historic properties or historic districts are located within the Area of Potential Effect. ☐ **No Adverse Effect Determination** (SHPO concurrence on file) Are project conditions required? ☐ No **(Above Ground Review**	☐ Consultation conducted with SHPO (and Native American Tribes, where required) for archaeological resources. ☐ **No Historic Properties Affected Determination** (SHPO/THPO concurrence or consultation on file). **(Archaeological Review Concluded)** ☐ **No Adverse Effect Determination** (SHPO/THPO concurrence on file) Are project conditions required? ☐ No **(Archaeological Review Concluded)** ☐ Yes. Attach conditions. **(Archaeological Review**

Concluded) ☐ Yes. Attach conditions. **(Above Ground Review Concluded)** ☐ **Adverse Effect Determination** (SHPO concurrence on file) ☐ Mitigation not possible. **(APPLICATION CANNOT PROCEED)** ☐ Adverse Effect Resolved ☐ Using measure(s) listed in PA (SHPO concurrence on file) ☐ Separate MOA on file Are project conditions required? ☐ No **(Above Ground Review Concluded)** ☐ Yes. Attach conditions. **(Above Ground Review Concluded)** ☐ OTHER (state finding).	**Concluded)** ☐ **Adverse Effect Determination** (SHPO/THPO concurrence on file) ☐ Mitigation not possible. **(APPLICATION CANNOT PROCEED)** ☐ Adverse Effect Resolved ☐ Using measure(s) listed in PA (SHPO concurrence on file) ☐ Separate MOA on file Are project conditions required? ☐ No **(Archaeological Review Concluded)** ☐ Yes. Attach conditions. **(Archaeological Review Concluded)** ☐ OTHER (state finding).

Comments: [Indicate the age of the structure, if SHPO consultation was required (if exempt note why such as PA allowance), determination of SHPO consultation and any SHPO required mitigation measures]

2. Floodplain Management and Flood Insurance

(EO 11988, 24 CFR 55, and 24 CFR 58.6)

Please complete all three subsections below.

A. Regulatory Floodway (NOTE: use both Effective and Preliminary FIRMs when available)

☐ There is no regulatory floodway mapped by FEMA on the property. Continue to Subsection B.

☐ There is a regulatory floodway mapped by FEMA on the property. The pre-storm **building** is:

- ☐ Fully outside the regulatory floodway. The parcel contains a floodway; however, the project activities will occur outside of the mapped floodway boundaries. Attach appropriate floodplain map(s) showing site location and extent of construction activities. Continue to Subsection B.
- ☐ Partially or entirely within a regulatory floodway and there is not sufficient space to build a new home outside of the floodway. Application does not comply with EO 11988, 24 CFR 55, and 24 CFR 58.6 for rehabilitation or reconstruction. (**APPLICATION CANNOT PROCEED**). Attach documentation. (Analysis complete)

B. Elevation (NOTE: use both Effective and Preliminary FIRMs when available).

The project **building** site is:

☐ Entirely outside a SFHA/100-year floodplain (A and/or V zone). The applicant is not required to elevate. Continue to Subsection C.

☐ Partially or entirely within a SFHA/100-year floodplain. The storm-occupied dwelling is being rehabilitated and is not substantially damaged / improved (as defined by 44 CFR 59.1). The applicant is not required to elevate. This Activity requires a Flood Hazard Authorization Control Act

Permit (NJAC7;13):

☐ Permit-by-rule (PBR) (Add site-specific condition). (Analysis complete)

☐ General Permit (GP) (Add site-specific condition). (Analysis complete)

☐ Partially or entirely within a SFHA/100-year floodplain (A and V Zones). The house must be elevated, as a condition of funding. **(Use for recons and substantially damaged / improved rehabs.) Repair, reconstruction, modernization, or improvement of residential structures with 1 to 4 units is exempt if either of the following is true (24 CFR 55.12(b)(2)):**
• The cost is less than 50% of the market value of the structure before it was damaged and the number of units in the structure is not increased (24 CFR 55.2(b)(8)(i)).
• The activity would bring the structure into compliance with existing state or local health, sanitary or safety code specifications and is solely necessary to assure safe living conditions (24 CFR 55.2(b)(8)(ii)(A)).
In the absence of other work, elevation should qualify for exemption under the second bullet item above. If insufficient information is available to establish the applicability of either bullet item, the activity is not known to be exempt, and one of the next two items should be checked.

☐ Permit-by-rule (PBR) (Add site-specific condition). (Analysis complete)

☐ General Permit (GP) (Add site-specific condition). (Analysis complete)

☐ OTHER (state finding).

C. Flood Insurance (NOTE: use only the current Effective FIRM for this determination)

The proposed application **property** is:

☐ Entirely outside a SFHA/100-year floodplain (A and/or V zone). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR 55, and 24 CFR 58.6). NFIP Flood Insurance is not required. (Analysis complete)

☐ Partially or entirely within a 100-year floodplain (SFHA: [*select A or V*]). Attach appropriate floodplain map showing property boundaries. (Requires NFIP flood insurance.

☐ Project is located within an NFIP participating community. copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance in the review. (Add site-specific condition). (Analysis complete)

☐ Project is not located within a NFIP participating community, project cannot proceed.

An activity is not adequately covered by the programmatic 8-step process if it would not comply with a requirement listed in the 8-step document or it would involve special circumstances not addressed in the 8-step document. The fundamental requirements are flood insurance, no building or rebuilding in a floodway, and, if applicable, compliance with the special requirements for V zones. Structures located in an SFHA, or high-risk flood area defined by DEP, will be required to be elevated at least 2 feet above base flood elevation. Flood insurance is required only if the structure is in the 100-year floodplain (A or V zone) shown on the effective FIRM. Flood insurance is not required if the structure is in the 100-year floodplain shown on an ABFE map or a preliminary FIRM, but not in the 100-year floodplain shown on the effective FIRM.
If a parcel is partly in the 100-year floodplain and partly outside it, and the structure could be reconstructed inside or outside the floodplain, that is a special circumstance not addressed in the 8-step document. If the structure is rebuilt, it should be rebuilt outside the floodplain.

Comments: **[Indicate if the project is in compliance, if the project is located within a special flood hazard area (if so, indicate which zone), if the applicant is required to elevate and obtain flood insurance, and if any permits are required.]**

3. Wetlands Protection

(EO 11990 and Clean Water Act, especially Section 404)

Are there wetlands or aquatic features present at or adjacent to any proposed application work area?

☐ No. There are no wetlands on or within 150 feet of the subject property. Attach appropriate documentation. (Analysis complete)

☐ Yes. Will the proposed activity negatively affect the wetland?

Work in wetlands, including operation of equipment in wetlands, would affect the wetlands. Best management practices should prevent impact to adjacent wetlands.

☐ No. Outside wetlands or mitigation actions will be enacted to avoid wetland impacts. Attach document and/or site-specific condition outlining why wetland will not be affected. (Analysis complete)

In most cases, the explanation will be a lack of nearby wetlands, implementation of best management practices, or a combination. A site inspection by a trained wetland professional may be necessary for this determination.

☐ Yes. Possible adverse effect associated with constructing in wetlands.

☐ Additional Analysis required for site-specific review? **(Adverse effects are anticipated from the proposed action, an 8-step should be conducted at a site-specific review level)**

☐ Yes. The 5-step decision-making process was completed. Activity complies with EO 11990 and the Clean Water Act. (Analysis complete).

☐ Yes. The 8-step decision-making process was completed. Activity complies with EO 11990 and the Clean Water Act. (Analysis complete).

☐ No. The 8-step decision-making process was not completed or resulted in a determination of adverse effects. **APPLICATION CANNOT PROCEED.** Attach documentation. (Analysis complete)

If the wetlands would be filled, paved, or built upon, the effect would be permanent. Effects of operating equipment on wetlands should be temporary. A site inspection by a trained wetland professional is required to confirm wetlands will be adversely affected. Temporary impacts to wetlands require the 8-step process to be completed. The activity is not in compliance unless the 8-step process is completed for the activity. A State Freshwater Wetland permit or a Coastal Wetland Permit would also be required.

☐ OTHER (state finding).

Comments: **[Indicate if the project is in compliance, if there are any wetlands on or adjacent to the property, if wetlands are present, describe the wetlands, where they are located, indicate the distance from the project structure, if there will be any impact to the wetlands, best management practices to avoid impacts to the wetlands and if any waivers or permits are required.]**

4. Coastal Zone Management

(Sections 307 (c), (d))

☐ This review topic does not apply. Analysis completed in the Broad Level (Tier 1) Review for the following Counties: Hunterdon, Morris, Warren

Is the application site in a designated Coastal Zone Management Act (CAFRA) zone, the Upland Waterfront Development area, the New Jersey Hackensack Meadowlands District or Tidelands Claims mapped area?

☐ No. Attach map (Analysis complete)

☐ Yes. (Go to section corresponding to applicable area below)

- ☐ **Site is within the New Jersey Meadowlands District** (Project requires consistency determination from the NJ Meadowlands Commission if structure is over 3 units and the activity includes reconstruction or elevation. If the activity is rehabilitation without elevation of a structure over 3 units, a consistency determination is not required). Attach map. (Analysis complete)
- ☐ **Site is within the Coastal Area Facility Review Act (CAFRA) boundary**

A. Is the structure located within the existing footprint of the building?

- ☐ Yes. Project is not regulated and therefore, consistent with CZM. Attached documentation. (Analysis complete)
- ☐ No. Go to B in this section.

B. Is the residential structure containing less than 25 dwelling units located more than 150 feet from the mean high waterline of a tidal water or the inland limit of a beach or dune, whichever is more landward?

- ☐ Yes. Project is not regulated and therefore, consistent with CZM. Attach documentation. (Analysis complete)
- ☐ No. Go to C in this section.

C. Is the residential structure of less than 3 dwelling units behind intervening development? Note that intervening development means there is a development between the site and the waterway.

- ☐ Yes. Project is not regulated and therefore, consistent with CZM. Attach documentation. (Analysis complete)
- ☐ No. Coastal permit required. What type of coastal permit is required?
  - ☐ Permit by Rule (PBR) (No Submission to or approval from NJ DEP, Division of Land Use Regulation required).
  - ☐ General Permit (GP)
  - ☐ Individual Permit (IP)

- ☐ **Site is within the Upland Waterfront Development Area.**
  - ☐ Yes. Project is not regulated and therefore, consistent with CZM. Attached documentation. (Analysis complete)
  - ☐ No. Coastal permit required. What type if coastal permit is required?
    - ☐ PBR (No Submission to or approval from NJ DEP, Division of Land Use Regulation required).
    - ☐ GP
    - ☐ IP
- ☐ **Site is within the NJ Tidelands Claims Area.**
  - ☐ Yes. Project is not regulated and therefore, consistent with CZM. Attached documentation. (Analysis complete)
  - ☐ No. Coastal permit required. What type if coastal permit is required?
    - ☐ PBR (No Submission to or approval from NJ DEP, Division of Land Use Regulation required).
    - ☐ GP
    - ☐ IP

Comments: **[Indicate if the project is in compliance (in broad or site-specific review), if project property is located within a coastal zone and if it needs a permit.]**

5. Endangered Species

(16 USC 1531 et seq., 50 CFR Part 402

Will the application site work be limited to the pre-storm construction footprint and does not include tree clearing?

☐ Yes. **No Effect** determination. No significant hazard to species of concern or their habitats exists. (Analysis complete)

☐ No. Work will involve an expanded/different construction footprint or tree clearing. Further evaluation is required. Did a desktop review and/or site visit by a qualified environmental professional identify any potential protected species or their habitat? **(Refer to the USFWS NJ Field Office letter from Eric Schrading for additional guidance processes and procedures.)**

- ☐ No. Attach desktop report, memorandum, or USFWS Project Screening Questions. (Analysis complete).
- ☐ Yes. Potential habitat present but **No Effect** determination was made. No significant hazard to species of concern exists. Attach biologist's desktop report, memorandum, or USFWS Project Screening Questions. (Analysis complete)
- ☐ Yes, and **Not Likely to Adversely Affect** determination was made.
  - ☐ Project was moved to different approved location, USFWS or ENSP consultation was performed, and/or mitigation actions were designed that allow for a **No Effect** final determination. Attach documentation and state conditions required. (Analysis complete)
  - ☐ Consultation under Section 7 of the Endangered Species Act or consultation with NJ DEP ENSP was required. Attach documentation and state conditions required when complete. (Analysis complete)
- ☐ Yes, and **Likely to Adversely Affect** determination was made.
  - ☐ Project was moved to different approved location, USFWS or ENSP consultation was performed, and/or mitigation actions were designed that allow for a **No Effect** final determination. Attach documentation and state conditions required. (Analysis complete)
  - ☐ Consultation under Section 7 of the Endangered Species Act or consultation with NJ DEP ENSP was needed and completed. Attach documentation and state conditions required. (Analysis complete)
  - ☐ Adverse Effect factors could not be cleared. **APPLICATION CANNOT PROCEED**. (Analysis complete)

☐ OTHER (state finding).

Comments: **(Indicate if the project is in compliance, determination reached and how determination was reached, if the property is located within a critical habitat or if any threatened and/or endangered species are present (identified through the IPaC and ENSP Landscape tool, state if tree clearing will occur and any best management practices and site-specific conditions.)**

6. Farmland Protection

(7 C.F.R. Part 658)

☐ Activities are contained within the applicant's pre-storm property (Proposed Actions 1-3). Compliance determined in environmental assessment broad review. (Analysis complete)

Is the new building on a new parcel (Proposed Action 4) that is located within farmlands designated as prime, unique or of statewide or local importance?

You may use the links below to determine important farmland occurs on the project site:

- **Utilize USDA Natural Resources Conservation Service's (NRCS) Web Soil Survey http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm**
- **Check with your city or county's planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)**
- **Contact NRCS at the local USDA service center http://offices.sc.egov.usda.gov/locator/app?agency=nrcs or your NRCS state soil scientist http://soils.usda.gov/contact/state_offices/ for assistance**

☐ No. Document finding through map. (Analysis complete)

☐ Yes. Is further review required?

☐ No. Project is exempt through prior conversion to urban lands. Document finding. (Analysis complete)

☐ Yes. Does the NRCS Form AD-1006 calculate a score less than 160?

- **Complete form AD-1006, "Farmland Conversion Impact Rating" and contact the state soil scientist before sending it to the local NRCS District Conservationist.**
- **Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.**

☐ Yes. Property does not meet preservation threshold. Attach AD-1006 form. (Analysis complete)

☐ No. Score is greater than 160 but consultations between DCA and USDA will permit project to proceed. Attach appropriate documentation. (Analysis complete)

☐ No. Score is greater than 160 and DCA has determined through consultations with USDA that project would have negative effect. **APPLICATION CANNOT PROCEED**. (Analysis complete)

☐ OTHER (state finding).

Comments: **(Indicate if the project is in compliance, if there will be change in land use from protected farmland to non-agricultural use, also state any required mitigation measures).**

7. Contamination and Toxic Substances

(24 CFR Part 58.5(i)(2))

Please complete all three subsections below.

☐ Are hazardous facilities of concern located within the specified review distance? **(See hazardous facilities policies and procedures document for facilities list, review radii, compliance criteria and database search information)**

☐ No. Provide map. (Subsection Analysis Complete)

☐ Yes. Were additional site assessments necessary?

☐ No. Attach tables or other documentation that summarize each hazard within the review distance plus an internal report or agency communication that justifies the hazards from the facility do not pose a threat to the property and that no further action is required. (Subsection Analysis Complete)

☐ Yes. Study performed and assessment results show that the action site is not affected by hazardous, contaminated or toxic materials from the facility. Attach compliance information. (Subsection Analysis Complete)

☐ Yes. Study performed and assessment results show that the action site is affected by hazardous, contaminated or toxic materials from the facility, but appropriate mitigation actions will nullify the condition. Attach report with mitigation requirements. (Subsection Analysis Complete)

☐ Yes. Study performed and assessment results show that the action site is affected by hazardous, contaminated or toxic materials from the facility and no mitigation actions can nullify the condition. **APPLICATION CANNOT PROCEED**. (Subsection Analysis Complete)

☐ Are potential hazards (excluding lead-based paint, asbestos, mold and non-toxic debris – see next subsection) located on the application property? **Potential Hazards would include observed recognized environmental conditions (RECs). REC explanation: Site conditions indicate that the subject property is contaminated or likely contaminated via the release of on-site or off-site hazardous substances or petroleum products.**
During the site reconnaissance, the subject property and adjoining properties are visually inspected for RECs, such as:

- **UST vent or fill pipes**
- **Corroded ASTs, drums or containers**
- **Pits, ponds, lagoons, pools of hazardous substances or petroleum products**
- **Mounds of rubble, garbage, or solid waste**
- **Distressed vegetation**
- **Surface staining**
- **Faulty septic systems**
- **Ground water monitoring or injection wells**
- **Proximity to sensitive receptors (wetlands, floodplains, critical habitats, etc.)**
- **Structure(s): present and former uses**

Note any obstacles to identification of RECs.

☐ No. (Subsection Analysis Complete)

☐ Yes. Were additional site assessments necessary?

☐ No. Attach report or agency communication that justifies no further action is required or provide explanation in comments below. (Subsection Analysis Complete)

☐ Yes. Study results show that application action site is not affected by hazardous, contaminated or toxic materials. Attach report. (Subsection Analysis Complete)

☐ Yes. Study results show that application action site is affected by hazardous, contaminated or toxic materials but appropriate mitigation actions will nullify the condition. Attach report with mitigation requirements. (Subsection Analysis Complete)

☐ Yes. Assessment results show that application action site is affected by hazardous, contaminated or toxic materials and no mitigation actions can nullify the condition. **APPLICATION CANNOT PROCEED**. (Subsection Analysis Complete)

☐ Are lead-based paint, asbestos, mold or non-toxic debris hazards potentially located on the application property? (If inspection report(s) not available, assume yes for LBP on PA1 residences built before 1978 and yes for asbestos on **any** residence built before 1982).

☐ No. (Subsection Analysis Complete)

☐ Yes. Specify all that apply: ☐ Asbestos ☐ Lead-Based Paint ☐ Mold ☐ Debris

☐ Are hazard controls or additional site assessments required?

☐ No. Attach site inspection report or agency communication that justifies no further action is required. (Subsection Analysis Complete)

☐ Yes. Application must follow appropriate hazard protocols during work on the application site. Add Site-Specific Condition below. (Subsection Analysis Complete)

OTHER (state finding).

Comments: **[Indicate if the project is in compliance, if there were hazardous facilities within**

review radii (if so, add reference to hazardous facility compliance table attachment. Indicate if there were any facilities that pose a threat to the project property). For additional guidance on hazardous facilities, see policies and procedures document. Note the date of construction for the property and if lead-based paint (LBP), asbestos or mold observed or if testing or disposal is required. Indicate any hazards present of the property (ex: hazardous trees over the house or dead hanging tree limbs, abundance of trash/debris, rotted stairs… State any potential recognized environmental conditions (as listed above). Include any site-specific conditions such as: remediation/testing/disposal of potential RECs, asbestos, LBP, and/or mold.]

8. Explosive and Flammable Hazards

(24 CFR Part 51, Subpart C)

Under HUD Region VI interpretation of 24 CFR Part 51.201 this section requires that there will be no increase in the number of housing units on the property than existed before Hurricane Harvey. If that is not the case, contact DCA for site-specific guidance.

Do the project activities include construction that would increase residential density?

☐ No. **In compliance.** (Analysis complete)

☐ Yes. Would the new application construction footprint be within the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is greater than 100 gallons in volume, (1,000 gallons for propane) within 1 mile of the subject property and holds an explosive or combustible substance?

- ☐ No. **In compliance**. Document finding. (Analysis complete)
- ☐ Yes, but mitigating factors or actions will allow the application site to proceed. Document the ASD calculation and the mitigating factors. Consulted with DCA and received approval. Document finding. (Analysis complete)
- ☐ Yes, and mitigating factors or actions are not possible that will allow the application site to proceed. Consulted with DCA and received approval. Document finding. **APPLICATION CANNOT PROCEED**. (Analysis complete)

Requires use of Google Earth or like tool for desktop search for large ASTs within 1 mile plus a field reconnaissance of subject property and surrounding properties.
Common liquid fuels include fuel oil, gasoline, diesel fuel, and kerosene. Other flammable or explosive substances include propane and other fuel gases. If the type of substance in a tank cannot be determined, it must be assumed to contain a flammable or explosive substance that is not a common liquid fuel.

For proposed development activities in proximity to aboveground storage tanks (ASTs) that are not excluded by the exceptions listed, the Acceptable Separation Distance (ASD) can be calculated based on the volume of the container, the contents, and whether or not the container is diked. If there are multiple such tanks to consider, use the Fact Sheet: Determining Which Tanks to Evaluate for ASD. Once the volume of the container (gallons), dike dimensions, and phase of state of the product (liquid or gas) are known, the ASD can be calculated using the electronic calculator.

The ASD is measured from the center of the assessed container to the perimeter of the proposed HUD–assisted project site. If the ASD is not met, mitigation is required, or another site must be considered. Mitigation options are discussed in the HUD guidebook Acceptable Separation Distance.

If the separation distance is not acceptable, mitigation is required. Otherwise, the project should be moved to a different location. A technical evaluation by a licensed engineer must be conducted to determine whether an existing barrier (natural or man-made) is sufficient mitigation or to design a barrier. For more guidance on barriers and mitigation, contact Nelson Rivera, a licensed engineer at HUD, at nelson.a.rivera@hud.gov or 202-402-4455.

☐ OTHER (state finding).

Comments: **[Indicate if the project is in compliance, if there will be in residential density (if so, the result of the ASD calculation and any mitigation measures required)]**

9. Airport Hazards

(24 CFR Part 51, Subpart D)

☐ This review topic does not apply for the following counties in which compliance was achieved in the Tier 1 Environmental Assessment: Bergen, Hudson, Hunterdon, Morris, Passaic, Somerset, Warren; for these Counties, analysis complete. For all other Counties, proceed to the questions below.

Is the activity site within 2,500 feet of a civil commercial service airport or within 15,000 feet of a military airport? **The only New Jersey airports listed as civil commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties, Atlantic City International Airport in Atlantic County and Trenton Mercer Airport in Mercer County. There are no military airports within or adjacent to any of the 12 counties.**

☐ No. Attach map. (Analysis complete)

☐ Yes, but the entire **property** is entirely outside of all runway clear zones and accident potential zones. Document with map showing airport and the zones in relation to the property. (Analysis complete)

☐ Yes, the **property** is entirely/partially within the runway clear zones and accident potential zones. **APPLICATION CANNOT PROCEED**. Attach documentation. (Analysis complete)

☐ OTHER (state finding).

Comments: **[Indicate if the project is in compliance, indicate if a civil or military airports are located within the above distance to the proposed property (if so, state the name and distance of the airport). If there are any non-civil commercial/military airports, state the name and distance of that airport and indicate why it was not included in the analysis of this section.]**

10. Noise Abatement and Control

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51(b)

☐ Activities are contained within the applicant's pre-storm property (Proposed Actions 1-3). Compliance determined in environmental assessment broad review. (Analysis complete)

Proposed Action 4 only. Is the new building on a new parcel that is located within 1000' of a major road, 3000' of a railroad, or 15 miles of an airport?

☐ No. Document finding through map. (Analysis complete)

☐ Yes. Complete the Noise Assessment Guidelines to quantify noise exposure. The results of noise calculator analysis indicate the noise levels are:

- ☐ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a)). Document finding with DNL Noise Calculator Results. (Analysis complete)
- ☐ Normally Unacceptable. Is the project in a largely undeveloped area?
  - ☐ Attenuation/mitigating factors or actions will allow the application site to proceed. Document the noise analysis and the mitigating factors. Consulted with DCA and received approval. Document finding. (Analysis complete)
  - ☐ Project was elevated to DCA. Review concluded the application cannot be approved. **APPLICATION CANNOT PROCEED**. Attach documentation. (Analysis complete) **If new construction, the project would require a site-specific environmental assessment and could not proceed with the tier 2 review.**

☐ Unacceptable. **APPLICATION CANNOT PROCEED**. Attach documentation. (Analysis complete)

☐ OTHER (state finding).

Comments: [Indicate if the project is in compliance, state if activities are contained within the applicant's pre-storm property (if not, specify the names and distances of major roads, railroads and airports within the above proximity to the proposed property)]

11. Sole Source Aquifer

(40 CFR Part 149)

☐ This review topic does not apply for the following counties in which compliance was achieved in the Tier 1 Environmental Assessment: Hudson, Morris, Passaic, Warren; for these Counties, analysis complete. For all other Counties, proceed to the questions below.

Is the project activity located on a sole source aquifer?

☐ No. Document finding through map. (Analysis complete)

☐ Yes. Attach map. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing structure(s)?

- ☐ Yes. (Analysis complete)
- ☐ No. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?
  - ☐ Yes. Does your MOU or working agreement exclude your project from further review?
    - ☐ No. Project activities include construction of individual new residential structures from one to four units and rehabilitation of residential units. The MOU states these activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers. (Analysis complete)
    - ☐ Yes. Project activities include construction of new residential structures which include more than four units. Consultation with EPA required.

      Will the proposed project contaminate the aquifer and create a significant hazard to public health?
      - ☐ No. Attach documentation of consultation with EPA. (Analysis complete)
      - ☐ Yes. Through approved mitigation measures with EPA, project may proceed. Attach documentation of consultation with EPA and include mitigation measures. (Analysis complete)
      - ☐ Yes. EPA determined the project activities pose a significant risk to aquifer. **APPLICATION CANNOT PROCEED**. Attach documentation. (Analysis complete)

☐ OTHER (state finding).

Comments: [Indicate if the project is in compliance (achieved in the broad review or site-specific review), state if the project is located on any sole source aquifer (if so, specify the name of the aquifer and the activity is covered within the MOU)].

12. Wild and Scenic Rivers

(Sections 7(b), (c))

☐ This review topic does not apply for the following counties in which compliance was achieved in the Tier 1 Environmental Assessment: Bergen, Essex, Hudson, Passaic, Middlesex, Somerset, Union; for these Counties, analysis complete. For all other Counties, proceed to the questions below.

Is the project located within 1/4 mile of a Wild and Scenic River, Study River, or Nationwide Rivers Inventory River?

☐ No. Document finding through map. (Analysis complete)

☐ Yes. Was it determined that the project would have an adverse effect on a designated river?

- ☐ No. Document concurrence with the managing agency. (Analysis complete)
- ☐ Yes. The project will have an adverse effect on the designated river. Consult with the Managing Agency on mitigation measures or avoidance. Were mitigation measures able to be implemented into the project?
  - ☐ Yes. Explain in detail all mitigation measures that will bring the project into compliance. Document all measures and correspondence with the Managing Agency and implement the measures into the project. (Analysis complete)
  - ☐ Mitigation measures are not feasible. **APPLICATION CANNOT PROCEED**. Attach documentation. (Analysis complete)

Comments: [Indicate if the project is in compliance (in the broad or site-specific review), if there are any wild and scenic rivers within ¼ mile of the proposed property.]

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. All proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations would be determined using the higher of the Advisory Based Flood Elevation (BFE), the effective BFE, or the design flood elevation shown on NJDEP flood maps.
7. 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)].
8. 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)].
9. Applications approved to build within the "Coastal High Hazard" areas (V or VE Zones shown on the current effective FEMA FIRM) must adhere to construction standards, methods, and techniques requiring a registered professional engineer to either develop, review, or approve specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).
10. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
11. All structures funded by the HARP Program and the SRRP, 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. In the twelve counties included in the HARP and SRRP, this includes the following municipalities in the following counties:
    - Bergen County: Alpine Borough and Englewood Cliffs Borough
    - Gloucester County: Newfield Borough

Wetlands Protection and Water Quality

12. 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.
13. Minimize soil compaction by minimizing project ground disturbing activities in vegetated areas, including lawns.

Noise

14. Outfit all heavy equipment with operating mufflers.
15. If applicable, comply with local noise ordinance.
16. If application site is in a high noise area, then use appropriate Green Building Standard methods (see Condition 2) to attenuate.

Air Quality

17. Use water or chemical dust suppressant to control excessive dust in exposed areas.
18. Cover the load compartments of trucks hauling dust-generating materials.
19. 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.
20. 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.
21. Wash heavy trucks and construction vehicles before site departure.

22. Reduce vehicle speed on non-paved areas and keep paved areas clean.
23. Retrofit older equipment with pollution controls.
24. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
25. 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.)

26. 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).
27. 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

28. 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.
29. 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).
30. 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).

31. All residential structures must be free of mold attributable to Tropical Storm Ida.
32. 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.

33. 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.
34. Employ spill mitigation measures immediately upon a spill of hazardous material.

Aboveground Storage Tanks

35. Construction activities on parcels with aboveground storage tanks (ASTs) between 125 and 1,000 gallons will require compliance with National Fire Protection Association 58 and associated set-back distances.

Sole Source Aquifers

36. Comply with all laws, regulations, and industry standards.
37. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.
38. 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.

Wild and Scenic Rivers

39. Comply with any conditions specified by NJDEP and the National Park Service for protection of the Great Egg Harbor River, Delaware River, and Musconetcong River, designated Wild and Scenic Rivers.

Site-Specific Environmental Conditions Summary
☐ Based on the above review, there are no site-specific environmental conditions that are required for the Project to proceed. All general conditions listed in the applicable County's environmental broad review document must be applied, where appropriate. ☐ Based on this review, all applicable general conditions listed above must be applied, plus the following site-specific environmental conditions are required for the Project to proceed: 1) [*list all applicable site-specific conditions identified above, e.g., flood insurance, elevation, hazardous material remediation, etc.*]

Preparer Name:

_____

Signature

Date:

Required documents

- **Completed and Signed RROF/Certification (HUD 7015.15)**
- **Tier 2: Site Specific Review Form (includes 24 CFR 58.6 Environmental Review)**
- **Supporting Documentation including but not limited to:**
  - **Site Specific Maps documenting Tier 2 findings**
  - **Consultation, concurrence, and communication from applicable agencies (ex: DEP, NJ HPO, etc.)**
  - **Tax cards to verify PAMS PIN, property address, and total acreage (if available on the tax card)**
  - **Maps indicating total acreage, total acreage calculation on the tax card or an SOI Memo showing calculation for total acreage if required when the Programmatic Allowance is used**
  - **Multiple photographs of subject property and adjacent environment taken during site reconnaissance visit(s)**
  - **Multiple photographs of accessible wetlands on or adjacent to the property if wetlands were observed during the site survey (include a detailed description on the Tier 2 form and/or field assessment survey if a site reconnaissance form is provided)**
  - **Multiple photographs of RECs, if RECs were identified (ex: fill pipes, vent pipes, USTs, ASTs, contamination, etc.) and a detailed description**

APPENDIX C
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT, NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND CONFIRMATION OF PUBLIC COMMENTS RECEIVED AND AFFIDAVITS OF PUBLICATION

APPENDIX D
REQUEST FOR RELEASE OF FUNDS (RROF) AND AUTHORITY TO USE GRANT FUNDS (AUGF)

APPENDIX E
PROGRAMMATIC AGREEMENT