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# ENVIRONMENTAL ASSESSMENT

## Determinations and Compliance Findings for HUD-Assisted Projects 24 CFR Part 58

**Responsible Entity:** New Jersey Department of Community Affairs, Lieutenant Governor Sheila Y. Oliver, Commissioner

**Applicant Name** City of Atlantic City (First) Lower Chelsea Bulkhead (Last)

**-or-** (Business/Project Name)

**Project Location** North Jackson Avenue, to North Trenton Avenue (Street Address)

City of Atlantic City (Municipality) Atlantic (County) New Jersey (State)

Multiple (Block) Multiple (Lot)

**Note: Certification signatures can be found at the end of the document.**

**Conditions for Approval** [40 CFR 1505.2(c)]: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

### General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of the proposed project changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

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### Floodplain Management, Flood Insurance, Wetland Protection, Erosion, Drainage/Storm

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## **Water Runoff, and Surface Water**

3. Construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control. The contractor will be responsible for securing a Soil Erosion and Sediment Control Plan Certification from the Atlantic County Conservation District.

4. The Contractor will install and maintain erosion and sedimentation control measures and appropriate best management practices prior to and throughout construction, and in compliance with the certified soil erosion and sedimentation control plan.

5. Dispose of any displaced soil in an area outside the floodplain and wetlands.

6. Obtain a waterfront development permit for proposed bulkhead work and comply with all permit conditions.

7. All structures funded in the 100-year floodplain must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure.

## **Coastal Zone Management**

8. A Coastal Area Facility Review Act (CAFRA) Permit and a Waterfront Development Permit are required as the proposed construction activities would take place within the regulated Coastal Zone and include work at or below the Mean High Water Line. The applicant is responsible for submitting complete permit applications to the NJDEP Division of Land Use Regulation and for compliance with all permit conditions.

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## Contamination and Toxic Substances

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

10. Site safety Best Management Practices during construction activities will be implemented.

## Endangered Species and Vegetation and Wildlife

11. While bat surveys are no longer required for northern long-eared bats, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot be knowingly harmed or harassed.

## Sole Source Aquifers

12. Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:  
a) Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and b) Use of clean diesel through add-on technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

13. Use Low Impact Development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated

rooftops, rain barrels, and permeable pavements.

14. Use cost-effective, environmentally-friendly landscapes.

15. Incorporate energy-efficient technologies.

16. To further reduce potential environmental impacts the following approaches to project design and construction should be considered:

- Use of "Clean Diesel" controls and technology;
- Use of Low Impact Design Techniques for Stormwater Management (as described in the NJ Stormwater Best Management Practices Manual );
- Use of cost-efficient, environmentally-friendly landscaping;
- Use of energy-efficient technologies; and
- Use of water-efficient products and practices to promote water conservation.

## **Noise**

17. During the temporary construction activities, outfit all equipment with operating mufflers.

18. During the temporary construction activities, comply with the applicable local noise ordinance.

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## Air Quality

19. To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continue to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g. obtaining permits when necessary, adherence to idling limitations, implementation of all responsible measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for the demolition of structures which may contain asbestos.

20. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

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

22. Use water or chemical dust suppressant in exposed areas to control dust.

23. Cover the load compartments of trucks hauling dust-generating materials.

24. The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

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

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

#### **FINDING:**

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

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

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

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

#### **Funding Information**

Grant Number	HUD Program	Funding Amount
<i>B-13-DS-34-0001</i>	<i>CDBG-DR</i>	<i>\$3,416,031.00</i>
		<i>\$0.00</i>
		<i>\$0.00</i>

#### **Estimated Total HUD Funded Amount:**

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\$3,416,031.00

#### Estimated Total HUD Funded Amount Description

*The proposed project would be funded with \$3,416,031.00 in US Department of Housing and Urban Development (HUD) Community Block Grant-Disaster Recovery (CDBG-DR).*

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

\$8,151,540.00

#### Estimated Total Project Cost Description

The total project cost is estimated to be \$8,151,540.00 and will include a portion of Federal Emergency Management Agency (FEMA) funding. Atlantic City has \$1,139,420 in FEMA funds (PW 5235) and \$3,596,089 in 2018 FEMA grant funding which requires a \$1,198,755 local match.

The proposed project would be funded with \$3,416,031.00 in US Department of Housing and Urban Development (HUD) Community Block Grant-Disaster Recovery (CDBG-DR).

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

Approximately 0.42 miles of Atlantic City's Back Bay are proposed for new elevated bulkheads to prevent damage by flood inundation and wave-overtopping. These bulkheads will complete a bayfront protection network stretching from Albany Avenue to the City's border with Ventor City. Undermining is heavily impacting the land immediately adjacent to the bulkhead, causing portions of the sidewalk to fail. These portions of sidewalk have been closed using chain-link fencing because of the risk to public safety.

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

The replacement of City-wide bulkheads (referred to as the "project") is a flood resilience project designed to rehabilitate, repair, replace, and build approximately 0.42 miles of new bulkheads along Atlantic City's Back Bay, which connects Absecon Bay to Shelter Island Bay. This project area is made up of several non-continuous spans of publicly owned bulkheads in the Lower Chelsea neighborhood of Atlantic City.

The current bulkheads are in poor condition, having sustained damage during the flooding of Superstorm Sandy. Sections of the bulkheads are worn, broken through, or otherwise breached. The majority of the bulkheads are still standing; however, the existing bulkheads no longer provides adequate protection from rising tides and floodwaters.

The project will include the removal of the current wooden bulkheads, and replacing them with modern corrugated reinforced steel bulkheads, or a similar design contingent on engineering. Work may be completed on barges in the Bay and by machinery on the land. Additionally, the project will create one (1) new section of bulkhead along North Dover Road, approximately 90 feet in length.

A total of nine (9) sections of bulkhead are to be replaced. A map depicting the project area is provided as an attachment. **See AC\_Bulkheads\_BulkheadReplacementMap.**

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

The majority of the bulkheads are still standing; however, undermining is heavily impacting certain sections, and no longer providing protection from rising tides and floodwaters. Small sections of the bulkheads are worn, broken through or otherwise breached. In addition, undermining is eroding the land beneath adjacent sidewalks, which poses risk to pedestrians. Portions of the sidewalk that are already failing are closed because of risk to public safety.

The Lower Chelsea neighborhood frequently floods, putting residences at risk during storm events, high tide, and rising floodwaters. In the absence of the project, the neighborhood would continue to undergo frequent flooding and the condition of the bulkheads would continue to worsen. Undermining would continue to pose a risk to pedestrians as they frequent the public bay-front. In the absence of the project, the Bay-front properties in the Lower Chelsea neighborhood would continue to be at risk, and possibly damaged, by future storm and flooding events because the bulkheads no longer provide adequate protection to the area.

## **PART I: STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]**

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

**"A box"** The project is in compliance, either because: (1) the nature of the project does not implicate the



authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

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

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

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & §58.5	STATUS	Compliance Documentation
<p><b>1. Air Quality</b> [Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6.51, 93]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The project is located a non-attainment for National Ambient Air Quality Standard (NAAQS) 8-hour Ozone (2015) pollutant. Per EPA's online Green Book, as of September 27, 2010, all Carbon Monoxide nonattainment areas were redesignated to maintenance areas, including Atlantic City, New Jersey.</p> <p>In addition, the project conforms with NJDEP's Division of Air Quality memorandum, dated December 19, 2019 from the New Jersey Department of Environmental Protection (NJDEP) Division of Air Quality (DAQ) which exempts this project from further review.</p> <p>Refer to the applicable compliance documents:</p> <ul style="list-style-type: none"> <li>• <b>AC_Bulkheads_8HrOzone</b></li> <li>• <b>AC_Bulkheads_CarbonMono_MaintenanceAreasList</b></li> <li>• <b>AC_Bulkheads_DAQ_Memo</b></li> </ul> <p>Source: EPA Green Book</p>
<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The project is in compliance. There are no Federal Aviation Administration (FAA) regulated airports with 2,500 feet or Department of Defense Airfields with 15,000 feet (2.8 miles) of the project. The closest airport or airfield is Atlantic City International Airport which is approximately eight (8) miles west of the project. See <b>AC_Bulkheads_AirportClearZone</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>
<p><b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) &amp; (d)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project is located in the Coastal Area Facility Review Act (CAFRA) Zone. See <b>AC_Bulkheads_CAFRA_Map</b>. Replacement of the bulkheads would likely occur below the mean high water line.</p> <p>Consultation with NJDEP DLUR on August 21, 2020 confirmed that a Waterfront Development Permit will be required for the proposed project because work is proposed at or below the mean high water line. In addition, a CAFRA permit may be required for the section of bulkhead located along North Dover Road. See <b>Response NJ AC CDBG DR AC Bulkheads_HazSitesOfConcern</b>.</p> <p>Specific permit conditions are unknown at this time and would be developed as part of the permitting process and in coordination with final construction documents. All permit conditions must be complied with.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>
<p><b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. One (1) Hazardous Site of Concern is identified within the 3,000-foot Hazardous Site Buffer Zone. The site is identified as Parkway Auto Service Inc., located at 3609 Ventor Avenue, Atlantic City. The Parkway Auto Service site is located approximately 850 feet southeast of the project. See <b>AC_Bulkheads_HazSitesOfConcern</b>. A toxic review was performed by the NJDEP and the project was cleared. See <b>AC_Bulkheads_HUD Toxics Spreadsheet_Brinkerhoff revised</b> and <b>AC_Bulkheads_ToxicClearResponse</b>.</p> <p>On February 12, 2020, Brinkerhoff performed a site reconnaissance of the proposed project area. No visible evidence of hazardous waste, materials, or substances were observed during the reconnaissance. A photo-documentation record is provided as an attachment (<b>AC_Bulkhead_PhotoLog</b>).</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>

<p><b>5. Endangered Species</b> [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p> <p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><b>FEDERALLY LISTED ANIMAL SPECIES/HABITAT:</b> No Effect</p> <p>The US Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) landscape explorer tool was used to screen the proposed project location to determine if consultation with USFWS was warranted. The USFWS IPaC generated a species list for the project location and piping plover (<i>Charadrius melodus</i>), red knot (<i>Calidris canutus rufa</i>), and seabeach amaranth (<i>Amaranthus pumilus</i>) were listed. However, the report also indicated that "there are no critical habitats within [the] project area under this office's jurisdiction." The proposed project would occur in developed areas, and therefore, the project is not anticipated to impact any of the species listed above or migratory birds. In addition, the existing bulkheads do not provide suitable habitat for any of the listed species.</p> <p>The IPaC report also indicated that there are no refuge lands or fish hatcheries within the project area. In the wetlands section of the report, NWI data for estuarine and marine deepwater habitat (E1UBLx) was found. See <b>AC_Bulkheads_IPaC_Report</b>.</p> <p>The NJDEP HUD Environmental Tool 3.0 also indicated that piping plover and red knot habitat is not located within the project area. See <b>AC_Bulkheads_T&amp;E-PipingPlover&amp;RedKnotMap</b>.</p> <p>The NOAA Fisheries Greater Atlantic Region ESA Section 7 online GIS mapping tool was consulted to determine the potential for Federally threatened and or endangered aquatic species to be found within the project area. The adjacent in-water areas were identified for Atlantic sturgeon, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, North Atlantic right whale, and fin whale. See <b>AC_Bulkheads_ESA_Section7_Map</b>. In-water timing restrictions may be required, which will be determined during the permitting phase.</p> <p><b>FEDERALLY LISTED BATS:</b> No Effect</p> <p>The IPaC report indicated that neither the Indiana bat nor northern long-eared bat are species that may occur or could potentially be affected by activities at this location. The proposed project does not include the removal of trees. While bat surveys are no longer required for northern long-eared bats in buildings, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot knowingly be harmed or harassed. See <b>AC_Bulkheads_IPaC_Report</b>.</p> <p><b>FEDERALLY LISTED PLANT:</b> No Effect</p> <p>The US Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) landscape explorer tool was used to screen the proposed project location to determine if consultation with USFWS was warranted. The USFWS IPaC generated a species list for the proposed project, and Seabeach amaranth (<i>Amaranthus pumilus</i>) was listed. However, the report also indicated that "there are no critical habitats within [the] project area under this office's jurisdiction." The proposed project would occur in developed areas, and the existing bulkheads do not provide suitable habitat Seabeach amaranth. Given the developed nature of the site, it is unlikely this species would be found within the project area. See <b>AC_Bulkheads_IPaC_report</b>.</p> <p><b>STATE LISTED ANIMAL SPECIES/HABITAT:</b> No Effect</p> <p>Consultation with NJDEP Division of Fish and Wildlife indicated that the proposed project is not located within a mapped piping plover or red knot habitat. See <b>Response NJ AC CDBG DR AC Bulkheads Consultation</b>. As stated above, the NJDEP HUD Environmental Tool 3.0 was screened for Piping plover and Red knot habitat: the proposed project is not located within habitat for either of these species. See <b>AC_Bulkheads_T&amp;E-RedKnot&amp;PipingPlover</b>.</p> <p>A data request was submitted to the New Jersey Forest Service Office of Natural Lands Management for searches of the Natural Heritage Database and the Landscape Project to determine if suitable habitat potential exists at the project site for State and Federal threatened and or endangered species. See <b>AC_Bulkhead_nhp report</b>. The report indicates that there are records for State or Federal threatened or endangered animal species on or within the immediate vicinity of the project area. These species include: Black skimmer, Black-crowned night-heron, Least tern, osprey, Peregrine falcon (nest), and Yellow-crowned night-heron.</p> <p>The report also indicates that there are additional records for species within one mile of the project area including:</p> <p>Mammalia: Live individual sightings of Fin Whale, Humpback Whale, and North Atlantic Right Whale</p> <p>Reptilia: Occupied habitat for Atlantic Leatherback and Atlantic Loggerhead</p> <p>Records for Bottlenose dolphin were indicated, a species tracked by the Endangered and Nongame species program.</p> <p>The proposed project would occur in developed and actively used in-water areas, and is not anticipated to negatively affect any of the listed species. Should mitigation for any State-listed threatened or endangered species be necessary, specific measures will be conditioned upon the required NJDEP DLUR permits required for the proposed project. <b>Similarly, if timing restrictions are necessary for any of the species listed above, they will be determined during the permitting phase of the project.</b></p> <p><b>STATE LISTED PLANT:</b> No Effect</p> <p>A data request was submitted to the New Jersey Forest Service Office of Natural Lands Management for searches of the Natural Heritage Database and the Landscape Project to determine the potential for rare plant species to exist within the project area. The report indicates that there are no records for State or Federal threatened or endangered plant species on, within the immediate vicinity, or within one mile of the project area. See <b>AC_Bulkhead_nhp rept</b>.</p> <p>Source: NJDEP Division of Fish and Wildlife</p> <p>NJDEP Environmental Review Tool 3.0</p> <p>NJDEP Natural Heritage Program</p> <p>NOAA Fisheries Greater Atlantic Region ESA Section 7</p> <p>USFWS IPaC Mapping tool</p>
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<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The percent of the population considered a minority is between 50 and 85 percent. Between 50 and 80 percent of the population living near the proposed project is considered low income. See <b>AC Bulkheads_EJ_Maps</b>. As indicated by the other sections of this environmental assessment, the proposed project would not result in significant environmental impacts; therefore, the proposed project would not have significant disproportionate adverse environmental impacts on minority and low income residents in the vicinity of the proposed project. See <b>AC_Bulkheads_EJ_Checklist</b>.</p> <p>Source: US Environmental Protection Agency Environmental Justice and Screening Tool</p>
<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project does not involve residential new construction, rehabilitation where unit density is increased, change of land use or new construction.</p>
<p><b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly section 1504(b) &amp; 1541; 7 CFR 658]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project is located in an urban setting and not located in an area identified as Farmland of Statewide Importance or Farmland of Unique Importance based upon information obtained from the NJDEP HUD Environmental Review Tool. See <b>AC_Bulkheads_PrimeFarmlandMap</b></p> <p>Source: NJDEP HUD Environmental Review Tool 3.)</p>
<p><b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project is located in a tidal flood zone designated as AE with a base flood elevation of 10 feet above mean sea level. See attached <b>AC_Bulkheads_FEMA_FIRM_Map</b>.</p> <p>The Floodplain Management Checklist was used to conduct the Floodplain 8-Step Analysis [See <b>AC_Bulkheads_8StepAnalysis w attachments</b> and determine if the proposed action could potentially adversely affect the floodplain. The review was conducted against the 100-year floodplain, which is set at 9 feet AMSL per ABFE and the Preliminary Flood Hazard data which is set at 10 feet AMSL by the FIRM Panel. In addition, the proposed project is located in a floodway or coastal high hazard area. It was determined from the analysis there is not practicable alternative to relocate the project outside of the 100-year floodplain and there is no potential to limit the proposed action. Mitigation measures will be incorporated in the proposed project design to protect existing floodplain values.</p> <p>Specific permit conditions, include those applicable to flood hazard area requirements under the NJDEP's Flood Hazard Area Control Act and implemented under the required Coastal Zone permit are unknown at this time. Permit conditions will be developed as part of the permitting process in coordination with the applicable permitting agencies.</p> <p>A public notice of the New Jersey Department of Community Affairs' (NJDCA) intent to consider funding the proposed project in the 100-year floodplain was published in the Press of Atlantic City on June 8, 2020, and a Spanish translation of the notice was published in the El Diario on June 8, 2020. A copy of the public notice and proofs of publication are attached with the 8-Step Analysis. As required by regulation, the notice also included the name, proposed location, description of the proposed project, and the NJDCA contact for information, as well as the location and hours. A copy of the notice was emailed on June 8, 2020 to agencies known to have an interest in floodplain activities. See <b>EarlyPublicNotice-EnglishProof&amp;Affidavit</b> and <b>EarlyPublicNotice-SpanishProof&amp;Affidavit</b>. No comments were received within the 15-day comment period required by 24 CFR 55.20(b) (see attached no comments received emails). See <b>20200629 Email_no public comments</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>
<p><b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The project is in compliance. The proposed project is located in a historic properties exemption zone and is not located within a historic archeologic site grid. In addition, the proposed project is not identified as historic district or identified as a historic property. See <b>AC_Bulkheads_HistoricPreservationMap</b>.</p> <p>On June 4, 2020 the NJ SHPO confirmed there are no historic properties affected by the proposed undertaking (project). See <b>AC Bulkheads_SHPO_Response</b> and <b>AC Bulkhead_SHPO Submittal</b>.</p>
<p><b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The requirements of 24 CFR Part 51, Subpart B are not applicable to the proposed project. The proposed project is not a noise sensitive use.</p> <p>According to Part II: General Legislation, Â§ 186-8 Restricted uses and activities, of Atlantic City local regulations, all construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.</p> <p>Construction noise will be a temporary impact that will be controlled by best management practices. Construction noise will be within applicable city, state, and federal codes. Construction noise is not expected to have an impact to the project or surrounding areas.</p> <p>Source: E-Code 360</p>
<p><b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project site is located with the Coastal Plain Great Egg Harbor Watershed, which is sole source aquifer. See <b>AC Bulkheads_SoleSourceMap</b>. No wellhead protection areas or public water supply wells are located within 2,640 feet of the proposed project. Properties in the vicinity of the proposed project are served by existing public water through American Water. Based upon the screening criteria for non-housing project activities listed in the EPA Region 2/HUD 1990 Sole Source Aquifer Memorandum of Understanding (MOU) the project does require a Preliminary Sole Source Aquifer Review by the EPA. See <b>AC_Bulkheads_SoleSourceResponse</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0; NJDEP GeoWeb; EPA Region 2/HUD 1990 Sole Source Aquifer MOU</p>
<p><b>13. Wetland Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. No mapped wetlands are shown within or immediately adjacent to the proposed project area. See <b>AC_Bulkheads_WetlandsMap</b>.</p> <p>Please note that Rank 4 wetlands are located across the waterway from the project area. There are no wetland buffers that would encroach upon the project. In-water work and work below the mean high water line is proposed; however, the proposed project is not anticipated to impact the Rank 4 wetlands.</p> <p>Consultation with NJDEP DLUR, dated August 24, 2020, indicates that a Coastal Wetlands and Freshwater Wetland permits are not required. See <b>Response NJ AC CDBG DR AC Bulkheads Consultation</b>.</p> <p>On February 12, 2020 Brinkerhoff performed a site reconnaissance of the proposed project area and confirmed wetlands are not found within the limits of the proposed project.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>
<p><b>14. Wild and Scenic Rivers</b> [Wild and Scenic Rivers Act of 1968, particularly section 7(b) &amp; (c); 36 CFR 297]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p>The proposed project is in compliance. The proposed project is not located within 1/4 mile of the stream bank of a designated wild and scenic river or within one (1) mile radius of a designated wild and scenic river. See <b>AC_Bulkheads_WildScenicRiverMap</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>

## PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST [24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

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

### Impact Codes:

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

Impact Categories	Impact Code	Impact Evaluation, Source Documentation and Mitigation or Modification Required
<b>Land Development</b>		
Conformance with Comprehensive and Neighborhood Plans	1	<i>The City of Atlantic City operates under adopted master plans. The proposed project is consistent with the plans.</i>
Land Use Compatibility and Conformance with Zoning	1	<i>The proposed project involves the removal of the existing bulkheads and construction of new bulkheads, which is compatible with existing development.</i>
Urban Design- Visual Quality and Scale	1	<i>The proposed project would replace the existing wooden bulkheads with modern corrugated reinforced steel bulkheads, which would result in improved flood resiliency in the community. There would be minimal visual change to surrounding properties.</i>
Slope	1	<i>The proposed project area is flat. The proposed project would not create steep slopes.</i>
Erosion	4	<i>The proposed project is not expected to cause significant erosion. All work will be done using best management practices (BMPs). Since the project is expected to generate more the 5,000 square feet of land disturbance approval from the County Soil Conservation District will be required.</i>

Soil Suitability	1	<p><i>The proposed project is located in a developed area. A Custom Soil Resource Report was obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey for the project. The report identifies Psammaquents (PstAt) as the primary map unit found within the project area. A typical profile for Psammaquents includes 36 inches of coarse to gravelly sand over mucky peat. The water table is at or near the surface for most of the year.</i></p> <p><i>The proposed project will include the performance of a geotechnical investigation during the design phase for the replacement bulkheads, which will be used to determine specific design considerations. The report will verify existing soil and groundwater conditions within the project location and provide recommendations on bulkhead design, soil stability, and soil parameters.</i></p> <p><i>The project is not expected to negatively impact soil suitably or be impacted by soil conditions so long as appropriate geotechnical recommendations are followed and the bulkhead is installed accordingly.</i></p>
Hazards and Nuisances, Including Site Safety	1	<p><i>The proposed project includes potential hazards to construction workers associated with the removal of the existing bulkheads and the installation of new bulkheads. Site safety BMPs during construction activities must be implemented (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p>
Drainage/Storm Water Runoff	1	<p><i>During construction, BMPs would be required to minimize any erosion and sedimentation to the adjacent surface waters. (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p>
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels	1	<p><i>Construction noise will be a temporary impact that will be controlled by BMPs. Construction noise will be within applicable city, state, and federal codes. Thus, construction noise is not expected to have an impact to the project or surrounding areas.</i></p>

Energy Consumption	1	<i>A temporary increase in energy consumption would occur during the construction phase. The proposed project would implement energy saving measure in the design of features such as lighting associated with the proposed project.</i>
<b>Socioeconomic Factors</b>		
Demographic Character Changes	1	<i>The proposed project would have no impact on the demographic character of the proposed project areas. The proposed project would make improvements at existing facilities.</i>
Displacement	1	<i>The proposed project would not displace any residents or businesses. The proposed project would make improvements at existing facilities.</i>
Employment and Income Patterns	1	<i>The proposed project would have no impact on employment and income patterns in the proposed project areas. The proposed project would make improvements at existing facilities.</i>
<b>Community Facilities and Services</b>		
Educational Facilities	1	<i>The proposed project would not impact the demand for educational facilities or interfere with delivery of educational services.</i>
Commercial Facilities	1	<i>The proposed project would not affect the demand for commercial facilities or interfere with operation of commercial facilities.</i>
Health Care	1	<i>The proposed project would not affect the demand for health care or interfere with delivery of health care.</i>
Social Services	1	<i>The proposed project would not affect the demand for social services or interfere with delivery of social services.</i>
Solid Waste Disposal/Recycling	4	<i>The proposed project would generate construction debris, but would not increase long-term generation of solid waste. Contractors will be required to determine if any of the debris is hazardous prior to disposal at a permitted landfill facility. If hazardous waste is generated, the waste must be addressed in accordance with all applicable federal, state, and local laws and regulations (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i>

Waste Water/Sanitary Sewers	1	<i>The proposed project does not require a demand for wastewater or sanitary sewer service.</i>
Water Supply	1	<i>The proposed project is not expected to increase demand for water supply.</i>
Public Safety: <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire</li> <li>• Emergency Medical</li> </ul>	1	<i>The proposed project would not affect the demand for public safety services such as police, fire, and emergency medical or interfere with delivery of these services.</i>
Parks, Open Space & Recreation: <ul style="list-style-type: none"> <li>• Open Space</li> <li>• Recreation</li> </ul>	2	<i>The proposed project would not affect the demand or interfere with the operation of parks and recreation areas located along the Back-bay environment.</i>  <i>Public access to the waterfront is currently limited to pedestrians due to safety concerns associated with damaged sidewalks. See <b>AC_Bulkhead_PhotoLog</b> for photographs of damaged sidewalk areas. Full public access will be restored upon project completion.</i>
Cultural Facilities	1	<i>The proposed project would not affect any cultural facilities.</i>
Transportation & Accessibility	1	<i>The proposed project would not create a significant additional demand for transportation services or interfere with the overall transportation network.</i>
<b>Natural Features</b>		
Water Resources	1	<i>The proposed project would not involve significant water withdrawals and would not have a significant impact on water resources.</i>
Surface Water	4	<i>Demolition of the existing bulkheads and construction of the new bulkheads has potential to impact surface waters. However, BMPs will be implemented to minimize erosion and sedimentation to the surface water features (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i>
Unique Natural Features & Agricultural Lands	1	<i>The proposed project is within a developed urban area and project would not affect agricultural lands. There are no unique natural features on or in the vicinity of the proposed project.</i>

Vegetation and Wildlife	1	<p><i>A limited amount of landscaped vegetation will be disturbed during construction. However, displaced vegetation will be compensated through a landscape plan compatible with the existing character of project area.</i></p> <p><i>The proposed project is located in developed urban area which provides little suitable habitat for wildlife.</i></p> <p><i>Across the Back Bay from Sections 1 through 6 of the bulkheads is an open wetland habitat. The proposed project should not impact this environment, and BMPs will be implemented to minimize erosion and sedimentation to surface water which could impact the wetlands (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p>
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## **PART III: 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]**

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

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

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

*The project is in compliance. The proposed project is approximately eight miles southeast of Atlantic City International Airport and 41 miles from Lakehurst Naval Air Station.*

*See **AC\_Bulkheads\_AirportClearZone**.*

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

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

Is the project located in a coastal barrier resource area?



**No.** Cite or attach Source Documentation: [Proceed with project]

*The proposed project is in compliance. The proposed project is located outside a coastal barrier resource area. See **AC\_Bulkheads\_CoastalAreaResourceMap**.*

**Yes.** Federal assistance may not be used in such an area.

**3. FLOOD DISASTER PROTECTION ACT** [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

**No.** Cite or attach Source Documentation: [Proceed with Project]

**Yes.** Cite or attach Source Documentation:

The proposed project includes rehabilitation and reconstruction of an existing bulkhead that is located in a FEMA-identified Special Flood Hazard Area. The proposed project is located in a tidal flood zone designated as AE with a base flood elevation of 10 feet above mean sea level. See attached **AC\_Bulkheads\_FEMA\_FIRM\_Map**.

The Floodplain Management Checklist was used to conduct the Floodplain 8-Step Analysis (See **AC\_Bulkheads\_8StepAnalysis w attachments**) and determine if the proposed action could potentially adversely affect the floodplain. The review was conducted against the 100-year floodplain, which is set at 9 feet AMSL per ABFE and the Preliminary Flood Hazard data which is set at 10 feet AMSL by the FIRM Panel. In addition, the proposed project is located in a floodway or coastal high hazard area. It was determined from the analysis there is not practicable alternative to relocate the project outside of the 100-year floodplain and there is no potential to limit the proposed action. Mitigation measures will be incorporated in the proposed project design to protect existing floodplain values.

Specific permit conditions, include those applicable to flood hazard area requirements under the NJDEP's Flood Hazard Area Control Act and implemented under the required Coastal Zone permit are unknown at this time. Permit conditions will be developed as part of the permitting process in coordination with the applicable permitting agencies.

A public notice of the New Jersey Department of Community Affairs' (NJDEP) intent to consider funding the proposed project in the 100-year floodplain was published in the *Press of Atlantic City* on June 8, 2020, and a Spanish translation of the notice was published in the *El Diario* on June 8, 2020. A copy of the public notice and proofs of publication are attached with the 8-Step Analysis. As required by regulation, the notice also included the name, proposed location, description of the proposed project, and the NJDEP contact for information, as well as the location and hours. A copy of the notice was emailed on June 8, 2020 to agencies known to have an interest in floodplain activities. See **EarlyPublicNotice-EnglishProof&affidavit** and **EarlyPublicNotice-SpanishProof&Affidavit**.

No comments were received within the 15-day comment period required by 24 CFR 55.20(b) (see attached no comments received emails). See **20200629 Email\_no public comments**.

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

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

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

## Summary of Findings and Conclusions

**Additional Studies Performed:** (List the reports, studies, or analyses performed for this assessment,

and attach studies or summaries.)

*No additional studies were performed.*

**Field Inspection** (Date and completed by):

A field inspection was completed by Brinkerhoff Environmental Services of the proposed project area on February 12, 2020. Photo documentation is provided as an attachment See AC-Bulkheads\_PhotoLog.

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

E-Code 360. Atlantic City, NJ, Part II: General Legislation, Chapter 186  
Noise. <https://ecode360.com/15210398>

EPA Green Book. Accessed at <https://www.epa.gov/green-book>

Google™ Earth Pro

NJDEP Bureau of GIS. NJ-GeoWeb Web-based Mapping Application.  
<https://nj.gov/dep/gis/geoweb splash.htm>. NJDEP Coastal Zone Management Rules, NJAC 7:7, February 20,  
2020

NJDEP HUD Environmental Review Tool. Accessed  
at <http://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=31df24f50e9a46bf9fb66389012db5c7>.

NOAA Greater Atlantic Region. ESA Section 7 Web-based Mapping  
application. <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=1bc332edc5204e03b250ac11f9914a27>

U.S. Fish and Wildlife Service (USFWS). Coastal Barrier Resources System Mapper. Accessed at <http://www.fws.gov/CBRA/Maps/Mapper.html>.

USFWS. Information, Planning, and Conservation (IPaC) System. Accessed at <http://ecos.fws.gov/ipac/>

### **Lists of Permits Required:**

The following permits may be required for the proposed project:

- CAFRA Permit
- Waterfront Development Permit
- Coastal General Permit(s)
- US Army Corps of Engineers Individual or Nationwide Permit
- Tidelands License or Lease
- Soil Erosion and Sediment Control Plan Certification (for project disturbance is excess of 5,000 square feet)

### **Public Outreach** [24 CFR 50.23 & 58.43]:

A public notice of the New Jersey Department of Community Affairs' (NJDEA) intent to consider funding the proposed project in the 100-year floodplain was published in the *Press of Atlantic City* on June 8, 2020, and a Spanish translation of the notice was published in the *El Diario* on June 8, 2020. See **AC Resilience Program\_Combined Early Floodplain English Public Notices\_FINAL** and **AC Resilience Program Combined Early Spanish Public Notice\_Final** for the public notice documents.

A combined public notice for the proposed project (Notice of Finding of No Significant Impact, Notice of Intent to Request Release of Funds, and Notice and Public Explanation of a Proposed Activity in the 100-year Floodplain) will be published in the *Press of Atlantic City* and a Spanish translation of the notice will be published in the *El Diario*. Any substantive comments received will be addressed and incorporated into

the final environmental assessment document.

See **20200629 Email\_no public comments.**

### **Cumulative Impact Analysis** [24 CFR 58.32]:

The proposed project would not contribute to adverse cumulative impacts on environmental resources. The proposed project would address deficiencies to the existing City-owned bulkheads on the Back Bay and implement flood resiliency measures. These measures would protect existing residences and businesses located near the Back Bay and in the Lower Chelsea neighborhood. Atlantic County is currently undergoing extensive efforts to recover from the damage caused by Superstorm Sandy in October 2012, and the proposed project is a part of those efforts. Cumulatively, these activities may have temporary environmental impacts during the implementation phase of these recovery efforts. Still, these activities will have the long-term benefit of restoring the way of life for New Jersey residents.

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

*The proposed project proposes to replace the existing wooden bulkheads, which are in disrepair. The waterfront structures sustained damage during the flooding of Hurricane Sandy, and have continued to erode since and must be repaired. Other than the No Action Alternative, no reasonable alternative exists for the proposed project.*

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

*The no-action alternative would avoid short-term construction impacts and result in the continuing deterioration of the existing bulkheads. Flood concerns would continue to persist resulting in potential property loss and jeopardize public safety. Therefore, the no action alternative was rejected.*

### **Summary Statement of Findings and Conclusions:**

The proposed project would address an immediate need to replace a deteriorated bulkhead protection system along Atlantic City's Back Bay. The proposed project is in compliance with all applicable statutory authorities and would have no significant impact on the environment. Permits from the NJDEP DLUR under the Coastal Zone Management Rules will be required. These permits may include CAFRA, Waterfront Development and Tidelands. Federal approvals may include the need for a USACE Individual or Nationwide permit. Specific permit conditions will be determined in conjunction with final design and specifications.

The proposed project may potentially have short term impacts to floodplains, surface waters, erosion control and soil waste disposal. Mitigation measures to minimize any potential environmental impacts and to ensure the proposed project is in compliance with the statutory authorities are identified in the Required Mitigation and Project Modification Measures section below and the Conditions for Approval section at the beginning of this environmental assessment.

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

## General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of the proposed project changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

## Floodplain Management, Flood Insurance, Wetland Protection, Erosion, Drainage/Storm Water Runoff, and Surface Water

3. Construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control. The contractor will be responsible for securing a Soil Erosion and Sediment Control Plan Certification from the Atlantic County Conservation District.
4. The Contractor will install and maintain erosion and sedimentation control measures and appropriate best management practices prior to and throughout construction, and in compliance with the certified soil erosion and sedimentation control plan.

5. Dispose of any displaced soil in an area outside the floodplain and wetlands.

6. Obtain a waterfront development permit for proposed bulkhead work and comply with all permit conditions.

7. All structures funded in the 100-year floodplain must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure.

### **Coastal Zone Management**

8. A Coastal Area Facility Review Act (CAFRA) Permit and a Waterfront Development Permit are required as the proposed construction activities would take place within the regulated Coastal Zone and include work at or below the Mean High Water Line. The applicant is responsible for submitting complete permit applications to the NJDEP Division of Land Use Regulation and for compliance with all permit conditions.

### **Contamination and Toxic Substances**

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

10. Site safety Best Management Practices during construction activities will be implemented.

### **Endangered Species and Vegetation and Wildlife**

11. While bat surveys are no longer required for northern long-eared bats, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot be knowingly harmed or harassed.

12. If transportation of equipment/materials and/or construction activity requires water access to replace the bulkheads, passing through the red knot area to the northeast of Atlantic City, then two timing restrictions must be followed: 1) May 7 to June 7 - spring migrants. 2) July 15 to September 15 - post breeding, longdistance migrants. In addition, any timing restrictions required by NJDEP Fish and Wildlife, or NOAA will be adhered to.

### **Sole Source Aquifers**

13. Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:  
a) Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and b) Use of clean diesel through add-on technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

14. Use Low Impact Development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

15. Use cost-effective, environmentally friendly landscapes.

16. Incorporate energy-efficient technologies.



17. To further reduce potential environmental impacts the following approaches to project design and construction should be considered:

- Use of "Clean Diesel" controls and technology;
- Use of Low Impact Design Techniques for Stormwater Management (as described in the NJ Stormwater Best Management Practices Manual );
- Use of cost-efficient, environmentally-friendly landscaping;
- Use of energy-efficient technologies; and
- Use of water efficient products and practices to promote water conservation.

## Noise

18. During the temporary construction activities, outfit all equipment with operating mufflers.

19. During the temporary construction activities, comply with the applicable local noise ordinance.

## Air Quality

20. To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continue to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g. obtaining permits when necessary, adherence to idling limitations, implementation of all responsible measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures which may contain asbestos.

21. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

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

23. Use water or chemical dust suppressant in exposed areas to control dust.

24. Cover the load compartments of trucks hauling dust-generating materials.

25. The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

1. Use water or chemical dust suppressant in exposed areas to control dust.
2. Cover the load compartments of trucks hauling dust-generating materials.
3. Wash heavy trucks and construction vehicles before they leave the site.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean
5. Retrofit older equipment with pollution controls.
6. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
7. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
8. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C.7:27-8.2(c). Such equipment includes, but is not limited to, the following:

a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-.2(c)1);

b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);

c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and

d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

## CERTIFICATIONS

Amy Bennett, Brinkerhoff

Environmental

Preparer Agency and Name

2020-10-19 14:36:38

Completion Date

Samuel R. Viavattine

RE Certifying Officer Name



RE Certifying Officer Signature

10/20/2020

RE CO Signature Date