
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 Pemberton (First) Township (Last)

-or- BA-Pemberton Township (Business/Project Name)

Project Location Multiple, (Street Address)

Pemberton (Municipality) Burlington (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 a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

Historic Preservation

~~5. The Applicant will ensure, to the fullest extent possible, that the contractors will limit excavation to within two (2) feet of the foundation perimeter and will not excavate more than six (6) inches below the depth of the foundation to minimize soil disturbance.~~

4. When using heavy equipment, work from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils. The Applicant will ensure, to the fullest extent possible, that its contractors minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).

Floodplain Management

5. Obtain a flood hazard area individual permit for:

- Block 784 Lot 11 (0329-0009, 8 Creek Lane)
- Block 784 Lot 29 (0329-0004, 52 North Road)

Wetland Protection

6. Identify and flag sensitive areas at site prior to start of construction/demolition activities.

7. Protect fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources against compaction, vegetation loss and unnecessary damage.

8. Do not operate heavy equipment in wetlands.

Endangered Species

9. 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 be knowingly harmed or harassed.

10. A bald eagle nest is located downstream of the project sites. Timing restrictions may be imposed on regulated activities. Any timing restrictions will be identified within the FHA permits.

Erosion

11. Implement and maintain best management practices for erosion and sedimentation control.

12. Reestablish vegetation on exposed soil as soon as possible after work has been completed.

13. As appropriate, install sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during project activities.

14. Remove all temporary fills following project activities.

15. Determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet, a certificate from the Burlington County Soil Conservation District must be obtained.

~~Drainage/Storm Water Runoff~~

16. *Protect existing drain inlets from debris, soil and sedimentation.*

Surface Water

17. *Protect streams, wetlands, woods and other natural areas from any unnecessary construction activities or disturbances.*

18. *No equipment maintenance or fueling of construction equipment shall take place on the job sites.*

19. *If handling of fuels on site is to occur, take caution to prevent spills of oils and grease that may reach the receiving waters.*

20. *Follow safe storage and handling procedures in order to prevent the contamination of water from fuel spillage, lubricants and chemicals.*

21. *Control stream bank and stream bed disturbances to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation and any physical, chemical or biological disruption.*

Noise

22. *During the temporary demolition activities, outfit all equipment with operating mufflers.*

~~23. During the temporary demolition activities, comply with the applicable local noise ordinance, found in the Township of Pemberton General Ordinances Chapter 132: Noise. Demolition activities must not be performed between the hours of 7:00 pm and 7:00 am, unless such activities meet the applicable noise limits set forth in the ordinance.~~

Air Quality

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

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

26. Wash heavy trucks and construction vehicles before they leave the site.

27. Reduce vehicle speed on non-paved areas and keep paved areas clean.

28. Retrofit older equipment with pollution controls.

29. Establish and follow specified procedures for managing contaminated materials discovered or generated during demolition.

30. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

31. 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.~~

- Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber {N.J.A.C. 7:27•8.2(c)l}; and
- 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).

32. 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.B).

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

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

Hazards and Nuisances, Including Site Safety

35. During the temporary demolition activities, Implement applicable site safety measures, such as:

- Ensure workers wear personal protective gear, such as hard hats, proper gloves, and safety glasses or face shields: and
- Control site access.

Hazardous Materials, Environmental Justice, and Solid Waste Disposal/Recycling

36. *Comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:*

- *National Emission Standard for Asbestos. standard for demolition and renovation, 40 CFR 61.14*
- *National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating. demolition, and spraying operations, 40 CFR 61.150*
- *NJAC 7:26:2.12- Generator requirements for disposal of asbestos containing waste materials*
- *New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34.5A-32 et seq.*

37. *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}.*

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

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>Blue Acres</i> | <i>\$3,000,000.00</i> |
| | | <i>\$0.00</i> |
| | | <i>\$0.00</i> |

Estimated Total HUD Funded Amount:*\$3,000,000.00*

Estimated Total HUD Funded Amount Description

The proposed project would be funded with \$3,000,000 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Blue Acres funding.

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds)*\$3,000,000.00*

Estimated Total Project Cost Description

The project would be entirely HUD-funded. In the event an individual applicant is deemed ineligible under CDBG-DR criteria, the applicant would be funded through State Blue Acres funding.

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

The Blue Acres Program is the part of New Jersey's Green Acres Program that purchases flood prone properties. Through the NJDEP's Superstorm Sandy Blue Acres Buyout Program, the State will spend \$300 million in federal disaster recovery funds to give homeowners in flood-prone areas the option to sell Sandy-damaged homes at pre-storm value. The program is designed to give homeowners the ability to choose the best option for their individual situation.

The State will buy clusters of homes or whole neighborhoods that were flooded in Superstorm Sandy or previous storms. These homes will be demolished, and the land will be permanently preserved as open space, accessible to the public, for recreation or conservation. The preserved land will serve as natural buffers against future storms and floods. The goal of the Blue Acres Program is to dramatically reduce the risk of future catastrophic flood damage, and to help families to move out of harm's way.

The purpose of the proposed project is to reduce the number of people affected by future flooding and storm events in Pemberton. The proposed project will provide an urgent need to allow the property owners the opportunity to move to safe and livable housing outside of flood-prone areas.

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 proposed project would acquire residential properties on a voluntary basis and demolish, remove, and dispose of all man-made features on the properties, such as dwellings, foundations, sheds, garages, fences, and driveways. Wells and septic systems would be abandoned in place and all utilities would be disconnected. The properties would be graded and left in a stabilized condition (i.e. planted with native grasses or other approved native vegetative cover that will support soil stability). The acquired properties would be permanently preserved as open space and serve as natural buffers against future storms and floods.

The proposed project would be located at 10 residential properties in Pemberton, Burlington County, New Jersey (see Pemberton_SiteLocationMap). The following properties are included in this assessment:

- 0329-0001: 4 North Road
- 0329-0002: 10 Creek Lane
- 0329-0003: 14 Creek Lane
- 0329-0004: 52 and 53 North Road
- 0329-0006: 62 North Road
- 0329-0007: 8 North Road
- 0329-0008: 10 North Road
- 0329-0009: 8 Creek Lane
- 0329-0010: 20 Creek Lane

Asbestos-containing materials (ACM) are of concern if a structure was constructed prior to 1980 and lead-based paint (LBP) is of concern if a structure was constructed prior to 1978. The homes on all sites were constructed prior to 1978 and therefore they may contain ACM and LBP. Prior to demolition, suspected materials should be sampled to determine if ACM and/or LBP is present. If present these must be properly abated and disposed of in accordance with all applicable federal, state, and local laws and regulations (see Conditions for Approval and Required Mitigation and Project Modification Measures).

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 proposed activity sites are existing homes sites in residential areas. The homes are located near or along North Branch Rancocas Creek, and are either partially or entirely within the 100-year floodplain. Without the proposed project, these properties would continue to be impacted by flood waters and will remain at risk of future flooding and damage.

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 |
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| <p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The proposed project is in Burlington County, which is listed as being in nonattainment or maintenance for two National Ambient Air Quality Standards (NAAQS) pollutants by the U.S. Environmental Protection Agency (USEPA). Burlington County is listed as being in nonattainment for the 8-Hour Ozone (2008) NAAQS and the 8-Hour Ozone (2015) NAAQS in 2019 and 2020.</i></p> <p><i>The proposed project meets the criteria stated in a memorandum dated December 19, 2019 from the New Jersey Department of Environmental Protection (NJDEP) Division of Air Quality to exempt the project from further review. The memorandum further states that compliance with the regulatory requirements of New Jersey's Air Rules and the State's Air Pollution Control requirements continue to remain in effect. The memorandum is included as an attachment (see AirQualityMemo.pdf).</i></p> <p><i>Demolition activities may cause fugitive dust emissions. Fugitive dust emissions will be controlled by best management practices (BMPs). BMPs will include, among other measures, using water or chemical dust suppressant in exposed areas to control dust, covering load compartments of trucks hauling dust-generating materials, washing heavy trucks and construction vehicles before they leave the site, and reducing vehicle speed on non-paved areas and keeping paved areas clean (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p> <p>Sources:</p> <p><i>USEPA, Nonattainment Areas for Criteria Pollutants (Green Book). https://www.epa.gov/green-book; NJDEP Bureau of Air Quality Planning</i></p> |
| <p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>Newark International Airport is located approximately 60 miles northeast of the project. Atlantic City International Airport is located approximately 46 miles to the southeast of the project. The nearest military airfield, Lakehurst Naval Air Station, is approximately 18 miles northeast of the project. This project is not within 15,000 feet of a military airfield or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see Pemberton_AirportHazardMap) and is in compliance with 24 CFR 51D.</i></p> |
| <p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The proposed activity sites are not located within the Coastal Area Facility Review Act (CAFRA) zone, Upland Waterfront Development Zone, and are not within 150 feet of the Mean High Water line (see Pemberton_CAFRAMap). Therefore coastal permits are not required.</i></p> |

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| <p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance.</i></p> <p><i>The NJDEP's ArcGIS mapping application does not have 3,000-foot buffers for sites in Burlington County. Therefore, NJDEP's site lists from Geoweb (including the Known Contaminated Site List, Deed Noticed properties, and Groundwater Classification Exception Areas) were utilized. The proposed activity sites are within the 3,000-foot radius of hazardous sites (see ToxicsMaps). Consultation regarding toxics has been sent to NJDEP for review and comment. NJDEP responded clearing the site (see Pemberton_ToxicsClearance.pdf). The proposed project activities involve removal of the subject residences, so exposure to contaminants (if present) would be minimal.</i></p> <p><i>Asbestos-containing materials (ACM) are of concern if a structure was constructed prior to 1980 and lead-based paint (LBP) is of concern if a structure was constructed prior to 1978. The homes on all sites were constructed prior to 1978 and therefore they may contain ACM and LBP. Prior to demolition, suspected materials should be sampled to determine if ACM and/or LBP is present. If present these must be properly abated and disposed of in accordance with all applicable federal, state, and local laws and regulations (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p> <p><i>No indication of contamination was observed during the site visit (see Pemberton_Site Visit 3-13-2020).</i></p> |
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| <p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The USFWS Information, Planning, and Conservation System (IPaC) was reviewed to obtain a preliminary USFWS species list for the proposed activity sites (see USFWS_IPaC). Five endangered and threatened species were identified including: northern long-eared bat, bog turtle, American chaffseed, Knieskern’s beaked-rush, and swamp pink.</i></p> <p><i>The bog turtle, along with the other listed plant species, are associated with wetland habitats. Proposed temporary disturbance are located only within existing disturbed areas associated with the residential structures; therefore, impacts to these species are not anticipated.</i></p> <p><i>The proposed project does not involve the removal of trees, and therefore, per Guidance for Section 7 Compliance on Building Demolition/Renovation and Tree Removal Projects to Avoid Adverse Effects to Federally Listed Bats, the proposed project may affect, but is not likely to adversely affect listed bats. While bats 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 call the NJDEP Division of Fish and Wildlife on how to proceed (see LatestBatGuidance).</i></p> <p><i>A Natural Heritage Program (NHP) database review from NJDEP office of Natural Lands Management was received on March 4, 2020. Four state endangered (SE) and threatened (ST) species were identified. These species include: bald eagle (SE), grasshopper sparrow (SE), horned lark (ST), and Savannah sparrow (ST) (see Pemberton_ConstraintsMap). A nesting bald eagle pair has been identified located approximately 1.5 miles east from the eastern most proposed activities. The other listed species are associated with open field habitats. This habitat type is not associated with the proposed activity sites; therefore, no impacts are anticipated.</i></p> <p><i>Source: USFWS, Consultation Code: 05E2NJ00-2020-SLI-0654; NJDEP Natural Heritage Response Letter, March 4, 2020 (NHP File No. 20-3907486-18855)</i></p> |
| <p>6. Environmental Justice [Executive Order 12898]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The percent of the population considered a racial minority at the proposed activity sites and their immediate vicinities is between 40 and 60 percent. Between zero and 20 percent of the population at the proposed activity sites and their immediate vicinities are considered living below the poverty level. See Pemberton_EnvironmentalJusticeMap and Pemberton_LowIncomeMap.</i></p> <p><i>As indicated by the other sections of this environmental assessment, the proposed project would have no significant adverse environmental impacts. The proposed project would therefore have no significant disproportionate adverse environmental impact on minority and low-income residents in the vicinity of the proposed project. In fact, the project would benefit EJ populations, if present, because it involves buyout of residences that are in floodprone areas, and would therefore reduce flood risk exposure (see Pemberton_EJChecklist).</i></p> <p><i>Source: USEPA, EJScreen, http://www.epa.gov/ejscreen</i></p> |
| <p>7. Explosive and Flammable Operations [24 CFR 51C]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. HUD’s restrictions on siting of HUD-assisted projects near hazardous operations do not apply to demolition and removal projects (see 24 CFR 51.200 and the definition of “HUD-assisted project” in 24 CFR 51.201). Therefore, these restrictions do not apply to the proposed project.</i></p> |

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| <p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly section 1504(b) & 1541; 7 CFR 658]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The proposed activity sites are developed sites used for residential purposes. Although the properties are zoned Agricultural Production, the project will involve removing the existing development and converting these properties into permanent open space (see Pemberton_ZoningMap). Therefore, there would be no adverse effect on farmland.</i></p> |
| <p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p> | <p><input type="radio"/> A <input checked="" type="radio"/> B</p> | <p><i>The proposed project is in compliance. Proposed activity sites are partially or entirely within a floodplain zone. Per 24 CFR 55.12 (c)(3), the 8-step floodplain decision making process does not apply to property buyout projects such as the proposed project. All man-made features on the properties, such as dwellings, foundations, sheds, garages, fences, and driveways would be demolished, removed, and disposed of. Wells and septic systems would be abandoned in place and all utilities would be disconnected. The proposed project meets the qualifications for an exemption from the 8-step floodplain decision making process.</i></p> <p><i>The proposed project was submitted to the NJDEP's Division of Land Use Regulation (DLUR) for jurisdictional determinations to determine if a Flood Hazard Area Control Act permit is required. The following residential properties appear to be within the floodway (see Pemberton_ConstraintsMap.pdf), so an individual Flood Hazard Area (FHA) permit is required:</i></p> <ul style="list-style-type: none"> • Block 784 Lot 11 (0329-0009, 8 Creek Lane) • Block 784 Lot 29 (0329-0004, 52 North Road) <p><i>The remaining properties are outside of the floodway but within the floodplain. Work on these sites would be authorized under an FHA permit-by-rule pursuant to N.J.A.C. 7:13-7.4. See "Pemberton_DLUR Response.pdf" within the supporting documentation.</i></p> <p><i>A DLUR letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law.</i></p> |

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| <p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p> | <p><input type="radio"/> A <input checked="" type="radio"/> B</p> | <p><i>None of the properties are located within an archaeological site grid as defined by the New Jersey Historic Preservation Office (NJHPO). Additionally, none of the standing structures within the ten properties possess distinctive characteristics that would make them individually eligible for listing on the National Register of Historic Places.</i></p> <p><i>Following the guidance and procedures established by the Programmatic Agreement for the Hurricane Sandy Relief program in 2013, DCA and NJDEP provided Section 106 documentation for the ten properties to the NJHPO on March 3, 2020 and revised documentation on April 10, 2020. The NJHPO concurred that project poses no adverse effects to historic properties in correspondence dated September 30, 2020. DCA and NJDEP also solicited Native American tribes, consulting parties, and interested parties to participate in the Section 106 process. DCA invited the following tribes to participate in May 2020: the Absentee-Shawnee Tribe of Oklahoma; the Delaware Nation; the Delaware Tribe of Indians; the Eastern Shawnee Tribe of Oklahoma; the Shawnee Tribe; and, the Stockbridge-Munsee Community Band of the Mohicans. The NJHPO, Burlington County, and the Township of Pemberton were also invited to participate as consulting parties; the Burlington County Historical Society, the New Jersey State Museum, the Pemberton Township Historical Society, and Preservation New Jersey were also invited to participate as interested parties. On June 22, 2020, the Delaware Nation accepted the invitation to consult on the project. No other consulting party responses have been received.</i></p> <p><i>The Project will comply with all conditions identified by NJHPO, including the use of FEMA Best Practices for Lower Impact Debris Removal and Demolitions, such as the following:</i></p> <ul style="list-style-type: none"> <i>• The Applicant will ensure, to the fullest extent possible, that the contractors will limit excavation to within two (2) feet of the foundation perimeter and will not excavate more than six (6) inches below the depth of the foundation to minimize soil disturbance.</i> <i>• When using heavy equipment, work from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils. The Applicant will ensure, to the fullest extent possible, that its contractors minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).</i> <p><i>The NJHPO submittal for each property (including site photos and historic maps) is included in "NJDEP Blue Acres Pemberton_Compiled SHPO Submittals.zip" within the supporting documentation. Copies of tribal and consulting party outreach as well as the NJHPO response can be found in "Section 106 Consultation Pemberton.zip" within the supporting documentation.</i></p> <p><i>Source: NJDEP Hurricane Sandy Relief Environmental Review Tool.</i></p> |
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| <p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. HUD standards for noise exposure do not apply to acquisition and demolition projects such as the proposed project because they are not noise sensitive uses (CFR 51.101).</i></p> <p><i>Demolition noise will be a temporary impact that will be controlled by BMPs, such as outfitting all equipment with operating mufflers and complying with the local noise ordinances (see Conditions for Approval and Required Mitigation and Project Modification Measures). The local noise ordinance is found in the Township of Pemberton General Ordinances. Chapter 132: Noise. Demolition activities must not be performed between the hours of 7:00 pm and 7:00 am, unless such activities meet the applicable noise limits set forth in the ordinance. Demolition noise will be within applicable city, state and federal codes. Thus, demolition noise is not expected to have an impact to the project or surrounding areas.</i></p> <p><i>Source: Township of Pemberton General Ordinances. Chapter 132: Noise</i></p> |
| <p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The proposed activity sites are within the Coastal Plain Sole Source Aquifer; however, the proposed activities will not affect the aquifer and consultation with the EPA is not warranted. The 1990 Region 2 MOU states that the construction of single- to four-unit residences is exempt from SSA review. The scope of the subject projects includes the deconstruction of single-unit residences as well as disconnection of all utilities and proper decommission of all well/septic systems. No new impervious surface is proposed; all structures will be removed, and the properties would be graded and left in a stabilized condition (i.e. planted with native grasses or other approved native vegetative cover that will support soil stability i.e., grass growth covering the property). The project would in fact result in an reduction of impervious surface coverage through the removal of the existing building footprint. For these reasons, it is anticipated that the proposed project would benefit sole source aquifers.</i></p> |

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| <p>13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p> | <p><input type="radio"/> A <input checked="" type="radio"/> B</p> | <p><i>The proposed project is in compliance. NJDEP-mapped freshwater wetlands are shown within or in close proximity to some of the properties (see Pemberton_ConstraintsMap.pdf). Homes observed during site visits were physically outside of wetlands, although it has not been determined whether the proposed demolition activities are within freshwater wetland transition areas (see Pemberton_Site Visit 3-13-2020). If activities are to occur within wetland transition areas, then DLUR would consider the activities "normal property maintenance" pursuant N.J.A.C. 7:7A-2.3(b)1i(9) and permits would not be required. See "Pemberton_DLUR Response.pdf" within the supporting documentation.</i></p> <p><i>Based on review of the coastal wetland maps, it is determined that there are no mapped wetlands in the activity sites and coastal wetland permits are not required.</i></p> <p><i>Man-made features on the properties, such as dwellings, foundations, sheds, garages, fences, and driveways appear to be outside the wetlands. BMPs for erosion and sedimentation control must be implemented. Such BMPs would include:</i></p> <ul style="list-style-type: none"> <i>• Reestablish vegetation on exposed soil as soon as possible after work has been completed.</i> <i>• Protect existing drain inlets from debris, soil and sedimentation.</i> <i>• Protect stream, wetlands, woods and other natural areas from any unnecessary construction activities or disturbance.</i> <i>• No equipment maintenance or fueling of construction equipment shall take place on the job sites. If handling of fuels on site is to occur, take caution to prevent spoils of oils and grease that may reach the receiving waters.</i> <i>• Follow safe storage and handling procedures in order to prevent the contamination for water from fuel spillage, lubricants and chemicals.</i> <i>• Control stream bank and stream bed disturbances to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation and any physical, chemical, or biological disruption.</i> <i>• Protect fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources against compaction, vegetation loss and unnecessary damage.</i> <i>• As appropriate, install sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during project activities.</i> <i>• Remove all temporary fills following project activities.</i> <i>• Do not operate heavy equipment in wetlands.</i> <p><i>According to the NJ Soil Erosion and Sediment Control Act, if land disturbance exceeds 5,000 sq. ft., a soil erosion and sediment control plan application must be completed to obtain a certification through the local soil conservation district before any disturbance can proceed. Each site must be evaluated to determine if disturbance would exceed more than 5,000 sq. ft. of land. If disturbance exceed this limit, a certification from Burlington County Soil Conservation District will be required.</i></p> |
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| <p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p> | <p><input checked="" type="radio"/> A <input type="radio"/> B</p> | <p><i>The proposed project is in compliance. The proposed activity sites are not located within ¼ mile of a stream bank of a designated wild and scenic river or within one-mile radius of a designated wild and scenic river. The proposed activity sites, at their closest, are approximately 25 miles from the designated segment of the Great Egg Harbor River (see Pemberton_WildandScenicRiversMap).</i></p> |
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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 |
|---|-------------|---|
| Land Development | | |
| Conformance with Comprehensive and Neighborhood Plans | 2 | <p><i>The Borough of Pemberton operates under the re-examined 2012 Borough of Pemberton Master Plan. According to the town clerk, the Master Plan is not electronically available. However, the creation of open space and the placement of residents outside of flood- and storm-affected areas would be consistent with the plan.</i></p> <p>Source:</p> <p><i>Phone conversation with Borough Clerk's Office</i></p> |

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| Land Use Compatibility and Conformance with Zoning | 1 | <p><i>The open space created by removing homes would be compatible with existing land uses and the removal of homes would not have an urbanizing effect.</i></p> <p><i>The proposed activity sites are zoned Agricultural Production. The acquired properties would be preserved as open space with a permanent covenant.</i></p> <p>Source:</p> <p><i>NJDEP Geographic Information System geospatial data. Pemberton Township Zoning Map, 2015.</i></p> |
| Urban Design- Visual Quality and Scale | 1 | <p><i>The proposed project would acquire and demolish homes that are within the floodplain. The proposed project would create permanent open space and would not significantly impact the visual quality of the project area.</i></p> |
| Slope | 1 | <p><i>The proposed activity sites are relatively flat without steep slopes. The proposed work would not impact or create steep slopes.</i></p> |
| Erosion | 1 | <p><i>The proposed project has the potential to cause erosion during construction activities. BMPs must be implemented to minimize erosion and sedimentation (see Conditions for Approval and Required Mitigation and Project Modification Measures). According to the NJ Soil Erosion and Sediment Control Act, if land disturbance exceeds 5,000 square feet a soil erosion and sediment control plan application must be completed to obtain a certification through the local soil conservation district before any disturbance can proceed. The applicant must determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet a certificate from the Burlington County Soil Conservation District will be required.</i></p> <p>Source:</p> <p><i>Burlington County Soil Conservation District, https://bscd.org/</i></p> |
| Soil Suitability | 1 | <p><i>Soil suitability is not a significant factor for the acquisition of properties and demolition of structures, as no new structures would be built on the sites.</i></p> |
| Hazards and Nuisances, Including Site Safety | 2 | <p><i>Residents are currently exposed to hazards associated with living in the floodplain. The proposed project would help residents move out of a flood and storm affected area.</i></p> <p><i>Site safety BMPs during demolition activities must be implemented. Such BMPs would include ensuring workers wear personal protective gear and controlling site access (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p> |

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| <p>Drainage/Storm Water Runoff</p> | <p>1</p> | <p><i>The proposed project would create the potential for stormwater runoff to cause erosion and sedimentation. BMPs would be required to minimize erosion and sedimentation.</i></p> <p><i>According to the NJ Soil Erosion and Sediment Control Act, if land disturbance exceeds 5,000 square feet, a soil erosion and sediment control plan application must be completed to obtain a certification through the local soil conservation district before any disturbance can proceed. The applicant must determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet, a certificate from the Burlington County Soil Conservation District will be required.</i></p> <p><i>Source:</i></p> <p><i>Burlington County Soil Conservation District, https://bscd.org/</i></p> |
| <p>Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels</p> | <p>1</p> | <p><i>Demolition noise will be a temporary impact that will be controlled by BMPs, such as outfitting all equipment with operating mufflers and complying with the local noise ordinance (see Conditions for Approval and Required Mitigation and Project Modification Measures). The local noise ordinance is found in the Borough of Pemberton "Code of the Borough of Pemberton" Chapter 132: Noise. The ordinance restricts loud, unnecessary or unusual noise which disturbs the peace, quiet and comfort of the neighboring inhabitants. Demolition noise will be within applicable city, state and federal codes. Thus, demolition noise is not expected to have an impact to the project or surrounding areas. The completed project would not generate noise.</i></p> <p><i>Source:</i></p> <p><i>https://www.ecode360.com - Chapter 132, Noise</i></p> |
| <p>Energy Consumption</p> | <p>1</p> | <p><i>The proposed project would not consume a significant amount of energy. Long-term energy consumption would be reduced in the proposed project area since the residential properties would be permanently preserved as open space.</i></p> |
| <p>Socioeconomic Factors</p> | | |

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| Demographic Character Changes | 1 | <p><i>The proposed project would shift population away from a flood- and storm-affected area but would not cause a significant change in the characteristics of the population. As of the 2010 US Census, the Borough of Pemberton population was 1,409. Residents are able to relocate to other areas within the community, so a significant impact is not expected.</i></p> <p>Source:</p> <p>https://www.nj.gov/labor/lpa/census/2010/dp/dp1_bur/pemberton1.pdf</p> |
| Displacement | 2 | <p><i>The proposed project would allow property owners to relocate to areas outside of flood- and storm-affected areas. Participation in the Blue Acres Buyout program is voluntary and pre-flood fair market value would be offered for the properties.</i></p> |
| Employment and Income Patterns | 1 | <p><i>The proposed project would have no effect on employment and income patterns in the proposed project area, as residents are able to relocate to other areas within the community.</i></p> |
| Community Facilities and Services | | |
| Educational Facilities | 1 | <p><i>The proposed project would not interfere with educational services. The nearest educational facility servicing the proposed sites is the Pemberton Township Schools, One Egbert Street, Pemberton, located approximately 2.9 miles east (see Pemberton_CommunityFacilitiesMap).</i></p> <p>Source:</p> <p>https://www.pembertonborough.us/index.html</p> |
| Commercial Facilities | 1 | <p><i>The proposed activity sites are located in a developed area with many commercial facilities located within one mile. Displaced residents have the ability to relocate within the community and therefore, overall impacts to the commercial facilities would be negligible (see Pemberton_CommunityFacilitiesMap).</i></p> <p>Source:</p> <p><i>Aerial imagery accessed in Google Maps</i></p> |

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| Health Care | 1 | <p><i>The proposed project would not affect the demand for health care or interfere with delivery of health care. The nearest hospital is the Virtua Memorial Hospital at 175 Madison Ave, Mt Holly, approximately 3.2 miles west (see Pemberton_CommunityFacilitiesMap).</i></p> <p>Source:</p> <p><i>Aerial imagery accessed in Google Maps</i></p> |
| Social Services | 1 | <p><i>The proposed project would not affect the demand for social services or interfere with delivery of social services. Social services are provided through the Burlington County Department of Human Services at 795 Woodlane Road, Westampton, approximately 4.3 miles northwest (see Pemberton_CommunityFacilitiesMap).</i></p> <p>Source:</p> <p><i>Aerial imagery accessed in Google Maps</i></p> |
| Solid Waste Disposal/Recycling | 1 | <p><i>The proposed project would generate demolition debris but would not increase long-term generation of solid waste. With respect to demolition debris, if ACM and/or LBP is present (see Contamination and Toxic Substances in Part 1: Statutory Checklist above), these materials would need to be disposed of at appropriate facilities in accordance with applicable federal, state and local regulations (see Conditions for Approval and Required Mitigation and Project Modification Measures).</i></p> <p><i>The proposed activity sites are currently provided solid waste disposal/recycling services through the Burlington County Department of Solid Waste. The Borough of Pemberton operates at Municipal Recycling Depot at the Publics Works Yard, located on Antis Street for the convenience of the residents.</i></p> <p>Source:</p> <p><i>Burlington County Department of Solid Waste, https://www.co.burlington.nj.us/887/Recycling-and-Waste-Management https://www.ecode360.com - Chapter 172, Article II Recycling</i></p> |

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| Waste Water/Sanitary Sewers | 1 | <p><i>The proposed sites operate under the Pemberton Borough's Stormwater Management plan. The proposed project would be in compliance with the Residential Site Improvement Standards for Stormwater Management (including the NJDEP Stormwater management rules).</i></p> <p><i>The proposed project would not affect the public sewer system as the sites are serviced by individual septic systems. Existing utilities would be disconnected.</i></p> <p>Source:</p> <p>https://www.pembertonborough.us/index.html</p> <p>http://www.co.burlington.nj.us/DocumentCenter/View/6743/Map3M-28W?bidId=</p> |
| Water Supply | 1 | <p><i>The proposed project sites are serviced by the Pemberton Borough Water Department. Existing utility connections would be disconnected. The proposed project would not affect the public water system.</i></p> <p>Source:</p> <p>http://pembertonborough.us/docs/PembertonBoroSWAP.pdf</p> |
| Public Safety: <ul style="list-style-type: none"> • Police • Fire • Emergency Medical | 1 | <p><i>The proposed project would not affect the demand for public safety services such as police, fire, and medical services.</i></p> <p><i>The proposed activity sites are served by the Pemberton Borough Police Department, 50 Egbert St, Pemberton (Approximately 2.9 miles east).</i></p> <p><i>The proposed activity sites are served by the Good Will Fire Company, 200 Hanover St, Pemberton (Approximately 2.8 miles southeast) (see Pemberton_CommunityFacilitiesMap).</i></p> <p>Source:</p> <p>https://www.ecode360.com – Chapter 31 Police Department</p> <p>https://www.ecode360.com – Chapter 15 Fire Department</p> |

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| Parks, Open Space & Recreation: <ul style="list-style-type: none"> • Open Space • Recreation | 2 | <p><i>The proposed activity sites are located near the North Branch Rancocas Creek. The nearest park to the proposed sites is the Smiths Woods Park, located approximately 1,000 feet west. The proposed project would create additional open space in the proposed project area, which would benefit parks, open space and recreational services in the community (see Pemberton_CommunityFacilitiesMap).</i></p> <p><i>Source: Aerial imagery accessed in Google Maps</i></p> |
| Cultural Facilities | 1 | <p><i>The proposed project would not affect cultural facilities. The Burlington County Library is located at 5 Pioneer Boulevard, Westampton, approximately five miles west of the sites (see Pemberton_CommunityFacilitiesMap).</i></p> |
| Transportation & Accessibility | 1 | <p><i>The proposed project would not create a significant additional demand for transportation services or interfere with the overall transportation network. The proposed work would be confined to the proposed activity sites. The proposed activity sites are in a developed suburban area sufficiently served by existing roads. The NJ Transit provides bus service in the township on the 317 route between Asbury Park and Philadelphia.</i></p> <p><i>Source:</i></p> <p><i>https://mybusnow.njtransit.com/bustime/map/displaymap.jsp</i></p> <p><i>NY Transit, My Bus Now Map Service</i></p> |
| Natural Features | | |
| Water Resources | 1 | <p><i>The proposed project would not involve significant water withdrawals and would not have a significant effect on water resources.</i></p> |

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| Surface Water | 1 | <p><i>The nearest surface water feature to the proposed activity sites is the North Branch Rancocas Creek, located less than 0.1 miles away. BMPs must be implemented to minimize erosion and sedimentation to this surface water feature (see Pemberton_ConstraintsMap).</i></p> <p><i>According to the NJ Soil Erosion and Sediment Control Act, if land disturbance exceeds 5,000 square feet, a soil erosion and sediment control plan application must be completed to obtain a certification through the local soil conservation district before any disturbance can proceed. The applicant must determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet, a certificate from the Burlington County Soil Conservation District will be required.</i></p> <p><i>Source:</i></p> <p><i>Burlington County Soil Conservation District, https://bscd.org/</i></p> |
| Unique Natural Features & Agricultural Lands | 2 | <p><i>The proposed activity sites are in a developed residential area and the proposed project would not affect agricultural lands. There are no unique natural features on or in the vicinity of the proposed activity sites.</i></p> |
| Vegetation and Wildlife | 1 | <p><i>The proposed project would not impact threatened or endangered species (see the discussion under Endangered Species in Part 1: Statutory Checklist above). The proposed activity sites are residential properties and vegetation includes grass, scattered trees, and conventional landscaping. After demolition, the created open space could serve as additional habitat for wildlife.</i></p> |

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)]

Newark International Airport is located approximately 60 miles northeast of the project. Atlantic City International Airport is located approximately 46 miles to the southeast of the project. The nearest military airfield, Lakehurst Naval Air Station, is approximately 18 miles northeast of the project. This project is not within 15,000 feet of a military airfield or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see Pemberton_AirportHazardMap) and is in compliance with 24 CFR 51D.

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 activity sites are located approximately 35 miles to the west of the nearest protected coastal barrier resource areas. See Pemberton_CBRA_mapper.pdf.

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 involves the acquisition and demolition of homes located within a floodplain zone (see Pemberton_FloodplainMap and the Floodplain Management section in Part 1: Statutory Checklist above). Demolition projects do not require flood insurance.

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.)

Section 106 Consultations for the ten properties.

Field Inspection (Date and completed by):

February 13, 2020; completed by Dewberry

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

Agencies Consulted:

- *US Environmental Protection Agency*
- *NJDEP Office of Natural Lands Management*
- *NJDEP Division of Land Use Regulation*

Reference Materials:

-
- *Township of Pemberton General Ordinances. Accessed at https://www.pemberton-twp.com/government/minutes_ordinances/ordinances.php*
 - *Burlington County Soil Conservation District. Accessed at <https://bcsd.org/>.*
 - *Google Earth Pro.*
 - *National Wild and Scenic Rivers System. Explore Designated Rivers. New Jersey. Accessed at <http://www.rivers.gov/new-jersey.php>.*
 - *New Jersey Department of Environmental Protection (NJDEP) Bureau of Air Quality Planning. Attainment Areas Status. Accessed at <http://www.state.nj.us/dep/baqp/aas.html>.*
 - *NJDEP GeoWeb Database Mapping. <https://www.nj.gov/dep/gis/geoweb/splash.htm>*
 - *NJDEP Division of Air Quality. Memorandum received from Francis Steitz, Director, November 18, 2015.*
 - *NJDEP Email received from Kim McEvoy, March 2, 2020*
 - *NJDEP Hurricane Sandy Relief Environmental Review Tool. Accessed at <http://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=31df24f50e9a46bf9fb66389012db5c7>.*
 - *U.S. Department of Housing and Urban Development (HUD). Region X Environmental Office Environmental Justice Checklist.*
 - *U.S. Environmental Protection Agency (USEPA). EJScreen. Accessed at <http://www.epa.gov/ejscreen>.*
 - *USEPA. NEPAassist database; URL: <https://nepassisttool.epa.gov/nepassist/nepamap.aspx>*
 - *U.S. Department of the Interior | U.S. Geological Survey URL: <https://viewer.nationalmap.gov/advanced-viewer/>*
 - *USEPA. Nonattainment Areas for Criteria Pollutants (Green Book). Accessed at <https://www.epa.gov/green-book>.*
 - *U.S. Fish and Wildlife Service (USFWS). Coastal Barrier Resources System Mapper. Accessed at <http://www.fws.gov/CBRA/Maps/Mapper.html>.*
 - *USFWS. Information for Planning and Consultation (IPaC). <https://ecos.fws.gov/ipac/>*

Lists of Permits Required:

Obtain a flood hazard area individual permit for:

- *Block 784 Lot 11 (0329-0009, 8 Creek Lane)*
- *Block 784 Lot 29 (0329-0004, 52 North Road)*

The applicant must determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet, a certificate from the Burlington County Soil Conservation District will be required. No other permits were determined to be required through the consultations completed for this environmental assessment. This does not alleviate the requirement of the applicant obtaining all required federal, state, and local permits before beginning demolition.

Public Outreach [24 CFR 50.23 & 58.43]:

A combined public notice for the proposed project (Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds) will be published in the Star-Ledger and a Spanish translation of the notice will be published in the Reporte Hispano. Any substantive comments received will be addressed and incorporated into the final environmental assessment document.

Cumulative Impact Analysis [24 CFR 58.32]:

According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7)." To the extent reasonable and practical, this EA considered the combined effect of the proposed project and other actions occurring or proposed in the vicinity of the proposed project site.

The proposed project would not contribute to adverse cumulative impacts on environmental resources. The proposed project would remove development and convert residential properties to permanent open

space. Removing development will have a cumulative benefit in the area by creating open space, which would act as a natural buffer for other homes in the area against future storms. Burlington 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, but 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.)

Other than the No Action Alternative, elevating the homes instead of demolishing them was considered and rejected. Although this alternative would avoid the short-term demolition impacts, there would be equivalent short-term construction impacts associated with this alternative. The major disadvantages of this alternative are that the homes and their occupants would remain at risk for future flooding and damage and there would be no restoration of the natural values of the floodplain.

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

The No Action Alternative would avoid short-term demolition impacts, but the residential properties would remain at risk for future flooding and damage. There would also be no restoration of the natural values of the floodplain. Therefore, the No Action Alternative was rejected.

Summary Statement of Findings and Conclusions:

The proposed project would address the need to reduce the number of people affected by flooding and storm damage in Pemberton. The proposed project is in compliance with applicable statutory authorities and would have no significant impact on the environment. Mitigation measures to minimize any potential adverse environmental impacts and to ensure that 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 a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

Historic Preservation

3. The Applicant will ensure, to the fullest extent possible, that the contractors will limit excavation to within two (2) feet of the foundation perimeter and will not excavate more than six (6) inches below the depth of the foundation to minimize soil disturbance.

4. When using heavy equipment, work from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils. The Applicant will ensure, to the fullest extent possible, that its contractors minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).

Floodplain Management

5. Obtain a flood hazard area individual permit for:

- Block 784 Lot 11 (0329-0009, 8 Creek Lane)
- Block 784 Lot 29 (0329-0004, 52 North Road)

Wetland Protection

6. *Identify and flag sensitive areas at site prior to start of construction/demolition activities.*

7. *Protect fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources against compaction, vegetation loss and unnecessary damage.*

8. *Do not operate heavy equipment in wetlands.*

Endangered Species

9. *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 be knowingly harmed or harassed.*

10. *A bald eagle nest is located downstream of the project sites. Timing restrictions may be imposed on regulated activities. Any timing restrictions will be identified within the FHA permits.*

Erosion

11. *Implement and maintain best management practices for erosion and sedimentation control.*

~~12. Reestablish vegetation on exposed soil as soon as possible after work has been completed.~~

13. As appropriate, install sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during project activities.

14. Remove all temporary fills following project activities.

15. Determine if demolition activities would disturb more than 5,000 square feet of land. If land disturbance would exceed more than 5,000 square feet, a certificate from the Burlington County Soil Conservation District must be obtained.

Drainage/Storm Water Runoff

16. Protect existing drain inlets from debris, soil and sedimentation.

Surface Water

17. Protect streams, wetlands, woods and other natural areas from any unnecessary construction activities or disturbances.

18. No equipment maintenance or fueling of construction equipment shall take place on the job sites.

19. If handling of fuels on site is to occur, take caution to prevent spills of oils and grease that may reach

the receiving waters.

20. Follow safe storage and handling procedures in order to prevent the contamination of water from fuel spillage, lubricants and chemicals.

21. Control stream bank and stream bed disturbances to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation and any physical, chemical or biological disruption.

Noise

22. During the temporary demolition activities, outfit all equipment with operating mufflers.

23. During the temporary demolition activities, comply with the applicable local noise ordinance, found in the Township of Pemberton General Ordinances Chapter 132: Noise. Demolition activities must not be performed between the hours of 7:00 pm and 7:00 am, unless such activities meet the applicable noise limits set forth in the ordinance.

Air Quality

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

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

~~26. Wash heavy trucks and construction vehicles before they leave the site.~~

27. Reduce vehicle speed on non-paved areas and keep paved areas clean.

28. Retrofit older equipment with pollution controls.

29. Establish and follow specified procedures for managing contaminated materials discovered or generated during demolition.

30. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

31. 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:

- Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber {N.J.A.C. 7:27•8.2(c)l}; and
- 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).

32. 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.B).

~~33. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).~~

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

Hazards and Nuisances, Including Site Safety

35. During the temporary demolition activities, Implement applicable site safety measures, such as:

- Ensure workers wear personal protective gear, such as hard hats, proper gloves, and safety glasses or face shields: and
- Control site access.

Hazardous Materials, Environmental Justice, and Solid Waste Disposal/Recycling

36. Comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos. standard for demolition and renovation, 40 CFR 61.14
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26:2.12- Generator requirements for disposal of asbestos containing waste materials

~~• New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34.5A-32 et seq.~~

37. *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}.*

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

CERTIFICATIONS

Gary Doss, Dewberry 2020-10-22 14:42:13
Preparer Agency and Name Completion Date

Samuel R. Viavattine
RE Certifying Officer Name

 11/4/2020
RE Certifying Officer Signature RE CO Signature Date