

ENVIRONMENTAL ASSESSMENT

Determinations and Compliance Findings for HUD-Assisted Projects

24 CFR Part 58

Responsible Entity: New Jersey Department of Community Affairs, Charles Richman, Commissioner

Applicant Name: _____ (First) _____ (Last)

-or- City of Brigantine _____ (Business/Corporate Name)

Project Location: Hackney Place, Jenkins Parkway, and 34th Street Circle _____ (Street Address)

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

N/A _____ (Block) N/A _____ (Lot)

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 evaluation under the National Environmental Policy Act.*

Noise

The noise standards of 24 CFR 51 Subpart 8 are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" {24 CFR 51.101(a)(3)}. The project will involve the construction of three stormwater pump stations, two stormwater force mains, and gravity storm sewers; however, no noise sources, such as rail lines or major highways, are in close proximity to the project sites; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the project sites. However, to minimize impacts to nearby properties, the applicant should comply with the following:

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

The proposed improvements include sound attenuated enclosures on each of the generators to minimize noise disturbances to surrounding properties. Furthermore, NJAC7:29-1.5a4 reads, "The operational performance standards shall not apply to ... When public health or safety is involved, to address emergency

incidents, etc.” Also, NJAC7:29-1.5a14 reads, “The operational performance standards shall not apply to ... Emergency electricity generators at an industrial, commercial, or community service facility in use during an electrical outage.” These proposed improvements are intended to mitigate flood damage during a flood or similar emergency event. Sound will only be produced during these events and during generator exercising which will take place no more than twice a month for up to two hours.

Air Quality

Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls. In addition, the following must be met:

1. Obtain Air Quality certification from NJDEP for emergency generators.
2. Use water in exposed areas to control dust.
3. Cover the load compartments of trucks hauling dust-generating materials.
4. Reduce vehicle speed on non-paved areas and keep paved areas clean.
5. Retrofit older equipment with pollution controls.
6. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
7. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2c. 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 BTUs per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2c1);
8. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project sites 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).
9. 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).
10. 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.

The USEPA classifies Atlantic County as being a marginal to moderate a NJ 8-hour Ozone Nonattainment Area (per the 2008 Standard) as shown in Appendix A7 – USEPA NJ Nonattainment/Maintenance Status Table Appendix A8 –USEPA – County Designated “Nonattainment” or “Maintenance” for Clean Air Act’s National Ambient Quality Standards (NAAQS), Appendix A9 – New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard). In addition, the USEPA does not classify Atlantic County as a PM-2.5 Maintenance Area (per the 1997 or 2006 Standards) as shown in Appendices A10 – Pennsylvania, New York, New Jersey, Connecticut, Delaware PM2.5 Maintenance Areas (2006 Standard) and A11 – New York/New Jersey/Connecticut/Delaware PM2.5 Maintenance Areas (1997 Standard). Although the proposed improvements call for emergency generators which, by nature, create particles that flow the air, the decreased air quality as a result of these improvements are minimal as the proposed generators are to be used only in emergency situations and for regular maintenance/exercise.

A memo from NJDEP dated December 21, 2015 (Appendix A12 – NJDEP Memo dated December 21, 2015) indicates that the Department anticipates the that proposed improvements will result in emission levels that are below the General Conformity de minimis levels (40CFR 93.153) thus confirming the above.

As such, Air Quality permits have been obtained from the NJDEP and are shown in Appendix D3 – NJDEP Air Quality Permit (34th Street) and Appendix D4 – NJDEP Air Quality Permit (Jenkins Parkway).

Coastal Zone Management

The entire City of Brigantine is located within the Coast Area Facility Review Act (CAFRA) area, see Appendix B3 – City of Brigantine CAFRA Zones. In addition, although the proposed improvements are within 150-ft. of the Mean High Water Level (MHWL), [see Appendix B5 – Mean High Water Line (34th Street), Appendix B6 – Mean High Water Line (Hackney Place), and Appendix B7 – Mean High Water Line (Jenkins Parkway)], the proposed improvements are meant to mitigate flood damage during a flood event. Furthermore, all of the proposed improvements are to take place underground except for the construction of the emergency generators which are to be elevated to a point at least 1-ft. above the mean high water line.

As a result of these existing conditions, Roberts Engineering Group, LLC submitted a CAFRA permit application on February 28, 2014. A CAFRA permit was approved by NJDEP on March 30, 2015 and is valid through March 29, 2020, see Appendix D1 – NJDEP CAFRA Permit. The following conditions of the permit must be met:

1. This permit is authorized under, and in conditional compliance with the Rules on Coastal Zone Management, N.J.A.C 7:7E-1.1 et seq. and is compliant with N.J.S.A. 13:19-10 (Section 10 of the New Jersey Coastal Area Facility Review Act.)
2. This permit is issued subject to compliance with N.J.A.C 7:7-1.5 Permits and Permit conditions.
3. Prior to commencement of construction, the permittee shall obtain all required Air Quality Permits for the operation of the emergency generators.
4. By the issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.
5. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift and lateral loads associated with hydrostatic pressure resulting from flooding to the design flood elevation of 10.0' NAVD based on the proposed structures respective locations. Furthermore, all structural components shall be designed to resist hydrodynamic forces resulting from the design flood. Compliance with this condition shall be determined by the municipal construction official.
6. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
7. All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, Freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

Species of Concern

It was found that there are no threatened or endangered species within the project areas as seen in the following Appendices:

Appendix B19 – Threatened and Endangered Animals – Piping Plover

Appendix B20 – Threatened and Endangered Animals – Red Knot

Appendix B21 – NJ Municipalities with Hibernation of Maternity Occurrence of Indian Bat or Northern Long-Eared Bat Table

Appendix B22 – 34th Street IPaC Trust Resource Report

Appendix B23 – Hacnkey Place IPaC Trust Resource Report

Appendix B24 – Jenkins Parkway IPaC Trust Resource Report

Appendix B25 – Guidance for Section 7 Compliance on Federally-Funded Building Demolition & Renovation Projects (HUD-CDBG) to Avoid Adverse Effects to Federally-Listed Bats

Appendix B26 – NJDEP – Bat Guidance Concurrence

Based on the nature of the proposed improvements, (construction of pump stations, elevated generators, storm piping, etc. within City Right-Of-Way in areas comprising only of maintained lawn areas) no threatened species or habitats for identified avian species are located within the project areas.

The active season for the Indian Bat and Northern Long-Eared Bat is during the summer months. They are known to migrate away from the area during the fall months. Construction of the proposed improvements is anticipated to take place in the fall and winter, and outside of the bat active season. Therefore, bats will not be impacted by the proposed construction. Furthermore, the guidance document found in Appendix B25 – HUD – CDBG – Guidance for Section 7 Compliance Questionnaire and Appendix B26 – Bat Guidance Concurrence confirms that the minimal tree removal included in this project will not adversely affect the bat population.

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.

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Explosive and Flammable Operations

An existing gas station is located approximately 800-ft. from the proposed pump station at the 34th Street circle, which contains one 250-gallon motor oil tank and one 1000-gallon diesel tank. In addition, there are a number of other tanks within the City that exceed 100-gallons and contain motor oil, waste oil, diesel fuel, or gasoline. None of these tanks are anticipated to be affected by or affect the proposed improvements as they are set back over at least 200-feet and have a number of existing structures (mostly buildings) between the tanks in questions and all proposed improvements. The locations and photographs of the observed tanks can be found in Appendices E1 through E12.

The proposed stormwater pump station at Hackney Place includes a 100-gal tank for fuel (diesel) storage. HUD requires that tanks used for the purpose of holding flammable or explosive liquids, such as diesel fuel, must be no greater than 100-gal or must adhere to Acceptable Separation Distance (ASD) requirements. As the proposed fuel tank will be 100-gal, the pump station is exempt from the HUD ASD requirements.

Floodplain Management and Flood Insurance

- 1. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Appendices A1 – FEMA Firm Panel 345286003B (34th Street Pump Station and A2 – FEMA Firm Panel 345286003D (Hackney Place and Jenkins Parkway Pump Stations) show that the entire City of Brigantine is within the 100-year floodplain.*
- 2. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]: This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.*
- 3. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].*

The base flood elevation (as found in Appendices A1 and A2) is 9-ft. above sea level for all project sites. Most improvements and structures being installed under this project are for the purpose of mitigating flood waters and are therefore being installed underground. The only structures proposed to be installed above ground are two elevated natural gas generators and one elevated diesel pump station. These elevated structures are to be installed to an elevation above sea level of 12-ft. to 13-ft. which is no less than 3-ft. above the base flood elevation.

Hazardous Waste

No hazardous waste or materials have been observed on any of the three project sites. The three sites are City owned and have remained largely unoccupied for many years. It should be noted that per NJDEP GIS mapping, that one hazardous site of concern is within 1 mile of all proposed improvements. The hazardous site is located at 218 South 33rd Street and is approximately 650-ft. from the proposed pump station at 34th Street as shown in Appendix B9 – Hazardous Sites of Concern. It is not anticipated that the hazardous site will impact or will be impacted by the proposed improvements. No proposed improvement will cause or generate hazardous waste. In addition, Appendix B10 - Email from David Caulfield of the NJDEP dated November 23, 2015 Clearing Nearby Hazardous Sites indicates that the hazardous site has been classified as 'cleared' by the NJDEP. The cleared classification indicates that the NJDEP has found the site to be in substantial compliance with the NJDEP regulations and is therefore considered under control.

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) during construction operations. In addition, use of proper traffic control devices and scheduling construction during

non-peak traffic seasons can greatly increase site safety.

Historic Preservation

The property is within the Historic Preservation Exemption "Green" Zone as is shown in Appendix B13 – Historic Property Exemption Zone; therefore, no impacts to above-ground historic resources are anticipated from the project. The proposed pump station at the 34th Street circle is, however, adjacent to the Brigantine Lighthouse, which has been classified as eligible for listing in the National Register of Historic Places under Criterion C by NJSHPO. SHPO determined that the lighthouse is significant in the area of architecture as an example of an architectural "folly" used as a promotional tool (see Appendix D5 - NJDEP – SHPO Correspondence dated April 21, 2014).

As a result of the classification of the Brigantine Lighthouse as a historic place, SHPO required that minor changes be made to the proposed improvements at the 34th Street pump station. SHPO required that all exposed metal on the generator platform be painted black and also include a vegetative buffer between the platform and the lighthouse. These changes were made by Roberts Engineering Group, LLC and approved on March 29, 2015.

Construction associated with proposed improvements will take place no closer than 100-ft. from the existing Brigantine Lighthouse.

Sole Source Aquifers

The project sites are identified as being within the Coastal Plain Sole Source Aquifer as shown in Appendix B15 – Sole Source Aquifers. The project scope is a type that is not exempt from EPA review (i.e. A Federally funded project that includes construction projects that involve disposal of storm water). Although this project does not change the volume or discharge of stormwater, it does involve the improvements of existing stormwater disposal facilities. Submission to the EPA for review and approval is not required per direction from Kim McEvoy of NJDEP and Chris Pettit of ICF International during a phone conference held on November 20, 2015.

Soil and Water Quality

The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, Soil Erosion and Sediment Certification from the Cape Atlantic Conservation is required. The following requirements will also be met.

- 1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
- 2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*

Certification has been obtained from the Cape Atlantic Soil Conservation District on March 7, 2014 (See Appendix D2 – Cape Atlantic Conservation District – Soil Erosion and Sediment Control Certification).

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.)

CERTIFICATIONS:

Carmela Roberts, PE, CME
Preparer Name and Agency

Carmela Roberts
Preparer Signature

6/15/2016
Preparer Completion Date

Charles Richman, DCA Commissioner
RE Certifying Officer Name

Charles Richman
RE Certifying Officer Signature

7/7/16
RE CO Signature Date

Funding Information:

Grant Number	HUD Program	Funding Amount
FHR0000035	CDBG-DR - FHR	\$1,379,435.00

Estimated Total HUD Funded Amount: **\$1,379,435.00**

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) **\$1,379,435.00**

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

The proposed improvements are intended to provide stormwater management facilities that will help mitigate and protect the City from future devastating storms, such as Superstorm Sandy. This project will help to protect surrounding municipal, private, and commercial properties in the event of a large scale storm.

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 City of Brigantine (City) is a 6.39 square mile barrier island located off the Atlantic coastline in the northeasterly corner of Atlantic County, New Jersey. The City is bordered on the north and east by Galloway Township, on the south by Atlantic City and on the east by the Atlantic Ocean. The City is a resort town and as such its population varies with the seasons. The year-round population is approximately 12,500, based on the 2000 U.S. Census Bureau. The peak seasonal population is projected at approximately 22,000. Half of the island is owned by the State of New Jersey under the Green Acres Program.

The highest street elevation in Brigantine is 10 feet above sea level. The bayside street elevations are five to six feet above sea level which leaves the City's low lying residential areas vulnerable to flooding during coastal storms. In an attempt to reduce the flooding, the City installed nine foot bulkheads in some critical areas along the bay side. However, a seven foot tide still caused backflow from the bays to flood streets, threaten homes, inhibit safe passage of first responders and block the only evacuation route available to residents. The City installed a stormwater pump station in 1980 which alleviated the flooding in one area. Two additional stormwater pump stations were installed in 2007 with funding support from FEMA.

This project adds three stormwater pump stations at various locations throughout the City. Each of the pump stations described below will include an emergency generator to insure operation during electric power outages:

- 1. New Lighthouse Circle Stormwater Pump Station – 34th Street and Bayshore Avenue. This pump will serve a drainage area that includes portions of Brigantine Boulevard which is the only access route off of the island. The project will include: Construction of a 12-ft. diameter pump station (manhole) within the paved unnamed street located on the Northeast quadrant of the 34th Street Circle. The manhole will house a duplex Flygt pump (or approved equal). The suctions side of the pump station will pump from a new 8-ft. diameter doghouse manhole which will be constructed on the lighthouse side of the new pump station and will connect to surrounding storm piping system via a new E Doghouse Inlet and 24-inch RCP. The pump station will only be turn on when the surround stormwater piping is filled and makes its way back into the new 8-ft. diameter manhole. The pumps will discharge into a new 9-ft. x 11-ft. concrete valve chamber. From the valve chamber, stormwater will discharge to a new 6-ft. diameter doghouse manhole which will be constructed atop an existing 36-inch DIP stormwater pipe on the road side of an existing bulkhead that currently discharges to the bay. The pump station will be accompanied by an elevated 100 kW emergency generator powered by natural gas.*

In addition, 13 inlets will be replaced and 2 additional inlets will be constructed. The existing stormwater piping around the 34th Street circle, which ranges 8-inches to 18-inches, will be replaced with 24-inch diameter RCP piping and connects to the existing discharges at the unnamed street.

- 2. New Hackney Place Stormwater Pump Station – to be located off of West Shore Drive in the Golf Course Section of the City. The project will include: Install of a diesel pump station atop an elevated platform. The platform is steel and is to be constructed atop 4 concrete footings approximately 9-ft. above existing grade. The intake side of the pump station will be connected to a new 7-ft. diameter doghouse manhole on the existing 30-inch DIP storm pipe and will discharge into the bay. In addition, a new E Inlet and 25 LF of 18-inch DIP will be constructed at and connected to the existing stormwater piping in the area. The pump will be diesel powered via a 100-gal double walled fuel tank. The pump station will generate less than 1 MMBTU/hr and therefore will not require an Air Quality Permit from the NJDEP.*
- 3. Jenkins Parkway Stormwater Pump Station – To be located at Jenkins Parkway. The project will include: Construction of a 12-ft. diameter pump station (manhole) within a grassy median located at the intersection of Jenkins Parkway and 11th Street North. The manhole will house a duplex Flygt pump (or approved equal). The suctions side of the pump station will pump from a new 7-ft. diameter doghouse manhole which will be constructed atop an existing 36-inch RCP storm pipe that presently runs along the center of the existing grassy median. The pumps will discharge to a new 10-ft. diameter precast valve chamber (also constructed in the grassy median) located approximately 10-ft. away. Water will then discharge through a proposed 275 LF long 18-inch diameter DIP force main and into a new 5-ft. diameter doghouse manhole at the intersection of Jenkins Parkway and 12th Street North which will be constructed over an existing 24-inch DIP storm pipe*

that discharges into the bay. In addition, two new E Inlets and approximately 565 LF of 24-inch RCP storm pipe will be installed along the North side of 12th Street North between Jenkins Parkway and Evans Boulevard and will connect to existing storm piping at either intersection. The pump station will be accompanied by an elevated 100 kW emergency generator powered by natural gas.

In addition, two new E Inlets and approximately 565 LF of 24" RCP storm pipe will be installed along the North side of 12th Street North between Jenkins Parkway and Evans Boulevard and will connect to existing storm piping at either intersection.

The project sites are within historically City owned Right-Of-Way in residential and commercial areas of the town. The Hackney Place and 34th Street locations have been underutilized areas used primarily for local or temporary parking or for short periods of time. The Jenkins Parkway location is a grassy median on a residential roadway that has been maintained/mowed by the City on a regular basis. No hazards have been observed on any of the project sites.

This project will provide a system that will improve the effectiveness of the City's stormwater management facilities during and after storm events. The generators will allow the systems to operate in the event of an electrical outage.

The project will serve existing residential users. No new development will be generated or served by the project.

In total, the proposed project will disturb 0.28 acres of land area. Of the total land area disturbed, 0.10 acres of grassed area will be disturbed while the remaining will be asphalt, stone, or concrete. No increase in impervious surface will be created as a result of the proposed improvements. All permits will be obtained prior to construction.

Construction activities as a result of the proposed project may result in erosion and sedimentation. These impacts will be minimized or avoided entirely by requiring the use of proper erosion control measures during construction. These measures will include control of wind and water erosion from stockpile areas, minimizing clearing, and requiring prompt restoration of disturbed areas, as well as other measures as required by the "Standards of Soil Erosion and Sediment Control in New Jersey" and "Environmental Assessment Requirements for State Assisted Environmental Infrastructure Facilities" (N.J.A.C. 7:22-10).

Dewatering may be required for construction of the proposed facilities. Dewatering could result in temporary and localized depression of ground water. This lowering can affect the stability of structures located adjacent to construction. Stability of structures is monitored when dewatering occurs. Should problems arise, corrective measures are implemented immediately. Dewatering may contain silt, which can adversely affect environmentally sensitive areas such as surface waters and wetlands. Control devices, such as settling basins for silt control, will be required to be in use during construction to remove sediment from dewatering prior to discharge. If dewatering occurs in excess of 100,000 gallons per day, a temporary dewatering permit will be required and the quantity of water diverted must be reported to the Bureau of Water Allocation and Well Permitting.

No significant cultural resources have been previously identified in those areas to be affected by the project. All improvements will take place within or adjacent to existing structures in areas that have been disturbed by previous construction. Therefore, it has been determined that the proposed project will not have an adverse impact on properties listed or eligible for listing on the New Jersey and National Registers of Historic Places.

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 project is within the City of Brigantine in areas characterized by residential (single family) and commercial development. The project locations are completely within City owned Right-Of-Way located on the Bay side

of the island. The City of Brigantine and surrounding communities were heavily impacted by Superstorm Sandy; in the absence of the project, the areas surrounding the project locations will continue to experience flooding as a result of minor storm events that will be greatly exacerbated during hurricanes or storms similar or greater in size to Sandy. The project will contribute to the recovery of the shore community.

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
	A	B	

<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input type="checkbox"/>	<p>The project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls. The project will involve site clearing and excavation for the construction of new stormwater piping, pump stations, and emergency generators. Impacts to air quality during construction will be temporary and can be mitigated through Best Management Practices (BMPs) including the usage of water, covering load compartments of trucks carrying dust-generating material, etc.</p> <p>The proposed generators are to be powered via natural gas and diesel. The proposed generators require an air quality permit as outlined under NJAC 7:27. A general permit for the proposed project was submitted and approved by the NJDEP in February 2015.</p> <p>The USEPA classifies Atlantic County as being a marginal to moderate a NJ 8-hour Ozone Nonattainment Area (per the 2008 Standard) as shown in Appendix A7 – USEPA NJ Nonattainment/Maintenance Status Table Appendix A8 –USEPA – County Designated “Nonattainment” or “Maintenance” for Clean Air Act’s National Ambient Quality Standards (NAAQS), Appendix A9 – New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard). In addition, the USEPA does not classify Atlantic County as a PM-2.5 Maintenance Area (per the 1997 or 2006 Standards) as shown in Appendix A10 – Pennsylvania, New York, New Jersey, Connecticut, Delaware PM2.5 Maintenance Areas (2006 Standard) and Appendix A11 – New York/New Jersey/Connecticut/Delaware PM2.5 Maintenance Areas (1997 Standard). Although the proposed improvements call for emergency generators which, by nature, create particles that flow the air, the decreased air quality as a result of these improvements are minimal as the proposed generators are to be used only in emergency situations and for regular maintenance/exercise. As such, the air quality permit can be found in Appendix D3 – NJDEP Air Quality Permit (34th Street) and Appendix D4 – NJDEP Air Quality Permit (Jenkins Parkway)</p> <p>The NJDEP has preliminarily determined in a memo dated December 21, 2015 that the proposed improvements are not anticipated to result in emission levels that are above the General Conformity e Minimis Levels (40 CFR 93.153), see Appendix A12 – NJDEP Memo dated December 21, 2015 – Confirmation of Proposed Improvements Conforming to NJ State Implementation Plan (SIP).</p> <p>The proposed pump stations and associated generators at 34th Street and Jenkins Parkway have received Air Quality Certifications from the NJDEP (See Appendix D3 – NJDEP – Air Quality Permit (34th Street) and Appendix D4 – NJDEP – Air Quality Permit (Jenkins Parkway). Because the pump station at Hackney place is proposed as a standalone diesel powered pump station (with no generator) and produces less than 1mmBTU/hr, an Air Quality Certification from the NJDEP is not required.</p>
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<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<p>The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not with an Airport Clear Zone or Accident Potential Zone (See Appendix B1 – Airport Clear Zones and Appendix B17 – Lakehurst Accident Potential Zone).</p> <p><input type="checkbox"/> Atlantic City International Airport is located approximately 10.5 miles to the Northwest of the project sites, see Appendix B2 – Proximity to Nearest Airport (17,458.39 Meters).</p> <p>Lakehurst Naval Air Station is located approximately 43 miles to the Northwest of the project.</p> <p>Newark Liberty International Airport is located approximately 89 miles to the North of the project sites.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<input checked="" type="checkbox"/>	<p><input type="checkbox"/> All three project locations are within the Coastal Area Facility Review Act (CAFRA) area and are all located entirely or have a portion located within the 150-ft (Appendix B3 – NJDEP GeoWeb Mapper – CAFRA Zones, Appendix B5 – NJDEP GIS Mapper – Mean High water Line – 34th Street Circle, Appendix B6 - NJDEP GIS Mapper – Mean High water Line – Hackney Place, and B7 NJDEP GIS Mapper – Mean High water Line – Jenkins Parkway). Mean High Water Line (MHWL). Although the project locations are almost completely within the Mean High Water Line, they are meant to mitigate flood water during flood events. Furthermore, all of the proposed improvements are to take place underground except for the construction the two generators and one diesel pump station which are to elevated to a point at least 1-ft. above the meant high water line.</p> <p>As such, an application was submitted to the NJDEP for CAFRA approval and subsequently approved on March 30, 2015 and is shown in Appendix D1 – NJDEP – CAFRA Permit. The permit expires on March 29, 2020. The conditions of the CAFRA permit can be found in Appendix D1.</p>

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="checked" type="checkbox"/>	<p>The project sites are within historically City owned Right-Of-Way in residential and commercial areas of the town. The Hackney Place and 34th Street locations have been underutilized areas used primarily for local or temporary parking or for short periods of time. The Jenkins Parkway location is a grassy median on a residential roadway that has been maintained/mowed by the City on a regular basis. No hazards have been observed on any of the project sites.</p> <p>Per the NJDEP GIS mapping, one hazardous site was found within 1 mile of the project locations. The hazardous site is Michael Limousines of Atlantic City located at 218 South 33rd Street (See Appendix B9 – NJDEP GIS Mapper – Hazardous Sites of Concern). It is not anticipated that the proposed improvements will affect or be affected by the hazardous site which is located approximately 650-ft. from the nearest proposed pump station.</p> <p>In addition, an email from David Caulfield of the NJDEP dated November 23, 2015 (Appendix B10 – Email from David Caulfield of NJDEP Dated November 23, 2015 Clearing Nearby Hazardous Sites) indicates that the hazardous site has been classified as ‘cleared’ by the NJDEP. The cleared classification indicates that the NJDEP has found the site to be in substantial compliance with the NJDEP regulations and is therefore considered under control.</p>
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<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<p>It was found that there are no threatened or endangered species within the project areas as seen in the following Appendices:</p> <p>Appendix B19 – Threatened and Endangered Animals – Piping Plover</p> <p>Appendix B20 – Threatened and Endangered Animals – Red Knot</p> <p>Appendix B21 – NJ Municipalities with Hibernation of Maternity Occurrence of Indian Bat or Northern Long-Eared Bat Table</p> <p>Appendix B22 – 34th Street IPaC Trust Resource Report</p> <p>Appendix B23 – Hacnkey Place IPaC Trust Resource Report</p> <p>Appendix B24 – Jenkins Parkway IPaC Trust Resource Report</p> <p>Appendix B25 – Guidance for Section 7 Compliance on Federally-Funded Building Demolition & Renovation Projects (HUD-CDBG) to Avoid Adverse Effects to Federally-Listed Bats</p> <p>Appendix B26 – Bat Guidance Concurrence</p> <p>The nature of the proposed improvements, (primarily underground within City Right-Of-Way in areas comprising only of maintained lawn areas and pavement) no threatened species or habitats for identified avian species are located within the project areas.</p> <p><input type="checkbox"/> The active season for the Indian Bat and Northern Long-Eared Bat is during the summer months. They are known to migrate away from the area during the fall months. Construction of the proposed improvements is anticipated to take place in the fall and winter, and outside of the bat active season. Therefore, bats will not be impacted by the proposed construction. Furthermore, the guidance document found in Appendix B25 – HUD – CDBG – Guidance for Section 7 Compliance Questionnaire and Appendix B26 – Bat Guidance Concurrence confirms that the minimal tree removal included in this project will not adversely affect the bat population.</p> <p>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.</p> <p>Two trees (immature) will be removed and three trees will be planted as a result of this project. All other disturbed areas are to be restored to their preconstruction condition.</p>
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<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the USEPA EJ Mapper, the project locations are not located within proximity to environmental justice populations (between 0 and 10% minority). See:</p> <p>Appendix C1 – USEPA Mapper – Percent Minority Population – 34th Street</p> <p>Appendix C2 - USEPA Mapper – Percent Minority Population – Hackney Place</p> <p>Appendix C3 - USEPA Mapper – Percent Minority Population – Jenkins Parkway.</p> <p>The 34th Street pump station is located within an area with 13% population below the poverty level. The Hackney Place and Jenkins Parkway locations show 7% population below the poverty level. See:</p> <p>Appendix C4 – USEPA Mapper – Percent Below Poverty Level – 34th Street</p> <p>Appendix C5 - USEPA Mapper – Percent Below Poverty Level – Hackney Place</p> <p>Appendix C6 - USEPA Mapper – Percent Below Poverty Level – Jenkins Parkway.</p> <p>Appendix C7 – USEPA Mapper – Median Household Income – 34th Street</p> <p>Appendix C8 - USEPA Mapper – Median Household Income – Hackney Place</p> <p>Appendix C9 - USEPA Mapper – Median Household Income – Jenkins Parkway.</p> <p>The proposed improvements will leave the local poverty levels within the City unchanged with no high or adverse impacts to minority or low income populations. The proposed improvements will help protect properties within their vicinity and thus have no high or adverse impacts to minority or low income populations.</p> <p>Appendix C10 – Environmental Justice Checklist shows the completed form which indicates no additional mitigation is required. The checklist was filled out utilizing information regarding the local demographics, descriptions of the proposed improvements, and descriptions of historic uses of the project areas as found in this report.</p>
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<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Neither of the generators or pump stations at 34th Street and Jenkins Parkway are considered flammable or dangerous. An existing gas station is located approximately 800-ft. from the proposed pump station at the 34th Street circle, but is not expected to affect or be affected by the proposed improvements</p> <p>This location includes two above ground storage tanks that are greater than 100 gallons. It appears that they store motor oil and diesel fuel. These tanks are located on the South side of the gas station. The gas station garage is an intervening structure as it sits between the storage tank and the proposed improvements at the 34th Street circle.</p> <p>In addition, there are a number of other tanks within the City that exceed 100-gallons and contain motor oil, waste oil, diesel fuel, or gasoline. None of these tanks are anticipated to be affected by or affect the proposed improvements as they are set back over at least 200-feet and have a number of existing structures (mostly buildings) between the tanks in questions and all proposed improvements. The locations and photographs of the observed tanks can be found in Appendices E1 through E12.</p> <p>No proposed improvements will be taking place on the gas station property and will therefore not have any adverse effects on any private structures.</p> <p>The proposed stormwater pump station at Hackney Place includes a 100-gal tank for fuel (diesel) storage. HUD requires that tanks used for the purpose of holding flammable or explosive liquids, such as diesel fuel, must be no greater than 100-gal or must adhered to Acceptable Separation Distance (ASD) requirements. As the proposed fuel tank will be 100-gal, the pump station is exempt from the HUD ASD requirements.</p>
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<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly section 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Per NJDEP GIS information and the NRCS Soil Survey, the project sites are within areas identified as being "Not Prime Farmland" as shown in the NRCS Soil Surveys shown in the following Appendices:</p> <p>Appendix A4 – US Dept. of Agriculture – CRCS Soil Survey – 34th Street Pump Station</p> <p>Appendix A5 – US Dept. of Agriculture – CRCS Soil Survey – Hackney Place Pump Station</p> <p>Appendix A6 – US Dept. of Agriculture – CRCS Soil Survey – Jenkins Parkway Pump Station</p> <p>Therefore, the project will not adversely impact soils of importance to farmland.</p> <p>In addition, the NJDEP GIS Mapper as shown in Appendix B14 – NJDEP GIS Mapper – Prime Farmland Soils confirms that the City of Brigantine has no soils classified as 'Prime Farmland Soils'.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Because of the relatively low elevation of the entire City and the proximity to the Atlantic Ocean, nearly all of Brigantine is located within the 100-year floodplain (Appendix A1 – FEMA Firm Panel 345286 003B – 34th Street Pump Station and Appendix A2 – FEMA Firm Panel 345286 003D – Hackney Place and Jenkins Parkway Pump Station).</p> <p>The base flood elevation (as found in Appendices A1 and A2) is 9-ft. above sea level for all project sites. Most improvements and structures being installed under this project are for the purpose of mitigating flood waters and are therefore being installed underground. The only structures proposed to be installed above ground are two elevated natural gas generators and one elevated diesel pump station. These elevated structures are to be installed to an elevation above sea level of 12-ft. to 13-ft. which is no less than 3-ft. above the base flood elevation.</p>

<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input type="checkbox"/>	<p><input checked="" type="checkbox"/> The proposed pump stations at Hackney Place, Jenkins Parkway, and 34th Street are located within the Historic Preservation Exemption "Green" Zone (see Appendix B13 – NJDEP GIS Mapper – Historic Property Exemption Zone); therefore, the proposed improvements at these locations are not anticipated to impact above-ground historic resources.</p> <p>However, during the CAFRA permit application review, the project was reviewed by the State Historic Preservation Office (SHPO) and comments were provided on April 21, 2014. SHPO found that the Brigantine Lighthouse, located in the traffic circle at Atlantic-Brigantine Boulevard at Bayshore Drive, adjacent to the proposed pump station at 34th Street, is eligible for listing in the National Register of Historic Places under Criterion C. It was determined that the lighthouse is significant in the area of architecture as an example of an architectural "folly" used as a promotional tool. The faux lighthouse was built in 1925 as a landmark to help Island Development Company to promote property sales on the island. In the past, the lighthouse has served as a police station, gift shop, and the City's historical museum. In addition, the lighthouse was restored by volunteers in 1995, and again after Hurricane Sandy in 2013 (See Appendix D5 - NJDEP – SHPO Correspondence dated April 21, 2014).</p> <p>As a result of the classification of the Brigantine Lighthouse as a historic place, SHPO required that minor changes be made to the proposed improvements at the 34th Street pump station. SHPO required that all exposed metal on the generator platform be painted black and also include a vegetative buffer between the platform and the lighthouse. These changes were made by Roberts Engineering Group, LLC and approved on March 29, 2015 (See Appendix D1 – NJDEP – CAFRA Permit).</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>	<input checked="" type="checkbox"/>	<p>A Day/Night Noise Level (DNL) calculation for the project was not conducted. The proposed generators accompanying each pump station will include sound attenuated enclosures and have a maximum of 60dBA that meets ANSI S1.13 requirements. The enclosures will be such that sound level will be reduced to a maximum of 60 dBA at any location 23-ft. from the generator when the generator is operating at full rated load.</p> <p>The proposed improvements include sound attenuated enclosures on each of the generators to minimize noise disturbances to surrounding properties. Furthermore, NJAC7:29-1.5a4 reads, "The operational performance standards shall not apply to ... When public health or safety is involved, to address emergency incidents, etc." Also, NJAC7:29-1.5a14 reads, "The operational performance standards shall not apply to ... Emergency electricity generators at an industrial, commercial, or community service facility in use during an electrical outage." These proposed improvements are intended to mitigate flood damage during a flood or similar emergency event. Sound will only be produced during these events and during generator exercising which will take place no more than twice a month for up to two hours.</p> <p>In addition, it is anticipated that construction activities will create a temporary noise impact during the construction phase of the project. This impact can be mitigated through the use of BMPs such as installation of mufflers on equipment and performing construction during the daytime.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<p>The City of Brigantine is identified as being within the Coastal Plain Sole Source Aquifer as determined by the NJDEP GIS Mapper in Appendix B15 – NJDEP GIS Mapper – Sole Source Aquifers. The project is improving an existing stormwater collection system without increasing runoff or discharge volumes. Per a conversation with Kim McEvoy of NJDEP and Chris Pettit of ICF International (for NJDEP) on November 20, 2015, a consultation is not required.</p>

<p>13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<p>According the NJDEP GIS Mapper, no wetlands are located on-site as determined by the following:</p> <p>Appendix B4 – NJDEP GIS Mapper – Wetlands</p> <p>Appendix B4.01 – NJDEP iMap – Wetlands – 34th Street</p> <p>Appendix B4.02 – NJDEP iMap – Wetlands – Hackney Place</p> <p>Appendix B4.03 – NJDEP iMap – Wetlands – Jenkins Parkway</p> <p>The proposed pump station and associated piping at Jenkins Parkway has wetlands to the west at the City Golf Club as well as the Northwest adjacent to the Atlantic Ocean. As the proposed improvements in this area create no new impervious surface and are contained entirely within the paved roadway, a wetlands permit is not required.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<p>The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (916 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values.</p> <p>Five designated Wild and Scenic rivers are located within the State of New Jersey; the Delaware (Lower) River, Delaware (Middle) River, Great Egg Harbor River, Maurice River, and the Musconetcong River. The nearest designated river is the Great Egg Harbor River, which is approximately 14 miles to the West at its closest point as shown in Appendix B18 – Google Map – Distance to Nearest River (Great Egg Harbor River).</p> <p>Per the NJDEP GIS Mapper, the proposed improvements are not within the Wild and Scenic Rivers Buffer Zone, as shown in Appendix B16 – NJDEP GIS Mapper – Wild and Scenic Rivers Buffer Zone.</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
Land Development		
Conformance with Comprehensive and Neighborhood Plans	2	The City's master plan seeks to encourage growth and economic development within the City. The addition of stormwater pump stations helps to mitigate excess stormwater that may damage public and private property, thus maintaining a safe and confident environment for future growth.
Land Use Compatibility and Conformance with Zoning	1	All proposed improvements are to be located within City Right-Of-Way and are meant to help mitigate storm water/surges. As the proposed improvements are a City project and are utility improvements to the existing infrastructure, they do not change, alter, or impact existing land uses or zones.

Urban Design- Visual Quality and Scale	3	<p>Although the proposed pump stations at 34th Street and Jenkins Parkway will be contained within a buried concrete chamber, the pump station at Hackney Place and all proposed generators will be elevated above the 100-year flood hazard elevation for protection. The proposed generator at the 34th Street pump station will have a platform that is painted black and planted screenings to decrease adverse visual impacts on the adjacent historic Brigantine Lighthouse.</p> <p>The elevated pump station at the Hackney Place will be located in a secluded area that is currently used for storage of various types of equipment and thus do not increase the visual impacts on the surrounding area.</p> <p>The elevated generator at Jenkins Parkway will be located in a grassy median within City Right-Of-Way that includes existing trees. The existing trees will act as a screening between the Bay and new generator, but will not diminish visual impacts to the surrounding residential properties as there is little to no room in the area to install screening.</p>
Slope	1	<p>All project areas are located in areas with gentle slopes less than 2% that are surrounded by bulk heads and paved roadways. The project will not impact steep slopes.</p>

Erosion	4	<p>The proposed improvements are not located on steep slopes; however, the project is located adjacent to water on the Bay sides of the Island. The threshold for Sediment Control Plan certifications is 5,000 square feet. The project will involve the disturbance of greater than 5,000 square feet; therefore certification is required from the Cape Atlantic Conservation District. The following requirements are outlined in the project plans and specifications</p> <ol style="list-style-type: none"> 1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters. 2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns. Temporary impacts from construction activities can be mitigated through BMPs (silt fences, inlet protection, etc.). <p>Certification from the District was been obtained on March 7, 2014 as shown in Appendix D2 – Cape Atlantic Conservation District – Soil Erosion and Sediment Control Certification. The following conditions are required with the permit:</p> <ol style="list-style-type: none"> 1. The District must be notified 48 hours in advance of start of any land disturbance. 2. A copy of the Erosion Control Plan must be on site. 3. All revisions and municipal renewals of this project will require resubmission and approval by the District. Any conveyance of the project (or portion thereof) will transfer full responsibility for compliance to subsequent owner(s). The District must be notified in writing of any change of ownership. 4. No Certificates of Occupancy will be issued by a Municipality until a Certificate of Compliance is issued by this Office (Cape Atlantic Conservation District). Requests for Certificates of Compliance must be made five (5) workings days in advance. 5. This approval is limited to the controls specified in this plan. It is not an authorization to engage in the proposed land use unless the Municipality or other controlling agency has previously approved such use. 6. This Certification is valid for three and one-half years.
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Soil Suitability	1	Although geotechnical surveys have not been conducted, the proposed improvements have been designed to prevent overturning or settling. The elevated platforms are to be set atop equally spaced concrete columns, designed conservatively based on bearing capacity of local soils.
Hazards and Nuisances, Including Site Safety	4	Site safety during construction can be managed through the use of Best Management Practices (BMPs) during construction operations. In addition, use of proper traffic control devices and scheduling construction during non-peak traffic seasons can greatly increase site safety.
Drainage/Storm Water Runoff	2	The project involves no new impervious coverage and is intended to enhance the existing stormwater mitigation system. The proposed stormwater pump stations will remove excess stormwater from the existing impervious areas.
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels	4	<p>A Day/Night Noise Level (DNL) calculation for the project was not conducted. The proposed generators accompanying each pump station will include sound attenuated enclosures and have a maximum of 60dBA that meets ANSI S1.13 requirements. The enclosures will be such that sound level will be reduced to a maximum of 60 dBA at any location 23-ft. from the generator when the generator is operating at full rated load.</p> <p>The proposed improvements include sound attenuated enclosures on each of the generators to minimize noise disturbances to surrounding properties. Furthermore, NJAC7:29-1.5a4 reads, "The operational performance standards shall not apply to ... When public health or safety is involved, to address emergency incidents, etc." Also, NJAC7:29-1.5a14 reads, "The operational performance standards shall not apply to ... Emergency electricity generators at an industrial, commercial, or community service facility in use during an electrical outage." These proposed improvements are intended to mitigate flood damage during a flood or similar emergency event. Sound will only be produced during these events and during generator exercising which will take place no more than twice a month for up to two hours.</p> <p>In addition, it is anticipated that construction activities will create a temporary noise impact during the construction phase of the project. This impact can be mitigated through the use of BMPs such as installation of mufflers on equipment and performing construction during the daytime.</p> <p>The generators and pump stations are activated only during flooding conditions and when the generators are exercised as necessary.</p>

Energy Consumption	1	<p>The proposed generators at 34th Street and Jenkins Parkway are to be powered by natural gas being fed by piping owned by South Jersey Gas. South Jersey Gas has previously indicated that natural gas can be provided to these locations with no adverse impacts to their system.</p> <p>The proposed generator at Hackney Place will be fueled by diesel fuel which will have to be delivered to the site during an emergency.</p> <p>The proposed stormwater pump station at Hackney Place includes a 100-gal tank for fuel (diesel) storage. HUD requires that tanks used for the purpose of holding flammable or explosive liquids, such as diesel fuel, must be no greater than 100-gal or must adhere to Acceptable Separation Distance (ASD) requirements. As the proposed fuel tank will be 100-gal, the pump station is exempt from the HUD ASD requirements.</p>
Socioeconomic Factors		
Demographic Character Changes	1	<p>According to the 2010 municipally-aggregated census data, the proposed project is not located in a high diversity residential area. See the following:</p> <p>Appendix C1 – USEPA Mapper – Percent Minority Population – 34th Street</p> <p>Appendix C2 - USEPA Mapper – Percent Minority Population – Hackney Place</p> <p>Appendix C3 - USEPA Mapper – Percent Minority Population – Jenkins Parkway.</p> <p>Appendix C4 – USEPA Mapper – Percent Below Poverty Level – 34th Street</p> <p>Appendix C5 - USEPA Mapper – Percent Below Poverty Level – Hackney Place</p> <p>Appendix C6 USEPA Mapper – Percent Below Poverty Level – Jenkins Parkway.</p> <p>Appendix C7 – USEPA Mapper – Median Household Income – 34th Street</p> <p>Appendix C8 - USEPA Mapper – Median Household Income – Hackney Place</p> <p>Appendix C9 - USEPA Mapper – Median Household Income – Jenkins Parkway.</p> <p>The non-minority population accounts for 87% of the total population, compared to 69% for the state as a whole. The proposed project activities will not impact the demographic character of the area.</p> <p>Appendix F2 – 8-Ste Decision-Making Process document was prepared reviewing all possible adverse impacts on the areas and socioeconomic characteristics surrounding the project area. It was determined that the project will cause minimal impacts and will actually be a benefit.</p>

Displacement	1	The proposed improvements are intended to take place entirely within City Right-Of-Way in locations where no structures or private property will be displaced. No displacement of residents will be required.
Employment and Income Patterns	1	The proposed activities are categorized as utility improvements and will not impact local employment or income patterns in any way.
Community Facilities and Services		
Educational Facilities	1	The proposed improvements will not affect the population of the City and therefore will not benefit or adversely affect local or regional educational facilities. Educational Facilities can be seen in Appendix F1 – City of Brigantine Facilities Map.
Commercial Facilities	2	The proposed pump station at 34 th Street is located in an area with a number of commercial properties. The addition of this pump station as well as the rehabilitation of the surrounding stormwater conveyance system will decrease flooding in the area, therefore protecting public and private property in the event of small scale storms that currently cause flooding.
Health Care	2	The proposed pump stations will help in mitigating flooding at various locations throughout the City. The proposed pump station at 34 th Street is located at the circle, which is a main route in and out of the City. In the event of an emergency during flooding conditions, the pump stations can decrease flooding and allow for access of necessary health care personnel and vehicles.
Social Services	1	The addition of the three pump stations is not anticipated to have a significant impact on local social services.
Solid Waste Disposal/Recycling	1	The City of Brigantine Department of Public Works is responsible for the pickup of solid waste/recycling. The proposed improvements are expected to have no impact on the City's solid waste disposal/recycling pickup.
Waste Water/Sanitary Sewers	1	The City of Brigantine provides water throughout the City. The proposed improvements are expected to have no impact on the City's waste water/sanitary sewer system. The proposed improvements will require no waste/sanitary sewer service.
Water Supply	1	The City of Brigantine provides water throughout the City. The proposed improvements are expected to have no impact on the City's water distribution system. The proposed improvements will require no water service.

<p>Public Safety:</p> <ul style="list-style-type: none"> • Police • Fire • Emergency Medical 	2	<p>The proposed pump stations will help in mitigating flooding at various locations throughout the City. The proposed pump station at 34th Street is located at the circle, which is a main route in and out of the City. In the event of an emergency during flooding conditions, the pump stations can decrease flooding and allow for access of necessary public safety personnel, vehicles, and equipment. Emergency Services Facilities can be seen in Appendix F1 – City of Brigantine Facilities Map.</p>
<p>Parks, Open Space & Recreation:</p> <ul style="list-style-type: none"> • Open Space • Recreation 	1	<p>The City is home to a number of parks and recreational facilities. The proposed improvements are intended to help mitigate flooding and storm surge damage. The proposed improvements are not anticipated to have a significant impact on the City's parks and recreational facilities. Recreational Facilities can be seen in Appendix F1 – City of Brigantine Facilities Map.</p>
<p>Cultural Facilities</p>	4	<p>The Brigantine Lighthouse is located less than 100-ft. from the proposed improvements at the 34th Street pump station. The improvements to the surrounding existing stormwater conveyance system will help minimize flooding at the 34th Street circle, thus helping to maintain the Lighthouse in its present day condition.</p> <p>This project was reviewed by SHPO and comments were provided on April 21, 2014 (Appendix D5 - NJDEP – SHPO Correspondence dated April 21, 2014). SHPO found that the Brigantine Lighthouse, located in the traffic circle at Atlantic-Brigantine Boulevard at Bayshore Drive, adjacent to the proposed pump station at 34th Street, is eligible for listing in the National Register of Historic Places under Criterion C. It was determined that the lighthouse is significant in the area of architecture as an example of an architectural "folly" used as a promotional tool. The faux lighthouse was built in 1925 as a landmark to help Island Development Company to promote property sales on the island. In the past, the lighthouse has served as a police station, gift shop, and the City's historical museum. In addition, the lighthouse was restored by volunteers in 1995, and again after Hurricane Sandy in 2013.</p> <p>As a result of the classification of the Brigantine Lighthouse as a historic place, SHPO required that minor changes be made to the proposed improvements at the 34th Street pump station. SHPO required that all exposed metal on the generator platform be painted black and also include a vegetative buffer between the platform and the lighthouse. These changes were made by Roberts Engineering Group, LLC and approved on March 29, 2015 as shown in Appendix D1 – NJDEP – CAFRA Permit.</p>

Transportation & Accessibility	2	The proposed pump stations will help in mitigating flooding at various locations throughout the City. The proposed pump station at 34 th Street is located at the circle, which is a main route in and out of the City. In the event of an emergency during flooding conditions, the pump stations can decrease flooding and allow for the evacuation of the City.
Natural Features		
Water Resources	1	<p>The City of Brigantine is identified as being within the Coastal Plain Sole Source Aquifer as determined in Appendix B15 – NJDEP GIS Mapper – Sole Source Aquifers.</p> <p>The project is improving an existing stormwater collection system without increasing runoff or discharge volumes. Per a conversation with Kim McEvoy of NJDEP and Chris Pettit of ICF International (for NJDEP) on November 20, 2015, a consultation is not required.</p>
Surface Water	1	The proposed pump station locations are located within City Right-Of-Way that is isolated from the City's Bay side surface water via existing bulkheads. No in-water work is proposed as part of these improvements. The pump stations will be connected to the existing stormwater conveyance system which currently discharges to the open water.
Unique Natural Features & Agricultural Lands	1	No unique natural features or agricultural lands are located within the project area. Therefore, no impacts to these resources are anticipated.

Vegetation and Wildlife	1	<p>According to the US Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC), there are no threatened or endangered species within the project areas. See the following:</p> <p>Appendix B19 – Threatened and Endangered Animals – Piping Plover</p> <p>Appendix B20 – Threatened and Endangered Animals – Red Knot</p> <p>Appendix B21 – NJ Municipalities with Hibernation of Maternity Occurrence of Indian Bat or Northern Long-Eared Bat Table</p> <p>Appendix B22 – 34th Street IPaC Trust Resource Report</p> <p>Appendix B23 – Hacnkey Place IPaC Trust Resource Report</p> <p>Appendix B24 – Jenkins Parkway IPaC Trust Resource Report</p> <p>Appendix B25 – Guidance for Section 7 Compliance on Federally-Funded Building Demolition & Renovation Projects (HUD-CDBG) to Avoid Adverse Effects to Federally-Listed Bats</p> <p>Appendix B26 – Bat Guidance Concurrence</p> <p>Because the properties have been utilized as lawn and parking areas or as paved roadways, no endangered plants or animals are expected to be affected by the proposed improvements.</p> <p>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.</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: *NJDEP GIS Mapping. See Appendices B1 – NJDEP GIS Mapper – Airport Clear Zones and B2 – NJDEP GIS Mapper – Proximity to Nearest Airport (17,458.39 Meters).*

[Project complies with 24 CFR 51.303(a)(3).]

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

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

Is the project located in a coastal barrier resource area?

☒ **No.** Cite or attach Source Documentation: *Coastal Barrier Resources System Mapper (See Appendix A3 – US Fish and Wildlife Coastal Barrier Resources System Mapper – CBRS Buffer Zone)*

[Proceed with project.]

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

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

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

☐ **No.** Cite or attach Source Documentation:

[Proceed with project.]

☒ **Yes.** Cite or attach Source Documentation: *FEMA Mapping (Appendices A1 – FEMA Firm Panel 345286 003 B – 34th Street Pump Station and A2 – FEMA Firm Panel 345286 003D – Hackney Place and Jenkins Parkway Pump Stations)*

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.)

NJDEP CAFRA Review (Appendix D1 – NJDEP – CAFRA Permit)

NJDEP SHPO Review (Appendix D2 – Cape Atlantic Conservation District – Soil Erosion and Sediment Control Certification and Appendix D5 - NJDEP – SHPO Correspondence dated April 21, 2014)

Field Inspection (Date and completed by):

Carmela Roberts, PE – Engineer - January 9, 2014

Bill Natale, PE – Engineer – February 11, 2014

John Bickel, PE – Engineer – February 11, 2014

Cameron Corini, EIT – July 11, 2014

Frank Tedesco – January 6, 2016

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

NJDEP – Land Use

NJDEP – Air Quality

NJDEP – SHPO

NJ Environmental Infrastructure Trust

Cape Atlantic Conservation District

Lists of Permits Required:

Local Construction/Electrical

Local Road Opening

NJ Department of Environmental Protection – CAFRA (Appendix D1 – NJDEP – CAFRA Permit)

NJ Department of Environmental Protection - Air Quality Certification (Appendix D3 – NJDEP Air Quality Permit (34th Street) and Appendix D4 – NJDEP Air Quality Permit (Jenkins Parkway)

Cape Atlantic Conservation District - Soil Erosion and Sediment Control Certification (Appendix D2 – Cape Atlantic Conservation District – Soil Erosion and Sediment Control Certification)

Public Outreach [24 CFR 50.23 & 58.43]:

Public outreach was also conducted as part of the CAFRA permit application through the Press of Atlantic City. No comments applicable to the subject project were received. In addition, an Early Notice for Public Review was published in English in the Press of Atlantic City and in Spanish in the Reporte Hispano on March 4, 2016. Per Appendix F3 – Email from David

Caulfield of NJDEP Dated March 22, 2016 Regarding Public Comments, no comments were received from the public as a result of these publications.

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 sites.

Atlantic County and the entire New Jersey coast are undergoing recovery efforts after Superstorm Sandy caused extensive damages. The recovery efforts in the area include rehabilitation, demolition, reconstruction and new construction. These projects and the proposed project may have a cumulative temporary impact on air quality, noise, traffic and surface water during construction activities, but will have a net long-term benefit to those areas within New Jersey that were significantly impacted by Superstorm Sandy. No other cumulative effects are anticipated.

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 construct three stormwater pump stations to improve the existing stormwater conveyance system at three separate locations within the City.

One alternative to the proposed improvements was to construct two pump stations instead of the three proposed. Although, this would decrease the anticipated costs of the project, it would not benefit the City during a flooding event. The three proposed pump stations are located in areas that experienced great flooding which made it difficult for emergency services and City personnel to access various parts of the City during a flooding event. The three proposed pump stations are located in densely populated and important travel routes within the City. Constructing two pump stations instead of the proposed three would inhibit any sort of evacuation throughout the northern portion of the City. You cannot construct two without constructing the third.

An additional alternative was to construct only pump stations at Jenkins Parkway and the 34th Street circle and to omit improvements to the existing gravity storm piping in the vicinity. The pump station would have helped alleviate flooding in these immediate areas, but only for a short time. It was found that much of the existing stormwater piping around Jenkins Parkway

and 34th Street was damaged or undersized, thus minimizing the benefits of these two pump stations.

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

The No Action Alternative will leave the City in a condition with an insufficient stormwater mitigation system leaving the City prone to flooding. The No Action Alternative does not meet the Purpose and Need, as it would not help minimize damage sustained by the community in future storms.

Summary Statement of Findings and Conclusions:

Based on the findings of this Environmental Assessment, the proposed project will have a net benefit on the project area.

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

3. *Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
4. *If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for evaluation under the National Environmental Policy Act.*

Noise

The noise standards of 24 CFR 51 Subpart 8 are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" {24 CFR 51.101(a)(3)}. The project will involve the construction of three stormwater pump stations, two stormwater force mains, and gravity storm sewers; however, no noise sources, such as rail lines or major highways, are in close proximity to the project sites; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the project sites. However, to minimize impacts to nearby properties, the applicant should comply with the following:

3. *Outfit all equipment with operating mufflers.*
4. *Comply with the applicable local noise ordinance.*

The proposed improvements include sound attenuated enclosures on each of the generators to minimize noise disturbances to surrounding properties. Furthermore, NJAC7:29-1.5a4 reads, "The operational performance standards shall not apply to ... When public health or safety is

involved, to address emergency incidents, etc.” Also, NJAC7:29-1.5a14 reads, “The operational performance standards shall not apply to ... Emergency electricity generators at an industrial, commercial, or community service facility in use during an electrical outage.” These proposed improvements are intended to mitigate flood damage during a flood or similar emergency event. Sound will only be produced during these events and during generator exercising which will take place no more than twice a month for up to two hours.

Air Quality

Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls. In addition, the following must be met:

- 11. Obtain Air Quality certification from NJDEP for emergency generators.*
- 12. Use water in exposed areas to control dust.*
- 13. Cover the load compartments of trucks hauling dust-generating materials.*
- 14. Reduce vehicle speed on non-paved areas and keep paved areas clean.*
- 15. Retrofit older equipment with pollution controls.*
- 16. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
- 17. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2c. 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 BTUs per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2c1);*
- 18. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project sites 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).*
- 19. 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).*
- 20. 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.*

The USEPA classifies Atlantic County as being a marginal to moderate a NJ 8-hour Ozone Nonattainment Area (per the 2008 Standard) as shown in Appendix A7 – USEPA NJ Nonattainment/Maintenance Status Table Appendix A8 –USEPA – County Designated “Nonattainment” or “Maintenance” for Clean Air Act’s National Ambient Quality Standards (NAAQS), Appendix A9 – New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard). In addition, the USEPA does not classify Atlantic County as a PM-2.5 Maintenance Area (per the 1997 or 2006 Standards) as shown in Appendices A10 – Pennsylvania, New York, New Jersey, Connecticut, Delaware PM2.5 Maintenance Areas (2006 Standard) and A11 – New York/New Jersey/Connecticut/Delaware

PM2.5 Maintenance Areas (1997 Standard). Although the proposed improvements call for emergency generators which, by nature, create particles that flow the air, the decreased air quality as a result of these improvements are minimal as the proposed generators are to be used only in emergency situations and for regular maintenance/exercise.

A memo from NJDEP dated December 21, 2015 (Appendix A12 – NJDEP Memo dated December 21, 2015) indicates that the Department anticipates the that proposed improvements will result in emission levels that are below the General Conformity de minimis levels (40CFR 93.153) thus confirming the above.

As such, Air Quality permits have been obtained from the NJDEP and are shown in Appendix D3 – NJDEP Air Quality Permit (34th Street) and Appendix D4 – NJDEP Air Quality Permit (Jenkins Parkway).

Coastal Zone Management

The entire City of Brigantine is located within the Coast Area Facility Review Act (CAFRA) area, see Appendix B3 – City of Brigantine CAFRA Zones. In addition, although the proposed improvements are within 150-ft. of the Mean High Water Level (MHWL), [see Appendix B5 – Mean High Water Line (34th Street), Appendix B6 – Mean High Water Line (Hackney Place), and Appendix B7 – Mean High Water Line (Jenkins Parkway)], the proposed improvements are meant to mitigate flood damage during a flood event. Furthermore, all of the proposed improvements are to take place underground except for the construction of the emergency generators which are to be elevated to a point at least 1-ft. above the mean high water line.

As a result of these existing conditions, Roberts Engineering Group, LLC submitted a CAFRA permit application on February 28, 2014. A CAFRA permit was approved by NJDEP on March 30, 2015 and is valid through March 29, 2020, see Appendix D1 – NJDEP CAFRA Permit. The following conditions of the permit must be met:

- 8. This permit is authorized under, and in conditional compliance with the Rules on Coastal Zone Management, N.J.A.C 7:7E-1.1 et seq. and is compliant with N.J.S.A. 13:19-10 (Section 10 of the New Jersey Coastal Area Facility Review Act.)*
- 9. This permit is issued subject to compliance with N.J.A.C 7:7-1.5 Permits and Permit conditions.*
- 10. Prior to commencement of construction, the permittee shall obtain all required Air Quality Permits for the operation of the emergency generators.*
- 11. By the issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.*
- 12. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift and lateral loads associated with hydrostatic pressure resulting from flooding to the design flood elevation of 10.0' NAVD based on the proposed structures respective locations. Furthermore, all structural components shall be designed to resist hydrodynamic forces resulting from the design flood.*

- Compliance with this condition shall be determined by the municipal construction official.*
- 13. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.*
 - 14. All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, Freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.*

Species of Concern

It was found that there are no threatened or endangered species within the project areas as seen in the following Appendices:

- Appendix B19 – Threatened and Endangered Animals – Piping Plover*
- Appendix B20 – Threatened and Endangered Animals – Red Knot*
- Appendix B21 – NJ Municipalities with Hibernation of Maternity Occurrence of Indian Bat or Northern Long-Eared Bat Table*
- Appendix B22 – 34th Street IPaC Trust Resource Report*
- Appendix B23 – Hacnkey Place IPaC Trust Resource Report*
- Appendix B24 – Jenkins Parkway IPaC Trust Resource Report*
- Appendix B25 – Guidance for Section 7 Compliance on Federally-Funded Building Demolition & Renovation Projects (HUD-CDBG) to Avoid Adverse Effects to Federally-Listed Bats*
- Appendix B26 – Bat Guidance Concurrence*

Based on the nature of the proposed improvements, (construction of pump stations, elevated generators, storm piping, etc. within City Right-Of-Way in areas comprising only of maintained lawn areas) no threatened species or habitats for identified avian species are located within the project areas.

The active season for the Indian Bat and Northern Long-Eared Bat is during the summer months. They are known to migrate away from the area during the fall months. Construction of the proposed improvements is anticipated to take place in the fall and winter, and outside of the bat active season. Therefore, bats will not be impacted by the proposed construction. Furthermore, the guidance document found in Appendix B25 – HUD – CDBG – Guidance for Section 7 Compliance Questionnaire and Appendix B26 – Bat Guidance Concurrence confirms that the minimal tree removal included in this project will not adversely affect the bat population.

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.

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Explosive and Flammable Operations

An existing gas station is located approximately 800-ft. from the proposed pump station at the 34th Street circle, which contains one 250-gallon motor oil tank and one 1000-gallon diesel tank. In addition, there are a number of other tanks within the City that exceed 100-gallons and contain motor oil, waste oil, diesel fuel, or gasoline. None of these tanks are anticipated to be affected by or affect the proposed improvements as they are set back over at least 200-feet and have a number of existing structures (mostly buildings) between the tanks in questions and all proposed improvements. The locations and photographs of the observed tanks can be found in Appendices E1 through E12.

The proposed stormwater pump station at Hackney Place includes a 100-gal tank for fuel (diesel) storage. HUD requires that tanks used for the purpose of holding flammable or explosive liquids, such as diesel fuel, must be no greater than 100-gal or must adhered to Acceptable Separation Distance (ASD) requirements. As the proposed fuel tank will be 100-gal, the pump station is exempt from the HUD ASD requirements.

Floodplain Management and Flood Insurance

- 4. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Appendix A1 – FEMA Firm Panel 345286003B (34th Street Pump Station and Appendix A2 – FEMA Firm Panel 345286003D (Hackney Place and Jenkins Parkway Pump Stations) show that the entire City of Brigantine is within the 100-year floodplain.*
- 5. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]: This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.*

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

The base flood elevation (as found in Appendices A1 and A2) is 9-ft. above sea level for all project sites. Most improvements and structures being installed under this project are for the purpose of mitigating flood waters and are therefore being installed underground. The only structures proposed to be installed above ground are two elevated natural gas generators and one elevated diesel pump station. These elevated structures are to be installed to an elevation above sea level of 12-ft. to 13-ft. which is no less than 3-ft. above the base flood elevation.

Hazardous Waste

No hazardous waste or materials have been observed on any of the three project sites. The three sites are City owned and have remained largely unoccupied for many years. It should be noted that per NJDEP GIS mapping, that one hazardous site of concern is within 1 mile of all proposed improvements. The hazardous site is located at 218 South 33rd Street and is approximately 650-ft. from the proposed pump station at 34th Street as shown in Appendix B9 – Hazardous Sites of Concern. It is not anticipated that the hazardous site will impact or will be impacted by the proposed improvements. No proposed improvement will cause or generate hazardous waste. In addition, Appendix B10 - Email from David Caulfield of the NJDEP dated November 23, 2015 Clearing Nearby Hazardous Sites indicates that the hazardous site has been classified as 'cleared' by the NJDEP. The cleared classification indicates that the NJDEP has found the site to be in substantial compliance with the NJDEP regulations and is therefore considered under control.

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) during construction operations. In addition, use of proper traffic control devices and scheduling construction during non-peak traffic seasons can greatly increase site safety.

Historic Preservation

The property is within the Historic Preservation Exemption "Green" Zone as is shown in Appendix B13 – Historic Property Exemption Zone; therefore, no impacts to above-ground historic resources are anticipated from the project. The proposed pump station at the 34th Street circle is, however, adjacent to the Brigantine Lighthouse, which has been classified as eligible for listing in the National Register of Historic Places under Criterion C by NJSHPO. SHPO determined that the lighthouse is significant in the area of architecture as an example of an architectural "folly" used as a promotional tool (See Appendix D5 - NJDEP – SHPO Correspondence dated April 21, 2014.

As a result of the classification of the Brigantine Lighthouse as a historic place, SHPO required that minor changes be made to the proposed improvements at the 34th Street pump station. SHPO required that all exposed metal on the generator platform be painted black and also include a vegetative buffer between the platform and the lighthouse. These changes were made by Roberts Engineering Group, LLC and approved on March 29, 2015.

Construction associated with proposed improvements will take place no closer than 100-ft. from the existing Brigantine Lighthouse.

Sole Source Aquifers

The project sites are identified as being within the Coastal Plain Sole Source Aquifer as shown in Appendix B15 – Sole Source Aquifers. The project scope is a type that is not exempt from EPA review (i.e. A Federally funded project that includes construction projects that involve disposal of storm water). Although this project does not change the volume or discharge of stormwater, it does involve the improvements of existing stormwater disposal facilities. Submission to the EPA for review and approval is not required per direction from Kim McEvoy of NJDEP and Chris Pettit of ICF International during a phone conference held on November 20, 2015.

Soil and Water Quality

The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, Soil Erosion and Sediment Certification from the Cape Atlantic Conservation is required. The following requirements will also be met.

- 3. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
- 4. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*

Certification has been obtained from the Cape Atlantic Soil Conservation District on March 7, 2014 (See Appendix D2 – Cape Atlantic Conservation District – Soil Erosion and Sediment Control Certification).

APPENDIX A FEDERAL MAPS AND EXHIBITS

- A1. FEMA Firm Panel 345286 003B – 34th Street Pump Station
- A2. FEMA Firm Panel 345286 003D – Hackney Place and Jenkins Parkway Pump Stations
- A3. US Fish and Wildlife Coastal Barrier Resources System Mapper – CBRs Buffer Zone
- A4. US Dept. of Agriculture – NRCS Soil Survey – 34th Street Pump Station
- A5. US Dept. of Agriculture – NRCS Soil Survey – Hackney Place Pump Station
- A6. US Dept. of Agriculture – NRCS Soil Survey – Jenkins Parkway Pump Station
- A7. USEPA – NJ Nonattainment/Maintenance Status Table
- A8. USEPA – Counties Designated “Nonattainment” or “Maintenance” for Clean Air Act’s National Ambient Quality Standards (NAAQS)
- A9. USEPA – New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard)
- A10. USEPA – PA, NY, NJ, CT, DE PM-2.5 Maintenance Areas (2006 Standard)
- A11. USEPA – PA, NY, NJ, CT, DE PM-2.5 Maintenance Areas (1997 Standard)
- A12. NJDEP Memo dated December 21, 2015 – Confirmation of Proposed Improvements Conforming to NJ State Implementation Plan (SIP)