



**U.S. Department of Housing and Urban  
Development**

451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov  
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# **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

## **Project Information**

**Project Name:** Passaic County Arts Center ADA Improvements

**Responsible Entity:** Passaic County

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:**

**Preparer:** Mullin & Lonergan Associates

**Certifying Officer Name and Title:** Pasquale "Pat" Lapore, County Commissioner Director

**Grant Recipient** (if different than Responsible Entity):

**Consultant** (if applicable): Mullin & Lonergan Associates

**Direct Comments to:** Deborah Hoffman, Director, Economic Development  
[deborahh@passaiccountynj.org](mailto:deborahh@passaiccountynj.org)

**Project Location:** Passaic County Arts Center (PCAC) Goffle Brook Park; 675 Goffle Road, Hawthorne, NJ 07506

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

The County of Passaic plans to complete various improvements around the Passaic County Arts Center (PCAC) to improve ADA accessibility to the arts center and Goffle Brook Park walking paths and athletic facilities. The project will include a limited reconstruction of the existing parking lot to better locate accessible parking centrally, with respect to the building entrance and walking path access. The pavement will also be reconstructed to provide maximum 2% slopes in all directions within the parking spaces. The parking spaces will also be van accessible, where no van accessible parking spaces currently exist. The project will also include new walking paths around the perimeter of the existing parking lot, to connect to the existing walking path within Goffle Brook Park. The new walking paths will be 6’ wide and constructed with asphalt. The running and cross-slopes of the new walking paths will be fully ADA compliant. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.

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

The proposed project will improve both vehicular and pedestrian ADA accessibility and resolve existing non-compliance concerns. There are several non-compliance concerns with the existing configurations of the area along Rea Avenue within Goffle Brook Park. These issues were pre-existing conditions from initial park development from 1935 through 1952. The park has undergone several restoration phases beginning in 2014. The *Passaic County Arts Center ADA Improvements Project* was identified as a need for both the arts center and the park, since visitation and program numbers have significantly increased since 2019. Through project evaluation, it was determined that the site currently does not comply with respect to slopes along pedestrian access routes, both running and cross slopes, and is missing connectivity to other park elements.

**Existing Conditions and Trends** [24 CFR 58.40(a)]:

Through project evaluation, it was determined that the site currently does not comply with respect to slopes along pedestrian access routes, both running and cross slopes, and is missing accessible connectivity to other park elements.

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
B-17-UC-34-0112	CDBG	\$25,904.18
B-18-UC-34-0112	CDBG	\$63,398.06
B-19-UC-34-0112	CDBG	\$54,697.76

**Estimated Total HUD Funded Amount: \$144,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$144,000**

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

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Passaic County is not located within a CBRS unit. Therefore, this project has no potential to impact a CBRS Unit and follows the Coastal Barrier Resources Act. The nearest CBRS unit is Jamaica Bay in New York.
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project does not involve improvements to or acquisition of insurable personal property. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project does not include new construction or conversion of land use facilitating the development of public, commercial or industrial facilities or five or more dwelling units. It can be assumed that its emissions are below de minimis levels

		and the project is in compliance with the Act
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in a Coastal Zone as defined by New Jersey's Coastal Management Program (NJCMP).
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Several RCRA facilities were identified within half mile of the project site. However, none reported significant violations and are not expected to pose threats to health and safety of beneficiaries of the proposed project. No further evaluation is warranted. Project is in compliance.
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The presence of the Northern Long Eared Bat in the project vicinity required informal consultation with the USFWS. Based on the project activities, the USFWS issued consistency determination that the project will have No Effect on the NLEB. Project is in compliance.
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project does not include a hazardous facility. In addition, the proposed project does not involve construction, conversion or increase in residential densities. No further evaluation is warranted. This project is in compliance with 24 CFR Part 51 Subpart C.
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project is located within an urbanized area; therefore, there is no potential to convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Project is exempt from compliance with floodplain management requirements: 24 CFR Part 55.12 (c)(10) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities. This project is intended to regrade the existing slopes and create accessible pathways that currently present barriers to mobility-impaired individuals visiting the PCAC.  The project is in compliance with Executive Order 11988.

<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The proposed project involves ADA improvements to the parking lot at the Passaic County Arts Center, (historically known as the John W. Rea House), which is individually listed in the New Jersey Register of Historic Places on July 28, 1999 and the National Register of Historic Places on September 17, 1999. The HPO understands that the County of Passaic proposes to utilize HUD-CDBG funding to make various ADA improvements to the John W. Rea House. The scope of work includes restriping of the parking lot to move the ADA-compliant parking spaces, and re-configuration of the pathway on the eastern edge of the parking lot to connect to the proposed new crosswalk.</p> <p>Per the site plans dated February 1, 2023, the scope of work appears to include additional work than is listed above. However, according to the phone call between yourself and Christopher Romanoski of HPO staff on September 1, 2023, it was clarified that the present undertaking is only limited to the above listed ADA upgrades. Consultation for these additional items will proceed at a later date, but please note that consideration of archaeological resources will be necessary for future project elements.</p> <p>Upon review of the proposed scope of work and supporting documentation, the project as proposed meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties – Rehabilitation and will therefore have no adverse effect on the John W. Rea House.</p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Project does not involve noise-sensitive use. Further evaluation under this part is not required. Project is in compliance.</p>

<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Project is not located within a Sole Source Aquifer; no further evaluation is required. Project is in compliance.</p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The project does not involve new construction as defined in Executive Order 11990. Project is in compliance.</p>
<p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Using NEPAssist and the Nationwide Rivers Inventory, it was determined there are no Wild and Scenic Rivers in the project vicinity. Project is in compliance.</p>
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Please see attached EJ Screen Tool Report and Socioeconomic Indicator Map. The Report and map show that 35% of residents in this community are low-income. The neighborhood is also in closer proximity to superfund sites (90<sup>th</sup>-95<sup>th</sup> percentile), making resident subject to a disproportionate burden of environmental hazards to surrounding or comparative communities. No other mitigation will be required as no other adverse impacts were identified that will not be remediated/mitigated. The project is in compliance with Executive Order 12898.</p>

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

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

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed project conforms to the existing land uses, or has requested and received necessary variances to conform with adopted plans and new zoning in the surrounding area and would not result in changes to land use.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	Proposed project will not impact stormwater, drainage or soil resources.
Hazards and Nuisances including Site Safety and Noise	2	Noise during construction may increase; however all construction noise will be in accordance with Passaic County and Hawthorne Borough noise ordinances. Project is not a noise sensitive use; therefore, no noise assessment was conducted.
Energy Consumption	2	Increase in energy consumption during construction is expected, but no long-term effects to energy consumption are anticipated.
Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	No effect expected due to nature of activity.
Demographic Character Changes, Displacement	2	No displacement is expected.
Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	1	Through project evaluation, it was determined that the site currently does not comply with respect to slopes along pedestrian and access routes, both running and cross slopes, and is missing connectivity to other park elements. A positive visitor experience and creating a safe environment are a necessity for County residents and visitors. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.
Commercial Facilities	2	No impact expected.
Health Care and Social Services	2	No impact expected.

Solid Waste Disposal / Recycling	2	No impact expected.
Waste Water / Sanitary Sewers	2	No impact expected.
Water Supply	2	No impact expected.
Public Safety - Police, Fire and Emergency Medical	2	No impact expected.
Parks, Open Space and Recreation	1	Expanded access to recreation opportunities at the PCAC be available as a result of the installation of accessible walking paths.
Transportation and Accessibility	1	The plans and specifications for <i>Passaic County Arts Center ADA Improvements Project</i> will ensure ADA compliance in the following ways: - ADA approved walking path materials; - Paths having 2% cross-slope; - New van accessible ADA parking; - Installation of new park paths to connect the athletic fields, arts center, and parking lot; and - New striping to clearly show the pedestrian accessible route through the parking lot and paths at two (2) locations for improved visibility of ADA accessible routes.
Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	Project is not anticipated to have an effect on natural water resources.
Vegetation, Wildlife	2	The presence of the Northern Long Eared Bat in the project vicinity required informal consultation with the USFWS. Based on the project activities, the USFWS issued consistency determination that the project will have No Effect on the NLEB. No incidental take permits were required.
Other Factors		

**Additional Studies Performed:** None

**Field Inspection** (Date and completed by): **Nordan Murphy, Deputy County Engineer; Kelly Ruffel, Director Cultural & Historic Affairs March 13, 2023**

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

US Fish and Wildlife Service  
NJ State Historic Preservation Office



**List of Permits Obtained:**

**Public Outreach** [24 CFR 50.23 & 58.43]: A Public Notice was advertised April 12, 2023 informing the public of the proposed project and to seek public comment. Further, the City will publish a Finding of No Significant Impact and a Notice of Intent to Request the Release of Funds from the US Department of Housing and Urban Development which requires a public comment period of fifteen days.

**Cumulative Impact Analysis** [24 CFR 58.32]: While noise, dirt and dust may be temporary during construction, the project’s overall impact is positive. A positive visitor experience and creating a safe environment are a necessity for County residents and visitors. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.

**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9] An alternative would be to identify an alternative location for the project; however, due to the specific non compliance issues in the Goffle Brook Park, an alternative location would not be ideal.

**No Action Alternative** [24 CFR 58.40(e)]: The No Action Alternative was considered but rejected because of the beneficial impacts of ensuring ADA accessibility at the PCAC.

**Summary of Findings and Conclusions:**

While noise, dirt and dust may be temporary during construction, the project’s overall impact is positive. A positive visitor experience and creating a safe environment are a necessity for County residents and visitors. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.

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

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

Law, Authority, or Factor	Mitigation Measure


**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature: \_\_\_\_\_ Date: 09.07.2023

Name/Title/Organization: Kate Molinaro, Consultant, M&L Associates

\_\_\_\_\_  
Certifying Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: Pasquale "Pat" Lapore, County Commissioner Director

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

Project

## Air Quality

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

Air Quality. This threshold is triggered if the project is within a non-attainment area for which EPA has approved the State Implementation Plan (SIP), and there are SIP controls for such a project. If compliance issues are transportation related, priority must be given to implementing these portions of the SIP to achieve and maintain national primary air quality standards.

- Any activities involving the removal and disposal of asbestos from facilities/structures will require consultation with the appropriate agency to ensure compliance with the requirements.
- Any construction project which involves fugitive dust emissions (FDE) must ensure that mitigating measures are undertaken to limited FDE. Design engineers/consultants should be familiar with the requirements which are to be included in construction documents.
- Any development which will result in increased vehicular traffic (e.g. parking facilities or, new development) must consider the impact on air quality.

The environmental review record should contain one of the following:

- A determination that the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units
- Documentation that the project's county or air quality management district is not in nonattainment or maintenance status for any criteria pollutants
- Evidence that estimated emissions levels for the project do not exceed de minimis emissions levels for the nonattainment or maintenance level pollutants
- A determination that the project can be brought into compliance with the State Implementation Plan (SIP) through modification or mitigation, including documentation on how the project can be brought into compliance

**X** This project is not within an EPA-designated non-attainment area.

## Air Quality (CEST and EA)

General Requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/air-quality">https://www.hudexchange.info/environmental-review/air-quality</a>		

### Scope of Work

- 1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

→ Continue to Question 2.

No

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

### Air Quality Attainment Status of Project's County or Air Quality Management District

- 2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

Follow the link below to determine compliance status of project county or air quality management district:

<http://www.epa.gov/oaqps001/greenbk/>

No, project's county or air quality management district is in attainment status for all criteria pollutants

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.

Describe the findings:

→ Continue to Question 3.

**3. Determine the estimated emissions levels of your project for each of those criteria pollutants that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?**

No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed de minimis or threshold emissions.*

Yes, the project exceeds *de minimis* emissions levels or screening levels.

→ *Continue to Question 4. Explain how you determined that the project would not exceed de minimis or threshold emissions in the Worksheet Summary.*

**4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates

- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project does not include new construction or conversion of land use facilitating the development of public, commercial or industrial facilities or five or more dwelling units. It can be assumed that its emissions are below de minimis levels and the project is in compliance with the Act.

**Are formal compliance steps or mitigation required?**

Yes

No

Yellowstone County	
<i>Sulfur Dioxide (1971)</i>	*Laurel Area (Yellowstone County), MT
<b>NEVADA</b>	
Clark County	
<i>8-Hour Ozone (2015)</i>	*Las Vegas, NV - (Marginal)
<b>NEW JERSEY</b>	
Atlantic County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Bergen County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Burlington County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Camden County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Cape May County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Cumberland County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Essex County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Gloucester County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Hudson County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Hunterdon County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Mercer County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Middlesex County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Monmouth County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Morris County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Ocean County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Passaic County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Salem County	
<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Somerset County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Sussex County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Union County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Warren County	
<i>Sulfur Dioxide (1971)</i>	*Warren County, NJ
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
<b>NEW MEXICO</b>	
Dona Ana County	
<i>PM-10 (1987)</i>	*Dona Ana County; Anthony, NM - (Moderate)
<i>8-Hour Ozone (2015)</i>	*El Paso-Las Cruces, TX-NM - (Marginal)
<b>NEW YORK</b>	
Bronx County	
<i>8-Hour Ozone (2008)</i>	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
<i>8-Hour Ozone (2015)</i>	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Chautauqua County	
<i>8-Hour Ozone (2008)</i>	Jamestown, NY - (Marginal)
Kings County	



## Airport Runway Clear Zones

Code of Federal Regulations, 24 CFR Part 51D, Section 51.302

Runway Clear Zones at Designated Commercial Service Airports and Clear Zones and Accident Potential Zones at Military Airfields. Assistance for construction or major rehabilitation of any real property located on a clear zone site is prohibited for a project to be frequently used or occupied by people. For properties located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway, the airport operator should make a finding stating whether or not the property is located within a runway clear zone for civil airports or a clear zone or accident potential zone at a military airfield.

For a project not to be frequently used or occupied by people, HUD assistance may be approved only when written assurances are provided to HUD by the airport operator to the effect that there are no plans to purchase the land involved with such facilities as part of a Runway Clear Zone or Clear Zone acquisition program.

The environmental review record should contain **one** of the following:

- Documentation that the rule is not applicable to the proposed project (i.e., acquisition of an existing building, “minor” rehabilitation, or emergency action)
- A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ/CZ or a letter from the airport operator stating so
- If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines
- If the site is in a designated RPZ/CZ and the project does not involve any facilities that will be frequently used or occupied by people, and a determination of such and a written assurance from the airport operator that there are no plans to purchase the land as part of a RPZ/CZ program
- If the site is in a designated RPZ/CZ and the project involves the acquisition or sale of an existing property that will be frequently used or occupied by people, a copy of the notice to prospective buyers signed by the prospective buyer

**X** This regulation does not apply because the project is not construction or major rehab.

## Airport Hazards (CEST and EA)

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D
References		
<a href="https://www.hudexchange.info/environmental-review/airport-hazards">https://www.hudexchange.info/environmental-review/airport-hazards</a>		

**1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*

Yes → *Continue to Question 2.*

**2. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?**

Yes, project is in an APZ → *Continue to Question 3.*

Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*

No, project is not within an APZ or RPZ/CZ

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

**3. Is the project in conformance with DOD guidelines for APZ?**

Yes, project is consistent with DOD guidelines without further action.

**Explain how you determined that the project is consistent:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

No, the project cannot be brought into conformance with DOD guidelines and has not been approved. → *Project cannot proceed at this location.*

Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

**Explain approval process:**

**If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

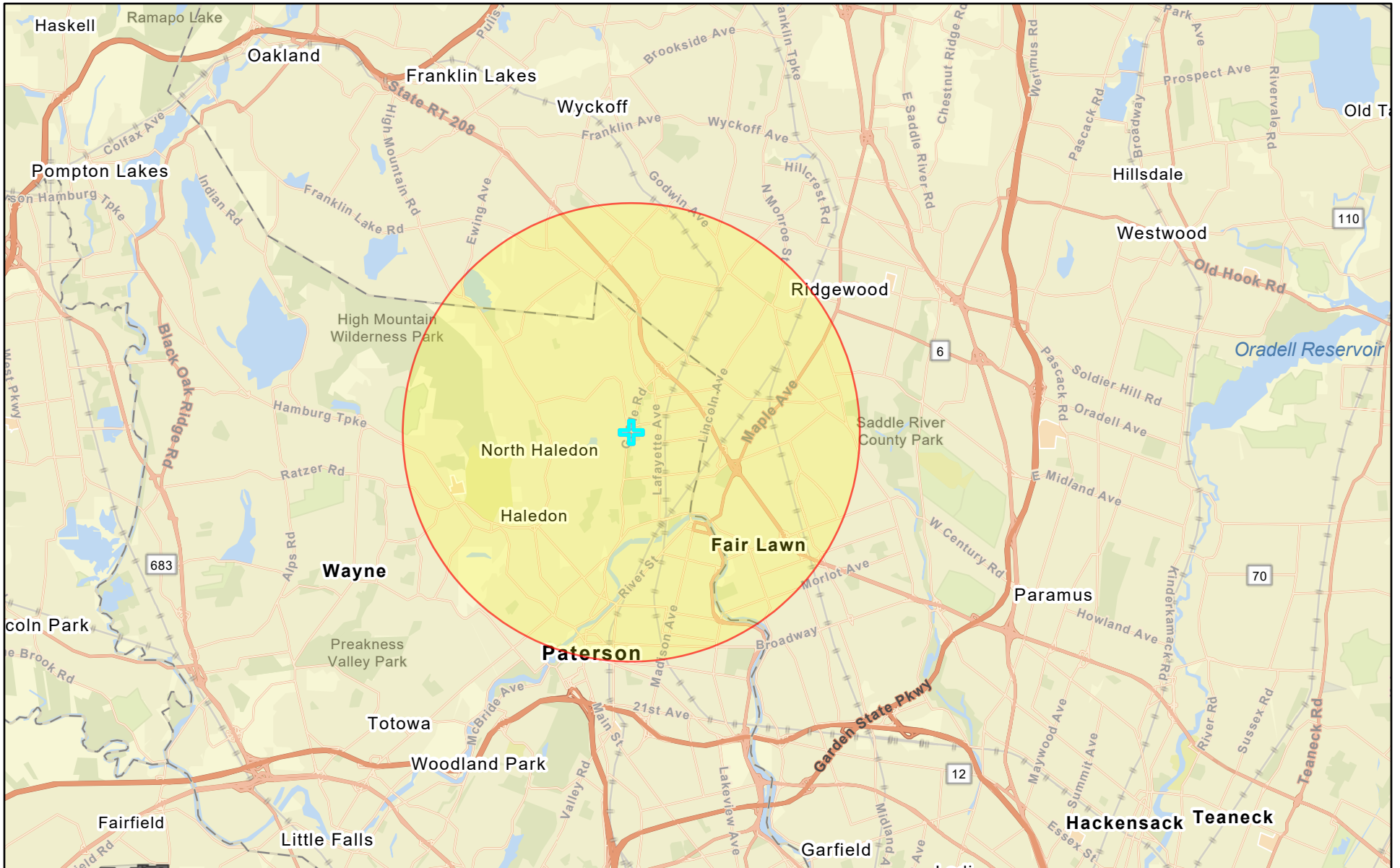
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.





**Are formal compliance steps or mitigation required?**

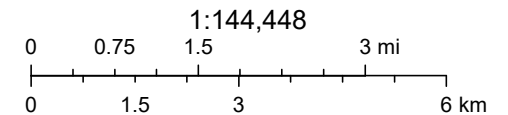
- Yes
- No

# PCAC-ADA Improvements



April 11, 2023

-  Project Buffer
-  Airport Points
-  Search Result (point)
-  Airport Polygons



New Jersey Office of GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, EPA OEI

## Coastal Barrier Resources

Coastal Barrier Resources (CBRS) The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA and expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands.

The environmental review record should contain **one** of the following:

- A general location map establishing there are no Coastal Barrier Resource System units in the city or county
- A map issued by the FWS or FEMA (or from their website) showing that the proposed project is not located within a designated Coastal Barrier Resource System Unit. The FEMA map panel number must be cited within the Environmental Review Record
- Approval of the project from the FWS, including all prior correspondence

## Coastal Barrier Resources (CEST and EA)

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	
References		
<a href="https://www.hudexchange.info/environmental-review/coastal-barrier-resources">https://www.hudexchange.info/environmental-review/coastal-barrier-resources</a>		

Projects located in the following states must complete this form.

Alabama	Georgia	Massachusetts	New Jersey	Puerto Rico	Virgin Islands
Connecticut	Louisiana	Michigan	New York	Rhode Island	Virginia
Delaware	Maine	Minnesota	North Carolina	South Carolina	Wisconsin
Florida	Maryland	Mississippi	Ohio	Texas	

### 1. Is the project located in a CBRS Unit?

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*

Yes → *Continue to Question 2.*

Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the Fish and Wildlife Service (FWS) (see [16 USC 3505](#) for exceptions to limitations on expenditures).

### 2. Indicate your selected course of action.

After consultation with the FWS the project was given approval to continue  
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map and documentation of a FWS approval.*

Project was not given approval  
Project cannot proceed at this location.

### Worksheet Summary

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Passaic County is not located within a CBRS unit. Therefore, this project has no potential to impact a CBRS Unit and follows the Coastal Barrier Resources Act. The nearest CBRS unit is Jamaica Bay in New York. The project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No





April 11, 2023

CBRS Buffer Zone      System Unit

**CBRS Units**

Otherwise Protected Area

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>) as to whether the property or project site is located "in" or "out" of the CBRS.

CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward



## Coastal Zone Management

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

Coastal Zone Management (CZM). This threshold is triggered if the project is within the area covered by a Federally approved CZM Plan. In order to be approved, a consistency determination permit from CZ Commission or other jurisdictional authority is required.

The environmental review record should contain **one** of the following:

- A general location map establishing the project is located in a state where there are no coastal zones or documentation showing the State is not participating in the CZM program
- If the project is in a state with a coastal zone, a statement or map from the local planning department, state coastal commission, or district as evidence the project is not in the CZMA.
- A determination that the project activities are not subject to state review
- A Federal consistency determination from the state coastal commission, including a description of any necessary mitigation

**X** This project is in not within a coastal zone.

## Coastal Zone Management Act (CEST and EA)

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samona	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

### 1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes → Continue to Question 2.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.

### 2. Does this project include activities that are subject to state review?

Yes → Continue to Question 3.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

### 3. Has this project been determined to be consistent with the State Coastal Management Program?

Yes, with mitigation. → Continue to Question 4.

Yes, without mitigation. → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

No, project must be canceled.

Project cannot proceed at this location.

**4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project is not located in a Coastal Zone as defined by New Jersey's Coastal Management Program (NJCMP). Project is in compliance.

**Are formal compliance steps or mitigation required?**

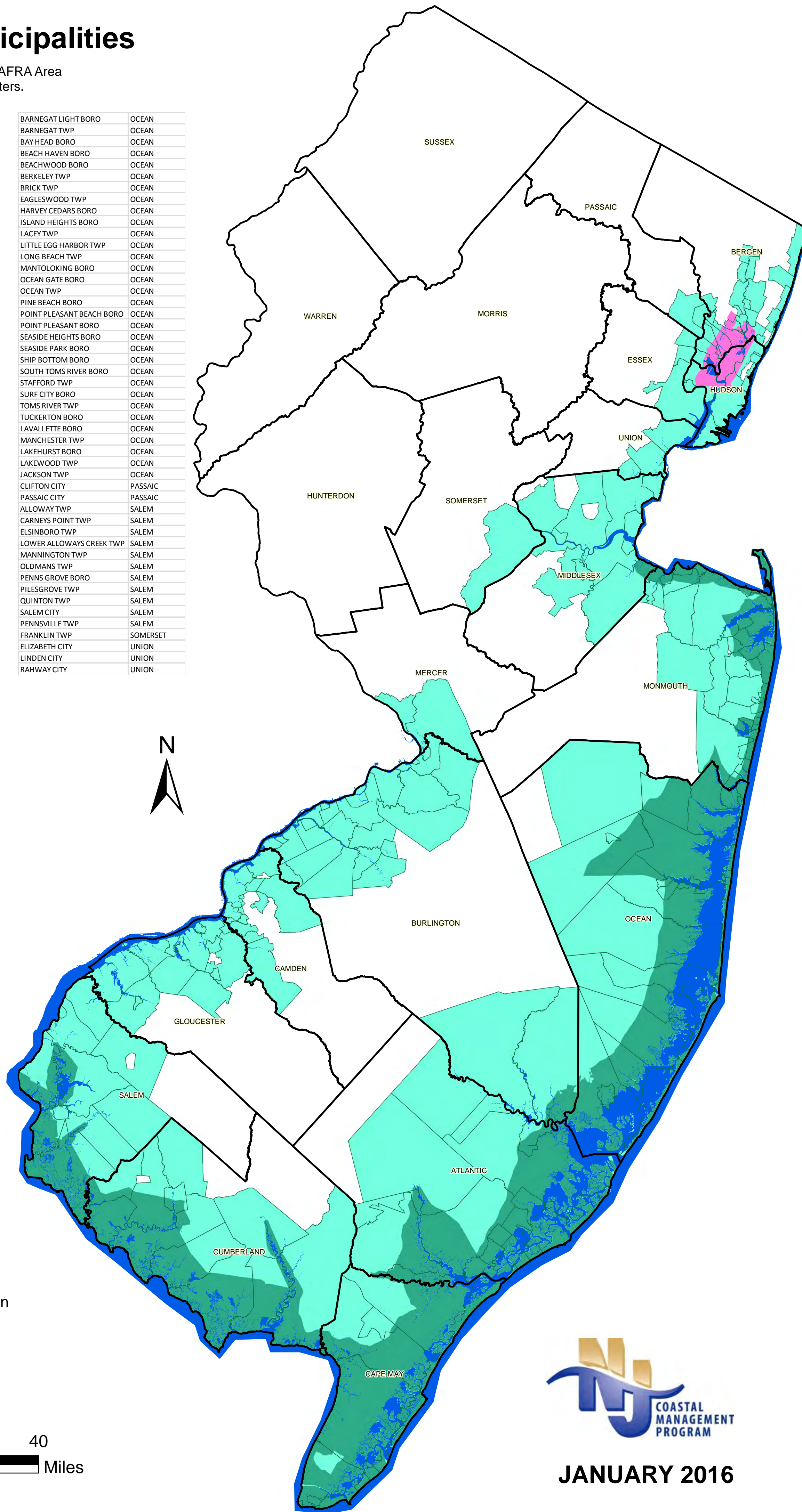
- Yes  
 No



# Map of NJ Coastal Municipalities

Municipalities listed includes those in the CAFRA Area and those with Tidally Influenced Waters.

ABSECON CITY	ATLANTIC	BRIDGETON CITY	CUMBERLAND	BARNEGAT LIGHT BORO	OCEAN
ATLANTIC CITY	ATLANTIC	COMMERCIAL TWP	CUMBERLAND	BARNEGAT TWP	OCEAN
BRIGANTINE CITY	ATLANTIC	DOWNNE TWP	CUMBERLAND	BAY HEAD BORO	OCEAN
CORBIN CITY	ATLANTIC	FAIRFIELD TWP	CUMBERLAND	BEACH HAVEN BORO	OCEAN
EGG HARBOR TWP	ATLANTIC	GREENWICH TWP	CUMBERLAND	BEACHWOOD BORO	OCEAN
ESTELL MANOR CITY	ATLANTIC	LAWRENCE TWP	CUMBERLAND	BERKELEY TWP	OCEAN
GALLOWAY TWP	ATLANTIC	MAURICE RIVER TWP	CUMBERLAND	BRICK TWP	OCEAN
HAMILTON TWP	ATLANTIC	MILLVILLE CITY	CUMBERLAND	EAGLESWOOD TWP	OCEAN
LINWOOD CITY	ATLANTIC	STOW CREEK TWP	CUMBERLAND	HARVEY CEDARS BORO	OCEAN
LONGPORT BORO	ATLANTIC	UPPER DEERFIELD TWP	CUMBERLAND	ISLAND HEIGHTS BORO	OCEAN
MARGATE CITY	ATLANTIC	HOPEWELL TWP	CUMBERLAND	LACEY TWP	OCEAN
MULLICA TWP	ATLANTIC	BELLEVILLE TWP	ESSEX	LITTLE EGG HARBOR TWP	OCEAN
NORTHFIELD CITY	ATLANTIC	NEWARK CITY	ESSEX	LONG BEACH TWP	OCEAN
PLEASANTVILLE CITY	ATLANTIC	NUTLEY TWP	ESSEX	MANTOLOKING BORO	OCEAN
PORT REPUBLIC CITY	ATLANTIC	DEPTFORD TWP	GLOUCESTER	OCEAN GATE BORO	OCEAN
SOMERS POINT CITY	ATLANTIC	EAST GREENWICH TWP	GLOUCESTER	OCEAN TWP	OCEAN
VENTNOR CITY	ATLANTIC	GREENWICH TWP	GLOUCESTER	PINE BEACH BORO	OCEAN
WEYMOUTH TWP	ATLANTIC	LOGAN TWP	GLOUCESTER	POINT PLEASANT BEACH BORO	OCEAN
EGG HARBOR CITY	ATLANTIC	MANTUA TWP	GLOUCESTER	POINT PLEASANT BORO	OCEAN
ALPINE BORO	BERGEN	NATIONAL PARK BORO	GLOUCESTER	SEASIDE HEIGHTS BORO	OCEAN
BOGOTA BORO	BERGEN	PAULSBORO BORO	GLOUCESTER	SEASIDE PARK BORO	OCEAN
CARLSTADT BORO	BERGEN	SWEDESBORO BORO	GLOUCESTER	SHIP BOTTOM BORO	OCEAN
EAST RUTHERFORD BORO	BERGEN	WENONAH BORO	GLOUCESTER	SOUTH TOMS RIVER BORO	OCEAN
EDGEWATER BORO	BERGEN	WEST DEPTFORD TWP	GLOUCESTER	STAFFORD TWP	OCEAN
ENGLEWOOD CLIFFS BORO	BERGEN	WOODBURY CITY	GLOUCESTER	SURF CITY BORO	OCEAN
FAIRVIEW BORO	BERGEN	WOOLWICH TWP	GLOUCESTER	TOMS RIVER TWP	OCEAN
FORT LEE BORO	BERGEN	WESTVILLE BORO	GLOUCESTER	TUCKERTON BORO	OCEAN
GARFIELD CITY	BERGEN	BAYONNE CITY	HUDSON	LAVALLETT BORO	OCEAN
HACKENSACK CITY	BERGEN	EAST NEWARK BORO	HUDSON	MANCHESTER TWP	OCEAN
LITTLE FERRY BORO	BERGEN	GUTTENBERG TOWN	HUDSON	LAKEHURST BORO	OCEAN
LYNDHURST TWP	BERGEN	HARRISON TOWN	HUDSON	LAKEWOOD TWP	OCEAN
MOONACHIE BORO	BERGEN	HOBOKEN CITY	HUDSON	JACKSON TWP	OCEAN
NEW MILFORD BORO	BERGEN	JERSEY CITY	HUDSON	CLIFTON CITY	PASSAIC
NORTH ARLINGTON BORO	BERGEN	KEARNY TOWN	HUDSON	PASSAIC CITY	PASSAIC
ORADELL BORO	BERGEN	NORTH BERGEN TWP	HUDSON	ALLOWAY TWP	SALEM
RIDGEFIELD BORO	BERGEN	SECAUCUS TOWN	HUDSON	CARNEYS POINT TWP	SALEM
RIDGEFIELD PARK VILLAGE	BERGEN	WEEHAWKEN TWP	HUDSON	EL SINBORO TWP	SALEM
RIVER EDGE BORO	BERGEN	WEST NEW YORK TOWN	HUDSON	LOWER ALLOWAYS CREEK TWP	SALEM
RUTHERFORD BORO	BERGEN	HAMILTON TWP	MERCER	MANNINGTON TWP	SALEM
TEANECK TWP	BERGEN	TRENTON CITY	MERCER	OLDMANS TWP	SALEM
TENAFLY BORO	BERGEN	CARTERET BORO	MIDDLESEX	PENNS GROVE BORO	SALEM
WALLINGTON BORO	BERGEN	EAST BRUNSWICK TWP	MIDDLESEX	PILES GROVE TWP	SALEM
SOUTH HACKENSACK TWP	BERGEN	EDISON TWP	MIDDLESEX	QUINTON TWP	SALEM
BASS RIVER TWP	BURLINGTON	HIGHLAND PARK BORO	MIDDLESEX	SALEM CITY	SALEM
BEVERLY CITY	BURLINGTON	OLD BRIDGE TWP	MIDDLESEX	PENNSVILLE TWP	SALEM
BORDENTOWN CITY	BURLINGTON	PERTH AMBOY CITY	MIDDLESEX	FRANKLIN TWP	SOMERSET
BORDENTOWN TWP	BURLINGTON	SAYREVILLE BORO	MIDDLESEX	ELIZABETH CITY	UNION
BURLINGTON CITY	BURLINGTON	SOUTH AMBOY CITY	MIDDLESEX	LINDEN CITY	UNION
BURLINGTON TWP	BURLINGTON	SOUTH RIVER BORO	MIDDLESEX	RAHWAY CITY	UNION
CHESTERFIELD TWP	BURLINGTON	WOODBIDGE TWP	MIDDLESEX		
CINNAMINON TWP	BURLINGTON	NEW BRUNSWICK CITY	MIDDLESEX		
DELANCO TWP	BURLINGTON	PISCATAWAY TWP	MIDDLESEX		
EDGEWATER PARK TWP	BURLINGTON	ABERDEEN TWP	MONMOUTH		
FIELDSBORO BORO	BURLINGTON	ALLENHURST BORO	MONMOUTH		
FLORENCE TWP	BURLINGTON	ASBURY PARK CITY	MONMOUTH		
HAINESPORT TWP	BURLINGTON	ATLANTIC HIGHLANDS BORO	MONMOUTH		
LUMBERTON TWP	BURLINGTON	AVON-BY-THE-SEA BORO	MONMOUTH		
MANSFIELD TWP	BURLINGTON	BELMAR BORO	MONMOUTH		
MAPLE SHADE TWP	BURLINGTON	BRADLEY BEACH BORO	MONMOUTH		
MOORESTOWN TWP	BURLINGTON	BRIELLE BORO	MONMOUTH		
MOUNT HOLLY TWP	BURLINGTON	DEAL BORO	MONMOUTH		
MOUNT LAUREL TWP	BURLINGTON	EATONTOWN BORO	MONMOUTH		
PALMYRA BORO	BURLINGTON	FAIR HAVEN BORO	MONMOUTH		
RIVERSIDE TWP	BURLINGTON	HAZLET TWP	MONMOUTH		
RIVERTON BORO	BURLINGTON	HIGHLANDS BORO	MONMOUTH		
SPRINGFIELD TWP	BURLINGTON	INTERLAKEN BORO	MONMOUTH		
WASHINGTON TWP	BURLINGTON	KEANSBURG BORO	MONMOUTH		
WESTAMPTON TWP	BURLINGTON	KEYPORT BORO	MONMOUTH		
WILLINGBORO TWP	BURLINGTON	LITTLE SILVER BORO	MONMOUTH		
DELTRAN TWP	BURLINGTON	LOCH ARBOUR VILLAGE	MONMOUTH		
BELLMAWR BORO	CAMDEN	LONG BRANCH CITY	MONMOUTH		
BROOKLAWN BORO	CAMDEN	MANASQUAN BORO	MONMOUTH		
CAMDEN CITY	CAMDEN	MATAWAN BORO	MONMOUTH		
CHERRY HILL TWP	CAMDEN	MIDDLETOWN TWP	MONMOUTH		
GLOUCESTER CITY	CAMDEN	MONMOUTH BEACH BORO	MONMOUTH		
GLOUCESTER TWP	CAMDEN	NEPTUNE CITY BORO	MONMOUTH		
MOUNT EPHRAIM BORO	CAMDEN	NEPTUNE TWP	MONMOUTH		
PENNSAUKEN TWP	CAMDEN	OCEANPORT BORO	MONMOUTH		
RUNNEMEDE BORO	CAMDEN	RED BANK BORO	MONMOUTH		
WOODYLYNNE BORO	CAMDEN	RUMSON BORO	MONMOUTH		
HADDON TWP	CAMDEN	SEA BRIGHT BORO	MONMOUTH		
AVALON BORO	CAPE MAY	SEA GIRT BORO	MONMOUTH		
CAPE MAY CITY	CAPE MAY	SHREWSBURY BORO	MONMOUTH		
CAPE MAY POINT BORO	CAPE MAY	SPRING LAKE BORO	MONMOUTH		
DENNIS TWP	CAPE MAY	SPRING LAKE HEIGHTS BORO	MONMOUTH		
LOWER TWP	CAPE MAY	TINTON FALLS BORO	MONMOUTH		
MIDDLE TWP	CAPE MAY	UNION BEACH BORO	MONMOUTH		
NORTH WILDWOOD CITY	CAPE MAY	WALL TWP	MONMOUTH		
OCEAN CITY	CAPE MAY	WEST LONG BRANCH BORO	MONMOUTH		
SEA ISLE CITY	CAPE MAY	OCEAN TWP	MONMOUTH		
STONE HARBOR BORO	CAPE MAY	HOLMDEL TWP	MONMOUTH		
UPPER TWP	CAPE MAY	LAKE COMO BORO	MONMOUTH		
WEST CAPE MAY BORO	CAPE MAY	COLTS NECK TWP	MONMOUTH		
WEST WILDWOOD BORO	CAPE MAY				
WILDWOOD CITY	CAPE MAY				
WILDWOOD CREST BORO	CAPE MAY				
WOODBINE BORO	CAPE MAY				



- Tidally Influenced Municipalities
- Hackensack Meadowlands Region
- CAFRA Zone
- New Jersey Tidal Waterways



JANUARY 2016

0 10 20 40 Miles

1:471,215



## Endangered Species

Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402

Endangered Species. This threshold is triggered when a project will affect an endangered species of plant or animals, or a critical habitat. This finding is based on a review of available resource identifying such habitat and consultation with the appropriate wildlife agencies via the Pennsylvania Natural Diversity Inventory (PNDI) information system.

Provided is a listing of public service activities, public/community facilities activities, and housing rehabilitation activities if, wherein all work is confined to the existing structures or confined to road rights-of-ways, can be exempted from consultation:

### Public Service Activities

- Purchase of radio equipment for vehicles or hand held use
- Rehabilitation of fire-fighting equipment
- Tuition assistance/counseling services
- Purchase of vehicles for handicap/senior transport
- Improvements to structure where public service is occurring

### Public/Community/Facilities Improvements

- Renovations, rehab, reconstruction of facilities when improvements are limited to the structure
- Street improvements provided improvements are confined to the road rights-of-way
- Sanitary sewer improvements provided improvements are limited to exiting lines are confined to existing rights-of-way
- Instituform process

### Housing Rehabilitation

- Rehabilitation, as long as improvements are confined to the structure

The environmental review record should contain **one** of the following determinations and supporting documentation:

- No Effect, including a determination that the project does not involve any activities that have a potential to affect species or habitats, evidence that there are no federally listed species in the area, or other analysis supporting a No Effect finding
- May Affect, Unlikely to Adverse Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service
- Likely to Adversely Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service



This project does not impact any endangered species.

## Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/endangered-species">https://www.hudexchange.info/environmental-review/endangered-species</a>		

### 1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

### 2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.*

Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

### 3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

#### **4. Informal Consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

#### **Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological evaluation or equivalent document*
- (2) Concurrence(s) from FWS and/or NMFS*
- (3) Any other documentation of informal consultation*

*Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.*

No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

#### **5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ *Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological assessment, evaluation, or equivalent document*
- (2) Biological opinion(s) issued by FWS and/or NMFS*
- (3) Any other documentation of formal consultation*

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.

Mitigation as follows will be implemented:

No mitigation is necessary.

**Explain why mitigation will not be made here:**

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The presence of the Northern Long Eared Bat in the project vicinity required informal consultation with the USFWS. Based on the project activities, the USFWS issued consistency determination that the project will have No Effect on the NLEB. Project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No





## United States Department of the Interior



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

In Reply Refer To:  
Project code: 2023-0067487  
Project Name: Passaic County Arts Center-ADA Improvements

May 18, 2023

Federal Nexus: yes  
Federal Action Agency (if applicable): County of Passaic

**Subject:** Record of project representative's no effect determination for 'Passaic County Arts Center-ADA Improvements'

Dear Kate Molinaro:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 18, 2023, for 'Passaic County Arts Center-ADA Improvements' (here forward, Project). This project has been assigned Project Code 2023-0067487 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may

include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New Jersey Ecological Services Field Office and reference Project Code 2023-0067487 associated with this Project.

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## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

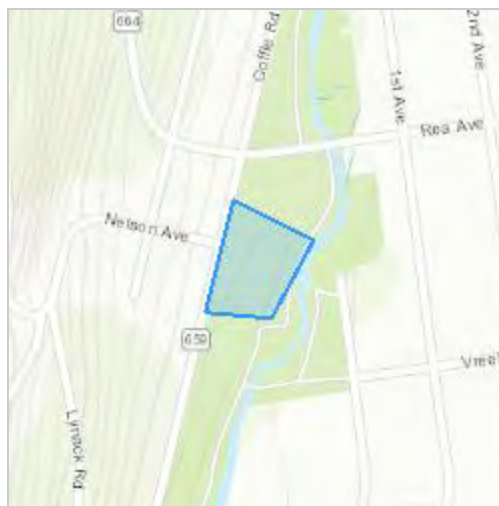
Passaic County Arts Center-ADA Improvements

### 2. Description

The following description was provided for the project 'Passaic County Arts Center-ADA Improvements':

The County of Passaic plans to complete various improvements around the Passaic County Arts Center (PCAC) to improve ADA accessibility to the arts center and Goffle Brook Park walking paths and athletic facilities. The project will include a limited reconstruction of the existing parking lot to better locate accessible parking centrally, with respect to the building entrance and walking path access. The pavement will also be reconstructed to provide maximum 2% slopes in all directions within the parking spaces. The parking spaces will also be van accessible, where no van accessible parking spaces currently exist. The project will also include new walking paths around the perimeter of the existing parking lot, to connect to the existing walking path within Goffle Brook Park. The new walking paths will be 6' wide and constructed with asphalt. The running and cross-slopes of the new walking paths will be fully ADA compliant. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.9566116,-74.16159712607828,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

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6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*No*

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*No*

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

*No*

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*

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## **PROJECT QUESTIONNAIRE**

Will all project activities be completed by April 1, 2024?

Yes

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## **IPAC USER CONTACT INFORMATION**

Agency: County of Passaic  
Name: Kate Molinaro  
Address: 800 Vinial Street  
Address Line 2: Ste B414  
City: Pittsburgh  
State: PA  
Zip: 15212  
Email: katemo@mandl.net  
Phone: 4123231950

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# U.S. Fish and Wildlife Service New Jersey Field Office Project Screening Questions

Last updated December 3, 2021

This document is for use under Step 3 of our online *New Jersey Field Office Project Review Guide*. (Step 3 is *Determine if Service Review is Needed*.)

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## DEFINITIONS

**Action area** - all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. [50 CFR Section 402.02]. Further clarification is provided by the the national consultation FAQ, “The action area is defined by regulation as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). This analysis is not limited to the “footprint” of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area. The documentation used by a Federal action agency to initiate consultation should contain a description of the action area as defined in the Services' regulations and explained in the Services' consultation handbook. If the Services determine that the action area as defined by the action agency is incorrect, the Services should discuss their rationale with the agency or applicant, as appropriate. Reaching agreement on the description of the action area is desirable but ultimately the Services can only consult when an action area is defined properly under the regulations.” Please see our online *New Jersey Field Office Project Review Guide* for specific guidance on delineating action areas in New Jersey.

**Conference** - a process of early interagency cooperation involving informal or formal discussions between a Federal agency and the Services pursuant to section 7(a)(4) of the Act regarding the likely impact of an action on proposed species or proposed critical habitat. Conferences are: (1) required for proposed Federal actions likely to jeopardize proposed species, or destroy or adversely modify proposed critical habitat; (2) designed to help Federal agencies identify and resolve potential conflicts between an action and species conservation early in a



project's planning; and (3) designed to develop recommendations to minimize or avoid adverse effects to proposed species or proposed critical habitat.

**Conservation measures** - are actions to benefit or promote the recovery of listed species that are included by the Federal agency as an integral part of the proposed action. These actions will be taken by the Federal agency or applicant, and serve to minimize or compensate for, project effects on the species under review. These may include actions taken prior to the initiation of consultation, or actions which the Federal agency or applicant have committed to complete in a biological assessment or similar document.

**Is likely to adversely affect** - the appropriate finding in a biological assessment (or conclusion during informal consultation) if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not: discountable, insignificant, or beneficial (see definition of “is not likely to adversely affect”). In the event the overall effect of the proposed action is beneficial to the listed species, but is also likely to cause some adverse effects, then the proposed action “is likely to adversely affect” the listed species. If incidental take is anticipated to occur as a result of the proposed action, an “is likely to adversely affect” determination should be made. An “is likely to adversely affect” determination requires the initiation of formal section 7 consultation.

**Is not likely to adversely affect** - the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

**Jeopardize the continued existence of** - to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. [50 CFR Section 402.02]

**May affect** - the appropriate conclusion when a proposed action may pose any effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a “may affect” situation exists, then they must either initiate formal consultation or seek written concurrence from the Services that the action “is not likely to adversely affect” [see definition above] listed species.

**No effect** - the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat. (Proposed projects in New Jersey can be considered “no effect” if iPac returns a report of “There are no listed species found within the vicinity of your project,” so long as the “project location” entered into iPac represents the comprehensive action area, and not just the footprint of disturbance.)

**Take** - to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. [ESA Section 3(19)]. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined by FWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. [50 CFR Section 17.3]

## SCREENING INSTRUCTIONS

1. **Optional habitat screening.** Before proceeding to the Screening Questions, below, project proponents can elect to screen the action area for suitable habitats for certain species. Under the circumstances listed here, you can conclude “no effect“ for that species. Then proceed to the Screening Questions to screen the rest of the species returned in your IPaC report. **Please note:** the action area is generally larger than the project footprint; see our online *New Jersey Field Office Project Review Guide* for guidance on delineating the action area. If portions of the project’s action area cannot be accessed/surveyed, the project proponent should assume presence of suitable habitat and proceed to the Screening Questions.
  - o Bog turtle – proposed activities are “no effect“ if there is no suitable habitat within the action area as determined by a Phase 1 survey conducted by a recognized, qualified surveyor. **No effect**
  - o Piping plover – proposed activities are “no effect“ if there is no dry beach within the action area (*i.e.*, if the mean high water line reaches to a boardwalk, bulkhead, seawall, other artificial structure, or to a steep, stabilized, densely vegetated dune). **No Effect**
  - o Red knot – proposed activities are “no effect“ if the action area lacks ALL of the following: unstabilized dune, dry beach, and sparsely vegetated intertidal habitat of any kind (*e.g.*, beach “swash” zone, sand flat, mud flat, algal flat, shoal, sand spit, islet, peat bank, tidal marsh blowouts/pans). **No Effect**
  - o Swamp pink – proposed activities are “no effect“ if there are no forested wetlands within the action area. **No Effect**
  - o Sensitive joint-vetch – proposed activities are “no effect“ if there is no fresh or brackish tidal marsh within the action area. **No Effect**
  - o Seabeach amaranth – proposed activities are “no effect“ if there is no dry beach within the action area (*i.e.*, if the mean high water line reaches to a boardwalk, bulkhead, seawall, other artificial structure, or to a steep, stabilized, densely vegetated dune). **No Effect**
2. In the list of Screening Questions below, locate each species returned on your IPaC report (other than those that were determined “no effect“ based on a habitat screening, above). **Please note about critical habitat:** Each species returned in the IPaC report must be screened regardless of the IPaC results regarding designated critical habitat. Species for which no critical habitat has been designated should still be screened. Likewise, species should be screened even if IPaC indicates that the action area is outside of any designated critical habitat.
3. For each species indicated in your IPaC report, begin with Screening Question 1 and proceed through the questions until reaching ONE of the following conclusions for that species.
  - o Submit project information
  - o No effect
  - o Use the appropriate IPaC Determination Key
4. If you reach a conclusion to follow one of the IPaC Determination Keys (bats only), follow the instructions in that key, THEN complete screening of all other species listed on your IPaC report using the questions below.
5. If you reach of a conclusion of “submit project information” for ONE OR MORE of the listed species indicated in your IPaC report, then follow the instructions under Step 4 (*Submit Project Information*) of our online *New Jersey Field Office Project Review Guide*.

6. No Endangered Species Act review is needed if ALL species listed on your IPaC report reach one of the following conclusions:
- o “No effect“ OR
  - o “The project follows the NLEB 4(d) rule” OR
  - o A “no effect” or "may affect, but not likely to adversely affect" determination

received from one of the IPaC Determination Keys

In this case, print the No Effect Letter for your files and proceed with Step 6 of our online *New Jersey Field Office Project Review Guide*. (Step 6 is *Protect Other Wildlife Resources*).

## SCREENING QUESTIONS

### **Bog Turtle N/A**

Screening Question #1: Does the project include activity in or within 500 feet of a freshwater wetland?

Yes = Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Does the project involve ground disturbance; new impervious surface ( $\geq 0.25$  acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); waste water discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants?

Yes = Submit project information to NJFO.

No = No effect.

### **Eastern Black Rail N/A**

Screening Question #1: Does the project include activity in or within 500 feet of an emergent (i.e., herbaceous) wetland (e.g., tidal or non-tidal; saline, brackish, or fresh)?

Yes = Submit project information to NJFO.

No = No effect.

### **Piping Plover N/A**

Screening Question #1: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or intertidal habitat (e.g., beach “swash” zone) AND/OR involve dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Will the project involve new or expanded human access to any beach; activities audible or visible from any beach or intertidal habitat; low-flying aircraft; and/or fireworks displays?

Yes = Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project involve a new or enlarged wind turbine?

Yes = Submit project information to NJFO.

No = Go to Question 4.

Screening Question #4: Does the project involve transport or storage of petroleum products and/or spill response planning?

Yes = Submit project information to NJFO.

No = No effect.

## **Rufa Red Knot N/A**

Screening Question #1: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or sparsely vegetated intertidal habitat of any kind (e.g., beach “swash” zone, sand flat, mud flat, algal flat, shoal, sand spit, islet, peat bank, tidal marsh blowout/pan) AND/OR involve dredging within 0.5 mile of the Mean Lower Low Water line?  
Yes = Submit project information to NJFO.  
No = Go to Question 2.

Screening Question #2: Will the project involve new or expanded human access to any beach or intertidal habitat; activities audible or visible from any beach or intertidal habitat; low-flying aircraft; and/or fireworks displays?  
Yes = Submit project information to NJFO.  
No = Go to Question 3.

Screening Question #3: Does the project involve a new or enlarged wind turbine?  
Yes = Submit project information to NJFO.  
No = Go to Question 4.

Screening Question #4: Does the project involve transport or storage of petroleum products and/or spill response planning?  
Yes = Submit project information to NJFO.  
No = Go to Question 5.

Screening Question #5: Does the project involve any impacts to horseshoe crabs (e.g., potential blockage, entrapment or entanglement of adults; potential entrainment or crushing of larvae; harvest or collection for any purpose)?  
Yes = Submit project information to NJFO.  
No = No effect.

## **Indiana Bat**

Screening Question #1: Is the project funded or authorized by the Federal Highway Administration, the Federal Railroad Administration, or the Federal Transit Administration?  
Yes = Use the FHWA/FRA/FTA Determination Key on IPaC to comply with the 2018 revised FHWA/FRA/FTA Programmatic Consultation for Transportation Projects affecting the NLEB or Indiana Bat. If the project’s activities are outside of the scope of the determination key, you can continue Question 2.  
No = Go to Question 2. **Yes**

Screening Question #2: Does the project involve activity in/near a cave or mine tunnel (excluding tunnels that are 100% sealed or are completely flooded)?  
Yes = Submit project information to NJFO.  
No = Go to Question 3. **No**

Screening Question #3: Does the project involve tree clearing?  
Yes = Go to Question 4.  
No = Go to Question 6. **No**

Screening Question #4: Will the tree clearing be conducted during the restricted season as per the dates listed below? (See the separate Bat Municipality List.)  
Yes = Submit project information to NJFO.  
No = Go to Question 5.

### *Recommended Indiana bat seasonal restrictions:*

In municipalities with hibernation occurrence: April 1 - November 15.

In municipalities with maternity occurrence: April 1 - September 30.

In municipalities with both hibernation and maternity occurrence: April 1 - November 15. In areas of potential occurrence (i.e., all areas returned by IPaC but not on the bat municipality list): April 1 - September 30.

Screening Question #5: Is the tree clearing over 1 acre in Morris, Somerset, or Sussex Counties; or over 5 acres elsewhere?  
Yes = Submit project information to NJFO.

No = Go to Question 6.

Screening Question #6: Does the project involve use of pesticides OR a new or enlarged wind turbine?

Yes = Submit project information to NJFO.

No = Go to Question 7. **No**

Screening Question #7: Will any new artificial lighting be directed toward suitable habitat, or installed without downward facing shields?

Yes = Submit project information to NJFO.

No = No effect. **No**

### **Northern Long-eared Bat**

Screening Question #1: Is the project funded or authorized by the Federal Highway Administration, the Federal Railroad Administration, or the Federal Transit Administration?

Yes = Use the FHWA/FRA/FTA Determination Key on IPaC to comply with the 2018 revised FHWA/FRA/FTA Programmatic Consultation for Transportation Projects affecting the NLEB or Indiana Bat. If the project's activities are outside of the scope of the determination key, you can continue Question 2.

No = Go to Question 2. **No**

Screening Question #2: Complete the Northern Long-eared Bat Rangewide determination key on IPaC. Did the determination key evaluation return a statement that "You have reached a preliminary determination of no effect for species covered by this determination key." or "You have reached a preliminary determination of may affect - not likely to adversely affect for species covered by this determination key."?

Yes = Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat or that the proposed Action is consistent with a determination of "may affect, but not likely to adversely affect" for the northern long-eared bat. Attach the applicable consistency/concurrence letter to the dated IPaC species list report and supporting documentation. No further consultation/ technical assistance for this species is required.

No = Submit project information to NJFO. This step should occur if the Northern Long-eared Bat Rangewide determination key returns a statement that "You have reached a preliminary determination of may affect for species covered by this determination key." **No**

### **Dwarf Wedgemussel N/A**

Screening Question #1: Does the project include activity in or within 500 feet of a freshwater river or stream?

Yes = Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Does the project involve ground disturbance; new impervious surface ( $\geq 0.25$  acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); waste water discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?

Yes = Submit project information to NJFO.

No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants?

Yes = Submit project information to NJFO.

No = No effect.

### **Northeastern Beach Tiger Beetle N /A**

Screening Question #1: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, or intertidal habitat (e.g., beach "swash" zone) AND/OR involve dredging within 0.5 mile of the Mean Lower Low Water line?

Yes = Submit project information to NJFO.

No = Go to Question 2.

Screening Question #2: Will the project involve new or expanded human access to any beach?  
Yes = Submit project information to NJFO.  
No = Go to Question 3.

Screening Question #3: Does the project involve transport or storage of petroleum products and/or spill response planning?  
Yes = Submit project information to NJFO.  
No = No effect.

### **Small Whorled Pogonia N/A**

Screening Question #1: Does the project involve tree clearing or other activities in any wooded areas?  
Yes = Submit project information to NJFO.  
No = No effect.

### **Swamp Pink AND/OR Knieskern's Beaked-rush N/A**

Screening Question #1: Does the project include activity in or within 500 feet of a freshwater wetland?  
Yes = Submit project information to NJFO.  
No = Go to Question 2.

Screening Question #2: Does Does the project involve ground disturbance; new impervious surface ( $\geq 0.25$  acre net gain); storm water changes (e.g., new outfalls, increased volume or rate of discharge); waste water discharges; ground or surface water withdrawals; water impoundment or diversion (temporary or permanent); bridges over water bodies; culverts; and/or water control structures?  
Yes = Submit project information to NJFO.  
No = Go to Question 3.

Screening Question #3: Does the project involve storage, use, or transport of herbicides, pesticides, petroleum products, or other potential environmental contaminants?  
Yes = Submit project information to NJFO.  
No = No effect.

### **American Chaffseed N/A**

Screening Question #1: Does the project involve disturbance to grassland habitat (e.g., fields, right-of-way) dominated by native herbaceous vegetation? (Grass lawn that is mowed multiple times during the growing season, and areas dominated by woody vegetation or invasive herbaceous vegetation, should NOT be considered grassland habitat.)  
Yes = Submit project information to NJFO.  
No = No effect.

### **Sensitive Joint-vetch N/A**

Screening Question #1: Does the project include activity in or within 500 feet of a brackish or freshwater tidal wetland, or any modifications / impacts to any tidal river?  
Yes = Submit project information to NJFO.  
No = No effect.

### **Seabeach Amaranth N/A**

Screening Question #1: Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or the upper portion of an intertidal zone (e.g., beach "swash" zone) AND/OR involve dredging within 0.5 mile of the Mean Lower Low Water line?  
Yes = Submit project information to NJFO.  
No = Go to Question 2.

Screening Question #2: Will the project involve new or expanded human access to any beach?  
Yes = Submit project information to NJFO.  
No = Go to Question 3.

Screening Question #3: Does the project involve transport or storage of petroleum products

and/or spill response planning?  
Yes = Submit project information to NJFO.  
No = No effect.





# United States Department of the Interior



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

In Reply Refer To:  
Project Code: 2023-0067487  
Project Name: Passaic County Arts Center-ADA Improvements

April 11, 2023

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

## To Whom It May Concern:

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

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

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

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

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



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

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

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

Attachment(s):

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

## **OFFICIAL SPECIES LIST**

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

This species list is provided by:

**New Jersey Ecological Services Field Office**

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

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## PROJECT SUMMARY

Project Code: 2023-0067487

Project Name: Passaic County Arts Center-ADA Improvements

Project Type: Federal Grant / Loan Related

Project Description: The County of Passaic plans to complete various improvements around the Passaic County Arts Center (PCAC) to improve ADA accessibility to the arts center and Goffle Brook Park walking paths and athletic facilities. The project will include a limited reconstruction of the existing parking lot to better locate accessible parking centrally, with respect to the building entrance and walking path access. The pavement will also be reconstructed to provide maximum 2% slopes in all directions within the parking spaces. The parking spaces will also be van accessible, where no van accessible parking spaces currently exist. The project will also include new walking paths around the perimeter of the existing parking lot, to connect to the existing walking path within Goffle Brook Park. The new walking paths will be 6' wide and constructed with asphalt. The running and cross-slopes of the new walking paths will be fully ADA compliant. The improvements will provide accessible routes that comply with slope requirements and will provide walking paths that are wide enough to accommodate wheelchairs and be surfaced with asphalt, creating solid paths for people who have mobility issues.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.9566116,-74.16159712607828,14z>



Counties: Passaic County, New Jersey

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

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

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

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

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

## MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

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## **CRITICAL HABITATS**

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

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# **USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES**

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

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

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## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

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

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

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

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

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10

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NAME	BREEDING SEASON
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Prairie Warbler <i>Dendroica discolor</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Rusty Blackbird <i>Euphagus carolinus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Wood Thrush <i>Hylocichla mustelina</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

## PROBABILITY OF PRESENCE SUMMARY

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

### Probability of Presence (■)

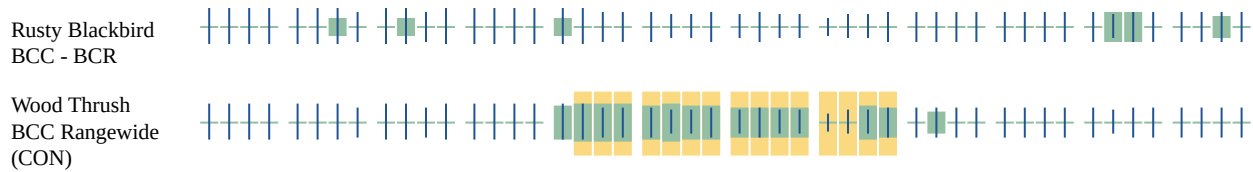
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be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

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

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







Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## MIGRATORY BIRDS FAQ

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

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

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

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

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

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

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

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

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

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

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

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

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

### **Details about birds that are potentially affected by offshore projects**

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

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

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

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

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## WETLANDS

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

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

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

RIVERINE

- [R2UBF](#)
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## **IPAC USER CONTACT INFORMATION**

Agency: County of Passaic  
Name: Kate Molinaro  
Address: 800 Vinial Street  
Address Line 2: Ste B414  
City: Pittsburgh  
State: PA  
Zip: 15212  
Email: katemo@mandl.net  
Phone: 4123231950

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## Explosive and Flammable Hazards

Code of Federal Regulations, 24 CFR Part 51 Subpart C

Hazardous Operations Explosive or Flammable in Nature. This threshold is triggered if the project is in the vicinity of hazardous operation involving explosive or flammable fuels or chemicals which exceed the standards and application of HUD manual "Urban Development Siting with Respect to Hazardous Commercial and/or Industrial Facilities."

A thermal/explosive hazard is defined as:

- A storage tank, mobile tank, process vessel or transmission line used to store, process or transport hazardous products.

The environmental review record should include:

### **One of the following on aboveground storage tanks:**

- A determination that the project does not include development, construction, rehabilitation that will increase residential densities, or conversion
- Evidence that within one mile of the project site there are no current or planned stationary aboveground storage containers of more than 100-gallon capacity containing common liquid industrial fuels or of any capacity containing hazardous liquids or gases that are not common liquid industrial fuels
- A determination along with all supporting documentation that the separation distance of such containers from the project is acceptable
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer

### **AND one of the following on hazardous facilities:**

- A determination that the project does not include a hazardous facility
- A determination along with all supporting documentation that the hazardous facility is located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer



Based on aerial inspection, this project is not located in proximity to explosive or flammable hazards.

## Explosive and Flammable Hazards (CEST and EA)

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities</a>		

**1. Does the proposed HUD-assisted project include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?**

No

→ *Continue to Question 2.*

Yes

**Explain:**

→ *Continue to Question 5.*

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes

→ *Continue to Question 3.*

**3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers:**

- Of more than 100 gallon capacity, containing common liquid industrial fuels OR
- Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.*

Yes

→ *Continue to Question 4.*



**4. Is the Separation Distance from the project acceptable based on standards in the Regulation?**

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."*

No

→ *Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."  
Continue to Question 6.*

**5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?**

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

No

→ *Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.  
Continue to Question 6.*

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to make the Separation Distance acceptable, including the timeline for implementation. If negative effects cannot be mitigated, cancel the project at this location.**

Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

This project does not include a hazardous facility. In addition, the proposed project does not involve construction, conversion or increase in residential densities. No further evaluation is warranted. This project is in compliance with 24 CFR Part 51 Subpart C.

**Are formal compliance steps or mitigation required?**

Yes

No

## Farmland Protection

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

Farmland Protection Policy Act of 1981. This threshold is reached if a project involves the conversion of farmland to non-agricultural use. The environmental review must include a finding either that that the proposed HUD assisted project site does not include prime or unique farmland, or other farmland of statewide or local significance as identified by the Natural Resources and Conservation Service (NRCS), Department of Agriculture, or the project site includes prime farmland but is located in an area committed to urban uses. However, if the proposed project site includes farmland, the environmental review must include an evaluation of the land type by the NRCS using form AD 1006. This requirement applies only to assisted new construction activities and the acquisition of undeveloped land: 24 CFR 58.5(h) or 24 CFR 50.4(j).

The environmental review record should contain **one** of the following:

- A determination that the project does not include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another
- Evidence that the exemption applies, including all applicable maps
- Evidence supporting the determination that “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA does not occur on the project site
- Documentation of all correspondence with NRCS, including the completed AD-1006 and a description of the consideration of alternatives and means to avoid impacts to Important Farmland



The Farmland Protection Policy Act does not apply because the project does not include new construction, acquisition of undeveloped land or change in use of a property.

## Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes → Continue to Question 2.

No

**Explain how you determined that agricultural land would not be converted:**

The project does not involve the conversion of agricultural land to non-agricultural use. The project location is a current outdoor recreation facility associated with the Passaic County Arts Center.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

**2. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?**

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist [http://soils.usda.gov/contact/state\\_offices/](http://soils.usda.gov/contact/state_offices/) for assistance

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

Yes → Continue to Question 3.

**3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form **AD-1006**, “Farmland Conversion Impact Rating” [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist. (NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, “Farmland Conversion Impact Rating for Corridor Type Projects:” [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045395.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf).)

- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

- Project will proceed with mitigation.

**Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

- Project will proceed without mitigation.

**Explain why mitigation will not be made here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

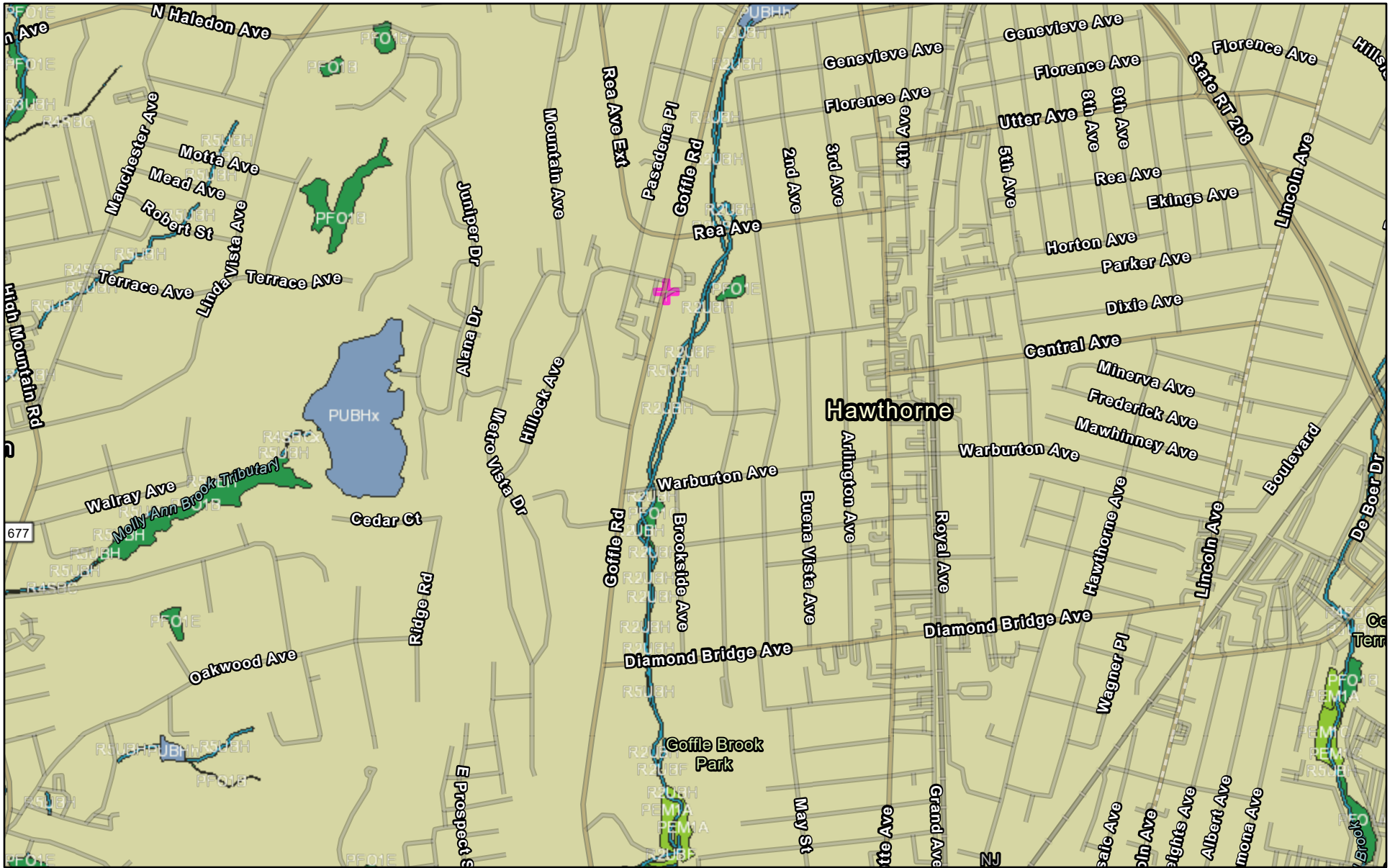
The Borough of Hawthorne is in an urbanized area where there is no potential to convert agricultural land to non-agricultural use. The project location is a current outdoor recreation facility associated with the Passaic County Arts Center. The project is in compliance with the Farmland Protection Policy Act.

**Are formal compliance steps or mitigation required?**

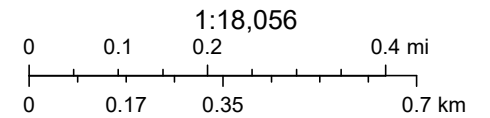
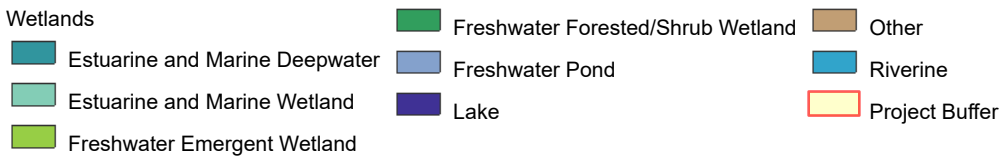
Yes

No

# PCAC-ADA Improvements-Urbanized Land



April 11, 2023



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov, New York State, Maxar, Esri Community Maps

## Flood Insurance

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the [National Flood Insurance Program \(NFIP\)](#). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

**Does this project involve mortgage insurance, refinance, acquisition, repairs, rehabilitation, or construction of a structure, mobile home, or insurable personal property?**

**If so, is the project excepted from flood insurance?** There are four exceptions:

1. Formula grants made to states
2. Self-insured state-owned property within states approved by the Federal Insurance Administrator consistent with 44 CFR 75.11
3. Small loans (\$5,000 or less)
4. Assisted leasing that is not used for repairs, improvements, or acquisition

**If not, is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?** Use [FEMA's Map Service Center](#) to make the determination.

**If so, the community participating in the National Flood Insurance Program *or* has less than one year passed since FEMA notification of Special Flood Hazards?** For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. If the community is not participating, or if its participation has been suspended, federal assistance may not be used for projects in the Special Flood Hazard Area.

The environmental review record should contain **one** of the following:

- Documentation supporting the determination that the project does not require flood insurance or is excepted from flood insurance
- A FEMA Flood Insurance Rate Map (FIRM) showing that the project is not located in a Special Flood Hazard Area
- A FEMA Flood Insurance Rate Map (FIRM) showing that the project is located in a Special Flood Hazard Area along with a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance in the review





The project area is not located in a FEMA-designated floodplain.

## Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 2.*

**2. Provide a FEMA/FIRM map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

No → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 3.*

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

Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less

Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

No. The community is not participating, or its participation has been suspended.

Federal assistance may not be used at this location. Cancel the project at this location.

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project does not involve improvements to or acquisition of insurable personal property. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management

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

Floodplain Management. This threshold is triggered when the project is within or will impact the 100-year floodplain identified by the FEMA Flood hazard Boundary maps. *100-year floodplains* are designated as Zone A1–30, AE, A, AH, AO, AR, or A99. Following the Water Resources Council 8-step procedure, the project may be approved if there is no practicable alternative outside the flood area.

Under 55.12(c), certain projects are exempt from Part 55. The projects are not required to complete the 8-Step Process, and they may be able to proceed despite the presence of a floodway or coastal high hazard area.

Activities listed in 55.12(c) include floodplain restoration, minor amendments to previously approved actions, sites where FEMA has issued a final Letter of Map Revision or final Letter of Map Amendment, actions that are Categorically Excluded Not Subject to 50.4 or 58.5, and sites where the “incidental floodplain exception” applies.

The incidental floodplain exception may exempt a project from Part 55 where only a small portion of the project site contains a floodplain. It is important to note that the *entire* floodplain must be incidental, meaning that this exception does not apply if any buildings or improvements exist within the SFHA. Projects may be exempted under the incidental floodplain exception if:

1. No new or existing buildings or improvements occupy or modify the 100-year floodplain, floodway, coastal high hazard area, or – for critical actions – the 500-year floodplain
2. Provisions are made for site drainage that will not adversely affect any wetland, AND
3. A permanent covenant is placed on the property's continued use to preserve the floodplain.

Section 55.12(a) lists activities that must complete the modified 5-Step Process: these actions are not required to provide public notice or consider alternatives, but must complete the other steps in the 8-Step Process. These include disposition of properties, purchase and refinance of existing multifamily housing or healthcare facilities, and minor improvements to multifamily housing and nonresidential structures.

Section 55.12(b) lists project types that must comply with the basic restrictions in Part 55 (i.e. the prohibitions on projects in floodways and critical actions in coastal high hazard areas) but which are not required to complete the 5- or 8-Step Processes. These include acquisition and refinance of existing single family properties, minor improvements to single family properties, and leasing.

The environmental review record should contain one of the following:

- Documentation supporting the determination that an exception at 55.12(c) applies.
- A FEMA map showing the project is not located in a Special Flood Hazard Area.
- A FEMA map showing the project is located in a Special Flood Hazard Area and an applicable citation to 55.12(b) demonstrating that the 8-Step Process is not required.
- A FEMA map showing the project is located in a Special Flood Hazard Area, documentation that the 5-Step Process was completed, and the applicable citation to 55.12(a).
- A FEMA map showing the project is located in a Special Flood Hazard Area along with documentation of the 8-Step Process and required notices.

**X** The project area is not located in a FEMA-designated floodplain.

## Floodplain Management (CEST and EA)

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/floodplain-management">https://www.hudexchange.info/environmental-review/floodplain-management</a>		

**1. Does [24 CFR 55.12\(c\)](#) exempt this project from compliance with HUD’s floodplain management regulations in Part 55?**

Yes

**Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(7) or (8), provide supporting documentation.**

(10) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities. This project is intended to regrade the existing slopes and create accessible pathways that currently present barriers to mobility-impaired individuals visiting the PCAC.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

No → *Continue to Question 2.*

**2. Provide a FEMA/FIRM or ABFE map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Advisory Base Flood Elevations (ABFEs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes

**Select the applicable floodplain using the FEMA map or the best available information:**

Floodway → *Continue to Question 3, Floodways*

Coastal High Hazard Area (V Zone) → *Continue to Question 4, Coastal High Hazard Areas*

500-year floodplain (B Zone or shaded X Zone) → *Continue to Question 5, 500-year Floodplains*

- 100-year floodplain (A Zone) → *The 8-Step Process is required. Continue to Question 6, 8-Step Process*

**3. Floodways**

**Is this a functionally dependent use?**

- Yes

The 8-Step Process is required. Work with your HUD FEO to determine a way to satisfactorily continue with this project. Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 6, 8-Step Process*

- No

Federal assistance may not be used at this location unless a 55.12(c) exception applies. You must either choose an alternate site or cancel the project at this location.

**4. Coastal High Hazard Area**

**Is this a critical action?**

- Yes

Critical actions are prohibited in coastal high hazard areas. Federal assistance may not be used at this location. Unless the action is excepted at 24 CFR 55.12(c), you must either choose an alternate site or cancel the project.

- No

**Does this action include construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?**

- Yes, there is new construction.

New construction is prohibited in V Zones ((24 CFR 55.1(c)(3)).

- No, this action concerns only a functionally dependent use, existing construction(including improvements), or reconstruction following destruction caused by a disaster.

This construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ *Continue to Question 6, 8-Step Process*

**5. 500-year Floodplain**

**Is this a critical action?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- Yes → *Continue to Question 6, 8-Step Process*

**6. 8-Step Process.**

**Does the 8-Step Process apply? Select one of the following options:**

- 8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 7, Mitigation*

- 5-Step Process is applicable per 55.12(a)(1-3).

Provide documentation of 5-Step Process.

Select the applicable citation:

- 55.12(a)(1) HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).
- 55.12(a)(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- 55.12(a)(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.
- 55.12(a)(4) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ Continue to Question 7, Mitigation

- 8-Step Process is inapplicable per 55.12(b)(1-4).

Select the applicable citation:

- 55.12(b)(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or coastal high hazard area.
- 55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(10)
- 55.12(b)(3) HUD actions involving the disposition of individual HUD-acquired, one- to four-family properties.
- 55.12(b)(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance.
- 55.12(b)(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if—

- (i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24);
- (ii) The project is not a critical action; and
- (iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

## 7. **Mitigation**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

**Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.**

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology
- Planting or restoring native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements or similar easements
- Floodproofing of structures
- Elevating structures including freeboarding above the required base flood elevations
- Other

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers



- Any additional requirements specific to your region

Project is exempt from compliance with floodplain management requirements: 24 CFR Part 55.12 (c)(10) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities. This project is intended to regrade the existing slopes and create accessible pathways that currently present barriers to mobility-impaired individuals visiting the PCAC. The project is in compliance with Executive Order 11988.

**Are formal compliance steps or mitigation required?**

Yes

No

# Historic Preservation

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

Historic Properties Includes Archeology. This threshold is triggered when a project's area of potential effects contains:

- A property listed in, or eligible for listing in, the National Register of Historic Places (NR); or,
- A historic district listed in, or eligible for listing in, the National Register of Historic Places

This determination is based on a review of the NR file information, consultation with the SHPO, and checks with other individuals or groups having the requisite expertise.

The environmental review record should contain documentation on **one** of these types of findings:

## 1. No Historic Properties Affected

- Letter from SHPO (or THPO on tribal lands\*) that concurs with HUD's or the Responsible Entity's determination of "no historic properties affected"
- With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) the basis for determining that no historic properties are present or affected, 4) evidence of tribal consultation if required; and 5) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, document the request and lack of response as part of the record

## 2. No Adverse Effect

- Letter from SHPO (or THPO on tribal lands\*) that concurs with HUD'S or the Responsible Entity's finding of "no adverse effect"
- With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking's effects on historic properties, 5) why the criteria of adverse effect were not applicable (§800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, document the request and lack of response as part of the record

## 3. Adverse Effect

- Notification of adverse effect sent to Advisory Council on Historic Preservation
- Letter from SHPO (or THPO on tribal lands\*) that concurs with a finding of "adverse effect"
- With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking's effects on historic properties, 5) why the criteria of adverse effect are applicable (§ 800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public

- A Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) signed by the HUD official or Responsible Entity, SHPO/THPO, the Advisory Council on Historic Preservation if participating, and other signatory and concurring parties
- If resolution is not reached in an MOA or PA, provide correspondence and comments between the Advisory Council on Historic Preservation and HUD Secretary (for Part 50 projects) or Responsible Entity's chief elected local official (for Part 58 projects)

**When do you consult with the Tribal Historic Preservation Officer (THPO) in lieu of the SHPO?**

If the project occurs on tribal lands, you consult with the THPO in lieu of the SHPO if they have assumed the role of the SHPO on tribal lands. Otherwise, and on non-tribal lands, you consult with the THPO in addition to the SHPO. A party on non-tribal lands that may be affected by a project on tribal lands with a THPO may request that the SHPO participate.



The finding of the SHPO is that the project area is not on the National Register of Historic places, nor located within a historic district.

## Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	<a href="#">36 CFR 800 "Protection of Historic Properties"</a>
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

### Threshold

#### Is Section 106 review required for your project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the [PA Database](#) to find applicable PAs.)

**Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:**

→ Continue to the Worksheet Summary.

- No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

**Either provide the memo itself or a link to it here. Explain and justify the other determination here:**

→ Continue to the Worksheet Summary.

- Yes, because the project includes activities with potential to cause effects (direct or indirect). → Continue to Step 1.

**The Section 106 Process**

After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Note that consultation continues through all phases of the review.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

**Step 1 - Initiate Consultation**

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD’s website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

**Select all consulting parties below (check all that apply):**

- State Historic Preservation Officer (SHPO)
- Advisory Council on Historic Preservation
- Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native
- Hawaiian Organizations (NHOs)

**List all tribes that were consulted here and their status of consultation:**

- Other Consulting Parties

**List all consulting parties that were consulted here and their status of consultation:**

**Describe the process of selecting consulting parties and initiating consultation here:**

NJ SHPO was consulted due to the project’s location within a listed resource.

Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.

Step 2 - Identify and Evaluate Historic Properties

**Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE.** Attach an additional page if necessary.

The APE includes the Goffle Brook Park, a NR listed resource.

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register.

Refer to HUD's website for guidance on identifying and evaluating historic properties.

**In the space below, list historic properties identified and evaluated in the APE.**

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

The APE includes the Goffle Brook Park, a NR listed resource.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.

**Was a survey of historic buildings and/or archeological sites done as part of the project?**

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#).

Yes → Provide survey(s) and report(s) and continue to Step 3.

Additional notes:

No → *Continue to Step 3.*

### Step 3 - Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

**Document reason for finding:**

- No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*
- Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.4\(d\)\(1\)](#)) and consult further to try to resolve objection(s).

No Adverse Effect

**Document reason for finding:**

Project involves activities designed to remove architectural barriers for mobility-impaired individuals by regrading existing slope to be ADA-compliant, and resurfacing the existing walkways within the park.

**Does the No Adverse Effect finding contain conditions?**

Yes

**Check all that apply:** (check all that apply)

- Avoidance
- Modification of project
- Other

**Describe conditions here:**

→ Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.

No → Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.5\(c\)\(2\)](#)) and consult further to try to resolve objection(s).

Adverse Effect

**Document reason for finding:**

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)]

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ Continue to Step 4.

[Step 4 - Resolve Adverse Effects](#)

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).

**Were the Adverse Effects resolved?**

Yes

**Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:**

**Impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**



→ *Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.*

No

The project must be cancelled unless the “Head of Agency” approves it. Either provide approval from the “Head of Agency” or cancel the project at this location.

**Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and “Head of the Agency”:**

**Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Provide correspondence, comments, documentation of decision, and “Head of Agency” approval. Continue to the Worksheet Summary.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The proposed project involves ADA improvements to the parking lot at the Passaic County Arts Center, (historically known as the John W. Rea House), which is individually listed in the New Jersey Register of Historic Places on July 28, 1999 and the National Register of Historic Places on September 17, 1999. Upon review of the proposed scope of work and supporting documentation, the project as proposed meets the Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation and will therefore have no adverse effect on the John W. Rea House.

**Are formal compliance steps or mitigation required?**

Yes

No

**From:** [Ruffel, Kelly](#)  
**To:** [Hoffman, Deborah](#); [Murphy, Nordan](#); [Kate Molinaro](#)  
**Subject:** Passaic County Arts Center ADA Improvements, Passaic County, Hawthorne Borough (HPO Project #23-0913-3, -4)  
**Date:** Thursday, September 7, 2023 9:33:30 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Good morning:

Please see below 'no adverse affect' from SHPO for our project.  
This serves as formal notice for the application.

Thank you,



**Kelly C. Ruffel, Director**

County of Passaic

Department of Cultural & Historic Affairs

Office: 973-706-6640 ext. 3358

Address: Dey Mansion Washington's HQ, 199 Totowa Rd., Wayne, NJ

Office Hours: Monday-Friday 9:00am-5:00pm

[Seepassaiccounty.org](http://Seepassaiccounty.org)



---

**From:** Marcopul, Kate [DEP] <Kate.Marcopul@dep.nj.gov>

**Sent:** Thursday, September 7, 2023 9:19 AM

**To:** Ruffel, Kelly <kellyr@passaiccountynj.org>

**Cc:** Baratta, Meghan [DEP] <Meghan.Baratta@dep.nj.gov>; Romanoski, Christopher [DEP] <Christopher.Romanoski@dep.nj.gov>; West-Rosenthal, Jesse [DEP] <Jesse.West-Rosenthal@dep.nj.gov>

**Subject:** Passaic County Arts Center ADA Improvements, Passaic County, Hawthorne Borough (HPO Project #23-0913-3, -4)

**\*\*This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office\*\***

**HPO Project #23-0913-3, -4**  
**HPO-I2023-010**

Kelly Ruffel  
Passaic County  
Department of Cultural and Historic Affairs  
Via email: [kellyr@passaiccountynj.org](mailto:kellyr@passaiccountynj.org)

Dear Ms. Ruffel:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing consultation comments for the following proposed undertaking:

**Passaic County, Hawthorne Borough  
Passaic County Arts Center ADA Improvements  
675 Goffle Road  
Community Development Block Grant (CDBG) Program  
United States Department of Housing and Urban Development (HUD)**

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to comment on the potential for the above-referenced undertaking to affect historic properties. The comments below are in response to your letter and supporting documentation received by the HPO on April 11, 2023, with additional supplementary information received on August 2, 2023.

**800.4 Identification of Historic Properties**

The proposed project involves ADA improvements to the parking lot at the Passaic County Arts Center, (historically known as the John W. Rea House), which is individually listed in the New Jersey Register of Historic Places on July 28, 1999 and the National Register of Historic Places on September 17, 1999.

**800.5 Assessment of Adverse Effects**

The HPO understands that the County of Passaic proposes to utilize HUD-CDBG funding to make various ADA improvements to the John W. Rea House. The scope of work includes restriping of the parking lot to move the ADA-compliant parking spaces, and re-configuration of the pathway on the eastern edge of the parking lot to connect to the proposed new crosswalk.

Per the site plans dated February 1, 2023, the scope of work appears to include additional work than is listed above. However, according to the phone call between yourself and Christopher Romanoski of HPO staff on September 1, 2023, it was clarified that the present undertaking is only limited to the above listed ADA upgrades. Consultation for these additional items will proceed at a later date, but please note that consideration of archaeological resources will be necessary for future project elements.

Upon review of the proposed scope of work and supporting documentation, the project as proposed meets the Secretary of the Interior's *Standards for the Treatment of Historic Properties* – Rehabilitation and will therefore have **no adverse effect** on the John W. Rea House. Consequently, pursuant to 36 CFR 800.5(c), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

**Additional Comments:**

Because the County of Passaic is administering the HUD funding for the proposed ADA improvements, the project is subject to review under the New Jersey Register of Historic Places Act (NJRHPA). The application was determined to be technically complete and professionally sufficient pursuant to N.J.A.C. 7:4-7:1 upon receipt of the Application for

Project Authorization (application) on August 2, 2023. Based on the information in the application, the County of Passaic proposes the above-referenced parking lot restriping and pathway reconfiguration at the John W. Rea House. The proposed project meets the Secretary of the Interior's Standards for Rehabilitation and therefore, pursuant to N.J.A.C. 7:4-7.4(b)2, **does not constitute an encroachment** on the John W. Rea House. The undertaking is therefore approved as proposed.

The HPO greatly appreciates your efforts to ensure that the proposed undertaking does not affect historic properties. Please reference the HPO project number **23-0913** in any future calls, emails, or written correspondence to help expedite your review and response. **If you have any questions, please feel free to contact Christopher Romanoski of my staff at [Christopher.Romanoski@dep.nj.gov](mailto:Christopher.Romanoski@dep.nj.gov) or (609) 292-0061.**

Sincerely,

Katherine J. Marcopul, Ph.D., CPM

Administrator and

Deputy State Historic Preservation Officer

Historic Preservation Office

NJ Department of Environmental Protection

501 East State Street, Trenton, NJ 08625

[kate.marcopul@dep.nj.gov](mailto:kate.marcopul@dep.nj.gov)

T 609-940-4312 | F (609) 984-0578



NEW JERSEY  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION



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KJM/MMB/JWR/CR

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# Noise Abatement and Control

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978;  
24 CFR Part 51 Subpart B

### Noise Abatement and Control.

HUD's noise standards may be found in 24 CFR Part 51, Subpart B. Noise is only applicable to New Construction and Rehabilitation of Residential Structures. For proposed new construction in high noise areas, the project must incorporate noise mitigation features. Consideration of noise applies to the acquisition of undeveloped land and existing development as well.

This threshold is reached if the project involves noise sensitive uses and the ambient noise level at the project site is above 65dB. This finding is based on the HUD Noise Assessment Guidelines (NAG) or other acoustical data. Grantees will be required to determine the noise level of each unit if the answer to any of the following is "yes":

- Is the property within 1,000 feet of major highway or roadway?
- Is the property within 3,000 feet of a railroad?
- Is the property within 15 miles of an airfield?

Noise Zone	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	<ul style="list-style-type: none"><li>• Environmental assessment and attenuation required for new construction</li><li>• Attenuation strongly encouraged for major rehabilitation</li></ul> Note: An environmental impact statement is required if the project site is largely undeveloped or will encourage incompatible development.
Unacceptable	Above 75 dB	<ul style="list-style-type: none"><li>• Environmental impact statement required/Waiver may be applied for</li><li>• Attenuation required for new construction with approval by the Assistant Secretary of CPD or Certifying Officer</li></ul>

**SELECT APPROPRIATE Worksheet – EA or CEST**

**X** This project is not a noise sensitive use.

## Noise (CEST Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 4.*

- Rehabilitation of an existing residential property

NOTE: For modernization projects in all noise zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

- A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- None of the above

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**2. Do you have standardized noise attenuation measures that apply to all modernization and/or minor rehabilitation projects, such as the use of double glazed windows or extra insulation?**

Yes

**Indicate the type of measures that will apply (check all that apply):**

Improved building envelope components (better windows and doors, strengthened sheathing, insulation, sealed gaps, etc.)

Redesigned building envelope (more durable or substantial materials, increased air gap, resilient channels, staggered wall studs, etc.)

Other

**Explain:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below and provide any supporting documentation.*

No

→ *Continue to Question 3.*

**3. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport). Describe findings of the Preliminary Screening:**

→ *Continue to Question 6.*

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport). Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.



→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.

Noise generators were found within the threshold distances.

→ Continue to Question 5.

**5. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

Indicate noise level here:

**Is the project in a largely undeveloped area<sup>1</sup>?**

No

→Your project requires completion of an Environmental Assessment (EA) pursuant to 51.104(b)(1)(i). Elevate this review to an EA-level review.

Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 6.

Yes

→Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.

Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 6.

---

<sup>1</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses and does not have water and sewer capacity to serve the project.

Unacceptable: (Above 75 decibels)

Indicate noise level here:

**Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:**

Convert to an EIS

→ Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 6.

Provide waiver

→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.

Continue to Question 6.

**6. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

Mitigation as follows will be implemented:

→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures.

Continue to the Worksheet Summary.

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ *Continue to the Worksheet Summary.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Project does not involve noise-sensitive use. Further evaluation under this part is not required. Project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No

## Noise (EA Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 7. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 2.*

- Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

- A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- None of the above

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**8. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.*

Noise generators were found within the threshold distances.

→ *Continue to Question 3.*

**9. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

**Indicate noise level here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.*

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

**Indicate noise level here:**

If project is rehabilitation:

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis.*

If project is new construction:

**Is the project in a largely undeveloped area<sup>2</sup>?**

No

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.*

---

<sup>2</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses and does not have water and sewer capacity to serve the project.

Yes

→ Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.

Unacceptable: (Above 75 decibels)

Indicate noise level here:

If project is rehabilitation:

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property to a non-residential use compatible with high noise levels.

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.

If project is new construction:

**Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:**

Convert to an EIS

→ Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

Provide waiver

→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

**10. HUD strongly encourages mitigation be used to eliminate adverse noise impacts.**

**Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

Mitigation as follows will be implemented:

→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures. Continue to the Worksheet Summary.

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ Continue to the Worksheet Summary.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Project does not involve noise-sensitive use. Further evaluation under this part is not required. Project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No

## Site Contamination and Toxic Substances

Code of Federal Regulations, 24 CFR Part 50.3(i) & 58.5(i)(2)

Toxic Chemicals and Radioactive Materials. The location of toxic sites may be found in the U.S. EPA's list of sites declared toxic under CERCLA and RCRA. For other possible polluted sites, site inspections and building and use permit records as well as Sanborn Co. maps show previous land uses which could have left toxic residues.

For non-FHA-insured programs, the environmental review record should contain **one** of the following:

- Evidence the site is not contaminated (for multifamily housing projects this includes on site and off site contamination and previous uses of the site); a Phase I Environmental Site Assessment is strongly encouraged for multifamily and non-residential projects
- Evidence supporting a determination the hazard will not affect health and safety of the occupants or conflict with the intended use of the site, including any mitigation measures used
- Documentation the site has been cleaned up according to EPA or state standards for residential properties, which requires a letter of "No Further Action" (NFA) required from the appropriate state department/agency, or a RAO letter from the LSRP

Select Single or Multi-family/Non-Residential Worksheet.



Review of site through records and EPA's Enviromapper did not indicate any site or area contamination

<https://enviro.epa.gov/>



## Contamination and Toxic Substances (Multifamily and Non-Residential Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
<b>Reference</b>		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated? <sup>3</sup> Select all that apply.**

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No

**Explain:**

Several RCRA facilities were identified within half mile of the project site. However, none reported significant violations and are not expected to pose threats to health and safety of beneficiaries of the proposed project. No further evaluation is warranted. Project is in compliance.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

- Yes.

<sup>3</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

### 3. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

#### Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements<sup>4</sup> and documents. Continue to Question 4.

### 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>5</sup>, or use of institutional controls<sup>6</sup>.

#### If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

→ Continue to the Worksheet Summary.

Risk-based corrective action (RBCA)

→ Continue to the Worksheet Summary.

---

<sup>4</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>5</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>6</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

## Worksheet Summary

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Several RCRA facilities were identified within half mile of the project site. However, none reported significant violations and are not expected to pose threats to health and safety of beneficiaries of the proposed project. No further evaluation is warranted. Project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No

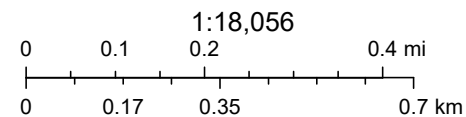


# PCAC-ADA Improvements RCRA Facilities



April 11, 2023

- |  |                                |  |                                   |  |                 |  |                       |  |                |
|--|--------------------------------|--|-----------------------------------|--|-----------------|--|-----------------------|--|----------------|
|  | Hazardous Waste (RCRAInfo)     |  | Estuarine and Marine Wetland      |  | Freshwater Pond |  | Lake                  |  | Riverine       |
|  | Hazardous Waste (RCRAInfo)     |  | Freshwater Emergent Wetland       |  | Other           |  | Search Result (point) |  | Project Buffer |
|  | Wetlands                       |  | Freshwater Forested/Shrub Wetland |  |                 |  |                       |  |                |
|  | Estuarine and Marine Deepwater |  |                                   |  |                 |  |                       |  |                |



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov, New York State, Maxar, Esri Community Maps



FacName	FacStreet	FacCity	FacState	RegistryID	RCRAIDs	FacSNCFlg	FacQtrsWii	FacInspect	FacFormal
204 WAGA	204 WAGA	HAWTHOR	NJ	1.1E+11	N		0	0	0
248 GOFFL	248-270 G	HAWTHOR	NJ	1.1E+11	NJR98666	1	0	0	0
ABDIN AU	128 NORTH	HAWTHOR	NJ	1.1E+11	N		0	0	0
AEROSPAC	11 THOMA	HAWTHOR	NJ	1.1E+11	NJD00217	0	0	0	0
AMERICAN	342 LINCO	HAWTHOR	NJ	1.1E+11	NJD06429	0	0	1	0
BASF CORP	150 WAGA	HAWTHOR	NJ	1.1E+11	NJD00216	0	0	0	0
BERGEN P	1050 GOFF	HAWTHOR	NJ	1.1E+11	NJD98658	0	0	0	0
BEST CLEA	1103 GOFF	HAWTHOR	NJ	1.1E+11	NJD98658	0	0	0	0
BOULEVAR	10 PASSAI	HAWTHOR	NJ	1.1E+11	N		0	0	0
BRAIN SOT	53 BRAEN	HAWTHOR	NJ	1.1E+11	N		0	0	0
C&W PAIN	1052 LAF	HAWTHOR	NJ	1.1E+11	N			0	1
CALGON	200 WAGA	HAWTHOR	NJ	1.1E+11	NJD09185	0	0	0	0
CHEMPLAS	226 GOFFL	HAWTHOR	NJ	1.1E+11	N		0	0	0
CHET DECK	300 LINCO	HAWTHOR	NJ	1.1E+11	NJD98662	0	0	0	0
CHRISTIAN	GOFFLE H	HAWTHOR	NJ	1.1E+11	N		0	0	0
COLLINS &	121-129 W	HAWTHOR	NJ	1.1E+11	N		12	1	0
COLLINS A	121 - 129	HAWTHOR	NJ	1.1E+11	NJD04985	0	0	1	0
COMPUTEI	57 THOMA	HAWTHOR	NJ	1.1E+11	NJD04466	0	0	0	0
CONGRESS	179 GOFFL	HAWTHOR	NJ	1.1E+11	NJD00216	0	0	0	0
DINICO PR	220 GOFFL	HAWTHOR	NJ	1.1E+11	NJD00245	0	0	0	0
DOWNES T	65 ROYAL	HAWTHOR	NJ	1.1E+11	N		1	1	0
DRAINAGE	VARIOUS R	HAWTHOR	NJ	1.1E+11	N		0	0	0
DURHAM S	248 GOFFL	HAWTHOR	NJ	1.1E+11	N		5	1	0
ENGLEHAR	100 BRAEN	HAWTHOR	NJ	1.1E+11	NJD98077	0	0	0	0
EPPLEY BU	220B GOFF	HAWTHOR	NJ	1.1E+11	NJR00004	0	0	1	0
FAA-H,PAT	117 WASH	HAWTHOR	NJ	1.1E+11	N		0	0	0
FISK ALLOY	10 THOMA	HAWTHOR	NJ	1.1E+11	NJD08728	0	0	2	1
GETTY SER	2 WAGAR	HAWTHOR	NJ	1.1E+11	NJD98660	0	0	0	0
GLEN MOT	36-38 LINC	HAWTHOR	NJ	1.1E+11	NJD98661	0	0	0	0
GOFFLE BR	794 LAFAY	HAWTHOR	NJ	1.1E+11	N			1	0
HAWTHOR	445 LAFAY	HAWTHOR	NJ	1.1E+11	NJD98271	0	10	2	0
HAWTHOR	118 PARM.	HAWTHOR	NJ	1.1E+11	NJD10090	0	0	0	0
HAWTHOR	226 DIAM	HAWTHOR	NJ	1.1E+11	N		0	0	0
HAWTHOR	121 WAGA	HAWTHOR	NJ	1.1E+11	N		0	1	0
HAWTHOR	20 LINCOLI	HAWTHOR	NJ	1.1E+11	NJD98660	0	0	0	0
HAWTHOR	445 LAYFA	HAWTHOR	NJ	1.1E+11	N		5	0	0
HAWTHOR	74 MARY S	HAWTHOR	NJ	1.1E+11	NJR98665	0	0	0	0
HAWTHOR	262 GOFFL	HAWTHOR	NJ	1.1E+11	NJR98665	0	0	1	0
INTEK-ELIT	150 FIFTH	HAWTHOR	NJ	1.1E+11	N		5	1	0
K D INDUS	75 4TH AV	HAWTHOR	NJ	1.1E+11	N		0	1	0
M & P FOR	36-38 LINC	HAWTHOR	NJ	1.1E+11	N			1	1
MAGNATR	67 FIFTH A	HAWTHOR	NJ	1.1E+11	NJD00217	0	0	0	0
MORLOT C	111 ETHEL	HAWTHOR	NJ	1.1E+11	N		0	1	0
NEWPORT	280 9TH A	HAWTHOR	NJ	1.1E+11	NJR00007	0	0	1	0
NEXUS PLA	1 LORETT	HAWTHOR	NJ	1.1E+11	NJD10139	0	0	0	0
NJDOT HA	ETHEL RD	HAWTHOR	NJ	1.1E+11	NJR00005	1	0	0	0

PAN CHEM 1 WASHIN	HAWTHOR NJ	1.1E+11	NJD00217	N	0	2	0
PEERLESS ( 220A GOFF	HAWTHOR NJ	1.1E+11		N	12	1	0
PEERLESS ( 220-A GOF	HAWTHOR NJ	1.1E+11	NJR00008	N	0	0	0
PILOT WO(5TH AVE	HAWTHOR NJ	1.1E+11		N	0	0	0
PREMIO FC 50 UTTER /	HAWTHOR NJ	1.1E+11	NJR00007	N	0	0	0
PYROLAC S 55 SCHOOI	HAWTHOR NJ	1.1E+11	NJD00127	N	0	0	0
RUSH GRA 1122 GOFF	HAWTHOR NJ	1.1E+11	NJN98664	N	0	0	0
SCULLY'S A 17 LEGION	HAWTHOR NJ	1.1E+11		N	0	0	0
SHOTMEYE 10 WAGAR	HAWTHOR NJ	1.1E+11	NJD00891	N	8	1	0
STRUCTUR 39 UTTER /	HAWTHOR NJ	1.1E+11	NJD98156	N	0	0	0
TONY BS A 41 GOFFLE	HAWTHOR NJ	1.1E+11	NJD98148	N	0	0	0
TWILL CLE/ 419 LAFAY	HAWTHOR NJ	1.1E+11	NJD09496	N	0	0	0
VISHDEV II 415 WAGA	HAWTHOR NJ	1.1E+11		N		1	1
WALGREE 325 LAFAY	HAWTHOR NJ	1.1E+11	NJR98662	N	0	0	0

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## Sole Source Aquifer

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

Sole Source Aquifers and Safe Drinking Water. This threshold is met when a project will occur in an area designated by EPA as a sole source aquifer.

The environmental review record should contain **one** of the following:

- Documentation, including a map, showing that the project site is not on a sole source aquifer
- A determination that the project consists solely of acquisition, leasing, or rehabilitation of existing buildings
- Documentation showing that a memorandum of understanding (MOU) or agreement with the EPA excludes your project from further review
- Documentation that EPA has reviewed and commented on the proposed action within an SSA and a description of any mitigation measures, if necessary

**X** This project is in not within a sole source aquifer.

## Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/sole-source-aquifers">https://www.hudexchange.info/environmental-review/sole-source-aquifers</a>		

### 1. Is the project located on a sole source aquifer (SSA)<sup>7</sup>?

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*

Yes → *Continue to Question 2.*

### 2. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

No → *Continue to Question 3.*

### 3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*

No → *Continue to Question 5.*

### 4. Does your MOU or working agreement exclude your project from further review?

Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*

---

<sup>7</sup> A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No → *Continue to Question 5.*

**5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?**

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

**6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Project is not located within a Sole Source Aquifer; no further evaluation is required. Project is in compliance.

**Are formal compliance steps or mitigation required?**




Yes

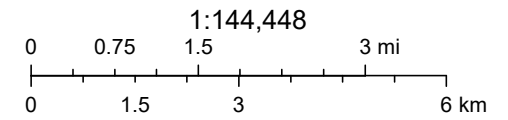
No

# PCAC-ADA Improvements-Sole Source Aquifer



April 11, 2023

-  Project Buffer
-  Sole Source Aquifers
-  Search Result (point)



New Jersey Office of GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

## Wetlands Protection

Executive Order 11990, particularly sections 2 and 5

Wetlands Protection. This threshold is triggered when the project is within, or will affect, a wetland. This finding is based on review of the General Plan or other document, or by field observation. Following the Water Resources Council 8-step procedure, the project may be approved if there is no practicable alternative outside the wetland area.

**Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?** The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

**If so, will the new construction or other ground disturbance impact an on- or off-site wetland?** The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

If so, an 8-Step Process must be completed to determine that there are no practicable alternatives to wetlands development.

The environmental review record should contain **one** of the following:

- Documentation supporting the determination that an exception at 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), or 55.12(c)(10) applies.
- Documentation supporting the determination that the project does not involve new construction (as defined in Executive Order 11990), expansion of a building's footprint, or ground disturbance.
- A map or other relevant documentation supporting the determination that the project does not impact an on- or off-site wetland.
- A completed 8-Step Process, including a map and the early and final public notices.



This project is in a developed area and will not impact wetlands.

## Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/wetlands-protection">https://www.hudexchange.info/environmental-review/wetlands-protection</a>		

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?**

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes → *Continue to Question 2.*

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland?**

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

→ You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.

Continue to Question 3.

3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

Which of the following mitigation actions have been or will be taken? Select all that apply:

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- Native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements
- Compensatory mitigation

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project does not involve new construction as defined in Executive Order 11990. Project is in compliance.

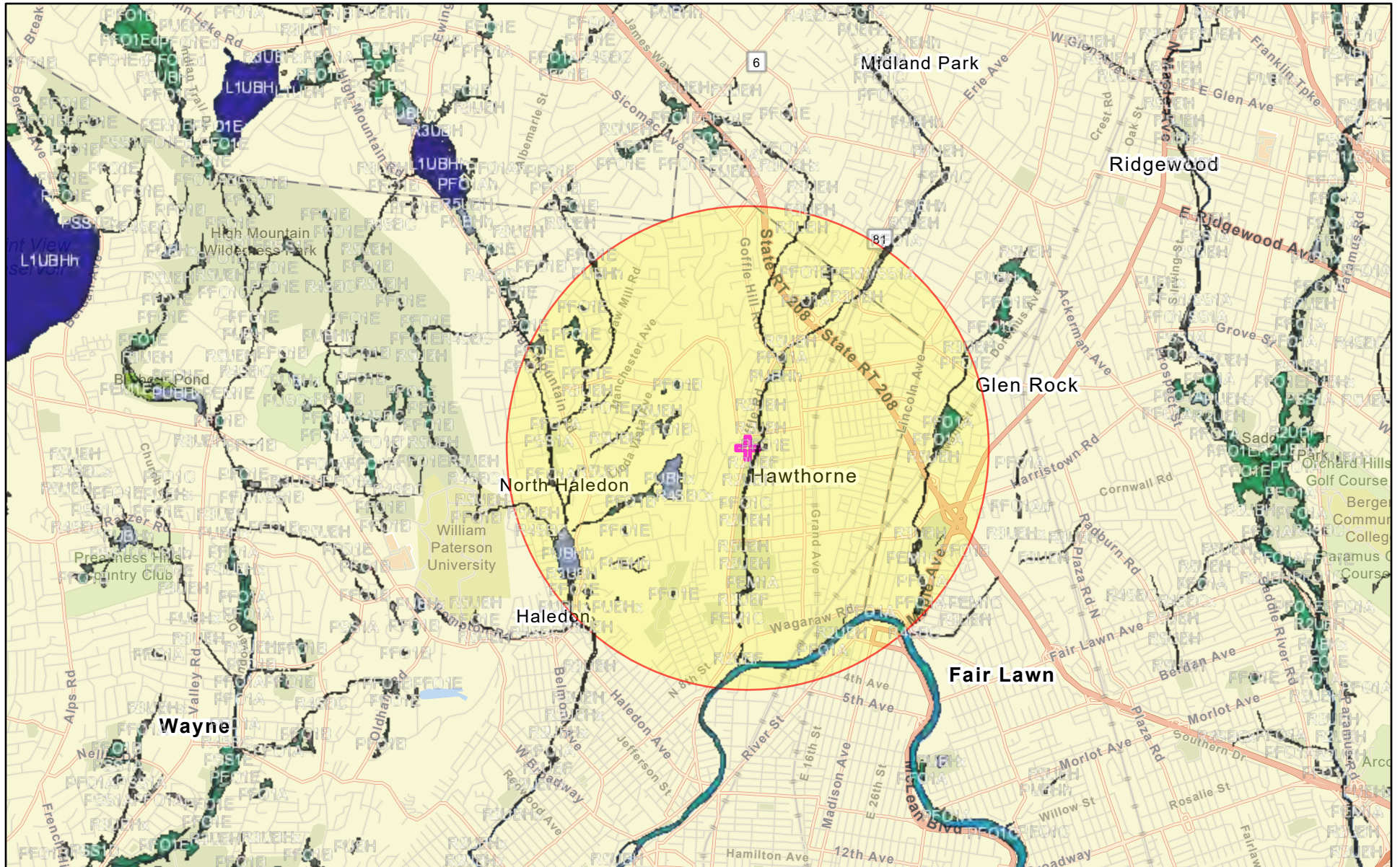


**Are formal compliance steps or mitigation required?**

Yes

No

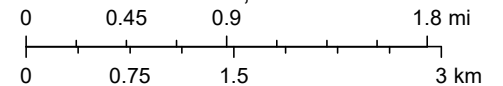
# PCAC-ADA Improvements-Critical Habitat



April 11, 2023

- |  |  |  |
|--|--|--|
| Wetlands   | <span style="color: green;">■</span> Freshwater Forested/Shrub Wetland | <span style="color: brown;">■</span> Other           |
| <span style="color: teal;">■</span> Estuarine and Marine Deepwater     | <span style="color: blue;">■</span> Freshwater Pond                    | <span style="color: lightblue;">■</span> Riverine    |
| <span style="color: lightgreen;">■</span> Estuarine and Marine Wetland | <span style="color: darkblue;">■</span> Lake                           | <span style="color: yellow;">■</span> Project Buffer |
| <span style="color: yellowgreen;">■</span> Freshwater Emergent Wetland |  |  |

1:72,224



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov, New Jersey Office of GIS, Esri, HERE, Garmin,

## Wild and Scenic Rivers

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

Wild and Scenic Rivers. This threshold is reached when a project will have an effect on a river which is a component of the National Wild and Scenic Rivers system or is under consideration for inclusion in the system. This finding is based on geographical information provided by the National Wild and Scenic Rivers System.

Activities which could impact on the listed waterways requiring consultation are as follows:

1. Any new development in the area of a listed waterway.
2. Any water or sewer projects, especially if there is stream encroachment.
3. Recreation improvements in the area of a listed waterway

The environmental review record should contain **one** of the following:

- Evidence the proposed action is not within proximity to a designated Wild, Scenic, or Recreational River
- Documentation that contact was made with the Federal (or state) agency that has administrative responsibility for management of the river and that the proposed action will not affect river designation or is not inconsistent with the management and land use plan for the designated river area

**X** This project will have no impact on any wild and scenic rivers.

## Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
<a href="https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers">https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers</a>		

### 1. Is your project within proximity of a NWSRS river as defined below?

**Wild & Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

**Study Rivers:** These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

**Nationwide Rivers Inventory (NRI):** The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

→ Continue to Question 2.

### 2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

Note: Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Continue to Question 3.*

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Using NEPAassist and the Nationwide Rivers Inventory, it was determined there are no Wild and Scenic Rivers in the project vicinity. Project is in compliance.

**Are formal compliance steps or mitigation required?**

Yes

No



# Nationwide Rivers Inventory

National Park Service  
U.S. Department of the Interior

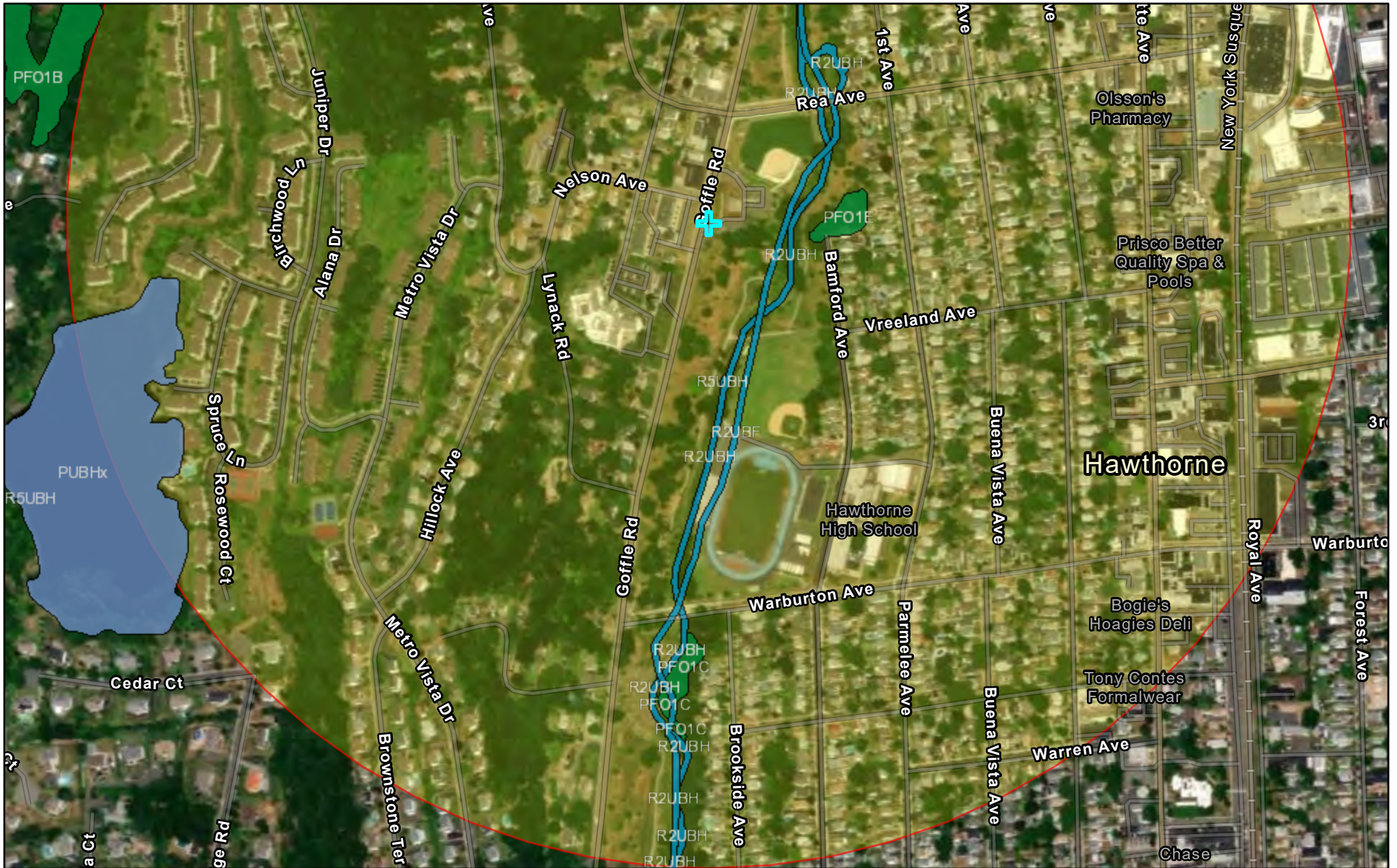
This is a listing of more than 3,200 free-flowing river segments in the U.S....
















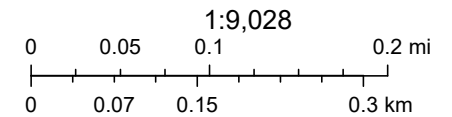
# PCAC-ADA Improvements-Wild and Scenic Rivers



April 11, 2023

## Wetlands

- |  |   |  |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Forested/Shrub Wetland |  Other          |
|  Estuarine and Marine Wetland   |  Freshwater Pond                   |  Riverine       |
|  Freshwater Emergent Wetland    |  Lake                              |  Project Buffer |



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov, Esri Community Maps Contributors, New Jersey

## Environmental Justice

Executive Order 12898

### Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

This threshold applies in low-income or minority neighborhoods where the grantee proposes the acquisition of housing, the acquisition of land for development, and/or new construction. Environmental justice issues may include, but are not limited to, new, continued, or historically disproportionate potential for high and adverse human health and environmental effects on minority or low-income populations.

The project is likely to raise environmental justice issues and has the potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations.

The environmental review record should contain **one** of the following:

- Evidence that the site or surrounding neighborhood does not suffer from adverse environmental conditions and evidence that the proposed action will not create an adverse and disproportionate environmental impact or aggravate an existing impact. (Describe how the proposed action will not have a disproportionate adverse impact on minority or low-income populations.)
- Evidence that the project is not in an environmental justice community of concern (demographics, income, etc.) or evidence that the project does not disproportionately affect a low-income or minority population
- If there are adverse effects on low-income or minority populations, documentation that that the affected community residents have been meaningfully informed and involved in a participatory planning process to address (remove, minimize, or mitigate) the adverse effect from the project and the resulting changes



The surrounding area does not suffer from adverse environmental conditions and the proposed action will not create an adverse disproportionate impact.

## Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
References		
<a href="https://www.hudexchange.info/environmental-review/environmental-justice">https://www.hudexchange.info/environmental-review/environmental-justice</a>		

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes → *Continue to Question 2.*

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?**

Yes

**Explain:**

→ *Continue to Question 3. Provide any supporting documentation.*

No

**Explain:**

→ *Continue to the Worksheet Summary and provide any supporting documentation.*

**3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

Mitigation as follows will be implemented:

→ *Continue to Question 4.*

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ *Continue to Question 4.*

**4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.**

→ *Continue to the Worksheet Summary and provide any supporting documentation.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

Yes

No