

APPENDIX P

***U.S. Fish and Wildlife Service Wetlands Map
& NJDEP Wetlands Data GIS Map***



U.S. Fish and Wildlife Service

National Wetlands Inventory

New Engine
Company No. 7

Jan 20, 2011



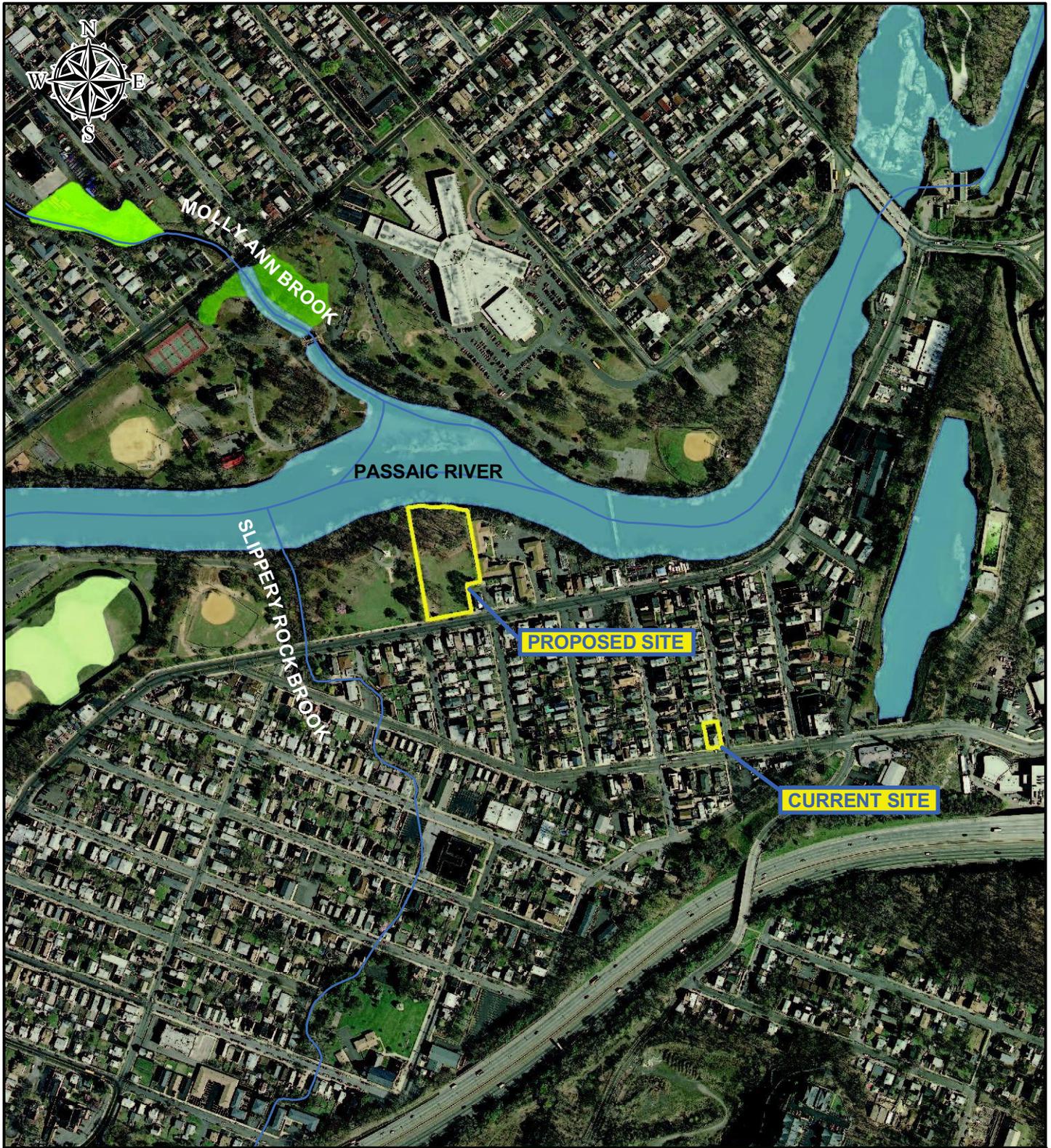
Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

290-296 McBride Avenue, Paterson, NJ



SOURCE: NJDEP ORTHOPHOTOGRAPHY, 2006

NJDEP, OIRM, BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS WETLANDS DATA, 2004

- SITE BOUNDARIES
- WATER BODIES
- MANAGED WETLANDS (MODIFIED)
- DECIDUOUS SCRUB/SHRUB WETLANDS
- DECIDUOUS WOODED WETLANDS

NEW ENGINE COMPANY NO. 7

290 - 296 McBRIDE AVENUE
CITY OF PATERSON

PASSAIC COUNTY

NEW JERSEY

BOSWELL ENGINEERING

330 PHILLIPS AVENUE, SOUTH HACKENSACK, NJ 07606

DR. BY: CJC
CKD. BY: CEA

SCALE: 1" = 500'
DATE: DEC. 2010

JOB NO. 10-181
FIGURE WETLANDS

APPENDIX Q

***Natural Heritage Bureau Report & Indiana
Bat Distribution in New Jersey Map***



United States Department of the Interior

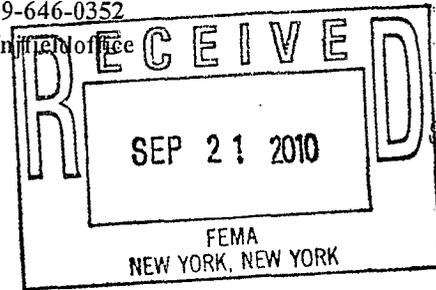
FISH AND WILDLIFE SERVICE

New Jersey Field Office
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609-646-9310 Fax: 609-646-0352
<http://www.fws.gov/northeast/njfieldoffice>



Megan

IN REPLY REFER TO:
10-CPA-0262



SEP 13 2010

Megan Jadrosich, Regional Environmental Officer
FEMA
U.S. Department of Homeland Security, Region II
Jacob K. Javits Federal Office Building – Mitigation Division
26 Federal Plaza, Room 1337
New York, New York 10278-0002

Reference: DHS- FEMA Grant for Proposed Fire Station Construction, City of Paterson, Passaic County, New Jersey

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced proposed projects pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) to ensure the protection of federally listed endangered and threatened species. The following comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comment by the Service as afforded by other applicable environmental legislation.

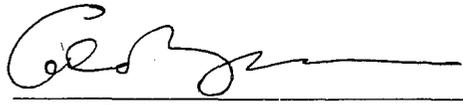
SEP 21 PM 1:02

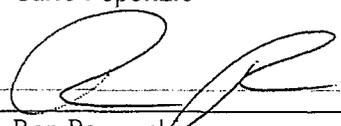
A known occurrence or potential habitat for the following federally listed or candidate species is located on or near the project's impact area. However, the Service concurs that the proposed project is not likely to adversely affect federally listed or candidate species for the reasons listed below.

Species	Basis for Determination
Indiana bat (<i>Myotis sodalis</i>) (endangered)	Site is not included in the summer breeding range of the species

Except for the above-mentioned species, no other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the proposed project's impact area. Therefore, no further consultation pursuant to the ESA is required. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Please refer to this office's web site at <http://www.fws.gov/northeast/njfieldoffice/Endangered/> for further information including federally listed and candidate species lists, procedures for requesting ESA review, the National Bald Eagle Management Guidelines, and contacts for obtaining information from the New Jersey Natural Heritage and Endangered and Nongame Species Programs regarding State-listed and other species of concern.

Reviewing Biologist: 
Carlo Popolizio

Authorizing Supervisor: 
Ron Popowski

U.S. Department of Homeland Security
Region II
Jacob K. Javits Federal Office Building
Mitigation Division
26 Federal Plaza, Room 1337
New York, NY 10278-0002



FEMA

September 7, 2010

Mr. Ronald Popowski
Supervisory Fish & Wildlife Biologist
USFWS-New Jersey Field Office
927 N. Main Street
Heritage Square, Building D
Pleasantville, New Jersey 08232

Re: DHS-FEMA Grant for Proposed Fire Station Construction, City of Paterson, NJ
Endangered Species Act Informal Consultation & NEPA Scoping

Dear Mr. Popowski:

The Department of Homeland Security, Federal Emergency Management Agency is planning to provide federal financial assistance to the City of Paterson Fire Department in Paterson, Passaic County, New Jersey 07501 for the construction of a new fire station. The agency and the grant applicant are planning to prepare an Environmental Assessment for the proposed project. The proposed site for the new fire station is located at 290-296 McBride Avenue in Pennington Park, a park area adjacent to the Passaic River and located within the 500-year floodplain. The existing fire station is in an urbanized area on 850 Madison Avenue, Paterson, NJ 07501. The existing fire station would be stabilized and/or reused for other city functions.

The City of Paterson is not listed as a municipality with known presence of federally listed or candidate species per the guide posted on your office's website; however, FEMA is contacting your office due to listed potential presence of Indiana bat (*Myotis sodalis*) in nearby West Paterson Borough.

The proposed site construction would involve tree removal of tree species over 5" dbh. Enclosed are photos from the site illustrating the less than one dozen mature trees, within the park setting, that would be removed for construction implementation. The photos also show the river buffer trees that may be disturbed in the future for development of river access. Also enclosed for your reference are site maps and site plans.

Adherence to tree removal window restrictions (no tree removal between 4-1 and 9-30) is *not* proposed for the fire station construction due to the site's location outside identified roosting habitat.

FEMA has determined that the proposed activity will have no effect on listed candidate, threatened or endangered species. FEMA requests your office's confirmation that tree removal restrictions for the Indiana bat do not apply to the proposed site location, and concurrence with the no effect determination.

In accordance with the National Environmental Policy Act (NEPA), FEMA requests any comments your office may have concerning the proposed grant project per NEPA scoping. If you have any questions concerning the project or agency coordination, please contact me at (212) 680-3635 or Megan.Jadrosich@dhs.gov. Thank you for your time. FEMA looks forward to your response within 30-days of receipt of this letter.

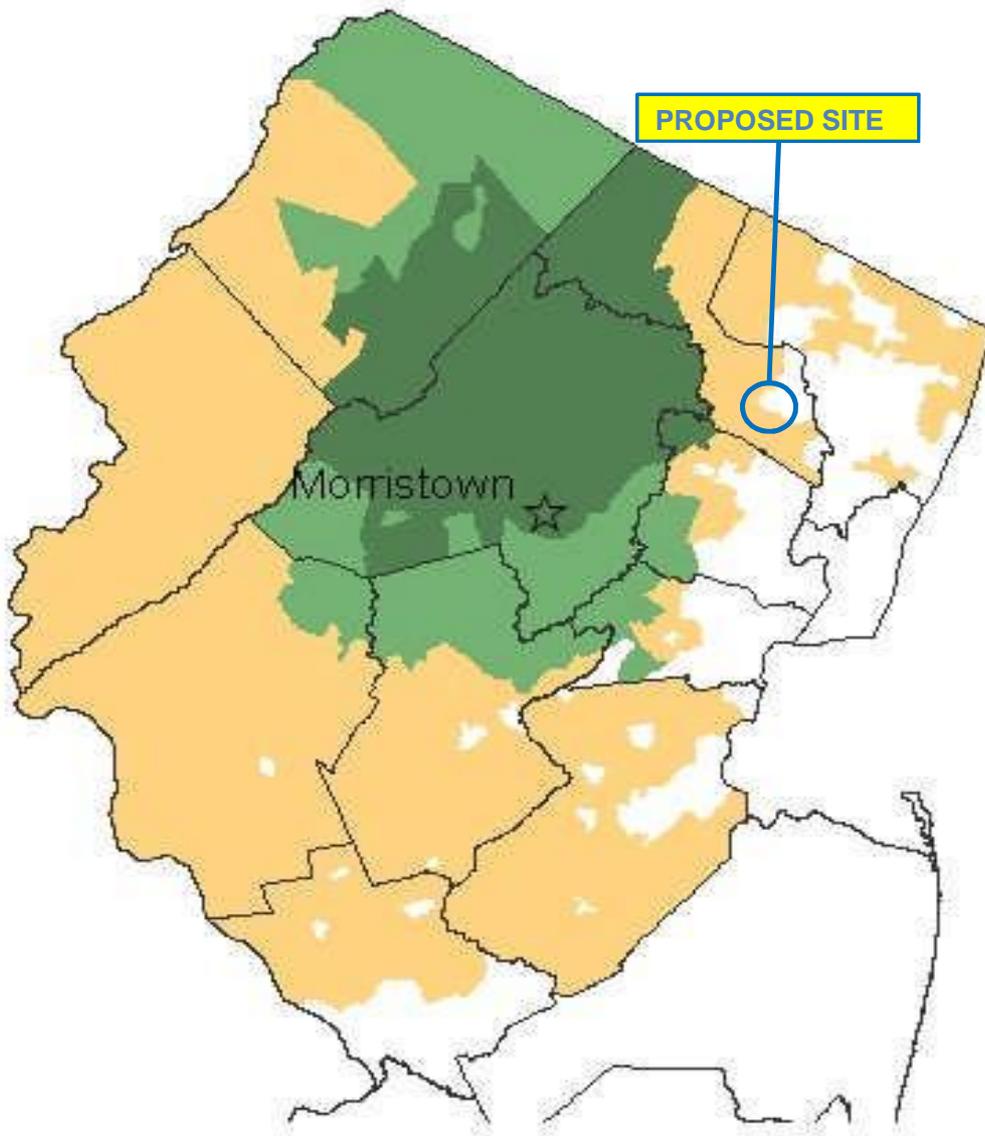
Sincerely,

A handwritten signature in black ink that reads "Megan Jadrosich". The signature is written in a cursive, flowing style.

Megan Jadrosich
Regional Environmental Officer

Enclosures:

- Site Maps
- Site Photos
- Site Plans
- Indiana bat Species information



Proposed site is within areas of potential summer habitat (within the geographic range but in areas not yet surveyed for the presence or absence of this species)

Actions that may affect this species:

- clearing trees over 5 inches diameter at breast height (dbh) between April 1 and September 30
- clearing greater than 5 acres of trees at any time of year
- large scale pesticide application that could depress insect populations
- construction of wind turbines



INDIANA BAT DISTRIBUTION IN NJ

SOURCE: U.S. FISH AND WILDLIFE SERVICE
 NEW JERSEY FIELD OFFICE
 INDIANA BAT (*Myotis sodalis*)
<http://www.fws.gov/northeast/njfieldoffice/endangered/Ibat.html>

NEW ENGINE COMPANY NO. 7

290 - 296 McBRIDE AVENUE
 CITY OF PATERSON

PASSAIC COUNTY

NEW JERSEY

BOSWELL ENGINEERING

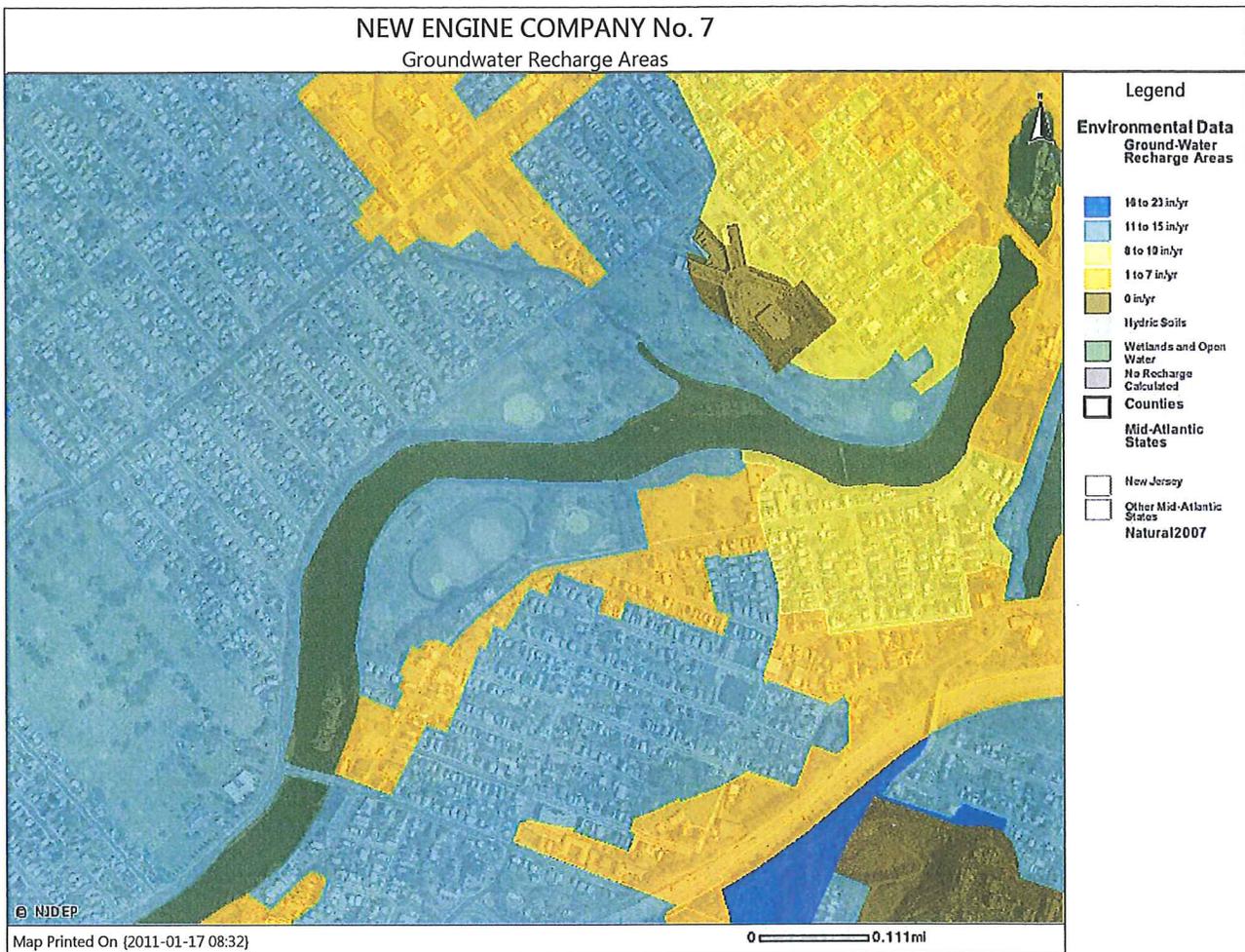
330 PHILLIPS AVE., SOUTH HACKENSACK, N.J. 07606

DR. BY: CJC
 CKD. BY: CEA

SCALE: NTS
 DATE: JAN. 2011

JOB NO. 10-181
 INDIANA BAT

APPENDIX R
NJDEP NJ-GeoWeb Groundwater Recharge
Areas Map



APPENDIX S

***Richard Grubb & Associates Phase IA
Historical and Archeological Survey***

(Attached Separately)

APPENDIX T

***Richard Grubb & Associates Phase IB and
Phase II Archeological Survey***

(Attached Separately)

APPENDIX U
U.S. Census Maps and Statistic for
Paterson, NJ

Zip Code Tabulation Area 07501

Census 2000 Demographic Profile Highlights:

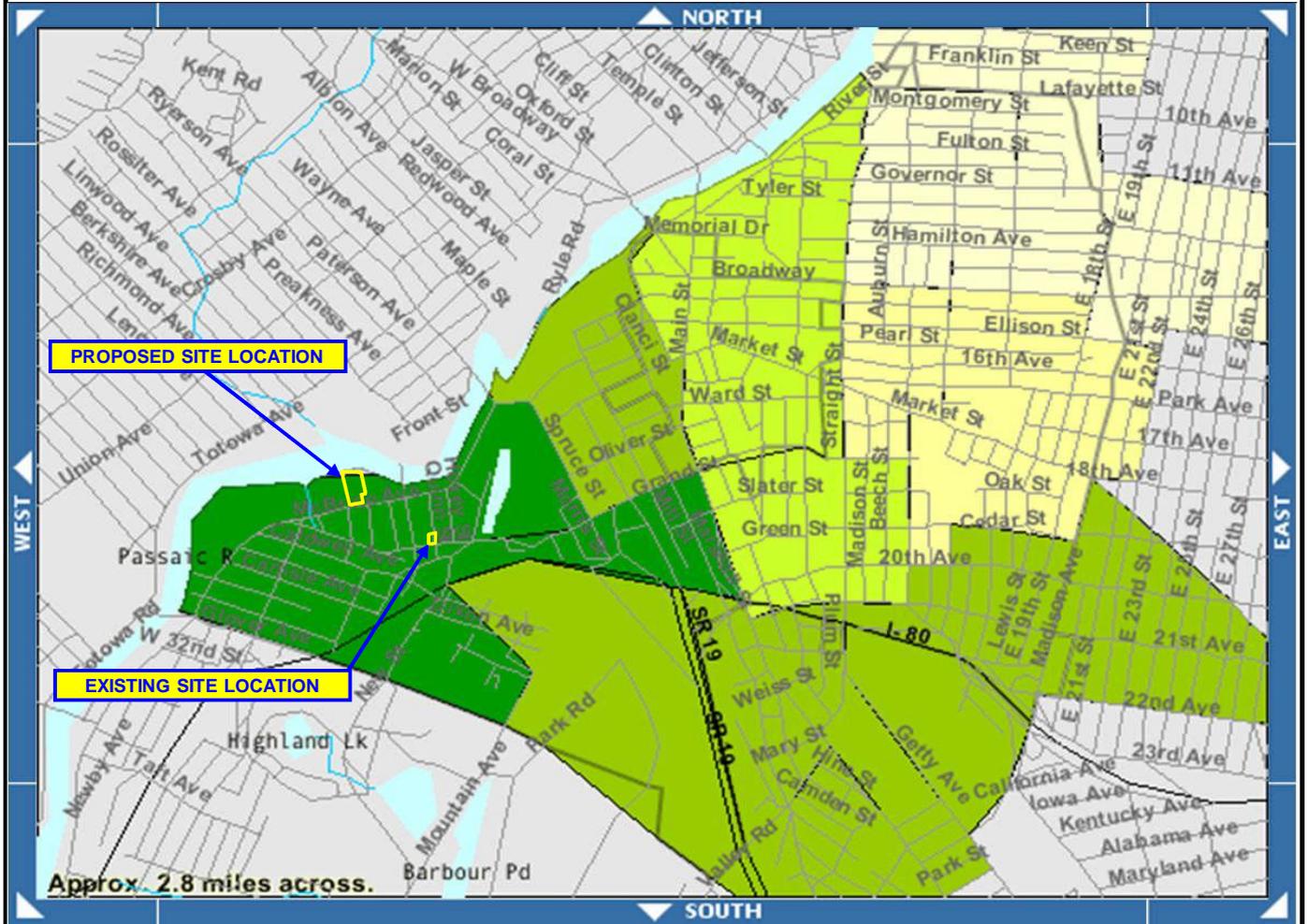
General Characteristics - show more >>	Number	Percent	U.S.
Total population	32,998		
Male	15,983	48.4	49.1%
Female	17,015	51.6	50.9%
Median age (years)	29.4	(X)	35.3
Under 5 years	3,056	9.3	6.8%
18 years and over	22,599	68.5	74.3%
65 years and over	2,899	8.8	12.4%
One race	31,306	94.9	97.6%
White	9,242	28.0	75.1%
Black or African American	10,371	31.4	12.3%
American Indian and Alaska Native	259	0.8	0.9%
Asian	483	1.5	3.6%
Native Hawaiian and Other Pacific Islander	5	0.0	0.1%
Some other race	10,946	33.2	5.5%
Two or more races	1,692	5.1	2.4%
Hispanic or Latino (of any race)	18,583	56.3	12.5%
Household population	32,154	97.4	97.2%
Group quarters population	844	2.6	2.8%
Average household size	3.12	(X)	2.59
Average family size	3.78	(X)	3.14
Total housing units	11,011		
Occupied housing units	10,299	93.5	91.0%
Owner-occupied housing units	2,014	19.6	66.2%
Renter-occupied housing units	8,285	80.4	33.8%
Vacant housing units	712	6.5	9.0%
Social Characteristics - show more >>	Number	Percent	U.S.
Population 25 years and over	18,803		
High school graduate or higher	9,385	49.9	80.4%
Bachelor's degree or higher	1,051	5.6	24.4%
Civilian veterans (civilian population 18 years and over)	932	4.1	12.7%
Disability status (population 5 years and over)	10,251	34.5	19.3%
Foreign born	10,519	32.0	11.1%
Male, Now married, except separated (population 15 years and over)	4,297	37.6	56.7%
Female, Now married, except separated (population 15 years and over)	3,954	31.3	52.1%
Speak a language other than English at home (population 5 years and over)	17,146	57.6	17.9%
Economic Characteristics - show more >>	Number	Percent	U.S.
In labor force (population 16 years and over)	11,880	50.4	63.9%
Mean travel time to work in minutes (workers 16 years and older)	23.8	(X)	25.5
Median household income in 1999 (dollars)	24,938	(X)	41,994
Median family income in 1999 (dollars)	27,787	(X)	50,046
Per capita income in 1999 (dollars)	10,506	(X)	21,587
Families below poverty level	2,027	28.7	9.2%
Individuals below poverty level	10,427	31.9	12.4%
Housing Characteristics - show more >>	Number	Percent	U.S.
Single-family owner-occupied homes	537		
Median value (dollars)	116,500	(X)	119,600
Median of selected monthly owner costs	(X)	(X)	
With a mortgage (dollars)	1,188	(X)	1,088
Not mortgaged (dollars)	580	(X)	295

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

http://www.factfinder.census.gov/servlet/SAFFacts?_event=Search&geo_id=&geoContext=&street=&county=07501&cityTown=07501&state=04000US34&zip=07501&lang=en&sse=on&pctxt=fph&pgsl=010&show_2003_tab=&redirect=Y

PERCENTAGE OF PERSON WHO ARE WHITE ALONE: 2000



Legend

Data Classes

Percent

- 6.4 - 11.6
- 18.9 - 18.9
- 23.8 - 24.6
- 32.2 - 42.5
- 49.4 - 58.9

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

SOURCE: U.S. CENSUS BUREAU
 CENSUS 2000 SUMMARY FILE 1
 MATRICIES P1, AND P7
 ZIP CODE: 07051

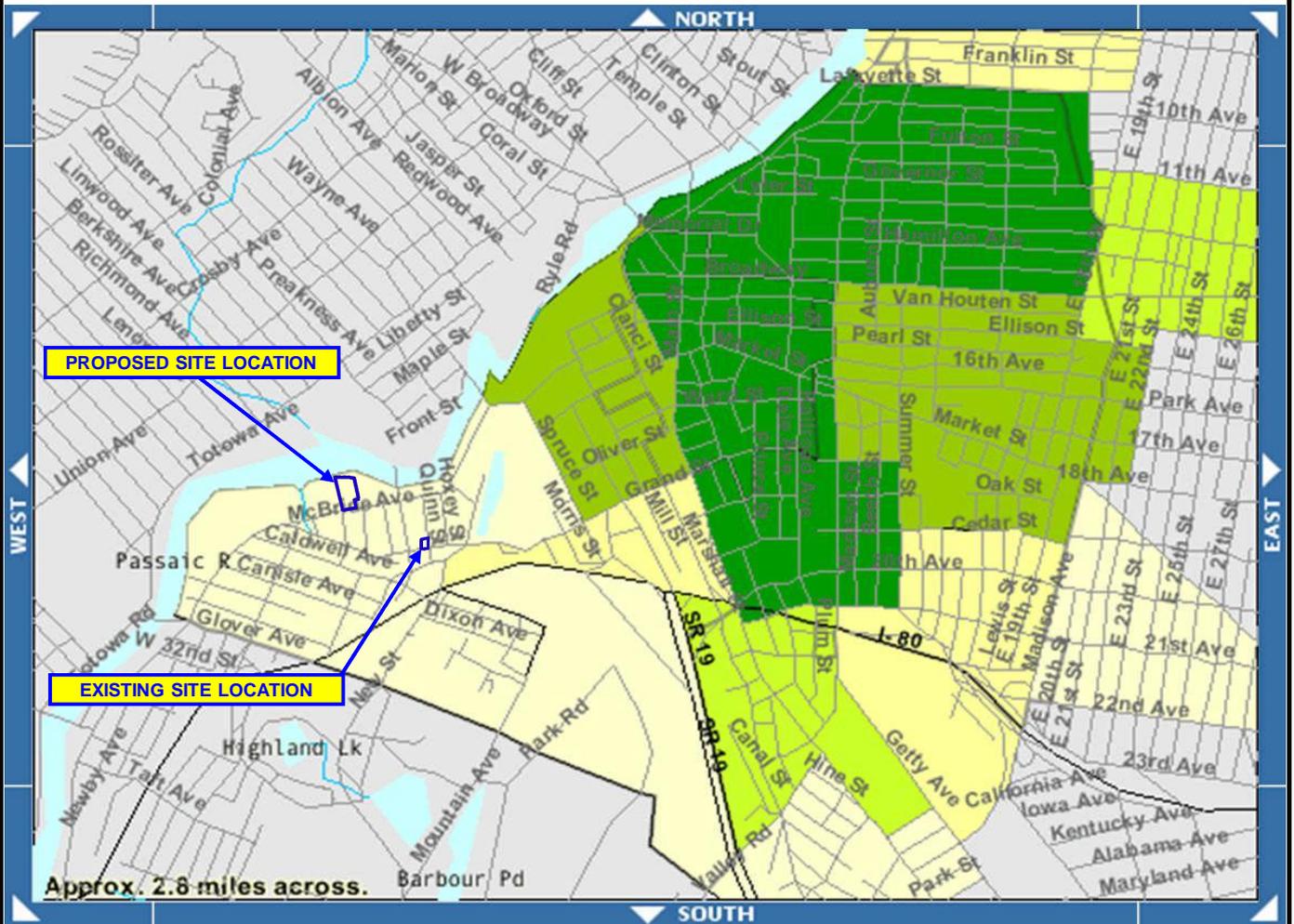
NEW ENGINE COMPANY NO. 7
 290 - 296 McBRIDE AVENUE
 CITY OF PATERSON
 PASSAIC COUNTY NEW JERSEY

BOSWELL ENGINEERING
 330 PHILLIPS AVE., SOUTH HACKENSACK, N.J. 07606

DR. BY: CJC	SCALE: AS SHOWN	JOB NO. 10-181
CKD. BY: CEA	DATE: DEC. 2010	U.S. CENSUS

http://www.factfinder.census.gov/servlet/ThematicMapFramesetServlet?_bm=v&-geo_id=86000US07501&-tm_name=DEC_2000_SF1_U_M00265&-ds_name=DEC_2000_SF1_U_-MapEvent=displayBy&-dBy=140&-lang=en&-sse=on

PERCENT OF INDIVIDUALS BELOW POVERTY LEVEL: 2000



Legend

Data Classes

Percent

10.4 - 18.3
23.6 - 25.1
27.1 - 28.3
32.3 - 36.9
39.8 - 44.5

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

SOURCE: U.S. CENSUS BUREAU
 CENSUS 2000 SUMMARY FILE 3
 MATRIX P87
 ZIP CODE: 07051

http://www.factfinder.census.gov/servlet/ThematicMapFramesetServlet?_bm=v&-geo_id=86000US07501&-tm_name=DEC_2000_SF1_U_M00265&-ds_name=DEC_2000_SF1_U&-_MapEvent=displayBy&-dBy=140&-lang=en&-sse=on

NEW ENGINE COMPANY NO. 7
 290 - 296 McBRIDE AVENUE
 CITY OF PATERSON
 PASSAIC COUNTY NEW JERSEY

BOSWELL ENGINEERING
 330 PHILLIPS AVE., SOUTH HACKENSACK, N.J. 07606

DR. BY: CJC	SCALE: AS SHOWN	JOB NO. 10-181
CKD. BY: CEA	DATE: DEC. 2010	U.S. CENSUS

APPENDIX V
Qualifications

EDUCATION:

MS, Chemical Engineering, New Jersey Institute of Technology
BS, Chemistry, Fairleigh Dickinson University

CERTIFICATIONS:

NJDEP Licensed Site Remediation Professional (LSRP)
OSHA 40-Hour HAZWOPER & 8-Hour Annual Refresher
Confined Space Entry
AHERA Asbestos Inspector/Management Planner
EPA/HUD-Certified Lead Inspector
NJDEP Licensed for UST – Installation, Testing, Closure & Subsurface Evaluation

HIGHLIGHTS:

- ◆ Project Manager for the Preliminary Assessments of numerous several hundred-acre facilities.
- ◆ Extensive turn-key experience from PAs through a project's investigation and remediation.

RELEVANT EXPERIENCE:

Mr. Rossi has over 32-years of experience as a project manager/senior environmental/chemical engineer. He has a strong diverse background in chemical, civil and environmental engineering. Mr. Rossi also has extensive hands-on experience in all types of field applications, including but not limited to, **Preliminary Environmental Site Assessments**, Site Investigations underground storage tank (UST) removals and installations, remedial investigations/feasibility studies (RI/FS), in-situ remediation systems and groundwater fate and transport modeling.

His specific experience with **Preliminary Assessment (PA)** projects includes:

- Project manager for the **PA** of Greystone Psychiatric Hospital in Morris Plains New Jersey. Performed a thorough and detailed assessment of this 900-acre, 125-year old facility. Work included a thorough inspection of 50+ buildings, some currently in use and others abandoned for decades.
- Project manager for the **PA** of the proposed Pulte Homes Greenpark Village, a 700-unit active adult community in Wanaque, New Jersey. Performed a detailed PA of this 500-acre parcel containing a significant number of environmental constraints including, subsurface 18th century iron mines, USTs, wetlands and the adjacent former DuPont Gunpowder Works.
- Project manager for the **PA** of the Fairleigh Dickinson University, Rutherford, NJ campus. Prior to the property's sale, performed a detailed PA of this 11.5-acre college campus comprising 13 buildings housing offices, auditoriums, classrooms, laboratories, residence halls, etc.
- Project manager for the **PA** of Venezia's Auto Supply, an existing gasoline filling station/auto supply business operating continuously since 1920. The PA revealed the site contained at least 9 USTs over the years, a 40,000-gallon AST, and a floor drain system connected to a septic disposal field. Following completion of the PA prepared a detailed Site Investigation Workplan (SIW) addressing each of the environmental AOCs.
- Project manager for the **PA** of a former PSE&G vehicle maintenance garage in Pompton Lakes, NJ. Performed and prepared a comprehensive PA Report detailing such areas of environmental concern as undocumented USTs, in-ground hydraulic lifts, floor drains and a waste oil contaminated septic system.
- Project manager for the **PA** of a former gasoline filling station in Garfield, New Jersey. Through the analysis of historic Sanborn Fire Insurance Maps identified six (6) USTs remaining on the property since the station's closure in the late 1960s. Following the PA, performed the site's UST removal, site investigation and provided professional oversight during the facility's demolition.

EDUCATION:

MS, Geoenvironmental Engineering, New Jersey Institute of Technology
BS, Civil Engineering, New Jersey Institute of Technology
AS, Mathematics/AA, Liberal Arts, Raritan Valley Community College

PROFESSIONAL REGISTRATION:

Professional Engineer – New Jersey, New York, New Hampshire
Professional Planner – New Jersey
NJDEP Licensed Site Remediation Professional

CERTIFICATIONS:

OSHA 40-Hour Hazardous Waste Site & 8-Hour Site Supervisor
AHERA Asbestos Inspector/Management Planner
NJDEP Licensed for UST – Installation, Testing, Closure and Subsurface Evaluation
Confined Space Entry

RELEVANT EXPERIENCE:

Mr. Arntz has over 19 years of diverse experience in civil and environmental engineering. He has performed numerous **Preliminary Assessments (PA) and Site Investigations (SI)**, remedial investigations and remediations. He has provided design, technical, logistical and administrative support at hazardous waste sites to both public and private clients, as well as program support to the U.S. Environmental Protection Agency in support of the Superfund program.

His specific experience with **PA** and **SI** projects includes:

- Project engineer for the **PA/SI** of Greystone Psychiatric Hospital in Morris Plains New Jersey. Performed a thorough and detailed assessment of this 900-acre, 125-year old facility. Work included a thorough inspection of over 50 buildings, some currently in use and others abandoned for decades. Many areas of environmental concern (AOC) were identified including numerous underground storage tanks (UST), 55-gallon drum and electrical transformer disposal areas, asbestos and lead based paint and a forgotten manufactured gas plant (MGP). Following several weeks of fieldwork authored a comprehensive PA/SI Report detailing the facility's AOCs.
- Project engineer for the **PA/SI** of a former eyeglass frame manufacturer in Newark, NJ. Performed a comprehensive investigation in accordance with the NJDEP's Industrial Site Recovery Act (ISRA) identifying both documented and undocumented USTs through a geophysical investigation, a former drainage system contaminated with chlorinated organic solvents, and floor drains whose integrity was compromised by acids spilled during the company's manufacturing processes.
- Project engineer for the **PA/SI** of the Fairleigh Dickinson University, Rutherford, NJ campus. Prior to the property's sale, performed a detailed **PA/SI** of this 11.5-acre college campus comprising 13 buildings housing offices, auditoriums, classrooms, laboratories and residence halls. Prepared a comprehensive **SI** Report detailing sampling at each of the Site's nine (9) USTs in accordance with the NJDEP's Technical Requirements.
- Project engineer for the **PA/SI** and emergency remedial action at the Garden State Industrial Park warehouse complex in Wyckoff, NJ. Performed and authored a detailed **PA** report, identifying four (4) previously undocumented and leaking USTs using ground penetrating radar (GPR).
- Project engineer for the remediation/demolition of Witco Chemical, a 100-year old former fatty acid manufacturing plant adjacent to the Passaic Valley Sewerage Commissioners (PVSC) plant in Newark, New Jersey. Prior to the 17-acre site's acquisition by the PVSC, reviewed all previous ISRA reporting by the property's former owner. During the demolition and remediation provided professional oversight for the removal of all hazardous materials from the site, arranged and coordinated the transportation and disposal of over 140-tons of fatty acid residual waste from beneath the building floor slabs. The project subsequently received a Distinguished Service Award from the Consulting Engineers Council of New Jersey.

HIGHLIGHTS:

- ◆ Extensive experience with both real estate Phase I Assessments and NJDEP Preliminary Assessments.
- ◆ Prepared Preliminary Assessments and Site Investigations for projects ranging in size from single-family residences to those encompassing several hundred acres.

EDUCATION:

B.S., Geology, Kutztown University of Pennsylvania
A.S., Environmental Science, Raritan Valley Community College
A.S., Chemistry, Raritan Valley Community College

CERTIFICATIONS:

OSHA 40-Hour Hazardous Waste Site Operations
OSHA 10-Hour Construction Safety
NJ Transit Railway Safety Training

RELEVANT EXPERIENCE:

Mr. Colabaugh has over 1-year of experience as a geologist conducting environmental site remediations. He has participated in a variety of **Preliminary Site Assessments (PA)**, **Environmental Assessments (EA)**, **Site Investigations**, and **Phase I Environmental Site Assessments (ESA)** as well as remedial investigations, remedial actions, and receptor evaluations. He has also prepared several PA reports, EA reports, and Phase I ESA reports. Mr. Colabaugh also has over 3-years of experience with Geographic Information Systems (GIS) including subsurface topography mapping, shallow overburden and bedrock groundwater contour mapping, 1-mile radius well search mapping, preparing sensitive population maps, and data management.

His specific experience with **PA** and **SI** projects includes:

- Performed a Green Acres PA report and follow-up SI work for the Closter Swim Club in the Borough of Closter, NJ. PA work included records reviews of Sanborn Fire Insurance maps, historic topographic maps, historic aerial images, directory searches, and Open Public Records Request pursuant to NJDEP's Technical Requirements. The PA identified six (6) areas of concern and was able to eliminate all but three (3). The radius search discovered two (2) site remediation cases that may be impacting the on-site potable well. The historic aerial images suggest that prior to 1931 the site was at least partially used for agricultural farming and may be impacted by historic pesticide contamination. Future SI work will include collecting six (6) subsurface soil samples for pesticides, potable well sampling for VOCs, semi-volatile organic compounds (semi-VOCs), and pesticides. Boswell will also dye trace and video inspect the one (1) sump pump line from the pool's backwash pit before issuing the site a remedial action outcome (RAO) of no further action.
- Performed a Preliminary Assessment report for National Paper Envelope, a printing company, which through investigation of the McRAEs Industrial Directory, was determined to be Industrial Site Recovery Act (ISRA) applicable requiring a RAO of no further action prior to the sale of the property. The site contained an exhaust pipe that caused organic staining on the nearby asphalt pavement and a chemical storage room with a leaking roof. A limited investigation of the surficial soils to determine the impact of these two (2) separate source areas was recommended prior to the issuance of an RAO. Based upon these recommendations the subject property owner decided not to sell the property at this time.
- Prepared a Green Acres Environmental Assessment (EA) Report for the proposed changes to Harold Wall's Field in Rutherford. The EA is designed to inform Green Acres of the proposed improvements to the site including changes to the existing ball fields, installation of retaining walls, installation of new picnic tables and new parking lot, etc. as well as the existing site conditions, soil and sediment control measures. The report should discuss all possible potential environmental impacts resulting from the proposed changes so that Green Acres can determine if they will provide funding for the project.
- Prepared a Phase I ESA for an office building/parking garage complex in the City of Hackensack as part of the due diligence required of Bergen County prior to purchasing the property. The report identified one (1) potential AOC associated with the possibility of a former fuel oil tank used for heating the former residencies dwelling that appeared on the site prior to 1902 until approximately 1985. Based on the age of the construction of the building, it was determine that any Underground Storage Tank (UST) on the site would have been excavated and removed in order to prepare the site for the existing office building. Therefore, we were able to recommend no further action for the site.

HIGHLIGHTS:

- ◆ Experience with both Phase I Environmental Site Assessments and NJDEP Preliminary Assessments.
- ◆ Prepared Preliminary Assessments and Site Investigations for private, municipal, and Industrial Site Recovery Act (ISRA) projects.

APPENDIX W

***Environmental Data Resources, Inc.
– Radius Report & NEPA Check***

(Attached Separately)

APPENDIX X

***Boswell Engineering's
Site Investigation Report***

(Attached Separately)

APPENDIX Y
Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON, NEW JERSEY**

WHEREAS, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS) proposes to administer Federal assistance through the DHS-FEMA Grant Programs Directorate, Assistance to Firefighters Fire Station Construction Grant Program to the City of Paterson Fire Department (Grantee) for the proposed construction of a fire station located at 290-296 McBride Avenue, Paterson, New Jersey (Undertaking); and

WHEREAS, FEMA in consultation with the New Jersey State Historic Preservation Officer (NJ SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. Section 470f) has determined that the Pennington Park World War I Memorial and the knoll upon which it is located is eligible for the National Register of Historic Places and that the memorial is located within the Area of Potential Effect (APE) of the proposed construction site of the fire station, and FEMA and the NJ SHPO have agreed that the Undertaking will have an Adverse Effect on this historic property; and

WHEREAS, FEMA and the NJ SHPO agree that the old fire station located at 95-97 Grand Street, Paterson, New Jersey is eligible for the National Register of Historic Places and it may undergo a change in use as a direct result of FEMA-DHS grant funding for the construction of the new station, and FEMA and NJ SHPO have found that the reasonable and foreseeable effect of the reuse of the old fire station has a potential for an adverse effect; and

WHEREAS, FEMA has carried out a Phase Ia-Ib and Phase II Archaeological Assessment of the APE and found, in consultation with the NJ SHPO, that the archeological component of the McBride Avenue site lacks integrity and does not represent a significant archaeological resource, and as a result no further archaeological investigation was recommended; and

WHEREAS, FEMA consulted with three non-resident, Federally-recognized Indian tribes who have historic interests in this area including the Delaware Nation of Oklahoma, the Delaware Tribe of Kansas, and the Shawnee Tribe of Oklahoma and these tribes asked to be contacted should human remains, prehistoric sites or prehistoric objects be uncovered during the archeological investigations, and none were uncovered; and

WHEREAS, FEMA has notified the Advisory Council on Historic Preservation (ACHP) in correspondence dated February 29, 2012 regarding its intent to prepare an MOA to satisfy its Section 106 responsibilities pursuant to 36 CFR §800.6(a)(1), and the ACHP has declined to participate, pursuant to 36CFR §800.6(a)(1)(iii); and

WHEREAS, the Paterson Historic Preservation Commission (HPC), as the city agency with jurisdiction over designate cultural properties, has been invited to be a consulting party and concur in the MOA with the understanding that it has responsibilities as defined in the MOA.

WHEREAS, FEMA, NJ SHPO, and the Grantee are signatory parties to this MOA; and

NOW, THEREFORE, FEMA, NJ SHPO, the Grantee and the HPC agree that the Undertaking shall be implemented, in accordance with the following stipulations in order to minimize and mitigate the effect of the Undertaking on historic properties.

STIPULATIONS

I. Timeframes

(A) All time designations will be in calendar days. If any signatory or concurring party does not comment on a proposed action within an agreed upon timeframe, FEMA may assume the signatory's concurrence with the action.

II. Minimization/Mitigation Measures

(A) The Grantee, in consultation with the NJ SHPO, will hire a historic landscape architect who will meet the professional qualifications set forth in *Standards for Historic Preservation Landscape Architects* as detailed in Appendix A of the MOA. The historic landscape architect will design a vegetative screening plan that meets the requirements of the New Jersey Department of Environmental Protection's Green Acre Program that will sufficiently conceal the view of the newly constructed fire station from the memorial, taking into consideration the historic nature of the memorial and its landscape. The vegetative screening plan will be presented to the HPC and the NJSHPO for review and comment. They will have 30-days for the review and comment period. The landscape architect and the Grantee will take these comments into consideration in the final plan design. Should a dispute arise regarding the final plan design, it will be resolved in accordance with Stipulation V of this MOA. This review process must be completed prior to the plan's implementation.

(B) The Grantee, in consultation with the NJSHPO, will hire a historic landscape architect who will meet the professional qualifications set forth in *Standards for Historic Preservation Landscape Architects* as detailed in Appendix A. The historic landscape architect and the Grantee will review the plans for the retaining wall to determine if the design and materials of the wall are in keeping with the historic nature of the memorial. The landscape architect will make revisions (or not) as required. The plans as revised (or not) will then be presented to the HPC and the NJ SHPO who will have 30 days for review and comment. The landscape architect and the Grantee will take these comments into consideration in the final plan design. Should a dispute arise regarding the final plan design, it will be resolved in accordance with Stipulation V of this MOA. This review process must be completed prior to the plan's implementation.

(C) To minimize potential damage to the monument during the construction of the fire station, the Grantee will complete a conditions assessment of the monument prior to the preparation of bid documents and develop a monitoring plan. The monitoring plan will take into account the potential damage as a result of vibrations (if any) and the construction equipment operated near the monument. The grantee will submit the conditions report and the monitoring plan to the NJ SHPO and HPC who will have 30 days to review and comment on the monitoring plan. The plan shall outline allowable tolerances should vibrations be an issue, provide for a monitoring plan commensurate with the danger posed, and a contingency construction plan if monitoring devices show that allowable tolerances are being exceeded. The landscape architect and the Grantee will take NJ SHPO's and HPC's comments into consideration in developing the final plan. Should a dispute arise regarding the final plan, it will be resolved in accordance with Stipulation V of this MOA. The conditions assessment and monitoring plan must be completed prior to beginning the construction of the fire station. The Grantee in consultation with the NJ SHPO will hire someone to complete the conditions assessment and monitoring plan who has an expertise in stone masonry and has had a significant role in at least ten projects conforming to the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.

(D) The Grantee, in consultation with the NJ SHPO, will hire a contractor who meets the Secretary of the Interior's Professional Qualification Standards as defined in 36 CFR Part 61 for writing a National Register nomination. The contractor will complete a draft final nomination for the 95-97 Grand Street Fire Station that meets the approval of the NJ SHPO's Registration staff. The draft final and the electronic file of the document furnished to NJ SHPO will be used by the agency to advance the amended nomination through the State Review Board. The NJ SHPO will be responsible for the notification to the public, county and local officials who are given an opportunity to comment; for scheduling of and holding a public meeting; and for changes that may be required of the document as a result of review by the State Review Board. The draft final will be completed within a nine month period from the execution of the MOA.

The following is the submission schedule:

- 0-3 months The Grantee will prepare and submit a draft National Register nomination of 95-97 Grand Street Fire Station prepared by someone who meets the Secretary of the Interior's Professional Qualification Standards. Reference to MOA requirement shall accompany the draft nomination submission.
- 3-6 months The NJ SHPO's Registration staff will review, comment, and return the draft National Register nomination to the Grantee.
- 6-9 months The Grantee, using the services of someone who meets the Secretary of the Interior's Professional Qualification Standards, will incorporate comments from the initial review and prepare a draft final and electronic file of the

National Register nominations to the NJ SHPO's Registration staff for NJ SHPO's future use.

The final submission must be adequately documented and technically, professionally, and procedurally correct and sufficient, pursuant to 36 CFR60.6(k) and 36 CFR 60.9(k).

III. Post Review Discoveries

(A) The city's contractor shall immediately cease construction activities in the vicinity of the discovery should previously unidentified archaeological sites or unanticipated effects be discovered including damage to the memorial during implementation of the project. Personnel should take all reasonable measures to avoid or minimize harm to the archaeological find(s) and/or avoid or minimize further unanticipated effects.

(B) In cases where discovered human remains are determined to be American Indian, FEMA shall consult with the appropriate Tribes and NJ SHPO. In addition, FEMA shall follow the guidelines outlined the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007).

(C) The person or persons encountering such properties or effects shall immediately notify the Grantee who will contact the NJ SHPO at 609-292-0061, and FEMA's Deputy Regional Environmental Officer at (212) 680-8677. Construction in the area of such sites or effects shall not resume until the requirements of 36 CFR §800.13(b)(3) have been met.

III. Anticipatory Actions

(A) FEMA will not grant assistance to the Grantee should it, with intent to avoid the requirements of this MOA or Section 106 of the NHPA, significantly adversely affect a historic property to which the assistance would relate, or having legal power to prevent it, allow such significant adverse effect to occur. After consultation with NJ SHPO and ACHP, FEMA may determine that circumstances justify granting such assistance despite an adverse effect created or permitted by the Grantee, and will complete consultation pursuant to 36 CFR §800.9(c).

IV. Duration of MOA

(A) This MOA will be null and void if its terms are not carried out within three years from the date of execution.

(B) If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR §800.6(c)(7) and §800.6(c)(8).

V. Dispute Resolution

(A) If any objection or dispute should arise by or among the signatories within the timeframe provided by this MOA to any plans, specifications, or actions provided for review pursuant to this MOA, FEMA will consult further with the objecting party to seek resolution.

(B) If FEMA determines that the dispute cannot be resolved, FEMA shall forward all documentation relevant to the dispute to the ACHP in accordance with 36 CFR §800.11(e), including FEMA's proposed resolution of the dispute. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP will either:

1. Advise FEMA that it concurs with FEMA's resolution to the dispute; or
2. Provide FEMA with recommendations, which FEMA will take into consideration in reaching a final decision regarding the dispute; or
3. Notify FEMA that it will comment pursuant to 36 CFR §800.7(c), and proceed to comment. Any comment provided will be taken into consideration by FEMA in accordance with 36 CFR §800.7(c)(4) with reference to the subject of the dispute.

(C) Any recommendation or comments provided by the ACHP will be understood to pertain only to the subject of the dispute, and FEMA's responsibility to fulfill all actions that are not subject of the dispute will remain unchanged.

(D) Failure to fulfill the terms of this MOA requires that FEMA request ACHP's comments in accordance with 36 CFR §800.7(c).

VI. Amendments

Any signatory to this MOA may propose to FEMA that the MOA be amended, whereupon FEMA will consult with all signatories to the MOA to consider such an amendment. 36 CFR §800.6(c)(1) shall govern the execution of any such amendment. The signatures of all the signatories shall be required for any amendment hereto to be effective.

VII. Termination and Non-compliance

(A) If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI above.

(B) If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, FEMA must either (a) execute an MOA pursuant to 36 CFR §800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR §800.7. FEMA shall notify the signatories as to the course of action it will pursue.

VIII. Execution of the MOA

(A) This Agreement will be implemented in counterparts, with a separate page for each signatory, and will become effective on the date of the final signature. FEMA will ensure that each signatory party is provided with a complete copy.

(B) Execution of this MOA by FEMA and implementation of its terms are evidence that FEMA has taken into account the effects of the Undertaking on historic properties, and that FEMA has satisfied its responsibilities under the NHPA and its implementing regulations.

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON FIRE DEPARTMENT**

EXECUTED:

SIGNATORY PARTY

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: _____
Megan Jadrosich
Regional Environmental Officer
FEMA Region II

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON FIRE DEPARTMENT**

SIGNATORY PARTY

NEW JERSEY HISTORIC PRESERVATION OFFICER

By: _____

Date: _____

Daniel Saunders
Administrator,
Deputy State Historic Preservation Officer

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON FIRE DEPARTMENT**

SIGNATORY PARTY

CITY OF PATERSON

By: _____
Jeffery Jones
Mayor

Date:_____

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON FIRE DEPARTMENT**

CONCURRING PARTY

PATERSON HISTORIC PRESERVATION COMMISSION

By: _____

Date: _____

Martin Feitlowitz

Chairman, City of Paterson Historic Preservation Commission

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW JERSEY HISTORIC PRESERVATION OFFICER,
And THE CITY OF PATERSON FIRE DEPARTMENT**

Appendix A

Historic Landscape Architect – Professional Qualifications

The minimum professional qualifications are a Masters degree in Landscape Architecture with relevant course work plus two years of full-time professional experience and relevant products and activities, or a four-year or five-year Bachelors degree in Landscape Architecture plus three years of full-time professional experience, or a State Government-recognized license to practice Landscape Architecture plus two years of full-time professional experience. Professional experience must demonstrate application of the theories, methods, and practices of Landscape Architecture that enable professional judgments to be made about the identification, evaluation, documentation, registration, or treatment of historic properties in the United States. Relevant work products must demonstrate the successful application of acquired proficiencies in the discipline to the practice of historic preservation.

*Full-time professional experience is defined as one continuous time period or discontinuous periods that add up to the appropriate number of years of full time experience.