

COMBINED PUBLIC NOTICE

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN/WETLAND

MONMOUTH COUNTY

June 17, 2016

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain/Wetland will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI, NOI-RROF, and 100-Year Floodplain/Wetland have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about July 4, 2016, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Flood Hazard Risk Reduction Program. DCA expects to fund the project using approximately \$6,185,000 of CDBG-DR funds.

PROJECT DESCRIPTION

Application ID number: FHR0000012

Project Title: Lake Como Stormwater Outfall Improvements

Location: Eastern End of Lake Como, Borough of Belmar & Borough of Spring Lake
Monmouth County, New Jersey

The total estimated project cost is \$6,185,000.

The proposed project will result in the installation of an underwater outfall, 60 inches in diameter that will alleviate private property flooding. The outfall improvements will also include two gates to be installed in a proposed structure on the beach in order to prevent ocean water from coming back into the lake during coastal flooding events. A flap valve, which is a one-way check valve, will be used to allow water to be discharged but will prevent water from entering from the ocean. In addition, a sluice gate capable of completely closing off the pipe will be installed to ensure that ocean water cannot come back into the lake even if the flap valve fails to operate properly.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN/WETLAND

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at the eastern end of Lake Como in portions of Block 210, Lot 1 and Block 3, Lot 1 in Belmar and Block 1, Lot 1 in Spring Lake, Monmouth County. Lake Como, a 30-acre coastal lake along the Atlantic Ocean, is bordered by the Boroughs of Belmar and Lake Como to the north and Spring Lake to the south in Monmouth County. The drainage area of the lake encompasses 1.732 square miles (1,108.6 acres) of a fully developed Urban Area; the area includes portions of Belmar, Lake Como, West Belmar, Wall Township, Spring Lake Heights, and Spring Lake. The proposed project will result of the installation of an underwater outfall, 60 inches in diameter that will alleviate private property flooding during the 25-year storm interval and reduce floodwater levels throughout the 100-year floodplain overall.

The subject site is located in the Special Flood Hazard Area Zone “AE” Zone and in the “VE” Zone floodplain, as shown on the latest FEMA Preliminary Flood Insurance Rate Map for Monmouth County, Community Panel No. 34025C0342G, dated January 31, 2014. Out of the 0.75 acre project area 0.096 acres lie within the VE zone and the remaining 0.654 acres lie within the AE zone. In addition according to the NJ-GeoWeb, the project area has managed wetlands in a built-up maintained recreational area bordering Lake Como. However, based on the March 31, 2016 field inspection and existing conditions of the proposed project area there are no wetlands onsite. Therefore, no further analysis of wetlands is required.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Among the alternatives were: (i) undertaking the project as proposed, (ii) Long term and short term alternatives within the floodplain, (iii) relocating the proposed project outside of the floodplain, and (iv) not undertaking the project at all (No Action).

The long term alternative considered was the construction of a large 12-foot by 4-foot box culvert that would discharge at the Low Tide Line and would alleviate roadway flooding during a 25-year storm. The box culvert option would provide greater capacity and flood control, be

easier to maintain and inspect with beach access, and would require a shorter construction period than the proposed project. However, compared to the proposed project, the permitting process would be challenging; water quality at the beach would be impacted; corrosion would be exacerbated by tide range; flow rates would be impacted by the tide; the outfall would be fully visible on the beach; and, the underwater jetty stone scour protection would negatively impact beachgoers. For these reasons and for practical and environmental purposes, the box culvert option is not preferable. The short term fixes considered, including dredging of the lake and the installation of an emergency pump. While dredging would improve water quality, the water elevation would need to be kept high enough for the outfall pipe to operate efficiently. And, while an emergency pump would increase the lake's capacity, it would require additional maintenance and installation of new electric service, along with affecting the floodplain even more so than the proposed project.

Lake Como is located entirely within the Special Flood Hazard Area Zone "AE" Zone floodplain. The drainage area of Lake Como encompasses 1,108.6 acres of a fully developed Urban Area; which includes portions of Belmar, Lake Como, West Belmar, Wall Township, Spring Lake Heights, and Spring Lake. Due to the proposed project purposely designed to alleviate private property flooding, by increasing the amount of stormwater that can be removed from the lake before and during a storm event, relocation outside the flood plain is not an available alternative.

A No Action alternative was considered and rejected because taking no action would not address the vital infrastructure needs of the area, would not aid in community and economic recovery in Belmar, Lake Como, West Belmar, Wall Township, Spring Lake Heights, and Spring Lake, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts. In addition, the existing 30-inch outfall structure is deteriorating, undersized, and insufficient to protect public and private property during flood events. Should the proposed outfall not be installed, it could contribute to more flooding and damage to the drainage area of Lake Como. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project.

DCA has reevaluated the alternatives to building in the floodplain/wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Laura Shea, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by July 4, 2016, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs