

## COMBINED PUBLIC NOTICE

### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN THE 100-YEAR FLOODPLAIN

#### MONMOUTH COUNTY

July 17, 2014

New Jersey Economic Development Authority  
36 West State Street  
PO Box 990  
Trenton, NJ 08625-0990  
609-858-6700

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Economic Development Authority (EDA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain 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 NOI-RROF, 100-Year Floodplain and RROF have been combined.

#### REQUEST FOR RELEASE OF FUNDS

On or about July 17, 2014, the New Jersey Department of Community Affairs (DCA) on behalf of EDA will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the **Neighborhood and Community Revitalization (NCR) program**. EDA expects to fund the project using approximately \$926,070 of NCR funds.

The following information pertains to this project:

**Project Title:** City of Asbury Park - Lighting Boardwalk Improvement

**Location:** Ocean Avenue Boardwalk (Asbury Ave to Deal Lake Dr), Asbury Park, NJ 07712

**Estimated Cost:** \$926,070

**Project Description:** The purpose of this project is to replace the “cobra head” light fixtures along the Asbury Park boardwalk parallel to Ocean Avenue from Asbury Avenue to Deal Lake Drive. The City of Asbury Park is looking to install fixtures that are more efficient and will provide greater public safety.

The Stronger NJ Neighborhood and Community Revitalization (NCR) Program supports the long-term recovery of small businesses and communities by funding projects that contribute to the economic revitalization throughout New Jersey, but focusing on the nine most impacted counties. NCR supports projects that retain or hire new employees, contribute to the State's economy, serve Low or Moderate Income (LMI) areas, create or maintain LMI jobs, remove slum or blight, or address an urgent need related to Superstorm Sandy. These projects are commercial or mixed use projects, typically development and public improvement or streetscape revitalization.

EDA has determined that the proposed project is Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(4)(i). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR§50.4 and 58.5.

Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Economic Development Authority, 36 West State Street, PO Box 990, Trenton, New Jersey 08625. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. by contacting Erin B. Gold at 609-858-6718 or may be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

## NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the EDA has conducted an evaluation as required by Executive Order 11988, 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 under the NCR program under (B-13-DS-34-001). The proposed project is improve the boardwalk from Asbury Ave to Deal Lake Drive by replacing old lighting with new energy efficient LED lights. The approximately 41.5 acre project area is located within the Special Flood Hazard Area Zone “V”, as shown on the FEMA FIRM map number 34024C0351F dated September 25, 2009.

DCA has considered the following alternatives to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives to relocate the project outside of the floodplain are not available and would be contrary to the purpose of the proposed improvement. The proposed project is improvement to a boardwalk and therefore functionally dependent on being located in close proximity to the water. A No Action alternative was considered and rejected because taking no action would not address the state’s goal to support project that contribute to the economic revitalization of communicates affected by Superstorm Sandy and to address the community’s needs.

DCA has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. The project would reduce flood risk by serving as an emergency notification system. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).]

## PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Stacy Bonnaffons, 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 24, 2014 will be considered by DCA and EDA. Comments should specify which Notice (Notice of Intent to Request Release of Funds [NOI-RROF] or Notice of Public Review of a Proposed Activity in a 100-year Floodplain) they are addressing.

## RELEASE OF FUNDS

DCA certifies (on or about July 17, 2014) to HUD that Richard E. Constable, III, 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 Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of seven (7) 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 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) 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 Richard E. Constable, III  
New Jersey Department of Community Affairs