

COMBINED PUBLIC NOTICE

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

HUDSON COUNTY

November 14, 2014

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

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

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/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 FONSI/NOI-RROF, 100-Year Floodplain, and RROF have been combined.

REQUEST FOR RELEASE OF FUNDS

On or about November 14, 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 \$5,004,163 of NCR funds.

The following information pertains to this project:

Project Title: Berry Lane Park

Location: 1 Berry Road, Jersey City, NJ

Estimated Cost: \$34,375,040

Project Description: The construction of recreational area called Berry Lane Park, located at 1 Berry Road, Jersey City, Hudson County. The project involves the acquisition of 11 properties, environmental investigation and remediation, and the construction of recreational facilities such

as a playground, tennis courts, sports fields, a spray park, a skate park, a concessions stand, and passive recreation areas.

The 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. The NCR Program 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.

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 the construction of recreational area called Berry Lane Park, located at 1 Berry Road, Jersey City, Hudson County. The project involves the acquisition of 11 properties, environmental investigation and remediation, and the construction of recreational facilities such as a playground, sports fields, a concessions stand, and passive recreation areas.

Portions of the 17-acre site are within the Special Flood Hazard Area Zone "AH" Zone floodplain, as shown on the FEMA Flood Insurance Rate Map Panel 104 of 118, Map Number 34017C0104D, effective August 16, 2006. The Preliminary FIRM shows a smaller portion of the property located within the Zone "AE" with a base flood elevation of 11 feet and the majority of the project site being located in Zone "X."

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. One alternative is to relocate the project outside of the 100-year floodplain. However, because the project is intended to revitalize the neighborhood through redevelopment and remediation of Brownfields at the site, it is functionally dependent on being located at the current site. As a consequence, relocating this project to another area, outside of the floodplain, is infeasible. A No Action alternative was considered and rejected because the No Action alternative would not address the post-Sandy economic revitalization needs of Jersey City. Under this alternative, the applicant would not be provided financial assistance to construct 14 acres of new recreation and parkland on the site of former brownfields. In addition, the redevelopment of site will have a significant reduction in impervious cover as buildings, concrete, asphalt pavement will be replaced by landscaping and pervious concrete and pavers. These landscape features would contribute to improved safety conditions and higher rates of infiltration during a storm and/or flooding event.

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 level, flood risk, and the flow of floodwaters onto the project area. 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).]

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment has been prepared and EDA has determined that this project will have no significant impact on the human environment; therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. The reason for the decision not to prepare an EIS is that no significant impacts or hazards were identified in the course of the environmental review. 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/>.

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 November 29, 2014 will be considered by DCA and EDA. Comments should specify which Notice (Notice of Finding of No Significant Impact [FONSI], Notice of Public Review of a Proposed Activity in a 100-year Floodplain, or Notice of Intent to Request Release of Funds [NOI-RROF]) they are addressing.

RELEASE OF FUNDS

DCA certifies (on or about November 29, 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 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 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