

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

ATLANTIC COUNTY

January 16, 2015

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 January 16, 2015, 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 Stronger New Jersey Neighborhood and Community Revitalization (NCR) program. EDA expects to fund the project using approximately \$805,000 of NCR funds.

The following information pertains to this project:

Project Title: City of Brigantine Beach Access
Location: 10th Street through Vernon Place Beach Crossings, Brigantine, New Jersey
Estimated Cost: \$901,600

Project Description: The proposed project is the replacement and enhancement of existing crossovers along a 10-block section between 10th Street South (at the south end) and Vernon Place (at the north end). Existing 3- to 4-foot wide timber crossovers, where present, will be removed and replaced with 10-foot-wide, dense graded aggregate (DGA) paths flanked by post-

and-rail fences that are intended to protect adjoining dune areas from foot traffic. Paths will include offsets to reduce their tendency to serve as channels for storm surges. Mobility mats will be purchased and installed seasonally from the ends of the paths toward the surf for rollout access for pedestrians, wheelchair users, strollers, and other light vehicles. Additionally, 340 linear feet of 24-inch perforated pipe and inlets will be installed in 4th Street South to improve local stormwater drainage. This project element will be located in 4th Street South approximately between West Brigantine Avenue and the street end of the 4th Street South crossover path.

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. 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 the replacement and enhancement of existing crossovers along a 10-block section between 10th Street South (at the south end) and Vernon Place (at the north end). Existing 3- to 4-foot wide timber crossovers, where present, will be removed and replaced with DGA paths 10 feet wide, flanked by post-and-rail fences that are intended to protect adjoining dune areas from foot traffic. Paths will include offsets to reduce their tendency to serve as channels for storm surges. Mobility mats will be purchased and installed seasonally from the ends of the paths toward the surf for rollout access for pedestrians, wheelchair users, strollers, and other light vehicles. Additionally, 340 linear feet of 24-inch perforated pipe will be installed in 4th Street South and inlets to improve local stormwater drainage. This project element will be located in 4th Street South approximately between West Brigantine Avenue and the street end of the 4th Street South crossover path.

All project areas are located within the Flood Hazard Area Zone V10, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 345286 0002 D dated July 15, 1992.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives to relocate the beach crossing replacement project outside of the floodplain are not available and would be contrary to the purpose and function of the proposed improvement. A No Action alternative was considered and rejected because taking no action would not address flooding issues during large storm events and would not aid in community and economic recovery in Brigantine. Alternative methods of construction in this area have an increased potential to damage the surrounding environment habitat along the dunes, and was therefore rejected as well. 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 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).]

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 January 23, 2015, 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 January 16, 2015) 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