

## **Floodplain 8-Step Process in accordance with Executive Order 11988: Floodplain Management**

### **New Jersey Department of Environmental Protection**

### **U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery**

### **New Jersey Department of Community Affairs, New Jersey Neighborhood Enhancement Program**

### **Cape May County**

May 2014

This Floodplain 8-Step Process document addresses the requirements of Executive Order 11988, “Floodplain Management” and has been completed for Applicants participating in the U.S. Department of Housing and Urban Development (HUD)’s New Jersey Neighborhood Enhancement Program. This document pertains to proposed activities in the 100-year floodplain (A and V Zones) as delineated on the latest FEMA floodplain maps, whether advisory, preliminary, or final.

The HUD-funded Neighborhood Enhancement Program, administered by the Department of Community Affairs (DCA), was established as a grant award to provide financial assistance to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing, and is a component of local plans to invest in and rebuild these communities. The NEP funds the rehabilitation or re-use of abandoned, foreclosed and vacant housing, structures or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. \$30,000,000 in CDBG-DR funds have been allocated to this program. The program will provide up to \$250,000 in subsidy per unit (based on need and number of bedrooms), and the maximum award is \$1,750,000. The NJDEP has the following elevation requirements regarding rehabilitation, reconstruction and elevation of housing structures:

- All residential properties located in tidal floodplains that are substantially damaged will have to rebuild and elevate the lowest floor at least one foot above the highest applicable state or FEMA 100 year flood level.
- All residential properties located in non-tidal floodplains that are substantially damaged will have to rebuild and elevate the lowest floor to at least one foot above the State design flood elevation, which will result in a lowest floor that is at least two feet above FEMA’s BFE.

#### **Step ONE: Determine if the Proposed Action Is in the 100-year Floodplain**

The Neighborhood Enhancement Program (NEP) is a response to a housing shortage caused by Superstorm Sandy and is addressing the need for housing, especially safe, decent, and affordable housing for residents displaced by the storm. To reflect a more accurate risk of flooding in the impacted counties, in December 2012, FEMA issued Advisory Base Flood Elevations (ABFEs) that in many areas increased the anticipated depth of tidal flooding during the 100-year flood, as well as a corresponding increase in the area expected to be inundated by this flood. These maps are intended to ensure that reconstruction in the tidal floodplain will be at less risk to flooding in the future. FEMA anticipates that the updated ABFE maps will be formally adopted through the federal regulatory process as effective flood insurance rate maps (FIRMs) within 18 to 24 months. The best available floodplain data will be used to determine if the proposed project site is located within the 100-year floodplain.

The proposed project, NEP00232(a), Site A, is located at 455 West Spicer, Wildwood, Cape May, NJ. The parcel measures approximately 0.09 acres and is located within the Special Flood Hazard Area Zone AE,

which is part of the 100-year Floodplain as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 3453290001C, effective February 16, 1996. The proposed project involves construction of a new single family residential structure.

The proposed project, NEP00232(b), Site B, is located at 442-444 West Garfield Avenue, Wildwood, Cape May, NJ. The parcel measures approximately 0.16 acres and is located within the Special Flood Hazard Area Zone AE, which is part of the 100-year Floodplain as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 3453290001C, effective February 16, 1996. The proposed project involves construction of a new 3-story, 2-unit residential structure.

Site A and Site B are contiguous parcels, listed as one in the city's tax records and parcel maps. The proposed projects at Site A and Site B involve the construction of a total of three (3) rental units in two (2) newly constructed buildings, on lots that are currently vacant land owned by Dolphin Creek LLC.

NJDEP and DCA require that all new construction be built and elevated such that the first floor of the structure is at least one foot above the highest applicable state or FEMA flood elevation and meet all applicable local and federal construction and elevation requirements.

### **Step TWO: Early Public Review**

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Press of Atlantic City (April 11, 2014) and Reporte Hispano (April 10, 2014). The 15-day comment period expired on April 26, 2014. The ad targeted local residents, including those in the floodplain (Attachment 1). The notice was also sent to the following Federal and State agencies on April 11, 2014: U.S Fish and Wildlife Service; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; National Park Service; National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New Jersey Department of Agriculture; FEMA; New Jersey Historic Preservation Office; New Jersey Department of Community Affairs; and New Jersey Department of Environmental Protection, Division of Land Use Regulation; as well as various local/municipal governments. (See Attachment 2 for email to Federal and State agencies)

NJDEP received two public comments on this notice. The comments received by NJDEP were related to programmatic policies and were not related to impacts to the floodplain from the proposed activities. See Attachment 3 for the list of comments received by NJDEP and NJDEP's response to those comments.

### **Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain**

The New Jersey Neighborhood Enhancement Program (NEP) will benefit residents who were displaced from their homes by Superstorm Sandy. The NEP is a component of local plans to invest in and rebuild "threatened but viable" neighborhoods, through the rehabilitation or re-use of abandoned, foreclosed and vacant housing, structures or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. The NEP will provide grant awards to eligible applicants for activities necessary to restore storm-damaged residential structures, including rehabilitation, reconstruction, and/or elevation of existing structures, rehabilitation of abandoned, foreclosed and vacant residential structures, and to create new affordable housing on vacant lots.

Based on the FEMA Individual Assistance data, the greatest concentrations of housing damage are located in Atlantic (12%), Bergen (5%), Cape May (4%), Essex (2%), Hudson (6%), Middlesex (5%), Monmouth (16%), Ocean (35%) and Union (6%) Counties. These nine counties account for 92% of reported housing damage in New Jersey. The State also has tracked the number of letters from Municipal Floodplain Administrators formally identifying properties as "substantially damaged," meaning that repair costs exceed 50% of the

structure's pre-disaster market value. As of March 8, 2013, 2,995 such letters were issued. Based on discussions with floodplain managers, more than 18,000 homes are estimated to be "substantially damaged," although this figure is preliminary and is expected to increase significantly as verification of housing damages continues. As a result many areas of New Jersey are suffering from a shortage of safe, affordable housing and many residents are still in need of housing. Based on NJDEP's preliminary data, it is estimated that all these homes will be located in the 100-year floodplain. FEMA, in order to promote stronger, safer rebuilding, published ABFE maps for the State of New Jersey that advise a significant expansion of New Jersey's 100-year floodplain. Data suggests that more than 33,000 residential structures that were not within the floodplain under FEMA's effective Base Flood Elevation maps are now within the floodplain under the newly released ABFEs. FEMA had been in the process of remapping the floodplain along New Jersey's coastline for two years when Sandy hit. The ABFEs were recognized as the best available flood mapping data because FEMA's current, formally adopted maps are outdated and do not accurately reflect flood risk. Applicants who choose to develop in the floodplain must adhere to the applicable elevation requirements (as described above) to avoid flood damages.

New Jersey is the most densely populated state in the country and therefore a policy to prohibit any development in the floodplain is not considered practicable due to the great number of parcels located within the floodplain in the counties most affected by Superstorm Sandy.

As a result of this program, there will be three outcomes that will describe impacts to the floodplain:

- Outcome A -Impact to the floodplain but no change from pre-Sandy condition except that the structure has to be elevated (Proposed Action 1).
- Outcome B – Impact to the floodplain with relocation or expansion and elevation of a housing structure within the disturbed area of the previously developed parcel (Proposed Action 2).
- Outcome C – Impact to the floodplain with no change from pre-Sandy condition (rehabilitation without elevation) (Proposed Action 3).
- Outcome D - Impact to the floodplain with new construction of a residential structure (Proposed Action 4).

The only practicable alternative on a programmatic level would be the 'No-Action' alternative, which would mean that Applicants would not receive grant awards under the New Jersey Neighborhood Enhancement Program. The Applicants would not be provided financial assistance to construct, elevate, reconstruct, rehabilitate or re-use previously developed or abandoned, vacant housing or structures/lots, thus the properties would be more vulnerable to future flooding conditions. As a result of the No-Action alternative, residents would remain displaced and the shortage of affordable housing in these areas would not be addressed. The No-Action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated or rebuilt to the highest standard for flood protection.

#### **Step FOUR: Identify the Impacts of the Proposed Actions**

The HUD-funded New Jersey Neighborhood Enhancement Program (NEP) is for rehabilitation, or re-use, reconstruction, elevation and/or other mitigation activities on previously developed, abandoned, foreclosed and vacant housing, structures or lots in the floodplain. The NEP addresses the shortage of affordable housing in "threatened but viable" neighborhoods, caused by the storm, while at the same time returning blighted buildings to viability. HUD's own regulations limit what actions can be considered under the New Jersey Neighborhood Enhancement Program, including prohibition of any construction in the floodway. The homes would have to be elevated to the elevation height standards described earlier which represent best available

data and the most accurate flood risk. The only exceptions to this requirement are historic structures that are listed on the National Register of Historic Places, which will have elevation height requirements considered on a case-by-case basis. In accordance with HUD regulations in 24 CFR Part 55 (Floodplain Management), eligibility for financial assistance will be determined.

The potential impacts of the Proposed Actions on the floodplain are detailed below. All Applicants with properties in the 100-year floodplain shown on the effective FIRM would also be required to maintain flood insurance up to the National Flood Insurance Program (NFIP)'s maximum amount as part of this program.

**Proposed Action 1** in a floodplain represents no change from pre-Sandy conditions except that the homes would now be elevated at least one foot above the best available (most recent) floodplain mapping, thereby reducing future damages from flooding. Overall this has a more beneficial impact on the floodplain than the No-Action alternative.

**Proposed Action 2** in a floodplain represents an elevation of the home and relocation or expansion of the footprint in the disturbed area of the previously developed parcel. All required permits must be identified and obtained prior to commencement of construction. All mitigation measures will be prescribed on a case-by-case basis to ensure minimal impacts to the floodplain.

**Proposed Action 3** in a floodplain represents no change from pre-Sandy conditions except for rehabilitation of a significantly damaged residential structure (rehabilitation with no elevation).

**Proposed Action 4** in a floodplain represents rehabilitation of a vacant or abandoned property, as well as new construction on a vacant lot. All required permits must be identified and obtained prior to commencement of construction. All mitigation measures will be prescribed on a case-by-case basis to ensure minimal impacts to the floodplain.

Every Municipal Floodplain Administrator in the nine-county area was notified by NJDEP in a February 4, 2013, letter of the State's adoption of the emergency amendments to the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, which incorporate the use of ABFEs or the best available data in determining flood elevations. Under these amendments, flood elevations are now determined either using the higher of the ABFE, the effective BFE, or the design flood elevation shown on the DEP flood maps. In this letter, NJDEP encouraged municipalities to pass ordinances adopting the ABFE's. However, even if municipalities do not adopt such ordinances, property owners would still need to elevate in accordance with the Flood Hazard Area Control Act rules.

Furthermore, due to the added expense of complying with the program's elevation requirements if located within the floodplain, Applicants with a practicable alternative to locating in the floodplain will likely choose it to reap a construction cost savings and reduced risk to their investment.

In summary, based on the requirement that property owners whose houses were substantially damaged and wish to rebuild, will have to elevate their homes to the strictest standard, it is extremely unlikely that there will be a net increase in floodplain development in comparison to pre-Sandy conditions as a result of this program.

In addition, the proposed New Jersey Neighborhood Enhancement Program would not increase floodplain occupancy, as it would enable people to return to the areas where they were previously living. Due to amount of housing that was lost as a result of the storm, the construction of new structures would not result in an increase in the housing stock relative to conditions prior to Superstorm Sandy.

**Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.**

The NJDEP requires elevation of all substantially damaged structures in the floodplain. When followed, these regulations will reduce the threat of flooding damage to the homes located in the floodplain. The new elevation levels, which Applicants are required to adhere to when considering reconstruction of their substantially damaged residential properties, represent the best available data and are assumed to advance floodplain management efforts in the nine counties.

Property owners participating in the New Jersey Neighborhood Enhancement Program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

- 1 All proposed reconstruction and repair of substantially damaged structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Flood elevations are now determined either using the higher of the ABFE, the effective BFE, or the design flood elevation shown on the NJDEP flood maps;
- 2 All participants in these programs whose property is in the 100-year floodplain shown on the effective FIRM must carry flood insurance on the subject structure for its economic life; and
- 3 “Coastal High Hazard” areas (V or VE Zones on the latest (most recent) FEMA-issued Maps) require the Applicant adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V Zones in FEMA regulation 44 CFR Part 60.3

(e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

Therefore, the requirements of the New Jersey Neighborhood Enhancement Program will help ensure a minimal adverse impact to the floodplain.

**Step SIX: Reevaluate Alternatives**

DCA 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, under (B-13-DS-34-001).

DCA has considered alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. All proposed new construction, reconstruction and repair of substantially damaged structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Alternatives to relocate the projects outside of the floodplain are not available and would be contrary to the purpose and function of the proposed improvements. The only practicable alternative on a programmatic level would be the ‘No-Action’ alternative, which would mean that Applicants would not receive grant awards/financial assistance under the New Jersey Neighborhood Enhancement Program, thus existing properties would be more vulnerable to future flooding conditions, the housing shortage would not be addressed and residents may not be able to recover without funds. Thus, the No-Action alternative was considered and rejected, as it would not address the State’s need for safe, decent, and affordable housing, would not require homes within the floodplain to be elevated to the highest standard for flood protection, would not aid in community and economic recovery, would not address the vital infrastructure needs of the area, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts.

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 Step 3 through Step 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 projects 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 projects would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).]

### **Step SEVEN: Issue Findings and a Public Explanation**

It is our determination that there is no practicable alternative to locating the proposed project in the floodplain. This is due to 1) the need to provide safe, decent and affordable housing; 2) the desire to not displace residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain values. DCA has determined that construction and operation of the proposed projects 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).]

A “Final Notice and Public Explanation” of Policy Determination will be published in accordance with 24 CFR 55, on May 15, 2014 for a 7-day comment period. The notice shall state the reasons why the project must be located in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

All comments received during the comment period will be responded to and taken into consideration prior to implementation of the proposed project in compliance with EO 11988 or 24 CFR Part 55. A copy of the 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) for publication and dissemination to interested agencies is included in Attachment 4.

### **Step EIGHT: Implement the Action**

Step Eight is implementation of the proposed action. The DCA will ensure that all mitigation measures prescribed in the steps above will be adhered to.

**Attachment 1 - Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Proof of Publication, Dated April 11, 2014**

**Attachment 2 - NJDEP Notice to Interested Agencies, Dated April 11, 2014**

**Attachment 3 - Comments on Early Notice and NJDEP Response**

**Attachment 4 - Combined Final Public Notice (Notice of Intent to Request Release of Funds and Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain) (draft)**



# Attachment 1

## **Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Proof of Publication**

April 12, 2014

This letter is our sworn affidavit that advertisement:

Flood plain Early Notice

was published in Spanish in the April 10<sup>th</sup> edition of Reporte Hispano, New Jersey's only Hispanic newspaper with statewide coverage.

Sincerely,



Cara Marciano  
Reporte Hispano

609 933 1400

## **Aviso Previo y Revisión Pública de Propuesta de Actividad en Planicie Aluvial de 100 Años**

10 de abril de 2014

A todas las agencias, grupos e individuos interesados:

Este es un aviso de que el Departamento de Protección Ambiental de Nueva Jersey (NJDEP), a nombre de la Entidad Responsable, el Departamento de Asuntos Comunitarios de Nueva Jersey, ha determinado que las propuestas de acción bajo los siguientes programas: Programa de Reparación de Vivienda Arrendada por el Propietario (LRRP), Programa para Mejoras de Vecindarios (NEP), Préstamo para la Pequeña Empresa (SBL) y el Programa de Revitalización Comunitaria de Vecindarios (NCR), se encuentran dentro de una planicie aluvial de 100 años, y que NJDEP estará identificando y evaluando alternativas prácticas a las acciones programadas en la planicie aluvial y al impacto potencial en la planicie aluvial de las acciones propuestas, como lo requiere la Orden Ejecutiva 11988, de acuerdo con los reglamentos de HUD 24 CFR 55.20 Subparte C, Procedimientos para Tomar Determinaciones sobre la Administración de Planicies Aluviales y la Protección de Humedales.

Proyectos Propuestos de LRRP:

SRP0044264 – El sitio de la propiedad de 0.18 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación, Zona de Planicie Aluvial “AE”, como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (FIRM) de la Agencia Federal para el Manejo de Emergencias (FEMA), Panel 329 de 611, Mapa Número 34029C0329F, efectivo a partir del 29 de septiembre de 2006. La rehabilitación de 3 unidades de una estructura residencial de 5 unidades situada en 51/55 Sampson Ave., Seaside Heights, condado de Ocean. La propiedad de 0,18 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación AE, como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (FIRM) Panel 329 de 611 de la Agencia Federal para el Manejo de Emergencias (FEMA ), mapa número 34029C0329F, efectivo a partir del 29 de septiembre de 2006.

SRP004400 – La rehabilitación y la elevación de una estructura residencial existente de 5 unidades ubicada en 1924 Bay Boulevard, Toms River, en el condado de Ocean. El sitio de propiedad 0,22 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación “AE”, planicie aluvial, como se muestra en el Panel 329 de 611 FIRM de FEMA mapa número 34029C0329F, efectivo a partir del 29 de septiembre de 2006.

SRP0038251 – El sitio de la propiedad de 0,09 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación “AE”, zona de inundaciones, como se muestra en el Panel 5 de 5 FIRM de FEMA, mapa número 3452780005D, efectivo a partir del 15 de agosto de 1983.

La reconstrucción y elevación de una estructura residencial de 12 unidades ubicada en 307 Atlantic Avenue, Atlantic City, condado de Atlantic. La propiedad 0,09 acres se encuentra dentro de la Zona Especial de Área en Riesgo de Inundación “AE”, como se muestra en el Panel 5 de 5 FIRM de FEMA, mapa número 3452780005D, efectivo a partir del 15 de agosto de 1983.

NEP: Los fondos NEP para la rehabilitación de viviendas abandonadas, embargadas y desocupadas, las estructuras o nueva construcción de lotes para remediar la escasez de vivienda asequible causada por la tormenta.

Proyectos NEP Propuestos:

NEP0232 (a): El sitio de la propiedad 0,09 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", zona de inundaciones, como se muestra en el mapa FIRM de FEMA Número 3453290001C, efectivo a partir del 16 de febrero de 1996. La construcción de una nueva estructura residencial unifamiliar situada en 455 West Spicer, Wildwood, condado de Cape May. La propiedad de 0,09 acres está ubicada dentro de la Zona Especial de Área de Riesgo de Inundación "AE", como se muestra en el mapa FIRM de FEMA número 3453290001C, efectivo a partir del 16 de febrero de 1996.

NEP0232 (b) – El sitio de la propiedad de 0,16 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", zona de planicie aluvial, como se muestra en el mapa FIRM de FEMA número 3453290001C, efectivo a partir del 16 de febrero de 1996. La construcción de una nueva estructura residencial de 3 pisos y dos unidades ubicadas en 442-444 West Garfield Avenue, Wildwood, condado Cape May. La propiedad 0,16 acres se encuentra dentro de la Zona Especial de Área en Riesgo de Inundación "AE", como se muestra en el mapa FIRM de FEMA número 3453290001C, efectivo a partir del 16 de febrero de 1996.

NEP0155 (c) – El sitio de la propiedad de 0,06 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", planicie aluvial, como se muestra en el Panel 157 de 200 del mapa FIRM de FEMA número 34013C0157F, efectivo a partir del 4 de junio de 2007. La rehabilitación de una estructura residencial de 2 unidades ubicada en 69 Merchant Street, Newark, condado de Essex. La propiedad de 0,06 acres se encuentra dentro de la Zona Especial de Área en Riesgo de Inundación "AE", como se muestra en el Panel 157 de 200 del mapa FIRM de FEMA número 34013C0157F, efectivo a partir del 4 de junio de 2007.

SBL: El programa SBL ofrece préstamos para las pequeñas empresas y organizaciones sin ánimo de lucro que se vieron afectados por la Supertormenta Sandy para proyectos de rehabilitación y reconstrucción para expandir los negocios dentro de las comunidades afectadas por la tormenta.

Propuestas de Proyectos SBL:

SBL 38636: La demolición y reconstrucción del restaurante McLoone Rum Runner situado en 816 Ocean Avenue, en el buró municipal de Sea Bright, condado de Monmouth. La parcela de 0,84 acres se encuentra dentro de la Zona Especial de Área en Riesgo de Inundación "AE", planicie aluvial de 100 años, como se muestra en el Panel 201 de 457, mapa FIRM de FEMA número 34025C0201G, actualizado el 31 de enero de 2014.

SBL38840: La reparación de un puerto deportivo a su estado previo a la tormenta, sustituyendo pilotes, rampas y un muro de contención. El puerto deportivo se encuentra en 226 Q Ave, West Wildwood, condado de Cape May, N.J. La propiedad 0,3673 acres está ubicada dentro De la Zona Especial de Área en Riesgo de Inundación "AE10", como se muestra en el Mapa Preliminar de Trabajo de FEMA.

SBL38781: Nino's Restaurant. El sitio de la propiedad de 0,13 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", planicie aluvial, como se muestra en el mapa FIRM de FEMA número 3453080001E, efectivo a partir del 20 de julio de 1998. El proyecto consiste en la reconstrucción de una estructura comercial situada en 201 West Walnut Avenue, North Wildwood, condado de Cape May.

NCR: Los fondos del Programa de Revitalización Comunitaria y de Vecindarios para proyectos que contribuyan a la revitalización económica en Nueva Jersey. Estos proyectos son proyectos de uso comercial o mixto, por lo general de desarrollo y mejoras públicas o de revitalización al paisaje urbano.

Propuestas de Proyectos de NCR:

NCR38952: Mejorar el paseo marítimo de Asbury Park, condado de Monmouth, de Asbury Avenue a Deal Lake Drive por sustitución de la iluminación antigua con nuevas luces LED de energía eficiente. El área del proyecto 41,5 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación "VE" como se muestra en el mapa FIRM de FEMA número 34025C0351F, con fecha de 25 de septiembre de 2009.

NCR38958: La reconstrucción de aceras y pasos de peatones con adoquines decorativos y la instalación de nuevo alumbrado, bolardos, bancas, bastidores para bicicleta, y jardinería a lo largo de dos secciones de Landis Avenue, de 39th a 40th Street y de 41st a 43rd Street dentro de la ciudad de Sea Isle, condado Cape May. El proyecto de 0,16 millas está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE" como se muestra en el mapa FIRM de FEMA número 3453180001C, efectivo a partir del 6 de enero de 1983.

Estos son los tres propósitos principales de este aviso. Primero, que las personas que pudieran verse afectadas por actividades en planicies aluviales y aquellos que tengan un interés en la protección del entorno natural tengan una oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Segundo, un programa adecuado de avisos públicos puede ser una herramienta importante para la educación del público. Se alienta a quienes tienen comentarios a ofrecer métodos alternativos para cumplir el propósito del proyecto y métodos para minimizar y mitigar el impacto. La difusión de información sobre planicies aluviales puede facilitar y fortalecer los esfuerzos federales para reducir los riesgos asociados con la modificación y ocupación de estas áreas especiales. Tercero, por cuestiones de equidad, cuando el gobierno federal decide participar en acciones que se llevan a cabo en planicies aluviales, debe informar a quienes pueden quedar expuestos a un riesgo mayor o continuo.

Los comentarios por escrito deben ser recibidos por NJDEP en o antes del 26 de abril de 2014. Especifique por favor sobre cuál acción propuesta usted está comentando. NJDEP alienta la presentación electrónica de comentarios en [www.nj.gov/dep/special/hudnotices/comments.htm](http://www.nj.gov/dep/special/hudnotices/comments.htm). Alternativamente, los comentarios podrán ser presentadas en papel a: NJDEP a más tardar el 26 de abril de 2014 a: Código de Correo 401-07D, P.O. Box 402, Trenton, N.J. 08625-0402 entre las 9:00 AM y las 5:00 PM. Usted puede encontrar más información en el sitio web del Departamento en [www.nj.gov/dep/](http://www.nj.gov/dep/).

Bob Martin, Comisionado, NJDEP



Certification - Proof of Publication

Debi Filizzola of lawful age, acting in her capacity as an employee of The Press of Atlantic City, a daily newspaper printed and published at 1000 West Washington Avenue, Pleasantville, New Jersey 08232, and distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice accompanying this Certification was published in The Press of Atlantic City on:

Ed. 1: 4/11/2014

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

Dated: 04/11/2014

Handwritten signature of Debi Filizzola

Debi Filizzola

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

To: All Interested Agencies, Groups & Individuals

This is to give notice that the New Jersey Department of Environmental Protection (NJDEP) on behalf of the Responsible Entity, the New Jersey Department of Community Affairs, has determined that the following proposed actions under the following programs: Neighborhood Floodplain Management Program (NFM), Small Business Loan (SBL) and Flood Hazard Area (FHA) Community Reinvestment Program (CRP), are located in the 100-year Floodplain, and NJDEP will be identifying and evaluating practicable alternatives to locating the actions in the floodplain and the potential impacts on the floodplain from the proposed actions as required by Executive Order 1962, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management.

NEP: The NEP funds rehabilitation of abandoned, foreclosed and vacant housing structures or new construction of lots to address the shortage of affordable housing caused by the storm.

Proposed NEP Projects: NEP222(g): The 0.09 acre property 518 S. Essex, within the Special Flood Hazard Area Zone AE, Cape May County, as shown on the FEMA Flood Map Number 34329001C, effective February 16, 1996. The new construction of a 2,400 sq. ft. residential structure located at 455 West Seagr, Winwood, Cape May County. The 0.09 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA Flood Map Number 34329001C, effective February 16, 1996.

NEP222 (h) - The 0.14 acre property site is entirely within the Special Flood Hazard Area Zone AE, Cape May County, as shown on the FEMA Flood Map Number 34329001C, effective February 16, 1996. The new construction of a 2,400 sq. ft. residential structure located at 455-456 West Seagr, Winwood, Cape May County. The 0.14 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA Flood Map Number 34329001C, effective February 16, 1996.

SBL: The SBL provides loans to small businesses and nonprofits that were impacted by Superstorm Sandy, for reconstruction and reconstruction projects to expand businesses within storm-impacted communities.

Proposed SBL Projects: SBL384C: The repair of a marine to in pre-storm condition by replacing pilings, ramps and a retaining wall. The project is located at 224 O Ave, West Winwood, Cape May County, NJ. The 0.07 acre property is located within the Special Flood Hazard Area Zone AE/D, as shown on the FEMA Preliminary Work Map.

NCR: The Neighborhood and Community Reinvestment Program funds projects that contribute to economic revitalization throughout New Jersey. These projects are commercial or mixed use projects, typically development and public infrastructure or street rehabilitation.

Proposed NCR Projects:

NCR2008: The reconstruction of sidewalks and crosswalks with decorative pavement and the installation of new streetlights, bollards, benches, bike racks and landscaping along two sections of Landis Avenue from 3rd Street to 4th Street and from 41st Street to 43rd Street within the City of Sea Isle City, Cape May County. The 0.16 mile project site is entirely within the Special Flood Hazard Area Zone AE - Zone Floodplain, as shown on the FEMA Flood Map Number 34318001C, effective January 6, 1993.

S138781: Nino's Restaurant - The 0.13 acre property site is entirely within the Special Flood Hazard Area Zone AE - Zone Floodplain, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 44308001C, effective July 20, 1994. The project is a reconstruction of 6 commercial structures located at 201 West Main Avenue, North Winwood, Cape May County.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 education tool. Commenters are encouraged to offer alternative methods to give the same project purpose and methods to minimize and mitigate impacts. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks 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, it must inform those who may be put at greater or continued risk.

Written comments must be received by NJDEP on or before April 26, 2014. Please identify which proposed action is being commented on in your comments. NJDEP encourages electronic submission of comments at www.nj.gov/dep/ncr/ncr/index.cfm. Comments may be submitted on paper to: NJDEP, by April 26, 2014. Mail Code 401-07D, P.O. Box 400, Trenton, New Jersey 08646-0400, during the hours of 9:00 AM to 5:00 PM. Further information can be found on the Department's web site at www.nj.gov/dep.

Bob Martin, Commissioner, NJDEP  
Printer Fee: \$97.80  
#09062007  
Pub Date: April 11, 2014

## Attachment 2

### **NJDEP Notice to Interested Agencies**

## Harrison, Karyn

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**From:** Dow, Diane <Diane.Dow@dep.state.nj.us>  
**Sent:** Tuesday, April 22, 2014 8:37 AM  
**To:** Harrison, Karyn  
**Subject:** FW: Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain

Hi Karyn,

I apologize if this was already sent to you. Below is the early notice email sent to State and Federal Agencies for SRP0038251

---

**From:** Mahon, Donna  
**Sent:** Friday, April 11, 2014 1:48 PM  
**To:** Carlo Papolizio; Fisher, Douglas; 'samuel.l.reynolds@usace.army.mil'; 'jodi.m.mcdonald@usace.army.mil'; 'james.w.haggerty@usace.army.mil'; 'mailto:musumeci.grace@epa.gov'; 'mailto:karen.greene@noaa.gov'; 'mailto:jodi.m.mcdonald@usace.army.mil'; 'Megan.Jadrosich@fema.dhs.gov'; Audin, Michael; 'delross\_jerry@aclink.org'; Azizi, Sharla ([Sharla.Azizi@fema.dhs.gov](mailto:Sharla.Azizi@fema.dhs.gov)); 'cblock@co.ocean.nj.us'; 'mailto:cfiliciello@cityofatlanticcity.org'; 'thorton@co.cape-may.nj.us'; 'rciallella@admin.essexcountynj.org'; 'teri.oconnor@co.monmouth.nj.us'; 'joedi@admin.essexcountynj.org'; 'verunni@gmail.com'; 'pshives@tomsrivertownship.com'; 'gsavastano@seaislecitynj.us'; 'mailto:smaxwell@wildwoodnj.org'; 'mailto:quintanal@ci.newark.nj.us'; 'stephen.kay@cityofasburypark.com'; 'jcamera56@hotmail.com'; Furda, Michael R ([michael.r.furda@hud.gov](mailto:michael.r.furda@hud.gov)); 'mailto:prosenello@northwildwood.com'  
**Cc:** Mahon, Donna; Venable, Victoria; Key, Tonalee  
**Subject:** Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain

The New Jersey Department of Environmental Protection (NJDEP) is assisting the Department of Community Affairs (DCA) with the Environmental Review portion of the Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Relief Assistance Funding Program for the following programs: Landlord Rental Repair Program, Neighborhood Enhancement Program, Small Business Loan and Neighborhood Community Revitalization Programs. Please see the attached notice that has been published on April 11th in several newspapers. This Early Notice is for proposed activities in a 100-year floodplain in the following counties and municipalities:

Atlantic County: City of Atlantic City  
Essex County: City of Newark  
Ocean County: Seaside Heights and Tom's River Township  
Cape May County: Wildwood and West Wildwood; North Wildwood; City of Sea Isle  
Monmouth County: Sea Bright Borough; Asbury Park

The floodplain notices and maps are available for review and posted at the following location:

<http://highpoint.state.nj.us/dep/special/hudnotices/>

Please send any comments that you may have concerning these projects to my attention with a copy to Victoria Venable who is copied on this e-mail. Thank you.

The close of comment period is April 24<sup>th</sup> for all but NEP155 in Essex County which has a close of comment period of April 29<sup>th</sup>. Thank you!

Donna Mahon, Director ,NJDEP  
Sandy Recovery Environmental and Historic Preservation Review Program  
609-341-5313 – Office  
609-789-7368 - Cell  
609-292-1921 - Fax

# Attachment 3

## **Comments on Early Notice and NJDEP Response**

Comment 1

**From:** Mahon, Donna <Donna.Mahon@dep.state.nj.us>  
**Sent:** Thursday, April 24, 2014 8:29 AM  
**To:** 'Reynolds, Samuel L NAP'  
**Cc:** Vanable, Victoria; Anderson, Ryan  
**Subject:** RE: Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain (UNCLASSIFIED)

Hi Sam, so sorry that I did not respond to this sooner. Our process for completing these reviews requires consultation with the Department's Land Use Program to determine if permits are required and confirmation of the types of permits. It also requires our consultants to contact the ACOE to determine the need for a permit.

This is to accomplish two things, first to ensure that the required permits are a condition of the approval; and second to ensure that any T&E species or other requirements are conditioned within the Department issued permits.

This is detailed in our guidance document to all of our consultants. Please see the wetlands excerpt below. Please let me know if you would like to further discuss and if you had any other comments concerning these notices.

**Wetland Protection**

Applicable Activities: Acquisition of undeveloped land, change of land use, construction, expansion of building footprint.

Threshold Question: Is the project located within a wetland, wetland transition or buffer area (150 feet of a wetland), tidal or non-tidal waterway, or at or below mhw? Is there a potential for impact to these areas?

Guidance: HUD policy is to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Impacts to wetlands from new construction require the 8-step decision making process to be completed. Projects may be approved if there is no practicable alternative outside the wetland area.

Use NJDEP HUD Environmental Review Tool, Wetlands and the Mean High Water Buffer Zone (150 ft.) layers at <http://bit.ly/1dREWkD> and conduct a site inspection. If the project will impact, or has the potential to impact wetlands, transition/buffer areas, or areas below mhw, consult with DLUR for a JD. A Water Quality Certificate may be needed.

If wetlands within 1000' of mhw will be impacted, the US Army Corp of Engineers (USACOE) must also be consulted. Wetlands within 1,000 feet of mhw are regulated by both NJDEP and the USACOE.

Work proposed at or below the high water line, e.g. along beaches, dunes areas/bulkheads, etc. (which may be above mhw line) or in areas that may not have regulated vegetated wetlands present may also be regulated by the USACOE.

Provide a pdf map of the wetlands layer from the NJDEP HUD Environmental Review Tool. See end note for file naming convention. Reference the map in the Compliance Documentation section of the CEST or EA. Provide a pdf of any DLUR - JD document.

**Consultation Contact:**

Ryan Anderson, NJDEP DLUR, 609-292-1230, [Ryan.Anderson@dep.state.nj.us](mailto:Ryan.Anderson@dep.state.nj.us) USACOE NY District-Eastern Section (Passaic, Essex, Union, Middlesex, and Monmouth): Steve

Ryba, 917-790-8512, [Stephan.A.Ryba@usace.army.mil](mailto:Stephan.A.Ryba@usace.army.mil) USACOE NY District (Hudson and Bergen): Jim Cannon, [James.H.Cannon@usace.army.mil](mailto:James.H.Cannon@usace.army.mil), 917-790-8412

USACOE Philadelphia District (all other NJ counties): Sam Reynolds, 215-656-5715,  
Samuel.L.Reynolds@usace.army.mil,

Thanks, Sam and hope you are well.

-----Original Message-----

From: Reynolds, Samuel L NAP [mailto:Samuel.L.Reynolds@usace.army.mil]  
Sent: Monday, April 14, 2014 3:47 PM  
To: Mahon, Donna  
Cc: Venable, Victoria; Anderson, Ryan  
Subject: RE: Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Donna,

Hope that all is well! Like you we are still dealing with items related to Superstorm Sandy, but I'm sure we aren't as busy with them as you are. I've been looking over the project information provided in the early notices, and noted that some of the projects do involve work that would be regulated by the Corps. While most of these would likely be authorized by an applicable nationwide permit (such as Nationwide Permit #3 for maintenance), I wanted to see if you can provide any information on whether the applicant will be required to get a permit or permit verification letter from the Corps. In addition, are the applicant's required to get a letter or permit from the State. If you think it would be beneficial to discuss just let me know.

Sam Reynolds  
Chief, Application Section II  
Regulatory Branch  
Philadelphia District, USACE

-----Original Message-----

From: Mahon, Donna [mailto:Donna.Mahon@dep.state.nj.us]  
Sent: Friday, April 11, 2014 1:48 PM  
To: Carlo Papolizio; Fisher, Douglas; Reynolds, Samuel L NAP; McDonald, Jodi M NAN02; Haggerty, James W NAD; 'mailto:musumeci.grace@epa.gov'; 'mailto:karen.greene@noaa.gov'; McDonald, Jodi M NAN02; 'Megan.Jadrosich@fema.dhs.gov'; Audin, Michael; 'delross\_jerry@aclink.org'; Azizi, Sharla (Sharla.Azizi@fema.dhs.gov); 'cblock@co.ocean.nj.us'; 'mailto:cfilicciello@cityofatlanticcity.org'; 'thorton@co.cape-may.nj.us'; 'rciallella@admin.essexcountynj.org'; 'teri.oconnor@co.monmouth.nj.us'; 'joedi@admin.essexcountynj.org'; 'verunni@gmail.com'; 'pshives@tomsvivertownship.com'; 'gsavastano@seaislecitynj.us'; 'mailto:smaxwell@wildwoodnj.org'; 'mailto:quintanal@ci.newark.nj.us'; 'stephen.kay@cityofasburypark.com'; 'jcamera56@hotmail.com'; Furda, Michael R (michael.r.furda@hud.gov); 'mailto:prosenello@northwildwood.com'  
Cc: Mahon, Donna; Venable, Victoria; Key, Tonalee  
Subject: [EXTERNAL] Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain

The New Jersey Department of Environmental Protection (NJDEP) is assisting the Department of Community Affairs (DCA) with the Environmental Review portion of the Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Relief Assistance Funding Program for the following programs: Landlord Rental Repair Program, Neighborhood Enhancement Program, Small Business Loan and Neighborhood Community Revitalization Programs. Please see the attached notice that has been published on April 11th in several newspapers. This Early Notice is for proposed activities in a 100-year floodplain in the following counties and municipalities:

Atlantic County: City of Atlantic City

Essex County: City of Newark

Ocean County: Seaside Heights and Tom's River Township

Cape May County: Wildwood and West Wildwood; North Wildwood; City of Sea Isle

Monmouth County: Sea Bright Borough; Asbury Park

The floodplain notices and maps are available for review and posted at the following location:

<http://highpoint.state.nj.us/dep/special/hudnotices/> <<http://highpoint.state.nj.us/dep/special/hudnotices/>>

Please send any comments that you may have concerning these projects to my attention with a copy to Victoria Venable who is copied on this e-mail. Thank you.

The close of comment period is April 24th for all but NEP155 in Essex County which has a close of comment period of April 29th. Thank you!

Donna Mahon, Director ,NJDEP

Sandy Recovery Environmental and Historic Preservation Review Program

609-341-5313 - Office

609-789-7368 - Cell

609-292-1921 - Fax

Classification: UNCLASSIFIED

Caveats: NONE

Comment 2

**From:** Mahon, Donna <Donna.Mahon@dep.state.nj.us>  
**Sent:** Friday, April 25, 2014 4:38 PM  
**To:** Theresa Albanese <talbanese@gfnet.com> (talbanese@gfnet.com); Kristen Maines; Smith, Lawrence (lismith@Dewberry.com); aburk@dewberry.com; Doss, Gary (gdoss@Dewberry.com); DeVoe, Lauren; Harrison, Karyn  
**Cc:** Key, Tonalee; Dow, Diane; Henne, Laura; Vanable, Victoria  
**Subject:** FW: Early Notice adnd Public Reviewof a Proposed Activity in a 100-year Flood Plain - Resend with Revised Web Link and Date of Close of Comment Period  
**Attachments:** Combined Floodplain early noticeFINAL.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All, please see below comment from Carlo Popolizio of the USF&WS. The response to this comment should be that the required consultation with the USF&WS occurs during the development of the environmental review record and impacts to federally listed plant and animal species is factored into the floodplain analysis.

This is it for the comments thus far as well as the Sam Reynolds one that I forwarded earlier today. These comments would apply for the projects listed in the combined notice.

I will provide further comments if received.

**From:** Popolizio, Carlo [[mailto:carlo\\_popolizio@fws.gov](mailto:carlo_popolizio@fws.gov)]  
**Sent:** Friday, April 25, 2014 11:12 AM  
**To:** Mahon, Donna  
**Subject:** Re: Early Notice adnd Public Reviewof a Proposed Activity in a 100-year Flood Plain - Resend with Revised Web Link and Date of Close of Comment Period

Hi Donna,

We don't see in this notice your determination - as the non-federal entity designated by HUD to conduct Endangered Species Act consultation with the USFWS, we need your determinations on these projects and all other projects:

**No Effect:** your determination does not require our concurrence.

**Not Likely to Adversely Affect:** your determination requires our concurrence.

**May Affect:** your determination may require formal consultation with us, unless specific conditions are included to keep consultation at the informal level.

You need to send the latter two determinations to my attention as individual, separate projects with all information included.

Thank you, Carlo

On Fri, Apr 11, 2014 at 5:45 PM, Mahon, Donna <[Donna.Mahon@dep.state.nj.us](mailto:Donna.Mahon@dep.state.nj.us)> wrote:

Please see the revised link below and the revised close of comment period. I have also attached a combined notice for your reference.

The New Jersey Department of Environmental Protection (NJDEP) is assisting the Department of Community Affairs (DCA) with the Environmental Review portion of the Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Relief Assistance Funding Program for the following programs: Landlord Rental Repair Program, Neighborhood Enhancement Program, Small Business Loan and Neighborhood Community Revitalization Programs. Please see the attached notice that has been published on April 11th in several newspapers. This Early Notice is for proposed activities in a 100-year floodplain in the following counties and municipalities:

Atlantic County: City of Atlantic City

Essex County: City of Newark

Ocean County: Seaside Heights and Tom's River Township

Cape May County: Wildwood and West Wildwood; North Wildwood; City of Sea Isle

Monmouth County: Sea Bright Borough; Asbury Park

The floodplain notices and maps are available for review and posted at the following location:

<http://www.nj.gov/dep/special/hudnotices/>

Please send any comments that you may have concerning these projects to my attention with a copy to Victoria Venable who is copied on this e-mail. Thank you.

The close of comment period is **April 26<sup>th</sup>** for all but NEP155 in Essex County which has a close of comment period of **April 29<sup>th</sup>**. Thank you!

Donna Mahon, Director ,NJDEP

Sandy Recovery Environmental and Historic Preservation Review Program

609-341-5313 – Office

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Donna Mahon, Director ,NJDEP

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**Carlo Popolizio, Biologist**

**USFWS-NJFO**

**927 N. Main Street, Pleasantville NJ 08232**

**Phone: (609) 383-3938 x 32**

**Fax: (609) 646-0352**

**"Sell your cleverness and buy bewilderment." Rumi**

# Attachment 4

## **Combined Final Public Notice**

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

CAPE MAY COUNTY

May 15, 2014

New Jersey Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800  
609-292-3647

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

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 May 15, 2014, the DCA 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 Enhancement Program (NEP).

The NEP provides funding to stabilize "threatened but viable" neighborhoods, through the creation of affordable housing, and is a component of local plans to invest in and rebuild these communities. The NEP funds the rehabilitation or re-use of abandoned, foreclosed and vacant housing, structures or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. \$30,000,000 in CDBG-DR funds have been allocated to this program. The program will provide up to \$250,000 in subsidy per unit (based on need and number of bedrooms), and the maximum award is \$1,750,000.

The following information pertains to these NEP projects: NEP00232 (Sites A and B)

**Project Applicant:** Dolphin Creek, LLC

**Location:** Site (a): 455 West Spicer, Wildwood, Cape May County, NJ

Site (b): 442-444 West Garfield Avenue, Wildwood, Cape May County, NJ

**Combined Estimated Cost:** \$726,775.00

**Project Descriptions:** Site A and Site B are contiguous parcels, listed as one on the city's tax maps. The proposed projects at Site A and Site B involve the construction of three (3) rental units in two (2) newly constructed buildings, on lots that are currently city vacant land owned by Dolphin Creek LLC.

DCA expects to fund these two projects using approximately \$600,000 of NEP funds.

The proposed project at Site A involves construction of a new single family residential structure. The 0.09 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 3453290001C, effective February 16, 1996.

The proposed project at Site B involves construction of a new 3-story, 2-unit residential structure. The 0.16 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 3453290001C, effective February 16, 1996.

The Responsible Entity, DCA, 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 on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, PO Box 800, 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/>.

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

This is to give notice that the DCA 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 NEP program under (B-13-DS-34-001).

The proposed projects are:

NEP00232 Site A- The 0.09 acre property site is located within the Special Flood Hazard Area Zone AE Zone floodplain, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 3453290001C, effective February 16, 1996. The new construction of a single family residential structure located at 455 West Spicer, Wildwood, Cape May County.

NEP00232 Site B- The 0.16 acre property site is located entirely within the Special Flood Hazard Area Zone AE Zone floodplain, as shown on the Federal Emergency Management Agency

(FEMA) Flood Insurance Rate Map (FIRM) Number 3453290001C, effective February 16, 1996. The new construction of a 3-story, 2-unit residential structure located at 442-444 West Garfield Avenue, Wildwood, Cape May County.

DCA has considered alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives to relocate the projects outside of the floodplain are not available and would be contrary to the purpose and function of the proposed improvements. 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, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts. Implementation of the proposed actions 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 projects 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 projects 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 these projects 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 May 22, 2014 will be considered by DCA. 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 May 23, 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.

**AVISO PUBLICO COMBINADO**

**AVISO DE INTENCIÓN DE SOLICITAR LIBERACIÓN DE FONDOS Y  
AVISO Y EXPLICACIÓN PUBLICA DE UNA ACTIVIDAD PROPUESTA EN LA  
PLANICIE DE INUNDACIÓN CORRESPONDIENTE A UNA PRECIPITACIÓN DE 100  
AÑOS**

**CONDADOS DE OCEAN, ESSEX Y CAPE MAY**

15 de mayo de 2014

Departamento de Asuntos Comunitarios del Estado de Nueva Jersey  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800  
609-292-3647

Este aviso debe satisfacer dos requisitos procedurales diferentes pero relacionados para actividades que deben ser desarrolladas por el Departamento de Asuntos Comunitarios (Department of Community Affairs [DCA]) de Nueva Jersey.

De acuerdo al título 24 del Código de las Regulaciones Federales, Partes 58.33 (24 CFR 58.33) y 55.20(b)(1) (24 CFR 55.20(b)(1)), el Aviso de Intención de Solicitar Liberación de Fondos (NOI-RROF) y el Aviso y Explicación Publica de una Actividad Propuesta en la Planicie de Inundación correspondiente a una Precipitación de 100 años serán publicados simultáneamente con la presentación de la Solicitud de Liberación de Fondos (RROF). Se necesitan los fondos en capacidad de emergencia debido al desastre declarado por los impactos de la súper tormenta Sandy, la cual tocó tierra el 29 de octubre de 2012. Como resultado, se han combinado los periodos de comentario para la NOI-RROF, la Planicie de Inundación correspondiente a una Precipitación de 100 años y la RROF.

**SOLICITUD PARA LIBERACIÓN DE FONDOS**

Alrededor del 15 de mayo de 2014, el DCA entregará una solicitud al Departamento Federal de Vivienda y Desarrollo Urbano de EE. UU. (Department of Housing and Urban Development [HUD]) para la liberación de fondos federales dentro del marco del Programa de Subvención en Bloque para el Desarrollo Comunitario (Community Development Block Grant Program [CDBG]) en conformidad con la ley de Apropriaciones de Ayuda para Casos de Desastre de 2013 (Disaster Relief (DR) Appropriations Act of 2013) (Ley pública 113-2, aprobada el 29 de enero de 2013) para ambos el Programa de Reparación de Viviendas en Alquiler para Propietarios (Landlord Rental Repair Program [LRRP]) y el Programa de Mejoras a Vecindarios (Neighborhood Enhancement Program [NEP]).

El LRRP restaurara o creara una variedad de viviendas de arrendamiento desde edificios de 1 a 4 unidades hasta grandes desarrollos multifamiliares. Más del 70% de las propiedades de arrendamiento en las áreas más impactadas tienen menos de 20 unidades. A menudo, este tipo

de arrendamiento es proporcionado por un dueño de vivienda que tiene una unidad adicional la cual contribuye con ingreso para el dueño por el arrendamiento; o por arrendatarios con menos de 25 propiedades. El programa de reparación de viviendas en alquiler proveerá préstamos disculpables de cero interés a dueños existentes y nuevos de propiedades de arrendamiento con desde 1 a 25 unidades que requieren rehabilitación significativa.

El NEP proporciona fondos para estabilizar vecindarios “amenazados pero viables” a través de la creación de viviendas accesibles, y es un componente de planes locales para invertir y reconstruir estas comunidades. El NEP financia la rehabilitación o reutilización de viviendas abandonadas, embargadas y vacantes, de estructuras y de lotes y aborda la escasez de viviendas a precios razonables ocasionada por la tormenta, mientras que al mismo tiempo retorna edificios arruinados a la viabilidad. \$30.000.000 en fondos de CDBG-DR han sido asignados a este programa. El programa proveerá hasta \$250.000 en subsidios por cada unidad (basados en la necesidad y el número de habitaciones) y la concesión máxima es de \$1.750.000.

La información siguiente está relacionada con este proyecto LRRP: SRP0044264

**Nombre del Solicitante:** Joseph Firetto

**Ubicación:** 51/55 Sampson Ave, Seaside Heights, Ocean County, NJ

**Costo Estimado:** \$42.202,89

**Descripción del Proyecto:** El proyecto propuesto involucra la rehabilitación de 3 unidades de una estructura residencial de 5 unidades, la cual sufrió daños durante la súper tormenta Sandy. La propiedad de 0,18 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación “AE”, tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (Flood Insurance Rate Map o FIRM) de la Agencia Federal para el Manejo de Emergencias (Federal Emergency Management Agency o FEMA), Panel 329 de 611, Mapa número 34029C0329F efectivo el 29 de septiembre de 2006. El DCA espera proveer fondos para el proyecto usando aproximadamente \$42.202,89 de fondos del LRRP.

La información siguiente está relacionada con este proyecto NEP: NEP0155(c)

**Nombre del Solicitante:** Newark Community Works-Phase II

**Ubicación:** 69 Merchant Street, Newark, Essex County, NJ

**Costo Estimado:** \$274.300,00

**Descripción del Proyecto:** El proyecto propuesto involucra la rehabilitación de una estructura residencial de 2 unidades (2 pisos sobre un sótano) la cual sufrió daños durante la súper tormenta Sandy. La propiedad de 0,06 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación “AE”, tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (Flood Insurance Rate Map o FIRM) de la Agencia Federal para el Manejo de Emergencias (Federal Emergency Management Agency o FEMA), Panel 157 de 200, Mapa número 34013C0157F efectivo el 4 de junio de 2007. El DCA espera proveer fondos para el proyecto, junto con otros dos, usando aproximadamente \$1.6 millones de fondos del NEP entre los tres proyectos.

La información siguiente está relacionada con este proyecto NEP: NEP00232(a) y NEP00232(b)

**Nombre del Solicitante:** Dolphin Creek, LLC

**Ubicación:** Sitio A: 455 West Spicer, Wildwood, Cape May County, NJ

Sitio B: 442-444 West Garfield Avenue, Wildwood, Cape May County, NJ

**Costo Estimado Combinado:** \$726.775,00

**Descripción de los Proyectos:** El Sitio A y el Sitio B son parcelas contiguas listadas como una en los mapas del impuesto de la ciudad. Los proyectos propuestos en el Sitio A y el Sitio B involucran la construcción de tres (3) unidades de arrendamiento en dos (2) edificios construidos recientemente en lotes que son actualmente terrenos baldíos propiedad de Dolphin Creek LLC. El DCA espera proveer fondos para estos dos proyectos usando aproximadamente \$600.000 de fondos del NEP.

El proyecto propuesto en el Sitio A involucra la construcción de una nueva estructura residencial unifamiliar. La propiedad de 0,09 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (Flood Insurance Rate Map o FIRM) de la Agencia Federal para el Manejo de Emergencias (Federal Emergency Management Agency o FEMA), Mapa número 3453290001C efectivo el 16 de febrero de 1996.

El proyecto propuesto en el Sitio B involucra la construcción de una nueva estructura residencial de 3 pisos con 2 unidades. La propiedad de 0,16 acres está ubicada dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (Flood Insurance Rate Map o FIRM) de la Agencia Federal para el Manejo de Emergencias (Federal Emergency Management Agency o FEMA), Mapa número 3453290001C efectivo el 16 de febrero de 1996.

La Entidad Responsable, el DCA, ha determinado que el proyecto propuesto es Excluido Categóricamente SUJETO a las autoridades del §58.5 de acuerdo a 24 CFR 58.35(a)(4)(i). Como tal, se ha completado una Lista Legal [Statutory Checklist] para determinar si el proyecto es conforme a las autoridades citadas en 24 CFR§50.4 y 58.5.

Información adicional del proyecto se encuentra en el Registro Escrito de Revisión Ambiental (Environmental Review Record [ERR]) el cual se encuentra en el archivo del Departamento de Asuntos Comunitarios de Nueva Jersey, *Sandy Recovery Division*, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800. El documento está disponible para su revisión y puede ser examinado o copiado durante la semana desde las nueve (9) del mañana hasta las cinco (5) de la tarde, o puede ser revisado a través de la Internet en:  
<http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

#### AVISO Y EXPLICACIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN LA PLANICIE DE INUNDACIÓN CORRESPONDIENTE A UNA PRECIPITACIÓN DE 100 AÑOS

Sirva la presente para notificar que el DCA ha conducido una evaluación tal como es requerido por la Orden Ejecutiva 11988 de acuerdo con el reglamento HUD del 24 CFR 55.20, Sub parte C: Procedimiento para tomar determinaciones en el Manejo de Planicies Inundadas y la Protección de Humedales. Una actividad tiene fondos bajo el Programa NEP y la otra bajo el Programa LRRP ambos bajo (B-13-DS-34-001).

Los proyectos propuestos son:

SRP0044264- La propiedad de 0,18 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (FIRM) de la Agencia Federal para el Manejo de Emergencias (FEMA), Panel 329 de 611, Mapa Número 34029C0329F, efectivo a partir del 29 de septiembre de 2006. La rehabilitación de 3 unidades de una estructura residencial de 5 unidades situada en 51/55 Sampson Ave., Seaside Heights, condado de Ocean.

NEP0155(c)- La propiedad de 0,06 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (FIRM) de la Agencia Federal para el Manejo de Emergencias (FEMA), Panel 157 de 200, Mapa número 34013C0157F, efectivo a partir del 4 de junio de 2007. La rehabilitación de una estructura residencial de 2 unidades ubicada en 69 Merchant Street, Newark, condado de Essex.

NEP00232(a)- La propiedad de 0,09 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el mapa FIRM de FEMA Número 3453290001C, efectivo a partir del 16 de febrero de 1996. La construcción de una nueva estructura residencial unifamiliar situada en 455 West Spicer, Wildwood, condado de Cape May.

NEP00232(b)- La propiedad de 0,16 acres está totalmente dentro de la Zona Especial de Área en Riesgo de Inundación "AE", tal como se muestra en el Mapa de Tasas de Seguro contra Inundaciones (FIRM) de la Agencia Federal para el Manejo de Emergencias (FEMA), Mapa número 3453290001C, efectivo a partir del 16 de febrero de 1996. La construcción de una nueva estructura residencial de 3 pisos y dos unidades ubicadas en 442-444 West Garfield Avenue, Wildwood, condado Cape May.

El DCA ha considerado alternativas y métodos de mitigación para minimizar los impactos adversos y para restaurar y preservar los valores naturales y benéficos. Alternativas para reubicar los proyectos fuera de la planicie de inundación no están disponibles y serían contrarios al propósito y función de las mejoras propuestas. La alternativa de No Actuar fue considerada y rechazada porque él no tomar acción no abordaría las necesidades vitales para la infraestructura del área, no ayudaría a la recuperación económica y de la comunidad, y no abordaría la reducción necesaria de riesgos futuros de inundación e impactos asociados con la salud, seguridad y bienestar humano. Implementación de las acciones propuestas requerirá permisos locales y estatales, lo cual puede que ponga requerimientos de mitigación adicionales para el proyecto.

El DCA ha reevaluado las alternativas a la construcción en la planicie de inundación y ha determinado que no tiene ninguna alternativa práctica. Archivos ambientales que documentan el cumplimiento con los pasos 3 al 6 del Decreto Ejecutivo 11988 están disponibles para inspección, revisión y reproducción por parte del público a solicitud en el horario y ubicación delineados en el último párrafo de este aviso para la recepción de comentarios.

El DCA ha determinado que la construcción y operación de los proyectos propuestos no resultarían en impactos significativos adversos para los niveles de inundación, riesgo de

inundación o el flujo de aguas de inundación en el área del proyecto o sus alrededores. El proyecto reduciría los niveles de inundación, riesgo de inundación o el flujo de aguas de inundación hacia el área del proyecto. Por lo tanto, los proyectos propuestos estarían en cumplimiento con la Ley Nacional de Seguros contra Inundaciones (National Flood Insurance Act) de 1968 (44 CFR § 59) y la Orden Ejecutiva 11988 sobre el Manejo de Planicies de Inundación (42 FR 26951).

#### COMENTARIOS DEL PÚBLICO

Cualquier individuo, grupo, o agencia que esté en desacuerdo con esta determinación o que desee comentar sobre estos proyectos puede presentar observaciones por escrito a Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800, o a través de la Internet en <http://www.nj.gov/dca/divisions/sandyrecovery/review/> y a Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. El DCA considerará todos los comentarios recibidos hasta el 22 de mayo de 2014. Los comentarios deben especificar cual Aviso (Aviso de Intención de Solicitar Liberación de Fondos (NOI-RROF) o Aviso de Revisión Pública de una Actividad Propuesta en la Planicie de Inundación correspondiente a una Precipitación de 100 años) están abordando.

#### LIBERACIÓN DE FONDOS

El 23 de mayo de 2014, o alrededor de esa fecha, el DCA certifica a HUD que Richard E. Constable, III, en su calidad de Comisionado del DCA, da consentimiento para aceptar la jurisdicción de los tribunales federales si se presenta una acción para imponer responsabilidades en relación con el proceso de análisis medioambiental y que dichas responsabilidades han sido satisfechas. La aprobación de la certificación por parte de HUD satisface sus responsabilidades de conformidad con la Ley Nacional de Política Ambiental (National Environmental Policy Act [NEPA]) y con las leyes y autoridades afines, y le permite al DCA usar los fondos del Programa.

#### OBJECIONES A LA LIBERACIÓN DE FONDOS

HUD aceptará objeciones a la liberación de sus fondos y a la certificación del DCA por un periodo de siete (7) días después de la fecha de entrega prevista o de que se reciba la solicitud (la que fuera posterior) solo si estas se dan sobre las siguientes bases: (a) la certificación no fue ejecutada por parte del funcionario del DCA capacitado para certificar; (b) El DCA ha omitido un paso o ha dejado de tomar una decisión o considerar un resultado exigido por las regulaciones de HUD de acuerdo al 24 CFR Parte 58; (c) quien recibe la subvención ha destinado los fondos o ha incurrido en gastos no autorizados por el 24 CFR Parte 58 antes de que HUD aprobara la liberación de fondos; u (d) otra agencia federal, actuando de conformidad con el 40 CFR Parte 1504, ha enviado un hallazgo por escrito indicando que el proyecto no es satisfactorio desde el punto de vista de calidad medioambiental. Las objeciones deben prepararse y enviarse de conformidad con los procedimientos requeridos (24 CFR Parte 58) y deben estar dirigidas a Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Los objetores potenciales deben comunicarse con HUD para verificar cuál es el último día del periodo de objeciones.

Comisionado Richard E. Constable, III  
Departamento de Asuntos Comunitarios del Estado de Nueva Jersey