

COMBINED PUBLIC NOTICE

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

OCEAN COUNTY

May 1, 2015

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

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

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

REQUEST FOR RELEASE OF FUNDS

On or about **May 18, 2015**, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. DCA expects to fund the project using up to \$150,000 of RREM funds per unit.

PROJECT DESCRIPTION

Application ID number: RRE0003694MF

Project Title: Sandra Wadel – reconstruction and elevation of a multi-unit residential structure

Location: 1935 Ocean Avenue, Toms River Township, Ocean County, New Jersey

The total estimated project cost includes the estimated work in place of approximately \$4,945.68 per unit and the cost to reconstruct and elevate of approximately \$3,008,400.00..

The 0.568-acre property site is located at 1935 Ocean Avenue, Toms River Township, Ocean County, New Jersey. The proposed project consists of reconstruction and elevation of a twenty-three-unit residential structure. The former structure, which was also of the same capacity, was determined to be a total loss and has been demolished post-storm. This proposed project will assist owners of individual units who meet low-moderate income through reimbursement of demolition costs and funding for reconstruction activities including elevation. The proposed project will require the building to meet current minimum property standards.

FINAL 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 with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at 1935 Ocean Avenue, Toms River Township, Ocean County, New Jersey. The proposed project involves the reconstruction and elevation of a twenty-three-unit residential structure which sustained heavy damage during Superstorm Sandy and have been declared a total loss and demolished. Currently, reconstruction of the structure has not started and the parcel is a vacant non-vegetated land secured with chain linked fencing. The previous building consisted of multiple individually-owned condominiums connected by common areas. This proposed project will assist owners of individual units who meet low-moderate income through reimbursement of demolition costs and funding for reconstruction activities including elevation. The proposed project will require the building to meet current minimum property standards.

As indicated on the Federal Emergency Management Agency (FEMA) FIRM Panel 329 of 611, Map Number 34029C0329F; effective September 29, 2006 as well as the NJDEP HUD Review Tool DFIRM, the 0.568-acre proposed project parcel is partially located within the Flood Zones "VE" (0.106 acres) and "X" (0.457 acres) with a very small portion at the west border located in zone "AE" (0.005 acres). The Floodplain Zones VE and AE are part of the FEMA-designated Special Flood Hazard Area (SFHA). However, the newer FEMA preliminary FIRM data provided by the NJDEP HUD Review Tool updated March 8, 2014, shows that the entire parcel is within an SFHA Zone A. The preliminary flood map incorporates all "A" categories, including in this case, category "AO".

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. 1) Reconstruction and elevation of a twenty-three-unit structure in accordance with all applicable local, state and federal floodplain requirements; all of these regulations are intended to minimize threats to life and property. Additionally, this alternative would greatly assist the targeted owners who meet low-moderate income status and further protect them from future storm surges based on elevation requirements and the construction of the structure to meet current minimum property standards thereby increasing safe and affordable housing opportunities for low and moderate

income residents of Seaside Heights Borough and enhance housing opportunities. 2) Relocation of future tenants through acquisition of an existing twenty-three-unit or similarly sized residential structure outside the 100-Year Floodplain would eliminate any potential adverse impacts associated with continued floodplain occupancy and would minimize threats to life and property. However, extremely difficult and cost prohibitive due to limited land that is not in the SFHA and the remote possibility, if not the impossibility, of finding another residential structure of the same capacity outside the floodplain. Toms River Township is a densely developed community, with the majority of the land area being within the SFHA. Additionally, relocating would be a financial burden, as the future targeted residents are also generally low-to-moderate income and likely do not have the means to relocate further away from their place of employment. Relocation would be contrary to the purpose and function of the proposed project and would not further efforts to restore safe housing in the current community. 3) A No Action alternative was considered and rejected because taking no action would result in a decline in safe and affordable housing, contribute to blighted conditions, create a public safety hazard and contribute to the permanent displacement of residents. The No Action Alternative would not address the vital housing needs of the area for low-moderate income residents, would not aid in community and neighborhood recovery, and would not reduce future flood risk and associated human health, safety and welfare impacts. 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 described in the Public Comments section of this notice.

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).

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 educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is

contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to 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 18, 2015**, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

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

OBJECTIONS TO RELEASE OF FUNDS

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

Acting Commissioner Charles A. Richman
New Jersey Department of Community Affairs