

COMBINED PUBLIC NOTICE

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

MONMOUTH COUNTY

August 7, 2014

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

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

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOI-RROF), and the Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI/NOI-RROF, 100-Year Floodplain, and RROF have been combined.

REQUEST FOR RELEASE OF FUNDS

On or about August 7, 2014, the New Jersey Department of Community Affairs (DCA) on behalf of EDA will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Stronger New Jersey Business Loans (SBL) program. EDA expects to fund the project using approximately \$1,542,000 of SBL funds.

The following information pertains to this project:

Project Title: SBL39373 "Jakeabob's by the Bay"

Location: 525 Front Street, Union Beach, Monmouth County, New Jersey

Estimated Cost: \$1,695,250

Project Description: The proposed project will reconstruct the restaurant and bar that was formerly on the property. The pier that was formerly on the property will be reconstructed as well utilizing the pier's existing pilings. The new building will be two stories in height. The ground floor will feature a tiki bar, seasonal bathrooms/kitchens, storage rooms and a central

open-air passage leading from the street to the pier. The enclosed areas of the ground floor, including the seasonal kitchens, restrooms and storage areas, will be designed using wet-floodproofing techniques to allow waters to flow in and out without causing substantial damage to the structure. The second floor will be built approximately three feet six inches above the base flood elevation (BFE). The \$100 million SBL Program is available to help small businesses and nonprofits that were impacted by Superstorm Sandy as well as businesses looking to expand within storm-impacted communities. Low-cost loans up to \$5 million per eligible location, with 0% interest for the first 24 months and no principal payments for up to two years, are available for renovation, new construction, or equipment. Loans up to \$500,000 are available to support working capital needs for eligible businesses.

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 SBL program under (B-13-DS-34-001). The 0.20 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) Panel 33 of 457 no. 34025C0033F, revised September 25, 2009. The project includes the reconstruction of a pier and elevation of the restaurant above the base flood elevation.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives included reconstruction without incorporating flood hazard mitigation measures, and reconstruction with the incorporation of mitigation measures, including wet-floodproofing and elevating the building above the Base Flood Elevation (BFE). The reconstruction of the building without incorporation of flood hazard mitigation measures was rejected because it would not meet program requirements to mitigate flood hazard risks to properties within the 100-year floodplain. The reconstruction of the building with a combination of wet-floodproofing and elevation was determined to be the preferred alternative as this option would allow the business to resume operation, would minimize the impact of flood hazards on the property, and would minimize the impact of the property’s development on the flood plain. A No Action alternative was considered and rejected because it would not aid in restoring the shore community and would not address the needed reduction of 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 delineated in the last paragraph of this notice for receipt of comments.

DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project

site or surrounding areas. The project would reduce flood risk and the impact of development on the floodplain. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).]

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment has been prepared and EDA has determined that this project will have no significant impact on the human environment; therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. The reason for the decision not to prepare an EIS is that no significant impacts or hazards were identified in the course of the environmental review. Additional project information is contained in the Environmental Review Record on file at the New Jersey Economic Development Authority, 36 West State Street, PO Box 990, Trenton, New Jersey 08625. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. by contacting Erin B. Gold at 609-858-6718 or may be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by August 22, 2014 will be considered by DCA and EDA. Comments should specify which Notice (Notice of Finding of No Significant Impact [FONSI], Notice of Public Review of a Proposed Activity in a 100-year Floodplain, or Notice of Intent to Request Release of Funds [NOI-RROF]) they are addressing.

RELEASE OF FUNDS

DCA certifies (on or about August 27, 2014) to HUD that Richard E. Constable, III, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or

finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Richard E. Constable, III
New Jersey Department of Community Affairs