

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 AND WETLAND

CUMBERLAND 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 and Wetland 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 and Wetland 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 Stronger New Jersey Business Loans (SBL) program. DCA expects to fund the project using approximately \$1,917,000 of SBL funds.

PROJECT DESCRIPTION

Application ID number: SBL39754

Project Title: Yank Marine

Location: 487 Main Street, Maurice River Township, Cumberland County, New Jersey

The total estimated project cost is \$1,947,000.

The project includes demolition of the property's two existing 78-foot stationary piers and 140-foot stationary pier and replacing it with two new concrete deck runways to support a 200-ton Marine Travelift (ultimately a 600-ton lift will be installed in its place). In addition, a 12-foot by 20-foot timber dock, 175-foot by 6-foot stationary berthing pier and bulkheads will be installed. The project will also involve dredging to deepen the boat well, and will incorporate coastal wetland and subtidal shallow mitigation measures to address the dredging's impacts on coastal wetlands.

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

This is to give notice that the DCA has conducted an evaluation as required by Executive Orders 11988 and 11990, 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 487 Main Street, Maurice River Township, Cumberland County, New Jersey. The property is approximately 5.81 acres, of which approximately 1.5 acres is located within the A Flood Zone (Base Flood Elevations determined), as indicated on Flood Insurance Rate Map (FIRM) Panel 20 of 35 no. 3401720020C, revised September 17, 1982. This measurement was used in the early floodplain notice (published February 13, 2015); however, subsequent to the publication of that notice, more recent Preliminary FIRM mapping was made available on the New Jersey Department of Environmental Protection (NJDEP) ArcGIS tool which identified approximately 0.8 acres of the property within the floodplain (Zone A) and approximately 0.25 acres of the property within the floodway of the Maurice River. No mapped wetlands are located on-site; however, the open waters of the Maurice River are classified as wetlands by the U.S. Army Corps of Engineers (USACE).

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. Among the alternatives were: (i) undertaking the project as proposed in their approved USACE and NJDEP Division of Land Use (DLUR) permits (the Preferred Alternative, which will include the removal of the existing piers and docks and construction of a new 6' by 175' berthing pier, 12' by 20' timber dock and two concrete deck/runway piers measuring approximately 20' by 180 feet to support a new 200-ton (ultimately 600-ton) Marine Travelift boat lift equipment), (ii) undertaking the project as proposed in their NJDEP/NJEDA Grant Application (similar to the Preferred Alternative, except the berthing pier would measure 20' by 210') and (iii) not undertaking the action (No Action Alternative). The project is a shipyard; its function is dependent on proximity to the waterfront. Therefore, there was no alternative available to locating within the 100-year floodplain and within proximity to coastal wetlands/open waters.

The No Action Alternative was considered but rejected because taking no action would not address the needs of the applicant and would not meet the program goals of assisting in the recovery of and providing for a more resilient shore community. The applicant has recognized

the need for increased size shipyard capacity; without the project, these shipyard activities will continue to be undertaken out-of-state.

DCA has determined that the Preferred Alternative (construction of the improvements in accordance with the approved USACE and DLUR permits) would not have any adverse impacts to floodplains, wetlands or other environmental resources. Option (ii), construction of the improvements in accordance with the initially submitted NJDEP/NJEDA Grant Application, was ultimately rejected because its scope was beyond that which was approved in the USACE and DLUR permits.

DCA has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice

There are three primary purposes for this notice. First, people who may be affected by activities in floodplain and wetlands 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 and wetlands 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 and wetlands, 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