

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

### **New Jersey Department of Community Affairs New Jersey Landlord Rental Rehabilitation Program**

#### **Joseph Firetto Residential Rehabilitation Project (SRP0044264)**

**May 2014**

This Floodplain 8-Step Process document addresses the requirements of Executive Order 11988, "Floodplain Management" and has been completed for the Joseph Firetto Residential Rehabilitation Project (SRP0044264) to be funded under the U.S. Department of Housing and Urban Development (HUD)'s New Jersey Landlord Rental Rehabilitation 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 Landlord Rental Rehabilitation Program, administered by the Department of Community Affairs (DCA), was established as a grant award to provide financial assistance to rental properties. The program will prioritize rental properties within the most impacted counties that were significantly damaged during the storm. Priority will be given to owners wishing to rehabilitate their properties, properties serving special needs populations, and properties in need of remediation for mold. Additionally, the NJDEP has the following elevation requirements regarding rehabilitation, reconstruction and elevation of housing structures:

- All residential property owners located in tidal floodplains that have to rebuild because their property is substantially damaged will have to build the lowest floor at least one foot above the highest applicable state or FEMA 100 year flood level.
- All residential property owners located in non-tidal floodplains that have to rebuild because their property is substantially damaged will have to build 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 Landlord Rental Rehabilitation Program is a response to severe coastal flooding and storm damage caused by Superstorm Sandy and is addressing the need for housing, especially safe, decent, and affordable housing in the areas most impacted 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 projects located 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 is located at 51/55 Sampson Ave, Seaside Heights, Ocean County, New Jersey. The parcel measures approximately 0.18 acres and is located entirely 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), Panel 329 of 611, Map Number 34029C0329F, effective September 29, 2006. According to FEMA Preliminary FIRM data, the project is located in a Special Flood Hazard Area Zone A. The proposed project involves the rehabilitation of a single-unit residential structure and two units of a four-unit residential structure, which suffered damage during Superstorm Sandy.

NJDEP and DCA require that all property owners whose homes are determined to be “substantially damaged”, by a Municipal Floodplain Administrator, rebuild or elevate the structure so that the first floor is at least one foot above the highest applicable state or FEMA flood elevation. A structure is considered substantially damaged if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage.

### **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 *Reporte Hispano* (April 10, 2014) and *The Star Ledger* (April 11, 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 the advertisements and 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 Landlord Rental Rehabilitation Program will benefit homeowners whose primary residences sustained “substantial damage” from Superstorm Sandy. The LRRP will provide grant awards to eligible homeowners and owners of small rental properties for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities within the disturbed area of the previously developed parcels in the floodplain. The LRRP will restore or create a variety of rentals from “1 to 4 unit” buildings to large multi-family housing developments. More than 70% of rental properties in the most impacted areas have less than 20 units. Often, this rental type is provided by a homeowner that has an extra unit that contributes rental income to the owner, or by landlords with fewer than 25 properties. The rental repair program will provide zero interest forgivable loans to existing and new owners of rental properties with 1 to 25 units requiring significant rehabilitation.

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. Many of these property owners likely will be required to elevate their homes. Without financial support, the added costs of elevating these houses or small rental properties will likely be overly burdensome for the majority of property owners. 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.

The proposed project involves the rehabilitation of two existing residential structures. Both structures are built over a crawlspace which effectively elevates the first floor of the structures. Additionally, all electrical and mechanical components which are functionally part of the structure (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities) must be designed, located and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding. As a result of this project, rehabilitation without elevation, there will be no new impacts to the floodplain and no change from pre-Sandy conditions.

Given the fact that the structures are extant and cannot be relocated out of the floodplain, the only practicable alternative would be the 'No-Action' alternative, which would mean that the Applicant would not receive grant awards under the New Jersey Landlord Rehabilitation Program. The Applicant would not be provided financial assistance to elevate or rehabilitate these structures, thus the residents would be more vulnerable to future flooding conditions. As a result, these property owners may not be able to recover. Thus, the No-Action alternative would neither address the need for safe, decent, and affordable housing, nor would it require the applicant to comply with the highest standard for flood protection.

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

The HUD-funded New Jersey Landlord Rental Rehabilitation Program (LRRP) is for rehabilitation, reconstruction, elevation and/or other mitigation activities on previously developed parcels in the floodplain. The program will benefit homeowners whose primary residences sustained "substantial damage" from Superstorm Sandy. HUD's own regulations limit what actions can be considered under the New Jersey Landlord Rehabilitation 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.

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. Elevating in accordance with these requirements will minimize any potential impacts to the floodplain.

The proposed project, rehabilitation of two substantially damaged residential structures, represents no change from pre-Sandy conditions; therefore, no potential impacts to the floodplain are anticipated as a result of implementing the proposed action. Additionally, flood proofing all electrical and mechanical components which are functionally part of the structure in order to prevent water from entering or accumulating within the components during conditions of flooding will reduce or eliminate the risk of future flood damage. In order to mitigate against future damage the structures must meet all applicable state, federal and local elevation requirements. Any elevation activities, if required, will be accomplished in a manner such that they will not cause significant adverse impacts to the floodplain.

The repair of the existing structures will not result in a net increase in floodplain development in comparison to pre-Sandy conditions as a result of this project. Additionally, the proposed project will not increase floodplain occupancy, as it would enable current residents to remain in their homes but would not expand 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.

As required by the New Jersey Landlord Rental Rehabilitation Program, the proposed project will 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 Landlord Rental Rehabilitation 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 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 would be the 'No-Action' alternative, which would mean that the Applicant would not receive grant awards/financial assistance under the New Jersey Landlord Rental Rehabilitation Program, thus their property would be more vulnerable to future flooding conditions as property owner may not be able to recover without funds. Thus, the No-Action alternative was considered and rejected, as it would not address the need for safe, decent, and affordable housing, would not the structure to be elevated to the highest standard for flood protection 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 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 the 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 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).]

A "Final Notice and Public Explanation" of Policy Determination will be published in accordance with 24 CFR 55 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 draft version 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

STATE OF NEW JERSEY } SS  
COUNTY OF ESSEX

Tamekia Bamey

Being duly sworn, according to law, on his/her oath sayeth that  
he/she is CLERK of the

Star-Ledger, in said County of Essex, and that the notice, of  
which the attached is a copy, was published in said paper  
on the 11 day of April 2014

and continued therein for \_\_\_\_\_  
successively, at least once in each \_\_\_\_\_

for 1 day  
[Signature]

Sworn to and subscribed  
before me this 30

day of April, 2014

[Signature]  
NOTARY PUBLIC of NEW JERSEY

The newspapers of **New Jersey** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web ([www.PublicNoticeAds.com](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Essex

**Printed In:** The Star-Ledger, Newark

**Printed On:** 2014/04/11

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN April 11, 2014: 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 action under the Landlord Rental Repair Program (LRRP) developed by the state to rehabilitate or reconstruct rental housing damaged by Superstorm Sandy, is 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 action, 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 Protection of Wetlands. Proposed action: SRP0044264 -The 0.18 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 329 of 611, Map Number 34029C0329F, effective September 29, 2006. The rehabilitation of 3 units of a 5-unit residential structure located at 51/55 Sampson Ave, Seaside Heights, Ocean County. The 0.18 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) Panel 329 of 611, Map Number 34029C0329F, effective September 29, 2006. SRP0044000: The rehabilitation and elevation of an existing 5-unit residential structure located at 1924 Bay Boulevard, Toms River, Ocean County. The 0.22-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 329 of 611, Map Number 34029C0329F, effective September 29, 2006. 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 serve 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. NJDEP encourages electronic submittal of comments at [www.nj.gov/dep/special/hudnotices/comments.htm](http://www.nj.gov/dep/special/hudnotices/comments.htm). In the alternative, comments may be submitted on paper to: NJDEP, by April 26, 2014 Mail Code 401-07D, P.O. Box 402, Trenton, New Jersey 08625-0402 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/](http://www.nj.gov/dep/). Bob Martin, Commissioner, NJDEP 4/11/2014 \$167.04

Public Notice ID: 21236048

# 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

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**From:** Mahon, Donna  
**Sent:** Friday, April 11, 2014 1:48 PM  
**To:** Carlo Popolizio; 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 Popolizio; 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@tomsvrivertownship.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

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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 Vanable 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 (lsmith@Dewberry.com); aburk@dewberry.com; Doss, Gary (gdoss@Dewberry.com); DeVoe, Lauren; Harrison, Karyn  
**Cc:** Key, Tonalee; Dow, Diane; Henne, Laura; Venable, Victoria  
**Subject:** FW: Early Notice and Public Review of 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 and Public Review of 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:

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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 Vanable 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

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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

#### OCEAN COUNTY

June 13, 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 June 21, 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 Landlord Rental Repair Program (LRRP).

The LRRP will restore or create a variety of rentals from "1 to 4 unit" buildings to large multi-family housing developments. More than 70% of rental properties in the most impacted areas have less than 20 units. Often, this rental type is provided by a homeowner that has an extra unit that contributes rental income to the owner, or by landlords with fewer than 25 properties. The rental repair program will provide zero interest forgivable loans to existing and new owners of rental properties with 1 to 25 units requiring significant rehabilitation.

The following information pertains to this LRRP project: SRP0044264

**Applicant Name:** Joseph Firetto

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

**Estimated Cost:** \$167,779.22

**Project Description:** The proposed project involves the rehabilitation of 3 of the 5 residential units on the property, which suffered damage during Superstorm Sandy. The 0.18 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) Panel 329 of 611, Map Number 34029C0329F, effective September 29, 2006. DCA expects to fund the project using approximately \$150,000 of LRRP funds.

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. This activity is funded under the LRRP program under (B-13-DS-34-001).

The proposed project is:

SRP0044264 - The 0.18 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 329 of 611, Map Number 34029C0329F, effective September 29, 2006. The proposed project involves the rehabilitation of the two residential structures on the property, including a single-unit residential structure and a four-unit residential structure located at 51/55 Sampson Ave., Seaside Heights, Ocean 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 project outside of the floodplain are not available and would be contrary to the purpose and function of the proposed project. A No Action alternative was considered and rejected because taking no action would not address the vital need for safe and affordable housing 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 repairing the structures 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 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 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 June 20, 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 June 21, 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.