COMBINED PUBLIC NOTICE

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

August 21, 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 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 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 NOI-RROF, 100-Year Floodplain, and RROF 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 August 31, 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 NJ Business Loan (SBL) program. DCA expects to fund the project using approximately $2,671,200.00 of SBL funds.

PROJECT DESCRIPTION

Application ID number: SBL621290
Project Title: Thundering Surf Waterpark and Adventure Golf Course
Location: 300 Taylor Avenue, Beach Haven, NJ 08008
The total estimated project cost is $2,671,200.00

The purpose of the proposed action is to update and renovate a portion of the Thundering Surf Water Park and Adventure Golf Course at 300 Taylor Avenue in Beach Haven Borough, New

Jersey. Project work would include: demolition of the existing miniature golf course; construction of a new, three-level miniature golf course; construction of a new eight-lane racer slide; replacement of the existing multi-level play structure; and replacement of the existing wooden support structure for the water park with a new galvanized steel support structure. Proposed actions would not expand the overall footprint of the park, only affect the internal layout of individual park components.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). 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§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, 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/.

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 300 Taylor Avenue, Beach Haven, Ocean County. Project work would include: demolition of the existing miniature golf course; construction of a new, three-level miniature golf course; construction of a new eight-lane racer slide; replacement of the existing multi-level play structure; and replacement of the existing wooden support structure for the water park with a new galvanized steel support structure. Proposed actions would not expand the overall footprint of the park, only affect the internal layout of individual park components. The entire 1.86 acre parcel is located in the Special Flood Hazard Area “AE” zone floodplain (i.e. the 100-year floodplain) as shown on the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM), Panel 603 of 660, Map Number 34029C0603G, revised January 30, 2015.

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: (i) undertaking the project as proposed, (ii) relocating the project outside of the floodplain, and (iii) not undertaking the project at all (No Action). Relocation of the project outside of the floodplain would not necessarily avoid or further minimize impacts to the floodplain due to the extent of the floodplain within Beach Haven, and would generate additional impacts through residential or commercial displacements. The No Action alternative would not meet the intent of the SBL program nor the direct need for local economic revitalization. The No Action alternative also

remains impracticable because it will not satisfy the need for post-Sandy economic revitalization within this substantially impacted community. The proposed action has been determined to be the most practicable alternative due to: 1) the need to revitalize the local community and tourism sector through enhancement of key recreational attractions; 2) the lack of alternative and comparable locations outside of a flood hazard area; and 3) the limited scope of the proposed project related to impacts on human health, public property, and floodplain values.

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.

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.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the 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 31, or seven (7) 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 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 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 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.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs