

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A FLOODPLAIN AND WETLAND

October 30, 2025

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 Hurricane Ida. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

REQUEST FOR RELEASE OF FUNDS

On or about November 7, 2025, 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 Supplemental Appropriations Act of 2022 for major disasters occurring in 2020 and 2021 (Public Law 117-43), approved on September 30, 2021 (the Appropriations Act) for the Homeowner Assistance and Recovery Program (HARP). DCA expects to fund the project using approximately \$132,110.70 of HARP funds.

The proposed project will be carried out at three (3) project locations in the state of New Jersey and are listed below along with their estimated project costs:

- HARP012012- 316 Riverside Ave, Rutherford Borough, NJ 07070 (\$83,923.65)
- HARP013300- 95 Orient Way Unit BB, Rutherford Borough, NJ 07070 (\$16,683.52)
- HARP010677- 134 Jerome Pl., Bloomfield City, NJ 07003 (\$31,503.53)

The project will include various rehabilitation and repair activities within the footprint of the previously developed lots to address storm-related damage.

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 for the applications 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 Records on file at the New Jersey Department of Community Affairs, Division of Disaster Recovery and

Mitigation, 101 South Broad Street, Trenton, NJ 08625-0800. The records are available for review and may be examined or copied weekdays 9 A.M. to 5 P.M.

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

This is to give notice that DCA, as the Responsible Entity under 24 CFR Part 58, has conducted an evaluation as required by Executive Order 11988 and Executive Order 11990, and in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the Homeowner Assistance and Recovery Program (HARP): New Housing Development Program part of the Tropical Storm Ida Action Plan for the State of New Jersey (Action Plan) [CDBG-DR, grant number B-21-DF-34-0001].

DCA has determined on a site-specific basis as to whether the parcels are located within the floodplain or a wetland by using the best available mapping data from the Federal Emergency Management Agency, United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, and NJDEP. The following two (2) project locations are located within the floodplain. The location of the proposed projects in relation to the floodplain and the floodway can be found below:

- HARP012012- 316 Riverside Ave, Rutherford Borough, NJ 07070
 - The structure is located within the 100-year floodplain. The floodway is located west of the structure approximately 70 feet from the home, covering a small portion of the property beyond the manicured area of the back yard.
- HARP010677- 134 Jerome Pl., Bloomfield City, NJ 07003
 - The structure is located within the 100-year floodplain. The floodway is located south of the structure approximately 40 feet from the home, covering a portion of the back yard.

The parcels of the proposed project locations listed above are partially located within the floodway. Additionally, the HARP012012 project location at 316 Riverside Ave, Rutherford Borough, NJ 07070 is within 150 feet of a wetland, as identified by the USFWS National Wetland Inventory.

Proposed work will be limited to rehabilitation activities within the footprint of the previously developed lots and all natural and beneficial functions of the floodplain and wetland including floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna will be maintained. Based on the proposed action of rehabilitation at the project locations, no impacts to the floodplain or wetlands are anticipated. Best management practices for erosion and sedimentation control will be used to minimize potential impacts.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland:

- (i) Locate the project outside of the floodplain and wetland: 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 and wetlands in the counties most affected by Hurricane Ida.
- (ii) No Action Alternative: The No Action Alternative would mean that applicants would not receive grants under HARP. As a result, these property owners would not be provided financial assistance to rehabilitate, reconstruct, elevate, or otherwise mitigate their homes to better withstand the next storm event. Thus, their properties would be more vulnerable to future flooding conditions. The No Action Alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.
- (iii) Locate the proposed project within the floodplain and wetland (preferred alternative): This alternative would allow property owners to be provided financial assistance to rehabilitate, reconstruct, or elevate their homes and thus protect their properties from future flooding conditions. This would also address the State's need for safe, decent, and affordable housing.

The actions must take place within the floodplain and wetland due to 1) the need to provide safe and affordable housing; 2) the desire not to displace residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain and wetland values.

Property owners participating in HARP would be required to adhere to the following conditions and mitigation measures to minimize the threat to property, minimize losses from flooding, and benefit floodplain and wetland values:

- (i) With the exception of historic structures (as defined in 44 CFR 59.1), all proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). Elevation requirements would be determined using the floodplain elevation.
- (ii) Structures or insurable properties in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)].
- (iii) Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance.
- (iv) Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed.

- (v) Existing drain inlets are to be protected from debris, soil, and sedimentation.
- (vi) No heavy equipment is to be operated within wetlands.

Therefore, the requirements of HARP will help ensure a minimal adverse impact to the floodplain and wetlands at the proposed project location. The project will comply with state and local floodplain/wetland protection procedures.

DCA has reevaluated alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative to floodplain and wetland development. Environmental files documenting compliance with Executive Order 11988, Executive Order 11990, and 24 CFR 55 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.

There are three primary purposes for this notice. First, people who may be affected by activities in the floodplain and wetland 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 a floodplain or wetland, 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 Samuel Viavattine, Deputy Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800. Comments may also be submitted via email at DRM.EHPComments@dca.nj.gov. All comments received by November 7, 2025, 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 Jacquelyn A. Suárez, in her 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 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 Gerilee Bennett, Acting Director, Office of Disaster Recovery, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Jacquelyn A. Suárez, Commissioner
New Jersey Department of Community Affairs