

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

OCEAN COUNTY

October 2, 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 NOI-RROF, 100-Year Floodplain and RROF have been combined.

REQUEST FOR RELEASE OF FUNDS

On or about **October 2, 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 (CDBG) Program pursuant to the Disaster Relief (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Neighborhood and Community Revitalization (NCR) program. EDA expects to fund the following project using approximately \$600,047 of NCR funds.

The following information pertains to this project:

Project Title: Borough of South Toms River Streetscape Project (NCR39437)

Location: Route 166 between Admiral Ave and Herflicker Blvd, South Toms River Township, Ocean County, NJ

Estimated Cost: \$600,047

Project Description: NCR39437 proposes the construction and installation of new curb and sidewalks; new pedestrian lighting and street trees; new concrete driveway aprons providing safe access to the businesses along the street in addition to necessary related site work (excavation and grading) and electrical work along State Highway Route 166 in the Borough of South Toms River in Ocean County.

The NJ Neighborhood and Community Revitalization (NCR) Program supports the long-term recovery of small businesses and communities by funding projects that contribute to the economic revitalization throughout New Jersey, but focusing on the nine most impacted counties. NCR supports projects that retain or hire new employees, contribute to the State's economy, serve Low or Moderate Income (LMI) areas, create or maintain LMI jobs, remove slum or blight, or address an urgent need related to Superstorm Sandy. These projects are commercial or mixed use projects, typically development and public improvement or streetscape revitalization.

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

This is to give notice that the EDA 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 following activities are funded under the NCR program under (B-13-DS-34-001).

NCR39437 proposes the construction and installation of new curb and sidewalks; new pedestrian lighting and street trees; new concrete driveway aprons providing safe access to the businesses in addition to necessary related site work (excavation and grading) and electrical work along State Highway Route 166 in the Borough of South Toms River in Ocean County. NCR39437 is located in a Special Flood Hazard Area Zone "AE" Zone (area of special flood hazard with surface elevations determined) floodplain as indicated on the Preliminary FEMA Flood Insurance Rate Map (FIRM) Map Number 34029C0304G (Panel 304 of 660) for Ocean County, effective March 28, 2014.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts of NCR3943751 and to restore and preserve natural and beneficial values. Relocating the Proposed Action outside of the 100-year floodplain was considered. However, due to its geography and land use development pattern, most of the commercial area is located along the Toms River, centered along the Route 166 corridor and predominantly within the 100-year floodplain. Other areas of the borough planned for commercial use are special economic development areas adjacent to the Garden State Parkway. These locations are outside the 100-year floodplain, however they are not comparable as the focus is future commercial redevelopment of these underutilized parcels for large-scale regional commercial or business development. Therefore, streetscape improvements in these areas would have little impact on the current priority need for retention and competitiveness along Route 166. A No Action alternative was considered and rejected because the No Action alternative would not address the economic revitalization needs of South Toms River. Similarly, no alternative actions that would serve the same purpose and would avoid construction within the 100-year floodplain were identified.

DCA has reevaluated the alternatives to building in the floodplain and has determined that there are no practicable alternatives. 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 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. 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 and DCA have 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 (ERR) 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 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 **October 18, 2014** will be considered by DCA and EDA. 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 **October 18, 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