

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

CAPE MAY COUNTY

May 22, 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 May 22, 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 Neighborhood Enhancement Program (NEP). DCA expects to fund the project using approximately \$600,000 of NEP funds.

The following information pertains to this project:

Project Title: Dolphin Creek, LLC Residential Construction Project

Locations: 455 West Spicer and 442-444 West Garfield Avenue, Wildwood City, NJ

Estimated Cost: \$726,775

Project Description: The proposed project will construct two new residential buildings on three contiguous vacant lots. A three story duplex will be constructed at 442-444 West Garfield Avenue and a single family home will be constructed at 455 West Spicer.

The NEP provides funding to stabilize “threatened but viable” neighborhoods, through the creation of affordable housing, and is a component of local plans to invest in and rebuild these communities. The NEP funds the rehabilitation or re-use of abandoned, foreclosed and vacant

housing, structures or lots and addresses the shortage of affordable housing caused by the storm, while at the same time returning blighted buildings to viability. \$30,000,000 in CDBG-DR funds have been allocated to this program. The program will provide up to \$250,000 in subsidy per unit (based on need and number of bedrooms), and the maximum award is \$1,750,000.

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. The activity is funded under the NEP program under (B-13-DS-34-001). The proposed projects are:

NEP0232(a) - The 0.09 acre property site is entirely within the Special Flood Hazard Area Zone “AE” Zone floodplain, as shown on the FEMA FIRM Map Number 3453290001C, effective February 16, 1996. The new construction of a single family residential structure located at 455 West Spicer, Wildwood, Cape May County. The 0.09 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA FIRM Map Number 3453290001C, effective February 16, 1996.

NEP0232 (b) - The 0.16 acre property site is entirely within the Special Flood Hazard Area Zone “AE” Zone floodplain, as shown on the FEMA FIRM Map Number 3453290001C, effective February 16, 1996. The new construction of a 3-story, 2-unit residential structure located at 442-444 West Garfield Avenue, Wildwood, Cape May County. The 0.16 acre property is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA FIRM Map Number 3453290001C, effective February 16, 1996.

DCA has considered alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. 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. A No Action alternative was considered and rejected because taking no action would not address the vital infrastructure needs of the area, would not aid in community and economic recovery, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts. Implementation of the proposed actions

will require local and state permits, which may place additional mitigation requirements on the project.

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 delineated in the last paragraph of this notice for receipt of comments.

DCA has determined that construction and operation 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. 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).]

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 6, 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 7, 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.