

## Final Notice and Public Explanation of a Proposed Activity in a Wetland

To: All interested Agencies, Groups and 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 (DCA) has conducted an evaluation as required by Executive Order 11990, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential affect that its activity in a wetland will have on the human environment for the Community Development Block Grant Disaster Recovery (CDBG-DR) Program – New Jersey Rehabilitation, Reconstruction, Elevation and Mitigation (RREM) Program and HUD Grant Number B-13-DS-34-0001.

On October 29 2012, Superstorm Sandy made landfall over the New Jersey coast. The storm surge inundated and severely affected the State's shoreline from Cape May to Raritan Bay, along the Hudson River, and on the estuaries connecting to Raritan Bay and Newark Bay. Other overland flooding, wind damage and an ensuing snowstorm further damaged these communities as well as other communities throughout New Jersey. The RREM Program is to assist homeowners in achieving safe and code-compliant housing that meets minimum property standards through rehabilitation, reconstruction, elevation and mitigation.

As part of the RREM Program, DCA is proposing to use CDBG-DR funds to reconstruct a single-family residential property, whose parcel is partially located in a wetland. The proposed activity, identified as RRE0006823, is located at the address 382 Dock Road in Eagleswood Township, Ocean County, New Jersey.

The reconstruction of this property would impact approximately 0.32 acres of herbaceous wetlands, according to the NJDEP HUD Environmental Review Tool, which incorporates data from the U.S. Fish and Wildlife Service's National Wetlands Inventory.

NJDEP has considered the following alternatives and mitigation measures to be taken to minimize the adverse impacts and to restore and preserve natural and beneficial values:

The proposed project would involve reconstructing and elevating an existing single-family home that sustained substantial damage from Superstorm Sandy. No other alternatives were considered as they would not serve to meet the dual purpose of helping the homeowner rebuild, and to rebuild in such a way as to better withstand the next major storm event.

The no action alternative was considered and rejected because leaving the residential structure in its current state would leave the home vulnerable to further damage and would not help in the restoration of New Jersey's storm-impacted communities.

Wetlands provide natural flood and erosion control, fish and wildlife habitat, as well as aesthetic value – all of which may be adversely affected by the proposed activity. Mitigation measures designed to minimize such potential impacts include:

- Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
- Minimize soil compaction by minimizing the project activity in vegetated areas, including lawns.
- If practicable, the structure should be relocated further away from the wetland, using best management practices.
- Coordinate with the New Jersey Division of Land Use Regulation to obtain required permits, including, but not limited to, a Freshwater Wetlands Permit.
- Replace and revegetate any disturbed area as soon as possible after work has been completed.
- Do not introduce invasive species to the site.

The proposed activity site is also located within the 100-year floodplain, which is covered by the 8-step floodplain decision-making process completed as part of the Tier 1 Environmental Assessment for the RREM Program within Ocean County. Mitigation measures prescribed to minimize impacts to the floodplain will also serve to minimize impacts to the wetlands on site. Such measures include:

- All proposed reconstruction, substantial improvements, and elevation activities in the 100-year 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).
- All structures funded by the RREM Program, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)].

NJDEP has reevaluated the alternatives to the proposed activity in a wetland, and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11990, 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.

This activity will have no significant impact on the environment for the following reasons: Although a portion of the proposed activity site is located within a wetland, mitigation measures designed into the project are intended to avoid and/or minimize potential impacts on wetlands and water resources.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands 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. Commenters are encouraged to offer alternative sites outside of the wetland, alternative methods to serve the same project purpose, and methods to minimize and mitigation impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about 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 wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by DCA on or before September 29, 2014. 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 during the hours of 9:00 AM to 5:00 PM or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>. Further information can be found on the DCA website: [www.nj.gov/dca/divisions/sandyrecovery/review/](http://www.nj.gov/dca/divisions/sandyrecovery/review/).

Bob Martin, Commissioner, NJDEP

**Date:** September 22, 2014