

Final Notice and Public Explanation of Proposed Activities in a Wetland

To: All interested Agencies FEMA; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; National Park Service; National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New Jersey Department of Agriculture; New Jersey Historic Preservation Office; New Jersey Department of Community Affairs; and New Jersey Department of Environmental Protection, Division of Land Use Regulation, Groups and Individuals

This is to give notice that the New Jersey Department of Community Affairs (DCA) has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activities are being funded under the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program (CDBG-DR) under CDBG-DR B-13-DS-34-0001. A review of the National Wetlands Inventory (NWI) and the New Jersey Department of Environmental Protection - HUD Environmental Review Tool indicates wetlands are present. A qualified Wetland Biologist has conducted site visits to verify the presence of and characteristics of any wetlands onsite. The proposed activities include the Reconstruction and Elevation of existing structures located at:

191 Knoll Crest Avenue, Brick Township, NJ 08723 (Ocean County)- RRE0020409

The driveway and the house are on packed gravel/sand fill that is approximately one foot higher in elevation than the surrounding property. The backyard is maintained lawn. Hydrology is present; the ground surface was moist and stained leaves were present on the ground. Common reed is on the north side outside the property fence and the adjacent lower area behind the backyard fence on the south side is dominated by a 40 swath of upland trees and shrubs. It is further identified as a tidal high marsh community and is located in an established Coastal Area Facility Review Act (CAFRA) zone. Immediately south of this tree line is palustrine emergent (PEM) vegetation which is dominated by herbaceous species including common reed (*Phragmites australis* - FACW) Groundsel-tree (*Bacchais halimifolia* - FACW), rose mallow (*Hibiscus mosheutos* – OBL) and salt-marsh fleabane (*Pluchea pupurescens*). Hydric vegetation is present within the part of the property that juts out to the south, from near the road to the property line. The remaining portion of the natural surrounding marsh area had a deep root mass indicative of tidal marshes. Hydric soils are present within the same location as the hydrophytic vegetation.

320 E. Edgewater Avenue, Pleasantville NJ 08232 (Atlantic County)- RRE0008087R

The property is dominated by palustrine emergent (PEM) wetland with a small corner of NWI designated palustrine scrub-shrub (PSS) wetland. It is further identified as a tidal high marsh community and is located in an established Coastal Area Facility Review Act (CAFRA) zone. Lakes Bay tributary is a tidal creek located just north of the property and allows for tidal inundation twice daily. Hydric vegetation and soils are present. The front and back yard are dominated by tidal marsh vegetation, dominant herbaceous vegetation salt hay (*Spartina patens*, FACW). Additional herbaceous species observed on the property include common reed (*Phragmites australis* – FACW), marsh fleabane (*Pluchea pupurescens*, FACW) and some maintained lawn grass species adjacent to the road. Shrub species include the tidal marsh shrub *Iva frutescens*, FACW, located between the backyard at the shed, elevation drops between 6” and 12”, as well as the Groundsel-tree (*Baccharis halimifolia* – FAC). The property is

approximately 6 -10 inches higher in elevation than the surrounding tidal marsh area due to fill, however, meadow mat is still the dominant O layer within 12 inches.

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:

1. The Reasons why the Proposed Actions Must be Located in the Wetland

The RREM program assists as many applicants as possible to repair, rehabilitate, or reconstruct homes affected by Superstorm Sandy. The applicants participating in the program currently reside or own properties on which dwellings exist or existed. As the applicant, in many cases, does not have the wherewithal to relocate to a new location, the rehabilitation or reconstruction will occur on the applicant's existing property. The proposed actions, reconstruction and elevation of currently existing structures, will be accomplished on each applicant's existing property; therefore, the actions must be located on or near the wetland.

2. List of the Alternatives Considered

Due to the nature of this program, providing repairs or reconstruction of damaged homes, there are limited options available to the DCA for implementing the action outside of the wetland. One option would be relocation of the applicant to another property that does not contain wetlands. The applicant, in most cases, does not have the wherewithal to relocate to a new location. Therefore, the applicant would more than likely opt to remain on their property. For the majority of applicants, the only practicable alternative to performing the proposed action would be the "No-Action" alternative, which would mean many of the applicants would not receive the repairs, the reconstruction, and/or the elevation of their homes that have been deemed necessary. Thus, the "No-Action" alternative would result in these homes not being elevated and they would remain at high risk for flooding in a future storm event. The final alternative considered is to rehabilitate and elevate as opposed to reconstructing. However, the current structures have sustained extensive damage from Superstorm Sandy and have been determined that reconstruction is the only construction intent feasible to restore these applicant's homes to their pre-Superstorm Sandy state.

3. Mitigation Measures to be taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

It is anticipated that the proposed activities would have no adverse impacts to the wetlands beyond those that currently exist. However, the desktop mapped wetlands are located within the site and, as a condition of receiving funding; DCA requires the following measures be implemented to mitigate potential impacts:

- Consultation with The US Army Corps of Engineers (Corps) Philadelphia District in order to determine if the desktop mapped wetlands are jurisdictional and, if so, obtain a permit for reconstruction activities, including the potential for mitigation credits to offset the potential wetland impacts.
- The dwelling will be elevated to the latest requirements of the governing authority (local ordinances or the FEMA standard, whichever is most restrictive) using methods that do not adversely impact the wetland and preserve the natural and beneficial values of the applicant's property and surrounding area.
- Reconstruction of the structure should stay within the existing structure's footprint, using best management practices that include, but are not limited to, the following:
 - Cover the load compartments of trucks hauling dust-generating materials;

- Wash heavy trucks and construction vehicles before they leave the site in a catchment container, as to not drain into the adjacent desktop mapped wetlands;
- Reduce vehicle speed on non-paved areas and keep paved areas clean;
- Retrofit older equipment with pollution controls;
- Re-vegetate graded areas in a timely fashion;
- Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment in any wetlands adjoining the site;
- Establish and follow specified procedures for proper management of contaminated materials discovered or generated during construction; and
- Maintain a spill kit on site during construction and employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
- Best management practices (BMPs) should be in place between the designated wetland areas and the home in order to minimize any potential impacts to wetlands located near the current footprint of the structure.
- No clearing (including removal of trees and vegetation) or construction activities (including staging areas) should be carried out on or within 5 feet of the desktop mapped wetlands within the parcel site.

DCA has reevaluated the alternatives to building within the wetland and has determined the applicant has no practicable alternative. Environmental files documenting 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.

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. 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 New Jersey Department of Community Affairs at the following address on or before November 6, 2014: New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800, Attention: Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division. A full description of the project may also be reviewed from 8:00 AM to 5:00 PM at 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 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/. Comments may also be submitted via email at <http://www.nj.gov/dca/divisions/sandyassistance.html>.
Bob Martin, Commissioner, NJDEP

Date Issued: 10/30/14