

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

OCEAN COUNTY

August 15, 2014

New Jersey Economic Development Authority
36 West State Street
PO Box 990
Trenton, NJ 08625-0990
609-858-6700

This notice shall satisfy two 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 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 August 16, 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 Stronger NJ Business Loan (SBL) program. EDA expects to fund the project using approximately \$1,286,300.00 of SBL funds.

The following information pertains to this project:

Project Title: Big Top Arcade, Inc.
Location: 1020 Boardwalk, Seaside Heights, NJ
Estimated Cost: \$1,792,877

The work has been completed and consisted of the clean out and gutting of a two story 80-foot by 80-foot concrete commercial building. Interior and exterior components of the structure were razed down to the poured concrete and block superstructure. An extensive mold remediation was completed throughout the entire building. All new construction was completed in the following areas: total new electrical system including new transformer, complete new plumbing system, HVAC, six new 10-foot by 20-foot steel commercial security rollup doors with electric motors

and man doors. All concrete cracks and fissures were repaired; all new tile and carpet flooring was installed, interior and exterior paint was completed, and extensive interior and exterior signage and props were installed. A new 6400-square foot roof system was installed.

The \$100 million SBL Program is available to help small businesses and nonprofits that were impacted by Superstorm Sandy as well as businesses looking to expand within storm-impacted communities. Low-cost loans up to \$5 million per eligible location, with 0% interest for the first 24 months and no principal payments for up to two years, are available for renovation, new construction, or equipment. Loans up to \$500,000 are available to support working capital needs for eligible businesses.

EDA 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 (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/>.

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 activity is funded under the SBL program under (B-13-DS-34-001). The proposed project is located at 1020 Boardwalk in the Borough of Seaside Heights, Ocean County. The work has been completed and consisted of the clean out and gutting of a two story 80-foot by 80-foot concrete commercial building. Interior and exterior components of the structure were razed down to the poured concrete and block superstructure. An extensive mold remediation was completed throughout the entire building. All new construction was completed in the following areas: total new electrical system including new transformer, complete new plumbing system, HVAC, six new 10-foot by 20-foot steel commercial security rollup doors with electric motors and man doors. All concrete cracks and fissures were repaired; all new tile and carpet flooring was installed, interior and exterior paint was completed, and extensive interior and exterior signage and props were installed. A new 6400-square foot roof system was installed.

The project is located within Special Flood Hazard Area Zones "VE (EL 12)" and "X," as shown on Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) Panel 329 of 660, Map Number 34025C0329G, revised March 28, 2014.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Relocating the Proposed Action to another undeveloped available parcel outside of the 100-year floodplain was

considered, however, the entire Seaside Heights boardwalk is located within the 100-year coastal flood zone. The only possible location to place a somewhat comparable commercial business outside of the floodplain in the borough would be along the narrow stretch of X-zone generally along Ocean Terrace west of the southern portion of the boardwalk. However, the subject business is specially linked and largely dependent on tourism activities associated with the boardwalk and shore culture. Even if another suitable property and willing seller could be identified in the narrow X-zone, relocation of the business would be economically burdensome and would severely hamper market and customer opportunities by removing the business from its boardwalk context. Furthermore, this area is largely already developed and relocation would therefore likely involve commercial displacements that could be detrimental to the economy recovery of Seaside Heights.

Relocating the project to a comparable site through acquisition of another existing developed site was considered, however, as noted, the entire boardwalk is within the 100-year floodplain. A No Action alternative was considered and rejected because it would not address the economic revitalization needs of Seaside Heights. Similarly, no alternative actions that would serve the same purpose and would avoid construction within the 100-year floodplain were identified. Superstorm Sandy had a widespread and lasting impact on New Jersey's business sector and particularly affected small businesses. The storm caused substantial damage to commercial property and caused short- and long-term business operations losses. Loans available through the Stronger NJ program are intended to assist businesses that suffered physical damage as a result of Superstorm Sandy as well as spur economic revitalization by providing funding for expansion, and business relocation into storm-impacted areas.

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 this project 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 August 23, 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 August 23, 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.

Commissioner Richard E. Constable, III
New Jersey Department of Community Affairs