

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

July 10, 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 July 10, 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 Program (CDBG) pursuant to the Disaster Relief (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Stronger New Jersey Business Loans (SBL) program. EDA expects to fund the project using approximately \$314,180 of SBL funds.

The following information pertains to this project:

Project Title: C-Lyn, LLC

Location: 226 Q Avenue, West Wildwood, NJ 08260

Estimated Cost: \$1,003,228

Project Description: The marina consists of forty-two (42) floating docks with 6' x 20' mains and 3' x 20' piers as well as twenty (20) Jet Ski ramps. The purpose of this project is to construct new equipment and make necessary repairs in order to maintain the operation of the marina. Rehabilitation will comprise of the repair or replacement of damaged equipment including floatation, broken pilings and ramps, the bulkhead, a retaining wall in the that parking lot collapsed, dock mains, finger piers, and other physical damages. Trash, debris and other

damaged docks will be removed from site as well as general cleanup of the waterway. The parking area is in need of grading, weed matting and stoning with the addition of concrete vehicle stops.

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 consists of the repair of a marina in West Wildwood, Cape May County to its pre-storm conditions by replacing pilings, ramps, and a retaining wall. The 0.3673 acre property site is located within the Special Flood Hazard Area Zone “AE10” floodplain, as shown on the Federal Emergency Management Agency (FEMA) Preliminary Work Map.

DCA has considered the following alternatives to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives to relocate the project outside of the floodplain are not available and would be contrary to the purpose of the proposed improvement. The proposed project is a marina and therefore functionally dependent on being located in close proximity to the water. A No Action alternative was considered and rejected because taking no action would not address the state’s goal to help small businesses and nonprofits that were adversely impacted by Superstorm Sandy. Implementation of the proposed action will require local and state permits, which may place mitigation requirements on the project.

DCA has reevaluated the alternatives to completing this work 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 the rehabilitation comprising 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).]

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 July 17, 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 July 10, 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

