

## **Final Notice and Public Explanation of Proposed Activities in a Wetland**

To: All interested Agencies, Groups and Individuals

This is to give notice that the New Jersey Department of Community Affairs (DCA) has determined the following proposed action, Reconstruction and Elevation of a previously demolished structure, under the Landlord Rental Repair (LRRP) Program (CDBG-DR B-13-DS-34-0001) is located adjacent to a mapped/potential wetland. DCA will be identifying and evaluating practicable alternatives to locating the proposed action in a wetland and the potential impacts to the wetland, 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 Protection of Wetlands". A desktop review of the National Wetlands Inventory (NWI) and the New Jersey Department of Environmental Protection - HUD Environmental Review Tool indicates wetlands are present on and adjacent to the project site. In addition to the desktop review, a qualified Wetland Biologist has conducted a site visit to verify the presence of and characteristics of any wetlands onsite. The Wetland Biologists confirmed the presence of an estuarine emergent wetland dominated by *Spartina alterniflora*, *Spartina patens*, *Phragmites australis*, *Juncus tenuis*, and *Iva fructense*. The proposed activity is located at:

### **209 Union Avenue, Union Beach Borough, NJ 07735 (Monmouth County) - SRP0038171**

The property slopes east to west, towards Flat Creek Tributary. Since the removal of the structure, tidal marsh vegetation has encroached landward toward Union Avenue, across the parcel. It has been determined by a qualified wetland biologist that the three parameters necessary to positively identify wetlands (hydrophytic vegetation, hydric soils, and hydrology) are present within the majority of the project site.

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 LRRP program provides assistance to applicants wanting to repair, rehabilitate, or reconstruct residential rental properties damaged by Superstorm Sandy. The applicants participating in the program currently rent properties on which dwellings exist or existed. As the applicant, in many cases, does not have the means to relocate to a new location, the only financially feasible option is rehabilitation or reconstruction on the owner's existing property. Therefore, the proposed action, Reconstruction and Elevation of a previously demolished structure, will be accomplished on the owner's property; therefore, the action will be located in a wetland.

#### **2. List of the Alternatives Considered**

Due to the nature of this program, providing for the repair or reconstruction of damaged rental properties, there are limited options available to the DCA for implementing the action outside of the wetland. One option would be relocation of the rental unit(s) to another property that does not contain wetlands. However, in most cases, the applicant does not have the means to relocate to a new location. Therefore, the only financially feasible option would be to repair or reconstruct the rental unit(s) on the existing property. For the majority of rental unit(s), the only practicable alternative to performing the proposed action would be the "No-Action" alternative, which would mean many of the owners of the rental properties would not receive the repairs, the reconstruction, and/or the elevation of their rental properties that have been deemed necessary

for habitation. Thus, the “No-Action” alternative would result in these rental units 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 structure has been demolished due to extensive damage sustained from Superstorm Sandy; therefore, reconstruction is the only construction intent feasible to restore the rental unit to pre-Superstorm Sandy conditions.

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

Since the project site was occupied prior to sustaining damage from Superstorm Sandy and wetlands have reclaimed the project site after it was abandoned, it is anticipated 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:

- 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 rental 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 structure 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 wetlands within the parcel site.
- The structure must be constructed on pilings, where applicable. Concrete or cinder block supports are not acceptable. In addition, the area below the lowest habitable floor should not be enclosed.

DCA has reevaluated the alternatives to building on or 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 agency efforts to reduce the risks and impacts associated with the occupancy and modification of the wetlands. 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 February 3, 2015: 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/](http://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: 1/27/2015**