

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A FLOODPLAIN AND WETLAND

May 13, 2025

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to Hurricane Ida. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

REQUEST FOR RELEASE OF FUNDS

On or about May 21, 2025, DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Supplemental Appropriations Act of 2022 for major disasters occurring in 2020 and 2021 (Public Law 117-43), approved on September 30, 2021 (the Appropriations Act) for the Homeowner Assistance and Recovery Program (HARP). DCA expects to fund the projects using approximately \$397,802.41 of HARP funds.

The proposed projects will be carried out at seven (7) project locations throughout the State of New Jersey and are listed below along with their estimated project costs:

- HARP010489- 729 Valley Street, Maplewood Township, Essex County, NJ 07040 (\$67,355.00)
- HARP011355- 716 Kline Pl, Bridgewater Township, Somerset County, NJ 08807, (\$71,035.49)
- HARP012272- 105 Normandy Dr, Piscataway Township, Middlesex County, NJ 08854, (\$23,364.86)
- HARP012369- 16 Shady Ct, North Plainfield Borough, Somerset County, NJ 07060, (\$124,309.52)
- HARP012623- 222 Lakewood Dr, Bloomfield Township, Essex County, NJ 07003, (\$28,867.98)
- HARP013073- 301 E 8th Ave, Roselle Borough, Union County, NJ 07203, (\$42,545.20)
- HARP014559- 48 Station Rd, Branchburg Township, Somerset County, NJ 08876, (\$40,324.36)

The projects will include various rehabilitation and repair activities within the footprint of the existing structures to address storm-related damage.

The Responsible Entity, DCA, has determined that the proposed projects are Categorical Exclusions subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed for each of the seven (7) applications in order to determine whether the project is in compliance with the authorities cited at 24 CFR §58.5.

Additional project information is contained in the Environmental Review Records on file at the New Jersey Department of Community Affairs, Division of Disaster Recovery and Mitigation, 101 South Broad Street, Trenton, NJ 08625-0800. The records are available for review and may be examined or copied weekdays 9 A.M. to 5 P.M.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A FLOODPLAIN AND WETLAND

This is to give notice that DCA, as the Responsible Entity under 24 CFR Part 58, has conducted an evaluation as required by Executive Order 11988 and Executive Order 11990, and in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the Homeowner Assistance and Recovery Program (HARP): New Housing Development Program part of the Tropical Storm Ida Action Plan for the State of New Jersey (Action Plan) [CDBG-DR, grant number B-21-DF-34-0001].

DCA has determined on a site-specific basis as to whether each of the seven (7) parcels are located within the floodplain or a wetland by using the best available mapping data from the Federal Emergency Management Agency, United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, and NJDEP. For the following four (4) project locations, the parcel is partially located within the floodway and the structure is located within the floodplain:

- HARP011355- 716 Kline Pl, Bridgewater Township, Somerset County, NJ 08807
 - The floodway is located to the south and west areas of the structure approximately 10 feet from the home, covering the driveway and portions of the back yard. The structure and the deck are not impacted by the floodway. The structure is located in the 100-year floodplain.
- HARP012272- 105 Normandy Dr, Piscataway Township, Middlesex County, NJ 08854
 - The floodway is located east of the structure approximately 140 feet away from the home, intersecting the northeast corner of the back yard. The structure is partially within the 500-year floodplain.
- HARP012623- 222 Lakewood Dr, Bloomfield Township, Essex County, NJ 07003
 - The floodway is located northwest of the structure approximately 40 feet from the home, covering a significant portion of the backyard in the

northwest area of the property. The structure is located within the 100-year floodplain.

- HARP014559- 48 Station Rd, Branchburg Township, Somerset County, NJ 08876
 - The floodway is located north of the structure approximately 100 feet from the home, covering the northeastern corner of the back yard. The structure is within the 500-year floodplain.

For the following three (3) projects, the parcel is partially located within the floodway, but the structure is located outside of the floodplain:

- HARP010489- 729 Valley Street, Maplewood Township, Essex County, NJ 07040
 - The floodway is located north of the structure approximately 5 feet from the home, intersecting the northern boundary of the backyard.
- HARP012369- 16 Shady Ct, North Plainfield Borough, Somerset County, NJ 07060
 - The floodway is located east of the structure approximately 40 feet from the home, intersecting the eastern boundary of the back yard.
- HARP013073- 301 E 8th Ave, Roselle Borough, Union County, NJ 07203
 - The floodway is located east of the structure approximately 15 feet from the home, intersecting the eastern boundary of the property.

The parcels of all seven (7) proposed project locations are partially located within the floodway and within a wetland, as identified by the USFWS National Wetland Inventory. However, proposed work will be limited to rehabilitation activities within the footprint of the existing structures and all natural and beneficial functions of the floodplain including floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna will be maintained. Based on the proposed action of rehabilitation at all project locations, no impacts to wetlands are anticipated. Best management practices for erosion and sedimentation control will be used to minimize potential impacts.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland:

- (i) Locate the project outside of the floodplain and wetland: New Jersey is the most densely populated state in the country and therefore, a policy to prohibit any development in the floodplain is not considered practicable due to the great number of parcels located within the floodplain and wetlands in the counties most affected by Hurricane Ida.
- (ii) No Action Alternative: The No Action Alternative would mean that applicants would not receive grants under HARP. As a result, these property owners would not be provided financial assistance to rehabilitate, reconstruct, elevate, or otherwise mitigate their homes to better withstand the next storm

event. Thus, their properties would be more vulnerable to future flooding conditions. The No Action Alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

- (iii) Locate the proposed project within the floodplain and wetland (preferred alternative): This alternative would allow property owners to be provided financial assistance to rehabilitate, reconstruct, or elevate their homes and thus protect their properties from future flooding conditions. This would also address the State's need for safe, decent, and affordable housing.

The actions must take place within the floodplain and wetland due to 1) the need to provide safe and affordable housing; 2) the desire not to displace residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain and wetland values.

Property owners participating in HARP would be required to adhere to the following conditions and mitigation measures to minimize the threat to property, minimize losses from flooding, and benefit floodplain and wetland values:

- (i) With the exception of historic structures (as defined in 44 CFR 59.1), all proposed reconstruction, substantial improvements (as defined in 44 CFR 59.1), and elevation activities in the 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). Elevation requirements would be determined using the floodplain elevation.
- (ii) Properties in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map (FIRM), must be covered by flood insurance and the flood insurance must be maintained when ownership transfers [24 CFR 58.6(a)(1)].
- (iii) Wetlands on or in the vicinity of the project site are to be protected from any unnecessary construction activities or disturbance.
- (iv) Vegetation and exposed soil are to be reestablished as soon as possible after work has been completed.
- (v) Existing drain inlets are to be protected from debris, soil, and sedimentation.
- (vi) No heavy equipment is to be operated within wetlands.

Therefore, the requirements of HARP will help ensure a minimal adverse impact to the floodplain and wetlands at the proposed project locations. The project will comply with state and local floodplain/wetland protection procedures.

DCA has reevaluated alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative to floodplain and wetland development. Environmental files documenting compliance with Executive Order 11988, Executive Order 11990, and 24 CFR 55 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 the floodplain and wetland 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 floodplains and 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 a floodplain or wetland, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Samuel Viavattine, Deputy Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800. Comments may also be submitted via email at DDRM.EHPComments@dca.nj.gov. All comments received by May 21, 2025, or seven (7) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Jacquelyn A. Suárez, in her 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 CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) 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 or undertaken activities 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 58.76) and shall be addressed to Tennille Smith Parker, DRS, 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.

Jacquelyn A. Suárez, Commissioner
New Jersey Department of Community Affairs