

## **COMBINED PUBLIC NOTICE**

### **NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

March 31, 2023

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 the Presidentially-declared disaster, Hurricane Ida. This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA). This Notice also serves as notification of a Programmatic Agreement among the New Jersey Historic Preservation Officer, DCA, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe, and the Stockbridge-Munsee Community regarding disaster recovery activities in New Jersey.

#### **REQUEST FOR RELEASE OF FUNDS**

On or about April 18, 2023, the 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), Small Rental Repair Program (SRRP) and Smart Move Program. DCA expects to fund the project using approximately \$68,928,700 of HARP funds, \$20,000,000 of SRRP funds, and \$30,000,000 Smart Move Program funds.

#### **PROJECT DESCRIPTION**

Hurricane Ida Tier 1 assessments

Project Title: New Jersey Tiered Environmental Reviews for Tropical Storm Ida

Location: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren Counties in New Jersey

The total estimated project cost is \$118,928,700

The project involves supporting long-term recovery and mitigation efforts following Tropical Storm Ida within 12 counties in New Jersey.

#### **FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

This is to give notice that DCA has conducted an evaluation as required by Executive Order 11988 and 11990, 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 with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located in Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren Counties in New Jersey. The HARP and SRRP will provide grants for activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities such as structural and utility retrofits, grading and slope stabilization, and drainage improvements. The Smart Move program will subsidize the new development of quality, energy-efficient, resilient, and affordable housing in lower risk areas within or near disaster-impacted communities. All three programs will assist eligible applicants within the 12 affected counties.

County	Total Acres	FEMA-designated Special Flood Hazard Areas	Zone A	Zone AE	Zone AH	Zone AO	Zone VE	Estuarine and Marine Wetlands	Freshwater Emergent Wetland	Freshwater Forested / Shrub Wetland
Bergen	153,347	22,295	1,332	20,936	6	21	0	2,991	428	5,651
Essex	81,761	12,579	635	11,917	0	27	0	42	877	4,928
Hudson	30,014	11,666	577	10,924	162	0	3	1,562	65	36
Middlesex	200,690	27,971	4,878	22,630	0	23	441	4,410	2,551	25,840
Passaic	126,269	15,701	3,051	12,611	10	29	0	0	318	6,932
Somerset	195,002	19,779	2,334	17,416	0	29	0	0	2,399	15,218
Union	66,504	7,910	631	6,694	65	520	0	375	254	1,790
Gloucester	209,574	25,544	7,023	18,320	0	11	3	0	4,955	27,076
Hunterdon	279,904	14,995	5,071	9,924	0	0	0	0	1,374	12,882
Mercer	146,325	15,802	1,256	14,518	28	0	0	0	2,023	14,508
Morris	307,630	40,543	11,883	28,660	0	0	0	0	5,430	33,566
Warren	231,963	14,853	6,858	7,995	0	0	0	0	2,690	12,818

\*amounts are in acres

No other alternatives were considered, as they would not serve to meet the dual purpose of helping the property owner rebuild and to rebuild in such a way as to better withstand the next major storm event.

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.

The only practicable alternative on a programmatic level would be the No Action Alternative, which would mean that Applicants would not receive grants or forgivable loans under HARP or SRRP. 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. Therefore, 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.

DCA has reevaluated the alternatives to building in the floodplain and wetlands and has determined that is has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 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 floodplains and 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 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 floodplains and wetlands, it must inform those who may be put at greater or continued risk.

#### FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) 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 record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <https://www.nj.gov/dca/ddrm/resources/environmental.shtml>. Also available on this website is the Programmatic Agreement to fulfill DCA's responsibilities under Section 106 of the National Historic Preservation Act.

#### PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this 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 or online at [DDRM.EHPComments@dca.nj.gov](mailto:DDRM.EHPComments@dca.nj.gov) and to Tennille Smith Parker, Office of Disaster Recovery, Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by April 17, 2023, or fifteen (15) 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 Samuel Viavattine, in his capacity as Certifying Official 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, DRSI, 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.

Samuel Viavattine, Deputy Commissioner

New Jersey Department of Community Affairs