

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2024 - 395 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE APPLICATION BY HIGH CREST LODGE, INC. FOR A GRANT AS PART OF THE HIGH HAZARD POTENTIAL DAMS GRANT PROGRAM BY WHICH TOWNSHIP OF WEST MILFORD WILL ACT AS SUBRECEPIENT OF THE GRANT FOR THE PURPOSE OF REHABILITATION OF HIGH CREST LAKE DAM TO BRING IT INTO COMPLIANCE WITH STATE REGULATIONS.**

**WHEREAS**, High Crest Lake Lodge, Inc. ("Association") is a private lake association in West Milford; and

**WHEREAS**, the Association is a 501 (c)(7) entity, and

**WHEREAS**, the Association is the operator of a dam located on High Crest Lake which dam has been determined, based upon engineering investigations to be in need of repair, improvement and rehabilitation to help ensure the safety of people downstream, and

**WHEREAS**, the High Hazard Potential Dams (HHPD) grant program was authorized by Congress in the Water Infrastructure Improvements for the Nation (WIIN) Act and signed into law by the President on December 16, 2016 thereby adding a grant program under FEMA's National Dam Safety Program (33USC 467f-2) which provides technical, planning, design, and construction assistance in the form of grants to eligible subrecipients for rehabilitation of eligible high hazard potential dams, and

**WHEREAS**, under the "Fiscal Year 2024 Fall Rehabilitation of HHPD" the State of New Jersey has been awarded \$6,510,995 through the HHPD grant program, and

**WHEREAS**, High Crest Lake Dam has been identified as being eligible as a possible benefactor of the HHPD grant by the Division of State Police, Jersey Office of Emergency Management, and

**WHEREAS**, the Notice of Funding Opportunity for this grant found at <https://grants.gov/search-results-detail/350857> section C.3 "Subrecipient Eligibility Criteria" limits subrecipients to any non-federal government entity, a nonprofit organization, or a 501(c)(4) Homeowner Association, and

**WHEREAS**, the repair, improvement and rehabilitation of the High Crest Lake Dam is a project separate and distinct from the repair and replacement of the bridge located by the spillway of the High Crest Lake Dam, and

**WHEREAS**, West Milford Township is owner of High Crest Drive, the road which traverses the dam.

**WHEREAS**, the Township determines that the repair, improvement and rehabilitation of the High Crest Lake dam are in the best interests of the residents of the Township; and

**WHEREAS**, the Township has conditioned the Township's agreement to act as subrecipient of the grant upon the Association's successful application of said grant, the application of which is in progress; and

**WHEREAS**, the Township Council desires to grant the Mayor and Township Clerk the authority to act as subrecipient of the HHPD grant; and

**WHEREAS**, by way of resolution 2024 - 342, adopted October 2, 2024, the Township has endorsed the application of a HHPD grant by the Association with the Township of West Milford identified

as subrecipient, to effectuate dam repairs at the High Crest Lake Dam in the Township of West Milford; and

**WHEREAS**, the New Jersey State Police Office of Emergency Management, as part of the HHPD grant application, is requesting confirmation from the subrecipient of ongoing maintenance of the project improvements for the life of the dam; and

**WHEREAS**, the Association has provided to the New Jersey State Police Office of Emergency Management, confirmation that the Association will continue to operate and maintain the dam for its useful life in accordance with New Jersey State Department of Environmental Protection, Bureau of Dam Safety regulations; and

**WHEREAS**, the township owns and has responsibility for the roadway, bridge and related elements that traverse High Crest Lake Dam within the township right of way; and

**WHEREAS**, the New Jersey State Police Office of Emergency Management is requesting confirmation that the subrecipient will comply with the Notice of Funding Opportunity (NOFO) Subrecipient Eligibility Criteria listed below:

Eligible subrecipients under Fiscal Year 2024 HHPD are non-federal governmental organizations (other than the designated applicant) and nonprofit organizations. Under FY 2024 HHPD, eligible subrecipients apply for and receive subawards directly from the SAA. Subrecipients must meet the following criteria to be eligible:

a. Acts in accordance with the state dam safety program. Additionally, the project dam must be regulated by the state dam safety program. All activities must be approved by the state dam safety agency. Any engineering studies, plans, or design drawings and specifications must be approved, signed, and stamped by a qualified design professional registered in the state in which the project is located.

b. The community in which the dam is located participates in, and complies with, all applicable regulations of the National Flood insurance Program, and is in good standing, not on probation, suspended, or withdrawn from such Program.

c. The Tribal or local government with jurisdiction over the area in which the dam is located has in place an approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106-390; 114 Stat. 1552). For more information on the Mitigation Plan Requirements, see Section E.1.a., Programmatic Criteria for Mitigation Plan Requirement. If the Tribal or local mitigation plan does not include all dam risks, the subrecipient may request an extension to meet this requirement. For more information on the Mitigation Plan Requirements, see Section H.13, Mitigation Plan Requirement Extension Requests. For links to mitigation plan guidance documents and for questions, see Section H.12., Mitigation Plan Requirement Resources.

(FEMA's Mitigation Planning Program defines "local government" as any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity" (44 Code of Federal Regulations § 201.2).)

d. Commit to provide operation and maintenance of the project for the expected life of the dam following completion of rehabilitation.

e. Carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan.

f. Complies with section 5196(j)(9) of title 42 of the U.S. Code (as in effect on December 16, 2016) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes. See Section D.13.a., Requirements Related to Contractor and Subcontractor Wages, for additional information.

g. Complies with chapter 11 of the title 40, Selection of Architects and Engineers. (See Section D.13.b., Requirements Related to Contract and Subcontract Services.)

h. Have in place (or will be developed not later than 2 years after the date of execution of a dam rehabilitation or removal project agreement and implemented not later than 2 years after the date of completion of a project) a floodplain management plan to reduce the impacts of future flood events in the area impacted by the project. The floodplain management plan shall address:

1. potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project.
2. plans for flood fighting and evacuation; and
3. public education and awareness of flood risks.

For additional information, please see Section H.17., Floodplain Management Plan.

i. For the purposes of the HHPD program, all dam risk includes the incremental risk, non breach risk, and residual risk associated with each eligible high hazard potential dam, as well as the reason(s) the state has determined the dam is an eligible high hazard potential dam.

For the purposes of meeting the mitigation planning requirements, Applicants (SAA) must address the requirements for state mitigation plans and subrecipients / jurisdictions where the dam is located must address the requirements for local or tribal mitigation plans as set forth in mitigation planning policies. The requirements include the planning process, risk assessment, goals, and mitigation strategy. In the mitigation planning risk assessment, including all dam risks is done at a scale appropriate to the planning area and should include descriptions of incremental, breach, and non-breach risks for high hazard potential dams (not limited to eligible) as described in Section 5.8 of the Rehabilitation of High Hazard Potential Dams Grant Program Guidance (June 2020) FEMA Policy FP 104-008-7. “

j. Bipartisan Infrastructure Law (BIL)

Signage FEMA encourages the use of public signage for Bipartisan Infrastructure Law funded projects. Please note, these actions highly are encouraged but are not required.

Subrecipients are encouraged to place signs at project sites identifying the funding source of the project. The cost of such signs is an eligible project cost. Sub applicants may request up to \$10,000 per project for costs relating to signage. Project costs for signage are subject to the applicable cost-sharing requirements. For assistance with template design, please email: [design@fema.dhs.gov](mailto:design@fema.dhs.gov).

; and

**WHEREAS**, the New Jersey State Police Office of Emergency Management is requesting confirmation that the subrecipient is capable of funding at a minimum a 35% cost share of the project with non-federal funds; and

**WHEREAS**, the Association has previously worked with the township of West Milford and the New Jersey Department of Environmental Protection, Bureau of Dam Safety to secure a low interest loan for up to \$575,000 to fund dam rehabilitation costs; and

**WHEREAS**, the Association has worked with the township of West Milford and the New Jersey Department of Environmental Protection, Bureau of Dam Safety and received approval for second loan for up to and additional \$1,250,000 to fund dam rehabilitation costs and this funding for this loan is pending approval by the state legislature.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of West Milford that the Township does confirm it will continue to operate and maintain the roadway, bridge and related elements on High Crest Lake Dam within the township right of way for the expected life of the dam following completion of the rehabilitation.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Township of West Milford as follows:

1. The Township of West Milford will comply with the subrecipient eligibility criteria listed on page 11 and 12 of the Notice of Funding Opportunity (NOFO) under Section C. 3. Subrecipient Eligibility Criteria.
2. The Township of West Milford as subrecipient confirms that through measures such as the Dam Restoration or Inland Waters Project Loans in which the Association and township are participating, the Association is capable of funding at a minimum a 35% cost share of the project with non-federal funds.

Adopted: November 13, 2024

Adopted this 13<sup>th</sup> day of November, 2024  
and certified as a true copy of an original.

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William Senande, Township Clerk