

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

ATLANTIC COUNTY

December 9, 2016

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, Superstorm Sandy. 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 December 19, 2016, the DCA 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 Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Flood Hazard Risk Reduction and Resiliency (FHRRR) program. DCA expects to fund the project using approximately \$6,500,000.00 of FHRRR funds.

PROJECT DESCRIPTION

Application ID number: FHR0000049

Project Title: Atlantic City

Location: Beach Thorofare at Atlantis Avenue and Gardners Basin at Fisherman's Park, Atlantic City, Atlantic County, New Jersey

The total estimated project cost is \$6,500,000.00.

The proposed project involves the Baltic Avenue Drainage Canal, a large, below-grade storm water sewer in Atlantic City, Atlantic County, New Jersey. The canal extends approximately 1.8 miles beneath Baltic Avenue and connecting streets between tide gates at outfalls entering into waterways known as 1) Beach Thorofare at Atlantis Avenue, and 2) Gardners Basin at Fisherman's Park, near the intersection of Melrose and North Rhode Island Avenues. The Baltic Avenue Drainage Canal Improvements Project would replace the deteriorated, manually operated tide gates with modern electric gates powered by on-site generators, add high-capacity pumps to help drain the canal, and repair and extend bulkheads in the vicinity of the outfalls.

These alterations are planned to improve the efficiency of the drainage canal and reduce the frequency and severity of street flooding in the area it serves. This project includes three separately funded elements, two of which are located at Atlantis Avenue (Atlantis Avenue Phase I and Phase II) and one of which is situated at Fisherman's Park.

The Atlantis Avenue Phase I element, currently underway as of mid-August 2016, is being funded through a grant from the U.S. Economic Development Administration and the City of Atlantic City and was addressed in a previously prepared environmental review. The activities associated with this element are demolition of the existing tide gate, reconstruction of 10 linear feet of the existing canal structure, and installation of a new electronic flood control gate with primary and emergency power sources.

The Fisherman's Park element, currently underway as of mid-August 2016, is being funded through a grant from the Federal Emergency Management Agency (FEMA) and the City of Atlantic City and was addressed in a previously prepared environmental review. It involves demolition of an existing tide gate, installation of a new electronic flood control gate at a new location with primary and emergency power sources, and improvements to adjoining bulkheads. A U.S. Army Corps of Engineers Philadelphia District Public Notice CENAP=Op-R-2012-00196-64 (9/24/2012) for this portion of the project indicates that the subgrade drainage canal is to be extended by approximately 180 feet via pipes to be installed in what is currently an open channel, which would then be filled. Two concrete pump chambers would be installed on the eastern side of the extended drainage canal.

The Atlantis Avenue Phase II element is proposed for funding under the FHRRR Grant Program. This element involves the reconstruction of 50 linear feet of the existing Baltic Avenue drainage canal structure in an area at the westerly terminus of an existing municipal right-of-way known as Atlantis Avenue and adjacent to a waterway known as Beach Thorofare in Atlantic City. It also includes installation of a below-grade chamber system that would house stormwater pumps, two generators for those pumps, and a small electrical building to house pump controls. The total estimated cost of the proposed project, all of which would be provided through HUD funding, is \$6,500,000 and is considered a substantial improvement.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). 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§58.5.

Additional project information is contained in the Environmental Review Record on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 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 <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

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

This is to give notice that the DCA 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 with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project involves the Baltic Avenue Drainage Canal, a large, below-grade storm water sewer that extends approximately 1.8 miles beneath Baltic Avenue and connecting streets between tide gates at outfalls entering into waterways known as 1) Beach Thorofare at Atlantis Avenue, and 2) Gardners Basin at Fisherman's Park, near the intersection of Melrose and North Rhode Island Avenues in Atlantic City, Atlantic County, New Jersey. The Baltic Avenue Drainage Canal Improvements Project would replace the deteriorated, manually operated tide gates with modern electric gates powered by on-site generators, add high-capacity pumps to help drain the canal, and repair and extend bulkheads in the vicinity of the outfalls. These alterations are planned to improve the efficiency of the drainage canal and reduce the frequency and severity of street flooding in the area it serves. This project includes three separately funded elements, two of which are located at Atlantis Avenue (Atlantis Avenue Phase I and Phase II), and one of which is situated at Fisherman's Park.

The Atlantis Avenue Phase II element is proposed for funding under the FHRRR Grant Program. The entire project area, approximately 0.83 acres of land, is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA Flood Insurance Rate Map (FIRM) numbers 3452780004D and 3452780005D dated August 15, 1983, and the FEMA Post-Sandy Preliminary Work Map. Areas designated as a Special Flood Hazard Area are those subject to inundation by the 1 percent annual chance flood (e.g., a 100-year flood), also known as the base flood.

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) Relocation of the proposed action outside of the 100-year floodplain and (2) no action alternative. The proposed project involves the improvements to the existing Baltic Drainage Canal, which is currently not operating properly. Relocation within Atlantic City would not avoid the 100-year floodplain, and relocation outside of Atlantic City would not improve the City's drainage infrastructure or aid in the prevention of flooding within the City. As the project locations currently contain existing drainage canal infrastructure, the proposed action is not expected to alter the pre-Hurricane Sandy condition of the floodplain. Therefore, it is not practicable to relocate the proposed project outside of the floodplain. A no action alternative was considered and rejected because no action on this item would result in the Applicant not being provided with financial assistance to improve the nonfunctioning drainage canal. As a result of the no action alternative, there would be no improvement to the City's Baltic Avenue Drainage Canal, and Atlantic City would continue to be prone to flooding. Therefore, the no action alternative is not practicable.

While the proposed drainage canal improvement activities would occur within the 100-year floodplain, the proposed action represents no substantive change from the pre-Hurricane Sandy

condition of the floodplain. While construction activities may disturb portions of the floodplain, the floodplain and its capacity would not be permanently modified upon project completion. Also, the project locations are currently developed with existing nonfunctioning drainage infrastructure. As a result, the proposed action is not expected to alter the pre-Hurricane Sandy condition of the floodplain. Precautions could be taken during construction to preclude contamination in areas where work would occur below the mean high water line, by suspended solids, sediments, or any other environmentally deleterious materials. The U.S. Army Corps of Engineers also would place certain restrictions and conditions on the work being done below the mean high water line through a Department of the Army permit and the Corps' regulatory authority under Section 10 of the Rivers and Harbors Act and 404 of the Clean Water Act.

DCA has reevaluated the alternatives to building 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 described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 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, 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 Laura Shea, Assistant Commissioner, 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 December 19, 2016, 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 Charles A. Richman, 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 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 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 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, 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 Charles A. Richman
New Jersey Department of Community Affairs