

COMBINED PUBLIC NOTICE

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

ATLANTIC COUNTY

November 13, 2014

New Jersey Economic Development Authority
36 West State Street
PO Box 990
Trenton, NJ 08625-0990
609-858-6700

This notice shall satisfy the procedural requirements for activities to be undertaken by the New Jersey Economic Development Authority (EDA).

Per 24 CFR 58.33 and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the NOI-RROF and 100-Year Floodplain have been combined.

REQUEST FOR RELEASE OF FUNDS

On or about November 13, 2014, the New Jersey Department of Community Affairs (DCA) on behalf of EDA 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 (DR) Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Neighborhood and Community Revitalization (NCR) program. EDA expects to fund the project using approximately \$5,000,000 of NCR funds.

The following information pertains to this project:

Project Title: NCR39559 "Atlantic City Boardwalk Reconstruction"

Location: Maine Avenue from Oriental Avenue to Melrose Avenue, Atlantic City, Atlantic County, New Jersey

Estimated Cost: \$15,000,000

Project Description: The proposed project is intended to reconstruct the Atlantic City Boardwalk from Oriental Avenue to Melrose Avenue. The boardwalk is within city-owned right of way. In addition, the US Army Corps of Engineers (ACOE) is constructing a new sea wall, consisting of a stone and steel revetment, along a portion of the proposed reconstructed boardwalk (from

Oriental Avenue to Atlantic Avenue). The sea wall will provide protection to the boardwalk and the shoreline along the Absecon Inlet.

The Stronger NJ Neighborhood and Community Revitalization (NCR) Program supports the long-term recovery of small businesses and communities by funding projects that contribute to the economic revitalization throughout New Jersey, but focusing on the nine most impacted counties. NCR supports projects that retain or hire new employees, contribute to the State's economy, serve Low or Moderate Income (LMI) areas, create or maintain LMI jobs, remove slum or blight, or address an urgent need related to Superstorm Sandy. These projects are commercial or mixed use projects, typically development and public improvement or streetscape revitalization.

EDA has determined that the proposed project is Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(4)(i). 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§50.4 and 58.5.

Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Economic Development Authority, 36 West State Street, PO Box 990, Trenton, New Jersey 08625. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. by contacting Erin B. Gold at 609-858-6718 or may be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

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 under the NCR program under (B-13-DS-34-001). The boardwalk is within the VE flood zone (area of coastal flood hazard with wave action); the remainder of the project, landward of the boardwalk, is within the AE flood zone (area of special flood hazard with water surface elevations determined). The property is located on Flood Insurance Rate Map (FIRM) Panel 5 of 5 no. 3452780005D, revised August 15, 1983.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. Alternatives included reconstructing the boardwalk (Option A) and the "No Action" alternative (Option B). Under Option B, the boardwalk would not be reconstructed. Without the boardwalk, the Absecon Inlet portion of Atlantic City would be without a significant community asset that had been in place for almost 80 years. This alternative would not meet the State's need to rehabilitate and revitalize storm-impacted communities. Option A would involve reconstructing the Atlantic City Boardwalk along its existing footprint from Oriental Avenue to Melrose Avenue. This option would restore a public community asset; thereby increasing the economic viability of the community. Therefore, this option is the preferred alternative.

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 delineated in the last paragraph of this notice for receipt of comments.

DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. The project would reduce flood risk and the impact of development on the floodplain. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).]

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division, 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 November 21, 2014 will be considered by DCA and EDA. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

DCA certifies (on or about November 25, 2014) to HUD that Richard E. Constable, III, 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 Program 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 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) 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 Richard E. Constable, III
New Jersey Department of Community Affairs