

## 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

February 20, 2015

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

This notice shall satisfy two separate but related 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 Request of Release of Funds (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, 100-Year Floodplain and RROF have been combined.

#### REQUEST FOR RELEASE OF FUNDS

On or about February 27, 2015, 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 Stronger New Jersey Business Loan (SBL) program. EDA expects to fund the project using approximately \$816,216 of SBL funds.

The following information pertains to this project:

Project Title: Providence Seashore House, LLC (SBL39524)

Location: 35 South Annapolis Avenue, Atlantic City, NJ

Estimated Cost: \$816,216

Project Description: Providence Seashore House, LLC is a public facility that suffered damage during Superstorm Sandy. The proposed project will involve the rehabilitation of an existing two-story structure. In addition, the project will involve the purchase of equipment which will be used to repair and maintain the facility.

The \$100 million SBL program is available to help small businesses and nonprofits that were impacted by Superstorm Sandy as well as businesses looking to expand within storm-impacted communities. Low-cost loans up to \$5 million per eligible location, with 0% interest for the first

24 months and no principal payments for up to two years, are available for renovation, new construction, or equipment. Loans up to \$500,000 are available to support working capital needs for eligible businesses.

EDA has determined that the proposed project is Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(3)(iii). 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 EDA 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 SBL program under B-13-DS-34-0001. The proposed project will involve the rehabilitation of a two-story structure. In addition, the project will involve the purchase of equipment which will be used to repair and maintain the facility.

The entire project would be constructed within a Special Flood Hazard Area Floodplain Zone “A8”, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 4 of 5, Map Number 3452780004D, effective 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 to relocate the rehabilitation of the existing two-story structure outside of the floodplain is not financially feasible and would be contrary to the purpose and function of the proposed rehabilitation of an existing two-story structure. Additionally, the structure is located within the community the project is intended to serve and the surrounding area is heavily developed and densely populated. Therefore, there is no relocation alternative where the public facility could be relocated outside of the 100-year floodplain. A No Action alternative was considered and rejected because taking no action would not address the vital infrastructure needs of the area, would not aid in community and economic recovery in Atlantic City, New Jersey. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project.

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 level, flood risk, and the flow of floodwaters onto the project area. 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 February 27, 2015 will be considered by DCA and EDA. Comments should specify which Notice they are addressing.

## RELEASE OF FUNDS

DCA certifies (on or about February 27, 2015) 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