

## **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**

#### **ATLANTIC COUNTY**

October 23, 2020

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 three 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 November 9, 2020, 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 Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Atlantic City Resilience Program (ACRP). DCA expects to fund the project using approximately \$3,416,031.00 of ACRP funds.

#### **PROJECT DESCRIPTION**

Application ID number: AC Bulkheads

Project Title: AC Bulkheads

Location: North Jackson Avenue to North Trenton Avenue, City of Atlantic City, Atlantic County, NJ

The total estimated project cost is \$8,151,540.00

The project is designed to rehabilitate, repair, replace, and build approximately 0.42 miles of new bulkheads along Atlantic City's Back Bay, connecting Absecon Bay to Shelter Island Bay. The project area is made up of several non-continuous spans of City-owned bulkheads in the Lower Chelsea neighborhood. The existing bulkheads are in poor condition, having sustained damage during the flooding of Superstorm Sandy.

## **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 project is designed to rehabilitate, repair, replace, and build approximately 0.42 miles of new bulkheads along Atlantic City's Back Bay, which connects Absecon Bay to Shelter Island Bay. The project area is made up of several non-continuous spans of City-owned bulkhead in the Lower Chelsea neighborhood. The project involves the removal of nine (9) sections of wooden bulkhead and replacing it with modern corrugated reinforced steel bulkheads, or a similar design contingent on engineering. The project will create one new bulkhead section along North Dover Road, approximately 90 feet in length. The current bulkheads are in poor condition, having sustained damage during the flooding of Superstorm Sandy. Most of the bulkheads are still standing; however, the existing bulkheads no longer provide adequate protection from rising tides and floodwaters which have heavily impacted the adjacent land causing portions of the sidewalk to fail. The entire project property, approximately 0.75 acres, is located within the Special Flood Hazard Area Zone A8 as shown on FEMA FIRM numbers 3452780004D dated August 15, 1983.

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: Among the alternatives were, (i) relocating the project outside the floodplain, (ii) not undertaking the project at all (No Action) and, (iii) undertaking the project as proposed

- i. Much of the City is located within the coastal high hazard floodplain and the project is located in a densely urbanized area. Consequently, there is no alternative to relocating the project outside the 100- year floodplain.
- ii. The no-action alternative was considered and rejected because taking no action would permit the bulkheads to continue to deteriorate and expose the neighborhood to impacts from flood events.
- iii. Undertaking the project as proposed will not have any adverse impacts to flood level, flood risk or the flow of floodwaters. The proposed project would address the need to replace a failed system of bulkheads and protect the Lower Chelsea neighborhood from flood events. The following mitigation measures will be undertaken as part of the project:
  - a. Dispose of any displaced soil in an area outside the floodplain and wetlands.
  - b. Obtain a waterfront development permit for proposed bulkhead work and comply with all permit conditions.
  - c. Structures funded in the 100-year floodplain must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure. If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less).

- d. Obtain a permit-by-rule pursuant to NJAC 7:13-7.2(b)1 and (b)4.
- e. Construction activities must comply with the New Jersey Standards for Soil Erosion and Sediment Control (SESC). Should land disturbance exceed 5,000 square feet, the contractor will be responsible for securing a SESC Plan Certification from the Atlantic County Conservation District

An 8-Step Floodplain Analysis was performed for the proposed project. The analysis concluded there is no practicable alternative to locating the proposed project in the floodplain. 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.

This notice complies with Section 2(a)(4) of EO 11988, Section 2(b) of EO 11990, and 24 CFR Part 55.20. 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.

## **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, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays from 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

## **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, Director of 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, DC 20410. All comments received by November 9, 2020, 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, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Samuel Viavattine, Director  
New Jersey Department of Community Affairs