

## **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**

October 16, 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 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 October 26, 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 Resiliency Program (ACRP). DCA expects to fund the project using approximately \$2,000,000.00 of ACRP funds.

#### **PROJECT DESCRIPTION**

Application ID number: AC Intersections  
Project Title: AC Intersections  
Location: 28 Separate Intersections in the City of Atlantic City  
The total estimated project cost is \$2,000,000.00

The proposed project includes the inspection, upgrade, and replacement of traffic signals at 28 separate intersections (approximately 200 signals) through Atlantic City. The project may replace the traffic light and pole, as well as elevating control boxes.

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 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 from 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 DCA, as the Responsible Entity designated by HUD, has requested that the City of Atlantic City conduct the appropriate environmental level of review to evaluate the potential environmental impacts associated with the flood mitigation project described below. The project does not contain wetlands; however, the project is located within the 100-year (i.e., one percent annual chance) floodplain. The proposed actions would not contribute to any measurable loss with regard to flood control capacity.

The proposed project is located at 28 separate intersections within the Atlantic County, City of Atlantic City. The proposed project includes the inspection, upgrade, and replacement of traffic signals at each separate intersection (approximately 200 signals) throughout Atlantic City. The project may replace the traffic light and pole, as well as elevating control boxes. The entire project property is located within the Special Flood Hazard Area Zone A8, as shown on the FEMA FRIM number 3452780004D and Zone V10 on 3452780005D 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 signals damaged by Superstorm Sandy and similar storm events to continue to deteriorate and be exposed to impacts from flood events. Mitigation measures to increase the height of new traffic control devices will be incorporated in the proposed project.
- iii. Undertaking the project as proposed will not have any adverse impacts to flood level, flood risk the flow of floodwaters. The proposed project would address the need to inspect the

traffic light systems at various intersection throughout Atlantic City and develop and implement a capital plan to upgrade systems damaged by Superstorm Sandy and similar storm events.

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 interested 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 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, D.C. 20410. All comments received by October 26, 2020, 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 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, D.C. 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