

FINAL

ENVIRONMENTAL IMPACT STATEMENT For the Rebuild by Design Meadowlands Flood Protection Project

October 2018 | Appendices A – D



**Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro
and the Township of South Hackensack, Bergen County, New Jersey**

**REBUILD BY DESIGN
MEADOWLANDS**



Prepared by **AECOM** for the State of New Jersey Department of Environmental Protection

Español 中文:繁體版 Việt-ngữ 한국어 Tagalog
Português العربية Kreyòl ગુજરાતી Italiano Polski
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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

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Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Stephen Gardner
EVP, Chief, NEC Business Development
National Railroad Passenger Corporation (Amtrak)
30th Street Station
2955 Market Street
Philadelphia, PA 19104

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Gardner:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that Amtrak participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) the no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which Amtrak has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 day from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

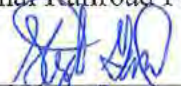
Dennis Reinknecht
Program Manager

cc:

Petra Todorovich Messick, Infrastructure Planning Manager, Northeast Corridor Infrastructure and Investment Development, Amtrak

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD described above.

National Railroad Passenger Corporation (Amtrak)

By: 

Date: August 10, 2016

Name: STEPHEN GARDNER

Title: EXECUTIVE VICE PRESIDENT
AMTRAK



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Stephen Gardner
EVP, Chief, NEC Business Development
National Railroad Passenger Corporation (Amtrak)
30th Street Station
2955 Market Street
Philadelphia, PA 19104

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Gardner:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Cooperating Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that Amtrak participates in the Pre-DEIS review as a cooperating agency.

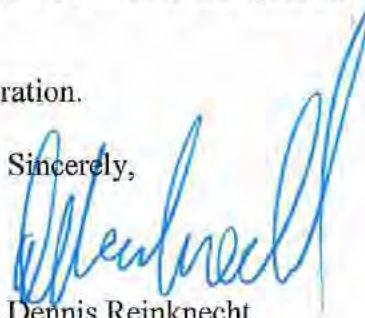
The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Cooperating Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Petra Todorovich Messick, Infrastructure Planning Manager, Northeast Corridor
Infrastructure and Investment Development, Amtrak
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 18, 2018

Mr. Andrew Brooks, Region 2 Coordinator
Federal Aviation Administration (FAA)
Eastern Regional Office
1 Aviation Plaza, AEA-610
Jamaica, NY 11434-4809

Re: Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the
Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Brooks:

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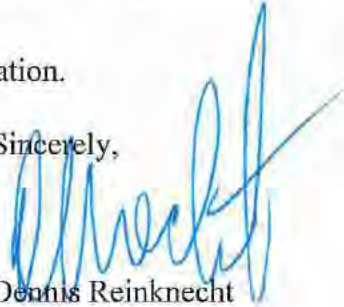
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We look forward and welcome your participation in this 30-day Pre-DEIS Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 17, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Marie Jenet, FAA
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

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Engineering and Construction

Bureau of Flood Resilience

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

February 28, 2018

Evelyn Martinez, Manager
Federal Aviation Administration (FAA) New York Airports District Office
1 Aviation Plaza
Jamaica, NY 11434

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Ms. Martinez:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that the Federal Aviation Administration (FAA) participate in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) lists 4 possible alternatives for this project: Alternative 1 consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2 will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3 or the Hybrid Alternative will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) the no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the Project. In addition, you will be asked to:

- Participate in the review process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which the FAA has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has requested to be a cooperating for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Bureau Chief, Bureau of Flood Resilience, at the address above or at dennis.reinknecht@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Bureau Chief

cc:

Andrew Brooks, FAA, Eastern Regional Office



U. S. Department
of Transportation

**Federal Aviation
Administration**

159-30 Rockaway Blvd
Jamaica, New York 11434

April 24, 2018

Mr. Dennis Reinknecht
Bureau Chief
State of New Jersey Department of Environmental Protection
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
PO Box 420
Trenton, NJ 08625-0420

Re: Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Reinknecht:

We received your letter dated February 28, 2018 inviting the Federal Aviation Administration (FAA) to become a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey. We recognize that the US Department of Housing and Urban Development has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for the preparation of the Environmental Impact Statement for this project.

In reviewing materials provided to us, it is our understanding that there is potential for the project, and/or its alternatives, to result in changes to land designated as airport property for Teterboro Airport (TEB). Such changes would require the Port Authority of New York and New Jersey (PANYNJ) to change the Airport Layout Plan (ALP) for TEB. Approval of a change to an ALP by the FAA is a Federal Action, subject to the National Environmental Policy Act (NEPA). Given the potential for FAA to have a Federal Action related to this project, we accept Cooperating Agency Status for this EIS and are including the signed form as requested. We also recommend that such status be afforded to PANYNJ as well.

We look forward to working with you on this project. Should you have any questions, please contact Mr. Andrew Brooks, of the Eastern Region Airports Division, at 718-553-2511 or andrew.brooks@faa.gov.

Sincerely,

A handwritten signature in blue ink, reading "Evelyn Martinez", with a stylized flourish at the end.

Evelyn Martinez
Manager, New York Airports District Office
Federal Aviation Administration

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD described above.

Federal Aviation Administration

By: _____
Date: April 25, 2018
Name: Evelyn Martinez
Title: Deputy Manager

From: Andrew.Brooks@faa.gov
To: [McEvoy, Kim](#)
Cc: [david.sanchez@faa.gov](#); [Marie.Jenet@faa.gov](#); [evelyn.martinez@faa.gov](#); [patricia.henn@faa.gov](#)
Subject: RE: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FAA
Date: Tuesday, July 10, 2018 2:18:34 PM

Kim,

The FAA has no comments on the DEIS, other than there is a typo in the order referenced throughout. It is FAA Order 5050.4B (uppercase, not lowercase). I didn't think there was a need to submit formal agency comments on the record for that. Thanks for incorporating our previous conversations so well into the document.

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration
Eastern Regional Office
1 Aviation Plaza
Jamaica, NY 11434
Phone: 718-553-2511

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Thursday, May 24, 2018 11:01 AM
To: Brooks, Andrew (FAA) <Andrew.Brooks@faa.gov>; Martinez, Evelyn (FAA) <evelyn.martinez@faa.gov>; Sanchez, David (FAA) <david.sanchez@faa.gov>
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Marcolina, Robert <Robert.Marcolina@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>; Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>; jennifer.warf@aecom.com; brian.boose@aecom.com; Snyder, Kerri <KSnyder@louisberger.com>; McBrien, Margaret <MMcBrien@louisberger.com>; Mahon, Donna M <Donna.M.Mahon@hud.gov>; Tang-Smith, Abbie <Abbie.Tang-Smith@dep.nj.gov>; Rosenblatt, Dave <Dave.Rosenblatt@dep.nj.gov>; Avery, Garrett L. <Garrett.Avery@aecom.com>; Forster, Taylor <Taylor.Forster@dep.nj.gov>
Subject: RE: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FAA

All,

This email is to notify your agency that the Draft Environmental Impact Statement (DEIS) for the U.S. Department of Housing and Urban Development (HUD)-funded Rebuild by Design Meadowlands Flood Protection Project is available for download and review. The New Jersey Department of Environmental Protection (NJDEP), on behalf New Jersey Department of Community Affairs (NJDCA) (i.e., the responsible entity), is overseeing the environmental review for this project.

The DEIS is being e-filed with EPA and set to be published in the Federal Register on June 1, 2018. In order to comply with e-filing requirements, we must notify and distribute to commenting agencies

the DEIS prior to the e-filing.

Please see the attached Notice of Availability (NOA) and announcement of the public hearing of the DEIS for:

- Project-related information (selection of a Preferred Build Alternative);
- Details regarding the time and location of the public hearing; and,
- Instructions on how to comment on the DEIS.

There will be a 45-day public comment period for the DEIS, which will officially begin on June 1, 2018 and end on July 15, 2018. Your agency can provide comments at any time during the comment period if you choose; otherwise, please provide all comments by July 15, 2018, as instructed by the attached NOA. Your agency can download the DEIS for early comment at <https://files.acrobat.com/a/preview/df55b34f-597c-485b-8d85-ed093f1c2962>. The files will be available through the public comment period. A hard copy and CD's will also be mailed to your agency the week of May 28th to correspond to the Federal Register publication.

The DEIS will also be available for public download on June 1, 2018 on the following websites:

- NJDEP RBD Meadowlands Project website at www.rbd-meadowlands.nj.gov
- NJDCA Sandy Recovery website under "Rebuild By Design - Meadowlands" at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>

If there's anything else you need, please do not hesitate to contact me.

Sincerely,
Kimberly McEvoy
RBD Environmental Team Leader
609-789-2526 (cell)
609-292-0307 (direct)

**Bureau of Flood Resilience
Engineering and Construction**



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Mr. John Dawson
Region II REO Representative
FEMA Region II Mitigation/EHP
26 Federal Plaza
New York, NY 10278-0002

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Dawson:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that FEMA participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) The no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which FEMA has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 days from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

From: Dawson, John

Sent: 5/2/2016 11:34 AM

To: Reinknecht, Dennis

Subject: Meadowlands RBD

Good morning Mr. Reinknecht,

We have no concern with NJ DEP serving as lead agency for the Meadowlands Flood Protection Project.

Please note, Megan Jadrosich is no longer with FEMA and thus may be omitted from future correspondence. At the moment, we are pending a new REO.

Thank you

John Dawson

Region II REO Representative

FEMA Region II Mitigation / EHP

(Cell) 202-286-1627



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Mr. John Dawson
Region II REO Representative
FEMA Region II Mitigation/EHP
26 Federal Plaza
New York, NY 10278-0002

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Dawson:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Cooperating Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that FEMA Region 2 participates in the Pre-DEIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the

Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Cooperating Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,


Dennis Reinknecht
Program Manager

Cc: Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

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Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Colonel David Cauldwell, Commander and District Engineer, New York District
US Army Corps of Engineers
26 federal Plaza, Room 2109
New York, NY 10278-0090

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating
Agency in the Environmental Review Process for the Rebuild by Design Meadowlands
Flood Protection Project in Bergen County, New Jersey

Dear Colonel Cauldwell:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that the United States Army Corps of Engineers (ACOE) participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) The no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which the ACOE has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 days from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

Regulatory Branch

JUL 26 2016

SUBJECT: New Jersey Department of Environmental Protection Rebuild by Design
Project Meadowlands Flood Protection Project, Bergen County, New
Jersey

New Jersey Department of Environmental Protection
C/o Mr. Dennis Reinknecht
Project Manager
501 East State Street, Mail Code 501-01A
P.O. Box 420
Trenton, New Jersey 08625-0420

Dear Mr. Reinknecht:

In response to your agency's April 19, 2016 correspondence, the New York District of the U.S. Army Corps of Engineers (USACE) accepts your invitation to be a cooperating agency for the review of the Rebuild by Design Meadowlands Flood Protection Project.

Please note that the proposed project will be reviewed in accordance with Title 33 of the Code of Federal Regulations, Sections 320-332, the regulations for the Regulatory Program of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether or not to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both the protection and utilization of important resources. The benefits which may reasonably be expected to accrue from the proposal must be weighed against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered. It should be noted that in accordance with Title 33 of the Code of Federal Regulations Section 320.1(a)(4), the U.S. Army Corps of Engineers is neither a proponent nor opponent of any permit proposal. However, the Corps believes that applicants are due a timely decision. Reducing unnecessary paperwork and delays is a continuing Corps goal.

This office looks forward to working with you. If you have any questions, need additional information, or wish to discuss any of the above issues in more detail, please contact Jim Cannon, Project Manager, at 917-790-8412.

Sincerely,

Stephan A. Ryba
Chief, Regulatory Branch



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Stephan Ryba, Chief
Regulatory Branch, New York District
US Army Corps of Engineers
26 Federal Plaza, 19th Floor
New York, NY 10278-0090

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Ryba:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Cooperating Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that US Army Corp of Engineers participates in the Pre-DEIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Cooperating Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Dr. Christopher Mallery, Regulatory Branch, USACE
James Cannon, Regulatory Branch, USACE
Rosita Miranda, Western Section, USACE
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Ms. Judith A. Enck, Regional Administrator
US Environmental Protection Agency, Region 2
290 Broadway, 25th Floor
New York, NY 10007

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Ms. Enck:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that the Environmental Protection Agency participates in the EIS review as a cooperating agency.

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As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which EPA has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 day from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

cc:

Grace Musumeci, Regional NEPA Coordinator, US Environmental Protection Agency, Region 2

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD described above.

US Environmental Protection Agency, Region 2

By: Grace Musumeci

Date: 5-2-16

Name: Grace Musumeci

Title: Chief of the Environmental Review Section



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Mr. Peter Lopez, Regional Administrator
US Environmental Protection Agency, Region 2
290 Broadway, 25th Floor
New York, NY 10007

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Lopez:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Cooperating Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that EPA participates in the Pre-DEIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

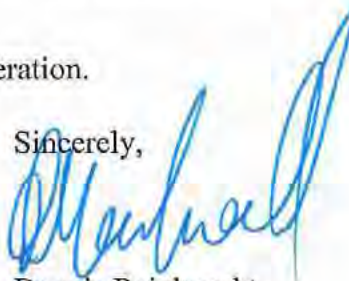
The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been

separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Cooperating Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

cc: Stephanie Lamster, USEPA
Grace Musumeci, USEPA
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

*Recd
Jul 11/18*

JUL 11 2018

Dennis Reinknecht
Program Manager
New Jersey Department of Environmental Protection
Bureau of Flood Resilience
501 East State Street, Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Mr. Reinknecht:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project (CEQ No. 20180117). The document was prepared by the New Jersey Department of Environmental Protection (NJDEP) on behalf of the New Jersey Department of Community Affairs as the U.S. Department of Housing and Urban Development (HUD) responsible entity for the project. Cooperating agencies for the project included the Federal Emergency Management Agency, the Federal Aviation Administration, the Federal Transit Administration, the National Railroad Passenger Corporation (AMTRAK), the Port Authority of New York and New Jersey, the U.S. Army Corps of Engineers, and the EPA.

The proposed project is a comprehensive urban water management project designed to reduce the risk of coastal flooding from storm surges and/or systemic inland flooding from large rainfall events. The Project Area includes the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The project implements flood risk reduction measures that would reduce the flood risk within the Project Area attributable to both inland and coastal flooding through a variety of infrastructure components.

As a cooperating agency for this project, EPA has attended scoping meetings, interagency meetings, and has provided comments on preliminary draft chapters. On May 29, 2018, EPA participated in a conference call with NJDEP and HUD to discuss comments on the pre-draft DEIS. EPA appreciates and acknowledges the numerous changes that have been made to the DEIS based on comments received. For the most part, our comments on the pre-draft DEIS have been fully addressed.

Proposed Project and Alternatives

The Proposed Project and Alternatives chapter is very thorough and understandable. However, EPA recommends including a sentence or two that describes the process for placing components in specific locations. For example, the DEIS states that Alternative 2 would include improvements to five existing open spaces. Without going into great detail, indicate the considerations that went into selecting only five and those particular five, such as total surface area and/or accessibility. Also, for Alternative 3 state what dictated the exception of the four features from the Build Plan.

With regard to readability, Table 2.6-1: Impact Summary and Comparison is not necessarily needed in Chapter 2 since impacts are addressed elsewhere in the document.

Clean Diesel

EPA recommends the use of clean diesel vehicles for construction activities associated with the project. Specifically, we recommend that diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities be required. This includes strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and the use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment. For more information on diesel emission controls in construction projects, please see: <http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf>.

Air Quality

In Section 4.9/Appendix H, the calculations of construction emissions in the General Conformity Applicability Analysis relies on emissions factors from the Air Emissions Guide for Air Force Mobile Sources. EPA recommends the use of the MOVES model for on-road sources and NONROAD model (now incorporated in MOVES, or emission factors provided in NONROAD documentation) for non-road sources.

Berry's Creek Study Area

EPA staff working on the Berry's Creek Study Area (BCSA) Proposed Plan, as well as representatives of the BCSA Potentially Responsible Party Group have met with NJDEP staff working on the RBD Meadowlands Flood Protection Project on a regular basis during the development of the two projects. Continued coordination will be essential throughout the design process to ensure that the two projects work effectively together, especially given that the RBD Meadowlands project anticipates the BCSA project to remediate certain areas of sediment (to be determined) in the vicinity of the East Riser Tide Gate in order for the RBD project to install energy dissipation structures in those areas. In order for the BCSA team to conduct such work in time for the RBD team to complete its work according to the HUD grant deadlines, EPA requests that the design details for the East Riser Gate Pump Station be provided early in the design process, while at the same time, planning the construction of any structures in Berry's Creek for the last phases of construction.

EPA's Berry's Creek team also has concerns with respect to the construction and operation of a taintor gate structure in Berry's Creek that is part of the future plan. Details are insufficient at this time to provide meaningful comment on the structure, but it should be clear that coordination between EPA and NJDEP for the gate will be important should it move forward at a later time.

Cumulative Effects

EPA submitted comments on the pre-draft Cumulative Effects chapter. The revised Cumulative Effects chapter presented in the DEIS is significantly more effective at conveying potential impacts from the project when considering other past, present, and reasonably foreseeable future actions occurring in and around the project area. The section is thorough and inclusive, and presents the information in a well-organized manner.

RATING

Thank you for the opportunity to comment on the DEIS for the Rebuild by Design Meadowlands Flood Protection Project. EPA rates the DEIS an EC-1 or "Environmental Concerns – Adequate." Environmental concerns exist primarily because of the Berry's Creek Superfund site, even though we know you are working closely with the EPA project manager to address any issues. Our comments on the DEIS contained in this letter are intended to help the NJDEP by providing useful information that will ultimately inform local, state and federal decision-making and review related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judy-Ann Mitchell".

Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
Clean Air and Sustainability Division

cc: Donna Mahon, HUD



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Steven H. Santoro

Assistant Executive Director,

Capital Planning and Programs

NJ TRANSIT

One Penn Plaza East, 8th Floor

Newark, NJ 07105

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Santoro:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that NJ Transit participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) the no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which NJ Transit has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 days from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

6-27-16
Chris Christie, Governor
Kim Guadagno, Lieutenant Governor
Jamie Fox, Board Chairman
Veronique Hakim, Executive Director



One Penn Plaza East
Newark, NJ 07105-2246
973-491-7000

June 20, 2016

David Rosenblatt, Director
Department of Environmental Protection
Natural & Historic Resources
Office of Flood Hazard Risk Reduction Measures
501 East State Street
PO Box 420
Trenton, NJ 08625-0420

Dear Mr. Rosenblatt:

Please find enclosed a signed copy of your letter from April 19, 2016. NJ TRANSIT consents to NJDEP serving as the lead agency for the environmental review under NEPA of the Rebuild by Design – Meadowlands project and will cooperate with the environmental review process.

NJ TRANSIT continues to support NJDEP as the Rebuild by Design – Meadowlands project progresses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Santoro', written over a horizontal line.

Steven H. Santoro
Assistant Executive Director
Capital Planning & Programs

Enclosure

cc: **E. Daleo**
J. Pilosio
Project File



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

April 19th 2016

Steven H. Santoro
Assistant Executive Director,
Capital Planning and Programs
NJ TRANSIT
One Penn Plaza East, 8th Floor
Newark, NJ 07105

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Santoro:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that NJ Transit participates in the EIS review as a cooperating agency.

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cc:

Eric Daleo, Senior Director, NJ TRANSIT Resilience Program, NJ Transit

Jared Pilosio, Manager, NJ TRANSIT Resilience Program, NJ Transit

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the RBD Meadowlands project described above.

New Jersey Transit

By: 

Date: 6/22/16

Name: STEVEN H. SANTORO

Title: AED



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Mr. Jared Pilosio, Manager
NJ Transit Resilience Program
One Penn Plaza East, 8th Floor
Newark, NJ 07105

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Pilosio:

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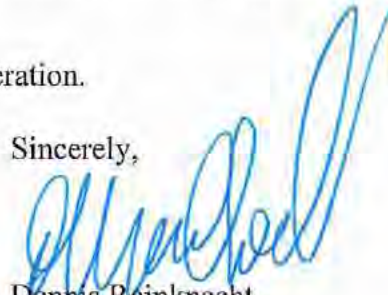
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Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Eric Daleo, Senior Director, NJ Transit Resilience Program, NJ Transit
Brad Mason, Director, Capitol Planning, NJ Transit
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

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Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Joseph Simenic

Program Director, Storm Mitigation & Resilience

Port Authority of NY & NJ

4 World Trade Center – 15th Floor

150 Greenwich St.

New York, NY 10007

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Simenic:

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Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

cc:

Bernice Malione, Deputy Director, Office of Environmental & Energy Programs, Port Authority of NY & NJ

Qunizell McKenzie, Manager, Performance Reporting, Office of the Chief Operating Officer, Storm Mitigation and Resiliency, Port Authority of NY & NJ

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD described above.

Port Authority of NY & NJ

By: Stephanie E. Dawson
Date: June 30, 2016
Name: Stephanie Dawson
Title: Chief Operating Officer (Acting)



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Bernice Malione
Deputy Director, Office of Environmental & Energy Programs
Port Authority of NY & NJ
4 World Trade Center – 15th Floor
150 Greenwich St.
New York, NY 10007

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

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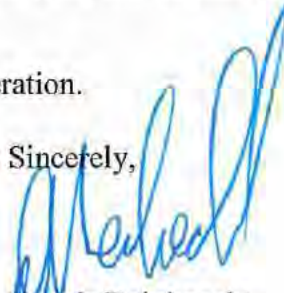
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Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Renee Spann, Port Authority of NY & NJ
Quinzell McKenzie, Port Authority of NY & NJ
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

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CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Nancy Danzig, Director, Planning and Program Development
Federal Transit Administration, Region 2
One Bowling Green, Rm 429
New York, NY 10004

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Ms. Danzig:

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The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight.

Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) the no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which the Federal Transit Administration has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 day from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

cc:

Daniel Moser, Community Planner, Federal Transit Administration, Region 2

This undersigned cooperating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD project described above.

Federal Transit Administration

By: Donald Burns - Donald Burns, Acting Dir. of Planning

Date: 6/20/16

Name: Dan Moser

Title: Community Planner



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Donald Burns, Acting Director of Planning and Program Development
Federal Transit Administration, Region 2
One Bowling Green, Rm 429
New York, NY 10004

Re: Cooperating Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Burns:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Cooperating Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that FTA participates in the Pre-DEIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

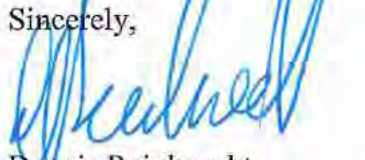
The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been

separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Cooperating Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Daniel Moser, Community Planner, Federal Transit Administration, Region 2
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

FEB 8 PM 5:10

February 2, 2018

Donald Burns, Acting Director of Planning and Program Development
Federal Transit Administration, Region 2
One Bowling Green, Rm 429
New York, NY 10004

Re: Confirmation to change status to Participating Agency in the Environmental Review
Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen
County, New Jersey

Dear Mr. Burns:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review. The NJDEP is evaluating 4 alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small-to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) the no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and

related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

In a letter dated June 20, 2016, your agency was identified as a cooperating agency; however, as the alternatives for the Project are being developed it has been identified that FTA would like to be a participating agency. As a participating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies in relation to your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews as appropriate; and
- Review and comment on sections of draft environmental documents related to your field of expertise to communicate any concerns of your agency on the adequacy of the document, the alternative considered, and the anticipated impacts and mitigation.

If your agency consents and will participate in the review as a participating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, at the address above or at Dennis.Reinknecht@dep.nj.gov. This letter will be the most current record of your agency's level of involvement.

Thank you for your consideration and cooperation.

Sincerely,




Dennis Reinknecht
Bureau Chief

cc: Daniel Moser, Community Planner, Federal Transit Administration, Region 2

This undersigned participating agency hereby consents to the New Jersey Department of Environmental Protection serving as lead agency for the Meadowlands RBD described above.

Federal Transit Administration

By: 
Date: 2/9/2018
Name: Donald Burns
Title: Dir of Planning

From: [McEvoy, Kim](#)
To: [DEP rbd-meadowlands](#)
Cc: [Fisher, Linda](#); [Reinknecht, Dennis](#); [Marcolina, Robert](#); [DEP rbdm-archive](#); [Johnson, Capricia](#); [Taylor, Alexis](#)
Subject: FW: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FTA comment
Date: Thursday, July 12, 2018 3:41:09 PM

FTA Comment on Public DEIS

From: Moser, Daniel (FTA) [mailto:daniel.moser@dot.gov]
Sent: Thursday, July 12, 2018 3:29 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Cc: Burns, Donald (FTA) <Donald.Burns@dot.gov>
Subject: RE: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FTA

Good Afternoon Kim

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Rebuild by Design Meadowlands Flood Project (RBD-ML project). The Federal Transit Administration (FTA) administers federal investments in transit systems in and around the RBD-ML project area, mainly through the New Jersey Transit Corporation (NJ TRANSIT). The designated Project Area includes a segment of the NJ TRANSIT Pascack Valley commuter rail line and its Wood-Ridge and Teterboro passenger stations. NJ TRANSIT also operates numerous bus routes in the project area. Potential rail transit lines and stations outside the project area but within the area of potential indirect or cumulative effects include the NJ TRANSIT Meadowlands Sports Complex Line, the NJ TRANSIT Bergen County and Main Lines, and the New York Metropolitan Transit Authority (MTA) Metro-North Railroad Port Jervis Line that shares rail line with the NJ TRANSIT Bergen County/Main Lines.

FTA concurs that the three action alternatives analyzed in the DEIS, including Alternative 3 (the Preferred Alternative) would not require detrimental acquisition of fixed NJ TRANSIT commuter rail property assets or interfere with current or proposed Hudson Bergen Light Rail service, subject to coordination with NJ TRANSIT (as required) for installation of flood gates across or near NT TRANSIT rail operations and facilities. None of the alternatives would require permanent major street or road closures or alterations that could have significant adverse impacts on bus routes, para-transit services or access to rail stations.

FTA therefore concurs with the preliminary DEIS analysis and conclusion that all of the analyzed Project alternatives except the “No Build” alternative analyzed will have less than significant adverse on transportation (including transit) during construction and beneficial long-term effects to transit if implemented. Implementation of the Preferred Alternative 3 would provide flood protection benefits not only to fixed transit facilities but also to significant areas and populations served by transit.

FTA’s concurrence on the beneficial long-term effects is conditioned on successful coordination and

concurrence between NJ DEP and NJ TRANSIT (and potentially the MTA Metro-North Railroad) over installation and operation of proposed floodgates across NJ TRANSIT Meadowlands Sports Complex track south of State Route 120 adjacent near the proposed Berry's Creek storm surge barrier. Closure of the floodgates would need to be limited to just before and during coastal flood surge events when transit rail service would be temporarily suspended. Such closures would need to be coordinated with NJ TRANSIT to ensure that pre-storm evacuation of transit passengers and railroad rolling stock is not jeopardized.

If you have any questions regarding this email, please contact me.

Thank you,

Dan Moser
Community Planner
Federal Transit Administration - Region 2
1 Bowling Green, Room 428
New York, NY 10004
Phone: (212) 668-2326 / Fax (212) 668-2136

From: McEvoy, Kim [<mailto:Kim.McEvoy@dep.nj.gov>]
Sent: Thursday, July 12, 2018 11:33 AM
To: Burns, Donald (FTA) <Donald.Burns@dot.gov>; Moser, Daniel (FTA) <daniel.moser@dot.gov>; Goodman, Stephen (FTA) <stephen.goodman@dot.gov>
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Marcolina, Robert <Robert.Marcolina@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>; jennifer.warf@aecom.com; brian.boose@aecom.com; Snyder, Kerri <KSnyder@louisberger.com>; McBrien, Margaret <MMcBrien@louisberger.com>; Mahon, Donna M <Donna.M.Mahon@hud.gov>; Forster, Taylor <Taylor.Forster@dep.nj.gov>; Avery, Garrett L. <Garrett.Avery@aecom.com>; Kyd, Thomas <Thomas.Kyd@aecom.com>
Subject: RE: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FTA

Good Morning,

I just want to give a friendly reminder that the Rebuild By Design Meadowlands Project DEIS public comment period is supposed to end on Sunday, July 15th. Please let me know if you have any questions on this deadline.

We appreciate your time in helping us on this Project.
Thank you,
Kim

Sincerely,
Kimberly McEvoy
RBD Environmental Team Leader
609-789-2526 (cell)
609-292-0307 (direct)

**Bureau of Flood Resilience
Engineering and Construction**

From: McEvoy, Kim
Sent: Thursday, May 24, 2018 10:27 AM
To: 'Donald.Burns@dot.gov' <Donald.Burns@dot.gov>; 'daniel.moser@dot.gov' <daniel.moser@dot.gov>; 'Stephen.Goodman@dot.gov' <Stephen.Goodman@dot.gov>
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Marcolina, Robert <Robert.Marcolina@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>; Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>; 'jennifer.warf@aecom.com' <jennifer.warf@aecom.com>; 'brian.boose@aecom.com' <brian.boose@aecom.com>; 'Snyder, Kerri' <KSnyder@louisberger.com>; 'McBrien, Margaret' <MMcBrien@louisberger.com>; 'Mahon, Donna M' <Donna.M.Mahon@hud.gov>; Rosenblatt, Dave <Dave.Rosenblatt@dep.nj.gov>; Tang-Smith, Abbie <Abbie.Tang-Smith@dep.nj.gov>; Avery, Garrett L. <Garrett.Avery@aecom.com>
Subject: RE: Draft Environmental Impact Statement (DEIS) on the RBD Meadowlands Flood Protection Project - FTA

Good Morning,

This email is to notify your agency that the Draft Environmental Impact Statement (DEIS) for the U.S. Department of Housing and Urban Development (HUD)-funded Rebuild by Design Meadowlands Flood Protection Project is available for download and review. The New Jersey Department of Environmental Protection (NJDEP), on behalf New Jersey Department of Community Affairs (NJDCOA) (i.e., the responsible entity), is overseeing the environmental review for this project.

The DEIS is being e-filed with EPA and set to be published in the Federal Register on June 1, 2018. In order to comply with e-filing requirements, we must notify and distribute to commenting agencies the DEIS prior to the e-filing.

Please see the attached Notice of Availability (NOA) and announcement of the public hearing of the DEIS for:

- Project-related information (selection of a Preferred Build Alternative);
- Details regarding the time and location of the public hearing; and,
- Instructions on how to comment on the DEIS.

There will be a 45-day public comment period for the DEIS, which will officially begin on June 1, 2018 and end on July 15, 2018. Your agency can provide comments at any time during the comment period if you choose; otherwise, please provide all comments by July 15, 2018, as instructed by the attached NOA. Your agency can download the DEIS for early comment at <https://files.acrobat.com/a/preview/df55b34f-597c-485b-8d85-ed093f1c2962>. The files will be available through the public comment period. CD's will also be mailed to your agency the week of May 28th to correspond to the Federal Register publication.

The DEIS will also be available for public download on June 1, 2018 on the following websites:

- NJDEP RBD Meadowlands Project website at www.rbd-meadowlands.nj.gov
- NJDCA Sandy Recovery website under "Rebuild By Design - Meadowlands" at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>

If there's anything else you need, please do not hesitate to contact me.

Sincerely,
Kimberly McEvoy
RBD Environmental Team Leader
609-789-2526 (cell)
609-292-0307 (direct)

**Bureau of Flood Resilience
Engineering and Construction**



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

April 19th 2016

Mr. John Bullard, Regional Administrator
National Oceanic Atmospheric Administration (NOAA) Fisheries
Greater Atlantic Region Office
55 Great Republic Drive
Gloucester, MA 01930

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Bullard:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that the NOAA participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight.

Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) The no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which the NOAA has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 day from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,

Dennis Reinknecht
Program Manager

From: Daniel Marrone - NOAA Federal

Sent: 4/28/2016 4:09 PM

To: Reinknecht, Dennis

Cc: Karen Greene - NOAA Federal

Subject: NMFS ESA: Meadowlands Flood Protection Project

Hi Dennis,

There are no ESA-listed species under NMFS jurisdiction present in the Hackensack River. As such, it will not be necessary for NMFS to be a cooperating agency for ESA review.

I copied Karen Greene with our Habitat Conservation Division who will respond separately regarding Essential Fish Habitat.

Thanks,

Dan

Daniel Marrone

ESA Section 7 Biologist

Greater Atlantic Regional Fisheries Office

NOAA's National Marine Fisheries Service

55 Great Republic Drive

Gloucester, MA 01930

978-282-8465

From: Karen Greene - NOAA Federal [mailto:karen.greene@noaa.gov]

Sent: Friday, April 29, 2016 8:15 AM

To: Daniel Marrone - NOAA Federal

Cc: Reinknecht, Dennis

Subject: Re: NMFS ESA: Meadowlands Flood Protection Project

Hi Dennis,

There are a number of NOAA trust resources in the Hackensack River and tributaries including alewife, blueback herring, American shad, striped bass and forage fish. The NJ Meadowlands Commission has done several surveys of fish within the Meadowlands. They can provide a comprehensive list. EFH has also been designated in the mixing zone of the river and tributaries, so consultation with the Habitat Conservation Division will be needed for any actions affecting EFH in the Meadowlands.

You may have been working with Melissa Alvarez of our office on this, but she has left for another position outside our region. I'll be the POC for this and the other Sandy projects in NJ.

Dave Bean and some other from NJDEP provided an overview of this project to the Meadowlands Interagency Mitigation Advisory Committee (MIMAC) a while back. The group includes the Corps, NMFS, FWS, Meadowlands staff and the NJDEP mitigation unit. You may want to continue to coordinate with the MIMAC on this as it moves forward. The group serves as an interagency review team for mitigation projects and banks in the meadowlands, as well as a pre-application review team. Jim Cannon is the NY Corps contact for the group.

Karen

Karen Greene

Mid-Atlantic Field Offices Supervisor

NOAA/National Marine Fisheries Service

Greater Atlantic Regional Fisheries Office

Habitat Conservation Division

James J. Howard Marine Sciences Laboratory

74 Magruder Rd.

Highlands, NJ 07732

732 872-3023 (office)



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Ms. Ursula Howsen
NOAA/National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
Habitat Conservation Division
James J. Howard Marine Sciences Laboratory
74 Magruder Rd.
Highlands, NJ 07732

Re: Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the
Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Ms. Howsen:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that NOAA participates in the Pre-DEIS review as a reviewing agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Karen Greene, NOAA/NMFS
Dan Marrone, NOAA/NMFS
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

July 31, 2018

Mr. Dennis Reinknecht
Program Manager
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
PO Box 420
Trenton, NJ 08625-0420

RE: Rebuild by Design (RBD) Meadowlands Flood Protection Project Draft Environmental Impact Statement (DEIS)

Dear Mr. Reinknecht:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the Rebuild by Design (RBD) Meadowlands Flood Protection Project proposed for Bergen County, NJ. In our February 27, 2018 email to Ms. Kim McEvoy providing comments on the pre-public version of the DEIS, we stated that an essential fish habitat (EFH) consultation would be required for this project and that an EFH assessment was necessary. The public DEIS does not include an EFH assessment, but includes a statement that the assessment will be completed during the permitting phase of the project. In general, for projects where National Environmental Policy Act (NEPA) documents such as environmental impact statements (EIS) or environmental assessments (EA) are being developed, the EFH consultation should take place during the draft EIS/EA phase so that the results of the consultation can be included in the final NEPA document.

We offer the following information to clarify the EFH consultation process so that a full and complete EFH assessment can be developed for this project and the required EFH consultation can be completed efficiently:

EFH has been designated within the project area for a number of federally managed fish species including Atlantic butterfish (*Peprilus triacanthus*), Atlantic herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), black sea bass (*Centropristis striata*), red hake (*Urophycis chuss*), summer flounder (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), and winter flounder (*Pseudopleuronectes americanus*).

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. The EFH regulations,



50 CFR Section 600.920, outline that consultation procedure and require the preparation of an EFH assessment by the federal action agency. While our regulations also allow a federal action agency such as the US Department of Housing and Urban Development (HUD) to designate a non-federal representative to conduct the EFH consultation, it is important to note that the federal action agency remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4)(B) of the MSA.

The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as "any impact which reduces the quality and/or quantity of EFH" and further states that:

An adverse effect may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Because this project will adversely affect EFH and the DEIS does not include an EFH assessment, further EFH consultation by the federal action agency or its non-federal designee is necessary in order to comply with the EFH provisions of the MSA. As HUD's non-federal designee, the task of initiating the EFH consultation and submitting an EFH assessment to us has been delegated to the New Jersey Department of Environmental Protection (NJDEP). As stated above, EFH assessments should be included in draft NEPA documents or as a separate document submitted prior to or concurrent with the draft NEPA document so that any EFH conservation recommendations can be incorporated into the final document. Since an EFH assessment was not included in the DEIS, an assessment should be provided to us separately so that the EFH consultation can be completed before the FEIS is issued.

In order to initiate an EFH consultation, a full and complete EFH assessment must be provided to us. Required components of an assessment include: (1) a description of the proposed action, (2) an analysis of the potential adverse effects of the action on EFH and the managed species, (3) the conclusions of the federal agency (or non-federal designee) regarding the effects of the action on EFH, and (4) proposed mitigation, if applicable. If appropriate and depending on the scale of the proposed action, the assessment should also include the results of an on-site inspection, the views of recognized experts on the habitat or species affected, a literature review, an analysis of alternatives to the proposed action, and any other relevant information. Our website at: <https://www.greateratlantic.fisheries.noaa.gov/habitat/index.html> has additional information on EFH and the preparation of EFH assessments. We are also available to answer any questions you or your staff may have on EFH, preparing an assessment or evaluating effects.

We look forward to our continued coordination with your office on this project as it moves forward. If you have any questions or need additional information, please do not hesitate to contact Ursula Howson at our Highlands, NJ field office at ursula.howson@noaa.gov or (732) 872-3116.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen M. Greene".

Karen Greene
Mid-Atlantic Field Office Supervisor
Habitat Conservation Division

HUD – D. Mahon
NJDEP – K. McEvoy
NJDEP – L. Fisher
NY ACOE – S. Ryba
NOAA NEPA

Subject:

FW: Rebuild by Design Meadowlands Project NMFS Submittal

From: Edith Carson-Supino - NOAA Federal [mailto:edith.carson-supino@noaa.gov]

Sent: Thursday, August 30, 2018 3:32 PM

To: House, Tonya

Cc: Ursula Howson - NOAA Affiliate; Reinknecht, Dennis; Linda.Fisher@dep.nj.gov; Robert.Marcolina@dep.nj.gov; Johnson, Capricia; rbdm-archive@dep.nj.gov; Warf, Jennifer; Boose, Brian; KSnyder@louisberger.com; Albrecht, Sherri; ESamanns@louisberger.com; MMcBrien@louisberger.com; Abbie.Tang-Smith@dep.nj.gov; Dave.Rosenblatt@dep.nj.gov

Subject: Re: Rebuild by Design Meadowlands Project NMFS Submittal

Hello,

Endangered Species Act

No federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the site of your proposed project. Based on this, we do not believe a consultation in accordance with section 7 of the Endangered Species Act is necessary. As such, no further coordination on this activity with the NMFS Protected Resources Division is necessary at this time. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. Please contact me ([\(978\) 282-8490](tel:978-282-8490) or Edith.Carson-Supino@noaa.gov), should you have any questions regarding these comments.

Thank you,

Edith

Edith Carson-Supino, M.Sc.

Section 7/Shortnose Sturgeon Fish Biologist

NOAA Fisheries

U.S. Department of Commerce

Greater Atlantic Regional Fisheries Office

Phone: 978-282-8490

edith.carson-supino@noaa.gov

For ESA Section 7 guidance please see:

<https://www.greateratlantic.fisheries.noaa.gov/section7>

----- Forwarded message -----

From: House, Tonya <

Tonya.House@dep.nj.gov>

Date: Wed, Aug 29, 2018 at 3:44 PM

Subject: RE: Rebuild by Design Meadowlands Project NMFS Submittal

To: nmfs.gar.esa.section7@noaa.gov <nmfs.gar.esa.section7@noaa.gov>

Cc:

Karen Greene - NOAA Federal <karen.greene@noaa.gov>, Daniel Marrone - NOAA Federal <daniel.marrone@noaa.gov>, Ursula Howson - NOAA Federal <ursula.howson@noaa.gov>, Reinknecht, Dennis <

Dennis.Reinknecht@dep.nj.gov>, Fisher, Linda <Linda.Fisher@dep.nj.gov>, Marcolina, Robert <Robert.Marcolina@dep.nj.gov>, Johnson, Capricia <Capricia.Johnson@dep.nj.gov>, DEP rbdm-archive <rbdm-archive@dep.nj.gov>, Warf, Jennifer <Jennifer.Warf@aecom.com>, Boose, Brian <Brian.Boose@aecom.com>, Snyder, Kerri <KSnyder@louisberger.com>, Albrecht, Sherri <sherri.albrecht@aecom.com>, Samanns, Edward <ESamanns@louisberger.com>, McBrien, Margaret (Peg)

<MMcBrien@louisberger.com>, House, Tonya <Tonya.House@dep.nj.gov>, Tang-Smith, Abbie
<Abbie.Tang-Smith@dep.nj.gov>, Rosenblatt, Dave <Dave.Rosenblatt@dep.nj.gov>

Good Afternoon,

The purpose of this email is to transmit the biological assessment prepared by the New Jersey Department of Environmental Protection (NJDEP) which analyzes the impacts associated with the Rebuild by Design Meadowlands Flood Protection Project (Project) on species listed pursuant to the Endangered Species Act, proposed critical habitat and Essential Fish Habitat (EFH). The NJDEP is recommending Alternative 3 – Build Plan as the Preferred Alternative to construct. Pursuant to 24 CFR 58.1(b)(1), the U.S. Housing and Urban Development (HUD) has delegated responsibility for all environmental compliance responsibilities, including consultation under Section 7 of the Endangered Species Act and consultation on EFH under the Magnuson-Stevens Act, to NJDEP. The NJ Department of Community affairs (NJDCa) has been delegated the Responsible entity, under 24 CFR Part 58.4, for the HUD CDBG-DR funding. Under 2 separate Memorandums of Agreements, NJDCa has authorized NJDEP to conduct all required environmental reviews for this funding and has been designated the lead agency, please see attached email.

NJDEP requests that the National Marine Fisheries Service concur with our determination that proposed actions associated with construction of the Alternatives analyzed (Alternative 1, Alternative 2, and Alternative 3- Build Plan) may affect, and is likely to adversely affect EFH/EFH species listed as threatened or endangered or proposed critical habitat by National Marine Fisheries Service under the Endangered Species Act of 1973. Our supporting analysis is provided in the attached:

- EFH Assessment Report August 2018 NOAA
- Signed NMFS ESA Letter, dated 8-29-18
- NJDEP's Assumption of Federal Authority Email from HUD.

Since the nature of the proposed action meets established criteria, NJDEP requests consideration of this consultation under the informal 30-day consultation procedures, starting August 30th, 2018, if considered a complete submittal. If you have any questions regarding the nature of the proposed action or analysis contained in this biological assessment, do not hesitate to contact me at Kim.McEvoy@dep.nj.gov or Jennifer Warf at Jennifer.Warf@aec.com.

Sincerely,

Kimberly McEvoy

RBD Environmental Team Leader

609-789-2526 (cell)

609-292-0307 (direct)

Bureau of Flood Resilience

Engineering and Construction



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

SEP 26 2018

Mr. Dennis Reinknecht
Program Manager
New Jersey Department of Environmental Protection
Bureau of Flood Resilience
501 East State Street - Mail Code 501-01A
PO Box 420
Trenton, NJ 08625-0420

RE: Rebuild by Design Meadowlands Flood Protection Project
Essential Fish Habitat Assessment

Dear Mr. Reinknecht:

We have reviewed the essential fish habitat (EFH) assessment for the Rebuild by Design (RBD) Meadowlands Flood Protection Project proposed for Bergen County, NJ. The proposed project is a comprehensive urban water management project designed to reduce the risk of coastal flooding from storm surges and systemic inland flooding from large rainfall events. The "Build Plan," a portion of the preferred alternative to be constructed with existing funding includes the construction of new parks, green infrastructure improvements at a number of parks and schools, dredging in East Riser Ditch, and the installation of a pump station on Losen Slote. Additional components of the preferred alternative (Alternative 3) may be constructed in the future as funding becomes available. However, because these "Future Build" components are independent of the activities currently proposed, the impacts of those actions will be evaluated if and when funding becomes available.

In our July 31, 2018, letter on the draft Environmental Impact Statement (DEIS), we commented that because the activities proposed may adversely affect EFH, the lead federal action agency, in this instance the Department of Housing and Urban Development (HUD) or its non-federal designee, the New Jersey Department of Environmental Protection (NJDEP) was required to consult under the Magnuson Stevens Fishery Conservation and Management Act (MSA), and that the DEIS did not include an EFH assessment to initiate consultation. Over the past several weeks, we have worked with HUD, your staff and the project's consultants to provide guidance on the preparation of the EFH assessment for this project. The resulting EFH assessment, received on August 29, 2018, adequately assesses the impacts of the project to our resources, including temporary and permanent impacts to wetlands resulting from the project, and provides additional information on the applicant's efforts to avoid and minimize losses to NOAA resources.

Magnuson Stevens Fishery Conservation and Management Act (MSA)

The project area has been designated as EFH for a number of federally managed species including Atlantic butterfish (*Peprilus triacanthus*), Atlantic herring (*Clupea harengus*), bluefish



(*Pomatomus saltatrix*), black sea bass (*Centropristis striata*), red hake (*Urophycis chuss*), summer flounder (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), and winter flounder (*Pseudopleuronectes americanus*). As discussed in our July 31, 2018, letter, adverse effects to EFH may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat. Adverse effects may result from action occurring within designated EFH or outside areas designated as EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

The EFH assessment adequately addresses many of the impacts of the project on EFH associated with the project components, including impacts to wetlands and the presence of contaminants in sediment at several project sites. Alternative 3 (Build Plan) has minimized impacts such that total impacts for tidal open water habitat are 0.3 acre (0.2 permanent, 0.1 temporary), and for non-tidal open water habitat are 3.5 acres (0.1 permanent, 3.4 temporary).

Some of the activities proposed for the project, including dredging of contaminated sediment, replacement of structures such as a bridge and culverts, and installation of pump stations, may adversely affect EFH for bluefish, summer flounder, windowpane flounder, winter flounder, and other federally managed species. These adverse effects are due, in part, to impacts to prey species such as river herring, including alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), which are NOAA trust resources. The EFH final rule states that the loss of prey may be an adverse effect on EFH and managed species because the presence of prey makes waters and substrate function as feeding habitat; the definition of EFH includes waters and substrate necessary to fish for feeding. Therefore, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat may also be considered adverse effects on EFH.

Impacts to Aquatic Resources

Contamination

In our previous email comments to NJDEP from February 27, 2018, we raised concerns regarding contamination within the project area, especially for work proposed at the tide gate at East Riser Ditch and Berry's Creek. As you are aware, Berry's Creek is within an EPA Superfund study area in which high levels of mercury, PCBs and chromium have been documented in the water, sediments and biological communities. The USFWS and EPA have also raised concerns regarding this contamination in their comments on the DEIS. EPA is currently conducting a Superfund remedial investigation and feasibility study on the Berry's Creek Study Area (BCSA), in conjunction with the Berry's Creek Study Area Cooperating Partners Group (BCSA Group). The study will support the EPA's selection of a Phase 1 remedy for the site later this year.

The contaminant load in the water column may be increased when sediments are resuspended during project activities such as dredging and pump station construction. This can expose aquatic resources in the area to a variety of contaminants that can affect the growth, reproduction and survival of aquatic species and can biomagnify up the food chain. Because of the contamination in the sediments at BCSA and other sites in the project area (e.g. Losen Slote), NJDEP, in coordination with EPA, should minimize contaminant release for all project activities

in contaminated areas, and should ensure that the work does not conflict with or hamper the EPA/BCSA Group remediation of the BCSA.

Anadromous Fishes

Anadromous species such as alewife, blueback herring, and striped bass (*Morone saxatilis*) may use the Hackensack Meadowlands waterways as migratory pathways and as nursery and forage habitat. Anadromous fishes such as these spend most of their adult life at sea, but return to freshwater areas to spawn in the spring. Increases in turbidity due to the resuspension of sediments into the water column during construction can degrade water quality, lower dissolved oxygen levels, and potentially release chemical contaminants bound to the fine-grained estuarine/marine sediments. Suspended sediment can also mask pheromones used by migratory fishes to reach their spawning grounds and impede their migration and can smother immobile benthic organisms and demersal newly-settled juvenile fish (Auld and Schubel 1978; Breitburg 1988; Newcombe and MacDonald 1991; Burton 1993; Nelson and Wheeler 1997).

Buckel and Conover (1997) in Fahay et al. (1999) report that diet items of juvenile bluefish include *Alosa* species such as alewife and blueback herring. Juvenile *Alosa* species have also been identified as prey species for windowpane flounder and summer flounder in Steimle et al. (2000). As a result, activities that adversely affect the spawning success and the quality for the nursery habitat of these anadromous fish can adversely affect the EFH for juvenile bluefish, windowpane and summer flounder by reducing the availability of prey items.

Mitigation

A compensatory mitigation plan will be developed and implemented to compensate for long-term unavoidable impacts to regulated wetlands and other aquatic habitats associated with dredging, filling, and other permanent alterations. The plan will be developed in cooperation with the Meadowlands Interagency Mitigation Advisory Committee (MIMAC) in accordance with the Compensatory Mitigation for Losses of Aquatic Resources Final Rule (40 CFR Parts 325 and 332) and will be reviewed by New Jersey Department of Environmental Protection, the US Army Corps of Engineers, and other applicable regulatory agencies during project permitting. We are a member of the MIMAC and expect that a copy of the plan will be provided to us for review and comment.

Essential Fish Habitat Conservation Recommendations

Pursuant to Section 305 (b) (4) (A) of the MSA, our EFH conservation recommendations are as follows to minimize adverse effects to EFH for bluefish, summer flounder, windowpane flounder, and winter flounder and other federally managed species:

1. Best management practices should be used during construction to minimize the release of sediments into the waterway, including the use of an environmental dredge bucket and other BMPs to prevent release of contaminants during dredging activities.
2. No in-water work from 3/1 to 6/30 of each year to minimize impacts to migrating anadromous species including alewife and blueback herring, prey species for a number of federally managed species. This restriction does not apply to work conducted behind a one-way tide gate.

3. The compensatory mitigation plan should be provided to us for review. The plan should include performance measures, success criteria, and a long-term monitoring and maintenance plan. The site protection mechanism and long-term land steward should also be identified.
4. Any newly-installed tide gate should be self-regulating. Self-regulating tide gates allow tidal flow and fish passage but can be set to close at a specified water level. A maintenance plan should be developed for any tide gate installed that specifies the entity responsible for the operation and maintenance of the gate.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to the EFH conservation recommendations, including a description of measures you have adopted to avoid, minimize or mitigate the impact of the project on EFH. In the case of a response that is inconsistent with these conservation recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k).

Please also note that a distinct and further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(1) if new information becomes available or the project is revised in such a manner that affects the basis for the above EFH conservation recommendations. This includes the "future build" components of the project, for which project-specific details are not yet available.

Endangered Species Act

Our Protected Resources Division has already provided comments on this project. Further questions should be directed to Edith Carson-Supino at (978) 282-8490 or edith.carson-supino@noaa.gov.

We look forward to our continued coordination with your office on this project as it moves forward. If you have any questions or need additional information, please do not hesitate to contact Ursula Howson of our Highlands, NJ field office at ursula.howson@noaa.gov or (732) 872-3116.

Sincerely,



Louis A. Chiarella,
Assistant Regional Administrator
for Habitat Conservation

NY ACOE – S. Ryba, PRD – Carson-Supino
USFWS – S. Mars, USEPA, - NJDEP-K.Davis
USEPA – D. Montella

Literature Cited

- Auld, A.H., and J.R. Schubel. 1978. Effects of suspended sediments on fish eggs and larvae: a laboratory assessment. *Estuar. Coast. Mar. Sci.* 6: 153-164.
- Breitburg, D.L. 1988. Effects of turbidity on prey consumption by striped bass larvae. *Trans. Amer. Fish. Soc.* 117: 72-77.
- Buckel, J.A. and D.O. Conover. 1997. Movements, feeding periods, and daily ration of piscivorous young-of-the-year bluefish, *Pomatomus saltatrix*, in the Hudson River estuary. *Fish. Bull. (U.S.)* 95(4):665-679.
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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENGINEERING & CONSTRUCTION

Office of the Assistant Commissioner

Mail Code 501-01A

PO Box 420, Trenton, NJ 08625-0420

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PHILIP MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

October 4, 2018

Louis A. Chiarella

Assistant Regional Administrator for Habitat Conservation

US Department of Commerce, National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Greater Atlantic Regional Fisheries Office

55 Great Republic Drive

Gloucester, MA 01930-2276

Subject: Rebuild By Design – Meadowlands Flood Protection Project
Essential Fish Habitat Assessment
Response to EFH Conservation Recommendations

Dear Mr. Chiarella:

The New Jersey Department of Environmental Protection (NJDEP) has received your Essential Fish Habitat (EFH) consultation letter dated September 26, 2018. We recognize our Proposed Project has the potential to impact EFH and regulated species through disruption of prey species habitat and resuspension of sediments, including potentially contaminated sediments. We further recognize that the EFH Assessment was the first step in formal coordination with your agency pursuant to the Magnuson Stevens Fishery Conservation and Management Act (MSA). Coordination would continue through the design and permitting phases of the Proposed Project. During detailed design, additional efforts would be made to further avoid and minimize impacts to EFH, including the development of additional details related to the EFH conservation recommendations identified in your September 26, 2018, letter. As required by Section 305(b)(4)(B) of the MSA, we are hereby formally responding to these recommendations. Each of the four EFH conservation recommendations is listed below, along with details regarding our planned measures to adopt and implement them.

NOAA EFH Conservation Recommendations:

1. *Best management practices should be used during construction to minimize the release of sediments into the waterway, including the use of an environmental dredge bucket and other BMPs to prevent release of contaminants during dredging activities.*

Appropriate best management practices (BMPs) would be implemented during construction activities to minimize the release of sediments into the waterway. A detailed erosion and sediment control plan would be prepared and submitted to the local entity (County Soil Conservation District or New Jersey Sports and Exposition Authority) for review and approval. Use of an environmental bucket will be considered if suitable for the dredge location. The dredging method selected would minimize release of contaminants and would be equally protective of water quality. Dredge equipment selection would be based on the characteristics of

the waterway, such as width, depth, sediment depth, accessibility, and whether it is tidal or non-tidal. A full list of proposed BMPs (e.g., a Stormwater Pollution Prevention Plan, etc.) is included in Table 11 of the EFH Assessment Report, dated August 2018, and is also reflected in Tables ES-2 and 6.4-2 of the Final Environmental Impact Statement (FEIS). Additional BMPs and further details on the identified BMPs would be developed during the detailed design phase for the project.

2. *No in-water work from 3/1 to 6/30 of each year to minimize impacts to migrating anadromous species including alewife and blueback herring, prey species for a number of federally managed species. This restriction does not apply to work conducted behind a one-way tide gate.*

Construction of the Proposed Project would not include any in-water construction activities in tidal waters between March 1 and June 30 in order to minimize impacts to migrating anadromous species. This mitigation measure has been added to Tables ES-2 and 6.4-2, and to Section 4.14.4 in the FEIS.

3. *The compensatory mitigation plan should be provided to us for review. The plan should include performance measures, success criteria, and a long-term monitoring and maintenance plan. The site protection mechanism and long-term land stewardship should also be identified.*

Once impacts to wetlands and aquatic habitats are better defined based on field wetland delineation and the detailed design of the Proposed Project's features, a compensatory mitigation plan would be prepared during the design and permitting phase of the Proposed Project. The compensatory mitigation plan would comply with requirements for "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" as detailed in 33 CFR Parts 325 and 332, and would include the items identified in this recommendation. The National Marine Fisheries Service (NMFS) would have the opportunity to review the compensatory mitigation plan, as the plan would be developed in cooperation with the Meadowlands Interagency Mitigation Advisory Committee, of which NMFS is a member. NMFS would also have an opportunity to review the Proposed Project activities and mitigation plan during the review and approval process for the United States Army Corps of Engineers Clean Water Act Section 404 permit.

4. *Any newly-installed tide gate should be self-regulating. Self-regulating tide gates allow tidal flow and fish passage but can be set to close at a specified water level. A maintenance plan should be developed for any tide gate installed that specifies the entity responsible for the operation and maintenance of the gate.*

The recommendation to install self-regulating tide gates at any new tide gate location would be fully considered during the detailed design phase. If applicable and suitable based on site conditions and consideration of other requirements, self-regulating tide gate(s) would be installed. The comprehensive operation and maintenance plan prepared for the Proposed Project during the detailed/final design phase would include maintenance requirements for the tide gate(s) and would identify the responsible entity(ies).

Throughout the development of the Build Alternatives, efforts have been made to avoid impacts to EFH, including impacts to wetlands and aquatic habitats, through careful location and alignment of Proposed Project components. The Alternative 3 Build Plan would result in fewer impacts to these habitats than the other two Build Alternatives. If selected in the Record of Decision for implementation, the Alternative 3 Build Plan would advance to the detailed design phase, during which impacts would be further avoided and minimized. Unavoidable impacts would be addressed through compensatory mitigation; as stated above, a compensatory mitigation plan would be developed during the detailed design and permitting phase of the project. In addition, the EIS and EFH Assessment include a comprehensive list of BMPs that would be implemented to minimize impacts during construction. This list would be refined and expanded

during detailed design, as appropriate. Finally, the NJDEP will continue to coordinate with the Berry's Creek Study Area Cooperating Partners Group to minimize the potential for conflicts between the Proposed Project and the BCSA remedial investigation and Phase 1 remedy.

The NJDEP thanks you for the conservation recommendations, and looks forward to continuing coordination with NMFS as the Proposed Project advances.

Respectfully,



Mr. Dennis Reinknecht
Bureau Chief
Office of Flood Hazard Risk Reduction Measures
NJDEP Engineering and Construction

Cc: Karen Greene, NOAA
Ursula Howson, NOAA
Edith Carson-Supino, NOAA
Steven Ryba, USACE
Steve Mars, USFWS
Donna Mahon, USHUD
Daniel Montella, USEPA
Linda Fisher, NJDEP
Kim McEvoy, NJDEP

Hughes, Grant

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Friday, January 12, 2018 3:29 PM
To: jeff.m.yunker@uscg.mil
Cc: Fisher, Linda; Reinknecht, Dennis; Marcolina, Robert; DEP rbdm-archive; Taylor, Alexis; Warf, Jennifer; Boose, Brian; Snyder, Kerri; McBrien, Margaret
Subject: RE: RBD Meadowlands Project follow-up - Coast Guard

Jeff,

As a follow-up to our phone call yesterday , the New Jersey Department of Environmental Protection (NJDEP) is soliciting your agencies input on the Rebuild by Design (RBD) Meadowlands Flood Protection Project (Project). During the HUD Federal Review and Permitting (FRP) meeting in December 2017, the NJDEP and our consultants (AECOM) presented to the agencies at that meeting the Preferred Alternative for the RBD Project. Based upon input received from the Army Corp, it was suggested we reach out to the Coast Guard regarding any concerns you agency may have related to navigable waterways, under Section 10, identified to be associated with the Project and Build Plan of the Preferred Alternative.

As a reminder, the NJDEP is currently compiling the Draft Environmental Impact Statement (DEIS) which evaluates the environmental impacts associated with three Alternatives and a No Action Alternative. Ultimately, the State has recommended that Alternative 3 be the Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. I have provided a link to the most recent presentation that identifies the Preferred Alternative and the associated Build Plan for more information.

<http://www.nj.gov/dep/floodresilience/docs/20180111-rbdm-community-meeting-pres.pdf>

Please let us know if you need additional information on this Project's Build Plan and any concern your agency may have related to Section 10.

Thank you very much and enjoy the weekend!

Kim

Sincerely,
Kimberly McEvoy
RBD Environmental Team Leader
Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)



16670

24 JAN 2018

New Jersey Dept of Environmental Protection
Bureau of Flood Resilience
501 East State Street
Trenton, NJ 08625-0419
Attn: Kimberly McEvoy

Ladies and Gentlemen:

We have reviewed the Draft Deliberative – Internal Review Only presentation dated December 14, 2017 provided to the Sandy Regional Infrastructure Team for Federal Review and Permitting on the same date regarding the Rebuild by Design Meadowlands Flood Protection Project and offer the following preliminary comments for the Willow Lake and Riverside Parks.

The proposed park is close to the Federal Channel making it, and construction vessels, susceptible to wake and/or surge damage. If a permit is issued for this project, the Coast Guard does not intend to place any operational limitations on commercial vessels using the adjacent waterway.

Any vessels used in conjunction with this project must comply with the Port of New York anchorage ground regulations codified at 33 CFR 110.155, including paragraph (l)(11) regarding vessels that impede or obstruct vessel movements.

We request that any permit you issue require the permittee to:

1. Submit the following information, at a minimum, to the First Coast Guard District for publication in the Local Notice to Mariners before starting operations:

Date of submission

Name, phone number, and email address of project point of contact

Company Name

Type of Work

Waterway and location where work will be done

Latitude & Longitude of work area (Degrees, Minutes, Thousandths of seconds)

Work Start & Stop dates and Hours of Operation

Equipment on scene

Passing Arrangements / Time to move vessels to not impede navigation

VHF Radio Channel monitored

Disposal Site (if used)

NOAA Chart Number for the area

This information must be e-mailed to LNM@uscg.mil or faxed to (617) 223-8291 a minimum of fourteen days before starting operations.

2. Notify the National Oceanic and Atmospheric Administration of the project completion and specifications so they may initiate the appropriate chart and Coast Pilot corrections. This must be submitted online at <http://ocsddata.ncd.noaa.gov/idrs/discrepancy.aspx> and include a copy of the USACE permit.
3. Ensure any current, or future, outdoor lighting is located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterway. If installed, the lights must be white and non-flashing. In addition, there are hundreds of unlit piers of a similar nature throughout the harbor.

Our final comments will be submitted in response to the U.S. Army Corps of Engineers Public Notice. If you have any questions or comments regarding this matter, please contact Mr. Jeff Yunker at (718) 354-4195.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. W. Buck', with a stylized flourish extending to the right.

J. W. BUCK
Lieutenant Commander, U.S. Coast Guard
Chief, Waterways Management Division
By direction



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – 8th Floor
Boston, Massachusetts 02109-3572

July 13, 2018

9043.1
ER 18/0251

Dennis Reinknecht, Manager
New Jersey Department of Environmental Protection
Engineering and Construction
Bureau of Flood Resilience
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, New Jersey 08625-0420

RE: COMMENTS
Draft Environmental Impact Statement (DEIS)
Rebuild by Design Meadowlands Flood Protection Project
Bergen County, New Jersey

Dear Mr. Reinknecht:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Rebuild by Design Meadowlands Flood Protection Project (Project). The Project is a result of the New Jersey Department of Environmental Protection (NJDEP) securing a \$150 million Community Development Block Grant (Disaster Recovery) (CDBG-DR) from the U.S. Housing and Urban Development (HUD) as a result of Hurricane Sandy. The purpose of the Project "...is to reduce flood risk in the Project area..." which was defined as "Phase 1 Pilot Area" and encompassed most lands west of the Hackensack River, east of State Route 17, south of Interstate 80 and north of Patterson Plank Road, within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey. The NJDEP has identified other Pilot Project Phases that will presumably be developed in the future in the Hackensack River Watershed. The following comments have been prepared by the Department's U.S. Fish and Wildlife Service's New Jersey Field Office (NJFO) and are provided pursuant to the National Environmental Policy Act (NEPA) of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*)

The NJFO has previously provided comments on the Project in a letter dated June 2, 2016, (Attachment A) and in four electronic e-mails dated February 27 and 28, 2018 (Attachment B).

The June 2, 2016, letter was provided to the NJDEP to identify "...the scope of issues to be addressed and for identifying the significant issues related to a proposed action." (40 CFR Part 1501.7 Scoping).

A review of the DEIS Section prepared by the NJDEP and titled Appendix A: Agency and Stakeholder Correspondence indicates that the Service's June 2, 2016, letter and the four electronic e-mails are not referenced. The Department requests that the NJDEP include the four correspondences from the NJFO in the final Environmental Impact Statement (FEIS) and provide a discussion on the merits of each of the issues raised by the NJFO in both the FEIS and Record of Decision (ROD).

Thank you for the opportunity to review and comment on this DEIS. If you have any question regarding these comments, please contact Mr. Steven Mars, Senior Biologist, U.S. Fish and Wildlife Service at 609-382-5267. Please contact me at (617) 223-8565 if I can be of assistance.

Sincerely,

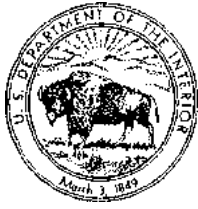
A handwritten signature in blue ink, appearing to read "Andrew L. Raddant", is shown on a light blue background.

Andrew L. Raddant
Regional Environmental Officer

Attachments

CC: HUD (therese.j.fretwell@hud.gov)

ATTACHMENT A



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205 Tel: 609/646 9310
www.fws.gov/northeast/njfieldoffice/



2016-CPA-0156

Linda Fisher, Project Team Manager
New Jersey Department of Environmental Protection
Engineering and Construction
Office of Flood Hazard Risk Reduction Measures
501 East State Street
Mail Code 501-01A
P. O. Box 420
Trenton, New Jersey 08625-0420

JUN 02 2016

Subject: Rebuild by Design - Meadowlands, Pre-public Draft Scoping Document.

Dear Ms. Fisher:

Thank you for allowing the U.S. Fish and Wildlife Service (Service) to provide comments on the Pre-Public Draft Scoping Document for the Environmental Impact Statement (EIS) on the Rebuild by Design Meadowlands Proposal (Project). The Project is a result of the New Jersey Department of Environmental Protection (NJDEP) securing a \$150 million Community Development Block Grant (Disaster Recovery) (CDBG-DR) from the U.S. Housing and Urban Development (HUD) as a result of Hurricane Sandy. The purpose of the Project "...is to reduce flood risk in the Project area..." which was defined as "Phase 1 Pilot Area" and encompassed most lands west of the Hackensack River, east of State Route 17, south of Interstate 80 and north of Patterson Plank Road, within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The NJDEP has identified other Pilot Project Phases that will presumably be developed in the future in the Hackensack River Watershed (HRW).

SERVICE COMMENTS

The following comments provide technical assistance including information regarding federally listed threatened and endangered species. These comments do not constitute consultation for any project pursuant to Section 7 of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) or preclude future comments pursuant to the Clean Water Act (CWA) Section 404 (33 U.S.C. 1344 *et seq.*). These comments are provided pursuant to the National Environmental Policy Act of 1969 as amended (NEPA) (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) to determine "... the scope of issues to be addressed and for identifying the significant issues related to a proposed action." (40 CFR Part 1501.7 Scoping). These comments do not

preclude additional comments on forthcoming environmental documents, including a Federal Environmental Impact Statement (EIS).

Federally Listed Species

The proposed Project does not occur in known habitats of any federally listed threatened or endangered species under Service jurisdiction or their critical habitats. Although the Project will not likely affect a federally listed species, the Service requests that the NJDEP, on behalf of the HUD, consult with the Service regarding a final determination pursuant to Section 7 of the ESA.

National Environmental Policy Act

The goal of NEPA is to reduce adverse impacts to the environment, including cumulative impacts and to take actions that protect, restore, and enhance the environment (40 CFR Parts 1500 to 1508). The Meadowlands is significantly degraded and is comprised of a patchwork of marginally functioning wetlands and waterways that historically measured over 21,000 acres. More than 70 percent of the total wetlands that once existed in the Hackensack Meadowlands District (HMD) have been destroyed by human activities (U.S. Fish and Wildlife Service 2007). In an August 19, 2015 meeting before the Meadowlands Interagency Mitigation Advisory Committee (MIMAC), for which the Service is an active member, the NJDEP presented an alternative for the Project that could involve the filling of over 100 acres of wetlands for the construction of levees and other flood control structures. Any additional losses of wetlands would be considered significant and should be avoided to the maximum extent practicable. Should the proposed Project involve an adverse effect to the aquatic environment, the goals of NEPA would not be fulfilled (*i.e.*, to protect and enhance the quality of the human environment). The filling of over 100 acres of wetlands in this important system is not supported by several Congressional initiatives aimed at the protection and restoration of the Meadowlands (P.L. 109-54; The Harbor Estuary Program; the Corps' Hudson Raritan Estuary Feasibility Study and Comprehensive Restoration Implementation – Hackensack Meadowlands; the New Jersey Division of Wildlife's Meadowlands Wildlife Action Plan; and the New Jersey Meadowlands Commission's 2004 Master Plan). In addition, as there are currently little to no mitigation opportunities available in the HMD, the Project proponent should examine off-site alternatives in the HRW to fulfill any mitigation responsibilities required by the CWA. This could include examining areas in the upper watershed of the Hackensack River or in adjoining watersheds of the Hudson and Passaic Rivers.

Purpose and Need

Pursuant to NEPA, it is vital that the purpose and need statement be easily understood in order to develop a proper scope of analysis for identifying reasonable and practicable alternatives for consideration, analyzing those alternatives in depth, and selecting the preferred alternative. Further discussion should be offered in the purpose and need statement with regards to the other identified Pilot Projects (Phase's 2 and 3), the interrelationship or interdependence, if any, with all three Pilot projects, and an expected timeline of when the other pilot projects are expected to be constructed.

Cumulative Effects

The EIS should describe that the Meadowlands has been severely degraded due to the cumulative actions of humans over the last two centuries and that any additional loss of wetlands or waters in the Project area will further exacerbate an already impaired waterway. The EIS should reference that wetlands, and their corresponding functions and values including flood protection, continue to be lost in the HMD despite the requirement to mitigate for adverse impacts to the aquatic environment. The EIS should reference that the current mitigation strategy of converting lesser quality aquatic habitats (*i.e.*, a *Phragmites* dominated marsh) to another of higher value does not result in added flood protection to the region. To offset the continuing cumulative effects in the HMD, the Service recommends that the applicant (1) minimize impacts to the aquatic environment by seeking Project alternatives that avoid the filling of wetlands and (2) for wetland impact areas that are deemed unavoidable, develop a viable mitigation plan to offset all adverse impacts to the aquatic environment. As mitigation opportunities are lacking in the HMD, the Service recommends the applicant examine areas in the HRW or elsewhere (*i.e.*, the adjacent Passaic or Hudson River watersheds) to meet all of the Project mitigation needs.

Indirect Effects

The EIS should discuss what, if any flooding impacts will occur outside of the geographic boundary of Pilot 1 (*i.e.*, the east side of the Hackensack River - the Towns of Secaucus, North Bergen, and Ridgefield Park) upon Project completion. The Service is concerned that flood waters that would normally be accommodated in the Project area may be diverted to other areas in the watershed. The EIS should also reference the potential indirect effects of converting known estuarine marshes to a freshwater habitat as tidal flow may be restricted upstream of the planned levees or flood control structures. The Project also has the potential to prohibit the passage of aquatic organisms upstream of any planned construction site. The conversion of aquatic habitats and/or the blocking of fish passage would necessitate additional mitigation requirements, in addition to any mitigation required for other unavoidable wetland or open water impacts.

Alternative Analysis

The Council of Environmental Quality states (40 CFR Part 1508.25) that a range of actions, alternatives, and impacts shall be considered in a NEPA document. For a proposed action or any reasonable alternative, the Federal action agency should determine the area that will be affected. In 1989 the EPA defined the geographic scope for an alternative analysis to "...include all areas that would be reasonable to consider in the industry," and that "...the basic project purpose will generally determine the appropriate geographical scope." The Service requests that the geographic scope of alternatives be expanded beyond Phase 1 of the Rebuild by Design Initiative (RDI) and include alternatives under consideration for other phases of the RDI that could meet the purpose/need of the Project. State Route 3 is at a sufficient elevation to act as a levee and combined with a flood control gate could minimize upstream tidal surge events in the HRW that occurred during Hurricane Sandy and provide the needed flood protection that is being sought with the subject Project. A flood gate could also result in reducing impacts to the aquatic environment and possible construction and mitigation costs for Phases 1 and 2 of the RDI.

Clean Water Act

The Congressional intent of the CWA "... is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." As the NJDEP and HUD are aware, the U.S. Congress passed the CWA to enable Federal agencies to restore, and maintain the chemical, physical, and biological integrity of the Nation's waters. Preliminary results of site characterization data in the Project area reveal elevated concentrations of metals throughout the Project site. These elevated compounds are likely resulting in a reduction of the quality and quantity of available benthic macroinvertebrates that serve as the food base for higher aquatic life and for aquatic-dependent predators. Moreover, the sediment metals contamination in the Project area is also likely impairing the site for use as fish/shellfish spawning and nursery habitat.

Contaminants

The Hackensack River is one of the most heavily polluted waterways in the Hudson Raritan Estuary. The Project proponent will have to demonstrate that the proposed Project will be protective of fish and wildlife resources once constructed. The Project area and the adjacent marsh plain and waterways are known sources of contamination, including high levels of heavy metals, dioxin, and furans, and as such, the applicant must determine the degree to which the Project will "introduce, relocate, or increase contaminants to the aquatic environment" (40 CFR Part 230.11 (d) Contaminant determinations). Introducing aquatic biota to a newly created wetland environment (*i.e.*, mitigation) that has not been properly remediated may increase the potential for those organisms to bioaccumulate those contaminants (*i.e.*, attractive nuisance).

The Project site is also in close proximity to several known National Priority List sites, including Ventron-Velsicol, Universal Oil Products, Scientific Chemical Processing, PJP Landfill, and Standard Chlorine Superfund site and many New Jersey State designated hazardous wastes sites (U.S. Environmental Protection Agency 2015, U.S. Fish and Wildlife Service 2007). The Project's proximity on the Hackensack River also poses a recontamination threat, as the construction of levees, pump stations, tide gates, and floodwalls, could release known contaminants. This could threaten several adjacent wetland sites, including the performance success of numerous wetland mitigation areas located in the Project area (*i.e.*, Secaucus High School, Global Terminal, MRI I-III Mitigation Banks, or the Kane Mitigation Bank). The Project site is also in close proximity to the confluence of the Passaic River, where several other Superfund and State hazardous waste sites occur (*i.e.*, Syncon Resins, Diamond Alkali, Diamond Head Oil Refinery, and Maywood Chemical Company). Based on the Project's proximity to these known polluted sites and waterways, the Service has determined that recontamination of any on-site Project mitigation will likely occur over time due to the effects of tidal action from the Hackensack and Passaic Rivers (White Paper, U.S. Fish and Wildlife Service 2015).

The applicant should characterize the fill material and underlying sediments to determine the level of risk the Project site poses on the aquatic environment. Known contaminants for the Project site include heavy metals, pesticides, polychlorinated biphenyls (PCBs), volatile and semi-volatile organics (VOCs and SVOCs), and chlorinated dioxins and furans. The applicant should conduct a literature search to determine the extent of contamination in the Project area

and for areas that lack contaminants information, further characterization of area sediments should occur. Any future sediment investigations should be reviewed and approved by NJDEP's Bureau of Environmental Evaluation and Risk Assessment program and also be pre-coordinated with the Service prior to performing any field work.

The applicant should also be prepared to remediate lands that are contaminated and are identified as potential aquatic features of the Project (*i.e.*, mitigated lands). This remediation could include the removal of any underlying sediments that fail one or more of the aquatic standards overseen by the NJDEP and EPA and replacing of contaminated areas with a minimum of two feet of clean fill material. The Service also requests the applicant submit a post-construction monitoring plan and develop a remedial strategy to be implemented should site monitoring indicate that contamination of any newly constructed aquatic Project feature is approaching unacceptable levels (*i.e.*, levels not protective of human health or wildlife resources; whichever is the more stringent). It is imperative that the applicant develop performance measures for the success of any mitigation plan and to demonstrate that the Project site is replacing the functions and values of permitted wetland fill in permanence. The Service is available to assist in the development of such a monitoring plan that addresses contamination in abiotic and biotic compartments of the environment, as well as contaminant trophic transport into fish and wildlife resources.

Pursuant to 24 CFR Part 58.5 (Related Federal laws and authorities) (i)(2)(i) all properties that are being proposed for use in the HUD programs are to be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. It appears that the use of CDBG-DR funds for the Project may be counter to this HUD requirement.

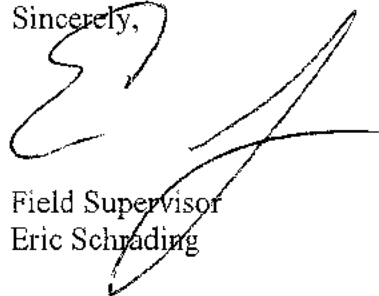
SUMMARY AND RECOMMENDATIONS

- Complete ESA consultation with the Service during the NEPA review process;
- Minimize impacts to the aquatic environment by seeking alternatives that avoid filling of wetlands (*e.g.*, upland flood walls);
- Develop a mitigation plan that meets the requirements of the CWA for all unavoidable wetland impacts;
- Discuss the interrelationship and interdependence and a projected timeline of all three Pilot Phases (1 -3) of the RDI and how a flood gate at State Route 3 or other alternatives could meet the purpose and need for the Project;
- Provide information in the EIS regarding current wetland trends in the HMD, including: the conversion of one marsh to another of higher value to offset losses to the aquatic environment will likely result in a net loss of flood protection, and that there currently exists little to no mitigation opportunities in the HMD;
- Develop an alternatives analysis that meets the stated project purpose, including avoiding impacts to the aquatic environment and pursue mitigation opportunities within and outside the HMD to fulfill any compensatory requirements pursuant to the CWA;
- Conduct a literature search to determine the extent of contamination in the Project area;

- Conduct additional sediment investigations for Project areas that lack contaminants data and develop a sampling plan that has been reviewed by NJDEP and the Service before sampling occurs;
- Remediate any contaminated lands that are proposed as an aquatic feature of the Project and develop a remediation plan should any aquatic feature of the Project, including a mitigation site, become re-contaminated; and,
- Develop performance measures and a monitoring plan for all of the Project's aquatic features, including all mitigation and post construction planting.

Thank you for the opportunity to comment on this project. We understand that the NJDEP and HUD are preparing to brief the MIMAC in June on the Project. We look forward to further discussing our concerns and that of the other MIMAC members at this meeting. If you have any question regarding the Service's comments, please contact Mr. Steven Mars at 609-382-5267.

Sincerely,



Field Supervisor
Eric Schradin

REFERENCES

- U. S. Environmental Protection Agency. 2015. Preliminary Assessment. Lower Hackensack River, Bergen and Hudson Counties, New Jersey. USEPA. Region 2, New York, New York. 122 pp.
- U.S. Fish and Wildlife Service. 2007. The Hackensack Meadowlands Initiative. Preliminary Conservation Planning for the Hackensack Meadowlands. U.S. Department of Interior, Fish and Wildlife Service, New Jersey Field Office, Pleasantville, New Jersey. 422pp.
- U.S. Fish and Wildlife Service. 2015. White Paper: Recontamination of Mitigation Sites in the Meadowlands. U.S. Department of Interior, Fish and Wildlife Service, New Jersey Field Office, Galloway, New Jersey. 25 pp.

cc: HUD (Chang-Cimino, Fretwell, Beha, Brittan)
NMFS (Greene)
USEPA (Montella, Tomchuk)
USACE (Cannon)
NJDEP (Lockwood)
NJSEA (Felts)

7/10/2018

DEPARTMENT OF THE INTERIOR Mail - Re: Water quality and Storm Water/Flood Hazard permits for FAA/NY/NJ Port Authority/First A...



Mars, Steve <steve_mars@fws.gov>

Re: Water quality and Storm Water/Flood Hazard permits for FAA/NY/NJ Port Authority/First Aviation

Mars, Steve <steve_mars@fws.gov>
To: "Fisher, Linda" <Linda.Fisher@dep.nj.gov>

Tue, Feb 27, 2018 at 11:31 AM

Linda: We will not be updating our comments on the pre-draft DEIS. We will likely be providing more comments when the final DEIS is issued and further refinement of the project occurs. Many of the concerns we raised in our initial June 2, 2016 letter remain valid. The AECOM 8/26/2016 report references our June 2, 2016 letter.

I will forward you a copy of an e-mail that I sent this morning to the MIMAC on the RBD project. These additional concerns arose from your team's presentation at this past week's MIMAC meeting. Thanks for keeping us in the loop. Steve

On Tue, Feb 27, 2018 at 9:51 AM, Fisher, Linda <Linda.Fisher@dep.nj.gov> wrote:

Good morning Steve - Will USFWS be submitting comments on the federal agency review on the DEIS? If yes, Kim is looking for them as soon as possible. Can you let me know?

From: Mars, Steve [mailto:steve_mars@fws.gov]
Sent: Monday, February 26, 2018 2:18 PM
To: Fisher, Linda <Linda.Fisher@dep.nj.gov>
Subject: Water quality and Storm Water/Flood Hazard permits for FAA/NY/NJ Port Authority/First Aviation

Linda: I understand the State issued permits for the 10 acres of fill at Teterboro Airport. Can I obtain the permit for this work. This may help us figure out if they are adding more stormwater to East Riser and West Riser Ditches (which both flow into the Berry's Creek). Thanks



Mars, Steve <steve_mars@fws.gov>

Fwd: Losen Slote Easements

Mars, Steve <steve_mars@fws.gov>
 To: "Fisher, Linda" <Linda.Fisher@dep.nj.gov>

Tue, Feb 27, 2018 at 11:33 AM

As discussed. These are my comments to the MIMAC after seeing your team's presentation from last week. If you have any questions please give me a call at 609-382-5267, Steve

----- Forwarded message -----

From: Mars, Steve <steve_mars@fws.gov>

Date: Tue, Feb 27, 2018 at 10:50 AM

Subject: Losen Slote Easements

To: James Cannon <James.H.Cannon@nan02.usace.army.mil>

Cc: Ross Feltes <rfeltes@njsea.com>, "Aspinwall, Jill" <Jill.Aspinwall@dep.nj.gov>, Brett Bragin <Brett.Bragin@njmeadowlands.gov>, Daniel Montella <Montella.Daniel@epamail.epa.gov>, "Lamster, Stephanie" <Lamster.Stephanie@epa.gov>, Robert Nyman <Nyman.Robert@epa.gov>, Ursula Howson - NOAA Affiliate <ursula.howson@noaa.gov>, Karen Greene - NOAA Federal <karen.greene@noaa.gov>, "Lockwood, Susan" <Susan.Lockwood@dep.nj.gov>

Jim: As a followup to last week's MIMAC meeting I don't think there is a drainage easement on Losen Slote. I called representatives of Little Ferry and they say no. Bill Holley of their DPW is their POC. Ross - is this something you can confirm (easements) for the Losen Slote areas in the NJSEA?

Some things I was able to find out though:

- It appears that each individual property owner owns to the center line of the creek and that some homeowners have filled Losen Slote indiscriminately (pools, lawns, fences, gazebos, etc...). Their actions have compromised the natural drainage of Losen Slote and cause flooding to upstream properties. These areas are still jurisdictional Section 10/404 wetlands and I suspect many if not all of these encroachments are unauthorized (does Little Ferry, Moonachie, NJDEP and NJSEA regulate these structures/fills too?). If Losen Slote was returned to a more natural drainage feature what is the likelihood that the 48 inch pipe proposed to be installed under Moonachie and Eckel Roads will be needed, along with the corresponding pumps. I counted the commercial and residential properties that adjoin this section of the RBD project on Losen Slote. Using The MERI Mapping tool (Thanks Ross) I estimate that the number of properties that may have to remove fill is 20.

Another question Jim: will the proposed pipe/pump configuration change what is left of Losen Slote into a non-jurisdictional wetland requiring mitigation?

- in a thesis paper by Banshari Datta at NJIT (2014) (see attachment), Moonachie Boro and PANYNJ (Teterboro Airport) already discharge water thru a pump station on Moonachie Road to Moonachie Creek which eventually drains into Losen Slote (page 15). Since Hurricane Sandy additional infrastructure has lead to increased discharges by these two agencies and possibly others into Losen Slote. And I am unable to determine where the NJDOT Route 46 interchange improvements and associated stormwater is going - Losen Slote or the East Riser? Maybe Ross or Brett knows? The same issue we are having with the added stormwater from First Aviation and Teterboro going to Losen Slote and potentially impacting the RBD project may also be occurring with the added stormwater from the Boro of Moonachie, Teterboro, and possibly NJDOT at Route 46 and others. I am hopeful the RBD team and the Department's Flood Hazard staff have a handle on where all of the stormwater is going.

In a April 8, 2014 Strategic Planning Report (see attached - pp 25) a hydraulics study was to be performed for Little Ferry "To assist with flooding in the vicinity of Main Street, Bergen County recently awarded a study of the hydraulics in Little Ferry". I cannot find out if this report was completed but I suspect that their findings can assist in the stormwater calculations the RBD and NJDEP's stormwater staff are evaluating. And there are similar post Sandy reports for other affected meadowlands communities that utilize these drainage ditches and slotes for their stormwater needs.

Jim: Can you forward me a copy of the PDF for the NWP the District issued for dredging and cleaning Losen Slote. I have to understand what areas of Losen Slote are being dredged to compare to the work being proposed by HUD/NJDEP. Are they the same? Also, our office conducted a Partners for Wildlife habitat restoration program at Losen Slote Creek Park. I am trying to determine if the work proposed by the RBD will affect any of the areas the USFWS restored. We also have some sediment characterization data for this region that was completed by USFWS.

Finally, Jim can you send me a copy of the NJDEP Flood hazard and WQC permits for the wetland fill projects at Teterboro? I am not convinced that the actions of the Port Authority and their lessees at Teterboro are in sync with the RBD project.

We have to validate the Project's purpose with regards to resilience and stormwater abatement. The Datta thesis paper I referenced discusses the cost benefits of adding levees at different locations in the watershed to protect Little Falls and Moonachie (and indirectly other Boros in the District). They also discuss the financial costs to the communities from damages that have occurred from these storms (over \$100 million for just these two municipalities from Sandy). Will the expenditure of the \$150 million HUD dollars address the long-term repetitive losses that FEMA identifies for Little Ferry (page 6 of SRPR Report) and will the RBD project add flood protection to businesses and residents that will continue to suffer from coastal storms and rising sea levels?

Steve

2 attachments

NJIT Thesis Moonachie and Little Ferry 2016.pdf
 3880K

Little Ferry SRPR.pdf
 13249K

7/10/2018

DEPARTMENT OF THE INTERIOR Mail - Re: Water quality and Storm Water/Flood Hazard permits for FAA/NY/NJ Port Authority/First A...



Mars, Steve <steve_mars@fws.gov>

Re: Water quality and Storm Water/Flood Hazard permits for FAA/NY/NJ Port Authority/First Aviation

Mars, Steve <steve_mars@fws.gov>

Tue, Feb 27, 2018 at 1:37 PM

To: "Fisher, Linda" <Linda.Fisher@dep.nj.gov>

Hi Linda. I have not received the Department's permits for the recent Teterboro Airport wetland fills. They typically do not copy USFWS on these permits, although they regularly notify the Corps. I have asked Jim Cannon of the Corps to send me the WQC and Flood Hazard permits he received from the Department.

As an aside, the RBD NEPA analysis should include a robust cumulative effects assessment (past, present, and reasonably foreseeable)(40 CFR Part 1508.7). Reasonably foreseeable future actions are actions that may affect projected impacts of the RBD proposal (increased stormwaters - volume and velocity) and are not remote or speculative. I would anticipate that the NEPA review for the RBD Project would discuss a full build out by the Port Authority for Teterboro Airport (loss of all remaining wetlands and the resultant increased stormwater impacts to the East Riser, West Riser, and Losen Slote). As the PANYNJ has not placed these remaining wetlands in a conservation easement, the HUD/NJDEP should consider this as a reasonable foreseeable cumulative impact. I hope this helps.

Steve



Mars, Steve <steve_mars@fws.gov>

Re: Losen Slote Easements

Mars, Steve <steve_mars@fws.gov>

Wed, Feb 28, 2018 at 2:45 PM

To: "Fisher, Linda" <Linda.Fisher@dep.nj.gov>

Cc: "Cannon, James H NAN02" <James.H.Cannon@usace.army.mil>, "Lockwood, Susan" <Susan.Lockwood@dep.nj.gov>, "Aspinwall, Jill" <Jill.Aspinwall@dep.nj.gov>, Brett Bragin <Brett.Bragin@njmeadowlands.gov>, Ross Feltes <rfeltes@njsea.com>, Daniel Montella <Montella.Daniel@epamail.epa.gov>, Robert Nyman <Nyman.Robert@epa.gov>, "Lamster, Stephanie" <Lamster.Stephanie@epa.gov>, Ursula Howson - NOAA Affiliate <ursula.howson@noaa.gov>, Karen Greene - NOAA Federal <karen.greene@noaa.gov>

Hi Linda: Is there any chance we can do a inter-agency site visit of the project site?

As you see from my e-mail to MIMAC I believe there is a path forward with the proposed work at East Riser.

My concerns for Losen Slote, however, are many. From the information I have been able to gather, many of the residential and commercial properties that adjoin the project (Lorena Street to Birch Street) have altered the drainage functions of Losen Slote (i.e., filling and installing structures in the creek). The alterations appear so great that the water backs up and floods adjacent properties as highlighted in Mr. Steve Rasanski's testimony during the July 6, 2016 Public Scoping Meeting (page 33 of the minutes - as reported by Jersey Shore Reporting and referenced in the AECOM Public Scoping Summary Report dated August 26, 2016).

I bring to your attention (see attached) a document prepared by the Little Ferry Building Department dated May 19, 2015 that highlights the repetitive claims made for these same properties to FEMA. In short, the very properties that impacted the normal flow of Losen Slote have created a backwater effect that likely damages other properties. In a April 8, 2014 report prepared by the Borough of Little Ferry titled "Strategic Recovery Planning Report" (attached), Little Ferry identified repetitive losses for 159 properties for the years 2009 through 2012 totaling over 7 million dollars. They state that a majority of these flooded properties are located south of Route 46 and east of Franklin Street (i.e., the Losen Slote drainage).

Please ensure the draft EIS acknowledges the flooding effects resulting from these creek alterations (baseline condition) and discusses a cost benefit analysis for restoring Losen Slote to a more natural and nature based setting than installing a 48 inch pipe and pump configuration. In addition, the installation of the 48 inch pipe and pumps may further impact the hydrology of Losen Slote and potentially require mitigation. The alternative analysis should also include the impacts to the human environment (traffic delays from tearing up Eckel Street and a very busy County Route 503, noise, and the costs for construction, operation, and maintenance of the two proposed pumps. A natural and nature based solution for Losen Slote would mirror the approach taken by the NJDEP for the East Riser Ditch.

Thank you for allowing me an opportunity to provide additional comments on the Project. Steve

On Tue, Feb 27, 2018 at 12:04 PM, Fisher, Linda <Linda.Fisher@dep.nj.gov> wrote:

Thanks for forwarding this info Steve.

From: Mars, Steve [mailto:steve_mars@fws.gov]

Sent: Tuesday, February 27, 2018 11:33 AM

To: Fisher, Linda <Linda.Fisher@dep.nj.gov>

Subject: Fwd: Losen Slote Easements

As discussed. These are my comments to the MIMAC after seeing your team's presentation from last week. If you have any questions please give me a call at 609-382-5267. Steve

----- Forwarded message -----

From: Mars, Steve <steve_mars@fws.gov>

Date: Tue, Feb 27, 2018 at 10:50 AM

Subject: Losen Slote Easements

To: James Cannon <James.H.Cannon@nan02.usace.army.mil>

Cc: Ross Feltes <rfeltes@njsea.com>, "Aspinwall, Jill" <Jill.Aspinwall@dep.nj.gov>, Brett Bragin <Brett.Bragin@njmeadowlands.gov>, Daniel Montella <Montella.Daniel@epamail.epa.gov>, "Lamster, Stephanie" <Lamster.Stephanie@epa.gov>, Robert Nyman <Nyman.Robert@epa.gov>, Ursula Howson - NOAA Affiliate <ursula.howson@noaa.gov>, Karen Greene - NOAA Federal <karen.greene@noaa.gov>, "Lockwood, Susan" <Susan.Lockwood@dep.nj.gov>

Jim: As a followup to last week's MIMAC meeting I don't think there is a drainage easement on Losen Slote. I called representatives of Little Ferry and they say no. Bill Holley of their DPW is their POC. Ross - is this something you can confirm (easements) for the Losen Slote areas in the NJSEA?

Some things I was able to find out though:

- It appears that each individual property owner owns to the center line of the creek and that some homeowners have filled Losen Slote indiscriminately (pools, lawns, fences, gazebos, etc...). Their actions have compromised the natural drainage of Losen Slote and cause flooding to upstream properties. These areas are still jurisdictional Section 10/404 wetlands and I suspect many if not all of these encroachments are unauthorized (does Little Ferry, Moonachie, NJDEP and NJSEA regulate these structures/fills too?). If Losen Slote was returned to a more natural drainage feature what is the likelihood that the 48 inch pipe proposed to be installed under Moonachie and Eckel Roads will be needed, along with the corresponding pumps. I counted the commercial and residential properties that adjoin this section of the RBD project on Losen Slote. Using The MERI Mapping tool (Thanks Ross) I estimate that the number of properties that may have to remove fill is 20.

Another question Jim: will the proposed pipe/pump configuration change what is left of Losen Slote into a non-jurisdictional wetland requiring mitigation?

- in a thesis paper by Banishari Datta at NJIT (2014) (see attachment), Moonachie Boro and PANYNJ (Teterboro Airport) already discharge water thru a pump station on Moonachie Road to Moonachie Creek which eventually drains into Losen Slote (page 15). Since Hurricane Sandy additional infrastructure has lead to increased discharges by these two agencies and possibly others into Losen Slote. And I am unable to determine where the NJDOT Route 46 interchange improvements and associated stormwater is going - Losen Slote or the East Riser? Maybe Ross or Brett knows? The same issue we are having with the added stormwater from First Aviation and Teterboro going to Losen Slote and potentially impacting the RBD project may also be occurring with the added stormwater from the Boro of Moonachie, Teterboro, and possibly NJDOT at Route 46 and others. I am hopeful the RBD team and the Department's Flood Hazard staff have a handle on where all of the stormwater is going.

In a April 8, 2014 Strategic Planning Report (see attached - pp 25) a hydraulics study was to be performed for Little Ferry "To assist with flooding in the vicinity of Main Street, Bergen County recently awarded a study of the hydraulics in Little Ferry". I cannot find out if this report was completed but I suspect that their findings can assist in the

stormwater calculations the RBD and NJDEPs stormwater staff are evaluating. And there are similar post Sandy reports for other affected meadowlands communities that utilize these drainage ditches and slotes for their stormwater needs.


Jim: Can you forward me a copy of the PDF for the NWP the District issued for dredging and cleaning Losen Slote. I have to understand what areas of Losen Slote are being dredged to compare to the work being proposed by HUD/NJDEP. Are they the same? Also, our office conducted a Partners for Wildlife habitat restoration program at Losen Slote Creek Park. I am trying to determine if the work proposed by the RBD will affect any of the areas the USFWS restored. We also have some sediment characterization data for this region that was completed by USFWS.


Finally, Jim can you send me a copy of the NJDEP Flood hazard and WQC permits for the wetland fill projects at Teterboro? I am not convinced that the actions of the Port Authority and their lessees at Teterboro are in sync with the RBD project.

We have to validate the Project's purpose with regards to resilience and stormwater abatement. The Datta thesis paper I referenced discusses the cost benefits of adding levees at different locations in the watershed to protect Little Falls and Moonachie (and indirectly other Boros in the District). They also discuss the financial costs to the communities from damages that have occurred from these storms (over \$100 million for just these two municipalities from Sandy). Will the expenditure of the \$150 million HUD dollars address the long-term repetitive losses that FEMA identifies for Little Ferry (page 6 of SRPR Report) and will the RBD project add flood protection to businesses and residents that will continue to suffer from coastal storms and rising sea levels?

Steve

2 attachments

 repetitive losses in Little Ferry.pdf
3458K

 Little Ferry SRPR.pdf
13249K



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

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CHRIS CHRISTIE

Governor

BOB MARTIN

Commissioner

KIM GUADAGNO

Lt. Governor

June 30, 2016

Mr. Eric Schrading
US Fish and Wildlife Service
NJ Field Office
4 East Jimmie Leeds Road
Suite 4
Galloway, NJ 08205

Re: Lead Agency Designation for Environmental Review and Invitation to be a Cooperating Agency in the Environmental Review Process for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Schrading:

The New Jersey Department of Environmental Protection (NJDEP) is conducting an Environmental Impact Statement (EIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project on behalf of the State of New Jersey as the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62,182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP also requests that the NOAA participates in the EIS review as a cooperating agency.

The RBD Meadowlands Flood Protection Project (the Project) would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). Such measures would be designed to address the impacts of coastal and riverine (fluvial) flooding on the quality of the human environment due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events. The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The NJDEP secured the services of AECOM to carry this project through the National Environmental Policy Act (NEPA) process, Feasibility Study and Construction oversight. Currently the Notice of Intent (NOI) to conduct an EIS is under HUD review and is expected to be published in the Federal Register in June of 2016. The NOI currently lists 4 possible alternatives for this project: Alternative 1) This alternative consists of appropriate levees, berms, drainage structures, barriers, pump stations, floodgates, and/or other hard and soft infrastructure to achieve the required level of flood protection. Alternative 2) this alternative will analyze a series of projects that would function to reduce the occurrence of higher frequency, small- to medium-scale flooding events that impact the municipalities within the project area. Alternative 3) or the Hybrid Alternative, will include a strategic, synergistic blend of new infrastructure and local drainage improvements to reduce flood risk in the project area and, Alternative 4) The no-action alternative. This Project was originally developed and selected as a winning concept through HUD's RBD competition. HUD has allocated \$150 million in CDBG-DR funds for the planning, design, and implementation of this Project. If approved, construction of the Project is anticipated to begin in 2019 and will have been reviewed under NEPA and related laws in order to satisfy the requirements of 24 CFR Part 58. More project description is available at <http://www.state.nj.us/dep/floodhazard/rbd-meadowlands.htm>

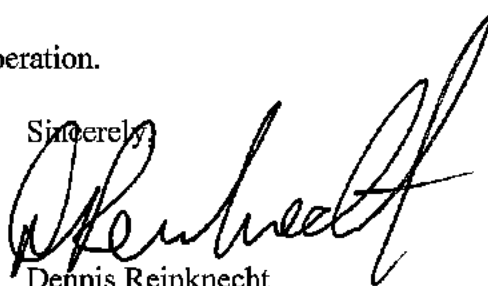
As a cooperating agency, you will be afforded the opportunity, together with the public, to be involved in commenting on the alternatives to be considered for the project. In addition, you will be asked to:

- Participate in the Scoping Process,
- Assume responsibility, upon NJDEP request, for developing information and preparing environmental analysis for portions of the EIS in which the NOAA has special expertise; and,
- Make staff available for interdisciplinary reviews.

Your agency has been identified as a potential cooperating, participating, or interested agency for the review of the RBD Meadowlands Flood Protection Project. If your agency consents to the NJDEP's serving as the lead agency for review under NEPA as per HUD regulations at 24 CFR Part 58 and will participate in the review as a cooperating agency, please indicate by signing this letter and returning it at your earliest convenience to Dennis Reinknecht, Program Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at dennis.reinknecht@dep.nj.gov. If the NJDEP has not received a response from you within 30 day from this letter, your consent will be assumed.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Hughes, Grant

From: Schrading, Eric <eric_schrading@fws.gov>
Sent: Tuesday, August 09, 2016 10:21 AM
To: Marcolina, Robert
Cc: Ron Popowski; Steve Mars
Subject: Re: Cooperating Agency Letter

Mr. Marcolina,

At this time the USFWS cannot commit to being a Cooperating Agency for the proposed project. However, we do intend to provide review and comments on the project through authorities provided by NEPA, CWA, and other appropriate Federal Authorities. Thanks for the invitation.

On Tue, Aug 9, 2016 at 9:55 AM, Marcolina, Robert <Robert.Marcolina@dep.nj.gov> wrote:

Thanks Eric but we are talking about two different things. We did get your comments on the Public Scoping Document and will be responding to them and addressing them. This is basically a letter stating that USFS will be a Cooperating Agency and will designate us as the lead agency in managing this project. . See attached letter. If you consent, sign, date the bottom and return back to me.

From: Schrading, Eric [mailto:eric_schrading@fws.gov]
Sent: Tuesday, August 09, 2016 9:48 AM
To: Marcolina, Robert
Subject: Re: Cooperating Agency Letter

Mr. Marcolina,

The USFWS response is attached. We sent it to Linda Fisher.

On Mon, Aug 8, 2016 at 11:21 AM, Marcolina, Robert <Robert.Marcolina@dep.nj.gov> wrote:

Hi Eric,

Just following up on our Cooperating Agency Letter (see attached) we sent dated 6/30. We are inquiring as to your response? Can we expect one? Thank you.

Call me if you have any questions.

Robert J. Marcolina

Project Manager

Rebuild by Design Meadowlands

For additional information concerning the Rebuild by Design Program please use the following links:

www.rbd-hudsonriver.nj.gov

www.rbd-meadowlands.nj.gov

New Jersey Department of Environmental Protection

Engineering and Construction

Bureau of Flood Resilience

501 East State Street-1st Floor

Mail Code 501-01A

P.O. Box 420

Trenton, NJ 08625-0420

Robert.Marcolina@dep.nj.gov

Desk # 609-633-6466

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--

Eric Schrading, CWB

Field Supervisor

U.S. Fish and Wildlife Service

New Jersey Field Office

4 East Jimmie Leeds Road, Suite 4

Galloway, New Jersey 08205-4465

P: (609) 382-5272

Fax: (609) 646-0352

cell: (609) 576-3400

--

Eric Schrading, CWB

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State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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501 East State Street
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Trenton, NJ 08625-0420
Tel. 609-777-4152 FAX 609-984-1908

January 17, 2018

Mr. Eric Schrading
US Fish and Wildlife Service (FWS)
NJ Field Office
4 East Jimmie Leeds Road
Suite 4
Galloway, NJ 08205

Re: Agency Review Request of the Pre-Draft Environmental Impact Statement (DEIS) for the
Rebuild by Design Meadowlands Flood Protection Project in Bergen County, New Jersey

Dear Mr. Schrading:

The New Jersey Department of Environmental Protection (NJDEP) is providing your agency the Pre-Draft Environmental Impact Statement (Pre-DEIS) of the Rebuild by Design (RBD) Meadowlands Flood Protection Project for a 30-day Agency Review.

The RBD Meadowlands Flood Protection Project is the recipient of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the US Department of Housing and Urban Development (HUD) under 42 U.S.C. 5304(g) and 79 Federal Register 62.182 (October 16, 2014). In accordance with HUD regulations at 24 CFR Part 58, the New Jersey Department of Community Affairs, as Responsible Entity, has designated NJDEP to be the Lead Agency for the environmental review process and preparation of the EIS. With this letter, the NJDEP requests that US FWS participates in the Pre-DEIS review as a reviewing agency.

The RBD Meadowlands Flood Protection Project would provide increased flood protection through construction of an integrated flood protection system and flood-reducing resiliency measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, Bergen County, New Jersey (Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The DEIS evaluates the environmental impacts associated with three Alternatives and a No Action Alternative; ultimately, the State will be recommending that Alternative 3 be the

Preferred Alternative. Since Alternative 3 exceeds the allowable HUD funding, it has been separated into a Build Plan and a Future Plan. The Build Plan components will be constructed by September 2022 within the Project's \$150 million budget. The Future Plan components could be constructed over time as other funding sources become available and as construction feasibility permits.

We look forward and welcome your participation in this 30-day Pre-DEIS Agency Review. It is NJDEP's intent to address any major, substantive comments from your agency in the DEIS prior to the 45-day Public Review period. If the NJDEP has not received a response from your agency by **February 16, 2018**, we will assume that your agency is not providing any comments during this period.

Thank you for your consideration and cooperation.

Sincerely,



Dennis Reinknecht
Program Manager

Cc: Steve Mars, USFWS
Ron Popowski, USFWS
Linda Fisher, NJDEP
Kim McEvoy, NJDEP
Robert Marcolina, NJDEP
Nicholas Smith-Herman, NJDCA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Office of Flood Hazard Risk Reduction Measures

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CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

July 11th 2016

Katherine Marcopul
Acting Deputy State Preservation Officer
Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

RE: Section 106 Consultation Initiation for an Environmental Impact Statement (EIS) for the Rebuild by Design Meadowlands Flood Protection Project in the Boroughs of Little Ferry, Moonachie, Carlstadt and Teterboro and the Township of South Hackensack, Bergen County, New Jersey

Dear Ms. Marcopul:

The United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition in the summer of 2013 (July 29, 2013, 78 Federal Register 45551) to develop ideas to improve physical, ecological, economic, and social resilience in regions affected by Hurricane Sandy. The Rebuild by Design Meadowlands Flood Protection Project (the Proposed Project) was one of the competition's winning concepts. HUD awarded \$150 million in Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the State of New Jersey for the Proposed Project, specifically for the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey (the Project Area). The approximate Project Area boundaries are: Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north (see attached **Figure 1**).

Because HUD, a Federal agency, is funding the Proposed Project, and because the Proposed Project is considered a "major Federal action significantly affecting the quality of the human environment," the Proposed Project must comply with the requirements of the National Environmental Policy Act (NEPA; 42 US Code [USC] 4321 *et seq.*), and an Environmental Impact Statement (EIS) must be prepared.

In accordance with 42 USC 5304(g) and HUD's regulations at 24 CFR Part 58 (*Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities*), HUD has provided for assumption of its NEPA authority by the State of New Jersey through the New Jersey Department of Community Affairs (NJDECA), with NJDECA delegating NEPA Lead Agency responsibility to New Jersey Department of Environmental Protection (NJDEP) for the administration of the Proposed Project, including its environmental review and preparation of the EIS. With NJDEP serving as the Lead Agency, the EIS will be prepared in accordance with NEPA, CEQ Regulations Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and HUD regulations found at 24 CFR Part 58. The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of coastal and inland flooding on the quality of the physical, natural, cultural, and socioeconomic environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Proposed Project is to reduce flood risk and increase the resiliency of the communities and ecosystems within the Project Area, thereby protecting critical infrastructure, residences, businesses, and ecological resources from the more frequent and intense flood events anticipated in the future.

The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of coastal and inland flooding on the quality of the physical, natural, cultural, and socioeconomic environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Proposed Project is to reduce flood risk and increase the resiliency of the communities and ecosystems within the Project Area, thereby protecting critical infrastructure, residences, businesses, and ecological resources from the more frequent and intense flood events anticipated in the future.

The EIS will examine three Build Alternatives, as well as a No Action Alternative. Each of the three Build Alternatives seeks to reduce the flood risk within the Project Area. These alternatives vary by the type of infrastructure that is proposed. Alternative 1 will analyze the use of levees, berms, barriers, or floodwalls to reduce flood risk; Alternative 2 will analyze the impacts of substantial drainage improvements achieved through a series of local projects within the Project Area to reduce flood risk; and Alternative 3, a hybrid of Alternatives 1 and 2, will analyze the impacts of blending new infrastructure and drainage improvements to reduce flood risk in the Project Area. Currently, the three Build Alternatives are broadly defined. Each alternative is being evaluated through the ongoing engineering Feasibility Study, and will be further developed and defined as the EIS process proceeds. Each alternative must be implementable within the limits of the CDBG-DR funding available at the latest by September 30, 2022. For additional information, please refer to the Proposed Project's website at www.rbd-meadowlands.dep.nj.gov.

The project's federal funding requires compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended [36 CFR 800.4(a) (1) and 36 CFR 800.4(b) (1)] and guidelines outline in the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716). This legislation requires consideration of the effect(s) of any federally assisted undertaking on historic properties, defined as a prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, during the project planning process.

The undertaking establishes the Proposed Project's APE, defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking [36 CFR 800.16(d)]. Currently, design plans are still in progress and insufficient to delineate the APE. As project engineering advances, the APE will be delineated and provided for your reference.

We respectfully request your participation regarding the Proposed Project and seek your input. If you or your staff has any questions, comments, or concerns about the Proposed Project, please contact Linda Fisher, Project Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at linda.fisher@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Reinknecht", written over a horizontal line.

Dennis Reinknecht
Program Manager



Figure 1. Rebuild by Design Meadowlands Flood Protection Project Area



State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

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CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

August 11, 2016

Dennis Reinknecht, RBD Program Manager
Engineering and Construction, Office of Hazard Risk Reduction Measures
501 East State Street
Mail Code 501-01A, P.O. Box 420
Trenton, NJ 08625-0420

Dear Mr. Reinknecht:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing Consultation Comments for the following proposed undertaking:

Bergen County
Boroughs of Little Ferry, Moonachie, Carlstadt and Teterboro and
the Township of South Hackensack
Notice of Intent to Prepare an Environmental Impact Statement
Rebuild by Design (RBD) Meadowlands Flood Protection Project
New Jersey Department of Community Affairs (DCA)
United States Department of Housing and Urban Development (HUD)

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the Notice of Intent to Prepare an Environmental Impact Statement (EIS), received at this office on July 14, 2016.

The proposed project includes the construction of flood risk reduction measures designed to address the impacts of coastal and inland flooding on the quality of the physical, natural, cultural and socioeconomic environment due to both storm hazard and sea level rise within the Project Area. The purpose of the proposed project is to reduce flood risk and increase the resiliency of the communities and ecosystems within the Project Area, thereby protecting critical infrastructure, residences, businesses, and ecological resources from the more frequent and intense flood events anticipated in the future.

Real
8/16/16
DR

The consultation letter states that the Meadowlands Flood Protection Project EIS will be prepared by the New Jersey Department of Environmental Protection (NJDEP) and will examine three (3) Build Alternatives as well as a No Action Alternative. These alternatives vary by the type of infrastructure that is proposed: Alternative 1 will analyze the use of levees, berms, barriers, or floodwalls to reduce flood risk; Alternative 2 will analyze the impacts of substantial drainage improvements achieved through a series of local projects within the Project Area to reduce flood risk; and Alternative 3, a hybrid of Alternatives 1 and 2, will analyze the impacts of blending new infrastructure and drainage improvements to reduce flood risk in the Project Area. The consultation letter also states that at this time, the three Build Alternatives remain broadly defined and the project plans are insufficient to delineate the Area of Potential Effects (APE).

The HPO looks forward to further consultation under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR § 800 to identify the presence or absence of historic properties within the APE, evaluate the National Register of Historic Places (NRHP) eligibility of any identified historic properties, assess project impacts to historic properties, and explore ways of avoid, minimize, and/or mitigate project impacts to those historic properties identified.

Additional Comments

Thank you for providing the opportunity to comment on this proposed project. If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 16-2111 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Jesse West-Rosenthal (609-984-6019) of my staff with questions regarding archaeology or Piia Helve (609-292-1913) with questions regarding historic architecture.

Sincerely,

Katherine J. Marcopul 

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

KJM/JWR/PH

Cc: Linda Fisher – NJDEP



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

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CHRIS CHRISTIE

Governor

BOB MARTIN

Commissioner

KIM GUADAGNO

Lt. Governor

January 3, 2018

Ms. Katherine Marcopul
Acting Deputy State Preservation Officer
Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

RE: Review Request for **Phase 1A Archaeological Survey Report**
NJHPO Project No. 16-2111
Rebuild by Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and the Township of South Hackensack; Bergen County, New Jersey

Dear Ms. Marcopul:

The New Jersey Department of Environmental Protection (NJDEP) is pleased to submit a hard copy of the **Phase 1A Archaeological Survey Report** for the *Rebuild by Design Meadowlands Flood Protection Project* (Project No. 16-2111) for agency review. The New Jersey Department of Community Affairs (NJDECA) has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 et seq.

The Project includes the construction of flood risk reduction measures designed to address the impacts of coastal and/or inland flooding on the quality of the physical, natural, cultural, and socioeconomic environment due to both storm hazards and sea level rise within the Project Area. The approximate Project Area boundaries are: the Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The Draft Environmental Impact Statement (DEIS) for the Project will be submitted to the New Jersey Historic Preservation Office (NJHPO) once complete. The DEIS analyzes three Build Alternatives and a No Action Alternative, summarized as follows:

- **Alternative 1** consists of a structural line of protection along the Hackensack River and a storm surge barrier in Berry's Creek; these features would protect against coastal storm surges, spring high tides, and sea level rise, to a height of 7 feet (NAVD 88).

- **Alternative 2** consists of inland stormwater drainage improvements, including channel improvements, a force main, pump stations, green infrastructure systems, and new and improved parks and open spaces; these features would provide inland flood reduction during heavy rainfall events.
- **Alternative 3** includes a *Build Plan* and *Future Plan* that essentially combine Alternatives 1 and 2:
 - The *Build Plan* for Alternative 3 consists of all Alternative 2 components, except for the removal of two proposed parks, reconfiguration of improvements to an existing park, and removal of a proposed pump station.
 - The *Future Plan* for Alternative 3 consists of the Alternative 1 line of protection/surge barrier, plus additional inland channel improvements and a pump station.

Alternative 3 is the Preferred Alternative for the Project. However, impacts associated with the *Build Plan* of Alternative 3 is analyzed within the DEIS, as current funding would only accommodate implementation of the *Build Plan*. The *Future Plan* of Alternative 3 is analyzed in the DEIS only as a reasonably foreseeable future project, with the analysis presented in the DEIS's cumulative effects analysis. Therefore, the Phase IA Archaeological Survey did not include the *Future Plan* components of Alternative 3. All Build Alternatives, including Alternative 1, Alternative 2, and the *Build Plan* of Alternative 3, are addressed in the Phase IA Archaeological Survey Report.

A digital copy of the report is also provided on an accompanying compact disk (CD). The Historic Structures Survey Report for the Proposed Project will be provided in the near future.

We respectfully request to meet with the NJHPO to discuss the findings of the Phase IA Archaeological Survey. Please contact Ms. Linda Fisher, Project Team Leader, Bureau of Flood Resilience at the address above or at linda.fisher@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Linda Fisher
RBDM Project Team Leader

Enclosures: Phase IA Archaeological Survey Report
CD with .pdf of Phase IA Archaeological Survey Report

cc: Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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Trenton, NJ 08625-0420

Tel. 609-777-4152 FAX 609-984-1908

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

January 8, 2018

Ms. Katherine Marcopul
Acting Deputy State Preservation Officer
Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

RE: Review Request for **Historic Structures Survey Report**
NJHPO Project No. 16-2111
Rebuild by Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and the Township of South Hackensack; Bergen County, New Jersey

Dear Ms. Marcopul:

The New Jersey Department of Environmental Protection (NJDEP) is pleased to submit a hard copy of the **Historic Structures Survey Report** for the *Rebuild by Design Meadowlands Flood Protection Project* (Project No. 16-2111) for agency review. The New Jersey Department of Community Affairs (NJDECA) has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 et seq.

The Project includes the construction of flood risk reduction measures designed to address the impacts of coastal and/or inland flooding on the quality of the physical, natural, cultural, and socioeconomic environment due to both storm hazards and sea level rise within the Project Area. The approximate Project Area boundaries are: the Hackensack River to the east; Paterson Plank Road and the southern boundary of Carlstadt to the south; State Route 17 to the west; and Interstate 80 and the northern boundary of the Borough of Little Ferry to the north.

The Draft Environmental Impact Statement (DEIS) for the Project will be submitted to the New Jersey Historic Preservation Office (NJHPO) once complete. The DEIS analyzes three Build Alternatives and a No Action Alternative, summarized as follows:

- **Alternative 1** consists of a structural line of protection along the Hackensack River and a storm surge barrier in Berry's Creek; these features would protect against coastal storm surges, spring high tides, and sea level rise, to a height of 7 feet (NAVD 88).

- **Alternative 2** consists of inland stormwater drainage improvements, including channel improvements, a force main, pump stations, green infrastructure systems, and new and improved parks and open spaces; these features would provide inland flood reduction during heavy rainfall events.
- **Alternative 3** includes a *Build Plan* and *Future Plan* that essentially combine Alternatives 1 and 2:
 - The *Build Plan* for Alternative 3 consists of all Alternative 2 components, except for the removal of two proposed parks, reconfiguration of improvements to an existing park, and removal of a proposed pump station.
 - The *Future Plan* for Alternative 3 consists of the Alternative 1 line of protection/surge barrier, plus additional inland channel improvements and a pump station.

Alternative 3 is the Preferred Alternative for the Project. However, impacts associated with the *Build Plan* of Alternative 3 is analyzed within the DEIS, as current funding would only accommodate implementation of the *Build Plan*. The *Future Plan* of Alternative 3 is analyzed in the DEIS only as a reasonably foreseeable future project, with the analysis presented in the DEIS's cumulative effects analysis. Therefore, the Phase IA Archaeological Survey did not include the *Future Plan* components of Alternative 3. All Build Alternatives, including Alternative 1, Alternative 2, and the *Build Plan* of Alternative 3, are addressed in the Historic Structures Survey Report.

A digital copy of the report is also provided on an accompanying compact disk (CD). The Phase 1A Archeological Survey Report for the Proposed Project was provided as a separate submittal.

We respectfully request to meet with the NJHPO to discuss the findings of the Historic Structures Survey. Please contact Ms. Linda Fisher, Project Team Leader, Bureau of Flood Resilience at the address above or at linda.fisher@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Linda Fisher
RBDM Project Team Leader

Enclosures: Historic Structures Survey Report
CD with .pdf of Historic Structures Survey Report

cc: Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



HPO Project #16-2111-4
HPO-C2018-158

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE

MAIL CODE 501-04B

P.O. BOX 420

TRENTON, NJ 08625-0420

TEL: # 609-984-0176 FAX: # 609-984-0578

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Acting Commissioner

March 19, 2018

Linda Fisher
Project Team Leader
Rebuild by Design Meadowlands
Department of Environmental Protection
Bureau of Flood Resilience
Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Ms. Fisher:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), I am providing consultation comments for the following proposed undertaking:

**Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro
and Township of South Hackensack
Rebuild by Design Meadowlands Flood Protection Project
Community Development Block Grant-Disaster Recovery
Department of Housing and Urban Development**

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic properties. These comments are in response to the following Phase IA archaeological survey and intensive-level historic architectural survey report received by the HPO on January 8, 2018:

Walker, Jesse, Kimberly Morrell, Eileen Hood, Elisabeth A. LaVigne, and Samuel Pickard
December 2017 Phase IA Archaeological Survey for the Rebuild by Design Meadowlands Flood Protection Project, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack, Bergen County, New Jersey.
Prepared for the New Jersey Department of Environmental Protection. Prepared by AECOM.

Everett, Emily Paulus

December 2017 Historic Structures Survey/Determination of Eligibility Report, Rebuild by Design Meadowlands Flood Protection Project, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack, Bergen County, New Jersey. Prepared for the New Jersey Department of Environmental Protection. Prepared by AECOM.

800.3 Initiation of the Section 106 Process

The above-referenced reports do not include a plan to involve the public or identify Native American Tribes and other consulting parties for consultation under Section 106. Please provide this information.

800.4 Identification of Historic Properties

The above-referenced reports were prepared for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County. The survey was conducted in compliance with Section 106 of the National Historic Preservation Act and as part of the Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA).

The project is an urban water management strategy designed to reduce the risk of floods from coastal storm surges and/or systemic inland flooding from large rainfall events within the project area, which is located in the Meadowlands District. The project area includes five municipalities in Bergen County: the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack. The project area is comprised of both relatively dense suburban development and large natural areas.

The report presented three alternatives for the project. On March 1, 2018, the HPO was informed that Alternative 3 (build plan) has been selected as the preferred alternative and is the federal undertaking for the purposes of Section 106.

Archaeology

The area of potential effects (APE) for this undertaking was defined as all land that may be directly affected during construction related activities, including; the removal of permeable surfaces and conversion of areas to permeable surfaces; landscaping at schools and parks; bioswales/storage/tree trenches with impacts extending several feet below grade; proposed force mains located in existing paved roadways; floodwalls and walkways; construction of pump stations; a storm surge barrier; raising of roadways, and temporary construction areas necessary to implement project components. *The HPO concurs with this approach to defining the APE for archaeology.*

Based on the information provided, additional information/revisions are necessary before the HPO has enough information to review the identification of historic properties and assess the potential effects of the proposed undertaking. As currently presented, it is unclear to the cold reader what each alternative consists of and what the differences are between each alternative. The HPO recognizes that Alternative 3 is the preferred alternative and that it consists of portions of both Alternatives 1 and 2. However, there is a conflation of the project information, definitions, and layout that make it difficult to understand the nuances of each alternative. The report should present each alternative as its own section, eliminating references back-and-forth to previous alternatives. The evaluations should clearly document both visually and verbally where

project components are to be located and what their impacts are expected to be. Each alternative should be presented as a standalone alternative, especially if there are differences in the execution of the components of each alternative. This includes mapping and the presentation of the “Future Plan.”

Historic Architecture

The APE for this undertaking was defined as areas 250 feet beyond the limits of disturbance where proposed at-grade green and grey infrastructure improvements have limited potential to indirectly affect historic properties, and 500 feet beyond the limits of disturbance where above-grade grey infrastructure (e.g. pump stations and flood walls) have an increased potential to visually affect historic properties. The HPO concurs with this approach to defining the APE for historic architecture; however, additional information regarding the proposed interventions listed in Table 1 is needed in order to understand the at-grade and above-grade categories of improvements. For example, it is unclear why parks/open spaces and berms are included as “At- or Below-Grade Interventions” when they could reasonably be expected to have above-grade components. Clear definitions of the various types of interventions to be employed in Alternative 3 are needed in order for the HPO to concur with the APE as mapped.

The historic architectural survey omitted areas known as Historic Preservation Exclusion Green Zones (Green Zones), identified by the HPO and the Federal Emergency Management Agency (FEMA) in the aftermath of Hurricane Sandy. The survey identified 26 properties more than 50 years of age within the APE for Alternative 3 outside of the Green Zones, only six of which were surveyed at the intensive level. The remaining resources were recommended not eligible for the New Jersey and National Registers of Historic Places without further investigation. The survey methodology does not indicate what criteria were used to determine that buildings outside the Green Zones were not eligible and therefore excluded from the intensive-level survey. The Inventory Table contained in Attachment C includes photographs of these buildings; however, the photographs measure approximately ½ inch square and are thus too small to illustrate existing conditions. The HPO requests Base Survey Forms for all properties within the APE for Alternative 3 that were not surveyed on the intensive level. The forms should include at least one 3 ½ inch x 5 inch photograph and clearly indicate why an intensive-level survey was not completed for the property.

Based upon the information provided, the historic architectural survey was limited to individual buildings and did not address the potential for historic districts in the APE. At least one historic streetscape was previously identified within the APE in the Bergen County Historic Sites Survey, at 5-40 Moonachie Road in Moonachie. The revised report must include an assessment of historic district potential on Moonachie Road and elsewhere, as needed. The assessment(s) shall include a Historic District Overlay form and Eligibility Worksheet for the district in its entirety, including areas outside of the APE, as well as individual survey forms (to include Base Form, Attachments, Eligibility Worksheet) for all properties within the APE.

Additional Comments

The HPO requests that the revised historic architectural and archaeological reports include mapping specific to each alternative rather than combined. Additionally, the mapping must be at a scale appropriate to understanding the location of proposed improvements. For example, although the maps contained in Attachment A of the Historic Structures Survey serve

this purpose, the mapping incorporated into the text (e.g., Figures 2 and 9-11) should be reproduced at a larger scale and include the names of major roadways and other identifying information.

As discussed in our conference call of February 23, 2018, additional information regarding the proposed improvements for the preferred alternative is needed in order to complete the assessment of adverse effects under 36 CFR Part 800.5. Thank you for providing this opportunity to comment on the above-referenced proposed undertaking. Please reference HPO project number 16-2111 in any future calls, emails, submissions or written correspondence to help expedite your review and response. Please feel free to contact Jennifer Leynes (609-984-6016; jennifer.leynes@dep.nj.gov) or Jesse West-Rosenthal (609-984-6019; jesse.west-rosenthal@dep.nj.gov) of my staff with any questions.

Sincerely,



Katherine J. Marcopul
Administrator and
Deputy State Historic
Preservation Officer

KJM/MMB/JWR/JBL

cc: Emily Paulus Everett, AECOM
Jesse Walker, AECOM
Kimberly McEvoy, NJDEP (via email)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Acting Commissioner

June 15, 2018

Linda Fisher
Project Team Leader
Rebuild by Design Meadowlands
Department of Environmental Protection
Bureau of Flood Resilience
Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Ms. Fisher:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), I am providing consultation comments for the following proposed undertaking:

**Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro
and Township of South Hackensack
Rebuild by Design Meadowlands Flood Protection Project
Community Development Block Grant-Disaster Recovery
Department of Housing and Urban Development**

800.4 Identification of Historic Properties

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the potential for the above-referenced undertaking to affect historic properties. The following comments are in response to the following revised Phase IA archaeological survey report, received by the HPO on May 18, 2018, in support of the above-referenced undertaking:

Walker, Jesse, Kimberly Morrell, Eileen Hood, Elisabeth A. LaVigne, and Samuel Pickard
2018 *Phase IA Archaeological Survey for the Rebuild by Design Meadowlands Flood Protection Project, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack, Bergen County, New Jersey.* Prepared for the New Jersey Department of Environmental Protection, Trenton, New Jersey. Prepared by AECOM, Burlington, New Jersey. (Version 2-May 9, 2018)

The HPO has reviewed the revised Phase IA archaeological survey report and finds it acceptable. Based on a review of the information provided, the HPO believes our comments from our March 16, 2018 letter have been adequately addressed.

According to the above-referenced report, background research indicated that eighteenth- and nineteenth-century settlement was concentrated in Little Ferry near the project's area of potential effects (APE). Late-nineteenth-century development was concentrated along the Hackensack River, Redneck Avenue, Washington Avenue/Moonachie Road/Liberty Street (Route 503), and other older roadways. In the second half of the twentieth century, construction of roads and commercial buildings was extensive in the APE. No registered archaeological sites are present in the APE and a limited amount of prior archaeological testing has been conducted near the APE. The report states that historic maps and aerial photographs, combined with the site visit, indicate that most of the APE has been impacted during the construction of roadways or other earthmoving activities.

According to the report, many proposed project elements are located in paved roadways and parking lots. Other proposed project elements will involve shallow impacts (i.e., less than 1 foot). Field reconnaissance confirmed that extensive grading and earthmoving activities have taken place throughout most of the APE. The report states that the only artifacts observed during the site visit were brick fragments from late-nineteenth- to early-twentieth-century brickworks in Little Ferry. The bricks were located in the APE for the proposed improvements to Willow Lake Park; however, this portion of the APE was a former clay pit that was infilled in the 1970s. The bricks were present in the fill and this location is not archaeologically sensitive. According to the report, no other artifacts, features, or archaeological resources were observed during the field visit.

Based on the information gathered during Phase IA archaeological survey, the report concludes that the APE for both Caesar Place Park and Avanti Park exhibit a high sensitivity for Native American archaeological resources. These two areas have been subjected to limited prior earthmoving activities. The report concludes that the remainder of the APE has a low sensitivity for archaeological resources. In light of this information, the report recommends that a Phase IB archaeological survey be completed in the two areas of high sensitivity for the proposed Caesar Place Park and Avanti Park. No further archaeological survey is recommended in the remainder of the APE. *The HPO concurs with this assessment.*

The HPO looks forward to further consultation with the New Jersey Department of Environmental Protection Bureau of Flood Resilience regarding the identification, evaluation, and treatment of historic properties within the project's APE.

All phases of the archaeological survey and reporting will need to be in keeping with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*, 1983. Survey efforts shall comply with the New Jersey Historic Preservation Office Requirements for Phase I Archaeological Survey at N.J.A.C. 7:4-8.4. Reports of archaeological survey results shall conform to the Requirements for Archaeological Survey Reports – Standards for Report Sufficiency at N.J.A.C. 7:4-8.5. Evaluations to determine the National Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. The individual(s) conducting the work will need to meet the Secretary of the Interior's Professional Qualifications Standards for Archaeology (48 FR 44738-9).

Additional Comments

Thank you for providing this opportunity to comment on the above-referenced proposed undertaking. Please reference HPO project number 16-2111 in any future calls, emails, submissions or written correspondence to help expedite your review and response. Please feel free to contact Jennifer Leynes (609-984-6016) with any questions regarding historic architecture, historic districts, and historic landscapes or Jesse West-Rosenthal (609-984-6019) of my staff with any questions regarding archaeology.

Sincerely,



Katherine J. Marcopul
Administrator and
Deputy State Historic
Preservation Officer

cc: Jesse Walker, AECOM
Kimberly McEvoy, NJDEP

KJM/MMB/JWR



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

June 28, 2018

Linda Fisher
Project Team Leader
Rebuild by Design Meadowlands
Department of Environmental Protection
Bureau of Flood Resilience
Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Ms. Fisher:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), I am providing continuing consultation comments for the following proposed undertaking:

**Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro
and Township of South Hackensack
Rebuild by Design Meadowlands Flood Protection Project
Community Development Block Grant-Disaster Recovery
Department of Housing and Urban Development**

Summary (NEW SHPO OPINION): Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property.

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic properties. These comments are in response to the following revised intensive-level historic architectural survey report received by the HPO on May 18, 2018:

Everett, Emily Paulus
December 2017 (Revised May 2018) Historic Structures Survey/Determination of Eligibility Report, Rebuild by Design Meadowlands Flood Protection Project, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack, Bergen County, New Jersey. Prepared for the New Jersey Department of Environmental Protection. Prepared by AECOM.

The above-referenced report was prepared for the Rebuild by Design Meadowlands Flood Protection Project in Bergen County and revised in accordance with HPO comments dated March 19, 2018 (HPO-C2018-158). The survey was conducted in compliance with Section 106 of the National Historic Preservation Act and as part of the Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA).

800.3 Initiation of the Section 106 Process

In previous comments, the HPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The Phase IA archaeological survey submitted simultaneously with the intensive-level architectural survey includes correspondence with Native American Tribes, the Archaeological Society of New Jersey, and Hudsonia, but does not identify any local historic preservation commissions, historical societies, or other organizations with an interest in history or historic preservation. The HPO requests that the following organizations copied on this letter be included in Section 106 consultation for this project: Bergen County Cultural and Heritage Commission; Bergen County Historical Society; Carlstadt Historical Society; Little Ferry Historical Society; Moonachie Historical Committee; and Wood-Ridge Historical Society.

800.4 Identification of Historic Properties

The project is an urban water management strategy designed to reduce the risk of floods from coastal storm surges and/or systemic inland flooding from large rainfall events within the project area, which is located in the Meadowlands District. The project area includes five municipalities in Bergen County: the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack. The Area of Potential Effects (APE) for architecture additionally included properties in the Borough of Wood-Ridge and the Village of Ridgely Park. The APE for the project is based on the project design for the preferred alternative as of January 2018 (Alternative 3).

The historic architectural survey identified 30 individual properties more than 45 years of age and one historic district within the APE. Fifteen of these properties and the historic district were surveyed at the intensive level; the remaining properties were surveyed at the reconnaissance level only. The survey recommended one property eligible for the New Jersey and National Registers of Historic Places, the American Sokol Little Ferry, 9-13 Garden Street, Little Ferry (Block 17, Lot 5). Founded in 1896 by Czechoslovakian immigrants as the Tělocvičná Jednota Sokol, the American Sokol Little Ferry was a gymnastics club that also provided educational, cultural, and social programs to its members. It was part of the broader Sokol movement, which was founded in Czechoslovakia in 1862 and transplanted to the United States by Czech immigrants in the 1890s. The existing two-story building was constructed in 1911-1912 to replace an earlier frame building destroyed by fire. It is constructed of local brick and has a front gable roof with an enclosed lunette in the gable end. The building originally had a central entry with paired glazed doors and paired 9/1 sash windows on the façade. A one-story addition was constructed on the front elevation c.1950, and the windows on the side elevations have been partially enclosed. **It is my opinion as Deputy State Historic Preservation Officer that the American Sokol Little Ferry is eligible for listing on the New Jersey and National Registers of Historic Places. This is a new SHPO Opinion.** The Sokol is eligible under Criterion A in the area of Ethnic Heritage at the local level for its associations with the Czech immigrant community in Little Ferry. Immigrants from Czechoslovakia (then Bohemia) began arriving in Little Ferry in the 1880s, working in the local brick industry and establishing a pearl button industry. By 1940, approximately one-third of the local population was of Czech extraction. Although the addition to the front of the Sokol and other alterations have diminished the integrity of the building as constructed, these changes occurred within the period of significance, which begins in 1896 with the founding of the Sokol and ends in 1968, the 50-year cutoff. Additional research may refine the end date for the period of significance.

The survey also included the twin industrial buildings at 179 and 185 Berger Street in Wood-Ridge Borough. The buildings were built by 1957 and occupied in that year by the General Aviation and Manufacturing Company and the Midway Aircraft Instrument Company, respectively. The survey did not identify these businesses or provide any context regarding the companies' relationship to Teterboro Airport or potential significance in the development of technology for the aircraft industry. However, given the limited nature of the impacts to these properties, the HPO does not request additional survey at this time.

Additional Comments

Thank you for providing this opportunity to comment on the above-referenced proposed undertaking. Should your project plans change, including the introduction of new project elements and/or identification of new locations for flood risk reduction measures, additional consultation will be required to identify historic properties and assess project effects. Please reference HPO project number 16-2111 in any future calls, emails, submissions or written correspondence to help expedite your review and response. Please feel free to contact Jennifer Leynes (609-984-6016; jennifer.leynes@dep.nj.gov) of my staff with any questions.

Sincerely,



Katherine J. Marcopul
Administrator and
Deputy State Historic
Preservation Officer

KJM/MMB/JBL

cc: Emily Paulus Everett, AECOM (via email)
Jesse Walker, AECOM (via email)
Kimberly McEvoy, NJDEP (via email)
Bergen County Division of Cultural & Historic Affairs
Bergen County Historical Society
Carlstadt Historical Society
Little Ferry Historical Society
Moonachie Historical Committee
Wood-Ridge Historical Society



AECOM
125 Broad Street
New York, NY 10004

September 26, 2016

State of New Jersey Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP - Office of Natural Lands Management
Mail Code 501-04
P.O. Box 420
501 E. State Street
Station Plaza #5, 4th Floor
Trenton, New Jersey 08625-0420

RE: Threatened and Endangered Species Request Letter
Environmental Impact Statement (EIS) for the Rebuild by Design Meadowlands
Flood Protection Project in the Boroughs of Little Ferry, Moonachie, Carlstadt and
Teterboro and the Township of South Hackensack, Bergen County, New Jersey

To Whom It May Concern:

The New Jersey Department of Environmental Protections (NJDEP's), Bureau of Flood Resilience (BFR), on behalf of the State of New Jersey through its Department of Community Affairs (NJDCA), as the recipient of US Department of Housing and Urban Development (HUD) grant intends to prepare an Environmental Impact Statement (EIS) for the Rebuild by Design (RBD) Meadowlands Flood Protection Project (the Proposed Project). NJDCA has designated NJDEP as the Lead Agency to prepare the EIS for the Proposed Project in accordance with the National Environmental Policy Act (NEPA). The NJDEP has contracted with AECOM to lead the preparation of the EIS. As such, on behalf of NJDEP, we would like any available information on rare plants, ecological communities, threatened, endangered, and special concern species in this study area (Figure 1). A shape file outlining the study area is available upon your request.

The EIS will analyze the environmental effects of alternatives for the construction of flood risk reduction measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The Study Area includes the entirety of the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack. Such measures will be designed to address the impacts of coastal and inland flooding on the quality of the physical, natural, cultural, and socioeconomic environment in the Study Area due to both sea level rise and storm hazards, including heavy rainfall events and intense coastal storm events.

Please feel free to contact Linda Fisher, Project Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at linda.fisher@dep.nj.gov should you have any questions regarding this request.

Thank you for your consideration and cooperation.

Should you have any questions, please do not hesitate to contact me at the address below or at 212-377-8734.

Sincerely,

A handwritten signature in cursive script, reading "John Rollino".

John Rollino
Manager Water and Natural Resources Group
AECOM
125 Broad Street
New York, NY 10004

cc: Linda Fischer, NJDEP, Office of Flood Hazard Risk Reduction Measures

Enclosure:
Natural Heritage Data Request Form
USGS Location Map



State of New Jersey
Mail Code 501-04
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP-Office of Natural Lands Management
P.O. Box 420, Trenton, New Jersey 08625-0420
(609) 984-1339
Fax No.: (609) 984-1427



PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE
(Fields shown in bold font must be completed in order for data request to be processed.)

1. Name: John Rollino Agency/Company: AECOM (on behalf of NJDEP)
Address: 125 Broad Street City: New York
State: NY Zip: 10004 Daytime Phone: 212-377-8734 Ext.:
Cell Phone: Email: john.rollino@aecom.com

2. Project Name: **EIS for Rebuild by Design Meadowlands Flood Protection Project**
Municipality(ies): **Boroughs of Little Ferry, Moonachie, Carlstadt and Teterboro and the Township of South Hackensack** County(ies): **Bergen County**
Block(s): **Multiple Municipalities in Bergen County** Lot(s): **Multiple Municipalities in Bergen County**
Refer to USGS Map
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: E (x): N (y):

3. Project Description: **The EIS will analyze the environmental effects of alternatives for the construction of flood risk reduction measures within the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey (the Project Area).**

4. USGS Quad: A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): **Weehawken**

(USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)

5. Flood Hazard Control Act Use: Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes No ☒

6. Acknowledgement & Signature: Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management."

Signed *John Rollino* Date 9/26/16

Time Frame for Response:

Data requests are processed in the order in which they are received; please allow 30 days for response. If you would like to send in your data request via email, you may do so by sending it to Natlands@dep.nj.gov. Due to the number of attachments, we cannot fax results. Unless you specifically request that your response be mailed or the response is unusually large, your response will be emailed to the address you provide.

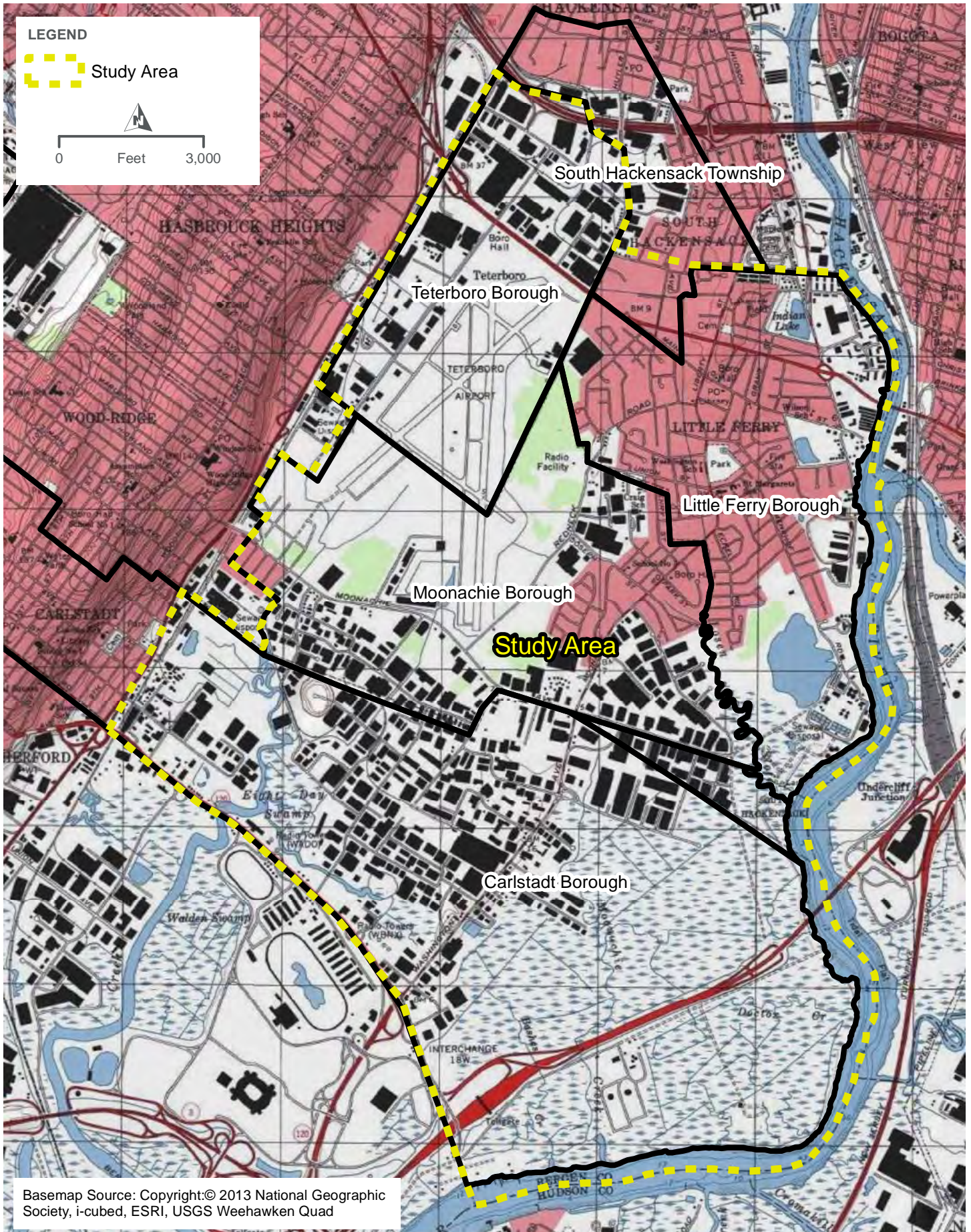
FOR OFFICE USE ONLY

DATE RECEIVED _____

Item Code: REG _____ ST _____ RTC _____ NC _____ REGeo _____ STEO _____ RTCEO _____ NCEO _____

Hrs: _____

Project Code: _____ Inv. #: _____



NEW MEADOWLANDS REBUILD BY DESIGN

USGS LOCATION MAP

FIGURE 1



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Parks & Forestry

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

State Forestry Service
Mail Code 501-04
Office of Natural Lands Management – Natural Heritage Program
P.O. Box 420
Trenton, NJ 08625-0420
Tel. (609) 984-1339 Fax. (609) 984-1427

September 29, 2016

John Rollino
AECOM
125 Broad Street, 16th Floor
New York, NY 10004

Re: EIS for Rebuild by Design Meadowlands Flood Protection Project
Little Ferry, Moonachie, Carlstadt and Teterboro Boroughs and South Hackensack Township, Bergen County

Dear Mr. Rollino:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.1) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

This report does not include information concerning known Northern Long-eared Bat hibernacula and maternity roost trees protected under the provisions of the U.S. Fish & Wildlife Service's 4(d) Rule. You must contact the U.S. Fish & Wildlife Service, New Jersey Field Office, for additional information concerning the location of these features, or visit their website at: <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1 and 2 (attached) to determine if any priority sites are located on or in the immediate vicinity of the site.

NHP File No. 16-4007471-10649

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive NJ-GeoWeb website at the following URL, <http://www.state.nj.us/dep/gis/geoweb splash.htm> or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert J. Cartica', with a horizontal line extending to the right.

Robert J. Cartica
Administrator

c: NHP File No. 16-4007471-10649

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.1	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	Yes	1 page(s) included

<p align="center">Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches</p>

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Bald Eagle	Haliaeetus leucocephalus	Nest	4	NA	State Endangered	G5	S1B,S2N
	Barn Owl	Tyto alba	Non-breeding Sighting	2	NA	Special Concern	G5	S3B,S3N
	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Northern Harrier	Circus cyaneus	Breeding Sighting	4	NA	State Endangered	G5	S1B,S3N
	Northern Harrier	Circus cyaneus	Non-breeding Sighting	2	NA	Special Concern	G5	S1B,S3N
	Peregrine Falcon	Falco peregrinus	Urban Nest	4	NA	State Endangered	G4	S1B,S3N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Yellow-crowned Night-heron	Nyctanassa violacea	Foraging	3	NA	State Threatened	G5	S2B,S2N

Other Animal Species

In the Immediate Vicinity of the Project Site Based on

Additional Species Tracked by

Endangered and Nongame Species Program

Scientific Name	Common Name	Federal Protection Status	State Protection Status	Grank	Srank
<i>Vertebrate Animals</i>					
Malaclemys terrapin terrapin	Northern Diamondback Terrapin			G4T4Q	S3
Total number of records: 1					



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Absentee Shawnee Tribe of Oklahoma
Edwina Butler-Wolf, Governor
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mrs. Butler-Wolf,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both



archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, Absentee Shawnee Tribe of Oklahoma
Carol Butler, Absentee Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO BOX 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Absentee Shawnee Tribe of Oklahoma
Edwina Butler-Wolf, Governor
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

Rebuild by Design Meadowlands Flood Protection Project Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mrs. Butler-Wolf,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed

undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA Archaeological report and a Historic Survey report will be submitted to the NJHPO for review.

We respectfully request your participation as a consulted party regarding the Project and seek your input on any historic properties affected by the undertaking that have religious and cultural significance to tribes that you may be aware of or concerns you may have regarding the Alternatives or nearby area. If you would like to receive copies of the Phase IA Archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Joseph Blanchard, Absentee Shawnee Tribe of Oklahoma
Carol Butler, Absentee Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Absentee Shawnee Tribe of Oklahoma
Edwina Butler-Wolf, Governor
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mrs. Butler-Wolf,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and

landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is continuing consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). On January 3, 2018, a Phase IA archaeological survey and a Historic Survey report had been submitted to the NJHPO for review. In previous correspondence, the tribe had no comment on resources in the area.

On May 18, 2018, NJDEP, on behalf of NJDCA, submitted revised copies of these reports to NJHPO that focus on the project that is proposed to be constructed, which is the Build Plan for Alternative 3. If you would like to receive copies of the revised Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

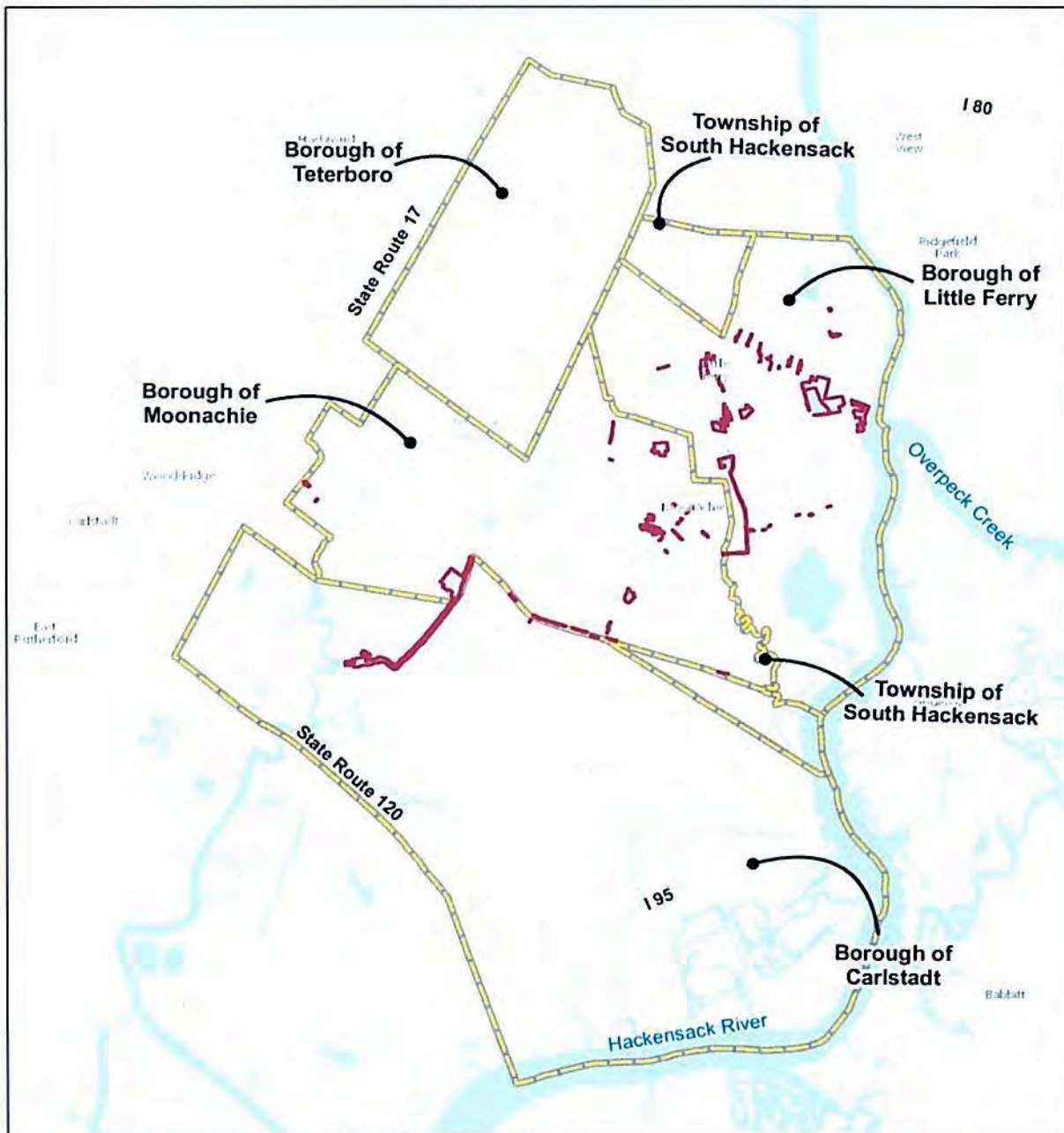
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Joseph Blanchard, Absentee Shawnee Tribe of Oklahoma
Carol Butler, Absentee Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016), NYS EISO (2008), Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Absentee Shawnee Tribe of Oklahoma
Edwina Butler-Wolf, Governor
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Governor Butler-Wolf,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

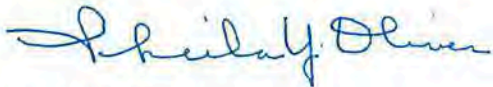
The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,

A handwritten signature in blue ink, reading "Sheila Y. Oliver".

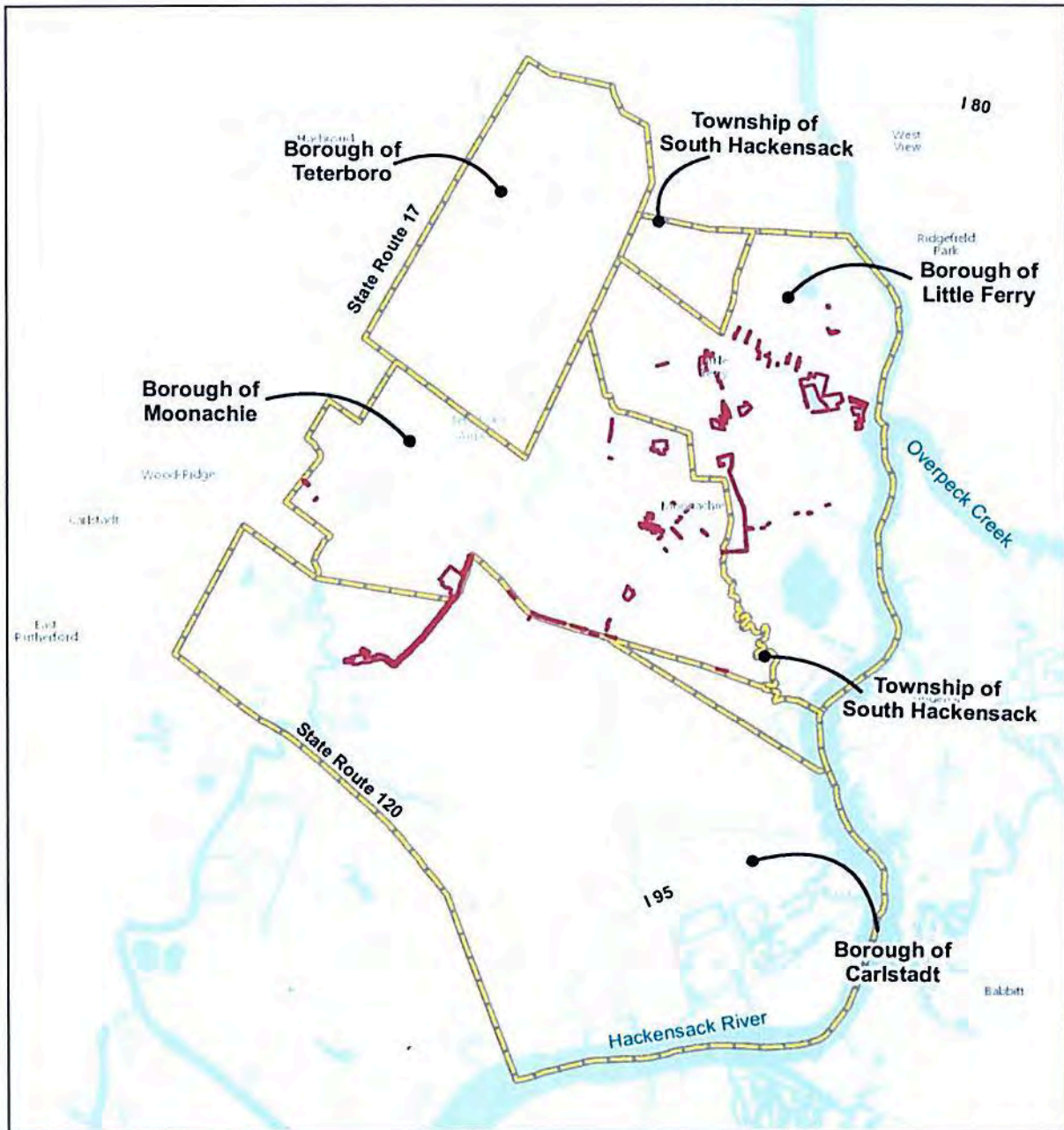
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:




NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Joseph Blanchard, Absentee Shawnee Tribe of Oklahoma
Carol Butler, Absentee Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



AECOM

0 2,500 5,000 10,000
Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISD (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



Absentee Shawnee Tribe of Indians of Oklahoma
Cultural/Tribal Historic Preservation Department
2025 S. Gordon Cooper Dr.
Shawnee, Oklahoma 74801
Phone: (405) 275-4030 ext. 6245

October 4, 2018

RE: Rebuild of Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

To Whom It May Concern:

My name is Devon Frazier; and I am the Tribal Historic Preservation Officer for the federally-recognized *Absentee Shawnee Tribe of Indians of Oklahoma*. In this capacity, I am the Absentee Shawnee Tribe's point of contact for all Section 106 and NAGPRA issues. Our office received your letter on August 23, 2018, regarding the above-referenced project in Bergen County, New Jersey.

After research through our database and files, and review of this information, we have no objection to the proposed project in Bergen County at this time. We defer comment to your office, as well as, to the SHPO and/or State Archaeologist.

However, we remain interested in further communications regarding this project due to its location. Historically, the Shawnee people have documented presence in New Jersey. And while there are no documented village sites within the project site or within proximity outside the project site, there still remains the potential of finding unknown sites in and/or surrounding the above-mentioned project location.

It is further advised that if the area of potential effect changes— or if the project inadvertently discovers archaeological evidence, or human remains and/or other cultural items liable under the Native American Graves Protection and Repatriation Act (NAGPRA)— we request notification and consultation with the entity of jurisdiction for the location of the discovery. We also ask that all construction and ground disturbing activity stop, and any advertent discovery of human remains and/or cultural items remain in situ, until the interested Tribe(s) and State agencies are consulted. In such case, please contact me at 405-275-4030 (ext. 6243) or by email 106NAGPRA@astribe.com.

Thank you for contacting the *Absentee Shawnee Tribe of Indians of Oklahoma*; we appreciate your time and cooperation in communication regarding Section 106 and NAGPRA issues.

Best Regards,

Ms. Devon Frazier
Tribal Historic Preservation Officer
Cultural Preservation Department
Absentee Shawnee Tribe of Oklahoma
2025 Gordon Cooper Drive, Shawnee, OK 74801
(P) 405.275.4030 Ext. 6245
(E) 106NAGPRA@astribe.com



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Delaware Nation
Kerry Holton, President
P.O. Box 825
Anadarko, Oklahoma 73005

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Holton,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Delaware Nation for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both



archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

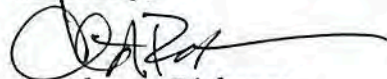
We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Cleanan Watkins, President
Delaware Nation
31064 US HWY 281, Bldg. 100
Anadarko, OK 73005 P.O. Box 825

Rebuild by Design Meadowlands Flood Protection Project Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mr. Watkins,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is initiating consultation under Section 106 of the National

Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA Archaeological report and a Historic Survey report will be submitted to the NJHPO for review.

We respectfully request your participation as a consulted party regarding the Project and seek your input on any historic properties affected by the undertaking that have religious and cultural significance to tribes that you may be aware of or concerns you may have regarding the Alternatives or nearby area. If you would like to receive copies of the Phase IA Archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Kerry Holton Delaware Nation
Nekole Alligood, Delaware Nation
Jason Ross, Delaware Nation
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP

Hughes, Grant

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Monday, January 29, 2018 9:43 AM
To: Kimberly Penrod
Cc: Reinknecht, Dennis; Fisher, Linda; Marcolina, Robert; DEP rbdm-archive; Johnson, Capricia; Taylor, Alexis; Warf, Jennifer; Boose, Brian; Snyder, Kerri
Subject: RE: Meadowlands Flood Protection Project/106 Consultation Request/ New Jersey

Kimberly,

Thank you for this review. We will incorporate this response into the record and will look to integrate these concerns into the Projects' Environmental Impact Statement.

Thank you again,
Kim

Sincerely,
Kim McEvoy
RBD Environmental Team Leader
NJDEP Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

From: Kimberly Penrod [mailto:kpenrod@delawarenation.com]
Sent: Monday, January 29, 2018 9:12 AM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Subject: RE: Meadowlands Flood Protection Project/106 Consultation Request/ New Jersey

Kim,

The protection of our tribal cultural resources and tribal trust resources will take all of us working together. We look forward to working with you and your agency.

With the information you have submitted we can concur at present with this proposed plan.

Our main concerns at the Delaware Nation on these types of projects are as follows:

1. Keeping a 50-100 ft (at least) area of protection around known sites.
2. Maintaining the buffer area and not allowing heavy equipment to impact these areas. Compression is an issue of concern for us.
3. Protection of indigenous plants and/or re-introduction of the indigenous plants to the area is important to the Delaware Nation. Many of these are considered Traditional Cultural Properties for our people.
4. And if something is found, halting all work, contacting us within 48 hours and when work resumes discussion of a monitor if needed.

As with any new project, we never know what may come to light until work begins. The Delaware Nation asks that you keep us up to date on the progress of this project and if any discoveries arise please contact us immediately.

Our department is trying to go as paper free as possible. If it is at all feasible for your office to send email correspondence we would greatly appreciate.

Respectfully,

*Kim Penrod
Delaware Nation
Director, Cultural Resources/106
Archives, Library and Museum
31064 State Highway 281
PO Box 825
Anadarko, OK 73005
(405)-247-2448 Ext. 1403 Office
(405)-924-9485 Cell
kpenrod@delawarenation.com*

If you need anything additional from me please do not hesitate to contact me.

From: McEvoy, Kim [<mailto:Kim.McEvoy@dep.nj.gov>]
Sent: Tuesday, January 09, 2018 10:06 AM
To: Kimberly Penrod <kpenrod@delawarenation.com>
Cc: Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>; Roddy, Kevin (Kevin.Roddy@icfi.com) <Kevin.Roddy@icfi.com>; Warf, Jennifer <Jennifer.Warf@aecom.com>; Boose, Brian <Brian.Boose@aecom.com>; Snyder, Kerri <KSnyder@louisberger.com>; McBrien, Margaret <MMcBrien@louisberger.com>; Walker, Jesse <jesse.walker@aecom.com>; Everett, Emily <emily.everett@aecom.com>; sbedford@louisberger.com; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>; Marcolina, Robert <Robert.Marcolina@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>
Subject: RE: Meadowlands Flood Protection Project/106 Consultation Request/ New Jersey

Kimberly,

Thank you for the response. We just submitted this week both the Survey Reports to the NJ HPO for a 30-day review. The HPO review should end on February 7, 2018. We would appreciate if we could get feedback from your tribe by Friday, February 9th, 2018.

Due to the file size, we are transferring you both Survey Reports via an electronic link. Please let me know if you have any trouble in downloading either of the Survey Reports.

RBDM Historic Architecture Report with Attachments: <https://files.acrobat.com/a/preview/b7f8578b-c221-479e-a798-59b35b2292dd>

RBDM Phase IA Archaeological Report (complete doc): <https://files.acrobat.com/a/preview/0863d898-bba0-4452-9b4c-4fa4820421be>

Again, we look forward to your comments / feedback on these documents and further correspondence!

Thank you,
Kim

Sincerely,
Kim McEvoy
RBD Environmental Team Leader
NJDEP Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

From: Kimberly Penrod [<mailto:kpenrod@delawarenation.com>]
Sent: Tuesday, January 09, 2018 10:21 AM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Cc: Kimberly Penrod <kpenrod@delawarenation.com>
Subject: RE: Meadowlands Flood Protection Project/106 Consultation Request/ New Jersey

Kim,
The protection of our tribal cultural resources and tribal trust resources will take all of us working together. We look forward to working with you and your agency.
With the information you have submitted we can concur at present with this proposed plan.
We would also like to request a copy of the Phase 1A Arch report/Historic Survey Report.

As with any new project, we never know what may come to light until work begins.
The Delaware Nation asks that you keep us up to date on the progress of this project and if any discoveries arise please contact us immediately.

Our department is trying to go as paper free as possible. If it is at all feasible for your office to send email correspondence we would greatly appreciate.

If you need anything additional from me please do not hesitate to contact me.

Respectfully,

*Kim Penrod
Delaware Nation
Director, Cultural Resources/106
Archives, Library and Museum
31064 State Highway 281
PO Box 825
Anadarko, OK 73005
(405)-247-2448 Ext. 1403 Office*

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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Cleanan Watkins, President
Delaware Nation
31064 US HWY 281, Bldg. 100
Anadarko, OK 73005 P.O. Box 825

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mr. Watkins,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCa) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCa has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCa) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and

landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is continuing consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). On January 3, 2018, a Phase IA archaeological survey and a Historic Survey report had been submitted to the NJHPO for review. In previous correspondence, the tribe had no comment on resources in the area.

On May 18, 2018, NJDEP, on behalf of NJDCA, submitted revised copies of these reports to NJHPO that focus on the project that is proposed to be constructed, which is the Build Plan for Alternative 3. If you would like to receive copies of the revised Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

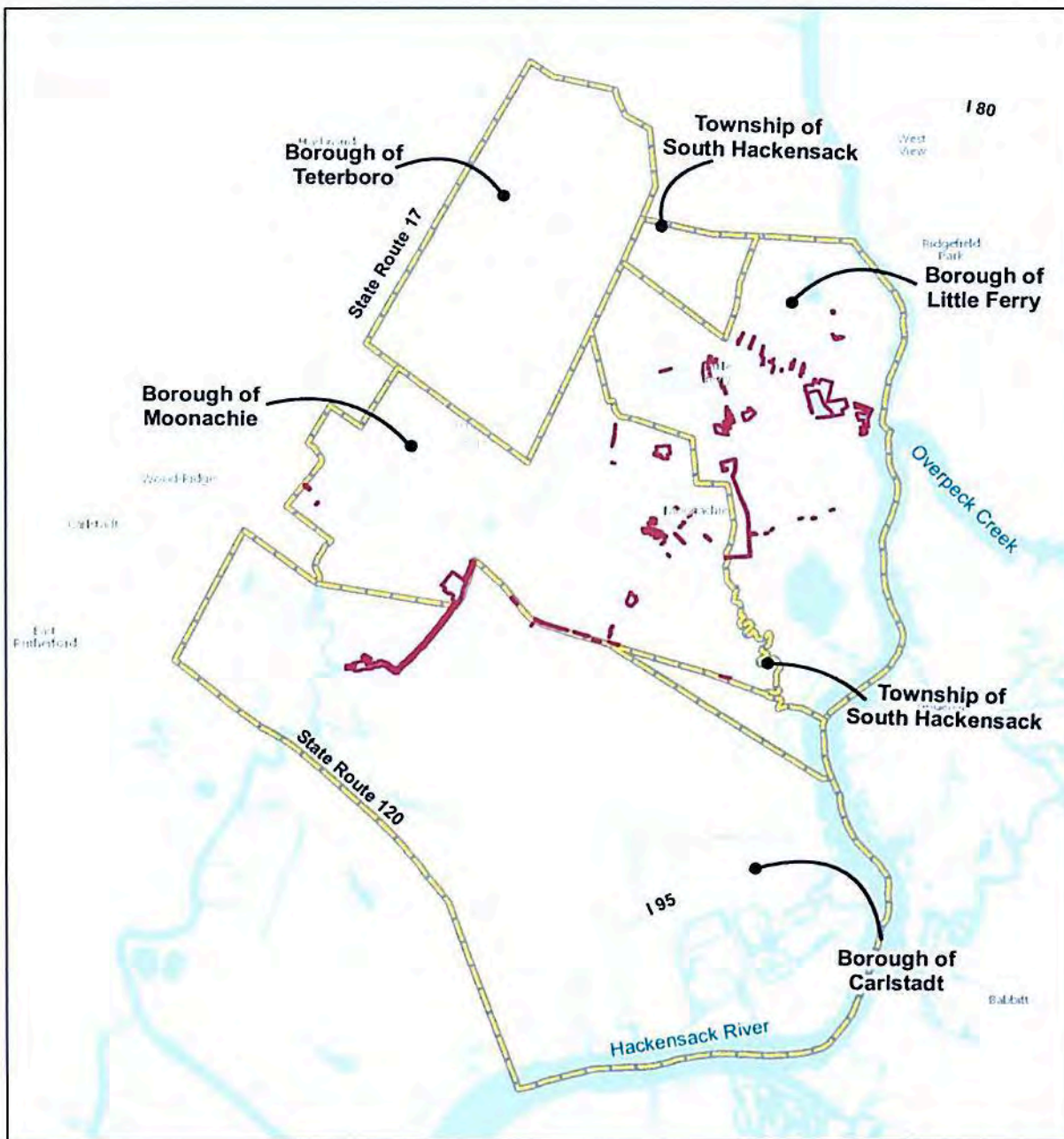
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Kim Penrod, Delaware Nation
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EIS (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.





State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Cleanan Watkins, President
Delaware Nation
31064 US HWY 281, Bldg. 100
Anadarko, OK 73005 P.O. Box 825

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Mr. Watkins,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



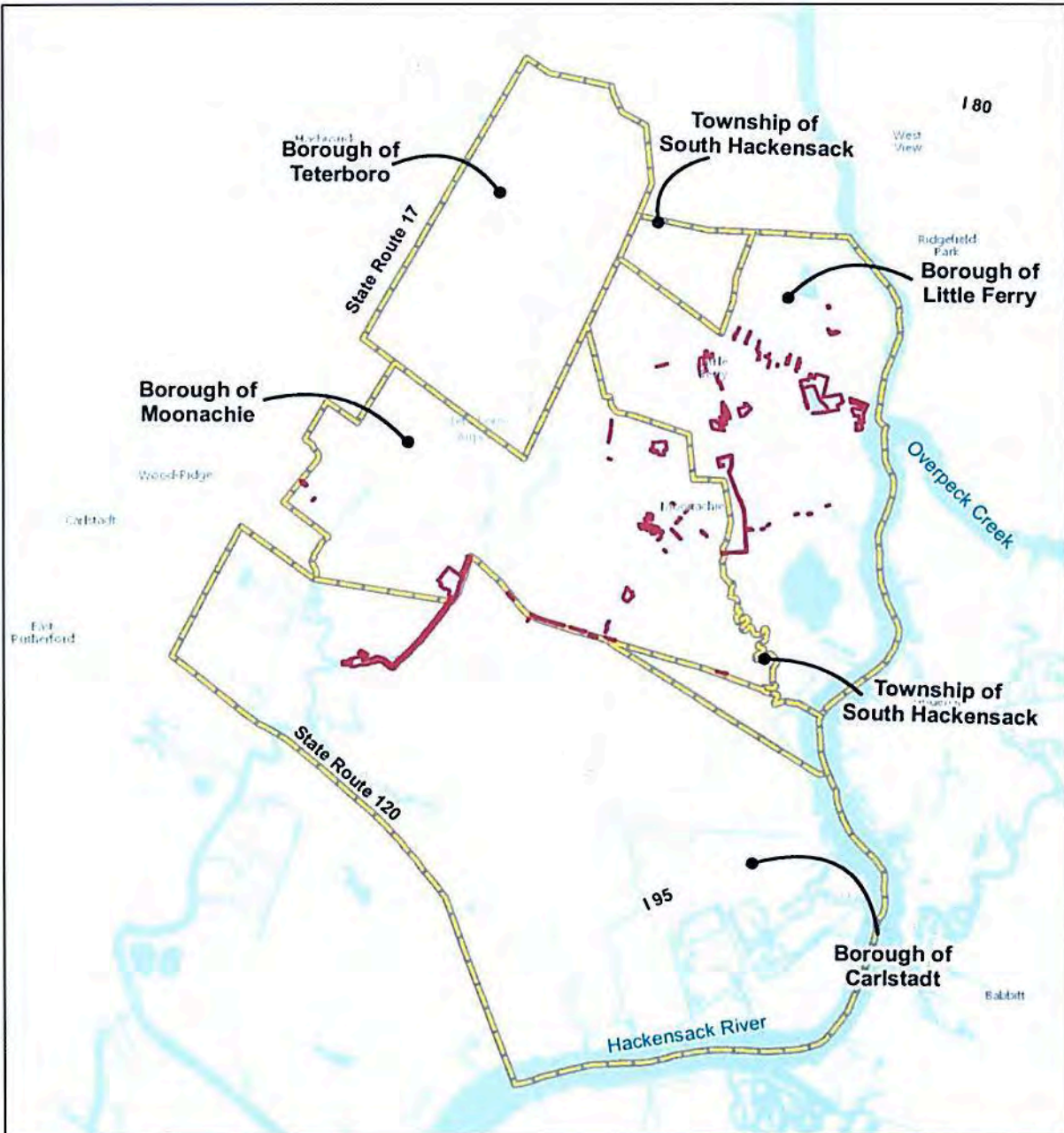
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:




NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Kim Penrod, Delaware Nation
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EIS (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Brooks,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Delaware Tribe of Indians for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

**Rebuild by Design Meadowlands Flood Protection Project
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Brooks,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is initiating consultation under Section 106 of the National




Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA archaeological survey and a Historic Survey report will be submitted to the NJHPO for review.

We respectfully request your participation as a consulted party regarding the Project and seek your input on any historic properties affected by the undertaking that have religious and cultural significance to tribes that you may be aware of or concerns you may have regarding the Alternatives or nearby area. If you would like to receive copies of the Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Dr. Brice Obermeyer, Delaware Tribe of Indians
Susan Bachor, Delaware Tribe of Indians
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mr. Brooks,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and



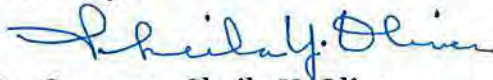
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The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). On January 3, 2018, a Phase IA archaeological survey and a Historic Survey report had been submitted to the NJHPO for review. In previous correspondence, the tribe had no comment on resources in the area.

On May 18, 2018, NJDEP, on behalf of NJDCA, submitted revised copies of these reports to NJHPO that focus on the project that is proposed to be constructed, which is the Build Plan for Alternative 3. If you would like to receive copies of the revised Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

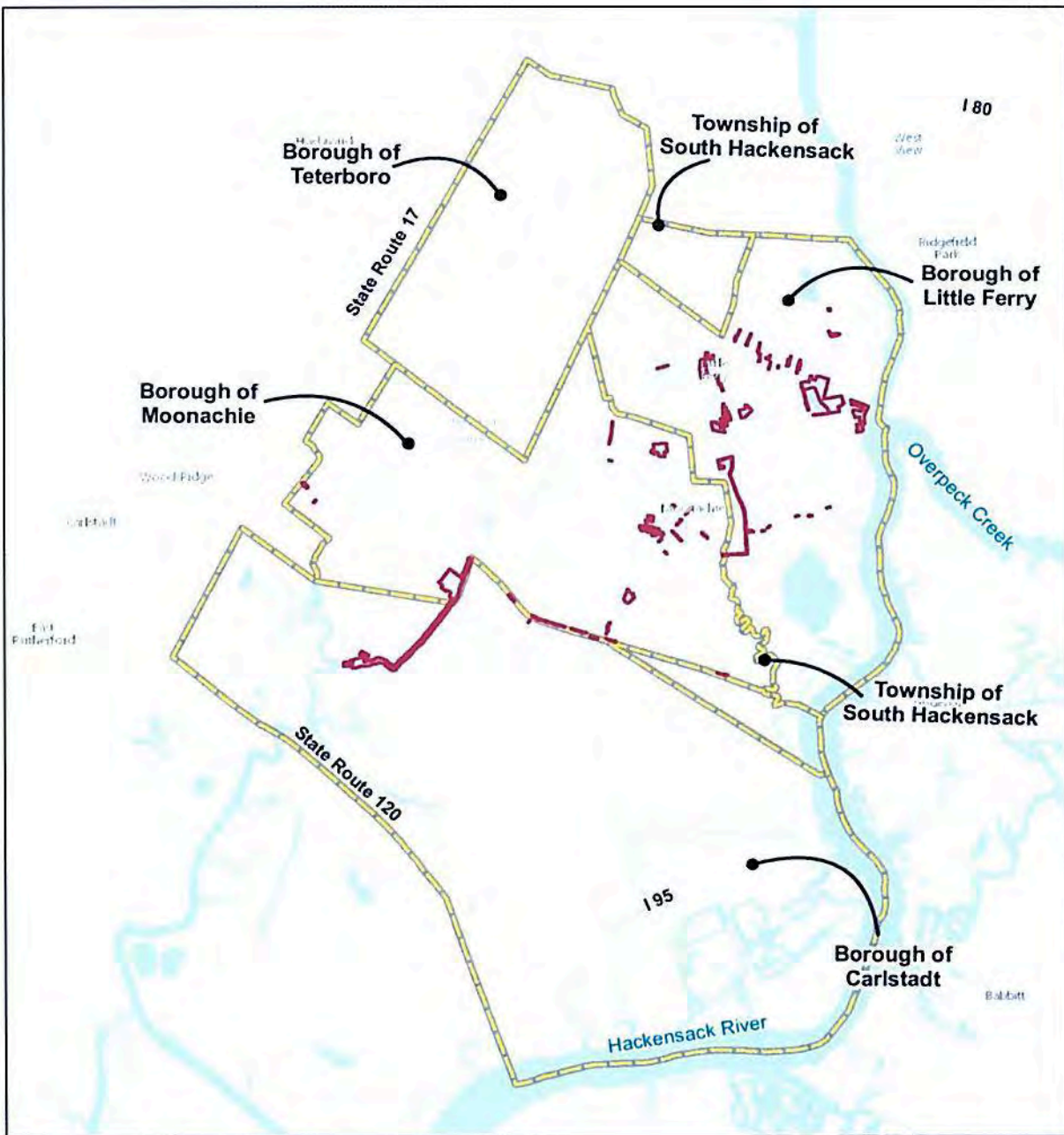
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Dr. Brice Obermeyer, Delaware Tribe of Indians
Susan Bachor, Delaware Tribe of Indians
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016), NYS EISO (2008), Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
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SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Chief Brooks,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



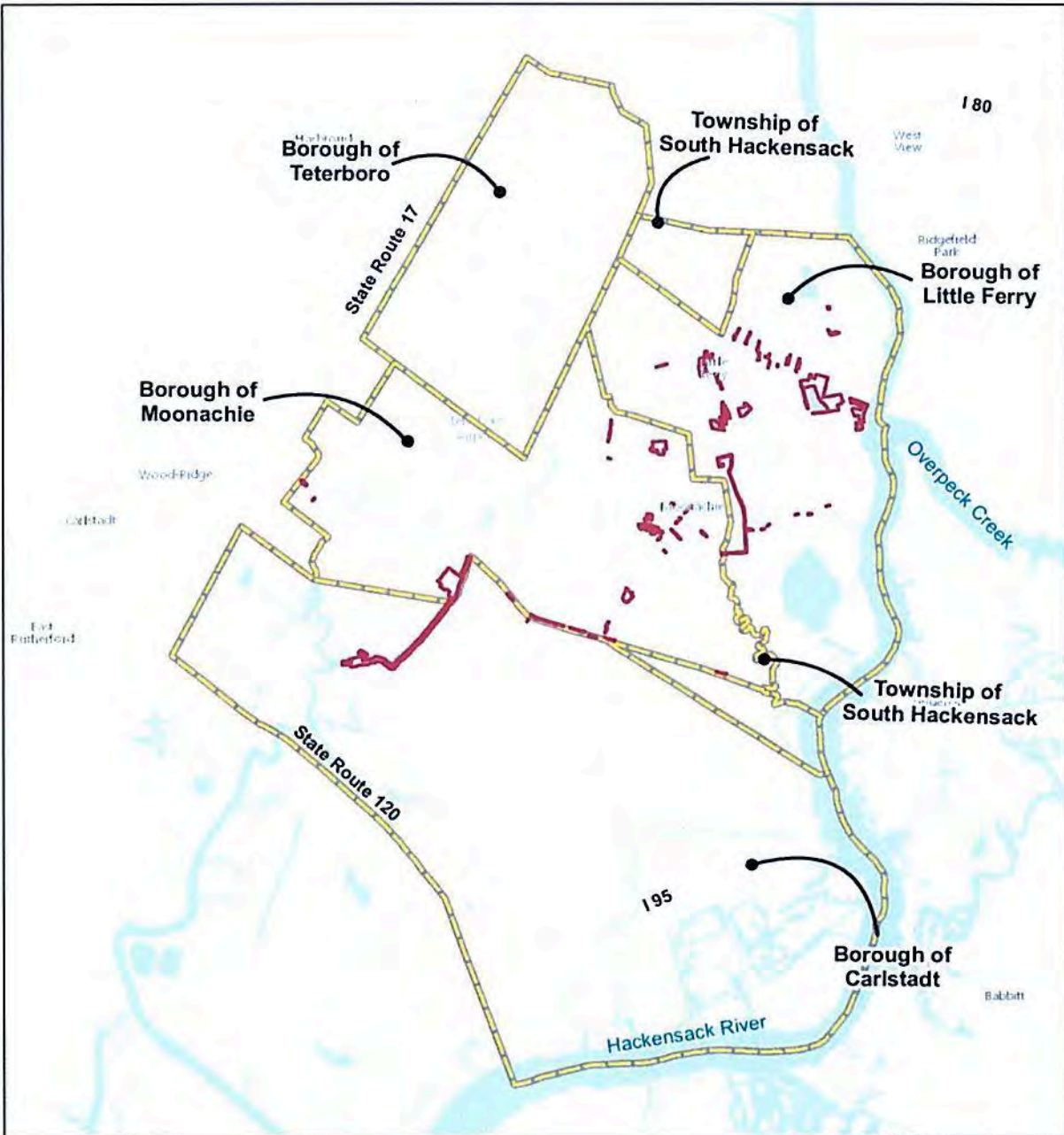
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:




NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Dr. Brice Obermeyer, Delaware Tribe of Indians
Susan Bachor, Delaware Tribe of Indians
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EIS (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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PO Box 823
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Ms. Wallace,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Eastern Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

Rebuild by Design Meadowlands Flood Protection Project Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Chief Wallace,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

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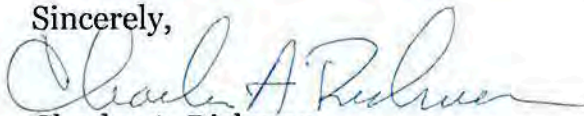
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The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA Archaeological report and a Historic Survey report will be submitted to the NJHPO for review.

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Thank you for your consideration and cooperation.

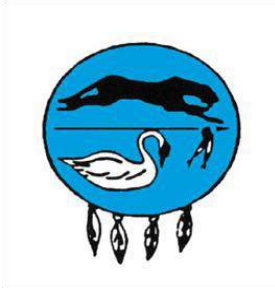
Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Robin Dushane, Eastern Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



**EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT**

70500 E 128 Road, Wyandotte, OK 74370
(918) 666-2435

December 15, 2017

Charles A. Richman
Commissioner
State of New Jersey

RE: Rebuild by Meadowlands Flood Protection Project

Dear Mr. Richman,

The Eastern Shawnee Tribe received your letter on December 14, 2017, regarding the above referenced project in New Jersey. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain, but not limited to, the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and after research through our database and files, we find the location of the project is outside of the historical regional areas of the Shawnee with the nearest known sites approximately 60 miles to the west. Please continue as planned. Should this project inadvertently discover an archeological site or object(s), we request that you immediately contact the Eastern Shawnee Tribe of Oklahoma, as well as the appropriate state agencies (within 24 hours). We also ask that all construction and ground disturbing activity stop until the Tribe and State agencies are consulted.

Thank you for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact Brett Barnes, Tribal Historic Preservation Officer (THPO), at bbarnes@estoo.net.

Sincerely,

Chief
Eastern Shawnee Tribe of Oklahoma



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Chief Wallace,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

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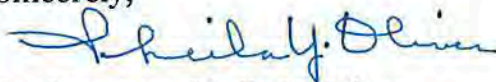
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Thank you for your consideration and cooperation.

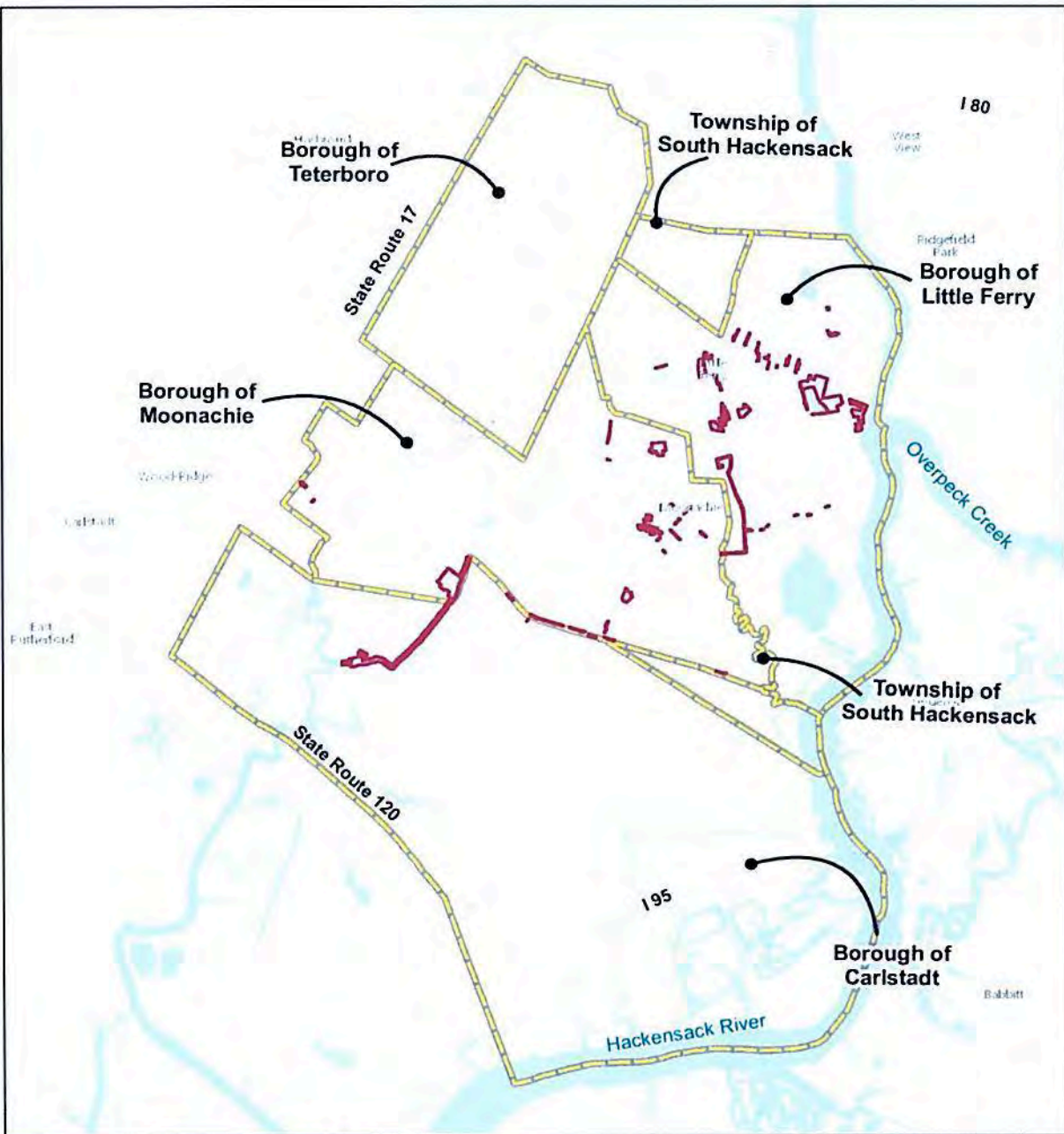
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Robin Dushane, Eastern Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
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Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Chief Wallace,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

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The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



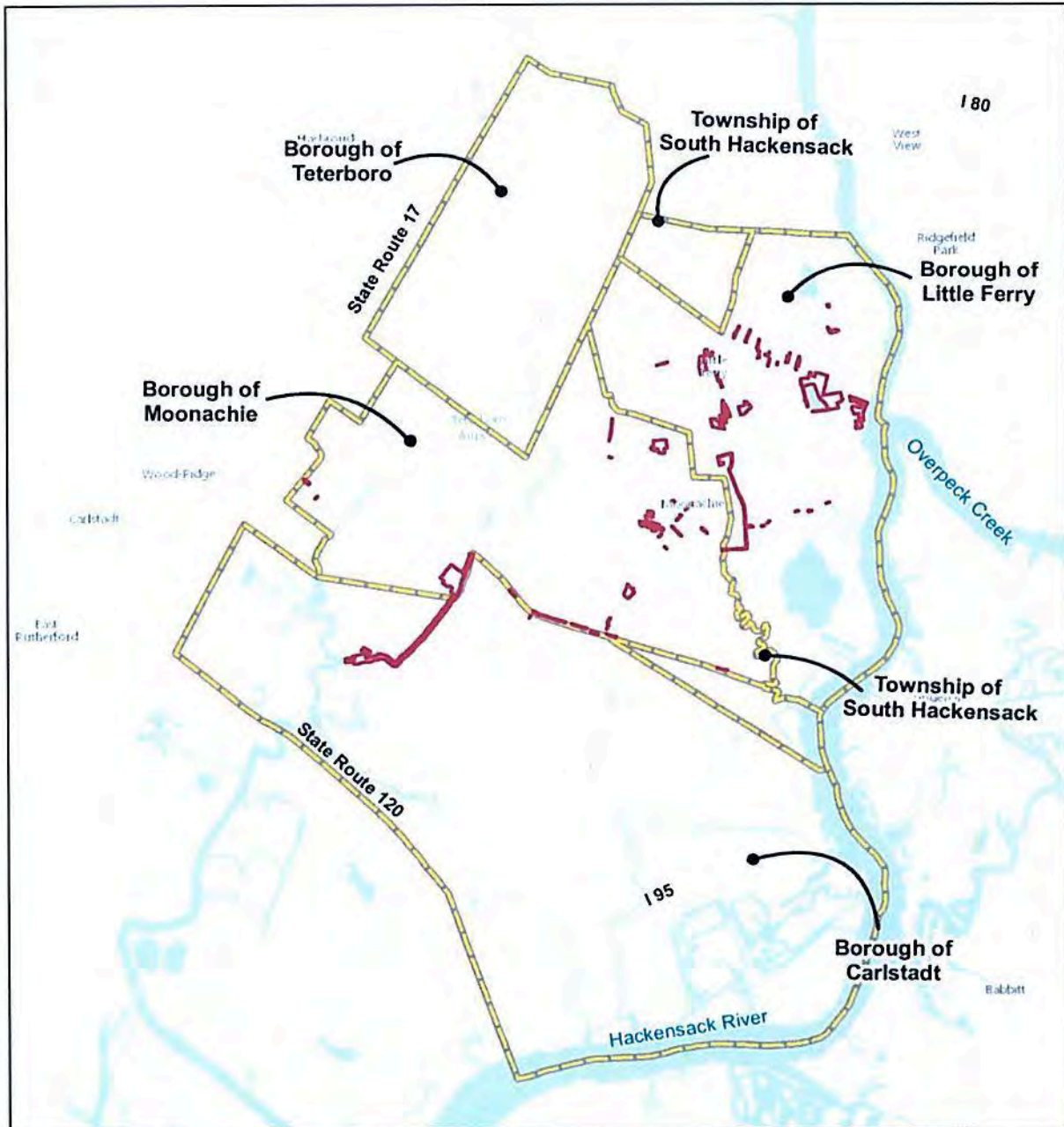
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:




NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Robin Dushane, Eastern Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



AECOM

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, OK 73005

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Sparkman,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both



archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO BOX 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, OK 73005

Rebuild by Design Meadowlands Flood Protection Project Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Chief Sparkman,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed

undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA Archaeological report and a Historic Survey report will be submitted to the NJHPO for review.

We respectfully request your participation as a consulted party regarding the Project and seek your input on any historic properties affected by the undertaking that have religious and cultural significance to tribes that you may be aware of or concerns you may have regarding the Alternatives or nearby area. If you would like to receive copies of the Phase IA Archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Kim Jumper, Shawnee Tribe of Oklahoma
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP

Hughes, Grant

From: Warf, Jennifer
Sent: Wednesday, January 03, 2018 12:16 PM
To: Greer, Emily; Hughes, Grant
Cc: Busam, Michael
Subject: FW: Meadowlands Flood Protection Project

Please save in AR with other consultation responses from tribes.

From: McEvoy, Kim [<mailto:Kim.McEvoy@dep.nj.gov>]
Sent: Wednesday, January 03, 2018 12:15 PM
To: Warf, Jennifer; Boose, Brian
Cc: Snyder, Kerri; McBrien, Margaret; Fisher, Linda; Reinknecht, Dennis; Johnson, Capricia; Marcolina, Robert; Taylor, Alexis; DEP rbdm-archive
Subject: FW: Meadowlands Flood Protection Project

Jen,
Please see Shawnee Tribe Response for record,
Kim

From: tonya@shawnee-tribe.com [<mailto:tonya@shawnee-tribe.com>]
Sent: Wednesday, January 3, 2018 11:55 AM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Subject: Meadowlands Flood Protection Project

This letter is in response to the above referenced project.

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project.

We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.

If you have any questions, you may contact me via email at tonya@shawnee-tribe.com

Thank you for giving us the opportunity to comment on this project.

Sincerely,
Tonya Tipton THPO
Shawnee Tribe





State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, OK 73005

Rebuild by Design Meadowlands Flood Protection Project Updating Consulting Parties under Section 106 of the National Historic Preservation Act

Dear Chief Sparkman,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and

landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is continuing consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). On January 3, 2018, a Phase IA archaeological survey and a Historic Survey report had been submitted to the NJHPO for review. In previous correspondence, the tribe had no comment on resources in the area.

On May 18, 2018, NJDEP, on behalf of NJDCA, submitted revised copies of these reports to NJHPO that focus on the project that is proposed to be constructed, which is the Build Plan for Alternative 3. If you would like to receive copies of the revised Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

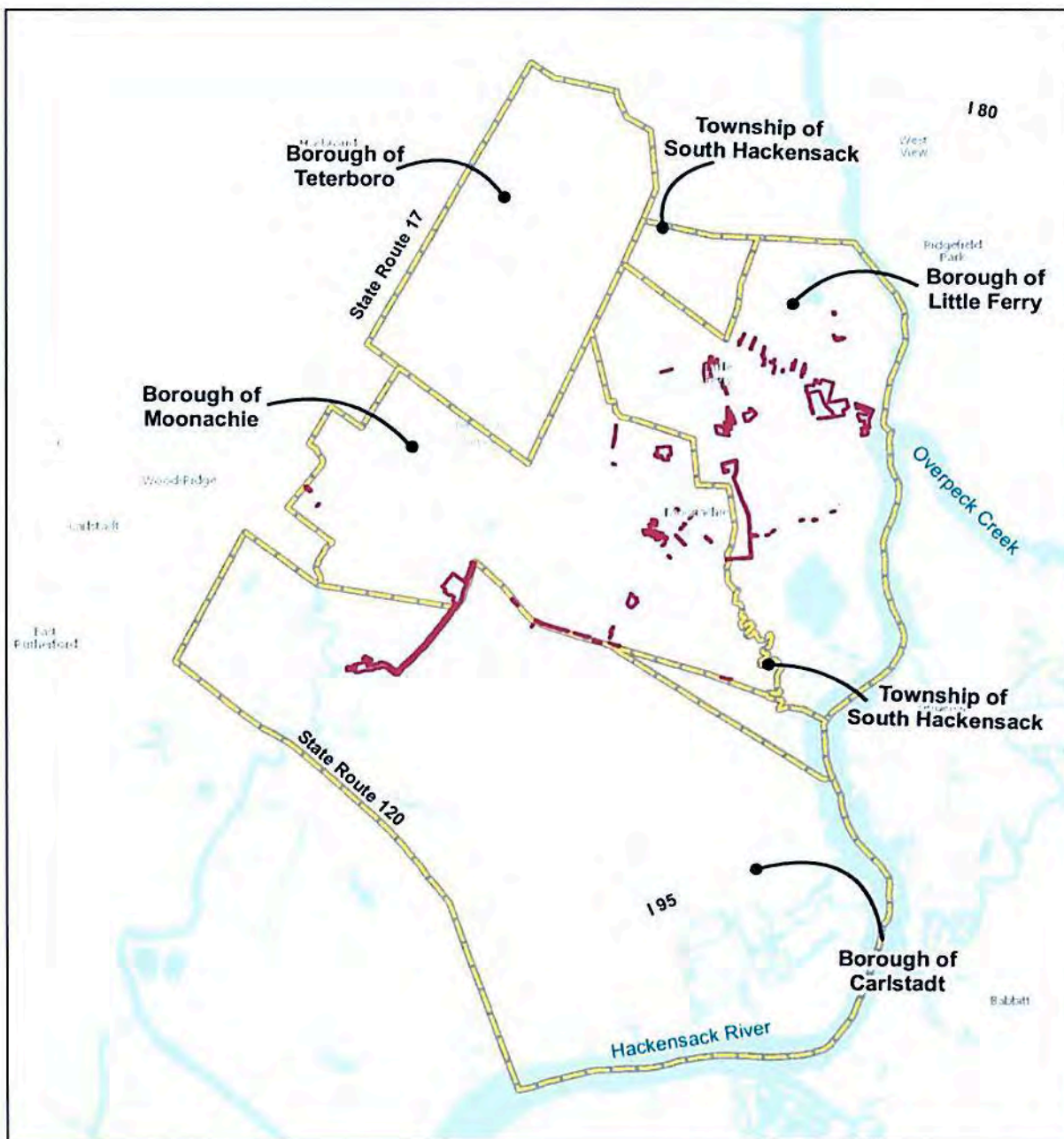
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Tonya Tipton, Shawnee Tribe
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016), NYS EISO (2008), Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, OK 73005

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Chief Sparkman,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,

A handwritten signature in blue ink, reading "Sheila Y. Oliver".

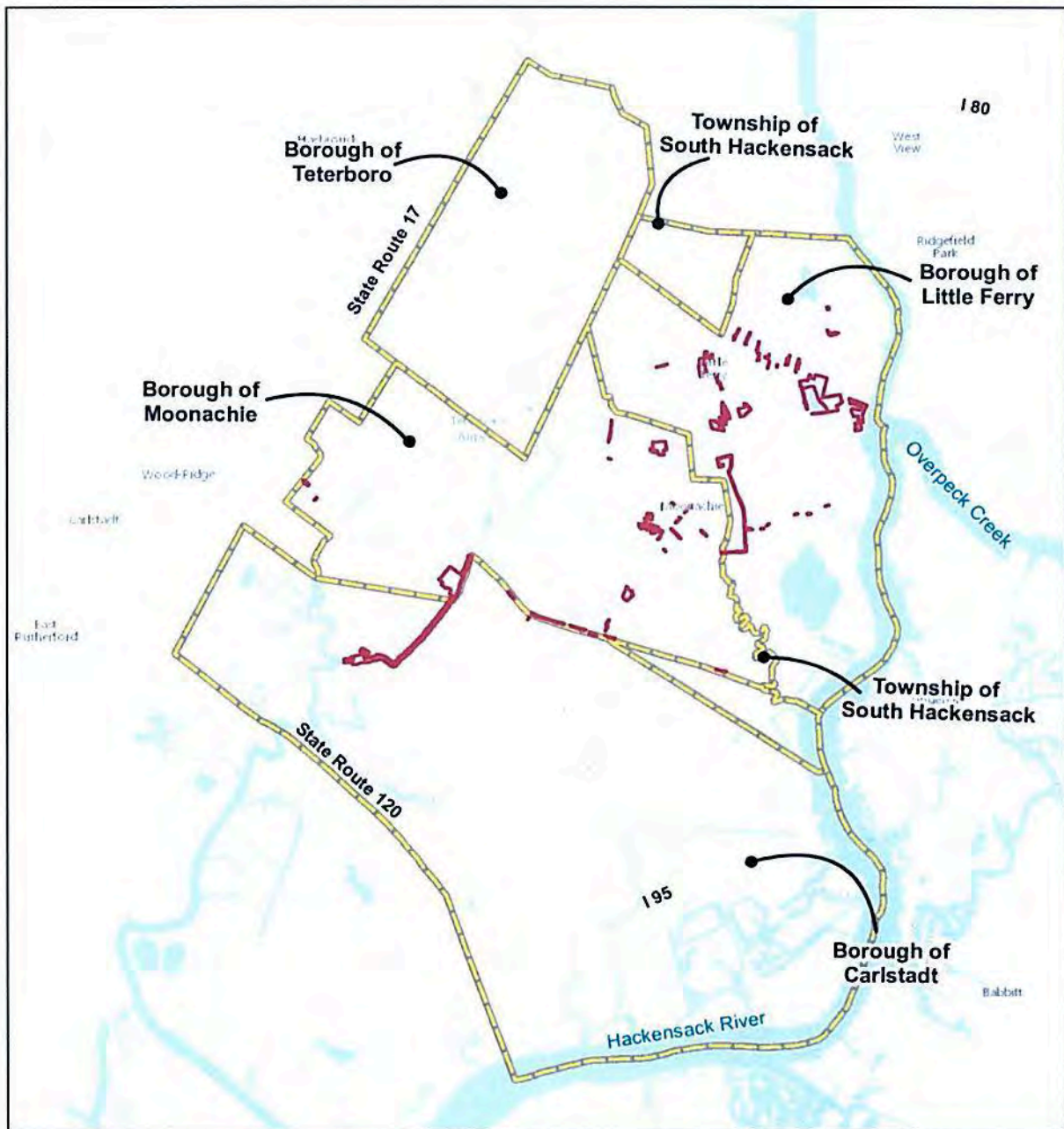
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Tonya Tipton, Shawnee Tribe
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EIS (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.

To: McEvoy, Kim; Warf, Jennifer; Boose, Brian
Cc: House, Tonya; Snyder, Kerri; McBrien, Margaret (Peg); Fisher, Linda; Marcolina, Robert; Reinknecht, Dennis; DEP rbdm-archive; Johnson, Capricia
Subject: RE: [EXTERNAL] RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

From: Smith-Herman, Nicholas
Sent: Wednesday, August 22, 2018 12:17 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Cc: House, Tonya <Tonya.House@dep.nj.gov>
Subject: FW: [EXTERNAL] RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

FYI

From: tonya@shawnee-tribe.com <tonya@shawnee-tribe.com>
Sent: Wednesday, August 22, 2018 11:37 AM
To: Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>
Subject: [EXTERNAL] RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

This letter is in response to the above referenced project.

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We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.

If you have any questions, you may contact me via email at tonya@shawnee-tribe.com

Thank you for giving us the opportunity to comment on this project.

Sincerely,

Tonya Tipton
Shawnee Tribe



From: Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>

Sent: Wednesday, August 15, 2018 3:16 PM

To: tonya@shawnee-tribe.com

Cc: shawneetribe@shawnee-tribe.com; Marcopul, Kate <Kate.Marcopul@dep.nj.gov>; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; McEvoy, Kim <Kim.McEvoy@dep.nj.gov>; Schwarz, Frank <Frank.Schwarz@dep.nj.gov>; Marcolina, Robert <Robert.Marcolina@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; House, Tonya <Tonya.House@dep.nj.gov>; Simon, Michael <Michael.Simon@dca.nj.gov>

Subject: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

The New Jersey Department of Community Affairs, as HUD's responsible entity, is notifying The Shawnee Tribe of Oklahoma of an update associated with the RBD Meadowlands Flood Protection Project.

Please review the attached letter, which is being sent to you in hard copy via regular mail.

Thank you very much.

Nicholas Smith-Herman

Program Specialist II

Compliance and Monitoring Office

Sandy Recovery Division.

Department of Community Affairs

101 S. Broad St., PO Box 823

Trenton, NJ 08625

609-292-6068



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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Stockbridge-Munsee Community
Band of the Mohicans
Wally Miller, Chairman
N8476 Moh He Con Nuck Road
Bowler, Wisconsin 54417

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Miller,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP

Liguori, Stephanie

From: Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>
Sent: Thursday, October 27, 2016 12:22 PM
To: Marcolina, Robert
Subject: Rebuild by Design

Dear Robert:

I am in receipt of an invitation to consult for the Rebuild by Design Meadowlands project that lists you as the project manager.

The letter was sent to Stockbridge-Munsee Community at the address in Wisconsin and then forwarded to me here in upstate NY where I represent our tribe's Section 106 interests from a satellite office.

On behalf of Stockbridge Munsee Community I confirm that we will decline participating on the project as it is outside of our cultural area of interest.

Thank you,
Bonney

Bonney Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180

(518) 244-3164
Bonney.Hartley@mohican-nsn.gov
www.mohican-nsn.gov



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Wally Miller, Chairman
Stockbridge-Munsee Community
Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, Wisconsin 54417

Rebuild by Design Meadowlands Flood Protection Project Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Mr. Miller,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is initiating consultation under Section 106 of the National

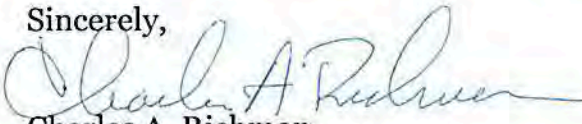
Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). A Phase IA Archaeological report and a Historic Survey report will be submitted to the NJHPO for review.

We respectfully requested your participation in the Section 106 process October 5, 2016; however, the tribe declined participation since the project was outside of the cultural area of interest. We are providing the tribe this additional notification of the above-referenced reports and seek your input on any historic properties affected by the undertaking that have religious and cultural significance to tribes that you may be aware of or concerns you may have regarding the Alternatives or nearby area. If you would like to receive copies of the Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Map

cc: Shannon Holsey, Stockbridge Munsee Band of the Mohicans
Sherry White, Stockbridge Munsee Band of the Mohicans
Bonney Hartley, Stockbridge Munsee Band of the Mohicans
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Wally Miller, Chairman
Stockbridge-Munsee Community
Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, Wisconsin 54417

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mr. Miller,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's environmental review responsibilities for the Proposed Project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and

landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA is continuing consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the Lead Agency for this project to assist with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for National Environmental Policy Act (NEPA) compliance found at 24 CFR Part 58 *et seq.* NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO). On January 3, 2018, a Phase IA archaeological survey and a Historic Survey report had been submitted to the NJHPO for review. In previous correspondence, the tribe had no comment on resources in the area.

On May 18, 2018, NJDEP, on behalf of NJDCA, submitted revised copies of these reports to NJHPO that focus on the project that is proposed to be constructed, which is the Build Plan for Alternative 3. If you would like to receive copies of the revised Phase IA archaeological report or Historic Survey report, please contact Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration and cooperation.

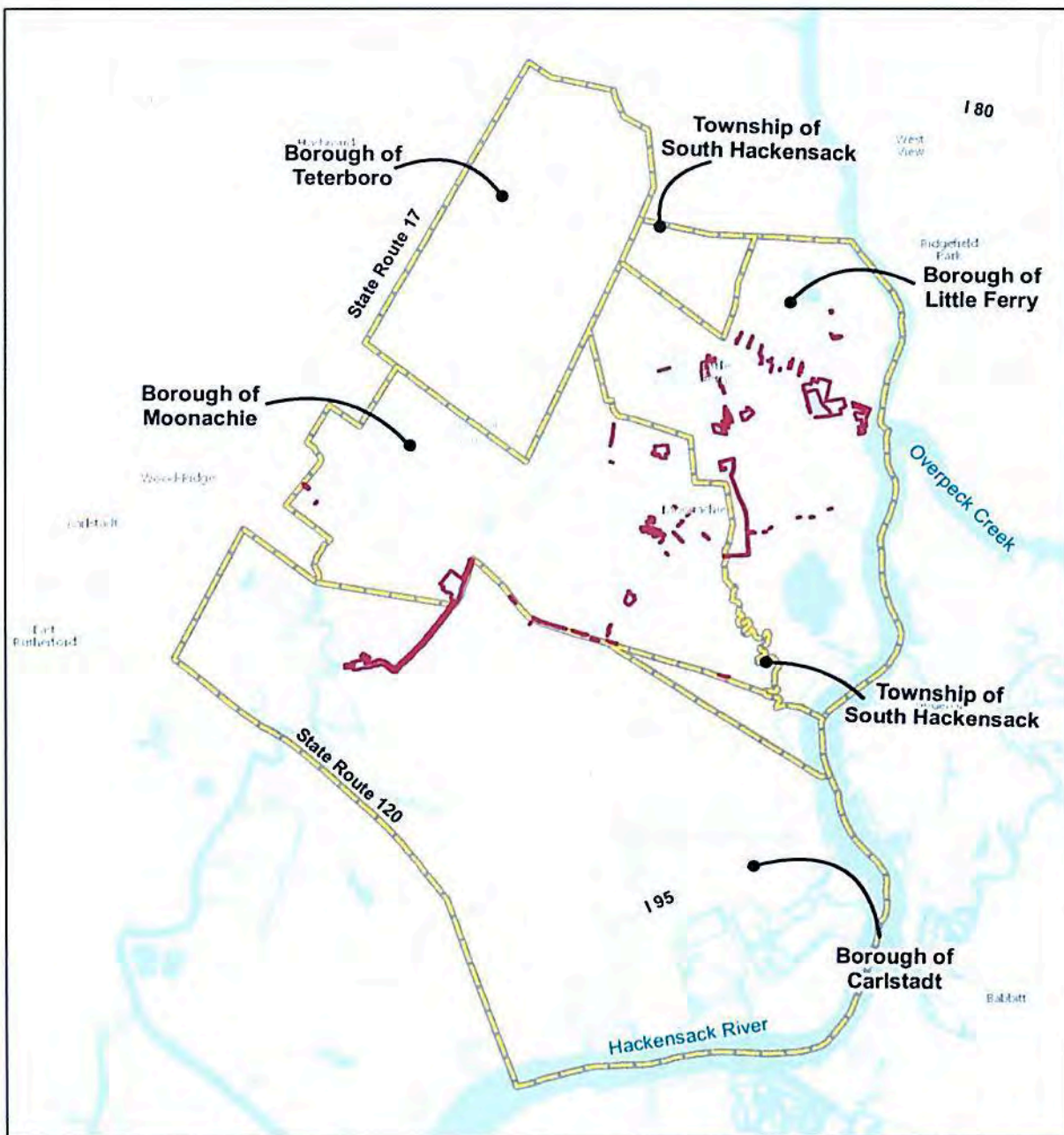
Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Alternative 3 Project Location Map

cc: Shannon Holsey, Stockbridge Munsee Band of the Mohicans
Sherry White, Stockbridge Munsee Band of the Mohicans
Bonney Hartley, Stockbridge Munsee Band of the Mohicans
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3



AECOM

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Wally Miller, Chairman
Stockbridge-Munsee Community
Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, Wisconsin 54417

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Mr. Miller,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

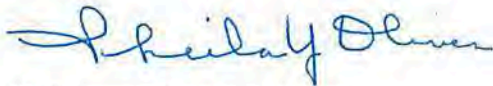
The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for



the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



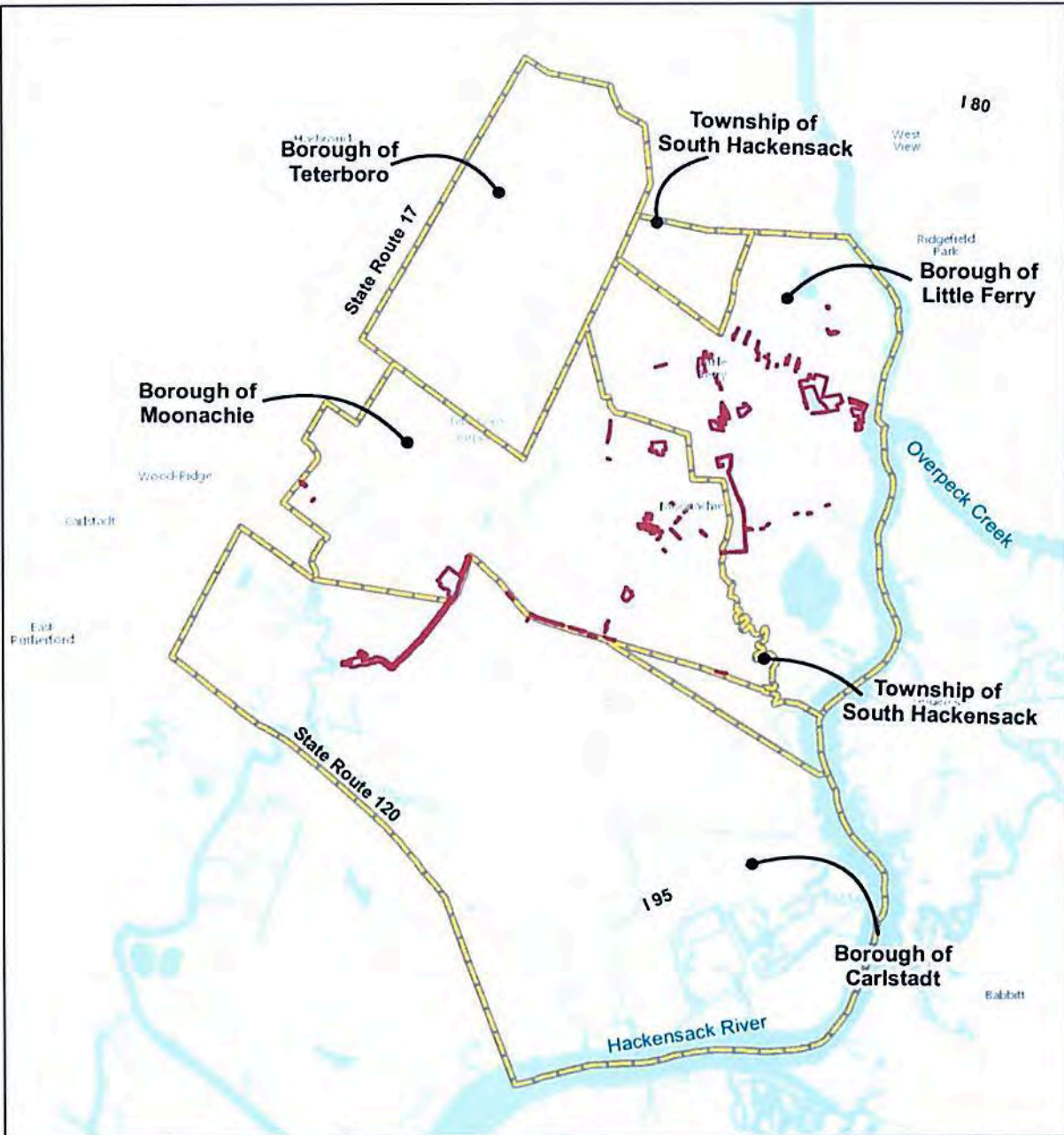
Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:




NJHPO Opinion letter, dated June 15, 2018

NJHPO Opinion letter, dated June 28, 2018

cc: Shannon Holsey, Stockbridge Munsee Band of the Mohicans
Sherry White, Stockbridge Munsee Band of the Mohicans
Bonney Hartley, Stockbridge Munsee Band of the Mohicans
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

November 17, 2016

The Archaeological Society of New Jersey
Dr. Ilene Grossman-Bailey
c/o New Jersey State Museum
Bureau of Archaeology & Ethnography
205 West State Street
P.O. Box 530
Trenton, New Jersey 08625-0530

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Dr. Grossman-Bailey,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both

archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



Figure 1. Rebuild by Design Meadowlands Flood Protection Project Area



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Dr. Ilene Grossman-Bailey, President
c/o New Jersey State Museum
Archaeological Society of New Jersey
205 West State Street
P.O. Box 530
Trenton, NJ 08625-0530

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear President Grossman-Bailey,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

The potential effects to historic properties and cultural resources are being considered as part of the Section 106 review and will be incorporated into the Draft Environmental Impact Statement (EIS). Phase IA archaeological survey and architectural history (i.e., Historic Structures) report that identify historical resources within the Study Area has been revised based upon the New Jersey Historic Preservation Office (NJHPO) review and has been resubmitted on May 18, 2018 to NJHPO for review. The requested revision was to assess impacts for the proposed project to be constructed, which is recommended




to be the Build Plan for Alternative 3. In previous correspondence, your agency had requested copies of both these reports.

If interested, a copy of these revised reports can be provided upon your request. Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

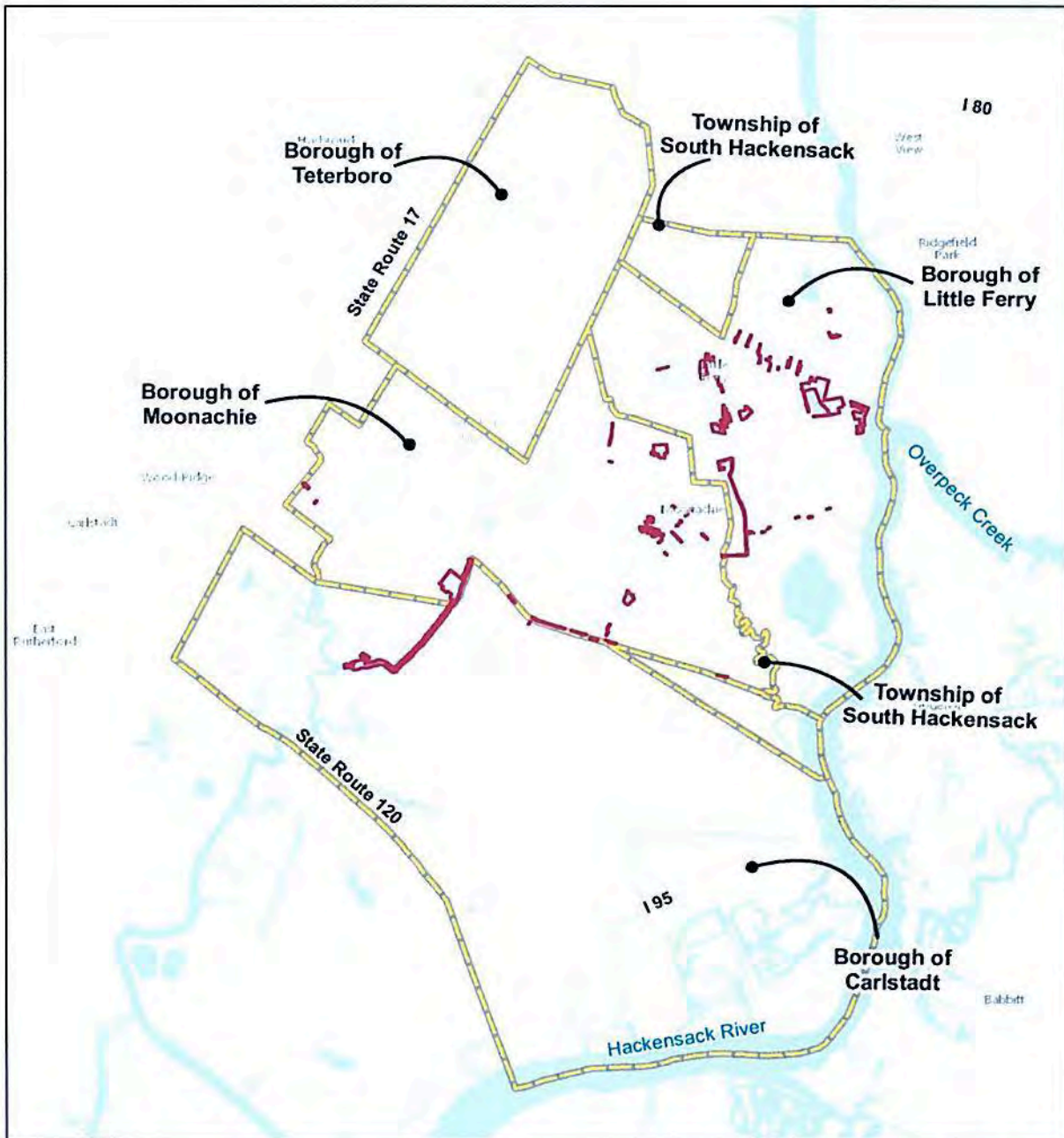
Sincerely,

A handwritten signature in blue ink, appearing to read "Sheila Y. Oliver".

Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
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PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Dr. Ilene Grossman-Bailey, President
c/o New Jersey State Museum
Archaeological Society of New Jersey
205 West State Street
P.O. Box 530
Trenton, NJ 08625-0530

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Dr. Grossman-Bailey,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDEP) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDEP has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.


In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic

property.” For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheila Y. Oliver".

Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

NJHPO Opinion letter, dated June 15, 2018
NJHPO Opinion letter, dated June 28, 2018

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO BOX 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Jim Smith, President
Bergen County Historical Society
P.O. Box 55,
River Edge, NJ 07661

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

Dear President Smith,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build Alternatives, which are illustrated in the attached figures. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBB Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

The potential effects to historic properties and cultural resources are being considered as part of the Section 106 review and will be incorporated into the Draft EIS. Phase IA archaeological survey and architectural history reports that identify historical resources within the Study Area will be submitted to the New Jersey Historic Preservation Office (NJHPO) for review. If interested, a copy of these reports can be provided upon your request. Historic properties include archaeological sites, burial grounds, sacred or historic landscapes or features, ceremonial areas, traditional cultural places, buildings, structures, and objects. Attached is a list of historic properties 50 years of age or older



that have been identified near the three alternatives as part of the architectural history survey. If you have any information regarding historic properties on the list or other historic or archaeological resources near the alternatives, please provide it within 30 days of your receipt of this letter.

Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Charles A. Richman". The signature is fluid and cursive, with the first name "Charles" being more prominent.

Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP

From: McEvoy, Kim
To: [Gold, Elaine](#)
Cc: [Fisher, Linda](#); [Reinknecht, Dennis](#); [Marcolina, Robert](#); [DEP rbdm-archive](#); [Taylor, Alexis](#); [Johnson, Capricia](#); [Warf, Jennifer](#); [Boose, Brian](#); [Snyder, Kerri](#); [McBrien, Margaret](#)
Subject: RE: Meadowlands Flood Protection Project - follow-up
Date: Friday, January 12, 2018 1:56:25 PM

Elaine,

It was very nice to meet you last night. As I has mentioned last night, we just submitted this week both the Phase 1 A and Historic Structures Survey Reports to the NJ HPO for a 30-day review. The HPO review should end on February 7, 2018. The information you had requested should be contained in both these Survey Reports. We understand this is a lot of information to process but we would appreciate any feedback on resources identified in these Survey reports by Friday, February 9th, 2018.

Due to the file size, we are transferring you both Survey Reports via an electronic link. Please let me know if you have any trouble in downloading either of the Survey Reports.

RBDM Historic Architecture Report with Attachments:

<https://files.acrobat.com/a/preview/b7f8578b-c221-479e-a798-59b35b2292dd>

RBDM Phase IA Archaeological Report (complete doc):

<https://files.acrobat.com/a/preview/0863d898-bba0-4452-9b4c-4fa4820421be>

Again, we look forward to your comments / feedback on these documents and further correspondence!

Thank you,
Kim

Sincerely,
Kim McEvoy
RBD Environmental Team Leader
NJDEP Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

From: Gold, Elaine [<mailto:egold@co.bergen.nj.us>]
Sent: Thursday, December 21, 2017 12:54 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Subject: RBD: Meadowlands Flood Protection Project

Dear Ms. McEvoy,

I am in receipt of the December 12, 2017 letter from Commissioner Richman to Janet Strom in the

Bergen County Division of Cultural & Historic Affairs regarding the Rebuild by Design Meadowlands Flood Protection Project. Going forward, I am the more appropriate point of contact for information on cultural and historic resources in Bergen County. I would very much like to receive a copy of both the of Phase 1A archaeological survey and the architectural history reports when they are completed.

I have compared the list and maps provided with our Historic Sites Survey and tax maps for each municipality. There are several properties that are listed in the surveys that do not appear on the list provided, the highest concentration is in the Borough of Little Ferry. Is it possible to receive a higher resolution map of the three Alternatives or can you direct me to where such maps might be on the project website? I don't want waste your time and provide you with historic resources irrelevant to the project.

Bear in mind that some of these surveys that I am working from have not be updated since the 1980s, therefore determinations of eligibility end with structures built in the 1930s and does not capture intervening losses to demolition or alterations that scrub historic features. Additionally, the surveys contain information on above ground structures only. Where archeological sites are identified, the information sometimes lacks accuracy or is anecdotal in nature; this office does not maintain archeological information.

I thank you in advance and look forward to hearing from you.

Regards,

Elaine Kiernan Gold
Historic Preservation Specialist
Administrator, Bergen County Historic Preservation Trust Fund
Department of Parks, Division of Cultural and Historic Affairs
One Bergen County Plaza, 4th Floor
Hackensack, New Jersey 07601-7076
201-336-7294
egold@co.bergen.nj.us



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO BOX 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Elaine Gold
Historic Preservation Specialist
Division of Cultural & Historic Affairs, Bergen County
One Bergen County Plaza, 4th Floor
Hackensack, NJ 07601-7076

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mrs. Gold,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCOA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act and Section 106 of National Historic Preservation Act for the Proposed Project. The NJDCOA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP is preparing the Environmental Impact Statement (EIS). The Draft EIS has identified three build alternatives. The Study Area, associated with the three Alternatives, incorporates the Borough of Little Ferry, Carlstadt, Teterboro, South Hackensack and Moonachie. For a current status of the project and the Alternatives please visit the RBD Meadowlands website at <http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>.

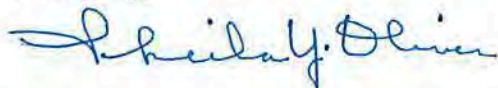
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If interested, a copy of these revised reports can be provided upon your request. Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

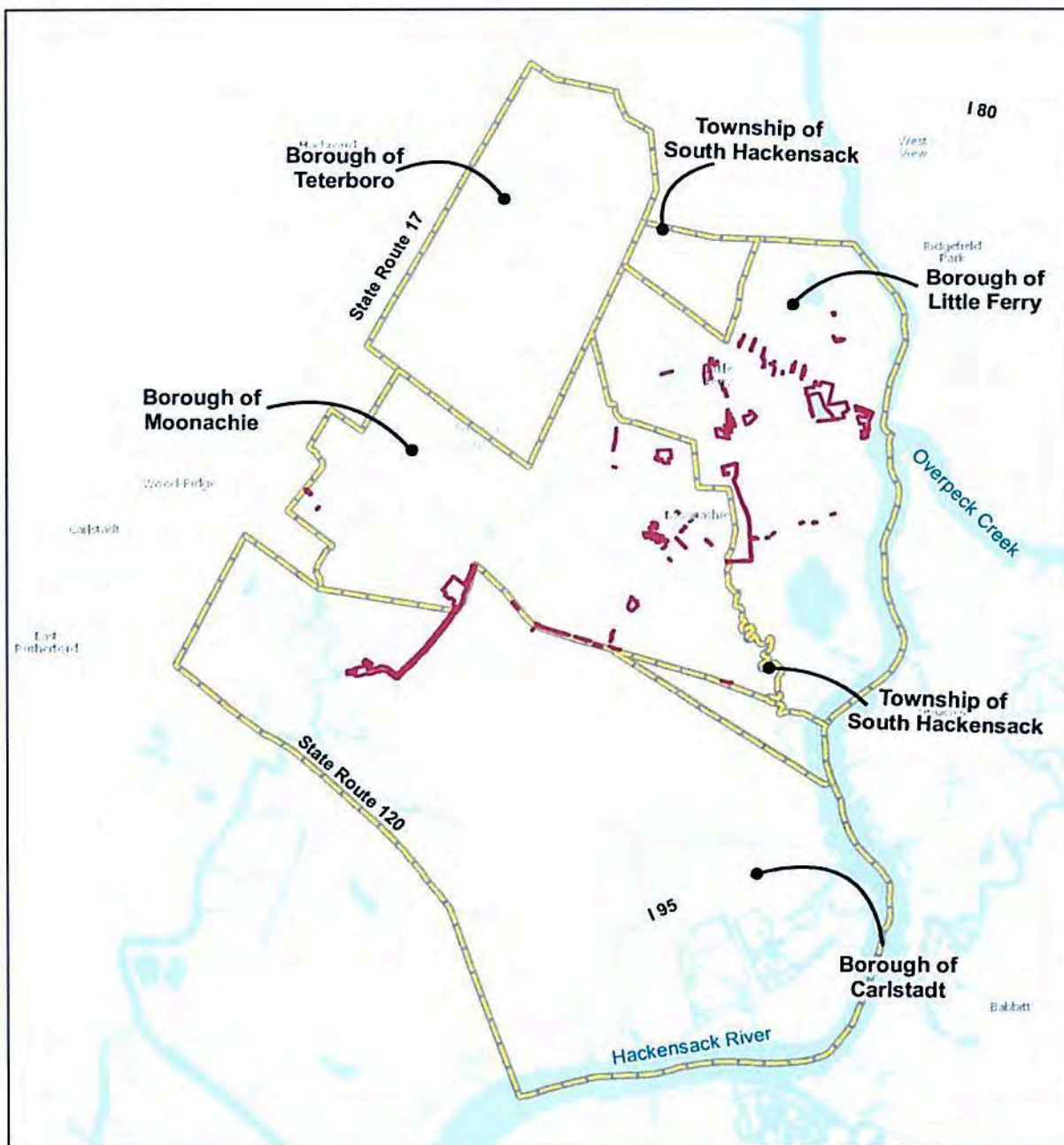
Sincerely,

A handwritten signature in blue ink, reading "Sheila Y. Oliver".

Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

- Municipal Boundary
- Water
- Alternative 3

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Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2006); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.





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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Elaine Gold
Historic Preservation Specialist
Division of Cultural & Historic Affairs, Bergen County
One Bergen County Plaza, 4th Floor
Hackensack, NJ 07601-7076

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear Mrs. Gold,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDCA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

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We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,

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Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

NJHPO Opinion letter, dated June 15, 2018
NJHPO Opinion letter, dated June 28, 2018

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Nicholas Smith-Herman, NJDCA
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Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Jim Smith, President
Bergen Museum Society
P.O. Box 95
Bergenfield, NJ 07621

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

Dear President Smith,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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that have been identified near the three alternatives as part of the architectural history survey. If you have any information regarding historic properties on the list or other historic or archaeological resources near the alternatives, please provide it within 30 days of your receipt of this letter.

Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

Sincerely,

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Barry Doll
Bergenfield Museum Society
P.O. Box 95
Bergenfield, NJ 07621

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mr. Doll,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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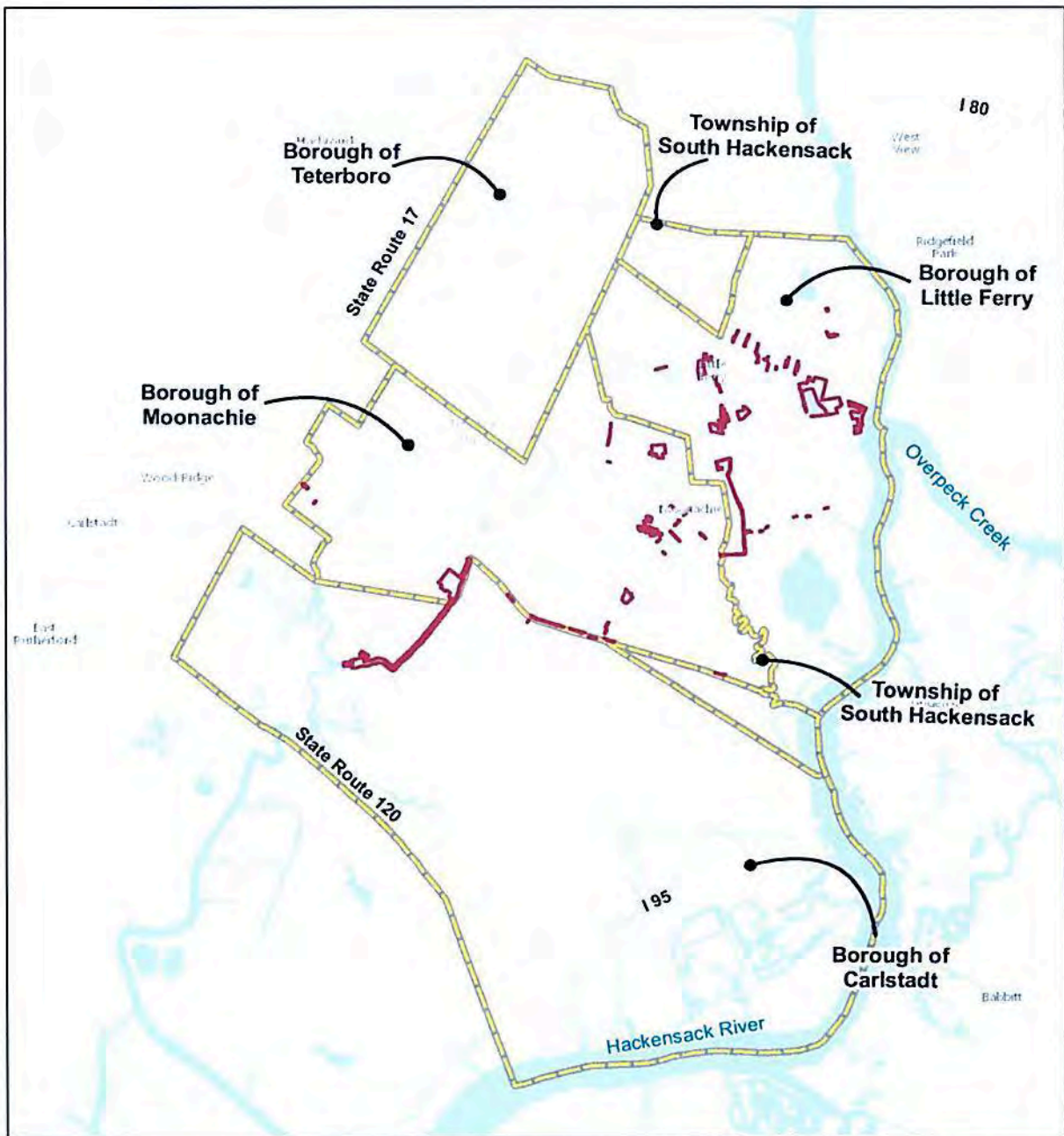
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Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

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Nicholas Smith-Herman, NJDCA
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Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP
Jim Smith, President Bergen County Historical Commission



LEGEND

- Municipal Boundary
- Water
- Alternative 3



AECOM

0 2,500 5,000 10,000 Feet



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LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Barry Doll
Bergenfield Museum Society
P.O. Box 95
Bergenfield, NJ 07621

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Lt. Governor Sheila Y. Oliver
Commissioner

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Arlene Kretz, President
Carlstadt Historical Society, Inc.
Carlstadt Memorial Municipal Building
500 Madison Street
Carlstadt, NJ 07072

**Rebuild by Design Meadowlands Flood Protection Project
Cultural and Historic Resources Information Request**

Dear President Kretz,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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Thank you for your consideration.

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

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Nicholas Smith-Herman, NJDCA
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PHILIP D. MURPHY
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LT. GOVERNOR SHEILA Y. OLIVER
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May 25, 2018

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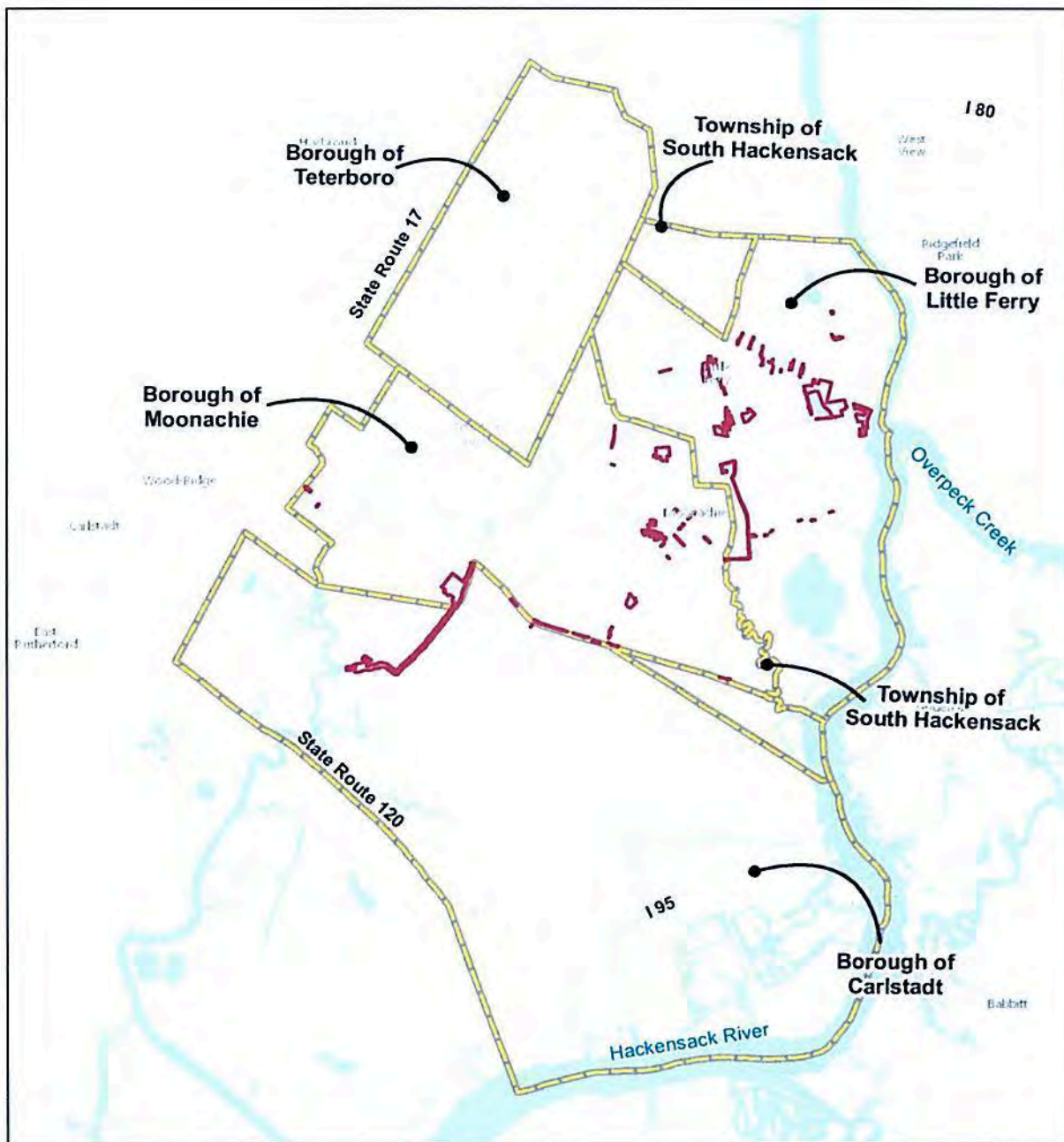
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LEGEND

- Municipal Boundary
- Water
- Alternative 3



AECOM

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State of New Jersey

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KIM GUADAGNO
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CHARLES A. RICHMAN
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December 12, 2017

Jeffrey Lahullier, President
East Rutherford Historical society
1 Everett Place
East Rutherford, NJ 07073

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

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Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

Sincerely,

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Jeffrey Lahullier, President
East Rutherford Historical Society
1 Everett Place
East Rutherford, NJ 07073

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear President Lahullier,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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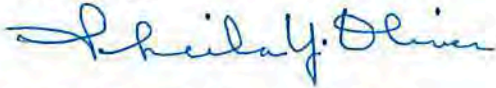
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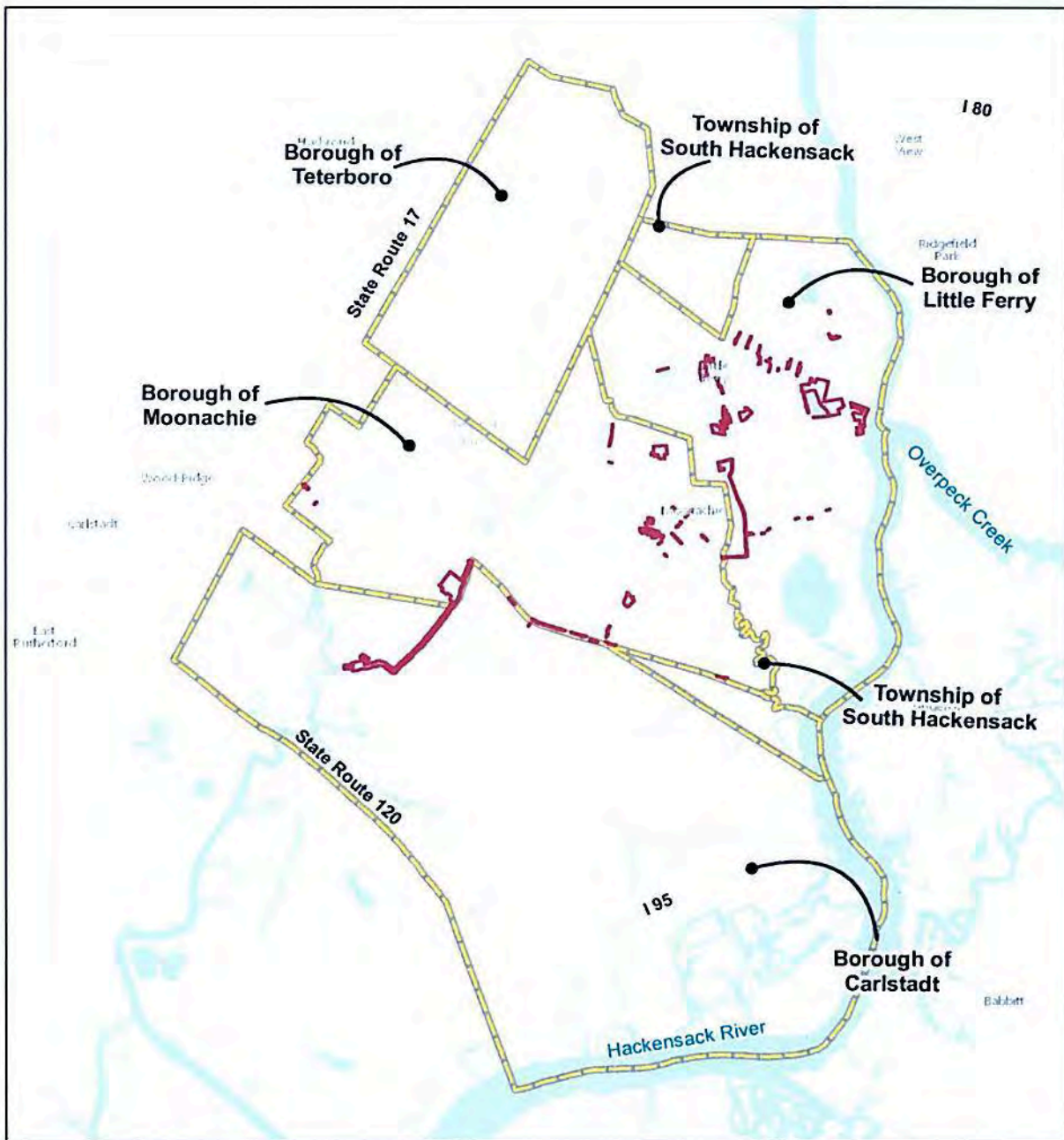
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Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
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LEGEND

- Municipal Boundary
- Water
- Alternative 3



AECOM

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS DEC (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Jeffrey Lahullier, President
East Rutherford Historical Society
1 Everett Place
East Rutherford, NJ 07073

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear President Lahullier,

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In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

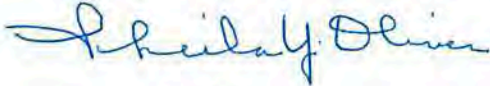
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property." For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

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Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

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NJHPO Opinion letter, dated June 28, 2018

cc: Kate Marcopul, SHPO
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Captain Bill Sheehan, The Riverkeeper
Hackensack Riverkeeper
231 Main Street
Hackensack, NJ 07601

**Rebuild by Design Meadowlands Flood Protection Project
Cultural and Historic Resources Information Request**

Dear Captain Sheehan,

In an effort to address flood and resiliency vulnerabilities exposed by Hurricane Sandy in 2012, the United States Department of Housing and Urban Development (HUD) awarded the State of New Jersey funding for the "Rebuild by Design Meadowlands Flood Protection Project" (the Project), which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

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Thank you for your consideration.

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

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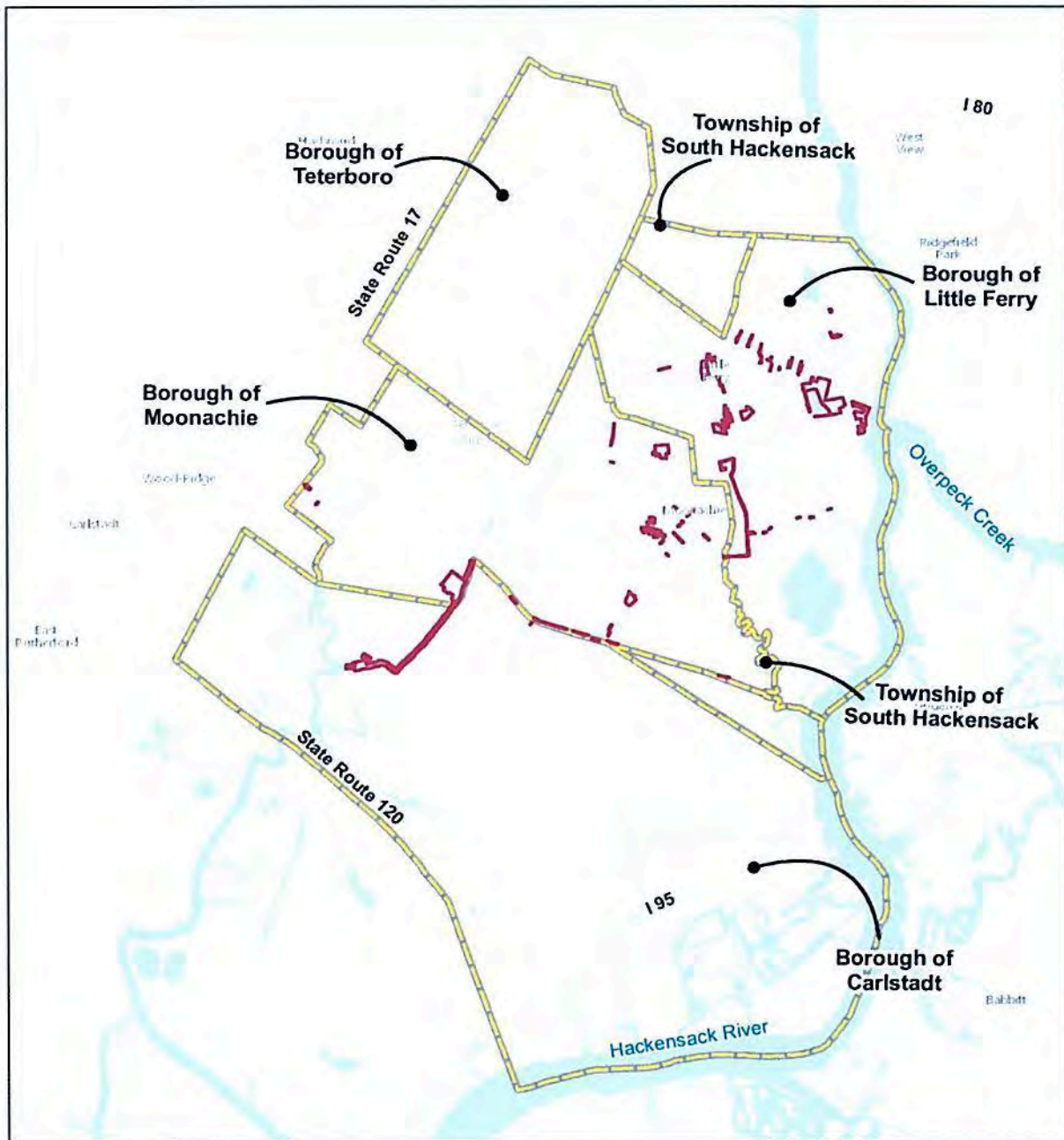
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LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



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LT. GOVERNOR SHEILA Y. OLIVER
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August 14, 2018

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State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO BOX 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Anthony Ciannamea, Chairman
Historical Committee of the Borough of Moonachie
70 Moonachie Road
Moonachie, NJ 07074

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

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Charles A. Richman
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Anthony Ciannamea, Chairman
Historical Committee of the Borough of Moonachie
70 Moonachie Road
Moonachie, NJ 07074

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Updating Consulting Parties under Section 106 of the National Historic
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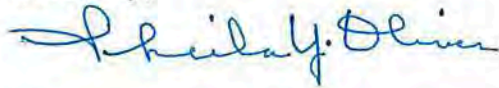
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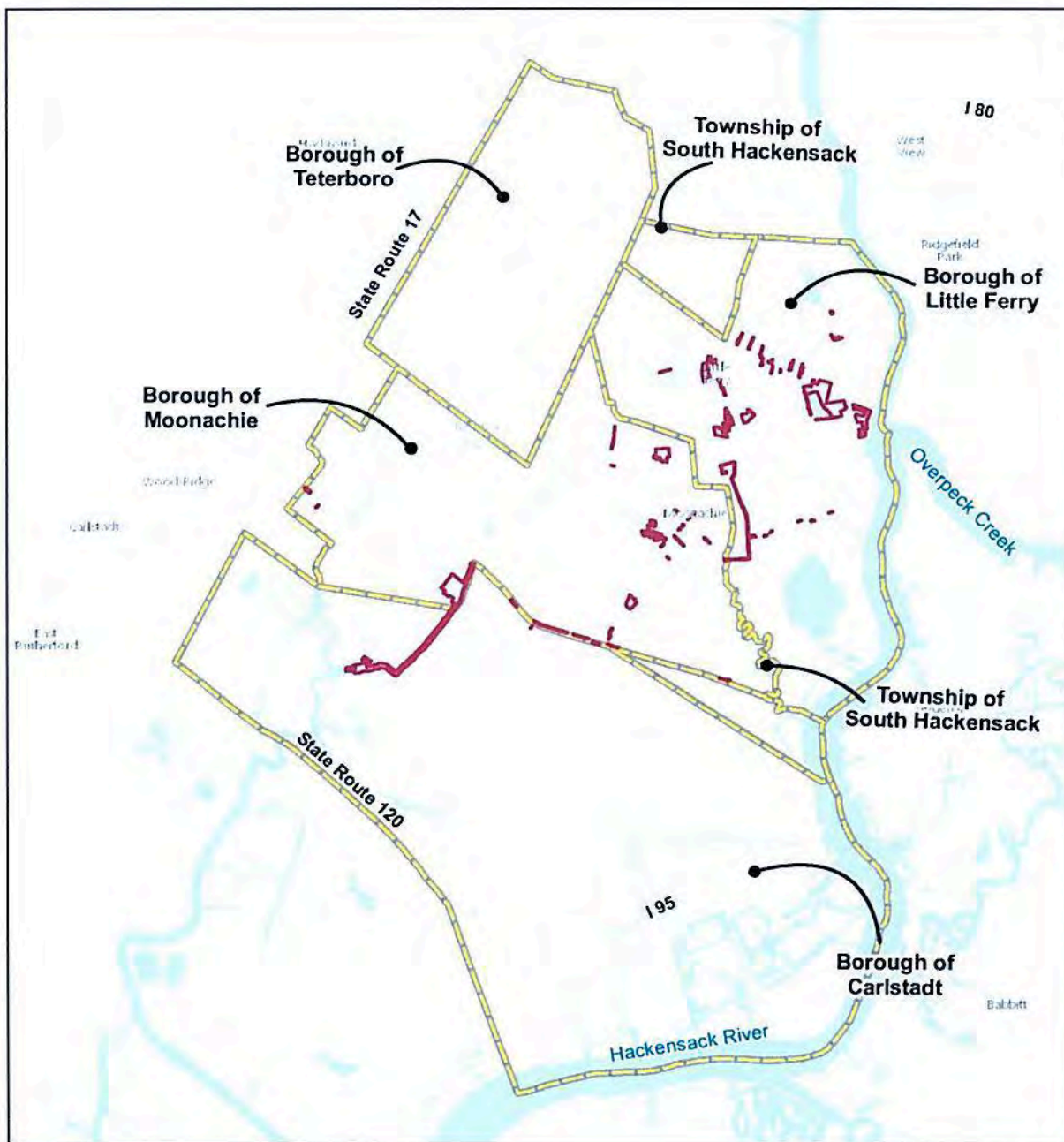
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Enclosures: Project Location Map

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LEGEND

- Municipal Boundary
- Water
- Alternative 3

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PHILIP D. MURPHY
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August 14, 2018

Anthony Ciannamea, Chairman
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70 Moonachie Road
Moonachie, NJ 07074

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Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

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NJHPO Opinion letter, dated June 28, 2018

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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Paula Cozzarelli, Administrator
Little Ferry Historical Society
Little Ferry Public Library
239 Liberty Street
Little Ferry, NJ 07643

**Rebuild by Design Meadowlands Flood Protection Project
Cultural and Historic Resources Information Request**

Dear Mrs. Cozzarelli,

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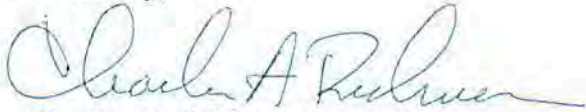


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Thank you for your consideration.

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

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State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Paula Cozzarelli, Administrator
Little Ferry Historical Society
Little Ferry Public Library
239 Liberty Street
Little Ferry, NJ 07643

Rebuild by Design Meadowlands Flood Protection Project Updating Consulting Parties under Section 106 of the National Historic Preservation Act

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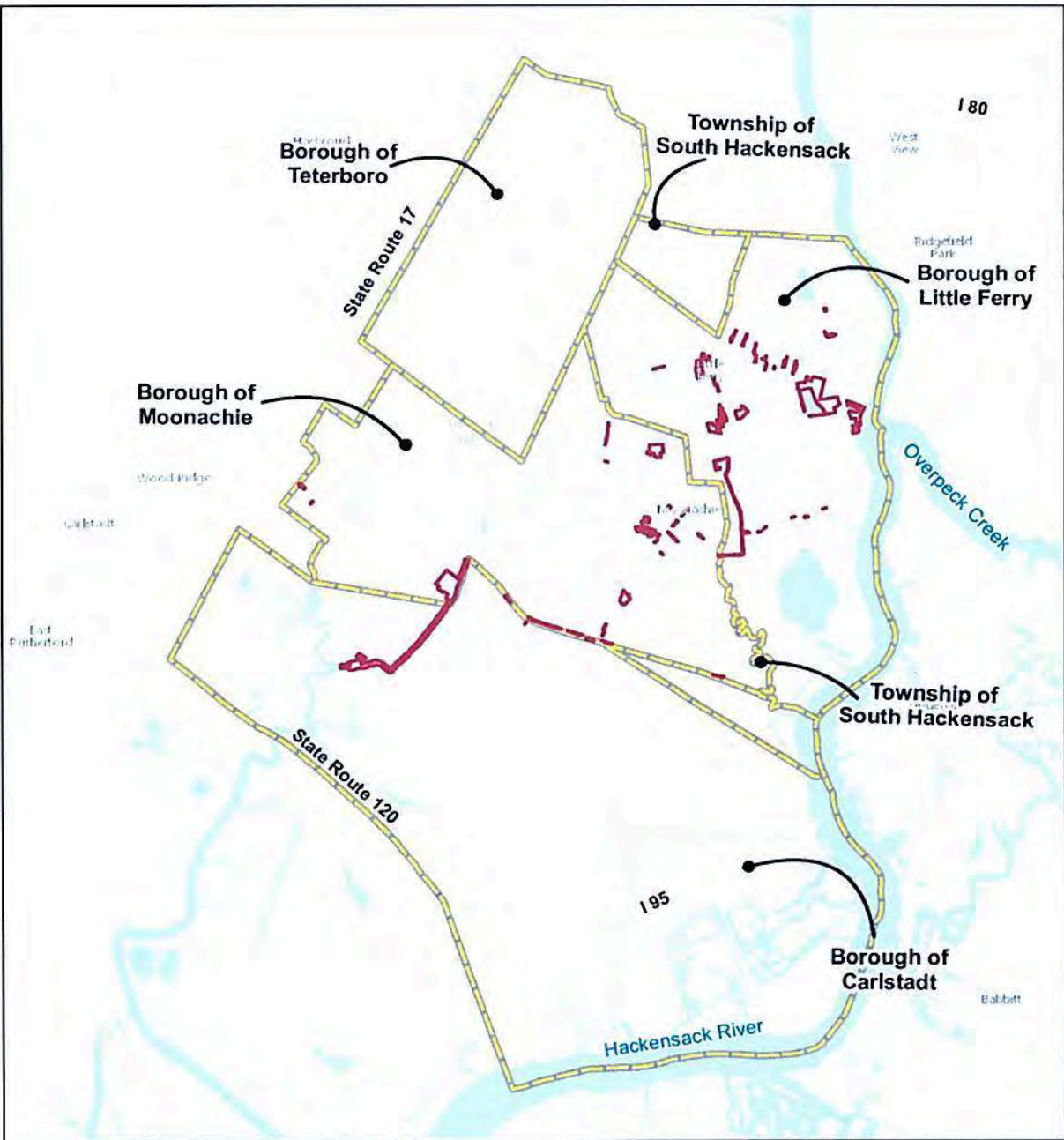
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Commissioner

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LEGEND

- Municipal Boundary
- Water
- Alternative 3



0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Paula Cozzarelli, Administrator
Little Ferry Historical Society
Little Ferry Public Library
239 Liberty Street
Little Ferry, NJ 07643

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Steven Tettamanti, Executive Director
New Jersey Historical Society
52 Park Place
Newark, NJ 07102

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

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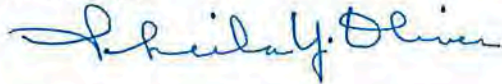
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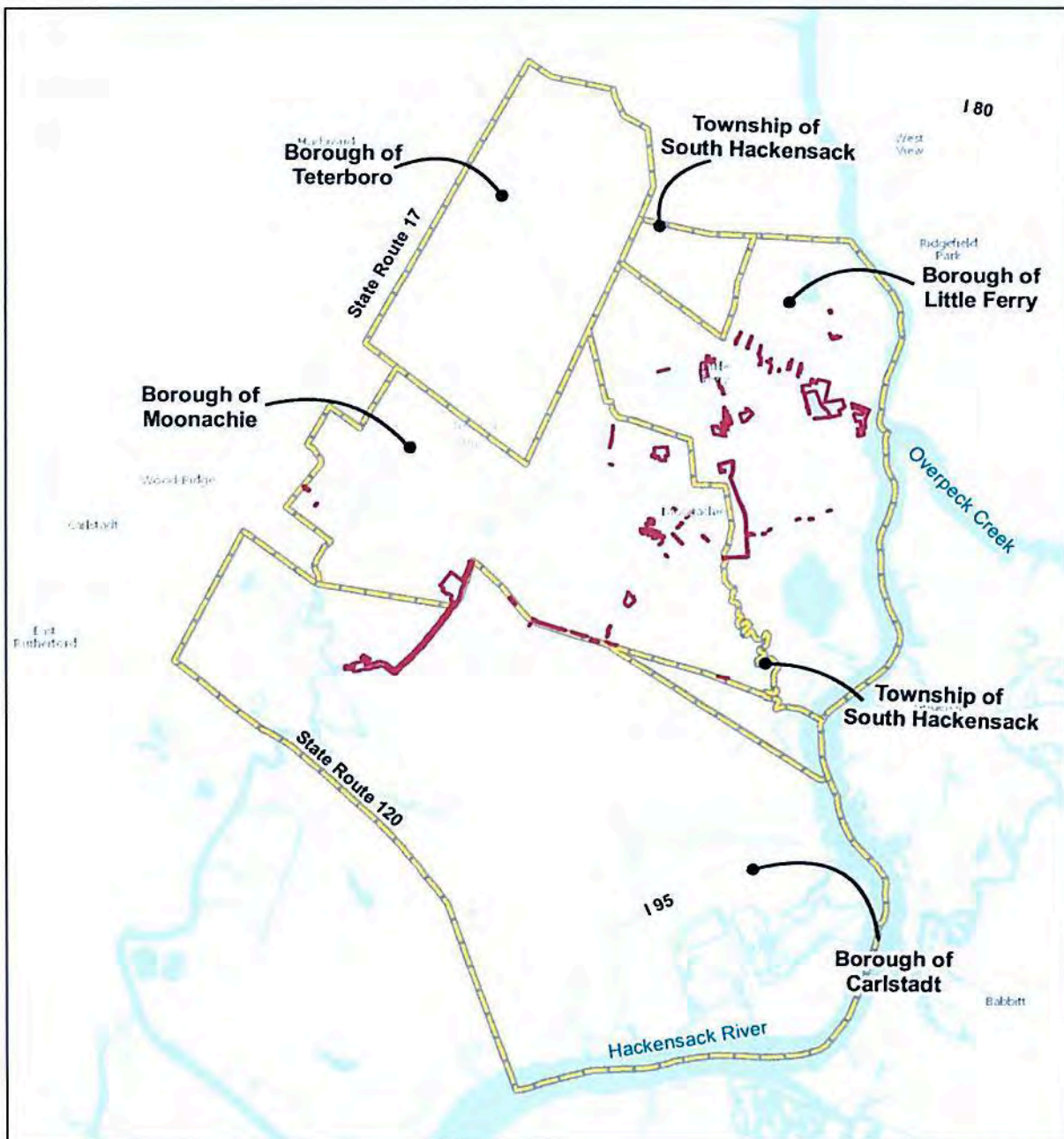
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Enclosures: Project Location Map

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LEGEND

-  Municipal Boundary
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AECOM

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December 12, 2017

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Ridgewood Historical Society
650 Glenn Avenue
Ridgewood, NJ 07450

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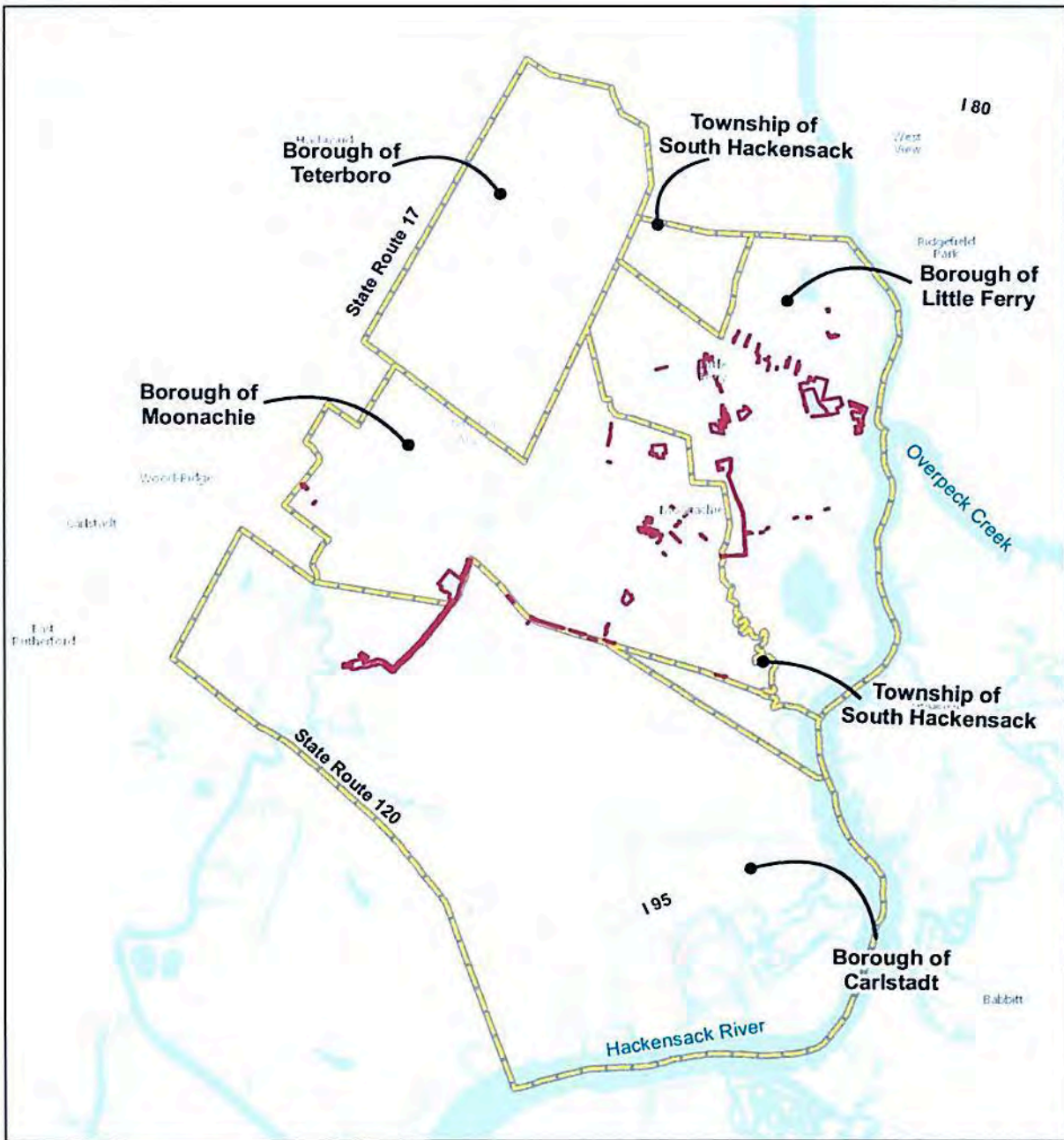
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LEGEND

- Municipal Boundary
- Water
- Alternative 3

0 2,500 5,000 10,000 Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EISO (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Candace Latham, President
Ridgewood Historical Society
650 Glenn Avenue
Ridgewood, NJ 07450

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear President Latham,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDEP) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDEP has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic



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We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

NJHPO Opinion letter, dated June 15, 2018
NJHPO Opinion letter, dated June 28, 2018

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

December 12, 2017

Village of Ridgefield Park
Jeff Hoffman, Chairman
234 Main Street
Ridgefield Park, NJ 07660

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

Dear Mr. Hoffman,

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that have been identified near the three alternatives as part of the architectural history survey. If you have any information regarding historic properties on the list or other historic or archaeological resources near the alternatives, please provide it within 30 days of your receipt of this letter.

Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

Sincerely,

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Charles A. Richman
Commissioner

Enclosures: Alternative Project Location Maps
List of Identified Properties

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LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

May 25, 2018

Jeff Hoffman, Chairman
Ridgefield Park Historic Preservation Commission
234 Main Street
Ridgefield Park, NJ 07660

**Rebuild by Design Meadowlands Flood Protection Project
Updating Consulting Parties under Section 106 of the National Historic
Preservation Act**

Dear Mr. Hoffman,

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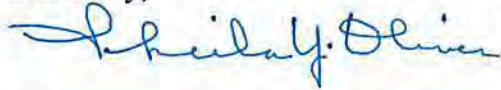
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If interested, a copy of these revised reports can be provided upon your request. Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

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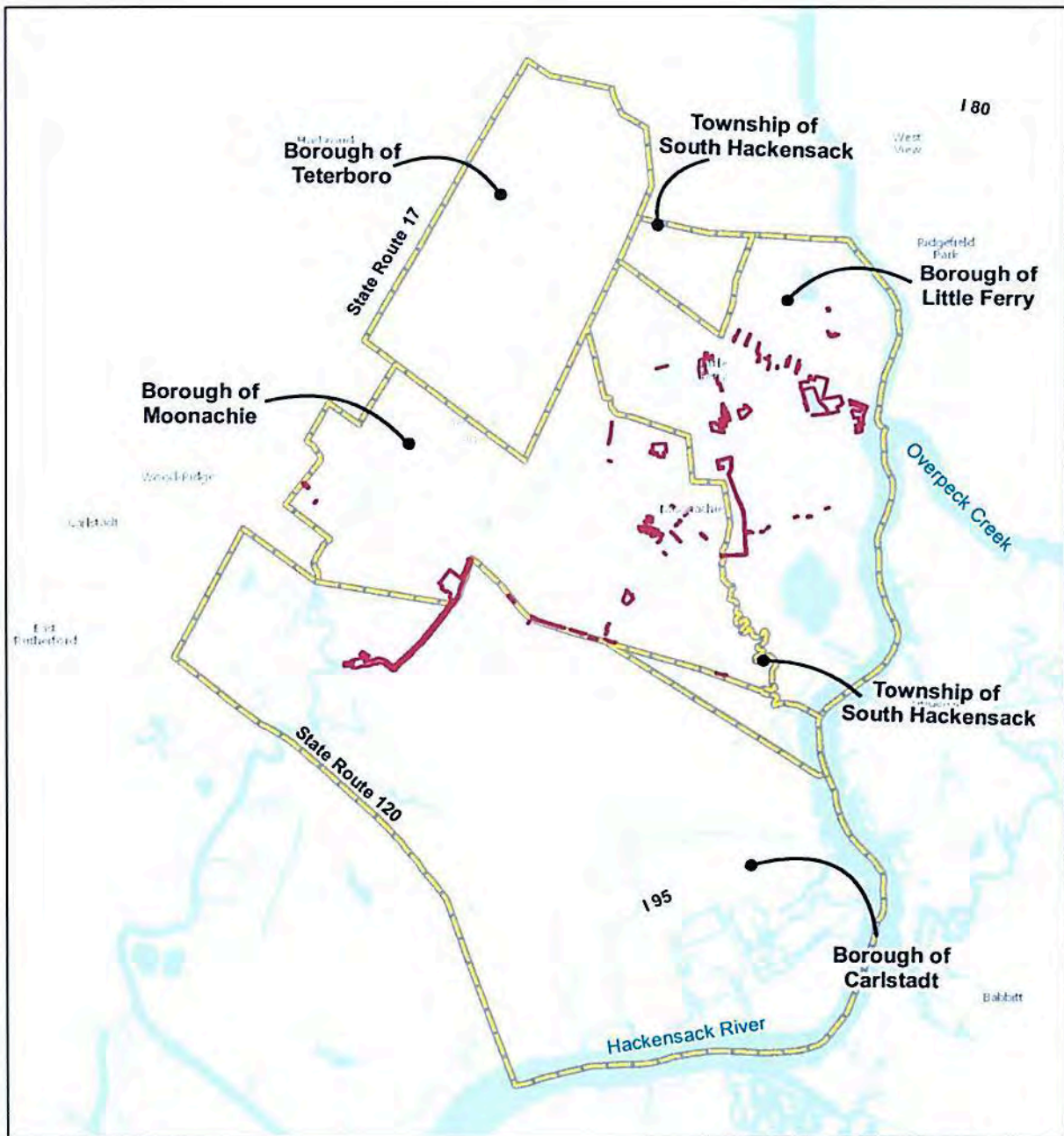
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Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

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LT. GOVERNOR SHEILA Y. OLIVER
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August 14, 2018

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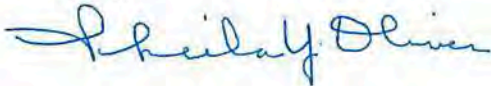
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Lt. Governor Sheila Y. Oliver
Commissioner

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Lt. Governor

CHARLES A. RICHMAN
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December 12, 2017

Thomas Yotka, Director
Village of Ridgewood Historic Preservation Commission
131 North Maple Avenue
Ridgewood, NJ 07450

Rebuild by Design Meadowlands Flood Protection Project Cultural and Historic Resources Information Request

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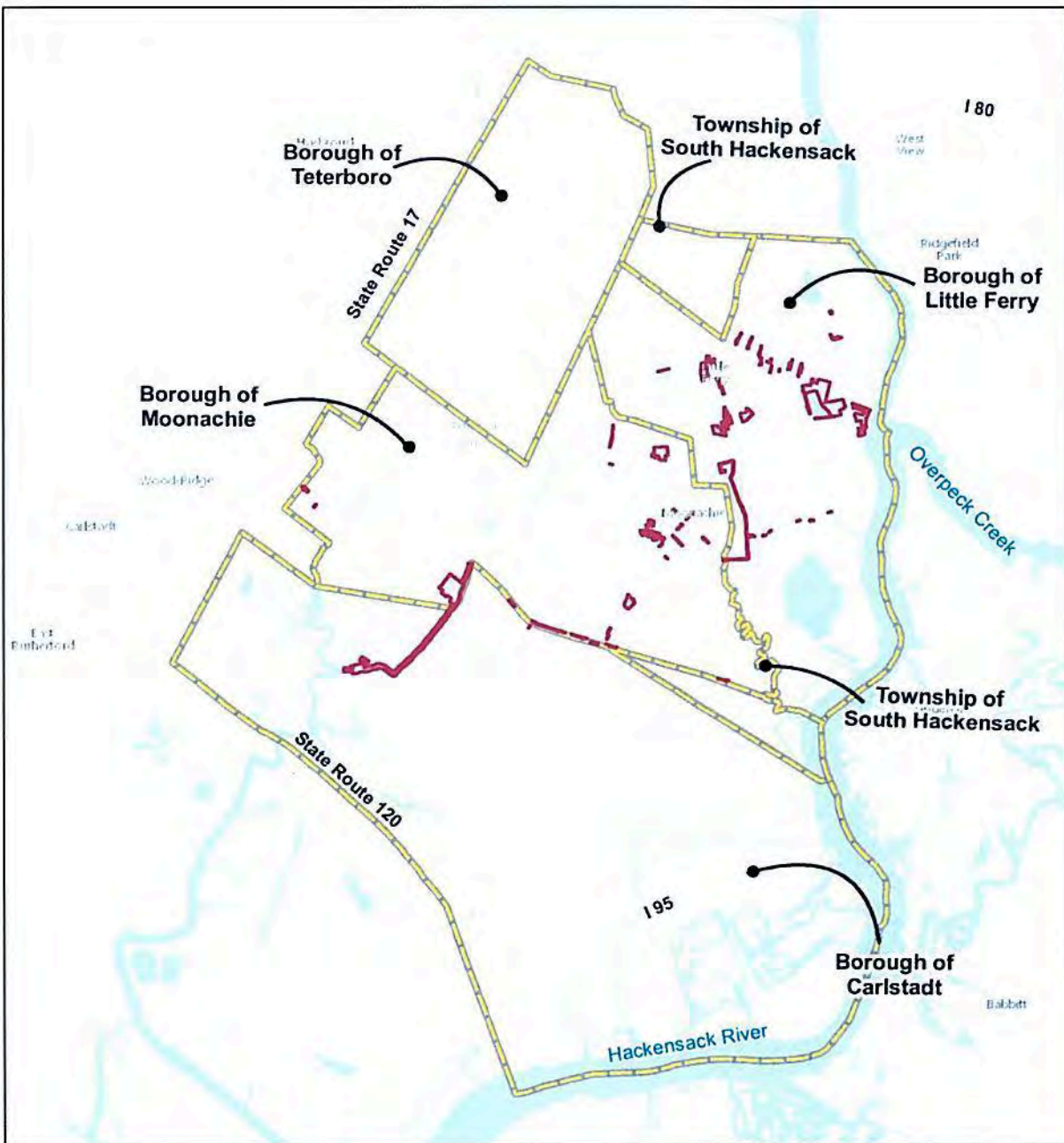
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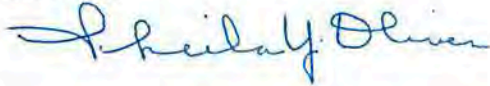
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The Bianchi House
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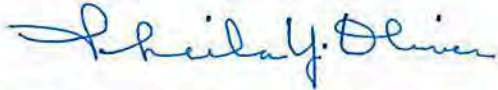
The potential effects to historic properties and cultural resources are being considered as part of the Section 106 review and will be incorporated into the Draft Environmental Impact Statement (EIS). Phase IA archaeological survey and architectural history (i.e., Historic Structures) report that identify historical resources within the Study Area has been revised based upon the New Jersey Historic Preservation Office (NJHPO) review and has been resubmitted on May 18, 2018 to NJHPO for review. The requested revision was to assess impacts for the proposed project to be constructed, which is recommended to be the Build Plan for Alternative 3.



If interested, a copy of these revised reports can be provided upon your request. Please send comments or information to Kim McEvoy, Environmental Team Leader, Office of Flood Hazard Risk Reduction Measures, at the address above or at Kim.McEvoy@dep.nj.gov.

Thank you for your consideration.

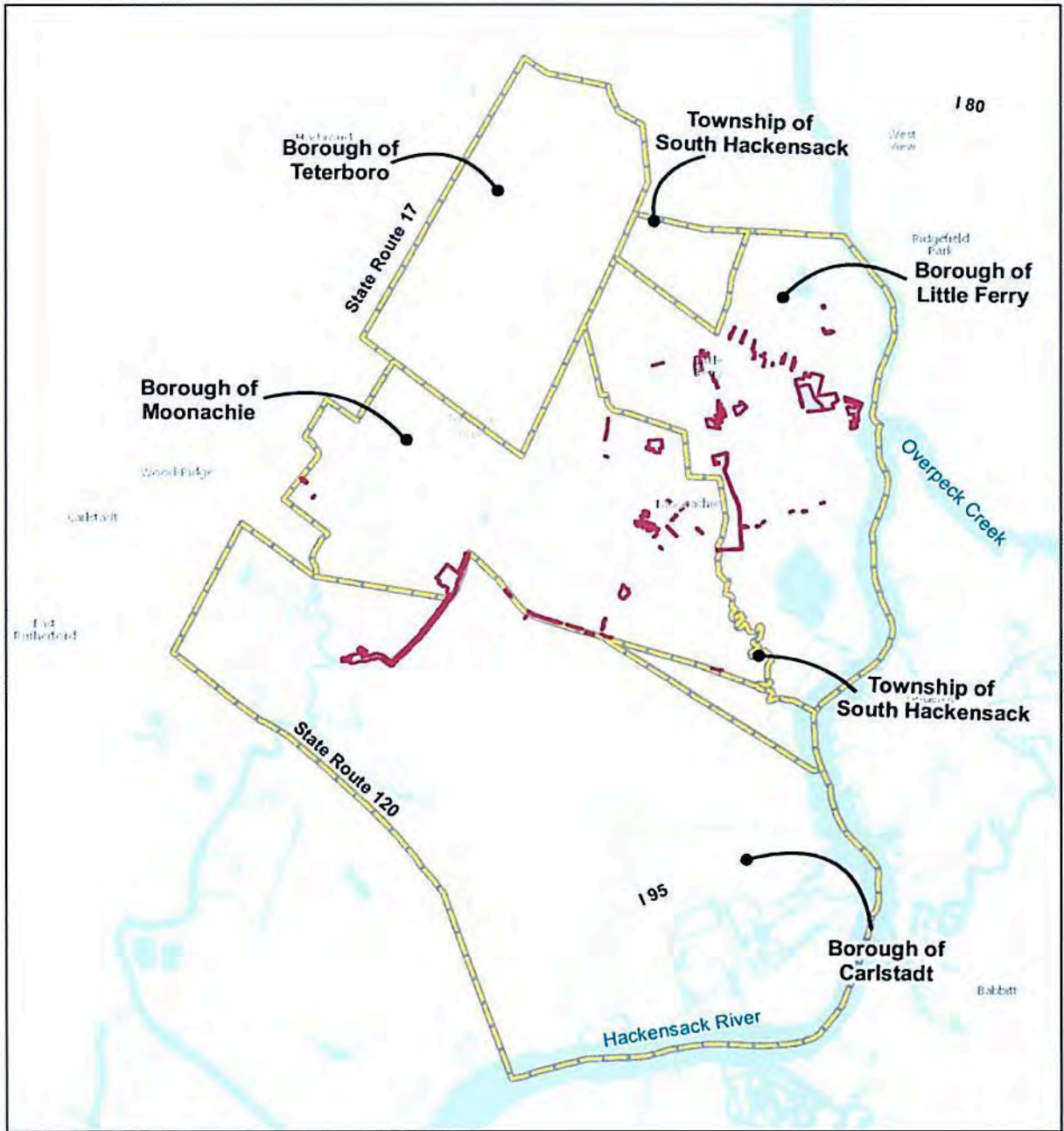
Sincerely,

A handwritten signature in blue ink, reading "Sheila Y. Oliver".




Lt. Governor Sheila Y. Oliver
Commissioner

Enclosures: Project Location Map

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



LEGEND

-  Municipal Boundary
-  Water
-  Alternative 3



AECOM

0 2,500 5,000 10,000

Feet



Sources: Spatial Data courtesy of NJDEP (2007, 2010, 2016); NYS EIS (2008); Esri (2016) Disclaimer: No warranty is made by AECOM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the GIS database.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

August 14, 2018

Carl Dittman, President & Historian
Wood-Ridge Historical Society
The Bianchi House
111 First Street, Wood-Ridge, NJ 07075

RE: Rebuild by Design Meadowlands Flood Protection Project (Proposed Project), located in Bergen County, Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro and Township of South Hackensack

Dear President Dittman,

Under the Department of Housing and Urban Development (HUD) regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDECA) has assumed the role of Responsible Entity to complete HUD's responsibilities to comply with the National Environmental Policy Act (NEPA) and Section 106 of National Historic Preservation Act (NHPA) for the Proposed Project. The NJDECA has designated the New Jersey Department of Environmental Protection (NJDEP) as the Lead Agency for this project. As such, the NJDEP Rebuild by Design (RBD) Meadowlands Flood Protection Project in accordance with 36 CFR Part 800: protection of Historic properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), has consulted with the New Jersey Historic Preservation Office (NJHPO) on the Proposed Project. The NJDEP submitted to NJHPO the Historic Structures Survey report, dated December 2017 (revised May 2018), and Phase IA Archaeological Survey report, dated December 2017 (revised May 2018), for review and comment. The Historic Structures and Phase IA Archaeological reports were prepared for the RBD Meadowlands Flood Protection Project in Bergen County and revised in accordance with NJHPO comments dated March 19, 2018 (HPO-C2018-158). The Surveys were conducted in compliance with Section 106 of the NHPA and as part of the Environmental Impact Statement (EIS) under NEPA.

In previous comments, the NJHPO requested a plan to involve the public and identification of Native American Tribes and other consulting parties for consultation under Section 106. The NJDEP had previously identified your agency as a consulting agency and in accordance with Section 106 has been updating your agency on the Proposed Project's Section 106 submittals. The NJHPO has also requested in their consultation response that your agency be copied on their findings on the Proposed Project; therefore, NJDEP is also providing your agency a copy of the NJHPO consultation comment letter.

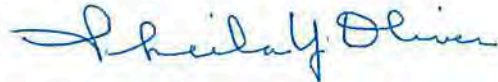
The NJDEP has attached a copy of the NJHPO consultation comment letters, dated June 15, 2018 and June 28, 2018, on the Proposed Project's potential impact on identified historic resources in the Project Area. For the Historic Structures Survey, the NJHPO concluded "Based on the information provided as part of this review, the American Sokol Little Ferry is eligible for listing in the New Jersey and National Registers of Historic Places. The project as proposed will have no adverse effect on this historic



property.” For the Phase IA Archaeological Survey, NJHPO concurred that a Phase IB Archaeological Survey is necessary for the proposed Caesar Place Park and Avanti Park due to the high sensitivity for archaeological resources, and that no further survey is necessary in the remainder of the Area of Potential Effect (APE). NJDEP will be documenting this consultation in the EIS and the NJHPO determination of no adverse effect for aboveground resources identified in the Project Area.

We appreciate your involvement in this consultation process. If you have questions on this consultation, please contact Kim McEvoy at Kim.McEvoy@dep.nj.gov.

Sincerely,



Lt. Governor Sheila Y. Oliver
Commissioner

Attachments:

NJHPO Opinion letter, dated June 15, 2018
NJHPO Opinion letter, dated June 28, 2018

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Ursula Howson
NOAA/National Marine Fisheries Service, Greater Atlantic Regional
Fisheries Office, Habitat Conservation Division, James J. Howard Marine
Sciences Laboratory,
74 Magruder Rd, Highlands, NJ 07732

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

The New Jersey Department of Environmental Protection (NJDEP), on behalf of New Jersey Department of Community Affairs (NJDCA), announces the availability of a Draft Environmental Impact Statement (DEIS) on the Rebuild by Design (RBD) Meadowlands Flood Protection Project (Proposed Project). The Proposed Project was allocated U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant funds. On behalf of the State of New Jersey through the NJDCA, the recipient of the HUD grant funds, NJDEP is the "Responsible Entity," as defined by HUD regulations at 24 Code of Federal Regulations (CFR) § 58.2(a)(7)(i), for the Proposed Project. In accordance with criteria in 40 CFR § 1501.5(c), NJDCA has designated NJDEP as the Lead Agency to prepare this EIS for the Proposed Project in accordance with the National Environmental Policy Act (NEPA).

Included in this transmittal is a copy of the DEIS associated with the Proposed Project for your agency review and/or records. The Proposed Project would be located in the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The Proposed Project was developed as a concept through the Hurricane Sandy Rebuilding Task Force's RBD program, a design competition to promote the development of resiliency in the Sandy-affected region. The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of inland and coastal flooding on the quality of the human environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Proposed Project is to reduce flood risk in the Project Area, thereby protecting critical infrastructure and facilities, residences, and businesses from the more frequent and intense flood events anticipated in the future.


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Electronic copies of the DEIS are available for download on the following websites: <http://www.rbd-meadowlands.nj.gov> and www.nj.gov/dea/divisions/sandyrecovery/review. All comments concerning this DEIS are requested to be submitted by July 15, 2018.

For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Daniel Marrone, NOAA
Karen Greene, NOAA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Michael Audin, Deputy Regional Environmental Officer
FEMA Region 2
26 Federal Plaza, 13th Floor
New York, NY 10278-0002

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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implementation. However, due to funding and construction constraints associated with a project of this magnitude, the Alternative 3 features would be separated into two stages: a *Build Plan*, which includes all features to be constructed as part of the Proposed Project, and a *Future Plan*, which includes the remaining features that could be constructed over time by others as funding and construction feasibility permit. The Alternative 3 *Build Plan* would consist of 41 green infrastructure systems (bioswales, storage trenches, and rain gardens) along roadways, three new parks (comprising approximately 7.6 acres in total), improvements to five existing open spaces/public amenities, two new pump stations, one new force main, and dredging of the lower East Riser Ditch.

Electronic copies of the DEIS are available for download on the following websites: <http://www.rbd-meadowlands.nj.gov> and www.nj.gov/dca/divisions/sandyrecovery/review. All comments concerning this DEIS are requested to be submitted by July 15, 2018.

For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Emily Hodecker, FEMA Region 2
John Dawson, FEMA Region 2



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Therese Fretwell, Regional Environmental Officer
U.S. Department of Housing & Urban Development, Region II
26 Federal Plaza, NY, NY 10278

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Electronic copies of the DEIS are available for download on the following websites: <http://www.rbd-meadowlands.nj.gov> and www.nj.gov/dca/divisions/sandyrecovery/review. All comments concerning this DEIS are requested to be submitted by July 15, 2018.

For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Lynn Patton, HUD Region 2
Tennille Parker, HUD Region 2
Stephen Murphy, HUD Region 2



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Donna Mahon, DR Field Regional Environmental Officer, Region 2
U.S. Department of Housing & Urban Development
Newark Field Office
1085 Raymond Blvd, 12th Floor
Newark, NJ 07102-5260

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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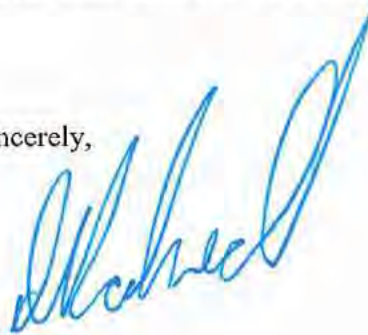
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Stephanie Lamster
USEPA, Region 2
26 Federal Plaza
New York, NY 10278

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
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For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Grace Musumeci, USEPA
Walter Mugdan, USEPA
Doug Tomchuk, USEPA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: James Cannon
US Army Corps of Engineers, New York District
26 Federal Plaza, Room 2127
New York, NY 10278

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
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For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Chris Mallery, USACE
Jodi M. McDonald, USACE
Rosita Miranda, USACE
Colonel Thomas D. Asbury, USACE



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Paul Kenney
National Park Service
143 South 3rd Street
Philadelphia, PA 19106

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Sarah Killinger, NPS



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

CATHERINE R. MCCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

May 30, 2018

TO: Eric Schradling
U. S. Fish and Wildlife Service
New Jersey Field Office, Atlantic Professional Park
4 East Jimmie Leeds Road, Unit 4
Galloway, NJ 08205

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Carlo Popolizio, USFWS
Ron Popowski, USFWS



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

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Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Stephen Gardner, EVP, Chief, NEC Business Development
National Railroad Passenger Corporation, 39th Street Station
2955 Market Street
Philadelphia, PA 19104

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Petra Messick, Sr Officer of Outreach & Communications



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Donald Burns
Federal Transit Administration – Region 2
1 Bowling Green, Room 429
New York, NY 10004

SUBJECT: Draft Environmental Impact Statement (DEIS)
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Dan Moser, FTA
Stephen Goodman, FTA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Evelyn Martinez, Manager
FAA, Eastern Regional Office
1 Aviation Plaza
Jamaica, NY 11434

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
David Sanchez, FAA



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Andrew Brooks, Env. Program Manager
FAA, Eastern Regional Office
1 Aviation Plaza
Jamaica, NY 11434

SUBJECT: Draft Environmental Impact Statement (DEIS)
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Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
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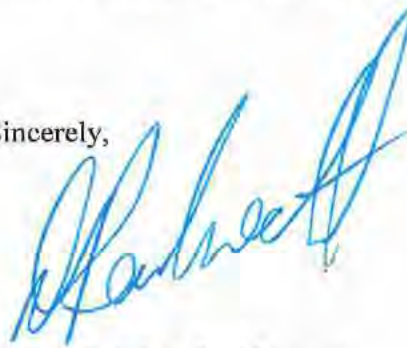
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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P. O. Box 420

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Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Bernice R Malione, Deputy Director
Port Authority of NY&NJ
4 World Trade Center-15th Floor
150 Greenwich St
New York, NY 10007

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Renee Spann, PANYNJ
Joe Simenic, PANYNJ



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Sam Viavattine, Deputy Commissioner, Sandy Recovery Division
Department of Community Affairs
101 S Broad Street
PO Box 823
Trenton, NJ 08625

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

The New Jersey Department of Environmental Protection (NJDEP), on behalf of New Jersey Department of Community Affairs (NJDECA), announces the availability of a Draft Environmental Impact Statement (DEIS) on the Rebuild by Design (RBD) Meadowlands Flood Protection Project (Proposed Project). The Proposed Project was allocated U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant funds. On behalf of the State of New Jersey through the NJDECA, the recipient of the HUD grant funds, NJDEP is the "Responsible Entity," as defined by HUD regulations at 24 Code of Federal Regulations (CFR) § 58.2(a)(7)(i), for the Proposed Project. In accordance with criteria in 40 CFR § 1501.5(c), NJDECA has designated NJDEP as the Lead Agency to prepare this EIS for the Proposed Project in accordance with the National Environmental Policy Act (NEPA).

Included in this transmittal is a copy of the DEIS associated with the Proposed Project for your agency review and/or records. The Proposed Project would be located in the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The Proposed Project was developed as a concept through the Hurricane Sandy Rebuilding Task Force's RBD program, a design competition to promote the development of resiliency in the Sandy-affected region. The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of inland and coastal flooding on the quality of the human environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Proposed Project is to reduce flood risk in the Project Area, thereby protecting critical infrastructure and facilities, residences, and businesses from the more frequent and intense flood events anticipated in the future.

The DEIS includes a detailed project description and describes environmental impacts associated with three Build Alternatives (Alternatives 1, 2, and 3) as well as the No Action

Alternative. NJDEP is recommending Alternative 3 as the Preferred Alternative for implementation. However, due to funding and construction constraints associated with a project of this magnitude, the Alternative 3 features would be separated into two stages: a *Build Plan*, which includes all features to be constructed as part of the Proposed Project, and a *Future Plan*, which includes the remaining features that could be constructed over time by others as funding and construction feasibility permit. The Alternative 3 *Build Plan* would consist of 41 green infrastructure systems (bioswales, storage trenches, and rain gardens) along roadways, three new parks (comprising approximately 7.6 acres in total), improvements to five existing open spaces/public amenities, two new pump stations, one new force main, and dredging of the lower East Riser Ditch.

Electronic copies of the DEIS are available for download on the following websites: <http://www.rbd-meadowlands.nj.gov> and www.nj.gov/dca/divisions/sandyrecovery/review. All comments concerning this DEIS are requested to be submitted by July 15, 2018.

For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Nicholas Smith-Herman, Program Specialist, Sandy Recovery
Nancy Deihl, Sandy Recovery Division



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Eric Daleo, Manager
New Jersey Transit Resilience Program
One Penn Plaza East, 8th Floor
Newark, NJ 07105

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Kevin S. Corbett, New Jersey Transit Executive Director



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Mr. Mauro Raguseo, Mayor
Borough of Little Ferry
215-217 Liberty Street
Little Ferry, NJ 07643

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Paula Cozzarelli, Administrator Little Ferry



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Mr. Craig Luhullier, Mayor
Borough of Carlstadt
500 Madison Street
Carlstadt, NJ 07072

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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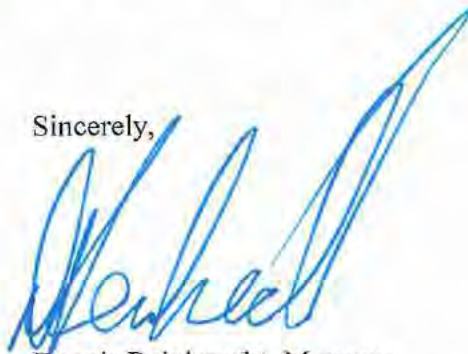
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Joe Crifasi, Director Carlstadt DPW



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Mr. Dennis Vaccaro, Mayor
Borough of Moonachie
90 Moonachie Ave
Moonachie, NJ 07074

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Mary Ellen Lyons, Superintendent Moonachie DPW



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

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Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Mr. John Peter Watt, Mayor
Borough of Teterboro
510 Route 46 West
Teterboro, NJ 07608

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Nick Saros, Administrator Teterboro



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

501 East State Street

Mail Code 501-01A

P. O. Box 420

Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Mr. Gary Brugger, Mayor
Township of South Hackensack
227 Phillips Ave
South Hackensack, NJ 07606

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Mary Ellen Lyons, Superintendent S. Hackensack DWP



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

Bureau of Flood Resilience

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Trenton, NJ 08625-0420

Tel. 609-292-9236 FAX 609-984-1908

CATHERINE R. MCCABE

Acting Commissioner

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

May 30, 2018

TO: Sharon Mascaro, NJSEA/Meadowlands Commission
One DeKorte Park Plaza
PO Box 640
Lyndhurst, NJ 07071

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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Included in this transmittal is a copy of the DEIS associated with the Proposed Project for your agency review and/or records. The Proposed Project would be located in the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The Proposed Project was developed as a concept through the Hurricane Sandy Rebuilding Task Force's RBD program, a design competition to promote the development of resiliency in the Sandy-affected region. The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of inland and coastal flooding on the quality of the human environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Proposed Project is to reduce flood risk in the Project Area, thereby protecting critical infrastructure and facilities, residences, and businesses from the more frequent and intense flood events anticipated in the future.

The DEIS includes a detailed project description and describes environmental impacts associated with three Build Alternatives (Alternatives 1, 2, and 3) as well as the No Action Alternative. NJDEP is recommending Alternative 3 as the Preferred Alternative for

implementation. However, due to funding and construction constraints associated with a project of this magnitude, the Alternative 3 features would be separated into two stages: a *Build Plan*, which includes all features to be constructed as part of the Proposed Project, and a *Future Plan*, which includes the remaining features that could be constructed over time by others as funding and construction feasibility permit. The Alternative 3 *Build Plan* would consist of 41 green infrastructure systems (bioswales, storage trenches, and rain gardens) along roadways, three new parks (comprising approximately 7.6 acres in total), improvements to five existing open spaces/public amenities, two new pump stations, one new force main, and dredging of the lower East Riser Ditch.

Electronic copies of the DEIS are available for download on the following websites: <http://www.rbd-meadowlands.nj.gov> and www.nj.gov/dca/divisions/sandyrecovery/review. All comments concerning this DEIS are requested to be submitted by July 15, 2018.

For further information, please write to or e-mail Dennis Reinknecht, Program Manager, NJDEP Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420, rbd-meadowlands@dep.nj.gov.

Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Cheryl Rezendes, NJSEA/Meadowlands Commission



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Engineering and Construction

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CATHERINE R. MCCABE
Acting Commissioner

May 30, 2018

TO: Joseph Femia, Director of Planning and Engineering/County Engineer
Department of Planning & Engineering
One Bergen County Plaza, 4th Floor
Hackensack, NJ 07601

SUBJECT: Draft Environmental Impact Statement (DEIS)
Rebuild By Design Meadowlands Flood Protection Project
Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the
Township of South Hackensack, Bergen County, New Jersey

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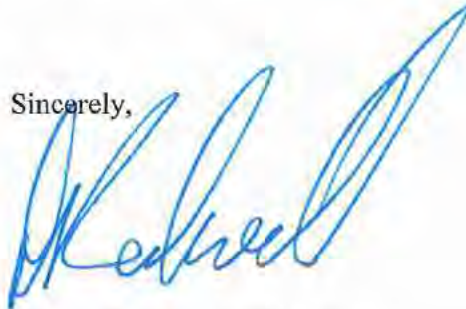
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Sincerely,



Dennis Reinknecht, Manager
Bureau of Flood Resilience

Enclosure

CC: David Rosenblatt, NJDEP Assistant Commissioner
Christos Kavvadas, Bergen County Engineer's Office

Appendix B: Compliance with Federal, State, and Local Laws and Regulations

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This appendix summarizes the Federal, State, and local environmental laws and regulations that apply to the Proposed Project, in addition to the overarching National Environmental Policy Act (NEPA). The Proposed Project's development and operation would comply with applicable Federal environmental laws and regulations, and with applicable State, regional, and local laws, regulations, and ordinances, as described below.

B.1 Federal Laws and Regulations

American Antiquities Act of 1906 (16 USC §§ 431-433)

The American Antiquities Act was passed by the United States Congress and signed into law by Theodore Roosevelt on June 8, 1906. This law gives the President of the United States the authority to, by presidential proclamation, create national monuments from public lands to protect significant natural, cultural, or scientific features. The Act also sets forth requirements, such as obtaining permits from land managers, for any excavation, examination, or collection of archeological sites and objects on Federal lands. Penalties against persons who "appropriate, excavate, injure, or destroy" any historic or prehistoric structures or objects on Federal lands are also established in this Act.

American Indian Religious Freedom Act of 1978 (42 USC §§ 1996 - 1996a)

The American Indian Religious Freedom Act (AIRFA) preserves and protects the inherent right of the American Indian, Alaska Native, and Native Hawaiian people to believe, express, and exercise their traditional religions and cultural practices. This includes, but is not limited to, access to their culturally significant sites, their use and possession of sacred objects, and their freedom to worship through traditional ceremonies and rites.

Archeological and Historic Preservation Act of 1974 (16 USC §§ 469 *et seq.*)

The purpose of the Archeological and Historical Preservation Act is to "provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of flooding, the building of access roads...or any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program."

Archeological Resources Protection Act of 1979 (16 USC §§ 470 *et seq.*)

The purpose of the Archeological Resources Protection Act (ARPA) is to "secure, for the present and future benefit of the American people, the protection of archeological resources and sites which are on public lands and Indian lands and to foster increased cooperation and exchange of information between governmental authorities, the professional archeological community, and private individuals...." This Act strengthened and clarified provisions of the American Antiquities Act of 1906.

Bald and Golden Eagle Protection Act of 1940 (16 USC §§ 668 – 668c)

Enacted in 1940 and amended several times since, the Bald and Golden Eagle Protection Act (BGEPA) prohibits any individual from taking bald and golden eagles, including their parts, nests, or eggs, without a permit issued by the Secretary of the Interior. The Act authorizes criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The BGEPA further defines "take" to include "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

**Clean Air Act of 1970 and Clean Air Act Amendments of 1990 (42 USC §§ 7401 *et seq.*)**

The Clean Air Act (CAA) regulates air emissions from stationary and mobile sources. The CAA authorizes the United States (US) Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) that regulate criteria pollutant emissions, in order to protect public health and welfare, and requires States to submit State Implementation Plans regarding the implementation, attainment, and enforcement of the NAAQS. The CAA also established New Source Performance Standards (NSPS) for hazardous air pollutant emissions. The CAA was amended in 1990 to address emerging environmental issues that had scientific evidence of being caused by humans, such as acid rain and ozone depletion.

Clean Water Act of 1972 (33 USC §§ 1251 *et seq.*): Section 401, Water Quality Certification (33 USC § 1341) and Section 404, Permits for Dredged or Fill Material (33 USC § 1344)

The Clean Water Act (CWA) establishes a framework for regulating pollutant discharges into Waters of the US (WOUS), as well as establishes water quality standards for surface waters. The CWA makes it unlawful to discharge any pollutant from a point source into navigable water without a permit.

Section 401 of the CWA requires State certification of Federal permits of actions that may result in discharge into WOUS. The certification is made by the State in which the discharge originates. Section 401 provides a State with: 1) the power to indirectly deny Federal permits or licenses by withholding certification; and 2) power to impose conditions on Federal permits through limitations on certification.

Section 404 of the Act establishes a program to moderate the discharge of dredged or fill materials into WOUS, including wetlands. No discharge may be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the Nation's waters would be greatly degraded. Regulated activities in WOUS under this program include fill for development, water projects involving dams and levees, infrastructure development, and mining projects, among others.

Coastal Barrier Resources Act of 1982 (16 USC §§ 3501 *et seq.*)

To remove any Federal incentive to develop coastal barriers, the Coastal Barrier Resources Act designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts for inclusion in the John H. Chafee Coastal Barrier Resources System. Designated areas “were made ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities.”

Coastal Zone Management Act of 1972 (16 USC §§ 1451 *et seq.*)

The Coastal Zone Management Act (CZMA) provides for the overall management of US coastal resources, with the goal to “preserve, protect, develop, and where possible, to restore or enhance the resources of the Nation's coastal zone.” The CZMA requires that US Department of Housing and Urban Development (HUD) activities that could affect the coastal zone be carried out in a manner consistent with the applicable State coastal zone management program.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC §§ 9601 *et seq.*)

Commonly known as “Superfund,” the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) created a tax on petroleum and chemical industries and provided Federal authority to directly respond to releases or threatened releases of hazardous substances that could endanger public health or the environment. CERCLA established regulations concerning closed and



abandoned hazardous waste sites; provided for the liability of individuals responsible for releases of hazardous waste; and authorized a trust fund for cleanup when no responsible party could be identified.

Critical Infrastructure Protection Act of 2001 (42 USC § 5195c)

The Critical Infrastructure Protection Act defines critical infrastructure as the assets, systems, and networks (virtual or physical) vital to the US, which if incapacitated or destroyed, would have a large and debilitating effect on national security, national economic security, public health or safety, or a combination thereof.

Disaster Relief Appropriations Act and Sandy Recovery Improvement Act of 2013 (PL 113-2)

Public Law 113-2, which includes both the Disaster Relief Appropriations Act and the Sandy Recovery Improvement Act, was established in response to Hurricane Sandy. This Act authorizes and appropriates Federal funding and spending for disaster and emergency response.

Endangered Species Act of 1973 (16 USC §§ 1531 *et seq.*)

The purpose of the Endangered Species Act (ESA) is to recover and protect species in peril, as well as the ecosystems upon which these species depend. For the purposes of the ESA, species in peril may be listed as endangered, threatened, proposed, or candidate. Critical habitat is established in the ESA as areas that contain attributes essential for a threatened or endangered species' existence. Section 7 of the ESA states that Federal agencies must ensure that any action undertaken does not jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Energy Independence and Security Act of 2007 (PL 110-140)

The Energy Independence and Security Act (EISA) aims to move the US toward greater energy independence and security. Among other initiatives, the EISA promotes the attainment of this goal through the increased production of clean renewable fuels; increased efficiency of products, buildings, and vehicles; and encouraging research on and deployment of greenhouse gas (GHG) storage and capture options.

EO 11514 (Protection and Enhancement of Environmental Quality)

Executive Order (EO) 11514 mandates that the Federal government provide leadership in protecting and enhancing the quality of the environment in order to sustain and enrich human life. The Council on Environmental Quality (CEQ) advises and assists in this national effort.

EO 11593 (Protection and Enhancement of the Cultural Environment)

EO 11593 directs Federal agencies, among other initiatives, to: "(1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; and (2) initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people."

EO 11870 (Environmental Safeguard on Activities for Animal Damage Control on Federal Lands)

Among others, it is the policy of EO 11870 to encourage the Federal government to "conduct all mammal or bird damage control programs [on Federal lands] in a manner which contributes to the



maintenance of environmental quality, and to the conservation and protection of the Nation's wildlife resources, including predatory animals."

EO 11988 (Floodplain Management)

EO 11998 requires that Federal agencies take action to "improve the Nation's preparedness and resilience against flooding" using the best-available and actionable science. This EO further requires Federal agencies to "avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains, and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative."

EO 11990 (Protection of Wetlands)

EO 11990 requires Federal agencies to minimize the destruction and loss of wetlands and preserve the natural and beneficial value of wetlands. Federal agencies must work to avoid new construction in wetlands unless no practicable alternative is available and the proposed action includes all possible measures to minimize impacts to wetlands.

EO 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations)

The purpose of EO 12889 is to focus attention on the environmental and human health effects Federal actions may have on minority and low-income populations, with the goal of achieving environmental protection for all communities. It requires Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations resulting from Federal activities, programs, policies, and activities, to the greatest extent practicable and as permitted by law. The EO additionally directs Federal agencies to develop strategies for implementing environmental justice.

EO 12962 (Recreational Fisheries)

Under EO 12962, Federal agencies are directed to "improve the quantity, function, sustainable productivity, and distribution of US aquatic resources for increased recreational fishing opportunities," to the extent practicable and permitted by law, and in cooperation with States and tribes.

EO 13045 (Protection of Children from Environmental Health Risks and Safety Risks)

EO 13045 requires that Federal agencies make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children. It also requires agencies to ensure their policies, standards, activities, and programs address disproportionate risks to children that result from environmental health risks or safety risks.

EO 13112 (Invasive Species)

EO 13112 creates requirements for Federal agencies to prevent the introduction of invasive species and, if introduced, provide for their control and impact minimization on the economy, environment, and human health. This EO additionally establishes the Invasive Species Council, a council that prepares and issues the National Invasive Species Management Plan. This plan "detail[s] and recommend[s] performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species."



EO 13148 (Greening the Government through Leadership in Environmental Management)

EO 13148 states that environmental management considerations must be an integral component of Federal activities, missions, and functions. This EO directs each Federal agency to strive to promote sustainable management of Federal lands through cost-effective and environmentally sound practices to reduce impacts to the natural environment.

EO 13175 (Consultation and Coordination with Indian Tribal Governments)

EO 13175 ensures all parts of the Federal government consult with Indian tribes and respect tribal sovereignty as the government develops policies that may affect Indian communities.

EO 13653 (Preparing the United States for the Impacts of Climate Change)

EO 13653 directs Federal agencies to improve their preparedness and resilience to climate change by engaging in strong partnerships and information sharing across all levels of government and by using risk-informed decision-making, adaptive learning, and preparedness planning. The EO requires Federal agencies to develop, implement, and update comprehensive plans to integrate climate change into agency operations and overall mission objectives.

EO 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input)

EO 13690 requires Federal agencies to use natural systems, ecosystem processes, and/or nature-based approaches to identify alternatives and requires Federal procedures to be consistent with the Federal Flood Risk Management Standard. This Standard provides three ways agencies can establish flood elevation and hazard areas for consideration in decision making for federally funded projects: 1) a climate-informed science approach; 2) a freeboard approach (adding 2-3 feet of elevation to the 100-year floodplain); and 3) using the 500-year floodplain.

EO 13693 (Planning for Federal Sustainability in the Next Decade)

EO 13693 emphasizes maintaining Federal leadership in sustainability, as well as in GHG reductions.

Farmland Protection Policy Act of 1981 (7 USC §§ 4201 *et seq.*)

The goal of the Farmland Protection Policy Act (FPPA) is to minimize the effects Federal programs have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. Under the Act, farmland includes prime and unique farmland and land that is considered to be of local or statewide importance.

Federal Facility Compliance Act of 1992 (PL 102-386)

Amending the Solid Waste Disposal Act of 1965, the Federal Facility Compliance Act of 1992 (FFCA) expands the enforcement authority of Federal and State regulators with respect to solid and hazardous waste management at Federal facilities. The Act requires Federal facilities to pay any non-discriminatory fees or service charges assessed in connection with a Federal, State, interstate, or local solid or hazardous waste regulatory programs. It further waives immunity for Federal facilities under solid and hazardous waste laws by allowing States to fine and penalize Federal facilities for violations.

Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (7 USC §§ 136 *et seq.*)

The Federal Insecticide, Fungicide, and Rodenticide Act regulates pesticide distribution, sale, and use. A pesticide distributed or sold in the US must be registered with the USEPA. Before the USEPA can



register a pesticide under this Act, it must be demonstrated that using the pesticide according to specifications “will not generally cause unreasonable adverse effects on the environment.”

Federal Land Policy and Management Act of 1976 (43 USC §§ 1701 *et seq.*)

The Federal Land Policy and Management Act establishes a unified, inclusive, and systematic approach to preserving and managing public lands. It is administered by the Bureau of Land Management, which is required to establish a planning process for the management of public lands that incorporates multiple uses of the land and its resources, while also achieving sustained yields of natural resources.

Federal Noxious Weed Act of 1974 (7 USC §§ 2801 *et seq.*)

The Federal Noxious Weed Act provides for the management of non-indigenous weeds that injure, or have the potential to injure, the agriculture and commerce sectors, wildlife resources, or public health.

Federal Telecommunications Act of 1996 (PL 104-104)

The Federal Telecommunications Act contains provisions that allow communications businesses to openly compete against each other; direct these businesses to connect all classrooms, libraries, and hospitals to the internet by the end of the decade; give persons control over their home television programming; and allow a diversity of voices and viewpoints to be heard across television and radio.

Fish and Wildlife Conservation Act of 1980 (16 USC §§ 2901-2911)

The Fish and Wildlife Conservation Act, also known as the Non-game Act, provides “financial and technical assistance to the States for the development, revision, and implementation of conservation programs and plans for non-game fish and wildlife.”

Fish and Wildlife Coordination Act of 1934 (16 USC §§ 661 *et seq.*)

The Fish and Wildlife Coordination Act “authorizes...assistance and cooperation with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as examine the effects of polluting substances on wildlife.” As amended in 1958, this Act recognizes the important contributions of wildlife resources to the US and requires equal consideration and coordination of wildlife conservation with other water resources development programs.

Flood Disaster Protection Act of 1973 (42 USC §§ 4001 *et seq.*)

The Flood Disaster Protection Act requires Federal financial regulatory agencies to adopt regulations that prohibit their lending institutions “from making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home located or to be located in a SFHA [special flood hazard area] in a community participating in the NFIP [National Flood Insurance Program], unless the property securing the loan is covered by flood insurance.”

Floodplain Management Criteria for Flood-Prone Areas (44 CFR § 60.3)

Section 60.3 of NFIP regulations provides guidance and criteria for floodplain management in flood-prone areas. The regulations define “flood-prone areas” as: “any land area susceptible to being inundated by water from any source.”

Forest and Rangeland Renewable Resources Planning Act of 1974 (16 USC §§ 1601 *et seq.*)

The Forest and Rangeland Renewable Resources Planning Act requires an assessment and inventory of US renewable resources, with the acknowledgement that the management of renewables is complex



and changes with time. To best serve national interests, this Act prepared a national renewable resource program that is reviewed and updated periodically through a “comprehensive assessment of present and anticipated uses, demand for, and supply of renewables from the Nation’s forests and rangelands.”

General Conformity Rule (40 CFR §§ 51.850-51.860 and 93.150-93.160)

The General Conformity Rule requires that any Federal agency responsible for an action in a Federal nonattainment or maintenance area must demonstrate conformity to the applicable State Implementation Plan by determining that the action is either exempt from the General Conformity Rule or subject to a formal conformity determination. Under the Rule, in order to conform, Federal actions must not contribute to new violations of the NAAQS, increase the frequency or severity of existing violations, or delay the attainment of NAAQS in an air quality area of concern.

HUD Noise Abatement and Control Standards (24 CFR § 51 B)

HUD’s Noise Abatement and Control Standards contain standards for exterior noise levels, along with policies for approving HUD-assisted housing projects in high-noise areas. The requirements establish three zones: 1) an acceptable zone where all projects could be approved; 2) a normally unacceptable zone where mitigation measures would be required and each project would have to be individually approved or denied; and 3) an unacceptable zone in which projects would not be approved, as a rule. The HUD regulations additionally support controlling noise at its source, as well as land use patterns that offer suitable separation between noise-sensitive uses and major noise sources.

Intermodal Surface Transportation Efficiency Act of 1991 (23 USC §§ 101(a)(35), 101(note), and 109(b), (c), and (p))

The purpose of the Intermodal Surface Transportation Efficiency Act is “to develop a National Intermodal Transportation System that is economically efficient, environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people in an energy efficient manner.”

Lacey Act (16 USC §§ 3371-3378; 18 USC § 42)

The Lacey Act bans trafficking in illegal wildlife. The Act pertains to all fish and wildlife and their parts or products, as well as plants protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and those protected under State law. In 2008, the Lacey Act was amended to include a wider variety of banned plants and plant products.

Land and Water Conservation Fund Act of 1965 (16 USC §§ 4601 *et seq.*)

The Land and Water Conservation Fund Act assists in preserving, developing, and assuring outdoor recreation resources are accessible to all citizens of the US, including present and future generations. It also provides funding to Federal, State, and local governments to purchase land and waters and create protected recreational areas, such as national parks, wildlife refuges, and State or national forests.

Legacy Resource Protection Program (PL 104-201)

The Legacy Resource Management Program is established under the Defense Appropriations Act of 1991 for the protection of biological, geophysical, cultural, and historic resources found on Department of Defense land.

Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 USC §§ 1801-1882)

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) provides for the conservation and management of US fishery resources through the implementation of fishery



management plans that are developed by Regional Fishery Management Councils. The MSA's key goals and objectives are to prevent overfishing, replenish overfished stocks, increase long-term economic and social benefits, and safeguard a sustainable supply of seafood.

Migratory Bird Conservation Act of 1929 (16 USC §§ 715-715s)

The Migratory Bird Conservation Act establishes a Migratory Bird Conservation Commission that approves areas recommended by the Secretary of Interior for purchase or rental by the US Fish and Wildlife Service (USFWS) with Migratory Bird Conservation Funds. The Commission also considers the creation of new waterfowl refuges.

Migratory Bird Treaty Act of 1918 (16 USC §§ 703-712)

Unless permitted by regulations, the Migratory Bird Treaty Act establishes a Federal prohibition to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export" any migratory birds, or their nests and eggs.

Native American Graves Protection and Repatriation Act of 1990 (25 USC §§ 3001-3013)

The Native American Graves Protection and Repatriation Act (NAGPRA) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiians in reference to the treatment, repatriation, and disposition of Native American human remains, funerary and sacred objects, and objects of cultural patrimony, with which a relationship of lineal descent to or cultural affiliation can be shown. This Act also provides for protection of Native American burial sites.

National Flood Insurance Reform Act of 1994 (PL 103-325)

The National Flood Insurance Reform Act strengthened and substantially changed the NFIP by increasing the focus on lender compliance and development of a mitigation assistance program to reduce flooding impacts. The reforms also allowed the NFIP to become more effective in achieving its goal of reducing Federal expenses on uninsured properties damaged by floods.

National Historic Preservation Act of 1966, Section 106 (16 USC § 470f)

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider any potential effects of their proposed undertakings on historic properties. Historic properties are classified as cultural resources that are listed on, or are eligible for listing on, the NRHP. Federal agencies must also allow the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on the proposed undertaking and its potential impact on historic properties.

National Trails System Act of 1968 (16 USC §§ 1241 *et seq.*)

The National Trails System Act created a national system of trails and defined four types of national trails: 1) National Scenic Trails that provide outdoor recreation and the conservation and enjoyment of important scenic, historic, natural or cultural sites; 2) National Historic Trails that follow routes of national historic importance; 3) National Recreation Trails that are in or easily accessible to urban areas on Federal, state, or private land; and 4) Side Trails that provide access to the other trail categories.

**Noise Control Act of 1972 (42 USC §§ 4901 *et seq.*)**

The Noise Control Act establishes a national policy to promote environments free from noise that jeopardizes the health and welfare of American citizens. The Act, and its amendments under the Quiet Communities Act of 1978, implemented a means for effective coordination of Federal research and activities in noise control, permitted the establishment of Federal noise emission standards for products distributed in commerce, and provided information regarding noise emission and noise reduction characteristics of said products to the public.

Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC §§ 4701 *et seq.*)

The Nonindigenous Aquatic Nuisance Prevention and Control Act establishes control and prevention measures for the coastal inland waters of the US for infestations of the zebra mussel and other non-indigenous aquatic nuisance species. The Act also reauthorizes the National Sea Grant College Program.

North American Wetlands Conservation Act of 1989 (16 USC §§ 4401-4412)

The North American Wetlands Conservation Act recognizes the values of wetlands and their importance as aquatic areas for recreational and aesthetic purposes. Under this Act, Federal agencies are required work together to restore, protect, and enhance wetlands for migratory birds, fish, and other wildlife to the extent possible.

Occupational Safety and Health Act of 1970 (29 USC §§ 651 *et seq.*)

The Occupational Safety and Health Act (OSHA) instructs employers to provide a safe place of employment for all employees; one that is free from hazards to personal safety and health.

Oil Pollution Act of 1990 (33 USC §§ 2701 *et seq.*)

The Oil Pollution Act strengthens the ability of the USEPA to both prevent and respond to devastating oil spills. It mandates that oil storage facilities and vessels submit plans to the Federal government detailing how they would respond to large discharges. The Act further requires the development of Area Contingency Plans to be better able to prepare and plan for oil spill responses on a regional scale.

Plant Protection Act of 2000 (7 USC §§ 7701 *et seq.*)

The Plant Protection Act establishes a program to manage the spread of noxious weeds (i.e., any plant that can injure or damage agricultural resources, natural resources, or public health) and plant pests (i.e., any organism that can injure or cause disease or damage in or to any plants) through prohibiting the importation and exportation of noxious weeds and plant pests.

Procedures for Abatement of Highway Traffic Noise and Construction Noise (23 CFR § 772)

The procedures under 23 CFR § 772 establish protocols for conducting noise studies and implementing noise abatement measures to protect public health and welfare, as well as provide guidelines for planning and designing highway projects.

Public Utility Regulatory Policies Act of 1978 (16 USC 46 §§ 2601 *et seq.*)

The Public Utility Regulatory Policies Act was enacted as part of the National Energy Act and was created in response to the 1973 energy crisis. The Act encourages energy conservation and greater use of domestic and renewable energy.

**Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 USC §§ 5121 *et seq.*)**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act establishes a Federal process for declaring disasters, identifying the appropriate level of response, and determining how costs are divided among Federal, State, and local governments. This Act also declares the need for State and local governments to create comprehensive disaster relief plans to prepare for intergovernmental coordination in times of need. The Disaster Mitigation Act of 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act, replacing the previous Mitigation Planning section. The new Mitigation Planning section emphasizes the need for State, tribal, and local entities to closely coordinate mitigation efforts, including planning and implementation. The Act creates incentives for increased coordination and integration of mitigation activities at the State level.

Resource Conservation and Recovery Act of 1976 (42 USC §§ 6901 *et seq.*)

Congress enacted the Resource Conservation and Recovery Act (RCRA) to address the increasing problems the nation faced from its growing volume of municipal and industrial waste. RCRA amended the Solid Waste Disposal Act of 1965. RCRA sets national goals for: protecting human health and the natural environment from the potential hazards of waste disposal; energy conservation and natural resources; reducing the amount of waste generated through source reduction and recycling; and ensuring the management of waste in an environmentally sound manner. RCRA sets standards for the generation, transportation, treatment, storage, and disposal of hazardous waste in the US, giving the USEPA authority to control waste from “cradle-to-grave.”

Rivers and Harbors Act of 1899, Sections 10 and 14 (33 USC § 403)

Section 10 of the Rivers and Harbors Act states that regulated activities conducted below the Ordinary High Water elevation of navigable waters of the US have to be approved/permitted by the US Army Corps of Engineers (USACE). Examples of regulated activities include the placement/removal of structures, work involving dredging, and the disposal of dredged material.

Section 14 of the Rivers and Harbors Act “provides that the Secretary of the Army, based on a recommendation of the Chief of Engineers, may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States.”

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (PL 109–59)

This Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users describes the challenges associated with the US transportation system, including improving safety and freight movement, lessening traffic congestion, increasing intermodal connectivity, and protecting the environment. The Act authorizes efforts to address national transportation issues and provides State and local decision makers the flexibility to solve the problems at the State and local scale, respectively.

Safe, Efficient Use, and Preservation of the Navigable Airspace (14 CFR § 77)

14 CFR § 77 establishes: (1) requirements to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration of existing structures; (2) standards that determine obstructions to air navigation, navigational facilities, and communication facilities; (3) the process to determine the safe and efficient use of navigable airspace, air navigation facilities, or equipment; and (4) the process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

**Safe Drinking Water Act of 1974 (42 USC §§ 300f et seq.)**

The Safe Drinking Water Act protects public health by regulating the nation's public drinking water and its sources, whether from above or below ground sources. The Act authorizes the USEPA to establish minimum standards to protect tap water and mandates that all owners and operators of public water systems to comply with the standards.

Siting of HUD-Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 CFR § 51C)

HUD regulations state that an acceptable separation distance must be calculated for HUD-funded projects "from specific, stationery, hazardous operations that store, handle, or process hazardous substances."

Siting of HUD-Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields (24 CFR § 51D)

It is the purpose of 24 CFR § 51 subpart D to promote congruent land uses around civil airports and military airfields by "identifying suitable land uses for Runway Clear Zones at civil airports and Clear Zones and Accident Potential Zones at military airfields by establishing them as standards for providing HUD assistance, subsidy, or insurance." Further, HUD policies prevent the construction of HUD-funded housing in areas where there is the greatest or most likely chance of airplane crashes to occur.

Soil and Water Resources Conservation Act of 1977 (16 USC §§ 2001-2009)

The Soil and Water Resources Conservation Act provides the Federal government authority over the conservation, protection, and enhancement of soil and water resources. Under the Act, the US Department of Agriculture (USDA) is required to prepare a nationwide plan that assesses the present and future condition of soil and water conservation on private lands.

Standards and Practices for All Appropriate Inquiries (40 CFR §§ 312.20-312.31)

Under 40 CFR §§ 312.20-312.31, the USEPA promulgates standards for conducting Phase I and II environmental site assessments based on standards created by the ASTM. The standards include a due diligence process that involves reviewing historical sources, making visual observations of facilities or properties, and gathering information on past or present environmental contamination.

Superfund Amendments and Reauthorization Act of 1986 (PL 9-499)

The Superfund Amendments and Reauthorization Act (SARA) amended CERCLA in 1986, making several changes and additions. The changes included increasing the size of the trust fund to \$8.5 billion, increasing State involvement in each phase of the Superfund program, increasing the focus on human health problems caused by hazardous sites, and emphasizing the importance of permanent solutions and innovative treatment technologies when cleaning up hazardous waste sites, among others.

Toxic Chemicals and Radioactive Materials (24 CFR § 58.5(i)(2))

It is HUD policy that all properties proposed for use in HUD programs must not have hazardous materials, contamination, toxic chemicals and gases, and/or radioactive substances where such features could adversely impact the health and safety of occupants or conflict with the intended use of the property. It is also HUD policy that particular attention should be given to proposed sites on or in the general proximity of areas such as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.

**Toxic Substances Control Act of 1976 (15 USC §§ 2601 *et seq.*)**

The Toxic Substances Control Act (TSCA) gives the USEPA authority to require the reporting and tracking of testing requirements and restrictions related to chemical substances and/or mixtures. The TSCA generally excludes food, drugs, cosmetics, and pesticides.

Wild and Scenic Rivers Act of 1968 (16 USC §§ 1271-1287)

The Wild and Scenic Rivers Act protects certain rivers in the US that have exceptional natural, cultural, recreational, geological, and historic values. It states that designated rivers shall be preserved in free-flowing condition and shall be protected for the enjoyment of both present and future generations.

Wilderness Act of 1964 (16 USC §§ 1131-1136)

The Wilderness Act created the National Wilderness Preservation System, which is comprised of federally owned lands designated by Congress as “wilderness areas.” The Act states that “these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness.”

B.2 State Laws and Regulations**Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C)**

These requirements outline the criteria regarding whether and when a remediation activity must be conducted under the supervision of a New Jersey Licensed Site Remediation Professional (LSRP). The requirements also establish remedial timeframes.

Agriculture Retention and Development Act (NJSA 4:1C-11)

This Act maintains that a strong agricultural industry and the preservation of farmland are important to the present and future economy of the State of New Jersey; therefore, this Act encourages all State departments and agencies to maintain “agricultural production and a positive agricultural business climate” in New Jersey.

Ambient Air Quality Standards (NJAC 7:27-13)

This code outlines general ambient air quality standards for the State of New Jersey. It identifies that ambient air quality of the highest degree will be achieved through the installation and diligent operation and maintenance of pollution source control devices. Standards are also listed for specific sources, including suspended particulate matter, sulfur dioxide, carbon monoxide, ozone, lead, and nitrogen dioxide.

Brownfield and Contaminated Site Remediation Act of 1998 (NJSA 58:10B-1 *et seq.*)

The Brownfield and Contaminated Site Remediation Act establishes: (1) requirements for the remediation of discharges of hazardous substances; (2) remedial standards; and (3) a remediation funding source called the “Brownfield Site Remediation Fund.” The funds are used to partially reimburse property owners and developers who remediate a contaminated property.

Coastal Areas Facility Review Act of 2006 (NJSA 13:19)

The Coastal Areas Facility Review Act (CAFRA) authorizes the New Jersey Department of Environmental Protection (NJDEP) to regulate residential, commercial, and public or industrial development, including construction, relocation, and enlargement of buildings and structures (as well as



excavation, grading, site preparation, and the installation of shore protection structures) within the CAFRA area. The CAFRA area begins in Middlesex County, extending north along the Delaware Bay, and ending in Salem County. The CAFRA area is split into different zones and each zone has different regulatory thresholds.

Coastal Zone Management Rules (NJAC 7:7)

The Coastal Zone Management Rules establish requirements for using and developing coastal resources in New Jersey, including associated coastal permit requirements. The New Jersey Coastal Management Program (NJCMP) contains multiple policy goals designed to conserve, preserve, and protect the aesthetic resources along New Jersey's coastline.

Control and Prohibition of Air Pollution by Toxic Substances of 1979 (NJAC 7:27-17)

This State regulation identifies 11 "Toxic Volatile Organic Substances" and requires that any sources emitting them register with the NJDEP and demonstrate the use of state-of-the-art controls to limit such emissions. The NJDEP Air Toxics Program addresses and incorporates risk assessment, Federal regulations, and other NJDEP programs. Specifically, the Toxics Program operates within four main sectors: Permit Review, Voluntary Reductions, Other Air Pollution Control Programs, and Other Air Toxics Initiatives.

Discharges of Petroleum and Other Hazardous Substances Rules of 2014 (NJAC 7:1E)

The Discharges of Petroleum and Other Hazardous Substances Rules identify requirements for the prevention of environmental contamination at major facilities and contain general conditions for a discharge prevention program. These Rules also establish standards for hazardous substance emergency response, should a discharge of such materials occur.

Division of Fish and Wildlife Rules (NJAC 7:25)

The Division of Fish and Wildlife Rules outline the protection, management, and sustainable use of New Jersey's fish and wildlife resources.

Endangered Plant Species List Act (NJSA 13:1B-15.151 *et seq.*)

This Act establishes an official New Jersey State list of endangered plants, a list that is separate from the threatened and endangered species designated under New Jersey Administrative Code (NJAC) 7:25. The New Jersey Division of Parks and Forestry works to promote the conservation of plant species within the State.

Endangered Plant Species Program Rules (NJAC 7:5C)

The purpose of the Endangered Plant Species Program Rules is to provide procedures, standards, and criteria for the development and adoption of a list of endangered plant species native to New Jersey in order to efficiently incorporate the preservation of the State's natural diversity into government planning operations.

Flood Hazard Area Control Act of 2007 (NJSA 58:16A-50 *et seq.*)

The purpose of the Flood Hazard Area Control Act (FHACA) is to minimize damage to life and property from flooding as a result of development within fluvial and tidal flood hazard areas and areas adjacent to surface waters. The FHACA applies to development activities such as excavating, grading, or filling. Under the FHACA, the creation of impervious surfaces in these areas requires a permit.

**Flood Hazard Area Control Act Rules (NJAC 7:13)**

The FHACA Rules aim to protect surface water quality and wildlife and natural habitats in waters and riparian areas, as well as to minimize flooding impacts to public health, safety, and property within flood hazard areas.

Freshwater Wetlands Protection Act of 1987 (NJSA 13:9B-1 *et seq.*)

This Act acknowledges that pressures for commercial and residential development are high in New Jersey; therefore, it is in the best interest of the State to establish a systematic review program of activities in and around freshwater wetland areas, “designed to provide predictability in the protection of freshwater wetlands.” The Act further states that it “shall be the policy of the State to preserve the purity and integrity of freshwater wetlands from random, unnecessary, or undesirable alteration or disturbance; and that to achieve these goals it is important that the State expeditiously assume the freshwater wetlands permit jurisdiction currently exercised by the United States Army Corps of Engineers pursuant to the Federal Act and implementing regulations.”

Freshwater Wetlands Protection Act Rules (NJAC 7:7A)

The Freshwater Wetlands Protection Act Rules outline strict standards and requirements for activities that could disturb freshwater wetlands, transition/buffer areas surrounding wetlands, and open waters.

Garden State Preservation Trust Act (NJSA 13:8C-1)

Signed into law in 1999, the Garden State Preservation Trust Act directs and allows New Jersey to preserve one million acres over the next 10 years. This Act establishes a steady source of funding for preservation efforts, such as acquiring and preserving open space, farmland, and historic sites around the State. The Act further creates a Garden State Preservation Trust and Trust Fund Account.

Green Acres Program (NJSA 13:8A-1 *et seq.*)

Created in 1961, the Green Acres Program seeks to meet New Jersey’s growing recreation and conservation needs. The Program preserves and enhances the State’s natural environment as well as its scenic, recreational, and historic resources for public use and enjoyment.

Groundwater Quality Standards (NJAC 7:9C)

The Groundwater Quality Standards detail groundwater classifications, designated uses, and criteria.

Hackensack Meadowlands Agency Consolidation Act (PL 2015 Chapter 19)

Implemented in 2015, this Act: 1) consolidated the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority; 2) reestablished the Hackensack Meadowlands Transportation Planning District; 3) adjusted “the funding method for the intermunicipal tax sharing program in the New Jersey Meadowlands;” and 4) supplemented Title 13 of the Revised Statutes and revised various parts of the statutory law.

Hackensack Meadowlands Reclamation and Development Act (NJSA 13:17-1 *et seq.*)

This Act identified the New Jersey Sports and Exposition Authority (NJSEA) as the lead agency for planning and permitting, regulating development, and conservation within the Meadowlands District. This Act regulates development in the Meadowlands District, a unique planning area that is entirely within New Jersey’s coastal zone.



Highlands Water Protection and Planning Act of 2004 (NJSA 13:20-1 *et seq.*)

This Act preserves and protects open space and the State's diversity of natural resources. The Act describes the geographical boundary of the Highlands region and establishes the Highlands Preservation Area and Highlands Planning Area. It further requires the NJDEP to establish regulations specific to the Highlands Preservation Area and mandates that the Highlands Water Protection and Planning Council develop a regional master plan for the entire Highlands region.

Historic Memorials, Monuments, and Sites (NJSA 28)

Regulated by the Historic Sites Council, Title 28 of the New Jersey Statutes promotes the State's historic, architectural, archaeological, engineering, and cultural heritage. Title 28 sets forth policies for the preservation, restoration, and protection of historic sites, as well as allows the State to acquire areas, properties, lands, and/or estates of particular historic interest.

Industrial Site Recovery Act Rules (NJAC 7:26B)

The Industrial Site Recovery Act Rules mandate that the owner or operator of an industrial establishment perform remedial activities as a pre-condition to closing or transferring ownership of operations.

Meadowlands District Zoning Regulations (NJAC 19:4)

The Meadowlands District Zoning Regulations outline the rules regarding zoning, construction, and the use of buildings and land within the Meadowlands District, including drainage facilities and easements, road improvements, and public water and sewer systems.

New Jersey County Planning Act (NJSA 40:27-1 *et seq.*)

This Act requires counties in New Jersey to have a "review agency" or "planning board" to formally review items regarding local planning, such as Municipal Stormwater Plans and Ordinances, site plans, and applications for new development. Under the Act, the county planning boards are required to make and adopt a master plan regarding planned physical development in the county.

New Jersey Endangered and Nongame Species Conservation Act of 1973 (NJSA 23:2A *et seq.*)

This Act, implemented through regulations in NJAC 7:25, mandates that "it is the policy of this State to manage all forms of wildlife to insure their continued participation in the ecosystem; that species or subspecies of wildlife indigenous to the State which may be found to be endangered should be accorded special protection in order to maintain and to the extent possible enhance their numbers; and that the State should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by regulating the taking, possession, transportation, exportation, processing, sale or offer for sale or shipment within this State of species or subspecies of wildlife including those on any Federal endangered species list."

New Jersey Energy Master Plan Statute (NJSA 52:27F-14)

This Statute sets forth the requirement for a 10-year Master Plan for the "production, distribution, consumption, and conservation of energy in the State." The current Energy Master Plan, prepared in 2011 and updated in 2015, lays out the vision for the best use, management, and development of energy resources in New Jersey through 2025.

**New Jersey Global Warming Response Act of 2007 (NJSA 26:2C-37)**

The New Jersey Global Warming Response Act (GWRA) establishes two GHG limits for the State: one for 2020 and another for 2050. The 2050 target, for example, requires the State to reduce its emissions by 80 percent from 2006 levels by 2050. This translates into a planned reduction of 25.4 million metric tons of carbon dioxide equivalent from 2006 levels.

New Jersey Municipal Land Use Law of 1975 (NJSA 40:55 *et seq.*)

Under the Municipal Land Use Law (MLUL), municipalities have the authority to use or develop lands in the State “in a manner which will promote the public health, safety, morals, and general welfare.” The MLUL also encourages lands to be used or developed sufficiently and appropriately for their land use and with respect to environmental requirements. The MLUL was amended in 2008 to include the Green Buildings and Environmental Sustainability Element in the list of permitted Master Plan Elements. The goal of this addition was to address topics such as natural resources, ecosystem considerations, renewable energy, the impact of buildings on the global environment, stormwater management, and optimizing climactic conditions through site and building design.

New Jersey Register of Historic Places Act of 1970 (NJSA 13:1B-15.128 *et seq.*)

The New Jersey Register of Historic Places Act creates the New Jersey Register of Historic Places, a list of historic resources of Federal, State, or local interest located in the State of New Jersey. The Act also establishes review procedures to ensure the protection of State-listed historic resources during State and local government actions.

New Jersey State Planning Act of 1985 (NJSA 52:18A-196 *et seq.*)

The New Jersey State Planning Act mandates that statewide planning shall be integrated with local and regional planning in order to conserve the State’s natural resources, “revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development, and renewal.” The Act created the New Jersey State Planning Commission and the Office of State Planning.

New Jersey Statutes and Codes regarding Transportation: Highways (NJSA 27); Interstate and Port Authorities and Commissions (NJSA 32); Law and Public Safety (NJAC 13); Transportation (NJAC 16)

The New Jersey Department of Transportation maintains, improves, and expands highways, roads, and public transportation, including the use of rail rights-of-way, highways, and public streets under Title 27 and 32 of the New Jersey Statutes and Title 13 and 16 of the New Jersey Administrative Code.

New Jersey Statute regarding Police: Title 53 (NJSA 53:1-1 *et seq.*)

Title 53 of the New Jersey Statutes establishes the legislative framework of the New Jersey State Police.

New Jersey Stormwater Management Rules (NJAC 7:8)

The New Jersey Stormwater Management Rules establish requirements for stormwater management plans and control ordinances, as well as content requirements and procedures for adoption and implementation of regional and municipal stormwater plans under the MLUL (NJSA 40:55D-1 *et seq.*), Water Quality Planning Act (NJSA 58:11A-1 *et seq.*), Water Pollution Control Act (NJSA 58:10A-1 *et seq.*), FHACA (NJSA 58:16A-50 *et seq.*), and associated implementing rules.



New Jersey Uniform Fire Code (NJAC 5:70-1 *et seq.*)

The Uniform Fire Code defines fire station and firefighter duties in the State. This Code also regulates fire safety inspections, fire investigations, and the management of and response to emergency incidents.

New Jersey Water Pollution Control Act (NJSA 58:10A-1 *et seq.*)

The New Jersey Water Pollution Control Act sets forth requirements for the construction of wastewater treatment facilities and establishes penalties for violation of the Act.

Noise Control (NJAC 7:29)

NJAC noise laws and regulations provide overall information regarding noise control in the State, define the highest noise levels not to be exceeded, provide noise level standards for railroad noise, and specify instructions for the installation, usage, and testing of stationery emergency devices.

Noise Control Act of 1971 (NJSA 13:1G *et seq.*)

The Noise Control Act provided the NJDEP the authority to promulgate codes, rules, and regulations relating to the control and abatement of noise in the State. The NJDEP developed a Model Noise Ordinance to be adopted by local municipalities, but the Act allows municipalities the flexibility to adopt noise control ordinances that are more stringent than the State code, with the understanding that all municipal noise ordinances are identical to the Model Local Noise Control Ordinance.

No Net Loss Compensatory Reforestation Act (NJSA 13:1L-14.1 *et seq.*)

This Act requires that a State entity submit a compensatory reforestation plan to the NJDEP and New Jersey Forest Service for each project that results in the deforestation of 0.5 acre or more on land owned or maintained by the State.

Occupational Safety and Health Standards for Public Employees (NJAC 12:110)

The Occupational Safety and Health Standards for Public Employees standards ensure that all chemical hazards are communicated to employers and employees as part of a comprehensive hazard communications program.

Pollutant Discharge Elimination System Rules (NJAC 7:14A)

The Pollutant Discharge Elimination System Rules regulate the discharge of pollutants to the surface and groundwater of the State of New Jersey.

Processing of Damage Claims Pursuant to the Spill Compensation and Control Act (NJAC 7:1J)

This Act establishes rules concerning the processing of all claims under the Spill Compensation and Control Act for damages occurring from the release of a hazardous substance or the threat of a release of a hazardous substance.

Public Health Nuisance Code of New Jersey of 1953 (Chapter 188, PL 1950) (R.S. 26:79.1 to 69.6)

The Public Health Nuisance Code prohibits the use or existence of nuisances that are considered to be an annoyance or injurious to other persons. Some of the nuisances defined in the code include: stagnant water or other liquid where mosquitos can breed; pollution into waters that may be injurious to health or property; and leasing or renting a building that is not adequate for human occupancy. The



Performance Standards in Chapter 208 of the code prohibit “vibration beyond the immediate site on which such use is conducted” for mixed-use, commercial, and industrial zones.

Public Utilities (NJSA 48 and NJAC 14)

Title 48, Public Utilities, regulates the provision of electricity, gas, telecommunication services, water supply, waste water treatment, and cable television in the State. This includes, but is not limited to, the Electric Discount and Energy Competition Act (NJSA 48:3-49 *et seq.*), the Solid Waste Utility Control Act (NJSA 48:13A-1 *et seq.*), and the Underground Facilities Protection Act (NJSA 48:2-73 *et seq.*).

Recording and Reporting Occupational Injuries and Illnesses (NJAC 12:110-5)

Record keeping and reporting of all occupational injuries and illnesses is required under Title 12 of the NJAC.

Remediation Standards (NJAC 7:26D)

The New Jersey Remediation Standards establish minimum benchmarks for the remediation of contaminated groundwater and surface water, as well as establish minimum residential direct contact and non-residential direct contact soil remediation standards.

Right to Farm Act (NJSA 4:1c-1 *et seq.*)

Among other legislative findings, this Act states as its express intention that it will “establish as the policy of this State the protection of commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time, acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey.”

Shellfish Growing Water Classification (NJAC 7:12)

This Code describes the procedures for the establishment of restricted shellfish harvest areas. The procedures include: “classification of shellfish waters, establishment of prohibited areas in the vicinity of wastewater treatment facility discharge points, establishment of restricted harvest areas in the vicinity of marina or boat mooring facilities, creation of restricted harvest areas affected by non-point sources of contamination, and establishment of emergency closures or harvest suspensions due to unpermitted discharges or the presence of marine biotoxins or naturally occurring harmful algal blooms.”

State Development and Redevelopment Plan (NJSA 52:18A-200(f))

The purpose of the State Development and Redevelopment Plan is to “coordinate planning activities and establish statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

State Highway Access Management Code (NJAC 16:47)

This Code sets forth procedures for managing highway access issues in the State of New Jersey including: 1) persons seeking new access to State highways; 2) persons seeking to modify existing access to State highways; 3) persons seeking to renovate existing access to State highways; and 4) telecommunications providers seeking access for tower sites.



State of New Jersey EO 96

The State of New Jersey passed EO 96 in 2004, affirming the State's commitment to support minority and low-income communities. EO 96 directs that "all Executive Branch departments, agencies, boards, commissions, and other bodies involved in decisions that may affect environmental quality and public health shall provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level. Programs and policies to protect and promote protection of human health and the environment shall be reviewed periodically to ensure that program implementation and dissemination of information meet the needs of low-income and communities of color, and seek to address disproportionate exposure to environmental hazards."

Site Remediation Reform Act (NJSA 58:10C-1 *et seq.*)

The Site Remediation Reform Act establishes the LSRP program, including the licensing board, and sets forth required remedial timeframes.

Soil Erosion and Sediment Control Act of 1975 (NJSA 4:24-39 *et seq.*)

The Soil Erosion and Sediment Control Act declares that New Jersey State policy is to strengthen and extend present sediment erosion and control activities and to also implement a comprehensive statewide program to: reduce the danger from stormwater runoff; slow nonpoint source pollution from sediment; and conserve the environmental resources of the State. The Act also requires that any construction project that disturbs 5,000 square feet or more of land must have an approved plan for soil erosion and sediment control before construction can begin.

Solid Waste (NJAC 7:26)

The New Jersey Solid Waste Administrative Code establishes standards and conditions for the management of solid waste (e.g., landfills). Subchapter 6, Solid Waste Planning Regulations, sets forth procedures to ensure the orderly preparation of a solid waste management plan for every solid waste management district.

Solid Waste Management Act (NJSA 13:1E-1 *et seq.*)

This Act regulates the collection and disposal of solid waste in New Jersey.

Spill Compensation and Control Act (NJSA 58:10-23.11 *et seq.*)

This Act requires the submission of discharge prevention, control, and countermeasure plans; the submission of evidence of financial responsibility for clean-ups; and the reporting of unauthorized discharges.

State Park Service Code - Damage to Property/Tampering New Jersey Code (NJAC 7:2-2.10(c))

Regulated by the New Jersey State Park Service, this Code states that one cannot dig up, deface, or otherwise remove any soil, rock, or historic fossil materials or artifacts without written permission of the Director of the Division of Parks or Forestry (or from the Assistant Director of the Division for the State Park Service).

State Transfer of Development Rights Act (NJSA 40:55D-137 *et seq.*)

This Act authorizes the transfer of development rights by municipalities and determines that is in the best public interest to authorize all municipalities in the State to set up and implement transfer of development rights programs.

**State Transfer of Development Rights Bank Act (NJSA 4:1C-49 *et seq.*)**

This Act establishes a public body known as the State Transfer of Development Rights Bank. The Bank is allocated within the Department of Agriculture and is governed by a Board of Directors. Powers of the Board include, but are not limited to “to purchase, or to provide matching funds for the purchase of 80% of, the value of development potential and to otherwise facilitate development transfers, from the owner of record of the property from which the development potential is to be transferred or from any person, or entity, public or private, holding the interest in development potential that is subject to development transfer.”

Subdivision Regulations (NJAC 19:5)

The Subdivision Regulations Code manages: 1) procedures, engineering, and planning standards for subdivisions; and 2) rules and regulations regarding subdivisions, as they pertain to drainage facilities and easements, road improvements, and public water and sewer systems.

Surface Water Quality Standards (NJAC 7:9B)

These Standards specify surface water quality criteria for toxic substances to be protective of both human health and aquatic resources, as well as require evaluation of impacts from contaminated groundwater discharging into surface water.

Technical Requirements for Site Remediation (NJAC 7:26E)

These Requirements set forth the NJDEP’s minimum technical requirements for investigating and remediating sites that are contaminated, or sites at which contamination is suspected.

Tidelands Act of 1869 (NJSA 12:3)

The Tidelands Act, also known as the General Riparian Act, protects riparian lands that are currently or formerly flowed by the tide of a natural waterway, including lands that were previously flowed by the tide but have been filled and are no longer flowed by the tide. The State of New Jersey owns tidelands, which are overseen by the Tidelands Resource Council. As public lands, one must pay and obtain written permission from the State in order to use the tidelands in the form of a license, lease, or grant. Common uses of tidelands include docks, mooring piles, and bulkheads.

Transfer of Development Rights Rules (NJAC 2:77)

The Transfer of Development Rights Rules establish the rules of the Board of Directors of the State Transfer of Development Rights Bank, governing the procedures and standards for carrying out the obligations and responsibilities of the Board.

Underground Storage Tanks (NJAC 7:14B)

This Code establishes requirements for the registration, construction, operation, and closure of underground storage tanks in the State of New Jersey, as well as the procedures for remediating a discharge.

Utility Accommodation (NJAC 16:25-1.1 *et seq.*)

This Code regulates utility accommodation for the transportation, location, and installation of pipelines, underground electric and communication lines, and overhead power and communication lines.



Water and Water Supply (NJSA 58)

Title 58 manages and regulates the State's water supply, which includes, but is not limited to, the Licensing of Water Supply and Wastewater Operations (NJSA 58:11-64 to 58:11-73) and the Water Supply Management Act (NJSA 58:1A-1 *et seq.*).

Water Supply Allocation Permits Rules (NJAC 7:19)

These regulations apply to the diversion of water, the management of water quantity and quality, the issuance of permits, and water supply issues.

Waterfront Development Act (NJSA 12:5-1 *et seq.*)

This Act regulates new development that could impact existing navigation channels, marinas, moorings, and/or the waterfront environment. The Act applies to any proposed development in a waterway that experiences tidal flow (e.g., docks, piers, boat lifts, jet ski ramps, and bulkhead construction and reconstruction projects). Different types of regulated projects include, but are not limited to, the installation of docks, piers, pilings, bulkheads, marinas, bridges, pipelines, cables, and dredging. Any development in a tidally flowing New Jersey waterway requires a Waterfront Development Permit.

Well Construction and Maintenance; Sealing of Abandoned Wells (NJAC 7:9D)

These rules govern the requirements and standards for the permitting, construction, and decommissioning of wells. This includes the construction of monitoring wells.

Wetlands Act of 1970 (NJSA 13:9A)

The Wetlands Act mandates that the NJDEP must regulate activities in coastal wetlands that have been mapped and delineated on maps prepared by the NJDEP. A coastal wetlands permit is required to excavate, dredge, fill, or place a structure on/in any coastal wetland depicted on the NJDEP maps. This Act is administered by the NJDEP, Division of Land Use Regulation.

Worker and Community Right to Know Regulations (NJAC 7:1G)

The Worker and Community Right to Know Regulations identify requirements for facilities to inform and protect workers and communities from/about hazardous substances and environmental contamination, including reporting of releases and pollution prevention efforts.

B.3 Local Laws and Regulations

Carlstadt Code of the Borough: Ordinance 00-14

This ordinance establishes standards for supplied utilities and facilities in the Borough of Carlstadt.

Chapter II Administration of the Revised General Ordinances of the Borough of Carlstadt

This code establishes administrative regulations including, but not limited to, the Borough of Carlstadt council, powers and duties of the Mayor, and financial regulations.

Chapter V Police Regulations of the Revised General Ordinances of the Borough of Carlstadt

This regulation defines types of work prohibited during the week in the Borough of Carlstadt, but identifies extenuating circumstances in which emergency permits can be issued. It also prohibits excessive or unreasonable noise on streets adjacent to schools, institutions of learning, churches, hospitals, or courts, even during the use of an emergency permit.

**Chapter XIII Fire Prevention of the Revised General Ordinances of the Borough of Carlstadt**

This regulation establishes local enforcement of the New Jersey Uniform Fire Code in the Borough of Carlstadt, as well as regulates hazardous substances, special equipment required onsite, permits and licenses, appeals, and violations and penalties in the Borough.

Chapter XVI Water, Sewer, and Waste Disposal of the Revised General Ordinances of the Borough of Carlstadt

This regulation governs solid waste, yard waste, industrial waste, hazardous waste disposal, recycling, sanitary sewer connections, and storm sewer connections in the Borough of Carlstadt. It further prohibits non-stormwater discharges into stormwater systems.

Chapter II Administration of the Revised General Ordinances of the Borough of Moonachie

This code establishes administrative regulations concerning the Borough of Moonachie council, powers and duties of the Mayor, and financial regulations.

Chapter III Police Regulations of the Revised General Ordinances of the Borough of Moonachie

This regulation identifies personal conduct enforceable by the Moonachie Police Department. Among other items, this defines types of work prohibited during the week, but identifies extenuating circumstances in which emergency permits can be issued.

Chapter IX Recreational Facilities of the Revised General Ordinances of the Borough of Moonachie

This regulation governs the use of parks and recreational facilities in the Borough of Moonachie.

Chapter XII Fire Prevention of the Revised General Ordinances of the Borough of Moonachie

This regulation establishes local enforcement of the New Jersey Uniform Fire Code in the Borough of Moonachie, including regulation of fire lanes and rapid entry box systems.

Chapter XIII Utilities of the Revised General Ordinances of the Borough of Moonachie

This code regulates solid waste, yard waste, industrial wastes, recycling, sanitary sewer connections, and storm sewer connections in the Borough of Moonachie; prohibits sump pump and other water discharges into public sanitary sewers; and regulates fertilizer use to prevent runoff into sanitary or storm sewers.

Chapter XXII Zoning of the Revised General Ordinances of the Borough of Moonachie

This ordinance establishes quantitative noise limits and defines methods to measure noise levels to conform to specifications published by the American Standards Associations in the Borough of Moonachie. The Performance Standards in Section 22-5.11 of the Zoning Ordinance list quantitative vibration limits; however, construction activities are exempt from these requirements.

Chapter III Police Regulations of the Code of the Borough of Little Ferry

This regulation identifies personal conduct enforceable by the Little Ferry Police Department. Among others, this regulation defines types of work prohibited during the week, but identifies extenuating circumstances in which emergency permits can be issued. The Performance Standards of Section 35-113.14 of the Chapter prohibits “vibration beyond the immediate site on which such use is conducted” for a Light Industrial Zone; however, the regulation does not specifically address construction activities.



Chapter X Parks and Recreation Areas of the Code of the Borough of Little Ferry

This regulation governs the use of parks and recreational spaces and facilities in the Borough of Little Ferry.

Chapter XX Fire Prevention and Protection of the Code of the Borough of Little Ferry

This regulation establishes local enforcement of the NJ Uniform Fire Code in the Borough of Little Ferry, as well as regulates fire zones, fire lands, and key vaults.

Chapter XXII Solid Waste Management of the Code of the Borough of Little Ferry

This regulation governs solid waste, yard waste, and recycling in the Borough of Little Ferry.

Chapter XXIV Water and Sewer of the Code of the Borough of Little Ferry

This code outlines the regulations of the BCUA sanitary sewer and storm sewer connections and prohibits certain discharges (e.g., stormwater and industrial process water) into public sanitary sewers in the Borough of Little Ferry.

Chapter XXVII Environmental Regulations of the Code of the Borough of Little Ferry

This code outlines the regulations for illegal connections to the storm sewer system and illegal discharges into the storm sewer system in the Borough of Little Ferry.

Chapter XXXV Land Use Regulations of the Code of the Borough of Little Ferry

This code sets forth the established zoning plan, the legislative intent of zoning, the establishment of zones, the determination of zone boundaries, and land use regulation compliance in the Borough of Little Ferry.

Chapter LII Police Department of the Code of the Township of South Hackensack

This code establishes the Police Department in the Township of South Hackensack, and identifies the duties of the Police Department.

Chapter CX Fire Prevention of the Code of the Township of South Hackensack

This regulation establishes local enforcement of the Uniform Fire Safety Act of New Jersey under the local enforcing agency of the Fire Prevention Bureau of the Township of South Hackensack.

Chapter CXIII Flood Damage Prevention and Stormwater Management of the Code of the Township of South Hackensack

This code regulates stormwater management BMPs in the Township of South Hackensack and establishes partnerships with the BCUA.

Chapter CLXXX Sewers and Sewage Disposal of the Code of the Township of South Hackensack

This code regulates sanitary sewer and storm sewer connections in the Township of South Hackensack and establishes partnerships with the BCUA. It also requires permits to be obtained for discharges into a sewer system.

Chapter CLXXXVI Solid Waste of the Code of the Township of South Hackensack

This code regulates solid waste, recycling, dumpsters, trash cans, and refuse scavenging in the Township of South Hackensack and establishes partnerships with the BCUA.

**Chapter CCVIII Zoning of the Code of the Township of South Hackensack**

This code regulates land use and zoning in the Township of South Hackensack and establishes partnerships with the BCUA.

Chapter CCXXV Nuisances and Public Health of the Code of the Township of South Hackensack

This code prohibits certain nuisances in the Township of South Hackensack that are considered to be an annoyance or can cause injury to other persons, such as requiring the proper heating of rental units and prohibiting certain noises or sounds.

Section 6-101(A) of Article VI of the Zoning Ordinance of the Borough of Teterboro

This code establishes the quantitative noise limits defined by the zoning ordinance of the Borough of Teterboro, including standards for daytime and nighttime noise levels.

Appendix C: Projects Considered for the Cumulative Effects Analysis

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Table C-1: Projects Considered for the Cumulative Effects Analysis

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
1	RBDM Alternative 3 <i>Future Plan</i>	NJDEP, HUD	Flood Mitigation	2016 -	Conceptual design underway	<p>The Alternative 3 <i>Future Plan</i> would include all of Alternative 1, as described in Section 2.5.2 of the Environmental Impact Statement (EIS); the Losen Slote pump station C and associated force main, as described in Section 2.5.3 of the EIS; and improvements to Upper East Riser Ditch, as discussed in Section 5.5 of the EIS.</p> <p>The Alternative 3 <i>Future Plan</i> would complement the <i>Build Plan</i> by providing additional stormwater drainage improvements in the East Riser Ditch and Losen Slote drainage basins to increase stormwater conveyance capacity and improve drainage in each municipality in the Project Area. Additionally, the <i>Future Plan</i> would incorporate protection against coastal storm surges to a height of 7 feet (NAVD 88), which would be sufficient to protect against approximately the 50-year flood under existing conditions.</p> <p>By incorporating both coastal and inland flood reduction, in the form of extensive stormwater drainage improvements, new open spaces, and a structural LOP against coastal storm surges, implementation of the Alternative 3 <i>Future Plan</i> in addition to the <i>Build Plan</i> would constitute the most holistic flood reduction strategy for the Project Area and provide numerous co-benefits, including new recreational opportunities, water quality improvements, new and enhanced habitats, and aesthetic benefits.</p> <p>No specific funding or schedule has been identified for implementing this reasonably foreseeable project at this time.</p>	Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro; Township of South Hackensack
2	Recent Improvements to Ditches, Tide Gates, and Pumping Stations						
	Losen Slote Creek Dredging	Bergen County Mosquito Commission, Little Ferry, Moonachie	Flood Mitigation	2015 -	Dredging in progress	Continuing an effort attempted 4 years ago, the Losen Slote is officially beginning to be dredged.	Little Ferry and Moonachie, NJ
	Palmer Terrace Tide Gate	New Jersey Sports and Exposition Authority (NJSEA)	Utilities	June 2010	Completed	Tide gate at Palmer Terrace and the restoration of the Asia Place ditch system, in Carlstadt, to better manage tidal flow to industrial and commercial properties west of Washington Avenue.	Palmer Terrace, Carlstadt, NJ
	Moonachie Creek Tide Gate	NJSEA	Utilities	June 2010	Completed	Located near the Hackensack River at the Moonachie Creek culvert crossing under the NJ Turnpike. 10x10 ft. Addresses tidal surges causing flooding and benefits the surrounding marsh.	Moonachie Creek Culvert below NJ Turnpike, Carlstadt, NJ
	Bashes Creek Tide Gate	NJSEA	Utilities	June 2010	Completed	Located near the Hackensack River at the Bashes Creek culvert crossing under the NJ Turnpike. 10x10 ft. Addresses tidal surges causing flooding and benefits the surrounding marsh.	Bashes Creek Culvert below NJ Turnpike, Carlstadt, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	West Riser Tide Gate	NJSEA, Bergen County, Port Authority of New York and New Jersey (PANYNJ)	Utilities	2014	Completed	Protects Teterboro Airport from daily tidal flooding and properties upstream of the tide gate in the Boroughs of Moonachie and Carlstadt. Located along Berry's Creek near Teterboro Airport.	Along Berry's Creek near Teterboro Airport
	Lincoln Place Pumping Station Generator	Moonachie, Federal Emergency Management Agency (FEMA)	Infrastructure	2016 -	FEMA grant received; installation expected for Spring 2017	The Borough of Moonachie received a \$75,000 grant from FEMA to purchase and install a generator for the Lincoln Place Pumping Station. The generator will have 135 kilowatts and be powered by natural gas.	Lincoln Place, Moonachie, NJ
	Losen Slote Pumping Station Improvement	Little Ferry, Department of Housing and Urban Development (HUD)	Infrastructure	2015 -	Currently in planning stages	The Borough of Little Ferry was awarded \$652,970 by the New Jersey Department of Environmental Protection (NJDEP) to install a self-cleaning grate and associated site improvements (adjacent asphalt pad, conveyor belt) at the Losen Slote Pumping Station.	Losen Slote Pumping Station, Little Ferry, NJ
	Hazard Mitigation Grant Program (HMGP) Backflow Preventer Project	NJDEP, Bergen County	Flood Mitigation	2015 - 2019	Ongoing	Bergen County received a Federal Grant to install backflow preventers on existing storm drain outfalls throughout the county to help reduce flooding caused by the backflow of water and storm surge into existing storm conveyance systems that ultimately discharge into tidally influenced waterbodies. The program will benefit properties located in the Boroughs of Carlstadt, Little Ferry, and Moonachie.	Boroughs of Carlstadt, Little Ferry, and Moonachie, NJ
	Main Street Drainage Improvements	Bergen County	Infrastructure	N/A	Currently in planning stages	Drainage improvements to Main Street are proposed to alleviate chronic flooding from everyday and extreme rainfall events, as a result of existing undersized drainage infrastructure. Proposed improvements include increasing the size of the existing 24 inch by 24 inch reinforced concrete pipe along Main Street; upgrading the existing drainage system near the low point on Main Street to follow grade; rerouting the drainage configuration along Main Street; upgrading the existing pump station at Willow Lake; and utilizing Willow Lake as an equalization basin. The drainage study was completed in 2014.	Main Street (from Charles Street to Bergen Turnpike), Little Ferry, NJ
3	Transportation Projects, involving Drainage Improvements						
	US Route 46 Bridge Rehabilitation and Little Ferry Circle Replacement	Little Ferry, Conti Enterprises (Contractor)	Transportation	2014 - 2016	Completed June 20, 2016 (Little Ferry Circle replacement and bridge rehabilitation)	The Little Ferry Circle has been replaced with a traditional 4-way intersection, and a new drainage system and stormwater pumping station were installed to alleviate flooding issues in the area. The US Route 46 bridge over the Hackensack River was deemed structurally deficient and is being rehabilitated. The bridge deck was movable to allow boats to pass underneath, but it will now be fixed. Two of the four lanes are being worked on at a time, allowing two-way traffic to continue. After the lanes are complete, work will begin on the load-bearing structures.	US Route 46 Bridge from Little Ferry to Ridgefield Park, and the intersection of US Route 46 at Bergen Turnpike
	Improvement of Intersection of Washington Avenue and Liberty Street	Little Ferry	Transportation	2012	Complete	Intersection of Washington Avenue and Liberty Street was improved through road widening/lane additions. Other minor construction like ramps/curbs occurred as well, including drainage improvements.	Washington Avenue at Liberty Street, Little Ferry, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Carlstadt Street Drainage Improvements #1	Carlstadt; New Jersey Economic Development Authority (NJEDA)	Infrastructure	2016 -	Construction expected to occur late Summer/Fall 2016	Using a \$3.4M grant, the proposed project activities will include reconstruction and improvements to five different roads – Kero Road, Jomike Court, Barell Avenue, Eastern Way, and Starke Road – as well as associated drainage inlets within the Borough of Carlstadt, Bergen County, New Jersey. Additionally, storm water system improvements will be completed at 455 16th Street. The scope of the project will include the reconstruction of various outfalls, the installation of a backflow preventer/check valve, the purchase of equipment for ongoing maintenance, the purchase of Tiger Dams, and the repaving of roadway surfaces.	Associated Streets, Carlstadt, NJ*
	Carlstadt Street Resurfacing and Improvements	Carlstadt, Bergen County, HUD, New Jersey Department of Transportation (NJDOT)	Infrastructure	2015 - 2016	Starke Road Phase 1, Marsan Drive, and 7th Street completed; remaining projects to be completed Fall 2016	The Borough of Carlstadt received two separate Community Development Block Grants (CDBG) from Bergen County, and a \$149,000 grant from NJDOT to resurface Starke Road, Marsan Drive, and Broad Street, and incorporate drainage improvements for the Marsan Drive and Broad Street projects. Also, Monroe Street will receive attention. CDBG funded Marsan Drive and will fund Broad Street phase 2. Starke Road funded by NJDOT grant. Fall 2016 will focus on Monroe Street phase 1, Broad Street phase 2, Center Street, and Franklin Street.	Associated Streets, Carlstadt, NJ*
	West Commercial Avenue Extension Improvements (2015 NJDOT Road Program and 2015 Municipal Road Program)	Borough of Moonachie	Infrastructure	Work contemplated under this contract shall be completed by May 27, 2016	Bid October 2015	Milling and resurfacing of West Commercial Avenue Extension from Grand Street to Anderson Avenue and various streets located within the Borough, including the installation of curbs, sidewalks, driveways, detectable warning surfaces, NJDEP curb pieces, drainage pipes, bicycle safety grates, and other incidentals. Alternate bid – Milling and resurfacing of West Park Street in front of Robert L. Craig Elementary School.	Moonachie, NJ*
	Brandt Street Drainage and Woodland Avenue Improvements	Little Ferry, NJDOT	Infrastructure	2013 -	Possibly complete	The Borough of Little Ferry received \$180,000 from NJDOT to help fund drainage (and other) improvements to Brandt Street, including new outfall piping, etc. This grant was combined with a \$144,000 2014 NJDOT Municipal Aid grant for Woodland Avenue for similar maintenance, but without the focus on drainage.	Brandt Street, Woodland Avenue, Little Ferry
	Riser Road Extension to Redneck Avenue	Little Ferry, Moonachie	Infrastructure	2014 -	Feasibility Analysis completed March 2015	The Borough of Little Ferry received a \$92,500 grant from the New Jersey Department of Community Affairs (NJDCa) for Post-Sandy Planning Assistance. Of this, \$16,000 was used to analyze the feasibility of extending Riser Road south to Redneck Avenue near its junction with Union Avenue.	Riser Road, Little Ferry, NJ
	Paterson Plank Road Improvements	Carlstadt, East Rutherford, Creamer Sanzari Joint Venture (contractor)	Infrastructure	2008 - 2012	Complete	Widening and several other improvements to Paterson Plank Road, including a new drainage system. There were also improvements made to its bridge over State Route 17, and the bridge over the Pascack Valley Railroad Line.	Paterson Plank Road near State Route 17, Carlstadt, NJ*
4	Environmental Improvement Projects						

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Richard P. Kane Natural Area	Meadowlands Conservation Trust	Environmental	Established 2005	Portions transformed into wetland banks	Meadowlands Conservation Trust received property (formerly known as Empire Tract) from Mills Corporation in 2005 as part of a mitigation deal. Consists of 587 acres. This property is not an ongoing project, but rather an important piece of property valued by the residents of the Project Area that directly impacts the possible alternatives.	Carlstadt and South Hackensack, NJ
	Kane Wetland Mitigation Bank	Kane Mitigation, LLC	Environmental	2010 - 2011	Complete	A component of the Kane Natural Area, this 237-acre tract has been established as a state-approved wetland bank, and is separated from the Natural Area by an earthen berm (Hesco Concertainer ®). A total of 19.85 acres were mitigated as compensation for freshwater wetlands lost during the installation of runway safety improvements and the realignment of Redneck Avenue at Teterboro Airport; and 217.5 acres were mitigated as tidal wetlands, intended to provide credits for tidal wetlands lost due to approved transportation projects within the Hackensack Meadowlands District. The bank is set up exclusively for transportation projects. The following transportation agencies may use this bank: NJ Transit, PANYNJ, NJDOT, and New Jersey Turnpike Authority. This property is not so much an ongoing project, but rather an important piece of property valued by the residents of the Project Area that directly impacts the possible alternatives.	Carlstadt and South Hackensack, NJ
	Marsh Resources, Inc. (MRI-3) Mitigation Bank	Evergreen Environmental	Environmental	1999 - 2001, 2012	Complete	Phases I and II (206-acre) were completed 1999-2001. Phase III (51-acre) was constructed in 2012, and is still listed as a state-approved wetland bank. It can be used to mitigate for impacts to estuarine and palustrine emergent, mudflat, scrub/shrub, and open water wetlands and waters of the US, but not palustrine forested wetlands. This property is not an ongoing project, but rather an important piece of property valued by the residents of the Project Area that directly impacts the possible alternatives.	Carlstadt, NJ
	Metro Media Wetland Restoration	USACE, PANYNJ, New York-New Jersey Harbor Estuary Program	Environmental	2016 -	Recommended for near-term construction	The Comprehensive Restoration Plan for the Hudson-Raritan Estuary has recommended this 74-acre site as one of the initial restoration projects. Restoration would encompass replacing invasive common reed with native vegetation, and altering the existing hydrology to create low marsh, high marsh, scrub-shrub, and maritime upland habitats, as well as better functioning tidal channels.	Carlstadt, NJ
	Meadowlark Marsh Wetland Restoration	USACE, PANYNJ, New York-New Jersey Harbor Estuary Program	Environmental	2016 -	Recommended for near-term construction	The Comprehensive Restoration Plan for the Hudson-Raritan Estuary has recommended this 90-acre site as one of the initial restoration projects. Restoration would encompass reestablishing wetlands, replacing invasive common reed with native vegetation, improving maritime forest habitat, and improving existing mudflats/tidal channels and interior marsh.	Ridgefield, NJ
	Wetland Mitigation for Teterboro Airport Tower project	Federal Aviation Administration (FAA)	Environmental	2015 - 2023	Pending approval of location and commencement of Teterboro Airport Tower project	This project (~11 acres) would mitigate the wetland impacts that occur as a result of the Teterboro Airport Tower project.	Little Ferry, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Lower Hackensack River Superfund Investigation	US Environmental Protection Agency (USEPA)	Environmental	2015 -	Preliminary Assessment completed September 2015; sediment sampling to occur in 2016	USEPA initiated a Preliminary Assessment in 2015 as the beginning step toward deciding whether the river should be designated as a Superfund site. The Preliminary Assessment found excessive levels of multiple pollutants and recommended further sampling.	Hackensack River from Oradell Dam to its mouth at Newark Bay
	Ventron/Velsicol Operable Unit 1	USEPA	Environmental	1984 - 2010	Completed	The Ventron/Velsicol site is a large complex site on the National Priorities List (NPL) that has been broken down into Operable Units (OUs). OU1 is designated as a 7-acre developed area and 19-acre undeveloped area. Potential contaminants of concern in soil, sediments, and onsite groundwater at OU1 include metals, volatile organic compounds (VOCs), and semivolatile organic compounds (SVOCs). Air samples collected in the 1970s detected mercury in ambient air exceeding environmental guidelines; however, resampling in 1997 and 1998 determined gaseous mercury levels were below recommended exposure limits. The remediation of OU1 was completed in December 2010.	South of Ethel Boulevard on the western bank of Berry's Creek; in the Boroughs of Carlstadt and Wood-Ridge
	Berry's Creek Study Area	USEPA	Environmental	2008 -	Pre-Assessment Screen Determination completed 2014; Natural Resources Damage Assessment underway	This is Operable Unit 2 of the Ventron/Velsicol Superfund site. Industrial sites, including three Superfund sites, released contaminants into Berry's Creek and its watershed for decades. USEPA is overseeing a remedial investigation/feasibility study (RI/FS) by a group of over 100 potentially responsible entities under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to result in a selected Phase 1 remedy for the Berry's Creek waterways. A final clean-up plan will likely not be available until 2018, and it is too early to know which restoration activities will be completed, or which specific locations will be remediated.	Berry's Creek Watershed
	Scientific Chemical Processing (SCP)	USEPA	Environmental	1990 -	Ongoing	SCP is a former waste processing facility that operated prior to 1980 and accepted various wastes for recovery and disposal. SCP operated on a 6-acre parcel in the Borough of Carlstadt at 216 Paterson Plank Road. This property is located on the southern banks of Peach Island Creek, which is a tributary to Berry's Creek. During operations, SCP stored approximately 375,000 gallons of hazardous substances onsite in tanks, drums, and tank trailers. The facility closed in 1980 in response to a court order and was placed on the NPL in 1983. Investigations beginning in 1987 revealed potential contaminants of concern in soil and groundwater, including VOCs, SVOCs, PCBs, pesticides, inorganics, and metals. The site is currently vacant. The SCP site contains 3 OUs. RODs have been finalized for all three OUs, and OU1 and OU2 have been remediated.	216 Paterson Plank Road Carlstadt, NJ 07072

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Universal Oil Products (UOP)	USEPA	Environmental	2008 -	As of September 2016, remediation still incomplete and no finalized ROD	The UOP site is a former chemical manufacturing facility that operated between 1932 and 1970. It encompasses approximately 74 acres. Operations ranged from use as an aroma chemical laboratory to handling of chemical wastes and solvent recovery. Approximately 4.5 million gallons of waste solvents and solid chemical wastes were discarded into two unlined lagoons during the facility's operation, resulting in soil, surface water, and groundwater contamination. UOP was placed on the NPL in September 1983. NJDEP was the lead agency for the site between 1982 and 2008. USEPA assumed the role of lead agency in July 2008. UOP includes two OUs. As of September 2016, remediation of OU1 was not complete. The final remedy for the OU1 portion of the site will be provided in the OU2 ROD. No ROD has been finalized as of September 2016.	East Rutherford, NJ
	Carlstadt Tree-lined Streets 5-year Program	Carlstadt Department of Public Works (DPW)	Infrastructure	2015 - 2019	Ongoing	Many sidewalks in the borough have been damaged by tree roots. Carlstadt DPW is using surplus money to repair the sidewalks and replace the trees. The Borough's vision is to return to consistent canopy tree-lined streets throughout.	Carlstadt, NJ*
5	Regional Flood Control Efforts						
	Secaucus Flood Walls	Secaucus	Flood Mitigation	2014	Presumably Complete Summer 2014	Flood wall (~1,000 feet long) constructed along Hackensack River north of Secaucus High School. Another flood wall (~400 feet long) and small park is being constructed along the backwaters of the River along Park Drive.	North of High School, and along Park Drive, Secaucus, NJ
	Secaucus Pumping Stations	Secaucus	Flood Mitigation	2015	Presumably Complete October 2015	Pumping stations were installed near Secaucus High School and near Acorn Street.	Secaucus High School, and Acorn Road, Secaucus, NJ*
	Secaucus Storm Lines	Secaucus	Flood Mitigation	2012 -	Was awaiting bids in mid-November 2013	New larger storm water line on Golden Avenue. Other lines already complete behind Golden Avenue and Humboldt Street.	Golden Avenue Secaucus, NJ
	Secaucus Dikes	Secaucus	Flood Mitigation	2013 - 2014	Possibly complete	Dikes were being constructed around the town by public works employees.	Secaucus, NJ*
	Secaucus High School Wetland Enhancement	New Jersey Meadowlands Commission (NJMC), Secaucus	Environmental	2007	Complete	NJSEA enhanced 31 acres of wetlands east of Secaucus High School. Enhancement included removal of Phragmites and planting of various native plants, and hydrologic reconfiguration.	East of Secaucus High School, Secaucus, NJ
	State Route 17 Floodplain Project	NJSEA	Utilities		Completed	Installation of 11 tide gates and culverts in the Boroughs of Rutherford and East Rutherford to reduce the amount of storm surge waters reaching the highway during tidal events.	Rutherford and East Rutherford, NJ*

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Hoboken Rebuild by Design (RBD) - Hudson River Project: Resist, Delay, Store, Discharge	HUD, NJDEP, and (NJDCA)	Environmental / Utilities	2015 -	Beginning environmental evaluations	As part of the HUD RBD competition to promote resiliency, the proposed project will consist of a four-part comprehensive strategy, including: 1) hard infrastructure and soft landscape for coastal defense (Resist); 2) policy recommendations, guidelines and urban infrastructure to slow storm water runoff (Delay); 3) green and/or grey infrastructure improvements to allow for greater storage of excess rainwater (Store); and 4) water pumps and alternative routes to support drainage (Discharge). The proposed project will occur throughout the City of Hoboken, with linkages to the adjoining communities in the Township of Weehawken and City of Jersey City.	Hoboken, Weehawken, and Jersey City, NJ
6	Redevelopment and Rezoning Local to Project Area						
	Teterboro Industrial Avenue Redevelopment (Teterboro Landing)	Catellus Teterboro, LLC	Commercial	July 2013 - Oct 2016	Environmental cleanup complete, Walmart and Costco opened in 2015, construction of restaurant row underway with expected completion by April 2017	55-acre development on the former Honeywell International property on US Route 46 near Teterboro Airport. Complex of two large retail sites, two smaller stores, restaurants and light industrial buildings.	Teterboro Landing, Teterboro Landing Drive, Teterboro, NJ
	Paterson Plank Road Redevelopment	Michels & Waldron Associates LLC (Developer)	Mixed Use	N/A	Status unknown	Paterson Plank Road Redevelopment located in the Borough of Carlstadt is the premier mixed-use development in New Jersey. This \$800M transit village will include the following components: 437,500 SF of office space, 215,656 SF flex industrial, 182,844 SF lifestyle retail, 194,763 SF indoor recreation, 479 hotel rooms, 1,700 residential units, and 38 acres of created and enhanced wetlands.	Paterson Plank Road, Carlstadt, NJ
	Paterson Plank Road Redevelopment	Carlstadt, East Rutherford	Commercial	2012 -		Commercial Gateway Center - serve as a gateway and a corridor to the NJSEA sports complex. Recommended uses will provide for continuation of commercial, retail and light industrial uses. Suggestions listed included banks, cultural facilities, hotels, movie theaters, indoor commercial recreation, offices, studios, distribution facilities, houses of worship and day care. Environmental area - wetland parcels already present. Light Industrial center - includes uses north of Broad Street in the Borough of Carlstadt. The area is without immediate access to Paterson Plank Road but is served by local roads. Recommended uses would provide for continuation of well-planned light industrial uses, flex-space, office facilities, and warehouses. Flex-space refers to a low-rise structure with open floor plans that can be modified for retail, restaurants, office, research and distribution facilities, and other tenants, the draft stated. A solar company has expressed interest in a contained contamination site. Carlstadt received 16 grants totaling \$891,488 from the NJEDA for environmental reclamation associated with contaminated properties in this redevelopment zone.	Paterson Plank Road, Carlstadt, NJ and East Rutherford, NJ
	Paterson Plank Road Redevelopment	Catalyst Development Partners, LLC	Residential	2015 -	Request for change in redevelopment plan to allow housing December 2015	Redevelopment plan for Paterson Plank Road does not include housing, but developer contends it will be needed with the American Dream project introducing 11,000 new jobs. This housing complex would be 397 units, and the property would require further clean-up.	932 Paterson Plank Road, East Rutherford, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Little Ferry RF-A Riverfront Development Inclusionary Overlay A Zone	Little Ferry	Rezoning	2012	Complete	Block 25 in the Borough of Little Ferry, located immediately south of US Route 46 along the Hackensack River, is zoned as Highway and Regional Business, and has Commercial Retail and Industrial land uses. In order to enhance the quality, appearance, and economic vitality of the waterfront area in the Borough of Little Ferry, the municipality created an overlay zone for this block that would elicit revitalization and renewal of this area by the private sector. The new overlay zone amends regulations regarding permitted density and intensity of land use. The intended renewal would include mixed use development with residential and commercial components.	Bounded by US Route 46 and Bergen Turnpike, Little Ferry, NJ
	Little Ferry Rezoning	Little Ferry	Rezoning	2013 -	Complete	The Borough conducted a reexamination of their Master Plan in 2013, which suggested a number of changes to existing zoning. In 2014, the Borough passed 10 new zoning ordinances related to some of these suggestions. The greatest change involved merging Restricted Industrial (I-R) and General Industrial (I-G) into Light Industrial (I-L), which updated the permitted uses in those areas. Additionally, changes were made to make portions of the Borough more aesthetically appealing and neighborhood-friendly, including new rules regarding parking, outdoor lighting, outdoor sales, outdoor storage, etc.	Little Ferry, NJ*
	New Moonachie Municipal Building	L+C/Mayo Lynch & Associates Inc.	Infrastructure	2016 -	Demolition of previous structure completed October 2016; expected completion of new building in 2017	New \$7.3M Municipal Building project generally consists of the complete demolition of the existing building, and complete construction of a new municipal building with a footprint of ~13,300 square feet (SF). Ground floor will house parking, sally port, and accessible entry lobby. Fully developed first floor will house courtroom, court offices, administrative offices, police department and accessory services. Partial second floor will house utilities, storage, and access to roof mounted HVAC equipment and generator. Construction will be staged to accommodate continued operation of the Police Department in temporary offices onsite.	70 Moonachie Road, Moonachie, NJ
	110 Bergen Turnpike Low- and moderate-income (LMI) Housing	Little Ferry, 110 Bergen Turnpike LLC	Residential	2009 -	Little Ferry's RF-A rezoning overlay permitted the developer's planned residential units; however, status of development is uncertain	The developer sought to construct between 12 and 28 LMI residential units (and zero market-rate units) on Lot 2 of Block 25 in the Borough of Little Ferry. The RF-A rezoning overlay implemented by the Borough specifically allows the developer to proceed with their stated plan, despite inconsistency with the rezoning overlay.	110 Bergen Turnpike, Little Ferry, NJ
	South Hackensack Revitalization	South Hackensack	Commercial/Aesthetic	2008 -	Master Plan amended to incorporate <i>Master Plan Amendment: Redevelopment and Revitalization Guidelines: Route 46, Garfield Park, Huyler Street,</i> dated July 2008	The 2008 South Hackensack Master Plan identified three possible locations for consideration of redevelopment: Route 46, Huyler Street, and Garfield Park. A follow-up report identified that they were not prime candidates for redevelopment, but laid out numerous guidelines to encourage private capital to rehabilitate/revitalize the streetscapes and facades of these areas. New zoning recommendations were also included in the report. This report was adopted as an amendment to the Master Plan.	Route 46, Huyler Street, and Garfield Park, South Hackensack, NJ
	New CVS	CVS	Commercial	2017 -	Approved for development	A new CVS is to be built along Liberty Street across from the Little Ferry Municipal Building.	Across Street from: 215 Liberty Street, Little Ferry, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Washington Elementary School Redevelopment	Little Ferry Board of Education; NJ Department of Education	Education	2018 -	State approval pending	The Washington Elementary School closed in June 2018 due to building deteriorations beyond repair as a result of Hurricane Sandy. Plans to renovate or replace the school have been proposed. Costs and project specifics have not yet been determined. A referendum vote to finance construction will be held in September 2018. In the meantime, classes will take place in modular classrooms while several grades will attend nearby Memorial Middle School. The Little Ferry Board of Education approved a four-year lease of the modular classrooms in March 2018.	123 Liberty St, Little Ferry, NJ 07643
7	Improvements to Utility Systems						
	Little Ferry Water Pollution Control Facility Upgrades	Bergen County Utilities Authority (BCUA)	Utilities	2016 -	Grant awarded, but cannot be received until after the project is reviewed by NJDEP	BCUA received a \$25M grant and \$2M loan from the NJEDA to implement improvements to the Little Ferry Water Pollution Control Facility, including black starting and islanding capabilities, installation of a 175,000 cubic foot biogas storage tank, raising of substations above FEMA flood elevation levels, and relocation of conduits and transformers. Islanding capabilities allow the facility to continue functioning when the power grid fails, and black start capabilities allow the facility to restart unconnected to the grid.	Little Ferry Water Pollution Control Facility
	Electric Power Upgrades	Public Service Electric & Gas (PSE&G)	Utility	2014 -	Completion of Little Ferry component expected late August 2016	As part of \$1.22B Energy Strong improvement program, PSE&G is upgrading/relocating 29 switching and substations in flood-prone areas, including the Little Ferry substation. All new and existing equipment will be raised to the 9.8-foot FEMA elevation.	Poplar Avenue at Bergen Turnpike, Little Ferry*
	Natural Gas Main Upgrades	PSE&G	Utility	2014 -	Most replacements completed; several streets are in progress or not yet started	As part of \$1.22B Energy Strong improvements program, PSE&G is replacing hundreds of miles of cast iron mains with new plastic mains in areas damaged by Sandy/Irene. This includes street-level mains, as well as service pipes to individual homes/businesses. This includes work in the Boroughs of Little Ferry and Moonachie.	Little Ferry and Moonachie, NJ*
	Transco Pipeline Loop	Williams Partners L.P.; Transcontinental Gas Pipe Line Company	Utility	2017 -	Williams applied to Federal Energy Regulatory Commission for authorization of project, Project completion expected by mid/late 2019	Williams seeks to complete a \$127 million, Rivervale South to Market project, which would increase gas transport capacity by approximately 190,000 dekatherms (190 million cubic feet, capable of heating 1 million homes) per day. The project would include uprating 10.35 miles of underutilized pipeline, some metering station upgrades, and the construction of a 0.61-mile pipeline loop through wetlands in the Borough of Carlstadt adjacent to the LNG tanks. The wetland is owned and maintained by Williams.	Metro Road, Carlstadt, NJ
	Jony Drive Pumping Station Improvements	Carlstadt Sewerage Authority	Infrastructure	2016 -	To be re-bid out in September 2016	Scope: Pumping station structure, piles and foundations; modification of the existing wet well to include sewage grinder; dry well modification including manlift structure, piping valves and appurtenances; buildings and chambers; maintenance of facilities operations, including bypass pumping; standby generator set; electrical, instrumentation and control Supervisory Control and Data Acquisition work; air release valve chamber.	Jony Drive, Carlstadt, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	NJ Combined Sewer Overflow (CSO) Improvements	NJ, Hackensack, Ridgefield Park, BCUA	Infrastructure	2015 -	Ongoing	State requirements in updated (as of July 2015) CSO outfall permits require municipalities (including Hackensack and Ridgefield Park) to develop long-term plans for reducing/eliminating CSO sewage spills. Possible methods include infrastructural fixes like installing separate pipes for sewage and stormwater, large storage facilities for overflow, etc. Also, municipalities will need to install signs denoting CSO outfalls, and a notification system for residents so they know when sewage is spilling and where.	Hackensack and Ridgefield Park, NJ*
	NJ Transitgrid Traction Power System	NJ Transit	Utilities	Public Scoping Meeting February 3, 2016, Final Environmental Impact Statement Spring 2017	Public Scoping	Enhance electricity supply to the NJ Transit and Amtrak. Construct an electrical microgrid to supply reliable power during storms. Consists of a central, natural gas power plant and transmission lines.	Industrial Zone, Kearny NJ
8	Teterboro Airport Improvements						
	Teterboro Airport Hangars	First Aviation, PANYNJ	Commercial	2016 -	NJDEP permit received February 2017	Company plans to build two new 40,000 SF airplane hangars with adjoining apron, parking lot, and 22,500 SF of associated office space near the end of Lindbergh Drive at the Teterboro Airport.	Teterboro Airport, Teterboro, NJ
	Teterboro Airport Hangar (Jet Aviation Service)	Signature Flight Support	Commercial	2017 -	Applied for permit from NJDEP	Company proposed to construct a new hangar, apron, and parking area along Lindbergh Drive near the corner of Moonachie Avenue.	Teterboro Airport, Teterboro, NJ
	Teterboro Airport Hangar	Signature Flight Support, PANYNJ	Commercial	2016 -	Applied for permit from NJDEP	Exact construction location unknown, and information limited. Company plans to build a new airplane hangar at the end of Fred Wehran Drive at Teterboro Airport.	Teterboro Airport, Teterboro, NJ
	Teterboro Airport Tower	FAA, PANYNJ	Commercial	2015 – 2022	Pending receipt of permit from NJDEP and associated approval of mitigation site	Teterboro Airport seeks to design and construct a new air traffic control tower. The design phase is expected to last until 2020, and then construction would occur between 2020 and 2022.	Teterboro Airport, Teterboro, NJ
	Teterboro Airport Runway/Taxiway Improvements	PANYNJ	Infrastructure	2008 -	Rehabilitation of runways 6-24 and 1-19 complete; taxiway improvements are in the permitting stage, with anticipated completion in 2018.	This encompasses numerous projects that have been, and are planned to be, completed at the airport to upgrade the existing runways and taxiways. These projects typically include some of the following elements: repaving, rebuilding the foundation, installing engineered materials arrestor systems and/or overrun safeways, and construction of new patrol roads. Additionally, Taxiway B is to be replaced by Taxiway V.	Teterboro Airport, Teterboro, NJ
	Airport Rescue and Fire Fighting Building Replacement	PANYNJ	Construction	2014 -	Anticipated completion 2023	The building is to be replaced with a larger structure, such that it will be in compliance with FAA Advisory Circular 5210-15A. New airport rescue and fire fighting vehicles were ordered by the PANYNJ in January 2017, further adding to the need for this new building. This building will also support a centralized Customs operation. Wetland mitigation efforts may be necessary.	Teterboro Airport, Teterboro NJ
	Teterboro Airport Light Circuit Replacement	PANYNJ	Utilities	2015 -	Receiving approvals; anticipated completion 2018	Over 300,000 feet of lighting cable circuits and 3,000 splices are to be replaced, and other existing components of the lighting infrastructure are to be cleaned. Lighting infrastructure at the airport was damaged from Hurricane Sandy.	Teterboro Airport, Teterboro, NJ*

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Interior Wildlife Fence at Teterboro Airport	PANYNJ	Safety	2012 - 2015	Possibly complete	A wildlife fence was to be installed to exclude wildlife from aeronautical areas.	Teterboro Airport, Teterboro, NJ*
	Deicing Fluid Storage Tank Replacement at Teterboro Airport	PANYNJ	Construction	2012 - 2015	Possibly complete	The three 6,000 gallon deicing fluid tanks were to be replaced with larger tanks that would be able to contain at least 25,000 gallons of fluid. Associated pumps and other equipment would also be replaced as appropriate.	Teterboro Airport, Teterboro, NJ*
	Teterboro Airport Stormwater Drainage System Rehabilitation	PANYNJ	Infrastructure	2014 -	Permit received from the NJDEP	The current drainage system is being rehabilitated to mitigate flooding/standing water issues.	Teterboro Airport, Teterboro, NJ
9	Industrial Building Construction						
	Meadowlands Park (Light Industrial)	Russo Development	Industrial		Russo sued in March 2015 over incomplete/failed environmental cleanup of prior contamination	Meadowlands Park will be built on a 19-acre site and will feature over 230,000 SF of flex/industrial space. Located off State Route 17 North in the Borough of Carlstadt.	State Route 17 and 12th Street, Carlstadt, NJ
	125 North Street, Teterboro	Forsgate (Owner)	Industrial	Complete	Completed	220,883 SF industrial building (completed 2015)	125 North Street, Teterboro, NJ
10	Transportation Projects, without Specified Drainage Improvements						
	NJ Turnpike Bridge Painting and Repairs	New Jersey	Infrastructure	2013 - 2016	98% completion by November 2015; expected completion in early 2016	Various repairs such as blast cleaning, zone painting, cleaning bridge drainage systems, steel repairs, replacing deck joints, etc.	Northern section of Turnpike: Mileposts 98-117*
	Washington Avenue Corridor Safety Improvements	Bergen County Public Works Department	Infrastructure	2015 -	Bid July 2016	Bergen County was awarded \$775,000 in Federal funding (via New Jersey Transportation Planning Authority's (NJTPA) Local Safety Program) to repair sidewalks, enlarge waiting areas at bus stops, and install a crosswalk. This is Phase II of a project that began last year with \$1.9M from NJTPA and involved improvements to slow traffic, pedestrian countdown signals, filling in gaps in concrete medians, and improvements to crosswalks and pavement markings.	Washington Avenue from Paterson Plank Road to Empire Boulevard, Carlstadt, NJ
	Roadway Improvements to Summit Circle	Vernick and Arango Engineers	Infrastructure	2016 -	Bid out in May 2016	Roadway Improvements to Summit Circle.	Little Ferry, NJ
	Meadowlands Adaptive Signal System for Traffic Reduction	NJSEA	Infrastructure	- 2017	Expected completion 2017	This project is intended to reduce congestion, travel delays, and fuel emissions by synchronizing traffic lights throughout the Meadowlands District into a self-adaptive network. This project includes 31 traffic lights and pedestrian crossings in the Project Area, generally located along State Route 17, Paterson Plank Road, Washington Avenue, Liberty Road, and US Route 46. This project was funded by a \$10M TIGER 2 grant from the US Department of Transportation (USDOT) and by \$2.5M provided from the Meadowlands District Transportation Planning District fund. The project is estimated to reduce vehicle delays by 1.2M hours per year, reduce gas consumption by 1.2M gallons per year, and reduce greenhouse gas emissions (GHG) emissions by 11,000 tons per year.	Meadowlands District*
	2015 NJDOT Municipal Aid Awards (unless mentioned in another project)	NJDOT, respective municipalities	Infrastructure	2015 -	Uncertain – little information available for these projects	Moonachie received \$149,000 for various streets. South Hackensack received \$149,000 for Wesley Street (section 4). Teterboro received \$149,000 for Malcolm Avenue (Section 2).	Associated streets*

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	2016 NJDOT Municipal Aid Awards (unless mentioned in another project)	NJDOT, respective municipalities	Infrastructure	2015 -	Uncertain – little information available for these projects	Moonachie received \$113,090 for Commercial Avenue (Section 3). South Hackensack received \$221,856 for Wesley Street/Green Street intersection (main issue may be installation of traffic light). Teterboro received \$155,500 for Industrial Avenue (Section 4).	Associated streets*
	I-80 Resurfacing	NJDOT; Della Pello Paving Inc. (contractor)	Transportation	2016 -	Construction began in mid-June 2016 and is expected to take several months	I-80 Eastbound is being resurfaced from Beckwith Avenue in Paterson to Polifly Road in Hackensack.	Paterson to Hackensack, NJ
	NJ Turnpike Improvements: 15W and 16W ramps	New Jersey	Infrastructure	2014 - 2016	Construction was 27 percent complete by November 2015; expected completion in Fall 2016	Ramps at 15W will be realigned, median barriers extended and signing upgraded. At 16W, a ramp over Berry's Creek Canal will be widened to two lanes. \$13M project.	15W and 16W ramp of NJ Turnpike*
	Moonachie Avenue and Moonachie Road Intersection Improvements	Bergen County, Borough of Moonachie	Transportation	2018 -	Expected construction complete in 2021-2022	The intersection of Moonachie Road/Washington Avenue and Moonachie Avenue/Empire Boulevard will be renovated and updated to improve traffic volume capacity. All traffic signal equipment will be replaced or upgraded. The construction cost is estimated to be approximately \$1 million, funded by Bergen County.	Moonachie Road/Washington Avenue and Moonachie Avenue/Empire Boulevard Intersection
11	Regional Transportation-related Capital Improvements						
	Lyndhurst Street Improvements	Lyndhurst, Bergen County, HUD, NJDOT, Smith-Sondy Asphalt Construction Company (contractor)	Infrastructure	2015 - 2017	Ongoing	A three phase street resurfacing project for 17 streets over three years. This is a \$4.35M project. Lyndhurst has received a CDBG for \$40,800 and a NJDOT grant for \$149,000 (specific to Sanford Avenue in Phase 2). In 2016 (phase 2), work on Wilson Avenue, Sanford Avenue, Chase Avenue, Tenth Avenue, and Thomas Avenue was underway. They are prioritizing streets with recent maintenance to water mains. Next, water main work is to be done on New York Avenue from orient Way to Lafayette Avenue, the length of Newark Avenue, and along part of Warren Avenue. Work includes catch basins, curbs, handicap ramps, etc. Jauncy Avenue will be paved by Bergen County.	TBD*
	Rutherford Capital Improvement Program	Rutherford	Infrastructure	2015 - 2020	Ongoing	Includes road, street, and sewer improvements (\$4.73M) over six years. Specific roads not yet identified, but priority roads include East Van Ness Avenue, West Park Place, West Newell Avenue from Mortimer Avenue to Park Avenue, Wheaton Place from Addison Avenue to East Pierrepont Avenue, Lincoln Avenue from East Park Place to East Pierrepont Avenue, Walnut Street, Washington Avenue from Raymond Avenue to Wood Street, Santiago Avenue from Union Avenue to Francisco Avenue, Grand Avenue, Clark Court, and Darwin Avenue south from Washington Avenue. In addition, the following streets between Riverside and Jackson Avenues – Erie, Monona, Yahara, Wingra, Washington, Hobart, Clark, Hastings, Carneer and Insley Avenues.	TBD*

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	East Rutherford Capital Improvement Program	East Rutherford, NJDOT, Smith-Sondy Asphalt Construction Company (contractor)	Infrastructure	2015 - 2020	Ongoing	Six year capital plan mostly involving improvements such as resurfacing, curbs, and sidewalks. Some sewer line work. They have a \$159,000 NJDOT grant (for Carlton Avenue project) to help. In 2016, work is planned for: Herrick Street, Van Winkle Street, Orchard Street, High Street, Prospect Terrace, and Atkins Terrace.	TBD*
	Lincoln Tunnel Helix Replacement	PANYNJ, NJDOT, Weehawken, Union City	Infrastructure	2014 -	Planning	The PANYNJ has identified replacement of the Lincoln Tunnel helix in Weehawken as a major project to complete in the 2014-2023 timeframe. The replacement would be located in the current location, and retain the same number of lanes, but would be constructed 30 feet wider to increase lane width. The project would also lengthen the acceleration lane at Pleasant Avenue. Construction is expected to begin in 2019 and last for five years. It is possible that this project takes a different form as planning proceeds. Alternatives being considered include additional tunnels under Weehawken and Union City that junction with Lincoln Tunnel. In recent years, the helix has undergone rehabilitation, like resurfacing, with the goal of extending its effective lifespan by approximately 10 years, until the replacement is ready.	Weehawken, NJ
	Pulaski Skyway	USDOT	Transportation	Expected completion 2020	Set back by harsh winter 2015, will revisit schedule in Spring; overall, over halfway complete	Northbound travel lanes on the US Route 1-9 Pulaski Skyway are currently closed while the NJDOT rehabilitates the bridge deck.	Pulaski Skyway, Jersey City, NJ
	State Route 7 Wittpenn Bridge	USDOT	Transportation	2014 - Summer 2021	Contract 1 completed December 2014, Contract 2 completed September 2015, Contract 3 (out of 5) in construction scheduled for completion January 2018	Replacement of the State Route 7 Wittpenn Bridge over the Hackensack River and the realignment of Fish House Road on the west side of the river. The new bridge will be located north of the existing bridge.	Fish House Road, Kearny, NJ
12	Regional Transit/Transit Village						
	Wesmont Station Development, Wood-Ridge (including train station)	NJ Transit, Somerset Development with High Point Development	Mixed Use	July 2008 - 2016	In construction; station mostly finished, but still need to build parking lots	Located on 70-acre old Curtiss-Wright property. Was contaminated heavily but has been cleaned up. Train station being constructed that would provide quick and easy access to Manhattan. Nearly 1,200 residential units (216 townhomes, 406 luxury rentals, etc.), 125,000 SF of retail space, three buildings of affordable units, a park, and a school.	100 Rosie Square, Wood-Ridge, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Gateway Project (Hudson Tunnels, Portal Bridge replacement, track rehab/replacement)	PANYNJ, Amtrak, NJ Transit	Transportation	2015 - 2030	Environmental analysis began in October 2015, and is expected to take 2 - 4 years, with a preferred ROD date of October 2018. Portal Bridge construction to start between 2016 - 2018, and finish around 2019 - 2021	Originally, this project was Access to the Region's Core, which Governor Chris Christie ended in 2010 due to NJ taxpayers being responsible for too much of the \$8.9-12.4B price tag. New negotiations between Governor Christie, Governor Cuomo, and the Federal government have resulted in a new deal. The project involves building an additional 4th track in Harrison, NJ, replacing the Sawtooth Bridge and expanding from 2 to 4 tracks, replacing High Line in Kearny and expanding from 2 to 4 tracks, replacing Portal Bridge over Hackensack River between Kearny and Secaucus, expanding tracks and platforms in Secaucus and adding loop tracks, building new 2 track tunnel under Hudson River and then rehabbing the existing tunnel, and expanding Penn Station in NY.	Secaucus Junction, Secaucus, NJ to Moynihan Station Penn Station, Manhattan, NY
	Xchange at Secaucus Junction	NJ Transit, Atlantic Realty Development Corporation, Anselmi & DeCicco (Contractor)	Transportation	1st phase completed May 2013; 2nd phase was scheduled for April 2016 completion	Under construction	2nd phase: expansion by building 14 bus stalls, parking for employees, layover area for idle buses, curved steel canopy to keep passengers out of the weather. In all, the site will total 1,384 residential units. The Xchange is part of the Secaucus Transit Village Redevelopment Area.	4000 Riverside Station Blvd, Secaucus, NJ
13	Regional Large-scale Development						
	American Dream Meadowlands	Triple Five Group (Developer)	Commercial	2003 - expected to open March 2019	Under construction	\$5B project by developers of Mall of America and West Edmonton Mall. Involves a mall with 2.9M SF of retail/restaurant/services, amusement park, water park, indoor ski slope, Ferris wheel, SEALIFE Aquarium, LEGOLAND, ice rink, performing arts theater, and 18-hole mini golf course. Located southeast of METLIFE stadium and Meadowlands racetrack in the Borough of East Rutherford, adjacent to the NJ Turnpike.	50 NJ-120, East Rutherford, NJ 07073
	Highland Cross Redevelopment	Lincoln Equities Group (Developer)	Mixed Use	1998/2014 -	Construction around April 2016 (18 months from October 2014)	26-acre remediated brownfield property between Veteran's Boulevard and railroad tracks next to Berry's Creek. Tentatively planning 2 hotels, 500 apartments, retail space.	26-acres between Veteran's Boulevard and train tracks next to Berry's Creek, Rutherford, NJ
	Kingsland Redevelopment	Russo Development, Forsgate Industrial Partners (Developers)	Waste Management	2011 -	718.4-acre redevelopment contract awarded June 2015, NJSEA close to finalizing sale as of March 2016	Property consists largely of remediated landfills. Preliminary plans include distribution facilities, data centers, solar farms, and a nature trail.	1-E Landfill, Erie Landfill, Avon Landfill, Kingsland Landfill, Lyndhurst, NJ
	Lincoln School, and area redevelopment, Lyndhurst	Lyndhurst, Board of Education, CP Engineers of Sparta, Morris and Ritchie Associates, Hord Coplan Macht	Education	2014 -	Firms hired to draw up preliminary designs for new school March 2015	Lincoln Elementary School is being closed and a new school will be built at Matera Field, between Marin and Page Avenue. Additionally, the township has designated the properties between Stuyvesant Avenue to Ridge Road along the railroad tracks, and from Freeman Street to Valley Brook Avenue on Ridge Road, and Matera Field as parts of its redevelopment area. Details are limited.	281 Ridge Road, Lyndhurst, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	SkyMark	SkyMark Development Company	Mixed Use	2013 -	Developer is obtaining final permits	The developer seeks to build a large mixed use project, which would include 1,152 residential units, 342 luxury residential units, a 300-room hotel, and 343,000 SF of retail space. The property was previously contaminated and would require remediation.	Bounded by NJ Turnpike to west, US Route 46 to north, and Overpeck Creek to east and south, Ridgefield Park, NJ.
	Hartz Carpet Center Redevelopment	NJSEA, Secaucus	Residential	2015 -	Redevelopment plan passed April 2016	The 13.6-acre property that formerly housed the Hartz Carpet Center has been designated as an area in need of redevelopment. The intended use for this property is multi-family housing. Wetlands and an associated trail are also present on this site.	100 Park Plaza Drive Secaucus, NJ 07094
	Koppers Coke Peninsula Redevelopment	NJSEA	Mixed Use	2013 -	Impeded by transitgrid development	Revitalization of the 130-acre tract and another 237 acres across 73 largely abandoned or underused industrial properties. Uses include intermodal, warehousing, and light industrial facilities, flex space, data centers, business support services, retail, hotels, boat sales, and boat rental and repair facilities. This site includes the Standard Chlorine Chemical Superfund site. A Draft Remedial Investigation and a Draft Feasibility Study were submitted to the USEPA in July 2015. In the meantime, interim response actions have been implemented to contain contaminated groundwater. The USEPA has drafted a cleanup plan and has invited public comment August 2016.	Along CSX South Kearny Yard and Hackensack River, Kearny, NJ
	Kearny Passaic Avenue Redevelopment	113 Passaic Avenue. Urban Renewals, LLC (affiliate of Russo Development)	Mixed Use	November 1, 2017 – April 1, 2021		Mixed-use district, commercial, residential and industrial uses. 77-acre tract on both sides of Passaic Avenue, between Bergen Avenue and Johnston Avenue and bordered by Passaic River. Recommended that Kearny clean up the Brownfields and redevelop the district. Urban Renewal will build 458 upscale apartments, mostly 1-bedroom, spread among three buildings on 17.4 acres.	Passaic Avenue, Kearny NJ
	Kearny Area Redevelopment	Kearny, NJSEA	Waste Management	2014 -	Kearny in talks and decision-making on possible future uses of landfill	Redevelopment plan created for Keegan landfill and surrounding area, however NJSEA requested to extend its lease to continue dumping construction debris there. Those talks have stalled, and Kearny has contracted firms to investigate possible other recreational uses for the property.	437 Bergen Avenue, Kearny, NJ
	Harrison, NJ Redevelopment	Advance Realty with DeBartolo Development LLC, Russo Development, Ironstate, BNE (Developers)	Mixed Use	Most recent waterfront redevelopment plan 2012	In progress	35-acre Riverbend District, which will include a hotel, 20,000 SF retail, and 1000 luxury apartments. The plan also includes reference to train station upgrades, which will include aesthetic modernization, incorporation of elevators, larger platforms to accommodate larger trains, vehicular drop-off areas, and retail space. Overall there is significant renaissance happening, including multiple waterfront redevelopments. It is largely residential, and encompasses 275 acres - 30% of the whole city.	300 Somerset St, Harrison, NJ
	Belleville Turnpike Redevelopment		Waste Management	2011 -		Redeveloping the 79-acre industrial triangle between 1-E landfill and marsh into primarily large distribution centers.	79-acre industrial triangle between 1-E Landfill and marsh, North Arlington, NJ
14	Housing and Small Redevelopment Projects Outside the Project Area						

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	East Rutherford Hackensack Street/Park Avenue Redevelopment	East Rutherford, Remington Vernick & Arango Engineers (engineering consultants trying to create redevelopment plan), Sterling Development	Mixed Use	2014 -	Redevelopment plan adopted by planning board in 2015, but did not receive full approval by mayor and council; as of February 2016, engineers pressuring mayor and council on the next steps	The Borough's Master Plan, which the redevelopment plan complements, is meant to encourage a variety of housing, diversifying the borough's economic base. Overall, the Borough is trying to bring ratables into the industrial, light industrial and mixed-use industrial zones. The plan also left in the option of a train station, but it is considered unlikely.	Bound by Orchard Street, Everett Place, the municipal boundary with Rutherford, Union Avenue, and Hackensack Street, East Rutherford, NJ
	East Rutherford Central Avenue Redevelopment	East Rutherford, Remington Vernick & Arango Engineers (engineering consultants trying to create redevelopment plan), Sterling Development	Mixed Use	2014 -	Redevelopment plan adopted by planning board in 2015, but did not receive full approval by mayor and council; as of February 2016, engineers pressuring mayor and council on the next steps	The Borough's Master Plan, which the redevelopment plan complements, is meant to encourage a variety of housing, diversifying the borough's economic base. Overall, the Borough is trying to bring ratables into the industrial, light industrial, and mixed-use industrial zones. The plan also left in the option of a train station, but it is considered unlikely.	Includes Central and Paterson Avenues Herman and Oak Streets, and Hoboken Road, East Rutherford
	East Rutherford Carlton Hill Redevelopment	East Rutherford, Remington Vernick & Arango Engineers (engineering consultants trying to create redevelopment plan), Sterling Development	Mixed Use	2014 -	Redevelopment plan adopted by planning board in 2015, but did not receive full approval by mayor and council; as of February 2016, engineers pressuring mayor and council on the next steps	The Borough's Master Plan, which the redevelopment plan complements, is meant to encourage a variety of housing, diversifying the borough's economic base. Overall, the Borough is trying to bring ratables into the industrial, light industrial, and mixed-use industrial zones. The plan also left in the option of a train station, but it is considered unlikely.	Bound by Carlton Avenue, Morton Street, Madison Street, and a municipal boundary with Rutherford, East Rutherford
	State Route 3 East Rutherford Redevelopment (Monarch, formerly Equinox 360)	BNE Real Estate Group	Mixed Use	January 2012 - 2014	Completed	Includes the development of a 42.25-acre area as a business and retail center with civic, cultural and pedestrian plaza aspects incorporated to serve as a transportation center while maintaining open space and marshland preserves. Monarch is built on Lot 5, and hosts 316 residential condominiums, mostly upscale except for 32 affordable housing units.	State Route 3, East Rutherford, NJ
	Central & Oak, East Rutherford	Sterling Properties Group, LLC (Developer), Oak Street LLC of Connecticut (Property owner)	Residential	2015 -	Plan approved by Borough Planning Board December 2015	New apartment building with 208 apartments (30 affordable) to be built on old 7.3-acre Flintkote Manufacturing property. Remediation is mostly complete, but remains ongoing.	259 Central Avenue East Rutherford, NJ (Central Avenue at Oak Street)

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	10 Morton Street, East Rutherford	10 Morton Street LLC	Residential	2009/2013 -	Application pending	The site plans call for a three-story structure with 19 affordable housing units, including four three-bedroom, 12 two-bedroom and three one-bedroom LMI units, and 32 one-bedroom, 59 two-bedroom and four three-bedroom market-rate units. Additionally, 194 parking stalls are provided, accessible by two driveways out to Morton Street. A 1,000 SF club house, and 1,000 SF swimming pool are also included in the plans.	10 Morton Street, East Rutherford, NJ
	426 Orchard Street Carlstadt	Nuco, LLC	Residential	2015 -	Application submitted to Carlstadt Zoning Board found incomplete, developer intends to resubmit, town officials have historically opposed high density housing complexes and are considering eminent domain	Developer seeks to build a 6-story apartment building with 103 housing units, several of which would be affordable. 35 one-bedroom apartments, 64 two-bedroom apartments and four three-bedroom apartments. Several variances would be required. Of the two parcels, parcel one would be redeveloped with the housing and parking. Parcel two would be redeveloped into a playground, picnic area and open space for the property's residents. NJDEP oversees environmental cleanup, which may have begun in 2009.	426 Orchard Street, Carlstadt, NJ
	Lincoln School Demolition	Carlstadt, Neglia Engineering	Demolition	2017 -	Demolition plans under development	This school closed in 2007. Originally, the Borough was proposing it to be used for senior housing. However, these discussions and plans did not succeed, and the Borough has decided to demolish the building instead. Future use of the property is unknown at this time.	Lincoln School, 512 7 th Street, Carlstadt, NJ
	Oldfield Avenue at Washington Place Housing	Prime Developers of New Jew Jersey (Developer), Hasbrouck Heights	Residential	2016 -	Project is seeking variances from Hasbrouck Heights Zoning Board	The developer seeks to build a 10-apartment multi-family residential building. The property is currently zoned for five single family residences.	Oldfield Avenue at Washington Place, Hasbrouck Heights, NJ
15	Improvements to Recreational Facilities						
	River Barge Park	NJSEA, Carlstadt	Recreation	2005 - 2012	Complete	Formerly the Barge Club, this property was purchased by the NJMC in 2005. It was converted into a park and marina, which includes a fishing dock, rowing dock, educational pavilion, storage buildings, and 26 boat slips.	269 Outwater Lane, Carlstadt, NJ
	New Turf on Lakeview Field	Little Ferry	Recreation	2016	Expected completion by end of 2016	Lakeview Field is a park with numerous ball diamonds. Artificial turf is being installed to replace the grass. In addition, improvements will be made to flood control, dugouts, fencing, lighting, and security cameras. This project was funded by a \$2.75M Stronger New Jersey Business Neighborhood and Community Revitalization grant from the NJEDA.	Lakeview Field, Little Ferry, NJ
	Memorial Park North	Moonachie	Recreation	2016 -	Moonachie is seeking a matching grant from Bergen County Open Space Trust Fund to fund the \$45,000 park	Memorial Park North would be located on the north side of the new Moonachie Municipal Building and would be focused on beautifying the area. It would incorporate a waterfall, flowers, trees, pergola, and overall emphasis on sustainability and green living. Memorial Park South currently exists on the south side of the Municipal Building site.	70 Moonachie Road, Moonachie, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	Mehrhof Pond Wildlife Observation Area	BCUA, Meadowlands Conservation Trust, Bergen County	Recreation	2017 -	Proponent parties have signed a Site Access Agreement and have established responsibilities	The proponent parties have established an agreement to open Lots 13.01, 13.02, 13.03, Block 106.01 as a publicly accessible recreation area. This area will be available for viewing of plants and animals, hiking, and other passive recreation. Previously, this area was open to recreation by appointment only.	201 Mehrhof Road, Little Ferry, NJ 07643
	Carlstadt Little League Field Improvements	Carlstadt	Recreation	2016 - 2017	Expected completion by Spring 2017	The Borough of Carlstadt is implementing a \$238,000 project to improve safety at the 10 th Street Little League Field. The project includes improvements to fencing of the field, batting cage, and spectator bleachers, as well as improvements to the dugouts.	698 10 th Street Carlstadt, NJ
	Dredging Marina in Secaucus	Secaucus	Navigation	2016 -	Seeking US Army Corps of Engineers (USACE) permit	The Town of Secaucus seeks to dredge 2,400 cubic yards of sediment from the existing marina, which was heavily impacted by Hurricane Sandy. Dredging would occur to -15 feet below mean low water and 2 feet over dredge. They would also dredge three unnamed ditches that empty into the Hackensack River. Disposal of sediment would be at a state-approved upland site.	Secaucus, NJ
	Gunnell Oval Recreational Complex, Kearny	Kearny	Recreation	2014 -	Renovation to begin in 2017	Renovating the sports complex to cap hazardous material (site was previously a landfill and was damaged by Sandy). The original cap might have had contaminants in it. A stormwater drainage system that also helps drain a nearby neighborhood on E Midland Avenue would be created.	520 Schuyler Avenue, Kearny, NJ
16	Redevelopment and Housing in/near the City of Hackensack						
	Downtown Hackensack (General)	Hackensack	Mixed Use	2012 -	In progress	Downtown, centered around Main Street, has been deemed a 163-acre, 39 block, 389-property redevelopment zone. Individual redevelopment plans are being produced rapidly for individual parcels, and large (400,000+SF) mixed-use residential units are preferred. The City is trying to turn the Main Street district into a thriving transit-oriented downtown area.	Main Street, Hackensack, NJ
	210-214 Main Street, Hackensack	Heritage Capital Group	Residential	2015 - 2017	Interior demolition and renovation began March 2016, will take 18-months	Current Bank of America building being re-fitted on interior to hold 127 apartments, 4,000 SF of retail space, and an 11th floor will be added.	210-214 Main Street, Hackensack, NJ
	Alkova Building, Hackensack (150-170 Main Street)	Alkova Companies	Mixed Use	2015 -	Construction underway as of December 2015, expected to continue for 24 - 30 months	1.35-acre lot with 7 buildings and a parking lot, but is being developed into 14-stories, 382 apartments, 7,500 SF of retail space, a pool, and a rooftop garden.	150-170 Main Street, Hackensack, NJ
	Meridia Metro, Hackensack (94 State Street)	Meridia Metro Urban Renewal	Residential	2013 - 2015	Expected to open Fall 2015	222 apartments, catering to the "millennial" generation, the building will have modern amenities including a gym, a gaming center, a rooftop terrace with fire pit, and a dog park with grooming station.	94 State Street, Hackensack NJ
	The Record property, Hackensack (150-170 River Street)	North Jersey Media Group	Mixed Use	2014 -	Redevelopment plan approved by City Council October 2015, owner in talks with developers	19.7-acre site is currently a parking lot and a few buildings. Redevelopment plan requires 30 SF easements along the Hackensack River, and permits up to 700 residential units, commercial space, and possibly a hotel.	150-170 River Street, Hackensack, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	18 Camden Street, Hackensack	Hackensack	Mixed Use	2015 -	Redevelopment plan adopted by the City of Hackensack October 2015	Property includes a tennis club and 1700s out-kitchen (historically significant). Permitted uses include multi-family housing, retail, office/professional space, and structured parking to support the other uses.	18 Camden Street, Hackensack, NJ
	Atlantic Street Park, Hackensack	Hackensack	Entertainment	2015	Completed July 2015	Converting parking lot between Atlantic Street and Warren Street into a public park, to include benches, an outdoor stage, a garden, and outdoor chess tables.	2-52 Warren Street, Hackensack NJ; Parking lot between Atlantic Street and Warren Street
	Property at 18-20 Bridge Street Hackensack	Hackensack	Mixed Use	2016 -	Redevelopment plan adopted by City Council March 2016	Generally, land is currently parking, vacant lots, and offices. Goal is to promote mixed-use residential developments. Specific plans not yet determined.	18-20 Bridge Street, Hackensack, NJ
	Property at 50-52 Main Street Hackensack	Hackensack	Mixed Use	2016 -	Redevelopment plan adopted by City Council March 2016	Generally, land is currently parking, vacant lots, and offices. Goal is to promote mixed-use residential developments. Specific plans not yet determined.	50-52 Main Street, Hackensack, NJ
	Property at 62-64 Main Street Hackensack	Hackensack	Mixed Use	2016 -	Redevelopment plan adopted by City Council March 2016	Generally, land is currently parking, vacant lots, and offices. Goal is to promote mixed-use residential developments. Specific plans not yet determined.	62-64 Main Street, Hackensack, NJ
	Property at 59-61 Moore Street Hackensack	Hackensack	Mixed Use	2016 -	Redevelopment plan adopted by City Council March 2016	Generally, land is currently parking, vacant lots, and offices. Goal is to promote mixed-use residential developments. Specific plans not yet determined.	59-61 Moore Street, Hackensack, NJ
	Two-way Street renovations, Hackensack	Hackensack	Transportation	2015 -	As of June 2015 consultants were preparing conceptual designs and presenting them to the City	Main Street and State Street are to be converted back into 2-way streets (instead of complementary 1-way as they are now).	On each side of 20 Mercer Street, Hackensack NJ
	NJ Environmental Infrastructure Trust (EIT) Storm water/Sewer Separation, Hackensack	Hackensack, P&M Construction Corp (Contractor)	Utilities	2014 -	Contract awarded February 2015	Sanitary & Storm Separation Project - Phase 1.	Main Street, Hackensack, NJ
	Cultural Performing Arts Center, Hackensack	Hackensack	Entertainment	2015 -	Design underway, construction to be completed by end of 2016	Hackensack will be renovating the second floor of the Cultural Arts Center into a 200+ seat Performing Arts Center.	102 State St, Hackensack NJ
	Probation Site Redevelopment, Hackensack	Hackensack, NJ Transit	Mixed Use	2015 -	Redevelopment plan adopted by City August 2015	Redevelopment plan seeks to turn the old probation building into a complex that includes NJ Transit Regional Bus Station expansion on the ground floor, 300 public parking spaces, and 140 residential units.	39 Hudson Street, Hackensack, NJ
	240 Main Street, Hackensack	Hackensack	Mixed Use	2015 -	Redevelopment plan was adopted by City in August 2015	Currently, the property is the Bergen Community Action Partnership. It is to be developed as a mixed-use, predominantly residential site with 110 units and 3,000 SF of retail space.	240 Main Street, Hackensack, NJ
	Lot C, Hackensack	Hackensack	Mixed Use	2013 -	As of June 2014 project delayed due to title issues with the State of NJ based on tidelands claim	Parking lot (4.3-acres) to be developed into a mixed-use, predominantly residential site, consisting of 300 units, 18,000 SF of retail space, and at least 200 public parking spaces.	Parking lot between Salem Street and Midtown Bridge Street, Hackensack, NJ

#	Name	Proponent	Project Type	Time Frame	Current Status	Summary of Action	Address
	River Club	River Development LLC, Bogota, B&R Engineering	Mixed Use	2016 -	Project approved by Bogota's Council	This project is to have 4 fully residential buildings, plus an additional residential building with commercial space on the first floor. A total of 421 rental units are planned, including 42 affordable units. The site is also planned to include a two-story clubhouse, community pool, dog park, outdoor plazas, and a Riverwalk. The site of this development was formally a tank yard owned by Hess. The developer has since removed the tanks and completed remediation work. Additionally, utilities will need to be brought into the site, and the Borough will be widening West Fort Lee Road.	172-276 W Fort Lee Road, Bogota, NJ

*Project not shown on figures in **Section 5.4** of the EIS.

**Appendix D: Additional Data on EJ Communities of Concern in
the Project Area**

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Acronyms and Abbreviations

CDBG	Community Development Block Grant
EIS	Environmental Impact Statement
EJ	Environmental Justice
HUD	Department of Housing and Urban Development
LMI	low- and moderate-income
US	United States



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1.0 Introduction

This appendix includes supporting data related to the Environmental Justice (EJ) communities of concern analysis in **Section 3.5** and **Section 4.5** of the Environmental Impact Statement (EIS) for minority and low- and moderate-income (LMI) populations within the Project Area.

As discussed in **Section 3.5** of the EIS, population data were gathered at the census block level and census block group levels to determine the presence of minority¹ and low- and moderate-income (LMI)² populations, respectively, within the study area³. The percentage of minority and LMI populations at these levels were then compared to the overall percentages for Bergen County to identify potential EJ communities of concern that could be affected by the Proposed Project. This approach is consistent with the analysis conducted by Together New Jersey in the Fair Housing & Equity Assessment Report, Northern New Jersey Region which defined “communities of concern” as places that are home to high concentrations of minority, low-income and other disadvantaged populations, that equal or exceed a given threshold (Together North Jersey 2015). When determining the presence of minority and LMI populations within a study area, the surrounding region is typically used for comparison purposes. For this analysis, the percentage of minority (37.5 percent) persons in Bergen County was used to establish the threshold for minority populations. For example, if the percentage of minorities in a particular census block exceeded the overall Bergen County percentage, this census block was identified as an EJ community of concern based on percent minority population.

Specific to LMI populations and according to HUD, the CDBG program requires that each CDBG-funded activity “must either principally benefit LMI persons, aid in the prevention or elimination of slums or blight, or meet a community development need having a particular urgency” (HUD 2017). Further, with respect to activities that benefit all residents of a given area, at least 51 percent must be LMI (HUD 2017). However, some communities do not have any or have very few areas in which 51 percent of the residents are LMI. For these grantees, CDBG law authorizes an exception criterion. Section 105(c)(2)(A)(ii) is implemented in the CDBG regulations at 24 CFR 570.208(a)(1)(ii), which identifies the methodology to calculate a grantee's “exception” threshold. Based on the 2006-2010 American Community Survey LMI data, HUD determined that the LMI exception threshold is 39.57 percent for FY 2017 grantees (HUD 2017). Therefore, the Proposed Project's service area must benefit at least 39.57 percent LMI persons.

The following sections provide detailed information on the EJ communities of concern based on minority and LMI populations at the census block and block group levels, respectively. The data are organized by census tract. **Table D-1** summarizes the census tracts within the Project Area and their geographical extent.

¹ As defined by the US Census Bureau, the minority population includes all non-White and White-Hispanic persons (US Census Bureau 2010).

² As defined by the CDBG Program under HUD, “a person is considered to be of low income only if he or she is a member of a household whose income would qualify as ‘very low income’ under the Section 8 Housing Assistance Payments program. Generally, these Section 8 limits are based on 50 percent of area median. Similarly, CDBG moderate income relies on Section 8 ‘lower income’ limits, which are generally tied to 80 percent of area median” (HUD 1984).

³ For this analysis, the study area is defined as the Rebuild by Design Meadowlands (RBDM) Project Area.

**Table D-1: Census Tracts within the Project Area**

Tract No.	Municipality
50	Borough of Carlstadt
291	Township of South Hackensack and Borough of Little Ferry
292	Borough of Little Ferry
361	Boroughs of Teterboro and Moonachie, Township of South Hackensack
362	Boroughs of Moonachie and Carlstadt, Township of South Hackensack

Source: (US Census Bureau 2010) (US Census Bureau 2014)

2.0 Minority Populations

The percentage of minority persons in Bergen County is 37.5 percent. This county threshold was used to determine EJ communities of concern within the study area based on percent minority population. Minority population data were gathered at the census block level within the study area from the 2010 United States (US) Census (US Census Bureau 2010). A total of 360 census blocks occur within the study area. The percentage of minority persons within each of these census blocks were then compared to the county threshold. Of the 360 census blocks, 89 of them were determined to be EJ communities of concern.

Table D-2 summarizes the percentage of minority persons for each census block in the study area that exceeds the threshold value of 37.5 percent for Bergen County.⁴ **Figure D-1** through **Figure D-5** illustrate the geographical locations and extent of these census blocks for each of the five census tracts. For illustration and analysis purposes, the percentage of minority persons is further broken down into the following groupings: greater than 37.5 percent to 50 percent (yellow), 50.1 percent to 75 percent (green), and 75.1 to 100.0 percent (blue).

Within census tract 50, only two census blocks (5064 and 5066) were identified as EJ communities of concern with approximately 48 percent and 42 percent minority populations, respectively. These census blocks occur adjacent to each other along the far eastern boundary of census tract 50, which occurs in the Borough of Carlstadt (**Figure D-1**). Within tract 291, 13 of the 17 census blocks determined to be EJ communities of concern had minority populations greater than 50.1 percent. One of these blocks (2001), had a percent minority population of 100 percent in 2010 (**Figure D-2**). Of the 42 census blocks identified as EJ communities of concern in census tract 292, 21 of them had a minority population less than or equal to 50 percent, 19 had a population between 50.1 to 75 percent, and 2 had a population exceeding 75.1 percent minorities. Census block 6003 had the largest percentage of minorities at 87.5 within this tract (**Figure D-3**). Within tract 361, 10 census blocks were determined to be EJ communities of concern. Census blocks in this tract had percent minority populations ranging from 40.0 to 71.9 percent (**Figure D-4**). Finally, within census tract 362, 18 census blocks were identified as EJ communities of concern. One of these blocks (2025) had a percent minority population of 100 percent. The remaining 17 census blocks ranged between 38.5 and 71.9 percent minorities (**Figure D-5**) (US Census Bureau 2010).

⁴ Within census tracks and block groups, there were blocks with percent minority populations less than the Bergen County threshold. These values were removed from the analysis as the intent of the data presented here is to highlight those blocks that represent EJ communities of concern.



Table D-2: EJ Communities of Concern by Census Block based on Percent Minority Population

Census Tract	Block Group	Block	Percent Minority*
Census Tract 50	Block Group 5	Block 5064	47.6%
Census Tract 50	Block Group 5	Block 5066	41.4%
Census Tract 291	Block Group 1	Block 1009	68.1%
Census Tract 291	Block Group 1	Block 1003	66.7%
Census Tract 291	Block Group 1	Block 1004	63.2%
Census Tract 291	Block Group 1	Block 1007	54.2%
Census Tract 291	Block Group 1	Block 1008	47.8%
Census Tract 291	Block Group 1	Block 1002	44.4%
Census Tract 291	Block Group 1	Block 1006	43.5%
Census Tract 291	Block Group 2	Block 2001	100.0%
Census Tract 291	Block Group 2	Block 2006	68.3%
Census Tract 291	Block Group 2	Block 2004	64.2%
Census Tract 291	Block Group 2	Block 2010	57.9%
Census Tract 291	Block Group 2	Block 2005	54.1%
Census Tract 291	Block Group 2	Block 2008	49.6%
Census Tract 291	Block Group 3	Block 3005	76.1%
Census Tract 291	Block Group 3	Block 3004	69.1%
Census Tract 291	Block Group 3	Block 3003	56.4%
Census Tract 291	Block Group 4	Block 4001	87.7%
Census Tract 292	Block Group 1	Block 1002	55.0%
Census Tract 292	Block Group 1	Block 1005	54.5%
Census Tract 292	Block Group 1	Block 1003	50.9%
Census Tract 292	Block Group 1	Block 1004	41.2%
Census Tract 292	Block Group 2	Block 2000	77.1%
Census Tract 292	Block Group 2	Block 2007	71.6%
Census Tract 292	Block Group 2	Block 2010	71.3%
Census Tract 292	Block Group 2	Block 2006	69.8%
Census Tract 292	Block Group 2	Block 2015	67.2%
Census Tract 292	Block Group 2	Block 2004	57.0%
Census Tract 292	Block Group 2	Block 2003	56.8%
Census Tract 292	Block Group 2	Block 2011	55.4%
Census Tract 292	Block Group 2	Block 2005	51.6%
Census Tract 292	Block Group 2	Block 2009	50.4%
Census Tract 292	Block Group 2	Block 2001	50.0%
Census Tract 292	Block Group 2	Block 2014	44.2%
Census Tract 292	Block Group 2	Block 2002	42.0%
Census Tract 292	Block Group 2	Block 2013	41.4%
Census Tract 292	Block Group 3	Block 3006	66.9%
Census Tract 292	Block Group 3	Block 3008	57.4%



Census Tract	Block Group	Block	Percent Minority*
Census Tract 292	Block Group 3	Block 3005	56.1%
Census Tract 292	Block Group 3	Block 3002	50.0%
Census Tract 292	Block Group 3	Block 3007	45.3%
Census Tract 292	Block Group 3	Block 3003	45.0%
Census Tract 292	Block Group 3	Block 3000	41.5%
Census Tract 292	Block Group 3	Block 3012	41.0%
Census Tract 292	Block Group 3	Block 3001	40.0%
Census Tract 292	Block Group 4	Block 4002	64.3%
Census Tract 292	Block Group 4	Block 4005	53.3%
Census Tract 292	Block Group 4	Block 4003	50.7%
Census Tract 292	Block Group 4	Block 4012	43.2%
Census Tract 292	Block Group 4	Block 4007	41.3%
Census Tract 292	Block Group 4	Block 4010	40.6%
Census Tract 292	Block Group 4	Block 4006	40.4%
Census Tract 292	Block Group 4	Block 4009	37.7%
Census Tract 292	Block Group 5	Block 5007	60.9%
Census Tract 292	Block Group 5	Block 5002	49.2%
Census Tract 292	Block Group 5	Block 5000	41.0%
Census Tract 292	Block Group 5	Block 5008	38.3%
Census Tract 292	Block Group 6	Block 6003	87.5%
Census Tract 292	Block Group 6	Block 6004	54.5%
Census Tract 292	Block Group 6	Block 6000	45.3%
Census Tract 361	Block Group 1	Block 1021	71.9%
Census Tract 361	Block Group 1	Block 1034	66.7%
Census Tract 361	Block Group 1	Block 1042	48.3%
Census Tract 361	Block Group 1	Block 1046	45.0%
Census Tract 361	Block Group 1	Block 1041	44.4%
Census Tract 361	Block Group 1	Block 1032	40.4%
Census Tract 361	Block Group 2	Block 2017	68.2%
Census Tract 361	Block Group 2	Block 2013	65.7%
Census Tract 361	Block Group 2	Block 2010	41.7%
Census Tract 361	Block Group 2	Block 2011	40.0%
Census Tract 362	Block Group 1	Block 1030	71.9%
Census Tract 362	Block Group 1	Block 1005	51.7%
Census Tract 362	Block Group 1	Block 1026	50.0%
Census Tract 362	Block Group 1	Block 1007	40.0%
Census Tract 362	Block Group 1	Block 1012	39.5%
Census Tract 362	Block Group 2	Block 2025	100.0%
Census Tract 362	Block Group 2	Block 2039	62.1%
Census Tract 362	Block Group 2	Block 2040	56.5%
Census Tract 362	Block Group 2	Block 2017	55.1%



Census Tract	Block Group	Block	Percent Minority*
Census Tract 362	Block Group 2	Block 2027	52.4%
Census Tract 362	Block Group 2	Block 2037	52.0%
Census Tract 362	Block Group 2	Block 2018	50.0%
Census Tract 362	Block Group 2	Block 2038	47.1%
Census Tract 362	Block Group 2	Block 2033	43.3%
Census Tract 362	Block Group 2	Block 2026	42.9%
Census Tract 362	Block Group 2	Block 2016	42.9%
Census Tract 362	Block Group 2	Block 2036	40.0%
Census Tract 362	Block Group 2	Block 2028	38.5%

* The percentage of minority persons in Bergen County is 37.5 percent. This threshold was used to identify EJ communities of concern based on minority populations.

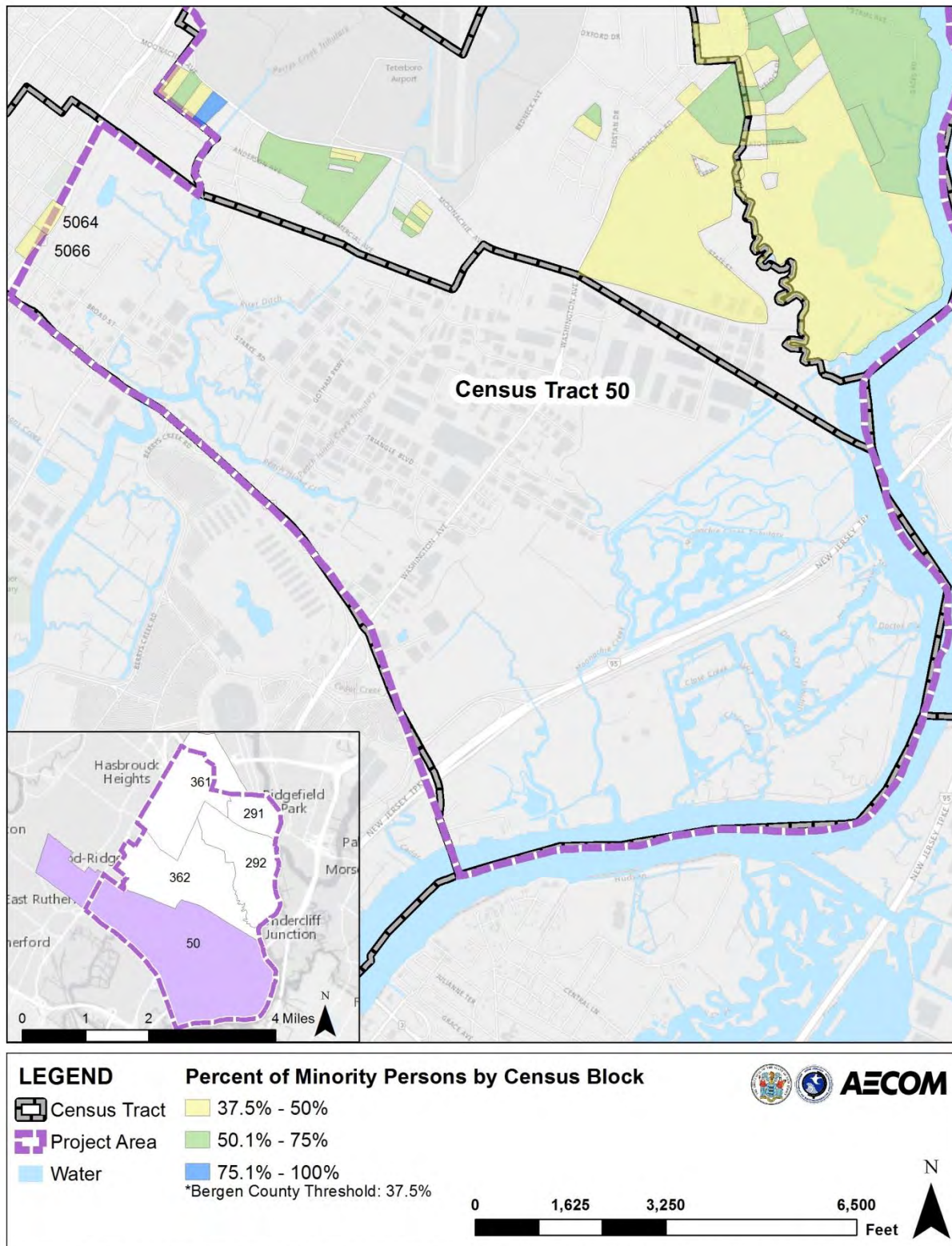


Figure D-1: Percent Minority Persons by Census Block in Census Tract 50

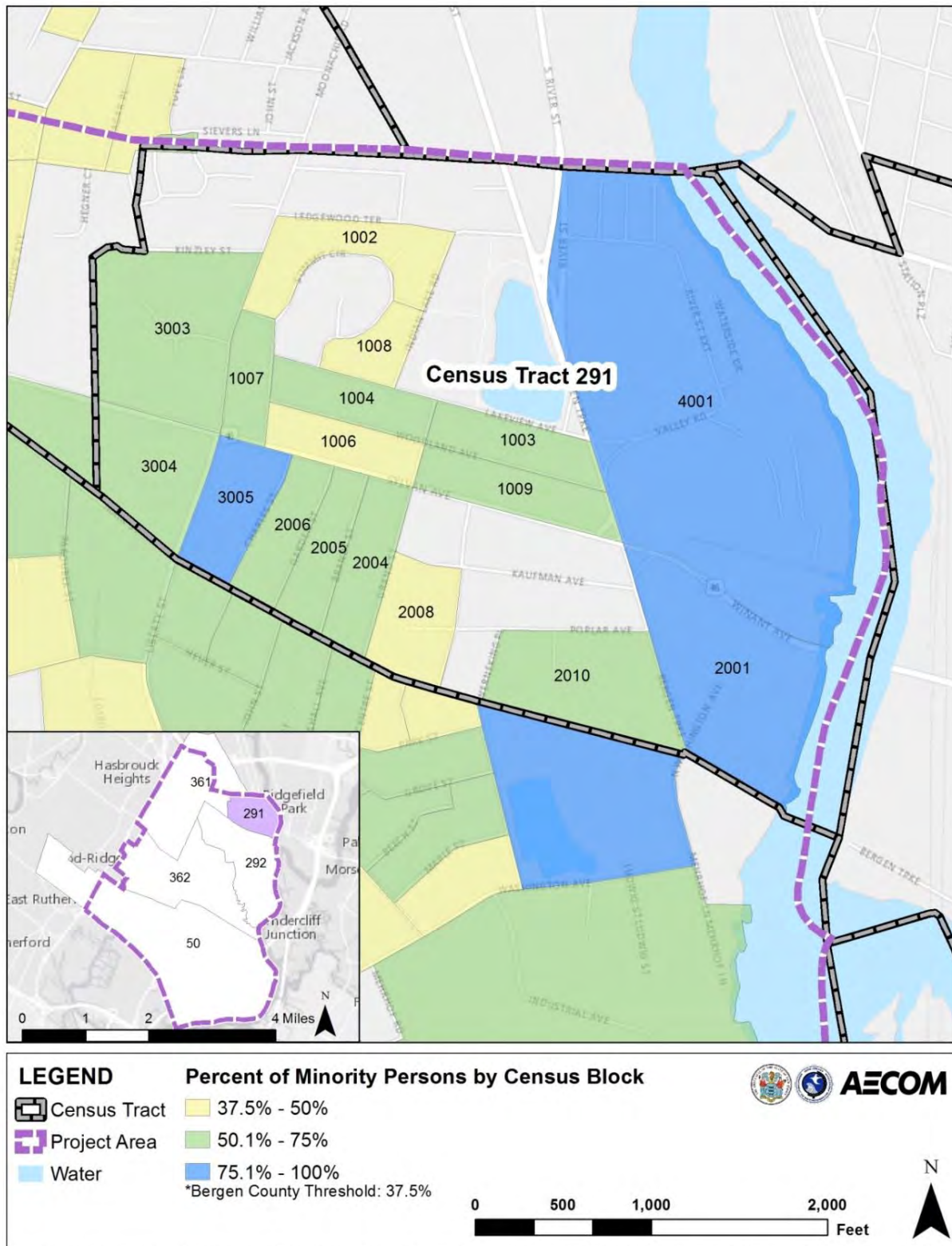


Figure D-2: Percent Minority Persons by Census Block in Census Tract 291

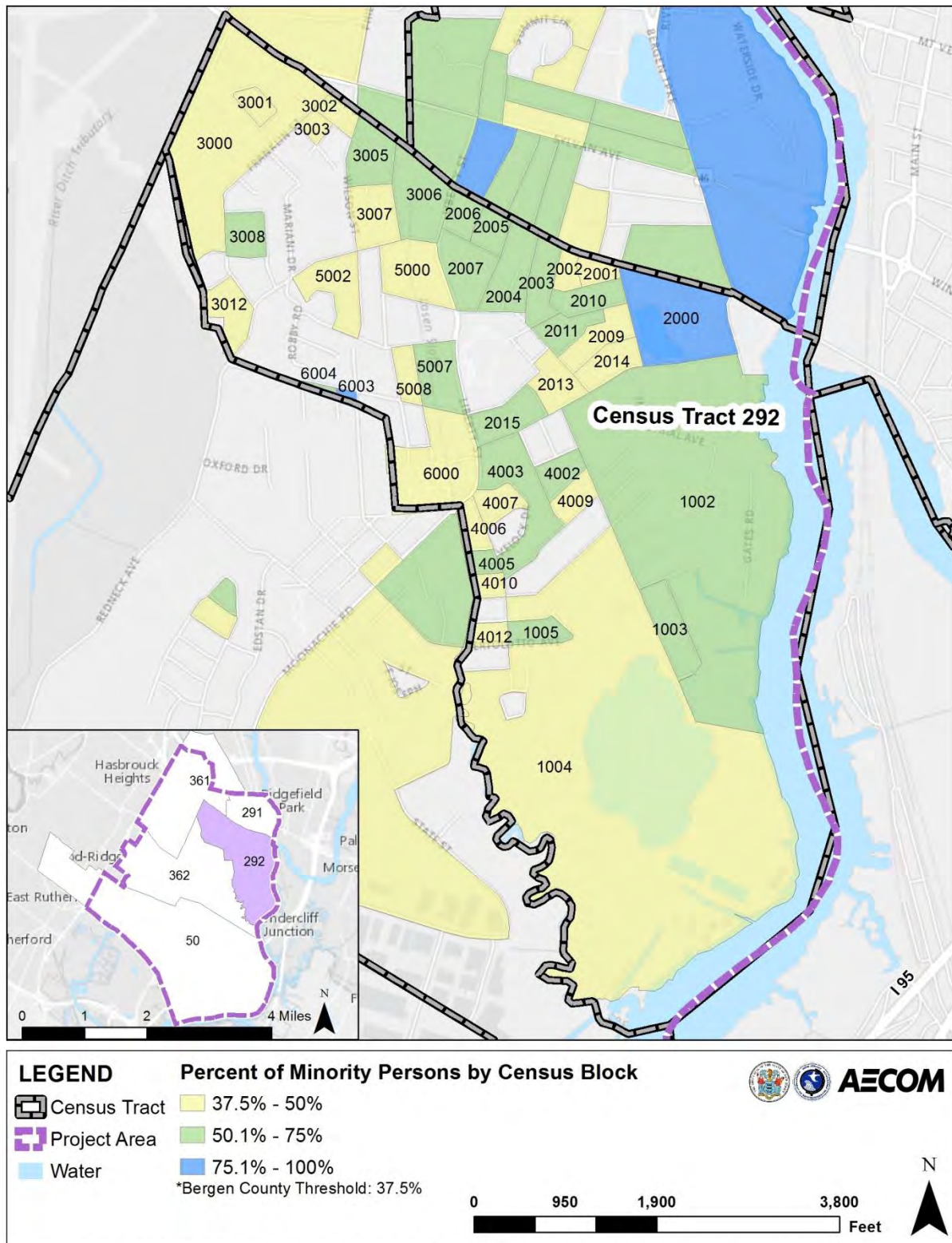


Figure D-3: Percent Minority Persons by Census Block in Census Tract 292

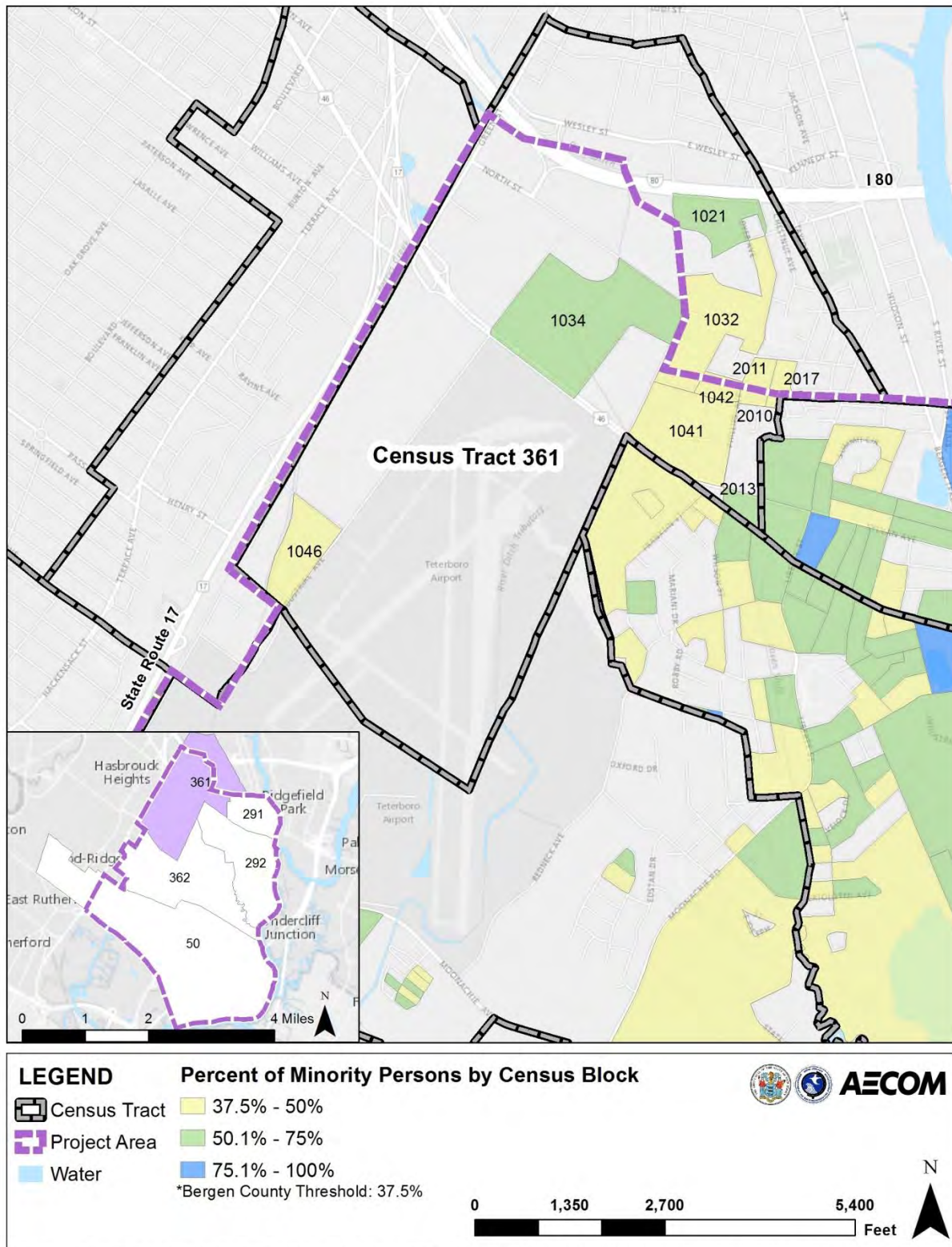


Figure D-4: Percent Minority Persons by Census Block in Census Tract 361

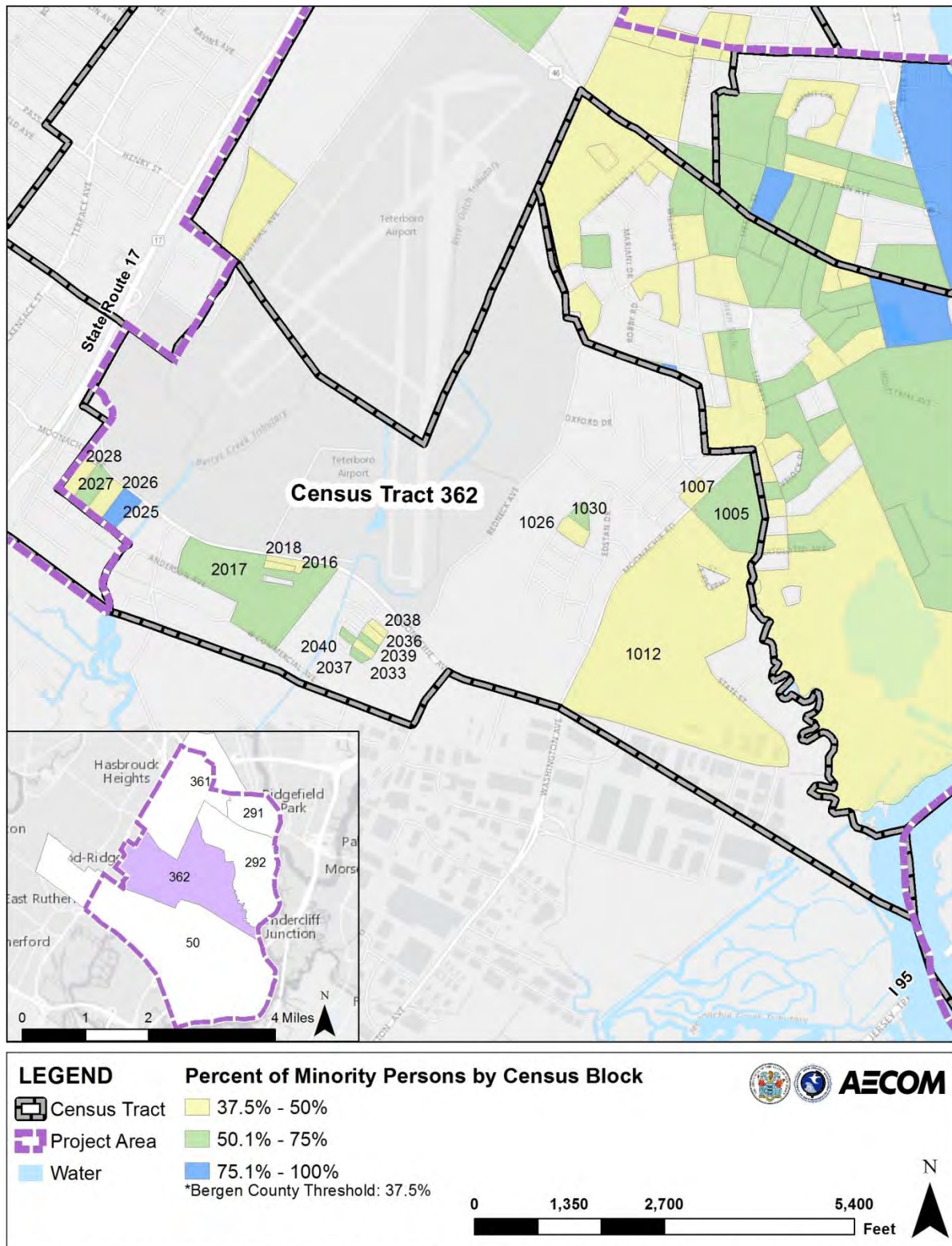


Figure D-5: Percent Minority Persons by Census Block in Census Tract 362



3.0 LMI Populations

This section includes supporting data related to the EJ communities of concern analysis in **Section 3.5** and **Section 4.5** of the EIS for LMI populations within the Project Area. As described in **Section 1.0**, the CDBG program requires that each CDBG-funded activity “must either principally benefit LMI persons, aid in the prevention or elimination of slums or blight, or meet a community development need having a particular urgency” (HUD 2017). Further, these activities must benefit all residents in the service area, and at least 51 percent must be LMI persons (HUD 2017). However, CDBG law authorizes an exception criterion. Based on the 2006-2010 American Community Survey LMI data, HUD determined that the LMI exception threshold is 39.57 percent for FY 2017 grantees (HUD 2017). Therefore, the Proposed Project’s service area must benefit at least 39.57 percent LMI persons

For the Proposed Project, the service area includes those census block groups within the Project Area that would directly and/or indirectly receive benefits under the three Build Alternatives. Direct benefits would be anticipated in block groups where Proposed Project components are constructed (e.g., parks). Indirect benefits would be anticipated to occur for block groups receiving flood reduction as a result of the Proposed Project components.

In order to identify the Proposed Project’s service area for the three Build Alternatives, the Proposed Project footprints and the coastal hydrodynamic and hydraulic drainage model results were overlain on the census block group map for the Project Area. Based on this mapping analysis, it was found that Alternative 1 would have less direct benefits in comparison to Alternatives 2 and 3 because the Proposed Project components (e.g., new parks) occur primarily along the perimeter of the Project Area versus throughout the Project Area. However, Alternative 1’s indirect benefits from flood reduction extend throughout a larger portion of the Project Area in comparison to Alternatives 2 and 3, which provide more localized flood reduction benefits. While direct and indirect benefits vary between each of the Build Alternatives, it was determined that the area receiving benefits (i.e., service area) for the Proposed Project was the same for all three Build Alternatives. Therefore, the service area for the Proposed Project is comprised of 12 of the 15 block groups within the Project Area, and is illustrated in **Figure D-6**.

Using 2006-2010 American Community Survey LMI data (HUD 2017), the percentage of LMI persons within the Proposed Project’s service area was calculated by dividing the total number of LMI persons within the 12 block groups comprising the service area by the total number of persons in those block groups. Based on this analysis, the percentage of LMI persons within the Proposed Project’s service area was determined to be 43.3 percent, which is greater than the exception threshold for Bergen County (39.57 percent). Therefore, the Proposed Project qualifies as principally benefiting LMI persons and meets the CDBG program requirements.

A total of 15 census block groups occur within the Project Area. **Table D-3** contains LMI population data for the overall Project Area and the Proposed Project’s service area. **Table D-4** contains this data for all 15 block groups within the Project Area; the locations denoted with an asterisk are located within the Proposed Project’s service area (see **Figure D-6**). **Figure D-7** through **Figure D-11** illustrate the geographical locations and extent of these census blocks for each of the five census tracts. To illustrate the overall distribution and concentration of LMI persons within the Project Area, the percentage of LMI persons is further broken down into the following groupings: 18 percent to 29 percent (yellow), 30 percent to 39.5 percent (orange), 39.6 percent to 55 percent (green), and 56 percent to 70 percent (blue).

**Table D-3: LMI Population Data for the Project Area and Service Area**

Geographic Area	LMI Persons	Total Population	Percent of LMI Persons**
Project Area	6,555	16,405	39.9%
Proposed Project's Service Area	5,850	13,505	43.3%

Table D-4: EJ Communities of Concern based on Percent LMI Population

Census Tract	Block Group*	LMI Persons	Total Population	Percent of LMI Persons**
50	5*	340	820	41.5%
291	1*	345	1,130	30.5%
291	2*	220	680	32.4%
291	3*	335	705	47.5%
291	4*	600	1,370	43.8%
292	1*	830	1,180	70.3%
292	2*	1,110	1,995	55.6%
292	3	115	615	18.7%
292	4*	365	910	40.1%
292	5*	395	1,290	30.6%
292	6*	225	720	31.3%
361	1	250	990	25.3%
361	2	340	1,295	26.3%
362	1*	620	1,970	31.5%
362	2*	465	735	63.3%

* Block groups that comprise the Proposed Project's service area.

** The percentage of LMI persons in Bergen County is 39.6 percent. This threshold was used to identify EJ communities of concern based on LMI populations.

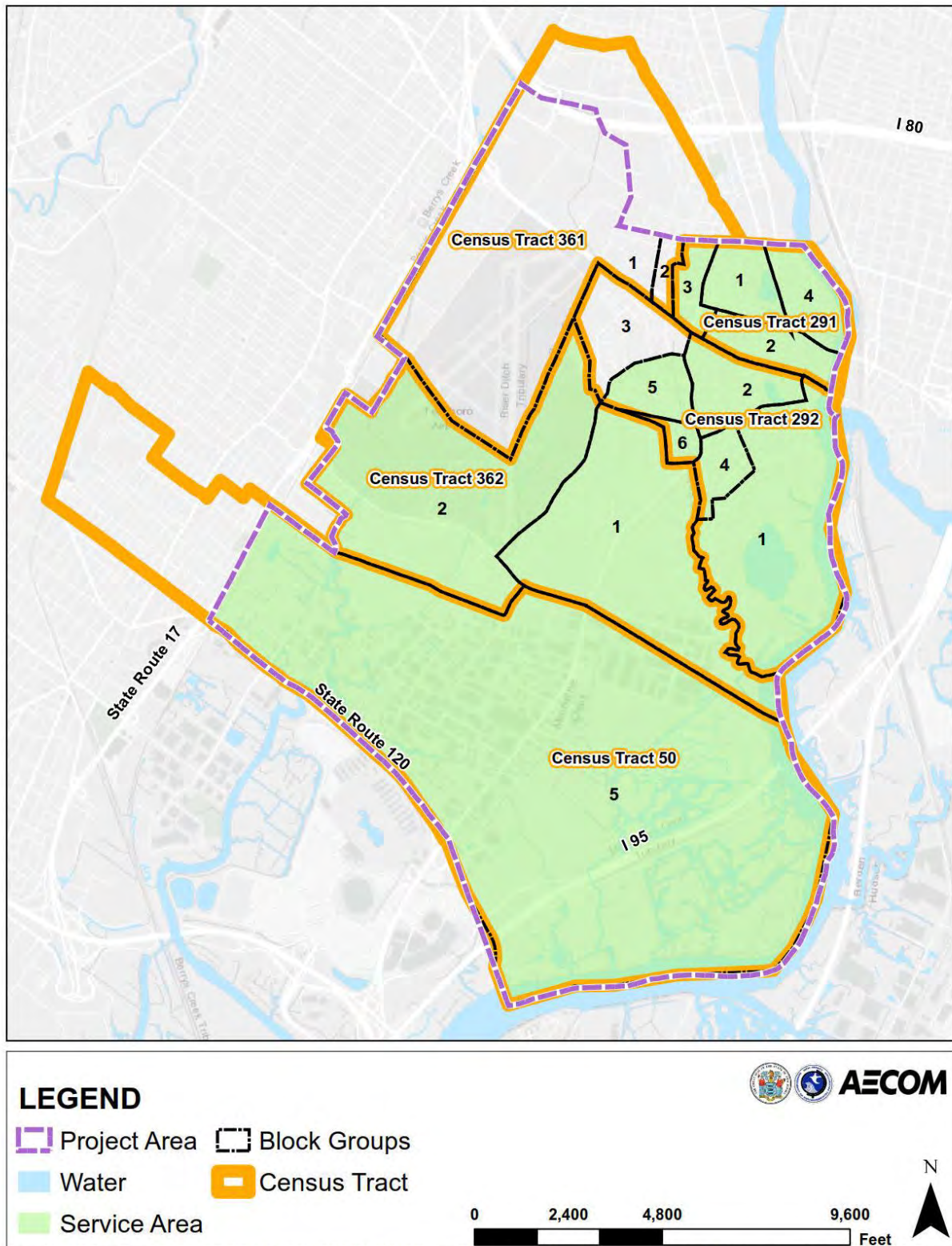


Figure D-6: HUD Service Area for the Proposed Project

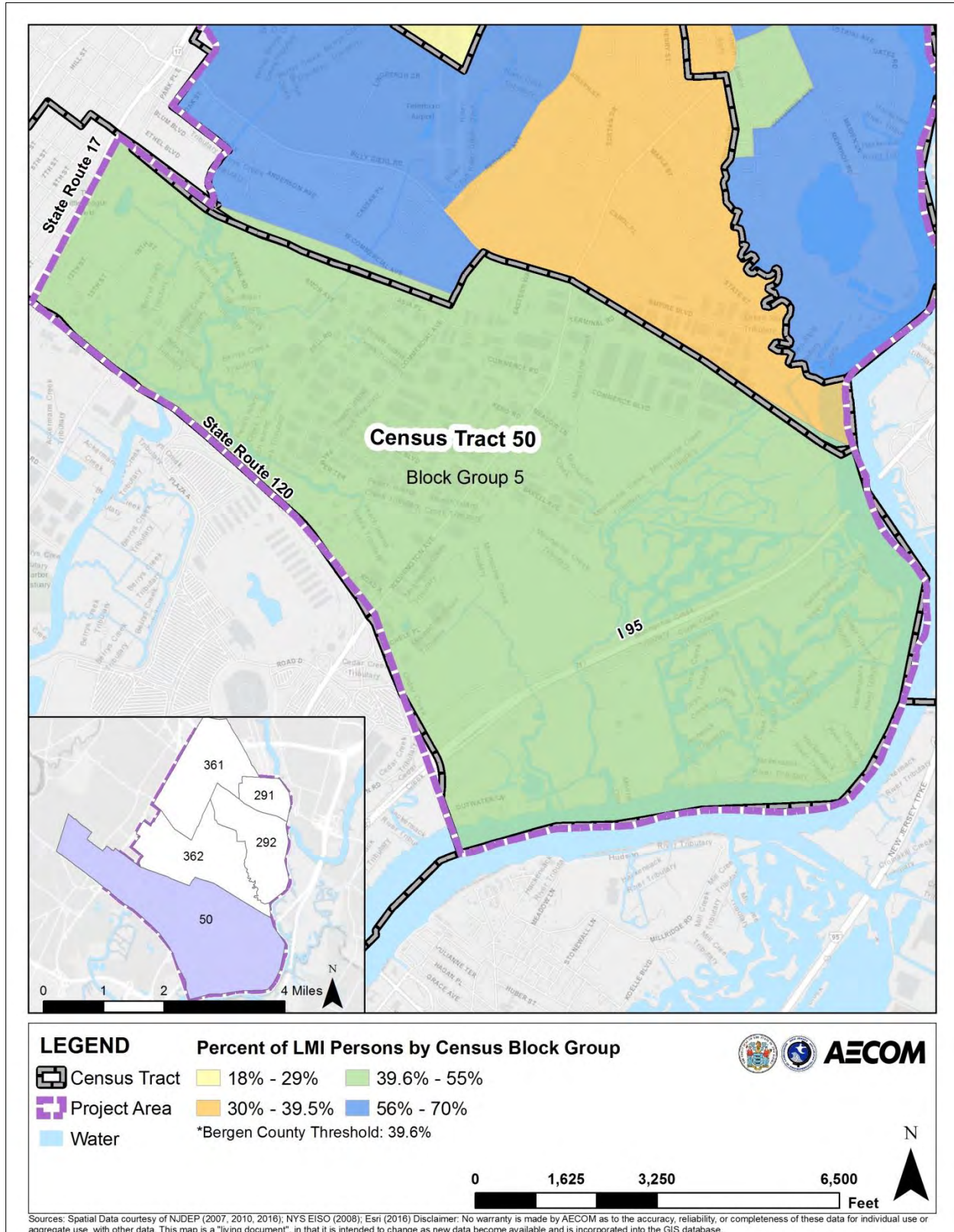


Figure D-7: Percent LMI Persons by Census Block Group in Census Tract 50

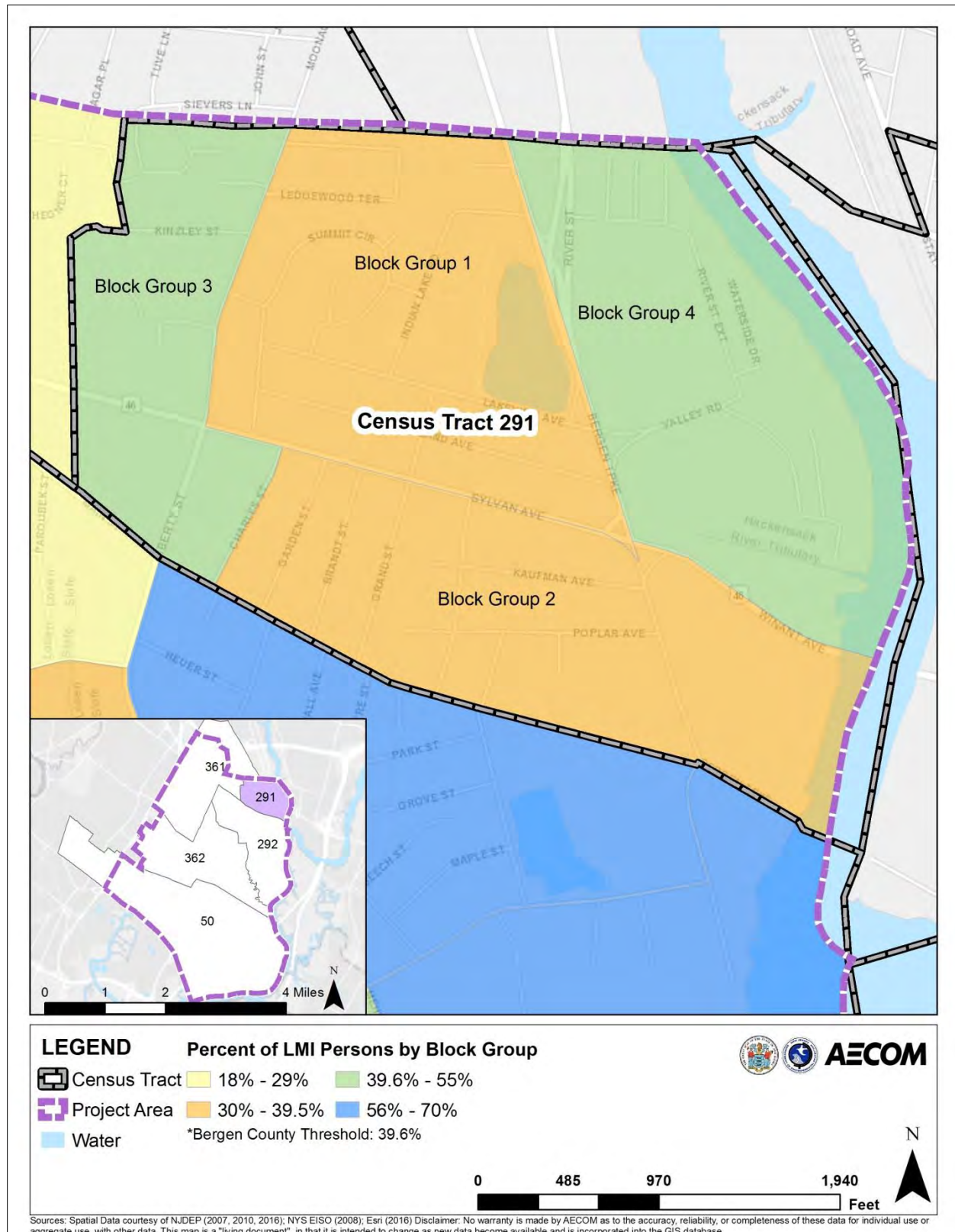


Figure D-8: Percent LMI Persons by Census Block Group in Census Tract 291

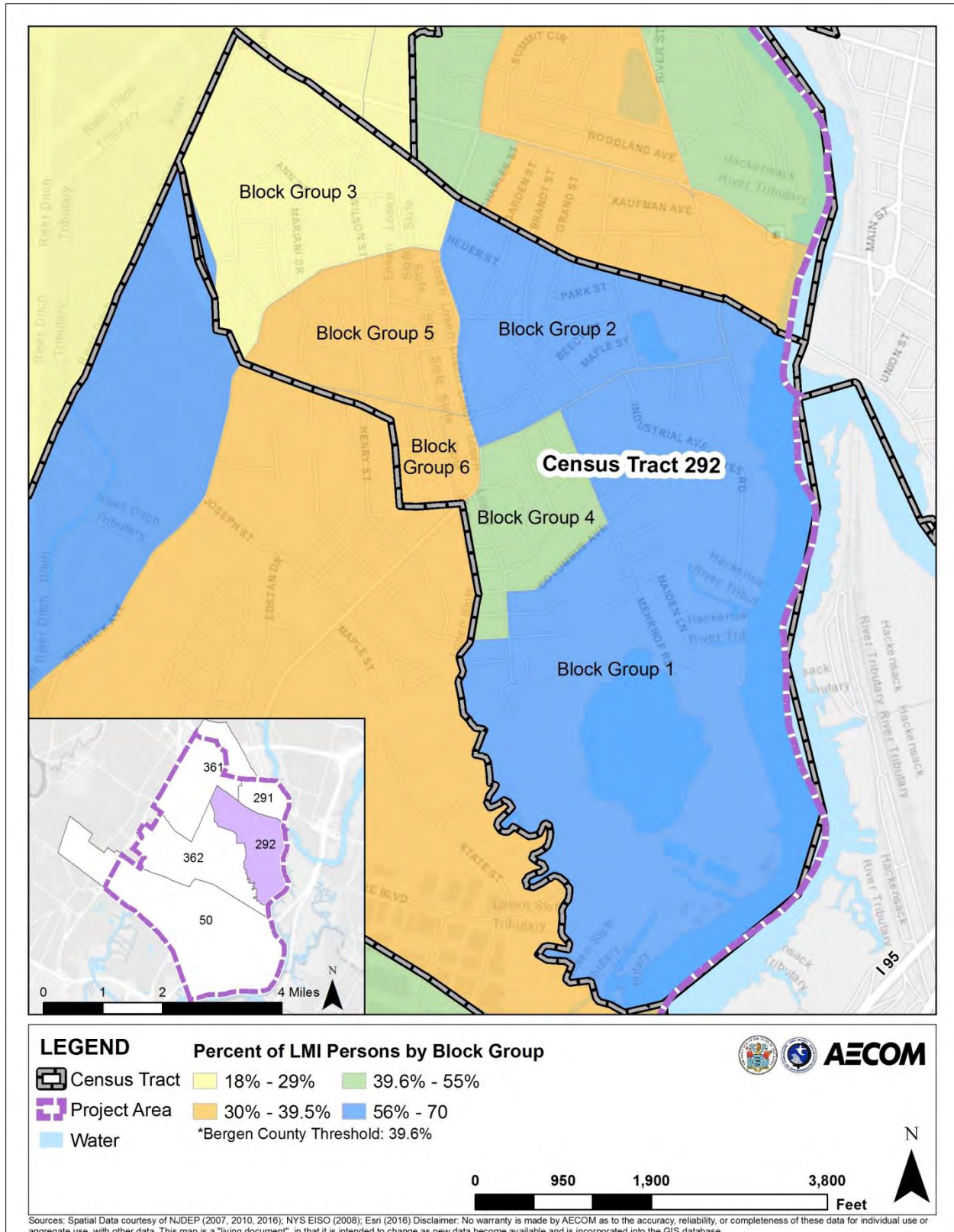


Figure D-9: Percent LMI Persons by Census Block Group in Census Tract 292

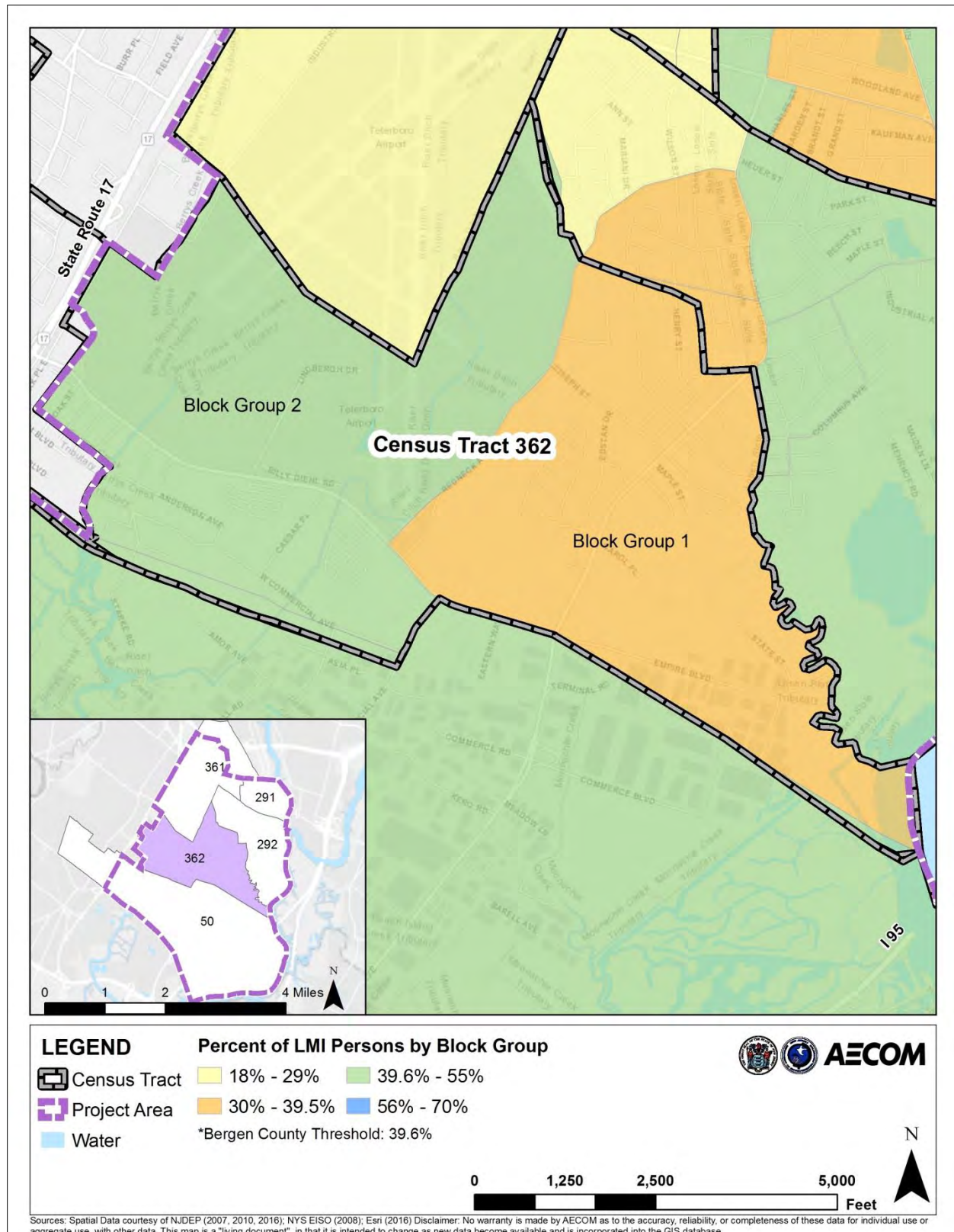


Figure D-10: Percent LMI Persons by Census Block Group in Census Tract 362

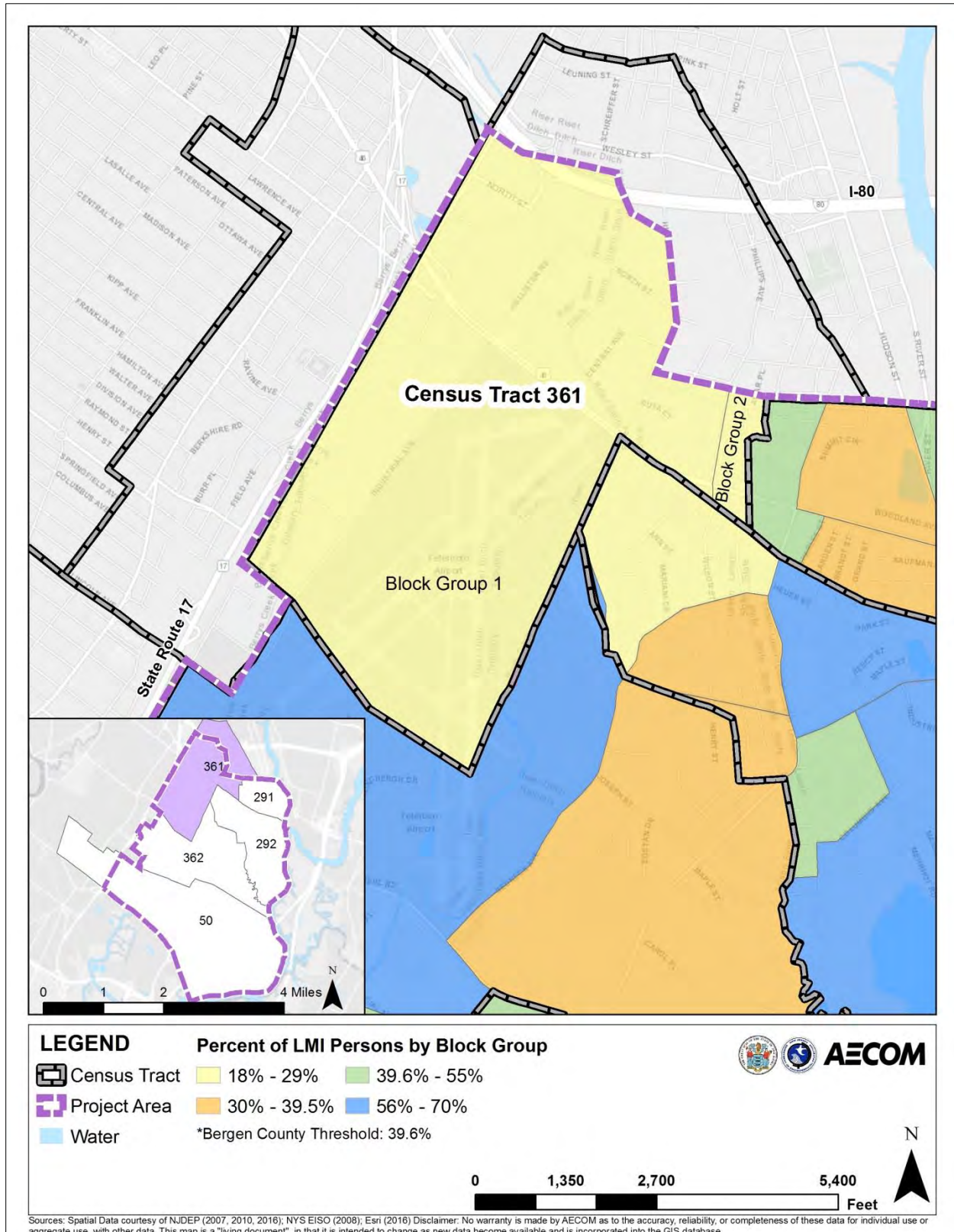


Figure D-11: Percent LMI Persons by Census Block Group in Census Tract 361