

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Availability of Final Environmental Impact Statement and Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands for the Rebuild By Design Meadowlands Flood Protection Project in Bergen County, New Jersey

AGENCY: Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development.

ACTION: Notice of Availability of Final Environmental Impact Statement and Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands.

SUMMARY: The New Jersey Department of Environmental Protection (NJDEP) announces the availability of a Final Environmental Impact Statement (FEIS) for the Rebuild by Design (RBD) Meadowlands Flood Protection Project (the Proposed Project). The Proposed Project was developed from a concept conceived through the Hurricane Sandy Rebuilding Task Force's RBD program, a design competition to promote the development of resiliency in the Sandy-affected region, and has been allocated United States (US) Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant funds. The Proposed Project is a comprehensive urban water management project designed to reduce the risk of floods from coastal storm surges and/or systemic inland flooding from high-intensity rainfall events. 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 (NJ). Further description of the Proposed Project and Project Area is provided in the **SUPPLEMENTARY INFORMATION** section.

AVAILABILITY OF THE FEIS: Electronic copies of the FEIS are available for public review on the following websites: <http://www.rbd-meadowlands.nj.gov> and <https://www.nj.gov/dca/divisions/sandyrecovery/review>. CDs and paper copies of the FEIS will also be available for review at the following locations during regular business hours:

- Little Ferry Free Public Library: 239 Liberty Street, Little Ferry, NJ, 07643
- Moonachie Municipal Office at Port Authority, 90 Moonachie Ave, Teterboro, NJ 07608
- Carlstadt Public Library, 420 Hackensack St, Carlstadt, NJ 07072
- Teterboro Municipal Building, 510 US Route 46, Teterboro, NJ 07608
- South Hackensack Municipal Clerk, 227 Phillips Ave, South Hackensack, NJ 07606

The NJDEP Bureau of Flood Resilience will also maintain a paper copy of the FEIS for public review at 501 East State Street, Trenton, NJ 08625-0420. The document will be available for inspection or copying at this location between 9 a.m. and 5 p.m., Monday through Friday, except Federal and State holidays.

DATES AND PUBLIC COMMENT: The FEIS will be available at the locations identified in the **AVAILABILITY OF THE FEIS** section starting on October 26, 2018. This date will mark the beginning of the public comment period. The public comment period will be 30 days in duration. Comments and related material must be submitted on or before November 26, 2018, using one of the methods in the **ADDRESSES** section of this NOA.

ADDRESSES: You may submit comments using any of the following methods:

1. Email the NJDEP at rbd-meadowlands@dep.nj.gov.
2. Email the NJDCA Sandy Recovery Division at Sandy.Recovery@dca.nj.gov. When submitting comments to this email, the subject line should read: RBD Meadowlands FEIS.
3. Mail: New Jersey Department of Environmental Protection c/o Dennis Reinknecht, Program Manager, Bureau of Flood Resilience, 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ, 08625-0420.
OR
New Jersey Department of Community Affairs c/o Samuel Viavattine, Deputy Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800.
4. Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal and State holidays.

To avoid duplication, please use only one of these methods.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, 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.

SUPPLEMENTARY INFORMATION:

Project Description:

The NJDEP has prepared a FEIS for the RBD Meadowlands Flood Protection Project (the Proposed Project). The Proposed Project was selected by HUD through the RBD competition, and HUD CDBG–DR funds have been allocated for it. The CDBG–DR funding requires compliance with NEPA as stated in HUD’s regulations outlined in 24 CFR Part 58. The Proposed Project is also subject to the CEQ NEPA regulations at 40 CFR Parts 1500–1508. On behalf of the State of New Jersey through the NJDCA, the recipient of HUD grant funds, NJDEP is the “Responsible Entity,” as defined by HUD regulations at 24 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 the FEIS for the Proposed Project in accordance with NEPA (42 USC §§ 4321 et seq.).

The Proposed Project would occur in the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack, all in Bergen County, New Jersey. The Project Area has the following approximate boundaries: the Hackensack River to the east; Paterson Plank Road (State Route 120) and the southern boundary of the Borough of Carlstadt to the south; State Route 17 to the west; and Interstate 80 (I-80) and the northern boundary of the Borough of Little Ferry to the north. In total, the Project Area encompasses approximately 5,405 acres, and is mostly located within the Meadowlands District. 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 Proposed Project is needed to address: (1) systemic inland flooding from high-intensity rainfall/runoff events; and/or (2) coastal flooding from storm surges. In addition to reducing flooding in the Project Area, the Proposed Project is needed to directly protect life, public health, and property in the Project Area, reduce flood insurance claims from future events, and potentially restore property values to the extent possible with the available funding.

FEIS:

The FEIS has been prepared and is available for public comment. The FEIS is available for review on the project website at <http://www.rbd-meadowlands.nj.gov> or on NJDCA’s website at <https://www.nj.gov/dca/divisions/sandyrecovery/review>, as well as at the locations listed above in **ADDRESSES**.

The FEIS includes a detailed project description and describes environmental impacts, including direct, indirect, and cumulative environmental impacts, associated with three Build Alternatives as well as a No Action Alternative. A range of reasonable alternatives (Alternatives 1, 2, and 3) was evaluated in the FEIS. Alternative 1 would include a structural line of protection (i.e., floodwalls, a surge barrier, etc.) to protect the Project Area against coastal storm surges. Alternative 2 would include stormwater drainage improvements (i.e., pump stations, channel dredging, new open space and green infrastructure systems, etc.) to reduce inland flooding in the Project Area during heavy rainfall events. Alternative 3 would consist of a hybrid of the coastal flood protection and stormwater drainage improvements included in Alternatives 1 and 2, and would provide the greatest level of flood protection to the Project Area. As such, the NJDEP selected Alternative 3 as the Preferred Alternative. However, due to funding and construction constraints, 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. The Alternative 3 *Future Plan* would consist of three additional parks (approximately 5.7 additional acres of new park space), an additional pump station and force main, improvements to the upper East Riser Ditch, and a structural line of protection against coastal storm surges, including a surge barrier along Berry’s Creek. Overall, the Alternative 3 *Build Plan*:

- Would provide approximately 50 years of inland flood reduction for portions of the Project Area; flood reduction would be greatest in the improved reach of East Riser Ditch, but there would also be reduced flooding in the Main Reach of Losen Slote and upper reach of East Riser Ditch;

- Would provide co-benefits to the Project Area, including new recreational opportunities, water quality improvements, new and enhanced habitats, and aesthetic benefits;
- Would have less direct and indirect impacts to the physical, natural, cultural, and socioeconomic environment than Alternative 1; and
- Would have similar or slightly less direct and indirect impacts to the physical, natural, cultural, and socioeconomic environment than Alternative 2.

The FEIS identified potentially significant adverse impacts associated with the Preferred Alternative to the following resource areas: Cultural and Historical Resources; Noise and Vibration; Global Climate Change and Sea Level Change; Water Resources, Water Quality, and Waters of the US; and Hazards and Hazardous Materials. Numerous mitigation measures and/or Best Management Practices (BMPs) have been identified in the FEIS to reduce potentially significant adverse impacts that could result from the Proposed Project.

Substantive comments received during the 45-day public comment period for the Draft EIS (DEIS) were used to prepare the FEIS. **Section 11** of the FEIS outlines substantive changes that were made in the FEIS as a result of the public comment period and **Appendix P** includes responses to all substantive comments received on the DEIS.

Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands:

This section provides notice pursuant to 24 CFR Part 55 that this proposed federally funded project, as described in the **PROJECT DESCRIPTION** section above, is located within the 100-year floodplain (i.e., the one-percent-annual-chance floodplain) and in wetlands. The NJDEP identified and evaluated practicable alternatives to locating the Proposed Project in the floodplain and wetlands, and analyzed the potential impacts from the Proposed Project, as required by Executive Orders 11988 (*Floodplain Management*) and 11990 (*Protection of Wetlands*), in accordance with HUD regulations at 24 CFR Part 55.20 Subpart C, *Procedures for Making Determinations on Floodplain Management and Protection of Wetlands*.

In total, the Project Area encompasses approximately 5,405 acres, and is mostly located within the Meadowlands District. Approximately 4,950 acres (more than 91 percent) of the Project Area is mapped within the “A” Zone floodplain shown on portions of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panels 34003C0262G, 34003C0266G, 34003C0258G, 34003C0259G, 34003C0257G, 34003C0256G, 34003C0252G, 34003C0254G, 34003C0253G, and 34003C0261G. In addition, the Project Area contains a total of approximately 1,823 acres of wetlands.

A range of reasonable alternatives (Alternatives 1, 2, and 3) and a No Action Alternative were considered by NJDEP, as described in the **FEIS** section of this NOA. Wetlands may be disturbed during construction of proposed drainage improvements and various hard and soft infrastructure features that are proposed under the Build Alternatives. Alternative 1 would permanently impact 26.6 acres of floodplain and 2.2 acres of wetlands. Alternative 2 would permanently impact 41.1 acres of floodplain and 0.6 acre of wetlands. Alternative 3 would impact 28.5 acre of floodplain and 0.6 acre of wetlands. However, the majority of the land disturbance to the floodplain would occur during construction of channel improvements, new parks, new green infrastructure, and open space improvements that would increase floodwater storage capacity of the floodplain; new structures proposed in the floodplain generally consist of new pump stations, recreational features to be installed within the proposed parks (e.g., seating and playground equipment), and Alternative 1 line of protection (LOP) components (e.g., floodwalls, berms, and surge barrier).

During the design process, impacts to the floodplain and wetlands would be avoided and minimized to the extent practicable. Temporarily impacted wetlands would be restored immediately following construction, and a compensatory mitigation plan would be developed and implemented to compensate for long-term unavoidable impacts. The plan could consist of purchasing mitigation credits; onsite or offsite creation, restoration, or enhancement of wetlands; or a combination of mitigation methods. Wetland and waterbody impacts from construction dredge and fill activities would be coordinated with the NJDEP, United States Army Corps of Engineers (USACE), and other applicable regulatory agencies during project permitting. Overall, any potential adverse impacts would be minimized through the implementation of BMPs, mitigation measures, and compliance with Federal, state, and local jurisdictions to minimize these impacts and restore and preserve natural and beneficial values of floodplains and wetlands to the extent practicable. Please refer to **Section 4.0** of the FEIS for further details and discussion of specific mitigation measures to address the Proposed Project’s potential adverse impacts.

NJDEP has reevaluated the alternatives to building in the floodplain and wetlands and has determined that it has no practicable alternative. Because the Proposed Project is intended to reduce flooding in existing developed portions of the 100-year floodplain, all of the Build Alternatives have components located within the 100-year floodplain and wetlands. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990 are available for public inspection, review, and copying upon request at the times and location delineated in the last paragraph of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about wetlands can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in wetlands, it must inform those who may be impacted.

All comments on the *Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands* must be received on or before November 26, 2018, which is 30 days after this NOA is published in the *Federal Register*. All comments will be considered by NJDEP and should specify that they are addressing the *Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands*. Comments can be submitted to NJDEP using one of the methods in the **ADDRESSES** section of this NOA. To avoid duplication, please use only one of these methods. The FEIS documents compliance with Executive Order 11988 and 11990 and is available for review on the project website at <http://www.rbd-meadowlands.nj.gov> or on NJDCA's website at www.nj.gov/dca/divisions/sandyrecovery/review/, as well as at the locations listed above in **ADDRESSES**. The NJDEP Bureau of Flood Resilience will also maintain a paper copy of the FEIS for public review at 501 East State Street, Trenton, NJ 08625-0420. The document will be available for inspection or copying at this location between 9 a.m. and 5 p.m., Monday through Friday, except Federal and State holidays.