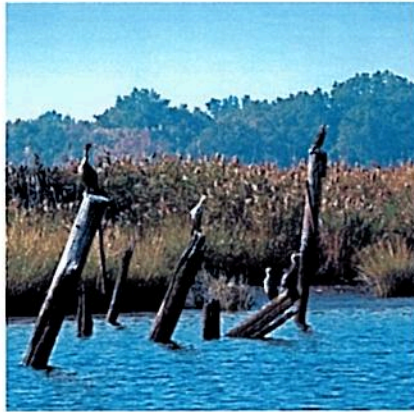


FINAL

Record of Decision For the Rebuild by Design Meadowlands Flood Protection Project

December 2018



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

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Record of Decision

Rebuild By Design Meadowlands Flood Protection Project

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

Summary

This Record of Decision (ROD) documents the New Jersey Department of Environmental Protection's (NJDEP) decision to proceed with the Rebuild by Design (RBD) Meadowlands Flood Protection Project (the Proposed Project) as described in the Final Environmental Impact Statement (FEIS) for the Proposed Project. This ROD is the final step in the National Environmental Policy Act (NEPA) process.

On behalf of the New Jersey Department of Community Affairs (NJDEP), the NJDEP is acting under the authority of the U.S. Department of Housing and Urban Development's (HUD) regulations at 24 Code of Federal Regulations (CFR) § 58.4 as the Responsible Entity, and as the lead agency responsible for environmental review and decision-making. The NJDEP is the Certifying Officer for the ROD and HUD Release of Funds. The ROD has been prepared in accordance with NEPA (42 United States Code [USC] §§ 4321 et seq.) and the Council on Environmental Quality (CEQ) regulations implementing NEPA at 40 CFR Parts 1500-1508.

On October 26, 2018, the FEIS was made available for public review. The public review period was initiated with the U.S. Environmental Protection Agency's (USEPA) publication of the Notice of Availability (NOA) of the FEIS in the *Federal Register*, and the NJDEP's publication of the NOA of the FEIS in three newspapers of general circulation within the Project Area. The FEIS was made available for public review until November 26, 2018, via the following web address: <https://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>. Hard copies of the FEIS were also made available for review at the office of the NJDEP and five public facilities within the Project Area.

Based on thorough alternatives development, scoping, and impact analyses processes, this ROD establishes the NJDEP's decision to select the Alternative 3 *Build Plan* (Selected Alternative) for implementation of the Proposed Project in compliance with NEPA. The Alternative 3 *Build Plan* has also been determined to be the Environmentally Preferable Alternative. To avoid, minimize, and mitigate adverse environmental impacts anticipated to result from construction and operation of the Alternative 3 *Build Plan*, the NJDEP further adopts the list of mitigation measures and best management practices (BMPs) included in this ROD. The NJDEP will continue to coordinate with Federal, State, and local agencies and the general public as it pursues final design and construction of the Selected Alternative.

Please note that Chapter 11 of the FEIS indicates that the *Notice of Record of Decision and Intent to Request Release of Funds* would be published in the *Federal Register*; however, it was determined that the Proposed Project is not of national concern per 40 CFR §1506.6(b)(2), and thus publication of the ROD in the *Federal Register* is not required. This ROD will be available for a 15-day public review period, which begins following the publication of the *Notice of Record of Decision and Intent to Request Release of Funds* in three newspapers local to the Project Area (i.e., *The Record*, *El Diario*, and *Korea Daily*). That notice, which is also available on the RBD website at www.rbd-meadowlands.nj.gov or www.nj.gov/dca/divisions/sandyrecovery/review outlines the methods by which interested parties may provide comments on the ROD; comments received by January 13, 2019 will be considered prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.



1.0 Introduction

The NJDEP has prepared a FEIS for the Proposed Project. 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 is a comprehensive urban water management project aimed to reduce the risk of coastal flooding from storm surges and/or systemic inland flooding from large rainfall events. HUD launched the 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 Sandy¹. The competition sought to promote innovation by developing flexible solutions that would increase regional resilience. The Proposed Project was one of the competition's winning concepts; it was developed with the primary goal of reducing flood risk. HUD has allocated \$150 million of Community Development Block Grant – Disaster Recovery (CDBG-DR) funding in response to Hurricane Sandy to the State of New Jersey for the planning, design, and implementation of this Proposed Project.

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 (NJ). 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 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. A map illustrating the Project Area can be found in **Attachment A**.

The Project Area is vulnerable to both coastal flooding from storm surges and systemic inland flooding from large rainfall events. Coastal flooding results from higher than normal high tides (such as storm surges), and can be worsened by onshore winds. Hurricane Sandy most recently exposed the vulnerability of the Project Area to coastal flooding after low-lying areas were inundated by coastal storm surges. However, within the Project Area, inland flooding is more common than coastal flooding. Inland flooding occurs during high-intensity rainfall/runoff events. These events can include moderate precipitation accumulating over several days, heavy precipitation falling over a short period, or other circumstances in which ditches, creeks, or rivers overflow as a result of rainfall. Finally, the Project Area's existing vulnerabilities to flooding may become worse over time due to the effects of climate change and sea level change.

The Proposed Project includes the construction of flood risk reduction measures designed to address the impacts of inland and/or coastal flooding on the quality of the human environment due to both storm hazards and sea level change within the Project Area. These measures may include the construction of floodwalls, surge barriers, pump stations, channel dredging, new and improved open spaces, and green infrastructure systems. The FEIS for this Proposed Project includes a thorough analysis of the potential physical, cultural, environmental, and socioeconomic impacts. This ROD documents the NJDEP's decision to select the Alternative 3 *Build Plan*. In making its decision, the NJDEP carefully considered the

¹ The storm is often referred to by the State as "Superstorm Sandy" rather than Hurricane Sandy because it was technically a post-tropical cyclone with hurricane-force winds upon making landfall in New Jersey. This letter will refer to the storm as "Hurricane Sandy" in alignment with Federal agency documents.



conclusions of the FEIS as well as the comments received from Federal, State, and local agencies, organizations, and the general public during the preparation of the FEIS.

2.0 Project Purpose, Need, and Objectives

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 and facilities, residences, businesses, and ecological resources from frequent and intense flood events anticipated in the future. The ability to meet this purpose is measured in terms of the following goals and objectives of the Proposed Project:

- Contribute to Community Resiliency
- Reduce Risks to Public Health
- Contribute to On-going Community Efforts to Reduce Federal Emergency Management Agency (FEMA) Flood Insurance Rates
- Deliver Co-Benefits (e.g., active and passive recreational uses, multi-use facilities, etc.)
- Enhance and Improve Use of Public Space
- Consider Impacts from Sea Level Change
- Protect Ecological Resources
- Improve Water Quality

The interrelationship between coastal flooding and rainfall events contributes to the recurring flooding conditions throughout the Project Area. Each component represents challenges and needs to be addressed within the context of an overall flood reduction strategy for the Project Area.

As such, 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. The Proposed Project seeks to reduce flood insurance claims from future events and maintain property values. The Proposed Project is further needed to increase community resiliency, including protecting accessibility to, and on-going operations of, critical health care services, emergency services, and transportation and utility infrastructure. In addition to reducing flood risk and improving community resiliency, the Proposed Project could provide ancillary benefits, such as protection of ecological resources (enhancement of water quality, regional biodiversity, and ecosystem resiliency) and improvement of civic, cultural, and recreational values in the Project Area.

3.0 Alternatives Considered

Because the Project Area is susceptible to chronic flooding due to the nature of the landscape, low elevation, and poor stormwater infrastructure, the Proposed Project focuses on implementing flood risk reduction measures that would address both inland and coastal flooding. To address one or both of these flooding scenarios, the Proposed Project would implement a wide variety of infrastructure components as part of its flood risk reduction solution. Each component would be sited within the Project Area to address a current need and operate in an integrated manner with other proposed or existing flood reduction infrastructure. To achieve this goal, the NJDEP developed a variety of potential solutions and concepts that involved various infrastructure features aimed at maximizing the benefits to the Project Area while



minimizing overall costs and adverse environmental effects. Through intensive screening and evaluation, detailed examination within the Feasibility Study Report, and public input, the NJDEP identified three Build Alternatives that meet the purpose of and need for the Proposed Project that were analyzed in the FEIS:

- **Alternative 1:** Structural Flood Reduction
- **Alternative 2:** Stormwater Drainage Improvements
- **Alternative 3:** Hybrid of Alternative 1 and Alternative 2

Additionally, while the No Action Alternative would not meet the purpose of and need for the Proposed Project, it was carried forward to provide a comparative baseline against which to analyze the effects of the Proposed Project, pursuant to NEPA and CEQ Regulations (40 CFR § 1502.14[d]). A summary of each Build Alternative, and the No Action Alternative, is provided below.

No Action Alternative

With the selection of the No Action Alternative, the Proposed Project would not be implemented and current conditions and operations would generally continue in the Project Area. Flood protection measures in the Project Area under this alternative would generally be limited to the operations and maintenance (O&M) of existing infrastructure. Projected future conditions without implementation of the Proposed Project include:

- Continued coastal flooding from tidal storm surges during severe coastal storm events;
- Continued inland flooding during heavy rainfall events due to local stormwater drainage issues; and
- Increased exposure to the effects of climate change and sea level change, including increased frequency of intense rainfall events and anticipated rise in regional sea level.

Worsening flooding conditions over time would produce commensurately increased adverse impacts to residents, property, and the quality of the human and natural environment of the Project Area. Failure to provide the Project Area with additional protection from coastal storm surges and/or inland flooding would likely lead to increased and more frequent damage to local infrastructure and property, direct harm to economic activity, and increased potential for human health effects, including loss of life.

Alternative 1: Structural Flood Reduction

Alternative 1 includes various infrastructure-based solutions intended to provide protection against coastal storm surges. This alternative would protect the Project Area from coastal flooding; however, chronic inland flooding from heavy or frequent precipitation events would continue to adversely affect the Project Area.

Under Alternative 1, a line of protection (LOP) would be constructed to connect high ground along the Hackensack River and Berry's Creek using a range of grey infrastructure, including floodwalls, levees/berms, a tide gate, closure gates, and a storm surge barrier and pump station (in Berry's Creek), designed to provide flood protection up to an elevation of 7 feet (North American Vertical Datum of 1988). A LOP at this height would be sufficient to provide protection against approximately the present-day 50-year storm surge (i.e., there would be an approximately 2 percent chance each year that the LOP would be overtopped), and against approximately the 10-year storm surge (i.e., 10 percent annual chance of overtopping) in 50 years, based on sea level rise (SLR) projections. The LOP would likely operate (i.e.,



closure gates and surge barrier enabled) only during large flood events, such as when a Coastal Flood Warning is issued by the National Weather Service.

The LOP would extend from the Hackensack Riverwalk located at the Riverfront shopping center in the City of Hackensack south along the river and existing wetlands to high ground near the intersection of Commerce Boulevard and Washington Avenue in the Borough of Carlstadt. This high ground would extend to the Berry's Creek watershed, where a new surge barrier at the Paterson Plank Road Bridge and several other small LOP components would extend the LOP west to existing high ground near the Rutherford Commons shopping center in East Rutherford. Additionally, four new parks, a cantilever riverwalk, pathways, and various green infrastructure elements would be integrated into the proposed LOP. These features would provide various co-benefits to the Project Area, thereby meeting the Proposed Project's established goals and objectives, as discussed previously.

Alternative 2: Stormwater Drainage Improvements

Alternative 2 would implement various grey and green infrastructure-based solutions, in conjunction with new parks and improved open spaces, to improve stormwater management in important locations throughout the Project Area. Specifically, stormwater management would be improved through the installation of 41 green infrastructure features along roads (i.e., bioswales, storage/tree trenches, and rain gardens), five new parks, improvements to five existing open spaces, three new pump stations, two new force mains, and dredging of the lower reach of East Riser Ditch. This alternative would reduce chronic inland flooding from heavy or frequent precipitation events; however, coastal flooding would continue to adversely affect the Project Area.

Flood reduction under Alternative 2 would primarily be achieved through grey infrastructure improvements to improve channel conveyance. East Riser Ditch would be dredged between the existing tide gate and Moonachie Avenue, and a pump station would be installed at the tide gate. Losen Slote would be improved through the installation of two new pump stations, which would each use a force main to bypass the channel in developed areas. These improvements would reduce both the depths and extent of flooding in these channels for storms ranging in frequency from 2 years to 100 years.

In addition to the grey infrastructure improvements to flooding, the green infrastructure systems, new parks, and improved open spaces would provide minor localized flood reduction proximate to their locations. The green infrastructure systems would be designed to accommodate the NJDEP Water Quality Design Storm, and the parks and open spaces would be designed to store and treat stormwater through the use of additional green infrastructure, new or enhanced wetlands, native vegetation, and permeable pavement. Alternative 2 would also reduce impervious surfaces in the Project Area by approximately 3.4 acres as a result of the creation of new parks and open spaces and enhancement of existing open spaces, for stormwater management. By implementing these features, Alternative 2 would increase the rate and capacity of stormwater infiltration and treatment in the Project Area, thereby potentially decreasing stormwater runoff and flooding in the vicinity of its footprint during low intensity rainfall events, while also improving water quality and providing new recreational opportunities for the local communities.

Alternative 3: Hybrid Alternative

Alternative 3 would consist of a hybrid of coastal flood protection and stormwater drainage improvements. To achieve this, the majority of both Alternatives 1 and 2 would be implemented. 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 by others over time as funding sources become available and construction feasibility permits.

The Alternative 3 *Build Plan* would consist of all of the Alternative 2 components identified above, with the exception of two parks (DePeyster Creek Park and Fluvial Park) and Losen Slote pump station/force main C, which would not be constructed. Therefore, the Alternative 3 *Build Plan* would consist of all 41 green infrastructure features, three new parks (Riverside Park, Caesar Place Park, and Avanti Park), improvements to five existing open spaces, two new pump stations, one new force main in the Losen Slote drainage, and improvements to the East Riser Ditch channel. Additionally, one of the proposed open space improvements (Willow Lake Park improvements) would be reconfigured from the Alternative 2 design (i.e., rearrangement of trails and landscape features).

The Alternative 3 *Future Plan* would further include the entire LOP from Alternative 1, including three of the parks (Fluvial Park, DePeyster Creek Park, and K-Town Park), the cantilever riverwalk, and other features; Losen Slote pump station/force main C from Alternative 2; and improvements (i.e., dredging and culvert replacements) to the remainder of East Riser Ditch from Moonachie Avenue north to Wesley Street.

A hybrid solution of both coastal and inland flooding reduction 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. However, because only the Alternative 3 *Build Plan* would be constructed as part of the Proposed Project, the FEIS limited its environmental analysis of Alternative 3 accordingly. The Alternative 3 *Future Plan* is described and analyzed in the FEIS as a reasonably foreseeable action in the cumulative impacts analysis.

4.0 Major Conclusions of the Environmental Analysis

Direct and Indirect Impacts of the Selected Alternative

Per CEQ Regulations (40 CFR § 1502.16), the FEIS analyzed in detail the potential environmental consequences of each Build Alternative and the No Action Alternative for the Proposed Project. These impacts, summarized in the FEIS, form the basis of the comparative analysis of the alternatives by which the NJDEP made its decision to select the Alternative 3 *Build Plan*.

The Alternative 3 *Build Plan* would have **beneficial** impacts, generally associated with reduced risk of inland flooding and creation of new public open spaces, on all technical resource areas except for Noise and Vibration and Air Quality and Greenhouse Gas Emissions. The Alternative 3 *Build Plan* would not result in any adverse impacts on Sustainability/Green Infrastructure and Agricultural Resources and Prime Farmlands. Most technical resource areas analyzed in the FEIS would experience **less-than-significant adverse** impacts from construction and/or operation of the Alternative 3 *Build Plan*. These impacts would generally consist of, but not be limited to, noise/vibration, dust/emissions, traffic disruptions, property easement acquisitions, increased utility use, vegetation removal/soil disturbance, in-water work, and disturbance to existing contaminated sites. BMPs have been identified in **Table 1** (see **Section 7.0** of this ROD) for technical resource areas that could experience **less-than-significant adverse** impacts as a result of the Selected Alternative. Finally, the Alternative 3 *Build Plan* would have **potentially significant adverse** impacts on some technical resources, including Cultural and Historical Resources (potential to disrupt archaeological resources); Noise and Vibration (e.g., in close proximity to pile driving); Water Resources, Water Quality, and Waters of the United States (WOUS; e.g., sediment transport and filling of WOUS and wetlands); and Hazards and Hazardous Materials (e.g., potential to disturb unknown contaminated sites or interfere with remedial investigations). Mitigation measures and

BMPs have been identified in Table 1 to reduce *potentially significant adverse* impacts that could result from the Selected Alternative.

Cumulative Impacts of the Selected Alternative

The Alternative 3 *Build Plan*, in combination with reasonably foreseeable future (RFF) projects, would have mostly *less-than-significant adverse* cumulative impacts to resources from short-term, periodic construction activities. However, in conjunction with RFF projects, construction of the Alternative 3 *Build Plan* would also contribute *potentially significant adverse* cumulative impacts to Transportation and Circulation due to traffic congestion and interference during construction; Noise and Vibration due to elevated levels of noise perceived by sensitive receptors during construction; and Water Resources, Water Quality, and WOUS due to permanent loss of wetlands within the ROI. In conjunction with RFF projects that would install additional flood reduction and stormwater control measures, operation of the Alternative 3 *Build Plan* would result in *long-term beneficial* cumulative impacts to most technical resource areas from collective stormwater drainage improvements. In addition, RFF projects incorporating new green space and open space development would contribute to the green infrastructure-based solutions (e.g., bioswales, storage/tree trenches, and rain gardens), new parks, and improved open spaces under the Alternative 3 *Build Plan*, a cumulative long-term beneficial effect.

If the Alternative 3 *Future Plan* is implemented as an RFF project, additional impacts similar to those of the Alternative 3 *Build Plan* would be expected; however, *potentially significant adverse* cumulative impacts to Biological Resources would also be anticipated due to loss of aquatic habitat. However, the Alternative 3 *Future Plan* would provide *long-term beneficial* cumulative impacts to most technical resource areas due to the implementation of coastal flood protection.

Environmentally Preferable Alternative

Per CEQ Regulations (40 CFR § 1502.2), the ROD shall specify the alternative or alternatives which are considered environmentally preferable. CEQ guidance further indicates that the Environmentally Preferable Alternative is the one which causes the least harm to the natural and physical environment. In this case, the No Action Alternative avoids the impacts to the natural environment caused by the construction of the Proposed Project. However, the No Action Alternative does not provide risk reduction, ecological enhancement, or social resiliency, and by definition does not meet the purpose and need of the Proposed Project. It is studied to serve as a baseline and means of comparison for the Build Alternatives. Based on the NJDEP's thorough scoping and the FEIS process, and consideration of each Build Alternative, as discussed herein and in the FEIS, the Alternative 3 *Build Plan* is deemed the Environmentally Preferable Alternative. The Alternative 3 *Build Plan* would meet the purpose and need of the Proposed Project by providing stormwater drainage improvements and would be constructed in a manner compatible with the *Future Plan*, which would provide coastal flood reduction and additional stormwater drainage improvements.

The Alternative 3 *Build Plan* would also have fewer adverse impacts than both Alternative 1 and Alternative 2 while still providing such co-benefits as ecological enhancement, water quality improvements, and improvement of civic, cultural, and recreational values in the Project Area. Under the Alternative 3 *Build Plan*, none of the potentially significant adverse impacts, identified under Alternative 1, to Land Use and Land Use Planning, Biological Resources, and Hydrology and Flooding would occur. Furthermore, the Alternative 3 *Build Plan* would have fewer less-than-significant adverse impacts to the all technical resource areas, in comparison to Alternative 1 and Alternative 2, primarily because the Alternative 3 *Build Plan* would include a smaller construction and operational footprint and effort.



5.0 Response to Comments Received on the FEIS

On October 26, 2018, the FEIS was made available for public review. The public review period was initiated with the U.S. Environmental Protection Agency's publication of the NOA of the FEIS in the *Federal Register*, and the NJDEP's publication of the NOA of the FEIS in three newspapers of general circulation within the Project Area. The FEIS was made available for public review until November 26, 2018, via the following web address: <https://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm>. Hard copies of the FEIS were also made available for review at the office of the NJDEP and five public facilities within the Project Area.

During the public review period, written comment letters and emails were received from Federal agencies, private/public entities, and private citizens. A total of 50 comments from 11 commenters were received, which included 3 Federal agencies (USEPA, Federal Transit Administration, and Federal Aviation Administration [FAA]), 3 private/public entities (LPS Industries, Flood Barrier America, and NY/NJ Baykeeper/Hackensack Riverkeeper), and 5 private citizens. New or substantive comments received on the FEIS are addressed in **Attachment B**. A copy of the Federal and state agency correspondence is provided in **Attachment C**.

6.0 Decision

The NJDEP has selected the Alternative 3 *Build Plan* for implementation of the Proposed Project. All three of the Build Alternatives considered would meet the purpose of and need for the Proposed Project. However, the Alternative 3 *Build Plan* would allow for the most comprehensive flood reduction to the Project Area, including both storm surge protection and stormwater drainage improvements, because it would be constructed in a manner compatible with the *Future Plan*. In the short-term, the Alternative 3 *Build Plan* would reduce flooding in the East Riser Ditch and Losen Slote watersheds, and remain within both the budget and schedule associated with the RBD funding. Beyond 2022, as future funding becomes available, the *Future Plan* could be implemented, which would incorporate additional inland flood reduction in the Losen Slote and East Riser Ditch watersheds, and coastal flood protection during storm surges. In contrast, implementation of Alternative 1 would provide primarily only coastal flood reduction, and implementation of Alternative 2 would provide only inland flood reduction.

In addition to flood reduction, the Alternative 3 *Build Plan* would provide numerous co-benefits, including new recreational opportunities, water quality improvements, new and enhanced habitats, and aesthetic benefits; and adhere to the feasibility constraints of the Proposed Project. As noted above, the Alternative 3 *Build Plan* has also been identified as the Environmentally Preferable Alternative, and would lead to the fewest adverse impacts on the Project Area of the Build Alternatives analyzed. To further reduce anticipated adverse impacts, the NJDEP will implement extensive mitigation measures and BMPs, as described in the next section.

7.0 Summary of Mitigation Measures and Best Management Practices

The Alternative 3 *Build Plan* could have **potentially significant adverse** impacts on Cultural and Historical Resources; Noise and Vibration; Water Resources, Water Quality, and WOUS; and Hazards and Hazardous Materials, as described above. To avoid, minimize, and mitigate both potentially significant and less-than-significant adverse impacts during implementation of the Selected Alternative, the NJDEP adopts the following mitigation measures and BMPs, organized here by both technical resource area and stage of project implementation:

Table 1: Mitigation Measures and BMPs for Each Phase of Alternative 3 Build Plan

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Land Use and Land Use Planning	- The need for both temporary and permanent easements will be minimized to the extent possible. - Coordination with affected property owners and zoning districts will be conducted to obtain mutually agreeable settlements and to proactively prepare for required zoning changes. - Consultation with FAA will be conducted to ensure compliance with NEPA, FAA Orders 1050.1F and 5050.4B, FAA AC No. 150/5200-33B, and the Teletoro Airport Wildlife Hazard Management Plan. - Consultation with Teletoro Airport and other applicable cooperating agencies will be conducted to confirm that there are no plans to purchase the properties for a runway protection zone program within the 2,500-foot buffer zone; any required notices in compliance with 24 CFR Part 51, Subpart D would be implemented.	- Small construction equipment (i.e., less than 200 feet in height) will be utilized to avoid potential navigational airspace hazards associated with the use of tall equipment near Teletoro Airport in accordance with 14 CFR Part 77. - Construction near Teletoro Airport runways will occur during daylight hours to eliminate potential impacts from bright construction lighting, as directed by Teletoro Airport officials.	Measures to minimize the potential for wildlife hazards to human health and safety from aircraft collisions will be implemented (e.g., use of approved plant species, coordination with FAA and Teletoro Airport, etc.).
Visual Quality/Aesthetics	- Consultation with the New Jersey Historic Preservation Office (NJHPO) will be continued to ensure protection and management of cultural and aesthetic components within the viewshed. - Use of vegetated screening and/or material colors that blend into the existing environment and materials that are non-reflective will be incorporated into the design to promote natural harmony and project coherence and to reduce changes in viewer awareness to the Selected Alternative elements, respectively. - Native vegetation will be used, whenever possible, when creating, enhancing, or restoring vegetated areas.	Screening fences in a similar color to the natural environment will be used, whenever possible, to block the view of construction equipment and other materials.	Sealants that allow for the effective removal of graffiti on concrete structures will be maintained and used to the extent possible.
Socioeconomics, Community/Populations, and Housing	- The need for both temporary and permanent easements will be minimized to the extent possible. - A Public Safety Plan will be developed in coordination with the local authorities to provide for safety of the public, including children, during construction activities. - Coordination with businesses will occur to address accessibility concerns during construction, as appropriate. - Coordination with local emergency services (including fire, police, and ambulance services) will occur to ensure that access to critical facilities is maintained. This will also require consideration for accessibility in the event a storm occurs while the Selected Alternative is still under construction.	- The Public Safety Plan will be implemented by construction contractors. - Coordination with local emergency services (including fire, police, and ambulance services) will occur to maintain access to critical facilities. - Construction contractors will minimize the identified accessibility impacts on businesses with signage and provision of temporary access ways.	Not Applicable
Environmental Justice	- A Public Safety Plan will be developed to establish a protocol for coordinating with representatives of Environmental Justice communities to ensure that construction activities occurring close to residences have the least possible impact on pedestrian and vehicle traffic patterns, and that construction noise and dust is reduced to the extent practicable. - The Selected Alternative will comply with HUD Section 3 and NJDCA Section 3 requirements, and to the greatest extent possible, provide job training, employment, and contract opportunities for low-income and LMI residents. A HUD Section 3 Annual Summary Report (Form HUD-60002) will be submitted to the Office of Fair Housing and Equal Opportunity for all covered funding, as well as Quarterly Section 3 reports pursuant to NJDCA Policy 2.10.22 Section VIII.	- The contractor(s) shall implement the approved Public Safety Plan. - HUD Section 3 and NJDCA Section 3 requirements with provisions for compliance monitoring and reporting shall be included in all construction contracts.	The Selected Alternative will comply with HUD Section 3 and NJDCA Section 3 requirements.

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Cultural and Historical Resources	The NJDEP will continue consultation with the NJHPD and tribes pursuant to 36 CFR § 800.4(b)(2) and §800.51(3) of the NHPA to comply with Section 106 and minimize effects to National Register of Historic Places (NRHP)-eligible archaeological resources. A Phase 1B archaeological survey will be performed in two areas associated with Avanti Park and Caesar Place Park to complete identification and ultimately minimize or avoid impacts to NRHP-eligible resources.	Archaeological monitoring may be necessary in locations of high sensitivity in accordance with 36 CFR § 800.6.	Not Applicable
Transportation and Circulation	- Coordination with local municipalities and service providers (e.g., NJ Transit) will occur on potential monitoring needs and road, lane, and sidewalk closures. - Coordination with NJ Transit, other rail entities, and local businesses, as appropriate, in the Borough of Carlstadt regarding the closure of the railroad bridge over East Riser Ditch will occur prior to its removal and replacement.	Traffic Management Plans (TMPs) will be developed in conjunction with the local municipalities and service providers to minimize impacts to these entities and provide the public with information on road closures and detours. Construction contractors will implement TMPs in conjunction with local municipalities.	Maintenance activities will be performed during non-peak traffic hours to the extent practicable.
Noise and Vibration	- Potential impacts from vibration will be reevaluated, as needed, based on the final pile driving locations to ensure they do not substantially differ from the anticipated impacts identified in the FEIS. - If necessary during the permitting process, potential impacts from underwater noise will be reevaluated based on final pile driving locations to ensure they do not substantially differ from the anticipated impacts identified in the FEIS. - Contractors and subcontractors will be trained to raise awareness of noise-specific issues and noise-sensitive areas. Noise complaint and response procedures will be provided to the contractor. - A construction schedule that is adjusted to comply with local regulations will be developed. - The construction schedule will be communicated to the affected public, including days of the week and hours of the day when work is expected to occur. - An approved Noise Mitigation Plan will be developed with the New Jersey Sports and Exposition Authority (NJSEA). Additionally, a Vibration Monitoring Plan and Compliance Monitoring Program will be developed.	- Construction contractors will implement the Noise Mitigation Plan and Vibration Mitigation Plan, and maintain the Compliance Monitoring Program throughout construction. The following BMPs will be incorporated: - Noise reducing and/or the quietest practicable construction methods and equipment, such as the use of noise shrouds around pile driving rigs and equipment equipped with mufflers and noise attenuation devices, will be used. All equipment will be properly maintained. - Noise barriers will be placed between work areas and noise-sensitive receptors. - Specific vibration control measures that can be implemented for pile driving activities, such as predrilling or augering and maximizing the use of vibratory rather than impact pile driving, will be used. - Additionally, contractors will consider the use of drilled piles instead of impact or vibratory pile driving. - Construction vehicles will be routed away from residential streets, to the extent possible. - Contractors will work with the local municipalities to address any scheduling concerns. Contractors will consider planning construction activities to occur during daytime hours to eliminate impacts during more sensitive nighttime hours. - Vehicle idling will be limited in accordance with New Jersey Administrative Code (NJAC) 7-27-14 and NJAC 7-27-15.	Stationary equipment, such as generators and compressors, will be enclosed and will use acoustical louvers and/or sound attenuators in the exterior walls of these enclosures to reduce noise emissions through the air inlet and outlet louvers of the pump station(s).

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Air Quality and Greenhouse Gas Emissions	Not Applicable	- Truck beds will be covered while in transit to limit fugitive emissions. - Unpaved roads or stockpiles will be sprayed with water, or otherwise managed, to limit fugitive emissions. - Construction staging areas and transport routes will be isolated from sensitive populations, when possible. - Control measures on heavy construction equipment and vehicles, such as minimizing operating and idling time, will be implemented to limit criteria pollutant emissions. - Clean diesel will be used in construction equipment and vehicles through the implementation of add-on control technologies such as diesel particulate filters and diesel oxidation catalysts, repowers, and/or newer and cleaner equipment. When feasible, auxiliary power units or electric-powered equipment will be used in lieu of diesel-powered equipment. - Proposed construction at or near schools will be scheduled to occur when school is not in session, if possible. - Buildings where sensitive receptors are located will be encouraged to close windows and circulate indoor air (i.e., air conditioning) to limit exposure to outdoor air quality.	Ultra-low sulfur diesel will be used in permanent, stationary sources to minimize oxides of sulfur emissions.
Global Climate Change and Sea Level Change	As the Selected Alternative is itself intended to reduce the impacts of climate change and SLR, no specific mitigation measures or BMPs will be implemented.	Not Applicable	Not Applicable
Recreation	- Consultation with recreational service providers regarding the proposed footprint will occur in order to minimize impacts to existing recreational areas and facilities. - Coordination with Riverside Boat Works will occur to develop a plan to reduce disruptions to this marina, and to incorporate long-term access for this marina into the design.	- Contractors will implement TMPs to provide recreational services providers and the public with information on road closures and detours. Furthermore, road lane closures will be planned to the extent possible to occur during periods of low recreational services demands. - Contractors will coordinate with Riverside Boat Works to maintain access to and from the Hackensack River (i.e., through the use of boat cranes, temporary docks, or temporary boat ramps) to the extent possible.	Not Applicable
Utilities and Service Systems	- Consultation with utility providers regarding the proposed footprints of the various components will occur in order to minimize impacts to existing utility services. - Utility providers will be consulted to: (1) have all underground utility lines flagged in the field where they intersect with the temporary easements; and (2) identify proper measures to take while working near utilities (e.g., overhead power lines) to prevent damage to the utilities and ensure the safety of both construction personnel and the public.	- Contractors will coordinate with utility providers and property owners to facilitate the efficient relocation of all necessary utilities. - Utility providers will provide advance notice to all affected users of the necessary temporary service disruptions. Furthermore, these disruptions will be planned by the contractors to occur during periods of low utility demand to the extent possible.	Not Applicable
Public Services	- Consultation with public services providers regarding the proposed footprints of the various components will occur in order to minimize impacts to existing public services. - A Public Safety Plan will be developed.	- Contractors will implement the Public Safety Plan and TMP to provide emergency service providers and the public with information on road closures and detours. Furthermore, road lane closures or realignments will be planned to the extent possible to occur during periods of low public services demands. - Contractors will coordinate with public services providers to provide them with up-to-date information on the total numbers of workers within the Project Area during the work day, to ensure that public services could meet the demand of the increased population size. - Contractors will limit construction activities around noise-sensitive public facilities (i.e., libraries, schools, religious facilities) to the extent possible, and implement the appropriate noise and air quality mitigation measures and BMPs.	Not Applicable

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Biological Resources	- Impacts to riparian zones, wetlands, and wetland buffers will be avoided and minimized to the extent practicable. If required, a Compensatory Mitigation Plan will be developed as part of the permitting process to compensate for long-term unavoidable impacts to regulated wetlands and other WQUS associated with dredging, filling, or other permanent alteration. Wetland and waterbody impacts from construction dredge and fill activities will be coordinated with the NJDEP, United States Army Corps of Engineers (USACE), National Marine Fisheries Service (NMFS), and other applicable regulatory agencies during project permitting. - A bird management plan will be developed to address construction timing and location of the Selected Alternative to avoid or minimize effects to bird species, including special status species. This bird management plan will include pre-construction nest surveys that would identify timing restrictions for construction activities. - A project-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared in accordance with the NJ Pollution Discharge Elimination System (NJAC 7:14A). - The Bergen County Soil Conservation District will review and certify the Soil Erosion and Sediment (E&S) Control Plans prepared by NJDEP's contractor as mandated by the Soil Erosion and Sediment Control Act, Chapter 251, Public Law 1975. - The Essential Fish Habitat (EFH) assessment will be revisited in consultation with NMFS to evaluate potential impacts to EFH that could result from construction work below mean high water.	- Impacts to riparian zones, wetlands, and wetland buffers will be avoided and minimized to the extent practicable. Temporarily impacted wetlands and buffers will be restored immediately following construction. - The Compensatory Mitigation Plan will be implemented. - Contractors will implement the bird management plan, SWPPP, and E&S Control Plans. - To minimize the potential for introduction or proliferation of invasive species, construction BMPs that address activities such as soil disturbance, vegetation management and inspection, transport of materials, thoroughly cleaning construction equipment, and revegetation and restoration will be implemented. - To reduce wildland fire risks and minimize the potential for ignition, construction BMPs that address activities such as equipment maintenance and cleaning and fire prevention will be implemented. - In order to minimize the spatial extent and duration of construction impacts to aquatic habitat, EFH, and aquatic wildlife, BMPs such as silt curtains and turbidity barriers will be implemented, and construction will be conducted in accordance with Federal and State permits and any site-specific conditions specified therein. - To minimize potential for impacts to finish during key migration periods, seasonal restrictions (i.e., between March 1 and June 30) will be applied to in-water work in accordance with permit conditions. - Mitigation Measures and BMPs identified for Noise and Vibration will be implemented.	- To minimize potential for impacts to finish during key migration periods, seasonal restrictions (i.e., between March 1 and June 30) will be applied to in-water work as required by permit conditions. - Activities that may introduce sediments into the water will not be conducted without appropriate sediment and erosion control measures in place. - Mitigation Measures and BMPs identified for Noise and Vibration will be implemented.
Geology and Soils	A site-specific E&S Control Plan will be prepared to address land-disturbance aspects of the Selected Alternative and to minimize potential impacts to soil resources during construction.	Contractors will implement and maintain the prepared E&S Control Plan.	Activities that may cause soil erosion or compaction will not be conducted without appropriate sediment and erosion control measures in place.

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Water Resources, Water Quality, WQUS	- Impacts to riparian zones, wetlands, and transition areas (i.e., wetland buffers) will be avoided and minimized to the extent practicable, and, if required, a Compensatory Mitigation Plan will be developed, as stated under Biological Resources. - Coordination with the NJDEP, USACE, US Coast Guard (USCG), NIMFS, NJSEA, and other applicable regulatory agencies will be conducted, and all necessary permits obtained prior to construction. - Coordination with the USEPA and Berry's Creek Study Area (BCSA) Cooperating Potentially Responsible Parties (PRP) Group will be conducted during the design process to ensure the Selected Alternative does not adversely impact the ongoing BCSA PRP Group remediation project. - A project-specific SWPPP will be prepared, as stated under Biological Resources. - The Bergen County Soil Conservation District will review and certify the Soil EKS Control Plans, as stated under Biological Resources. - In order to minimize the spatial extent and duration of scour and sediment transport as a result of storm events, energy dissipation structures will be installed at the Losen Slide and East Riser Ditch pump station discharge locations.	- The developed Compensatory Mitigation Plan will be implemented, as stated under Biological Resources. - The SWPPP will be implemented, as stated under Biological Resources. - Impacts to riparian zones, wetlands, and transition areas (i.e., wetland buffers) will be avoided and minimized to the extent practicable. Temporarily impacted wetlands and buffers will be restored immediately following construction. - In order to minimize the spatial extent and duration of construction impacts to surface water flow, water quality, and sediment transport, wetland area, functions, and values, and groundwater flow and groundwater quality, BMPs (e.g., silt curtains, turbidity barriers, silt fencing, and hay bales) will be implemented, and construction will be conducted in accordance with Federal and State permits, and any conditions specified therein.	Not Applicable
Hydrology and Flooding	The mitigation measures set forth in Water Resources will be implemented.	The mitigation measures set forth in Water Resources will be implemented.	Not Applicable
Coastal Zone Management	- The Mitigation Measures and BMPs set forth in Biological Resources, Water Resources, and Cultural and Historical Resources will be implemented. - NJDEP will coordinate with Riverside Boat Works to develop a plan to reduce disruptions to this marina, and to incorporate long-term access for this marina into the design.	- Intertidal and subtidal impacts in the Hackensack River (below mean high water), wetland impacts, filling, and riparian and wetland buffers will be minimized to the extent possible, and coordination with the NJDEP, USACE, USCG, NIMFS, NJSEA, and other applicable regulatory agencies will be conducted, as appropriate, to ensure proper mitigation and compliance with applicable regulations regarding in-water construction activities (e.g., 33 CFR 110.155). - The Mitigation Measures and BMPs set forth in Biological Resources, Water Resources, and Cultural and Historical Resources will be implemented.	The Mitigation Measures and BMPs set forth in Biological Resources, Water Resources, and Cultural and Historical Resources will be implemented.
Sustainability/Green Infrastructure	Implementation of the Mitigation Measures and BMPs identified in Recreation, Geology and Soils, Water Resources, Hydrology and Flooding, and Coastal Zone Management will further enhance the sustainability and green infrastructure benefits.	Not Applicable	Not Applicable

Technical Resource Area	Design/Coordination/Pre-Construction Phase	Construction Phase	Operation Phase
Hazards and Hazardous Materials	• HUD will continue to be consulted regarding design of proposed park/recreation features in compliance with HUD acceptable separation distance requirements. • A Materials Management Plan will be developed to address how any contaminated soil, sediment, surface water, groundwater, or waste materials would be handled for off-site disposal or on-site reuse (in the case of soil). • Coordination with the NJDEP Division of Solid and Hazardous Waste will be required for any actions that involve work within a regulated landfill, and a Landfill Disruption Permit will be required. • Parties responsible for completing remediation of properties adjacent to, or within 200 feet of, the Selected Alternative footprint will be notified of the design and schedule. • Coordination with the USEPA and BCSA Cooperating PRP Group would be conducted during the design process to ensure the Selected Alternative does not adversely impact the ongoing BCSA PRP Group remediation project. • The construction of proposed green infrastructure features at Willow Lake Park could require additional pre-construction review of site-specific records, sampling and analysis of materials to be disturbed, and precautionary planning to ensure mitigation, if not prevention, of the release and spread of contamination during construction, operation, use, and maintenance of these features. • Dredging and construction at East Riser Ditch and Losen Slote will require work within and in close proximity (i.e., parcels within 200 feet) to contaminated sites and waterways. Design and operation of these features will need to consider downstream impacts and disturbance to ongoing and planned remedial investigation should proposed features, such as pump stations, result in scour and the spread of known contaminants in soil and sediment.	• Contractors are required to use, store, and transport hazardous materials in compliance with Federal, State, and local regulations. • Contractors will implement the Materials Management Plan. • A NJ Licensed Site Remediation Professional will oversee construction of those portions of the Selected Alternative that would be considered a Linear Construction Project as defined by the NJDEP, and the Selected Alternative would comply with these and other provisions of Chapter 16 of the NJDEP Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C) as necessary. This could occur with linear landscape features that cross more than one property. • The proposed construction at Willow Lake Park could require the implementation of BMPs to ensure mitigation, if not prevention, of the release and spread of contamination. • Precautions could be needed near historic fill and the Little Ferry Landfill and Morris Park Avenue Corporation landfill to ensure that activity does not expose workers, local residents, or ecological receptors to contamination through the release and spread of hazardous materials.	• O&M activities will address NJ Site Remediation and Reform Act requirements for contaminated sites.
Mineral and Energy Resources	• Construction managers will develop a construction energy conservation plan for energy use.	• Demolition and debris cleared, as well as excavated soils, will be classified and sorted for beneficial re-use, either for construction of the Selected Alternative or for other suitable uses. • Construction managers will implement the construction energy conservation plan for energy use.	Not Applicable
Agricultural Resources and Prime Farmland	No adverse impacts to agricultural resources, prime farmlands, or residential and community gardens have been identified from the proposed construction or operation of the Selected Alternative. Therefore, no BMAPs or mitigation measures will be required.	Not Applicable	Not Applicable



8.0 Monitoring/Enforcement and Ongoing Coordination

The commitments and conditions of approval stated in this ROD will be monitored by the NJDEP, its agents, and/or other appropriate Federal, State, and local agencies to ensure compliance. Agency and stakeholder coordination will continue during the design and permitting phases of the Selected Alternative, and construction monitoring and enforcement programs will be implemented and included in contract documents to verify that construction contractors act in accordance with contract provisions and design plans, required permit conditions, and adopted environmental commitments and mitigation requirements.

During final design, the Project Team will work with the communities to finalize the design considerations and amenities to be incorporated into the Selected Alternative components. This coordination will emphasize the usage of context-sensitive designs that will be mindful of the existing urban fabric to help mitigate any potential impacts of the project components on the community. During construction, the Selected Alternative will also involve outreach and coordination with communities and impacted property owners to help mitigate construction-related impacts. As appropriate, the NJDEP and/or its agents/contractors will also reach out to sponsors of other projects occurring within the Project Area concurrent with the implementation of the Selected Alternative in an effort to reduce potential cumulative impacts through productive cooperation regarding construction schedules and work plans.

Coordination and communication with Federal, State, and local partners is also critical in the implementation of the Selected Alternative. The NJDEP intends to communicate the activities associated with the Selected Alternative through participation at future Citizen Advisory Group, Executive Steering Committee, Meadowlands Interagency Mitigation Advisory Committee, and Federal Technical Coordination Team meetings. At these venues, the NJDEP will provide updates regarding the Selected Alternative and will meet with relevant communities, local authorities, regulators, and other stakeholders as the Proposed Project moves forward. Further, the NJDEP will continue to coordinate with the BCSA PRP Group to ensure plans for the Selected Alternative are compatible with ongoing remediation studies.

Finally, in accordance with the CDBG-DR funding requirements, the NJDEP will develop an O&M Plan for the Selected Alternative. The NJDEP will establish an O&M subcommittee with local and State partners to develop this plan. The participants in the O&M planning and development process will include, but not be limited to, entities such as the NJDEP, Bergen County, NJSEA, and the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack. The O&M Plan will contain five functions (Operations, Maintenance, Engineering, Training, and Administration) and describe the responsibilities, procedures, and communication associated with routine maintenance, flood event operations, and emergency maintenance/repairs.

9.0 Approval

After carefully considering the purpose of and need for the Proposed Project; the analysis presented in the FEIS; the mitigation measures as required herein; the written and oral comments offered by Federal, State, and local agencies and entities and the public on the Draft Environmental Impact Statement (DEIS) and FEIS; and the written responses to the comments, I have determined that the Alternative 3 *Build Plan*, as identified in the FEIS, best meets the needs of the Proposed Project. The Alternative 3 *Build Plan* will help alleviate the risk of inland flooding and provide numerous co-benefits to the Project Area while leaving open the possibility for the Alternative 3 *Future Plan* to also be constructed in the future. Therefore, I have selected the Alternative 3 *Build Plan* for implementation in accordance with 24 CFR 58 based on the following:



- The requirements of 24 CFR Part 58 have been met as the DEIS and FEIS were duly prepared under NEPA;
- The Alternative 3 *Build Plan* (Selected Alternative) avoids or minimizes adverse environmental impacts to the maximum extent practicable and adverse environmental impacts will be further avoided or minimized by adopting those mitigation measures and BMPs identified herein;
- Alternative courses of action were evaluated and decisions were made in the best overall public interest based upon a balanced consideration of: the need to reduce coastal and/or inland flooding, while enhancing ecosystems and providing community co-benefits; the social, economic, and environmental impacts of the Proposed Project; and Federal, State, and local environmental protection goals;
- The Proposed Project's NEPA process, to the fullest extent possible, incorporates all environmental investigations, reviews, and consultations in a single coordinated process;
- Compliance with all applicable environmental requirements are reflected in the environmental review record required under NEPA; and
- Public involvement and a systematic interdisciplinary approach were essential parts of the development process for the Proposed Project.

Lt. Governor Sheila Y. Oliver
Commissioner
New Jersey Department of Community Affairs

12/20/18

Date



Attachment A: Rebuild by Design Meadowlands Project Area



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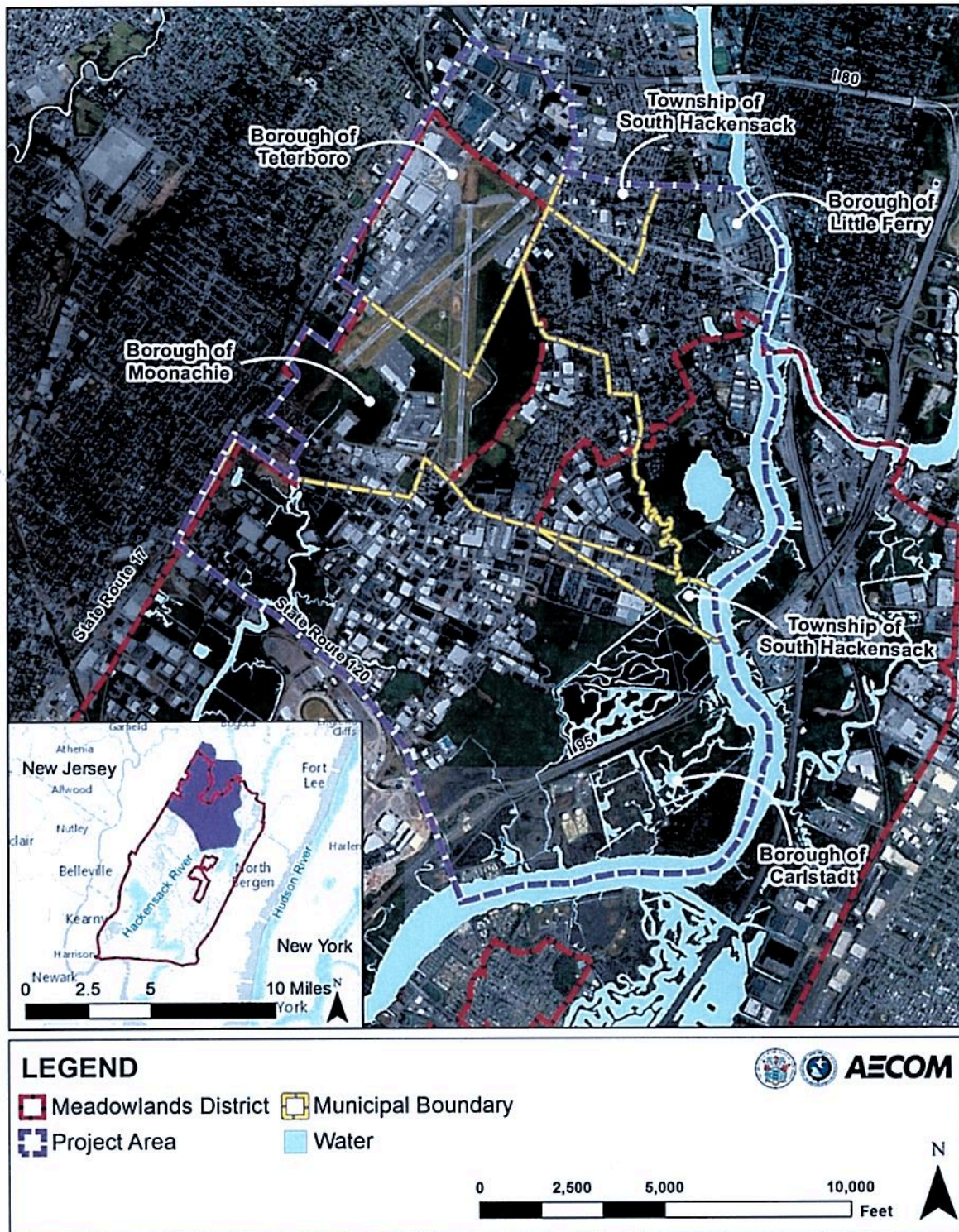


Figure A-1: Rebuild By Design Meadowlands Project Area



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Attachment B: FEIS Public Comment Matrix



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#	Commenter Code ²	Main Topic	Comment	Response to Comment
1	FA-001	Agency Involvement / Coordination	The Federal Transit Administration (FTA) <u>conditionally</u> concurs with the FEIS conclusion that the Preferred Alternative <i>Build Plan</i> and <i>Future Plan</i> would have less than significant adverse effects on transportation (including transit) during construction and beneficial long-term effects to transit if implemented. FTA's conditional concurrence is predicated on successful coordination with NJ Transit on both the construction and emergency operation of a proposed Closure Gate across the Pascack Valley commuter rail line north of the juncture with the NJ Transit Meadowlands Rail Line and south of the Wood Ridge Passenger station. FTA appreciates inclusion of this coordination in the FEIS mitigations and best management practices. The coordination of gate closure with NJ Transit during times of flood emergency is essential to preserving transit's contribution to emergency evacuation and recovery. FTA understands that the proposed gate would only be constructed under the Future Build scenario.	Comment noted. As noted in FA-001's comment, coordination with NJ Transit on the construction and emergency operation of the closure gate across the rail line is included in the Final Environmental Impact Statement (FEIS) as a mitigation measure/best management practice (BMP) in the Record of Decision (ROD); please refer to Table 1 in the ROD for further detail.
2	FA-001	DEIS Public Comment Summary Report	FTA would also like to clarify its earlier (July 12, 2018) comments on the DEIS public comment draft. For that review, FTA misidentified the location of the proposed NJ Transit Closure Gate. The Closure Gate location is clearly indicated in Figure 2.5-8 (Alternative 1 LOP Figure 4 of 4, FEIS p. 2-31), but it is missing from the Preferred Alternative Figure 2.5.33 ("Alternative 3 Components (Build Plan and Future Plan," FEIS p. 2-74). The location of the NJ Transit rail line Closure Gate is cut off and not shown in the latter figure. Figure 2.5.33 is also misleading in that the location of the proposed rail closure gate is depicted <u>outside of the Project Area boundary</u> (see attached). Because the Pascack Valley Line carries more rail traffic farther inland than the Meadowlands Line, the importance of coordination with NJ Transit (duly noted in the FEIS mitigations and BMPs) is potentially even more important.	Comment noted. While Figure 2.5-33 in the FEIS shows the footprints of the Alternative 3 <i>Build Plan</i> and <i>Future Plan</i> features, it does not denote the specific types of features, such as closure gates, tide gates, floodwalls, etc., in each location. The text description refers to Section 2.5.2 (Alternative 1) and Section 2.5.3 (Alternative 2) in the FEIS when describing specific features of the Alternative 3 <i>Build Plan</i> and <i>Future Plan</i> (Section 2.5.4 of the FEIS). As noted in the response to Comment #1, the NJ Department of Environmental Protection (NJDEP) will continue to coordinate with NJ Transit throughout all phases of the Proposed Project.

² Federal Agency: FA-000; State Agency: SA-000, Private/Public Entity: PE-000 (includes local government agencies, organizations, groups, and/or businesses), and Private Citizen: PC-000.

Attachment B

#	Commenter Code ²	Main Topic	Comment	Response to Comment
3	FA-001	Agency Involvement / Coordination	Our thanks to the RBD-ML project team for their consideration of transit providers and transit users, and their collaboration with FTA.	Comment noted.
4	FA-002	Agency Involvement / Coordination & Editorial	Our agency was just reauthorized early last month and the reauthorization language included provisions that may change our role on this project moving forward. Since we are still digesting the implications for our agency on this and several other projects and considering the time commitment you are up against, we'd like to offer the following suggested edit as a means of best allowing your EIS to move forward while allowing us time to interpret how the reauthorization language may or may not apply to this project and the action at Teterboro Airport. As such, we offer the following edit with new language in bold (sample pulled from page 1-16, lines 452-462): "Based on consultation with the FAA, the proposed bioswale along the western side of Redneck Avenue, under Alternatives 2 and 3, is located on property dedicated to Teterboro Airport. Any land release or dedication of airport property to the Proposed Project would may require approval by the FAA and would need to be reflected on the Airport Layout Plan. Further, this activity could trigger a Federal Action subject to NEPA for the FAA. Therefore, the FAA is serving as a Cooperating Agency to the Proposed Project, so that they may adopt this NEPA review, if necessary. NJDEP will continue to coordinate with FAA throughout the design process to ensure compliance with NEPA, FAA Orders 1050.1F and 5050.4b, FAA Advisory Circular (AC) No. 150/5200-33B, and the Teterboro Airport Wildlife Hazard Management Plan. Wildlife hazards would be considered for the Proposed Project in its entirety and not only limited to Teterboro Airport property due to its proximity to the airport and the separation distances noted in FAA AC No. 150/5200- 33B." Please make this change to any location where this language appears throughout the FEIS. We can be available to discuss this if you have any questions.	Comment noted. Thank you for informing the NJDEP of the reauthorization changes currently underway at the Federal Aviation Administration (FAA). The NJDEP acknowledges that the FAA's role in the Proposed Project is currently not well defined; as such, the NJDEP will continue to coordinate with FAA throughout the pre-construction and construction phases of the Selected Alternative to determine and facilitate any necessary FAA actions.
5	FA-003	Agency Involvement / Coordination	As a cooperating agency for this project, EPA has attended scoping meetings, interagency meetings, and has provided comments on preliminary draft chapters as well as the Draft EIS. 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 DEIS have been fully addressed.	Comment noted.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
6	FA-003	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 continues to recommend the use of the MOVES model for on-road sources and NONROAD model (now incorporated in MOVES, or emissions factors provided in NONROAD documentation) for non-road sources.	Comment noted. Please refer to the Draft EIS (DEIS) Public Comment Summary Report in Appendix P of the FEIS. The response to Comment #84 (FA-004) provides a supporting explanation for the use of the <i>Air Emissions Guide for Air Force Mobile Sources</i> in the General Conformity Applicability Analysis in the EIS.
7	FA-003	Agency Involvement / Coordination	EPA staff working on the Berry's Creek Study Area (BCSA), along with representatives from the BCSA Potentially Responsible Party Group have continued to coordinate with the NJDEP staff and its contractors working on the RBD-Meadowlands project. There are still concerns that the planned RBD-Meadowlands project may increase the potential for erosion of the Berry's Creek sediments in the vicinity of the East Riser Tide Gate due to discharges from the pumping station. In order to resolve these issues, the RBD modeling team is writing a work plan to develop the information necessary to evaluate resuspension in the East Riser Tide Gate area based on new conditions from the planned project, along with a schedule for the effort. The BCSA Group has committed modeling resources to this effort, as well. Whenever two or more parties are involved in a joint project, the responsibility for project needs to be clear. It is EPA's position that the RBD team has the responsibility for ensuring that the RBD project does not create a resuspension problem in Berry's Creek. As was stated in EPA's comments on the DEIS, in order for the BCSA team to conduct remediation of Berry's Creek in the vicinity of East Riser Tide Gate in time to allow the RBD team to install energy dissipation structures in those areas, and complete the RBD project 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. If it is determined in the future that the tainter gate will be constructed on Berry's Creek, there are a variety of additional concerns that will need to be addressed prior to construction. EPA is committed to continued future coordination should the tainter gate be constructed.	Comment noted. The Selected Alternative will be implemented in consultation with applicable regulatory agencies and in accordance with Federal, State, and local laws and regulations. As stated in Table 1 of the ROD, NJDEP will continue to coordinate and consult with the US Environmental Protection Agency (USEPA), as well as the Berry's Creek Study Area Potentially Responsible Party (BCSA PRP) Group, as a mitigation measures/BMP. NJDEP is committed to continuing close coordination with the BCSA PRP Group during the final design and construction process to facilitate successful completion of both projects. At this time, the Berry's Creek storm surge barrier is not planned for implementation; additional environmental analysis and associated agency consultation would be conducted if that feature is pursued in the future.

Attachment B

#	Commenter Code ²	Main Topic	Comment	Response to Comment
8	PE-001	Proposed Action / Green Infrastructure	One initial purpose of the Meadowlands RBD project was to effect flood mitigation at a regional scale while enhancing natural habitats. However, the plan shows significantly less natural habitat enhancement than added stormwater and flood control infrastructure. While infrastructure does control flooding well, it does little to enhance the environment or provide natural methods for reversing the damage of flooding over time.	Comment noted. The Selected Alternative includes all of the green infrastructure systems described in Section 2.5.3.1 of the FEIS. There are 41 green infrastructure systems proposed in five drainage areas that would capture stormwater from approximately 6.6 acres of existing roadways. Three new parks would also be constructed, which would be designed to manage stormwater onsite and include native habitat plantings and created/enhanced wetlands. Additionally, open space improvements to existing parks and municipal properties would include permeable pavement, native plantings, open space, and rain gardens. Please refer to Section 2.5.3.1 and Section 2.5.4.1 of the FEIS for further descriptions of these components.
9	PE-001	Hydrology	Additionally, there are flooding issues beyond the boundaries of the project area that could potentially worsen as a result of the selected alternative. It is important to acknowledge that the scope of this project is not truly regional and may trigger unintended impacts beyond the project area in the future.	Commented noted. The coastal modeling domain (discussed in the Feasibility Study Report, available on the Proposed Project's website at www.rbd-meadowlands.nj.gov) was established to include all areas that could potentially be impacted by the Proposed Project. According to Federal and State requirements, the Proposed Project cannot increase flooding within, or outside of, the Project Area. Further, it must be demonstrated that there would be no induced flooding to properties within and outside the Project Area in order to obtain the necessary permits from the NJDEP. As noted in Section 2.2.2.1 of the FEIS, the Proposed Project would not induce flooding outside of the Project Area.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
10	PE-001	Cumulative Effects / Contaminated Sites Coordination	Another concern for the future of the Meadowlands is the many contaminated sites within the project area that will likely be impacted through planned green and/or grey infrastructure projects. As many familiar with the Meadowlands know, the industrial history of the area has left an indelible mark on the waters and wetlands with over twenty contaminated sites, several existing and pending Superfund locations, and many long-buried contaminants. While the FEIS includes a thorough listing of contaminated sites caused by various sources, the potential integration of these sites with this project plan is unclear. Will this project coordinate with the coming Berry's Creek Superfund project? What plans are in place to contain or eliminate further contamination from landfills local to the project area? Identifying problem areas is only one part of the problem, it is equally important to plan for how to minimize the impacts of this project on existing contamination and vice versa.	Comment noted. A full list of adopted mitigation measures and BMPs for the Selected Alternative for Hazards and Hazardous Materials is included in Table 1 of the ROD. These measures include coordinating during design and construction of the Proposed Project with the parties responsible for completing remediation of properties adjacent to, or within 200 feet of, the Selected Alternative; continuing close coordination with the USEPA and BCSA PRP Group; consulting the NJDEP Division of Solid and Hazardous Waste and obtaining a Landfill Disruption Permit, if required; and other actions to address potential adverse effects resulting from hazardous materials/waste.
11	PE-001	Funding	Our final concern continues to be funding, for both construction and long-term maintenance of the three planned project phases. As the project stands now, only phase one is funded. The two additional phases and continued maintenance are a relatively unknown equation and cannot be reasonably evaluated under a cost benefit analysis. Continued infrastructure maintenance is a vital component of this project's success. However, without guaranteed funding, there is no certainty that the project will continue beyond the first phase or that the first phase will survive for its planned service lifespan without a plan in place for regular maintenance. How will the implementation of a maintenance plan be addressed? Will each municipality be responsible on its own to plan and fund continued maintenance? We want to see this plan succeed, but are concerned that the work will end with the construction of the first phase. It would be beneficial to all involved to know that there is a bigger plan in place to keep the infrastructure maintained well into the future.	Comment noted. Currently, funding is not available to implement Pilot Areas 2 or 3 of the original Rebuild by Design (RBD) New Meadowlands proposal. However, the Selected Alternative would function as a stand-alone project with a positive benefit-cost ratio. Please refer to the Feasibility Study Report on the Proposed Project's website (www.rbd-meadowlands.nj.gov) for information on cost estimate development, reasonable assumptions, and benefit-cost ratio. NJDEP is required to establish an Operations and Maintenance (O&M) Plan for the Proposed Project in accordance with the Community Development Block Grant - Disaster Recovery (CDBG-DR) funding. The plan will identify the entities that would perform ongoing maintenance following construction including how O&M is planned to be funded. <i>[Response continues on next page.]</i>

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11	PE-001	Funding	See Comment #11 on previous page.	<i>[Response continues from previous page.]</i> The State has begun establishing an O&M subcommittee, and will work with all applicable stakeholders to identify the long-term roles and responsibilities to keep the infrastructure maintained into the future.
12	PE-001	Public Entity Involvement / Coordination	The Meadowlands are an area rich with history and not unfamiliar with changing landscapes over time, and that is all the more reason to be exceedingly cautious. There have been, and will no doubt continue to be, many varying plans to protect this region from flooding; yet few have succeeded. It takes a well-planned and well-funded effort to achieve any measure of success. We submit these comments with the understanding that great care and funding went into the preparation of this FEIS and we look forward to continued, active participation in the important process of protecting the Meadowlands region from unnecessary flooding. Thank you for the considering our comments. Flood Barrier America is a National Oceanic and Atmospheric Administration Ambassador company. As you well know, throughout the US there seems to be a gap between short term response and long term solutions. Flood protection challenges are urgent. Short-term strategies and immediate critical needs are not being met. We can help be a part of the solution. We provide solutions according to Budget & Preparedness for short-term Vulnerability Gap: Flood vulnerabilities and challenges prior to long-term infrastructural / geoeengineering solutions / strategic retreats. Toolbox: Flood Barrier America offers a large toolbox of Flood Barriers, assessment and management products, services and solutions. Flood Barrier America sources, assess and sells affordable, effective flood management products and services, methods and strategies, maps and materials that offer protection from floods. Most products are currently made overseas. International Collaboration: We work with interdisciplinary teams and strategies and collaborate with Europe, U.K., Ireland, and Danish innovations, individuals, private companies, NGOs and governments. Local Business / Government Development: We have just partnered with Rensselaer Polytech Institute CAT to find manufacturers in the U.S. for some of our rapid deployment products such as TubeBarrier® and Dam Easy®. <i>[Comment continues on next page.]</i>	Comment noted. The NJDEP is committed to coordinating with all relevant stakeholders to ensure successful implementation of the Selected Alternative.
13	PE-002	Public Entity Involvement / Coordination		Comment noted.

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13	PE-002	Public Entity Involvement / Coordination	<i>[Comment continues from previous page.]</i> Availability to the Market: By sourcing, logistics, vetting, partnerships, both overseas and manufacturing in the U.S. we are making solutions more readily available and in particular along the Atlantic Coast. Public / Private Relationship(s): Our upcoming new website will provide public awareness campaigns in association with NOAA, Union of Concerned Scientists, and 30 Forensics. We are hiring our marketing and sales team. Nearby Properties Protected: We have many properties protected in downtown Manhattan, Hudson Square, and Wall St. In some cases, an entire city block is protected. We also offer two of the most unique affordable rapid deployment solutions. We just did a presentation to City Council in Beach Haven, N.J. Even during construction of longer term structural solutions, materials and sites will be at risk and to manage the interim floods the tools FBA offers will help. We would absolutely dream of working closely with the DEP to face the immediate and long term challenges of flooding. We are scaling rapidly to make our tools available in the U.S. and in particular along the Atlantic Coast. We just want to let you know we are here and would be honored to work with you on any scale, from strategic planning to Tsunami protection through Hydrosacks.	See response to Comment #13 on previous page.
14	PE-003	Public Entity Involvement / Coordination	LPS submits this letter as a preliminary objection to the <i>Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands</i> by the New Jersey Department of Environmental Protection ("NJDEP"). The Final Environmental Impact Statement ("FEIS") for the Rebuild by Design ("RBD") Meadowlands Flood Protection Project (the "Proposed Project") will negatively impact the property and commercial operations of LPS located at 10 Caesar Place in Moonachie, New Jersey. LPS intends to supplement this submission with substantive comments clarifying the reason for its objection to the FEIS. LPS reserves all rights to supplement its comments herein as more information about the RBD Proposed Project becomes available.	Comment noted.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
15	PE-003	Proposed Project Impacts	This firm has been retained to represent the interests of LPS Industries ("LPS"). LPS supplements its November 26, 2018 submission with the following comments regarding the Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetlands by the New Jersey Department of Environmental Protection ("NJDEP"). The flood measures selected in the Final Environmental Impact Statement ("FEIS") for the Rebuild by Design ("RBD") Meadowlands Flood Protection Project (the "Proposed Project") will significantly impact the property and commercial operations of LPS located at 10 Caesar Place in Moonachie, New Jersey and may create other substantial unintended impacts to the surrounding properties.	Comment noted. An impact analysis for the Proposed Project has been conducted in accordance with NEPA (42 US Code [USC] §§ 4321 et seq.). Please refer to Section 4.0 of the FEIS for the detailed impact analysis, which includes the impacts to properties and businesses. A summary of all affected Technical Resources Areas can be found in Table 6.4.1 of the FEIS.
16	PE-003	Wetlands and Waters of the United States	First, the FEIS recommends the creation of the Caesar Place Park (the "Park") by obtaining a permanent easement to approximately 4.0 acres of LPS's property. The basis for the determination that the 4.0 acre area be used for a Park is that it will provide open space, native habitat, stormwater storage and filtration, wetland enhancement and expansion, and opportunities for passive recreation. However, as the 2011 Jurisdictional Determination from the United States Army Corps of Engineers only designates a very small portion of this area as a wetland, this land does not have the necessary characteristics to provide the flood control measures required for the Proposed Project, rendering the FEIS recommendation to construct a park an overreach.	Comment noted. Because site conditions can change, jurisdictional determinations (JD) are typically only valid for up to five (5) years. A JD does not preclude the enhancement or creation of additional wetlands on a property. The area proposed for Caesar Place Park is anticipated to contain 2.8 acres of palustrine wetland (see Appendix L of the FEIS). As identified in Section 2.5.3 of the FEIS, the proposed Caesar Place Park would provide open space, native habitat, stormwater storage capacity, and wetland enhancement and expansion, resulting in approximately 1.5 acres of wooded wetland and 1.6 acres of emergent wetland.
17	PE-003	Property Acquisition	LPS Industries is a manufacturer of flexible packaging materials that serves the medical, food and industrial markets in the United States and around the world. Established in 1959 by the Robinson family, LPS is a minority owned company, operated by the founder's daughter. LPS owns the parcel in question and is planning to expand its operations into the non-wetland area. LPS expects that by expanding its operations, it will be able to increase production for new and existing markets. This expansion will create new jobs, contribute to the efficient use of LPS's resources, and enable LPS to increase its solar energy capacity, which is currently limited to the existing building's roof.	Comment noted.

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18	PE-003	Hydrology	Contrary to the conclusions of the FEIS, the creation of a park on this property would result in a long term negative impact on LPS and surrounding property owners, which include the following: (1) LPS's present facility is located on a high water table. The production floor requires protective coatings in order to reduce dust and particulate matter for the sensitive medical and food materials LPS produces. During periods of sustained rain or Spring runoff, the water pressure from the water table cracks and delaminates the protective coating. Disruption and/or increasing the wetlands area will exacerbate this problem.	Comment noted. The creation and enhancement of wetlands on this property would provide increased stormwater storage capacity within this drainage area, thereby reducing the potential for flooding issues associated with sustained rain or runoff. Conversely, an increase in impervious surface on this property could exacerbate this problem (see Section 3.17 of the FEIS).
19	PE-003	Wildlife Hazards	(2) The creation of a park that would draw additional wildlife to the region may create a hazard and a safety issue, such as bird strikes, to Teterboro Airport operations. The creation of a park would also create potential safety issues to LPS operations, which are part of the same property.	Comment noted. The Federal Aviation Administration (FAA) is a Cooperating Agency for this EIS. Please refer to Section 4.2 of the FEIS for the analysis of impacts associated with wildlife hazards on human health and safety. Further, as identified in Table 1 of the ROD, NJDEP will continue to consult with FAA, Teterboro Airport, and other applicable agencies to ensure compliance with NEPA, FAA Orders 1050.1F and 5050.4B, FAA AC No. 150/5200-33B, and the Teterboro Airport Wildlife Hazard Management Plan; and implement measures to minimize the potential for wildlife hazards to human health and safety throughout the construction and operational phases of the Selected Alternative.

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20	PE-003	Public Safety	(3) The LPS owned parcel is zoned for commercial use, and has adjacent 24/7 truck ingress and egress for LPS and neighboring companies. The creation of a park would result in safety concerns for adult and child park visitors.	Comment noted. As described in Section 4.4 of the FEIS, in accordance with EO 13045 (<i>Protection of Children from Environmental Health Risks and Safety Risks</i>), the Selected Alternative would not be anticipated to result in safety concerns for children in the Project Area with the implementation of mitigation measures and BMPs. NJDEP will continue to coordinate with affected property owners and zoning districts to obtain mutually agreeable settlements and to proactively prepare for required zoning changes. A Public Safety Plan will be developed and implemented to minimize health and safety risks to the public, including children. A full list of adopted mitigation measures and BMPs for the Selected Alternative can be found in Table 1 of the ROD.
21	PE-003	Easements	(4) The FEIS also recommends the dredging of the East Riser Ditch (the "Ditch") adjacent to LPS's property. The NJDEP specifies that a ten foot wide easement will be sought from property owners adjacent to the Ditch. Similar to the creation of the Park, the burdens and encumbrance of LPS's property would adversely impact current and future commercial operations, including obstructing ingress and egress onto LPS's property, and interference with its daily operations, and result in a negative economic impact on the parcel.	Comment noted. An access road would be constructed within the proposed ten-foot wide easement to conduct long-term maintenance of the Selected Alternative. Maintenance activities could include periodic inspections, ditch cleaning (including culverts), invasive species control, or stabilization measures (see Section 2.5.3.3 of the FEIS for more information on O&M activities). Further, as identified in Table 1 of the ROD, NJDEP will coordinate with local municipalities to avoid and minimize transportation concerns. Traffic Management Plans will be developed in conjunction with the local municipalities and service providers to minimize impacts. During the operational phase of the Selected Alternative, maintenance activities will also be performed during non-peak traffic hours to the extent practicable.

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22	PE-003	Cultural and Historic Resources	(5) The Ditch also abuts a neighboring mobile home development, which is in a Historical District. The Vanguard Associates Mobile Home Park (located off Moonachie Ave., near the intersection of Caesar Place) was a 1920s campground, which was converted into an RV Park, and then a permanent mobile home neighborhood by the 1950s, with many examples of classic brand name homes from the 1950s to the present. It will be necessary to investigate and assess any potential impacts that dredging the Ditch will have on this Historic District.	Comment noted. Potential impacts on cultural resources were analyzed in Section 4.6 of the FEIS. A Historic Structures Survey and Phase IA Archaeological Survey were conducted for the Selected Alternative. A copy of these survey reports can be found in Appendix E of the FEIS. The Historic Structures Survey concluded that there would be no adverse effect to historic properties in the Area of Potential Effect (APE) with implementation of the Selected Alternative. The NJDEP received concurrence from the New Jersey State Historic Preservation Office (NJHPO) on the APE on March 19, 2018, and on the Phase 1A Archaeological Survey Report and Historic Structures Survey Report findings on June 15 and 28, 2018, respectively; these concurrence letters are included in Appendix A of the FEIS.
23	PE-003	Cultural and Historic Resources	(6) Finally, the FEIS designates the Caesar Place Park and the Ditch as an area of high archaeological sensitivity because of the likely presence of Native American resources in LPS's property, adjacent to the Ditch, and in the Ditch itself. No remedy should be selected until a Phase 1B archaeological survey has been completed within the Proposed Project area to determine if potentially significant archaeological resources are located in this area. The FEIS acknowledges that the property proposed to be used for the Park is undeveloped and covered in vegetation, and development of this property will include clearing of the vegetation, construction of play areas, an elevated boardwalk, viewing platforms, and rain gardens. The FEIS also acknowledges that construction-related disturbance from these activities would be long-term and have the potential for significant adverse impacts to any archaeological resources, if present.	Comment noted. As identified in Table 1 of the ROD, the NJDEP will continue consultation with the NJHPO and tribes pursuant to 36 CFR § 800.4(b)(2) and §800.5(3) of the National Historic Preservation Act (NHPA) to comply with Section 106 and minimize or avoid effects to National Register of Historic Places (NRHP)-eligible archaeological resources. A Phase 1B survey will occur prior to the implementation of the Selected Alternative.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
24	PE-003	Caesar Place Park and Dredging of East Riser Ditch	LPS believes the proposal outlined in the FEIS would adversely impact the general operations of LPS. We believe that flood reduction measures should be taken by the NJDEP to adequately address the flooding in the Proposed Project area, but that the creation of the Caesar Place Park and dredging of the East Riser Ditch are unnecessary to produce the desired flood reduction in the Proposed Project area. The creation of a park in a highly industrialized area is inappropriate as truck and nearby air traffic will generate significant safety concerns. As only a small percentage of the subject property is designated as wetlands, any perceived benefits of conservancy are particularly limited. LPS has paid property taxes on this parcel for many years, with the intention of utilizing it to expand its operations in New Jersey. Converting the property into a park will eliminate LPS's ability to use the property to grow and expand its operations. For the reasons stated herein, LPS takes the position that the creation of a park on the subject property is an inappropriate use of the property, and deprives LPS of its plans to expand its operations in order to meet increased production needs, hire additional employees, and further its environmental and sustainable goals of increasing its solar energy capacity. LPS reserves all rights to supplement its comments herein as more information about the RBD Proposed Project becomes available.	Comment noted. As identified and illustrated in Section 4.17 of the FEIS, the proposed East Riser Ditch improvements would (1) increase the capacity of the ditch to convey stormwater, thereby transferring runoff from adjacent developed areas to Berry's Creek more quickly, and (2) enable stormwater drainage to continue (i.e., through pumping), even when Berry's Creek is flowing higher than the existing outfalls at the tide gate. These improvements would reduce the depths and extent of flooding in East Riser Ditch. The proposed Caesar Place Park would provide open space, native habitat, stormwater storage and filtration, wetland enhancement and expansion, and opportunities for passive recreation. As described in Section 1.4 of the FEIS, the purpose of the Proposed Project is to reduce flood risk and increase the resiliency of the communities and ecosystems within the Project Area. The ability to meet this purpose is measured in terms of several goals, which include, but are not limited to, reducing flood risks, protecting ecological resources, improving water quality, enhancing and improving use of public and recreational spaces, and implementing flood hazard reduction strategies with civic, cultural, ecological, economic, and recreational values. For additional information on the benefits associated with the Selected Alternative and development of the Build Alternatives analyzed in the FEIS, please refer to the Feasibility Study Report available on the Proposed Project's website at www.rbd-meadowlands.nj.gov.

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25	PC-001	Public Input / Outreach	The fact is we don't have 100 year storms any more so this plan is doomed to fail. We have thousand year storm and we have enormous problems with rising oceans and rivers and rain dumps. We don't get rainstorms any more we get rain dumps. This plan for a 100 year flood is doomed to let all the surrounding towns die from flood waters. The plan is obsolete before implementation.	Comment noted. Flood zone designations are identified and defined by the Federal Emergency Management Agency (FEMA). The majority of the Project Area is encompassed by the FEMA 100-year floodplain (refer to the FEMA Flood Map Service Center at https://msc.fema.gov/portal/home). As described in Section 1.4 of the FEIS, 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 and facilities, residences, businesses, and ecological resources from frequent and intense flood events anticipated in the future. As analyzed in Section 4.17 of the FEIS, the Selected Alternative (Alternative 3 <i>Build Plan</i> in the FEIS) would generally reduce future flooding in the Project Area and would not be expected to induce flooding outside of the Project Area.
26	PC-001	Proposed Action	I also don't think the entire area is even aware of the huge spending on just the concept. Why, instead of having the federal grant in this area be used to take actual physical steps, is it being muddled away in spending on concepts? The concept idea is wrong because it takes our tax dollars and nothing comes out of it that helps one soul except gov't muddlers who never take action. Look how many years it takes for part of a highway to be built in NJ. The same kind of muddling of this huge federal grant is going on right now with the corruption in NJ losing most of it and not one physical thing will take place. We need changes in NJ. What is going on is the usual corruption and failure to get the people involved. This area will be a failure and we want the birds and animals that this land be protected in full.	Comment noted. As described in Section 1.5 of the FEIS, projects funded by a Federal agency must comply with the National Environmental Policy Act (NEPA) and, because the Proposed Project is a "major Federal action significantly affecting the quality of the human environment," an Environmental Impact Statement (EIS) must be prepared. The EIS includes, but is not limited to, an objective consideration of all reasonable alternatives (40 CFR § 1502.1). [Response continues on next page.]

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
26	PC-001	Proposed Action	See Comment #26 on previous page.	<i>[Response continues from previous page.]</i> The NEPA process, and any pertinent pre-construction permitting, consultation, surveys, etc., must be concluded and documented before any physical construction can take place. Please also refer to Section 1.9 of the FEIS for information on the public participation process for the Proposed Project.
27	PC-002	Hydrology	An Environmental Impact Statement/Study for rivers and floodplains, must be holistic, and must encompass the entire area within a specific floodplain area of study, to be scientifically correct. Otherwise, the Environmental Study must be considered incomplete, inadequate, or quite frankly, deliberately and willfully negligent. River flows and tidal surges do not stop at municipal boundary lines. As I stated in my letter dated July 9, 2018, the Final Zone of Impact for any and every tidal surge flowing from the Atlantic Ocean, up the Hackensack River, is the riverfront/floodplain at Pomander Walk, Teaneck NJ. It does not take a full study of the Hackensack River to clearly understand this. You only need to look at a map that shows the bends and curves of the shoreline of the Hackensack River to see this. I live at 708 Pomander Walk, Teaneck NJ. This is a multi-generational house that my father purchased in 1960. It was built with a very thick poured concrete foundation. Concrete gets wet, absorbs water, and dries out. No mold. I am now 71 year old. I love my house. I love my neighborhood. I have learned how to prepare for, defend from, and survive natural floods and tidal surges of the Hackensack River. I survived the epic Super Storm Hurricane Sandy. My house is still standing and fully recovered. Only one cat died, of shock not drowning, when the river came crashing into the ground level of the house, with unimaginable biblical strength. I watched from the second floor of the house. That said, I have no intention of moving. This is my home. Period. <i>[Comment continues on next page.]</i>	Comment noted. Please refer to the response to Comment #9 above. Although the area referenced in this comment is outside the Project Area, and thus is not explicitly shown in the figures or discussed in the text, it was included within the modeling domain. No change to coastal flooding would be anticipated in the referenced area as a result of the Proposed Project. Additionally, the Selected Alternative (Alternative 3 <i>Build Plan</i>) does not include the Line of Protection (LOP).

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27	PC-002	Hydrology	<i>[Comment continues from previous page.]</i> If a LOP, Line of Protection, is built to protect the Five Town Project Area from Tidal Surges of the Hackensack River, every single drop of water that would otherwise disperse and release energy thru the approximately 5,405 acres that encompasses the Project Area, will smash the Pomander Walk Riverfront with epic force, and swallow and destroy my house and all that is in it. At my age, I intend to go down with the ship. There is nothing to add. I have lived here for 60 years. I know the Hackensack River, I understand the flows and the floods. I know my floodplain and the natural environment of this floodplain. I have seen it all, and do not need a study from a "floodplain engineer" to clarify my understanding. I can only beg you to please consider the Environmental Impact of a Line of Protection (LOP), for the ENTIRE Floodplain outside of the Project Area. Anything less is an exercise in deliberate neglect, that will cause future loss of life and property - the definition of Criminal Negligence.	See response to Comment #27 on previous page.
28	PC-003	Stormwater Regulations and Permitting	In response to the parts of Comments #34 and #35 on the DEIS that pertain to NJPDES permits for "small municipal separate storm sewer systems" (small MS4s), NJDEP states that "close coordination with NJDEP Division of Water Quality Surface Water Permitting and/or Nonpoint Pollution Control and other applicable entities would be conducted to ensure all proper permits are in place." All concerned should recognize that if a NJPDES MS4 permit is needed, and if the current NJPDES Tier A or Tier B Municipal Stormwater General Permit or Highway Agency or Public Complex Stormwater General Permit would not suffice, then drafting and issuing a new NJPDES MS4 permit (or permit modification) may be a complex, time-consuming task.	Comment noted.

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29	PC-003	Stormwater Regulations and Permitting	The "Biological Resources" entry in this table [Table ES-2] includes the following bullet: To reduce the risk of erosion, sedimentation, and associated water quality impacts, a project-specific Stormwater Pollution Prevention Plan (SWPPP) would be prepared in accordance with NJ Stormwater Management Act NJAC 7:8. See Section 4.14.4.2 for examples of the measures and BMPs that could be included in the SWPPP. N.J.A.C. 7:8 is the New Jersey Stormwater Management Rules, not the New Jersey Stormwater Management Act (which is codified primarily at N.J.S.A. 40:55D-93 through -99). More fundamentally, however, any reference to a plan "to reduce the risk of erosion, sedimentation, and associated water quality impacts" should focus primarily not on N.J.A.C. 7:8 or that Act, but on the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. For this reason, this bullet should be consolidated with the immediately following Table ES-2 bullet concerning the Soil Erosion and Sediment Control Act. The term "stormwater pollution prevention plan" (SWPPP) is not used in N.J.A.C. 7:8, but is used in N.J.A.C. 7:14A-24.10, which pertains to NJPDES permits for stormwater discharges associated with construction activity, and which integrates these NJPDES permits with the Soil Erosion and Sediment Control Act.	Comment noted. This bullet in the Mitigation Measures and BMPs table has been updated in the ROD to state (see Table 1): "A project-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared in accordance with the NJ Pollution Discharge Elimination System (NJAC 7:14A)."
30	PC-003	Stormwater Regulations and Permitting	My comments are prompted mainly by the following paragraph (the only part of this section that mentions N.J.A.C. 7:8): <i>The construction of any hard projects (e.g., levees, floodwalls, pump stations) requires compliance with the New Jersey Stormwater Management Rules (NJAC 7:8). The requirements in 7:8-5.4, Runoff Quantity Standards, specifically state that, 'no increase in runoff downstream' may occur. Stormwater quality rules may also apply. (emphasis added)</i> My first comment is that whether construction of any particular "hard project" requires compliance with N.J.A.C. 7:8 depends on Whether the entity performing the construction is subject to regulation by the governmental entity(ies) whose regulations incorporate N.J.A.C. 7:8 (for example, a municipality might not have legal authority to regulate construction by a higher level of government), and <i>[Comment continues on next page.]</i>	Comment noted. The Selected Alternative will obtain all necessary permits/approvals prior to construction and would adhere to all applicable stormwater standards and regulations. The Selected Alternative's applicability to Residential Site Improvement Standards (RSIS) will be reexamined and determined prior to construction.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
30	PC-003	Stormwater Regulations and Permitting	<i>[Comment continues from previous page.]</i> Whether the particular "hard project" meets the physical threshold (e.g., the applicable part of the "major development" definition) for enforcement of N.J.A.C. 7:8 by the governmental entity(ies) having such legal authority. My second comment is that "hard projects" are not the only flood risk reduction measures in the Proposed Project that may require compliance with N.J.A.C. 7:8. In particular, the Proposed Project includes construction of green infrastructure systems (see, e.g., Section 3.19, Sustainability/Green Infrastructure, and the reference to these systems on page ES-3 in the Executive Summary, Introduction). If one or more of these systems are constructed as all or part of a "major development" that is the subject of governmental entity(ies) enforcement of N.J.A.C. 7:8, then the system(s) must be designed, constructed, and maintained in compliance with N.J.A.C. 7:8. (The system, indeed, may be at least part of the means by which the "major development" complies with N.J.A.C. 7:8.) Moreover, if this "major development" is or includes residential development subject to the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21), then the green infrastructure system in this "major development" is also subject to the stormwater management subchapter of the RSIS (N.J.A.C. 5:21-7), which expressly incorporates the standards in N.J.A.C. 7:8-5, and also includes many stormwater engineering standards not found in N.J.A.C. 7:8. Section 3.17.2 is incomplete because it does not mention the RSIS. In response to the parts of Comment #36 on the DEIS that pertain to the RSIS, NJDEP states that "RSISs are not applicable to the Proposed Project." This response is incorrect because the RSIS may be applicable to construction of Proposed Project green infrastructure systems in residential development subject to the RSIS. The FEIS nowhere states that Proposed Project green infrastructure systems would be constructed in nonresidential areas only.	See response to Comment #30 on previous page.

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31	PC-003	Stormwater Regulations and Permitting	I agree with some of the major changes made to these sections [Sections 3.19.2.2-3.19.2.3], including: - Deleting the DEIS statements that "The State of New Jersey has delegated authority to Bergen County to review the compliance of major development plans with NJAC 7:8 stormwater management rules" and "As described above, the Bergen County Stormwater Management Program is the enforcement mechanism for NJAC 7:8." - Adding the statements (in Section 3.19.2.2) that "New Jersey's Stormwater Management rules (NJAC 7:8) are enforced by the NJDEP through the review of permits issued by its Division of Land Use Regulation ..., and that "Additionally, municipalities must comply with the Municipal Stormwater Regulation Program, as per Subchapter 25 of the NJPDES regulations, NJAC 7:14A-25 ..." - Adding (in Section 3.19.2.2) a reference to the Meadowlands District Zoning Regulations drainage section at NJAC 19:4-8.6.	Comment noted.

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32	PC-003	Stormwater Regulations and Permitting	Nevertheless, I have various concerns about Sections 3.19.2.2 and 3.19.2.3 of the FEIS. Some of these concerns are expressed in the comments immediately below the following Section 3.19.2.2 statements: ... The Stormwater Management rules [N.J.A.C. 7:8] can be implemented by municipalities through their planning and zoning processes ... Consistent with NJAC 7:8-2.3, municipalities ... and other entities may be stormwater management planning agencies provided they are authorized under their enabling legislation to prepare stormwater management plans. (emphasis added) Additionally, municipalities must comply with the Municipal Stormwater Regulation Program, as per Subchapter 25 of the NJPDES regulations, NJAC 7:14A-25, which regulates discharges to surface water and groundwater of stormwater from large, medium, and small municipal separate storm sewer systems. Within the Study Area, the BCUA and member communities have formed a BCUA Combined Sewer Overflow Group, and, in accordance with an Individual NJPDES permit issued by NJDEP, are formulating and implementing a Regional Combined Sewer Overflow Long-Term Control Plan to work towards improved stormwater and surface water quality in the region. (emphasis added) These statements may unnecessarily confuse readers about the responsibilities of municipalities. To begin with, it is indisputable that municipalities are "authorized under their enabling legislation to prepare stormwater management plans." See the New Jersey Stormwater Management Act, codified in the Municipal Land Use Law (MLUL) primarily at N.J.S.A. 40:55D-93 through -99, and the associated NJDEP rule at N.J.A.C. 7:8-4. Moreover, the Stormwater Management rules are being implemented by municipalities through their planning processes, as expressly required by the NJPDES Municipal Stormwater Regulation Program rules at N.J.A.C. 7:14A-25. See the "post-construction stormwater management" provisions in N.J.A.C. 7:14A-25.6(b)3 and 25.8(e)1 and in the NJPDES Tier A and Tier B Municipal Stormwater General Permits (one or the other of which is held by every Bergen County municipality).	Comment noted. The Selected Alternative will obtain all necessary permits/approvals prior to construction and would adhere to all applicable stormwater standards and regulations. The referenced language in the FEIS states that: "Consistent with NJAC 7:8-2.3, municipalities, counties, soil conservation districts, regional planning agencies (such as the NJSEA), and other entities may be stormwater management planning agencies provided they are authorized under their enabling legislation to prepare stormwater management plans." This sentence is referencing various entities (i.e., not just municipalities) and states "may" as a conservative approach to apply to all of these entities. Additionally, the Stormwater Management rules are being implemented by municipalities because they are required, per Subchapter 25 of the NJPDES regulations, NJAC 7:14A-25.

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33	PC-003	Stormwater Regulations and Permitting	Then there is the matter of the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21). In response to the parts of Comment #36 on the DEIS that pertain to the RSIS, NJDEP states that "RSISs are not applicable to the Proposed Project." This response is incorrect because the RSIS may be applicable to construction of Proposed Project green infrastructure systems in residential development subject to the RSIS. See my above comments on Section 3.17.2 of the FEIS. The stormwater management subchapter of the RSIS (N.J.A.C. 5:21-7) expressly incorporates the standards in N.J.A.C. 7:8-5, and also includes many stormwater engineering standards not found in N.J.A.C. 7:8. Municipal enforcement of the RSIS stormwater management requirements is required by both the MLUL and the "post-construction stormwater management" provisions in N.J.A.C. 7:14A-25.6(b)3 and 25.8(e)1 and in the NJPDES Tier A and Tier B Municipal Stormwater General Permits. For these reasons, Section 3.19.2.2 of the FEIS should be expanded to discuss the applicability of the RSIS to Proposed Project green infrastructure systems in residential development. The FEIS nowhere states that Proposed Project green infrastructure systems would be constructed in nonresidential areas only.	Comment noted. Please refer to the response to Comment #30 above.
34	PC-003	Stormwater Regulations and Permitting	In the parts of each municipality in the Meadowlands District (see Table 3.2-1 in the FEIS), there is the additional issue of the extent to which the New Jersey Sports and Exposition Authority (NJSEA) statutes preempt municipal authority to regulate stormwater management in new development and redevelopment. On this subject, Section 3.19.2.2 of the FEIS states that "in the case of the Meadowlands District, jurisdiction over stormwater management planning is held by the NJSEA, which enforces stormwater and drainage regulations in accordance with the Meadowlands District Zoning Regulations, NJAC 19:4, specifically NJAC 19.4-8.6," and Section 3.19.2.3 of the FEIS states that "as described above, the NJSEA has authority to implement applicable components of NJAC 7:8 on behalf of member municipalities within the Meadowlands District." The first of these FEIS statements seems to indicate that NJSEA "jurisdiction over stormwater management planning" is exclusive, and that the municipalities have no jurisdiction over stormwater management planning in the Meadowlands District. If read in isolation, the second of these FEIS statements might indicate that NJSEA (and the member municipalities?) have discretion in this regard, but <i>[Comment continues on next page.]</i>	Comment noted. The Selected Alternative would adhere to all applicable stormwater standards and regulations, including any relevant ordinances and documents. NJDEP will take all of the regulatory nuances noted in your comment into account during the design and permitting phase of the Selected Alternative and the development of the O&M plan.

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34	PC-003	Stormwater Regulations and Permitting	<i>[Comment continues from previous page.]</i> when read together with the first statement, the second statement essentially reinforces the first statement. The pertinent sections of the "Hackensack Meadowlands Agency Consolidation Act" (P.L. 2015, c. 19, sections 1 through 68; N.J.S.A. 5:10A-1 through -68) clearly indicate that at least in some circumstances, NJSEA jurisdiction over land development in the Meadowlands District is not exclusive, and that NJSEA and the municipalities share such jurisdiction. See N.J.S.A. 5:10A-10.f, -11, and 13.a. An important part of examining this issue is identifying existing practice. As part of NJDEP's response to this comment, NJDEP should identify: • Which, if any, of the stormwater control ordinances adopted by the Boroughs of Little Ferry, Moonachie, Carlstadt, and Teterboro, and the Township of South Hackensack (in compliance with N.J.A.C. 7:8, N.J.A.C. 7:14A-25, and the Tier A and Tier B Municipal Stormwater General Permits) expressly exclude the Meadowlands District from the scope of those ordinances. • Which documents, if any, submitted by any of those five municipalities to NJDEP under those Tier A and Tier B Permits declare that for the Meadowlands District those municipalities are relying on NJSEA (or the predecessor Hackensack Meadowlands Development Commission, HMDC, or New Jersey Meadowlands Commission, NJMC) to satisfy all or part of the "post-construction stormwater management" provisions in N.J.A.C. 7:14A-25.6(b)3 and 25.8(e)1 and in those Permits. (See N.J.A.C. 7:14A-25.7 and 25.8(e), and the "Shared or Contracted Services" provisions in those Permits.) • Which NJDEP, NJSEA (or HMDC or NJMC), New Jersey Attorney General (NJAG), or New Jersey court documents, if any, inform any of those five municipalities that for the Meadowlands District those municipalities must or may rely on NJSEA (or HMDC or NJMC) to satisfy all or part of those "post-construction stormwater management" provisions. Which New Jersey Department of Community Affairs, NJSEA (or HMDC or NJMC), NJAG, NJDEP, or New Jersey court documents, if any, inform any of those five municipalities that for the Meadowlands District those municipalities must or may refrain from enforcing the RSIS.	See response to Comment #34 on previous page.

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35	PC-003	Stormwater Regulations and Permitting	Finally, in the Section 3.19.2.2 sentence discussing combined sewer overflow (CSO) activities, consider adding a reference to N.J.A.C. 7:14A-11.12 and 7:14A-11 Appendix C, in order to remove any chance of erroneously implying that these CSO activities are performed under N.J.A.C. 7:14A-25 (which is referenced in the immediately preceding Section 3.19.2.2 sentence, and which is inapplicable to CSOs as set forth in N.J.A.C. 7:14A-24.2(f)).	Comment noted. The sentence citing NJAC 7:14A-25 says (emphasis added): "Additionally, municipalities must comply with the Municipal Stormwater Regulation Program, as per Subchapter 25 of the NJPDES regulations, NJAC 7:14A-25, which regulates discharges to surface water and groundwater of stormwater from large, medium, and small municipal separate storm sewer systems ." This explicit reference of separate storm sewer systems should not be misinterpreted to apply to combined sewers.
36	PC-004	Community Involvement / Coordination	I am overwhelmed by the data in this document (especially as I started to find copies of correspondence in more than 1 location, etc.), and it is hard to find the specifics on which to comment... Without a paper copy and many hours to scrutinize, I really do not have much to offer in the way of suggestions or useful comments; I do hope that the CAG and other means of communication will continue to be used so that residents and their representatives, as well as members of surrounding communities, can continue to be informed of ongoing steps in this process.	Comment noted. The Proposed Project's website (https://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm) contains a record of all Citizen Advisory Group (CAG) and public community meetings that were conducted throughout the NEPA process, including all associated meeting materials. NJDEP will continue to coordinate with the CAG and community throughout the pre-construction and construction process of the Selected Alternative, as appropriate, and new information will continue to be available on the aforementioned website.
37	PC-004	Recreation	Ch. 1 to 3, page 15: Recreation: least amount of land converted to public use/new recreational land: 1, 2, 3 = 10.1 acres, 20.0, 7.6; and trails/walkways/boat docks: 1, 2, 3 = 9270 feet, 9900, 6400; otoh, glad to see conversion of existing docks without new parking added, rather than new dock + parking (0.2 acres)	Comment noted.

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38	PC-004	Hydrology	Ch. 1 to 3, page 18: Hydrology and flooding: Why are 3 different standards used? Alternative 1, 50-year storm; Alternative 2, 100-year storm, Alternative 3, no reference to storm severity. How can one possibly compare these alternatives when different standards are used to describe the expected effects?	Comment noted. Alternative 1 references a 50-year storm because that is the extent of its flood reduction. A 100-year flood would be expected to overtop the LOP and flood the Project Area. Conversely, the stormwater drainage improvements modeled under Alternative 2 would provide flood reduction for all storm intensities up to the 100-year storm. The Alternative 3 <i>Build Plan</i> includes most of the same features as Alternative 2, and would also provide flood reduction for all storm intensities up to the 100-year storm.
39	PC-004	Land Use and Land Use Planning	Ch. 1 to 3, page 23: What is NJHPO? Sealants similar to those already in use? Permeability and toxicity of same? What would runway protection zone mean in terms of permeability, how would it affect the project? How do we get notified of confirmation of nonpurchase or purchase intent?	Comment noted. NJHPO is the New Jersey Historic Protection Office and does not refer to sealants, permeability, or toxicity. As identified in Section 4.2.4 and Table 6.4-2 of the FEIS, consultation with Teterboro Airport and other applicable cooperating agencies would be conducted to confirm that there are no plans to purchase the properties for a Runway Protection Zone (RPZ) program within the 2,500-foot buffer zone; any required notices in compliance with 24 CFR Part 51, Subpart D would be implemented.
40	PC-004	Noise	Ch. 1 to 3, page 26: How are "noise-sensitive areas" defined? How do residents learn of complaint procedures?	Comment noted. As described in Section 3.8 of the FEIS, noise-sensitive areas are those near residences, school, and churches. Residents can refer to New Jersey's 2012 Noise Control Code (NJAC 7:29) and specific municipal codes for compliant procedures, which are also outlined in detail in Section 3.8 of the FEIS. Refer to Section 3.8 of the FEIS for further details on noise regulations and Section 4.8 of the FEIS for the noise impact analysis.

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41	PC-004	Agricultural Resources and Prime Farmlands	There is lots of fascinating material here; the loss of farmland is upsetting, though of course not unrecognized. It is distressing that unique farmland, representing 24.2% of the project area, is not considered worth preserving based on its urbanization.	Comment noted. As described in Section 4.22.4 of the FEIS, the Project Area does not include land that is currently used for agriculture. Therefore, the construction and operation of the Selected Alternative would not convert any existing agricultural land to non-agricultural use. Refer to Section 3.22 of the FEIS for further details on the Project Area's agricultural resources and Section 4.22 of the FEIS for the agricultural resources impact analysis.
42	PC-005	Funding	<i>[Regarding Comment #26 in the DEIS Public Comment Summary Report]</i> The NJDEP responded by stating that the project's "...funding can only be used for the development of new (emphasis added) flood control measures and the conduct of associated analyses..." and thus, did not include the backflow preventers, requested by Mr. Nuckel, in an amended "Build Plan" and did not analyze the funding, timing and benefit-cost ratio implications of the "Build Plan" if these backflow preventers were included. In addition, it should be noted that the backflow preventers being recommended by Mr. Nuckel indeed would be "new" flood control measures for which the "conduct of associated analyses" would be appropriate, contrary to the NJDEP's stated response for rejecting this recommendation. Thus, Mr. Nuckel rejects what we feel is the NJDEP's inappropriately dismissive response to Mr. Nuckel's valid, suggested alternative (addition) to the selected "Build Plan." Thonet Associates also finds NJDEP's response to Mr. Nuckel's recommendation to be inconsistent with the NJDEP's response to the EPA regarding EPA Comment # 81, where the NJDEP responded that, "Exclusion of features from the Alternative 3 Build Plan was primarily dictated by the benefit-cost ratio and required timeline for the Proposed Project completion (September 2022)." The NJDEP then included that exact sentence into the FEIS, as per the EPA's recommendation. Clearly, the NJDEP did not exclude Mr. Nuckel's suggested backflow preventers based on a "benefit-cost ratio and required timeline" reasons as, based on NJDEP's above-referenced response to Mr. Nuckel's Comment #26. <i>[Comment continues on next page.]</i>	Comment noted. As disclosed in Footnote 14 on Page 2-32 of the FEIS, the NJDEP did not consider backflow preventers in the design of Alternative 2, or by extension the Alternative 3 <i>Build Plan</i>, due to ongoing analysis of such features by Bergen County. Installation of backflow preventers at numerous existing outfalls along the Hackensack River (within the Project Area) was included in concepts during the development of Alternative 1. The NJDEP recognizes that within a 5,405-acre Project Area with a history of pervasive flooding, there are a multitude of potential solutions to address flooding in many given areas, and that many of these solutions could individually have positive benefit-cost ratios. However, with limited funds, an aggressive schedule, and a broadly defined purpose to address coastal and/or inland flooding, the grey infrastructure design components included in Alternatives 2 and 3 were narrowed down through the Feasibility Study analysis to flood reduction features that would service the primary drainages <i>[Response continues on next page.]</i>

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42	PC-005	Funding	[Comment continued from previous page.] In addition, during Thonet Associates' recent meeting with NJDEP on October 29, 2018, the Department frankly acknowledged that it had conducted no "benefit-cost ratio and timeline" analyses regarding Mr. Nuckel's proposed alternative to the currently proposed "Build Plan." The purpose of preparing the EIS, together with its associated benefit-cost and timeline analyses is, of course, to determine if there might not be alternative plans that better meet the objectives of the proposed flood protection plan. Clearly, this was not done in this instance. The addition of four (4) backflow preventers on the stormwater outfalls to the Hackensack River, located on Mr. Nuckel's property, would not likely result in an unfavorable benefit-cost ratio for the project, would benefit over 1,000+/- residents and significant commercial interests, and would not likely result in any significant delay in the completion of the project. It would also be consistent with the principal theme of the "Build Plan," which focuses on systemic inland flooding from heavy or frequent precipitation events, for which backflow preventers can be very effective. Recommendation No. 1 for a revision to the Build Plan: The "Build Plan" should be revised to include the installation of backflow preventers on four (4) stormwater outfalls to the Hackensack River, located on Mr. Nuckel's property (which would not include the one (1) additional outfall for which Bergen County is proposing to install a backflow preventer), and the FEIS and the project's benefit-cost analysis should be re-analyzed and revised accordingly to reflect this change.	[Response continues from previous page.] (e.g., East Riser Ditch and Losen Slote) within the Project Area; this focus was established to serve a greater portion of the Project Area and provide solutions with more distributed benefits throughout the communities. Finally, with regard to USEPA's comment on the DEIS (see Comment #81 [FA-004] in the DEIS Public Comment Summary Report included in Appendix P of the FEIS), the last sentence states: "Also, for Alternative 3 state what dictated the exception of the four features from the Build Plan." The NJDEP's statement that "Exclusion of features from the Alternative 3 Build Plan was primarily dictated by the benefit-cost ratio and required timeline for the Proposed Project completion (September 2022)...," was made in direct response to how decisions were made regarding which Alternative 3 components would be included in the Build Plan versus the Future Plan.
43	PC-005	Community Involvement / Coordination	[Regarding Comment #27 in the DEIS Public Comment Summary Report] On behalf of Mr. Nuckel, Thonet Associates thanks the NJDEP for arranging and holding a meeting in NJDEP's offices in Trenton on October 29, 2018 between Mr. Nuckel and NJDEP and RBD Meadowlands representatives to continue discussions regarding the possible installation of backflow preventers as part of the "Build Plan."	Comment noted.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
44	PC-005	Selected Alternative	<i>[Regarding Comment #28 in the DEIS Public Comment Summary Report]</i> In addition to providing information regarding the LOP, the NJDEP responded to Mr. Nuckel's request for more specific information concerning the impacts of the LOP to his property by stating that, "...the DEIS cannot present specific potential impacts for each property in the 5,405-acre Project Area." This is a frank, though somewhat disconcerting acknowledgement by the Department. The fact that the DEIS (and indeed the FEIS) does not, and apparently cannot, present specific potential impacts for each of the many properties which would be impacted by the proposed project, documents that, for this, as yet unfunded "Future Plan", the public, including the owners of all of the individual properties located within the study area, have been asked to provide comments on a federally-required environmental impact statement, for a federally funded flood control project, without benefit of knowing what the specific impacts to their individually owned and/or occupied properties would be. In Thonet Associates' opinion, this is clearly contrary to the intent of federal law requiring a public process of commenting on the draft and final EIS for the project. During Thonet Associates' October 29, 2018 meeting with the NJDEP and RBD Meadowlands representatives, the NJDEP clarified that not only couldn't the EIS present the specific impacts for all of the properties within the project area, it couldn't provide any more detailed information regarding the impacts to Mr. Nuckel's property, other than the work products previously provided to the public, which, at least in the vicinity of Mr. Nuckel's property, were very generalized. In other words, the NJDEP simply does not know how each of the various alternatives would impact Mr. Nuckel's properties, including the impacts of the LOP, should funding ever be provided for the "Future Plan" portion of Preferred Alternative 3. At our meeting, NJDEP further clarified that should funding ever be provided for the LOP as presented in the "Future Plan" portion of Alternative 3, a new environmental impact statement and benefit-cost analysis, specific to that new project, would both need to be prepared. This is comforting to know. However, the fact remains that the NJDEP acknowledges that it has no way, at this time, to prepare a thorough and accurate assessment of the environmental impacts and <i>[Comment continues on next page.]</i>	Comment noted. The FEIS includes both a detailed description of each of the three Build Alternatives and a detailed environmental analysis of the Proposed Project for the overall Project Area. This information is intended to allow property owners and other stakeholders to draw conclusions of how their property may be impacted by the Proposed Project (e.g., the proposed riverwalk under Alternative 1 would provide nearby property owners with direct access to the waterfront and the proposed parks). For information regarding the Northern Segment of the proposed LOP (where the North Village apartments are located), please refer to the associated discussion beginning on Page 2-32 of the FEIS. This discussion also includes a conceptual rendering (Figure 2.5-9) of how the LOP, including the floodwall, access path/pedestrian walkway, and associated screening fence could look. The NJDEP also refers you to Subappendix F4-1 of the Feasibility Study (available at https://www.nj.gov/dep/floodresilience/rbd-meadowlands-fs.htm), which includes the complete Engineering Plan Set for Alternative 1. Because there is no plan or funding at this time to implement the <i>Future Plan</i>, there are similarly no plans for the LOP plan set to be further developed. Given the broad purpose of the Proposed Project to address coastal and/or inland flooding in the Project Area, and in consonance with the original <i>[Response continues on next page.]</i>

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44	PC-005	Selected Alternative	<i>[Comment continues from previous page.]</i> the associated benefit-cost ratio for the "Future Plan," because the specific impacts on each of the individual properties that would be impacted are <u>simply unknown</u>. Accordingly, it would appear that the as yet unfunded "Future Plan" portion of Alternative 3, which includes the LOP to which Mr. Nuckel objects, was never a fully evaluated "alternative," due to lack of specificity regarding impacts on specific, impacted properties. Indeed, early on in the public process that was held, it was evident that there simply would be insufficient funding for Alternative 1, with the LOP, and later, that there would be also be insufficient funding for the "Future Plan" portion of Alternative 3. Accordingly, as of this time, Alternative 1 and the "Future Plan" portion of Alternative 3 are clearly not feasible due to budget constraints and the NJDEP, even today, appears to be unable to present the public with the specific environmental impacts (and costs associated with those impacts) for individual properties within the project area. Therefore, Thonet Associates must conclude that since neither Alternative 1 nor the "Future Plan" portion of Alternative 3, have been subjected to a reasonably thorough and accurate EIS or benefit-cost ratio analysis, and since neither is fiscally feasible at this time, those are not really valid alternatives to the stand-alone "Build Plan" that has been selected to be constructed at this time, and which does appear to have been fully evaluated. <u>Recommendation No. 2 regarding what constitutes, and what does not constitute, valid alternative plans:</u> Mr. Nuckel continues to voice his opposition to the LOP proposed as part of both Alternative 1 and the "Future Plan" portion of Alternative 3, which in his opinion, would negatively, and significantly, impact his properties. In addition, Mr. Nuckel objects to the NJDEP even recognizing Alternative 1 and the "Future Plan" portion of the Preferred Alternative 3 as valid alternatives to the selected "Build Plan," since neither is financially feasible, given, (i) the project's clearly specified budget limit; (ii) the fact that neither alternative could be realized within the specified "required time limits" for the proposed project; and (iii) the fact that even today, the NJDEP is unable to provide Mr. Nuckel with specific details <i>[Comment continues on next page.]</i>	<i>[Response continues from previous page.]</i> New Meadowlands proposal, the NJDEP determined through the early scoping process to pursue one coastal flood reduction alternative, one inland flood reduction alternative, and one hybrid alternative. In conducting the preliminary identification of alternatives, the NJDEP considered a wide variety of potential alternatives to achieve those ends; notably different alternatives from those analyzed in the FEIS are discussed in Section 2.4 of the FEIS. However, during the development of each of the Build Alternatives (i.e., Alternatives 1, 2, and 3), the NJDEP further considered a wide variety of flood reduction concepts that could be assembled into Build Alternatives; the alternatives development process for each Build Alternative (including the various concepts considered) is described in detail in the Feasibility Study. The final Build Alternatives presented in the Feasibility Study were then analyzed in full within the FEIS, with the exception of the Alternative 3 <i>Future Plan</i>, which was analyzed as a reasonably foreseeable future project in the cumulative impacts analysis (Section 5.0 of the FEIS). Please refer to the response to Comment #42 above regarding the topic of backflow preventers.

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44	PC-005	Selected Alternative	<i>[Comment continues from previous page.]</i> regarding the impact of the LOP on his property or the cost to the project associated with that impact. Thonet Associates therefore recommends that Alternative 1 and the "Future Plan" portion of Alternative 3 be eliminated from further consideration at this time and eliminated from all discussion in the FEIS, since only feasible alternatives to the selected "Build Plan" should be considered in the FEIS. Continuing this same line of reasoning, Preferred Alternative 3 (the Hybrid Plan) is essentially just Alternative 2 with some selected features excluded (the "Build Plan"), and with some features of Alternative 1 included (the "Future Plan," yet unfunded). Ideally, the selected "Build Plan" should be considered as one (1) alternative plan, separate and apart from Preferred Alternative 3's combined "Build Plan" and unfunded "Future Plan," with the "Build Plan" then compared to other "feasible" alternatives, which should not include alternatives that exceed the existing project funding. Thonet Associates would also argue that the currently selected "Build Plan" could easily be revised to include Mr. Nuckel's recommendation for backflow preventers on the stormwater outfall structures to the Hackensack River, located on his properties, which then would constitute a valid alternative to be considered, <u>but which has not yet been considered</u>. In Thonet Associates' opinion, the unusual practice of including alternatives that are clearly fiscally infeasible at this time is a significant deficiency in the FEIS documents that have been prepared for this propose flood protection project. For this reason, Thonet Associates continues to recommend, as a reasonable alternative plan, that the "Build Plan" be revised to include backflow preventers of the stormwater outfall structures to the Hackensack River, that are located on his properties. (See Recommendation No. 1, previously presented.) Thonet Associates further recommends that Alternative 2 be recognized for what it really is -- the selected "Build Plan" minus some of Alternative 2's flood control features, which have been excluded in order to bring the project within the current funding limits. <i>[Comment continues on next page.]</i>	See response to Comment #44 on previous pages.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
44	PC-005	Selected Alternative	<i>[Comment continues from previous page.]</i> Thus, Alternative 2 really is not an alternative to the "Build Plan." It is simply the "Build Plan" with some unaffordable additional flood protection features. Finally, Thonet Associates recommends that Preferred Alternative 3, the "Hybrid Alternative," also be eliminated from further consideration at this time and eliminated from all discussion in the FEIS. This alternative is not now, nor ever was, a viable alternative for the following reasons: • The "Build Plan" portion of Alternate 3 is simply Alternative 2 (which is clearly not feasible due to budget limitations), minus two parks and one pump station along Losen Slote. [See Page ES-11, FEIS] • The "Future Plan" portion of Alternative 3 is an as yet unfunded project, for which the Department has acknowledged it does not fully know the potential impacts "...for each specific property in the 5,405-acre Project Area..." [See NJDEP's response to Mr. Nuckel's Comment #28]. And yet, the individual owners and/or occupants of those specific properties are being asked to comment on a Final Environmental Impact Statement that includes the, as yet unfunded, "Future Plan," for which the NJDEP is unable to even provide specific impacts for specific properties. [See NJDEP's response to Mr. Nuckel's Comment #28]. Thus, in reality, <u>only one feasible alternative has been presented thus far in the FEIS</u>, that being the selected "Build Plan." Therefore, the selected "Build Plan" has not been evaluated in comparison with any other "feasible" or "valid" alternatives, as required by the EIS process. Thus, the entire analyses of other <u>possible alternatives to the selected "Build Plan,"</u> that might better minimize environmental impacts and/or better maximize flood protection and resiliency, as presented in both the DEIS and FEIS, is absent from both the DEIS and the FEIS. The manner in which the analyses of alternatives has been handled in the DEIS and the FEIS is at best, confusing and at worst invalid.	See response to Comment #44 on previous pages.

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45	PC-005	Land Use and Land Use Planning	[Regarding Comment #29 in the DEIS Public Comment Summary Report] NJDEP responded that, "Conducting a reexamination of existing municipal stormwater policies and producing a list of recommendations was an inland flood reduction concept that was considered but dismissed." This response by the NJDEP is <u>inconsistent with the intent and purpose of the RBD Meadowlands project</u>, which is specifically aimed at "inland flood reduction." Indeed, encouraging municipalities within the project area, and which would therefore be benefitting from this expenditure of significant public monies, to revise their ordinances to ensure that redevelopment projects and proposed significant expansions or changes to existing developments, would almost certainly result in significant improvements with regard to "inland flood reduction." To do so is therefore <u>appropriate</u>, not to mention, relatively inexpensive. Frankly, in Thonet Associates' opinion, this is a "no brainer." Indeed, at Thonet Associates' October 29, 2018 meeting with the NJDEP and RBD Meadowlands representatives, Thonet Associates was informed of the various NJDEP programs that were already available or soon to be underway, that would assist municipalities to do exactly what Mr. Nuckel has been recommending over the course of this public process. Accordingly, all that needs to be done is to <u>encourage</u> every municipality in the project area to make modifications to their ordinances that are necessary to improve flood protection and resiliency, utilizing whatever means necessary, including any available NJDEP programs. Such encouragement would be consistent with New Jersey policies encouraging improved flood protection and resiliency measures and would also be consistent with New Jersey's Municipal Land Use Law. It would also help to ensure that, while the Project Area's municipalities are receiving significant public resources for flood protection and resiliency, that those same municipalities would all be individually involved in helping to better achieve those same goals. [Comment continues on next page.]	Comment noted. Requiring all municipalities within the Project Area to modify their existing land development ordinances and master plans to ensure improved flood protection and resiliency was dismissed from further consideration because planning is not part of NJDEP's mandate for the Proposed Project. This proposed effort would be redundant with other initiatives that the State is undertaking. Furthermore, the Proposed Project must be complete by September 2022 (as per CDBG-DR funding requirements), and due to the number of municipal and regulatory entities that would be involved in a review and/or revision of stormwater policies, it would not be feasible to complete this alternative within the mandated timeframe. Refer to Section 2.4.2 of the FEIS for this consideration and analysis.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
45	PC-005	Land Use and Land Use Planning	<i>[Comment continues from previous page.]</i> Recommendation No. 3 regarding land use planning: NJDEP should require that all municipalities within the project area, avail themselves to NJDEP's existing programs aimed at better ensuring improved flood protection and resiliency, and that all municipalities also modify their existing land development ordinances (including zoning, subdivision/site plan, flood plain and stormwater management ordinances) to ensure improved flood protection and resiliency. To do so should be made a condition of participating in this federally funded flood protection plan, with the NJDEP taking the lead in providing recommendations and guidance to each municipality on how to best improve flood protection and resiliency.	See response to Comment #45 on previous page.
46	PC-005	DEIS Public Comment Summary Report	11 "private citizens," including Mr. Nuckel, are identified as having provided comments on the DEIS. The comments provided by those 11 private citizens comprise 39 of the total of 88 comments submitted (44.3%) and 31 of the 65 pages of comments received (47.7%). An analysis of those comments follows: Commenter PC-003 provided the most comments (20) of any "private citizen," which were presented within 6 ³/₄ pages of the Matrix. <i>The NJDEP made no changes to the DEIS based on PC-003's submitted comments. Several of PC-003's comments touch on the same issues raised by Mr. Nuckel.</i> Commenters PC-005, PC-006 (Mr. Nuckel) and PC-007, each provided four (4) comments within 1 ¹/₂ pages, 5 ¹/₂ pages, and 4 pages of the Matrix, respectively. <i>The NJDEP made no changes to the DEIS based on submitted comments by PC-005, PC-006 (Mr. Nuckel) and PC-007.</i> Commenters PC-001, and PC-008 and PC-009 (jointly), each provided three (3) comments within 2 pages, and 8 ³/₄ pages of the Matrix, respectively. <i>The NJDEP made no changes to the DEIS in response to 5 of the 6 comments made by PC-001 and PC-007 and PC-008 (jointly). PC-008 and PC-009 (jointly) made one (1), 6.5-page comment (Comment #36), regarding the issue of "Permitting and Compliance" which the NJDEP responded to by incorporating the comment into the FEIS in "a different manner than suggested by the joint commenters.</i> Commenter PC-011 provided two (2) comments within 1 page of the Matrix. <i>The NJDEP made no changes to the DEIS based on PC-011's submitted comments.</i> <i>[Comment continues on next page.]</i>	NJDEP notes the commenter's analysis of the DEIS public comments and associated responses. However, this analysis does not take into account the content of the comments or the rationale for why changes were not made in the FEIS. For example, no change was made to the FEIS document for some of the following reasons: (1) the suggested change was out of the scope of the Proposed Project; (2) the comment pertained to the Feasibility Study analysis or Report; (3) the comment pertained to the NEPA or public/agency involvement process and required only a clarifying response to the commenter; (4) the information was contained in the EIS already and reference to its location was provided; or (5) the comment pertained to funding and O&M and required only a clarifying response to the commenter. Please refer to the responses provided in the DEIS Public Comment Summary Report in Appendix P of the FEIS for the original comments and associated responses.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	[Comment continues from previous page.] The remaining "private citizen" commenters, PC-002, PC-004, and PC-010, each provided one (1) comment within ³/₄ page, ¹/₂ page, and Vs page, respectively. The NJDEP made no changes to the DEIS based on the two (2) comments made by PC-002 and PC-004. PC-010 submitted a comment regarding "Biological Resources / Birds," which was incorporated into the EIS in a different manner from that suggested by the commenter. Accordingly, of the 39 comments provided by public citizens, the NJDEP responded to only three (3) comments (about 8 percent) by incorporating those comments into the FEIS in a different manner than suggested by the commenter. The remaining 92 percent of the public citizens' comments, did not result in any change to the EIS. Six (6) comments were provided by a total of six (6) individuals (PH-001 through PH-006) at the public hearing on the DEIS, which were presented within three (3) pages of the Matrix. These public hearing comments constitute 6.8 percent of the comments provided and 4.6 percent of the number of pages of comments provided. The NJDEP made no changes to the DEIS based on the four (4) comments made by PH-002, PH-004, PH-005, and PH-006. PH-001 and PH-003, each submitted one (1) comment regarding "Cumulative Effects / Little Ferry Public Schools," both of which were incorporated into the EIS in a different manner from that suggested by the commenter. Accordingly, of the six (6) comments provided by public during the public hearings, the NJDEP responded to two (2) comments (1/3 of the comments) by incorporating those comments into the FEIS in a different manner than suggested by the commenter. The remaining 2/3 of the comments, did not result in any change to the EIS. Five (5) public entities, designated by the code "PE", which includes local government agencies, organizations, groups and/or businesses, provided 32 comments within 22 pages of the Matrix. [Comment continues on the next page.]	See response to Comment #46 on previous page.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	<i>[Comment continues from previous page.]</i> These 32 comments constitute one (1) more than the number of comments provided by "private citizens," representing 33.8% of the total pages of comments submitted. In some instances, the public entities are unidentified, while in other instances those public entities are identified, as presented below: Comments were provided by the following two (2) unidentified public entities: i. PE-001 is not specifically identified in the Matrix and all of PE-001's comments deal with a single issue, that of "Biological Resources." It should be noted PE-001 accounts for 22 of the 32 comments (68.8%) made by "public entities" within 16 of the 23 pages of such comments (69.6%) within the Matrix. <i>This documents that the comments provided by "public entities" were overwhelmingly directed at "Biological Resources."</i> Of the 22 "Biological Resources" comments provided by unidentified PE-001, NJDEP responded as follows: 1. NJDEP responded that, "No change to the EIS has been made" for 14 of PE-001's 22 comments (64 percent). 2. NJDEP responded that, "The comment was incorporated in the FEIS in a different manner from that suggested by the commenter" for four (4) of PE-001's 22 comments (18 percent). 3. NJDEP responded that, "The comment was incorporated into the FEIS as suggested by the commenter" for four (4) of PE-001's 22 comments (18 percent). ii. PE-005 was also not identified and provided the following three (3) comments in Comment #75, commenter PE-005 addressed the proposed action with regard to "Green Infrastructure." Specifically, the commenter makes the following selected relevant statements: a. "We hope that AECOM, NJDEP, and the participating municipalities voluntarily (emphasis added) add more Green Infrastructure projects to enhance the existing design and incorporate natural ways to mitigate flooding issues." <i>[Comment continues on next page.]</i>	See response to Comment #46 on previous page.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	<i>[Comment continues from previous page.]</i> b. "Green Infrastructure is not only a cost-effective option to help mitigate flooding, but also a <u>valuable way to include the communities in the process of remediating the flooding issues</u> (emphasis added) that have plagued them for so long." These are similar sentiments as were expressed in Mr. Nuckel's Comment #29, in which Mr. Nuckel recommended involving all of the communities in the project area in this flood protection project by encouraging those communities, "...to amend municipal Master Plans and land development ordinances (including zoning, subdivision/site plan, flood plain, and stormwater management ordinances), to ensure that redevelopment projects and proposed significant expansions or changes to existing development projects, within flood prone areas, result in significant improvements to flood protection and resiliency." Such ordinance amendments, recommended by Mr. Nuckel, would include requirements for more green infrastructure for all redevelopment projects and proposed significant expansions or changes to existing developments, within flood prone areas. (See Mr. Nuckel's Recommendation No. 3, herein. NJDEP made no change to the EIS in response to PE-005's Comment #75. In Comment #76, commenter PE-005 addressed proposed project regarding "Cumulative Effects / Contaminated Sites Coordination." NJDEP made no change to the EIS in response to PE-005's Comment #76. In Comment #77, commenter PE-005 addressed the proposed action with regard to "Funding." Specifically, the commenter makes the following selected relevant statements: a. "A comparison of costs and benefits should focus on the phases individually, not overall. As the project stands now, only phase one is funded. The two additional phases and continued reasonably evaluated under a cost benefit analysis." b. "Without assured funding, there is no certainty that the future of the project is secure or that any one phase is sufficient to meet project goals should the other phases remain incomplete." <i>[Comment continues on next page.]</i>	See response to Comment #46 on previous page.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	<i>[Comment continues from previous page.]</i> c. "Each phase should therefore be considered as individual projects for the purposes of cost benefit analysis and then considered as part of a whole project." These comments touch upon some of the same issues raised by Mr. Nuckel's Comment #28, in which Mr. Nuckel opined that, since the "Future Plan" portion of Hybrid Alternative 3 lacked the necessary funding at this time, that this Future Plan be simply rejected since it has not been demonstrated to be fiscally feasible. NJDEP made no change to the EIS in response to PE-005's Comment #77. Comments were provided by three (3) identified public entities: i. PE-002: County of Bergen 1. Bergen County provided one (1) comment regarding the "Proposed Action." <i>In this comment, Bergen County takes issue with specific flood control/protection features that were and were not included in the selected "Build Plan," suggesting that some of the features that were included would have not beneficial effect, while other features, previously considered to be included, and which the County believed would be beneficial, were ultimately not included.</i> Mr. Nuckel expressed a similar sentiment with regard to the decision not to include backflow preventers on four (4) of the five (5) stormwater outfalls to the Hackensack River that are located on his property. <i>NJDEP made no change to the EIS in response to this comment by Bergen County.</i> <i>[Comment continues on next page.]</i>	See response to Comment #46 on previous page.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	<i>[Comment continues from previous page.]</i> 2. Bergen County provided two (2) comments regarding "Cumulative Effects." The NJDEP incorporated both of these comments into the FEIS as suggested by Bergen County. One of these comments refers to Bergen County's "Backflow Preventer Project," which includes a backflow protector for one (1) of the five (5) stormwater outfalls to the Hackensack River, located on Mr. Nuckel's property. The purpose of the comment was to ensure that the RBD Meadowlands project avoid duplication of benefits with the Bergen County Backflow Preventer Project ii. PE-003: Rebuild by Design Rebuild by Design made one (1) comment, endorsing the RBD Meadowlands Project and offering whatever assistance it could provide to advance final design toward construction and implementation. NJDEP made no change to the EIS in response to this comment. iii. PE-004: Berry's Creek Study Area (BCSA) Group The BCSA Group provided two (2) comments. 1. One (1) comment addressed the need for coordination between the RBD Meadowlands Project and the BCSA Group in the event the RBD Meadowlands Project would have activities occurring in areas where the BCSA Group would be conducting remedial actions. NJDEP made no change to the EIS in response to this comment. 2. One (1) comment addressed an "Editorial" issue. NJDEP incorporated this comment into the FEIS as suggested by the BCSA Group. Five (5) Federal Agencies (denoted by code "FA") provided eleven (11) comments within eight (8) pages of the Matrix. These Federal Agency comments constitute 12.5 percent of the total number of comments provided and 12.3 percent of the total number of pages of comments provided. The five (5) Federal Agencies include: <i>[Comment continues on next page.]</i>	See response to Comment #46 on previous page.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	[Comment continues from previous page.] <u>a.FA-001: Federal Transit Administration (FTA)</u> The Federal Transit Administration provided one (1) comment related to "Agency Involvement/Coordination," which resulted in no change to the EIS, as the DEIS appears to have already included consideration of all of the comments made by the FTA. <u>b.FA-002: US Fish and Wildlife Service, New Jersey Field Office (NJFO)</u> The US Fish and Wildlife Service, NJFO, provided one (1) comment related to "Agency Involvement/Coordination," which requested that earlier USFWS comments and correspondence be included in the FEIS, together with a discussion on the merits of those issues previously raised by the NJFO in both the FEIS and the Record of Decision (ROD). The NJDEP agreed and incorporated the comment into the FEIS. <u>c.FA-003: Federal Aviation Administration (FAA)</u> The FAA made one (1) comment, identifying a "typo" which the NJDEP corrected in the FEIS. <u>d.FA-004: US Environmental Protection Agency (EPA)</u> The EPA provided seven (7) comments, presented on four (4) pages of the comments in the Matrix: i.One (1) "editorial" comment was made, for which the NJDEP decided not to make any change to the EIS. ii.One (1) comment (Comment #81) was made with regard to the "Proposed Action/Build Alternatives, which recommended including a sentence or two describing the process for placing components in specific locations and why certain features were excluded from the Build Plan. In response, the NJDEP added two clarifying sentences to the EIS. In particular, Thonet Associates' notes that the NJDEP's response to the EPA stated that the primary reason for excluding certain features from the Build Plan was, "...dictated by the benefit-cost ratio and required timeline for the Proposed Project completion (September 2022). [Comment continues on next page.]	See response to Comment #46 on previous page.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	[Comment continues from previous page.] This is of particular and direct relevance to Mr. Nuckel's request that backflow preventers be included in the Build Plan for all stormwater outfalls to the Hackensack River located on his property. Including these features in the Build Plan would be unlikely to result in an unfavorable benefit-cost ratio and would not result in any problem in meeting the required timeline. Accordingly, Mr. Nuckel continues to ask that backflow preventers be included on all stormwater outfalls to the Hackensack River located on his property as part of the Build Plan. iii. One (1) comment was provided by the EPA regarding "Mitigation Measures and BMPs," which resulted in the NJDEP making changes to the EIS to include additional clean diesel measures as air quality mitigation measures and BMPs. iv. One (1) comment, presented on two pages, was provided by the EPA regarding "Air Quality." That comment stated that, regarding the emission factors used for construction emissions, that the FEIS used emission factors from the Air Emissions Guide for Air Force Mobile Sources, but "...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. The NJDEP made no change to the EIS in response to this comment by the EPA but provided a detailed discussion and explanation of why no change would be made. v. Three (3) additional comments were made by the EPA regarding (i) Agency Involvement/Coordination; (ii) Cumulative Effects; and (iii) Proposed Action; respectively. Each case, the comment was noted by the NJDEP, but no change to the EIS was made. [Comment continues on next page.]	See response to Comment #46 on previous page.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
46	PC-005	DEIS Public Comment Summary Report	[Comment continues from previous page.] e. FA-005: National Oceanic and Atmospheric Administration (NOAA) One (1) comment was made by NOAA regarding "Permitting and Compliance." Specifically, NOAA's comment sought to clarify the "Essential Fish Habitat" (EFH) consulting process, which while, required, was not included in the DEIS. In response to NOAA's comment, the NJDEP explained that the EFH had in fact been submitted to NOAA for its review and concurrence and was included in the FEIS as Appendix Q and is summarized in Section 4.14 of the FEIS. Accordingly, no change in the EIS was necessary. <u>Summary of Federal Comments:</u> Of the 11 comments provided to the NJDEP by Federal Agencies, regarding the DEIS, four (4) resulted in changes that were incorporated into the FEIS, as noted above. One comment by the EPA (Comment #81) is directly relevant to, and consistent with, Mr. Nuckel's continuing recommendation that the Build Plan not exclude backflow preventers for all stormwater outfalls into the Hackensack River, located on his property. Including those features would significantly benefit a large portion of the project area's residents and businesses at relatively low cost with no delay to the project's timeline. Recommendation No. 4 regarding FEIS revisions: The FEIS should be revised to either (i) explain why the Build Plan excludes backflow preventers on stormwater outfalls to the Hackensack River on Mr. Nuckel's property, or (ii) include those backflow preventers in the Build Plan, consistent with the NJDEP's response to the EPA's Comment #81.	See response to Comment #46 on previous page.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
47	PC-005	Selected Alternative	The process employed in defining project "alternatives" for the RBD Meadowlands project is confusing at best, and lacking validity at worst, for the following reasons: • The Build Plan has been selected as the project to build at this time. However, the Build Plan is really just the rejected Alternative 2, minus two parks and one pump station along the Losen Slote. So, the only reason for rejecting Alternative 2 appears to be funding limits. • The Build Plan is presented as that "portion" of Preferred Hybrid Alternative 3, being that portion that could be implemented at this time, given the project's funding limitations. • The Future Plan, like the Build Plan, is also a "portion" of Alternative 3, which is that portion, which cannot be constructed at this time, due to lack of sufficient funding, and which indeed, may never be funded. The Future Plan would include the costly Line of Protection (LOP) from the rejected Alternative 1, including three of the parks, the cantilever Riverwalk, and other features; the second pump station/force main along Losen Slote from Alternative 2; and improvements to the remainder of East Riser Ditch from Moonachie Avenue north to Wesley Street. What is really needed is a selected Build Plan, which is the plan with a positive benefit-cost ratio and which provides the maximum flood protection benefit for the monies spent. In this instance there are clearly alternatives to the currently selected Build Plan that are both buildable at this time, and which would also have a positive benefit-cost ratio. However, no such alternatives have been presented in either the DEIS or the FEIS.	Comment noted. Please refer to the response to Comment #44 above.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
48	PC-005	Selected Alternative	Decisions regarding what flood protection features to be included, or not included, in the <i>Build Plan</i> were primarily dictated on maintaining a positive benefit-cost ratio for the project and ensuring that all included features could be completed prior to the Proposed Project Completion Date of September 2022. Bergen County considers "backflow preventers" to be beneficial flood protection features that are appropriate in the project area as evidence by its ongoing "Backflow Preventer Project" in the Boroughs of Carlstadt, Little Ferry and Moonachie, all located within the RBD Meadowlands project area. The Draft and Final Environmental Impact Statements for the RBD Meadowlands Project state that backflow preventers would be appropriate in the "overall design" of Alternative 1, which is essentially the <i>Future Plan</i> portion of Preferred Alternative 3. The NJDEP, AECOM and the RBD Meadowlands project team are all aware of the Bergen County "Backflow Preventer Project," and Bergen County has provided the locations and specifications of the backflow preventers to them to ensure that the RBD Meadowlands project avoids any duplication of benefits with the Bergen County project. Mr. Donald Nuckel owns two (2) multifamily residential developments in Little Ferry, known as North Village I, LLC and North Village II, LLC, with 406 apartments housing 1,000+/- residents, which overlook about one-quarter mile of the Hackensack River. Five (5) stormwater outfalls are located on Mr. Nuckel's properties, which service his property and significant adjacent commercial property, and which discharge directly into the Hackensack River. During high water levels in the Hackensack River, water backs up through the drainage systems and flood Mr. Nuckel's properties and the adjacent commercial area. One of the stormwater outfalls, on which Bergen County is planning to install a "backwater preventer" as part of its ongoing "Backwater Preventer Project," is located on Mr. Nuckel's property. Recognizing the flood protection benefits that "backflow preventers" provide, Mr. Nuckel has recommended that the RBD Meadowlands project include the installation of "backflow preventers" on the four (4) stormwater outfalls located on his property, which are not scheduled to be outfitted with "stormwater preventers" by Bergen County. <i>[Comment continues on next page.]</i>	Comment noted. Please refer to the response to Comment #42 above.

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#	Commenter Code ²	Main Topic	Comment	Response to Comment
48	PC-005	Selected Alternative	<i>[Comment continues from previous page.]</i> If "backflow preventers" could be added to the currently proposed <i>Build Plan</i>, a significant benefit could be realized in terms of flood protection for the 1,000+/- residents living in Mr. Nuckel's North Village I, LLC and North Village II, LLC apartment complexes. In addition, significant flood protection benefits also would be realized by the large adjacent commercial area, adjacent to Mr. Nuckel's properties, which is serviced by the stormwater drainage systems that flow into the drainage systems on Mr. Nuckel's property, prior to discharging to the Hackensack River. It is likely that these backwater preventers could be included in the proposed <i>Build Plan</i> and still maintain a positive benefit-cost ratio for the project. It is also unlikely that adding such limited additional flood protection features to the <i>Build Plan</i> would result in a delay of the project's proposed completion date of September 2022.	See response to Comment #48 on previous page.
49	PC-005	Land Use and Land Use Planning	It would be consistent with the intent and purpose of the RBD Meadowlands project, to encourage all municipalities within the project area to avail themselves of NJDEP's existing programs and guidance aimed at better ensuring improved flood protection and resiliency within their communities, and to use those programs and guidance to modify their Master Plans and existing land development ordinances (including zoning, subdivision/site plan, flood plain and stormwater management ordinances) to accomplish those goals, particularly with regard to redevelopment projects and proposed significant expansions or changes to existing developments within the project area.	Comment noted. See response to Comment #45 above.

#	Commenter Code ²	Main Topic	Comment	Response to Comment
50	PC-005	Selected Alternative	Based on the above findings, Thonet Associates concludes that it would be in the public interest to: - Amend the currently proposed Build Plan to include the installation of "backflow preventers" on four (4) stormwater outfalls to the Hackensack River, located on Mr. Nuckell's properties, which are not currently scheduled for installation of "backwater preventers" as part of Bergen County's ongoing "Backflow Preventer Project." - Amend the RBD Meadowlands project to include encouragement to all municipalities within the project area to avail themselves of NJDEP's existing programs and guidance aimed at better ensuring improved flood protection and resiliency within their communities, and to use those programs and guidance to modify their Master Plans and existing land development ordinances (including zoning, subdivision/site plan, flood plain and stormwater management ordinances), to accomplish those goals, particularly with regard to redevelopment projects and proposed significant expansions or changes to existing developments with the RBD Meadowlands project area. - Amend the FEIS, as necessary, to include the above recommended changes.	Comment noted. See responses to Comments #42 and #45 above.



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Attachment C: Federal Agency Comments



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U.S. Department
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**Federal Transit
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November 19, 2018

Mr. Dennis Reinknecht
Bureau Chief
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

RE: Federal Transit Administration (FTA) comments on the Final Environmental Impact Statement (FEIS) for the U.S. Department of Housing and Urban Development (HUD) - funded Rebuild by Design Meadowlands Flood Protection Project

Dear Mr. Reinknecht:

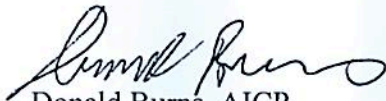
The Federal Transit Administration has the following comments on the FEIS for the U.S. Department of Housing and Urban Development (HUD)-funded Rebuild by Design Meadowlands Flood Protection Project ("RBD Meadowlands Project").

1. The FTA conditionally concurs with the FEIS conclusion that the Preferred Alternative *Build Plan* and *Future Plan* would have less than significant adverse effects on transportation (including transit) during construction and beneficial long-term effects to transit if implemented.
2. FTA's conditional concurrence is predicated on successful coordination with NJ Transit on both the construction and emergency operation of a proposed Closure Gate across the Pascack Valley commuter rail line north of the juncture with the NJ Transit Meadowlands Rail Line and south of the Wood Ridge Passenger station. FTA appreciates inclusion of this coordination in the FEIS mitigations and best management practices. The coordination of gate closure with NJ Transit during times of flood emergency is essential to preserving transit's contribution to emergency evacuation and recovery. FTA understands that the proposed gate would only be constructed under the Future Build scenario.
3. FTA would also like to clarify its earlier (July 12, 2018) comments on the DEIS public comment draft. For that review, FTA misidentified the location of the proposed NJ Transit Closure Gate. The Closure Gate location is clearly indicated in Figure 2.5-8 (Alternative 1

LOP Figure 4 of 4, FEIS p. 2-31), but it is missing from the Preferred Alternative Figure 2.5-33 ("Alternative 3 Components (Build Plan and Future Plan," FEIS p. 2-74). The location of the NJ Transit rail line Closure Gate is cut off and not shown in the latter figure. Figure 2.5-33 is also misleading in that the location of the proposed rail closure gate is depicted outside of the Project Area boundary (see attached). Because the Pascack Valley Line carries more rail traffic farther inland than the Meadowlands Line, the importance of coordination with NJ Transit (duly noted in the FEIS mitigations and BMPs) is potentially even more important.

Our thanks to the RBD-ML project team for their consideration of transit providers and transit users, and their collaboration with FTA. If you have any questions or require additional information regarding the contents of this letter, please feel free to contact Dan Moser, FTA Community Planner, at daniel.moser@dot.gov or (212) 668-2326.

Thank you,



Donald Burns, AICP
Director of Planning and Program Development

Enclosure (1)

cc:

D. Moser, FTA
K. McEvoy, NJDEP (Kim.McEvoy@dep.nj.gov)
A. Beha, US HUD (Alyson.E.Beha@hud.gov)

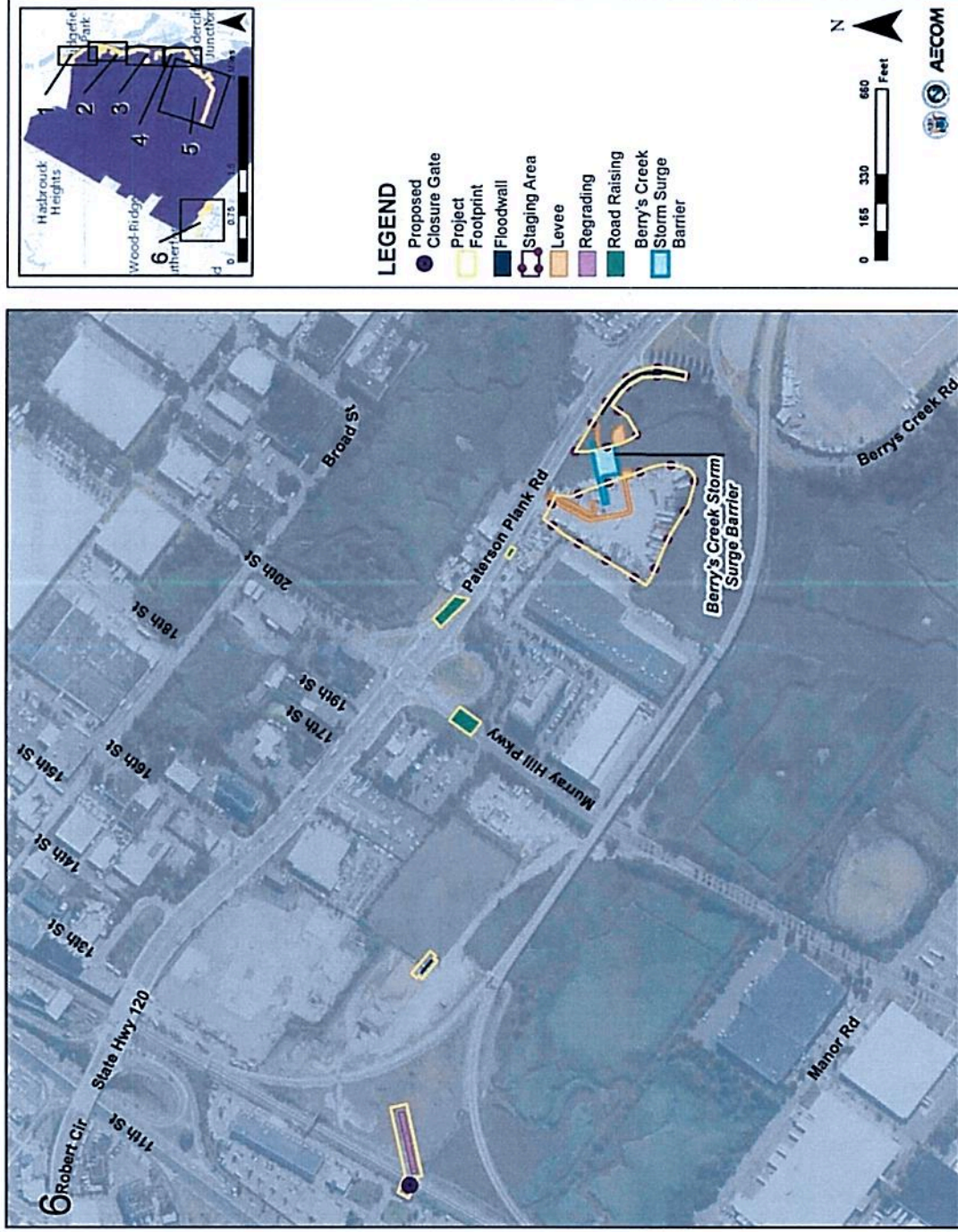


Figure 2.5-8: Alternative 1 LOP (Berry's Creek Storm Surge Barrier; Figure 4 of 4)

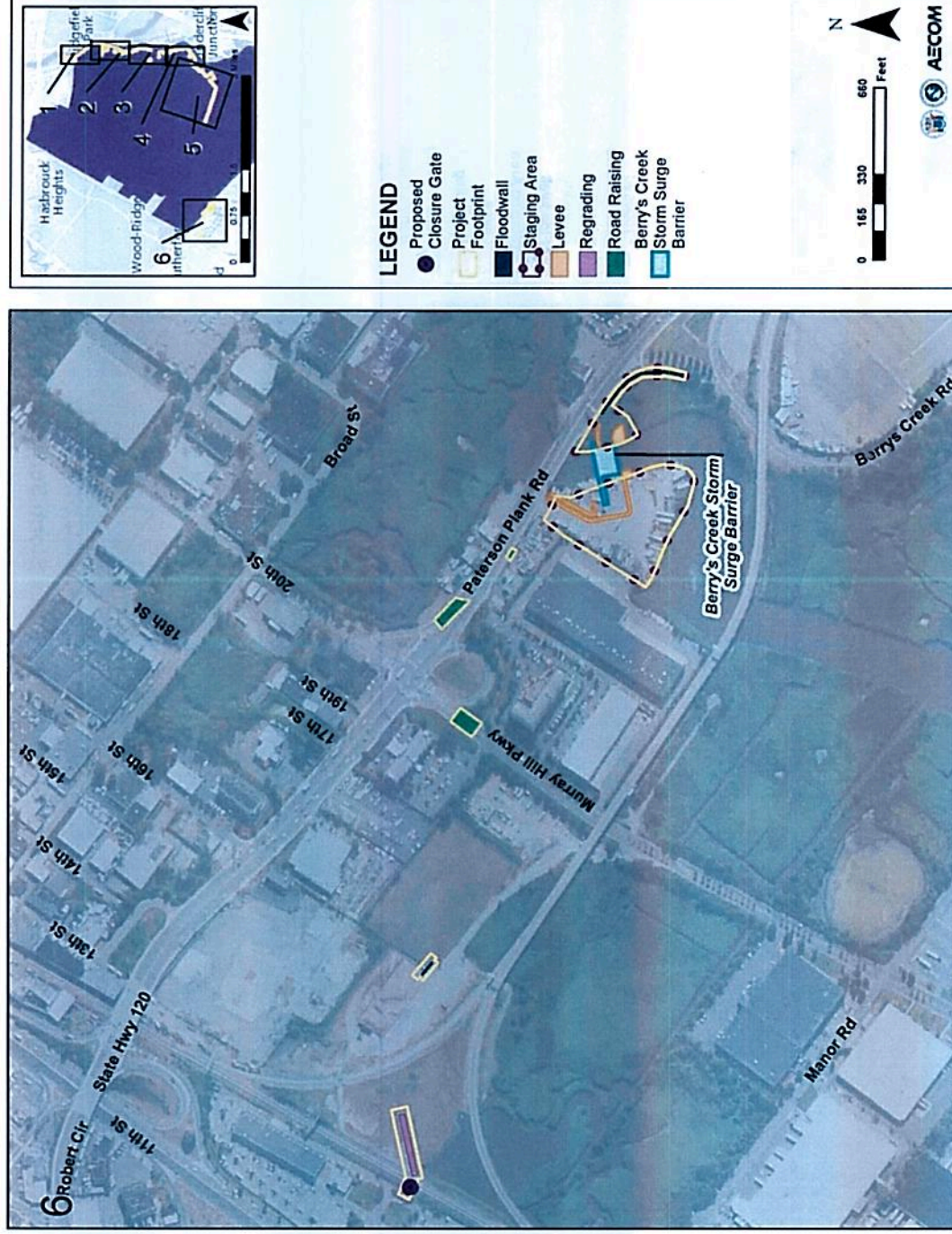


Figure 2.5-8: Alternative 1 LOP (Berry's Creek Storm Surge Barrier; Figure 4 of 4)

Liguori, Stephanie

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Monday, November 26, 2018 3:01 PM
To: Andrew.Brooks@faa.gov; evelyn.martinez@faa.gov; david.sanchez@faa.gov
Cc: Reinknecht, Dennis; Fisher, Linda; Taylor, Alexis; DEP rbdm-archive; Johnson, Capricia; Warf, Jennifer; Boose, Brian; Snyder, Kerri; McBrien, Margaret (Peg)
Subject: RE: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Andrew,

I appreciate the explanation and comments. We will be logging this as the FAA comment and make the appropriate changes.

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: Andrew.Brooks@faa.gov <Andrew.Brooks@faa.gov>
Sent: Monday, November 26, 2018 1:44 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>; evelyn.martinez@faa.gov; david.sanchez@faa.gov
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@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>
Subject: [EXTERNAL] RE: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Kim,

Our agency was just reauthorized early last month and the reauthorization language included provisions that may change our role on this project moving forward. Since we are still digesting the implications for our agency on this and several other projects and considering the time commitment you are up against, we'd like to offer the following suggested edit as a means of best allowing your EIS to move forward while allowing us time to interpret how the reauthorization language may or may not apply to this project and the action at Teterboro Airport.

As such, we offer the following edit with new language in bold (sample pulled from page 1-16, lines 452-462):

Based on consultation with the FAA, the proposed bioswale along the western side of Redneck Avenue, under Alternatives 2 and 3, is located on property dedicated to Teterboro Airport. Any land release or dedication of airport

property to the Proposed Project would may require approval by the FAA and would need to be reflected on the Airport Layout Plan. Further, this activity could trigger a Federal Action subject to NEPA for the FAA. Therefore, the FAA is serving as a Cooperating Agency to the Proposed Project, so that they may adopt this NEPA review, **if necessary**. NJDEP will continue to coordinate with FAA throughout the design process to ensure compliance with NEPA, FAA Orders 1050.1F and 5050.4b, FAA Advisory Circular (AC) No. 150/5200-33B, and the Teterboro Airport Wildlife Hazard Management Plan. Wildlife hazards would be considered for the Proposed Project in its entirety and not only limited to Teterboro Airport property due to its proximity to the airport and the separation distances noted in FAA AC No.150/5200-33B.

Please make this change to any location where this language appears throughout the FEIS. We can be available to discuss this if you have any questions.

Thanks,

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: Wednesday, November 21, 2018 11:35 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>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>
Subject: RE: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Thank you Andrew!
Happy Thanksgiving...

From: Andrew.Brooks@faa.gov <Andrew.Brooks@faa.gov>
Sent: Wednesday, November 21, 2018 7:00 AM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>; evelyn.martinez@faa.gov; david.sanchez@faa.gov
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@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>
Subject: [EXTERNAL] RE: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Kim,

Thanks for the follow-up. We are working to provide a response by Monday. I hope you all have a Happy Thanksgiving.

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: Tuesday, November 20, 2018 2:13 PM
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>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdm-archive <rbdm-archive@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>
Subject: RE: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Hi Andrew and Evelyn,

I just wanted to see if FAA intends to comment on the FEIS. The comment period ends Monday and I just wanted to touchbase before that time.

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: Wednesday, October 17, 2018 10:35 AM
To: 'andrew.brooks@faa.gov' <andrew.brooks@faa.gov>; 'evelyn.martinez@faa.gov' <evelyn.martinez@faa.gov>; 'david.sanchez@faa.gov' <david.sanchez@faa.gov>
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Fisher, Linda <Linda.Fisher@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>; 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: Final Environmental Impact Statement (FEIS) on the RBD Meadowlands Flood Protection Project - FAA

Good Morning,

This email is to notify your agency that the Final Environmental Impact Statement (FEIS) 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 (DEP), on behalf New Jersey

Department of Community Affairs (DCA) (i.e., the responsible entity), is overseeing the environmental review for this project.

The FEIS is being e-filed with the US Environmental Protection Agency (EPA) and is set to be published in the Federal Register on October 26, 2018. In order to comply with e-filing requirements, we must notify and distribute the FEIS to commenting agencies prior to the e-filing.

Please see the attached Notice of Availability (NOA) for the FEIS for:

- Project-related information (selection of a Preferred Build Alternative); and,
- Instructions on how to comment on the FEIS.

There will be a 30-day public comment period for the FEIS, which will officially begin on October 26, 2018 and end on November 26, 2018. Your agency may provide comments at any time during the comment period, but please provide all comments by November 26, 2018, as instructed by the attached NOA.

The FEIS can be downloaded immediately at : <https://we.tl/t-kLxc4I00RZ> ; this link will be valid for approximately four weeks. Hard copies and/or CD's will also be mailed to your agency during the week of October 22nd to correspond with the Federal Register publication.

The FEIS will also be available for public download on October 26, 2018 on the following websites:

- DEP RBD Meadowlands Project website at www.rbd-meadowlands.nj.gov
- DCA Sandy Recovery website under "Rebuild By Design - Meadowlands" at <https://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**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 21 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 Final Environmental Impact Statement (FEIS) for the Rebuild by Design (RBD) Meadowlands Flood Protection Project, CEQ No. 20180251. 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 as well as the Draft EIS. 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 DEIS have been fully addressed.

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 continues to recommend the use of the MOVES model for on-road sources and NONROAD model (now incorporated in MOVES, or emissions factors provided in NONROAD documentation) for non-road sources.

EPA staff working on the Berry's Creek Study Area (BCSA), along with representatives from the BCSA Potentially Responsible Party Group have continued to coordinate with the NJDEP staff and its contractors working on the RBD-Meadowlands project. There are still concerns that the planned RBD-Meadowlands project may increase the potential for erosion of the Berry's Creek sediments in the vicinity of the East Riser Tide Gate due to discharges from the pumping station. In order to resolve these issues, the RBD modeling team is writing a work plan to develop the information necessary to evaluate resuspension in the East Riser Tide Gate area based on new conditions from the planned project, along with a schedule for the effort. The BCSA Group has committed modeling resources to this effort, as well. Whenever two or more parties are involved in a joint project, the responsibility for project needs to be clear. It is EPA's position that the RBD team has the responsibility for ensuring that the RBD project does not create a resuspension problem in Berry's Creek.

As was stated in EPA's comments on the DEIS, in order for the BCSA team to conduct remediation of Berry's Creek in the vicinity of East Riser Tide Gate in time to allow the RBD team to install energy dissipation structures in those areas, and complete the RBD project 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.

If it is determined in the future that the tainter gate will be constructed on Berry's Creek, there are a variety of additional concerns that will need to be addressed prior to construction. EPA is committed to continued future coordination should the tainter gate be constructed.

Thank you for the opportunity to review the FEIS for the Rebuild by Design Meadowlands Flood Protection Project. 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,



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

cc: Donna Mahon, HUD

Liguori, Stephanie

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Monday, December 03, 2018 1:10 PM
To: Mahon, Donna M; Warf, Jennifer; Boose, Brian; Snyder, Kerri; McBrien, Margaret (Peg); Avery, Garrett L; Benosky, Christopher
Cc: Reinknecht, Dennis; Fisher, Linda; DEP rbdm-archive; House, Tonya; Johnson, Capricia; Taylor, Alexis; Forster, Taylor
Subject: FW: HPO 16-2111 RBD Meadowland's Project - timing of Phase 1 B

FYI, we received concurrence from HPO.
Kim

From: Marcopul, Kate
Sent: Monday, December 3, 2018 12:23 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>; West-Rosenthal, Jesse <Jesse.West-Rosenthal@dep.nj.gov>
Cc: Baratta, Meghan <Meghan.Baratta@dep.nj.gov>; Fisher, Linda <Linda.Fisher@dep.nj.gov>; Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Johnson, Capricia <Capricia.Johnson@dep.nj.gov>; Forster, Taylor <Taylor.Forster@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>
Subject: Re: HPO 16-2111 RBD Meadowland's Project - timing of Phase 1 B

HPO Project #16-2111-7
HPO-L2018-007

Dear Kim,

The Historic Preservation Office (HPO) concurs with the approach to Section 106 consultation outlined in your email dated November 28, 2018. We understand that you will be satisfying your responsibilities for compliance with Section 106 of the National Historic Preservation Act by following the process outlined in 36 CFR Part 800.

Thank you for providing the HPO with the opportunity to review and connect on this project. We look forward to continuing consultation on this project. Please do not hesitate to contact me if you have any questions.

Sincerely,
Katherine Marcopul
Deputy State Historic Preservation Officer

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

----- Original message -----

From: "McEvoy, Kim" <Kim.McEvoy@dep.nj.gov>
Date: 12/3/18 9:23 AM (GMT-05:00)
To: "Marcopul, Kate" <Kate.Marcopul@dep.nj.gov>, "West-Rosenthal, Jesse" <Jesse.West-Rosenthal@dep.nj.gov>

Cc: "Baratta, Meghan" <[Meghan.Baratta@dep.nj.gov](mailto: Meghan.Baratta@dep.nj.gov)>, "Fisher, Linda" <[Linda.Fisher@dep.nj.gov](mailto: Linda.Fisher@dep.nj.gov)>, "Reinknecht, Dennis" <[Dennis.Reinknecht@dep.nj.gov](mailto: Dennis.Reinknecht@dep.nj.gov)>, "Johnson, Capricia" <[Capricia.Johnson@dep.nj.gov](mailto: Capricia.Johnson@dep.nj.gov)>, "Forster, Taylor" <[Taylor.Forster@dep.nj.gov](mailto: Taylor.Forster@dep.nj.gov)>, "Taylor, Alexis" <[Alexis.Taylor@dep.nj.gov](mailto: Alexis.Taylor@dep.nj.gov)>
Subject: FW: HPO 16-2111 RBD Meadowland's Project - timing of Phase 1 B

Good Morning Kate and Jesse,

I was wondering if your office could send a concurrence response to the email below early today. I need to notify the tribes on this timing of the Phase 1 B and further consultation. I do need to start the clock on that notification process.

I do not need an official letter but if you want to send one that is fine. I just need an email so I can notify the tribes that I have gotten an acceptance from your office. I know you have a lot going on, please let me know if this can be done.

Thank you very much,
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: Wednesday, November 28, 2018 8:44 AM
To: Marcopul, Kate <[Kate.Marcopul@dep.nj.gov](mailto: Kate.Marcopul@dep.nj.gov)>; Baratta, Meghan <[Meghan.Baratta@dep.nj.gov](mailto: Meghan.Baratta@dep.nj.gov)>; West-Rosenthal, Jesse <[Jesse.West-Rosenthal@dep.nj.gov](mailto: Jesse.West-Rosenthal@dep.nj.gov)>
Cc: Reinknecht, Dennis <[Dennis.Reinknecht@dep.nj.gov](mailto: Dennis.Reinknecht@dep.nj.gov)>; Fisher, Linda <[Linda.Fisher@dep.nj.gov](mailto: Linda.Fisher@dep.nj.gov)>; DEP rbdm-archive <[rbdm-archive@dep.nj.gov](mailto: rbdm-archive@dep.nj.gov)>; Johnson, Capricia <[Capricia.Johnson@dep.nj.gov](mailto: Capricia.Johnson@dep.nj.gov)>; Taylor, Alexis <[Alexis.Taylor@dep.nj.gov](mailto: Alexis.Taylor@dep.nj.gov)>; Forster, Taylor <[Taylor.Forster@dep.nj.gov](mailto: Taylor.Forster@dep.nj.gov)>
Subject: FW: HPO 16-2111 RBD Meadowland's Project - timing of Phase 1 B

Kate,

We initiated consultation with HPO under Section 106 earlier this year, and received concurrence from HPO on the APE and findings of the Phase IA Archaeological Survey Report (see attached letter). The report concluded that a Phase IB archaeology survey should be completed in the two areas of high sensitivity (proposed Caesar Park Place and Avanti Park locations), and that no further archaeology survey is necessary within the remainder of the APE.

We recently completed the 30-day public comment period for the FEIS, which specifies that NJDEP would continue to consult with HPO pursuant to 36 CFR § 800.5 of the NHPA to comply with Section 106 and minimize potential effects to NRHP-eligible archaeological resources. In the Record of Decision (ROD), DEP will reiterate this in the Mitigation and BMPs section, and will also note that the consultation process will be completed prior to the construction and implementation of the Selected Alternative.

DEP is currently attempting to gain access to the two private properties (i.e., proposed Caesar Park Place and Avanti Park locations) that require a Phase IB archaeology survey. Once access is received, we will proceed with conducting this survey.

HUD's guidelines require that consultation be completed prior to the release of the funding for the project. Given the time consuming nature of gaining property access, it is not feasible to have Section 106 consultation completed prior to the ROD being finalized for this project. We would like to discuss citing 800.4(b) (2) and 800.5 (a) (3) in the ROD to further document that we have notified the agency and tribes of the need for a Phase 1B, and that we would be phasing the assessment of effects in accordance with 800.5 (a) (3) since these parcels are private property and access is restricted. While DEP has already notified the Tribes of the need for the Phase 1B survey, we will be sending them an additional notification to inform them of the proposed path forward.

In addition, HUD is requesting DEP obtain an email from HPO that documents your agency's concurrence with the above listed approach (i.e., continuing Section 106 consultation after the NEPA process) because this has not been specifically stated in our previous written communication. Please let us know if you concur.

Thank you,
Kim

Sincerely,
Kim McEvoy
NJDEP Sandy Recovery EHP Program
609-292-0307(d)
609-789-2526 (c)

**Bureau of Flood Resilience
Engineering and Construction**



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