

**FEMA
FINDING OF NO SIGNIFICANT IMPACT
BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES GRANT
PROGRAM
NEW JERSEY MEADOWLANDS EAST RISER DITCH PUMPING STATION AND
CHANNEL IMPROVEMENTS
BERGEN COUNTY, NEW JERSEY
ENM-2020-BR-056-0002**

BACKGROUND

The New Jersey Department of Environmental Protection (NJDEP), the Subapplicant, has applied to the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) Grant Program for funding of the New Jersey Meadowlands East Riser Ditch Pumping Station and Channel Improvements Project (Project) in accordance with Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 United States Code (U.S.C.) 5133, as amended by the Disaster Recovery Reform Act of 2018. Under the BRIC Grant Program, FEMA provides technical and financial assistance to states and local governments to assist in the implementation of hazard mitigation measures that are cost-effective and designed to reduce injuries, loss of life, and damage and destruction of property; this includes damage to critical services and facilities resulting from natural disasters. The New Jersey Office of Emergency Management (NJOEM) is the Applicant partner.

The Project is part of a larger flood reduction initiative called the Rebuild by Design Meadowlands Flood Reduction (RBDM) Project. NJDEP completed an Environmental Impact Statement in October 2018 for the RBDM project; however, the Project was not fully covered by the RBDM Environmental Impact Statement analysis and required the development of a subsequent Environmental Assessment (EA). FEMA prepared the EA in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and the Regulations for Implementation of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] Parts 1500 to 1508). The purpose of the EA is to analyze the potential environmental impacts of the Proposed Action and alternatives, including a No Action alternative, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (FONSI). In accordance with the above referenced regulations and FEMA Directive 108-1 and FEMA Instruction 108-1-1, NEPA implementing procedures, FEMA is required, during decision making, to fully evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

The purpose of the Proposed Action is to reduce flood hazards and increase community resilience within the Meadowlands District that result from overtopping of the ERD channel. The project is needed to minimize future damage from storm events.

ALTERNATIVES

FEMA evaluated multiple alternatives in the EA in accordance with NEPA based upon the purpose and need for the project, engineering constraints, environmental impacts, and available property. Budgetary constraints were included but were not the controlling factor. As detailed in the EA, the NJDEP initially considered four alternatives and ultimately dismissed two of those alternatives based on technical impracticability, insufficient flood risk reduction, and the inability to meet the project purpose and need.

The remaining alternatives evaluated in the EA include: 1) the No Action alternative wherein FEMA would not provide federal funding and no hazard mitigation or flood risk management activities would occur; and 2) the Proposed Action that includes the improvement of 4,150 feet of the East Riser Ditch (ERD) channel, construction of a new pump station complex to reduce flood hazards, removal and replacement of bridge culverts, improvement of one railroad bridge, and construction of a new access road.

PROJECT DESCRIPTION

The primary components of the Proposed Action consist of the following:

1. Widening and deepening of the ERD channel from Moonachie Avenue downstream to the tide gate located at the confluence of the ERD channel and Berry's Creek. Improvements also include bank stabilization, which would occur using a combination of mechanically stabilized earth lifts (geolifts) and riprap placed along the channel banks, and revegetation of approximately 9.5 acres of channel banks and adjacent riparian areas.
2. Construction of a pump station complex that would be located adjacent to the existing tide gate to the northeast and east of Starke Road. The pump station would pump water from the ERD channel into Berry's Creek when the water surface elevation in the creek prevents the channel from draining through the existing tide gate. It would be constructed to accommodate a 100-year storm event.
3. Three existing undersized road culvert crossings at West Commercial Avenue, Amor Avenue, and at a railroad crossing would be removed and replaced with larger capacity structures. The West Commercial Avenue culvert would be replaced with two 10-foot by 7-foot concrete box, pile-supported culverts, embedded 2 feet below the final channel grade; the Amor Avenue culvert would be replaced with two 12-foot by 5-foot concrete box, pile-supported culverts, embedded 2 feet below the final channel grade. The railroad bridge would be removed and replaced with a 25-foot single-span bridge.
4. Construction of a 10-foot wide access road along the entire reach of the ERD channel to facilitate future operations and maintenance of the channel improvements.

Construction of the pump station and channel improvement would start at the same time and it is anticipated to take 17 months for the pump station and 27 months for the channel improvements. After construction, an operations and maintenance plan would be prepared to describe the procedures and responsibilities for routine maintenance, communication, and timing of activation in the event of an impending storm condition.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

The Proposed Action as described in the EA would have no long-term impact on geology or cultural resources after avoidance measures are implemented.

The Proposed Action would have short-term negligible to minor adverse impacts on topography, soils, air quality, climate change, water quality, wetlands, floodplains, coastal resources, vegetation, fish and wildlife, migratory birds, essential fish habitat, cultural resources, environmental justice populations, land use and planning, noise, transportation, public services and utilities, public health and safety, and hazardous materials during the construction period. These impacts would only occur during construction and would be minimized through the implementation of best management practices (BMPs), such as preparation of a spill prevention plan and implementation of dust control and noise abatement measures, described below in the Permits and Project Conditions section.

The Proposed Action would result in long-term negligible to minor adverse impacts on air quality, migratory birds, land use and planning (due to a zoning change for the ERD pump station), and hazardous materials (due to the operation of the pump station). The Proposed Action would result in long-term beneficial impacts on topography, soils, climate change, water quality, wetlands, floodplains, coastal resources, vegetation, fish and wildlife, threatened and endangered species, essential fish habitat, environmental justice populations, land use and planning (due to protection of current land uses against flood impacts), noise, transportation, public services and utilities, public health and safety, and hazardous materials (due to reduced risk of inundation of contaminated sites). These beneficial impacts would be achieved through the flood risk management provided by the Proposed Action.

PUBLIC INVOLVEMENT

FEMA issued a public notice in the newspaper, *North Jersey Media Group*, on December 14, 2022, to notify the public of the thirty-day public review and comment period. Accordingly, FEMA posted an electronic version of the EA to the FEMA website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/environmental-assessment-new-jersey> and <https://dep.nj.gov/floodresilience/rebuild-by-design-meadowlands-documents-resources/>. A hard copy of the EA was made available for review at:

NJDEP Bureau of Climate Resilience Design & Engineering
3rd Floor
33 South Clinton Avenue
Trenton, NJ 08625

There were no substantive comments received during the public comment period on the draft EA.

PERMITS AND PROJECT CONDITIONS

The Subapplicant is responsible for obtaining all applicable federal, state, and local permits for project implementation prior to construction and adhering to all permit conditions. Applicable permits may include, but are not limited to, a U.S. Army Corps of Engineers' Section 404 Clean Water Act Permit and a National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activity. Any substantive change to the approved scope of work would require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders.

The Subapplicant must adhere to the following conditions during project implementations:

- The Subapplicant is to follow all conditions laid out in the September 2019 RBDM Record of Decision.
- The Subapplicant is to obtain an NPDES General Permit for Stormwater Discharges from Construction Activity/Stormwater Pollution Prevention Plan from the United States Environmental Protection Agency and comply with all permit conditions.
- Prior to construction, the Subapplicant must obtain any required Clean Water Act Section 404 and 401 permits from the United States Army Corp of Engineers and NJDEP and comply with permit conditions.
- The Subapplicant will be required to provide wetland mitigation for the permanent impact on wetlands (which would result from the fill of a wetland to construct the ERD pump station) in compliance with the Clean Water Act and any required United States Army Corp of Engineers permit conditions.
- The Subapplicant is to coordinate with the NJDEP Division of Land Use Regulation to acquire applicable permits for work within the New Jersey Hackensack Meadowland District and comply with permit conditions.
- The Subapplicant will notify FEMA of all inadvertent discoveries, per the Programmatic Agreement I.A.III.B (*Amendment to Programmatic Agreement Along the FEMA, The New Jersey State Office of Emergency Management, Advisory Council on Historic Preservation and Participating Tribes as a Result of Hurricane Sandy*, dated May 1, 2015), and follow the unexpected discoveries protocol outlined therein.
- Submit copies of all permits obtained to NJOEM/FEMA at or prior to final closeout of the BRIC grant.
- Do not initiate construction activities until fifteen (15) days after the date that the FONSI has been signed as "APPROVED."
- The Subapplicant will develop and implement a site-specific Soil Erosion and Sediment Control Plan, reviewed and certified by the Bergen County Soil Conservation District.
- Riparian areas would be revegetated with native plant species consistent with New Jersey Sports and Exposition Authority's recommended plants for the Meadowlands District, acceptable to the Port Authority of New York and New Jersey and the Federal Aviation Administration for planting in the vicinity of Teterboro Airport, and on the species list provided by the Bergen County Audubon Society.

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:

JOHN J MCKEE Digitally signed by JOHN J
MCKEE
Date: 2023.02.28 16:19:16 -05'00'

JOHN J. McKEE
Regional Environmental Officer
Federal Emergency Management Agency, Region 2 Date:

WILLIAM MCDONNELL Digitally signed by WILLIAM
MCDONNELL
Date: 2023.03.01 08:50:06 -05'00'

WILLIAM McDONNELL
Acting Federal Insurance & Mitigation Director, Mitigation Division
Federal Emergency Management Agency, Region 2 Date: