

7.0 PUBLIC PARTICIPATION AND STATUTORY CONSULTATION

7.1 Statutory Consultation Requirement/Executive Order No. 215

The NJSEA's enabling legislation requires that it "...consult with the Meadowlands Commission before making any determinations as to the location, type and character of the project" and "...consult with the Meadowlands Commission and the New Jersey Department of Environmental Protection with respect to the ecological factors constituting the environment of the Hackensack meadowlands..." (N.J.S.A. 5:10-5(x) and 5:10-23, respectively). This consultation process involves a site plan review as well as an environmental assessment and analysis of the project including preparation of an Environmental Impact Statement (EIS), solicitation of public comments and a public hearing before hearing officers appointed by the NJMC and NJDEP.

The procedures for consulting with NJMC and NJDEP pursuant to N.J.S.A. 5:10-5(x) and 5:10-23 are not defined in the legislation, but were established by the New Jersey Supreme Court decision in New Jersey Sports and Exposition Authority v. McCrane, et al., 61 N.J. 1 (1972) made during the NJSEA's original site selection for the Sports Complex in the Meadowlands. The Court held that private consultation between the NJSEA, the NJDEP and the NJMC (formerly known as the Hackensack Meadowlands Development Commission, or the HMDC) on the Sports Complex project was not alone sufficient to fulfill the statutory consultation requirement and should be supplemented to include a public hearing at which all interested parties should be entitled to present their views. The Court also held that the hearing would be legislative in nature; the presentation could be made to both agencies at the same time; and a full record of the hearing should be made on which any further review would be based. (New Jersey Sports and Exposition Authority v. McCrane, 61 N.J. 1 (1972)). Subsequent to this Court Decision, a public hearing was held in 1972 for the initial components of the Meadowlands Sports Complex, Giants Stadium and the Racetrack, at which an EIS was presented by the NJSEA to hearing officers appointed by the NJMC and the NJDEP. Public comments were received and considered by the hearing officers. The hearing officers then prepared their report and recommendations, which were approved by the NJMC and the NJDEP. This consultation process was upheld by a second decision of the New Jersey Supreme Court (Matter of Sports Complex in the Hackensack Meadowlands, 62 N.J. 248 (1973)).

Following the established consultation process, a public hearing was held in 1978 for the development of the Arena Site. Once again the NJSEA presented an EIS to hearing officers appointed by the NJMC and the NJDEP and public comments were received and considered. After the public hearing, the hearing officers prepared their report and recommendations which

were approved by NJMC and NJDEP. The hearing officers also concluded that the consultation process had the effect of fulfilling the requirements of Executive Order No. 53 (EO 53), a predecessor of Executive Order 215 (EO 215).

EO 215, which was issued on September 11, 1989, rescinded and replaced Executive Order No. 53. EO 215 requires that all departments, agencies and authorities of the State prepare and submit to the NJDEP an EIS or environmental assessment (EA) for major construction projects. EO 215 does not require any public comment or hearing on the EA or EIS, but rather, only requires review by the NJDEP. However, as discussed above, the New Jersey Supreme Court has determined that the consultation process for NJSEA projects must include a public hearing.

In accordance with the requirements of the consultation process established by the NJ Supreme Court, the Meadowlands Xanadu Redevelopment Project in 2004 and the Meadowlands Railroad and Roadway Improvement Project in 2005 were also publicly reviewed. Both hearing officers' reports concluded that the consultation process fulfilled the requirements of EO 215.

Building upon the prior consultations and hearing officers reports for other NJSEA projects, the NJSEA and NM Stadco prepared a PEIS for the New Meadowlands Stadium Project in October 2006. The PEIS, which also fulfilled the requirements of EO215, was presented to NJMC and NJDEP at a series of public hearings held on December 13 and 14, 2006 as part of the consultation process. After the close of the public comment period for the PEIS, the NJSEA and NM Stadco completed this FEIS, which addresses the comments received during the comment period. The FEIS will be submitted to the NJDEP and NJMC hearing officers and made available to the public as described in Section 7.4. After receipt and review of the FEIS, the hearing officers will issue their report and recommendations. Upon completion of the consultation process, the NJSEA and NM Stadco will request that the hearing officers find that the consultation process has the effect of fulfilling the requirements of N.J.S.A. 5:10-5(x) and 5:10-23 and EO 215.

7.2 Permits

As discussed in Section 6.0, the Stadium Project requires a number of Federal, State, and regional permits, approvals and certifications. Some of these approvals may require public hearings separate and apart from the consultation process with the NJMC and the NJDEP. Further detail about the requirements for these approvals and the status of each application is provided in Section 6.0.

7.3 Consultation Schedule

The NJSEA and NM Stadco began the consultation process for the Stadium Project by meeting with the NJMC and the NJDEP to discuss the procedures and schedule for public hearings and preparation of the EIS. A Scoping Document for the NJSEA consultation process EIS was prepared and submitted to NJDEP and NJMC and made available to the public on May 24, 2006.

On July 12, 2006, a public Scoping Hearing was held before hearing officers appointed by the NJMC and the NJDEP at the NJMC Auditorium in Lyndhurst, New Jersey in order to receive public comments on the New Meadowlands Stadium Project Scoping Document for NJSEA consultation process EIS. The public comment period on the Scoping Document ended on August 11, 2006. A summary of the Scoping Hearing, the transcript from the Scoping Hearing and written comments received during the scoping comment period are included in Appendix J of the PEIS.

The NJSEA and NM Stadco prepared a PEIS for the Stadium Project, which was submitted to the NJMC and the NJDEP and made available to the public in October 2006. An overview of the Stadium Project and the PEIS was presented to the Hearing Officers at public hearings held on December 13 and 14, 2006. Oral and written comments on the PEIS were received by the Hearing Officers at the public hearings. In addition, written comments on the PEIS were accepted through January 15, 2007. After the close of the public comment period for the PEIS, the NJSEA and NM Stadco completed the FEIS. Comments on the PEIS received during the public comment period and responses to these comments are provided in Appendix D of this document.

The FEIS is being submitted to the NJMC and the NJDEP and will be available for public review at the locations listed in Section 7.4. After receipt and review of the FEIS, the hearing officers will prepare their report and recommendations which will be submitted to the NJMC and the NJDEP for approval. The NJSEA and NM Stadco will consider the report and recommendations in the planning, construction and operation of the Stadium Project.

7.4 Availability of EIS

Copies of the Stadium Project FEIS will be made available for review at the following locations:

NJMC Library
One DeKorte Park Plaza
Lyndhurst, NJ 07071

New Jersey Department of Environmental Protection
401 East State Street
P. O. Box 402
Trenton, NJ 08625

New Jersey Sports and Exposition Authority
50 State Route 120
East Rutherford, NJ 07073

In addition, copies will be available at the following municipal libraries serving the Hackensack Meadowlands District:

Wm. E. Dermody Public Library
420 Hackensack Street
Carlstadt, N.J. 07072

North Arlington Public Library
210 Ridge Road
North Arlington, N.J. 07032

East Rutherford Memorial Library
143 Boiling Springs Avenue
East Rutherford, N.J. 07073

North Bergen Free Public Library
8411 Bergenline Avenue
North Bergen, N.J. 07047

Jersey City Public Library
472 Jersey Avenue
Jersey City, N.J. 07302

Ridgefield Free Public Library
725 Slocum Avenue
Ridgefield, N.J. 07657

Kearny Public Library
318 Kearny Avenue
Kearny, N.J. 07032

Rutherford Public Library
150 Park Avenue
Rutherford, N.J. 07070

Little Ferry Public Library
239 Liberty Street
Little Ferry, N.J. 07643

Secaucus Public Library
1379 Paterson Plank Road
Secaucus, N.J. 07094

Lyndhurst Library
355 Valley Brook Avenue
Lyndhurst, N.J. 07071

For Moonachie, South Hackensack and Teterboro:

Johnson Public Library
274 Main Street
Hackensack, N.J. 07601

Wood-Ridge Memorial Library
231 Hackensack Street
Wood-Ridge, N.J. 07075

The FEIS will also be available on the following websites:

- NJMC website (<http://www.meadowlands.state.nj.us>);
- NJDEP website (<http://www.state.nj.us/dep>)
- NJSEA website (<http://www.njsea.com>).