

## PUBLIC NOTICE

### NOTICE OF RECORD OF DECISION AND INTENT TO REQUEST RELEASE OF FUNDS

#### BERGEN COUNTY

December 28, 2018

New Jersey Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially declared disaster, Superstorm Sandy. This notice shall satisfy procedural requirements for activities to be undertaken by New Jersey Department of Community Affairs (DCA).

#### REQUEST FOR RELEASE OF FUNDS

On or about January 14, 2019, the DCA will submit a request to the United States Department of Housing and Urban Development (HUD) for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Rebuild By Design (RBD) program. DCA expects to fund the planning, design, and construction of the project using approximately \$150 million in RBD funds.

#### PROJECT DESCRIPTION

**Application ID number:** Rebuild By Design Meadowlands (RBDM)

**Project Title:** Rebuild By Design Meadowlands Flood Protection Project

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

**Total estimated project cost:** \$150,000,000.

As a result of Superstorm Sandy, HUD launched the RBD competition in 2013 in which HUD awarded the State of New Jersey \$150 million for the implementation of the RBD Meadowlands Flood Protection Project (Project). The Project is designed to reduce the risk of floods from coastal storm surges and/or systemic inland flooding from high-intensity rainfall events. The Project analyzed the construction and operation of flood risk reduction measures designed to address the impacts of inland and coastal flooding on the quality of the human environment due to both storm hazards and sea level rise within the Project Area. The purpose of the Project is to reduce flood risk in the Project Area, thereby protecting critical infrastructure and facilities, residences, and businesses from the more frequent and intense flood events anticipated in the future. The 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 Project is needed to directly protect life, public health, and property in the Project Area; reduce flood insurance claims from future events; and potentially restore property values, to the extent possible, with the available funding.

The DCA, in conjunction with the New Jersey Department of Environmental Protection (DEP), after consideration of a variety of alternatives, including a No Action Alternative, selected Alternative 3 as the Preferred Alternative for the Project. Alternative 3 would consist of a hybrid of the coastal flood protection and stormwater drainage improvements included in Alternatives 1 and 2 and would provide the greatest level of flood protection to the Project Area. 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 Project, and a *Future Plan*, which includes the remaining features that could be constructed over time by others as funding and construction feasibility permit.

The DEP, on behalf of DCA, has satisfied the National Environmental Policy Act of 1969 (NEPA) process and supports the decision to adopt the Alternative 3 *Build Plan* as the Selected Alternative for implementation of the Project. This decision was made following a collaborative process that included a thorough consideration of social, economic, engineering, and environmental factors with an extensive outreach of resource agency coordination and public involvement.

The Alternative 3 *Build Plan* would consist of 41 green infrastructure systems (bioswales, storage trenches, and rain gardens) along roadways, three new parks (comprising approximately 7.6 acres in total), improvements to five existing open spaces/public amenities, two new pump stations, one new force main associated with the Losen Slote drainage area, and dredging of the lower East Riser Ditch. The Alternative 3 *Build Plan* will be constructed with current available HUD funding of \$150 million. Overall, the Alternative 3 *Build Plan* would:

- Provide approximately 50 years of inland flood reduction for portions of the Project Area; flood reduction would be greatest in the improved reach of East Riser Ditch, but also prominent in the Main Reach of Losen Slote and upper reach of East Riser Ditch;
- Provide numerous co-benefits to the Project Area, including new recreational opportunities, water quality improvements, new and enhanced habitats, and aesthetic benefits; and
- Have direct and indirect impacts to the physical, natural, cultural, and socioeconomic environment that are generally less than would occur under Alternatives 1 or 2.

#### AVAILABILITY OF THE RECORD OF DECISION

On December 28, 2018, the DCA completed the NEPA process by publishing a Record of Decision (ROD) that formally selected the **Alternative 3 *Build Plan*** as the Selected Alternative for implementation of the Project. The ROD further disclosed that this Project will have impacts on the human environment, and identified the mitigation measures and best management practices that the DCA/DEP will implement to avoid and minimize impacts to the extent practicable.

The Environmental Review Record (ERR) for this Project, which includes the ROD and Final Environmental Impact Statement (FEIS), is on file and available for public review on the DEP

RBDM website at [www.nj.gov/dep/floodresilience/rbd-meadowlands.htm](http://www.nj.gov/dep/floodresilience/rbd-meadowlands.htm). These documents can also be viewed on the DCA website at [www.nj.gov/dca/divisions/sandyrecovery/review](http://www.nj.gov/dca/divisions/sandyrecovery/review). Finally, hard copies of the ERR documentation is available for public review at the DEP Bureau of Flood Resilience office at 501 East State Street, Mail Code 501-01A, P.O. Box 420, Trenton, NJ 08625-0420; the documents may be reviewed and/or copied in-person during weekdays between 9 A.M. and 5 P.M., except on State holidays.

## PUBLIC COMMENTS

Any party that wishes to comment on this Project may submit written comments using one of the following three methods:

- Mail comments to Samuel Viavattine, Deputy Director, DCA, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800;
- Mail comments to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410;
- Submit comments online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

All comments received by January 13, 2019, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

## ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Lieutenant Governor Sheila Y. Oliver, in her capacity as Commissioner of DCA, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows DCA to use CDBG-DR funds.

## OBJECTIONS TO REQUEST FOR RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if the objections are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Lieutenant Governor Sheila Y. Oliver, Commissioner and Certifying Officer  
New Jersey Department of Community Affairs