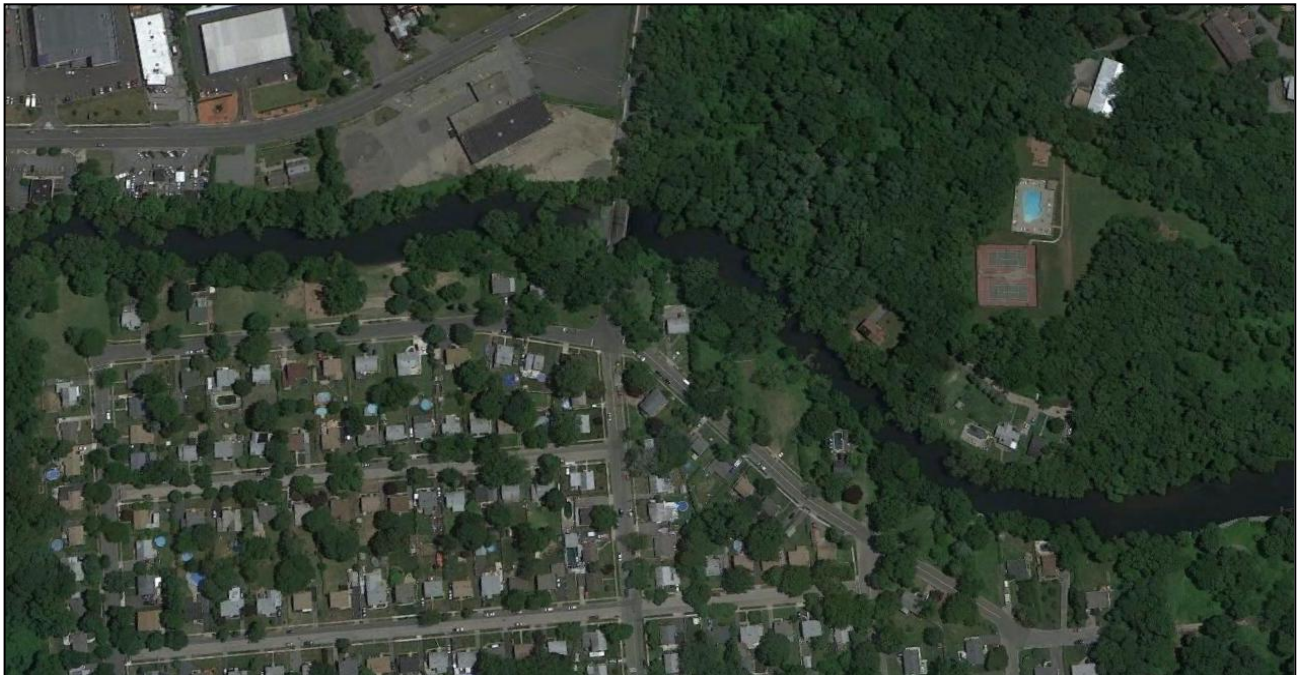
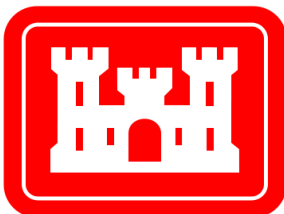

PASSAIC RIVER FLOODWAY BUYOUT PASSAIC COUNTY, NEW JERSEY

DRAFT DECISION DOCUMENT AND ENVIRONMENTAL ASSESSMENT



**Draft Decision Document and Environmental Assessment Report
May 2015**



**U.S. Army Corps of Engineers
New York District
North Atlantic Division**



**New Jersey
Department of
Environmental Protection**

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PERTINENT DATA

DESCRIPTION

The identified plan provides for the acquisition and demolition of up to thirty-two (32) residential structures in Wayne Township and Pompton Lakes Borough, Passaic County, New Jersey.

LOCATION

Passaic County, New Jersey

FLOOD DAMAGE REDUCTION FACILITIES

Level of Protection (storm with probability of exceedance): Probable Maximum Flood (PMF)

REAL ESTATE REQUIREMENTS

Fee Simple Purchase (estimated total): 5.4 acres

ENVIRONMENTAL MITIGATION

Impacts: None

ECONOMICS

Project First Cost (October 2014 price level)	\$7,300,000 ¹
Annualized First Cost (discounted at 3.375 % over a 50-year period)	\$304,200
Operations and Maintenance (O&M) Costs	\$0
Total Annual Cost (discounted at 3.375 % over a 50-year period)	\$304,200
Average Annual Benefits	\$404,700
Average Annual Net Benefits	\$100,500
Benefit-to-Cost Ratio	1.3

COST APPORTIONMENT

Total Cost	\$7,900,000²
Federal Cost (75%)	\$5,925,000
Non-Federal Cost (25%)	\$1,975,000
Fully Funded Cost	\$8,160,000
Federal Cost (75%)	\$6,120,000
Non-Federal (25%)	\$2,040,000

¹ ER 1105-2-100, Appendix D, Amendment #1, 30 June 2004; Section D-3.e.(11).(a) states that expended Preconstruction Engineering and Design (PED) costs will be considered sunk and not included in the benefit-to-cost ratio

² Total Cost includes \$600,000 in sunk PED costs, including amount expended for the August 2005 report and the report herein.

EXECUTIVE SUMMARY

This Decision Document and Environmental Assessment has been prepared by the New York District (District) of the U.S. Army Corps of Engineers (Corps), and revises the Passaic River Floodway Buyout Study Limited Update Report and Environmental Assessment, August 2005. The report contained herein is an update of the Passaic River Floodway Buyout Study Limited Update Report and Environmental Assessment, August 2005, as it focuses on two areas of the floodway, in Wayne Township and Borough of Pompton Lakes and analyzes the voluntary acquisition and removal of up to thirty-two (32) homes in and around River Edge Drive in Pompton Lakes Borough and in and around the Hoffman Grove area of Wayne Township.

The non-Federal sponsor for this project, the State of New Jersey, Department of Environmental Protection (NJDEP), requested that acquisition of properties under this buyout focus on these two municipalities, due to the fact that NJDEP had already acquired properties in Pompton Lakes, and because Wayne Township had specifically requested NJDEP to address their flood problems in and around the Hoffman Grove area. Buyouts that are the subject of this study are located in areas adjacent to previously acquired properties, thereby further addressing existing flooding problems. This Decision Document and Environmental Assessment includes an update of costs, benefits, and environmental assessment to meet National Environmental Policy Act (NEPA) requirements.

No adverse environmental impacts would occur as a result of project implementation. However, a number of environmental benefits can be achieved through a buyout. They include space for recreation, restored wildlife habitat, and the elimination of pollution sources from future flood events. Other environmental benefits include a reduction in environmental remediation by cleanup of acquired properties.

The economic benefit of a buyout is the reduction of flood damages through the removal of flood-prone structures. Buyouts eliminate the administrative costs associated with the National Flood Insurance Program (NFIP) for these structures.

The plan has total average annual costs of \$304,200, total average annual benefits of \$404,700, a benefit-to-cost ratio of 1.3, and average annual net benefits of \$100,500. The total project first costs, including Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRD), are shared on a 75 percent basis by the Federal government and a 25 percent basis by the non-Federal sponsor³. The Federal government will design the acquisition and demolition plans, prepare detailed plans and specifications, and acquire residential properties on behalf of the non-Federal sponsor. The fully funded project cost is \$8,160,000 and cost shared \$6,120,000 Federal and \$2,040,000 Non-Federal.

³ WRDA 1986 Section 1148 authorized the cost share as 75% Federal and 25% non-Federal

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*Sections of text marked with an asterisk are applicable to the satisfaction of NEPA requirements

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GLOSSARY OF TERMS, ACRONYMS, AND ABBREVIATIONS

ACM	Asbestos Containing Materials
CEQ	Council On Environmental Quality
CERCLA	Comprehensive, Environmental Response, Compensation, and Liability Act
CFR	Code Of Federal Regulations
CO	carbon monoxide
Corps	United States Army Corps Of Engineers
CW	Civil Works program
EA	Environmental Assessment
EIS	Environmental Impact Statement
EM	Engineering Manual
ER	Engineering Regulation
FEMA	Federal Emergency Management Agency
FIA	Flood Insurance Administration
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
HTRW	Hazardous, Toxic, And Radiological Wastes
LBP	Lead Based Paint
LERRD	Lands, Easements, Rights-of-way, Relocations, and Disposal areas
MCACES	Microcomputer Aided Cost Estimating System
MII	2nd Generation, Software program (MCACES software)
NAAQS	National Ambient Air Quality Standards
NAVD	North American Vertical Datum of 1988
NED	National Economic Development
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NHP	Natural Heritage Program
NHPA	National Historic Preservation Act
N.J.A.C.	New Jersey Administrative Code
NJDEP	New Jersey Department Of Environmental Protection
NJHPO	New Jersey State Historic Preservation Office
NO ₂	nitrogen dioxide
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O&M	Operations And Maintenance
O ₃	ozone
P&G	Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies
PA	Programmatic Agreement
Pb	lead
PED	Preconstruction Engineering And Design

PPA	Project Partnership Agreement
PM	particulate matter
PMP	Project Management Plan
REP	Real Estate Plan
RONA	Record of Non-Applicability
S&A	Supervision And Administration
SO2	sulfur dioxide
USACE	United States Army Corps Of Engineers
USEPA	US Environmental Protection Agency
USFWS	United States Fish And Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
WES	Waterways Experiment Station
WRDA	Water Resources Development Act
WSEL	Water Surface Elevation

PASSAIC RIVER FLOODWAY BUYOUT DECISION DOCUMENT AND ENVIRONMENTAL ASSESSMENT

PASSAIC COUNTY, NEW JERSEY

1. INTRODUCTION

This Decision Document and Environmental Assessment has been prepared by the New York District (District) of the U.S. Army Corps of Engineers (Corps), and revises the Passaic River Floodway⁴ Buyout Study Limited Update Report and Environmental Assessment, August 2005. The Passaic River Floodway Buyout Study Limited Update Report and Environmental Assessment, August 2005 assembled data on costs and other aspects of buyouts of various defined floodplains to provide a basis for direct comparison with the structural measures authorized in the flood damage reduction plan for the Passaic River Basin (WRDA 1976, WRDA 1990, and modified in WRDA 1992, WRDA 1996, and WRDA 2000). The project discussed in this Decision Document and Environmental Assessment is the Passaic Floodway Buyout (specific authorization: Section 1148 of WRDA 1986, Section 333 of WRDA 1996, Section 327 (g) of WRDA 2000, and Section 115 of the Consolidated Act 2012).

The Passaic River Floodway Buyout includes the acquisition and removal of homes from the State-defined floodway in the municipalities of Fairfield, Lincoln Park, Wayne, Pompton Lakes, Montville, East Hanover, Pequannock, Little Falls, and Riverdale. As documented in the Passaic River Floodway Buyout Study Limited Update Report and Environmental Assessment, August 2005, these homes are subject to frequent flood damages. The general contents of the Passaic River Floodway Buyout Study Limited Update Report and Environmental Assessment, August 2005 were estimated costs of acquiring and removing most of the residential structures of affected portions of the floodplains and a discussion of the consequences, both positive and negative, of a large non-structural flood damage reduction project.

The report contained herein, Decision Document and Environmental Assessment, serves as a decision document for the Passaic River Floodway Buyout. At the request and support of the sponsor, the project focuses on two of the nine areas of the floodway, Wayne Township (Passaic County, New Jersey) and Borough of Pompton Lakes (Passaic County, New Jersey), voluntary acquisition and removal of up to thirty-two (32) homes. General location maps are provided in Figures 1-1 and 1-2. The two project areas that were analyzed currently comprised of thirty-two (32) properties for acquisition, with five (5) properties located in and around the Ramapo River and River Edge Drive in Pompton Lakes (Figure 1-3), and twenty-seven (27)

⁴ The term "floodway" used throughout this report is defined as the channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow. Floodways are usually the area where water velocities and forces are the greatest and most destructive. National Flood Insurance Program (NFIP) regulations, adopted in local flood damage prevention ordinances, require that floodway encroachments, including fill, new construction, substantial improvements, and other development that would increase flood levels be prohibited.

properties in and around the Hoffman Grove area of Wayne Township (Figure 1-4). The analysis of the candidate 32 homes, found that the acquisition of up to 30 homes would be possible, based on the availability of funds and then – current market prices. The recommendation requests approval for “up to 32” homes, because this could include all the candidate homes if there is a favorable price experience at the time of actual purchase. The non-federal sponsor for this project, the State of New Jersey, Department of Environmental Protection (NJDEP), requested that acquisition of up to thirty-two (32) properties under this buyout occur in these two project areas, due to the fact that NJDEP had already acquired properties in Pompton Lakes, and because Wayne Township had specifically requested NJDEP to address their flood problems in the Hoffman Grove area. Buyouts that are the subject of this study are located in areas adjacent to previously acquired properties, thereby further addressing existing flooding problems.

This limited update of the August 2005 report includes an update of costs, benefits, and an environmental assessment to meet National Environmental Policy Act (NEPA) requirements. This document has been organized in a manner consistent with both Corps requirements for reports and with NEPA requirements. Details of technical investigations conducted during the study are appended to this document. Some section headings are marked with an asterisk to indicate consistency with NEPA requirements.

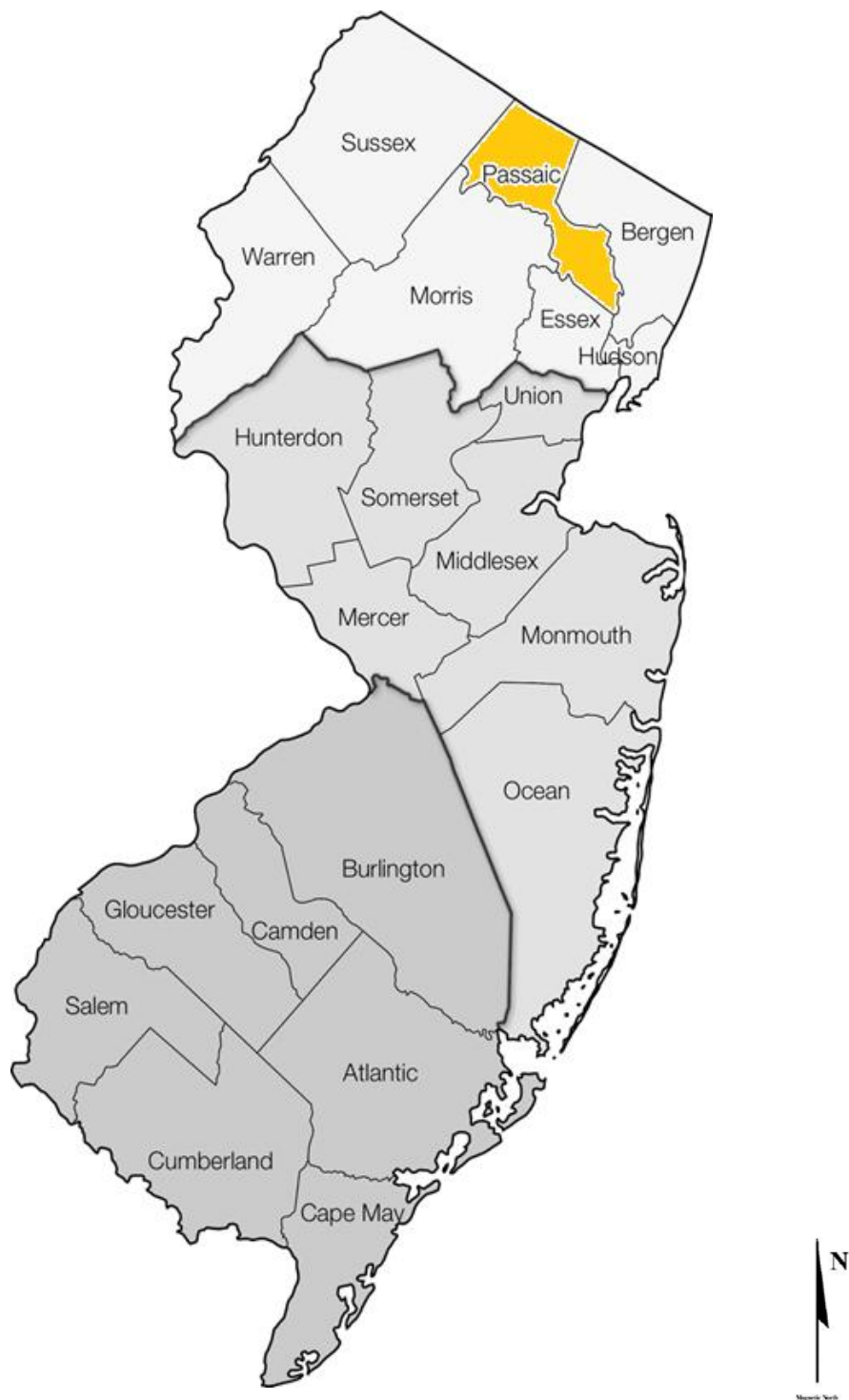


Figure 1-1: Passaic County within New Jersey

(not to scale)

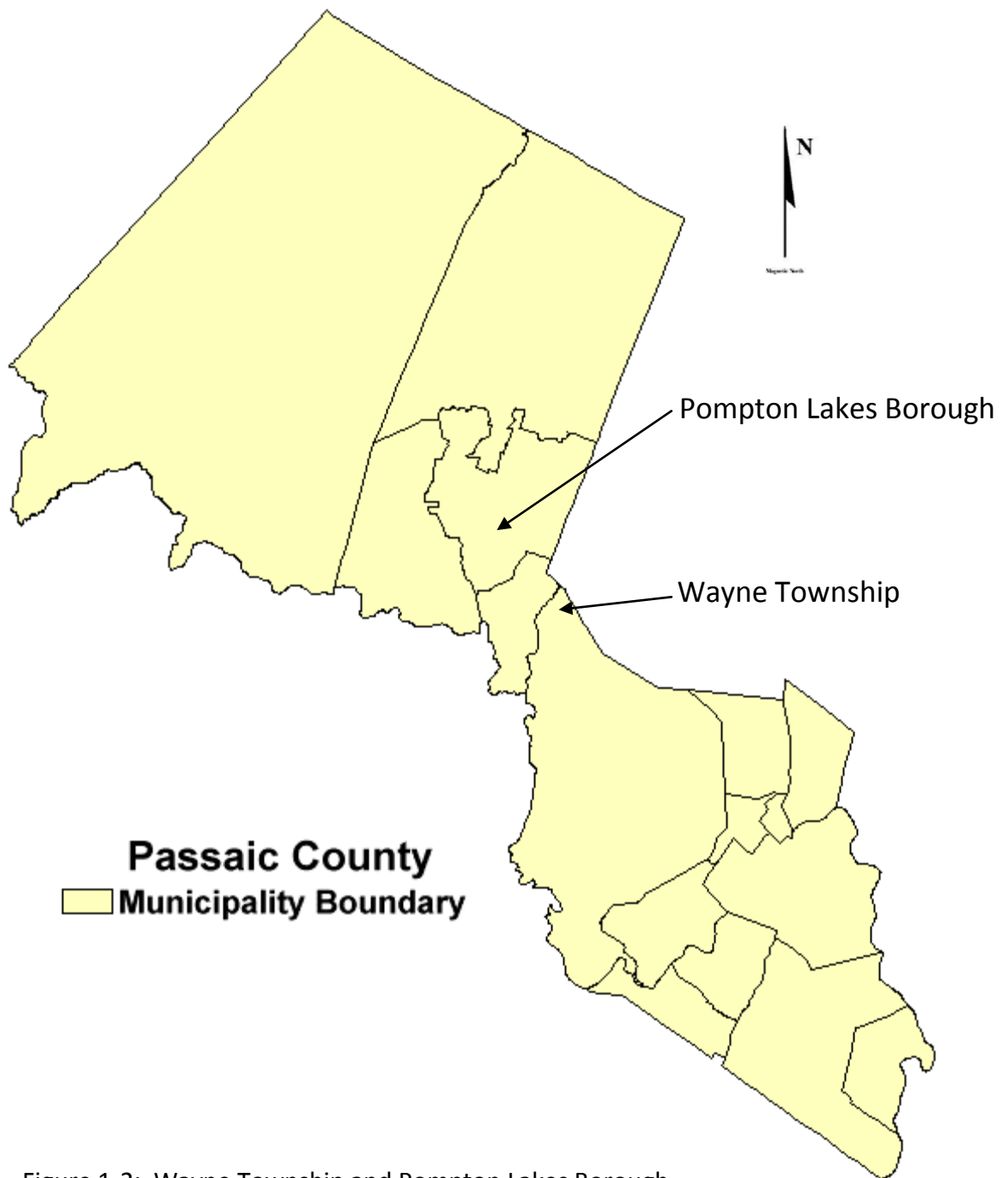


Figure 1-2: Wayne Township and Pompton Lakes Borough within Passaic County, New Jersey

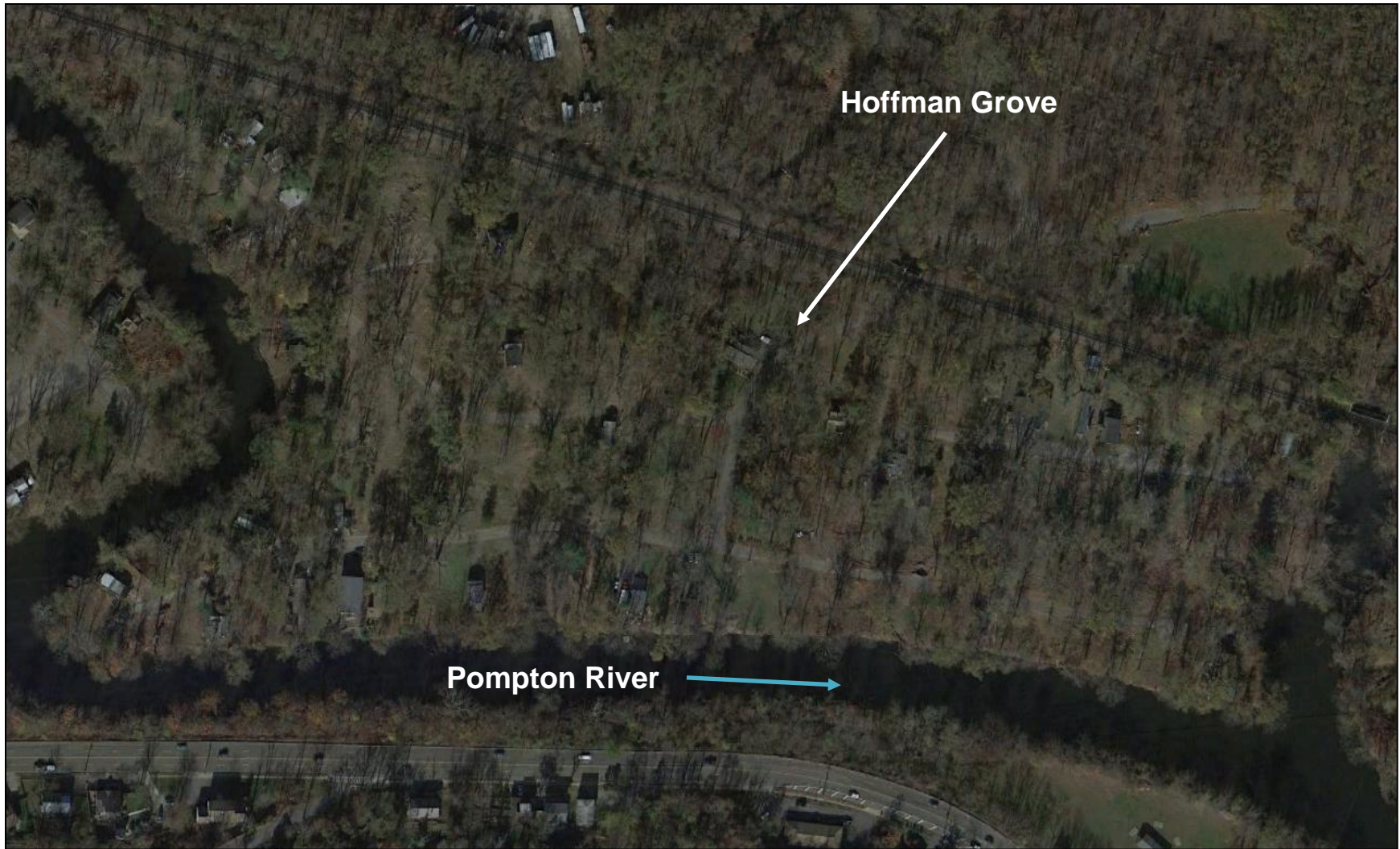
(not to scale)



Source: Google Earth

Figure 1-3: River Edge Drive, Pompton Lakes Project Area

(not to scale)



Source: Google Earth

Figure 1-4: Hoffman Grove, Wayne Township Project Area

(not to scale)



1.1 Acquisition of Floodway Properties

Permanent evacuation of the floodway involves the acquisition of land and structures by fee purchase, as participation is voluntary in this program. Following acquisition, all structures and improvements are to be demolished and disposed, or relocated. Defining buyout alternatives for study should follow beneficial criteria, each of which has significant policy implications. To establish the criteria, it is important to define the goals of a buyout effort. While public expectations vary, any buyout effort should accomplish the following:

- public acquisition and removal of flood-prone structures,
- assembly of vacant parcels to preclude development,
- prohibitions against new structures in the floodplain or floodproofing and stormwater management in some limited cases,
- development of permanent public open space to provide new recreational opportunities,
- removal or adjustments to the public infrastructure to eliminate intrusions into the floodplains and to prevent interruption of essential services during floods, and
- enforcement of land use controls to prevent redevelopment in acquired areas and establishment of water management standards at un-acquired properties.

All of these goals have important cost implications which should be clearly identified as each level of a buyout is defined, then weighed by the public.

1.1.1 Environmental Benefits of Acquisition

A number of environmental benefits can be achieved through a buyout. They include restored wildlife habitat, and the elimination of pollution sources from future flood events. Other environmental benefits include reduction in downstream flooding. Any buyout program must be analyzed to determine whether these benefits will occur and if so, whether they are fully or partially achieved.

1.1.2 Economic Benefits of Acquisition

The direct economic benefit of a buyout is the reduction of flood damages through the removal of flood-prone structures. In addition, a buyout eliminates the administrative costs associated with the National Flood Insurance Program (NFIP) for these structures.

1.1.3 Community Advantages of Acquisition

Other potential benefits of acquisition programs relate to communities or regions not necessarily located in the floodplains. An acquisition program may reduce the cost of providing emergency municipal services in flood prone neighborhoods or may create an incentive for flood proofing the remaining community infrastructure. Community benefits of a buyout include lowering the potential for loss of human life.

1.2 Study Authority

The Passaic River Floodway Buyout project area is located within the Passaic River Basin, New Jersey. Section 101(a) of the Water Resources Development Act (WRDA) of 1976 (Public Law 94-587) authorized a comprehensive look at the Passaic River Basin based on the Report of the Chief of Engineers dated February 18, 1976, which led to a plan authorized in WRDA 1990 and modified in WRDA 1992, WRDA 1996, WRDA 2000 and the Consolidated Appropriations Act 2012. The Passaic River Basin authorization includes several elements, however, the project discussed in this report is the Passaic Floodway Buyout and specific authorization is detailed below. Further details of the Passaic Floodway Buyout authorization are described in Appendix J.

The Passaic Floodway Buyout project herein is specifically authorized by Section 1148 of WRDA 1986, which reads:

Subject to Section 903(a) of this Act, the Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated \$50,000,000 to carry out this section. The non-Federal share of the cost of carrying out this section shall be 25 percent.

Section 333 of WRDA 1996 authorized modification of Passaic River Floodway Buyout project to include acquisition of lands, retention of lands for flood protection, cost sharing, and applicability of benefit-to-cost ratio waiver authority. Section 115 of the Consolidated Appropriations Act 2012 authorized modification of the project to include the disposition of acquired land, as amended by striking the original subsection (b) and inserting the replacement subsection (b) as shown below:

Section 333 of WRDA 1996 and Section 115 of the Consolidated Act 2012 reads:

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

Sec. 1148. Passaic River Basin.

“(a) Acquisition of Lands. — The Secretary may acquire from willing sellers lands on which residential structures are located and that are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of \$194,000,000.

“(b) Disposition of Acquired Land. — The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.”

“(c) Cost Sharing. — The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of subsection (d).

“(d) Applicability of Benefit-Cost Ratio Waiver Authority. — In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c), to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.

Subsequent authorization was provided in Section 327 (g) of WRDA 2000. Section 327(g) discusses the New Jersey Blue Acres Program and is consistent with the State of New Jersey Blue Acres Program (Ref: http://www.state.nj.us/dep/greenacres/blue_flood_ac.html). A letter of support for this project from the NJDEP was received in 2005, included in Appendix D, an updated letter is pending.

Section 327 (g) of WRDA 2000 reads:

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718) is amended by adding at the end the following:

“(e) Consistency with New Jersey Blue Acres Program.—

The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.”

As stated in WRDA 1986, the Passaic River Floodway Buyout Project is cost shared 75 percent Federal and 25 percent non-Federal. The authorization specifies that the buyouts are to be strictly voluntary (*i.e.*, participation only by willing sellers).

1.3 *Study Purpose and Need

Flooding has long been a problem in the Passaic River Basin. The most severe flood, the “flood of record,” occurred in 1903, and more recent floods in 1968, 1971, 1972, 1973, two

in 1975, 1984, 1992, 1999, 2005, April 2007, March 2010, and most recently Tropical Storm Irene/Lee in August/September 2011 were sufficiently devastating to warrant Federal Disaster declarations. From 1900 to date, more than 26 lives have been lost, over \$5.5 billion in losses and fifteen (15) Federal Disaster Declarations have been realized as a result of Passaic River Basin flooding. Further, if the 1903 flood of record, a 100-yr event (1% chance event), would occur today, it is estimated that \$2.4 billion in damages would be realized. With average annual equivalent flood damages (not including the March 2010, March 2011, and August 2011 events) estimated at about \$247 million (at the October 2011 price level), the Passaic Basin has been characterized as a major East Coast flood problem area.

Since 1936, when the Corps was first directed to prepare solutions to the Passaic River Basin's flood problems, opposition has prevented the implementation of any of the project elements that were deemed feasible. This opposition revolved around the use of the upstream floodplain to protect downstream damage areas, intensive structural measures, including dams and levees, and implementation costs. None of these plans were found to be acceptable on the part of the non-Federal sponsor and were rejected on the basis of environmental, economic, and social conditions arguments raised by a variety of parties interested in the Passaic Basin, including local governments and non-governmental organizations. The many levels of political jurisdiction within the basin have further complicated resolution of the multiple issues surrounding flood damage reduction planning. As a result, the threat of property losses, hazards to health and safety, and injury and loss of life continue.

As of the 2005 report, the two project areas comprised of 135 properties, with 10 properties located between the Ramapo River and River Edge Drive in Pompton Lakes, and 125 properties along the Pompton River in the Hoffman Grove area of Wayne Township. The number has reduced due to buyouts completed in the project areas. Past buyout actions that are appropriate to be considered against the proposed action include the purchase and removal of 96 homes within close proximity to Wayne Township (Hoffman Grove) project area and 20 homes located near the Pompton Lakes project area through a combination of funds from the Federal Emergency Management Administration (FEMA) and the state of New Jersey. Upon completion of site visit completed by the New York District Project Delivery Team in November 2013 and review of the current real estate plan, currently thirty-two (32) homes remain in Wayne Township and Pompton Lakes. Twenty-seven (27) structures were identified in and around the Hoffman Grove area and five (5) structures were identified in and around the Pompton Lakes.

The US Army Corps of Engineers has not acquired any properties under the Floodway Buyout authority; however, undeveloped land has been acquired under Section 327 Passaic River Basin Flood Management (d) Preservation of Natural Storage Area. The continued threat of property loss, hazards to health and safety, and injury and loss of life within the Passaic River Basin and Passaic River Floodway warrants measures such as the floodway buyout, authorized in this report, to alleviate the effects of flooding in the area.

1.4 Prior Studies, Reports, and Existing Water Projects

The Corps involvement in Passaic River planning was first authorized in the Flood Control Act of 1936. Since then, reports involving the Passaic River were issued in 1939, 1948, 1962, 1969, 1972, 1973, 1987, 1995, and 2005. The status of current and ongoing projects are detailed in Section 4.10 of this report. Due to the extensive history of the Passaic River projects, the major reports are only briefly mentioned below. Descriptions of major reports are further discussed in Appendix J.

Survey Report of 1939. In the Flood Control Act of May 1936, and further in the Flood Control Act of December 1936, the Corps received its first authorization for water resources planning in the Passaic River Basin. The New York District prepared a survey report in 1939 that considered three alternative plans of improvement.

Survey Report for the Passaic River Watershed, New Jersey, October 1948. In October 1948, the New York District prepared a survey report recommending the construction of a reservoir and channel modification as a project for flood control and other purposes within the Passaic River watershed, New Jersey.

Survey Report for the Passaic River Watershed, New Jersey, June 1962. In June 1962, the New York District submitted an updated and revised draft survey report recommending favorable action on an alternative plan of improvement for the Passaic River watershed.

Survey Report for the Passaic River Watershed, New Jersey, 1969. Seven new Basinwide plans were formulated and presented in a 1969 draft survey report.

Survey Report for the Passaic River Watershed, New Jersey, June 1972. This survey report issued in June 1972 was prepared by the Corps and amended by a supplemental report in April 1973. In these reports, the District Engineer recommended for authorization a plan of improvement for flood protection and allied resources development in the Passaic River Basin.

1973 Supplemental Report. Plan II-B was presented as the recommended alternative. This alternative was similar to Plan II and included channel modifications and diversions, and local protection works along the Passaic and Pompton Rivers. Plan II-B gathered enough support to reach Congress for action. As a result of the Congressional hearing, the Congress authorized a new Passaic River Basin Study (*1976 Water Resources Development Act*).

Passaic River Mainstem Feasibility Report, December 1987. A Feasibility Report and Environmental Impact Statement (EIS) for the Main Stem Passaic River was completed in

December 1987 under the Section 101(a) of WRDA 1976 authority for the Passaic River Basin.

Passaic River Buyout Study, September 1995. In February 1994, New Jersey Governor Christine Whitman announced her interest in a formal evaluation of a buyout of residential and commercial properties in flood prone areas of the Basin for comparison to the authorized dual inlet tunnel plan. Governor Whitman called for a side-by-side study to enable the State government to make an informed decision. She called for analyses at various flood stage levels up to the 100-year recurrence interval. The action for the September 1995 study was completed under the authority for the ongoing Passaic River Basin study, using the General Investigation funds that were available from the Draft Passaic River Flood Damage Reduction Project, General Design Memorandum and Supplemental 1 to the Environmental Impact Statement (See Appendix J). The Passaic River Basin Project was authorized for construction under Section 101(a)(18) of the Water Resources Act (WRDA) of 1990, as amended in WRDA 1992, 1996, and 2000. The study found that the direct cost of a buyout for a portion of the 10-year floodplain would reach \$2.3 billion dollars (October 1994 price level) if fully funded (with inflation) for a 15-year implementation. The 25-year, 50-year, and 100-year floodplain buyout costs would be \$3.2 billion, \$4.0 billion, and \$5.5 billion dollars, respectively (also October 1994 price level). None of the buyout programs studied in the report met Federal National Economic Development (NED) policy for a finding of Federal interest. This was due primarily to estimated benefit-to-cost ratios all below 1.0 when calculated using mandated procedures. As a consequence, Federal cost sharing participation in these plans was not recommended.

Passaic River Floodway Buyout Study, October 1995. This report was a supplement to the Passaic River Buyout Study dated September, 1995. The report was prepared to present data on the costs to buyout the floodways of the Central Passaic River Basin in a manner permitting cost comparisons with the four floodplains described in the September, 1995 report. Far fewer structures and fewer municipalities would be involved in a floodway buyout than the full scale floodplain buyouts evaluated in the September 1995 report. In the three counties of Essex, Morris, and Passaic, only nine municipalities would be affected by a Central Basin floodway buyout. The study found that the total first cost of the floodway buyout program would amount to \$158,425,000 (October 1994 price level), the benefit-to-cost ratio was estimated to be 0.2, and net benefits were estimated to be negative \$9,950,000 (October 1994 price level). Similar to the September 1995 report, none of the alternatives met the conditions necessary to support a recommendation of project authorization and federal cost sharing participation.

The action for the October 1995 study was completed under the same authority as for the September 1995 report.

Draft Passaic River Flood Damage Reduction Project, General Design Memorandum and Supplemental 1 to the Environmental Impact Statement, 1995: The draft General Design Memorandum (GDM) completed in 1995, recommended a plan of protection on the Passaic River mainstem consisting of channel modifications, levees, retaining walls and tunnel diversion works.

Passaic River Floodway Buyout Study, August 2005. This report was a limited update to the Passaic River Buyout Study dated October, 1995. It focused on two areas of the floodway in Wayne Township (Passaic County, New Jersey) and Borough of Pompton Lakes (Passaic County, New Jersey), and following an initial appraisal, analyzed the acquisition of thirty (30) homes based on funds available. These two project areas comprise 135 properties, with 10 properties located between the Ramapo River and River Edge Drive in Pompton Lakes, and 125 properties along the Pompton River in the Hoffman Grove area of Wayne Township. The non-Federal sponsor for this study requested that acquisition of properties under this buyout occur in these two municipalities, due to the fact that NJDEP had already acquired properties in Pompton Lakes, and because Wayne Township had specifically requested NJDEP to address their flood problems in the Hoffman Grove area. The study included an update of costs, benefits, and an environmental assessment to meet NEPA requirements. The NJDEP served as the non-Federal sponsor for this study and for any subsequent project implementation.

The study found that the initial project cost of the floodway buyout program would amount to \$9,946,400 (December 2004 price level), the benefit-to-cost ratio was estimated to be 0.47, and net benefits were estimated to be negative \$307,050 (December 2004 price level).

1.5 Project Scope

This integrated report and Environmental Assessment serves as a decision document for the permanent evacuation of the floodway in the project areas. No environmental restoration component is included. Of the properties under study in the two municipalities, the recommended plan under this voluntary buyout consists of the acquisition of approximately 30 properties.

This document is consistent with Federal water resources policies and practices, including Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G, 1983), the Corps Planning Guidance Notebook (ER-1105-2-100, 22 April 2000), and Procedures for Implementing NEPA (ER 200-2-2, 4 March 1988). Throughout this investigation, the Corps has worked closely with the non-Federal sponsor to explain the roles and responsibilities of the Corps and the non-Federal sponsor in project planning and implementation.

The District is responsible for conducting the overall study in cooperation with the non-Federal sponsor. The limited evaluation and eventual implementation of the project continues to receive strong support from NJDEP and from local governments. The local governments and NJDEP are committed to working with the District to address flooding problems along the Passaic River.

As an integrated report, this document also fully complies with requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*). The integration of the NEPA documentation with the report is consistent with NEPA guidance to combine required documents with other documents, when practicable.

1.6 National Environmental Policy Act Requirements

Unlike other single-topic environmental laws (*e.g.*, Clean Air Act, or Clean Water Act), the NEPA encourages protection of all aspects of the environment. The President's Council on Environmental Quality (CEQ) has pointed out that, "NEPA is distinguishable, purposefully so, from other environmental statutes. It targets no specific pollution sources or human health risks for treatment, prescribes formulation of no abatement techniques or remedial actions, and establishes neither milestones nor timetables for achieving its goals." (CEQ, 1990). Instead, NEPA requires that agencies take a systematic, interdisciplinary approach to agency decision making that will ensure the integrated use of the natural sciences, social sciences, and design arts.

An Environmental Assessment (EA) is a concise public document prepared by the Federal agency to determine whether the proposed action has the potential to cause significant environmental effects (40 CFR 1508.9(a)). The purposes of an EA are to:

- Provide evidence and analysis sufficient to determine whether an Environmental Impact Statement (EIS) is required,
- Aid a Federal agency's compliance with NEPA when no EIS is necessary,
- Facilitate preparation of an EIS when one is necessary, and
- Serve as the basis to justify a finding of no significant impact (FONSI).

The CEQ NEPA regulations (40 CFR 1500-1508) do not contain a detailed discussion regarding the format and content of an EA. However, the EA must discuss:

- The need for the proposed action,
- The proposed action and alternatives,
- The probable environmental impacts of the proposed action and alternatives, and

-
- The agencies and persons consulted during preparation of the EA.

NEPA requires Federal agencies to integrate the environmental review into their planning and decision-making process. This integrated report is consistent with NEPA statutory requirements.

The report reflects an integrated planning process, which avoids, minimizes, and mitigates adverse project effects associated with flood damage reduction actions.

1.6.1 Areas of Controversy

At this time, there are no known major areas of controversy regarding the project and selected plan among agencies or the public interest.

1.6.2 Unresolved Issues

At this time, there are no known unresolved issues regarding the project and the selected plan.

2. *BASELINE CONDITIONS / AFFECTED ENVIRONMENT

This section of the report describes existing and most probable future without-project conditions in the project area. The description provides a baseline for measuring expected changes in the physical, environmental, cultural, social, and economic settings that would result from implementation of a floodway buyout project in the project area.

2.1 Topography and Soils

The topography of the Hoffman Grove, Wayne Township and River Edge, Pompton Lakes project areas is relatively flat. The dominant soil type mapped in both project areas is Urban Land-Riverhead Complex, with three to eight percent slopes. The Urban Land component of the complex is generally characterized as soils whose surface is covered by pavement, concrete, buildings and other structures underlain by disturbed and natural soil material. Riverhead soils are well drained and consist of parent material comprised of glaciofluvial deposits derived from granite and gneiss (NRCS, 2013).

2.2 Water Resources

The Ramapo and Pompton Rivers are situated within the Passaic River Basin. The Ramapo River originates north of Monroe, New York, and is approximately 36 miles in length with a drainage basin of 160 square miles. The Ramapo converges with the Pequannock River to form the Pompton River, which flows approximately 7 miles before discharging into the Passaic River. The total drainage area is 177 square miles. Both the Ramapo and Pompton Rivers are designated FW2-NT (non-trout waters).

The mainstem of the Ramapo River is designated FW2-NT. FW2 criteria uses include:

1. maintenance, migration, and propagation of the natural and established biota,
2. primary and secondary contact recreation,
3. industrial and agricultural water supply,
4. public potable water supply after conventional filtration treatment and disinfection, and
5. any other reasonable uses.

Non-trout waters are those “not generally suitable for trout because of their physical, chemical or biological characteristics but are suitable for a wide variety of other fishes” (NJDEP, 2010).

Within the Hoffman Grove, Wayne Township project area are two Pompton River tributaries; the Packanack Brook which forms the eastern boundary of the Hoffman Grove community and an unnamed tributary that is located in the western portion of Hoffman Grove. The tributaries are designated FW2-NT.

2.3 Vegetation

Vegetation within the Hoffman Grove project area is predominantly comprised of deciduous forest with houses situated between mature tree stands and minimal maintained lawn, while the lots within Pompton Lakes project area mainly consists of maintained lawn.

Comprehensive vegetation surveys were not conducted; however tree and shrub species observed were noted during general site investigations. Further discussion of species observed are included in Sections 2.3.1 and 2.3.2.

2.3.1 Riparian Zone and Upland

The riparian zone width within the project areas is defined as 50 feet from the top of riverbank in accordance with the New Jersey Flood Area Control Act Rules. Within both project areas, although mature stands of deciduous trees are located along the immediate edge of the riverbanks, the majority of the riparian zone has been encroached upon through the construction of residential structures and in some locations, converted to maintained lawn.

Uplands within the project areas primarily consist of disturbed lands including maintained ornamental lawns, shrubs, and mature evergreen and deciduous tree species.

Tree species observed within the riparian zone and upland areas within the two project areas include willow (*Salix* spp.), red maple (*Acer rubrum*), silver maple (*Acer pensylvanicum*), black locust (*Robinia pseudoacacia*), green ash (*Fraxinus pennsylvanica*), northern red oak (*Quercus rubra*), American sycamore (*Platanus occidentalis*), Norway spruce (*Picea abies*) and various evergreen species such as hemlock (*Tsuga* spp.) and pine (*Pinus* spp.). Invasive shrub species noted include Multiflora rose (*Rosa multiflora*).

2.3.2 Wetlands

Federal (33 CFR 328.3(b); EO 11990) and State (N.J.A.C. 7:7A1.4) definitions of wetlands are similar, identifying wetlands as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” As defined above, wetlands generally include swamps, marshes, bogs, and similar areas. Both the Federal and State wetland methods require the identification of three parameters to confirm the presence of wetlands; hydric soils, hydrophytic vegetation, and wetland hydrology. All three parameters must be present for an area to qualify as a wetland under this method.

A review of New Jersey's environmental mapping tool, NJ Geo-web and the U.S. Fish and Wildlife National Wetlands Inventory Maps indicated two potential forested wetlands within the Hoffman Grove, Wayne Township project area. The first potential wetland bisects North and River Roads and is approximately 2.25 acres in size. The second potential wetland area is located on the eastern side of the Hoffman Grove community between Brookside and River Roads and is 0.95 acres in size. No wetlands were mapped in the Pompton Lakes project area. Figure 2-1 shows a map of Pompton Lakes project area and Figure 2-2 shows a map of Hoffman Grove, Wayne Township project area. A formal wetland delineation was not conducted to verify if these mapped areas were wetlands. However, common forested wetland species in this region include silver maple, green ash, American sycamore, and pin oak (*Quercus palustris*).



Figure 2-1: Pompton Lakes National Wetlands Inventory Map;
U.S. Fish and Wildlife Service



Figure 2-2: Hoffman Grove National Wetlands Inventory Map;
 U.S. Fish and Wildlife Service

2.4 Fish and Wildlife

2.4.1 Finfish

Commonly occurring fish species of the Pompton and Ramapo Rivers include tessellated darter (*Etheostoma olmstedii*), smallmouth bass (*Micropterus dolomieu*), white sucker (*Catostomus commersoni*), largemouth bass (*Micropterus salmoides*), redbreast sunfish (*Lepomis auritus*), creek chub (*Semotilus atromaculatus*), yellow bullhead (*Ameiurus natalis*), bluegill (*Lepomis macrochirus*), green sunfish (*Lepomis cyanellus*), cutlips minnow (*Exoglossum maxillingua*), rock bass (*Ambloplites rupestris*), brown bullhead (*Ameiurus nebulosus*), and spottail shiner (*Notropis hudsonius*) (NJDEP 2011).

It is expected that some or all of these species would also inhabit Packanack Brook and the unnamed tributary located on the western side of the Hoffman Grove, Wayne Township project area.

2.4.2 Aquatic Invertebrates

The NJDEP Bureau of Freshwater and Biological Monitoring conducts aquatic macroinvertebrate sampling studies in New Jersey waters as part of their long-term biomonitoring program to determine the level of water quality impairments to state waters. A macroinvertebrate survey station (ANO268) was established in the Pompton River approximately 3.5 miles downstream of the Pompton Lakes project area and approximately 2.7 miles upstream of the Wayne township project area. Based on surveys conducted in 2011, species found in the Ramapo River include those in the caddisfly order, crustaceans (*Gammaridae*), flatworms, riffle beetle (*Optioservus*), freshwater snail (*Amnicola*) (*Planorbidae*) and (*Pleuroceridae*), freshwater clam (*Spaerriidae*) (NJDEP, 2012)

A macroinvertebrate survey station (ANO270) was established in Packanack Brook approximately 1.5 miles from the Hoffman Grove project area. Based on surveys conducted in 2008, species found within Packanack Brook include those in the caddisfly order (*Cheumatopsyche*) and (*Hydropsyche*), bloodworm (*Rheotanytarsus*), (*Chironomus*), and (*Microtendipes*), blackfly (*Simuliinae*), freshwater snail (*Physella*), and damselfly (*Coenagrionidae*) (NJDEP, 2012).

2.4.3 Wildlife

Bird species that may occur within in the project areas include American robin (*Turdus migratorius*), black-capped chickadee (*Parus atricapillus*), European starling (*Sturnus vulgaris*), gray catbird (*Dumetella carolinensis*), American crow (*Corvus brachyrhynchos*)

northern cardinal (*Cardinalis cardinalis*), and tufted titmouse (*Parus bicolor*) (USFWS 2005).

Mammals that may occur within the project areas include white tailed deer (*Odocoileus virginianus*), opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), muskrat (*Ondatra zibethica*), gray squirrel (*Sciurus carolinensis*), red squirrel (*Tamiasciurus hudsonicus*), Norway rat (*Rattus norvegicus*), skunk (*Conepatus mesoleucus*), and woodchuck (*Marmota monax*) (USFWS 2005).

2.5 Threatened and Endangered Species

The U.S. Fish and Wildlife Service (USFWS) noted that the federally listed endangered Indiana bat (*Myotis sodalis*) is known to hibernate in Morris County within 11.3 miles of the Hoffman Grove, Wayne Township project area and within 11.5 miles of the River Edge, Pompton Lakes project area (USFWS 2005).

Indiana bats spend the winter hibernating in caves and mines. Female Indiana bats occupy summer maternity roosts under the loose bark of dead or dying trees within riparian, floodplain, and upland forests. Tree species commonly used as roost sites include American elm, slippery elm (*Ulmus rubra*), shagbark hickory (*Carya ovata*), silver maple, and green ash. Adult males usually roost in trees near maternity roosts, but some remain near the hibernaculum.

Preferred Indiana bat foraging areas are streams, associated flood plain forests, and impounded bodies of water such as ponds and reservoirs. However, they have been observed in upland forests, pastures and clearings with early successional vegetation, cropland borders, and wooded fencerows (USFWS 2007).

In addition to Indiana bat, a review of the USFWS Information, Planning and Conservation System indicates the potential presence of the northern long-eared bat (*Myotis lucifugus*) within the project areas. The USFWS has determined to list the northern long-eared bat as threatened, effective 4 May 2015. The habitat for and life history of the northern long-eared bat is similar to Indiana bat.

Except for Indiana bat, northern long-eared bat and an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed endangered or threatened flora or fauna are known to occur within the vicinity of the project areas.

A review of the New Jersey Geo-web database indicates there have been observations of great blue heron (*Ardea Herodias*), and red-shouldered hawk (*Butea lineatus*) both state special concern species, foraging within the Pompton Lakes project area and great blue heron foraging in the Wayne (Hoffman Grove) project area.

The Great blue heron is generally a solitary forager and will utilize various types of habitats including freshwater, saltwater, grasslands and agricultural fields to feed. They are non-discriminatory feeders with their diet comprising of fish, amphibians, reptiles, small mammals and other birds (Cornell Lab of Ornithology, undated).

Red-shouldered hawk normally hunts from a perch within the forest canopy by dropping on prey. Foraging habitat includes lowland hardwoods, lake and stream edges and upland habitats. Their diet consists primarily of small mammals, birds, reptiles and amphibians (Jacobs, 2002).

2.6 Socioeconomics

2.6.1 Pompton Lakes

The U.S. Census Bureau 2010 census reports the population of Pompton Lakes is approximately 11,074 with 81.3 percent non-Hispanic White, 10.9 percent Hispanic, 1.4 percent African American, and 5.4 percent Asian. The median age of the population is 39.1 years and median per capita personal income is \$37,250. Educational services, health care and social assistance manufacturing, retail trade, professional, scientific, and management professions represent the largest fields of occupations held by the resident of Pompton Lakes. Approximately 71.4 percent of the residences within Pompton Lakes are single family homes (U.S. Census Bureau, 2008-2012).

2.6.2 Wayne Township

The U.S. Census Bureau 2010 census reports the population of Wayne Township is approximately 54,641 with 79.9 percent non-Hispanic White, 7.9 percent Hispanic, 2.7 percent African American, and 8.7 % Asian. The median age of the population is 42.8 years and median per capita personal income is \$43,884. The management and professional sectors are the largest employers in the Township. Approximately 77.9% of the residences within the Wayne Township are single family homes (U.S. Census Bureau, 2008-2012).

2.7 Cultural Resources

A Phase I cultural resource study was conducted to determine whether the Passaic River Floodway Buyout project will have an effect on historic properties (Scarpa 2005). This work was undertaken by the Corps, as a Federal agency, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. Other regulations that apply to this cultural resources investigation include Section 101(b)(4) of NEPA and the Advisory Council Procedures for the protection of Cultural Properties (36 CFR Part 800). All work to date has been coordinated with the New Jersey Historic Preservation Office (NJHPO). The cultural

resources survey consisted of background research and a windshield survey in the Hoffman Grove and River Edge Drive project locations.

The confluence of the Pompton and the Passaic Rivers just south of Hoffman Grove attracted Native Americans to settle for periods of time in the area to exploit the riverine resources (Lenik 1985). In the vicinity of Hoffman Grove, two campsites, one prehistoric lithic scatter and three miscellaneous prehistoric sites, were identified by archaeologists in the early part of the 20th century. In the River Edge Drive project vicinity three prehistoric lithic scatters and five additional prehistoric sites were identified in the early 20th century. Two of the prehistoric sites are located on the opposite bank of the Ramapo River from the project area. A survey conducted of the riverbank and the surrounding area determined that the project area at River Edge Drive has a low to medium probability to yield prehistoric remains where ground has not been disturbed for construction of homes (Kraft 1981). The draft Phase I report recommended no archeological investigations as the proposed construction will largely be limited to disturbed areas. NJHPO, however, indicated that there is a potential for archaeological resources to be identified in undisturbed areas in both project locations and recommended testing because construction equipment could disturb shallow sites, if present.

The draft Phase I report indicated that neither community constituted a National Register of Historic Places (NRHP) eligible historic district but recommended that selected properties proposed for buyout in Hoffman Grove be studied to determine individual eligibility. Homes proposed for buyout on River Edge Road were not considered potentially eligible as individual resources. Hoffman Grove was a summer bungalow community established in the early 20th century with the arrival of the railroad, but during the Great Depression the homes became occupied year-round. River Edge Drive also developed in the 20th century. Upon NJHPO review it was concluded that none of the houses within the project area, including those in Hoffman Grove, are eligible for inclusion in the NRHP as a district nor individually and no further work was recommend for architectural resources.

2.8 Hazardous, Toxic, and Radioactive Waste

As required by ER 1165-2-132 (Hazardous, Toxic and Radioactive Waste Guidance for Civil Works, 26 June 1992), all houses slated for demolition, upon their purchase will be inspected for any potential environmental issues. A walk through inspection of the house and property will be conducted to determine what potentially hazardous substances are present. This inspection will be conducted by the demolition contractor or its sub-contractor(s). The three most important environmental concerns are: lead based paint (LBP), asbestos containing material (ACM) and underground storage tank(s) (UST). The demolition contractor or its sub-contractor(s) will identify, mark and collect samples from flooring, walls, counter spaces, ceilings or other areas with the potential for LBP and ACM. Removal and disposal of LBP and ACM will be conducted in accordance with Federal and State regulations.

Removal of home heating oil tanks will involve pumping out the tanks, excavating the tanks, cutting them open to remove any sludge, and transporting them from the site as scrap metal. If there is evidence of impacted soil, soil samples will be collected. All visibly impacted soil will be excavated, staged on site, and sampled. The excavation will also be sampled for impacts. Once analytical results are in the demolition contractor or its sub-contractors will dispose of the soil in accordance with Federal and State regulations.

2.9 Air Quality and Noise

2.9.1 Air Quality

The United States Environmental Protection Agency (USEPA) assesses overall air quality according to the National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM), and sulfur dioxide (SO₂). Based on these measurements of air quality, the USEPA designates attainment areas and non-attainment areas nationwide. Non-attainment areas are designated where air pollution levels persistently exceed the national ambient air quality standards. Commonly cited sources of criteria pollutants include automobile exhaust emissions, fossil fuel (coal and oil) fired power plants, oil refineries, ore smelters, storage and transfer operations involving solvents, and industrial emissions, among others (USEPA 1998).

Passaic County is located in the New York-New Jersey-Long Island Air Quality Control Region. Similar to most urban industrial areas, emissions from automobiles, manufacturing processes, utility plants, and refineries have impacted air quality in the project areas. Based on the National Ambient Air Quality Standards (NAAQS) six primary pollutants, Passaic County is designated as a non-attainment area for ozone and an attainment area for carbon monoxide, sulfur dioxide, respirable particulate matter (PM), lead and nitrogen oxide.

2.9.2 Noise

Noise is generally defined as unwanted sound. The primary source of noise in the project area is vehicular traffic on local roadways.

3. PLAN EVALUATION

The term “floodway” was defined in Section 1 of this document as:

...the channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow. Floodways are usually the area where water velocities and forces are the greatest and most destructive. National Flood Insurance Program (NFIP) regulations, adopted in local flood damage prevention ordinances, require that floodway encroachments, including fill, new construction, substantial improvements and other development that would increase flood levels, be prohibited.

This section provides an evaluation of the limited floodway buyout program. Planning objectives and constraints under which the voluntary buyout program was conceived are first discussed first, followed by a description of the methods used to estimate existing conditions flood damages. This section concludes with an economic analysis of the limited buyout program.

3.1 Planning Objectives and Constraints

The following discussions identify critical objectives, constraints, and assumptions used to address problems and opportunities and to determine the Federal interest in flood damage reduction for the project areas.

3.1.1 Planning Objectives

The Federal objectives in making investments in flood damage reduction projects are to contribute to NED. The pursuit of planning objectives must be consistent with Federal, State and local laws and policies, and technical, economic, environmental, regional, social, and institutional considerations. Project should avoid, minimize, and then mitigate, if necessary, adverse impacts to the environment. The project should also maximize net economic benefit, avoid adverse social impacts, and meet local preferences to the fullest extent possible.

Based on the problems and opportunities within the project area, local desires, and the intent of the current authorization, the planning objectives have been identified as follows:

- develop cost-effective project plans to provide the flood protection for the project area, which complies with all laws and regulations,
- reduce to the extent possible financial and personal losses,
- maintain to the extent possible the social and cultural resources project areas,

-
- minimize to the extent possible the social and economic disruptions within the project areas,
 - develop the most socially acceptable and environmentally sound project plan, and
 - avoid and minimize adverse environmental impacts.

3.1.2 Planning Constraints

The formulation of the project was constrained by a variety of considerations. The planning constraints are listed below:

- Technical constraints include the need for project plans to be: (1) sound, safe, and acceptable solutions, (2) in compliance with sound engineering practices, (3) realistic and state-of-the-art, (4) consistent with existing local plans, and (5) complete and not dependent on future projects.
- Economic constraints include: (1) the need for flood damage reduction features to be efficient (*i.e.*, average annual benefits exceed average annual costs); and (2) the requirement to select the flood damage reduction project plan that maximizes net excess benefits (*i.e.*, the NED plan) unless there are overwhelming reasons to select a different plan and an exception is granted by the Assistant Secretary of the Army (Civil Works).
- Environmental constraints affecting the formulation of a flood damage reduction project plan include the need to: (1) avoid unreasonable impacts to environmental resources, and (2) first consider avoidance followed by minimization, mitigation, and replacement.
- Regional and social constraints, such as the New Jersey Blue Acres Program (see Section 1.1 of this report), include the need for the project plan to: (1) weigh the interests of State and local public institutions and the public at large, and (2) consider the potential impacts of the project on other areas and groups.
- Institutional constraints include the need for the project plan to: (1) be consistent with existing Federal, State and local laws, (2) be locally supported, (3) provide public access to the project in accordance with Federal and State laws and regulations, and (4) find overall support in the region and state.

3.2 No Action Alternative

Analysis of the No-Action Alternative is prescribed by the National Environmental Policy Act and serves as the baseline against which the environmental and socioeconomic effects of the Proposed Action and other reasonable alternatives can be evaluated.

Under the No Action alternative, the homes would not be bought out under this authority (WRDA 1996). Therefore, the homes within the project area would continue to sustain flood damages.

3.3 Proposed Action

The recommended plan involves purchasing up to 32 homes in and around the Hoffman Grove area of Wayne Township and along the River Edge Road and areas immediately adjacent in Pompton Lakes.

As the number of homes to be acquired and removed is less than the total number still remaining in the project areas, the NJDEP, as the non-federal sponsor, will notify the two municipalities to generate an acquisition list in priority order of likelihood and degree of being flooded. Thirty of the owners on these two lists would be offered the opportunity to participate. As this is a voluntary buyout, if an impasse in reaching an agreement with an owner occurs, an offer would be presented to the next owner on the list. Acquired homes will be demolished in reasonable clusters, as appropriate. The District will work with the NJDEP to determine the actual demolition schedule.

Corps of Engineers ECB 2014-10 "Guidance for Incorporating Climate Change Impacts to Inland Hydrology in Civil Works Studies, Designs and Projects does not apply, . since climate change is not relevant to the project goals or design, no action is needed. However, some qualitative information about the project can be found below just as an assurance that this is not an area of significant risk for this study or project.

- It is fair to say that a buyout plan is unlike a levee or dam plans which can result in sudden and catastrophic increases in flood depths once their design capacity is exceeded. Buyout plans continue to provide the flood risk reduction to the structures removed from the floodplain.
- Climate change is likely to have minimal effect on the general project performance. Projected climate change impacts appear to be well within the normal range of hydrologic variability for Flood Risk Management Projects.

General rough information concerning precipitation change in the region is documented in the Phase I Passaic Main Stem GRR.

3.4 Flood Damage Analyses

Flood damages under future with- and without-project conditions were estimated through: (1) an inventory of flood plain development, (2) estimation of depreciated structure replacement costs and content damages, and (3) combination of stage/frequency relationships and stage/damage relationships into frequency/damage relationships. The process and results of damage estimation for the project areas is summarized below.

3.4.1 Residential Structure Surveys

A structure inventory was compiled by conducting field surveys of structures in the project area floodways during October, 2013. There are thirty-two (32) structures identified within the project area floodways. Twenty-seven (27) structures were identified in the Hoffman Grove and five (5) structures were identified in Pompton Lakes. Figure 3-1 shows the typical homes located in Pompton Lakes and Figure 3-2 depicts the typical homes located in Hoffman Grove.



Figure 3-1: Pompton Lakes Structure



Figure 3-2: Hoffman Grove Structure

Each structure was assigned a unique structure identification number. First floor and low opening elevations and street addresses were recorded for all structures. Residential structural data required to compute depreciated replacement values⁵ was collected, which included the following categories: structure type, style, construction material, quality, condition, effective age, finished floor area, and other exterior characteristics. Content values were estimated in accordance with guidance provided in Corps economic guidance memoranda EGM 01-03 and 04-01⁶.

3.4.1.1 Principal Flood Damage Reaches

The project areas were divided into two reaches: Hoffman Grove (reach 1) and Pompton Lakes (reach 2). Figure 3-3 shows an aerial photograph of the general project area marked with the locations of reaches 1 and 2. Closer views of Reaches 1 and 2 are shown in Section 1 in Figures 1-3, and 1-4.⁷ These two flood damage

⁵ RS Means Square Foot Costs manual is used to calculate depreciated replacement values.

⁶ Structures that were identified as abandoned were assigned zero content values.

⁷ Additional maps of Hoffman Grove and Pompton Lakes are found in the Appendix A Real Estate Plan.

reaches were used to evaluate the costs of structural and nonstructural flood damage reduction measures and to estimate the benefits of the limited buyouts, based on the corresponding reduction in flood damages.

With- and without-project future conditions for the flood damage reaches assume a stable level of development. Because flood plain regulations restrict new construction in areas that are subject to damage by a 100-year flood event, it was assumed that development of new residential, commercial, and industrial uses in the project area flood plain is not likely.

3.4.2 Hydrologic and Hydraulic Analyses

Hydrologic and hydraulic data used in this analysis were extracted from the ongoing Passaic River Main Stem GRR (Phase I - Preliminary Alternative Reevaluation Report 2013). Water surface profiles were modeled for a total of nine design storm events (1-, 2-, 5-, 10-, 25-, 50-, 100-, 200-, and 500-year return intervals). The flood damage assessment program HEC-FDA version 1.2.5a (HEC-FDA) was used to estimate flood damages to residential structures and contents, which only allows for eight (8) frequencies to be entered into the water surface profile template. Table 3-1 below shows Water Surface Elevation profiles for eight of the nine modeled storm events (2-, 5-, 10-, 25-, 50-, 100-, 200-, and 500-year return intervals). The 1-yr frequency was used in the HEC FDA program as input to the exceedance probability function template to shape the curve and narrow the confidence bands.

Cross sections are shown for stations in the immediate vicinity of the damage centers. The Water Surface Elevation (WSE) profiles for a representative sample of four modeled storms (1-yr, 10-yr, 100-yr, and 500-yr) are shown below in Figures 3-4 and 3-5 for Pompton River and Ramapo River, respectively.

Table 3-1: Water Surface Elevation Profiles for Eight Modeled Storm Events

River Station	Water Surface Elevation (NAVD)							
	2-Yr	5-Yr	10-Yr	25-Yr	50-Yr	100-Yr	200-Yr	500-Yr
9959 on Pompton River (Hoffman Grove)								
7993 on Ramapo River (Pompton Lakes)								
Reach 1	167.22	169.12	170.63	172.61	173.99	175.57	177.20	178.93
Reach 2	180.66	182.68	184.23	186.54	187.55	188.82	190.20	192.78

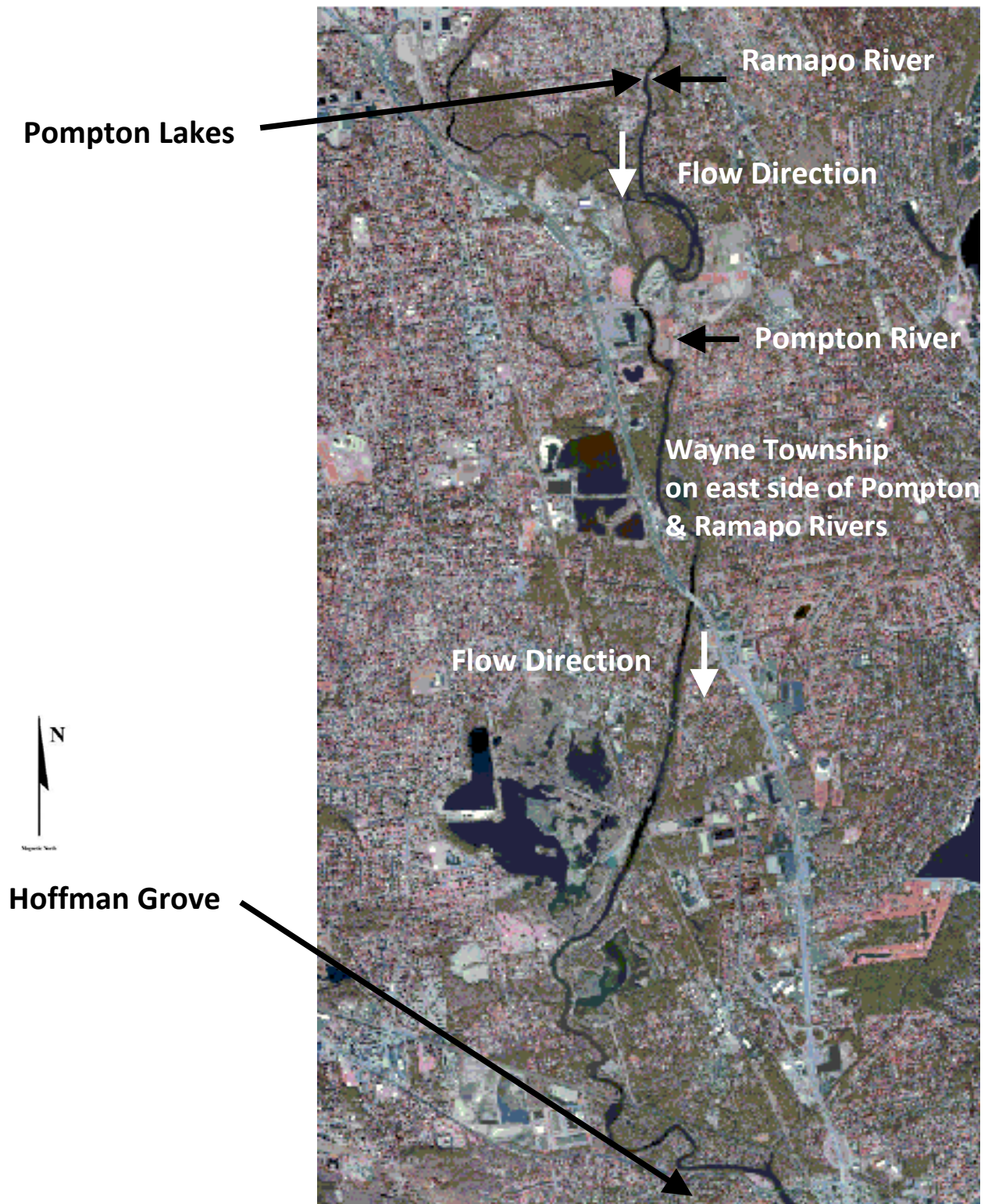


Figure 3-3: Project Area Locations
(not to scale)

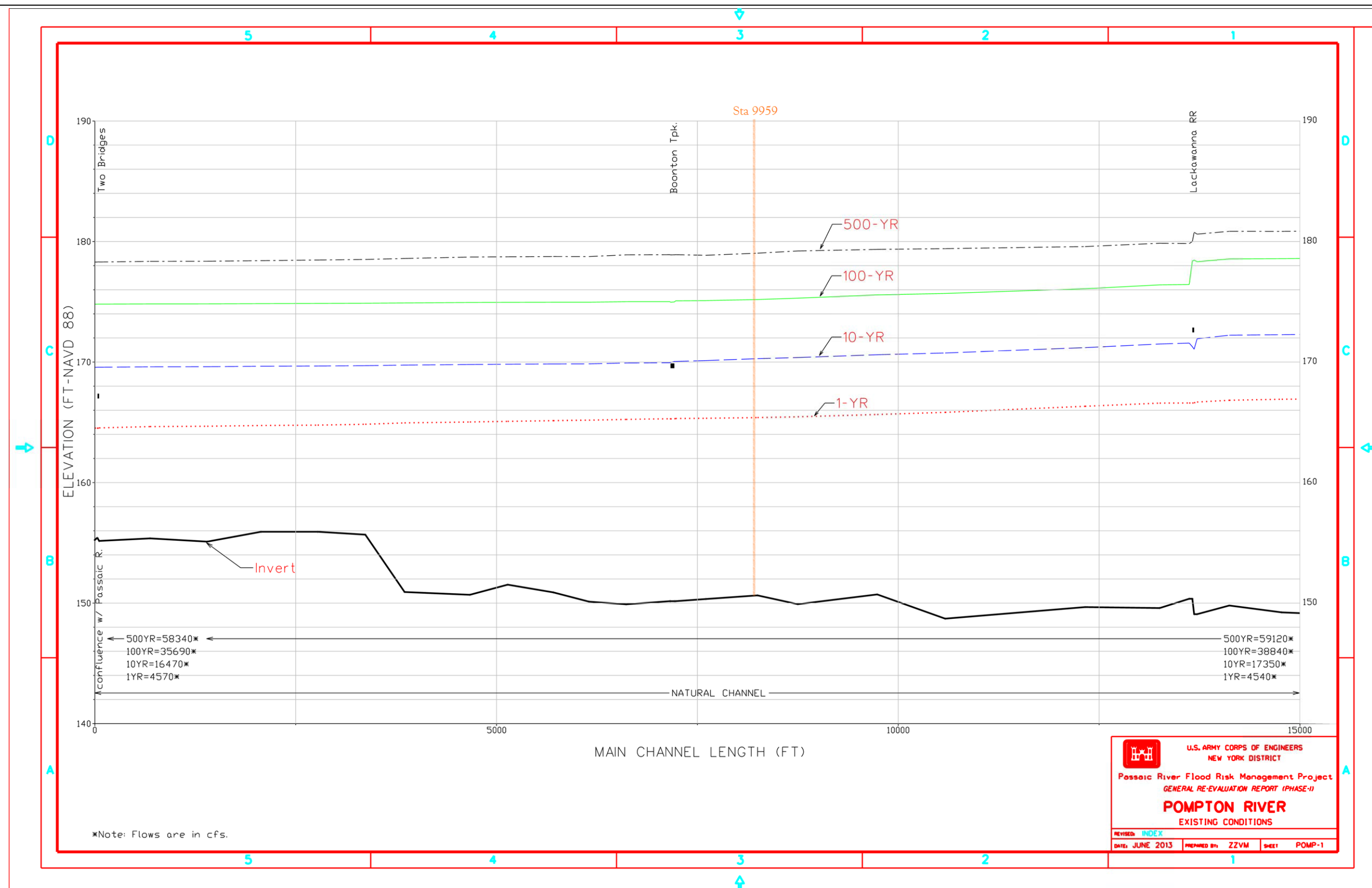


Figure 3-4: Pompton River Water Surface Elevation profile
for 1-yr, 10-yr, 100-yr, 500-yr

(not to scale)

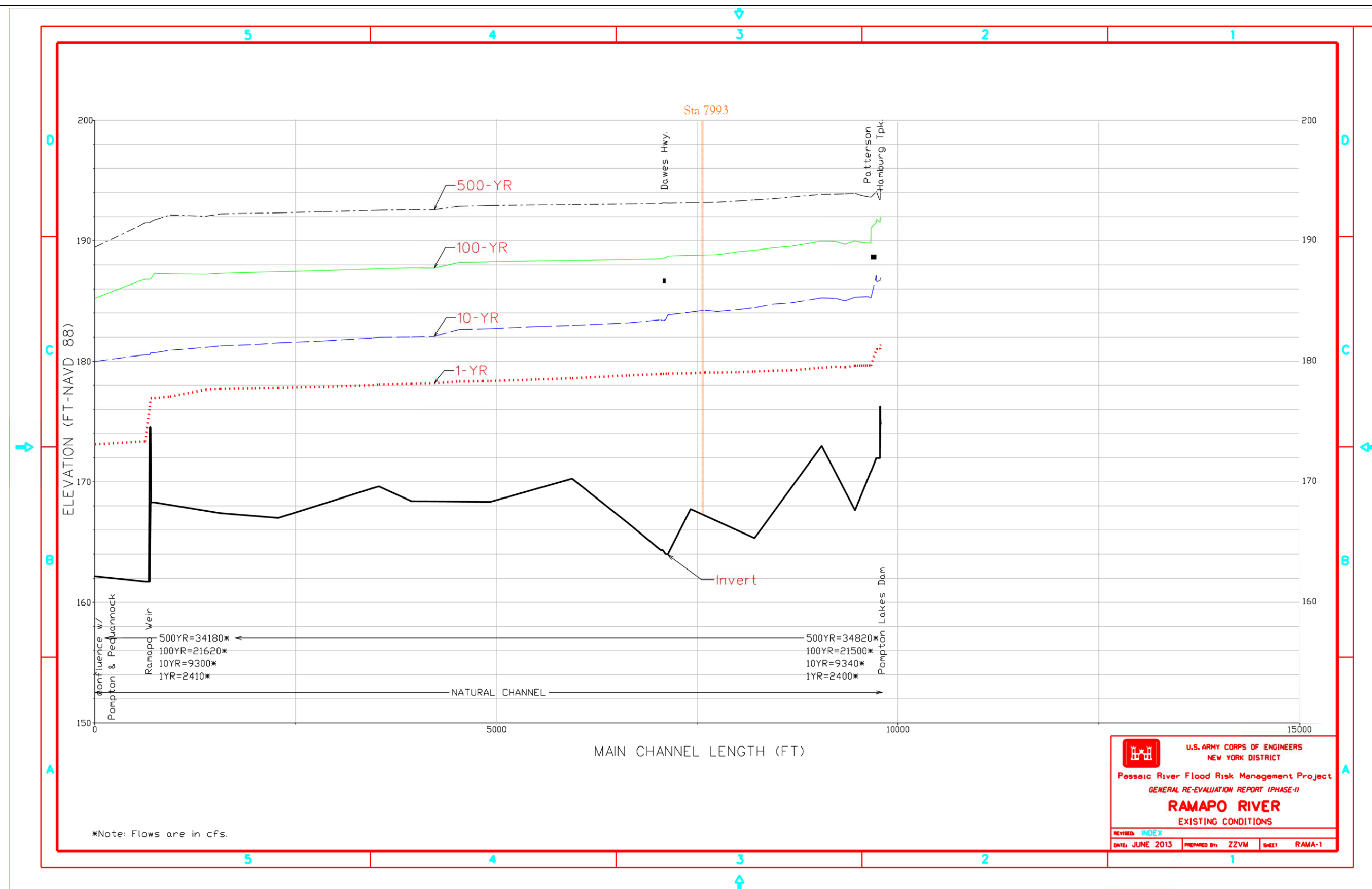


Figure 3-5: Ramapo River Water Surface Elevation profile
for 1-yr, 10-yr, 100-yr, 500-yr

(not to scale)

3.4.3 Depth-Damage Relationships

Depth-damage functions from Economic Guidance Memorandum 01-03 – Generic Depth- Damage Relationships for Residential Structures without Basements and Economic Guidance Memorandum 04-01 – Generic Depth-Damage Relationships for Residential Structures with Basements were applied to the inventory of residential floodplain properties in order to develop depth-damage relationships. Current HEC-RAS 4.1 output (discharge-frequency-water surface elevations) was combined with the depth-damage data in order to calculate equivalent average annual damages under existing conditions.

3.4.4 Structure and Contents Damage Model

The flood damage assessment program HEC-FDA version 1.2.5a (HEC-FDA) was used to estimate flood damages to residential structures and contents. Structure specific information (identification number, structure type, value, first floor elevation, zero damage level, and reach designation) was included in a structure inventory database for input to the model. Residential structures were classified as one of five types: one-story with a basement, one-story without a basement, split-level, two-story with a basement, and two-story without a basement. The model used depth-percent damage curves corresponding to the structure type to relate flood depth to percent damage for residential and selected non-residential structures and their contents. Each structure was referenced to a cross section which was used to determine the water surface elevations for the storm frequency events of 2-, 5-, 10-, 25-, 50-, 100-, 200-, and 500-year return intervals.

3.4.4.1 Risk and Uncertainty

Under current Corps guidance, risk and uncertainty must be incorporated in flood damage reduction analyses. Uncertainty was incorporated into the following components of the flood damage calculations:

- Stage-Frequency
- First floor elevation
- Structure value
- Content-to-structure value ratio
- Depth-damage

HEC-FDA requires that stage-frequency uncertainty be calculated using order statistics and equivalent record lengths. An equivalent record length of 71 years

was defined for the stage-frequency relationships used for Pompton River in the analysis for Hoffman Grove and 71 years was defined for Ramapo River in the analysis for Pompton Lakes. These equivalent records of length were determined based on the consecutive periods of record available for USGS gage 01388000 and 01388500 respectively. More detailed explanation can be found in the Phase I – Passaic River Main Stem GRR – Hydrology Appendix. Bear in mind the record of length is just the input required in order to address the uncertainty when the water surface elevations come from an unsteady hydraulic model.

Based on EM 1110-2-1619 Table 6-5, the first floor elevation standard deviation is approximately 0.6 foot when using topographic mapping with 2-ft contour intervals.

A standard deviation of 10 percent of the building value was assigned to residential structures.

EM 1110-2-1619 suggests that in lieu of better site-specific information, content-to-structure value ratios based on large samples of Flood Insurance Administration (FIA) claims records can be used (Table 6-4 presented in EM 1110-2-1619). Corps damage functions are formatted such that an assessment of the uncertainty in this ratio is not required.

Generalized damage functions for structure damage, content damage were applied to the residential structures. These functions reflect damages as a percent of structural value over a full range of water depths and were applied on a structure by structure basis to determine damages at one foot increments of flood stage. In accordance with current Corps guidance (specifically memoranda EGM 01-03 and EGM 04-01), the analysis incorporated generic depth-damage relationships issued in December 2000 and October 2003 for residential structures.

Calculation of Damages and Benefits

The stage vs. damage data were combined with the stage vs. frequency data using HEC-FDA. The damage assessment program quantifies uncertainty in discharge-frequency, stage-discharge, and stage discharge functions and incorporates them into economic and performance analyses of alternatives. The process applies a procedure (Monte Carlo Simulation) that computes the expected value of damage while accounting for uncertainty in the input data. Equivalent annual damages over the 50-year period of analysis for the without-project condition were calculated at a 3.75% discount rate and at an October 2014 price level.

The implementation of the buyout program will result in 30 structures being purchased and removed from the flood plain. Because the 30 structures have not been identified, a weighted average of all the structures was used to determine the average damage for a typical structure within the project area as shown in

Table 3-2⁸. Table 3-2a summarizes the depreciated replacement values of the structures for this analysis and includes an estimated of the damages caused by a 1% annual chance exceedance event.

Table 3-2: Equivalent Annual Damages for Hoffman Grove and Pompton Lake

Project Area	Number of Structures	Equivalent Annual Damages	Equivalent Annual Damages per structure	% of buyout program	Weighted Equivalent Annual Damages
Hoffman Grove	27	\$342,540	\$12,687	0.844	\$10,704
Pompton Lakes	5	\$89,120	\$17,824	0.156	\$2,785
Equivalent Annual Damages per Structure					\$13,489

Table 3-2a: Summary of Structure Values and Estimated Damages

	Low	High	Average	Total*
Depreciated Structure Value	\$66,100	\$250,300	\$112,600	\$3,604,700
Total Estimated Damage at 100-yr storm event				\$2,337,100

*Totals refers to 32 structures

3.5 Economic Benefits

The benefits are based on the elimination of flood damages that will occur for these structures. Benefits from future use of the vacated floodplain also qualify as NED benefits, though re-use benefits have not been estimated for this analysis.

Permanent evacuation projects can claim the elimination in costs of administering flood insurance programs as benefits. The annual operating cost of administering flood insurance programs for each structure is \$231 per policy.⁹

⁸ Equivalent Annual Damages were calculated by HEC-FDA version 1.2.5a

⁹ Economics Guidance Memorandum 06-04, NFIP Operating Costs, Fiscal Year 2006 is the latest available guidance on this topic. \$231 per policy at October 2014 price levels (updated with CPI).

Based on the data shown in Table 3-2 the average annual damages per structure are calculated to be \$13,489 for homes in Hoffman Grove and Pompton Lakes. The annual savings in avoided flood insurance administrative costs is \$231 per policy. The total annual benefit is \$13,720 per structure. The implementation of the buyout is to purchase and remove up to 30 of the 32 structures from this area. Therefore, the total average annual benefit attributable to this project is \$404,700. (Thirty households multiply by \$13,720 per structure.)

3.6 Limited Floodway Buyout Cost Estimate

The largest component of cost for each buyout is compensation to property owners based on the fair market value of their land and building improvements.

3.6.1 Real Estate

As described in the Real Estate Plan (Appendix A) and summarized in Table 3-3, fee simple acquisition of approximately 30 properties will be necessary. Because a list of impacted property owners interested in participating in this voluntary buyout is to be generated by Wayne Township and the Borough of Pompton Lakes, total acreage for these properties cannot accurately be determined at this time. However, a rough estimate of 30 randomly selected properties would yield a total acreage of 5.4 acres (though shown as "TBD" in Table 3-3).

Project real estate requirements would be met using fee simple purchase.

Table 3-3: Lands, Damages and Relocations

Real Estate Cost Item	Cost
30 properties (Fee Simple Purchase)	\$3,410,000
Administrative Costs	\$211,000
Contingency (20%)	\$724,000
Total (30 properties, Acreage TBD)	\$4,345,000

Detail on the costs summarized in Table 3-3 is provided in Table 3-4.

Table 3-4: Detailed Real Estate Acquisition Costs

Real Estate Cost Item	Base Cost	Contingency	Total Cost
Title Evidence	72,000	14,400	86,400
Plats and Legal Descriptions	36,000	7,200	43,200
Prepare and Present Offers	36,000	7,200	43,200
PDT & Owner Meetings	12,000	2,400	14,400
Appraisals	45,000	9,000	54,000
PL 91-646 Assistance	10,000	2,000	12,000

(Government oversight, review and performance for PL 91-646)			
Real Estate Land Payments	3,317,528	663,506	3,981,034
PL 91-646 Assistance (Activity costs)	92,250	18,450	110,700
Total Real Estate Costs	3,620,778	724,156	4,344,934

3.6.2 Demolition and Disposal Costs

Any extensive buyout will entail the demolition of a substantial number and variety of buildings now standing in the project areas. These buildings, as might be expected, are predominantly of older construction, were built with a range of materials, and will vary in their cost to demolish. Construction materials, as well as size, affect the actual cost of demolition, but more importantly, greatly affect the complexity and cost of disposing of the resulting debris. Some materials are expensive to haul away while other materials are both difficult to dispose of and hazardous. Landfill space is scarce in northern New Jersey, even for such common, non-hazardous materials as clean wood and bricks.

A detailed cost estimate for demolition and disposal of the 30 residential structures was developed using the Microcomputer Aided Cost Estimating System (MCACES), 2nd Generation, MII Software program. The MII estimate provides the cost of demolition for 30 residential structures, debris removal and disposal.

A review of 32 residential structures led to the determination of the number of houses likely to be 1-story or 2-story structures, whether the structures have basements, and whether the basements are located above or below grade. The structures are located in the Central Passaic River Basin. The estimate includes filling incidental excavations and compaction and finish grading to match existing topography and seeding. The price level of the estimate is October 2014, with the application of prevailing Davis Bacon wage rates for Passaic County, New Jersey and current equipment usage costs. The entire work has been assumed to be performed by a single general contractor.

An abbreviated Risk Analysis (ARA) was conducted in accordance to ER 1110-2-1302 to identify the uncertainty associated with the item of work/task, forecast the risk/cost relationship, and assign a value to this task that would limit the cost risk to an acceptable degree of confidence. During the development of the cost estimates, sufficient contingencies developed via PDT discussions during ARA were applied to develop the Total Project Cost.

Additional detail on the items contained in the MII demolition estimate is provided in Table 3-5. As shown in the table, the summary data includes the cost of site infrastructure removal, utility shut-off, basement wall demolition to specified depths,

sidewalk and driveway removal, and site grading and seeding. All disposal costs, such as hauling and tipping fees also are included.

Table 3-5: Demolition and Disposal Activities Included in Cost Estimate

Permitting Inspection
Utility Disconnection
Wood Frame Building Demolition (for both 1 & 2 story houses)
Dump Fee for Wood Frame Building
Import Earth Fill & Backfill
Compact Fill
Fine Grading
Seeding
Remove & Dispose Fuel / Septic Tank
Demolition of Chain Link Fence
HTRW

3.7 Cost-Benefit Summary

Table 3-6 shows the project economic summary for the limited buyout plan. The plan has total average annual costs of \$291,600, total average annual benefits of \$391,000, a benefit-to-cost ratio of 1.3, and annual net benefits of \$99,400.

Table 3-6: Project Economic Summary FY15 Price Level, 3.755% Discount Rate, 50 Year Period of Analysis¹⁰

Total Investment Costs¹¹	\$7,300,000
Annualized Investment Costs	\$304,200
Annual Operations & Maintenance Costs	\$0
Total Average Annual Costs	\$304,200
Benefits	
Flood Damage Reduction	\$404,700
Total Average Annual Benefits	\$304,200
Benefit-to-Cost Ratio	1.3
Net Benefits	\$100,500

¹⁰ Project costs and benefits will be proportionately lower if less than 30 homeowners participate since this is voluntary.

¹¹ ER 1105-2-100, Appendix D, Amendment #1, 30 June 2004; Section D-3.e.(11).(a) states that expended PED costs will be considered sunk and not included in the benefit cost ratio. (\$7,900,000-\$600,000 = \$7,300,000). Sunk costs include amount expended for the August 2005 report and the report herein.

3.8 *Environmental Mitigation Requirements

As this project is cost-shared under the Civil Works (CW) program, the actions of this project must be in compliance with all applicable Federal and State laws and regulations with regard to environmental compliance (ER 1105-2-100 (2-7)). For purposes of this report, Federal mitigation will not be required.

4. *ENVIRONMENTAL CONSEQUENCES

Consistent with CW Planning Guidance (ER1105-2-100), EO 11990, NEPA and CEQ regulations, plan formulation of flood damage reduction features have avoided adverse project effects (project implementation or O&M) to the fullest extent practicable. The following is a summary of effects of the environmental consequences expected to accompany the recommended plan for flood damage reduction.

4.1 Topography and Soils

No Action Alternative

There will be no changes to topography or soils under the No Action alternative.

Proposed Action

No significant impacts to topography or geology will result from the implementation of the project. Any grading activities will be restricted to the structure footprint, driveway or areas where underground storage tanks are removed. Suitable fill material will be brought in to bring any excavated area to grade.

4.2 Water Resources

No Action Alternative

The No Action alternative will have no effect on water resources.

Proposed Action

Because demolition activities will be contained to the footprint of the structure and does not involve any in-channel work, no adverse impacts to the Pompton and Ramapo Rivers or to the two Pompton River tributaries within the Hoffman Grove, Wayne Township project area are expected. Erosion control measures such as silt fence and temporary stabilization of unvegetated areas will be implemented during demolition activities to minimize sedimentation to the Ramapo and Pompton Rivers and the two Pompton River tributaries. Additionally, limits of disturbance will be established during demolition activities to help maintain a buffer between the work area and any adjacent water bodies.

4.3 Vegetation

4.3.1 Riparian Zone and Upland

No Action Alternative

The No Action alternative will have no effect on riparian and upland vegetation.

Proposed Action

Although an effort will be made to avoid clearing vegetation, some removal of existing shrubs or trees may be necessary in order to demolish the structures and remove any underground storage tanks. There is a higher probability that clearing may be required

in the Hoffman Grove, Wayne Township project area given that the homes are on smaller lot sizes and are in a more heavily wooded location than the River Edge, Pompton Lakes project area. Impacts to vegetation will be minimized by restricting clearing to the location of the structure to be removed and any associated underground storage tanks, if identified.

The WRDA 1986 authority under which the project is funded does not include full environmental restoration (*e.g.* planting trees, shrubs), however, the disturbed area will be then reseeded with native grass species. It is expected that barring any active maintenance by the municipalities, the project areas will experience natural recruitment of tree and shrub species and revert to forest over time.

4.3.2 Wetlands

No Action Alternative

The No Action alternative, will have no effect on existing wetlands.

Proposed Action

A formal delineation to verify the presence of wetlands in the Hoffman Grove, Wayne Township project area as indicated on the NJ Geo-web database was not conducted primarily due to the fact that the wetlands are outside of the location where demolition activities would occur. Therefore, no adverse impacts to wetlands will occur as a result of project implementation.

4.4 Wildlife Resources

4.4.1 Finfish and Aquatic Invertebrates

No Action Alternative

The No Action alternative will have no effect on fish and aquatic invertebrates.

Proposed Action

As previously stated, no in-channel work is proposed as part of this project. Erosion and sediment controls along with establishing work limits of disturbance will prevent excess sedimentation to the rivers. Therefore, no adverse impacts to fish and aquatic invertebrate species are expected as a result from project implementation.

4.4.2 Wildlife

No Action Alternative

Under the No Action alternative, wildlife utilization of the project areas will be consistent with current conditions.

Proposed Action

During construction, increased noise levels, and earth moving activities may cause displacement of bird and mammal species. This disturbance would be temporary and would cease once the removal action is completed.

The Migratory Bird Treaty Act, originally passed in 1918, prohibits the killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior (USFWS, 2011). As a result, there is a requirement to protect bird species that may potentially nest within the project areas by implementing a restriction on shrub and tree removal during construction activities. Therefore, in order to comply with the MBTA, trees and shrubs will be cleared outside of a 15 March through 31 July window to avoid adverse impacts to any species that are covered under this act.

The removal of structures under this proposed buy-out initiative will result in the return of approximately 5.4 acres of the floodplain to a more natural state which in turn will provide for better hunting/foraging and nesting habitat for wildlife as trees, shrubs and herbaceous vegetation reestablish within the project areas. Removal of structures within the Wayne Township project area will more than likely have a greater benefit to wildlife as the area is more isolated from human noise and disturbance and has more established vegetation than the Pompton Lakes project area.

4.5 Threatened and Endangered Species

No Action Alternative

Under the No Action alternative the use of the project areas by any state and/or federal endangered, threatened or special concern species will be consistent with current conditions.

Proposed Action

In order to avoid adverse impacts to the Indiana bat and northern long-eared bat that could potentially inhabit the project areas, a tree clearing restriction of 1 April through 30 September will be implemented for any trees six inches or greater than diameter at breast height. The tree clearing restriction of 15 March through 31 July associated with the MBTA will provide protection to any potentially nesting or foraging state special concern species such as the red-shouldered hawk. The project will ultimately enhance roosting habitat for Indiana bat and nesting and foraging habitat for the red-shouldered hawk as the area reverts back to a more natural condition and trees begin to reestablish. The removal of structures within the Pompton Lakes project area will create more open space that could improve foraging habitat for great blue heron. No adverse temporary or permanent impacts as a result of project implementation will occur.

4.6 Socioeconomics

No Action Alternative

Under the No Action alternative, residents would continue to sustain property damage during flood events.

Proposed Action

The acquisition and removal of homes within the two project areas will not have any adverse socioeconomic impacts, particularly since there have been previous home removals in the two project areas through separate buyout programs. However, as this buyout program is voluntary, the long term impacts for those who opt not to sell will continue to be property damage due to flooding given that their homes are located within the floodways of the Pompton and Ramapo Rivers.

Homeowners who opt for the buyout will receive fair market value for their home. Job loss is not expected to occur from this project because the structures that are being removed from the floodway are residential. The project may provide some benefits to recreational opportunities, particularly in the Pompton Lakes project area, where a small park is located. Removal of the homes in this area could allow for the potential expansion of the park and open space.

4.6.1 Environmental Justice

Executive Order 12898, Federal Actions to address Environmental Justice in minority and low income populations mandates that each federal agency will identify and address potentially disproportionately high and adverse effects of its activities on human health, social or environmental quality on minority and low income populations.

A cursory analysis was conducted to determine the potential applicability of Environmental Justice issues. The analysis took into account a comparison of the percentage of minority and low income populations in the census tract and the municipality in which the project is proposed.

The Pompton Lakes project area is located in Passaic County Census Tract 1964.01. Based on a review of the census data, this census tract has a combined minority population that is less than 50% and is less than the combined minority population of Pompton Lakes Borough (14.9% Census Tract, 17.69% Borough). The percentage of individuals living below the poverty threshold in Census Tract 1964.01 is 0.7% compared to the 3.5% of individuals living below the poverty level within the Borough.

The Hoffman Grove, Wayne Township project area is located in Passaic County Census Tract 2463. Based on a review of the census data, the census tract has a combined minority population that is less than 50% but is greater than the combined minority population of the Township (22.9% Census Tract, 18.38% Township). The percentage of

individuals living below the poverty threshold in Census Tract 2463 is 6.4% compared to 3.6% of all people in the Township.

A comparison was also performed between the combined minority population and the percentage of individuals living below the poverty line in Passaic County and the municipalities. Passaic County has a combined minority population of 20.7% and has 6.4% of the County population currently lives below the poverty line. Neither the combined minority populations of Wayne Township or Pompton Lakes Borough are greater than Passaic County. In addition, the percentage of residents living below the poverty line in either municipality is less than the County.

Participation in the proposed project is in all cases voluntary and serves as a measure to reduce the risk of loss of life and property damage due to flooding. Because property owners who opt to be bought out will be compensated at a fair market value, a disproportionate negative impact on minority or low-income groups in the community is not anticipated and a full evaluation of Environmental Justice issues is not required for this EA.

4.7 Cultural Resources

No Action Alternative

The No Action plan will have no effect on cultural resources.

Proposed Action

None of the homes proposed for buyout were determined to be eligible for the National Register of Historic Places either as a historic district or individually and no further work will be undertaken on the structures slated to be removed. Removal of houses is expected to consist of structural demolition as well as removal of associated infrastructure such as oil tanks and driveways. Construction equipment, however, could disturb shallow sites, if present. Prior to demolition work, the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire project area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired. A Programmatic Agreement (PA) stipulating the procedures the Corps will follow as properties are acquired was drafted in coordination with the NJHPO and was coordinated with Federally-recognized Tribes and interested parties. The Delaware Nation and Delaware Tribe have opted to participate as consulting parties to the PA. The Advisory Council on Historic Preservation was invited to participate in this project and has opted not to do so unless requested (Appendix H). Public coordination of the draft PA was accomplished as part of the public review of the draft EA.

Should significant archaeological resources be encountered, they will be avoided or the impacts will be mitigated. Up to six shovel tests will be completed on each lot at both Hoffman Grove and River Edge. Placement of tests will be determined on a lot-by-lot basis.

Following testing of seven properties, one quarter of the total, the testing strategy will be reevaluated and it is possible that less than all properties will be tested. A report detailing this work will be generated and coordinated with the NJHPO and other parties as appropriate.

4.8 Hazardous, Toxic, and Radioactive Waste (HTRW)

No Action Alternative

The No Action Alternative will not have any effects on HTRW sources.

Proposed Action

The demolition and disposal of material will be conducted in compliance with all applicable Federal and State regulations for LBP and ACM and the removal of USTs, if identified. No impacts are anticipated.

4.9 Air Quality and Noise

4.9.1 Air Quality

The General Conformity Rule of the Clean Air Act requires Federal agencies to ensure that any Federal actions occurring in areas designated as nonattainment or maintenance for any of the NAAQS do not interfere with a state's plans to meet national standards for air quality.

No Action Alternative

There will be no impacts to air quality under the No Action Plan.

Proposed Action

Construction emissions for the proposed project were evaluated previously and have been estimated to be below the Federal *de minimis* thresholds of 100 tons/year for NO_x, 50 tons/year for VOC, and below 100 tons/year for PM 2.5 in accordance with the Clean Air Act. Additionally, the evaluation indicated that emissions from the project are considered to have an insignificant impact on the regional air quality, and according to 40 CFR 93.153 (f) and (g), the proposed project is presumed to conform to the State Implementation Plan. As there has not been a modification to the scope and nature of the project, nor a change in the type of equipment that will be used for demolition activities, a reevaluation of construction emissions was not performed. Should there be any such modifications, the construction emissions will be reanalyzed and documented for compliance to General Conformity accordingly. A General Conformity Record of Non-Applicability (RONA) and the air emissions calculations are included in Appendix D of this document.

4.9.2 Noise

No Action Alternative

There will be no change in noise levels or sources under the No Action alternative.

Proposed Action

There will be an increase in noise levels in the immediate project area during operation of construction equipment. However these impacts are expected to be minimal and short-term and limited to the period of active construction. Any impacts from noise will be mitigated to the extent possible through restriction of work hours to within normal operating hours and by complying with any locally enforced noise ordinance or work periods. There will be no long-term impact on noise levels.

4.10 Cumulative Impacts

Cumulative impacts refer to one or more individual impacts, which when considered together, are considerable or which compound or increase the other's impacts. Therefore, the cumulative impacts of an action can be viewed as the total effects on a resource or ecosystem of that action and all other activities affecting that resource regardless of the entity (Federal, non-Federal, or private) taking the actions. CEQ's regulations require that cumulative impacts be considered along with temporary and long term impacts in order to ensure that the range of actions considered in NEPA documents includes not only the proposed action, but also all actions that could contribute to cumulative impacts.

The Passaic River Basin was established as the geographical scope for the purposes of the cumulative impact assessment. Past buyout actions that are appropriate to be considered against the proposed action include the purchase and removal of 96 homes within close proximity to Wayne Township (Hoffman Grove) project area and 20 homes located near the Pompton Lakes project area through a combination of funds from the FEMA and the state of New Jersey.

Current buyout actions to be considered include a \$300 million New Jersey State buyout program associated with Hurricane Sandy damages that allows a portion of the funds to remove approximately 300 repetitively flooded homes within the Passaic River Basin. Some of the allotted funds may be utilized for additional buyouts in Wayne Township. Eligible properties for the Hurricane Sandy damages include those that have been storm damaged, that are prone to incurring storm damage, or that may buffer or protect other lands from such damage.

The WRDA 1986 authority under which this project is funded authorizes the buyout and removal of approximately 800 homes throughout the Passaic River Basin. Currently, the non-Federal sponsor has indicated its desire to proceed with the acquisition and removal of

32 homes within the Wayne Township and Pompton Lakes project areas. However, further acquisition and removal of the homes to be removed through the WRDA 1986 authority could be considered in the future.

A primary cumulative socioeconomic benefit from past, current and future buyouts includes the reduction in flood damages. Potential impacts associated with past, proposed and future buyouts includes the loss of tax revenue for Wayne Township and the Borough of Pompton Lakes which could result in increased taxes for remaining property owners within the municipalities in order to compensate for the loss. However, the loss in tax revenue may be offset partially by a reduction in municipal service costs (e.g. garbage, plowing) and costs to maintain and repair infrastructure, including those required after flood events.

A positive cumulative benefit for the municipalities gained by the buyout program includes an increase in recreational areas. The November 20, 2012 Borough of Pompton Lakes Open Space and Recreation Plan indicates that open space acquired since 2003 has primarily been through home buyouts (Borough of Pompton Lakes, 2012).

A cumulative positive environmental benefit resulting from past, current and future buyouts include an increase in wildlife habitat. For example, the combination of these current and past buy-out initiatives within the Wayne Township and the Pompton Lakes project areas will result in the conversion of approximately 30 acres and 4 acres, respectively, to a more natural floodplain. Future buyouts would increase the acreage within the watershed being converted back to a more natural state. In addition, past, current and future buyouts of structures within floodplains could potentially contribute to minor water quality and aquatic habitat improvements by reducing the amount of manmade debris and contaminants discharged into the rivers during flood events.

Other District actions that are appropriate to take into account in the cumulative analysis include:

- Completion of flood control gates at Pompton Lake Dam located in the Borough of Oakland in 2007 in partnership with the NJDEP;
- Passaic River Basin General Re-evaluation Study. The Study is being conducted to identify flood risk management opportunities within the Passaic River Basin;
- Passaic Flood Warning System and
- Additional current and ongoing projects conducted on Passaic Main Stem, as depicted below in Figure 4-1:
 - Molly Ann's Brook – construction completed 2007
 - Lower Saddle River – ongoing study
 - Long Hill Township – study deferred
 - Jackson Brook – no Federal interest
 - Malapardis Brook – no Federal interest
 - Ramapo River at Mahwah/Suffern – Study deferred

-
- Joseph Minish Waterfront Park – on going construction (P.L. 113-2 funding provided to complete construction)
 - Ramapo River at Oakland – construction completed 2007
 - Preservation of Natural Storage Areas – authorized for the purchase of up to 5,350 acres: 3,400 bought to date and project is ongoing
 - McKeel Brook – construction complete 2004
 - South First Street Floodwall at Harrison – ongoing evaluation
 - Lower Passaic River Restoration Project¹² – ongoing study, conducted jointly with the USEPA
 - Newark Bay Superfund Study – ongoing study by USEPA

In addition, Congress authorized new studies on the Upper Rockaway River, Peckman River, and other small projects.¹³ In general, the objective of the buyout initiatives and other flood risk management studies and measures is to provide a long term risk reduction to loss of life and property/infrastructure damages resulting from flood events.

¹² Because of the Superfund site designation within the Lower Passaic River, extensive communication with the USEPA will be required for the screening of alternatives and the consideration of environmental and project cost/construction impacts.

¹³ Please note that since authorized, the Upper Rockaway River flood risk management study was deferred at the request of the non-Federal partner, NJDEP, due to local sponsor support issues.

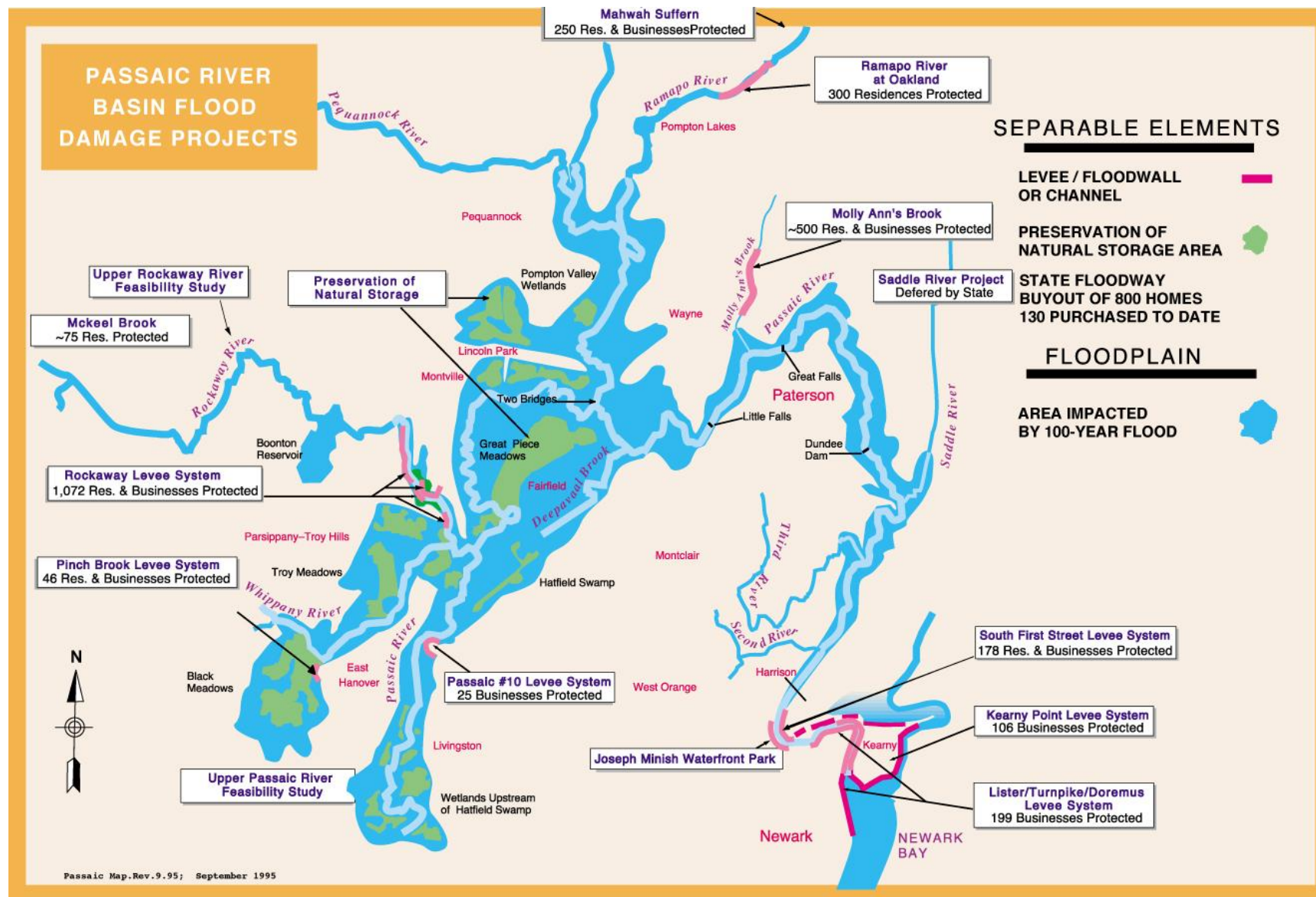


Figure 4-1: Current Projects Conducted on Passaic Main Stem River Basin

5. PLAN IMPLEMENTATION

As non-Federal project sponsor, NJDEP must sign a Project Partnership Agreement (PPA), which will carry the project through the completion. Funds must be budgeted by the Federal Government and the non-Federal sponsor to support these activities. A Project Management Plan (PMP) will be developed to identify tasks, responsibilities, and financial requirements of the Federal Government and the non-Federal sponsor through completion of construction. A project schedule will be established on the basis of reasonable assumptions for the acquisition and demolition schedules.

5.1 General

The completion of this Decision Document and Environmental Assessment report and recommendation by the District Engineer is the first step toward implementing the floodway buyout program in the project areas. The New York District completed a District Quality Control (DQC) review, which was provided to the Agency Technical Review (ATR) team and will be submitted for public review. Public review of the draft Decision Document and Environmental Assessment report will occur upon approval of the draft report and will include the results of the completed ATR process. All responses to comments from other agencies and interested parties will be submitted with the final version of the Decision Document and Environmental Assessment report to the North Atlantic Division Chief and North Atlantic Division Regional Integration Team (RIT) for HQUSACE review and approval by ASA(CW). The project will be considered for inclusion in the President's budget on the basis of national priorities, magnitude of the Federal commitment, economic and environmental acceptability, level of local support, willingness of the non-Federal sponsor to fund its share of the project cost, and budgetary constraints that may exist at the time of funding.

5.2 Local Cooperation

A fully coordinated PPA package, which will include the non-Federal sponsor's financing plan, will be prepared subsequent to the approval of the Decision Document and Environmental Assessment report. The non-Federal sponsor has indicated support for recommendations presented in this Decision Document and Environmental Assessment report and its desire to execute a PPA for the buyout plan.

As the non-Federal project sponsor, NJDEP must comply with all applicable Federal laws and policies and other requirements, including but not limited to:

Project Responsibility

- Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project and

any Project-related betterments, except for damages due to the fault or negligence of the United States or its contractors.

- Assume complete financial responsibility, as between the Federal Government and the non-Federal project sponsor for all necessary cleanup and response costs of any Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the construction, operation, or maintenance of the Project.
- Operate the project for the purpose of CERCLA liability. To the maximum extent practicable, operate, maintain, repair, replace and rehabilitate the Project in a manner that will not cause liability to arise under CERCLA.
- Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the construction, operation, and maintenance of the Project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.
- Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army."

Floodplain Management

- Participate in and comply with applicable Federal flood plain management and flood insurance programs and comply with the requirements in Section 402 of the Water Resources Development Act of 1986, as amended.
- Publicize flood plain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with the protection provided by the project.

Financial and Administrative Management

- Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal project sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.
- Provide, during the first year of construction, any additional funds needed to cover the non-Federal share of Preconstruction Engineering and Design (PED) costs.
- Provide, during construction, any additional funds needed to cover the non-Federal share of costs.
- Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Codes of Federal regulations (CFR) Section 33.20.
- Not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.
- Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement.

Inspection, Performance, and Maintenance

- Grant the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the non-Federal project sponsor owns or controls for access to the project for the purpose of inspection and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing or rehabilitating the project.
- Prevent obstructions of or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) which might hinder its operation and maintenance, or interfere with its proper function, such as any new development on project lands or the addition of facilities which would degrade the benefits of the project.

-
- Provide to the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the Project for the purpose of inspection, and, if necessary after failure to perform by the non-Federal sponsor, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall operate to relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance.
 - Not less than once each year inform affected interests of the extent of protection afforded by the Project.
 - Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms.

5.3 Cost Sharing

Typical US Army Corps of Engineer projects are cost shared at 65 percent by the Federal government and 35 percent by the non-Federal sponsor. However, based on the authorizing language discussed in Section 1.2, Section 1148 of WRDA 1986, the cost sharing for this project is authorized as follows:

(c) Cost Sharing. — The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of subsection (d).

As prescribed by the authorizing language, the project costs are shared on a 75 percent basis by the Federal government and a 25 percent basis by the non-Federal sponsor. The total project costs will include sunk cost spent to date, including funds expended for the August 2005 report and the report herein. The Federal Government will design the acquisition and demolition plans, prepare detailed plans/specifications, and acquire residential properties on behalf of the non-Federal sponsor.

It should be noted that the costs presented are estimated and that actual costs will be determined based upon financial accounting as stipulated in the construction PPA that will be executed with the NJDEP prior to actual implementation of the acquisition plan.

5.4 Implementation Schedule

A preliminary implementation schedule was developed for the selected plan. The schedule is based on information available to date, and is largely dependent on whether the Project

continues to receive Federal funding. The estimated implementation schedule for the first group of buyouts is provided below:

- Project Cooperation Agreement Execution 30 June 2015
- Plans and Specifications Phase Begins 1 July 2015
 - Real Estate Activities and Acquisitions 1 July 2015–30 December 2016
 - Plans and Specifications for Demolition 30 December 2016
- Construction Phase Begins 15 January 2016
- Advertisement and Contract Award 15 April 2016 – 15 July 2016
 - Demolition 15 August 2016
- Project Complete 11 August 2017

For the remaining structures, the estimated implementation schedule is contingent on Federal funding. If funding is available, Real Estate Acquisition Schedule will continue through August 2017 (See schedule in Appendix A: Real Estate Plan).

5.5 Financial Analysis

For purposes of executing the PPA, the NJDEP has stated its intention to act as the non-Federal sponsor. The state will provide funds in increments appropriate to the proportion of the amount of Federal funds to be expended on the project each year. State funds will be derived through the State's annual budget process. The State has indicated its intent to enter into a PPA for this project. The State of New Jersey has secured funding for the first year of the acquisition phase.

5.6 Views of Non-Federal sponsors and Other Agencies

The selected plan has received strong support from the non-Federal sponsor, as well as other agencies of the State of New Jersey. The affected local governments, Passaic County, Pompton Lakes Borough, and Wayne Township, New Jersey also have expressed their support for the project. A meeting was held on August 17, 2005 with the NJDEP, Wayne Township, the Borough of Pompton Lakes, and the Corps to discuss the implementation of the project. The District will ensure communication and coordination with the NJDEP throughout the project.

5.7 Areas Of Concern

There are no outstanding areas of concern regarding the acquisition plan. The plan is fully voluntary, supported by the non-Federal sponsor, as well as affected local governments and interested Federal agencies. These parties have full confidence in the anticipated performance of the plan in terms of flood damage reduction and impacts on the environment.

6. *COORDINATION & COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

This Decision Document and Environmental Assessment report will be coordinated with the public and involved agencies through targeted mailings, placement of the Decision Document and Environmental Assessment report in public repositories at the local library and town hall, and by advertisement of the document's availability. The Corps will prepare a Final Environmental Assessment and FONSI to address all received comments.

A Fish and Wildlife Coordination Act Report was prepared by the U.S. Fish and Wildlife Service in 2005. Because the scope and nature of the proposed project have not changed, the draft integrated Decision Document/EA will be used to coordinate with USFWS.

All work to date has been coordinated with the NJHPO. A draft Programmatic Agreement (PA) stipulating the procedures the Corps will follow as properties are acquired was drafted in coordination with the NJHPO and is being coordinated with the Advisory Council on Historic Preservation, the Delaware Nation, the Delaware Tribe of Indians and the Wayne Township Historical Commission. The draft PA is submitted as an appendix to this EA. The public review of this draft EA will also serve as the public review of the draft PA.

This Decision Document and Environmental Assessment report will serve as the basis for coordination with the NJDEP. Applicable laws and regulations to Federal actions are summarized in Table 6-1.

Table 6-1: Summary of Primary Laws and Regulations Applicable to the Proposed Project

<i>Legislative Title</i>	<i>U.S. Code/Other</i>	<i>Compliance</i>
Clean Air Act	42 U.S.C. §7401-7671g	An air quality analysis was completed for the project (See Appendix B). Based upon the completed analysis, the emissions from the project are considered to have an insignificant impact on the regional air quality, and according to 40 CFR 93.153 (f) and (g) the proposed project is presumed to conform to the SIP. A Record of Non-Applicability is appended to the Draft Environmental Assessment.

Clean Water Act	33 U.S.C. §1251 <i>et seq.</i>	The project does not involve any discharge or fill of the Ramapo and Pompton Rivers or associated wetlands. During construction, erosion and sediment control measures will be implemented during construction to minimize sedimentation to the rivers. Therefore, the project is in compliance with this Act.
Endangered Species Act of 1973	16 U.S.C. §1531 <i>et seq.</i>	The proposed project is not expected to have adverse impacts to any endangered or threatened species. The Draft Environmental Assessment will be coordinated with the U.S. Fish and Wildlife Service and the New Jersey Department of Environmental Protection.
Fish and Wildlife Coordination Act	16 U.S.C. §661 <i>et seq.</i>	The U.S. Fish and Wildlife Service prepared a Fish and Wildlife Coordination Act Report 2005 which is included in Appendix E. The draft Decision Document/EA will be used to update coordination with the USFWS.
National Environmental Policy Act	42 U.S.C. §4321-4347	The circulation of the Draft Environmental Assessment fulfills requirements of this act.
National Historic Preservation Act of 1966	16 U.S.C. §470 <i>et seq.</i>	Implementation and compliance with the executed Programmatic Agreement satisfies Section 106 of the NHPA.
Executive Order 11990, May 24, 1977 Protection of Wetlands		Circulation of this Decision Document and Environmental Assessment report for public and agency review fulfills the requirements of this order.

Executive Order 13045, April 21, 1997
Protection of Children from
Environmental Health Risks
and Safety Risks

Implementation of this project will
reduce environmental health risks.
Circulation of this Decision
Document and Environmental
Assessment report for public and
agency review fulfills the
requirements of this order.

State	State Code/Other	Compliance
New Jersey Standards for Soil Erosion and Sediment Control	N.J.A.C 2:90	A soil erosion and sediment control plan (E&S plan) will be prepared and submitted to the Hudson, Essex and Passaic Conservation District for review and approval prior to construction. The E&S plan will include a limit of disturbance in order to maintain a buffer between demolition areas and the rivers and appropriate controls will be implemented to reduce the potential of sedimentation to the Ramapo and Pompton Rivers during construction. Disturbed areas will be reseeded with native herbaceous species following construction.

7. RECOMMENDATIONS

In making the following recommendations, I have given consideration to all significant aspects in the overall public interest, including environmental, social and economic effects, engineering feasibility and compatibility of the project with the policies, desires and capabilities of the State of New Jersey and other non-Federal interests.

As the project is economically justified, I recommend that the selected plan for acquisition of up-to 30 residential structures located within the floodway of the Passaic River be implemented as a Federal project for flood damage reduction, subject to such modifications as may be prescribed by the Chief of Engineers and to the extent that funds have been appropriated by the U.S. Congress. To date, \$6,426,482 has been appropriated towards the project. These funds, coupled with the non-Federal sponsor's share of project costs, will be used to initiate the buyout program. These recommendations are made with such further modifications thereof, as in the discretion of the Major Subordinate Command may be advisable, at first cost of \$7,300,000 for construction (at October 2014 price levels).

The recommendations contained herein reflect the information available at this time and current departmental policies governing individual projects. They do not reflect program and budgeting priorities inherent in the formulation of a national Civil Works construction program nor the perspective of higher review levels within the Executive Branch. Consequently, the recommendations may be modified. The non-Federal sponsor (the New Jersey Department of Environmental Protection), interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

These recommendations are made with the provisions that local interests will:

- a. Hold and save the United States free from claims for damages which may result from construction and subsequent maintenance, operation, and public use of the project, except damages due to the fault or negligence of the United States or its contractors.
- b. Maintain public ownership and public use of the areas upon which the amount of Federal participation is based during the economic life of the project.
- c. Provide and maintain necessary access roads, parking areas, and other public use facilities open and available to all on equal terms.
- d. Contribute the local share of non-Federal costs for initial construction and operation and maintenance over the economic life of the project, as required to serve the intended purposes.
- e. Upon completion of each project feature, acquire, rehabilitate, repair, replace, operate and maintain easements for public access to areas created or enhanced by the project. The cost of the operation and maintenance of these easements will be the responsibility of the non-Federal sponsor.

Paul E. Owen
Colonel, Corps of Engineers
District Engineer

8. *REFERENCES AND CONTACTS

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LIST OF TEAM MEMBERS AND REPORT PREPARERS

The following individuals were primarily responsible for the preparation of this integrated report and environmental assessment.

Individual	Responsibility
Rifat Salim	Project Manager
Brittney Hyde	Project Planner
Kimberly Rightler	Biologist; National Environmental Policy Act Compliance;
Steven Weinberg	Engineering and Design
Cynthia Zhang	Cost Engineering
Johnny Chan	Economics
Lynn Rakos	Cultural Resources
Richard Dabal	Hazardous, Toxic, and Radioactive Wastes
Mary Daly (NAB)	Real Estate
Ellen Simon	Office of Counsel

APPENDIX A - REAL ESTATE PLAN

**REAL ESTATE PLAN
FOR THE PASSAIC RIVER BASIN
FLOOD MANAGEMENT (FLOODWAY BUYOUT) FEASIBILITY STUDY
BOROUGH OF POMPTON LAKES AND WAYNE TOWNSHIP
PASSAIC COUNTY, NEW JERSEY**

1. GENERAL
2. REAL ESTATE REQUIREMENTS
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 - b. Standard Estates
 - c. Non-Standard Estates
 - d. Current Ownership
 - e. Real Estate Mapping
3. FEDERALLY-OWNED LANDS AND EXISTING FEDERAL PROJECTS
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5. NAVIGATIONAL SERVITUDE
6. INDUCED FLOODING
7. BASELINE COST ESTIMATE FOR REAL ESTATE
8. PUBLIC LAW 91-646 RELOCATIONS
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10. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY
11. ZONING
12. ACQUISITION SCHEDULE
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REAL ESTATE PLAN

1. GENERAL

This Real Estate Plan (REP) is an update to the 2005 Limited Report for the Passaic River Basin Flood Management (Floodway Buyout) Study, Borough of Pompton Lakes and Wayne Township, Passaic County, New Jersey. Congress authorized a study of the Passaic River Basin in the Water Resources Development Act (WRDA) of 1976 (Public Law 94-587), which led to a plan authorized in WRDA 1990, and modified in WRDA 1992, 1996, and 2000. The specific authorization for this element, the Floodway Buyout, is Section 1148 of WRDA 1986, as amended by Section 333 of WRDA 1996, Section 327 of WRDA 2000, and was further amended by Section 115 Consolidated Appropriation Act, 2012 (Public Law 112-74). A Draft Passaic River Floodway Buyout Study, dated October 1995, examined the acquisition and removal of approximately 800 homes from the State of New Jersey defined floodway throughout nine municipalities of the Central Passaic River Basin.

The purpose of this project is flood risk management. No environmental restoration component is included. This REP will focus on two of the nine municipalities in the Central Passaic River Basin, the Borough of Pompton Lakes, and the Township of Wayne, located approximately 25 miles and 30 miles northwest of the City of Newark and New York City, respectively. These two study areas comprise approximately 37 properties, with 5 properties located between the Ramapo River and River Edge Drive in Pompton Lakes, and 32 properties along the Pompton River in the Hoffman Grove area in Wayne. The non-Federal Sponsor (NFS) for this study, the State of New Jersey, Department of Environmental Protection, requested that acquisition of properties under this buyout begin in these two municipalities, due to the fact that NFS had already acquired properties in this area of Pompton Lakes, and because the Township of Wayne had specifically requested the NFS to address their flood problems in the Hoffman Grove area. However, of the combined 37 properties in these two municipalities, the recommended plan under this voluntary buyout consists of the acquisition of approximately thirty (30) properties. Consequently, the NFS will notify the two municipalities to generate an acquisition list in priority order of likelihood and degree of being flooded. Thirty of the owners on these two lists would be offered the opportunity to participate. Under this voluntary buyout, if an impasse in reaching an agreement with an owner occurs, an offer would be presented to the next owner on the list. Given these conditions, this real estate plan will provide mapping and ownership information for the combined 37 properties, and cost information for the acquisition of thirty (30) of those properties.

2. REAL ESTATE REQUIREMENTS

a. Description of Lands, Easements, Rights of Way and Roadway Requirements for Project:

The project will require the following:

Fee - For buyout purposes, fee simple acquisition of approximately 30 properties will be necessary. Since the properties will be acquired on a first-come first-served basis, total acreage

for these properties cannot accurately be determined at this time. However, a rough estimate of 30 randomly selected properties would yield a total acreage of 5.4 acres.

b. Standard Estates:

The minimum estate required for this project is Fee (Estate No. 1).

The standard estate language will be as follows:

FEE (Estate No. 1) The fee simple title to the land described in Schedule A, Tract No. ____, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, excepting and excluding all mineral rights which are outstanding in parties other than the surface owners and all appurtenant rights for exploration, development and removal of said minerals so excluded.

c. Non-Standard Estates

There are no non-standard estates necessary for this project.

d. Current Ownership

Properties eligible for acquisition under this voluntary buyout include 5 in the Borough of Pompton Lakes, and 27 in the Hoffman Grove area in the Township of Wayne. Though up to 30 properties will be acquired under this REP, all 32 properties are necessarily listed, since the two municipalities will generate an acquisition list in priority order of likelihood and degree of being flooded. Ownership information provided in Exhibits B-1 and B-2 was obtained from each municipality's Assessor records. This information will be updated as the project moves into the acquisition stage, wherein a title report and on-site appraisal will be prepared for each property whose owner chooses the buyout.

e. Real Estate Mapping

Real Estate Project Planning Maps, Plate R-1, entitled "Passaic River Limited Floodway Acquisition Project, Pompton Lakes Study Area," dated 3 December 2004, and Plates R-2 through R-5, entitled "Passaic River Limited Floodway Acquisition Project, Hoffman Grove Study Area," dated 17 December 2004, are attached as Exhibits A.1 and A.2, respectively. This mapping was updated as of January 7, 2014 as properties were sold. Since it cannot be determined which of the 30 properties will participate in the voluntary buyout, the mapping can only indicate individual tract acreage and does not include total acreage. However, a rough estimate of 30 randomly selected properties would yield a total acreage of 5.4 acres.

3. FEDERALLY-OWNED LANDS AND EXISTING FEDERAL PROJECTS

There are no Federally-owned lands or existing Federal projects in the proposed project area.

4. LANDS OWNED BY THE NON-FEDERAL SPONSOR

There are no lands involved in this project that are owned by the Non-Federal Sponsor.

5. NAVIGATIONAL SERVITUDE

The New York District has determined that the Passaic River from the mouth of Newark Bay to mile 23.8 in Paterson, New Jersey is navigable and the remainder non-navigable. The section of the Passaic River for this project is upstream of Paterson, and therefore the Passaic River for this project is a non-navigable waterway, and not subject to the Federal Navigational Servitude. Similarly, the floodway buyout areas along the Pompton and Ramapo Rivers of the Passaic River Basin are upstream of Paterson. Therefore, the Pompton and Ramapo Rivers areas for this project are non-navigable waterways and not subject to the Federal Navigational Servitude for this project.

6. INDUCED FLOODING

No induced flooding is anticipated due to these proposed non-structural flood risk management project measures.

7. BASELINE COST ESTIMATE FOR REAL ESTATE

The total estimated administrative and real estate costs for lands, easements, rights-of-way, relocations, and disposal areas (LERRD), without contingency, are \$3,660,778, and \$4,091,734 with contingency (Exhibit C). For consistency purposes in the cost estimates for this REP the New York District has requested that a contingency factor of 20% be used by all the technical areas. Those totals breakdown as follows:

	<u>Without Contingency</u>	<u>With Contingency</u>
Administrative Costs	\$ 211,000	\$ 253,200
<u>LER</u>	<u>\$3,620,778</u>	<u>\$4,091,734</u>
TOTAL:	\$3,831,778	\$4,344,934

- *The real estate plan is tentative in nature and for planning purposes only, both the final real property acquisition lines and the estimate of value are subject to change even after the approval of the real estate plan.*
- *A fair market appraisal will be used to determine value; property owner's may submit their own appraisal for review by Chief, Appraiser Technical Services Branch Baltimore District.*

8. PUBLIC LAW 91-646 RELOCATIONS

Since this is a voluntary buyout, in accordance with 49 CFR 24 Subpart B, 24.101(a), relocation benefits will not be paid to the owner(s) of the property. However, under this same citation, any tenant(s) meeting the eligibility requirements will receive relocation benefits. Consequently for this REP, using the 20% contingency factor, the MCACES will include costs for tenant relocation benefits for ten (10) properties. These costs include a rental assistance payment (RAP) of \$5,250, the current maximum allowed by law, and moving costs of \$5,000 to each tenant.

9. TIMBER RIGHTS AND MINERAL ACTIVITY

There is no present or anticipated timber harvesting or mineral activity in the vicinity of the project that may affect the operation thereof.

10. ASSESSMENT OF THE NFS's REAL ESTATE ACQUISITION CAPABILITY

The Non-Federal Sponsor (NFS) for this project is the State of New Jersey, Department of Environmental Protection. As per Section 115 of FY12 Consolidated Bill, revised language states that the ASA will transfer land to the NFS after acquisition. Consequently, on behalf of United States Government the Army Corps of Engineers will acquire the lands and transfer them to the NFS by quitclaim deed. It is anticipated that, upon execution of the Project Sponsorship Agreement (PPA), the NFS would enter into a Memorandum of Agreement (MOA) with the Department of the Army, U. S. Army Corps of Engineers, New York District, in respect to the acquisition of the required lands and the transfer of said lands to the NFS.

11. ZONING

The enactment of zoning ordinances is not proposed to facilitate real estate acquisition for this project.

12. REAL ESTATE ACQUISITION SCHEDULE

Acquisition of the real estate cannot begin until both the PPA and MOA have been executed. Per NAN that is expected approximately 01 November 2014. Once that has been completed, the following is an estimated time frame in sequential order of the tasks involved to complete acquisition of the 30 properties under this Project. Some of the tasks can be conducted simultaneously or overlap another, due to the fact the Title and Appraisal reports, will be provided by contractors as they are completed on a staggered basis:

- Title Work - Obtain Preliminary Title Reports	01 July 2015 – 31 Oct 2016	4 months
- Prepare Plats and Legal Descriptions	01 Sep 2015 – 31 Jan 2016	5 months
- Conduct Appraisals	01 Dec 2015 – 31 May 2016	5 months
- Prepare/Send Offers & Receive Accepted Offers	01 Feb 2016 – 30 Sep 2016	9 months
- Provide Relocation Services & Payments to Displaced Tenants	01 Apr 2016 – 31 Oct 2016	7 months
- Real Estate Closing/ Payments	01 Jun 2016 – 31 Dec 2016	6 months

Certify LERRD Acquisition

- *The above schedule is based on the fact that the owners participating in the buyout will be able to find in a timely manner another house to purchase and finance, or apartment to rent once the offer has been made.*

13. UTILITY AND FACILITY RELOCATIONS

There are no relocations of utilities or facilities anticipated for this project.

14. ENVIRONMENTAL CONCERNS

There are no identified or designated hazardous, toxic, or radioactive waste (HTRW) within the study area. There are no sites within or adjacent to the project area that have been identified as known or potential HTRW sites. Therefore, the real estate plan cost estimate does not reflect the presence of contamination.

15. ATTITUDES OF THE LANDOWNERS

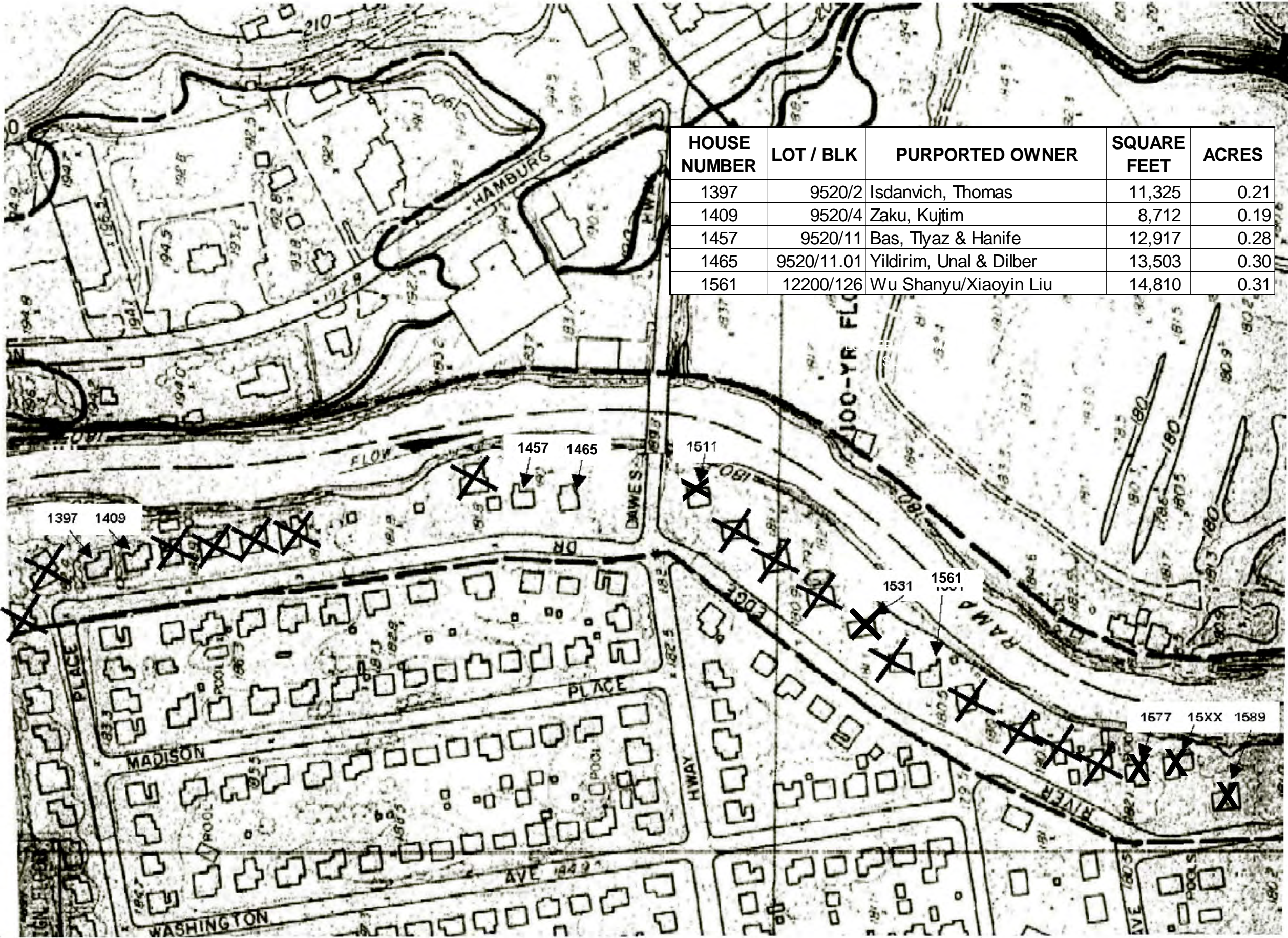
The property owners are concerned about future flooding and the consequent flood damage and reduced values to their homes, and are therefore receptive to buyouts. However, since the project is voluntary by legislation, an eligible property owner is under no obligation to participate in this voluntary buyout. In addition, the Township of Wayne and the Borough of Pompton Lakes are supportive of the project, with neither having raised any objection to the potential effects of an acquisition of this nature on its tax base.

16. NOTIFICATION TO NFS OF RISKS PRIOR TO PCA EXECUTION:

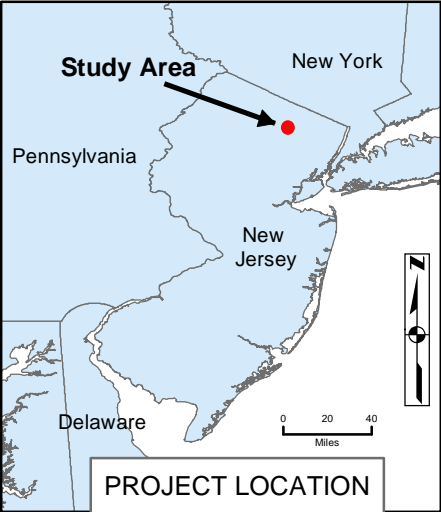
The NFS, New Jersey Department of Environmental Protection, was previously notified in writing, in a letter dated November 10, 2004, regarding the risks associated with acquisition of land prior to the execution of the PPA.

17. RISK ANALYSIS

Since this is a voluntary buyout with no project features or construction required, there are no risks anticipated under this study on the acquisition of the property from the owner. It should be noted, however, that in regard to tenant relocations, if the monthly cost to rent the replacement dwelling is either higher than the displaced tenant's rent, or exceeds 30% of the displaced tenant's income, under Public Law 91-646 the tenant may be eligible for a rental assistance payment over a forty-two month period. This RAP is a relocation cost to the NFS.



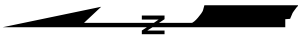
HOUSE NUMBER	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES
1397	9520/2	Isdanvich, Thomas	11,325	0.21
1409	9520/4	Zaku, Kujtim	8,712	0.19
1457	9520/11	Bas, Tiyaz & Hanife	12,917	0.28
1465	9520/11.01	Yildirim, Unal & Dilber	13,503	0.30
1561	12200/126	Wu Shanyu/Xiaoyin Liu	14,810	0.31



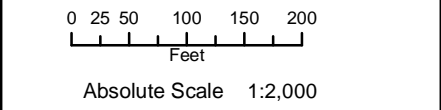
**REAL ESTATE PROJECT
PLANNING MAP**

**PASSAIC RIVER LIMITED FLOODWAY
ACQUISITION PROJECT**

POMPTON LAKES STUDY AREA



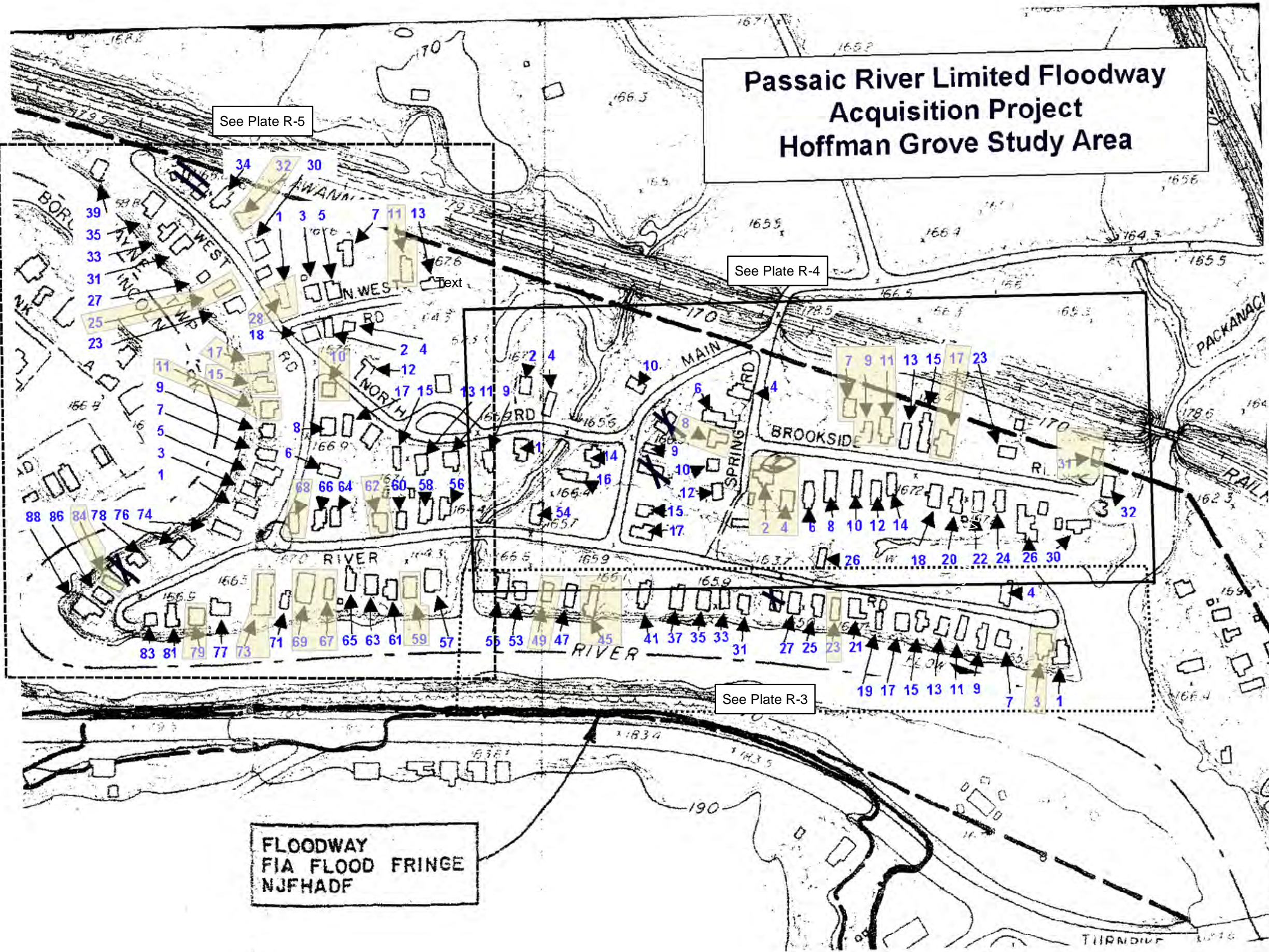
Revisions		
DATE	DESCRIPTION	INITIALS
23 Mar 2012	Revised property list	rts
4 Jun 2014	Revised property list	rts



**U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND**

PROJECT FILE: pompton_lakes.mxd
CREATED BY: rts
DATE: 3 Dec 2004
SCALE: AS SHOWN

PLATE: **R-1**

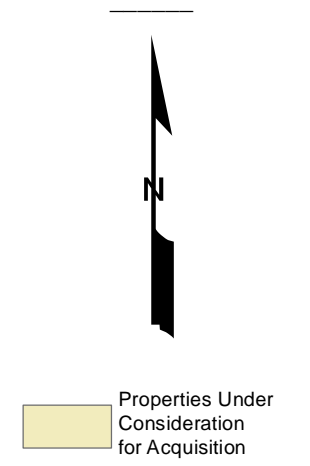


**Passaic River Limited Floodway
Acquisition Project
Hoffman Grove Study Area**

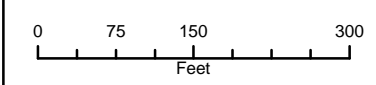


**REAL ESTATE PROJECT
PLANNING MAP**

**PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT
HOFFMAN GROVE STUDY AREA**



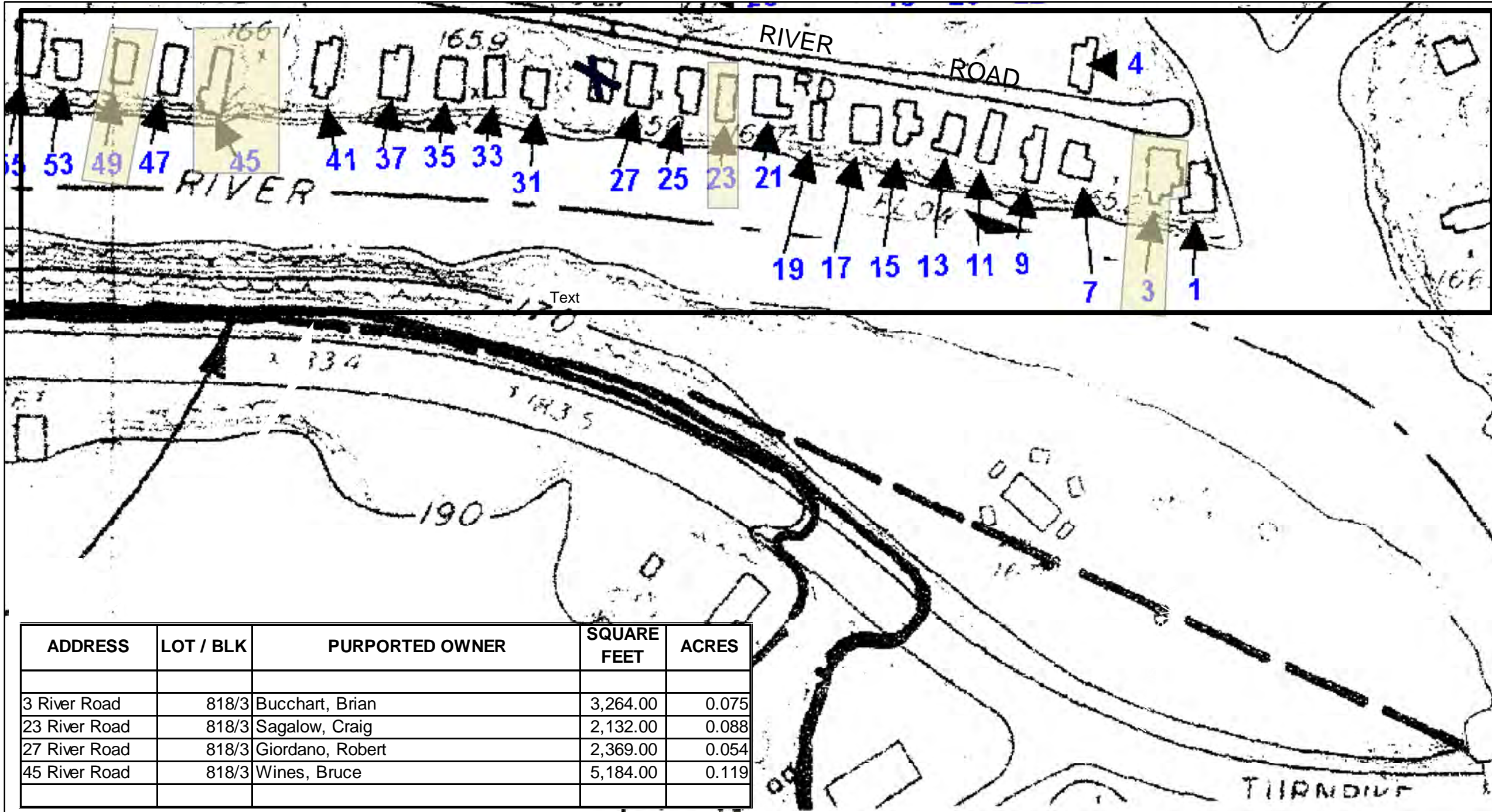
Revisions		
DATE	DESCRIPTION	INITIALS
23 Mar 2012	Revised properties under consideration	rts
10 June 2014	Revised properties under consideration	rts



**U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND**

PROJECT FILE: hoffman_grove_R2-2014.mxd
CREATED BY: RTS
DATE: 17 Dec 2004
SCALE: AS SHOWN

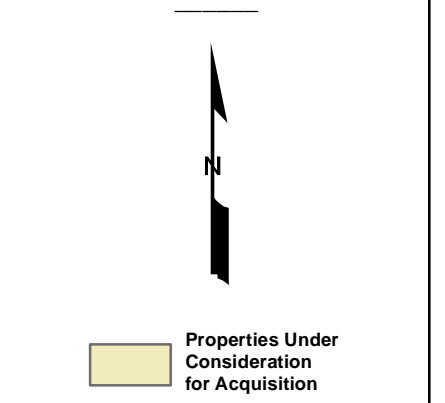
PLATE: **R-2**



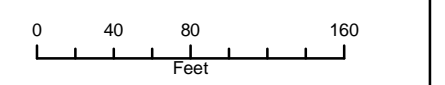
**REAL ESTATE PROJECT
PLANNING MAP**

**PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT**

HOFFMAN GROVE STUDY AREA

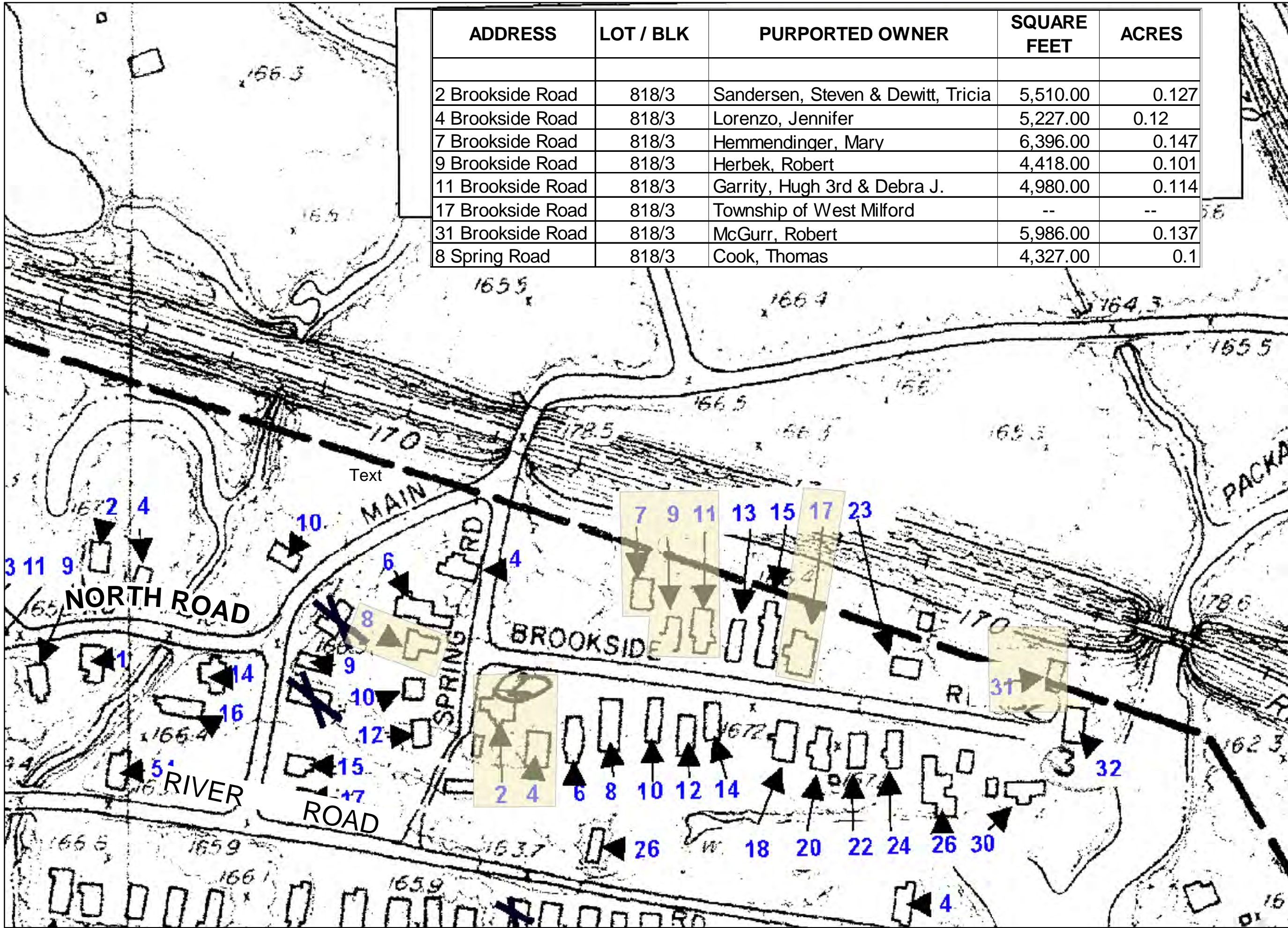


Revisions		
DATE	DESCRIPTION	INITIALS
23 Mar 2012	Revised property list	rts



U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND

PROJECT FILE:HG_plateR3-rev2012
CREATED BY: RTS
DATE: 17 Dec 2004
SCALE: AS SHOWN
PLATE: **R-3**



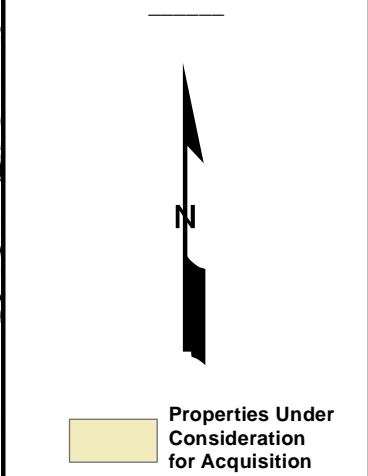
ADDRESS	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES
2 Brookside Road	818/3	Sandersen, Steven & Dewitt, Tricia	5,510.00	0.127
4 Brookside Road	818/3	Lorenzo, Jennifer	5,227.00	0.12
7 Brookside Road	818/3	Hemmendinger, Mary	6,396.00	0.147
9 Brookside Road	818/3	Herbek, Robert	4,418.00	0.101
11 Brookside Road	818/3	Garrity, Hugh 3rd & Debra J.	4,980.00	0.114
17 Brookside Road	818/3	Township of West Milford	--	--
31 Brookside Road	818/3	McGurr, Robert	5,986.00	0.137
8 Spring Road	818/3	Cook, Thomas	4,327.00	0.1



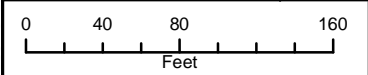
REAL ESTATE PROJECT
PLANNING MAP

PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT

HOFFMAN GROVE STUDY AREA

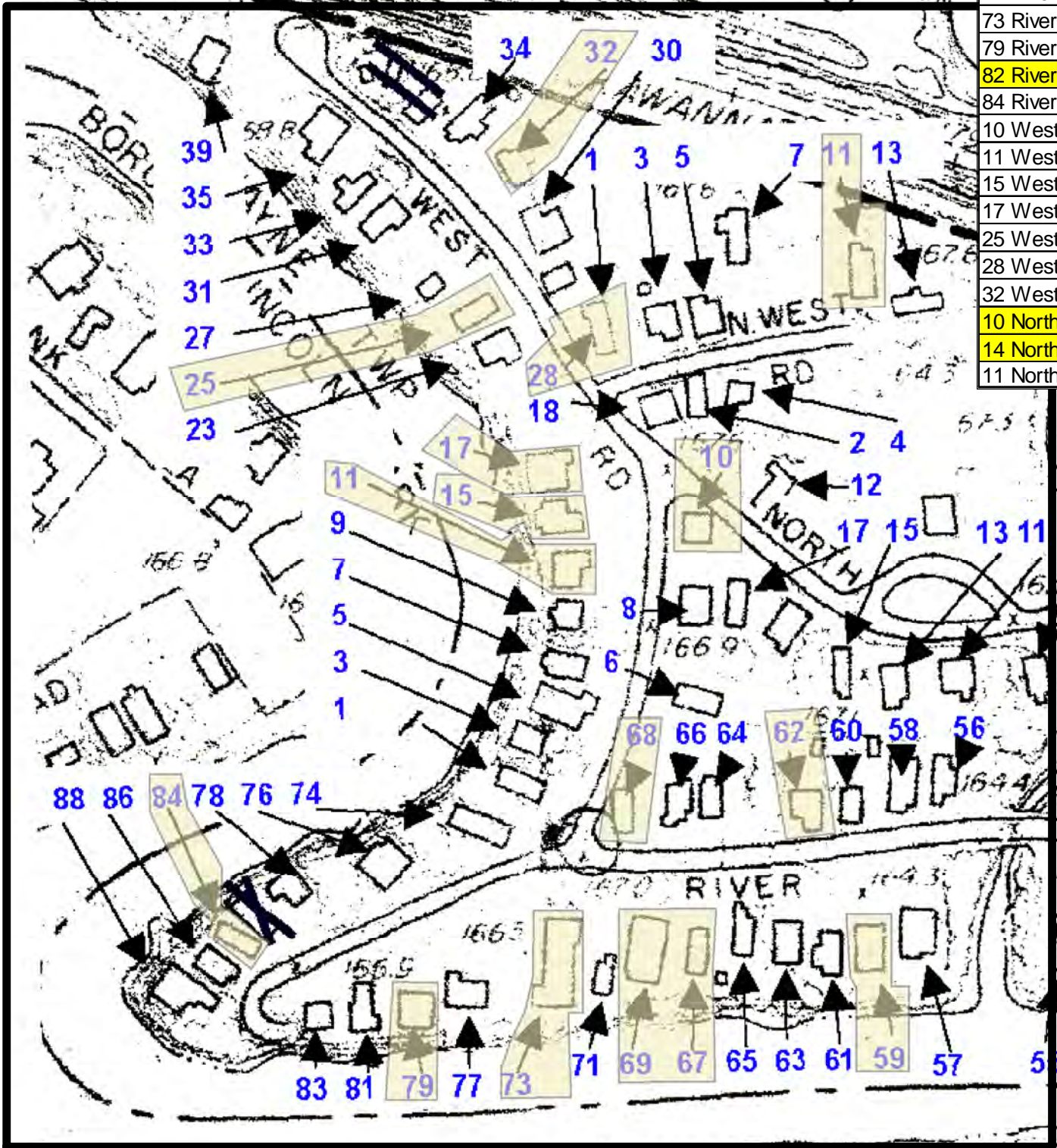


Revisions		
DATE	DESCRIPTION	INITIALS
23 Mar 2012	Revised property list	rts
8 Jun 2014	Revised property list	rts



U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND

PROJECT FILE: HG_PlateR4-rev2012
CREATED BY: RTS
DATE: 6 Dec 2004
SCALE: AS SHOWN
PLATE: **R-4**



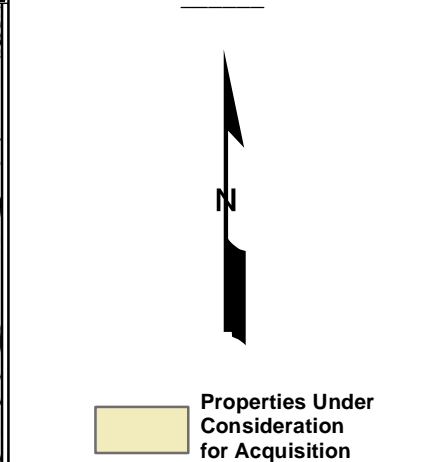
HOUSE NUMBER	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES
59 River Road	818/3	Comer, Jennifer & Comer, Stephen	4,417.00	0.101
62 River Road	818/3	Cavani, Cesar	6,098.00	0.14
67 River Road	818/3	McGurr, Joseph	4,371.00	0.10
68 River Road	818/3	Velez, Anthony& Cintron, Maria	5,881.00	0.14
69 River Road	818/3	Altschuler, Scott A	11,150.00	0.256
72 River Road	818/3	Le Grand, Carol	4,376.00	0.1
73 River Road	818/3	Velez/Anthony/Novelli, Lorraine	11,074.00	0.254
79 River Road	818/3	Hopper, Andrew	4,661.00	0.11
82 River Road	818/3	Hoffman Grove Association	2,309.00	0.05
84 River Road	818/3	Crozier, Frank & Crozier, Betty	2,359.00	0.054
10 West Road	818/3	Marino, Joseph	3,037.00	0.07
11 West Road	818/3	Higgins, Stevens	4,495.00	0.103
15 West Road	818/3	Sullivan, Maureen & Kundracky, Michael	4,887.00	0.112
17 West Road	818/3	Hancox, Judith	4,701.00	0.108
25 West Road	818/3	West Millford Township	TBD	TBD
28 West Road	818/3	Williams, Robert	11,371.00	0.25
32 West Road	818/3	Sanchez, Dalides & Salome	5,358.00	0.12
10 North Road	818/3	Ferrante, Donald & Coleman, Annette	23,261.00	0.53
14 North Road	818/3	Martinelli, Anthony & Kristin	21,388.00	0.49
11 Northwest Road	818/3	Byrnes, William Jr.	12,921.00	0.25



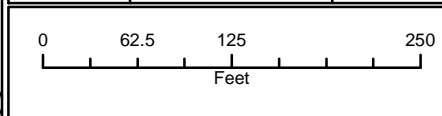
**REAL ESTATE PROJECT
PLANNING MAP**

**PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT**

HOFFMAN GROVE STUDY AREA



Revisions		
DATE	DESCRIPTION	INITIALS
23 Mar 2012	Revised property list	rts
8 Jun 2014	Revised property list	rts



**U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND**

PROJECT FILE: HG_PlateR5-rev2012
CREATED BY: RTS
DATE: 6 Dec 2004
SCALE: AS SHOWN

PLATE: **R-5**

PROPERTY LIST
BOROUGH OF POMPTON LAKES, NEW JERSEY

Street No.	Block/Lot	Owner
<hr/> Riveredge Drive		
1397	9520/2	Isdanvich, Thomas
1409	9520/4	Zaku, Kujtim
1457	9520/11	Bas, Tlyaz & Hanife
1465	9520/11.01	Yildirim, Unal & Dilber
1561	12200/126	Wu Shanyu/xiaoying Liu

UPDATED 05-23-14

B.1

PROPERTY LIST WAYNE TOWNSHIP, NEW JERSEY		
Street No.	Block/Lot	Owner
River Road		

3	818/3	Buchhart, Brian
23	818/3	Sagalow, Craig
45	818/3	Wines, Bruce
49	818/3	Nestinger, Richard
59	818/3	Comer, Jennifer & Comer, Stephen
62	818/3	Cavani, Cesar
67	818/3	McGurr, Joseph
68	818/3	Velez, Anthony & Cintron, Maria
69	818/3	Altschuler, Scott A.
72	818/3	Le Grand, Carol
73	818/3	Velez/Anthony/Novelli, Lorraine
79	818/3	Hopper, Andrew
82	818/3	Hoffman Grove Assoc.
84	818/3	Crozier, Frank & Crozier, Betty

Brookside Road		
2	818/3	Sandersen, Steven/DeWitt, Tricia.
4	818/3	Lorenzo, Jennifer
7	818/3	Hemmendinger, Mary
9	818/3	Herbek, Robert
11	818/3	Deutsche Bank National Trust
17	818/3	Township of West Milford
31	818/3	McGurr, Robert

West Road		
10	818/3	Marino, Joseph
11	818/3	Higgins, Steven
15	818/3	Sullivan, Maureen & Kandracky, Michael
17	818/3	Hancox, Judith
25	818/3	West Milford Twnshp
28	818/3	Williams, Robert
32	818/3	Sanchez, Dalides & Salome

North Road		
10	818/3	Ferrante, Donald/Coleman Annette
14	818/3	Martinelli, Anthony & Kristin

Northwest Road

11	818/3	Byrnes, William Jr.
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Spring Road		
8	818/3	Cook, Thomas

updated 05-23-014

The complete tax identification number for all the listed properties also includes a Qualifying Number which will be obtained from the Assessor's Office prior to acquisition.

B.2

Feasibility Study Cost Estimate-MCACES Format
Real Estate Acquisition Requirements
Passaic River Basin Flood Management (Buyout) Study
Borough of Pompton Lakes & Township of Wayne, Morris County, New Jersey

	Private			Commercial			Public			Requirement		
	#	\$ each	req	#	\$ each	req	#	\$ each	req	Base	Contingency	Total
0102----- ACQUISITIONS												
010201--- By Government												
010202--- By Non-Federal Sponsor (NFS)												
010203--- By Government on Behalf of NFS												
01020301 Title Evidence	30	2,400	72,000	0	0	0	0	0	0	72,000	14,400	86,400
01020302 Plats and Legal Descriptions	30	1,200	36,000							36,000	7,200	43,200
01020303 Prepare and Present Offers	30	1,200	36,000							36,000	7,200	43,200
01020304 PDT & Owner Meetings	12	1,000	12,000							12,000	2,400	14,400
010204--- Review of NFS												
SUBTOTAL										156,000	31,200	187,200
0103----- CONDEMNATIONS												
010301--- By Government												
010302--- By Non-Federal Sponsor (NFS)												
010303--- By Government on Behalf of NFS	0	0	0	0	0	0	0	0	0	0	0	0
010304--- Review of NFS										0	0	0
SUBTOTAL										0	0	0
0105----- APPRAISALS												
010501--- By Government												
010502--- By Non-Federal Sponsor (NFS)												
010503--- By Government on Behalf of NFS	30	1,500	45,000	0	0	0	0	0	0	45,000	9,000	54,000
010504--- Review of NFS										0	0	0
SUBTOTAL										45,000	9,000	54,000
0106----- PL 91-646 ASSISTANCE												
010601--- By Government												
010602--- By Non-Federal Sponsor (NFS)												
010603--- By Government on Behalf of NFS	10	1,000	10,000	0	0	0	0	0	0	10,000	2,000	12,000
010604--- Review of NFS												
SUBTOTAL										10,000	2,000	12,000
0107----- TEMPORARY PERMITS/LICENSES/RIGHTS-OF-WAY												
010701--- By Government	0									0	0	0
010702--- By Non-Federal Sponsor (NFS)	0									0	0	0
010703--- By Government on Behalf of NFS										0	0	0
010704--- Review of NFS										0	0	0
010705--- Other										0	0	0
010706--- Damage Claims										0	0	0
SUBTOTAL										0	0	0
0115----- REAL ESTATE PAYMENTS												
011501--- Land Payments												
01150101 By Government										0	0	0
01150102 By Non-Federal Sponsor (NFS)										0	0	0
01150103 By Government on Behalf of NFS	30 Job		3,317,528							3,317,528	663,506	3,981,034
01150104 Review of NFS										0	0	0
011502--- PL 91-646 Assistance Payments										0	0	0
01150201 By Government										0	0	0
01150202 By Non-Federal Sponsor (NFS)										0	0	0
01150203 By Government on Behalf of NFS	10	15,000	150,000				0			150,000	30,000	180,000
01150204 Review of NFS										0	0	0
011503--- Damage Payments										0	0	0
01150301 By Government										0	0	0
01150302 By Non-Federal Sponsor (NFS)										0	0	0
01150303 By Government on Behalf of NFS	0			0			0			0	0	0
01150304 Review of NFS										0	0	0
SUBTOTAL										3,467,528	693,506	4,161,034
Account 01 Real Estate Total										3,678,528	735,706	4,414,234
Account 02 Facility/Utility Relocations (Construction cost only)							0				0	0
REAL ESTATE ACQUISITION TOTAL										\$3,678,528	\$735,706	\$4,414,234

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY

PASSAIC RIVER BASIN FLOOD MANAGEMENT (FLOODWAY BUYOUT) STUDY
BOROUGH OF POMPTON LAKES AND TOWNSHIP OF WAYNE
PASSAIC COUNTY, NEW JERSEY

1. Legal Authority

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes.

b. Does the sponsor have the power of eminent domain for this project?

Yes.

c. Does the sponsor have "quick-take" authority for this project?

Yes.

d. Are there any lands/interests in land required for the project located outside the sponsor's political boundary?

No.

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

No.

2. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

Yes. The Sponsor's in-house staff has worked primarily with projects involving beach real estate issues, not flood control issues.

b. If the answer to 2a is yes, has a reasonable plan been developed to provide such training?

No. Training on flood control property issues is not scheduled. Due to the sponsor's lack of experienced personnel on flood control issues in particular, the sponsor has indicated it will request the Corps to acquire the real estate required for the project.

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

No. The sponsor has worked primarily with projects involving beach real estate issues

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

N/A.

e. Can the sponsor obtain contractor support, if required, in a timely fashion?

N/A.

f. Will the sponsor likely request USACE assistance in acquiring real estate?

Yes. The sponsor has indicated it will request the U. S. Army Corps of Engineers to acquire the real estate required for the project. Upon execution of the PPA, it is anticipated that the sponsor will enter into a Memorandum of Agreement with the New York District requesting the Government to provide real estate acquisition services for the project.

3. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site?

Yes.

b. Has the sponsor approved the project/real estate schedule/milestones?

Yes.

4. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects?

N/A. The sponsor has not worked on acquiring real estate for flood control projects.

b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable marginally capable/insufficiently capable?

N/A. The Corps will acquire the real estate for this project.

5. Coordination

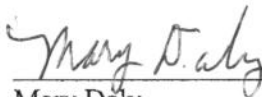
a. Has this assessment been coordinated with the sponsor?

Yes.

b. Does the sponsor concur with this assessment?

Yes.

Prepared by:



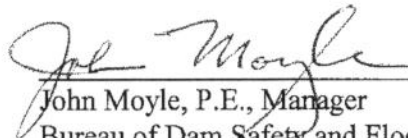
Mary Daly
Realty Specialist

Reviewed and approved by:



Craig R. Homesley, Chief, Civil/IS Projects
Real Estate Division

Concurrence by:



John Moyle, P.E., Manager
Bureau of Dam Safety and Flood Control
New Jersey Department of Environmental
Protection



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U. S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MD 21203-1715

May 28, 2014

Real Estate Division
Civil Projects Support Branch

Mr. John Moyle, P.E., Manager
New Jersey Department of Environmental Protection
Bureau of Dam Safety and Flood Control
501 East State Street
P.O. Box 419
Trenton, New Jersey 08625-0419

Dear Mr. Moyle:

This letter is in reference to the Passaic River Basin Flood Management (Floodway Buyout), of Borough properties in Pompton Lakes and Wayne Township, Passaic County, New Jersey. As part of the process, our office is required to formally advise the non-Federal Sponsor of this project, the State of New Jersey, Department of Environmental Protection, of the risks associated with acquisition of land prior to execution of the Project Partnership Agreement (PPA). Should you choose to acquire land you anticipate will be required for the project, please be advised that you assume full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

These risks include, but are not limited to the following:


- a. Congress may not appropriate funds to construct the proposed project.
- b. The proposed project may otherwise not be funded or approved for construction.
- c. A Project Partnership Agreement (PPA) mutually agreeable to the non-Federal sponsor and the government may not be executed and implemented.
- d. The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended.
- e. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project.

f. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under Public Law 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after the PPA execution and the Government's notice to commence acquisition and performance of Lands, Easements, Rights of Way (LER).

g. The non-Federal sponsor may incur costs or expense in connection with its decision to acquire or perform LER in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 of the PPA.

If you have any questions regarding this matter or require additional information, please contact Ms. Mary Daly at (410) 962-5136.

Sincerely,


for Craig R. Homesley
Chief, Civil IIS Projects Branch
Real Estate Division

APPENDIX B – AIR QUALITY ANALYSIS

GENERAL CONFORMITY - RECORD OF NON-APPLICABILITY

Project/Action Name: Passaic Floodway Buy-Out

Project/Action Identification Number: N/A

Project/Action Point of Contact: Kimberly Rightler, Project Biologist, (917) 790-8722

Estimated Begin Date: TBD

Estimated End Date: TBD

General Conformity under the Clean Air Act, Section 176 has been evaluated for the project described above according to the requirements of 40 CFR 93, Subpart B. The requirements of this rule are not applicable to this project/action because:

 X Total direct and indirect emission of from this project/action have been estimated that Ozone (NOx & VOC's) 1.07 tons, and Carbon monoxide (CO) .54 tons, are below the conformity threshold value established at 40 CFR 93.153(b) of 25 tons per year and 100 tons respectively.

AND

The project/action is not considered regionally significant under 40 CFR 93.153(i).

Supporting documentation and emissions estimates are

(X) ATTACHED

() APPEAR IN THE NEPA DOCUMENTATION (*PROVIDE REFERENCE*)

() OTHER _____.

SIGNED _____.

(*Frank Santomauro, Chief, Planning Division*)

Equipment ID	Category	Emissions (tons)		
		VOC	CO	NO _x
A15Z0150	Air Compressor	.01	.03	.16
G15Z3080	Grader, Motor 135 HP (101KW) 12'(3.6M) Blade width, SP, A	.01	.03	.08
L35Z4270	Loader, F/E, CRWLR, 3.75 CY	.02	.09	.13
L40ME019	LDR, FE,WH, 66"BKT, Skid-Steer	.03	.12	.18
L40Z4410	Loader, F/E, Wheel, 4.00CY	.04	.18	.27
L50Z4640	Loader/Bck-Hoe, WH, 0.80CY (0.6 F/E Bkt, 9.8;(3.0) Depth	.01	.07	.10
R50Z5760	Roller, Vib, SD, SP 3.0T (2.7 MT), 47" (1.2M) W	0	.00	.00
T15Z6520	Dozer, Crawler, 181-250HP	0	.01	.02
Total		.12	.54	.95

Equipment ID	Description	Avg. Engine Horsepower	Usage Hours	# of Pieces	Total Hrs
A15Z0150	Air Compressor	115	120	1	120
G15Z3080	Grader, Motor 135 HP (101KW) 12'(3.6M) Blade width, SP, A	135	100	1	100
L35Z4270	Loader, F/E, CRWLR, 3.75 CY	210	120	1	120
L40ME019	LDR, FE,WH, 66"BKT, Skid-Steer	74	480	1	480
L40Z4410	Loader, F/E, Wheel, 4.00CY	220	240	1	240
L50Z4640	Loader/Bck-Hoe, WH, 0.80CY (0.6 F/E Bkt, 9.8;(3.0) Depth	60	318	1	318
R50Z5760	Roller, Vib, SD, SP 3.0T (2.7 MT), 47" (1.2M)W	24	13	1	13
T15Z6520	Dozer, Crawler, 181-250HP	240	13	1	13

Equipment ID	Description	Load Factor	Exhaust Emission Factor (G/HP-HR)			Reference
			VOC	CO	NOx	
A15Z0150	Air Compressor	75%	1.13	3.03	14.06	NEVES, November 1991
G15Z3080	Grader, Motor 135 HP (101KW) 12' (3.6M) Blade width, SP, A	57.5%	1.54	3.80	9.60	NEVES, November 1991
L35Z4270	Loader, F/E, CRWLR, 3.75 CY	46.5%	1.40	6.80	10.10	NEVES, November 1991
L40ME019	LDR, FE, WH, 66" BKT, Skid-Steer	46.5%	1.40	6.80	10.10	NEVES, November 1991
L40Z4410	Loader, F/E, Wheel, 4.00CY	46.5%	1.40	6.80	10.10	NEVES, November 1991
L50Z4640	Loader/Bck-Hoe, WH, 0.80CY (0.6 F/E Bkt, 9.8;(3.0) Depth	46.5%	1.40	6.80	10.10	NEVES, November 1991
R50Z5760	Roller, Vib, SD, SP 3.0T (2.7 MT), 47" (1.2M)W	57.5%	.80	3.10	9.30	NEVES, November 1991
T15Z6520	Dozer, Crawler, 181-250HP	57.5%	1.26	4.20	10.30	NEVES, November 1991

APPENDIX C – COST APPENDIX

APPENDIX C

COST ENGINEERING

DRAFT



**U.S. ARMY CORPS
OF ENGINEERS**

NEW YORK DISTRICT

APPENDIX C – COST ESTIMATE

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APPENDIX C - COST ENGINEERING

INTRODUCTION

This Appendix presents the detailed cost estimate for the authorized Passaic River Floodway Buyout Study. This project was designed to focus on two areas of the floodway in the Township of Wayne and Borough of Pompton Lakes and analyzes the acquisition and removal of 10 homes along River Edge Drive in Pompton Lakes and 20 homes in the Hoffman Grove area of Wayne Township. These homes are located within the State defined floodway and sustain damages during flood events. Subsequent to demolition and removal activities, the area will be reseeded with native herbaceous vegetation and will be allowed to revert back to natural floodplain wetlands. This work should be completed in approximately 12 months as shown in schedule on page C5.

A detailed cost estimate for this project was developed using MII (Second Generation Microcomputer Aided Cost Estimating System). Table 1 below show the summary of demolition and removal activities developed in the MII Cost Estimating software. As shown in the table, the estimate includes the cost of site infrastructure removal, utility shut-off, site grading and seeding, and all disposal costs. All disposal costs, such as hauling, and tipping fees are also included. Cost resources such as RSMeans, MII Cost Libraries, vendor quotations and historical data on similar construction features were utilized to develop this estimate. The estimate includes filling incidental excavations and compaction and finish grading to match existing topography and seeding. The price level of the estimate is October 2013, with the application of prevailing Davis Bacon wage rates for Passaic County, New Jersey and current equipment usage costs. The entire work has been assumed to be performed by a single general contractor.

Table 1: Demolition and Disposal Activities in MII

Permitting Inspection

Utility Disconnection

Wood Frame Building Demolition (for both 1 & 2 story houses)

Dump Fee for Wood Frame Building

Import Earth Fill & Backfill

Compact Fill

Fine Grading

Seeding

Remove & Dispose Fuel / Septic Tank

Demolition of Chain Link Fence

HTRW

The estimated project first cost is as follows: Limited Update Plan is \$7,899,900 where 75% of the cost is federally funded (\$5,924,925) and the remaining 25% is non-federally funded (\$1,974,975). The costs include the cost of demolition and disposal of 30 residential structures, contingencies, land & damages, design (E&D), supervision and administration (S&A) costs. The estimated total first cost can be found on Table 2.

The total fully funded project cost is as follows: Limited Update Plan is \$8,160,000 (rounded to the nearest thousand) and includes the initial first cost for construction, along with the land & damages, design (E&D), supervision and administration (S&A) costs associated with it and the midpoint of construction. The costs will be cost shared at 75% federal and 25% non-federal. The estimated total fully funded project cost can be found on Table 3.

An abbreviated Risk Analysis (ARA) was conducted in accordance to ER 1110-2-1302 to identify the uncertainty associated with the item of work/task, forecast the risk/cost relationship, and assign a value to this task that would limit the cost risk to an acceptable degree of confidence. During the development of the cost estimates, sufficient contingencies developed via PDT discussions during ARA were applied to develop the Total Project Cost. Final contingency development and assignment that describes the potential for cost growth is included in the report as part of the project narrative. The ARA conducted is show in Appendix I.

Table 3-5(a): First Cost Table – Limited Floodway Buyout

ACCT#	CWBS FEATURE	UOM	AMOUNT	CONTG	AMOUNT	TOTAL COST
19	BUILDINGS, GROUNDS & UTILITIES					
	Demolition of 30 Residential Properties	LS	\$ 771,785	35%	\$ 266,738	\$ 1,038,523
	HTRW	LS	\$ 817,240	35%	\$ 282,448	\$ 1,099,688
	TOTAL CONSTRUCTION COST		\$ 1,589,025		\$ 549,186	\$ 2,138,210
01	LANDS & DAMAGES	LS	\$ 3,620,778	20%	\$ 724,156	\$ 4,344,934
30	ENGINEERING & DESIGN	LS	\$ 515,000	12%	\$ 61,543	\$ 576,543
	SUNK COST	LS	\$ 600,000	0%	\$ -	\$ 600,000
31	CONSTRUCTION MANAGEMENT	LS	\$ 214,579	12%	\$ 25,642	\$ 240,221
	TOTAL PROJECT FIRST COST		\$ 6,539,382		\$ 1,360,526	\$ 7,899,900

NOTES:

1. Account 01 - Cost of this account was provided by the Real Estate Division.
2. Account 18 - Cost of this account was provided by the Estuaries Section of the Planning Division.
3. Account 30 - Costs of this account was provided by TM with input from respective offices.
4. Account 31 - Costs of this account was obtained from the SIOH calculator along with input from the Construction Division.
5. Total First Cost \$7,899,900 includes the sunk cost \$600,000

Passaic River Floodway Buyout Study
Passaic County, New Jersey

Table 3 – Fully Funded Cost Summary

PROJECT: Passaic River Buyout
PROJECT NO: 0
LOCATION: Central Passaic River Basin, NJ

DISTRICT: NAN New York
POC: CHIEF, COST ENGINEERING, MUKESH KUMAR
PREPARED: 10/7/2014

This Estimate reflects the scope and schedule in report; Limited Update

Civil Works Work Breakdown Structure		ESTIMATED COST				PROJECT FIRST COST (Constant Dollar Basis)						TOTAL PROJECT COST (FULLY FUNDED)				
WBS NUMBER A	Civil Works Feature & Sub-Feature Description B	COST (\$K) C	CNTG (\$K) D	CNTG (%) E	TOTAL (\$K) F	Program Year (Budget EC): 2015 Effective Price Level Date: 1 OCT 14					Spent Thru: 10/1/2014 (\$K)	FIRST COST (\$K)	ESC (%)	COST (\$K) M	CNTG (\$K) N	FULL (\$K) O
						ESC (%) G	COST (\$K) H	CNTG (\$K) I	TOTAL (\$K) J							
19	BUILDINGS, GROUNDS & UTILITIES	\$1,589	\$549	35%	\$2,138	0.0%	\$1,589	\$549	\$2,138	\$0	\$2,138	4.4%	\$1,659	\$573	\$2,232	
	CONSTRUCTION ESTIMATE TOTALS:	\$1,589	\$549		\$2,138	0.0%	\$1,589	\$549	\$2,138	\$0	\$2,138	4.4%	\$1,659	\$573	\$2,232	
01	LANDS AND DAMAGES	\$3,621	\$724	20%	\$4,345	0.0%	\$3,621	\$724	\$4,345	\$0	\$4,345	2.8%	\$3,724	\$745	\$4,469	
30	PLANNING, ENGINEERING & DESIGN	\$515	\$62	12%	\$577	0.0%	\$515	\$62	\$577	\$600	\$1,177	3.8%	\$535	\$64	\$1,199	
31	CONSTRUCTION MANAGEMENT	\$215	\$26	12%	\$240	0.0%	\$215	\$26	\$240	\$0	\$240	8.5%	\$233	\$28	\$261	
	PROJECT COST TOTALS:	\$5,939	\$1,361	23%	\$7,300		\$5,939	\$1,361	\$7,300	\$600	\$7,900	3.6%	\$6,150	\$1,410	\$8,160	

Mandatory by Regulation	CHIEF, COST ENGINEERING, MUKESH KUMAR
Mandatory by Regulation	PROJECT MANAGER, RIFAT SALIM
Mandatory by Regulation	CHIEF, REAL ESTATE, NOREEN DRESSER
	CHIEF, PLANNING, FRANK SANTOMAURO
	CHIEF, ENGINEERING, ARTHUR CONNOLLY
	CHIEF, OPERATIONS, TOM CREAMER
	CHIEF, CONSTRUCTION, GERALD BYRNE
	CHIEF, CONTRACTING, FRANK CASHMAN
	CHIEF, PM-PB, XXXX
	CHIEF, DPM, JOSEPH SEEBODE

ESTIMATED FEDERAL COST: 75% \$6,120
ESTIMATED NON-FEDERAL COST: 25% \$2,040
ESTIMATED TOTAL PROJECT COST: \$8,160

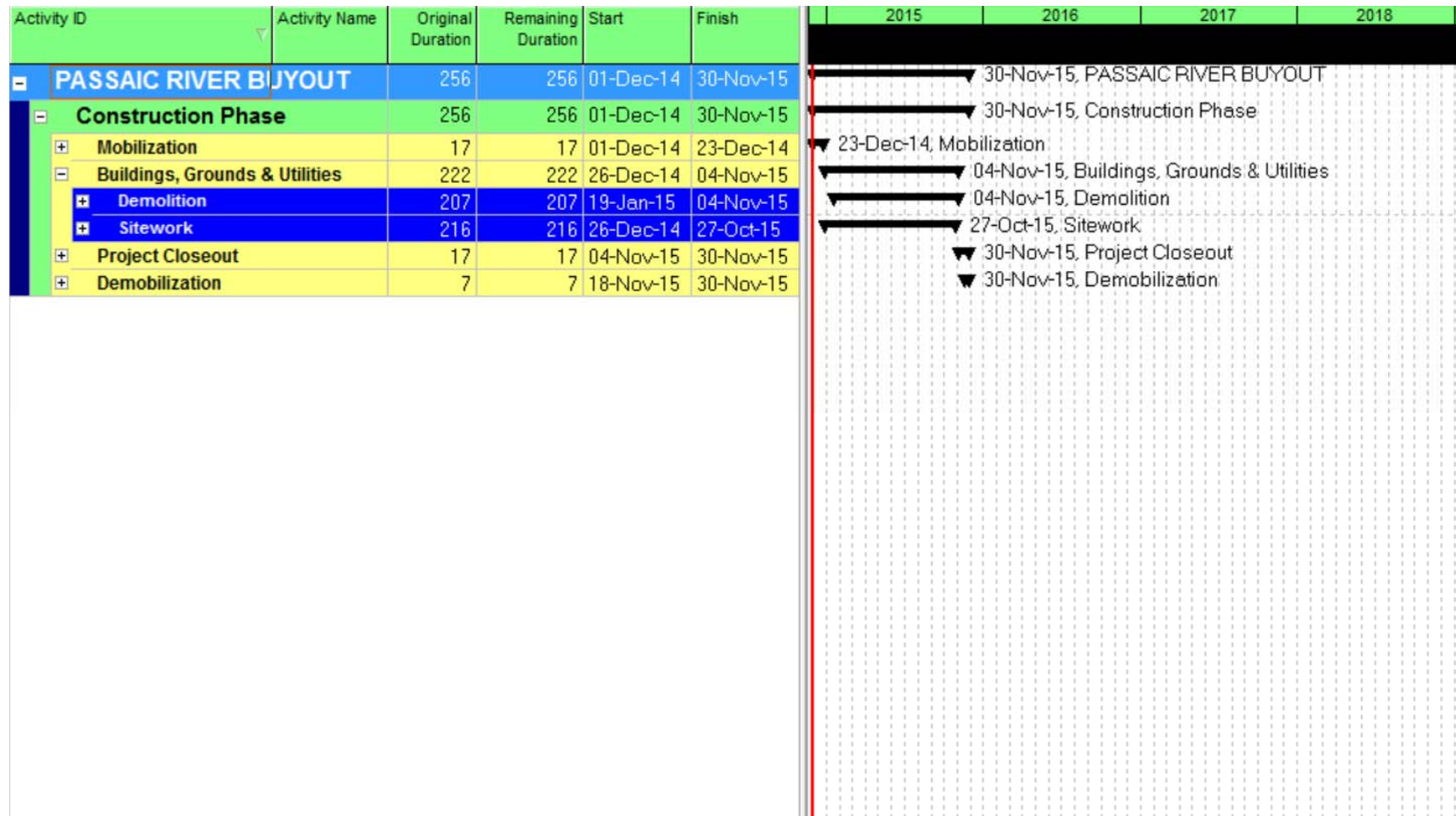
Passaic River Floodway Buyout Study
Passaic County, New Jersey

PROJECT: Passaic River Buyout
LOCATION: Central Passaic River Basin, NJ
This Estimate reflects the scope and schedule in report; Limited Update

DISTRICT: NAN New York
POC: CHIEF, COST ENGINEERING, MUKESH KUMAR
PREPARED: 10/7/2014

Civil Works Work Breakdown Structure		ESTIMATED COST				PROJECT FIRST COST (Constant Dollar Basis)				TOTAL PROJECT COST (FULLY FUNDED)				
		Estimate Prepared: 10/7/2014 Effective Price Level: 10/1/2014				Program Year (Budget EC): 2015 Effective Price Level Date: 1 OCT 14								
WBS NUMBER	Civil Works Feature & Sub-Feature Description	COST (\$K)	CNTG (\$K)	CNTG (%)	TOTAL (\$K)	ESC (%)	COST (\$K)	CNTG (\$K)	TOTAL (\$K)	Mid-Point Date	ESC (%)	COST (\$K)	CNTG (\$K)	FULL (\$K)
A	B	C	D	E	F	G	H	I	J	P	L	M	N	O
PHASE 1 or CONTRACT 1														
19	BUILDINGS, GROUNDS & UTILITIES	\$1,589	\$549	35%	\$2,138	0.0%	\$1,589	\$549	\$2,138	2017Q2	4.4%	\$1,659	\$573	\$2,232
CONSTRUCTION ESTIMATE TOTALS:		\$1,589	\$549	35%	\$2,138		\$1,589	\$549	\$2,138			\$1,659	\$573	\$2,232
01	LANDS AND DAMAGES	\$3,621	\$724	20%	\$4,345	0.0%	\$3,621	\$724	\$4,345	2016Q3	2.8%	\$3,724	\$745	\$4,469
30	PLANNING, ENGINEERING & DESIGN													
5.0%	Project Management	\$79	\$9	12%	\$88	0.0%	\$79	\$9	\$88	2016Q1	3.4%	\$82	\$10	\$91
2.0%	Planning & Environmental Compliance	\$102	\$12	12%	\$114	0.0%	\$102	\$12	\$114	2016Q1	3.4%	\$106	\$13	\$118
11.8%	Engineering & Design	\$188	\$22	12%	\$210	0.0%	\$188	\$22	\$210	2016Q1	3.4%	\$194	\$23	\$218
2.0%	Reviews, ATRs, IEPRs, VE	\$32	\$4	12%	\$36	0.0%	\$32	\$4	\$36	2016Q1	3.4%	\$33	\$4	\$37
0.5%	Life Cycle Updates (cost, schedule, risks)	\$8	\$1	12%	\$9	0.0%	\$8	\$1	\$9	2016Q1	3.4%	\$8	\$1	\$9
2.0%	Contracting & Reprographics	\$32	\$4	12%	\$36	0.0%	\$32	\$4	\$36	2016Q1	3.4%	\$33	\$4	\$37
0.6%	Engineering During Construction	\$10	\$1	12%	\$11	0.0%	\$10	\$1	\$11	2017Q2	8.5%	\$11	\$1	\$12
2.0%	Planning During Construction	\$32	\$4	12%	\$36	0.0%	\$32	\$4	\$36	2017Q2	8.5%	\$35	\$4	\$39
2.0%	Project Operations	\$32	\$4	12%	\$36	0.0%	\$32	\$4	\$36	2016Q1	3.4%	\$33	\$4	\$37
31	CONSTRUCTION MANAGEMENT													
	Construction Management	\$215	\$26	12%	\$240	0.0%	\$215	\$26	\$240	2017Q2	8.5%	\$233	\$28	\$261
CONTRACT COST TOTALS:		\$5,939	\$1,361		\$7,300		\$5,939	\$1,361	\$7,300			\$6,150	\$1,410	\$7,560

Figure 1: Construction Schedule



Appendix I: Abbreviated Risk Analysis

Abbreviated Risk Analysis

Project (less than \$40M): **Passaic River Flood Management (Floodway Buyout)**
Project Development Stage: **Feasibility (Recommended Plan)**
Risk Category: **Low Risk: Simple Project-No Life Safety**

Total Construction Contract Cost = \$ **1,589,025**

	<u>CWWBS</u>	<u>Feature of Work</u>	<u>Contract Cost</u>	<u>% Contingency</u>	<u>\$ Contingency</u>	<u>Total</u>
	01 LANDS AND DAMAGES	Real Estate	\$ 3,620,778	20.00%	\$ 724,156	\$ 4,344,933.60
1	19 BUILDINGS, GROUNDS, AND UTILITIES	Demolition of 30 Residential Properties	\$ 771,785	32.28%	\$ 249,124	\$ 1,020,909.47
2	19 BUILDINGS, GROUNDS, AND UTILITIES	HTRW	\$ 817,240	34.00%	\$ 277,855	\$ 1,095,095.41
3				0.00%	\$ -	\$ -
4				0.00%	\$ -	\$ -
5				0.00%	\$ -	\$ -
6				0.00%	\$ -	\$ -
7				0.00%	\$ -	\$ -
8				0.00%	\$ -	\$ -
9				0.00%	\$ -	\$ -
10				0.00%	\$ -	\$ -
11				0.00%	\$ -	\$ -
12		Remaining Construction Items	\$ (0)	0.0%	\$ (0)	\$ (0.21)
13	30 PLANNING, ENGINEERING, AND DESIGN	Planning, Engineering, & Design	\$ 515,000	11.95%	\$ 61,538	\$ 576,537.92
14	31 CONSTRUCTION MANAGEMENT	Construction Management	\$ 214,579	11.95%	\$ 25,640	\$ 240,219.28

Totals						
	Real Estate	\$	3,620,778	20.00%	\$	724,156
	Total Construction Estimate	\$	1,589,025	33.16%	\$	526,980
	Total Planning, Engineering & Design	\$	515,000	11.95%	\$	61,538
	Total Construction Management	\$	214,579	11.95%	\$	25,640
	Total	\$	5,939,382		\$	1,338,314
						\$ 7,277,695

Passaic River Floodway Buyout Study
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Passaic River Flood Management (Floodway Buyout)
Feasibility (Recommended Plan)
Abbreviated Risk Analysis

Meeting Date: 6-Apr-14

Risk Level				
Very Likely	2	3	4	5
Likely	1	2	3	4
Possible	0	1	2	3
Unlikely	0	0	1	2
	Negligible	Marginal	Significant	Critical

Risk Element	Feature of Work	Concerns Pull Down Tab (ENABLE MACROS THRU TRUST CENTER) (Choose ALL that apply)	Concerns	PDT Discussions & Conclusions (Include logic & justification for choice of Likelihood & Impact)	Likelihood	Impact	Risk Level
Project Scope Growth							
						Max Potential Cost Growth	40%
PS-1	Demolition of 30 Residential Properties	• Design confidence?	• Investigations sufficient to support design assumptions? • Design confidence?	The project only involves 30 houses to buy and demolish. Therefore no impact on project scope. However if there are further structures to be added to the list, this could add marginal to significant cost to the project.	Unlikely	Significant	1
PS-2	HTRW	• Investigations sufficient to support design assumptions?	• Potential for scope growth, added features and quantities? • Investigations sufficient to support design assumptions?	Qualitative analysis performed by the environmental branch on similar structures in the vicinity of the project. Sampling will be performed during PED phase. No major concerns expressed by environmental branch for any surprise in the future. However if there are further structures to be added, this could add significant cost to the project.	Unlikely	Significant	1
PS-3	0				Unlikely	Negligible	0
PS-4	0				Unlikely	Negligible	0
PS-5	0				Unlikely	Negligible	0
PS-6	0				Unlikely	Negligible	0
PS-7	0				Unlikely	Negligible	0
PS-8	0				Unlikely	Negligible	0

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PS-9	0				Unlikely	Negligible	0
PS-10	0				Unlikely	Negligible	0
PS-11	0				Unlikely	Negligible	0
PS-12	Remaining Construction Items				Unlikely	Negligible	0
PS-13	Planning, Engineering, & Design	• Design confidence?	• Investigations sufficient to support design assumptions? • Design confidence?	Engineering need to confirm if approved model approached were used to determine the floodway limit. Any changes in scope would require further in house effort and therefore impact the planning, engineering & design account.	Possible	Marginal	1
PS-14	Construction Management	• Design confidence?	• Investigations sufficient to support design assumptions? • Design confidence?	Asbestos quantity base on investigation might increase our construction management account	Possible	Marginal	1

Passaic River Floodway Buyout Study
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Acquisition Strategy							
						Max Potential Cost Growth	30%
AS-1	Demolition of 30 Residential Properties	• 8a or small business likely?	• 8a or small business likely?	Small business / 8a acquisition strategy could reduce competition and likely impact the project cost. It is assumed that the impact would be significant at most.	Very LIKELY	Significant	4
AS-2	HTRW	• 8a or small business likely?	• 8a or small business likely?	Small business / 8a acquisition strategy could reduce competition and likely impact the project cost. It is assumed that the impact would be significant at most.	Very LIKELY	Significant	4
AS-3	0				Unlikely	Negligible	0
AS-4	0				Unlikely	Negligible	0
AS-5	0				Unlikely	Negligible	0
AS-6	0				Unlikely	Negligible	0
AS-7	0				Unlikely	Negligible	0
AS-8	0				Unlikely	Negligible	0

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AS-9	0				Unlikely	Negligible	0
AS-10	0				Unlikely	Negligible	0
AS-11	0				Unlikely	Negligible	0
AS-12	Remaining Construction Items				Unlikely	Negligible	0
AS-13	Planning, Engineering, & Design			N/A	Unlikely	Negligible	0
AS-14	Construction Management			N/A	Unlikely	Negligible	0

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Passaic County, New Jersey

Construction Elements							Max Potential Cost Growth	15%
CE-1	Demolition of 30 Residential Properties	• Potential for construction modification and claims?	• Accelerated schedule or harsh weather schedule?	Unforeseen condition such as harsh weather could cause contractor to raise prices.	Possible	Significant	2	
CE-2	HTRW	• Potential for construction modification and claims?	• Potential for construction modification and claims?	Possible risk involving the unforeseen contamination on site can lead to modifications and claims.	Possible	Significant	2	
CE-3	0				Unlikely	Negligible	0	
CE-4	0				Unlikely	Negligible	0	
CE-5	0				Unlikely	Marginal	0	
CE-6	0				Unlikely	Negligible	0	
CE-7	0				Unlikely	Negligible	0	
CE-8	0				Unlikely	Marginal	0	
CE-9	0				Unlikely	Negligible	0	

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CE-10	0				Unlikely	Negligible	0
CE-11	0				Unlikely	Negligible	0
CE-12	Remaining Construction Items				Unlikely	Negligible	0
CE-13	Planning, Engineering, & Design	• Potential for construction modification and claims?	• Potential for construction modification and claims?	Possible risk involving the unforeseen contaminates on site can lead to modifications and claims on the work and therefore impact the planning, engineering & design account.	Possible	Significant	2
CE-14	Construction Management	• Potential for construction modification and claims?	• Accelerated schedule or harsh weather schedule? • Potential for construction modification and claims?	Potential asbestos quantity increase can lead to construction modification	Likely	Marginal	2

Passaic River Floodway Buyout Study
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Quantities for Current Scope							Max Potential Cost Growth	20%
Q-1	Demolition of 30 Residential Properties	• Quality control check applied?	• Level of confidence based on design and assumptions? • Appropriate methods applied to calculate quantities? • Sufficient investigations to develop quantities? • Quality control check applied?	The project only involves 30 houses to buy and demolish. Therefore no impact on quantity. However if there are further structures to be added to the list, this could add marginal to significant cost to the proejct.	Unlikely	Significant	1	
Q-2	HTRW	• Quality control check applied?	• Level of confidence based on design and assumptions? • Sufficient investigations to develop quantities? • Quality control check applied?	Qualittive analysis performed by the environmental branch on similar structures in the vicinity of the project. Sampling will be performed during PED phase. No major concerns expressed by environmental branch for any surprise in the future.	Unlikely	Significant	1	
Q-3	0				Unlikely	Negligible	0	
Q-4	0				Unlikely	Negligible	0	
Q-5	0				Unlikely	Negligible	0	
Q-6	0				Unlikely	Negligible	0	
Q-7	0				Unlikely	Negligible	0	
Q-8	0				Unlikely	Negligible	0	
Q-9	0				Unlikely	Negligible	0	
Q-10	0				Unlikely	Negligible	0	
Q-11	0				Unlikely	Negligible	0	

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Q-12	Remaining Construction Items				Unlikely	Negligible	0
Q-13	Planning, Engineering, & Design			N/A	Unlikely	Negligible	0
Q-14	Construction Management			N/A	Unlikely	Negligible	0

Passaic River Floodway Buyout Study
Passaic County, New Jersey

Specialty Fabrication or Equipment						Max Potential Cost Growth	50%
FE-1	Demolition of 30 Residential Properties	• Unusual parts, material or equipment manufactured or installed?		N/A	Unlikely	Negligible	0
FE-2	HTRW			N/A	Unlikely	Negligible	0
FE-3	0				Unlikely	Negligible	0
FE-4	0				Unlikely	Negligible	0
FE-5	0				Unlikely	Negligible	0
FE-6	0				Unlikely	Negligible	0
FE-7	0				Unlikely	Negligible	0
FE-8	0				Unlikely	Negligible	0
FE-9	0				Unlikely	Negligible	0
FE-10	0				Unlikely	Negligible	0
FE-11	0				Unlikely	Negligible	0
FE-12	Remaining Construction Items				Unlikely	Negligible	0

Passaic River Floodway Buyout Study
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FE-13	Planning, Engineering, & Design			N/A	Unlikely	Negligible	0
FE-14	Construction Management			N/A	Unlikely	Negligible	0

Passaic River Floodway Buyout Study
Passaic County, New Jersey

Cost Estimate Assumptions							
					Max Potential Cost Growth		25%
CT-1	Demolition of 30 Residential Properties	• Reliability and number of key quotes?	• Reliability and number of key quotes?	At this stage, there was very little information on buyouts for properties in the project since the P&S were not yet developed. Verbal contractor quotes were received for the critical items. Cost /quantities could rise marginally if there is changes in scope.	Possible	Marginal	1
CT-2	HTRW	• Overuse of Cost Book, lump sum, allowances?	• Overuse of Cost Book, lump sum, allowances?	Cost provided by the environmental branch base on the removal of lead based paint and asbestos containing materials from projects of similar nature on brought out homes.	Possible	Significant	2
CT-3	0				Unlikely	Negligible	0
CT-4	0				Unlikely	Negligible	0
CT-5	0				Unlikely	Negligible	0
CT-6	0				Unlikely	Negligible	0
CT-7	0				Unlikely	Negligible	0
CT-8	0				Unlikely	Negligible	0
CT-9	0				Unlikely	Negligible	0
CT-10	0				Unlikely	Negligible	0

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CT-11	0				Unlikely	Negligible	0
CT-12	Remaining Construction Items	• Reliability and number of key quotes?			Unlikely	Negligible	0
CT-13	Planning, Engineering, & Design	• Reliability and number of key quotes?		Possible design level of effort may impact cost	Possible	Marginal	1
CT-14	Construction Management	• Reliability and number of key quotes?		Construction Management cost is based on percentage of construction cost estimate and may not be reliable but will be comparable to past similar projects	Possible	Marginal	1

Passaic River Floodway Buyout Study
Passaic County, New Jersey

External Project Risks						Max Potential Cost Growth	20%
EX-1	Demolition of 30 Residential Properties	<ul style="list-style-type: none"> Potential for market volatility impacting competition, pricing? 	<ul style="list-style-type: none"> Potential for severe adverse weather? Unanticipated inflations in fuel, key materials? Potential for market volatility impacting competition, pricing? 	In a major flood plain, the chance of flood and adverse weather condition is likely. Inflation in fuel and market volatility is always a concern	Likely	Marginal	2
EX-2	HTRW	<ul style="list-style-type: none"> Potential for market volatility impacting competition, pricing? 	<ul style="list-style-type: none"> Unanticipated inflations in fuel, key materials? Potential for market volatility impacting competition, pricing? 	In a major flood plain, the chance of flood and adverse weather condition is likely. Inflation in fuel and market volatility is always a concern	Likely	Marginal	2
EX-3	0				Unlikely	Negligible	0
EX-4	0				Unlikely	Negligible	0
EX-5	0				Unlikely	Negligible	0
EX-6	0				Unlikely	Negligible	0
EX-7	0				Unlikely	Negligible	0
EX-8	0				Unlikely	Negligible	0
EX-9	0				Unlikely	Negligible	0
EX-10	0				Unlikely	Negligible	0
EX-11	0				Unlikely	Negligible	0
EX-12	Remaining Construction Items	<ul style="list-style-type: none"> Potential for severe adverse weather? 			Unlikely	Negligible	0
EX-13	Planning, Engineering, & Design	<ul style="list-style-type: none"> Potential for severe adverse weather? 		N/A	Unlikely	Negligible	0
EX-14	Construction Management	<ul style="list-style-type: none"> Potential for severe adverse weather? 		N/A	Unlikely	Negligible	0

APPENDIX D – PERTINENT AGENCY CORRESPONDENCE

Enclosure 1

**Passaic River Floodway Buyouts
Cultural Resources
Preliminary Case Report**

Passaic River Floodway Buyout Project Cultural Resources Preliminary Case Report

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project (Attachments 1 - 3). The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and coordinated with the New Jersey Historic Preservation Office (NJHPO) (Attachment 4). The Wayne Township Historical Commission was also consulted.

A Phase I cultural resource study was conducted to determine if the project will have an effect on historic properties (Scarpa 2005). This work was undertaken by the Corps, as a Federal agency, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. Other regulations that apply to this cultural resources investigation include Section 101(b)(4) of the National Environmental Policy Act of 1969 and the Advisory Council Procedures for the protection of Cultural Properties (36 CFR Part 800). All work has been coordinated with the New Jersey Historic Preservation Office (NJHPO). The cultural resources survey consisted of background research and a windshield survey in the Hoffman Grove and River Edge Drive project locations.

The confluence of the Pompton and the Passaic Rivers just south of Hoffman Grove would have drawn Native Americans to settle for periods of time in the area to exploit riverine resources (Lenik 1985). In the vicinity of Hoffman Grove, two campsites, one prehistoric lithic scatter and three miscellaneous prehistoric sites, were identified by archaeologists in the early part of the 20th century. In the River Edge Drive project vicinity three prehistoric lithic scatters and five additional prehistoric sites were identified in the early 20th century. Two of the prehistoric sites are located on the opposite bank of the Ramapo River from the project area. A survey conducted of the riverbank and the surrounding area determined that the project area at River Edge Drive has a low to medium probability to yield prehistoric remains where ground has not been disturbed for construction of homes (Kraft 1981). The draft Phase I report recommended no archeological investigations as the proposed construction will largely be limited to disturbed areas. NJHPO however indicated that there is a potential for archaeological resources to be identified in undisturbed area in both project locations and recommended testing as construction equipment could disturb shallow sites, if present.

The draft Phase I report indicated that neither community constituted a National Register of Historic Places (NRHP) eligible historic district but recommended that selected properties proposed for buyout in Hoffman Grove be studied to determine individual eligibility. Homes proposed for buyout on River Edge Road were not considered potentially eligible as individual resources. Hoffman Grove was a summer bungalow community established in the early 20th century with the arrival of the railroad but during the Great Depression the homes became occupied year-round. River Edge Drive also

References

Kraft, Herbert E.

- 1981 Archaeological, Historical, Architectural Cultural Resources Survey of the Proposed Oakland Sewage Treatment Plant Site and Alternate Effluent Alignments Through Oakland and Pompton Lakes, Bergen and Passaic Counties, New Jersey. Archeo-Historic Research. Submitted to Elam and Popoff, Engineering Associates. On file, New Jersey State Historic Preservation Office, Trenton, NJ.

Lenik, Edward J.

- 1985 The Archaeology of Wayne. Wayne Township Historic Commission, Wayne, NJ. On file, Wayne Public Library.

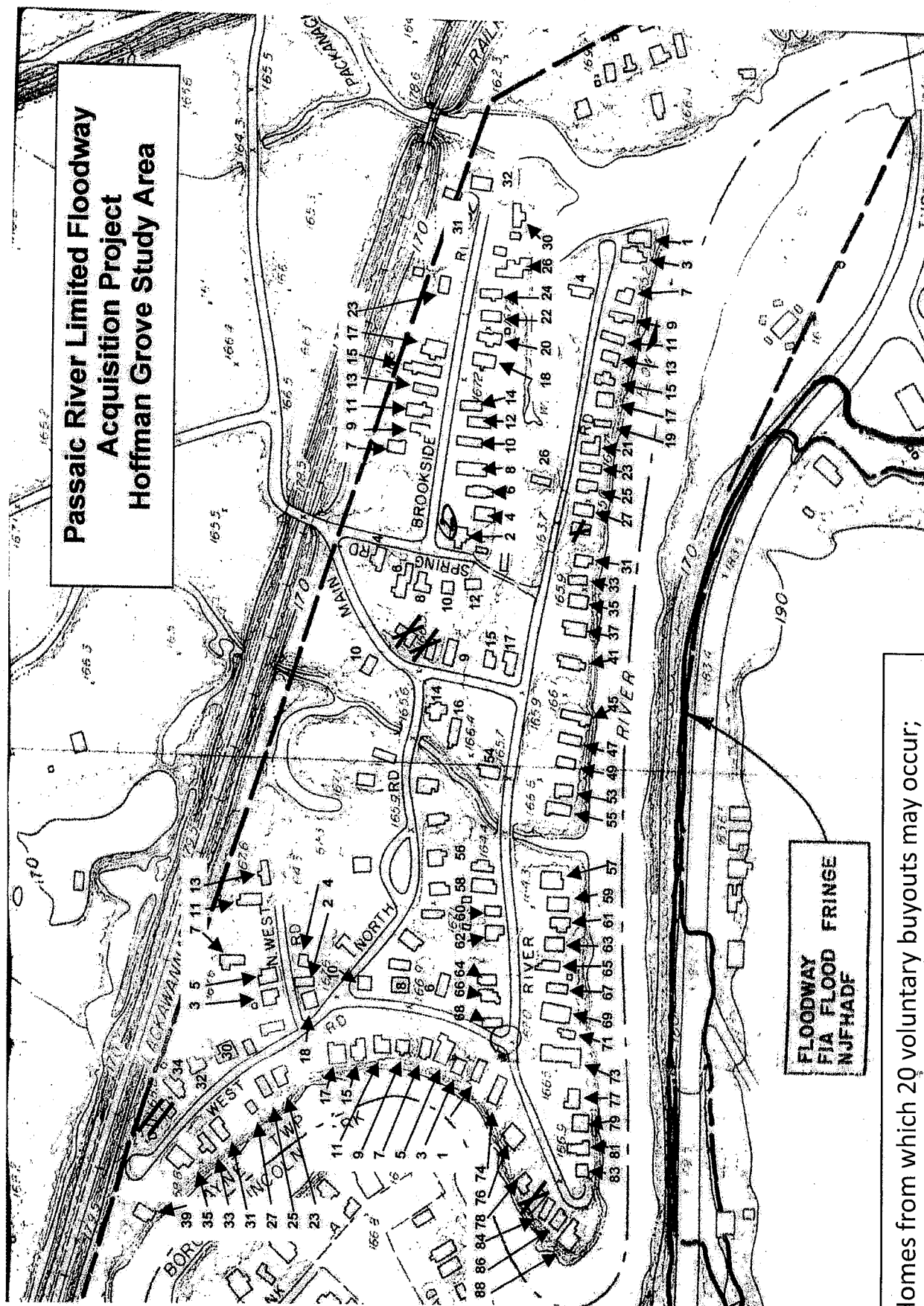
Scarpa, Carissa

- 2005 Phase 1 Cultural Resources Investigation, Lower Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey. Submitted to the New Jersey State Historic Preservation Office, Trenton, NJ.



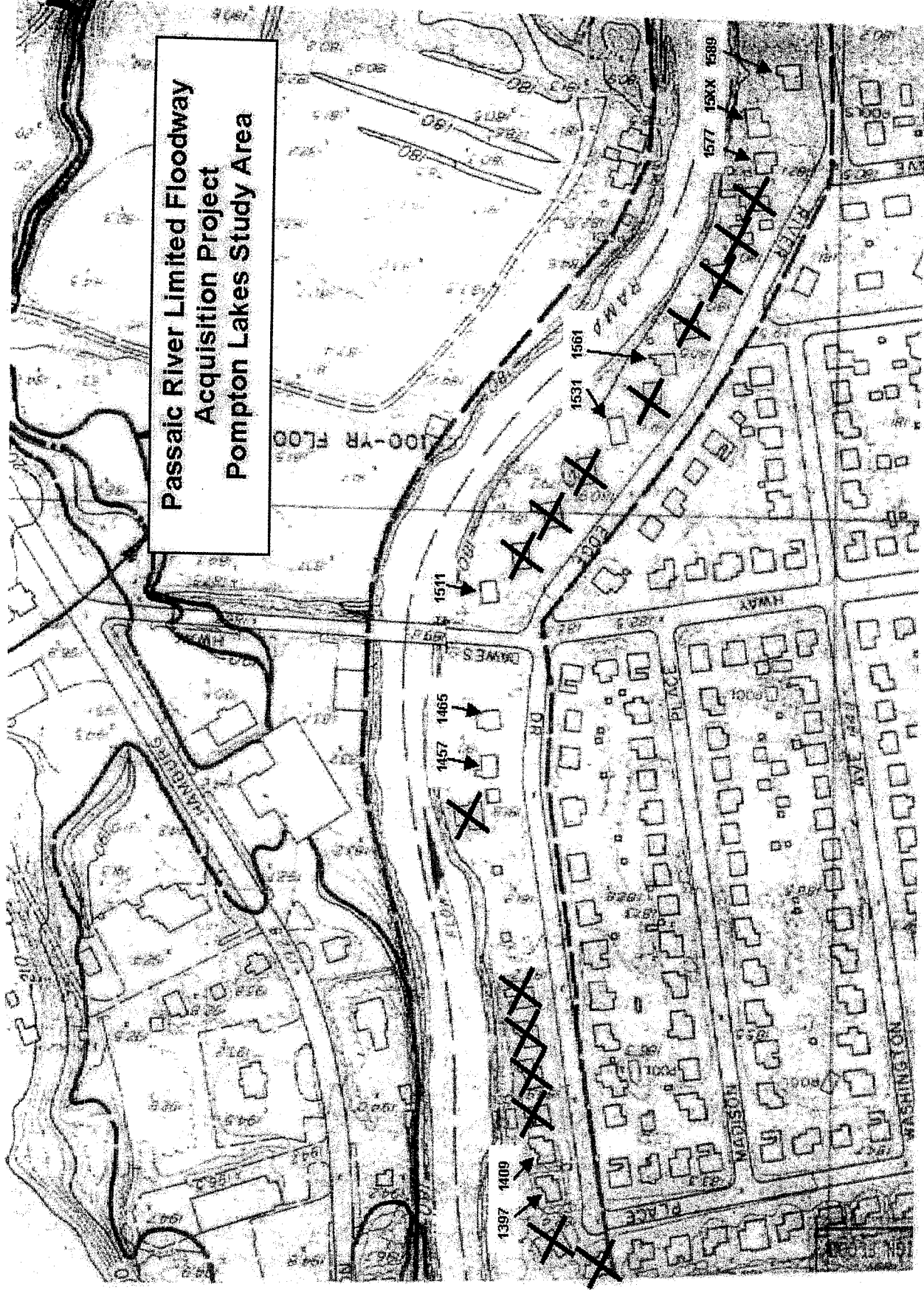
Attachment 1: River Edge Drive (Pompton Lake) and Hoffman Grove Project areas.

**Passaic River Limited Floodway
Acquisition Project
Hoffman Grove Study Area**



Homes from which 20 voluntary buyouts may occur; many homes in community have recently been bought out by others and demolished.

Attachment 3



Preliminary Case Report
Attachment 4
Correspondence



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

October 3, 2005

Environmental Assessment Section
Environmental Analysis Branch

Mrs. Carol D'Allesandro
Wayne Township Historical Commission
Van Riper-Hopper House
533 Berdan Avenue
Wayne, New Jersey 07470

Dear Mrs. D'Allesandro:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with a copy of the report entitled *Phase I Cultural Resources Investigation, Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey* by Carissa Scarpa.

By providing my staff with essential historical data on the history of Wayne and the project area, in particular, you facilitated the assembly of this report and it is our pleasure to provide the Commission with a copy for your records. Should the Commission desire additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612. Thank you, again, for your assistance.

Sincerely,

A handwritten signature in cursive script, reading "L. Houston", is written over the typed name.

Leonard Houston,
Chief, Environmental Analysis Branch

Enclosure



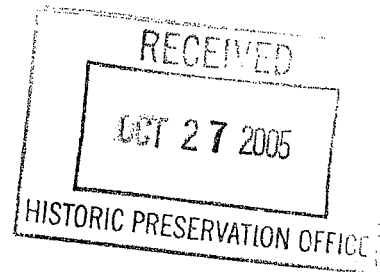
REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

October 7, 2005

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404



RECEIVED
OCT 27 2005
HISTORIC PRESERVATION OFFICE

Attn: Deborah Fimbel
Ref: 050576-205
HPO-F2005-16

05-0576-3 JF
HPO-L2005-160-PROD

Dear Ms. Guzzo:

In the coming months the U.S. Army Corps of Engineers, New York District (Corps), is planning to begin acquisition of approximately five to seven properties in the Hoffman Grove and River Edge Drive project areas as the first stage of the Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey. A final copy of the Phase I Cultural Resources Investigation was submitted to your office in May, 2005. The report has been accessioned into your library under designation Passaic A 232. As part of this investigation, historical research and the collection of background material was conducted for the project areas of Hoffman Grove, Wayne Township and River Edge Drive, Pompton Lakes, New Jersey. Please refer to the attached pertinent correspondence regarding the cultural resources for the project (Attachment 1).

In the most recent correspondence, dated May 19, 2005, the Corps agreed with your office's recommendation for archaeological testing in the project areas prior to demolition activities. Due to the pace of acquisition it is not possible to test the entire project area at one time. Therefore, testing will be conducted following acquisition of the houses and prior to demolition in order to ensure that potentially significant cultural resources are located, documented, and avoided. The attached Memorandum for the Record (MFR) addresses pertinent issues relating to the project and describes the archaeological testing program that will be employed (Attachment 2).

Please review the enclosed MFR and provide any additional comments in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. The Corps will continue to update and coordinate with your office as project plans develop. We appreciated receiving the

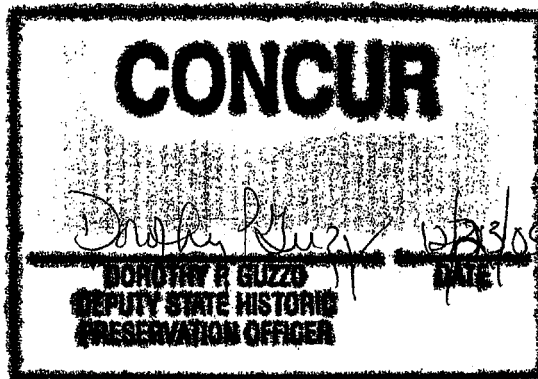
Section 106 comments that you provided on the draft report. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612. Thank you for your assistance.

Sincerely,



Leonard Houston,
Chief, Environmental Analysis Branch

Attachments



Attachment 1 (to letter dated 10/7/05)

Pertinent Correspondence



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

January 5, 2005

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Dear Ms. Guzzo:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with a draft of the report entitled *Phase 1 Cultural Resources Investigation, Lower Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey* by Carissa (DeRooy) Scarpa (Enclosure). As part of this investigation, historical research and the collection of background material was conducted for the project areas of Hoffman Grove, Wayne Township and River Edge Drive, Pompton Lakes, New Jersey. The project consists of the removal of twenty houses in Hoffman Grove and ten houses along River Edge Drive as a floodway clearing effort. Because of the nature of the project, no subsurface testing was performed at this time.

Background research suggested that sensitivity for prehistoric cultural resources in undisturbed deposits in the Hoffman Grove project area is low. Research into the historical records revealed that Hoffman Grove once served as a remote vacation spot in the early twentieth century. The community eventually evolved from a grouping of vacation bungalows and camping grounds to year-round residences as people migrated in from New York City and began occupying their summer houses year-round. The bungalow style of the earlier period is prevalent throughout Hoffman Grove; however, all of the bungalows in the area have been altered over the last seventy to one hundred years. Most structures no longer possess the integrity of that style and because of this, the community, as a unit cannot purvey the appearance of a summer bungalow community. It is the opinion of the Corps that Hoffman Grove is not eligible for listing on the National Register of Historic Places (NRHP) as a historic district. However, it is recommended that, when the twenty houses are selected for demolition, a separate evaluation will be undertaken of selected individual houses that maintain some bungalow characteristics for their eligibility for the NRHP. Removal of houses is expected to consist of excavation of basements when present and removal of septic tanks. Any disturbances generated during demolition will only replicate the disturbance generated during house construction. Because of the low potential for buried prehistoric deposits and the low impact the project is expected to have, no further work beyond the evaluation of houses will be necessary.

The River Edge Drive project area has a low potential for prehistoric resources. There are no historic sites or properties within the APE and the houses proposed for demolition are not considered eligible for the NRHP either individually or as a district. Like in Hoffman Grove, any disturbances generated during demolition will only replicate the disturbance generated during house construction. Because of the area's low potential for prehistoric archaeological remains and the low impact the project is expected to have on undisturbed deposits, no additional work will be warranted there.

Please review the draft report and provide any comments in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended. If you or your staff require additional information or have any questions, please contact Carissa (DeRooy) Scarpa, Project Archaeologist at (212) 264-5736. Thank you for your assistance.

Sincerely,



Leonard Houston,
Chief, Environmental Analysis Branch

Enclosure



State of New Jersey

Department of Environmental Protection,
Natural and Historic Resources, Historic Preservation Office
PO Box 404, Trenton, NJ 08625-0404
TEL: (609) 292-2023 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

March 29, 2005
HPO-~~62~~2005-289 PROD
05-0576

Leonard Houston
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

ATTN: Carissa DeRooy Scarpa

Dear Mr. Houston:

In accordance with 36 CFR Part 800: Protection of Historic Properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

**Passaic County, Wayne Township & Borough of Pompton Lakes
Lower Passaic River Floodway Buyouts Project
U. S. Army Corps of Engineers**

800.4 Identifying Historic Properties

Thank you for submitting the January 2005 report *Phase 1 Cultural Resources Investigation, Lower Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey* by Carissa DeRooy Scarpa.

The early 20th century recreational bungalow communities, which frequently became full time homes as time passed, are an interesting phenomenon. The areas affected by the buyouts do not represent a well preserved or significant example of the type. I concur that none of the buildings in the project area are eligible for listing on the National Register.

Although the River Edge Drive and Hoffman Grove project areas are subject to periodic flooding, I believe that they possess reasonable potential to possess prehistoric sites eligible for

inclusion in the National Register of Historic Places in areas undisturbed by construction of housing and subsequent modern period use.

800.5 Assessing Effects

The project will have **no effect** on architectural properties. At this time the potential for impact to Native American archaeological properties cannot be determined.

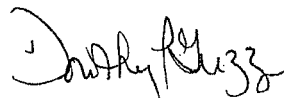
Additional Comments

In order for SHPO to provide further Section 106 comment either: 1) the River Edge Drive and Hoffman Grove project areas should be tested archaeologically to determine presence/absence and eligibility of archaeological properties; or 2) the project should be designed to ensure that demolition of structures, utilities, paved surfaces, etc. will not result in new ground disturbance and that buyout areas will remain undisturbed in perpetuity.

Thank you for providing this opportunity for review and comment. The report has been accessioned into HPO's library under designation Passaic A 232. Please note in future submissions that HPO guidelines require either original photographs or submission of a CD with the photographic images included in the report.

Please contact Dan Saunders if you have any questions regarding historic districts, buildings, and structures (phone 609 633 2397 or dan.saunders@dep.state.nj.us) or Deborah Fimbel regarding archaeological sites (phone 609 984-6019 or deborah.fimbel@dep.state.nj.us).

Sincerely,



Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

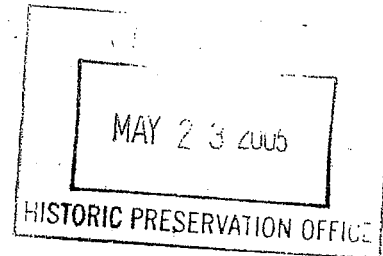
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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

May 19, 2005



Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

05 05 76-205
HPO-F2005-16

Dear Ms. Guzzo:

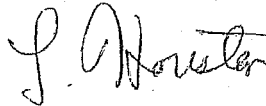
The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the final copy of the report entitled *Phase 1 Cultural Resources Investigation, Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey* by Carissa (DeRooy) Scarpa and a CD containing digital photographic images (Enclosures). The report has been accessioned into your library under designation Passaic A 232. As part of this investigation, historical research and the collection of background material was conducted for the project areas of Hoffman Grove, Wayne Township and River Edge Drive, Pompton Lakes, New Jersey. The project consists of the removal of twenty houses in Hoffman Grove and ten houses along River Edge Drive as a floodway clearing effort. Because of the nature of the project, no subsurface testing was performed at this time.

In a letter dated March 29, 2005, your office provided comments on the findings of this cultural resources survey. In concurrence with your comments, the Corps has altered the recommendations in the following way:

- 1) It is believed that there exists a reasonable potential for prehistoric cultural resources to exist in undisturbed deposits in the Hoffman Grove and River Edge Drive project areas. Therefore, when the individual houses have been selected for demolition, a determination will be made at that time as to the extent of present ground disturbance and the amount of additional disturbance that will be generated during demolition. We will coordinate with your office at that time regarding archaeological testing that may be required or, if necessary, the monitoring of demolition activities by a qualified archaeologist.
- 2) The report finds that the houses that remain in Hoffman Grove do not represent a well preserved or significant example of the summer bungalow type and therefore are not eligible for listing on the NRHP. The Corps recommends that no additional evaluation of these houses will be necessary prior to demolition.

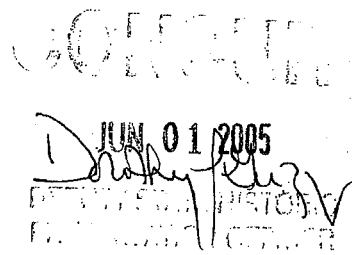
Please review the final report and provide any additional comments in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended. The Corps will continue to update and coordinate with your office as the project plans are developed. We appreciated receiving the Section 106 comments that you provided on the draft report. If you or your staff require additional information or have any questions, please contact Carissa (DeRooy) Scarpa, Project Archaeologist at (917) 790-8612. Thank you for your assistance.

Sincerely,



Leonard Houston,
Chief, Environmental Analysis Branch

Enclosures



Attachment 2 (to letter dated 10/7/2005)

Memorandum for the Record

October 7, 2005

MEMORANDUM FOR THE RECORD

SUBJECT: Archaeological Investigation Plan for the Hoffman Grove and River Edge Drive Project Areas of the Passaic River Floodway Buyouts Project, Pompton and Ramapo Rivers, Wayne Township and Borough of Pompton Lakes, Passaic County, New Jersey Project Area

1. Statement of Purpose

The purpose of this Memorandum for the Record (MFR) is to define the areas of potential effect (APE), identify all of the potential impacts that the project may have upon cultural resources, and describe a plan of action and consultation for testing in the project's APE as houses are acquired. This MFR is being provided to the New Jersey Historic Preservation Office (NJSHPO) for comment and will be followed with further consultation on these matters.

2. Cultural Resources Survey and Correspondence

A Phase 1 cultural resources survey has been completed for the Hoffman Grove and River Edge Drive project areas, which are two groups of houses within the flood zone of the Central Passaic River (Scarpa 2005, on file at the NJSHPO under designation Passaic A 232). All of the houses within the study area are slated for demolition as part of the Passaic River Floodway Buyouts Project; however, the properties will be acquired in small numbers over the course of the project as money becomes available (Plates R-1 through R-5). The cultural resources survey consisted of background research and a windshield survey of the study areas. It was concluded that none of the houses within the project area are eligible for inclusion in the National Register of Historic Places (NRHP), however, there is a potential for buried prehistoric cultural resources in both locations. The NJSHPO has reviewed the final report and concurred with these findings. In consideration of the NJSHPO's recommendations, the Corps has developed a plan for management of archaeological activities when identification and acquisition of properties is carried out over the course of the project.

3. Project Impacts and Corps Responsibilities

Removal of houses is expected to consist of demolition and, when basements are present, burial of debris within the basement to no higher than four feet below natural ground surface. When basements are not present, concrete slabs will be removed. Septic tanks and asphalt driveways will also be removed. The potential impacts from removal activities, as described, will consist of surface disturbance over each lot caused by movement of machinery and other disturbances caused by removal of septic tanks,

foundation slabs, and driveways, which will typically remain within the footprints of disturbance from the original house construction. However, prior to creating any disturbances, the Corps, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, Section 101(b)(4) of the National Environmental Policy Act of 1969 and the Advisory Council's procedures for the protection of cultural properties (36 CFR Part 800), is responsible for determining the presence or absence of buried archaeological materials in the project area and avoiding or mitigating for impacts to potentially significant resources. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired.

4. Defining the APE (See Plates R-1 through R-5)

Hoffman Grove - The lots in Hoffman Grove are small and the staging area, access routes and boundaries of disturbance have not been determined at this time, the APE will be assumed to consist of the entire lot of each house. The Lots average about 5,000 square feet, or 0.11 acre.

River Edge Drive - The lots of River Edge Drive average approximately 0.3 acres. Because these lots are larger than those in Hoffman Grove, the actual areas of disturbance are likely to be smaller than the lots themselves and will be focused around the houses. Even so, because the staging area, access routes and boundaries of disturbance have not been determined at this time, the APE will be assumed to consist of the entire lot of each house that is selected.

5. Archaeological Testing Plan

The following testing plan is in accordance with the New Jersey Historic Preservation's Guidelines for Phase I Archaeological Investigations. The guidelines for general archaeological testing of a non-linear project area of this type recommend excavation of 17 standard test pits (STP) per acre. If this equation is applied to the lots at Hoffman Grove (averaging 0.11 acres) and River Edge Drive (averaging 0.3 acres) only two STP's at Hoffman Grove and five STP's at River Edge Drive would be required to adequately test these areas for archaeological remains. However, in order to eliminate sampling error and to ensure adequate coverage for each individual lot, six STP's will be excavated on each lot at both project areas. Placement of STPs will be determined on a lot-by-lot basis. The placement strategy will focus on archaeological recovery of prehistoric or rural historic archaeological remains and will be justified in the report.

6. Findings and Consultation

Following archaeological testing, a report will be submitted to the NJSHPO detailing the testing strategy and the findings of the subsurface investigations. Upon review of the report, the NJSHPO will provide a letter of comment to the Corps. If cultural resources

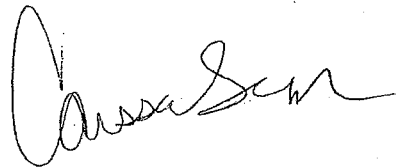
are identified it will be necessary to identify the impacts and to determine whether cultural resources are eligible for the NRHP.

7. Follow-Up

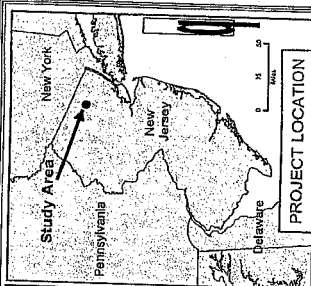
After a quarter of the houses have been acquired and tested archaeologically, consultation with the NJSHPO will be undertaken in the form of a letter to determine whether archeological testing should continue in the same manner. Based on the findings concerning soil conditions and archaeological recovery, it will be decided whether a new testing program should be employed for the remainder of the project.

8. Protecting Cultural Resources In Perpetuity

Land ownership will be transferred from the private owners to the New Jersey Department of Environmental Protection and will be managed by their Parks and Forestry Section. Archaeological testing will in no way be understood as a full investigation of the Hoffman Grove area or of the River Edge Drive area and it will be stated in the reports and future correspondence that future disturbances outside of the individual lots shall require archaeological testing depending upon the boundaries of the disturbance. The NJDEP will be required to perform additional archaeological testing in areas that extend beyond the current investigations and prior to future development or transfer of ownership not currently foreseen in the future.



Carissa A. Scarpa
Environmental Analysis Branch
Planning Division, USACE



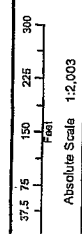
PROJECT LOCATION

REAL ESTATE PROJECT
PLANNING MAP

PASSAIC RIVER LIMITED FLOODWAY

ACQUISITION PROJECT

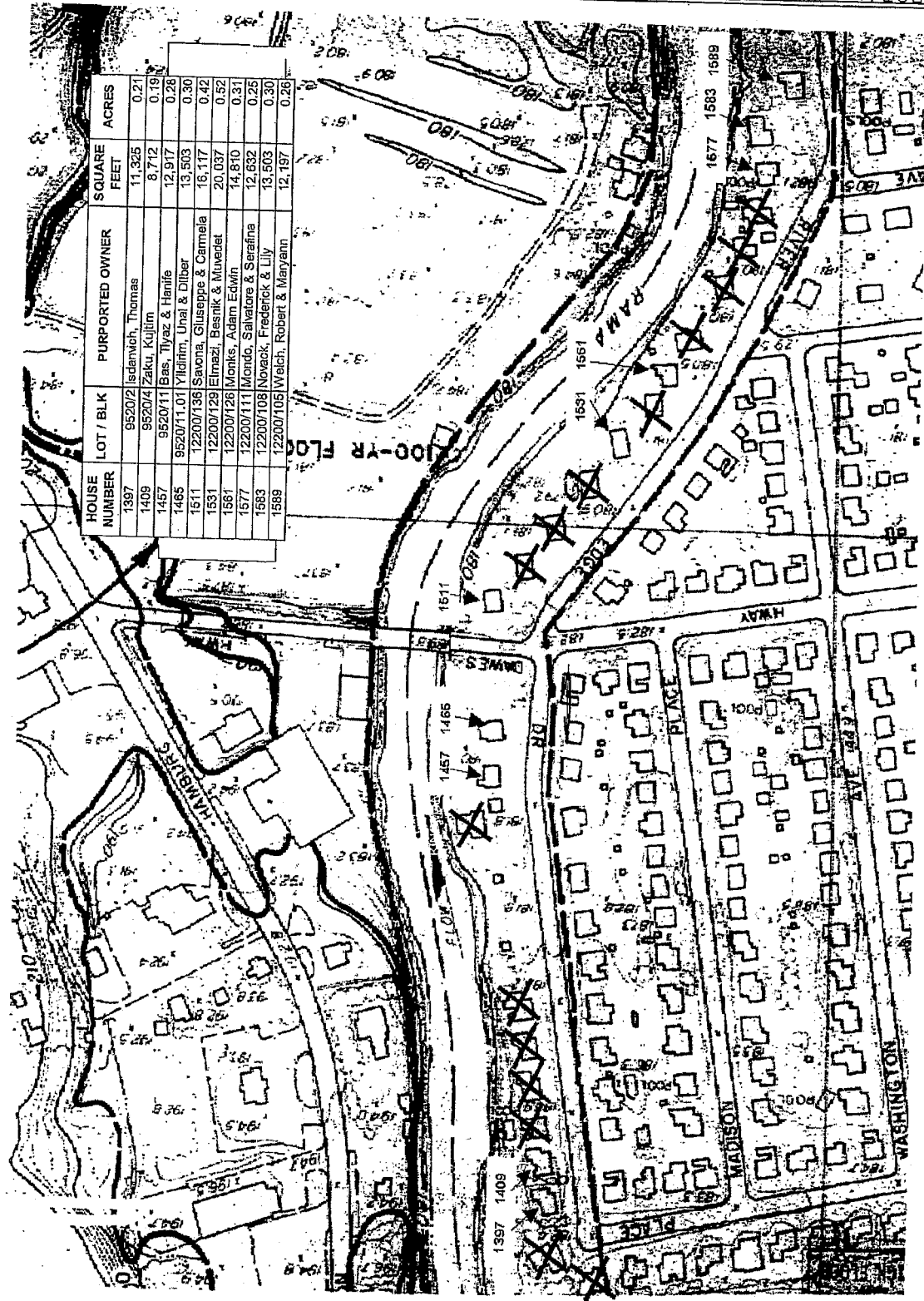
POMPTON LAKES STUDY AREA

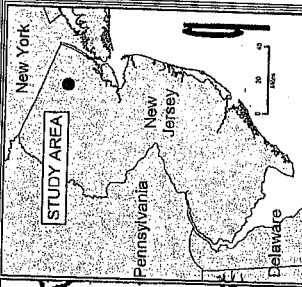


U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND

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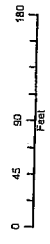
PLATE: R-1





REAL ESTATE PROJECT
PLANNING MAP

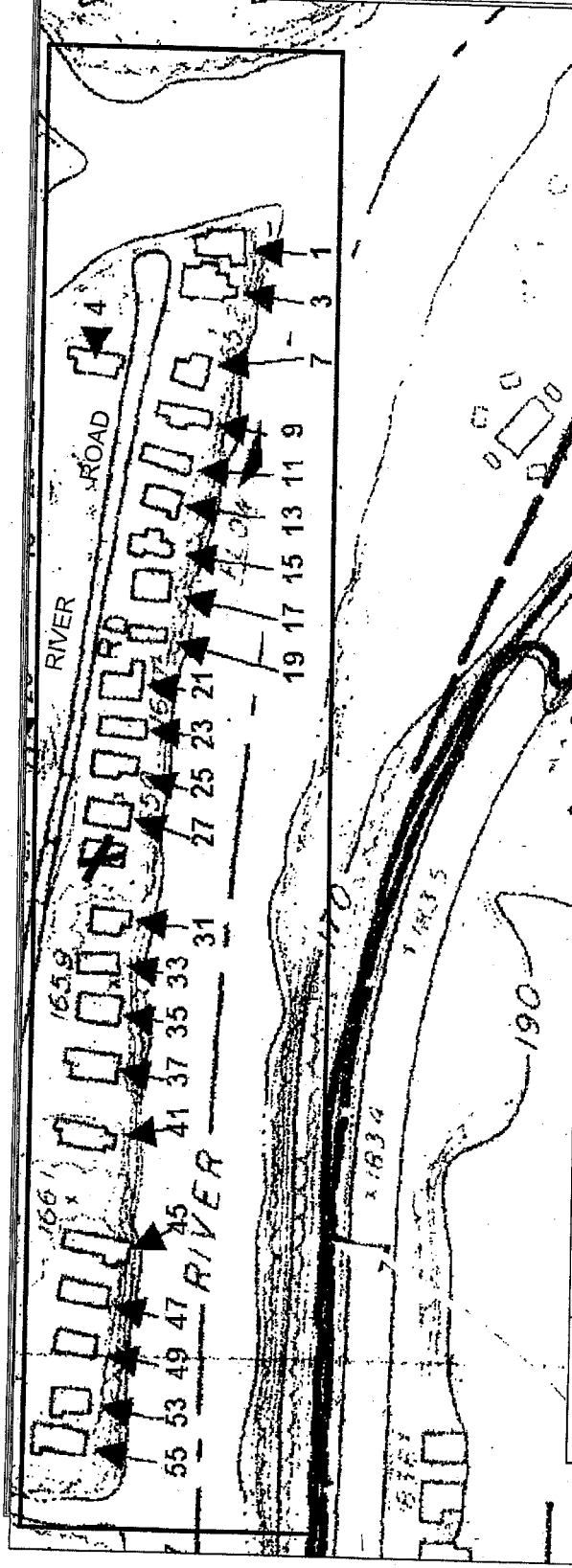
PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT
HOFFMAN GROVE STUDY AREA



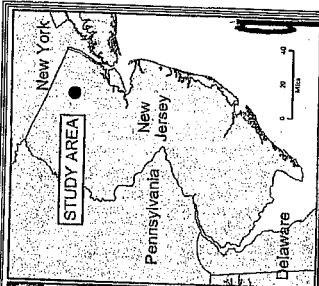
U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND

PROJECT FILE: HG_plateR3.mxd
CREATED BY: RTS
DATE: 17 Dec 2004
SCALE: AS SHOWN

PLATE: **R-3**



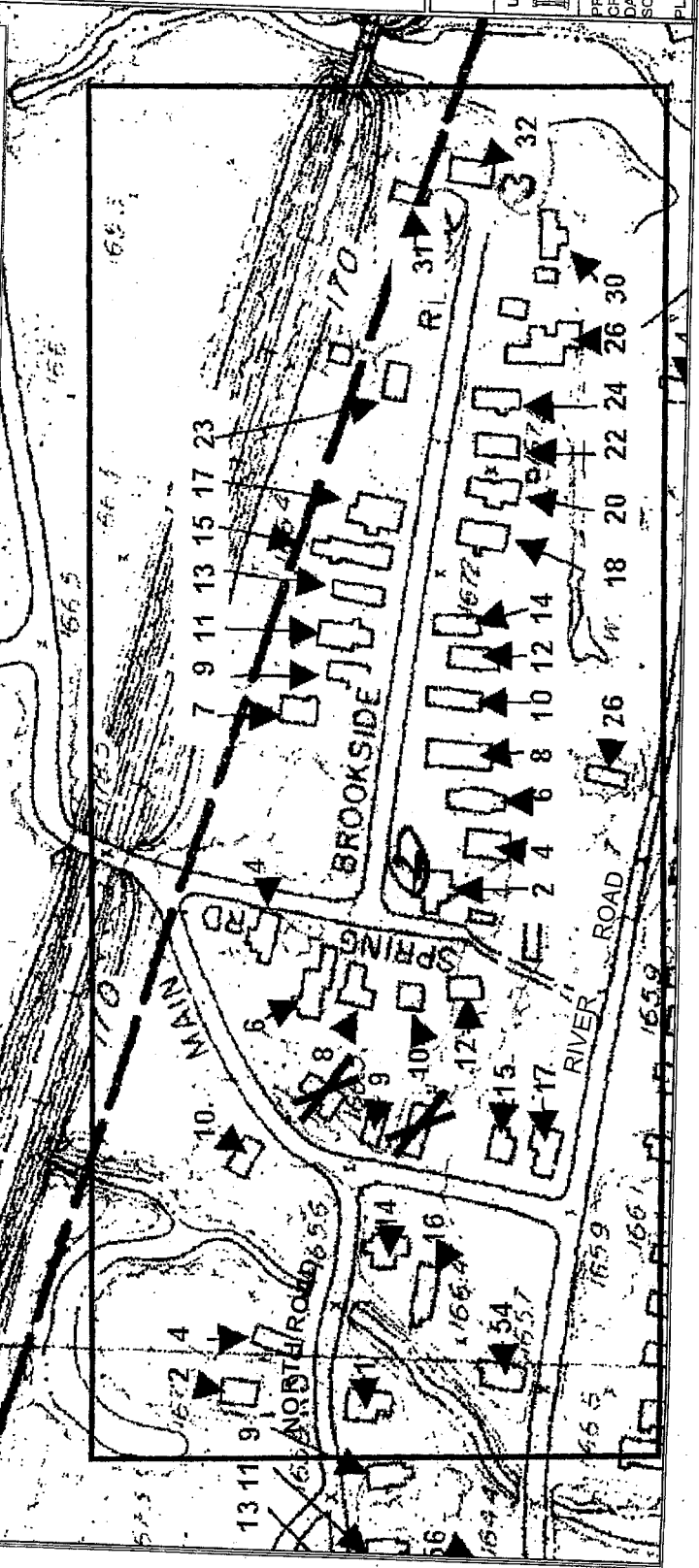
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1 River Road	818/3	Wright, John & Bonnie D.	1,904.00	0.044	25 River Road	818/3	Mulvaney, Francis	3,511.00	0.081
3 River Road	818/3	Kahn, Zamil	3,284.00	0.075	27 River Road	818/3	Giordano, Robert	2,369.00	0.054
4 River Road	818/3	Heines, Robert	6,829.00	0.157	31 River Road	818/3	Hayes, Lucille, B.	3,547.00	0.081
7 River Road	818/3	Jicha, Gerard & Karen	3,821.00	0.088	33 River Road	818/3	Karasch, Paul C.	3,157.00	0.072
9 River Road	818/3	Slater, Louis	2,797.00	0.064	35 River Road	818/3	Karasch, Paul C.	3,470.00	0.08
11 River Road	818/3	Roll, Robert & Linda	2,571.00	0.059	37 River Road	818/3	Moeller, Dennis	5,482.00	0.126
13 River Road	818/3	Palmeri, Peter M.	2,485.00	0.057	41 River Road	818/3	Wilson, Bonnie L.	6,623.00	0.152
15 River Road	818/3	Hoffman Grove Condominium Association	2,317.00	0.053	45 River Road	818/3	Wines, Bruce	5,184.00	0.119
17 River Road	818/3	Mende, Curt Jr.	2,636.00	0.061	47 River Road	818/3	Lott, Ethel C.	4,516.00	0.104
19 River Road	818/3	Slater, Julie & Charles Sr.	2,052.00	0.047	49 River Road	818/3	Cummi, Linda	4,347.00	0.1
21 River Road	818/3	La Monica, Salvatore	3,205.00	0.074	53 River Road	818/3	McCabe, Robert J.	3,763.00	0.086
23 River Road	818/3	Mulvaney, Thomas & Anne	2,132.00	0.049	55 River Road	818/3	Del Sardo, Dorothy	4,987.00	0.114

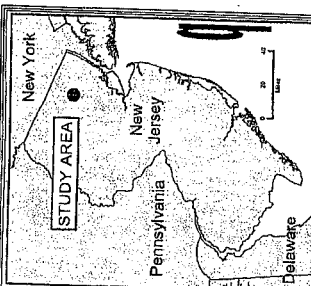


REAL ESTATE PROJECT
PLANNING MAP
PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT
HOFFMAN GROVE STUDY AREA

U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND
PROJECT FILE: HG_plateR4.mxd
CREATED BY: RTS
DATE: 6 Dec 2004
SCALE: AS SHOWN
PLATE: R-4

ADDRESS	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES	ADDRESS	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES
25 River Road	818/3	Del Grosso, Marion d/o E. Lott	4,774.00	0.11	26 Brookside Road	818/3	Palumbo, Michael & Eileen P.	10,220.00	0.235
54 River Road	818/3	Saebum, Jeffrey d/o Sally	6,064.00	0.138	28 Brookside Road	818/3	Myer, Catherine	4,998.00	0.115
2 Brookside Road	818/3	Saebum, Benjamin A.	5,570.00	0.127	30 Brookside Road	818/3	Solari, Bernadette	10,272.00	0.235
4 Brookside Road	818/3	Saebum, Jennifer	5,226.00	0.121	32 Brookside Road	818/3	McGurr, Robert	9,586.00	0.217
6 Brookside Road	818/3	Saebum, S. Daniel & Janet	4,845.00	0.111	34 Brookside Road	818/3	Borger, William H. & Brandy L.	9,584.00	0.217
8 Brookside Road	818/3	Hartke, M.	5,395.00	0.124	36 Brookside Road	818/3	Dalmaro, Philip	5,354.00	0.123
10 Brookside Road	818/3	Hartke, Robert	5,774.00	0.133	38 Brookside Road	818/3	Scalilli, Sara	5,004.00	0.114
12 Brookside Road	818/3	Hartke, Robert	5,774.00	0.133	40 Brookside Road	818/3	Moscoso, Carlos Jr.	4,134.00	0.093
14 Brookside Road	818/3	Urban, Jeanne & Frank	5,478.00	0.125	42 Brookside Road	818/3	Oasi, Ronald	5,710.00	0.13
16 Brookside Road	818/3	Brenner, Paul & Anne	4,800.00	0.110	44 Brookside Road	818/3	Hartmann, Edward	5,970.00	0.137
18 Brookside Road	818/3	Lewis, William & Mary	5,484.00	0.125	46 Brookside Road	818/3	Cook, Thomas	4,321.00	0.1
20 Brookside Road	818/3	Hayes, Patricia & Ellen M.	4,970.00	0.112	48 Brookside Road	818/3	Gordon, Mark & Kristine	4,561.00	0.1
22 Brookside Road	818/3	O'Leary, Helene	5,102.00	0.117	50 Brookside Road	818/3	Gordon, George P.	5,161.00	0.12
24 Brookside Road	818/3	Pace, Loretta	4,175.00	0.095	52 Brookside Road	818/3	Union, Margaret	4,950.00	0.11
26 Brookside Road	818/3	Crowell, Thomas & Kathleen	8,608.00	0.198	54 Brookside Road	818/3	Hoffman Grove Condominium Association	7,161.00	0.164
28 Brookside Road	818/3	Brown, Philip Taylor	10,392.00	0.238	56 Brookside Road	818/3	Schlaeder, Steven	9,848.00	0.226
30 Brookside Road	818/3	Hartke, Richard & Regina	5,351.00	0.124	58 Brookside Road	818/3	Monroe, Fred & Philip Jr.	5,295.00	0.122
32 Brookside Road	818/3	Riley, William & Laurette	6,875.00	0.158	60 Brookside Road	818/3	Sanford, Charles & Mark	4,324.00	0.099
34 Brookside Road	818/3	Zilke, John & Zilke, James	5,363.00	0.123	62 Brookside Road	818/3	Candela, Peter & Mary	5,897.00	0.135
36 Brookside Road	818/3	Almid, Zakaria	5,353.00	0.123	64 Brookside Road	818/3	Fontanella, Martha & Parashas, Tom	3,246.00	0.075





REAL ESTATE PROJECT
PLANNING MAP

PASSAIC LIMITED FLOODWAY
ACQUISITION PROJECT

HOFFMAN GROVE STUDY AREA

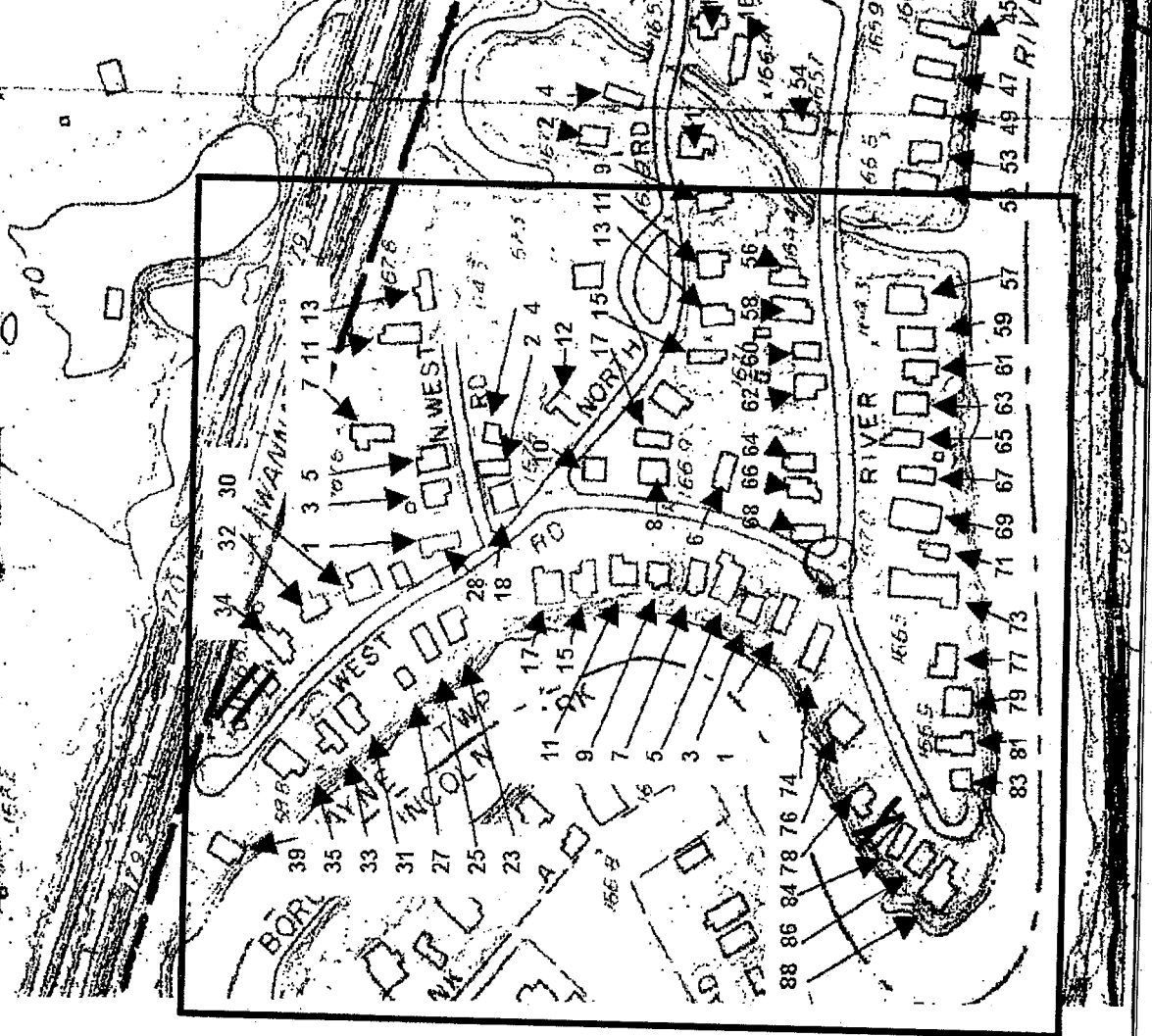


U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
REAL ESTATE DIVISION
BALTIMORE, MARYLAND

PROJECT FILE: HG_plater5.mxd
CREATED BY: RTS
DATE: 6 Dec 2004
SCALE: AS SHOWN

PLATE: R-5

HOUSE NUMBER	LOT / BLK	PURPORTED OWNER	SQUARE FEET	ACRES
56 River Road	818/3	Camacho, Christopher & Precious	4,998.00	0.12
57 River Road	818/3	DeGraw, Robert	6,134.00	0.14
58 River Road	818/3	Avella, Salvatore	3,245.00	0.075
59 River Road	818/3	Comer, Jennifer & Comer, Stephen	4,417.00	0.101
60 River Road	818/3	Van Der Wal, Laurie	3,409.00	0.078
61 River Road	818/3	Lewis, Michelle & Lewis, Steven A.	4,293.00	0.099
62 River Road	818/3	Glover, Virginia	5,950.00	0.14
63 River Road	818/3	La Monica, Philip Jr. & Heidi R.	4,895.00	0.112
64 River Road	818/3	Vaccadigiani, Robert	5,068.00	0.116
65 River Road	818/3	Lewis, Donna	5,207.00	0.12
66 River Road	818/3	Altschuler, Scott	4,048.00	0.093
67 River Road	818/3	McGarr, Joseph	4,371.00	0.1
68 River Road	818/3	Rozakis, John	5,871.00	0.135
69 River Road	818/3	Donohue, Michael J.	11,150.00	0.256
70 River Road	818/3	Le Grand, Carol	4,376.00	0.1
71 River Road	818/3	Novelli, Lorraine	11,074.00	0.254
72 River Road	818/3	Conlan, John	3,972.00	0.093
73 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
74 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
75 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
76 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
77 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
78 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
79 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
80 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
81 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
82 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
83 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
84 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
85 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
86 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
87 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
88 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
89 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
90 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
91 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
92 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
93 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
94 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
95 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
96 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
97 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
98 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
99 River Road	818/3	Novelli, Lorraine	4,895.00	0.107
100 River Road	818/3	Novelli, Lorraine	4,895.00	0.107



Enclosure 2
Draft Programmatic Agreement

DRAFT
DRAFT PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
AND
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE PASSAIC RIVER FLOODWAY BUYOUT PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District) proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project (Undertaking) (Appendix A); and

WHEREAS, the New York District is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000; and

WHEREAS, the Undertaking will be implemented in phases as individual properties are acquired; and

WHEREAS, the New York District will implement the provisions of this Programmatic Agreement (PA) as funding for the project is appropriated in future years; and

WHEREAS, removal of houses is expected to consist of demolition and burial of debris within basements, if present, or the removal of concrete building slabs as well as the removal of associated infrastructure including oil tanks and driveways. The potential impacts from house removal activities will consist of surface disturbance caused by movement of machinery. Other disturbances may be caused by removal of the superstructures, septic tanks, underground storage tanks, foundation slabs, and driveways will typically remain within the footprints of disturbance from original construction; and

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this Undertaking to consist of the entire lot within the legal property boundaries outside the footprint of the original house and associated infrastructure; and

WHEREAS, the New York District conducted a Phase I cultural resources survey and determined that no architectural properties listed and/or eligible for listing on the National Register of Historic Places (NRHP) will be adversely affected by implementation of the Undertaking; and

WHEREAS, the New Jersey Historic Preservation Office (NJHPO) has reviewed the Phase I architectural survey and concurred with the New York District's determination; and

WHEREAS, the New York District and the NJHPO has determined that archaeological resources may be present within the APE; and

WHEREAS, the Advisory Council on Historic Preservation (Council), the Delaware Nation and the Delaware Tribe of Indians have been invited to participate in this PA;

NOW, THEREFORE, the New York District and the NJHPO agree that the Project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibility for all individual undertaking of the Project.

Stipulations

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

a. The New York District shall ensure that as plans and specifications are developed and properties are acquired not less than six (6) shovel test pits will be excavated on each lot outside the footprint of the original house and associated infrastructure at each lot within the APE.

b. The New York District shall ensure that archaeological surveys are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the New Jersey Historic Preservation Office's (HPO) Guidelines for Phase 1 Archaeological Investigations: Identification of Archaeological Resources (January 17, 1996).

c. The New York District, in consultation with the NJHPO, shall evaluate the eligibility of any resource encountered using the NRHP Criteria. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.

d. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of properties.

II. TESTING REEVALUATION

After seven (7), or one quarter, of the houses have been acquired and tested archaeologically, consultation with the NJHPO will be undertaken in the form of a letter to determine whether archeological testing should continue in the same manner. Based on the findings concerning soil conditions and archaeological recovery, it will be decided whether a new testing program should be employed for the remainder of the project and may include a recommendation for no further testing of properties.

The New York District will coordinate this determination with the Council, the Delaware Nation, and the Delaware Tribe of Indians.

III. TREATMENT OF HISTORIC PROPERTIES.

Avoidance. The preferred treatment is avoidance of effects to historic properties. The New York District shall, to the extent feasible, avoid historic properties either through project design changes, use of temporary fencing or barricades, realignments, landscaping, or other measures that will protect historic properties. The New York District, and the NJHPO shall consult to develop plans for avoiding impacts to historic properties. The New York District shall incorporate feasible avoidance measures into project activities as part of the implementation of the Project. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.

If, in consultation with the NJHPO, avoidance is determined to be infeasible, the New York District shall develop and implement treatment/mitigation plans. It is anticipated that should any significant resources be encountered they will be avoided. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.

c. Archaeological Data Recovery. The District shall develop a data recovery plan for archaeological sites eligible solely under National Register Criterion D which the New York District and the NJHPO agree cannot be avoided or appropriately preserved in place. The New York District will coordinate any archaeological data recovery plan developed with the Council, Delaware Nation and the Delaware Tribe of Indians. The data recovery plan to retrieve significant archaeological information will be developed and implemented by the New York District or its representative(s), following approval from the NJHPO and prior to the implementation of project-related activities within or in the vicinity of the archaeological sites.

d. If any human remains and/or grave-associated artifacts are encountered during data recovery, the New York District, the NJHPO, the Council, the Delaware Nation and the Delaware Tribe of Indians, shall consult to develop a treatment plan for human remains that is responsive to the Council's "Policy Statement on Human Remains" (September 27, 1988), the Native American Grave Protection and Repatriation Act (PL 101-601) and, U.S. Army Corps of Engineers, Policy Guidance Letter No. 57, (1998) Indian Sovereignty and Government-to-Government Relations With Indian Tribes.

e. The New York District shall ensure that all draft and final reports resulting from actions pursuant to this PA will be provided, to the NJHPO, Council, the Delaware Nation, the Delaware Tribe of Indians, and upon request, to other interested parties.

IV. ADMINISTRATIVE TERMS

A. REVIEW PERIODS

The NJHPO, Council, the Delaware Nation, the Delaware Tribe of Indians and any other interested party shall have 30 days to review and/or object to determinations, evaluations, plans, reports, and other documents submitted to them by the New York District.

B. DISPUTE RESOLUTION

1. The New York District and the signatories shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request the Council's recommendations or request the comments of the Council in accordance with 36 CFR Part 800.7(b).

2. Any Council recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7(c)(2), with reference only to the subject of the dispute. The New York District shall respond to Council recommendations or comments indicating how the New York District has taken the Council's recommendations or comments into account and complied with same prior to proceeding with Project activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

C. TERMINATION

Any signatory to this PA may terminate it by providing thirty days notice to the signatories, provided that the signatories will consult during the period prior to termination by certified mail to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the New York District will comply with 36 CFR Parts 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

D. SUNSET CLAUSE.

This PA will continue in full force and effect until the construction of the Undertaking is complete and all terms of this PA are met, unless the Project is terminated or authorization is rescinded or a period of five (5) years from execution of the PA has passed at which time the agreement may be extended as written provided all signatories concur.

E AMENDMENT

This PA may be amended upon agreement in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the Council.

F. ANTI-DEFICIENCY ACT

All requirements set forth in this PA requiring expenditure of funds by the New York District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. 1341). No obligation undertaken by the New York District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the New York District cannot perform any obligation set forth in this PA because of unavailability of funds, that obligation must be renegotiated among the New York District and the signatories as necessary.

Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and that the New York District has afforded the NJHPO, Council, the Delaware Nation and the Delaware Tribe of Indians an opportunity to comment on the undertaking and its effects on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
John M. Fowler, Executive Director

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
Daniel D. Saunders, Deputy State Historic Preservation Officer

U.S. ARMY CORPS OF ENGINEERS

By: _____ Date: _____
Paul Owen
District Engineer, New York District

DELAWARE NATION

By: _____ Date: _____
C.J. Watkins, Vice President

DELAWARE TRIBE OF INDIANS

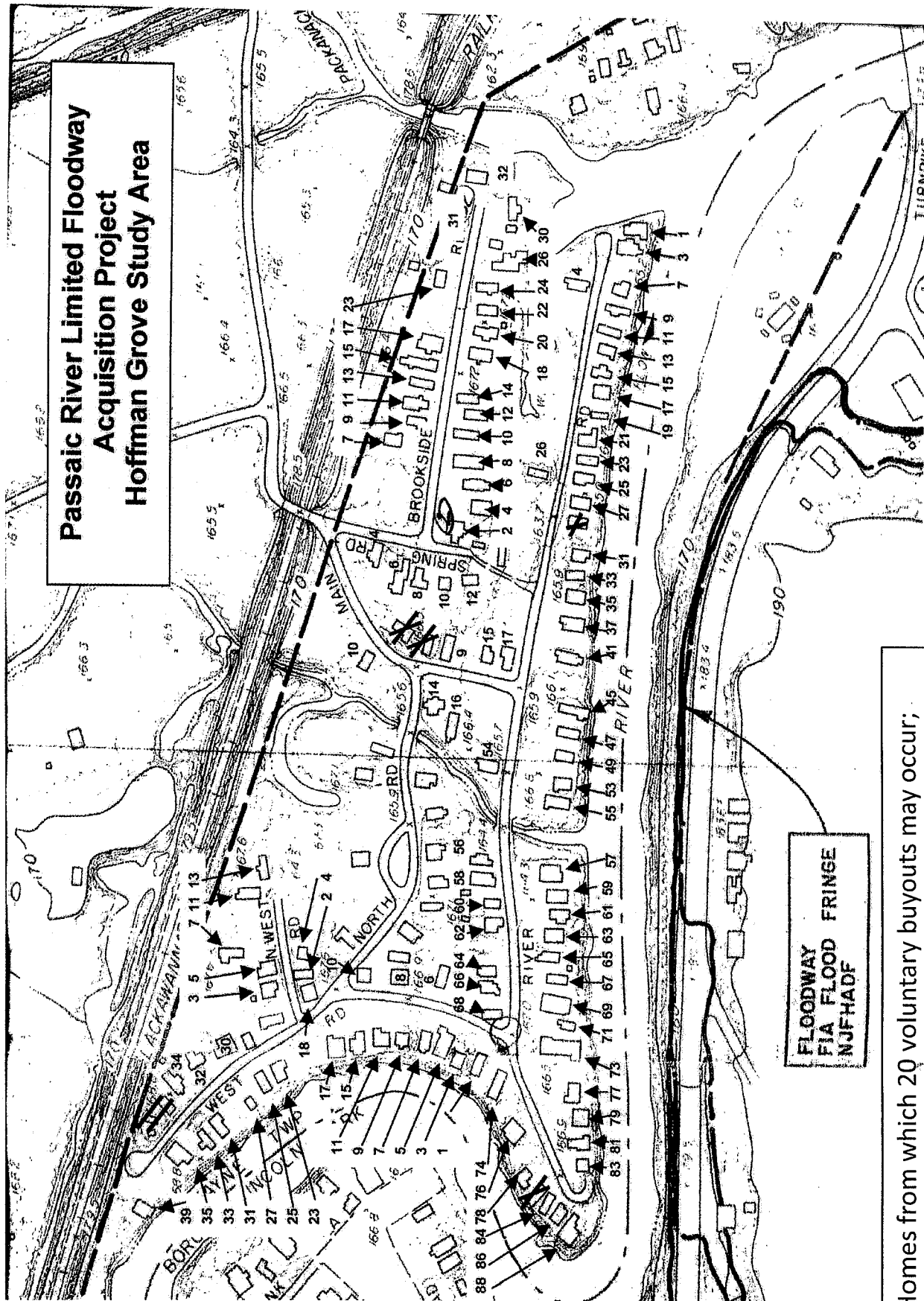
By: _____ Date: _____
Paula Pechonick, Chief

**Passaic River Floodway Buyouts
Draft Programmatic Agreement**

APPENDIX A

PROPERTIES PROPOSED FOR BUYOUT

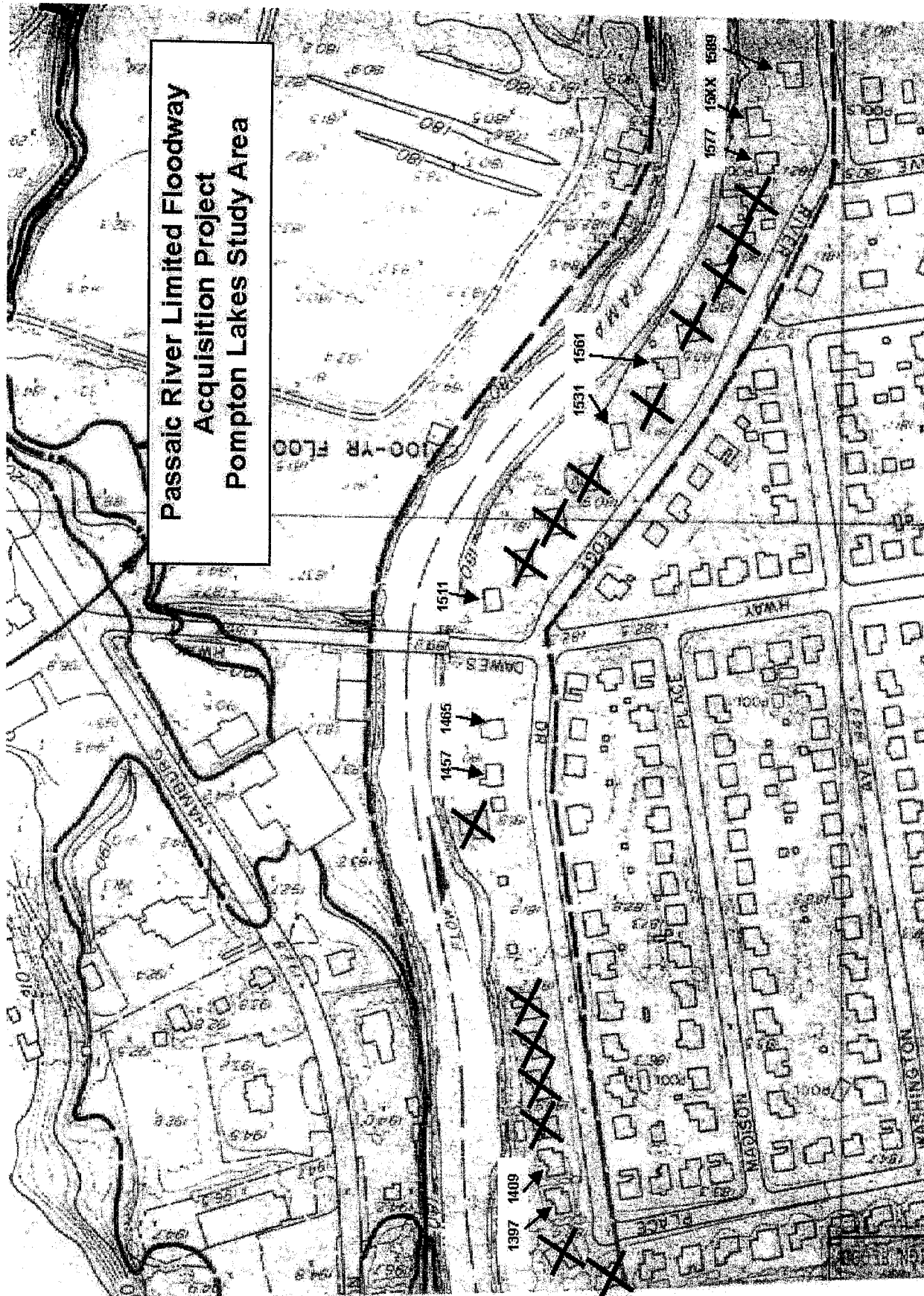
Passaic River Limited Floodway Acquisition Project Hoffman Grove Study Area



FLOODWAY
FIA FLOOD FRINGE
NJFHADF

Homes from which 20 voluntary buyouts may occur;
many homes in community have recently been bought
out by others and demolished.

Passaic River Limited Floodway
Acquisition Project
Pompton Lakes Study Area



Enclosure 3

Passaic River Floodway Buyouts

Consulting Party Coordination



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Ms. Tamara Francis
Cultural Preservation Director
The Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Francis:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO) (Enclosure 1). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 2).

As a federal agency the Corps has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800; Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Removal of houses is expected to consist of demolition and burial of debris within the basements, if present, or removal of concrete building slabs as well as removal of associated infrastructure including oil tanks and driveways. Construction equipment, however, could disturb shallow sites, if present. Prior to demolition work the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the

entire study area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired. A Draft Programmatic Agreement (PA) stipulating the procedures the Corps will follow is also enclosed (Enclosure 3).

We invite you to review the enclosed materials and provide comments. We also invite you to participate in the PA as a Consulting Party. Please provide a written response by 6 December to the project archaeologist, Ms. Lynn Rakos by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to Lynn.Rakos@usace.army.mil. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston", written in a cursive style.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Mr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, KS 66801

Dear Mr. Obermeyer:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO) (Enclosure 1). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 2).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston". The signature is fluid and cursive, with the first letter "L" being large and prominent.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Ms. Carol D'Allesandro
Wayne Township Historical Commission
Van Ripper-Hopper House
533 Berdan Avenue
Wayne, NJ 97470

Dear Ms. D'Allesandro:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 1). Your office kindly assisted my staff with information when the Phase I cultural resources survey was conducted and were provided a copy of the final report.

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired. A Draft Programmatic Agreement (PA) stipulating the procedures the Corps will follow is also enclosed (Enclosure 2).

We invite you to review the enclosed materials and provide comments. We also invite you to participate in the PA as a Consulting Party. Please provide a written response by 6 December to the project archaeologist, Ms. Lynn Rakos by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to Lynn.Rakos@usace.army.mil. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston", written in a cursive style.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, D.C. 20004

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 1).

None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Removal of houses is expected to consist of demolition and burial of debris within the basements, if present, or removal of concrete building slabs as well as removal of associated infrastructure including oil tanks and driveways. Construction equipment, however, could disturb shallow sites, if present. Prior to demolition work the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired. A Programmatic Agreement (PA) stipulating the procedures the Corps will follow as properties are acquired was drafted in consultation with NJHPO (Enclosure 2). The Corps has provided the draft PA to the Delaware Nation, the Delaware Tribe of Indians and the Wayne Township Historical Commission for their review and participation (Enclosure 3). The draft PA is also contained in the draft Environmental Assessment that will be available for public review and comment.

We invite you to consult with us on the Passaic River Floodway Buyout Project and participate in the PA as per 36 CFR Part 800.6. If you have questions or would like to receive further information on this study please contact the project archaeologist, Ms. Rakos at (917)790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston", written in a cursive style.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with your office. A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 1).

None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Removal of houses is expected to consist of demolition and burial of debris within the basements, if present, or removal of concrete building slabs as well as removal of associated infrastructure including oil tanks and driveways. Construction equipment, however, could disturb shallow sites, if present. Prior to demolition work the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. Therefore, there is a need for a system of archaeological testing within each lot as they are acquired. A Programmatic Agreement (PA) stipulating the procedures the Corps will follow as properties are acquired was drafted (Enclosure 2). Jesse West-Rosenthal of your office provided us comments on the preliminary draft document. The Corps has provided the draft PA to the Advisory Council on Historic Preservation, the Delaware Nation, the Delaware Tribe of Indians and the Wayne Township Historical Commission for their review and participation (Enclosure 3). The draft PA is also contained in the draft Environmental Assessment that will be available for public review and comment.

Please review the draft PA and provide comments. Once we receive all comments we will prepare a final PA to send to your office and other parties as appropriate for signature. If you have questions or would like to receive further information on this study please contact the project archaeologist, Ms. Rakos at (917)790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston". The signature is written in a cursive, flowing style.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Ms. Carol D'Allesandro
Wayne Township Historical Commission
Van Ripper-Hopper House
533 Berdan Avenue
Wayne, NJ 97470

Dear Ms. D'Allesandro:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 1). Your office kindly assisted my staff with information when the Phase I cultural resources survey was conducted and were provided a copy of the final report.

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Removal of houses is expected to consist of demolition and burial of debris within the basements, if present, or removal of concrete building slabs as well as removal of associated infrastructure including oil tanks and driveways. Construction equipment, however, could disturb shallow sites, if present. Prior to demolition work the Corps will conduct archaeological

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We invite you to review the enclosed materials and provide comments. We also invite you to participate in the PA as a Consulting Party. Please provide a written response by 6 December to the project archaeologist, Ms. Lynn Rakos by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to Lynn.Rakos@usace.army.mil. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston", with a stylized flourish at the end.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Mr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, KS 66801

Dear Mr. Obermeyer:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO) (Enclosure 1). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 2).

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Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston". The signature is fluid and cursive, with the first letter "L" being large and prominent.

Leonard Houston
Chief, Environmental Branch

Enclosures



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 1, 2013

Environmental Assessment Section
Environmental Analysis Branch

Ms. Tamara Francis
Cultural Preservation Director
The Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Francis:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. The Corps is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1996 and Section 327 of WRDA 2000. A Phase I cultural resources survey for this project was completed in 2005 and was coordinated with the New Jersey Historic Preservation Office (NJHPO) (Enclosure 1). A summary of the work undertaken, agency coordination and project maps are included in the enclosed Preliminary Case Report (Enclosure 2).

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Sincerely,

A handwritten signature in black ink, appearing to read "L. Houston", written in a cursive style.

Leonard Houston
Chief, Environmental Branch

Enclosures



State of New Jersey

Department of Environmental Protection

Natural and Historic Resources

Office of Engineering & Construction

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

FEB 23 2005

Mr. Paul Tumminello, P.E.
U.S. Army Corps of Engineers, New York District
Jacob J. Javits Federal Building
New York, NY 10278-0090

Re: Passaic River Floodway Buyout Study

Dear Mr. Tumminello:

Thank you for the opportunity to review the draft Passaic River Floodway Buyout Study, Limited Update Report and Environmental Assessment. We concur with the findings and recommendations contained in this draft report and have funds available to support this project.

The State of New Jersey has also conditionally approved a grant to the Township of Wayne to purchase and demolish additional flood damaged floodway homes along the Passaic and Pompton Rivers which will further reduce future flood losses.

We look forward to working with the Corps of Engineers and Wayne Township to implement these worthwhile projects.

The Department of Environmental Protection fully supports the Corps of Engineers Passaic River Floodway Buyout Project and is willing to enter into a Project Cooperative Agreement (PCA) and meet all the requirements of the non-federal sponsor to implement this project.

Should you have further questions please contact Clark D. Gilman, P.E. at (609) 292-2296.

Sincerely,

John H. Moyle, P.E.

Manager

Bureau of Dam Safety and Flood Control

V:/NHRG/FM/Passaic River Floodway Buyout Study

E-Mail Address: DamSafety@dep.state.nj.us

Internet Address: www.state.nj.us/dep/damsafety

Mailing Address: 501 East State Street, P.O. Box 419, Trenton, NJ 08625

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township of Wayne

475 Valley Road
Wayne, New Jersey 07470-3586
Internet: www.WayneTownship.com
(973) 694-1800
FAX: (973) 694-8136

Scott T. Rumana
Mayor

August 5, 2005

Mr. Paul Tumminello
Project Manager
NY District Corps of Engineers
26 Federal Plaza
New York, New York 10278-0090

Re: Passaic River Floodway Buyout


Dear Mr. Tumminello:

I am writing to endorse the U.S. Army Corps of Engineers proposed voluntary buyout of twenty homes in the Hoffman Grove section of Wayne Township. As you are undoubtedly aware, Hoffman Grove is one of the areas with the Township that historically suffers the most damage during any type of flooding incident. Over the years, the cost of responding to a flood, in both terms of human suffering and loss of personal property, has been exorbitant and the removal of any houses within the State defined floodway can only be seen as a positive step for the Township of Wayne, the State of New Jersey and the Federal Government. As a point of clarification, please confirm that the NJDEP will be responsible for funding the non-federal portion of the buyout program.

We look forward with great anticipation to the commencement of this long awaited flood buyout program.

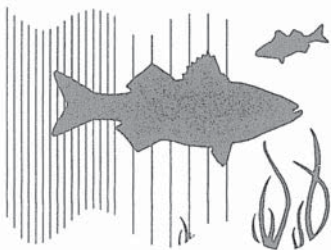
Please feel free to contact my office if you should have any questions.

Sincerely,


SCOTT T. RUMANA
Mayor

STR/bt

c. Congressman William J. Pascrell
Neal Bellet, BA
George Holzapfel
Sandy Galacio
Township Council



PASSAIC RIVER COALITION

246 MADISONVILLE ROAD, BASKING RIDGE, NJ 07920 (908) 766-7550

August 3, 2005

Mr. Paul Tumminello
Project Manager
U.S. Army Corps of Engineers, New York District
26 Federal Plaza
New York, New York 10278

Dear Mr. Tumminello:

Re: Passaic River Basin, Flood Management (Floodway Buy-out) New Jersey

The Passaic River Coalition has for many years advocated the vacating of structures from the floodway of the Passaic River Basin, especially in those areas which are flooded more and more frequently. Your selection of houses in Pompton Lakes and the Hoffman Grove Section of Wayne meets these criteria extremely well.

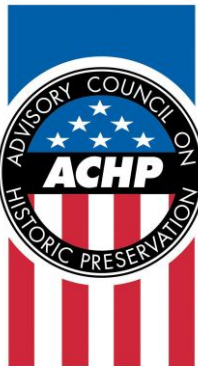
We support the recommendation to move forward with the acquisition of the 30 houses, which your funding makes possible. We believe this project will exceed the projections in your report in benefits to the greater public good.

We acknowledge the statement made in the Syllabus of this report as being straightforward and mindful of the plight of the flood victims in the Passaic River Basin. You are to be commended for undertaking this environmentally, well thought out project.

Very truly yours,

Ella F. Filippone
Executive Director

EFF/e
c: Frelinghuysen
Pascrell



Preserving America's Heritage

November 14, 2013

Leonard Houston
Chief, Environmental Branch
Environmental Assessment Section
New York District, Corps of Engineers
Jacob K. Javits Federal Building
New York, NY 10278-0090

**Ref: *Proposed Passaic River Floodway Buyout Project*
*Passaic County, New Jersey***

Dear Mr. Houston:

On November 4, 2013, the Advisory Council on Historic Preservation (ACHP) received your notification regarding the development of a Programmatic Agreement (PA) for the referenced project. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final PA, developed in consultation with the New Jersey State Historic Preservation Officer (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require further assistance, please contact Tom McCulloch at 202-606-8554, or via email at tmcculloch@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

Rakos, Lynn NAN02

From: Corey Smith [CSmith@delawarenation.com]
Sent: Monday, December 23, 2013 11:38 AM
To: Rakos, Lynn NAN02
Subject: [EXTERNAL] Passaic River Floodway Buyout Project

Delaware Nation

Corey Smith

GIS/GPR Manager

Dear Ms. Rakos,

This e-mail is in regards to the Passaic River Floodway Buyout Project. The Delaware Nation will be a consulting party to the programmatic agreement.

Have a great day.

Thank You,

Corey Smith

GIS/GPR Manager

Delaware Nation Cultural Preservation

P.O. Box 825

Anadarko, OK 73005

Phone: (405) 247-2448 Ext. 1405

Fax: (405) 247-8905



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

January 21 , 2014

Environmental Assessment Section
Environmental Analysis Branch

Ms. Tamara Francis
Cultural Preservation Director
The Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Francis:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten homes along River Edge Drive in Pompton Lakes and twenty homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Prior to demolition work the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. The process for testing was stipulated in a Draft Programmatic Agreement (PA) which was provided to you for review. The Corps received correspondence indicating that the Delaware Nation wished to be a consulting party to this project and as such we are enclosing a copy of the Final PA your signature (Enclosures 1 and 2).

Please sign the enclosed document and return it to the project archaeologist, Ms. Lynn Rakos, US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278, by 20 February so that we may include the signed document in the Final Environmental Assessment. Once all signatures have been received we will send a signed copy of the PA to all signatories. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email at lynn.rakos@usace.army.mil.

Sincerely,



Nancy J. Brighton
Acting Chief, Environmental Analysis Branch

Enclosures



Delaware Tribe Historic Preservation Office

1200 Commercial St
Roosevelt Hall, RM 212
Emporia State University
Emporia, KS 66801
(620) 341-6699

bobermeyer@delawaretribe.org

November 15, 2013

Department of the Army
New York District, Corps of Engineers
Attn: Leonard Houston
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: Passaic River Buyouts Project, Passaic Co.

Dear Leonard Houston,

Thank you for informing the Delaware Tribe on the proposed construction associated with the above referenced project. Our review indicates that there are no religious or culturally significant sites in the project area. As such, we defer comment to your office as well as to the State Historic Preservation Office and/or the State Archaeologist.

We wish to continue as a consulting party on this project and look forward to receiving a copy of the cultural resources survey report if one is performed. We also ask that if any human remains are accidentally unearthed during the course of the survey and/or the construction project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery.

If you have any questions, please feel free to contact this office by phone at (620) 341-6699 or by e-mail at bobermeyer@delawaretribe.org

Sincerely,

Brice Obermeyer
Delaware Tribe Historic Preservation Office
1200 Commercial St
Roosevelt Hall, RM 212
Emporia State University
Emporia, KS 66801



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

January 21, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, KS 66801

Dear Mr. Obermeyer:

The U.S. Army Corps of Engineers, New York District, (Corps), proposes to conduct a voluntary buy-out and removal of ten homes along River Edge Drive in Pompton Lakes and twenty homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project. None of the homes proposed for buyout were determined eligible for the National Register of Historic Places so no further work will be undertaken on the structures slated to be removed. Prior to demolition work the Corps will conduct archaeological testing of the properties to determine the presence or absence of buried archaeological materials. Due to the project's phased schedule for acquisition and demolition, archaeological testing of the entire study area at one time is not practical. The process for testing was stipulated in a Draft Programmatic Agreement (PA) which was provided to you for review. The Corps received correspondence indicating that the Delaware Tribe wished to be a consulting party to this project and as such we are enclosing a copy of the Final PA your signature (Enclosures 1 and 2).

Please sign the enclosed document and return it to the project archaeologist, Ms. Lynn Rakos, US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278, by 20 February so that we may include the signed document in the Final Environmental Assessment. Once all signatures have been received we will send a signed copy of the PA to all signatories. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email at lynn.rakos@usace.army.mil.

Sincerely,



Nancy J. Brighton
Acting Chief, Environmental Analysis Branch

Enclosures

From: [West-Rosenthal, Jesse](#)
To: [Rakos, Lynn_NAN02](#)
Subject: [EXTERNAL] Lower Passaic River Buyouts
Date: Friday, October 25, 2013 12:24:26 PM

HPO-J2013-313

HPO Project # 05-0576-4

Passaic County, Wayne Township and Pompton Lakes Borough

Lower Passaic River Buyouts

Pompton and Ramapo Rivers

United States Department of the Army, Corps of Engineers

Hi Lynn,

Thank you for submitting the draft Programmatic Agreement for our review and comment. The Historic Preservation Office (HPO) has the following comments:

- Page 4, Section IV.B.1, Line 1: "anydisagreement" should be two words.
- Page 4, Section IV.C, Line 2: "signatories parties" should just be "signatories."
- Page 4, Section IV.D: The HPO requests that the language for this section be revised to address a definitive end date. The HPO understands the fragmentary nature of this project and believes this can be addressed in a Sunset Clause. Previous consultation on similar projects has led to Sunset Clauses that have a definitive end date with the option for renewal, pending the agreement of the signatories involved. The HPO recommends the employment of a similar condition for this undertaking.

Otherwise, everything looks good. We look forward to further consultation regarding the development and implementation of this undertaking. If you have any questions, please feel free to contact me.

Take Care,

Jesse

Jesse West-Rosenthal
Historic Preservation Specialist
Historic Preservation Office
Department of Environmental Protection

Mail Code 501-04B
501 E. State Street
PO Box 420
Trenton, NJ 08625
Phone: (609) 984-6019
Fax: (609) 984-0578
Website: <http://www.nj.gov/dep/hpo> <<http://www.nj.gov/dep/hpo>>

HPO's cultural resources GIS data is now available in GeoWeb:

<http://www.state.nj.us/dep/gis/geoweb splash.htm> <<http://www.state.nj.us/dep/gis/geoweb splash.htm>>



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

January 21, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

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Please review the agreement which has been pre-coordinated with your staff. If you concur with its stipulations, please sign and date PA and return it to the Corps. A copy of the signed document will be provided for your files. If you have questions or would like to receive further information please contact Ms. Rakos at (917) 790-8629 or by email at lynn.rakos@usace.army.mil.

Sincerely,


Nancy J. Brighton

Acting Chief, Environmental Analysis Branch

Enclosures

From: West-Rosenthal, Jesse
To: Rakos, Lynn NAN02
Subject: [EXTERNAL] Lower Passaic River Buyouts
Date: Friday, October 25, 2013 12:24:26 PM

HPO-J2013-313

HPO Project # 05-0576-4

Passaic County, Wayne Township and Pompton Lakes Borough

Lower Passaic River Buyouts

Pompton and Ramapo Rivers

United States Department of the Army, Corps of Engineers

Hi Lynn,

Thank you for submitting the draft Programmatic Agreement for our review and comment. The Historic Preservation Office (HPO) has the following comments:

- Page 4, Section IV.B.1, Line 1: "anydisagreement" should be two words.
- Page 4, Section IV.C, Line 2: "signatories parties" should just be "signatories."
- Page 4, Section IV.D: The HPO requests that the language for this section be revised to address a definitive end date. The HPO understands the fragmentary nature of this project and believes this can be addressed in a Sunset Clause. Previous consultation on similar projects has led to Sunset Clauses that have a definitive end date with the option for renewal, pending the agreement of the signatories involved. The HPO recommends the employment of a similar condition for this undertaking.

Otherwise, everything looks good. We look forward to further consultation regarding the development and implementation of this undertaking. If you have any questions, please feel free to contact me.

Take Care,

Jesse

Jesse West-Rosenthal
Historic Preservation Specialist
Historic Preservation Office
Department of Environmental Protection



Preserving America's Heritage

November 14, 2013

Leonard Houston
Chief, Environmental Branch
Environmental Assessment Section
New York District, Corps of Engineers
Jacob K. Javits Federal Building
New York, NY 10278-0090

**Ref: Proposed Passaic River Floodway Buyout Project
Passaic County, New Jersey**

Dear Mr. Houston:

On November 4, 2013, the Advisory Council on Historic Preservation (ACHP) received your notification regarding the development of a Programmatic Agreement (PA) for the referenced project. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final PA, developed in consultation with the New Jersey State Historic Preservation Officer (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require further assistance, please contact Tom McCulloch at 202-606-8554, or via email at tmcculloch@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

Rakos, Lynn NAN02

From: Corey Smith [CSmith@delawarenation.com]
Sent: Monday, December 23, 2013 11:38 AM
To: Rakos, Lynn NAN02
Subject: [EXTERNAL] Passaic River Floodway Buyout Project

Delaware Nation

Corey Smith

GIS/GPR Manager

Dear Ms. Rakos,

This e-mail is in regards to the Passaic River Floodway Buyout Project. The Delaware Nation will be a consulting party to the programmatic agreement.

Have a great day.

Thank You,

Corey Smith

GIS/GPR Manager

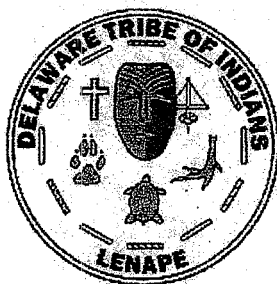
Delaware Nation Cultural Preservation

P.O. Box 825

Anadarko, OK 73005

Phone: (405) 247-2448 Ext. 1405

Fax: (405) 247-8905



Delaware Tribe Historic Preservation Office

1200 Commercial St
Roosevelt Hall, RM 212

Emporia State University

Emporia, KS 66801

(620) 341-6699

bobermeyer@delawaretribe.org

November 15, 2013

Department of the Army
New York District, Corps of Engineers
Attn: Leonard Houston
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: Passaic River Buyouts Project, Passaic Co.

Dear Leonard Houston,

Thank you for informing the Delaware Tribe on the proposed construction associated with the above referenced project. Our review indicates that there are no religious or culturally significant sites in the project area. As such, we defer comment to your office as well as to the State Historic Preservation Office and/or the State Archaeologist.

We wish to continue as a consulting party on this project and look forward to receiving a copy of the cultural resources survey report if one is performed. We also ask that if any human remains are accidentally unearthed during the course of the survey and/or the construction project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery.

If you have any questions, please feel free to contact this office by phone at (620) 341-6699 or by e-mail at bobermeyer@delawaretribe.org

Sincerely,

Brice Obermeyer
Delaware Tribe Historic Preservation Office
1200 Commercial St
Roosevelt Hall, RM 212
Emporia State University
Emporia, KS 66801



State of New Jersey

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE

Governor

BOB MARTIN

Commissioner

KIM GUADAGNO

Lt. Governor

February 20, 2014

Nancy J. Brighton
Acting Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

**Re: Passaic County, Wayne Township and Pompton Lakes Borough
Passaic River Floodway Buyout Project
Memorandum of Agreement (MOA)**

Dear Ms. Brighton:

I have signed the attached MOA and am returning it to you as requested. Thank you for your efforts to complete the Section 106 review process.

If you have any questions, please contact me at (609) 633-2397.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

[Enclosure]

DDS/JWR

APPENDIX E - FISH AND WILDLIFE COORDINATION REPORT



In Reply Refer to:

FP-05/016

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
<http://njfieldoffice.fws.gov>



JUN 23 2005

Leonard Houston, Chief
Environmental Analysis Branch, CENAN-PL-E
New York District, U.S. Army Corps of Engineers
26 Federal Plaza
New York, New York 10278-0090

Dear Mr. Houston:

The U.S. Fish and Wildlife Service (Service) has reviewed project information for the U.S. Army Corps of Engineers, New York District's (Corps) Passaic River Floodway Buyout Study (U.S. Army Corps of Engineers, 2004) located in the Borough of Pompton Lakes and the Township of Wayne, Passaic County, New Jersey. The Service provides this final Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) (FWCA) Section 2(b) report pursuant to an Interagency Agreement dated November 3, 2004.

As described in various project materials and communications from Corps staff, the proposed study entails government purchase of residential properties and removing up to 30 homes located within the floodplains of the Ramapo River in the Borough of Pompton Lakes (Enclosure 1) and the Pompton River in the Township of Wayne (Enclosure 2) as a non-structural flood-control alternative. Upon removal of the residential structures, the properties would be restored to provide habitats for wildlife.

The Service conducted a site visit on January 27, 2005 and noted dominant vegetation and other general conditions of the study sites and surrounding area. The Service has coordinated this review with the New Jersey Department of Environmental Protection (NJDEP), Division of Engineering and Flood Control, Bureau of Dam Safety; the NJDEP Division of Fish and Wildlife (NJDFW); and the NJDFW Endangered and Nongame Species Program. Further, we have searched our Geographic Information System (GIS) database for known locations of federally listed species, wetlands, and other important habitat types within or near the study area. We also searched for State-listed species and State priority species in the area using available GIS database information.

A draft FWCA report was provided to the Corps and the NJDFW on April 5, 2005. The NJDFW provided the Service with a letter of concurrence dated April 11, 2005 (Enclosure 3). The Corps

provided the Service with comments on the draft by letter dated May 18, 2005 (Enclosure 4). This final FWCA report is revised accordingly.

AUTHORITY

The following comments are provided pursuant to Section 2(b) of the Fish and Wildlife Coordination Act. Comments are also provided under the authority of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Migratory Bird Treaty Act of 1918 (40 Stat. 755, as amended; 16 U.S.C. 703-712), and are consistent with the intent of the Service's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981).

NATURAL RESOURCES

Soils

Soils at both the Borough of Pompton Lakes and Wayne Township study sites are classified and mapped as Urban land-Riverhead complex (UrB) according to the Soil Conservation Service (SCS) (1975). The UrB soil units generally consist of areas with anthropogenically-altered soil, areas of Riverhead soils, and small inclusions of Otisville and Pompton soils. Urban land comprises 40 to 80 percent of each mapped area and Riverhead soils make up 20 to 60 percent. Riverhead soils consist of deep, well-drained, moderately coarse-textured soils.

Soil maps indicate that alluvial land (Ae) (comprised of somewhat-poorly-drained to poorly-drained soils on floodplains 3 to 8 feet above normal stream level) exists immediately upstream of the Wayne study site in an undeveloped area. Site conditions indicate the Wayne study site probably contains a significant amount of Ae soils. Preakness silt loam (Px) soils, which are deep, nearly level, poorly drained, loamy soils, abut the Pompton Lakes site. Site conditions indicate significant portions of the Pompton Lakes study site may be comprised of Px soils but are covered with fill.

Vegetative Cover Types

Observations made during the January 27, 2005 site visit, review of the above-mentioned SCS (1975) soil maps, and a review of the Service's GIS database indicate that the Wayne and Pompton Lakes study sites were originally part of a forested wetland floodplain. In fact, palustrine forested wetlands (PFO), as classified by Cowardin *et al.* (1979), still exist on and surround the Wayne study site. Areas immediately north, south, and along the opposite bank of the Ramapo River at the Pompton Lakes study site consist of PFO. The Wayne study site contains a shrub understory and many large, mature trees that form a significant forest canopy over the site. The Pompton Lakes study site also contains some mature trees, but the majority of the site is open to sunlight. Trees common to riparian corridors in suburban areas, such as red maple (*Acer rubrum*), silver maple (*A. pensylvanicum*), black locust (*Robinia pseudoacacia*), green ash (*Fraxinus pennsylvanica*), northern red oak (*Quercus rubra*), American sycamore (*Plantanus occidentalis*), and exotic Norway spruce (*Picea abies*), occur at both sites. Multiflora rose (*Rosa multiflora*), an exotic, invasive species, was also noted within both study sites. Multiflora rose and Japanese honeysuckle (*Lonicera japonica*), another invasive species, were

noted in a municipal park in the City of Lincoln Park, located directly across the Pompton River from the Wayne study site.

Federally Listed Species

The federally listed (endangered) Indiana bat (*Myotis sodalis*) is known to hibernate in Morris County within 11.3 miles of the Wayne study site and 11.5 miles of the Pompton Lakes study site. Indiana bats from this hibernaculum may summer or forage within the study sites, particularly at Wayne. During a site visit, a Service biologist identified potential roosting trees and foraging habitat for the Indiana bat at both study sites. The Service, therefore, recommends that trees 6 inches or greater in diameter at breast height (dbh) not be cleared between April 1 and September 30 if any tree-clearing activities are required for demolition purposes. If clearing trees in these areas cannot be avoided during this time period, further consultation pursuant to the ESA will be required to ensure protection of the Indiana bat.

Except for the above-mentioned species and an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur within the vicinity of the study areas. If any other federally listed species or their habitats are documented in the study area during project planning, the Corps must reinitiate consultation with the Service pursuant to Section 7 of the ESA. The Service then will make recommendations to avoid adverse effects through the informal Section 7 consultation process. Current information regarding federally listed species and candidate species occurring in New Jersey is enclosed (Enclosure 5).

State-listed Species

Wayne Study Site

Fowler's toad (*Bufo woodhousii fowleri*), a priority species for the NJDFW, occurs within the PFO cover type on and surrounding the Wayne study site. Other species on the State priority list occur in upland forest within 0.25 mile south of the Wayne study site. These priority species include spotted turtle (*Clemmys guttata*), carpenter frog (*Rana virgatipes*), fowler's toad, Baltimore oriole (*Icterus galbula*), eastern towhee (*Pipilo erythrophthalmus*), eastern wood-peewee (*Contopus virens*), gray catbird (*Dumetella carolinensis*), hairy woodpecker (*Picoides villosus*), red-eyed vireo (*Vireo olivaceus*), rose-breasted grosbeak (*Pheucticus ludovicianus*), scarlet tanager (*Piranga olivacea*), veery (*Catharus fuscescens*), and wood thrush (*Hylocichla mustelina*). Another stand of upland forest within 0.7 mile east of the Wayne study site contains the State priority species, eastern box turtle (*Terrapene carolina carolina*).

Pompton Lakes Study Site

The areas of PFO that border the Pompton Lakes study site contain known occurrences of Fowler's toad. The State-listed (endangered) butterfly Appalachian grizzled skipper (*Pyrgus Wyandot*) historically occurred within 0.26 mile upstream of the study site in Pompton Lakes. The NJDFW Endangered and Nongame Species Program has indicated that no other State-listed

species or species of concern are known to occur within the vicinity of the study areas. A list of State-listed wildlife species is enclosed (Enclosure 6).

Other Fish and Wildlife Resources

Fish and wildlife species that may be found on both study sites are those tolerant of urban-suburban areas. Bird species likely include American robin (*Turdus migratorius*), European starling (*Sturnus vulgaris*), northern cardinal (*Cardinalis cardinalis*), black-capped chickadee (*Parus atricapillus*), gray catbird (*Dumetella carolinensis*), American crow (*Corvus brachyrhynchos*), and tufted titmouse (*Baeolophus bicolor*). A pair of common mergansers (*Mergus merganser*) was observed flying along the Ramapo River in Pompton Lakes during the January 27 site visit. White-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), and gray squirrel (*Sciurus carolinensis*) are also likely to occur at the study sites. Smallmouth bass (*Micropterus dolomieu*), white sucker (*Catostomus commersoni*), redbreast sunfish (*Lepomis auritus*), and tessellated darter (*Etheostoma olmstedii*) are known to use the rivers along both study sites.

SERVICE COMMENTS AND RECOMMENDATIONS

The Service and NJDFW (Didun, pers. comm., 2005) support Corps efforts to remove impervious surface and to restore wildlife habitats within the Passaic River watershed as a non-structural alternative to reduce flooding. A buyout of the properties located within the flood-prone areas of concern and restoration of the floodplain to its pre-disturbance condition will undoubtedly improve habitats for wildlife and flood storage capacity while potentially offering recreational opportunities (e.g., fishing and bird watching) for local residents.

The Corps has reviewed the following recommendations in the Service's draft FWCA Section 2(b) report and provided comments in the enclosed letter dated May 18, 2005, as noted above. In italics, below the Service's original recommendations, are the Corps comments on each recommendation and the Service's response to those comments, as appropriate.

General Recommendations for Site Restoration

1. Consult the scientific literature and use the best available information regarding planting elevation, depth, soil type, existing soil nutrients, and seasonal timing to ensure best results when revegetating sites. Include subsurface conditions such as soil and sediment geochemistry and physics, groundwater quantity and quality, and infauna when designing riparian, wetland, grassland, and stream bank restoration.

The Corps (letter of May 18, 2005) indicates that the authority through which this project is funded only allows for the purchase and removal of homes located on the floodway of the Passaic River and its tributaries. Additionally, the Corps states that its operating authority does not include provisions to conduct any aquatic ecosystem restoration measures or land use management within the buy-out areas. The land will be owned, managed, and maintained by the State of New Jersey, the non-federal sponsor, after the structures are removed. The Service maintains the above recommendation and advises the Corps to coordinate with the NJDEP to

ensure that best efforts are made to implement the recommendation to restore the floodway areas, including forested wetlands and open, grass fields, to natural conditions that will provide wildlife habitat and reduce flooding.

2. Maintain mature trees during demolition of the structures on site. The Service is available to help mark trees that should be retained. Shade produced by mature trees along the stream is critical to maintaining summer water temperature regimes and dissolved oxygen favorable to fisheries. In addition, the vertical structure and canopy provided by mature trees is a critical component of habitat for migratory birds, providing food, cover, and nesting structure. If any trees must be removed, preferential protection should be afforded to large, native, mast or fruit producing species.

The Corps indicates that only vegetation located within the immediate vicinity and blocking access to the structures to be removed will be cleared.

3. Implement timing restrictions on demolition activities and use best management practices (e.g., hay bales, silt curtains) during demolition and habitat restoration work to avoid adverse impacts to terrestrial and aquatic species at proposed sites. The State's requirements regarding sediment management and erosion control for the project are supported by the Service.

The Corps concurs.

4. Incorporate site remediation for contamination. The Service has reviewed the Hazardous, Toxic, and Radiological Waste (HTRW) information for the Passaic River Buyout study. The Service has no objections or recommended modifications to the plans for identification, removal, and storage of contaminated sediment and debris found on buyout sites as currently stated in the HTRW. However, the Service would likely support any additional actions the State may require of the Corps or its contractors for identifying, removing, and storing contaminated sediment and debris.

The Corps indicates that if any HTRW is found, the NJDEP, as the non-federal sponsor, will be responsible for any required remediation as per the Project Cooperation Agreement between the Corps and NJDEP.

5. Remove impervious surfaces for restoration. Significant portions of the study sites are covered with impervious surface (e.g., homes, roads, driveways, and bulkheads along the river bank at the Wayne study site). Removing impervious surfaces will improve floodwater storage capacity and infiltration, reduce surface water runoff, and provide a suitable substrate to establish desired vegetation on the lots. All artificial structures should be removed from the lots, including garages, storage units, fencing, docks, retaining walls, bulkheads, impervious walkways, and utility poles that do not service occupied dwellings. Once all homes have been demolished along a road, the road should be removed as well. Any trash or other human-generated debris on a lot purchased by the Corps should be removed as part of the demolition process.

The Corps indicates that demolition is currently limited to homes and associated structures on individual properties per coordination with NJDEP and will not include roads or other features still in use. The Service recommends the Corps coordinate with the non-federal sponsor and/or other stakeholders to help ensure that all impervious surfaces within the restoration area that are not currently in use or become abandoned should be removed.

6. Till and/or work soils to reduce compaction in conjunction with removal of impervious surfaces. Tilling will further improve the hydrology, flood storage capacity, and growth of desirable vegetation on the study sites. Moist soils, which likely comprised the majority of the soil horizon at both study sites before development, are most susceptible to compaction. In cases of very shallow soil compaction (*i.e.*, 5 inches below grade), a few cycles of freeze and thaw during winter may be sufficient to remove compaction. However, compaction that occurs deeper in the soil column requires excavating, tilling, or disking to be removed.

See discussion under General Recommendation No. 1 above.

7. Remove fill from the sites to reduce soil compaction and to return sites to more natural elevations and grades. Removal of fill would help restore the natural hydrology and promote re-establishment of wetlands on the sites.

See discussion under General Recommendation No. 1 above.

8. Evaluate basements and foundations for removal. The Service understands that the Corps intends to fill in basements and sub-grade foundations as part of the demolition process. The Service recommends removing foundation and basement walls and concrete slabs as part of the demolition to help restore natural hydrology and to further reduce impervious surface at the sites. If removing these structures is not economically feasible, we recommend perforating the structures to increase permeability and water percolation into the soil.

The Corps indicates that, per the NJDEP, basements and foundations will be demolished and removed to four feet below grade. The remaining foundation will be broken up, left in place, and filled to grade. Although the Service would prefer removal of all impervious material, we concur that breaking up the remaining materials would improve permeability and water percolation into the soil over present conditions.

9. Fill basement and sub-grade foundation sites just below pre-development elevation and grade. These depressions may then serve as isolated wetlands or vernal pools for wildlife species.

The Service maintains the recommendation to create depressions where appropriate. Based on the Corps' response to General Recommendation 8, creating these depressions is within the Corps' scope and authority. The Service recommends the Corps coordinate with the NJDFW to determine the most appropriate, if any, areas to create these depressions.

10. Eradicate or control exotic, invasive species, particularly multiflora rose and Japanese honeysuckle, to enhance wildlife habitats and improve stream bank stability and water storage capacity at the study sites. The January 27, 2005 site visit revealed that multiflora rose and Japanese honeysuckle occur within and near the study sites. Though not surveyed, other areas upstream and surrounding the study sites undoubtedly are infested with these and other undesirable species not identified due to prevailing winter conditions at the time of the January 27 site visit. Homeowners have planted many ornamental plants at both sites. Plant species marked for removal should include any ornamentals known to be invasive or undesirable to wildlife.

See discussion under General Recommendation No. 1 above.

11. Implement control measures in all phases of demolition and restoration to minimize reburial of undesirable plant species and the import / export of these undesirable species from project sites. Afterward, regular surveys should be conducted at each site to identify and remove any undesirable plants beginning to re-colonize. A variety of measures exist for removing undesirable species. For sites with few invasive plants, physical removal may be the least expensive method if the entire plant (including root system) can be extracted and if there is a sufficient number of personnel to carry out the task. In cases where undesirable species have gained a substantial foothold, a glyphosate-based herbicide engineered for wetland sites, such as *Rodeo* or *Gly-Pro*, is appropriate. Either of the above techniques would be effective at the study sites.

See discussion under General Recommendation No. 1 above.

Specific Recommendations for Forested Wetland and Floodplain Restoration

1. Incorporate restoration of forested wetland and floodplain cover types into the project plan. Soil and vegetative surveys suggest that both the Pompton Lakes and Wayne study sites contained PFO cover types and provided habitats for forested floodplain species prior to development. Consequently, the Service recommends restoration to forested floodplains when lots have been cleared of artificial structures and soil compaction reduced. Floodplain restoration would connect similar habitat types near the study sites and reduce habitat fragmentation along the Pompton and Ramapo Rivers.

See discussion under General Recommendation No. 1 above.

2. Plant species used by Indiana bat and State priority-list species on the restoration sites to enhance habitats for these species. The federally listed Indiana bat as well as several State priority species that use forested floodplains may benefit from restoration of both sites to pre-development conditions. Indiana bats could roost in existing and future mature trees and forage along the nearby rivers and in the forest understory following restoration. As mentioned previously, numerous State priority herptile and avian species use areas near the study sites (e.g., Fowler's toad, spotted turtle, eastern wood-peewee, rose-breasted grosbeak, and veery). Therefore, the Service recommends planting a variety of native tree and shrub species common to PFO and area floodplains. Such species should be shade-tolerant

(particularly for the Wayne study site) and tolerant of moist conditions. The Service encourages the Corps or its partners to plant tree species commonly used by Indiana bats, such as shagbark hickory (*Carya ovata*), northern red oak, white oak (*Quercus alba*), and post oak (*Q. stellata*) for the dry sites and bitternut hickory (*C. cordiformis*), silver maple, green ash, American elm (*Ulmus Americana*), and black locust for the moist sites. A typical planting density is about 300 trees and shrubs per acre if small, containerized plants are used.

See discussion under General Recommendation No. 1 above.

3. Re-establish the forest understory cover at both study sites to improve wildlife habitats. A healthy forest requires an understory to provide multiple canopy layers (thus increasing wildlife diversity), to provide replacement trees and shrubs as the forest matures and older trees die, and to reduce sunlight on the forest floor. Shading the forest floor decreases chances for certain invasive species to become established. Species common to a forest understory are typically shade-tolerant, such as sheep-laurel (*Kalmia angustifolia*), swamp azalea (*Rhododendron viscosum*), winterberry (*Ilex verticillata*), dogwood (*Cornus* spp.), willow (*Salix* spp.), alder (*Alnus* spp.), meadowsweet (*Spiraea* spp.), juneberry (*Amelanchier* spp.), and gooseberry (*Ribes* spp.).

See discussion under General Recommendation No. 1 above.

4. Incorporate grasslands into the restoration planning. If restoring the study sites or portions of the study sites to PFO or forested floodplain is not economically or otherwise feasible, the Service recommends seeding a mixture of native cool-season grasses and wildflowers for the restored sites. The Wayne study site in particular should also be seeded with grasses and wildflowers that are shade-tolerant. A mixture containing native wet meadow species may work best due to the wet conditions found on portions of the study sites.

See discussion under General Recommendation No. 1 above.

5. Employ bioengineering techniques and soft structures to stabilize and restore stream banks at the Wayne study site, as opposed to maintaining the hard structures currently installed along the river bank. Preferred techniques are described in Muhlenberg and Moore (1998). Bioengineering techniques include regrading banks, using erosion control fabrics and biologs, and planting native trees and shrubs along the banks.

The Corps indicates that the identification and removal of existing bulkheads is outside the current scope of the project. Additionally, the Corps indicates that removal of any bulkhead will be at the discretion of the NJDEP. The Service recommends that the Corps coordinate with NJDEP to ensure that the best efforts are made to stabilize and restore the natural stream banks at the Wayne study site and consideration is given to the feasibility of removing hard structures along the stream banks.

Recommendations for Long-term Management and Planning

1. Coordinate with the local municipalities, Passaic County, and the State to ensure achievement of common goals and to prevent any duplication of effort. The Service understands that the Township of Wayne has received funds from the State to perform its own buyout activities (Gillman, pers. comm., 2005).

The Corps indicates that coordination with the appropriate local municipalities and the State has been ongoing and will continue throughout the duration of the project.

2. Appoint a land-use manager to oversee the study sites after project completion. The Service understands that such an appointment has not been made (Gillman, pers. comm., 2005).

See discussion under General Recommendation No. 1 above.

3. Do not allow further development of these restored sites once purchased by the Corps. For instance, the Service noted a basketball court on land previously purchased by the State for flood control at the Pompton Lakes site. Such land use is counter-productive to restoring wildlife habitat, reducing impervious surface, and improving flood control. However, the Service has no objection to structures that involve little or no impervious surfaces and promote passive recreation or do not significantly degrade wildlife habitat (e.g., educational signs, construction of boardwalks, or foot/bike paths delineated with wood chips).

See discussion under General Recommendation No. 1 above.

4. Develop and implement a long-term management and monitoring plan for the project. The plan should provide criteria to adequately evaluate the success of habitat restoration at the sites. The plan should also provide for any necessary corrective actions, as part of an adaptive management strategy, to be implemented in coordination between the Corps and project sponsors. Such contingencies may include re-grading, re-planting, or other actions to correct for post-restoration deficiencies, including deposition, erosion, failure of vegetation to establish, and / or invasion of undesirable species such as multiflora rose or Japanese honeysuckle.

See discussion under General Recommendation No. 1 above.

5. Include measures in the long-term management plan to reduce potential illegal dumping on the buyout sites. The Service noted a significant amount of trash at the Wayne study site. Measures that might be implemented with the local sponsor include restricting public access and emphasizing law enforcement efforts.

See discussion under General Recommendation No. 1 above.

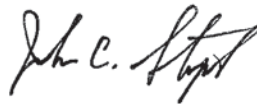
Concluding Remarks

The Service supports the Corps' proposed floodplain restoration as an alternative to structural flood control measures. The Service understands that the scope and authority through which the Corps is pursuing this project only allows for the purchase and removal of homes located on the floodway of the Passaic River and its tributaries, and does not include provisions to implement measures for additional ecosystem restoration or land use management within the buy-out areas. The Service and the NJDFW have developed the recommendations listed above to assist the Corps in avoiding adverse impacts and maximizing potential benefits to fish and wildlife resources. The Service advises the Corps to coordinate with all non-federal sponsors and interested stakeholders to ensure that best efforts are made to implement the recommendations provided above to restore the floodway areas, including forested wetlands and open grass fields, to a natural state that would both provide wildlife habitat and reduce flooding.

To summarize, fish and wildlife will undoubtedly benefit at both the Pompton Lakes and Wayne study sites from retaining mature trees and restoring the floodplain to a forested wetland cover type. Note that any unavoidable removal of trees greater than 6 inches dbh between April 1 and September 30 will require further consultation pursuant to the ESA with the Service to ensure protection of the Indiana bat. To benefit native wildlife, the Service recommends that the Corps encourage the non-federal sponsor to remove exotic invasive plants and revegetate using native canopy and understory species that provide food and cover. For example, shagbark hickory, when mature, will provide potential roosting sites for the Indiana bat. If forested wetland restoration is not economically or otherwise feasible in a specific area, the Service concurs with the Corps' proposal to plant native grassland species as an alternative. Removal of impervious surfaces and fill material and tilling the soil to reduce soil compaction will enhance floodwater storage and to support revegetation. Fish and wildlife will benefit further from the use of bioengineering for any necessary erosion control and from follow-up monitoring and long-term management by the non-federal sponsor and/or other interested stakeholders to ensure stream bank stabilization and successful establishment of a native plant community.

The Service appreciates the opportunity to comment on the proposed plan and is pleased to submit this final FWCA Section 2(b) report as technical input into the Passaic River Buyout Study. Should you have any questions, please contact John Staples of my staff at (609) 646-9310, extension 12, or Darren Harris at extension 44.

Sincerely,



Clifford G. Day
Supervisor

Enclosures

REFERENCES

Literature Cited

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Borough of Pompton Lakes Study Site



Wayne Township Study Site





State of New Jersey

Department of Environmental Protection

L. Codey
Governor

Bradley M. Campbell
Commissioner

*Division of Fish and Wildlife
P.O. Box 400
Trenton, NJ 08625-0400
Martin J. McHugh, Director*

April 11, 2005

Clifford G. Day, Administrator
U.S. Fish and Wildlife Service
New Jersey Field Office
927 North Main Street, Bldg. D
Pleasantville, NJ 08232

Dear Mr. Day:

This serves to inform you that the NJ Division of Fish and Wildlife [DFW] concurs with the *Draft Fish and Wildlife 2 (b) Coordination Act Report* for the U.S. Army Corps of Engineers, New York District's, proposed *Passaic River Floodway Buy-out Study*, Borough of Pompton Lakes and Township of Wayne, Passaic County, New Jersey. This document constitutes the USFWS' draft report regarding effects on fish and wildlife that can be expected to result from the Army Corps of Engineers [ACOE] proposed plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin J. McHugh".

Martin J. McHugh, Director
NJ Division of Fish and Wildlife

c. A. Didun, OER

APPENDIX F - UNSIGNED FINDING OF NO SIGNIFICANT IMPACT

UNSIGNED Finding of No Significant Impact (FONSI)

I. DESCRIPTION OF ACTION

The proposed action involves the voluntary acquisition and removal of up to 32 homes located along River Edge Drive in Pompton Lakes and within the Hoffman Grove area of Wayne Township. These homes are located within the State defined floodway and sustain damages during flood events. Subsequent to demolition and removal activities, the area will be reseeded with native herbaceous vegetation and will be allowed to revert back to a more natural floodplain environment. The proposed action is authorized in Section 1148 of the Water Resources Development Act of 1996 (WRDA 1996) and Section 327 of WRDA 2000.

II. ALTERNATIVES

In addition to the proposed action described in section I of the FONSI, a No Action alternative was evaluated in the *Passaic River Floodway Buyout, Passaic County, New Jersey, Decision Document and Environmental Assessment*. The “No Action” alternative involves not acquiring and removing the 32 residential structures within the River Edge Drive and Hoffman Grove areas. As a result, the homes within the project area will either continue to sustain flood damages or could potentially be acquired and removed through another state or federal funding source given that buyouts have previously occurred within the two areas.

III. ANTICIPATED ENVIRONMENTAL CONSEQUENCES

A full assessment of impacts associated with the No Action Alternative and Proposed Action were evaluated in the attached *Passaic River Floodway Buyout, Passaic County, New Jersey, Decision Document and Environmental Assessment*. A summary of anticipated environmental consequences is as follows:

- The project will not negatively impact public health or safety. Rather, the project serves to improve public health and safety through the acquisition and removal of flood prone homes.
- The project will not negatively impact the quality of the human environment.
- The project will return the floodway to natural conditions.
- The project is not expected to have significant long-term impact on endangered, threatened or special concern State and Federal species. To comply with Section 7 of the Endangered Species Act, a no tree clearing window of 15 April through 30 September will be established during construction as a precautionary measure to protect Indiana bat (*Myotis sodalist*), a federally endangered species.
- A no clearing of woody vegetation window of 15 March through 31 July will be implemented during demolition activities to comply with the Migratory Bird Treaty Act.

- Standard erosion control techniques will minimize excess sedimentation to the Pompton and Ramapo Rivers and associated tributaries will be implemented during construction.
- No wetlands will be impacted by demolition activities.
- No known archaeological or historical resources will be affected by this project. The District has coordinated a Programmatic Agreement with the New Jersey Historic Preservation Office, the Advisory Council on Historic Preservation, the Delaware Nation, the Delaware Tribe of Indians and the Wayne Township Historical Commission.
- The emission levels for NOx emissions are below the *de minimis* levels established for General Conformity and has been documented with a Record of Non-Applicability.
- No adverse cumulative impacts are associated with project implementation. When assessed in conjunction with other past, present or future flood risk management initiatives within the Passaic River Basin, positive cumulative impacts include a regional long term risk reduction to loss of life and property/infrastructure damages resulting from flood events.

IV. COORDINATION

The New York District has coordinated this project with Federal and State resource agencies and the interested public and issued a Notice of Availability of the draft Environmental Assessment (EA) in order to:

- a. Inform agencies and stakeholders of the proposed work and the environmental evaluation contained in the draft EA, and
- b. Provide an opportunity for comments on that evaluation and findings.

V. CONCLUSION

Based on my review and evaluation of the environmental effects as presented in the Environmental Assessment, I have determined that the Passaic River Floodway Buyout Project is not a major federal action significantly affecting the quality of the human environment. Therefore, I have determined that this project is exempt from the requirement to prepare an Environmental Impact Statement.

Date: _____

Paul E. Owen
Colonel, U.S. Army
Commander

Note: This unsigned FONSI is anticipated to be signed pending agency and public review and comment to the draft integrated report and Environmental Assessment.

APPENDIX G - CULTURAL RESOURCES PRORAMMATIC AGREEMENT

PROGRAMMATIC AGREEMENT
BETWEEN
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
AND
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE PASSAIC RIVER FLOODWAY BUYOUT PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District) proposes to conduct a voluntary buy-out and removal of ten (10) homes along River Edge Drive in Pompton Lakes and twenty (20) homes in the Hoffman Grove area of Wayne Township, Passaic County, New Jersey, as part of the Passaic River Floodway Buyout Project (Undertaking) (Appendix A); and

WHEREAS, the New York District is authorized to undertake this action under Section 1148 of the Water Resources Development Act (WRDA) of 1986, as amended.

WHEREAS, the Undertaking will be implemented in phases as individual properties are acquired; and

WHEREAS, the New York District will implement the provisions of this Programmatic Agreement (PA) as funding for the project is appropriated in future years; and

WHEREAS, removal of houses is expected to consist of demolition and burial of debris within basements, if present, or the removal of concrete building slabs as well as the removal of associated infrastructure including oil tanks and driveways. The potential impacts from house removal activities will consist of surface disturbance caused by movement of machinery. Other disturbances may be caused by removal of the superstructures, septic tanks, underground storage tanks, foundation slabs, and driveways; and

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this Undertaking to consist of the entire lot within the legal property boundaries outside the footprint of the original house and associated infrastructure; and

WHEREAS, the New York District conducted a Phase I cultural resources survey and determined that no architectural properties listed and/or eligible for listing on the National Register of Historic Places (NRHP) will be adversely affected by implementation of the Undertaking; and

WHEREAS, the New Jersey Historic Preservation Office (NJHPO) has reviewed the Phase I architectural survey and concurred with the New York District's determination; and

WHEREAS, the New York District and the NJHPO has determined that archaeological resources may be present within the APE; and

WHEREAS, the Advisory Council on Historic Preservation (Council), the Delaware Nation and the Delaware Tribe of Indians have been invited to participate in this PA;

NOW, THEREFORE, the New York District and the NJHPO agree that the Project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibility for all individual Undertaking of the Project.

Stipulations

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

- a. The New York District shall ensure that as plans and specifications are developed and properties are acquired not less than six (6) shovel test pits will be excavated on each lot outside the footprint of the original house and associated infrastructure at each lot within the APE.
- b. The New York District shall ensure that archaeological surveys are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the New Jersey Historic Preservation Office's (HPO) Guidelines for Phase 1 Archaeological Investigations: Identification of Archaeological Resources (January 17, 1996).
- c. The New York District, in consultation with the NJHPO, shall evaluate the eligibility of any resource encountered using the NRHP Criteria. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.
- d. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of properties.

II. TESTING REEVALUATION

After seven (7), or one quarter, of the houses have been acquired and tested archaeologically, consultation with the NJHPO will be undertaken in the form of a letter to determine whether archeological testing should continue in the same manner. Based on the findings concerning soil conditions and archaeological recovery, it will be decided whether a new testing program should be employed for the remainder of the project and may include a recommendation for no further testing of properties.

The New York District will coordinate this determination with the Council, the Delaware Nation, and the Delaware Tribe of Indians.

III. TREATMENT OF HISTORIC PROPERTIES.

a. Avoidance. The preferred treatment is avoidance of effects to historic properties. The New York District shall, to the extent feasible, avoid historic properties either through project design changes, use of temporary fencing or barricades, realignments, landscaping, or other measures that will protect historic properties. The New York District and the NJHPO shall consult to develop plans for avoiding impacts to historic properties. The New York District shall incorporate feasible avoidance measures into project activities as part of the implementation of the Project. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.

b. If, in consultation with the NJHPO, avoidance is determined to be infeasible, the New York District shall develop and implement treatment/mitigation plans. It is anticipated that should any significant resources be encountered they will be avoided. The New York District will coordinate its determination(s) with the Council, Delaware Nation and the Delaware Tribe of Indians.

c. Archaeological Data Recovery. The District shall develop a data recovery plan for archaeological sites eligible solely under National Register Criterion D which the New York District and the NJHPO agree cannot be avoided or appropriately preserved in place. The New York District will coordinate any archaeological data recovery plan developed with the Council, Delaware Nation and the Delaware Tribe of Indians. The data recovery plan to retrieve significant archaeological information will be developed and implemented by the New York District or its representative(s), following approval from the NJHPO and prior to the implementation of project-related activities within or in the vicinity of the archaeological sites.

d. If any human remains and/or grave-associated artifacts are encountered during data recovery, the New York District, the NJHPO, the Council, the Delaware Nation and the Delaware Tribe of Indians, shall consult to develop a treatment plan for human remains that is responsive to the Council's "Policy Statement on Human Remains" (September 27, 1988), the Native American Grave Protection and Repatriation Act (PL 101-601) and, U.S. Army Corps of Engineers, Policy Guidance Letter No. 57, (1998) Indian Sovereignty and Government-to-Government Relations With Indian Tribes.

e. The New York District shall ensure that all draft and final reports resulting from actions pursuant to this PA will be provided to the NJHPO, Council, the Delaware Nation, the Delaware Tribe of Indians, and upon request, to other interested parties.

IV. ADMINISTRATIVE TERMS

A. REVIEW PERIODS

The NJHPO, Council, the Delaware Nation, the Delaware Tribe of Indians and any other interested party shall have 30 days to review and/or object to determinations, evaluations, plans, reports, and other documents submitted to them by the New York District.

B. DISPUTE RESOLUTION

1. The New York District and the signatories shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request the Council's recommendations or request the comments of the Council in accordance with 36 CFR Part 800.7(b).

2. Any Council recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7(c)(2), with reference only to the subject of the dispute. The New York District shall respond to Council recommendations or comments indicating how the New York District has taken the Council's recommendations or comments into account and complied with same prior to proceeding with Project activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

C. TERMINATION

Any signatory to this PA may terminate it by providing thirty days notice to the signatories, provided that the signatories will consult during the period prior to termination by certified mail to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the New York District will comply with 36 CFR Parts 800.4 through 800.6 with regard to individual Undertakings covered by this Agreement.

D. SUNSET CLAUSE

This PA will continue in full force and effect until the construction of the Undertaking is complete and all terms of this PA are met, unless the Project is terminated or authorization is rescinded or a period of five (5) years from execution of the PA has passed at which time the agreement may be extended as written provided all signatories concur.

E. AMENDMENT

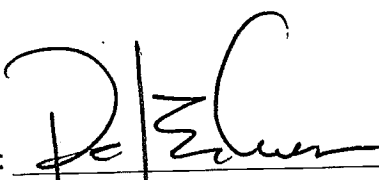
This PA may be amended upon agreement in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the Council.

F. ANTI-DEFICIENCY ACT

All requirements set forth in this PA requiring expenditure of funds by the New York District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. 1341). No obligation undertaken by the New York District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the New York District cannot perform any obligation set forth in this PA because of unavailability of funds, that obligation must be renegotiated among the New York District and the signatories as necessary.


Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual Undertakings of the Project, and that the New York District has afforded the NJHPO, Council, the Delaware Nation and the Delaware Tribe of Indians an opportunity to comment on the Undertaking and its effects on historic properties.

U.S. ARMY CORPS OF ENGINEERS

By:  Date: 27 JAN 2014
Paul Owen
District Engineer, New York District

PROGRAMMATIC AGREEMENT BETWEEN THE U. S. ARMY CORPS OF
ENGINEERS, NEW YORK DISTRICT AND THE NEW JERSEY STATE HISTORIC
PRESERVATION OFFICE REGARDING THE PASSAIC RIVER FLOODWAY
BUYOUT PROJECT

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By:  Date: 2/20/14
Daniel D. Saunders, Deputy State Historic Preservation Officer

PROGRAMMATIC AGREEMENT BETWEEN THE U. S. ARMY CORPS OF
ENGINEERS, NEW YORK DISTRICT AND THE NEW JERSEY STATE HISTORIC
PRESERVATION OFFICE REGARDING THE PASSAIC RIVER FLOODWAY
BUYOUT PROJECT

DELAWARE NATION

Concur: _____ Date: _____
C.J. Watkins, Vice President

PROGRAMMATIC AGREEMENT BETWEEN THE U. S. ARMY CORPS OF
ENGINEERS, NEW YORK DISTRICT AND THE NEW JERSEY STATE HISTORIC
PRESERVATION OFFICE REGARDING THE PASSAIC RIVER FLOODWAY
BUYOUT PROJECT

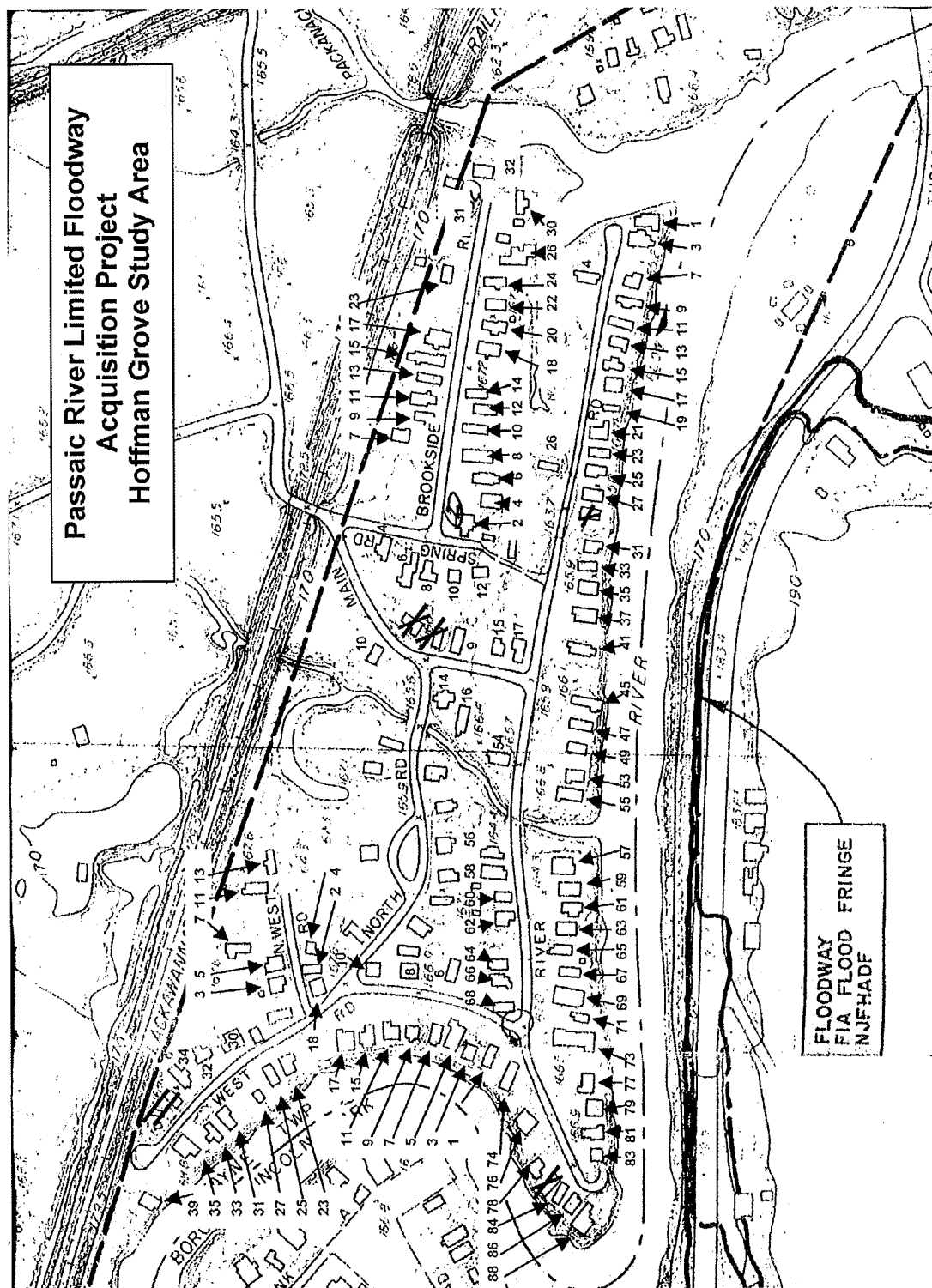
DELAWARE TRIBE OF INDIANS

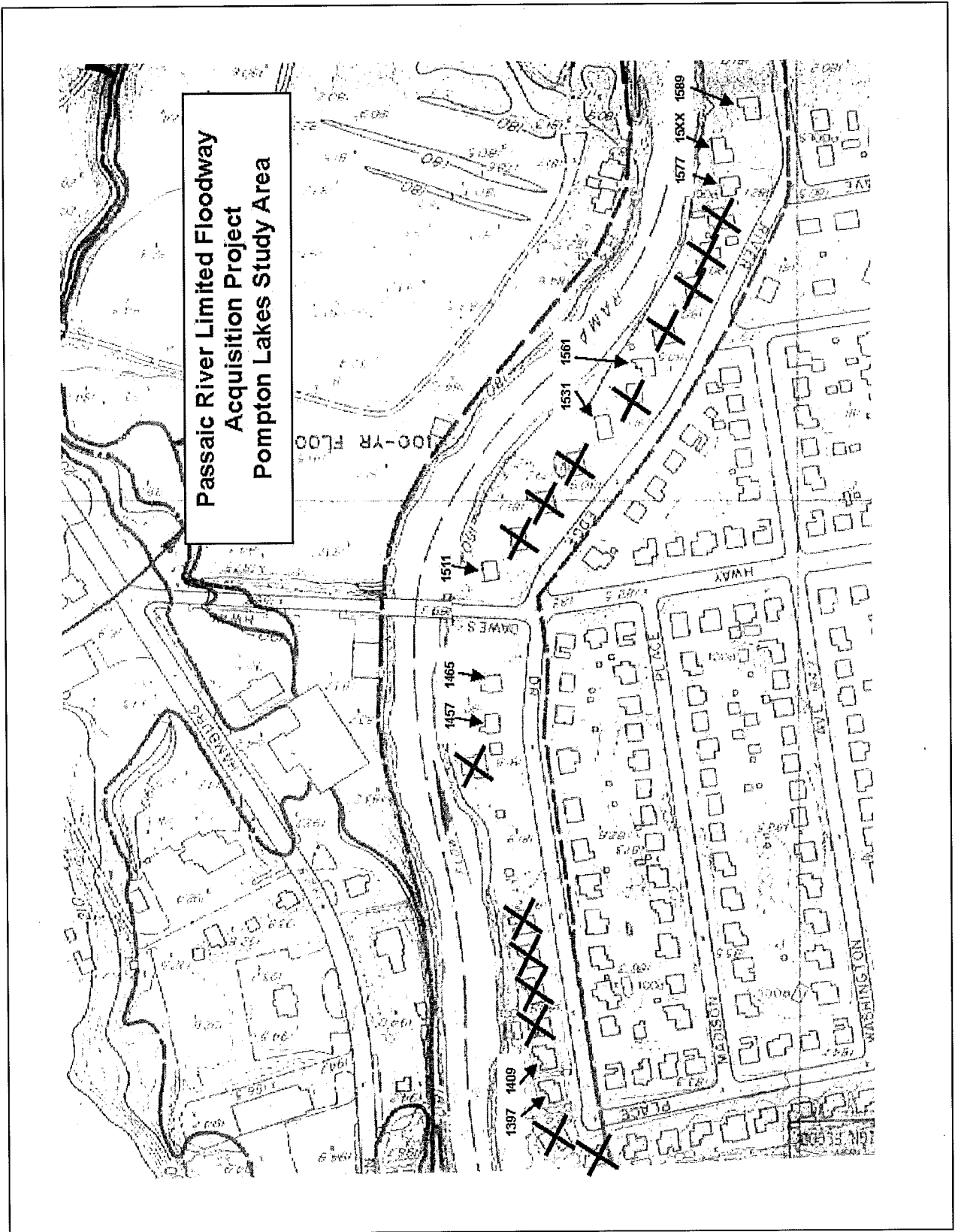
Concur: _____ Date: _____
Paula Pechonick, Chief

**Passaic River Floodway Buyouts
Draft Programmatic Agreement**

APPENDIX A

PROPERTIES PROPOSED FOR BUYOUT





APPENDIX H – Agency Technical Review Certification

COMPLETION STATEMENT OF AGENCY TECHNICAL REVIEW

The Agency Technical Review (ATR) has been completed for the Passaic River Floodway Buyout, Passaic County, NJ, Draft Decision Document and Environmental Assessment, December 2014, CENAN. The ATR was conducted as defined in the project's Review Plan to comply with the requirements of EC 1165-2-214, 15 December 2012, Water Resources Policies and Authorities, CIVIL WORKS REVIEW.

During the ATR, compliance with established policy principles and procedures, utilizing justified and valid assumptions, was verified. This included review of: assumptions, methods, procedures, and material used in analyses, alternatives evaluated, the appropriateness of data used and level obtained, and reasonableness of the results, including whether the product meets the customer's needs consistent with law and existing US Army Corps of Engineers policy.

The ATRT did assess the District Quality Control (DQC) documentation and found it to be appropriate and effective. All comments resulting from the ATR have been resolved and all comments have been closed in DrChecks.

Karen Miller
ATR Team Leader
CELRH

16 December 2014
Date

Rifat Salim
Project Manager
CENAN

16 December 2014
Date

Eric Thaut
FRM-PCX Deputy Director
Review Management Organization
CESPD

17 December 2104
Date

APPENDIX I – Letter of Support from the Non-Federal Sponsor, New Jersey Department of Environmental Protection



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENGINEERING & CONSTRUCTION
BUREAU OF DAM SAFETY & FLOOD CONTROL
Mail Code 501-01A

PO Box 420, Trenton, NJ 08625-0420
Telephone: 609-984-0859 Fax: 609-984-1908

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

December 17, 2014

Mr. Paul Tumminello, P.E.
U.S. Army Corps of Engineers, New York District
Jacob J. Javits Federal Building
26 Federal Plaza
New York, NY 10278

Re: Passaic River Floodway Buyout Study

Dear Mr. Tumminello:

This letter is in reference to the recently submitted Passaic River Floodway Buyout Study Decision Document and Environmental Assessment dated December 2014 for the acquisition and demolition of up to thirty (30) residential properties in the Township of Wayne and Borough of Pompton Lakes, Passaic County.

The New Jersey Department of Environmental Protection concurs with the findings and recommendations in the report and has state funds available to support this project and is willing to enter into a Project Partnership Agreement and meet all the requirements of the non-federal sponsor to implement this project. This project will also be under taken in a manner consistent with the Departments' Blue Acres acquisition program.

We look forward to working with the Corps of Engineers, Wayne Township and the Borough of Pompton Lakes to implement these worthwhile projects.

Should you have further questions please contact this at (609) 984-0859.

Sincerely,

John H. Moyle, P.E.
Manager
Bureau of Dam Safety and Flood Control