



FINDING OF NO SIGNIFICANT IMPACT

New York New Jersey Harbor and Tributaries (NYNJHAT) Coastal Storm Risk Management (CSRМ) Feasibility Study for Initial Actionable Elements Integrated Interim Response Feasibility Report (FR) and Environmental Assessment (EA)

The U.S. Army Corps of Engineers, New York District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Integrated Interim Response Feasibility Report and Environmental Assessment (IFR/EA) dated **DATE OF IFR/EA**, for the New York New Jersey Harbor and Tributaries (NYNJHAT) Coastal Storm Risk Management (CSRМ) Feasibility Study for Actionable Elements addresses an immediate CSRМ need corresponding with future legislative cycles (e.g., WRDA), while the more complex measures of the larger NYNJHATS require additional analyses, modeling, public engagement, and design maturity to complete. The purpose and need of this action is to manage risk to critical infrastructure in local areas of high susceptibility to storm surge and other flood risk. This Interim Response Action helps to address a critical need for flood risk management measures in Carlstadt and Moonachie, New Jersey. The final recommendation is contained in the report of the Chief of Engineers, dated **DATE OF CHIEF'S REPORT**.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would address a critical need for flood risk management measures and lead to completing an interim response to the comprehensive NYNJHATS project in the study area. The recommended plan, East Riser Actionable Element Site, is the National Economic Development (NED) Plan and includes:

- Channel modifications to the lower reach of the East Riser Channel (about 4,150 feet), removal and replacement of three bridge culverts and an upgraded railroad bridge, offering conveyance to a Pump Station under construction by the NJDEP. Channel modifications more specifically will consist of widening and deepening, bank stabilization, and replanting of native vegetation.

In addition to a “no action” plan (Alternative A), four alternatives were evaluated. The alternatives included Alternative B: East Riser, Alternative C: East Riser, Harlem River, and Oakwood Beach, Alternative D: East Riser and Harlem River. For complete alternative formulation and selection see Chapters 4, 5, and 6 in the IFR/EA.

The Corps utilized a significant amount of information and analyses from the FEMA Environmental Assessment (EA) titled "New Jersey Meadowlands East Riser Ditch Pumping Station and Channel Improvements Project" dated September 2022 and the corresponding Finding of No Significant Impact (FONSI) signed March 1, 2023. The Corps was not a cooperating agency in the preparation of this EA. The FEMA EA adequately considered reasonable alternatives to the East Riser Actionable Element and the environmental impacts of such. The Corps updated the compliance coordination and prepared supplemental analyses to comply with Section 404 (b)(1) of the Clean Water Act and the Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.).



For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the East Riser Actionable Element Site

| Resource | Less than significant adverse effects | Less than significant adverse effects as a result of mitigation* | Resource unaffected by action |
|---|---------------------------------------|--|-------------------------------------|
| Wildlife | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fish | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Migratory Fish | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Terrestrial Vegetation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Submerged Aquatic Vegetation | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Invasive and Aquatic Nuisance Species | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Aquatic Threatened and Endangered Species | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Terrestrial Threatened and Endangered Species | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Migratory Bird Treaty Act and Bald Eagle Protection Act Species | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marine Mammal Protection Act Species | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sea Turtles | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Essential Fish Habitat | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Wetlands | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Floodplains | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Wild and Scenic Rivers | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Designated Critical Habitat | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Critical Environmental Areas (State) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Marine Protected Areas | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Coastal Zone Management Act Areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Coastal Barrier Resources Act Areas | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| National Park Service Land | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Wildlife Refuge Land | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Commercial and Recreational Fishing | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Topography and Geology | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Surface Waters | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sediment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Land Use | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bathymetry | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inland Hydrology | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Coastal Hydrology, Currents, and Circulation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tides, Tidal Exchange, and Tidal Range | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sediment Transport | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Water Quality | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Air Quality | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



| Resource | Less than significant adverse effects | Less than significant adverse effects as a result of mitigation* | Resource unaffected by action |
|---|---------------------------------------|--|-------------------------------------|
| Climate and Relative Sea Level Change | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Cultural Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Native American Land | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Hazardous, Toxic, and Radioactive Waste | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Navigation | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Noise and Vibration | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Socioeconomics and Demographics | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reasonably Foreseeable Effects | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts. Environmental window restrictions for construction and maintenance activities, terrestrial aquatic species and vegetation surveys, and continued coordination with respective regulatory Agencies will be conducted. Construction timeframes will be coordinated with local ordinance. Noise and vibration monitoring may be conducted during construction. Construction timeframes will be coordinated with local ordinances, noise and vibration monitoring/surveys may be conducted during construction. Additional BMPs may be tailored to the community's concerns. A subsurface investigation will be conducted in the Preconstruction, Engineering, and Design phase. Per USACE policy, should any contaminants constituting as Hazardous, Toxic, Radioactive Waste (HTRW) be identified above regulatory thresholds, the NJDEP has confirmed their responsibility to provide a clean site, and committed to remediation prior to construction. See Chapter 5, Avoidance, Minimization and Mitigation Measures and Appendix A-3 of the East Riser Actionable Element for more details.

The project has adopted the combined Clean Water Act Section 404/Section 401 Water Quality Certificate, for waters assumed by the state of New Jersey. The recommended plan overall will enhance and/or create approximately 3.821 acres of open waters (an increase of 1.322 acres), create approximately 0.077 acres of emergent wetlands along the channel banks, create approximately 0.019 acres of scrub shrub wetlands, create approximately 0.543 acres of riparian zone and enhance approximately 0.443 acres of riparian zone. Mitigation is required as part of the recommended plan. All areas disturbed during construction will be rectified upon completion, including temporary disturbance of 0.001 acres of scrub/shrub wetlands and 2.499 acres of State open waters. Temporary impacts will be self-mitigating by the project. As specified in the above referenced permits, the project requires compensatory mitigation for the permanent disturbance of 0.024 acres of scrub/shrub wetlands, which will be fulfilled via the purchase of credits from an approved mitigation bank, unless rectification is able to fulfill the requirement along with normal operations and maintenance for the project.



Public review of the Draft IFR/EA and Draft FONSI was completed on 25 August 2025. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on 6 May 2026. **PICK OPTION BASED ON RESULTS OF STATE AND AGENCY REVIEW.**

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: the tricolored bat (*Perimyotis subflavus* – Proposed Endangered) and the monarch butterfly (*Danaus plexippus* – Proposed Threatened). This determination was also documented in the FEMA EA and 404/401 Permit. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination on 17 January 2026.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, as documented in the this IFR/EA no federally listed or proposed threatened or endangered species under NOAA NMFS jurisdiction are known to exist at the project site.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat Amendment, it was determined that the existing tidal gate connecting the East Riser channel to Berry's Creek prevents movement of species into the East Riser channel; therefore, the channel is not designated as Essential Fish Habitat. Channel modification and culvert replacement construction will implement best management practices to prevent any indirect downstream effects from construction. No adverse effect is anticipated due to the implementation of best management practices. Compliance was completed for EFH under the September 2022 FEMA EA, as documented in the FONSI and Record of Environmental Consideration.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the New Jersey Historic Preservation Office, entered into a Programmatic Agreement, executed on 23 March 2026. All terms and conditions resulting from the agreement shall be implemented to minimize adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) evaluation is found in section 5.2.2 and 5.2.5 of the IFR/EA. This determination was also documented in the FEMA EA and the 404/401 Permit.

A water quality certification pursuant to Section 401 of the Clean Water Act was issued by the New Jersey Department of Environmental Protection (NJDEP), approved on September 25, 2024, under a prior submitted application by the project's non-federal sponsor, NJDEP. All conditions of the water quality certification shall be implemented to minimize adverse impacts to water quality.

Pursuant to the Clean Air Act of 1970, the proposed project is located in Bergen County, New Jersey which is currently designated as non-attainment for one or more National Ambient Air Quality Standards (NAAQS). In accordance with Section 176(c) of the Clean Air Act, the



Corps has evaluated the construction activities and has determined that the equipment and the related emissions are contained within the New Jersey State Implementation Plan (SIP).

A determination of consistency with the New Jersey Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was documented in the FEMA EA, Record of Environmental Consideration, and FONSI (Appendix A-3, A-3a, A-3b). Flood Hazard Area Control Act approval was obtained in the 2024 WQC issued by the NJDEP, and it was determined in the Waterfront District Individual Permit, Section 401 application, that the Recommended Plan will not permanently impact the coastal zone.

The formulation of alternative, project planning, and the decision-making process included all applicable technical, environmental, and economic criteria. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

ADAM R. TELLE

Assistant Secretary of the Army
(Civil Works)