



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

Finding of No Significant Impact

Environmental Assessment for the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Phase I
City of Newark, Essex County, New Jersey

The U.S. Army Corps of Engineers (USACE), New York District (District) along with the New Jersey Department of Environmental Protection (NJDEP) and the City of Newark propose to construct the Joseph G. Minish Waterfront Park and Historic Area (Minish) which will reduce riverbank erosion and lay the foundation for waterfront park development for public access to the Passaic River in Newark, NJ. The Minish project has three phases. The existing Project Cooperation Agreement (PCA) was executed in 1999 for Phase I. Construction of the Phase 1 project was initiated in 2000 but has not been fully completed. The focus of this Hurricane and Storm Damage Reduction Project is the completion of Phase I. The proposed actions that cover the uncompleted portions of Phase 1 are 2,858 linear feet of bulkhead and 2,658 linear feet of stream bank stabilization; this Phase requires a total of 15,498 cubic yards (CY) of clean fill and 1.68 acres of wetland mitigation.

This Hurricane Sandy Limited Reevaluation Report (HSLRR) and integrated Environmental Assessment (EA) updates the Design Memorandum (DM), dated May 1996, revised May 1997 and December 1997, approved by the Chief of Engineers on October 1, 1997 and the Addendum to the Design Memorandum, dated June 1998; upon which the 1999 PCA is based. In 1996, the District evaluated potential environmental impacts of the project in the Environmental Assessment and Finding of No Significant Impact.

This updated EA was prepared pursuant to the NEPA Council on Environmental Quality's (CEQ) *Guidance Regarding NEPA Regulations*, and the USACE's *Procedures for Implementing NEPA* (Engineering Regulation 200-2-2). This EA has been prepared to address changes to environmental and cultural resource conditions and to comply with USACE guidance to update NEPA documentation if a decision document is greater than 5 years. This EA also evaluates the significance of potential environmental impacts of the proposed action to determine if the proposed project changes warrant the preparation of a supplemental environmental impact statement to the Final EIS. This updated EA concluded no significant impacts to environmental or cultural resources; however, due to unavoidable impacts to mudflats and open water, the original requirement for wetland mitigation remains. Best Management Practices (BMPs) will be implemented to reduce temporary impacts to water quality during construction.

The proposed action occurs in an area where contamination exists both within the broader Lower Passaic River and the study area and is within an Operable Unit of the Diamond Alkali Superfund Site. All sediment below Mean High Water are assumed contaminated for all project areas therefore there is the potential, through excavation and sediment transport, to spread contaminants. These impacts will be mitigated through BMPs, for example, the use of silt

curtains. All soil removed from this site shall be removed from the project area and disposed of based on contamination testing results.

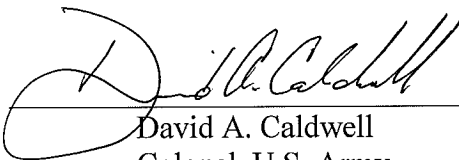
National Marine Fisheries Services (NMFS) has determined that no threatened or endangered species under the jurisdiction of the NMFS are known to occur within the action area. NMFS have highlighted BMPs for conservation of anadromous fish species.

The District has consulted with the U.S. Fish and Wildlife Service (USFWS) to update impacts to fish and wildlife resources via a Fish and Wildlife Coordination Act Planning Aid Letter (PAL). The USFWS recommended a series of measures that could avoid and minimize potential adverse construction impacts on natural resources and to continue coordination to ensure that mitigation for project impacts will be adequately completed. The District will continue coordination with the USFWS about its recommendations to ensure that potential adverse impacts are minimized during construction, and that compensatory mitigation is successfully completed.

A wetland mitigation site was originally planned for the southern portion of the project area; however, it lies within the Diamond Alkali Company Superfund area. After coordination with NJDEP, it was agreed to either implement the originally proposed mitigation required following the Superfund remedial action or select another location to meet the mitigation requirements outside the influence of contamination. To facilitate meeting the mitigation requirement, new site alternatives are currently being explored and coordinated with NJDEP with a preference for in-kind compensation to open water/mudflats or a combination thereof.

Based on my review and evaluation of the environmental effects as presented in the EA, I have determined that the changes evaluated in this EA regarding Phase I of the proposed project are not a major Federal action significantly affecting the quality of the human or natural environment and do not warrant the preparation of a supplemental Environmental Impact Statement.

15 DEC 16
Date



David A. Caldwell
Colonel, U.S. Army
District Commander