

## FINDING OF NO SIGNIFICANT IMPACT

### PECKMAN RIVER BASIN, FLOOD RISK MANAGEMENT FEASIBILITY STUDY TOWNSHIP OF LITTLE FALLS AND BOROUGH OF WOODLAND PARK, PASSAIC COUNTY, NJ

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 Feasibility Report and Environmental Assessment (IFR/EA) dated December 2019, for the Peckman River Basin addresses Flood Risk Management opportunities and feasibility in the Township of Little Falls and Borough of Woodland Park, Passaic County, New Jersey. The final recommendation is contained in the report of the Chief of Engineers, dated 29 April 2020.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would manage flood risk in the study area. The recommended plan is the National Economic Development (NED) Plan and includes:

- A 1,500 foot long, 40-foot diameter double box diversion culvert would be constructed between the Peckman and Passaic Rivers to divert floodwater from the Peckman into the Passaic River. The inlet at the Peckman River includes a weir to manage flow and create a pool near the inlet. Channel modifications comprised of creating a trapezoidal channel with a 40 ft bottom and 3:1 side slopes to 1,848 linear ft of the Peckman River would be constructed near the inlet. Approximately 2,107 linear feet of floodwalls and/or levees at a height of up to +139 North American Vertical Datum of 1988 (NAVD88) or 8 ft above ground elevation would be built upstream and downstream of the ponding weir. In addition, 1,207 linear ft of levees and/or floodwalls would be constructed in the vicinity of the Little Falls High School at heights between +139 and +150 feet NAVD88 or an average of five to 10 ft above ground elevation. Nonstructural measures including elevation of 16 structures, wet floodproofing to 38 structures, dry floodproofing to four structures are proposed within the ten percent floodplain.
- Compensatory mitigation for permanent impacts to 1,848 linear ft of freshwater riverine habitat including 0,77 acres of riparian habitat, and 0.48 acres of forested wetland habitat.
- Implementation of any required environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan, when applicable and appropriate. Monitoring will continue until any required mitigation has been determined to be successful based on the identified criteria within the Peckman River Basin Mitigation, Monitoring and Adaptive Management Plan included in Appendix A-10. Monitoring is expected to last no more than 10 years.

In addition to a “no action” plan (Alternative 1), nine alternatives were evaluated. The alternatives included as described in Section 3.9 of the IFR/EA:

- Alternative 2: Nonstructural
- Alternative 3: Peckman River Diversion Culvert
- Alternative 4: Channel Modifications Upstream and Downstream of Route 46
- Alternative 5: Levee/Floodwall System Upstream and Downstream of Route 46
- Alternative 6: Levee/Floodwall System Downstream of Route 46
- Alternative 7: Channel Modifications Downstream of Route 46

- Alternative 8: Channel Modifications Upstream of Route 46 with Peckman River Diversion Culvert
- Alternative 9: Levee/Floodwall System Upstream of Route 46 with Peckman River Diversion Culvert
- Alternative 10a: Nonstructural Measures (two percent floodplain) Upstream of Route 46 with Peckman River Diversion Culvert
- Alternative 10b: Nonstructural Measures (ten percent floodplain) Upstream of Route 46 with Peckman Diversion Culvert.

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 Recommended Plan**

|  | Insignificant effects               | Insignificant effects as a result of mitigation* | Resource unaffected by action       |
|--|-------------------------------------|--|-------------------------------------|
| Aesthetics                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Air quality                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Aquatic resources/wetlands                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Invasive species                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Fish and wildlife habitat                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Threatened/Endangered species/critical habitat | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Historic properties                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Other cultural resources                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Floodplains                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Hazardous, toxic & radioactive waste           | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Hydrology                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Land use                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Navigation                                     | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Noise levels                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Public infrastructure                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Socio-economics                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Environmental justice                          | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Soils  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Tribal trust resources                         | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Water quality                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Climate change                                 | <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. Specific measures and BMP's to be implemented include a tree/shrub clearing restriction from April 1 through 30 September, an in-water work restriction from May 1 through 31 July, on-site mitigation of 0.71 acres of forested wetland, use of turbidity curtains and cofferdams for in-water work, and utilizing native species in planting plans supportive of pollinators and endangered and threatened bat species.

The recommended plan will result in unavoidable adverse impacts to 1,848 linear ft equaling 1.7 acres of riverine habitat and 0.48 acres of forested wetland habitat. To mitigate for these unavoidable adverse impacts, the U.S. Army Corps of Engineers will restore/enhance 1.7 acres of riverine habitat, including the restoration of 0.85 acres of streambank vegetation and restoration of 0.77 acres of riparian habitat. Compensatory mitigation for 0.48 acres of forested wetland habitat will be achieved through purchase of mitigation credits at a New Jersey State approved wetland mitigation bank. If mitigation credits are not available at the time of permits for the project are obtained, offsite compensatory mitigation in the form of creating/restoring 0.96 acres of forested wetland will be performed.

Public review of the draft IFR/EA and FONSI was completed on 8 November 2019. 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 23 March 2020.

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: Indiana bat and northern long-eared bat. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination on 30 October 2018.

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 State Historic Preservation Office (NJSHPO) entered into a Programmatic Agreement (PA), 28 January 2020. All terms and conditions resulting from the agreement shall be implemented in order 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) Guidelines evaluation is found in Appendix A.3 of the IFR/EA.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the New Jersey Department of Environmental Protection prior to construction. In a letter dated 5 December 2019, the NJDEP stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. 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.

24 June 2020

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Date

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Thomas D. Asbery  
Colonel, Corps of Engineers  
District Commander