

FEMA
FINDING OF NO SIGNIFICANT IMPACT
BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES GRANT
PROGRAM
WILDWOOD OTTENS HARBOR COMMUNITY FLOOD MITIGATION PROJECT
WILDWOOD, CAPE MAY COUNTY, NEW JERSEY
EMN-2020-FM-001-0014

BACKGROUND

The City of Wildwood (City), the Subapplicant, has applied to the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) Grant Program for funding of the Wildwood Ottens Harbor Community Flood Mitigation Project in accordance with Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 United States Code (U.S.C.) 5133, as amended by the Disaster Recovery Reform Act of 2018. Under the BRIC Grant Program, FEMA provides technical and financial assistance to states and local governments to assist in the implementation of hazard mitigation measures that are cost-effective and designed to reduce injuries, loss of life, and damage and destruction of property; this includes damage to critical services and facilities resulting from natural disasters. The New Jersey Office of Emergency Management is the Applicant partner.

FEMA prepared a Tiered Environmental Assessment (TEA) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality regulations for implementing NEPA (Title 40 Code of Federal Regulations [CFR] Sections 1500-1508). FEMA prepared a Programmatic Environmental Assessment (PEA) to facilitate and streamline compliance with NEPA for streambank and shoreline stabilization projects in the states of New Jersey and New York. However, the scope of the Proposed Action exceeds the limits set within the PEA; therefore, FEMA prepared the TEA to analyze potential environmental impacts beyond the scope covered in the PEA and alternatives, including a no action alternative, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (FONSI). In accordance with the above referenced regulations, FEMA Directive 108-1, and FEMA Instruction 108-1-1, FEMA is required, during decision-making, to evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

The purpose of the Proposed Action is to reduce future flood hazards associated with heavy rains and high tides along the bayside of the city of Wildwood. The project is needed because the project area has low-lying topography that is prone to flooding from tidal action and from heavy rains. When the area is flooded, access to and within Otten Harbor is restricted, risking human lives, public health, and property.

ALTERNATIVES

FEMA evaluated multiple alternatives in the TEA in accordance with NEPA based upon the purpose and need for the project, engineering constraints, environmental impacts, and available property. Budgetary constraints were included but were not the controlling factor. As detailed in the TEA, the City initially

considered four alternatives and ultimately dismissed two of those alternatives based on insufficient flood risk reduction and the inability to meet the project purpose and need.

The alternatives evaluated in the TEA include: 1) the No Action Alternative, wherein FEMA would not provide federal financial assistance for flood mitigation; and 2) the Proposed Action that includes the construction of a living shoreline restoration area with an earthen berm, installation of replacement bulkheads in Ottens Harbor, and replacement of a drainage pipe under West Young Avenue and Susquehanna Avenue.

PROJECT DESCRIPTION

The primary components of the Proposed Action consist of the following:

- (1) Approximately 1,100 feet of living shoreline restoration would be constructed adjacent to Mediterranean Avenue and West Andrews Avenue. The living shoreline would be composed of a Reno mattress footing, a gabion basket core, biologs, berms made of compacted backfill soils, and native plantings. The earthen berm would be constructed adjacent to the roads to an elevation of 9 feet above mean sea level and would be anchored by three rows gabion baskets, each 3-feet high, on the bay side. The berm would be composed of compacted earth fill topped with topsoil and seeded with native grasses.
- (2) Seven vinyl bulkheads with concrete caps would be installed at street ends along Ottens Harbor. The vinyl sheet piles would be 25 feet long and installed to extend approximately 5 feet above the existing grade elevation. Anchor piles would be a minimum of 20 feet long and connect to the vertical piles with tie rods.
- (3) The approximately 1,700 feet of undersized drainage pipe underneath the rights-of-way for West Youngs Avenue, Susquehanna Avenue, and the decommissioned Wildwood Landfill would be replaced with 30-inch-diameter drainage pipe in the same location.

Construction of all elements is expected to take 24 months. Equipment staging would be on paved streets or previously disturbed ground adjacent to each element. Road closures (single-lane or full-road) would be required at the living shoreline and along the drainage pipe replacement area.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

The Proposed Action, as described in the TEA, would have no short- or long-term impact on geology or land use and planning resources after avoidance measures are implemented.

The Proposed Action would have short-term negligible to minor adverse impacts on topography and soils, air quality, climate change, water quality, wetlands, floodplains, wildlife and fish, threatened and endangered species, migratory birds, essential fish habitat, cultural resources, environmental justice, noise, transportation, public services and utilities, public health and safety, and hazardous materials during the construction period. The Proposed Action would result in short-term minor to moderate adverse impacts on vegetation during the construction period. These impacts would only occur during construction and would be minimized through the implementation of best management practices, such as preparation

of a spill prevention plan and implementation of dust control and noise abatement measures, described below under Permits and Project Conditions.

The Proposed Action would result in long-term negligible or minor beneficial impacts on topography and soils, climate change, water quality, wetlands, wildlife and fish, threatened and endangered species, migratory birds, essential fish habitat, cultural resources, environmental justice, noise, transportation, public services and utilities, public health and safety, and hazardous materials. The Proposed Action would result in long-term moderate beneficial impacts on floodplains (due to a more stable shoreline and increased drainage aiding in stormwater management), coastal resources (establishment of native marsh habitat that promotes a healthy coastal ecosystem), and vegetation (due to an increased amount of native vegetation that would be added during construction). These beneficial impacts would be achieved through the flood risk management provided by the Proposed Action.

AGENCY AND PUBLIC INVOLVEMENT

On November 16, 2020, Rutela Associates, serving as an engineering consultant to the City, submitted to the New Jersey Historic Preservation Office (NJHPO) an email submittal form with details about the project, requesting comments. On December 16, 2020 NJHPO commented that the project is unlikely to affect architectural resources and has a low potential to affect archaeological resources.

The United States Army Corps of Engineers consulted with the United States Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act on December 20, 2022 for the Proposed Action to evaluate potential effects on federally listed species. In a letter dated January 30, 2023, USFWS concurred that the Proposed Action would be “not likely to adversely affect” federally listed species.

FEMA issued a public notice in the newspaper, *Cape May County Herald*, on March 8, 2023, to notify the public of the thirty-day public review and comment period. Accordingly, FEMA posted an electronic version of the TEA to the FEMA website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/tiered-environmental-assessment-ottens> and the City posted a copy at <https://www.wildwoodnj.org>. A hard copy of the TEA was made available for review at the City Hall Clerk's Bulletin Board, 4400 New Jersey Avenue, Wildwood, NJ 08260. There were no substantive comments received during the public comment period on the draft TEA.

PERMITS AND PROJECT CONDITIONS

The Subapplicant is responsible for obtaining all applicable federal, state, and local permits for project implementation prior to construction and adhering to all permit conditions. Applicable permits may include, but are not limited to, a U.S. Army Corps of Engineers' Section 404 Clean Water Act (CWA) Permit and a National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activity. Any substantive change to the scope of work would require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders.

The Subapplicant must adhere to the following conditions during project implementation:

- The Subapplicant must obtain an NPDES General Permit for Stormwater Discharges from Construction Activity/Stormwater Pollution Prevention Plan from the New Jersey Department of Environmental Protection and comply with all permit conditions.
- Prior to construction, the Subapplicant must obtain any required CWA Section 404 and 401 permits from the United States Army Corp of Engineers (USACE) and the New Jersey Department of Environmental Protection and comply with permit conditions.
- If USACE requires wetland mitigation in compliance with the CWA and USACE permit conditions, the Subapplicant will provide documentation of compliance with the mitigation requirements to FEMA.
- The Subapplicant will notify FEMA of all inadvertent discoveries, in accordance with Programmatic Agreement Section I.A.III.B (in the *Amendment to Programmatic Agreement Among the FEMA, The New Jersey State Office of Emergency Management, Advisory Council on Historic Preservation and Participating Tribes as a Result of Hurricane Sandy*, dated November 12, 2022), and follow the unexpected discoveries protocol outlined therein.
- Prior to starting excavation at the Wildwood Landfill site, the City would be required to either remediate the historic fill under the assumption that it is contaminated or conduct soil testing to demonstrate that the fill is not contaminated above New Jersey Department of Environmental Protection's residential soil remediation standards.
- The Subapplicant will develop and implement a site-specific Soil Erosion and Sediment Control Plan that is reviewed and certified by the Cape Atlantic Soil Conservation District.
- The Subapplicant is responsible for completing state and local environmental and land-use reviews in accordance with state and local regulations.

FINDINGS

Based upon conditions and information contained in the BRIC grant application and the TEA and in accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508; FEMA Directive 108-1; FEMA Instruction 108-1-1; and Executive Orders (EOs) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898), FEMA has determined that the proposed action will have no significant adverse impact on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the proposed project as described in the TEA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:

JOHN J MCKEE Digitally signed by JOHN J MCKEE
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JOHN J. McKEE

Regional Environmental Officer

Federal Emergency Management Agency, Region 2

Date:

PROGRAM ENDORSEMENT:

**WILLIAM
MCDONNELL**

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WILLIAM McDONNELL

Federal Insurance & Mitigation Director, Mitigation Division

Federal Emergency Management Agency, Region 2

Date: