

6. PUBLIC PARTICIPATION & STATUTORY CONSULTATION

6.1 Statutory Consultation Requirement/Executive Order No. 215

When undertaking projects, NJSEA is required under Section 5:10-23 of the New Jersey Annotated Statutes to consult with the New Jersey Meadowlands Commission (NJMC) and the New Jersey Department of Environmental Protection (NJDEP) with respect to the ecological factors constituting the environment of the Hackensack Meadowlands. The purpose of this consultation is to ensure that the delicate environmental balance of the Hackensack Meadowlands is maintained and preserved.

The procedures for consulting with the NJMC and NJDEP pursuant to N.J.S.A. 5:10-23 were established by the New Jersey Supreme Court decision in New Jersey Sports and Exposition Authority v. McCrane, et. al., 61 N.J. 1 (1972) made during the NJSEA's original site selection for the Sport Complex in the Meadowlands. The Court held that private consultation between the NJSEA, the NJDEP and the NJMC on the Sports Complex project was not alone sufficient to fulfill the statutory consultation requirement and should be supplemented to include a public hearing at which all interested parties can present their views. The Court also held that the hearing would be legislative in nature; the presentation could be made to both agencies at the same time; and a full record of the hearing should be made on which any further review would be based.

A public hearing was therefore held in 1972 at which an environmental impact statement was presented by the NJSEA to hearing officers appointed by the NJMC and the NJDEP. Public comments were received and considered by the hearing officers. The hearing officers then prepared their report and recommendations that were approved by the NJMC and the NJDEP. The New Jersey Supreme Court upheld this consultation process. (*In re Sports Complex in the Hackensack Meadowlands*, 62 N.J. 248 (1973))

Another public hearing and consultation process was held in 1978 for the Arena Site. Among the hearing officers findings was the conclusion that the consultation process had the effect of fulfilling the requirements of Executive Order No. 53, an environmental process related to State actions at that time. Executive Order 215 ("EO 215") was signed by Governor Kean on September 11, 1989, which rescinded and replaced Executive Order NO. 53. EO 215 requires that all departments of the State must prepare and submit to the NJDEP an environmental assessment (EA) or environmental impact statement (EIS) for major construction projects. EO 215 does not require any public comment or hearings on the EA or EIS.

NJSEA's enabling legislation appears to contain language that exempts it from EO 215. Further, EO 215 does not require any public comment or hearing on an EIS that is reviewed only by the NJDEP. The consultation process, however, requires NJSEA to hold a public hearing. Therefore,

NJSEA has decided it necessary to prepare an EIS consistent with EO 215 for the Meadowlands Railroad and Roadway Improvement Project. The Preliminary EIS was presented to NJMC and the NJDEP at public hearings as part of the consultation process. Upon completion of the consultation process, the NJSEA will request the hearing officers to find that the consultation process, including the EIS, has fulfilled the requirements of EO 215.

6.2 Permits

NJSEA plans to apply for permits necessary from the federal and state agencies for the Meadowlands Railroad and Roadway Improvement Project. Each permit has its own separate procedures that may or may not include a public hearing separate and apart from the consultation process with the NJMC and the NJDEP. Further detail about the permit requirements of the government agencies and the status of each permit application appears in Section 5.

6.3 Consultation Schedule for the Meadowlands Railroad and Roadway Improvement Project

The consultation process for the Meadowlands Railroad and Roadway Improvement Project began with a meeting between NJSEA and the NJMC and the NJDEP to discuss the procedure and schedule for public hearings and preparation of the EIS.

A request for public comments on a scoping document for the EIS was issued on March 10, 2005. On April 11, 2005 and June 16, 2005, public hearings were held before hearing officers appointed by the NJMC and the NJDEP at the NJMC Auditorium in Lyndhurst, New Jersey in order to receive public comments on the scoping document and the Preliminary EIS prepared by NJSEA. The public comments were considered in preparing this Final EIS. A summary of comments received on the PEIS document and responses to these comments can be found in Appendix C.

This Final EIS will be submitted to the NJMC and the NJDEP. The FEIS will be available at several locations for public review, listed in Section 6.5. The public comment period, which concluded on July 15, 2005, the public submitted written comments on the PEIS to the hearing officers appointed by NJMC and the NJDEP: Ms. Ileana Kafrouni, Director of Land Use Management, Chief of Regulatory Affairs, NJMC and Gary Sondermeyer, Chief of Staff, NJDEP. Consultation public hearings were held on June 16, 2005 to seek public comments on the PEIS. The hearings were held before the above-named hearing officers.

After the close of the public comment period the NJSEA completed the Final EIS. Oral and written comments, as well as responses, will be included in the FEIS Appendix. The hearing officers will prepare their report and recommendations after receipt and review of the FEIS. The hearing officers will then submit their report and recommendations to the NJMC and the NJDEP for approval. The NJSEA will consider the report and recommendation in the planning, construction and operation of the Project and will implement them to the extent that it is reasonably feasibility to do so.

6.4 Locations Where the EIS is Available for Review

Copies of the Meadowlands Railroad and Roadway Improvement Project Final Environmental Impact Statement are available for review at the New Jersey Meadowlands Commission Library, the offices of the New Jersey Sports and Exposition Authority and on the NJSEA website at www.njsea.com/rail. In addition, copies can also be reviewed at the following public libraries serving the Hackensack Meadowlands District:

- Wm. E Dermody Public Library, 420 Hackensack Street, Carlstadt, NJ 07072
- East Rutherford Memorial Library, 143 Boiling Springs Avenue, East Rutherford, NJ 07073
- Jersey City Public Library, 472 Jersey Avenue, Jersey City, NJ 07302
- Kearny Public Library, 318 Kearny, NJ 07032
- Little Ferry Public Library, 239 Liberty Street, Little Ferry, NJ 07643
- Lyndhurst Library, 355 Valley Brook Avenue, Lyndhurst, NJ 07071
- North Arlington Public Library, 210 Ridge Road, North Arlington, NJ 07032
- North Bergen Free Public Library, 8411 Bergenline Avenue, North Bergen, NJ 07047
- Ridgefield Free Public Library, 725 Slocum Avenue, Ridgefield, NJ 07657
- Rutherford Public Library, 150 Park Avenue, Rutherford, NJ 07070
- Secaucus Public Library, 1379 Paterson Plank Road, Secaucus, NJ 07094

For Moonachie, South Hackensack and Teterboro:

- Johnson Public Library, 274 Main Street, Hackensack, NJ 07601
- Wood-Ridge Memorial Library, 231 Hackensack Street, Wood-Ridge, NJ 07075