

4.6 Tidelands

4.6.1 Existing Conditions

Tidelands are those lands that are either now or formerly flowed by the mean high water tide. This includes tidal creeks and wetlands that have since been filled in to make way for developed land but were at one time areas flowed by the tide. Also referred to as riparian lands, tidelands are held in trust by the State of New Jersey unless released by a riparian instrument such as a tidelands grant (N.J.A.C. 7:7E-1.1 et seq.). Tidelands as well as tideland conveyances are noted on a series of Tidelands overlay blue line maps prepared by the State of New Jersey. Tidelands conveyances in and around the Meadowlands Railroad and Roadway Improvement Project are shown on NJDEP Tidelands maps 721-2160 and 721-2154.

With regard to the Meadowlands Sports Complex property, a tidelands grant was previously issued by the State of New Jersey to the NJSEA for all riparian interests within the property. On January 19, 1982, the State of New Jersey and the NJSEA executed an amendment to the 1973 Contract of Sale between the State of New Jersey and the NJSEA (Liber S-6, Pages 21-25, File: 73-47), wherein the State conveyed its interests in all presently and formerly flowed tidelands within the Sports Complex property (*NJSEA, 2004*).

While the State has conveyed all rights to tidelands on the Sports Complex property to the NJSEA, the proposed Meadowlands Railroad and Roadway Improvement Project would extend beyond the property limits. The rail alignment would continue west of the Sports Complex property across Berry's Creek until it connects with the NJ TRANSIT Pascack Valley Line. The overall proposed Project would involve seven properties all located within the Borough of East Rutherford. The statuses of tidelands conveyances as they appear on the Tidelands Conveyance maps are provided below:

- ***N.J. Route 120*** – No riparian lands have been mapped within the NJ Route 120 right-of-way located between the Continental Airlines Arena and the rest of the Meadowlands Sports Complex (Map: 721-2160).
- ***Paterson Plank Road*** – No riparian lands have been mapped within the Paterson Plank Road right-of-way located between Washington Avenue and the NJ Turnpike right-of-way (Map: 721-2160).
- ***Block 107.01, Lot 1 (Sports Complex Property)*** – Amendment to Contract of Sale, New Jersey Sports and Exposition Authority, 1/19/82, Liber S-6, Pages 21-25, File: 73-47, Site 1 (Map: 721-2160).
- ***Block 105.01, Lot 8*** – Consent Judgment Quieting Title, Universal Oil Products Company v. State of New Jersey, Superior Court of New Jersey, Law Division - Bergen County. Docket No. L-7420-75, County Docket No. 83-8240, May 27, 1986, Files: 70-0231, 0232 8 0233, (3 Tracts). Bergen County Deed Book 7029, PGS. 400 - 411. (Map: 721-2160 and 721-2154).
- ***Block 105.01, Lot 9*** - Grant: East Rutherford Investment Corp. Date: 12/13/85, Liber A - 7, P. 22, Cons. \$271,443.00, File: 72-0025 (Map: 721-2154).

- **Block 105.01, Lot 13** – Grant: East Rutherford Investment Corp. Date: 12/13/85, Liber A=&, P. 22, Cons. \$271,443.00, File: 72-0025 (Map: 721-2154).
- **Block 105.02, Lot 1** – Statement of No Interest To CLB Properties, Inc., 7/24/98, Liber G-9, PG. 126, Lot 1, Block 105.02, File: 97-0375-T (Map: 721-2160)

The Bureau of Tidelands Management was contacted in December of 2004 regarding the State's riparian interest in the above listed properties. The Bureau's response, dated December 21, 2004, states that the properties listed above benefit from several Tidelands grants, however, the State of New Jersey has only ceded its interest as specified in the relevant grants, and certain portions of the properties may still be claimed by the State. Correspondence can be found in Appendix A. Through follow telephone conversations with officials at the Bureau, it has been concluded that the alignment's crossing at Berry's Creek will require a tidelands conveyance or grant from the State.

4.6.2 No-Action Alternative

It is anticipated that tidelands conditions under the No-Action Alternative will be similar to existing conditions.

4.6.3 Preferred Alternative Impacts

With the issuance of a tidelands grant to the NJSEA by the State of New Jersey for the entire Meadowlands Sports Complex property in 1982, the State relinquished any tidelands interest in that property (*NJSEA, 2004*). While the rail alignment would extend beyond the Meadowlands Sports Complex property limits, all roadway improvements would be contained within the Sports Complex and NJ Route 120 right-of-way where the State has relinquished all interests in tidelands.

At the current time, no tideland instruments are anticipated for the proposed work to take place within areas now or formerly flowed by the tide as part of the Meadowlands Railroad and Roadway Improvement Project within the Sports Complex property. In the Hackensack Meadowlands District, however, Tidelands Conveyance maps are not considered legal documents, as they are elsewhere in the State. In the case of properties not owned by the NJSEA and the NJDOT, they must be confirmed by the NJDEP Bureau of Tidelands Management for their accuracy. At the current time, NJSEA is waiting response from the Bureau of Tidelands Management as to the statuses of these properties.

4.6.4 Mitigation

No mitigation is necessary with regard to tidelands. Any loss of tidal wetlands would be compensated for through the Meadowlands Railroad and Roadway Improvement Project wetland mitigation plan.