



**US Army Corps
of Engineers®**
New York District

Passaic River, New Jersey

Passaic River Tidal General Reevaluation Report Lower Passaic River, New Jersey

Appendix D

Pertinent Correspondence, Consultation, and Coordination

November 2018

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AUTHORIZATION LANGUAGE

SECTION 101(A)(18) WRDA 1990:

(A) *Flood control elements. –*

(i) *In general. --The project for flood control, Passaic River Main Stem, New Jersey and New York: Report of the Chief of Engineers, dated February 3, 1989, except that the main diversion tunnel shall be extended to include the outlet to Newark Bay, New Jersey, at a total cost of \$1,200,000,000, with an estimated first Federal cost of \$890,000,000 and an estimated first non-Federal cost of \$310,000,000.*

(ii) *Design and construction – The Secretary shall design and construct the project in accordance with the Newark Bay tunnel outlet alternative described in the Phase I General Design Memorandum of the District Engineer, dated December 1987. The main diversion tunnel shall be extended approximately 6 1/2 miles to outlet in Newark Bay, the 9 levee systems in Bergen, East Essex, and Passaic Counties which were associated with the eliminated Third River tunnel outlet shall be excluded from the project, and no dikes or levees shall be constructed along the Passaic River in Bergen County in connection with the project.*

(iii) *Applicability of cost sharing.--Except as otherwise provided in this paragraph, the total project, including the extension to Newark Bay, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986.*

(iv) *Operation and maintenance. --The non-Federal sponsor shall maintain and operate the project after its completion in accordance with the regulations prescribed by the Secretary; except that the Secretary shall perform all measures to ensure integrity of the tunnel, including staffing of operation centers, cleaning and periodically inspecting the tunnel structure, and testing and assuring the effectiveness of mechanical equipment at gated structures and pump stations.*

(v) *Credit for non-federal work.--In recognition of the State of New Jersey's commitment to the project on June 28, 1984, all work completed after such date by the State or other non-Federal interests which is either compatible with or complementary to the project shall be considered as part of the project and shall be credited by the Secretary toward the non-Federal share of the cost of the project. Such work shall include, but not be limited to, those activities specified in the letter of the New Jersey Department of Environmental Protection, dated December 9, 1988, to the Office of the Chief of Engineers. However, only the portion of such work that meets the guidelines established under section 104 of the Water Resources Development Act of 1986 shall be considered as project costs for economic purposes. In applying such section 104 to the project, the Secretary shall likewise consider work carried out by non-Federal interests after June 28, 1984, and before the date of the enactment of this Act that otherwise meets the requirements of such section 104.*

(B) *Streambank restoration measures. –*

The project shall include the construction of environmental and other streambank restoration measures (including bulkheads, recreation, greenbelt, and scenic overlook facilities) on the west bank of the Passaic River between Bridge and Jackson Streets in the city of Newark, New Jersey, at a total cost of \$6,000,000. The non-Federal share of the project element authorized by this subparagraph shall be 25 percent. The value of the lands, easements, and rights -of-way provided by non-Federal interests shall be credited to the non-Federal share. Construction of the project element authorized by this subparagraph may be undertaken in advance of the other project features and

(C) Wetlands bank. --

(i) Purposes. --The purposes of this subparagraph are to evaluate and demonstrate, for application on a national basis, the feasibility of and methods of obtaining an interim goal of no overall net loss of the Nation's remaining wetlands base and a long -term goal to increase the quality and quantity of the Nation's wetlands; of restoring and creating wetlands; of developing public and private initiatives to search out opportunities of restoring, preserving, and enhancing wetlands; and of improving understanding of the function of wetlands ecosystems in order to improve the effectiveness of the Nation's wetlands program, including evaluating the functions and values of wetlands, assessing cumulative impacts and the effectiveness of protection programs, and wetlands restoration and creation techniques.

(ii) Establishment. --The State of New Jersey shall establish a Passaic River Central Basin Wetlands Bank (hereinafter in this paragraph referred to as the "Wetlands Bank") to be comprised of lands which are acquired before, on, or after the date of the enactment of this Act by the State or any other non -Federal interest and which lie within the Passaic River Central Basin, New Jersey, natural storage area discussed in the report of the Chief Engineers and the Phase I General Design Memorandum.

(iii) Use. --The Wetlands Bank shall be available for mitigation purposes required under Federal or State law with respect to non -Federal activities carried out in the State.

(iv) Compensation. --The State may receive compensation for making lands available under clause (iii).

(v) State ownership and operation. --The State shall continue to own and operate, consistent with the purposes of the project authorized by this paragraph, lands made available for mitigation purposes under clause (iii).

(vi) Acquisition of additional lands. --The State or other non -Federal interests may acquire for the Wetlands Bank additional lands which are in, adjacent to, or provide drainage for runoff and streamflows into the storage area described in clause (ii) and may use funds provided by sources other than the State for such purpose. Such lands shall include transition and buffer areas adjacent to the Central Basin natural storage wetlands and other Passaic River Basin areas, including the Rockaway, Pequannock, Ramapo, and Wanaque River watershed areas.

(vii) Credit. --The fair market value of lands acquired by the State or other non -Federal interests in the storage area described in clause (ii) before, on, or after the date of the enactment of this Act, the fair market value of lands acquired for the Wetlands Bank under clause (vi) before, on, or after such date of enactment, and the costs incurred by the State or other non -Federal interests in converting any of such lands to wetlands shall be credited to the non-Federal share of the cost of the project authorized by this paragraph.

(viii) Treatment of acquired lands. --Lands acquired by the State for the Wetlands Bank shall not be treated as a project cost for purposes of economic evaluation of the project.

(ix) Effect on other laws. --Nothing in this subparagraph shall be construed as affecting any requirements under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

SECTION 102(P) OF WRDA 1992:

(p) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607-4610) is amended--

(1) by adding at the end of subparagraph (A) the following new clause:

"(vi) FLOOD WARNING SYSTEM. --The Secretary is authorized to establish, operate, and maintain, at full Federal expense, the Passaic River flood warning system element of the project before completion of construction of the tunnel element of the project.";

(2) in subparagraph (B) by striking "Jackson" and inserting "Brill";

(3) in subparagraph (B) by striking "\$6,000,000" and inserting "\$25,000,000";

(4) in subparagraph (B) by striking "and scenic overlook facilities" and inserting "scenic overlook facilities, and public access to Route 21";

(5) in subparagraph (B) by inserting after the first sentence the following new sentence: "The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center.";

(6) in subparagraph (B) by striking "may be undertaken" and inserting "shall be undertaken";

(7) in the first sentence of subparagraph (C)(vi) by inserting after "for" the first place it appears "the purpose of assuring the integrity of";

(8) in subparagraph (C)(vii) by inserting "the additional" after "Act, the fair market value of";

(9) in subparagraph (C)(vii) by inserting "integrity of the" before "Wetlands Bank";

(10) in subparagraph (C)(vii) by inserting "and any other flood control project in the Passaic River basin" after "by this paragraph";

(11) in subparagraph (C)(viii) by striking "for the

Wetlands Bank" and inserting "in accordance with clauses (ii) and (vi)"; and

(12) in subparagraph (C)(viii) by inserting "and financial" after "economic".

SECTION 327(I) WRDA 2000:

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to direct the Secretary to give priority to nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River floodway buyout study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River buyout study of the 10- year floodplain beyond the floodway of the central Passaic River basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the central Passaic River basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ‘Passaic River Flood Management Task Force’, to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River basin. (v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of the Association of New Jersey Environmental Commissions, the Passaic River Coalition, and the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall transmit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148

of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718) is amended by adding at the end the following:

“(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.”.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

PUBLIC LAW 113-2, TITLE II:

DEPARTMENT OF THE ARMY Corps of Engineers--Civil

INVESTIGATIONS

For an additional amount for ``Investigations'' for necessary expenses related to the consequences of Hurricane Sandy, \$20,000,000, to remain available until expended to conduct studies of flood and storm damage reduction related to natural disasters: Provided, <<NOTE: Study.>> That using \$19,500,000 of the funds provided herein, the Secretary of the Army shall conduct, at full Federal expense, a comprehensive study to address the flood risks of vulnerable coastal populations in areas impacted by Hurricane Sandy within the boundaries of the North Atlantic Division of the United States Army Corps of Engineers: Provided further, <<NOTE: Reports. Assessment. Cost estimates. Deadline.>> That an interim report with an assessment of authorized Corps projects for reducing flooding and storm risks in the affected area that have been constructed or are under construction, including construction cost estimates, shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than March 1, 2013: Provided further, <<NOTE: Reports. Deadline.>> That an interim report identifying any previously authorized but unconstructed Corps project and any project under study by the Corps for reducing flooding and storm damage risks in the affected area, including updated construction cost estimates, that are, or would be, consistent with the comprehensive study shall be submitted to the appropriate congressional committees not later than May 1, 2013: Provided further, That <<NOTE: Reports. Deadline.>> a final report shall be submitted to the appropriate congressional committees not later than 24 months after the date of enactment of this division: Provided further, That as a part of the study, the Secretary shall identify those activities that warrant additional analysis by the Corps, as well as institutional and other barriers to providing protection to the affected coastal areas: Provided further, That the Secretary shall conduct the study in coordination with other Federal agencies, and State, local, and Tribal officials to ensure consistency with other plans to be developed, as appropriate: Provided further, <<NOTE: Evaluation. Recommendations.>> That using \$500,000 of the funds provided herein, the Secretary shall conduct, at full Federal expense, an evaluation of the performance of existing projects constructed by the Corps and damaged as a consequence of Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements to such projects: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, <<NOTE: Deadlines. Reports.>> That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

CONSTRUCTION

For an additional amount for ``Construction" for necessary expenses related to the consequences of Hurricane Sandy, \$9,000,000, to remain available until expended for repairs to projects that were under construction and damaged as a consequence of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, <<NOTE: Deadlines. Reports.>> That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

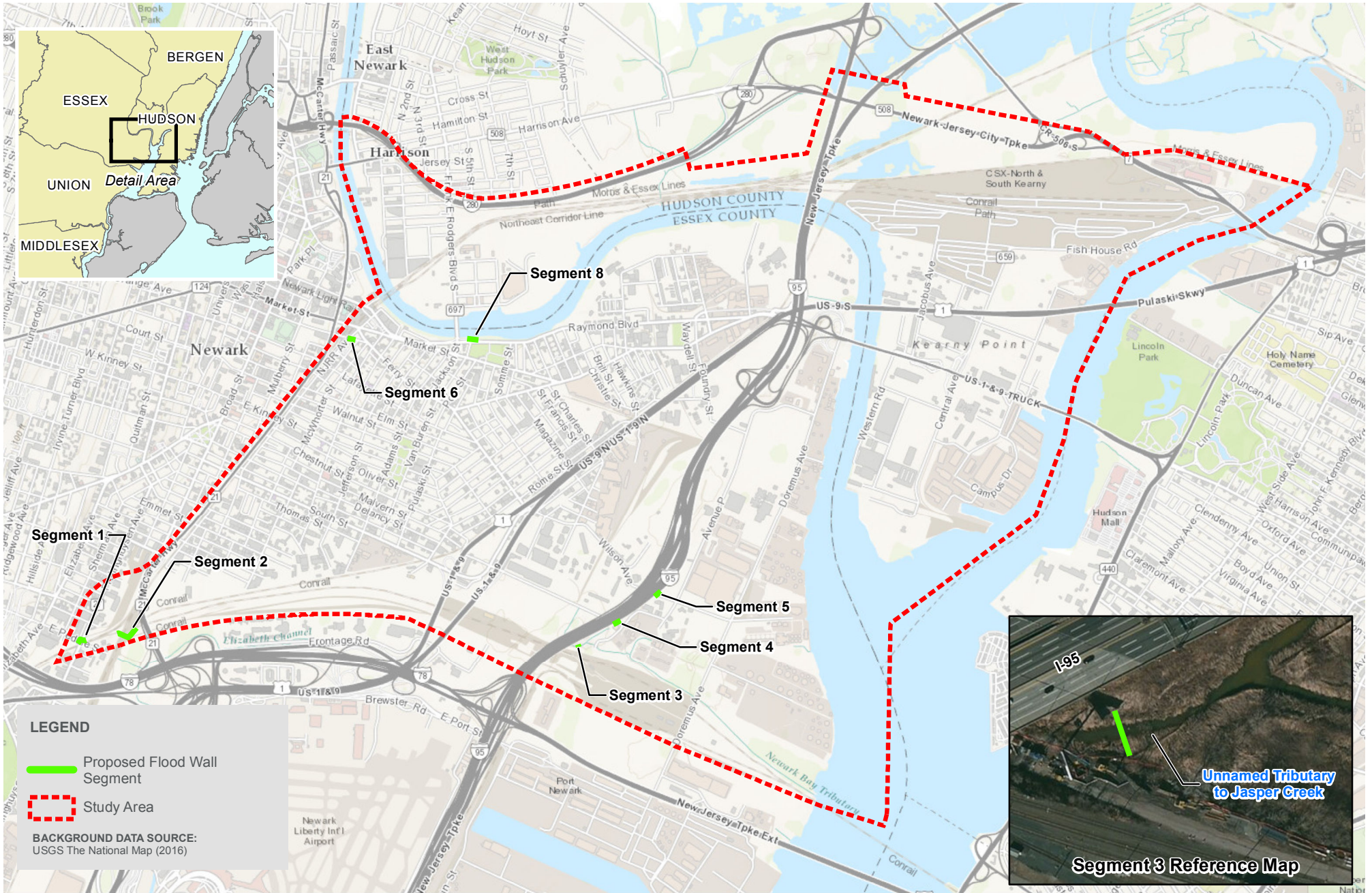
OPERATION AND MAINTENANCE

For an additional amount for ``Operation and Maintenance" for necessary expenses related to the consequences of Hurricane Sandy, \$742,000,000, to remain available until expended to dredge Federal navigation channels, and repair damage to Corps projects: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, <<NOTE: Deadlines. Reports.>> That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ``Flood Control and Coastal Emergencies" for necessary expenses related to the consequences of Hurricane Sandy, \$582,000,000, to remain available until expended to support emergency operations, repairs, and other activities, as authorized by law: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, <<NOTE: Deadlines. Reports.>> That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

ENVIRONMENTAL CORRESPONDENCE



US Army Corps
of Engineers®
New York District

0 Feet 4,000
SCALE: 1:40,000



PASSAIC RIVER TIDAL ENVIRONMENTAL ASSESSMENT

SITE LOCATION

FIGURE 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>



In Reply Refer To:

August 22, 2017

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change,

chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Description: Project involves the construction of a series of floodwalls with closure gates.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/40.72240644869562N74.14562478951565W>



Counties: Essex, NJ | Hudson, NJ

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

USFWS National Wildlife Refuges And Fish Hatcheries

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges or fish hatcheries within your project area.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The migratory birds species listed below are species of particular conservation concern (e.g. [Birds of Conservation Concern](#)) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the [AKN Histogram Tools](#) and [Other Bird Data Resources](#). To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
Cerulean Warbler <i>Dendroica cerulea</i> https://ecos.fws.gov/ecp/species/2974	On Land: Breeding
Least Bittern <i>Ixobrychus exilis</i> https://ecos.fws.gov/ecp/species/6175	On Land: Breeding
Rusty Blackbird <i>Euphagus carolinus</i>	On Land: Wintering
Wood Thrush <i>Hylocichla mustelina</i>	On Land: Breeding
Worm Eating Warbler <i>Helmitheros vermivorum</i>	On Land: Breeding
Golden-winged Warbler <i>Vermivora chrysoptera</i> https://ecos.fws.gov/ecp/species/8745	On Land: Breeding
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i>	On Land: Breeding

<https://ecos.fws.gov/ecp/species/9399>

Purple Sandpiper <i>Calidris maritima</i>	On Land: Wintering
American Bittern <i>Botaurus lentiginosus</i> https://ecos.fws.gov/ecp/species/6582	On Land: Breeding
American Oystercatcher <i>Haematopus palliatus</i> https://ecos.fws.gov/ecp/species/8935	On Land: Year-round
Pied-billed Grebe <i>Podilymbus podiceps</i>	On Land: Year-round
Snowy Egret <i>Egretta thula</i>	On Land: Breeding
Blue-winged Warbler <i>Vermivora pinus</i>	On Land: Breeding
Saltmarsh Sparrow <i>Ammodramus caudacutus</i>	On Land: Breeding
Canada Warbler <i>Wilsonia canadensis</i>	On Land: Breeding
Seaside Sparrow <i>Ammodramus maritimus</i>	On Land: Year-round
Kentucky Warbler <i>Oporornis formosus</i>	On Land: Breeding
Prairie Warbler <i>Dendroica discolor</i>	On Land: Breeding
Fox Sparrow <i>Passerella iliaca</i>	On Land: Wintering
Upland Sandpiper <i>Bartramia longicauda</i> https://ecos.fws.gov/ecp/species/9294	On Land: Breeding
Bald Eagle <i>Haliaeetus leucocephalus</i> https://ecos.fws.gov/ecp/species/1626	On Land: Year-round
Black Skimmer <i>Rynchops niger</i> https://ecos.fws.gov/ecp/species/5234	On Land: Breeding
Gull-billed Tern <i>Gelochelidon nilotica</i> https://ecos.fws.gov/ecp/species/9501	On Land: Breeding
Loggerhead Shrike <i>Lanius ludovicianus</i> https://ecos.fws.gov/ecp/species/8833	On Land: Year-round
Peregrine Falcon <i>Falco peregrinus</i> https://ecos.fws.gov/ecp/species/8831	On Land: Wintering
Short-eared Owl <i>Asio flammeus</i> https://ecos.fws.gov/ecp/species/9295	On Land: Wintering
Willow Flycatcher <i>Empidonax traillii</i>	On Land: Breeding

<https://ecos.fws.gov/ecp/species/3482>

Hudsonian Godwit *Limosa haemastica*

At Sea: Migrating

Least Tern *Sterna antillarum*

On Land: Breeding

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
 - Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
 - Year-round bird occurrence data
<http://www.birdscanada.org/birdmon/default/datasummaries.jsp>
-

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

ESTUARINE AND MARINE DEEPWATER

- [E1UBLx](#)
- [E1UBL6x](#)
- [E1UBL](#)

ESTUARINE AND MARINE WETLAND

- [E2EM1N](#)
- [E2EM5P](#)
- [E2EM5P6](#)
- [E2EM1P](#)
- [E2EM1P6](#)
- [E2USN](#)

FRESHWATER EMERGENT WETLAND

- [PEM5R](#)
- [PEM1Fx](#)
- [PEM5E](#)
- [PEM1E](#)
- [PEM1Eh](#)
- [PEM5Fh](#)
- [PEM1C](#)
- [PEM5Eh](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PSS1R](#)

FRESHWATER POND

- [PUBF](#)
 - [PUBHh](#)
 - [PUBVx](#)
 - [PUBHx](#)
 - [PUBFh](#)
-

RIVERINE

- [R4SBCx](#)
 - [R1UBVx](#)
 - [R2UBHx](#)
-



August 24, 2017

SENT VIA EMAIL

State of New Jersey - Department of Environmental Protection
The New Jersey Natural Heritage Program
DEP - Office of Natural Lands Management
Mail Code 501-04
P.O. Box 420
501 E. State Street
Station Plaza #5, 4th Floor
Trenton, New Jersey 08625-0420

RE: Threatened and Endangered Species Information Request
Passaic River Tidal Protection Area General Reevaluation Study EA
City of Newark, Essex County, New Jersey

To whom it may concern,

The U.S. Army Corps of Engineers USACE is preparing an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) for the Passaic River Tidal Protection Area General Reevaluation Study. The proposed project is located in the City of Newark, Essex County, New Jersey (Figure 1). The Proposed Action consists of construction and operation of a series of floodwalls and closure gates with integrated interior drainage systems and pump stations. A total of seven floodwall segments would be constructed within low lying flood prone areas of the City of Newark to reduce the risk of flooding during coastal storm events.

The Passaic River Tidal Protection project is part of the larger Passaic River Main Stem project, which was authorized for construction by Section 101(a)(18) of the Water Resources Development Act (WRDA) of 1990, as amended by Section 101(a)(18)(ii) of WRDA 1992, Section 102(p) of WRDA 1992, and Section 327(i) of WRDA 2000. Pre-engineering design work for the Passaic River Main Stem project was underway until the sponsor withdrew support for the project in 1995. Work was halted until March 2011, when the non-Federal sponsor, the New Jersey Department of Environmental Protection (NJDEP), requested a reevaluation of the Passaic River Main Stem project; a Feasibility Cost Sharing Agreement was executed in June 2012 between the USACE and NJDEP.

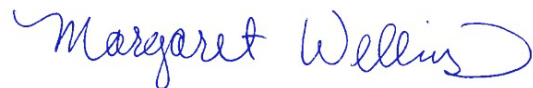
The reevaluation study was underway when Hurricane Sandy severely impacted the study area in October 2012. The storm's tidal surge inundated the southern portion of the Main Stem project area. The Tidal Protection Area was included in the Second Interim Report to Congress in response to P.L. 113-2, listing it as eligible to be managed as its own separate project. The reevaluation study is funded for completion via P.L. 113-2. This general reevaluation study will present updated projects costs, benefits, and NEPA documentation to determine if the project is still economically justifiable, technically feasible, and environmentally acceptable.

On behalf of USACE, HDR requests any available data on significant habitat, threatened and endangered species and species of special concern in the vicinity of the proposed project. The results of the file search

will be used to support the development of the EA. Specific information on the location of sensitive species or habitats provided by the New York Natural Heritage Program will not be published in any document unless permission is granted.

Please feel free to contact me at (201) 335-9443 or via email at Margaret.wellins@hdrinc.com should you have any questions regarding this request. I look forward to hearing from you, and would greatly appreciate any help you can provide.

Sincerely,
HDR



Margaret Wellins
Environmental Scientist

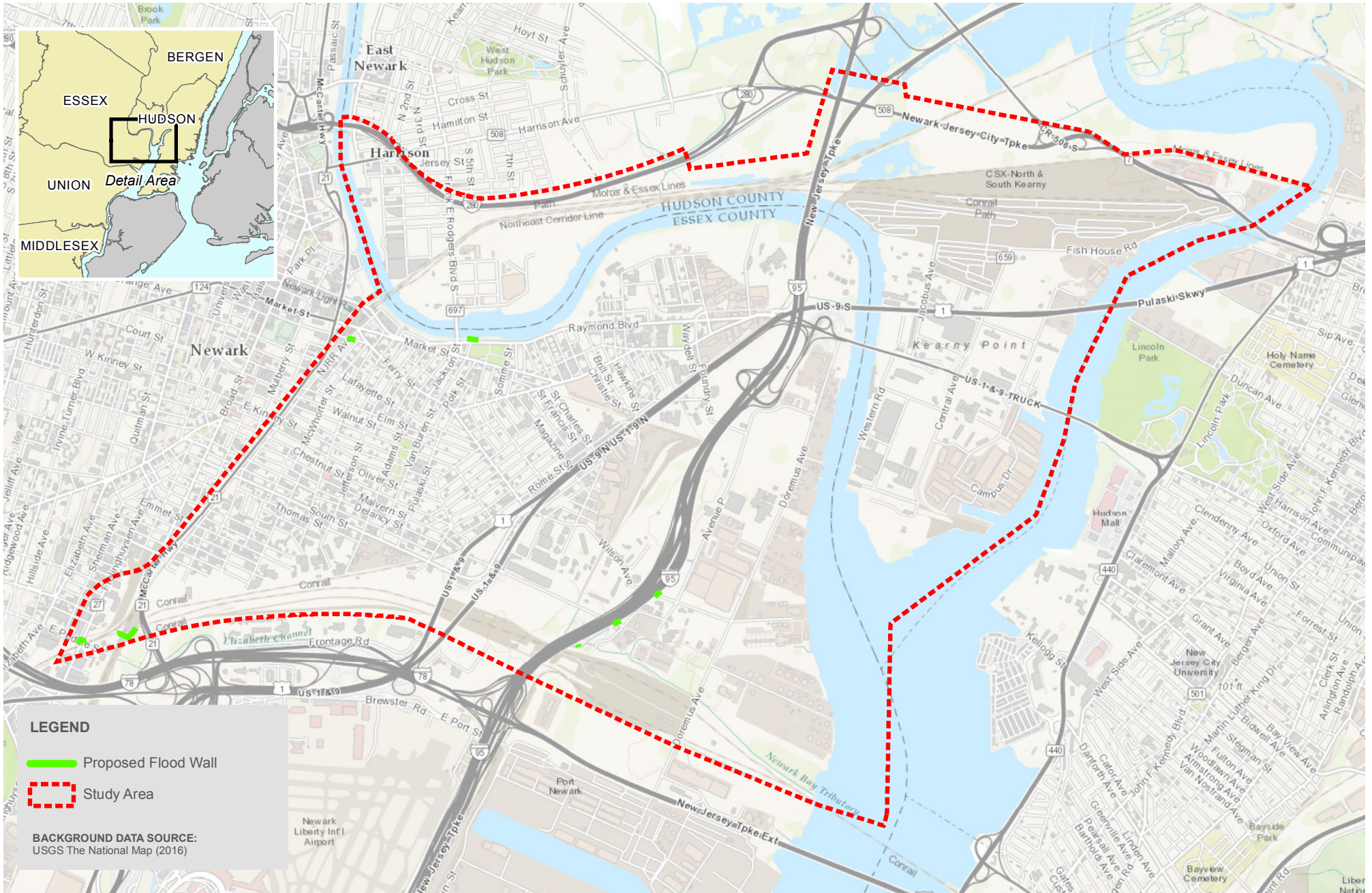
Cc: Matthew Voisine, USACE

Enclosures:

Figure 1 – Site Location Map

Attachment 1 – Natural Heritage Data Request Form

Attachment 2 – Tax Block and Lots within the Proposed Floodwall Alignment



**US Army Corps
of Engineers®**
New York District

0 Feet 4,000
SCALE: 1:40,000



PASSAIC RIVER TIDAL ENVIRONMENTAL ASSESSMENT

SITE LOCATION

FIGURE 1



State of New Jersey
Mail Code 501-04
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP-Office of Natural Lands Management
P.O. Box 420, Trenton, New Jersey 08625-0420
(609) 984-1339
Fax No.: (609) 984-1427



PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE
(Fields shown in bold font must be completed in order for data request to be processed.)

1. **Name:** Margaret Wellins **Agency/Company:** HDR, Inc.
Address: 1 International Blvd. **City:** Mahwah
State: NJ **Zip:** 07495 **Daytime Phone:** 201.335.9443 **Ext.:** _____
Cell Phone: 973.934.9813 **Email:** Margaret.Wellins@hdrinc.com
2. **Project Name:** Passaic River Tidal General Reevaluation Study EA
Municipality(ies): Newark **County(ies):** Essex
Block(s): See Attachment 2 **Lot(s):** See Attachment 2
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: **E (x):** 586,671 **N (y):** 689,417
3. **Project Description:** The U.S. Army Corps of Engineers proposes to construct seven floodwall segment in low lying flood prone areas of the City of Newark, Essex County (See Figure 1).
4. **USGS Quad:** x A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): _____
(USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)
5. **Flood Hazard Control Act Use:** **Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes** _____ **No** x
6. **Acknowledgement & Signature:** Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management."
- Signed** Margaret Wellins **Date** 08/25/2017

Time Frame for Response:

Data requests are processed in the order in which they are received; please allow 30 days for response. If you would like to send in your data request via email, you may do so by sending it to Natlands@dep.nj.gov. Due to the number of attachments, we cannot fax results. Unless you specifically request that your response be mailed or the response is unusually large, your response will be emailed to the address you provide.

FOR OFFICE USE ONLY

DATE RECEIVED _____

Item Code: REG _____ ST _____ RTC _____ NC _____ REGeo _____ STEO _____ RTCEO _____ NCEO _____

Hrs: _____

Project Code: _____ **Inv. #:** _____

Attachment 2 – List of Tax Block and Lots within the Proposed Floodwall Alignment in the City of Newark

Block	Lot
182	1
2028	1
2027	2
2755	54
	60
	62
5024	18
5048	1
5050	40
5056	80
5056.01	24
5088	67
	70
	123
	124
	160

Notes: Tax Block and Lot information obtained from the NJ Office of Information Technology.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 08205
Phone: (609) 646-9310 Fax: (609) 646-0352

<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>



In Reply Refer To:

August 22, 2017

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change,

chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Description: Project involves the construction of a series of floodwalls with closure gates.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/40.72240644869562N74.14562478951565W>



Counties: Essex, NJ | Hudson, NJ

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

USFWS National Wildlife Refuges And Fish Hatcheries

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges or fish hatcheries within your project area.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The migratory birds species listed below are species of particular conservation concern (e.g. [Birds of Conservation Concern](#)) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the [AKN Histogram Tools](#) and [Other Bird Data Resources](#). To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
Cerulean Warbler <i>Dendroica cerulea</i> https://ecos.fws.gov/ecp/species/2974	On Land: Breeding
Least Bittern <i>Ixobrychus exilis</i> https://ecos.fws.gov/ecp/species/6175	On Land: Breeding
Rusty Blackbird <i>Euphagus carolinus</i>	On Land: Wintering
Wood Thrush <i>Hylocichla mustelina</i>	On Land: Breeding
Worm Eating Warbler <i>Helmitheros vermivorum</i>	On Land: Breeding
Golden-winged Warbler <i>Vermivora chrysoptera</i> https://ecos.fws.gov/ecp/species/8745	On Land: Breeding
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i>	On Land: Breeding

<https://ecos.fws.gov/ecp/species/9399>

Purple Sandpiper <i>Calidris maritima</i>	On Land: Wintering
American Bittern <i>Botaurus lentiginosus</i> https://ecos.fws.gov/ecp/species/6582	On Land: Breeding
American Oystercatcher <i>Haematopus palliatus</i> https://ecos.fws.gov/ecp/species/8935	On Land: Year-round
Pied-billed Grebe <i>Podilymbus podiceps</i>	On Land: Year-round
Snowy Egret <i>Egretta thula</i>	On Land: Breeding
Blue-winged Warbler <i>Vermivora pinus</i>	On Land: Breeding
Saltmarsh Sparrow <i>Ammodramus caudacutus</i>	On Land: Breeding
Canada Warbler <i>Wilsonia canadensis</i>	On Land: Breeding
Seaside Sparrow <i>Ammodramus maritimus</i>	On Land: Year-round
Kentucky Warbler <i>Oporornis formosus</i>	On Land: Breeding
Prairie Warbler <i>Dendroica discolor</i>	On Land: Breeding
Fox Sparrow <i>Passerella iliaca</i>	On Land: Wintering
Upland Sandpiper <i>Bartramia longicauda</i> https://ecos.fws.gov/ecp/species/9294	On Land: Breeding
Bald Eagle <i>Haliaeetus leucocephalus</i> https://ecos.fws.gov/ecp/species/1626	On Land: Year-round
Black Skimmer <i>Rynchops niger</i> https://ecos.fws.gov/ecp/species/5234	On Land: Breeding
Gull-billed Tern <i>Gelochelidon nilotica</i> https://ecos.fws.gov/ecp/species/9501	On Land: Breeding
Loggerhead Shrike <i>Lanius ludovicianus</i> https://ecos.fws.gov/ecp/species/8833	On Land: Year-round
Peregrine Falcon <i>Falco peregrinus</i> https://ecos.fws.gov/ecp/species/8831	On Land: Wintering
Short-eared Owl <i>Asio flammeus</i> https://ecos.fws.gov/ecp/species/9295	On Land: Wintering
Willow Flycatcher <i>Empidonax traillii</i>	On Land: Breeding

<https://ecos.fws.gov/ecp/species/3482>

Hudsonian Godwit *Limosa haemastica*

At Sea: Migrating

Least Tern *Sterna antillarum*

On Land: Breeding

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
 - Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
 - Year-round bird occurrence data
<http://www.birdscanada.org/birdmon/default/datasummaries.jsp>
-

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

ESTUARINE AND MARINE DEEPWATER

- [E1UBLx](#)
- [E1UBL6x](#)
- [E1UBL](#)

ESTUARINE AND MARINE WETLAND

- [E2EM1N](#)
- [E2EM5P](#)
- [E2EM5P6](#)
- [E2EM1P](#)
- [E2EM1P6](#)
- [E2USN](#)

FRESHWATER EMERGENT WETLAND

- [PEM5R](#)
- [PEM1Fx](#)
- [PEM5E](#)
- [PEM1E](#)
- [PEM1Eh](#)
- [PEM5Fh](#)
- [PEM1C](#)
- [PEM5Eh](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PSS1R](#)

FRESHWATER POND

- [PUBF](#)
 - [PUBHh](#)
 - [PUBVx](#)
 - [PUBHx](#)
 - [PUBFh](#)
-

RIVERINE

- [R4SBCx](#)
 - [R1UBVx](#)
 - [R2UBHx](#)
-



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Ms. Katherine J. Marcopul
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

Dears. Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined (Enclosure 1). Additional maps and proposed plans are contained in the enclosed Case Report (Enclosure 2).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by your office on NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

Undertaking

The TSP consists of eight segments (See Enclosure 1, Figures 1 - 9). Segment 1, at the intersection of Frelinghuysen Avenue and East Peddie Street, as proposed, consists of two closure gates and wall segments tied into railroad embankments. This segment is 290 feet long and at the maximum will be three feet in height. Segment 2, just west of McCarter Highway (Rt. 21), as currently proposed, crosses nine sets of railroad tracks and includes five swing gates across the rail lines. This segment is 710 feet in length and up to six feet in height. In order to provide for comprehensive flood risk

management, three additional wall segments would be required to address additional flow pathways: Segment 3 at the drainage ditch under I-95 (New Jersey Turnpike) just south of Delancy Street, Segment 4 at Delancy Street, and Segment 5 at Wilson Avenue. These wall and closure gate segments are 125, 225, and 200 feet in length, respectively and all are located immediately east of the NJ Turnpike. Maximum heights as presently proposed are 9 feet above ground surface for Segment 3 across the drainage ditch, and 4 feet above ground surface for both Segments 4 and 5. Segment 6 runs along Edison Place for 200 feet to a maximum height of 3 feet and includes one roadway crossing of NJRR Avenue and ties into Newark Penn Station. Segment 7, as proposed, extends along Raymond Boulevard for 690 feet west of the Jackson Street Bridge to a maximum height of 5 feet above ground surface. Segment 8 runs along the roadway, east of the Jackson Street Bridge, for 290 feet to a maximum height 3 feet. Interior drainage measures will be determined during a detailed interior drainage analysis.

Area of Potential Effect (APE)

The APE is considered to be located along the alignment of the Line of Protection (LOP) in Segments 1 – 8, as currently proposed for the Undertaking. At this time, there are no staging areas, access roads or other ancillary features defined for the study but these areas will be considered within the APE once they are defined. The APE for archaeology, historic structures and historic landscapes has been defined as those areas along the proposed LOP that would likely be directly impacted by project construction. The APE for historic structures and historic landscapes includes also those locations that would be anticipated to have impacts visually from the completed project. Once the location and design of the interior drainage measures are better defined they will become part of the APE.

Identification and Evaluation

Above-Ground: Several NRHP-listed or eligible historic districts and individual properties are located within the APE. These consist of: Lehigh Valley Railroad Historic District (LVRR HD) and contributing elements, Pennsylvania Railroad (PRR) New York to Philadelphia HD (now Amtrak's Northeast Corridor), PRR New York Bay Branch HD, LVRR Oak Island Yard HD; Newark Penn Station, Jackson Street Bridge; Riverbank Park and Fieldhouse; Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the Ironbound Trust Company. There is limited potential for further above ground resources to be identified. A survey of the rail lines may identify contributing elements to the railroad HDs such as catenary in Segment 2. A large Quonset hut-like building at 106 Rutherford Place, in Segment 4, is possibly an early example of a prefab metal frame structure manufactured by the Butler Manufacturing Company and is potentially NRHP-eligible.

Below Ground: Sections of the NRHP-eligible Newark City Sewer System, as mapped by NJHPO, appear to be adjacent to and possibly within Segments 1, 7 and 8. The

Morris Canal HD, is within, or immediately adjacent to, Segments 7 and 8. Portions of the Balbach & Sons Smelting and Refining Works archaeological site (28-Ex-129) may be located within Segment 8. Additional below ground resources that may be encountered include railroad-related features such as embankments (Segments 1 and 2), Peddie's Ditch (Segment 1) and the remains of the Robinson & Roders Company factory (segment 6). Due to the highly disturbed urban and industrial landscape it is unlikely that evidence of Native American occupation will be encountered.

Assessment of Effects (Enclosure 3)

Above-Ground: It is the Corps opinion that the Undertaking will have no effect on the LVRR Oak Island Yard HD, Jackson Street Bridge, Second Reformed Church, Ironbound Trust Company, Riverbank Park and Field House and the Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works.

It is the Corps opinion that the Undertaking will have an effect on the LVRR HD, the PRR HD and the PRR New York Bay Branch HD but the effect will not be adverse on any of these lengthy rail corridors. There may be ancillary historic railroad features extant such as catenary, lamps, etc., within the Segment 2 vicinity. As plans are developed an access to the railroad corridor is obtained a survey may be conducted to identify any such historic features.

The Quonset hut-like "Butler Building" located at 106 Rutherford Place in Segment 4 may be eligible for the NRHP but additional study is required to make a determination. The construction of an adjacent wall and closure gate to a height of 4 feet above ground surface will have no direct effect on the structure and its setting has been modified largely by the looming presence of the New Jersey Turnpike. It is the Corps' opinion that the Undertaking will have no effect on this property.

The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

Below Ground: Project plans, as they are developed, will be compared with detailed maps of the historic City of Newark sewers to ensure that that the historic sewer is not impacted by the measures proposed for Segments 1, 7 and 8. If impacts are anticipated, measures to minimize or mitigate them will be developed. Additional research on Peddie's Ditch will be undertaken to confirm it will not be impacted by construction of Segment 1. Pending final design, archaeological monitoring during construction for remains of railroad gate mechanism and railroad embankment may be undertaken in Segment 1. Archaeological evidence of the Robinson & Roders Company plant are likely to be encountered in Segment 6. Additional research will determine the need for, and direction of, archeological investigations. Segments 7 and 8 are considered

sensitive for remains from the industrial development of the Passaic River waterfront and in particular evidence of the Morris Canal may be encountered. As project plans are developed the need for, and extent of, archaeological investigations will be coordinated with NJHPO and other interested parties. As project plans are developed, and locations for interior drainage measures and ancillary features are proposed, the need for associated investigations will be determined.

The Corps has prepared a draft Programmatic Agreement (PA) which stipulates the work the Corps will undertake to address further identification of historic properties, NRHP-evaluation, and development of mitigation measures should avoidance of impacts to significant properties not prove feasible (see Enclosure 2, Appendix B). The Corps will coordinate the draft PA with the Advisory Council on Historic Preservation, Federally Recognized Tribes, City of Newark Landmarks & Preservation Commission and other interested parties (Enclosure 4). The draft PA will be available for public review in the Draft Environmental Assessment which will serve as the USACE's Section 106 public coordination.

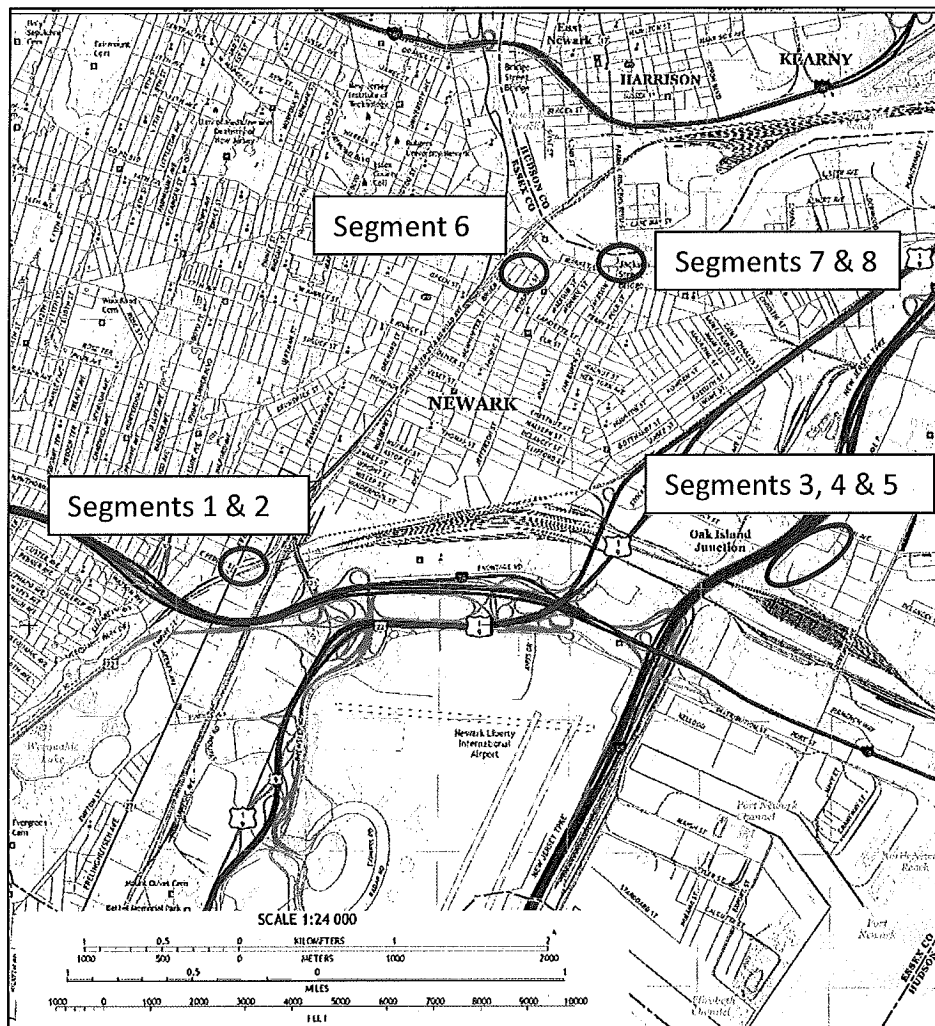
Please review the enclosed documents and provide Section 106 comments, pursuant to 36 CFR 800.5. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler", is written over a horizontal line.

Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosures



Enclosure 1. USGS Elizabeth, NJ-NY 7.5 minute quadrangle 2016. Location of proposed project segments circled.

**Enclosure 2: Identified and Potential Historic Properties within the
APE and Need for Further Study (detailed in text below)**

Segment	Above Ground	Further Study	Below Ground	Further Study
1	a. LVRR HD (NAE)	a. no	a. Newark City Sewer System b. Peddie's Ditch c. LVRR-related resources	a. yes b. yes c. yes
2	a. LVRR HD (NAE) b. PRR HD (NAE) c. PRR NYBB (NAE)	a. no b. yes c. no	None	no
3	a. LVRR HD (NE) b. LVRR Oak Is. Yard (NE) c. PVSCNBOSW (NE)	a. no b. no c. no	None	no
4	a. 106 Rutherford Pl. (NE) b. PVCNBOSW (NE)	a. yes b. no	None	no
5	PVSCNBOSW (NE)	no	None	no
6	a. PRR HD (NAE) b. Newark Penn Sta. (NAE w/ TP) c. Second Reformed Dutch Church & Rectory (NE) d. Ironbound Trust Co. (NE)	a. yes b. yes c. no d. no	Robinson & Roders Company Factory site	yes
7	Jackson Street Bridge (NE)	no	a. Morris Canal HD b. Newark City Sewer System	a. yes b. yes
8	a. Jackson Street Bridge (NE) b. Riverbank Park & Fieldhouse (NE)	a. no b. no	a. Morris Canal HD b. Site 28-Ex-129 c. Newark City Sewer System	a. yes b. yes c. yes
Interior Drainage	TBD	yes	TBD	yes
Other Features	TBD	yes	TBD	yes
NAE = No Adverse Effect, NE = No Effect, AE= Adverse Effect, TP = Treatment Plans, TBD= To Be Determined				

Enclosure 3

Newark Landmarks & Historic Preservation
Commission

Attn: William Mikesell, Chair
Newark City Hall
920 Broad Street
Newark, N.J. 07102

Ironbound Community Corporation
Attn: Mr. David Robinson, President
317 Elm Street
Newark, N.J. 07105

Ironbound Community Corporation
Attn: Ms. Nancy Zak
317 Elm Street
Newark, N.J. 07105

Newark Preservation & Landmarks
Committee
Elizabeth Del Tufo, President
69 Washington Street,
Newark, N.J. 07102

Trust for Public Land
Attn: Scott Dvorak
60 Park Place, Suite 203
Newark, NJ 07102

Joseph Macasek, President
Canal Society of New Jersey
P.O. Box 737
Morristown, New Jersey 07963-0737

Sandy Needham, President
Roebing Chapter, Society for Industrial
Archeology
RCSIAPrez@aol.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Ms. Kim Penrod
Director
Delaware Nation
Cultural Resources
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Penrod:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by the New Jersey Historic Preservation Office (NJHPO) on

NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

Undertaking

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Area of Potential Effect (APE)

The APE is considered to be located along the alignment of the Line of Protection (LOP) in Segments 1 – 8, as currently proposed for the Undertaking. At this time, there are no staging areas, access roads or other ancillary features defined for the study but these areas will be considered within the APE once they are defined. The APE for archaeology, historic structures and historic landscapes has been defined as those areas along the proposed LOP that would likely be directly impacted by project construction. The APE for historic structures and historic landscapes includes also those locations that would be anticipated to have impacts visually from the completed project. Once the location and design of the interior drainage measures are better defined they will become part of the APE.

Identification and Evaluation

Above-Ground: Several NRHP-listed or eligible historic districts and individual properties are located within the APE. These consist of: Lehigh Valley Railroad Historic District (LVRR HD) and contributing elements, Pennsylvania Railroad (PRR)

New York to Philadelphia HD (now Amtrak's Northeast Corridor), PRR New York Bay Branch HD, LVRR Oak Island Yard HD; Newark Penn Station, Jackson Street Bridge; Riverbank Park and Fieldhouse; Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the Ironbound Trust Company. There is limited potential for further above ground resources to be identified. A survey of the rail lines may identify contributing elements to the railroad HDs such as catenary in Segment 2. A large Quonset hut-like building at 106 Rutherford Place, in Segment 4, is possibly an early example of a prefab metal frame structure manufactured by the Butler Manufacturing Company and is potentially NRHP-eligible.

Below Ground: Sections of the NRHP-eligible Newark City Sewer System, as mapped by NJHPO, appear to be adjacent to and possibly within Segments 1, 7 and 8. The Morris Canal HD, is within, or immediately adjacent to, Segments 7 and 8. Portions of the Balbach & Sons Smelting and Refining Works archaeological site (28-Ex-129) may be located within Segment 8. Additional below ground resources that may be encountered include railroad-related features such as embankments (Segments 1 and 2), Peddie's Ditch (Segment 1) and the remains of the Robinson & Roders Company factory (segment 6). Due to the highly disturbed urban and industrial landscape it is unlikely that evidence of Native American occupation will be encountered.

Assessment of Effects (See Enclosure 1, page 52, Table 1)

Above-Ground: It is the Corps opinion that the Undertaking will have no effect on the LVRR Oak Island Yard HD, Jackson Street Bridge, Second Reformed Church, Ironbound Trust Company, Riverbank Park and Field House and the Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works.

It is the Corps opinion that the Undertaking will have an effect on the LVRR HD, the PRR HD and the PRR New York Bay Branch HD but the effect will not be adverse on any of these lengthy rail corridors. There may be ancillary historic railroad features extant such as catenary, lamps, etc., within the Segment 2 vicinity. As plans are developed an access to the railroad corridor is obtained a survey may be conducted to identify any such historic features.

The Quonset hut-like "Butler Building" located at 106 Rutherford Place in Segment 4 may be eligible for the NRHP but additional study is required to make a determination. The construction of an adjacent wall and closure gate to a height of 4 feet above ground surface will have no direct effect on the structure and its setting has been modified largely by the looming presence of the New Jersey Turnpike. It is the Corps' opinion that the Undertaking will have no effect on this property.

The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are

developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

Below Ground: Project plans, as they are developed, will be compared with detailed maps of the historic City of Newark sewers to ensure that the historic sewer is not impacted by the measures proposed for Segments 1, 7 and 8. If impacts are anticipated, measures to minimize or mitigate them will be developed. Additional research on Peddie's Ditch will be undertaken to confirm it will not be impacted by construction of Segment 1. Pending final design, archaeological monitoring during construction for remains of railroad gate mechanism and railroad embankment may be undertaken in Segment 1. Archaeological evidence of the Robinson & Roders Company plant are likely to be encountered in Segment 6. Additional research will determine the need for, and direction of, archeological investigations. Segments 7 and 8 are considered sensitive for remains from the industrial development of the Passaic River waterfront and in particular evidence of the Morris Canal may be encountered. As project plans are developed the need for, and extent of, archaeological investigations will be coordinated with NJHPO and other interested parties. As project plans are developed, and locations for interior drainage measures and ancillary features are proposed, the need for associated investigations will be determined.

The Corps has prepared a Draft Programmatic Agreement (PA) which stipulates further studies the Corps will undertake. The draft PA, for your review and comment, is included as Appendix B in the enclosed Case Report. This document is being coordinated with the New Jersey Historic Preservation Office, Advisory Council on Historic Preservation, other Federally Recognized Tribes, City of Newark Landmarks & Preservation Commission and other interested parties. We invite you to consult with us on the Passaic Tidal Coastal Storm Risk Management Project and participate in the PA. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629.

Sincerely,

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Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Mr. Chester Brooks
Chief
Delaware Tribe
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Dear Mr. Brooks:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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Area of Potential Effect (APE)

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Above-Ground: Several NRHP-listed or eligible historic districts and individual properties are located within the APE. These consist of: Lehigh Valley Railroad Historic District (LVRR HD) and contributing elements, Pennsylvania Railroad (PRR) New York to Philadelphia HD (now Amtrak's Northeast Corridor), PRR New York Bay Branch HD, LVRR Oak Island Yard HD; Newark Penn Station, Jackson Street Bridge; Riverbank Park and Fieldhouse; Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the

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Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Wepler', with a stylized, cursive script.

Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe of Oklahoma
29 S Highway 69A
Miami, OK 74355

Dear Ms. Jumper:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

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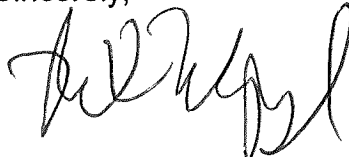
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Sincerely,

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Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Mr. Robin Dushane
Tribal Historic Preservation Officer
Eastern Shawnee Tribe of Oklahoma
7050 East 128 Road
Wyandote, OK 74370

Dear Mr. Dushane:

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Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Newark Landmarks & Historic Preservation Commission
Attn: William Mikesell, Chair
Newark City Hall
920 Broad Street
Newark, N.J. 07102

Dear Mr. Mikesell:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by the New Jersey Historic Preservation Office (NJHPO) on NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

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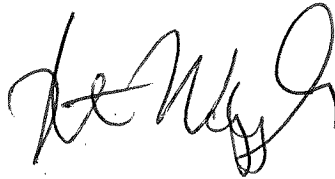
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Peter M. Wepler
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Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Ironbound Community Corporation
Attn: Mr. David Robinson, President
317 Elm Street
Newark, N.J. 07105

Dear Mr. Robinson:

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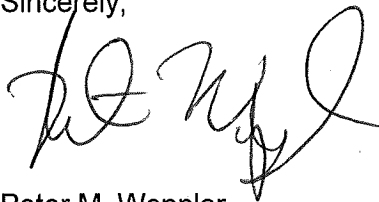
We invite you to participate in this project as an interested party. If you would like to comment on this project's cultural resource studies or receive further information about this work please contact the project archaeologist:

Ms. Lynn Rakos
Project Archaeologist
US Army Corps of Engineers
CENAN-PL-EA
26 Federal Plaza
New York, NY 10278

Comments provided will become part of the public record for this action. Comments submitted in response to this letter will be fully considered during the public interest review for the Environmental Assessment. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act (FOIA). The Administrative Record, or portions thereof, may also be posted on a Corps internet web site.

Should you require additional information or have any questions, please contact Ms. Rakos at (917) 790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

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Peter M. Wepppler
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Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

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Environmental Analysis Branch

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Attn: Ms. Nancy Zak
317 Elm Street
Newark, N.J. 07105

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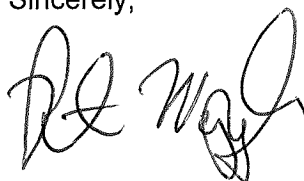
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Should you require additional information or have any questions, please contact Ms. Rakos at (917) 790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

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Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Trust for Public Land
Attn: Scott Dvorak
60 Park Place, Suite 203
Newark, NJ 07102

Dear Mr. Dvorak:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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Enclosure



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JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Newark Preservation & Landmarks Committee
Elizabeth Del Tufo, President
69 Washington Street,
Newark, N.J. 07102

Dears. Del Tufo

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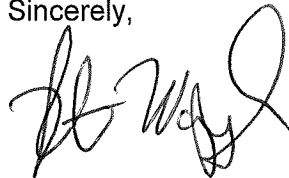
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REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Joseph Macasek, President
Canal Society of New Jersey
P.O. Box 737
Morristown, New Jersey 07963-0737

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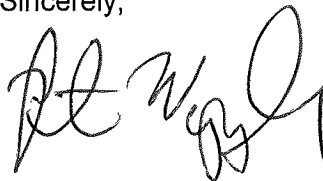
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Ms. Lynn Rakos
Project Archaeologist
US Army Corps of Engineers
CENAN-PL-EA
26 Federal Plaza
New York, NY 10278

Comments provided will become part of the public record for this action. Comments submitted in response to this letter will be fully considered during the public interest review for the Environmental Assessment. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act (FOIA). The Administrative Record, or portions thereof, may also be posted on a Corps internet web site.

Should you require additional information or have any questions, please contact Ms. Rakos at (917) 790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Weppeler', written over a horizontal line.

Peter M. Weppeler
Chief, Environmental Analysis Branch

Enclosure



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

Sandy Needham, President
Roebling Chapter, Society for Industrial Archeology
35-35 75th Street – Apt 602
Jackson Heights NY 11372

Dear Mr. Needham:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by the New Jersey Historic Preservation Office (NJHPO) on NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

Undertaking

The TSP consists of eight segments (See Enclosure 1, Figures 1 - 9). Segment 1, at the intersection of Frelinghuysen Avenue and East Peddie Street, as proposed, consists of two

closure gates and wall segments tied into railroad embankments. This segment is 290 feet long and at the maximum will be three feet in height. Segment 2, just west of McCarter Highway (Rt. 21), as currently proposed, crosses nine sets of railroad tracks and includes five swing gates across the rail lines. This segment is 710 feet in length and up to six feet in height. In order to provide for comprehensive flood risk management, three additional wall segments would be required to address additional flow pathways: Segment 3 at the drainage ditch under I-95 (New Jersey Turnpike) just south of Delancy Street, Segment 4 at Delancy Street, and Segment 5 at Wilson Avenue. These wall and closure gate segments are 125, 225, and 200 feet in length, respectively and all are located immediately east of the NJ Turnpike. Maximum heights as presently proposed are 9 feet above ground surface for Segment 3 across the drainage ditch, and 4 feet above ground surface for both Segments 4 and 5. Segment 6 runs along Edison Place for 200 feet to a maximum height of 3 feet and includes one roadway crossing of NJRR Avenue and ties into Newark Penn Station. Segment 7, as proposed, extends along Raymond Boulevard for 690 feet west of the Jackson Street Bridge to a maximum height of 5 feet above ground surface. Segment 8 runs along the roadway, east of the Jackson Street Bridge, for 290 feet to a maximum height 3 feet. Interior drainage measures will be determined during a detailed interior drainage analysis.

Area of Potential Effect (APE)

The APE is considered to be located along the alignment of the Line of Protection (LOP) in Segments 1 – 8, as currently proposed for the Undertaking. At this time, there are no staging areas, access roads or other ancillary features defined for the study but these areas will be considered within the APE once they are defined. The APE for archaeology, historic structures and historic landscapes has been defined as those areas along the proposed LOP that would likely be directly impacted by project construction. The APE for historic structures and historic landscapes includes also those locations that would be anticipated to have impacts visually from the completed project. Once the location and design of the interior drainage measures are better defined they will become part of the APE.

Identification and Evaluation

Above-Ground: Several NRHP-listed or eligible historic districts and individual properties are located within the APE. These consist of: Lehigh Valley Railroad Historic District (LVRR HD) and contributing elements, Pennsylvania Railroad (PRR) New York to Philadelphia HD (now Amtrak's Northeast Corridor), PRR New York Bay Branch HD, LVRR Oak Island Yard HD; Newark Penn Station, Jackson Street Bridge; Riverbank Park and Fieldhouse; Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the Ironbound Trust Company. There is limited potential for further above ground resources to be identified. A survey of the rail lines may identify contributing elements to the railroad HDs such as catenary in Segment 2. A large Quonset hut-like building at 106 Rutherford Place, in Segment 4, is possibly an early example of a prefab metal frame structure manufactured by the Butler Manufacturing Company and is potentially NRHP-eligible.

Below Ground: Sections of the NRHP-eligible Newark City Sewer System, as mapped by NJHPO, appear to be adjacent to and possibly within Segments 1, 7 and 8. The Morris Canal HD, is within, or immediately adjacent to, Segments 7 and 8. Portions of the Balbach & Sons Smelting and Refining Works archaeological site (28-Ex-129) may be located within Segment 8. Additional below ground resources that may be encountered include railroad-related features such as embankments (Segments 1 and 2), Peddie's Ditch (Segment 1) and the remains of the

Robinson & Roders Company factory (segment 6). Due to the highly disturbed urban and industrial landscape it is unlikely that evidence of Native American occupation will be encountered.

Assessment of Effects (See Enclosure 1, page 52, Table 1)

Above-Ground: It is the Corps opinion that the Undertaking will have no effect on the LVRR Oak Island Yard HD, Jackson Street Bridge, Second Reformed Church, Ironbound Trust Company, Riverbank Park and Field House and the Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works.

It is the Corps opinion that the Undertaking will have an effect on the LVRR HD, the PRR HD and the PRR New York Bay Branch HD but the effect will not be adverse on any of these lengthy rail corridors. There may be ancillary historic railroad features extant such as catenary, lamps, etc., within the Segment 2 vicinity. As plans are developed an access to the railroad corridor is obtained a survey may be conducted to identify any such historic features.

The Quonset hut-like “Butler Building” located at 106 Rutherford Place in Segment 4 may be eligible for the NRHP but additional study is required to make a determination. The construction of an adjacent wall and closure gate to a height of 4 feet above ground surface will have no direct effect on the structure and its setting has been modified largely by the looming presence of the New Jersey Turnpike. It is the Corps’ opinion that the Undertaking will have no effect on this property.

The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

Below Ground: Project plans, as they are developed, will be compared with detailed maps of the historic City of Newark sewers to ensure that that the historic sewer is not impacted by the measures proposed for Segments 1, 7 and 8. If impacts are anticipated, measures to minimize or mitigate them will be developed. Additional research on Peddie’s Ditch will be undertaken to confirm it will not be impacted by construction of Segment 1. Pending final design, archaeological monitoring during construction for remains of railroad gate mechanism and railroad embankment may be undertaken in Segment 1. Archaeological evidence of the Robinson & Roders Company plant are likely to be encountered in Segment 6. Additional research will determine the need for, and direction of, archeological investigations. Segments 7 and 8 are considered sensitive for remains from the industrial development of the Passaic River waterfront and in particular evidence of the Morris Canal may be encountered. As project plans are developed the need for, and extent of, archaeological investigations will be coordinated with NJHPO and other interested parties. As project plans are developed, and locations for interior drainage measures and ancillary features are proposed, the need for associated investigations will be determined.

The Corps has prepared a Draft Programmatic Agreement (PA) which stipulates further studies the Corps will undertake. The draft PA, for your review and comment, is included as Appendix B in the enclosed Case Report. This document is being coordinated with the New Jersey Historic Preservation Office, Advisory Council on Historic Preservation, Federally Recognized

Tribes, City of Newark Landmarks & Preservation Commission and other interested parties. The PA will be used to ensure that the Corps satisfies its responsibilities under Section 106 and other applicable laws and regulations. This document will also be available for review in the Environmental Assessment for the project or on request.

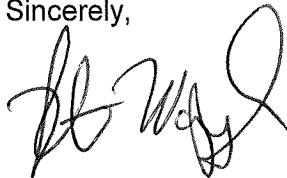
We invite you to participate in this project as an interested party. If you would like to comment on this project's cultural resource studies or receive further information about this work please contact the project archaeologist:

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