

# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

In replying refer to:  
Public Notice Number: NAN-2013-00671-WCA  
Issue Date: August 7, 2013  
Expiration Date: September 5, 2013

## To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Port Authority of New York and New Jersey  
Two Gateway Center, 14<sup>th</sup> Floor  
Newark, New Jersey, 07102

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction and installation of a new Runway Safety Area (RSA) at the north end of existing Runway 1; and a Patrol Road; relocate an existing drainage swale; and compensate for impacts to waters of the United States through the purchase of mitigation credits from the federally approved Richard P. Kane Wetland Mitigation Bank.

WATERWAY: East Riser Ditch (Hackensack River Watershed)

LOCATION: Borough of Teterboro, Moonachie, and Hasbrouck Heights, Bergen County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). It appears that the proposed activities within the project area would not impact EFH for any of the aquatic species or their life stages. Further consultation with NOAA-FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the permit modification.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- (New Jersey Department of Environmental Protection Flood Hazard Area Individual Permit)

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8412 and ask for James Cannon.

In order for us to better serve you, please complete our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

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For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Jodi M. McDonald  
Chief, Regulatory Branch



Enclosures

### WORK DESCRIPTION

The Port Authority of New York and New Jersey (PANYNJ) has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction and installation of a Runway Safety Area (RSA) at the north end of Runway 1, and an associated patrol road, and the relocation of an existing drainage swale within Teterboro Airport (TEB). The proposed project site is located within the Hackensack River watershed, in the Boroughs of Teterboro, Moonachie, and Hasbrouck Heights, Bergen County, New Jersey.

Runway 1-Runway Safety Area (RSA) Installation: Discharge approximately 5,857 cubic yards of fill material into 3.89 acres of non-tidal emergent (currently mowed) wetlands to facilitate the construction and installation of a 1,000 foot long by 500 foot wide (actual square footage equals 485,400 square feet) RSA. Construction activities would include grading activities, the placement of a geotextile liner, and the discharge of clean structural fill and coarse rock aggregate. Additional activities would include the relocation of an existing 650 foot long by 8 foot wide grass drainage swale. The existing drainage swale would be relocated along eastern boundary of the proposed RSA, and would be planted with appropriate, native non-bird attractant hydrophytic vegetation that would be mowed on a regular basis as currently occurs in the area of the existing drainage swale. The applicant has stated that the relocation of the swale is necessary to provide the level surface required of an RSA, while allowing continued drainage that preserves watershed characteristics and does not add impervious surface area.

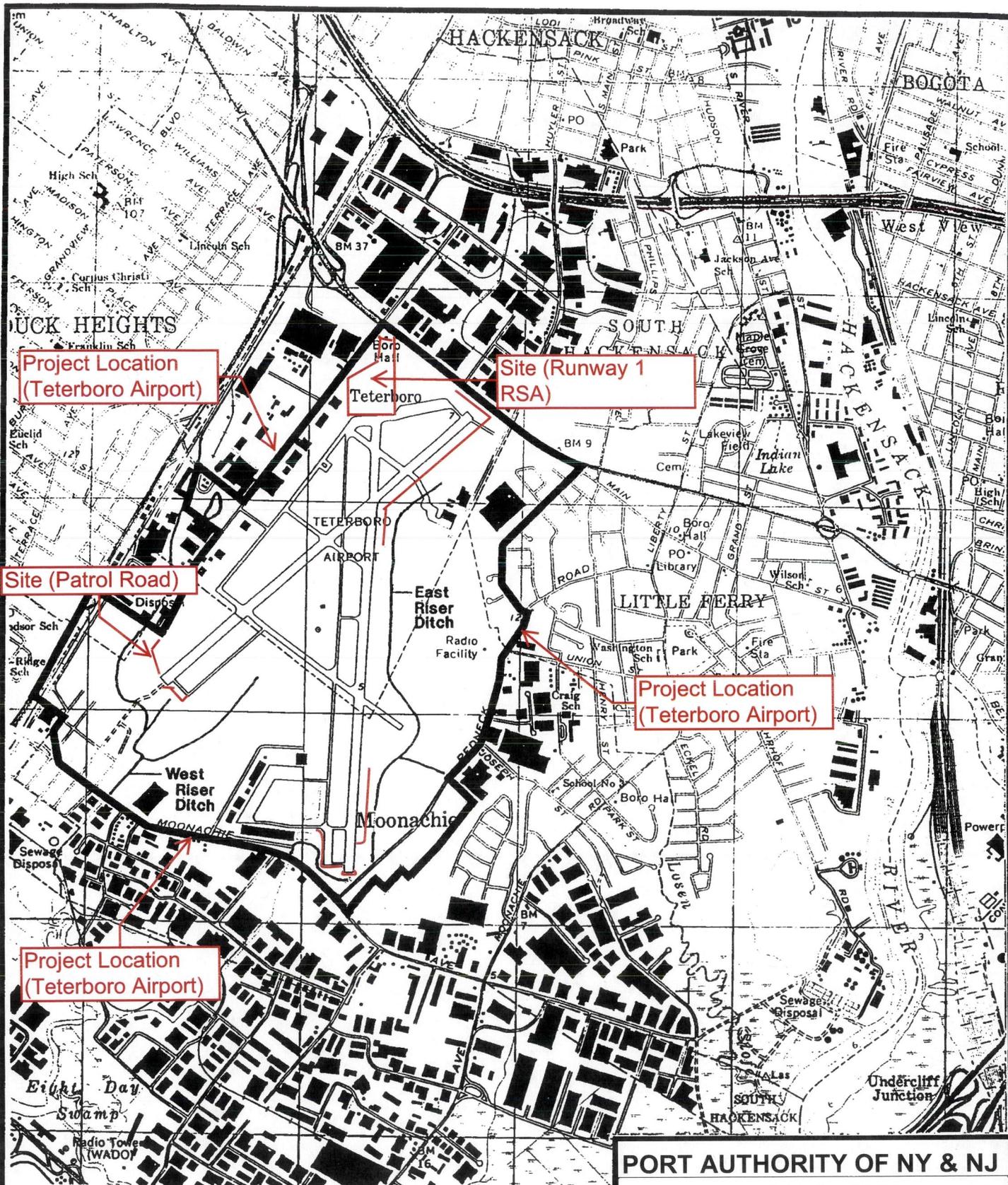
Patrol Road Installation: Discharge approximately 786 cubic yards of fill material into approximately 0.22 acres of non-tidal emergent (currently mowed) wetlands to facilitate the construction and installation of a 9,000 linear foot (1.7 mile) by 12 foot wide Patrol Road that would extend around the perimeter of the two existing airport runways. Construction activities would include grading and the placement of coarse rock aggregate along portions of the Patrol Road alignment. Approximately 435 linear feet of the 9,000 linear foot Patrol Road would extend through existing emergent mowed wetlands.

Compensatory Mitigation: To compensate for the 4.11 acres of permanent emergent wetland impacts associated with the construction of the proposed RSA and Patrol Road, the PANYNJ proposes to purchase 4.11 mitigation credits from the federally approved Richard P. Kane Wetland Mitigation Bank, located in the Hackensack Meadowland District.

Avoidance and Minimization: The applicant has stated the following:  
Several alternatives to the proposed RSA project were evaluated including the No-Action alternative, and the use of an Engineered Materials Arrestor System (EMAS). To comply with the FAA and Congressional mandates, there are no locations, other than the ends of runways that are acceptable for RSA's, and the No-Action alternative does not address the need for the project and would violate the FAA and Congressional mandates. The use of an EMAS would result in permanent impacts to approximately 2.63 acres of emergent wetlands. Although the wetland impact would be lower than the installation of a full RSA alternative, FAA regulations only allow use of an EMAS when a full-dimension RSA is not practicable due to natural obstacles, local development, and/or environmental constraints. At the end of TEB Runway 1, there are no natural obstacles, local development restrictions or environmental constraints to preclude the use of an RSA. Despite a lesser direct impact to wetlands, the EMAS alternative would involve other impacts, including the need to construct a flood storage area to meet New Jersey Department of Environmental Protection stormwater runoff quality requirements and stormwater flood attenuation requirements which would could require additional impacts to aquatic resources. In addition, a flood

storage area would attract wildlife and birds that pose safety hazards for aircraft and thus violate the FAA Advisory Circular AC 150/5200-33B Hazardous Wildlife Attractions on or Near Airports. As a result the applicant determined, in consultation with the FAA that the construction of an EMAS at the north end of Runway 1 was unacceptable and that the full RSA alternative meets the project purpose and need while avoiding unnecessary aquatic impacts, impacts to water quality standards, and wildlife hazard impacts to aircraft and passengers. Alternatives to the Patrol Road alignments were also evaluated that would involve equal or greater wetland impacts. Therefore, to reduce the wetland impacts associated with the construction of Patrol Road, the applicant designed the Patrol Road alignment to utilize existing paved areas within the TEB airport system. Thus, the overall preferred Patrol Road alignment would avoid disturbance to the adjacent forested wetland areas that provide greater functionality due to their scarcity in the surrounding area.

The PANYNJ has stated that the purpose of the project is to construct an RSA that would provide sufficient distance for aircraft that overrun the runway to stop without being damaged and causing injury to passengers. RSA's are safety features that fulfill Federal Aviation Administration (FAA) and Congressional mandates, and which are required to be installed by 2015. The proposed Patrol Road is needed to allow airport personnel and vehicles safe, rapid access to all parts of the airport for inspections and rapid access during emergencies without having to cross active runways and taxiways, causing unnecessary runway incursions.



**PORT AUTHORITY OF NY & NJ**  
Runway 1 Runway Safety Area (RSA) improvements  
and Petrol Road.  
**Site Location Map**  
TETERBORO AIRPORT, TETERBORO, NJ

Source: USGS Weehawken Quadrangle, NJ-NY.

FIGURE 1

Figure 1 of 7

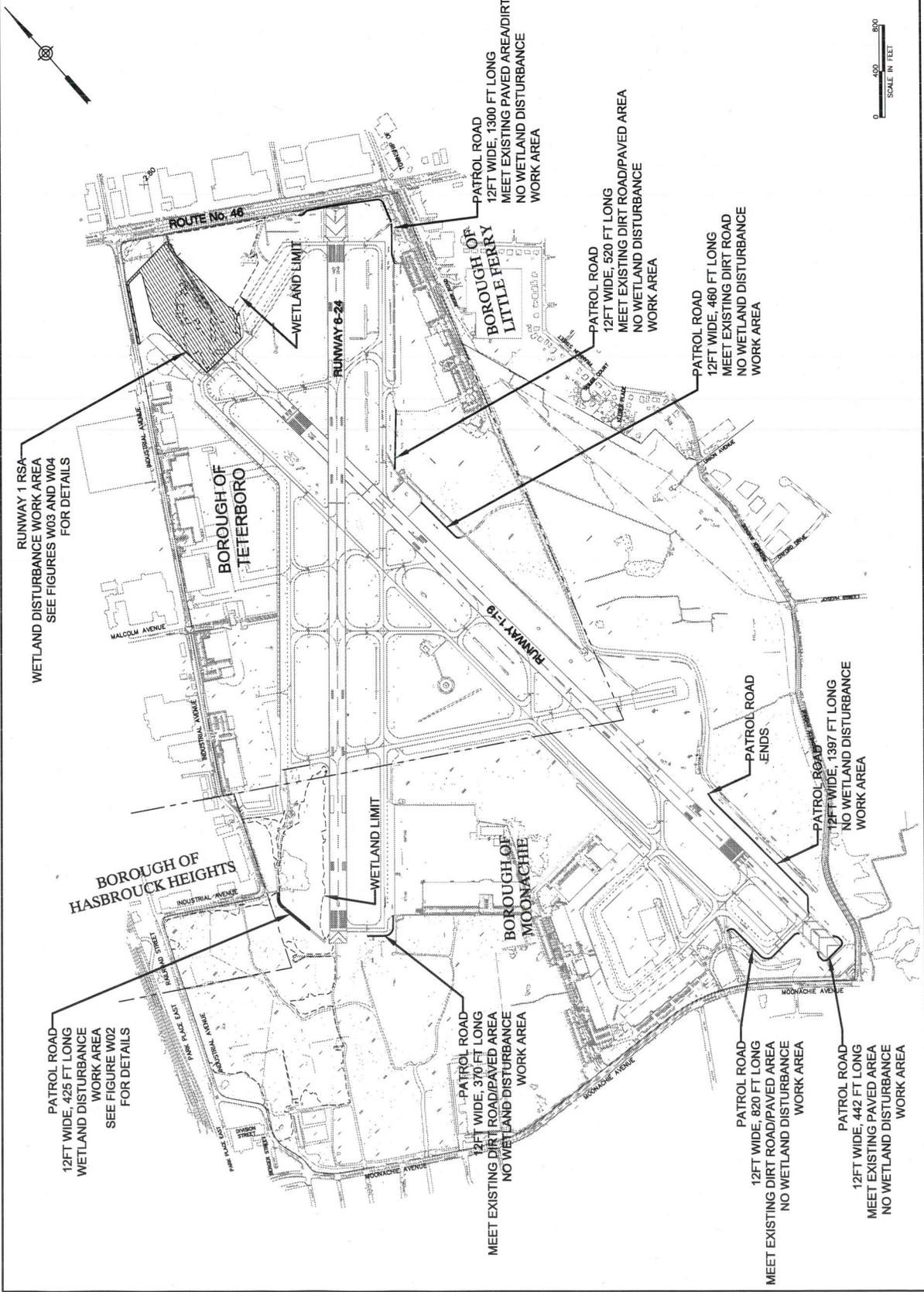
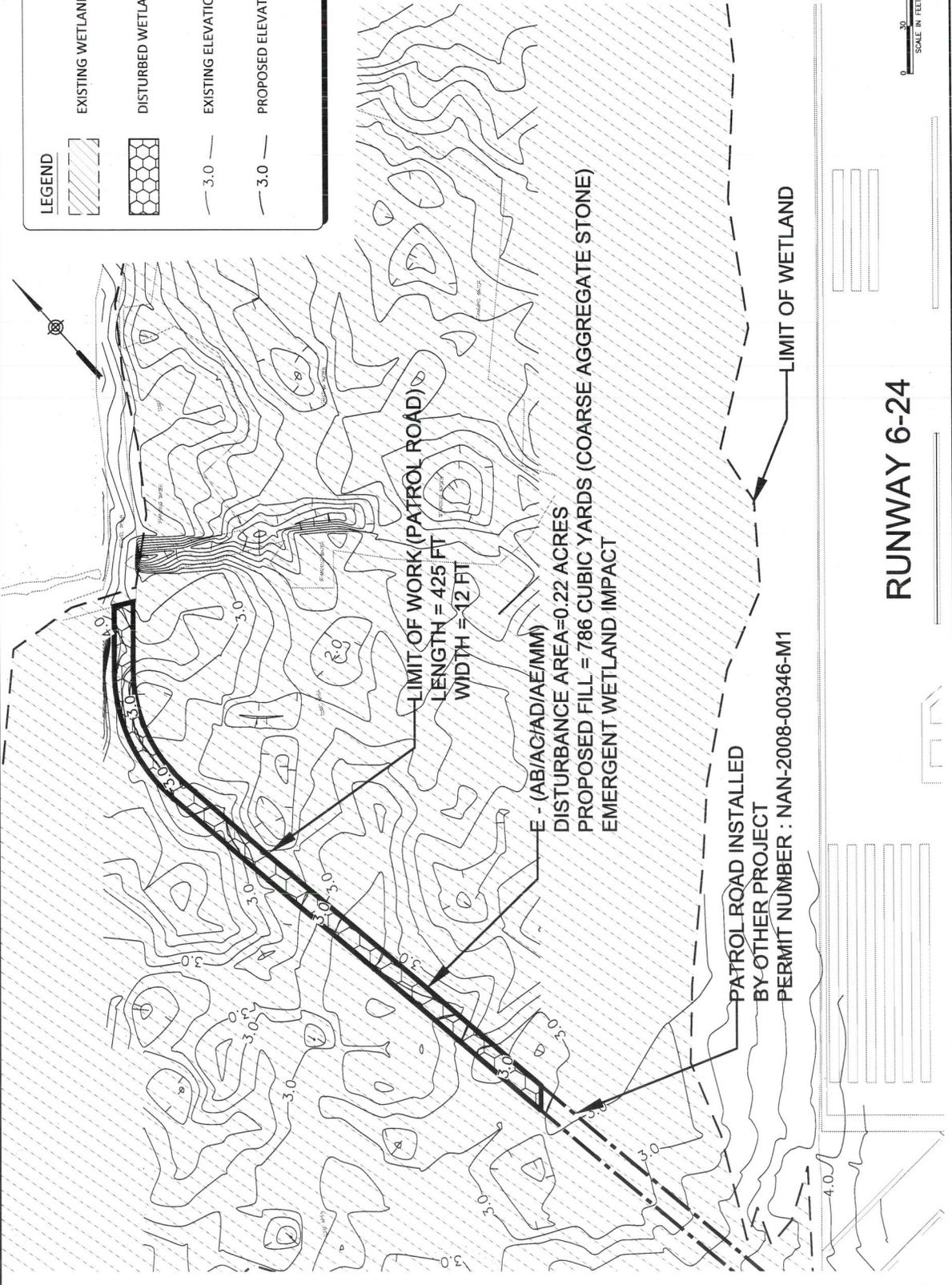


Figure 2 of 7

**LEGEND**

	EXISTING WETLAND
	DISTURBED WETLAND
	EXISTING ELEVATION
	PROPOSED ELEVATION



RUNWAY 6-24

Figure 3 of 7

**LEGEND**

- EXISTING WETLAND
- EXISTING ELEVATION
- 4.0

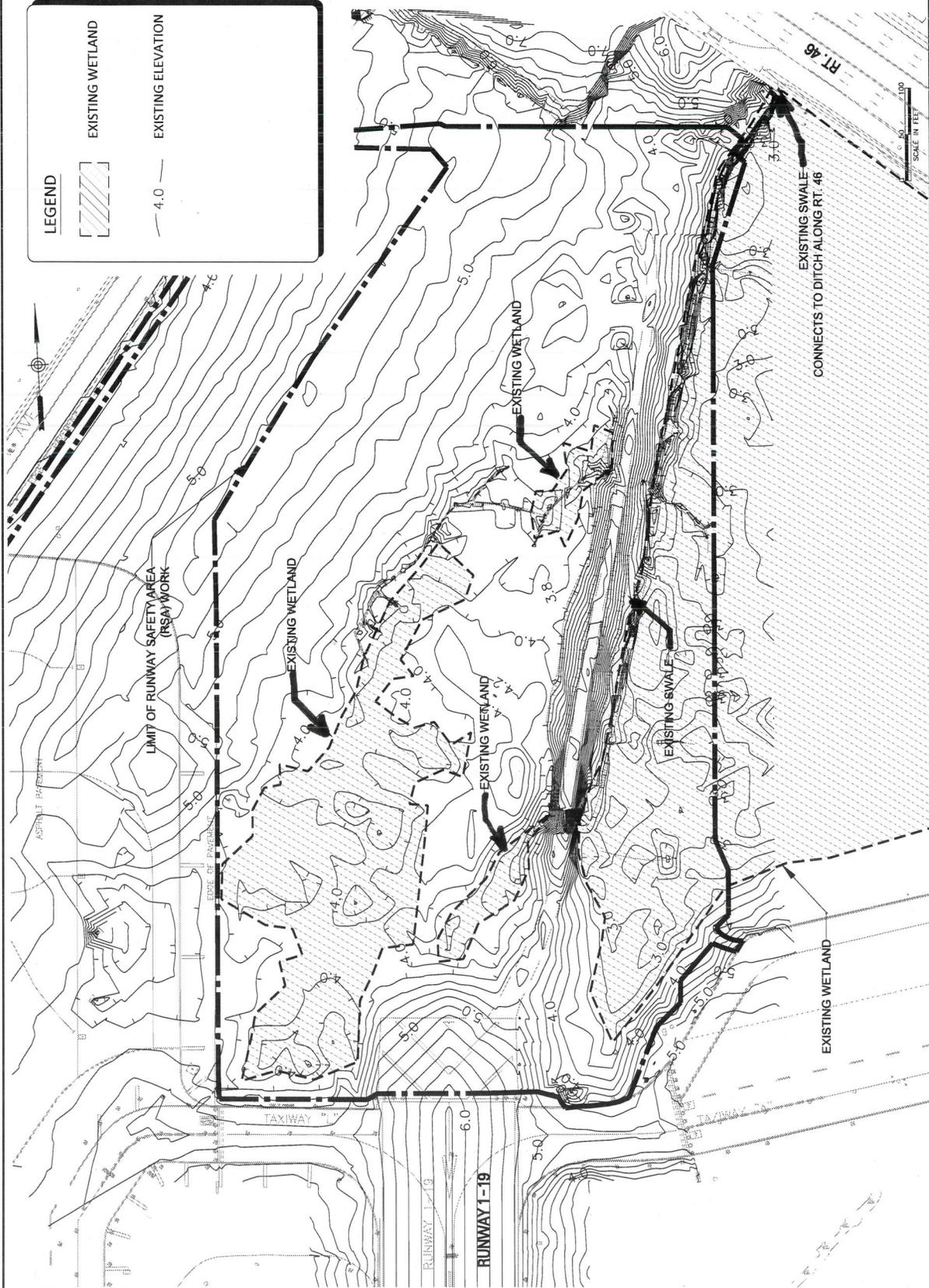


Figure 4 of 7

**LEGEND**

- EXISTING WETLAND NOT TO BE DISTURBED
- DISTURBED WETLAND
- EXISTING ELEVATION
- PROPOSED ELEVATION

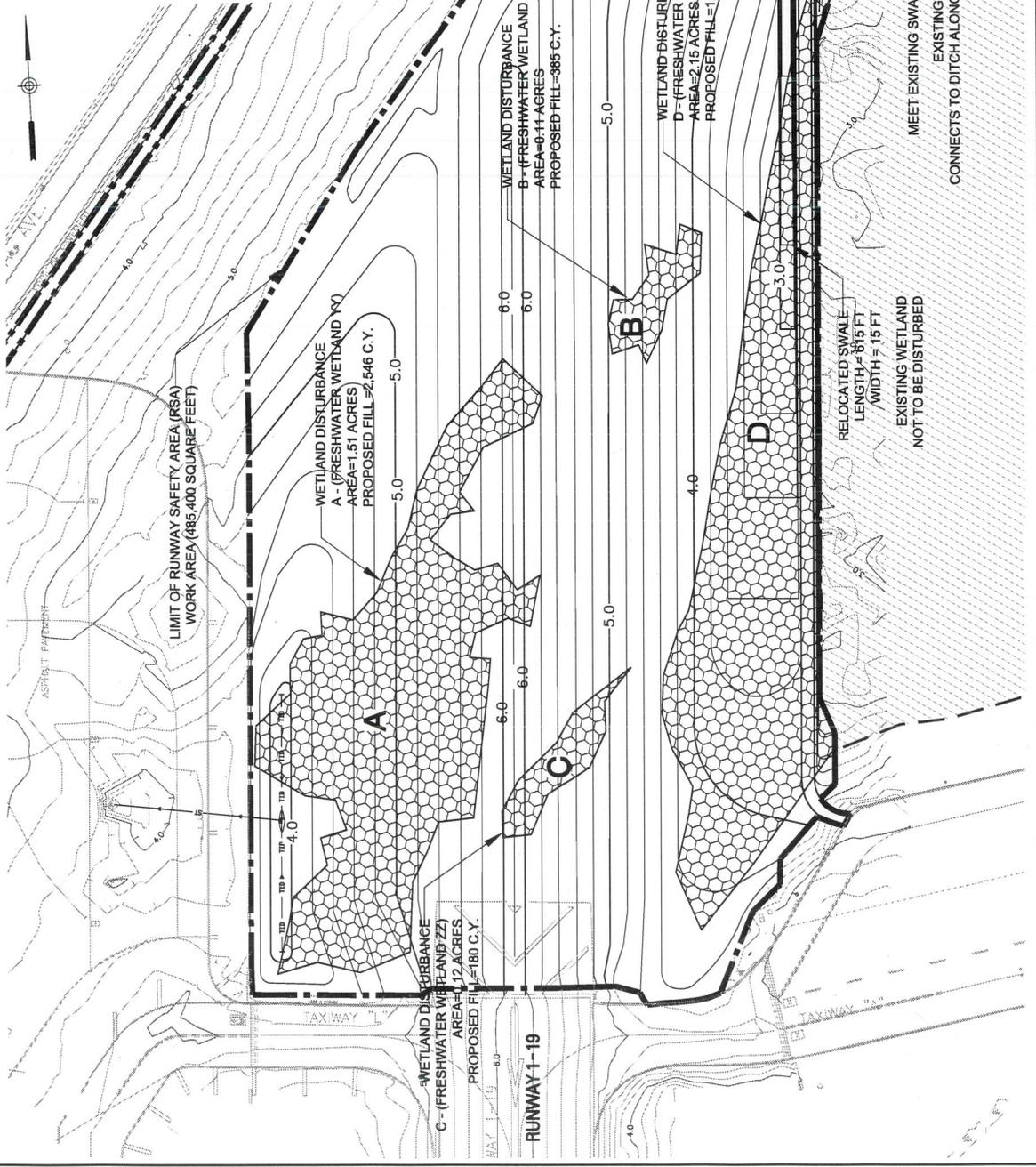
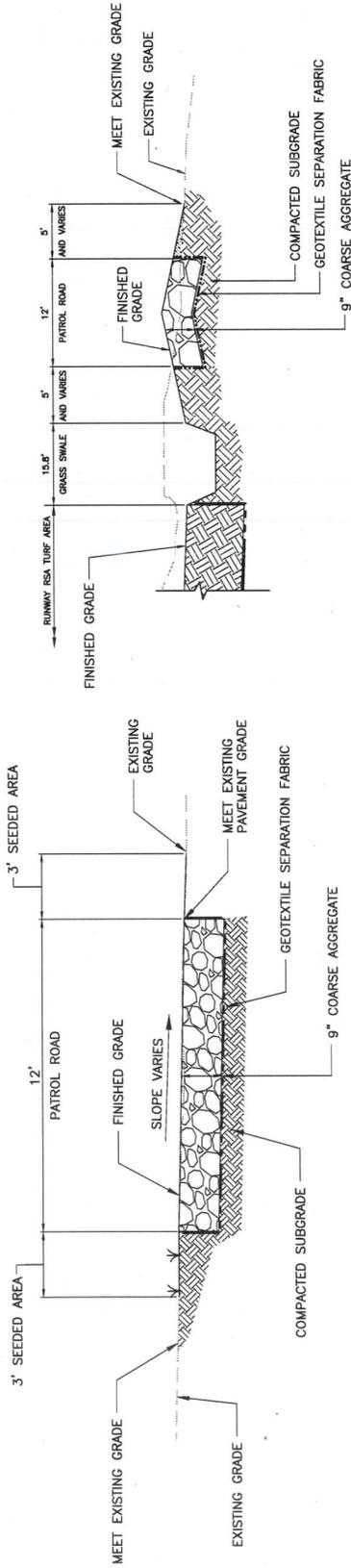


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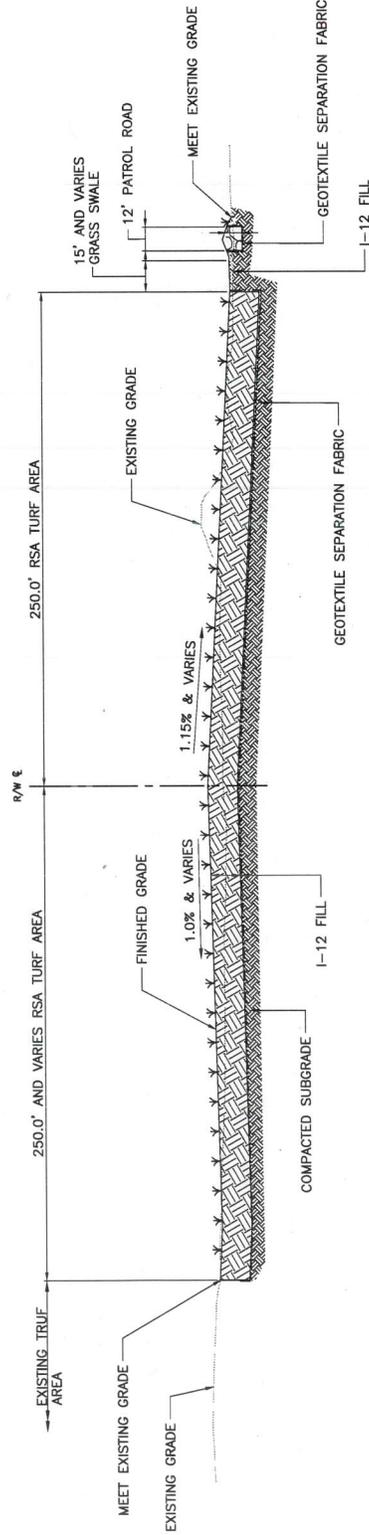


TYPICAL SECTION - PATROL ROAD

NOT TO SCALE

TYPICAL SECTION - SWALE AND PATROL ROAD

NOT TO SCALE



TYPICAL SECTION - RUNWAY 1 RSA

NOT TO SCALE

