



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-2017-00751-WCA**
Issue Date: **September 1, 2017**
Expiration Date: **October 1, 2017**

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: New Jersey Transit Corporation
1 Penn Plaza East
Newark, New Jersey 07105

ACTIVITY: Discharge fill material into waters of the United States (a former man-made freight barge canal known as Long Slip), to facilitate the construction and installation of six new elevated railroad tracks, associated platforms and walkway, a passenger/crew facility, a retaining wall, and the extension of an existing combined sewerage outfall (CSO) and discharge.

WATERWAY: Long Slip Canal (Hudson River)

LOCATION: Jersey City, Hudson 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.

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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 submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. 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. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are two sites eligible for, or included in, the Register within the permit area, namely the Old Main Delaware Lackawanna and Western Railroad Historic District, and the Hudson and Manhattan Railroad Transit System. 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

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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.

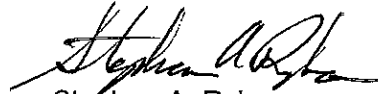
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection Waterfront Development Permit and a Flood Hazard 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 Jim Cannon.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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


Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the New Jersey Transit Corporation (NJT), has requested Department of the Army authorization to discharge approximately 190,000 cubic yards of fill material into an area of waters of the United States known as the Long Slip Canal, to facilitate the implementation of the Long Slip Fill and Rail Enhancement Project. The Long Slip Fill and Rail Enhancement Project would consist of the construction and installation of six new elevated rail tracks and associated platforms, a passenger and crew quarters facility, a retaining wall, and an associated walkway. Additional regulated activities would include extending an existing Jersey City Municipal Utilities Authority Combined Sewerage (CSO) discharge and outfall structure. The project site is located within the New Jersey Transit Hoboken Terminal Facility, and within the Hudson River, in the City of Jersey City, Hudson County, New Jersey.

The applicant has stated that the Long Slip Canal is an existing, but not currently serviceable, former freight barge canal, that is approximately 2,000 foot long by 100 foot wide and ranges in depth from 10 to 14 feet. The Long Slip Canal currently occupies approximately 4.6 acres, and is located along the southern boundary of the New Jersey Transit's Hoboken Terminal. The canal was excavated from dry land sometime in the 1870's, to allow cargo ships direct access to the former Delaware, Lackawanna and Western railroad yard. The Long Slip Canal was last utilized in the 1950's, and is no longer used. All vessel access to the canal was eliminated upon the authorized construction of the Hudson Bergen Light Rail Bridge (HBLR) and adjacent waterfront walkway which currently spans the eastern end of the canal. A Department of the Army Permit (No. 1998-02350) was issued to the New Jersey Transit Corporation in May of 2000 authorizing the discharge of fill into the Long Slip canal for a similar project, however due to lack of funding, the project was not completed.

The regulated work would involve the following:

Combined Sewage Discharge and Outfall Extension Activities: To maintain potential CSO overflow discharges during the applicant's proposed Long Slip and Rail Enhancement Project activities, the applicant proposes to first divert the existing CSO discharge through a newly installed temporary steel sheet cofferdam diversion channel that would extend approximately 1,800 linear feet along the southern extent of the canal from the existing CSO discharge point at the western end of the canal to the existing HBLR bridge, located at the eastern end of the canal. A CSO stop plug would be installed within the existing CSO discharge point to allow for the diversion of the CSO discharge flow. As part of the new CSO extension installation activities, an approximate 1,800 linear foot steel sheet cofferdam would be installed along the northern extent of the canal from the eastern CSO discharge point to the existing HBLR bridge. This northern cofferdam would be divided into 24 cells along the length of the canal. From the existing CSO discharge point within the constructed cofferdam, sediments would be excavated from each cell to allow for the installation of the newly proposed 1,800 linear foot long by 12-foot wide by 10-foot in high by 12-foot wide CSO concrete box culvert that would extend the length of the canal, terminating at the HBLR bridge. A total of approximately 20,000 cubic yards of sediment would be excavated from the CSO cofferdam, and placed in a contained upland site. The 20,000 cubic yards of excavated sediments would then be placed back into the cofferdam as fill as part of the newly installed CSO extension. Upon completion of the proposed CSO extension installation activities, the newly installed CSO extension would be maintained through an easement agreement with the Jersey City Municipal Utilities Authority.

Long Slip Canal Fill Activities: Upon completion of the CSO extension activities, the applicant proposes to discharge approximately 190,000 cubic yards of fill material into the CSO extension cofferdam and CSO diversion channel, a total of 3.59 acres of waters of the United States, to facilitate the construction and installation of six new elevated tracks and associated platforms, a passenger and crew quarters facility, a retaining wall, and a pedestrian walkway to the Hoboken Terminal. An

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additional 50,000 cubic yards of temporary fill would be placed within the canal to compact the previously placed sediments to meet structural requirements. This additional and temporary fill would extend the fill elevation to 15.90 Feet (North American Vertical Datum, 1988, NAVD, 88). Once the fill sediments have been determined to meet the proposed compaction criteria, this additional temporary fill would be removed from the cofferdam until the elevation of the fill within the canal is at the base flood elevation of 14.5 feet (NAVD). All additional temporary compaction sediments excavated from Long Slip Canal would be disposed of at a state approved upland site. Upon completion of the Long Slip Canal fill activities, and as part of the Long Slip Fill and Rail Enhancement Project, additional activities would include the construction and installation of the following:

- Six new 2,300 linear foot long rail tracks with associated 950-foot long by 18-foot wide passenger platforms;
- A new 202-foot long by 100-foot wide passenger and crew quarters facility;
- An 1,800 linear foot retaining wall; and
- A 300-foot long by 20-foot wide pedestrian walkway, connecting the proposed tracks and platforms to the existing Hoboken Terminal.

Compensatory Mitigation: To compensate for the permanent impacts to 3.59 acres of waters of the United States associated with the proposed Long Slip fill project, the applicant proposes to purchase mitigation credits from the federally approved mitigation bank, known as the Evergreen MRI3 Wetland Mitigation Bank. The proposed project impact site is located within the service area of the Evergreen MRI3 Wetland Mitigation Bank. The applicant has stated that the proposed mitigation credits would be comparable to 3.59 acres of restored tidal resources at the MRI-3 Mitigation Bank. The applicant additionally stated that the purchase of mitigation credits would achieve "no net loss" compensation, and would be suitable considering:

- The purpose and need of the Long Slip Project and its public, resilient, and emergency transportation benefits;
- The MRI-3 bank is authorized and has available credits to service the project;
- Purchase of credits from the MRI- 3 bank provides immediate mitigation compensation with a functional resource utilized by migratory fish that utilize waters near the Long Slip project; and
- The current open water resource to be filled in is of an ecologically degraded nature due to stagnant circulatory flow and the imposition of discharges from the existing CSO configuration.

The applicant has stated that the purpose of this project is to enhance the resilience of the New Jersey Transit commuter rail service at the Hoboken Terminal leading up to and following severe weather events, and when track flooding occurs due to lunar/high tide conditions. Additionally, the proposed project would reduce the frequency of conflicts that are caused by having only one set of throat tracks (tracks that connect the Yard to the main rail line) into and out of the Terminal. The new station would be used during weather-related emergencies to provide a limited amount of service that would otherwise be suspended when the Hoboken Terminal is taken out of service. The new station would also supplement the capability of the Hoboken Terminal to handle rerouted trains normally bound for Penn Station New York, when there are service disruptions at Secaucus Junction or in the Hudson River Tunnels.