Written Comments on the Draft EIS

WC001

MAY 20 2004

May 14, 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

SUBJECT: Please Reject Route 92

Dear Ms. Cronin and Governor McGreevey:

With this letter, I wish to register my opposition to the proposed Rt. 92. I am concerned that it would have powerful negative impact on the environment and water quality, flood Route 1 and its connecting roads with more vehicles and induce sprawl development in a relatively undeveloped area of central New Jersey. This development flies in the face of the "smart growth" agenda that you have been championing. In particular, I am concerned about the following issues:

1. **Approval of Route 92 would undercut state and federal commitments to protecting water quality and wetlands and subvert the public consensus embodied in the Clean Water Act.** The footprint for Route 92 bisects an area that is designated in the State Plan as PA5, the status New Jersey applies to its most environmentally sensitive land. The PA5 category was intended to confer the greatest degree of protection from development. The 1,600-acre site is the second largest PA5 area in Middlesex County and comprises fully one-third of all its PA5 land. The site also contains two critically important aquifer recharges, which South Brunswick Township depends on for well water. (Two-thirds of the township water supply comes from wells.) The Environmental Protection Agency (EPA) has determined that Route 92 unnecessarily destroys important wetlands and compromises 1,600 acres of natural habitat. I strongly oppose any development that compromises natural habitats or degrades freshwater wetlands.

TP2-1

2. **Rt. 92 will particularly impact the communities, natural habitat, and parks surrounding the 325-year old Village of Kingston,** which lies immediately due west of the proposed terminus of the new highway, essentially connecting Kingston to the NJ Turnpike. The two roads that proceed west of Rt. 92 in the Historic District are **33 ft and 41.25 ft wide**. Connections to the west cannot be made south of Kingston, due to the large D&R Canal State Park area, D&R Canal and Lake Carnegie, thus funneling east/west traffic through the Village. If built, several historic villages to the west of Kingston [including Rocky Hill, Montgomery, Belle Meade, and Hopewell] will also be affected by drivers seeking a cut-through to Rt. 92 from Rt. 206 and points west. This would destroy the historic nature and charm of many of New Jerseys "vanishing villages."

TP2-2

3. **The project will increase, NOT decrease, traffic on local roads.** *More roads mean more cars.* This road will fuel the sprawl cycle, by making currently undeveloped land far more attractive to developers seeking access to commuter roads. This will only serve to induce more traffic to the area, thus exacerbating the problem that the road was supposed to "improve."

TP2-3

4. **The project is fiscally irresponsible.** I find the proposed $400 million price tag for this project to be far too costly for the lean economic times the state is enduring.

TP2-4

5. **Other alternatives have not been adequately examined:** When EPA denied freshwater wetlands permits for this project [before it was turned over to the Army Corps], EPA suggested alternative solutions to the traffic problems Route 92 purports to solve. Other alternative plans have been suggested in the draft EIS. One which has particular merit is the widening of Route 1 and removal of traffic lights, together with extension of Route 522 to the turnpike. Route 522, a 4-lane road that lies 1-2 miles north of the proposed road, is already built. The draft EIS considers extension of this road to the Turnpike, but includes the scenario of widening this road. No mention was given to a solution that does not call for road widening.

TP2-5

6. **I favor community participation in this decision** and urge you to consider the successful "Round-table" process that was recently used to address traffic issues in the Penn's Neck area.

TP2-6

In summary, I urge you to oppose Rt. 92. It is environmentally damaging, won't solve the traffic problems it was intended to solve and is a colossal waste of the state's money.

Sincerely, Tari Pantaleo

Name

Tari Pantaleo
311 Plainsboro Rd.
Plainsboro, NJ 08536-1905

Address

cc: Commissioner Bradley Campbell, Department of Environmental Protection
Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Bill Baroni
Senator Jon Corzine
Senator Frank Lautenberg
Representative Rush Holt

WC002

Princeton University Office of Community and State Affairs
Princeton, New Jersey 08544
Tel 609.258.3018 Fax 609.258.9000

Rec'd-NY District AFO
Corps of Engineers
2004 MAY 20 PM 7:52

Pamela J. Hersh, *Director*

20 May 2004

U.S. Army Corps of Engineers
New York District
Eastern Permits Section
Jacob K. Javits Federal Building
Room 1937
Attn: Regulatory Branch
New York, NY 10278-0090

Re: Public Notice Number 1999-00240J1
Route 92 – Draft Environmental Impact Statement for the Route 92 Project Proposed by the NJ Turnpike Authority.

Dear Sirs:

On behalf of Princeton University, I would like to thank you for the comprehensive, thorough and balanced Draft EIS that studies the potential impacts of Route 92 on the region. We are gratified that the conclusions of the report find that the preferred alignment meets the project's goals of providing an east-west link from Route One to the Turnpike, significantly improving vehicular mobility and accessibility throughout the region, taking traffic – especially truck traffic - out of residential neighborhoods, and, by doing so, improving air quality throughout the area. The alignment does this in a manner that meets state criteria for "Smart Growth," because, as the Draft EIS explains, the proposed Route 92 would be a limited access highway that would not enable linear development along its route. PRUPH-1 PRUPH-2

As the University's director of community and state affairs, I represent an institution that has been participating in conversations about the need for Route 92 for several decades. The region's largest private employer and landowner and a destination for hundreds of thousands of visitors annually, Princeton University has long believed that Route 92 would make an important and positive contribution to the economic viability of the region and the quality of life of those living and working in Central New Jersey. The Draft EIS validates those assumptions. PRUPH-3

The 258-year old University is a truly regional organization with an historic connection to and a tremendous investment in the welfare of the region. We have a very strong commitment to create the best possible environment for living, working, and learning. We are pleased that the design of Route 92 from Exit 8A to Route One has been improved over time. The current alignment yields the most benefits with the fewest number of negatives for the residents, employees and employers. PRUPH-4

The necessary permits from the Army Corps and state agencies should be issued as soon as possible so that the completion of this project, first discussed in 1938, finally can come to fruition. I would be happy to answer any questions you might have regarding the University's interest in this project and its long-time support for the roadway. Thank you very much for this opportunity to comment.

Sincerely

Pamela J. Hersh
Director
Community and State Affairs for Princeton University

1

WC003

Claudio & Savanna Mapelli
8 Silvers Lane
Plainsboro, NJ 08536

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

May 20, 2004

Dear Sir/Madam:

I would like to voice my strong opposition to the construction of Route 92 for the following reasons:

1) The road is not needed. Many alternatives are possible that should be considered, including those proposed by be EPA. In its most recent configuration, the road is a travesty of the original route 92 and can not fulfill the original goal of connecting the NJ Turnpike with Routes 1, 206 and I-287. CM-1

2) The road would compromise environmentally sensitive areas, including the Plainsboro Preserve. It would create conditions for even more sprawl and uncontrolled development, especially along the Route 1 corridor. CM-2 To think that a major roadway like Route 92 would reduce or divert traffic anywhere in its vicinity is to be ill informed and, at best, naive. Route 92 would increase traffic significantly, especially on Route 1 and on local roads, which would be used by truckers to avoid Turnpike tolls. CM-3

3) The Route 92 project makes a mockery of Governor McGreevey's efforts to reduce urban sprawl and curb development in New Jersey. CM-4 The real solution to our traffic problems is to improve our mass transit infrastructure. This in turn would create better jobs than the jobs that would be created, only temporarily, by the Route 92 project.

4) Route 92, which should be better named the NJ Turnpike-Forrestal connector, is a project of special interests who have an absolute disregard of the public interest. CM-5 I urge the Governor, our elected officials, our legislators and the Army Corps to stand up to the special interests and say no to sprawl and say yes to clean air, clean water and to a better quality of life.

Sincerely,

Claudio & Savanna Mapelli

WC004

Received-NY District
Corps of Engineers
2004 MAY 20 PM 3:24

PROPOSED CONSTRUCTION OF ROUTE 92

CULTURAL SIGNIFICANCE OF KINGSTON AND ROCKY HILL

By Jeanette K. Muser, Rocky Hill Planning Board March 29, 2004

Kingston Village Historic District and Lake Carnegie Historic District have been listed on the National Register of Historic Places since 1990. Heathcote Farm was entered on the National Register in 1984, the Kingston Mill Historic District in 1986, and the Delaware and Raritan Canal has been on the National Register of Historic Places since 1973. Rocky Hill's historic district has been on the National Register since 1982. All of these places are also on the New Jersey Register of Historic Places. Rockingham State Historic Site is also about to be moved to a location on Laurel Avenue (the old Kingston - Rocky Hill Road dating from 1740).

I have recently written a book called *Rocky Hill, Kingston and Griggstown* (Arcadia Publications, 1998) which contains images and text to document the cultural and historical character and significance of these three villages on the Delaware and Raritan Canal. Briefly, the book outlines the transportation, commercial, cultural, recreational, and religious history of this area from 1679 until 1965. What is evident from the over 300 - year history of the lower Millstone River Valley is how the villages on the Canal have been able to maintain their unique quality of life and have conserved natural, recreational, and cultural sites which are important to residents and surrounding communities.

RHBJM-1

The proposed Route 92 linking the New Jersey Turnpike and Route 1 at Ridge Road would add drastically to the already heavy traffic passing through Kingston and Rocky Hill on Route 27 (the old Assunpink Indian Trail and later the King's Highway dating from colonial times) and Route 518 (the old Georgetown - Franklin Pike dating from 1820). Ridge Road becomes Heathcote Brook Road in Kingston, crosses Route 27 and continues as Laurel Avenue to Route 518 in Rocky Hill. (See attached map) Heavy trucks and commuters already extensively use this backroad network to reach Route 27 and Route 206.

Rather than diverting regional traffic from these small villages, the proposed Route 92 at Ridge Road would, on the contrary, bring an increasing amount of through traffic on to the already overburdened roads through these historical villages along the Delaware and Raritan Canal. The State of New Jersey has wisely set aside this wonderful state park across the "waistline" of the state which provides for the recreational, natural, and historical interests of many residents in Central Jersey. This park and the small villages such as Kingston and Rocky Hill on the canal are a precious legacy which New Jersey should not disregard.

WC004

Transportation improvements near or in micro environments such as villages and natural areas may attempt to alleviate one perceived problem only to create new problems in the future. Short-sigtedness is a costly corrective measure.

The number of places in New Jersey where residents can experience both historical and natural enjoyment is declining as the population continues to grow in the townships. People looking for a sense of community amidst the density of roadways and population add to the traffic on local roads when they move into the countryside. The impact of a major roadway connecting the eastern portion of Central Jersey with Route 1 will undoubtedly only encourage more truck and commuter traffic to use roads such as Heathcote, Route 27, and Laurel Avenue in Kingston, and Route 518 through Rocky Hill in the western portion of Central Jersey.

The Lincoln Highway (formerly King's Highway and now Route 27) carries traffic through Kingston, Princeton, and Lawrenceville -- three of the oldest and most well - preserved villages in the State. This proposed transportation solution, in my opinion, is unacceptable because a major roadway at Ridge Road and Route 1 will have an irreversible negative impact on the quality of life in Kingston and Rocky Hill due to an increase in heavy traffic, and would have a detrimental impact on the Delaware and Raritan Canal State Park and Rockingham State Historic Site as conservation and historical treasures. Should a short - sighted transportation solution ruin this special area of our state? I hope not.

WC005

This Act encourages partnerships among federal agencies and others to protect, restore, enhance, and manage wetlands and other habitats for migratory birds, fish, and wildlife. It provides for the maintenance of healthy populations of migratory birds in North America that rely on us for the protection, restoration, and management of wetland ecosystems.

The DEIS, as I earlier noted, indicates the Route 92 wetlands as an Aquatic Resource of National Importance. The environmental impact of this road is unacceptable. It runs afoul of the area's federal designation as well as the goals of the President and the North American Wetlands Conservation Act put into effect almost 15 years ago.

SBTCM-1

It is up to us to determine the future. Route 92 should not be a part of that future. The President and Congress are encouraging wetlands preservation. We should follow the path they have laid before us and reject this roadway.

WC005

Speech by Craig Marshall
South Brunswick Planning Director
Route 92 Public Hearing
May 20, 2004

Thank you for the opportunity to speak on the Route 92 DEIS.

I recently happened to hear President Bush give a speech on the radio from the Rookery Bay Reserve near the Everglades in Florida. The Rookery Bay ecosystem is a prime example of a nearly pristine subtropical mangrove forested estuary. It represents one of the few remaining undisturbed mangrove estuaries in North America.

The wetlands proposed to be disturbed by Route 92 also have national significance. The Draft Environmental Impact Statement reports the United States Fish and Wildlife Service considers the wetlands in the vicinity of proposed Route 92 an Aquatic Resource of National Importance in part because of the presence of neotropical migrant birds. There are also threatened plants and animals in this area.

During his speech, the President stated wetlands are essential to a healthy and diverse environment. He mentioned efforts at all levels of the public and private sectors to slow the loss of wetlands, and his goal of providing an overall increase in wetlands every year. The administration is working to restore, improve and protect three million acres of wetlands over the next five years.

Proposed Route 92 would permanently disturb over twelve acres of wetlands, and temporarily disturb almost three acres. Over one acre of wetland would be permanently shaded. Therefore, about 16 acres of wetlands are impacted by this project.

President Bush is proposing 349 million dollars in the 2005 budget to accomplish his goal, an increase of fifty percent over 2001 funding levels. These dollars will continue to fund the North American Wetlands Conservation Act signed by President Bush's father on December 13, 1989.

Card from

WC006

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1: 22

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Please Reject Route 92

Dear Governor McGreevey and Ms. Cronin:

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 extension to Route 1 near Princeton and Kingston.

Route 92 is supposed to remove through traffic from local roads, but it's common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers' DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn't likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

MKS-1,2

MKS-3

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

MKS-4,5

MKS-6

The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

MKS-7

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely, (signature) MK Sinha

(print name) MIHIR K. SINHA

(address) 3 Hamilton Lane, Plainsboro, NJ 08536

WC007

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1: 22

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Please Reject Route 92

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The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely,

Shannon Sneedse
65 Krebs Road
Plainsboro, NJ
08536

WC008

Received-NY District
Corps of Engineers

2004 MAY 20 PM 3:10

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Please Reject Route 92

Dear Governor McGreevey and Ms. Cronin:

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 extension to Route 1 near Princeton and Kingston.

Route 92 is supposed to remove through traffic from local roads, but it's common sense that Rt. 92 would just attract through traffic to the local roads to the west of Route 1. The estimate of adding 11,000 vehicles to terminate at US Route 1 will amplify the already congested region including as far west as Hopewell Township, East Amwell, West Amwell & Lambertville. This proposal appears to favor commercial development at the expense of lowering the quality of life and increasing traffic grid-lock in the region.

The Army Corps of Engineers' DEIS even states that the historic communities in the area will get more trucks if Rt. 92 is built. Also, truck drivers wouldn't likely use a toll road when they can drive for free on nearby local roads like CR522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, Rt. 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. An east-west connection to US Route 1 & 95 already exists just a few parallel miles south of the proposed Rt. 92. Extending CR522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than Rt.92.

The money for Route 92 would be better spent to widen and remove signals from Route 1. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely,

Joseph J. Kowalski, Chairman, Hopewell Township Mayor's Task Force on Traffic & Trucking.
30 Pleasant Valley – Harbourton Road
Titusville, NJ 08560-2101
609 737 9963

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

Carol Cronin

WC009

Received-NY District
Corps of Engineers

2004 JUN -1 PM 2:09

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

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We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

Sincerely,

(signature) Holly Greasek

(print name) Holly Greasek

(address) 3 Dennison Pl.
Plainsboro, NJ 08536

Cronin

WC010

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

Received-NY District
Corps of Engineers

2004 JUN -3 PM 6:46

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Please Reject Route 92

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Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely, (signature)

(print name) David Grecsek

(address) 3 Dennison Place Plainsboro, NJ 08536

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

WC011

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

RECEIVED
MAY 26 2004
By

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Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely,

Jonathan Sneedse
65 Krebs Road
Plainsboro, NJ 08536

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

WC012

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

RECEIVED
MAY 26 2004
By

May 20, 2004

SUBJECT: Please Reject Route 92

Dear Governor McGreevey and Ms. Cronin:

MCL-1

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 extension to Route 1 near Princeton and Kingston. As a resident of South Brunswick living within 2 miles of the proposed western terminus of the proposed Route 92 for over 30 years I have seen the great increase in Route 1 traffic. I personally feel that the only rational purpose for a 4-lane road in this area must go from Route 206 to the NJ Turnpike and it must be free of cost. A road of like this would of course help alleviate traffic problems especially in the Kingston area from drivers wandering along Ridge Road, Heathcote Road, Mapleton Road, Laurel Avenue, and River Road to reach Routes 518 and 206. However, there too, in Rocky Hill there are clogged roads and a failed intersection where these two roads meet that also require redesign.

Like Route 1, Route 206 is also in need of improvements to meet the demands caused by over-development without infrastructure improvements. Another clogged roadway in this area is Route 27 north of Route 518. Due to the over-development of strip malls, single and multi-family housing units recently built along this 2-lane roadway nearly up to New Brunswick has created another traffic disaster.

MCL-2

Also, I feel funneling traffic to the NJ Turnpike is no solution either. If my experience a few weeks ago getting on the NJ Turnpike about 4:30 p.m. to 5 p.m. is like an ordinary day this road, too, was clogged as to make traffic crawl in below 8A heading south. Also Route 130 is becoming clogged with cars and trucks at this same time period.

Please Don't build the NJ Turnpike's planned Route 92 as a limited access toll road. Spend the money on a regional approach for moving traffic from west of Route 206 to the NJ Turnpike area.

MCL-3

This brings me to the point that regional and community planning and a great deal of money are needed to consider the entire Central Jersey transportation needs. I feel the money proposed for the NJ Turnpike Route 92 could be better spent working to improve traffic flow in the entire region.

I feel the proposed NJ Turnpike toll road of 6.7 miles only from Route 1 to the NJ Turnpike serves no local interest. The local east-west roads appear to me to be clogged at "rush hours" with semi-local residents trying to get to and from their jobs. I do not notice a large volume trying to go west to Route 130 from the Route 1 corridor area. I see huge tie-ups of mostly cars coming from both east and west secondary roads trying to get onto an already clogged Route 1.

A no-build advocacy group wrote this section of my letter. I have included it because it reinforces my earlier points and includes some others I did no mention.

MCL-4

Route 92 is supposed to remove through traffic from local roads, but it's common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers'

WC012

MCL-5

MCL-6,7

MCL-8,9

MCL-10

DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn't likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

The money for Route 92 would be better spent to widen and remove signals from Route 1 [note removing all the signals will increase traffic flow, but make it death to try and enter the highway from local shopping malls and individual business with an unstoppable flow of traffic]. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely yours,

M. Cecile Leedom

M. Cecile Leedom
226 Cleveland Lane (off Raymond Road, Kingston)
Princeton, NJ 08540

cc: Richard L. Tomer, U.S. Army Corps of Engineers
Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Bill Baroni
Senator Jon Corzine
Senator Frank Lautenberg
Representative Rush Holt
Mayor Frank Gambatese
Kingston Historical Society

WC013

The comments in this letter are the same as the comments of Mihir K. Sinha in comment document WC006. For responses to the comments in this letter, please see the responses to comments MKS-1 through MKS-7 in comment document WC006.

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

MAY 20 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Please Reject Route 92

Dear Governor McGreevey and Ms. Cronin:

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 extension to Route 1 near Princeton and Kingston.

Route 92 is supposed to remove through traffic from local roads, but it's common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers' DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn't likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely, (signature) Kathleen Sneedse

(print name) KATHLEEN SNEEDSE

(address) 65 KREBS Rd
PLAINSBORO NJ 08536

WC014

Cronin, Koko NAN02

From: Michael Kaplan [Michael-kaplan@att.net]
Sent: Wednesday, May 26, 2004 10:59 AM
To: Route92EIS, NAN NAN02
Subject: Route 92; OPPOSED

I am writing to express my opposition to the proposed Route 92 link between the NJ Turnpike and US Route 1.

MKP-1

The negative environmental impact on sensitive wetland areas clearly outweighs any economic benefit that the road would give to the trucking industry.

MKP-2

There are alternative routes that have been proposed, routes that have received community approval and are acceptable to environmental groups.

If the proposed route is built it will be used. But that is not enough of a reason to built it.

Michael Kaplan
Michael-kaplan@att.net
Franklin Township, New Jersey

1

Card - Crone

WC015

Received-NY District
Corps of Engineers

Virginia M. Olsen
893 Ridge Road
Monmouth Junction, N.J. 08852

2004 MAY 17 PM 3:42

May 13, 2004

Regulatory Branch, ATTN: Route 92 DETS
U.S. Army Corps of Engineers
New York District
26 Federal Plaza, Room 1937
New York, NY 1027

As resident of South Brunswick I would like to express my opinion on the proposed construction of Route 92 as a complete waste of taxpayers money. The plan as proposed does nothing to help the traffic problems on Route 1. The Township has already constructed as East West roadway, to help with traffic, Route 522. It seems as if this road was designed to accommodate the Princeton, Forrestal plan.

VMO-1,2,3

It would devastate one of the most sensitive wet lands in the County, acres of precious farmland will be destroyed for no good cause.

VMO-4

It is time for some agency to decide this proposal is extremely wasteful, and needs to reach a negative no build conclusion.

Thank you for your attention.

Virginia Olsen

Virginia Olsen

WC016

Card
Crim

Received-NY District
Corps of Engineers
2004 JUN -1 PM 1:45

BOROUGH *of* PRINCETON

JOSEPH P. O'NEILL, *Mayor*
(609) 497-7617

Members of Council
MILDRED T. TROTMAN, President
WENDY W. BENCHLEY
DAVID A. GOLDFARB
MARGARET T. KARCHER
ANDREW KOONTZ
ROGER C. MARTINDELL

BOROUGH HALL, *One Monument Drive*
POST OFFICE BOX 390
PRINCETON, NEW JERSEY 08542
TELECOPIER NO.
(609) 924-9714

ROBERT W. BRUSCHI
Administrator
(609) 497-7622

ANDREA L. QUINTY
Borough Clerk
(609) 924-3118

MICHAEL J. HERBERT
Attorney

Wednesday, May 26, 2004

New York District
U.S. Army Corps of Engineers, Regulatory Branch
ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

RE: RESOLUTION 2004-R137- SUPPORTING THE CONSTRUCTION OF ROUTE 92

Dear Sir or Madam:

Enclosed please find a certified copy of Resolution 2004-R137 which was passed by the Mayor and Council of the Borough of Princeton at their May 11, 2004 meeting. Also enclosed please find a copy of the remarks made by Mayor Joseph P. O'Neill at the May 20, 2004 public hearing conducted by the U.S. Army Corp of Engineers.

Should you have any further questions or require additional information, kindly advise.

Very truly yours,

Delores A. Williams

Delores A. Williams
Deputy Borough Clerk

WC016

RESOLUTION 2004-R137
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING THE CONSTRUCTION OF ROUTE 92

WHEREAS, the New Jersey Turnpike Authority has requested the Department of the Army for authorization to discharge fill material into waters of the United States to facilitate construction of a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 to Interchange 8A of the New Jersey Turnpike known as Route 92; and

WHEREAS, the U.S. Army Corps of Engineers New York District on April 20, 2004 released the Draft Environmental Impact Statement (DEIS) for the Route 92 project for the purpose of public comment prior to releasing a Final EIS; and

WHEREAS, the stated objectives for the project are to (1) Establish a road system that acts to reserve local streets for local traffic and circulation, while providing a separate limited access high-speed route for traffic moving between US Route 1 and the New Jersey Turnpike; and (2) Provide a connection to alternative routes for north-south traffic that is currently using US Route 1, to relieve congestion and improve mobility while minimizing impacts on the abutting communities; and (3) Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway; and

WHEREAS, the DEIS comprehensively addresses the advantages and disadvantages of all the transportation alternatives for this area, including a no-build option, widening local streets and intersections, connecting County Route 522 to the Turnpike, widening Route 1 and many others; and

PRBOR-1

WHEREAS, the DEIS also looked at all transportation alternatives and how they conform to the Smart Growth policies of the State, the County and the Municipalities that are affected; and

PRBOR-2

Borough of Princeton.92

WC016

WHEREAS, the Central New Jersey Transportation Forum has consistently stated that this project is the most important transportation improvement that is needed for the area to provide congestion relief; and

PRBOR-3

WHEREAS, the Borough of Princeton has consistently supported a solution to this area's transportation problems that would be sensitive to both the manmade and natural environments; and

PRBOR-4

WHEREAS, the increasing truck traffic on local roads is an on-going concern throughout all of Central New ~~Jersey that cannot be addressed without an~~ appropriate limited access transportation route; and

PRBOR-5

WHEREAS, the New Jersey Turnpike Authority has proposed construction of an approximately 57-acre wetland north and south of the proposed highway alignment as mitigation for the permanently filled 12.03 acres of wetlands; and

PRBOR-6

WHEREAS, the New Jersey Turnpike Authority additionally proposes further mitigation in the form of a permanent preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads; and

PRBOR-7

WHEREAS, Without an additional east-west highway connecting US Route 1 and the New Jersey Turnpike in this area, traffic modeling conducted for this DEIS shows that by 2028, about 25 percent of the traffic on the local east-west roads will be through traffic which will exacerbate the heavy congestion on local roads, impeding the local traffic circulation and roadway access needed by the communities, their emergency services and their residents and businesses; and

PRBOR-8

WHEREAS, the DEIS makes clear that the alternative that best meets the transportation, community, environmental and smart growth needs of this area is a four lane 6.7-mile limited access highway between exit 8A of the New Jersey Turnpike and Route 1.

PRBOR-9

Borough of Princeton.92

WC016

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton recommends that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 as a four lane limited access highway; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to submit a certified copy of this Resolution to the U.S. Army Corps of Engineers New York District to be included in the formal public hearing record, which closes June 14, 2004.

Councilperson	Absent	Present	1st	2nd	Yea	Nay	Abstain	Disqualified
Ms. Trotman		X			X			
Mrs. Benchley		X		X	X			
Mr. Goldfarb		X			X			
Mrs. Karcher		X			X			
Mr. Koontz		X	X		X			
Mr. Martindell		X				X		
Mayor O'Neill		X						

I, ANDREA LEA QUINTY Borough Clerk of the Borough of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said Borough at a meeting held May 11, 2004

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of said Borough, this 12th day of May 2004

ANDREA LEA QUINTY
Borough Clerk

Borough of Princeton.92

WC017

REMARKS by Mayor Joseph E. O'Neill, Borough of Princeton, NJ, before a public hearing conducted by the Army Corp of Engineers, at 2 p.m. on Thursday, May 20, 2004, at the Radisson Hotel Princeton, Route One, South Brunswick, NJ

Thank you for this opportunity to address the need for the Route 92 extension of the New Jersey Turnpike from Exit 8A of the New Jersey Turnpike to U.S. Route One. While this may not be an ideal — or even the best — solution to Central New Jersey's traffic woes, the proposal before you at least provides an important first step in providing a critical east-west connection in our section of the state.

PRBJO-1

In 1938, the residents of Princeton Borough were promised a bypass by the New Jersey State Legislature. Now, some 65 years later we are still waiting. This route, which appeared on State maps for many years, has been used repeatedly as the basis for encouraging enormous growth in our region.

PRBJO-2

Countless housing developments, numerous office parks, giant shopping malls, expanded college and university campuses, and other expensive infrastructure improvements have all been permitted on the assumption that the critical traffic snarls of such growth would be accommodated by an east-west connector, most recently referred to as S-92.

It has never happened.

Successive State Administrations — Republican and Democrat — have come and gone, but none has ever fulfilled the original legislative promise.

Today, the Borough of Princeton remains snarled — especially where US 206 (a federal highway) and NJ 27 (a State route) converge in the middle of our downtown. Interstate trucking comes barreling through on its way from New England to the South. Morning and evening commuters clog our streets. Not only are the federal and State routes over-burdened, but all of our quiet residential streets have become bypasses for cars and 18-wheelers trying to squeeze their way through.

PRBJO-3

WC017

PRBJO-4

I will readily admit that we support the S-92 extension because we see it as only a stepping stone to a regional traffic solution. Of course, we continue to favor — as originally promised us by the Legislature — a further extension north to 206 in Montgomery to connect to the soon-to-be-completed Hillsborough Bypass Freeway. But, of course, without even S-92 as a start, our Borough is doomed to being smothered by over-weight tractor-trailers and hoards of drive-through commuters.

Much of the attention of the federal and State governments over the past 20 years has focused on up-grading U.S. One — making it a high-speed six-lane north-south freeway. But, between I-295 at Lawrenceville and I-297 at Metuchen, there is no east-west connection other than on local streets.

We think the time has come to fill that gap.

We believe that any serious environmental problems along the route can be mitigated – including any subsequent problems that may be encountered in connecting this extension to the new Hillsborough Bypass at Belle Meade.

Please don't leave us with an "S-92 on the cheap" — as too often has often been proposed -- for linking County Route 571, Washington Road, Harrison Street, and Ewing Street through our town to connect Hightstown to 206 near Rocky Hill.

If you can't permit this roadway, then use your environmental protection powers to block all the other development that is overwhelming our beautiful corner of New Jersey.

Otherwise, grant the necessary permits and let the Turnpike Authority get on with the job of beginning to keep the State's 65-year promise for an east-west connector to relieve Princeton.

WC018

May 26, 2004

RECEIVED
MAY 27
By

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

To Whom It Concerns:

I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5. RT-1,2

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant. RT-3

Additionally, Route 92 is planned to bisect the Plainsboro Preserve, a wildlife sanctuary which was only recently completed at the expense of Plainsboro taxpayers. RT-4,5,6

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike.

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused. RT-7

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise RT-8

A question I would like answered is if this road is built, how does the Army Corps of Engineers plan to preserve the integrity of the Plainsboro Preserve which Route 92 is planned to bisect? RT-4

Thank you,

Richard Telofski
55 Hamilton Lane
Plainsboro, NJ 08536

WC019

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:51

May 26, 2004

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

To Whom It Concerns:

I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5.

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant.

Additionally, Route 92 is planned to bisect the Plainsboro Preserve, a wildlife sanctuary which was only recently completed at the expense of Plainsboro taxpayers.

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike.

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused.

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise

A question I would like answered is if this road is built, how does the Army Corps of Engineers plan to preserve the integrity of the Plainsboro Preserve which Route 92 is planned to bisect?

Thank you,

Lorena S. Telofski
55 Hamilton Lane
Plainsboro, NJ 08536

The comments in this letter are the same as the comments of Richard Telofski in comment document WC018. For responses to the comments in this letter, please see the responses to comments RT-1 through RT-8 in comment document WC018.

WC020

Cronin, Koko NAN02

From: MGMidge@aol.com
Sent: Friday, May 21, 2004 2:17 PM
To: Route92EIS, NAN NAN02
Cc: AswGreenstein@njleg.org; AsmBaroni@njleg.org; SenInverso@njleg.org
Subject: Route 92.. Not Needed!

Dear Koko Cronin:

I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5. GLU2-1,2

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant. GLU2-3,4,5

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike.

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused. GLU2-6

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise. GLU2-7

Please deny the permits to develop Route 92.

Respectfully,
Geri Luongo

6/1/2004

WC021

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:22

Mihir Sinha
3 Hamilton Lane , Plainsboro, New Jersey 08536

May 19, 2004 12:05 PM

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Subject: Attention: Route 92 DEIS

Dear USACE Cronin:

I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5. MKS1-1,2

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant. MKS1-3

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike. MKS1-4,5

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused. MKS1-6

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise. MKS1-7

Sincerely,

Mihir Sinha

cc:

WC021

Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

Caug
cronin

WC022

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:50

Koko Cronin
NY District Army Corps of Engineers
Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

May 27, 2004

Dear Koko Cronin,

I am writing to comment on the Route 92 Draft Environmental Impact Statement. The proposed road does not fulfill the goals set out in the DEIS and will fragment open space in environmentally sensitive New Jersey Planning Area 5.

AD-1,2

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland and disrupt the habitat of the endangered southern arrowhead plant.

AD-3

Route 92 will bring more truck traffic to the historic village of Kingston and there is no guarantee that trucks will choose to use a toll road when there is a free access nearby. Indeed, high tolls on the Turnpike is one of the causes of the overwhelming number of trucks on local roads between New Jersey Turnpike and Route 1.

AD-4,5

Sincerely,

Anna Drago

Anna Drago
9 Park Place East
Cranbury, NJ 08512

Cronin

WC023

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:52

U.S.Army Corps of Engineers, New York District

Regulatory Branch ATTN: Route 92 DEIS

26 Federal Plaza, Room 1937

New York, N.Y. 10278-0090

May 26, 2004

To whom it may concern,

ETM-1,2

We are disappointed in the DEIS re Rt. 92, because it does not realistically address the increased air pollution, and loss of valuable wetlands in a densely populated region with great need for the water pollution and flood control provided by its wetlands.

ETM-3

We believe that NJTA's premise for the enormously expensive and destructive 6.7 mile toll limited-access road is in error. Rt.92 will not solve the problem of taking high speed traffic off of the local roads because truckers, especially, are not using the turnpike as they are opposed to paying the high turnpike tolls.

ETM-4

The NJTA's proposal to create 57 acres of wetlands is also in error. Man-made wetlands have been a failure; it is a matter of record that the majority of man-made wetlands do not function positively to protect water quality the way natural wetlands do. Building RT.92 will only create more water pollution and flood control problems for local communities.

ETM-5

The U.S.Environmental Protection Agency correctly advised against building Rt. 92. Tell the NJTA to come up with a new plan using the smart growth-based regional transportation plan and submit it to mediated public review and community roundtable as they did with the former Millstone Bypass.

Sincerely,

Elise & Tom Murray

Elise & Tom Murray

75 Cherrybrook DR.

Princeton, N.J. 08540

cc Governor McGreevey

WC024

Card
Crown

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1: 58

May 25, 2004

Gov. James E. McGreevey
The State House
P.O. Box 001
Trenton, NJ 08625

Dear Governor McGreevey:

This letter pertains the proposed Route 92 extension to the New Jersey Turnpike. The tollbooth would approximately be 50 feet from my fireplace in my living room.

I grew up in the Iselin section of Woodbridge, being a baby-boomer I'm sure you remember how beautiful it was then. In 1996 we built a home in South Brunswick for my family, my mother-in-law and sister-in law. I'm not against moving forward in progress but can we do it with grace and respect to the land and all the creatures who share it? Please consider using all that money to improve the roads that are already in place.

GLE1-1

Please help us to put a stop to the building of Route 92. You would be remembered as the Governor who realized the importance of reverence for the people and the land in what *was* considered ***The Garden State***. I pray for your guidance in this very important matter.

Respectfully yours,
Mrs. Geri Leandro
49 Friendship Road
Cranbury, NJ 08512
732-438-9515

cc: U.S. Army Corps of Engineers

WC025

Douglas B. Freeman
29 Manor Road
Colts Neck NJ, 07722
May 24, 2004

MAY 27 2004

US Army Corp. of Engineers
Regulatory Branch
Atten: 92 DEIS
26 Federal Plaza Tm. 1937
New York, NY 10278

To whom it may concern:

I am writing to voice my opposition to the Route 92 project. While I agree that East-West travel is, at best, difficult in Southern Middlesex County, I do not feel that this project is in the best interest of the people of New Jersey, particularly the residents of South Brunswick. I fail to see how compromising our diminishing open space can even be a consideration at this point in time. When coupled with the intrusion it would cause on private citizens, it is disappointing that our leaders cannot come up with a more creative situation.

I travel from Colts Neck in Monmouth County to Dow Jones in South Brunswick on a daily basis. If anything Route 92 would improve my commute. However, I still contend the negatives far out weigh the positives.

I feel that significantly improving Route 522 would be a better alternative, environmentally, socially and economically. To that end I offer the following alternative. Please use the enclosed maps as visual aides.

DBF-1

1. Construction of an overpass at Route 1 and the Rt.522 extension. This will improve traffic flow on Route 1, while allowing for easy access to Rt. 522.
2. Creation of an overpass at Rt. 522 near the Monmouth Junction Firehouse. This will improve the flow of traffic on Rt. 522. Currently it is common to be stopped for this light twice during peak traffic times.
3. Contrustruction of overpass at Rt. 522/estension - Fresh Ponds Road and Route 130. This will improve North-South traffic on route 130 as well as improving traffic flow into East Brunswick via Fresh Ponds Road.
4. Creation of an additional lane on Route 130 in each direction from Fresh Ponds Road to Rt. 522. This would ease the traffic on Route 130 while providing safe travel to the Route 522 extension.
5. Improvement of the interchange at 130 and 522. Currently there is a major issue making a left turn onto Route 522 from the 130 exit ramp. There appears to be sufficient land to rectify this.
6. Dualize Route 522 from Route 130 to Cranbury Rd. (Rt. 535). This stretch passes through a primarily industrial area. Making it two lanes in each direction, with left turn lanes for truckers will greatly improve traffic flow through this area.
7. Create a frontage road from Route 522 to Turnpike interchange 8A. This will keep trucks that access the turnpike off the existing local roads. I believe there is sufficient space to construct this road with minimal impact on the environment.
8. Lastly improvement of the intersection of 522 and 535 would be helpful in creating a free flow of traffic, from Route 1 to Jamesburg, with improved access to the turnpike.

In addition to the benefits stated above, I believe this proposal will reduce traffic on the original part of 522 which will be a relief to the residents of that area.

Respectfully,

Douglas B. Freeman

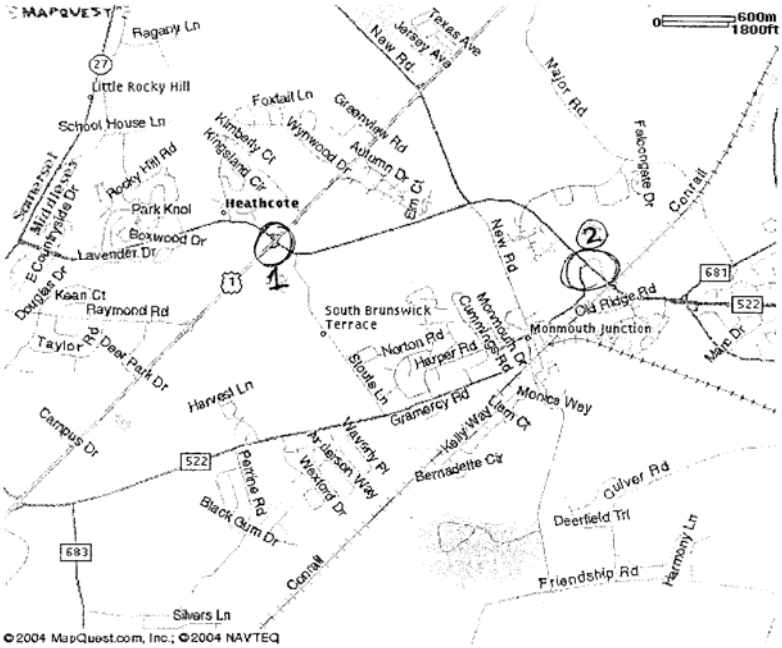
WC025

MAPQUEST

Send To Printer Back to Map

[1-6] FRESH PONDS RD
MONROE TOWNSHIP NJ
08831 US

Notes:



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WC025

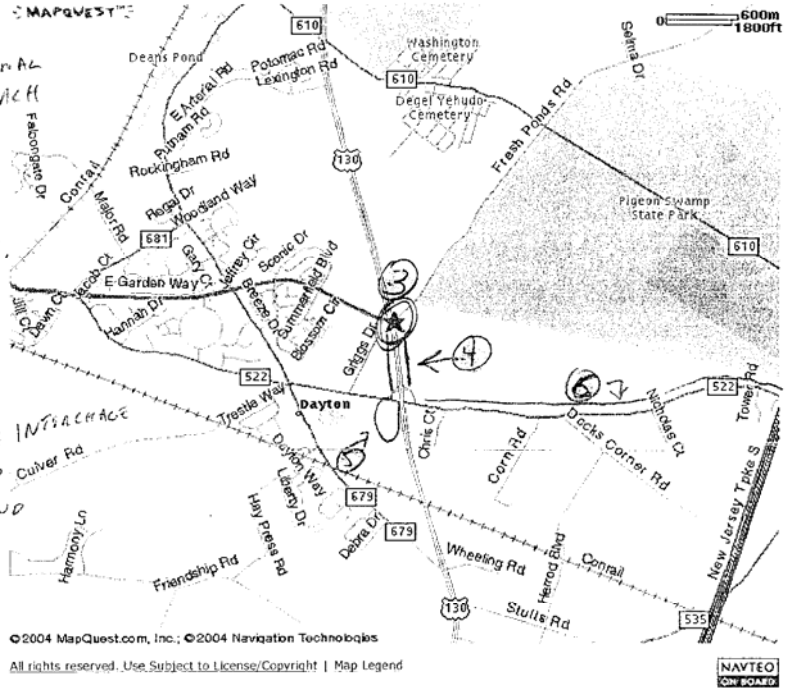
MAPQUEST

Send To Printer Back to Map

[1-6] FRESH PONDS RD
MONROE TOWNSHIP NJ
08831 US

Notes:

(3) ELIMINATE LIGHT @ RT 130 & FRESH PONDS - CONVERT TO OVER PASS



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(4)

(5)

(6)

ADDITIONAL LANE IN EACH DIRECTION RT 130 FROM GERD TO FRESH PONDS. THIS WOULD BE FOR 522 TRAFFIC.

IMPROVE INTERCHANGE 522 & 130 SO THAT NO LOSS OVER OF 522 WOULD BE NEEDED.

DUALIZE ROAD FROM 130 TO CRANBERRY/SR RD

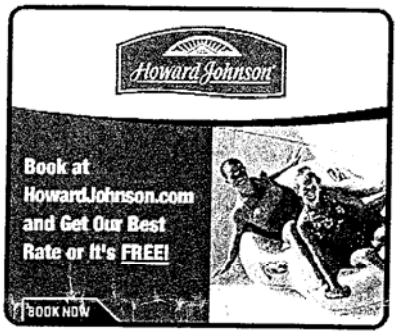
WC025

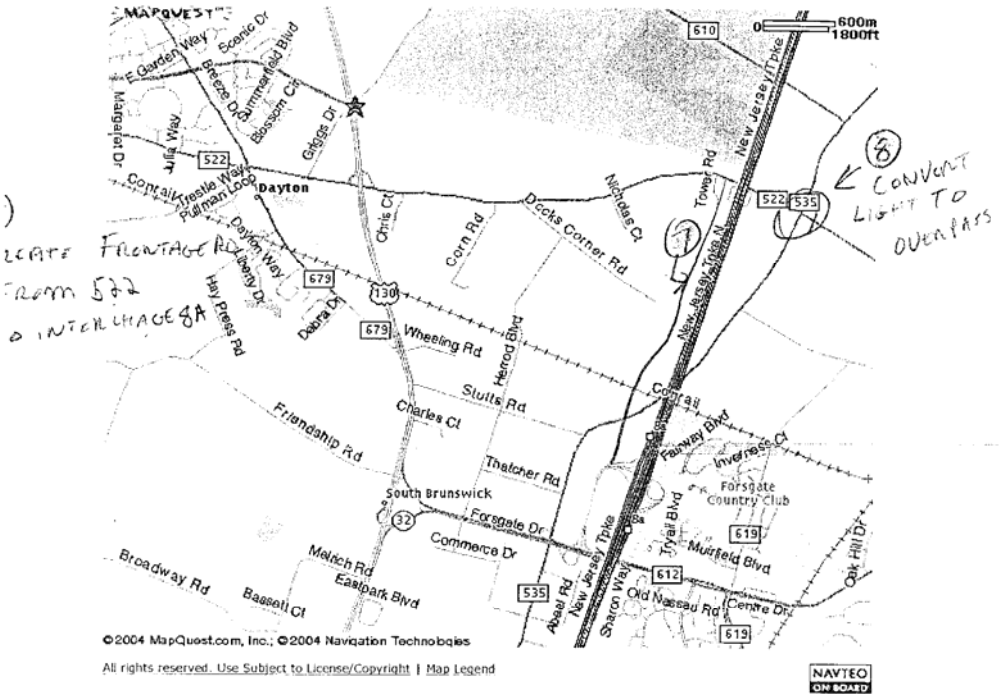
MAPQUEST

Send To Printer Back to Map

[1-6] FRESH PONDS RD
MONROE TOWNSHIP NJ
08831 US

Notes:





CONVERT LIGHT TO OVERPASS

CREATE FRONTAGE RD FROM 522 TO INTERCHANGE 8A

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WC026

Carl Cronin

RECEIVED
MAY 26 2004
By

Thursday, May 20, 2004

14 Paul Avenue
Kendall Park, NJ 08824
732-297-2077

Governor James E. McGreevey
The State House
PO Box 001
Trenton, NJ 08625

Re: Proposed Route 92
South Brunswick Township, Middlesex County, New Jersey

Dear Governor McGreevey:

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 through South Brunswick.

CC-1

CC-2

It's my observation that proposed Route 92 violates your administration's practiced policies of fiscal and environmental probity. The anticipated cost is enormous, approximately $600 million. I believe this money would be better spent on improving existing infrastructure and increasing public transportation opportunities in the region. Rather, proposed Route 92 would cut through a nature preserve, freshwater wetlands, endangered species habitat, preserved open space, and farmland while putting historic communities at risk.

CC-3

Proposed Route 92 would devastate the historic villages of Kingston and Rocky Hill. As stated by the Army Corps of Engineers' (Corps') Draft Environmental Impact Statement (DEIS); Route 92 would channel thru-traffic to local roads in the historic villages of Kingston and Rocky Hill (to the west of Route 1). The local roads, still substantially true to their colonial-era widths and alignments, are ill-suited to support the increased traffic volumes anticipated by the Corps' DEIS. Eighteenth and nineteenth century homes, situated close to those old roads would likely be adversely impacted by the anticipated high volumes of thru-traffic.

CC-4

Another important matter concerns equity in the process. The South Brunswick community is entitled to a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. To now, beyond the opportunity to offer responsive commentary to reports and studies generated by large agencies, the process by which proposed Route 92 has advanced has not treated South Brunswick as a significant stakeholder. As evidence of this disenfranchisement, the Corps' DEIS makes no mention of community involvement in the decision process. Yet South Brunswick must live with whatever is built.

Please reject the Turnpike's proposed Route 92, and instead use our resources on transportation improvements that are respectful to the environment and to the taxpayers of New Jersey.

Respectfully,

Charles Carley

Charles Carley

cc: U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
attn: Koko Cronin

Cronin Copy rec'd.

WC027

May 21, 2004

Gov. James E. McGreevey
The State House
P.O. Box 001
Trenton, NJ 08625

RECEIVED
MAY 26 2004
By

NO TO ROUTE 92:

This will cause South Brunswick more taxes to provide services for the road. More traffic in the small historical town of Kingston, which is already overflowing with autos and commercial vehicles. Also there will be more pollution by traffic and trucks. KC-1,2,3

Why would anyone want to take a 6.7-mile toll road when route 522 is already there for them? It seems to me that this multi-million dollar project could be used for much better purpose such as widening Route 1 in South Brunswick. Route 1 already has too much traffic, so why do we want to add to this problem. KC-4,5

Take time to consider South Brunswick and what it will be doing to all its citizens.

Concerned Property Owner
Kaye Carnevale

Kaye Carnevale
21 Heathcote Rd.
P.O. Box 196
Kingston, NJ 08528

cc: South Brunswick Township
✓ U.S. Army Corps of Engineers, NY

card cronin

WC028

May 31, 2004

Dear U.S. Army Corps of Engineers:

We are writing to express our concern over the proposed Rt. 92 project. This is a sorry mistake for the community we have become a part of: the small town way of life in this corner of New Jersey is threatened. We have noticed a transient feeling here, with so much industry and our close proximity to New York City. We set down roots in the historic town of Kingston 8 years ago. We've made friends and have a growing sense of community. Rt. 92 would destroy that way of life.

RRK-1

Route 92 will worsen already existing commuter traffic problems, produce basically a "private driveway" into all the historic small towns of Kingston, Rocky Hill, Princeton, Montgomery and Hopewell. Toxic runoff will leach into our wells, and the quality of wildlife, never mind children's lives, will be reduced.

RRK-2

Route 92 benefits big money. Princeton University and big businesses will now have easy access to the turnpike. The contractor that the Army Corps hired to do the EIS has done a lot of business with the New Jersey Turnpike. This looks suspicious to us.

RRK-3

Please vote NO 92!

Sincerely

Rakesh Kumar, Renee Kumar

Dr. Rakesh and Renee Kumar and family

Anjali Kumar

WC029

CRONIN - card
5/18/04

MAY 20 2004

The group who is behind NO to Route 92 has good guys and bad guys. The bad revealed themselves when they spoke of toxic runoff that would leach into an aquifer. There is one place where 92 will cross the Devil Brook and that is already polluted by a dump behind Sondek Park, the mound is over 50' high and 2000 feet in diameter. This dump was not closed to meet EPA or DEP standards.

UNK2-1

There is another source of pollution, the woodlot Park, this was the Spilatore dump, that dump was never closed at all. Only a permit was issued by the state to pollute the Heathcote Brook. The Heathcote crosses US#1 just north of the proposed 92 interchange with US#1. Route 92 could really help in cleaning up South Brunswick.

UNK2-2

Two governors have endorsed concentrating development in the 27 - US1 Conrail + 130 and Turnpike corridor. When you concentrate development, you need exits.

WC029

Army Corps Public Hearing

Help concerned citizens say **NO** to Route 92!

Date: May 20, 2004
Time: 2-5 PM and 7PM-Midnight
Place: Radisson Hotel, Rt. 1 and Ridge Road, South Brunswick

We need YOU to come to the Army Corps Public Hearing!

CROWDS are needed to let Governor McGreevey know that ROUTE 92 SHOULD NOT BE BUILT!

Please tell EVERYONE you know!

You don't have to speak at the meeting to make a difference. Just be there!

If you choose to speak, here are some guidelines:

- Comments must be limited to 5 minutes.
- Ask questions! The Army Corps MUST take the time to respond preparing their final study.
- Stick to the facts. (See the back of the flier for a fact sheet.)
- Bring a copy of your comments to the hearing and hand them to the moderator after you speak.

Koko-Cont

WC030

Received-NY Distr
Corps of Enginee

2004 MAY 19 PM 3:

Subj: **Subject: Route 92 DEIS**
Date: 5/15/2004 9:55:25 PM Eastern Daylight Time
From: Robyue
To: nan.route92eis@USACE.army.mil
CC: SenInverso@njleg.org, AswGreenstein@njleg.org, AsmBaroni@njleg.org, Dennis@Sierraactivist.org, hwong@TCNJ.EDU, hmargadonna@home.com.

Dear Koko Cronin: I will not be able to attend the hearings on May 20, 2004. Below are my comments:

This highway – Route 92 – will attract many thousands of vehicles and new construction. Virtually everywhere a new highway is built, property is then developed to the detriment of the environment. NEW ROADS BEGAT CARS. The primary reason for Route 92, is to drive traffic into the Princeton University Forrestal Center. In fact, one exit ramp leads directly into the back parking lot of the center. USACE has already agreed that Route 92 would spur development along U.S. Route 1. This would make things worse. The $400 million for this road should be used to improve existing roadways, including U.S. Route 1 and Route 522.

RY-1,2

RY-3,4

The construction and use of Route 92 would be a primary threat to the Plainsboro Preserve, an environmentally sensitive area of 650 or more acres here in Plainsboro. Route 92 is also a threat to pristine woodlands and farm fields, not to mention potential Native American sites. This road would destroy 14 acres of wetlands that the EPA has classified as exceptional wetlands and would forever fragment a very large tract of open space here in Middlesex County. Brooks and streams including Devil's Brook Shallow Brook would be compromised.

RY-5,6

I cannot believe that human beings can think so selfishly and do not care about the other creatures around him.

RY-7

I AM OPPOSED TO ROUTE 92. PERIOD.

Robert Yuell, 68 Thoreau Drive, Plainsboro, NJ 08536

Robyue@aol.com

Robert Yuell

Saturday, May 15, 2004 America Online: Robyue

WC030

DEPARTMENT OF THE ARMY
[illegible]
NEW YORK NY 10278-0090

OFFICIAL BUSINESS

ATTN: CENAN-OP-RE

Robert Yuell
66 Thoreau Drive
Plainsboro, NJ 08536

FROM: See return address on reverse.

DATE 20 May 2004

WRITER'S NAME/TELEPHONE NO.
Koko Cronin Tel. No.: (212)264-6731

☐ YOUR ☒ OUR COMMUNICATION (Kind, reference symbol, date, subject, or other identification)
RE: Public Notice No.: 1999-00240

ACTION TAKEN OR REQUESTED
☐ REPLY WILL BE FURNISHED ON OR ABOUT _____
☐ REQUEST DATE WHEN REPLY MAY BE EXPECTED
☐ WE HAVE SENT YOUR COMMUNICATION TO (See below)
☒ RECEIPT ACKNOWLEDGED
☐ FOR DIRECT REPLY
☐ TO OBTAIN INFORMATION

☐ OTHER INFORMATION ☐ SUPPLIED OR ☐ REQUESTED

TYPED NAME, GRADE, AND TITLE
Koko Cronin
Project Manager

SIGNATURE
Koko Cronin

DA FORM 209, 1 Jan 70 REPLACES EDITON OF 1 NOV 66, WHICH WILL BE USED.
*U.S. G.P.O.: 1997-418-290/65370

DELAY, REFERRAL, OR FOLLOW-UP NOTICE
(AR 340-15)

WC031

Cronin, Koko NAN02

From: Anne Matthews [amm@Princeton.EDU]
Sent: Wednesday, May 12, 2004 12:58 PM
To: Route92EIS, NAN NAN02
Subject: Route 92 proposal

12 May 2004
Attn: Route 92 DEIS

I would like to express my dismay at the prospect of building the Route 92 alignment.

As a taxpayer, I consider it unneccessary and ill-considered.

AM-1

As a local resident, I think it most unfortunate that community opinion plays so small a part in such major transportation decision-making.

AM-2

And as a citizen interested in historic preservation and saving open space, I protest a plan that will clearly endanger and degrade the villages and natural areas of central New Jersey by encouraging growth and putting off a much-needed debate on the social and fiscal costs of gridlock and sprawl.

Sincerely,

Anne Matthews

95 Herrontown Lane
Princeton Township, NJ
08540

1

WC032

Cronin, Koko NAN02

From: Aditya Narra [aditya@4triton.com]
Sent: Friday, May 21, 2004 8:19 AM
To: Route92EIS, NAN NAN02
Subject: No Route 92 please

AN-1

To Whom It May Concern:
I would like to request your kind self to think about the Ecological impact Route 92 is going to have on the neighborhood in South Brunswick, Plainsboro and hence would like you to cancel the project.
Thanks,

Aditya Narra
609-716-7277 (Work)

WC033

Cronin, Koko NAN02

From: dmaxam@att.net
Sent: Thursday, May 13, 2004 5:19 PM
To: Route92EIS, NAN NAN02

EM-1

Regsrding the proposed hiway, I am strongly against the proposal to build through the wetlands. The other alternatives must be seriously considered. I am familiar with the value of wetlands and have seen damage done in the past when they have been destroyed. Once destroyed it is very difficult to repair and renew them. Other plans MUST be made.

elsie Maxam Monroe Twp. N.J.

1

WC034

Cronin, Koko NAN02

From: Dharmesh Shah [dshah123@hotmail.com]
Sent: Friday, April 25, 2003 9:20 AM
To: Route92eis, Nan
Subject: I am opposing the construction of route 92.

Dear Sir,

I am opposing the construction of route 92. This will increase the pollution and traffic in the residential area. It will also destroys the acres of wetland.

DSH-1,2

Thanks.

WC035

Cronin, Koko NAN02

From: comcast.net [jpl028@comcast.net]
Sent: Thursday, May 01, 2003 4:25 PM
To: Route92eis, Nan
Subject: Route 92

JL-1

Route 92 is not needed in New Jersey - Route 522 has been built since this road was proposed and almost parallels Route 92's proposed route. Plus, Route 92 is FREE!! Truck traffic on Route 1 (which parallels the NJ Turnpike, a toll road) is rapidly increasing. Why would anyone with any sense take a toll road when they could take a free road in the same amount of time?? Why do we need this road?

Obviously, I oppose it.

Judy Lynch

WC036

Cronin, Koko NAN02

From: Bob none [veggiebob1@hotmail.com]
Sent: Friday, May 28, 2004 2:59 PM
To: Route92EIS, NAN NAN02
Subject: No Route92

I'm a resident of Franklin NJ and I oppose the Route 92 project. BP-1

There is too much to loose and not much to gain. There will be additional traffic through Kingston - this is a beautiful small town, more traffic is not needed.

Farmland will will be ruined (we need need farmland lose, we need it preserved). BP-2,3

Hundreds of Millions of dollars to be spent.

I hope you will agree that we don't need more traffic here, and loosing farmland to more blacktop.

Sincerely,
Bob P.
Franklin Twsp. NJ

Learn to simplify your finances and your life in Streamline Your Life from MSN Money.

6/1/2004

WC037

Cronin, Koko NAN02

From: Bill Barney [barney@AESOP.Rutgers.edu]
Sent: Thursday, May 27, 2004 8:05 AM
To: Route92EIS, NAN NAN02
Subject: Route 92

Note that Route 1 is already in place and really needs improvement!

BBR-1

6/1/2004

WC038

Cronin, Koko NAN02

From: Grace Ramus [g.ramus@worldnet.att.net]
Sent: Tuesday, April 29, 2003 8:40 PM
To: Route92eis, Nan
Subject: Route 92

GRA-1

GRA-2,3

Dear Army Corps of Engineers,
I live in a small house my grandfather built on Heathcote Road in Kingston, with my front door 20 feet or so from the road. If Route 92 is built, Heathcote Road will surely need to be widened to accommodate more traffic. We have a model community in Kingston in many ways, it's historic, lovely, with a mix of people from many walks of life who manage to get along and work together for the community and have fun doing it. Route 92 would eventually decimate the town, everyone knows that. Not to mention how much state money would be wasted.

I respectfully ask you to put off considering the wetlands permit for the Route 92 project until Governor McGreevy has taken a stand on the issue.

Sincerely,
Grace Ramus
16 Heathcote Road
Kingston, NJ 08528

1

WC039

Cronin, Koko NAN02

From: Fyremrshl@aol.com
Sent: Friday, May 21, 2004 8:32 AM
To: Route92EIS, NAN NAN02
Subject: comments on route 92

DEH-1

I am a resident of Plainsboro, living two blocks off of Dey Road. As you can expect, I do support the Route 92 construction because of the constant build-up of traffic on Dey Road, a LOCAL road.

My main question on the oppositions case against the construction is their questionable argument that this construction will increase traffic in Kingston. It certainly appears that the currenct traffic on Dey Road is from the Turnpike/Route 130 area to Route 1. This road will handle that traffic. Why they contend that this will bring more traffic to Kingston does not make any sense because people are not going to Kingston in volumes, they are going to Route 1 to head south. I travel this road almost daily and people travel Dey Road to Scudders Mills, to Route 1 SOUTH.

DEH-2

Please approve this road to remove the local traffic and put it on a road designed to handle the volume of traffic.

Thank you.

David E. Herbert
Plainsboro, NJ 08536

work phone 732-651-8806

WC040

Cronin, Koko NAN02

From: Jim Dietrich [eaglesfanintampa@earthlink.net]
Sent: Wednesday, May 19, 2004 1:05 PM
To: no92@earthlink.net; Route92EIS, NAN NAN02
Subject: Let's look at the facts of the proposed NJ 92...

I am unable to attend the public hearing on May 20th (tomorrow), so I'm sending this letter instead as my input. As a 20-year New Jersey resident (now living in Florida, but still travel there on a regular basis) and someone who frequented roads surrounding the proposed area for years (as late as 2003), I am appalled and disheartened that anyone would oppose this needed piece of infrastructure. NJ 92 is not only a feasible long-term solution to the loss of I-95's Somerset Freeway, but also will prevent US 1 from becoming more congested than it is capable of through South Brunswick, where there are still traffic lights and only four lanes. We all know that people are going to live in Central NJ, whether there are roads or not, but as of late, the traffic jams on small, country roads not built for the heavy volumes of traffic have become unbearable. With the absence of the Somerset Freeway, US 202, US 206, NJ 27, NJ 31, and CR 516 all have to make up for the negated freeway, but none are built (with the exception of US 202) with more than three lanes (one in each direction and a middle left-turn lane). US 1 has the worst brunt of the traffic, since people use US 1 to connect to I-95, instead of backtracking down South I-295 to get to North I-95, but it is built (as of now) sufficiently to handle this extra capacity. That is, until it enters South Brunswick, where it loses two lanes and had traffic signals, thereby decreasing the capacity by 25%. NJ 92 will redirect traffic from US 1 onto the NJTP and therefore allowing local traffic and through traffic to be separated, and capacity levels would achieved again. Even if NJ 92 is just four lanes (two each direction), traffic north of the interchange on US 1 would decrease by about 33%.

JD-1

To say that this is an "environmental" issue is preposterous. First of all, anyone who protested the Somerset Freeway back in the '70's brought the delays and jams on local roads on themselves. The Somerset Freeway would have prevented the traffic nightmares that exist north of Trenton today by pulling through traffic (esp. trucks) off of NJ 31, NJ 27, and US 206, none of which are built for through traffic, let alone the hellish amount of local traffic that exists today. Not having this built would hurt the environment more than building the freeway for many reasons: the total emissions released by cars idling in traffic on a four-laned road has been proven to be more harmful to the environment as well as our health than the total emissions of cars traveling on an 8-laned freeway at highway speeds for the same distance. In addition, more gasoline (a very precious commodity in these hard times at the pumps) is wasted in traffic jams than at higher speeds, so more oil has to be drilled to help our vehicles operate. Also, with the ever-increasing amount of traffic, two-laned roads have become a battleground of sorts against all indigenous animal life. More accidents caused by deer or other wooded creatures happen in Central Jersey now than ever before, and by taking the throngs of travelers off the local roads would help reduce this problem tenfold. Yes, some "environmentally sensitive" woods would be taken down, but as shown by the proposed routing, no exits would be built in or near the area in question, so sprawl into the area is highly unlikely (one thing to help push this through would be to put a hold on development in the sensitive area after the freeway is built).

JD-2

JD-3

JD-4

JD-5

On the website http://www.no92.com, the author stated that CR 522 (many of which use as a cut-off to US 130 and the Turnpike) is "an existing, free, high-speed road", but I must question if the author has even driven the rural road before, as "high-speed" is very overstated. I've sat in more delays through Dayton during the rush hours than I ever have on US 1, and anyone who's driven US 1 during the evening rush will tell you that it's bad. Also, CR 522 is not built to be a connector to any major arteries US 1

JD-6

WC040

JD-7

doesn't already serve, especially not the Turnpike like NJ 92 would. NJ 92 (short of resurrecting the Somerset Freeway idea) is the only feasible option of having traffic reduced on the rural roads, thus making the roads safer for everyone.

When the I-276/I-95 interchange is completed in Bucks Co., PA sometime in 2008, the traffic will ease somewhat on the roads surrounding the proposed area, but that would only be a short-term solution. As more and more people move to the South Brunswick area, the amount of traffic rerouted due to the resigning of I-95 would only be temporary, as a new trend would form. The new concern would easy accessibility to the Turnpike from West Central Jersey, as there would be no freeways to alleviate traffic trying to find a way to the Turnpike. Instead of US 202 and NJ 31 being the most heavily traveled roads, US 206, CR 571, and US 130 would be stressed to capacity, and we'll be in the same predicament again, once again bringing up this debate. On behalf of all of the commuters and residents of Middlesex and Somerset Counties, I implore you, Governor McGreevey and the Army Corps of Engineers, to build this freeway and finally end our long commutes, wasted gasoline, which in turn would allow us to spend more time with our loved ones and less time at red lights. Thank you for your time, and I only hope that people like the creator of the "No 92" website sees my points as well.

Sincerely,
Jim Dietrich

WC041

Cronin, Koko NAN02

From: Liz Callery [elizabeth.callery@morganstanley.com]
Sent: Friday, April 25, 2003 9:59 AM
To: Route92eis, Nan
Subject: Do not approve Route 92

Card for Liz Callery

ECA-1,2,3

Please do not approve Route 92. This road would destroy an area that contains open fields, birds, natural beauty, and lovely homes. There is no evidence that motorists/truckers would use a toll road, when Route 522 provides an equivalent route with no tolls. Route 92 could cause further traffic congestion in South Brunswick.

I urge you not to approve Route 92.

Elizabeth Callery

--
This communication is intended for the addressee(s) and may contain confidential and legally privileged information. We do not waive confidentiality or privilege by mistransmission. If you have received this communication in error, any use, dissemination, printing or copying is strictly prohibited; please destroy all electronic and paper copies and notify the sender immediately.

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WC042

Cronin, Koko NAN02

From: Laura S. D'Andrade [laura@brightnetwork.com]
Sent: Thursday, April 24, 2003 10:06 PM
To: Route92eis, Nan
Subject: Please stop the construction of Route 92

LSD-1

As a Kingston, New Jersey resident I strongly oppose the construction of Route 92 and urge you to use your leadership to cancel this project. As it is well documented, this massive and expensive undertaking will undoubtedly cause further sprawl, congestion and erode the quality of life in many localities in Mercer, Somerset and Middlesex.

Thank you.

Laura D'Andrade
1 Brook Drive West
Princeton, NJ 08540

1

WC043

Cronin, Koko NAN02

From: yellowhorse [yellowhorse@comcast.net]
Sent: Friday, May 07, 2004 11:43 AM
To: Route92EIS, NAN NAN02
Cc: beth - comcast
Subject: Route 92 Project

Hello,

I have been a resident of Kingston, South Brunswick for over 6 years. One of the reasons why we moved to this area was the tranquility and nature that surrounds the area (bird sanctuaries and the tow path) as well as the close proximity to small towns with shopping and entertainment.

Traffic is certainly one thing that I worry about since I have a long commute to northern NJ almost every day. However, I believe Rt. 92 will make this commute worse as well as erode the core of what makes this area so unique and beautiful. Traffic along route 27 in the morning and afternoon through Kingston is already over packed with cars and trucks going to Princeton or trying to find alternate routes to 206. The streets in Kingston were originally built to accommodate horses and buggies. I am amazed how we are able to traverse these corridors with the vehicles that we have today and the proximity of these vehicles to the structures beside the roads. If we increase vehicular traffic, there will be additional accidents in the area and no doubt there will be plans to widen the roadways which will result in NJ loosing historic Kingston, an area that holds so much historic significance that can not be restored if destroyed.

BM-1

We have many wild visitors who stroll past our back windows through all of the seasons- birds, squirrels, and deer. We live in harmony with these visitors and cherish our fragile coexistence with them. With the removal of wet lands in this area, this very delicate balance will be shifted in a way that is not repairable. Animals will flee from the area during construction resulting in accidents on the roads and a devastation to the habitats that have been developed. Although I do not have children yet, I would hate for my grand children to only be able to see wild life in a zoo or a book and not be able to experience them as I do in their natural habitat.

BM-2

Please do not allow this to happen with the route 92 project.

Thank you,

Beth Miller
54 Brook Dr E
Kingston, NJ

WC044

Cronin, Koko NAN02

From: Paul Monti [p.monti@worldnet.att.net]
Sent: Thursday, October 09, 2003 9:03 PM
To: Route92eis, Nan
Subject: Route 92 in NJ is not needed

Hello:

Writing this note to register my opposition to the proposed Route 92 in New Jersey (as proposed by the NJ Turnpike Authority). Open space is so rare here in NJ, I can't believe that this project is even being considered. New roads only bring more sprawl development - something NJ needs a lot less of these days.

PM-1,2

The Turnpike Authority can make use of the existing Route 522, just a mile away from the proposed route 92 instead. The money that would be wasted on Route 92 should instead be spent to maintain the 1000+ bridges in NJ that are in need of repair. OR better yet, used to create non-car-centric transportation projects to rid the existing extensive road network of some cars.

PM-3,4

Sincerely,

Paul Monti
10 Sneider Road
Warren, NJ 07059

1

WC045A

Cronin, Koko NAN02

From: Matina Angelakos [m_angelakos@yahoo.com]
Sent: Wednesday, May 26, 2004 3:02 PM
To: Route92EIS, NAN NAN02
Cc: jmolenaar@plainsboronj.com
Subject: Plainsboro needs Route 92!

Dear Ms. Cronin:

We are eight-year residents of Plainsboro and the traffic is becoming unbearable. We need Route 92 to alleviate the non-local traffic, to make our roads safer and to make our air cleaner!

Our home backs up to Dey Road, CR614, and the amount and type of traffic that passes on this road is totally unreasonable for the residential nature of the area. Eighteen-wheelers barrel past our home, causing our windows to rattle (we have placed cottonballs beneath the plastic window grid to supress the noise!! -- no joke!) and our walls to shake. This is not suitable for the suburb of Plainsboro and the quality of life we have chosen to buy into.

MA1-1

These trucks travel at excessive speeds creating an incredible safety issue. We never thought that it could take me 5 minutes to exit my development in the morning hour. We never thought that we would fear for our children to ride on the school bus to take them just 2 miles down the road and have them be subjected to honking trucks! Yes, non-local trucks honk at the LOCAL school buses (with children in them!) who are on Dey Road and "slowing them down". This is unacceptable. We never thought that we'd have to explain to our kids that the loud noises they hear outside of our house are trucks barreling down the road going through potholes. It's embarassing to have people over in the backyard and have to explain why it's so loud and why there is so much traffic on this "back road"!

Plainsboro is a RESIDENTIAL municipality with many local roads which should not be bearing the burden of NON-LOCAL traffic. Plainsboro shouldn't be the "backway" between the Turnpike and Route 1. We don't think it's what the town wants to be known for, but it's coming to that. We don't want to be the thoroughfare for trash haulers, construction vehicles or other types of large vehicles. It's amazing to see the difference in noise, traffic and soot exhaust between a weekday and a Sunday. You'd think we were in a totally different town.

With all that said, we would ask that the Army Corps of Engineers and the NJDEP issue the necessary permit(s) required to allow the construction of Route 92. The environmental impact from NOT building this road could prove to have more long-term detrimental effects than the more short-term ones proponents are concerned with now.

Thank you for your time and consideration,

1

WC045A

Matina Angelakos and
Marios Avgousti

Plainsboro, NJ

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WC045B

Cronin, Koko NAN02

From: Matina Angelakos [m_angelakos@yahoo.com]
Sent: Wednesday, May 26, 2004 4:53 PM
To: Route92EIS, NAN NAN02
Cc: jmolenaar@plainsboronj.com
Subject: Follow up to Route 92 - from Plainsboro

Dear Ms. Cronin:

I recently wrote to you regarding Plainsboro's need for Route 92. In followup...

MA2-1

With respect to the DEIS and the issue of potential groundwater contamination to South Brunswick's drinking water supply, I would think that the local residents would be much more concerned with drinking water contamination from the nearby IBM Known Contaminated Site on Ridge Road rather than Route 92 stormwater runoff infiltration to the groundwater. My understanding is that there is not a public water supply well in the adjacent vicinity to proposed Route 92.

In addition to this IBM Site, there are numerous other Known Contaminated sites (as per the NJDEP SRP), that I am sure you are aware of, which either have been or can be greater environmental threats to the groundwater and wetlands than a well-planned, managed and executed construction of Route 92 would be.

Therefore, it would be wise to allow for a Route 92 permit since impact to groundwater from Route 92 would be minimal.

Thank you,
Matina Angelakos

Plainsboro, NJ

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1

WC046

TESTIMONY OF ROBERT O. SHEEHAN
TOWNSHIP ADMINSTRATOR, PLAINSBORO TOWNSHIP
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Robert Sheehan, and I am the Township Administrator for Plainsboro Township. Prior to being appointed Administrator I served as the Community Development Director from 1993 to 2000, which has given me the perspective of the history and the facts from the many studies done to evaluate Route 92. From the standpoint of good planning, Route 92 is needed. For the overall fiscal health of Plainsboro Township and the region, Route 92 is needed.

PLTRS-1

In the early 1980s, the New Jersey Department of Transportation undertook the State's first comprehensive corridor study to determine how best to invest in this area. The study had an innovative and extensive public involvement process, with over 200 representatives from the public and private sectors and was completed in 1986. It recommended construction to improve Route 1, and a variety of other measures to better manage the region's transportation infrastructure. The study concluded that Route 92 was so essential to the region that its construction was taken as a given in every analysis that the New Jersey Department of Transportation conducted.

Plainsboro Township embraced the study and implemented many of the study's recommendations. In fact, Route 1 in Plainsboro is the only portion of Route 1 in Central New Jersey that does not have an at-grade intersection. Plainsboro has made sure that all development that has been built along Route 1 paid their fair share for the needed improvements in the transportation infrastructure, and these improvements were built prior to the roads becoming impassable. Plainsboro has faithfully followed good planning in this corridor and now asks that the State be allowed to do their part.

Plainsboro did not just stop at the New Jersey Department of Transportation study, the Township also had three independent professional evaluations conducted; one in 1992, another in 1994 and a third one in 1996. All three came to the same conclusion, which is that the construction of Route 92 would not only be beneficial, but that it is absolutely essential for Plainsboro from both a transportation and financial viewpoint. The studies showed that absent Route 92 the extent of road construction required at the local level, just to maintain a minimum level of service, would be financially impossible. In addition, the resultant local roadway network of four and six-lane roads would destroy our community.

WC046

Any deterioration in Plainsboro's quality of life would adversely impact our existing municipal business base. This business base is a major contributor to the regional job base and a major reason why people move to this area. Plainsboro has been able to maintain it's tax base and keep its property taxes low because of the careful and thoughtful planning that has been accomplished over the past 20 years. The Route 92 project has been key to many of the land use decisions that Plainsboro has made.

PLTRS-2

There have been a number of alternatives that have been proposed and studied. The Draft EIS is very clear on the impacts of these alternatives. The Dey Road Parallel Alignment and the Plainsboro/Cranbury Road Alignment may have less wetland impacts, but they would have substantial impacts on preserved farmlands, and in the case of the Dey Road Parallel Alignment would cause the removal of over 60 homes. Ironically, the USEPA Suggested Alignment has greater wetland impacts than most of the alternatives and has substantial direct parkland impacts, especially to our Community Park, while only partially meeting the project purpose. The Dey Road Widening Alternative will have wetland impacts and loss of homes, but most significantly it would continue to use our local roads to carry regional traffic, and does not provide an efficient connection to the New Jersey Turnpike. It also increases the burden on already-stressed local intersections.

In conclusion, Plainsboro has actively pursued regional solutions to transportation problems. All studies that have been done to date have endorsed Route 92. It is now time to build the last piece of our regional transportation puzzle. The review process for this project has been exhaustive, but as a result, we have a design that meets the region's transportation needs, while minimizing environmental impacts. It's time to act. It's time to build this road.

Plainsboro Township requests that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 to proceed.

WC047

TESTIMONY OF ARTHUR LEHRHAUPT
CHAIRPERSON OF THE PLAINSBORO PLANNING BOARD,
PLAINSBORO TOWNSHIP, NJ
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Arthur Lehrhaupt and I am the Chairperson of the Planning Board for the Township of Plainsboro, and have served in this capacity for over 15 years. Over the years Plainsboro's Planning Board has given careful consideration to the need for this critical east-west limited access transportation route. As the record shows, Route 92 is a road that has been planned and studied for over 50 years.

Plainsboro is becoming known throughout New Jersey as the "Smart Growth" township. Our master plan has taken a comprehensive view of transportation and land-use planning. A major accomplishment has been open space preservation, where we have been able to preserve over 50% of the entire community through such methods as farmland preservation, clustering, and outright purchases. Through aggressive planning and preservation we have concentrated our residential and commercial areas along major transportation corridors, and have limited growth in areas that do not have good access.

Our community is served by mass transit, and we have planned for and built a comprehensive bicycle and pedestrian network throughout the entire community. This year we had the groundbreaking on our new Village Center, a mixed-use development in a walkable environment. Familiar features of downtown such as angled parking and a town green, all adjacent to existing transit, will be part of the Plainsboro Village Center.

Critics of Route 92 have stated that the existing roads with minor changes can handle the projected regional traffic. The no-build scenario and other scenarios that increase the use of Dey Road, Plainsboro Road and Cranbury Neck Road run counter to all the good planning that has been accomplished and implemented. The increase in volume that is projected on these corridors and in the other scenarios that don't include Route 92 would completely destroy and bifurcate the community.

PLTAL-1

WC047

Dey Road is being turned into the defacto Route 92. Garbage trucks from New York City use this route everyday, all day, to get to their destination in Pennsylvania. The speed and volume of vehicles along Dey Road are steadily increasing, and divide the community. In order for our children to get to our community park, their new elementary school, or to our new Environmental Education Center in the Plainsboro Preserve, they need to cross Dey Road.

Cranbury Neck Road, which goes through the southern part of Plainsboro, is our farmland preservation zone where we have been very successful in ensuring that it will be farmed for generations to come, and any increase in interstate traffic will do damage to this sensitive area. And Plainsboro Road has recently been redesigned to make it pedestrian and bicycle friendly. All three of these roads are inappropriate for carrying regional traffic; it would NOT be smart planning.

PLTAL-2

The fact is that Route 92 IS consistent with the overall planning goals of Plainsboro Township, the County of Middlesex and the State Plan. Route 92 will connect the NJ Turnpike, Route 130 and Route 1. Hierarchy of roads is essential to ensuring that our existing infrastructure is used for the types and volumes of traffic for which it was designed and planned. Dey Road, Plainsboro Road and Cranbury Neck Road were never planned or designed to have the increasing volume they receive as a result of Route 92 not being built.

For the sake of 20 years of good planning and thoughtful land use decisions, it is imperative that this permit is approved and that this critical east-west road connection finally is built. This will empower the communities of Central New Jersey to be able to address the local transportation needs and problems that have been put off because of the delay of this decision.

Please act now for the sake of transportation mobility and good planning, and approve this permit and allow this road to be built.

WC048

TESTIMONY OF PETER A. CANTU
MAYOR OF PLAINSBORO TOWNSHIP
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Peter Cantu and I am the Mayor of Plainsboro Township. I have served as Mayor for 24 of the last 30 years. Few, if any, public officials have been part of the Route 92 issues and other regional transportation issues as long as I have. I recognize clearly the challenges presented by the construction of a new highway and the important responsibilities carried by the state and federal environmental agencies in protecting important environmental resources. In Plainsboro Township we take these issues very seriously and our long record of open space, farmland and woodland preservation speaks for itself. In fact, not far from here is Plainsboro's new preserve, which encompasses over 1,000 acres of permanently preserved woodland with a new environmental education center managed by the Audubon Society. This is land that we preserved to ensure that the eventual Route 92 would not encourage unwanted growth in this part of Plainsboro.

PLTPC-1

We believe that Route 92 is a roadway essential not just to Plainsboro's future but also to that of the region. This is a position that has not been arrived at casually or emotionally, but one borne out of careful, independent evaluation. It is clear from all the studies that have been done, including the recently completed Draft EIS, that Route 92 is not only needed but also critical to the transportation circulation system of the region. Without Route 92 most of the major local intersections would fail in the not too distant future. In fact it seems that the future traffic scenarios are already here. It is this sobering evaluation and observations of the existing and future conditions that has led our Township Committee to vote consistently over the years to support the construction of Route 92. This region cannot afford to wait any longer for this critical transportation element to be built. The construction of a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 to Interchange 8A of the New Jersey Turnpike known as Route 92 must move forward as presently planned.

PLTPC-2

The Draft Environmental Impact Statement comprehensively addresses the advantages and disadvantages of all the transportation alternatives for this area, including a no-build option. It

WC048

looked at all transportation alternatives and how they conform to the Smart Growth policies of the State, the County and the Townships that are affected. The study found that the Route 92 alternative is the alternative that most effectively meets smart growth principals when compared to other alternatives, including no-build.

PLTPC-3

One of the most frequently supported alternatives advocated by opponents to Route 92 is the expansion of Route 522 through South Brunswick. The DEIS tells us that expanding Route 522 to six lanes will have a much greater human impact by necessitating the destruction of 58 homes, making local travel more difficult, discouraging walking and bicycling, and reducing the quality of life in adjacent neighborhoods. There are also wetland impacts and direct impact on Pigeon Swamp State Park. Add to that the fact that making Route 522 into a six-lane road will not reduce regional through-traffic on the east-west road system, and it is clear this is not a viable alternative.

PLTPC-4

The Township of Plainsboro has consistently supported a solution to this area's transportation problems that would be sensitive to both the manmade and natural environments. With that in mind, the New Jersey Turnpike Authority has proposed construction of an approximately 57-acre wetland north and south of the proposed highway alignment as mitigation for the proposed filling of only 12.03 acres of wetlands. In addition, the New Jersey Turnpike Authority proposes further mitigation in the form of the permanent preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads. The DEIS is clear in stating that the construction of Route 92 will have the most benefit with the least amount of impact.

PLTPC-5

As Mayor it is my responsibility to safeguard Plainsboro's quality of life. We pride ourselves on the fact that through successful long-term planning we have created a key balance between development, the preservation of open space and the creation of a strong economic base. We have adhered to the principles of smart growth and the guidelines in the State Plan. But smart growth cannot be accomplished solely by local municipalities. The Route 92 project has been key to many of the land use decisions that have been made and implemented during the past 25 years. It is time for the State to move forward by providing the appropriate missing link in the regional and state transportation system.

WC048

PLTPC-6

There is only so much a community can do alone, and Plainsboro works with its neighbors to find common ground and solutions to regional transportation problems. We are an active participant and member of the Central Jersey Transportation Forum. This regional body has consistently supported the construction of Route 92. This forum has been held up in New Jersey as THE example of how to accomplish comprehensive transportation planning in a multi-jurisdictional region. It shows that regional cooperation and planning brings about reasonable solutions.

It is important that we do not make the mistake of avoiding a decision that, while difficult, is critical to the future of the region and its residents.

Therefore, based on the findings of the Draft EIS, the Township of Plainsboro recommends that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 as a four-lane, limited access highway as soon as possible.

WC049

STATEMENT ON THE ROUTE 92

UNITED STATES ARMY CORPS OF ENGINEERS

ENVIRONMENTAL IMPACT STATEMENT AND

SECTION 404 PERMIT APPLICATION

Presented by:

George M. Ververides
Director of County Planning
Middlesex County Department of Planning

May 20, 2004
Radisson Hotel
South Brunswick, NJ

WC049

MCGV2-1

MIDDLESEX COUNTY HAS ALWAYS SUPPORTED, AND CONTINUES TO SUPPORT THE CONSTRUCTION OF ROUTE 92. THIS EAST-WEST, LIMITED ACCESS HIGHWAY IS AN INTEGRAL PART OF A REGIONAL PLAN TO IMPROVE MOBILITY IN THE SOUTHERN PORTION OF THE COUNTY, AN AREA THAT HAS EXPERIENCED RAPID POPULATION AND EMPLOYMENT GROWTH, AND HIGH INCREASE IN TRAFFIC. THIS INCREASE IN AUTOMOBILE AND TRUCK TRAFFIC HAS RESULTED IN CONGESTION ON REGIONAL AND ESPECIALLY ON LOCAL ROADS THAT CANNOT HANDLE THE INCREASED VOLUMES.

THE REGION IS WELL SERVED BY EFFECTIVE NORTH-SOUTH HIGHWAYS, SUCH AS THE NEW JERSEY TURNPIKE, U.S. ROUTES 1 AND 130 AND STATE HIGHWAY 27, AS WELL AS THE NORTHEAST CORRIDOR RAIL LINE.

HOWEVER, THE REGION LACKS AN EFFICIENT EAST-WEST CONNECTION, A HIGH SPEED LINK CONNECTING NORTH-SOUTH CORRIDORS THAT WOULD IMPROVE MOBILITY AND IMPROVE QUALITY OF LIFE BY LIMITING THE AMOUNT OF TRUCK AND AUTOMOBILE TRAFFIC ON COUNTY AND MUNICIPAL ROADS. ROUTE 92 WILL SERVE AS THAT CRITICAL EAST-WEST LINK.

WC049

MCGV2-2

ROUTE 92 HAS BEEN PLANNED FOR MORE THAN 40 YEARS, HAS BEEN THE SUBJECT OF COUNTLESS STUDIES AND HAS EXPERIENCED MANY DIFFERENT ALIGNMENTS. THE MIDDLESEX COUNTY TRANSPORTATION COORDINATING COMMITTEE, IN 1989, REVIEWED ALTERNATE ALIGNMENTS PROPOSED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) AND AGREED THAT THE ALIGNMENT WHICH RUNS SOUTH OF FRIENDSHIP ROAD WAS THE MOST FEASIBLE. THE MIDDLESEX COUNTY BOARD OF CHOSEN FREEHOLDERS HAS ENDORSED THIS ALIGNMENT. THE NEW JERSEY TURNPIKE AUTHORITY TOOK JURISDICTION OVER ROUTE 92 IN 1992.

THE ENVIRONMENTAL IMPACT STATEMENT EVALUATES FIVE ALTERNATIVES FOR IMPROVING MOBILITY IN THE REGION:

- NO ACTION.
- TRANSPORTATION DEMAND (TDM) MEASURES..
- IMPROVE EXISTING ROADWAY CAPACITY.
- IMPROVE EXISTING REGIONAL SYSTEM.
- CONSTRUCT NEW ROADWAY FACILITIES. ALTERNATIVE 5 INCLUDES CONSTRUCTION OF THE NEW JERSEY TURNPIKE AUTHORITY (NJTA) ROUTE 92 ALIGNMENT, TERMINATING AT ROUTE 1.

WC049

MIDDLESEX COUNTY SUPPORTS THE NEW JERSEY TURNPIKE ROUTE 92 ALIGNMENT BECAUSE:

1) IT WILL IMPROVE EAST-WEST TRAFFIC FLOW THROUGH SOUTHERN MIDDLESEX COUNTY BY PROVIDING A DIRECT CONNECTION BETWEEN THE MAJOR NORTH-SOUTH CORRIDORS – THE NEW JERSEY TURNPIKE AND ROUTES 1 AND 130. MCGV2-3

2) IT WILL IMPROVE NORTH-SOUTH TRAFFIC FLOW ON ROUTE 1 AND DIVERT THROUGH TRAFFIC TO ROUTE 130 AND THE NEW JERSEY TURNPIKE. MCGV2-4

3) IT WILL REDUCE TRUCK TRAFFIC ON THE LOCAL ROAD NETWORK BY DIVERTING THROUGH TRUCK TRAFFIC VIA ROUTE 92 TO THE MAJOR NORTH-SOUTH CORRIDORS. MCGV2-5

4) IT WILL REDUCE OVERALL TRAFFIC CONGESTION ON THE LOCAL ROADWAY NETWORK, INCLUDING KEY LOCAL INTERSECTIONS, BY DIVERTING REGIONAL TRAFFIC FROM THE LOCAL ROADS. MCGV2-6

5) STORM WATER DRAINAGE AND WATER QUALITY ARE TO BE ADDRESSED BY THE USE OF BEST MANAGEMENT PRACTICES AND MCGV2-7

WC049

ADHERENCE TO THE NEW WATER QUALITY MANAGEMENT RULES AND REGULATIONS.

6) ACCORDING TO THE EIS, A TOTAL OF 12.03 ACRES OF WETLANDS WOULD BE PERMANENTLY FILLED DURING CONSTRUCTION OF ROUTE 92, AND 1.16 ACRES WILL BE PERMANENTLY AFFECTED BY SHADING FROM ELEVATED SECTIONS OF THE ROADWAY. THE NJTA PROPOSES TO MITIGATE THIS BY CREATING 57 ACRES OF WETLANDS, CONNECTED PRIMARILY TO THE DEVIL'S BROOK WETLANDS COMPLEX. ROUTE 92 WOULD ALSO DISPLACE ABOUT 210 ACRES OF AGRICULTURAL LAND AND AFFECT ACCESS TO 78 ACRES. THE EIS INDICATES THAT NONE OF THE LAND THAT WOULD BE DISPLACED OR INACCESSIBLE IS IN AN AGRICULTURAL DEVELOPMENT AREA, AND NONE IS SUBJECT TO PRESERVATION EASEMENT UNDER THE NEW JERSEY FARMLAND PRESERVATION PROGRAM.

MCGV2-8

MCGV2-9

7) THE MIDDLESEX COUNTY AGRICULTURAL DEVELOPMENT BOARD ALSO HAS ENDORSED THE NEW JERSEY TURNPIKE ROUTE 92 ALIGNMENT.

MCGV2-10

WC049

8) ROUTE 92 IS CONSISTENT WITH STATE, COUNTY AND REGIONAL PLANS FOR SMART GROWTH AND FOR IMPROVING MOBILITY IN THE REGION. MCGV2-11

9) THE MIDDLESEX COUNTY ADOPTED TRANSPORTATION PLAN AND PROGRAM IDENTIFIES ROUTE 92 AS A MUCH NEEDED PROJECT TO ADDRESS THE NEEDS FOR GOOD EAST-WEST CONNECTIONS IN THE SOUTHERN AREA OF THE COUNTY. THESE NEEDS WILL CONTINUE TO GROW AS TRAFFIC FROM EXISTING AND FUTURE DEVELOPMENT CONTINUES TO INCREASE. MCGV2-12

10) THE MIDDLESEX COUNTY GROWTH MANAGEMENT PLAN INDICATES THAT "THE MOST IMPORTANT ISSUE FOR FUTURE TRAFFIC IN THE AREA ARE THE FLOW IMPROVEMENTS THAT WOULD OCCUR AS A RESULT OF THE CONSTRUCTION OF PROPOSED ROUTE 92. ROUTE 92 WOULD CONNECT THE NEW JERSEY TURNPIKE TO U.S. ROUTE 1. THIS IS EXPECTED TO RELIEVE CONGESTION ON LOCAL ROADS." MCGV2-13

11) THE NEW JERSEY TURNPIKE ROUTE 92 ALIGNMENT IS CONSISTENT WITH THE NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN. THE AREA TRAVERSED BY ROUTE 92 IS IDENTIFIED IN THE PLAN AS A SUBURBAN PLANNING AREA (PA2). MCGV2-14

WC049

SUBURBAN PLANNING AREAS ARE FOUND IN SUBURBAN GROWTH CORRIDORS ALONG STATE HIGHWAYS SUCH AS ROUTE 1, ALSO KNOWN AS THE PRINCETON CORRIDOR, AND THE NEW JERSEY TURNPIKE IN MIDDLESEX AND MERCER COUNTIES.

MCGV2-14

ONE OF THE POLICY OBJECTIVES FOR PA2 AREAS IS TO "MAINTAIN AND ENHANCE A TRANSPORTATION SYSTEM THAT LINKS CENTERS AND EXISTING LARGE SINGLE-USE AREAS TO EACH OTHER, TO METROPOLITAN PLANNING AREAS AND TO MAJOR HIGHWAY AND TRANSIT CORRIDORS."

12) THE REGIONAL PLANNING PARTNERSHIP (RPP), FORMALLY KNOWN AS THE MIDDLESEX SOMERSET MERCER REGIONAL COUNCIL (MSM) HAS ENDORSED ROUTE 92 AS ONE OF THE FEW ROAD CONNECTIONS THAT IS IMPORTANT TO THE FUNCTIONAL SUCCESS OF THE REGION.

MCGV2-15

13) ROUTE 92 IS ALSO CONSISTENT WITH EXISTING MASTER PLANS AND ZONING IN PLAINSBORO, CRANBURY AND MONROE TOWNSHIPS.

MCGV2-16

SOUTH BRUNSWICK IS OPPOSED TO ROUTE 92 AND HAS PROPOSED A WIDENED MIDDLESEX COUNTY ROUTE 522 AS AN ALTERNATIVE EAST-WEST ROUTE, WITH OR WITHOUT AN EXTENSION TO THE NEW JERSEY TURNPIKE. WE BELIEVE THAT THIS ALTERNATIVE CANNOT IN ANY WAY

MCGV2-17

WC049

MCGV2-17

ACCOMMODATE ADEQUATELY FUTURE TRAFFIC GENERATED BY PROPOSED DEVELOPMENTS IN SOUTH BRUNSWICK AND CRANBURY. STUDIES HAVE SHOWN THAT BOTH ROUTE 92 AND AN IMPROVED ROUTE 522 ARE NECESSARY TO HANDLE FUTURE GROWTH IN THIS PART OF MIDDLESEX COUNTY.

MCGV2-18

THE EIS INDICATES THAT THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) MODIFIED NO BUILD ALTERNATIVE "FAILS TO MEET THE PROJECT PURPOSE." WE BELIEVE THIS IS NOT A DESIRABLE ALTERNATIVE BECAUSE IT WOULD INCREASE TRAFFIC ALONG ROADS CLOSER TO EXISTING RESIDENCES AND IMPACT OFFICE COMPLEXES ON SCUDDERS MILL ROAD, WHICH IS NOT DESIGNED AS A LIMITED ACCESS ROAD.

AGAIN, WE STRONGLY URGE THAT ROUTE 92 BE CONSTRUCTED ON THE NEW JERSEY TURNPIKE ALIGNMENT. ROUTE 92 IS IMPORTANT TO THE FUTURE OF MIDDLESEX COUNTY AND TO THE CENTRAL NEW JERSEY REGION.

WC050

Princeton University PRINCETON FORRESTAL CENTER 609-452-7720
105 COLLEGE ROAD EAST
PRINCETON, NEW JERSEY 08540

Received-NY District Corps of Engineers
2004 MAY 20 PM 8: 47

May 20, 2004

U.S. Army Corps of Engineers - New York District
Regulatory Branch
26 Federal Plaza, Room 1937
Jacob K. Javits Federal Building
New York, New York, 10278-0090

Regarding Route 92 DEIS

Dear Sirs:

Princeton Forrestal Center would like to compliment the Army Corps of Engineers on the comprehensive Draft Environmental Impact Statement for the Route 92 project proposed by the New Jersey Turnpike Authority. The document is readable, well presented, and well summarized. It thoroughly addresses all the items mandated by the National Environmental Policy Act (NEPA) and it addresses directly the important "smart growth" and State planning issues that have been so widely bandied about by supporters and detractors. The DEIS should provide a sound—and hopefully final—platform for the decision to issue the permits necessary to construct the road.

PFCRW-1

Most impressive is the traffic study which has been totally revised, updated, and expanded to reflect current traffic patterns and volumes. The study thoroughly and professionally assesses the projected growth in population and employment and the traffic there from. It demonstrates conclusively that Route 92 will substantially reduce traffic on most existing local roads and it will do so far better than any of the alternatives that have been suggested over the years.

PFCRW-2

The report thoroughly explores the affected environment and the impacts of Route 92 and all of the alternatives. The study identifies fourteen road alternatives and eight demand management strategies—it covers just about any idea that anyone has ever tossed out! The DEIS clearly establishes that whatever we do, or do not do, there are environmental consequences. Humans affect the environment—almost always negatively. Even the "No Action" alternative has negative environmental impacts. Each reader of the DEIS will evaluate these impacts for themselves. That is the purpose of the DEIS. I believe it is hard to avoid the conclusion that Route 92 as proposed has been carefully located and designed to minimize the negative environmental impacts. It is far better than any of the alternatives.

PFCRW-3

The DEIS exhaustively explores how each alternative would or would not meet the traffic objectives. Here again each reader will formulate his or her own opinion. I believe it is very clear that the proposed Route 92 provides the best reduction in traffic levels on local roads. The average traffic reduction is 18%--on average almost one of every five cars will shift from the local road system.

WC050

PFCRW-4

The report directly addresses Route 92 in the context of the NJ State Plan, induced development (and therefore traffic), and so-called "smart growth" issues. The highway connects two major developed areas, Exit 8A and the Route 1 corridor. Both of these areas are designated Planning Area 2 (PA2) in which growth is to be encouraged. Because the highway must go through an area that is designated Environmentally Sensitive (PA5) it was deliberately designed to have no intersections in the areas that should be preserved. The only places one can get on and off the highway is in already highly developed areas that are designated PA2. The highway design is responsive to and consistent with the State Plan and was designed with smart growth principles in mind. Smart Growth does not mean no roads should ever be built. It means that when roads are built they should separate regional from local traffic and discourage development in environmentally sensitive areas and help sustain development where it is planned to be. This may be one of the few advantages in the intolerably long delay in the construction of Route 92. The delay enabled us to learn from past mistakes so that Route 92 has been designed "smart" in order to avoid the pitfalls of earlier highway construction projects!

PFCRW-5

Finally, the report correctly points out that Route 92 is designed to accommodate growth that has already occurred or is already in the process of occurring. When Princeton Forrestal Center was being planned and approved in 1975 we pointed out that Route 92 was needed to handle then-existing traffic as well as the projected growth. Everyone expected Route 92 to be built. The need has intensified in the almost three decades that have passed.

It has been almost eight years since the New Jersey Turnpike Authority applied for a wetlands permit for Route 92. It has been almost six years since jurisdiction was transferred to the Army Corps of Engineers. In that time negative impacts—especially on wetlands—have been substantially reduced. The NEPA process deserves the credit for this. But it has taken an incredibly long time. During this time traffic continues to worsen on local roads that were never intended to handle these traffic levels. The region's planning and development was predicated on the construction of Route 92 and it is needed more than ever. The DEIS thoroughly and impressively documents the environmental and traffic impacts. We hope you will make a rapid decision to build the road. The region deserves a decision and it needs Route 92.

Sincerely yours,

Robert J. Wolfe
General Manager

WC051

Please refer to comment set PH35 for comment codes.

Statement re Rt 92 DEIS
Jon Edwards
Hopewell Township Committee
May 20, 2004

The draft environmental impact study does not address the potential impact that Route 92 would cause to all the communities to the west of Route 27, including communities within Hopewell Township.

The DEIS statement of purpose and need excludes ~~all possible and~~ viable alternatives to Route 92 for relieving regional traffic

The DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and particularly the historic communities of Hopewell Borough and Kingston

With or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS)

Route 92 would potentially cause a degradation of service on Route 518; and

Alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic

Another alternative, bus rapid transit with feeder service, is a viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address

Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them.

The Regional Planning Partnership (RPP) has already expressed an interest in extending Route 92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would greatly worsen all the problems to Hopewell Township which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life

Hopewell Township has renewed its opposition to the construction of Route 92 in its present alignment (we refer to Hopewell Township Resolutions #99-96 and #00-32)

Date Adopted: May 10, 2004

WC051

Please refer to comment set WC080 for comment codes.

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

RESOLUTION #04-157

A RESOLUTION IN OPPOSITION TO
THE CONSTRUCTION OF ROUTE #92

WHEREAS, the New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1, known as "Route 92"; and
WHEREAS, the United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92; and
WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits; and
WHEREAS, the NJDEP wetlands permits to construct Route 92 have now expired; and
WHEREAS, the United States Army Corps of Engineers (USACE) has completed and publicly released a draft environmental impact study (DEIS or draft EIS), but it does not include the potential damage that Route 92 would cause to all the communities to the west of Route 27, including communities within Hopewell Township. The DEIS statement of purpose and need excludes all possible and viable alternatives to Route 92 for relieving regional traffic; and
WHEREAS, the DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and particularly the historic communities of Hopewell Borough and Kingston; and
WHEREAS, with or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS); and
WHEREAS, Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water, and Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey; and
WHEREAS, Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat; and
WHEREAS, Route 92 would potentially cause a degradation of service on Route 518; and
WHEREAS, alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic; and
WHEREAS, a study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address; and

WHEREAS, Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them. The United States Environmental Protection Agency has found that all counties of New Jersey have higher levels of air pollution than are permitted by Federal law; and
WHEREAS, Route 92 would therefore induce additional traffic in the regional road system, and would therefore further add to air pollution by inducing traffic, rather than helping to reduce air pollution; and
WHEREAS, tolls charged on Route 92 would not pay for the interest on the bonds, let alone the principal, with the result that Route 92 would effectively increase taxes or result in increased tolls on the Turnpike; and
WHEREAS, the Regional Planning Partnership (RPP) has already expressed an interest in extending Route

92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would further exacerbate all the problems to Hopewell Township which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life; and

WHEREAS, Route 92 contradicts Governor James E. McGreevey's strong support of both smart growth and fiscal responsibility. The New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, and the Governor's Office of Smart Growth have had a period of six months to review the DEIS in substantially completed form, an opportunity which Hopewell Township has not had; and

WHEREAS, Hopewell Township was not offered the opportunity to participate in the decision process leading to the proposal for the current alignment of Route 92, and is still not offered any such opportunity. Route 92 does not benefit the interests of Hopewell Township, or other communities to the west of its western terminus.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of May 2004, by the Township Committee, of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. Hopewell Township renews its opposition to the construction of Route 92 in its present alignment (we refer to Hopewell Township Resolutions #99-96 and #00-32),
2. Hopewell Township urges NJDEP not to reissue wetlands permits to construct Route 92,
3. Hopewell Township urges the State Legislature and the Governor to speedily enact the Baroni/Inverso bill to de-authorize the Turnpike's construction of Route 92,
4. Hopewell Township will cooperate with the municipalities of the No 92 Coalition to oppose Route 92,
5. Hopewell Township urges its citizens to also attend the USACE DEIS Hearing this Thursday, May 20, 2004, 2-5 PM and 7 PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
6. Hopewell Township urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,

7. Hopewell Township urges Governor James E. McGreevey to cancel Route 92 now, and to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region and thereby:

a. Use the money allocated for Route 92 to fund transportation projects which will reduce sprawl, traffic, and smog, rather than exacerbating these problems;

b. Involve all municipalities in the No 92 Coalition in a fair and constructive process to relieve traffic congestion in the region, similar to the successful process used in the case of the Penn's Neck Bypass;

c. Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;

d. Fund transportation projects that will protect Hopewell Township's, and the region's historic communities.

e. The Township Clerk?s Office shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor James McGreevey, Congressman Rush Holt, Senator Peter Inverso, and Assemblyman Bill Baroni.

f. The Township Clerk shall also forward certified copies of this resolution to the Mayors of Woodbridge, Edison, New Brunswick, North Brunswick, South Brunswick, Plainsboro, West Windsor, Lawrence Township, Lambertville, Montgomery Township, Franklin Township, Borough of Rocky Hill, Hillsborough Township, Borough of Princeton, Princeton Township, the Boroughs of Hopewell and Pennington, and the Delaware Valley Regional Planning Commission.

Date Adopted: May 10, 2004

WC052

Rec'd-NY District AFO
Corps of Engineers

2004 MAY 20 PM 5: 12

Elizabeth J. Sherer
96 Perrine Road
Monmouth Junction, NJ 08852

My name is Betsy Sherer from the Perrine Road Residents Association.

I grew up in northeastern New Jersey, and saw first hand the burgeoning sprawl of the sixties and beyond. Perhaps we didn't know any better in those days, but now we have no excuse. I applaud Governor McGreevey's Smart Growth initiative, and the state's efforts to identify and protect the few remaining open spaces and environmentally sensitive areas. Building Route 92 runs completely counter to both of these professed aims, as it would not only destroy the only remaining farmland and wetlands in Middlesex County, but also encourage sprawl in an area already designated by the state as environmentally sensitive.

The fundamental issue here is not the false choice between doing nothing and building Route 92. Everyone knows how the area has grown and the resulting traffic problems. Actions do need to be taken. However, there are several more effective and far less invasive, destructive and expensive ways to address these problems. The DEIS does not identify several of these options, or even properly define some of those that they do. For example, why was Route 522 not evaluated at its true length, which ends at Route 130? Why were current plans to extend it all the way to Route 535 near Turnpike Exit 8A not taken into account? How can you dump the Route 92 traffic onto Route 1 at Ridge Road without addressing Route 1? Instead of taking a broader, more realistic approach, the DEIS evaluates each of the few alternatives it does manage to identify in isolation, and then rejects them one by one as if only one thing can be done at a time. This is insanity. Has the concept of multi-tasking somehow passed the Army Corps by? The right solution should be a combination of actions that takes into account improving existing roadways and public transportation, without further destroying our environment and diminishing our quality of life.

PRRA-1,2

PRRA-3

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

PRRA-4

A local newspaper, The South Brunswick Post, had an editorial last week where the writer posed some important questions to be asked at this hearing. Here are some excerpts from the editorial and those questions, for the record:

PRRA-5

"The key is the phrase, "responsiveness to project purpose and need." In its draft EIS, the Army Corps never asks if the road is needed, but assumes that it is. Its no-action plan ignores the federal Environmental Protection Agency's criticism of the

WC052

project and the alternatives the agency offers. And it downplays the environmental impact of the highway.

It is on this wobbly foundation that the Army Corps constructs its report. What the Army Corps did not ask are these questions, no less important than the ones they did ask:

1. How was the study area determined? Why were Kingston and the towns in Somerset County not included? The highway is likely to channel cars and trucks toward routes 206 and 31, putting a new strain on local roads in the region. PRRA-6

2. How were the traffic models used in the study developed? PRRA-7

3. Has anyone conducted a study of who is using Route 1 and the local road network now, where they are going and where they are coming from? If not, how can we be sure there will be a reduction in traffic? PRRA-8

4. Did the Army Corps factor in the cost of tolls into drivers' behavior? Would a toll — estimated to be 75 cents — act as a deterrent for drivers, negating the supposed benefits of the road? PRRA-9

5. Has the possibility that Route 92 might attract new traffic been considered? Why not? PRRA-10

Ultimately, though, the final decision on this road is not the Army Corps'. The Army Corps is only responsible for determining the fate of environmental permits.

It is the political decision-makers in New Jersey, including Gov. James McGreevey, the state Legislature and the N.J. Turnpike Authority who will have to decide if the nominal traffic reduction is worth the loss of wetlands, disruption of farmland and the extreme cost — at least $400 million, or about $59.7 million per mile.

So while residents need to make their case to the Army Corps today, they also need to light a fire under the state's political establishment that is powerful enough to turn plans for the highway into ash."

WC053

DEIS Hearing May 20, 2004

Contact Information: Ed Pfeiffer, 4 Halley Dr., Robbinsville, NJ 08691; ecpfeiffer@aol.com

Conservation Chair for the Central Jersey Group Sierra Club

Thank you for allowing me the opportunity to speak before you today. I should like to raise some concerns about the Draft Environmental Impact Statement in its present form and ask a few questions concerning the study.

As we all know, the Route 92 project will destroy approximately 1~~4~~x acres of wetlands, transect the Plainsboro Preserve, fragment extensive wildlife habitat, potentially threaten endangered species in open space lands – specifically an observed pair of nesting Bald Eagles – pave over approximately 100 acres of land, and significantly impact additional public and farmlands. There is a lot at stake here. So, this makes it all the more imperative to get this study right, to seek additional input, and to update with new information as part of an ongoing process.

At the moment, I don't think that the study is complete – far from it. This study needs further work. And there are bases, assumptons, and methods that I think need further explanation and clarification. So I would like the Army Corps of Engineers ~~to answer~~ the following questions as thoroughly and completely as possible. to consider as part of our commentary

I would also like the ~~Army Corps of~~ Engineers to ~~know that I do~~ not consider my comments today - restricted to five ~~minutes - as restricting any further~~ comments that I may wish to include ~~in written form as part of the~~ Sierra Club's overall comments ~~regarding~~ the Draft EIS where I might ~~want to go into more particulars~~.

Your group suggests at one point in your study in **Alternatives Examined** (section 2) that Route 92 will have less impact on the Plainsboro Preserve than the USEPA aligned route. And that the USEPA route will have greater impacts to parkland and open space than Route 92. Could you explain your conclusion better?

CGSC-1

In **Characterization of the Affected Environment** (section 3) you apparently rely on something called a FHWA wetland functional assessment system that gave you low values for general diversity of wildlife habitat... etc. Explain this in more detail. How accurate, reliable, and predictive is this system? And was this method verified through any independent on-site study?

CGSC-2

Generally, speaking of all the methods used in your wildlife studies, what are their strengths and weakness? What does the literature say about their use? How accurate are they?

WC053

Regarding SOC, are there other methods to confirm the existence of SOC other than using the Natural Heritage Database? What are the weaknesses of using this approach to study an area? How many different methods could be used to assure complete confidence in the methodology of these studies? Shouldn't additional wildlife studies ie. surveys be done?

CGSC-3

Concerning the destroyed cultural resources: The Van Pelt-Clark house in 2001 and the Dey Bayles house? What happened to these houses? Explain in more detail. And the Ayres-Lane farmstead can you give us more details? Have you considered the possibility that there are other cultural resource sites that your study may have missed? For example, archaeological prehistoric sites relating to native-americans.

CGSC-4

In **Direct, Indirect, and Cumulative Impacts of the Proposed Project and Alternatives** (Section 4)

Noise impacts on wildlife trying to cross below the bridges, was this taken into account? What does the scientific literature say about noise as a deterrent or barrier to travel between habitats A and B.

CGSC-5

How can stormwater management techniques protect wildlife and the wetlands from the pollution of toxic vehicular-related chemicals? What does the scientific literature tell us about the success of these techinques?

CGSC-6

In **Mitigation Actions** (Section 5) Regarding wetlands mitigation, NJTA proposes to construct 57 acres of additional acres to mitigate the loss of wetlands. Why do you think that this will effectively replace lost and fragmented habitat? Projects in the past have failed to create new wetlands. The literature suggests that this cannot be done.

CGSC-7

How are you

Finally, some general questions that I would like to ask the Army Corps of Engineers. ~~Are you~~ familiar with projects such as these? What's your history in this area? To the best of your knowledge, what has been the impact of past projects similar to this one on the environment? In terms of protecting endangered species, mitigating fragmented wetlands, preventing wetlands pollution? What have been your past failures? What do you consider your successes?

CGSC-8

In conclusion, let's do it right, because we have the potential to destroy something here that we cannot replace.

Thank you.

Edward C Mann

WC054

My name is Cathy Dowgin, Friendship Road, South Brunswick Township. For many years now I have fought to keep Route 92 from being constructed. For many years now I have said the same things that I will say tonight. Route 92 is not needed, will cost a half a billion dollars (or more) and will devastate many communities and the environment.

Were new traffic studies performed or were they not? The current DEIS is unclear on this. At the start of the EIS process, I questioned the Army Corps on this very issue. On May 1, 2001, I received an email from Jim Haggerty at the Army Corps who said: "We fully expect the contractor, and/or their subcontractor, to visit the planned route of the entire road." He continued that the DEIS ... "is likely to contain an amalgamation of updated reports as well as reports started from scratch. We would anticipate that, as a minimum, the traffic report would be started from scratch, since we are requesting traffic data over a much wider area than previously examined by NJDEP." On June 18, 2001, I received an email from Jodi McDonald, a new project manager, who said: "As for field work, they will probably need to perform additional traffic studies and additional field work, which will be determined as they flesh out what information they have and what is needed." But on August 7, 2001, Jim Haggerty informed me, via email, that "There are no scheduled field visits by either us, the third-party contractor or their subcontractors." From these exchanges, plus the lack of new information contained in the DEIS, one would conclude that the traffic study portion of the DEIS is sadly out of date. For this reason, I would request that new traffic studies be performed that take into account the completed Route 522, the extension of Route 522 to Route 535, and a requested widening of Route 1 in South Brunswick Township to 6 lanes. Additionally, the study area must be widened to include towns west of the Route 1 terminus of Route 92 – Kingston, Rocky Hill, the Hopewells, Montgomery Township, Griggstown, Franklin and, yes, even the Princetons.

CD-1

CD-2

The Federal EPA has thrice said "no" to Route 92 using the same information on which the Army Corps has based their DEIS. After 4 years and approximately 5 million dollars, all we have from the Army Corps is an unusual and suspect slant on old information. The reality is that Route 92 will increase traffic on local roads, not reduce it. Route 92 will terminate at the narrowest part of Route 1 in the vicinity of Ridge Road, with traffic continuing onto Route 1 Southbound, causing jams of titanic proportions. Route 1 is now a commuter's nightmare and will, according to the NJ Turnpike's own traffic studies, get worse, not better.

CD-3

Route 92 is not needed to facilitate east-west traffic. The Army Corps DEIS shows us a grid with 15 intersections that are at D or F levels without Route 92. The number of failing intersections does not change with the construction of Route 92. There are many alternatives to Route 92 that will satisfy the need for better east-west traffic circulation, including Route 522, which is less than 2 miles north of the proposed Route 92 and will be extended to Route 535 within a year! Route 522 is FREE so truckers are more likely to use it than Route 92 and has

CD-4

CD-5

WC054

enough access points to make it useful to local residents as well as transients. There are many other ways to facilitate traffic in the central NJ area and a "round table" that includes the residents and governing bodies of the affected local towns must be put together in order to ensure that the best solution is put into place.

CD-6

Governor McGreevey has pledged fiscal responsibility and an end to subsidized sprawl. Route 92 does exactly the opposite. Proposed Route 92 is 6.7 miles in length and is expected to cost over 500 million dollars - almost 75 million dollars per mile, not including wetland mitigation or highway maintenance. The bill for Route 92 will very likely be even higher when all is said and done. Some money to build Route 92 has already been bonded – but is it still there or has it been used for other projects? Tolls won't cover the interest on these bonds, let alone the principal. When the NJ Turnpike has trouble paying on these bonds, who will pay?

CD-7

According to the Army Corps DEIS, Route 92 would save, at most, four minutes of travel time by the year 2028, resulting in a cost of over 100 million dollars a minute! Are four minutes really worth ruining so much of our environment and wasting so much of our money?

CD-8

In addition to increasing our local traffic problems, in addition to being fiscally irresponsible, Route 92 will devastate our environment! Over 14 acres of wetlands will be filled, and many thousands more will be irreparably damaged from construction, from the toxic runoff, from chemicals used to maintain the road and from accidental spills and leaks. Studies must be done to assess the damage that runoff will cause to the underground aquifer that runs under the current alignment.

CD-9

Public funds should never be used to pay for a private driveway into a private corporate park. Route 92 has an exit into Forrestal Center, owned by Princeton University and part of Plainsboro's tax base. There is no question why certain entities are looking for this toll road to be built and there is also no question as to why Route 92 is not needed!

CD-10

WC055

NEW JERSEY SENATE

PETER A. INVERSO
SENATOR, 14TH DISTRICT
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DEPUTY MINORITY LEADER
MEMBER, LAW & PUBLIC SAFETY & VETERANS' AFFAIRS COMMITTEE

May 20, 2003

United States Army Corps of Engineers
New York District
Regulatory Branch
Attn: Route 92 DEIS
26 Federal Plaza
Room 1937
New York, NY 10278

Subject: Route 92 DEIS Public Hearing

Thank you for the opportunity to discuss the concerns that I have regarding the proposed Route 92 construction project.

When first proposed, I supported the original concept of the Route 92 project, based on a much lower cost projection and less impacts on the environment and local communities. Since that time, a US Environmental Protection Agency report refused to support this project, identified environmental impacts have generated concern and the cost estimate has skyrocketed. For these reasons, I have recently opposed this project.

Today, I reiterate my opposition to this project and ask that the following two issues be addressed by those preparing the Environmental Impact Statement for the US Army Corps of Engineers.

Past studies of the proposed Route 92 project have called into question the plan's ability to improve transportation in southern Middlesex County. It is my understanding that the New Jersey Department of Environmental Protection's 1997 study indicated that the Turnpike Authority did not demonstrate a demand for the roadway's construction. Likewise, a 1998 study paid for by the U.S. Environmental Protection Agency concluded that the construction of Route 92 would only minimally reduce local, east-west traffic.

PAI-1

I would like to understand how two federal agencies, the USEPA and the US Army Corps of Engineers, can produce significantly different conclusions based on the same factors. I would ask that a comparison be performed by ***an independent agency*** *of the factors used by both agencies and that any variation of these factors identified be reviewed and clarified.*

WC055

PAI-2

Additionally, after the Route 92 DEIS was released, much discussion has been focused on the review of alternatives discussed in the document. It has occurred to me that factors relating to the alternatives to Route 92 have not been fully vetted during the development of the Route 92 DEIS. The widening of Route 1, improvements to Route 522, the use of the proposed Route 1 Bus Rapid Transit project and other possible scenarios must be discussed with more community input to ensure all legitimate options are considered prior to endorsing any course of action. A crucial source of this input must be the local community and officials of South Brunswick.

If the outcry experienced by my legislative office is any indication of today's response to the DEIS, numerous local residents and the local officials of South Brunswick will articulate many concerns about a lack of participation in the development of this document. The high level of participation in this hearing should highlight the need for additional community input into the development of any recommendation generated by the final Route 92 EIS. The community must be engaged in the debate of how to address the traffic issues we all know exist in this region.

PAI-3

Public participation and involvement are an important component of any proposal or initiative. Considering the magnitude and scope of the Route 92 proposal, it is unfortunate that the input of local residents has not seemed to have been solicited effectively during this process.

I would ask that the final Route 92 EIS discuss the option to not build at this time in favor of a more focused discussion with the community of the alternatives that have been identified through this hearing and in the DEIS.

I recognize the need to address regional traffic concerns that exist. However, the serious impact concerns raised by residents, combined with these questions raised in past studies, demonstrate the need for further dialogue on Route 92's construction. To move forward with the EIS process and recommend construction of this proposed roadway at this time would be unwise.

Sincerely,

Peter A. Inverso
Senator, District 14

cc: NJ Turnpike Authority

WC056

Dayton Village Citizens' Coalition

Post Office Box 258
Dayton, New Jersey 08810
Phone: (732) 329-3429
Fax: (732) 329-8494
Website: http://www.daytonvillage.org

Statement by Dr. Robert K. Tucker for the USACOE EIS Hearing on Route 92, May 20, 2004

I'm here representing the Dayton Village Citizens Coalition, a non-profit citizens' organization formed for promoting quality of life, historical preservation and environmental protection. DVCC is unalterably opposed to construction of Route 92 because of the destruction of wetlands and crucial wildlife and endangered plant habitat it would cause, its potential for contamination of our water resources, and the disruption of the quality of life in our community.

My qualifications include a Ph.D. in Zoology from Duke University, with a speciality in aquatic ecology. I served for 18 years at the New Jersey Department of Environmental Protection, including 10 years as their chief scientist. While at NJDEP, in the late '70s and early 80's, I supervised the first state-wide surveys of toxic substances in ground water and in drinking water. After retiring from DEP I became a Professor at Cook College, Rutgers University and for the last four years I have been the Principal Investigator for a USEPA/NSF STAR (Science to Achieve Results) grant funding a study of wetland function. I hold a certificate in methodology of wetland delineation from Rutgers University, and currently serve as a Govenor's appointee to the New Jersey Wetlands Mitigation Council..

DVCC-1

I. We object to the destruction of wetlands, and further degradation of the remaining surrounding wetlands, surface waters and groundwater by contaminated runoff, and the destruction of valuable habitat for plants and animals, resulting from the unwise and unnecessary construction of the proposed Route 92.

The wetland destruction is greater than identified in the EIS! We note that after permit jurisdiction was transfered back to the USACOE from the State of New Jersey, the less stringent 1987 methology was used to delineate the wetland area affected by the Route 92 proposal. This allowed the reported impact to be reduced by some 2 acres. The State of New Jersey follows the more scientifically valid 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, developed by an interagency committee of the USEPA, the FWS, NRCS, and the Army Corps. In 1991, succumbing to political pressure and lobbying of Congress by developers, who then threatened Corps appropriations, the USACOE reverted to their 1987 manual. It is unacceptable that this outdated, scientifically invalid methodology is used to minimize impacts to wetlands.

The State of New Jersey, through NJDEP's Strategic Plan as well as it's National Environmental Performance Partnership System Agreement with the U.S. EPA, is committed to wetland protection and enhancement. In 1994, New Jersey joined Michigan in becoming the only two states to be delegated regulatory authority over wetlands from the US Environmental Protection Agency (US EPA). Both the US EPA and the US Army Corps of Engineers regulate wetlands in all other states. The New Jersey Department of Environmental Protection adopted the Freshwater Wetlands Protection Act Rules (NJAC 7:7A) in 1988, and they were recently revised in 2001. Federal and New Jersey regulations encourage minimal disturbance of wetlands, and promote a "No Net Loss Policy." However, more than 39% of the wetlands in New Jersey have already been lost to farming, roads and development. Even with a

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State regulatory program to protect wetlands, considered exemplary, the intense development pressure in New Jersey means that our wetlands continue at risk, constantly being nibbled away. During the period 1986 to 1995 estimates from GIS mapping showed that New Jersey lost 15,800 acres of wetland, an average loss of more than 1750 acres per year. Compensatory mitigation is required, but a recent study showed that attempts to mitigate by creating wetlands has failed in more than half of the acreage attempted. Moreover, in the eyes of many ecologists, even when created wetlands are apparently successful, they lack the diversity of natural wetlands, and thus do not substitute for the integrity of the original wetlands.

DVCC-2

The wetlands in South Brunswick that would be destroyed by the building of this highway are particularly valuable ecosystems, highly productive, necessary to the quality of the underlying groundwater and surrounding surface waters, valuable in flood prevention, and serve as essential habitat for many populations of plants and animals. According to the EIS, the Letter Of Interpretation (LOI) from NJDEP does not designate the immediate study area as having "exceptional" wetlands, because of endangered and threatened species. However, the EIS acknowledges presence of at least one listed endangered plant in the Right of Way, and other indications show that habitat for listed threatened and endangered species is found in the area. Proving the negative, that threatened and endangered species do not occur, is extremely difficult; by definition, individuals of such species are rare. Surveys are very likely to miss cryptic species. As pointed out in the EIS:

> "the United States Fish and Wildlife Service (USFWS) noted that Cooper's hawk and savannah sparrow, state listed as threatened, are known to occur in the vicinity of the proposed project site. The NJDEP Natural Heritage Program (NJNHP) has records for occurrences of southern arrowhead and low spearwort within the Proposed Route 92 Corridor. Comet darner, American waterwort, tall boneset, soapwort gentian, shore quillwort, slender watermilfoil, humped bladderwort, and Britton's coast violet have been documented near the immediate vicinity of the corridor. Tall boneset was not included in the rare plants evaluation, as it was not listed at the time the evaluation was performed. In addition, NJDEP Division of Fish and Wildlife's Landscape Project has records for bobolink, savannah sparrow, and wood turtle in habitat patches within the Project Study Area."

For the endangered plant, southern arrowhead, found in the right of way;"mitigation" can allegedly occur by transplanting individual plants, although it is stated in the EIS that authorities lack experience that this will be successful. For some species, such as raptors or other birds, disturbance may be extend to a substantial distance, considerably beyond the "study area." Forest fragmentation is also a concern, as this could affect neotropical bird migration. We believe that if the study area were properly evaluated, under current NJDEP guidelines, the impacted wetlands would qualify as exceptional.

For these reasons, the wetlands in the study ought to be considered "exceptional", under the New Jersey Wetlands Regulations, and given the additional protection this entails.

DVCC-3

II. Impacts to surrounding waters will be severe as a result of runoff from the highway despite claims of effects to be mitigated by stormwater detention basins. The EIS alleges that:

> "impacts to the hydrology of the Devil's Brook wetlands complex would be minimized by several features of the proposed roadway design, such as culverts and bridges. Specifically, two 500_foot long bridges are proposed to span this wetland complex, preserving the surface and subsurface water hydrology."

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While the bridges may benefit wildlife travel, runoff directly into the aquatic environments below will carry contaminants. An example of the impacts of Turnpike runoff can be seen where Rocky Brook, a tributary of the Millstone River, flows under the Turnpike east of Hightstown; the effects of runoff from the roadway show clearly in the degradation of the biological habitat of the stream and can be measured in chemical analysis of the water and sediment. While NJTA "has committed to full compliance with stormwater management requirements recently adopted by the New Jersey Department of Environmental Protection (NJDEP)" (which of course they would legally have to do), this would not eliminate all the contaminant impacts of runoff to surface and ground waters. As pointed out in the EIS, soluble contaminants such as nitrate are not removed by settling basins and over fertilize the surrounding surface waters, causing the harmful buildup of algae (eutrophication). Fine particulates, with heavy metal contaminants such as platinum from automotive catalytic converters, also contribute to the burden of non-point source pollution of adjacent aquatic ecosystems.

Cleanup of nonpoint source contamination has been considerably more intractable than dealing with traditional point sources. Nonpoint contamination tends to be wide spread over land surfaces, or in aquifers, but in relatively low concentration, so that it is resistant to the strategies or techniques designed for cleanup of more concentrated pollution. The environmental and health consequences of non-point contamination are likely to be long-term and chronic, rather than the acute effects one might expect from concentrated exposure to a toxicant. One concern is that contaminants may contribute to degradation of wetlands and riparian buffer areas, for example by tipping the balance toward non-indigenous invasive plant species. The only realistic and efficient approach to nonpoint sources is to identify and then prevent them. In this case, by not building the unnecessary Route 92.

Perhaps the most visible result of non-point source contamination is eutrophication, the buildup of algae or other unwanted aquatic vegetation, that comes from too much nutrient enrichment of the aquatic system. Excess trace elements can contribute to algal buildup as well. Particulates resulting from soil erosion and runoff are a serious nonpoint source pollutant; not only can these sediments accumulate in stream beds and lake bottoms, but they also contribute to the transport of other pollutants adsorbed to their surfaces.may also contains toxic levels of metals. Metal concentrations are higher in the soils surrounding highways and these elements may accumulate in plants, may be transported as run-off to surface water, or may be leached into groundwater.Thus aquatic environments can receive organic contaminants adsorbed to particulate runoff from the land or by direct deposition from the atmosphere.

Within the last decade, concern has been raised about biologically active chemicals reaching the environment in very small concentrations, but with potency and specificity to affect human development. Our analytical chemical capability allows us to now detect contaminants in the picogram/liter range (parts per quadrillion), and investigations of such "endocrine disrupters" are proceeding. Runoff from roads and highways and from the large impervious surfaces of parking lots contributes oils, greases, gasoline and other petroleum based contaminants to aquatic systems. PAHs (polycyclic aromatic hydrocarbons) are one category of particularly toxic compounds, some with carcinogenic and estrogenic activity. Spills or irresponsible disposal add their share. One documented tactic of polluters has been to open the valves of trucks carring hazardous wastes, during rain storms, and letting the material leak out as the trucks travel down the highway; because of the rain, it is hard to detect the additional liquid. Of particular concern, over the last few years has been groundwater contamination with additives to gasoline or other fuels used to clean engines or to promote more

efficient combustion. Some of these compounds travel readily in aquifers and are very resistent to breakdown.

Along with nutrients and organic chemical contaminants, metal pollution results from highway runoff. Stricter environmental regulation, and changes in technology, have brought about a reduction in some metal pollution, but it still remains a serious problem. . Before the banning of lead in gasoline, air levels of this toxic metal often exceeded standards in New Jersey. One recently identified source of lead contamination is the weights used to balance motor vehicle wheels. They are often lost and deposited in streets, roads, and highways, where they are rapidly abraded and ground into tiny pieces by vehicle traffic. This lead loading of streets by motor vehicle wheel weights is continuous and widespread, and thus road runoff can add significant amounts of this metal to wetlands and waterways. In addition to natural sources, arsenic can be added to soil from human activities such as combustion of automotive fuels. Ultrafine particulates from automobile emissions, containing platinum group elements, are now thought to deserve in depth investigation for their potential adverse health effects, particularly in the exacerbation of lung disease. The New Jersey Mercury Task Force identified automobile switches and sensors in automotive brake systems as a significant contributor to mercury contamination. Mercury, is a potent neurotoxin particularly dangerous to the developing fetus and to children, has been shown to adversely affect a large range of organisms from phytoplankton to vascular plants and from bacteria to mammals. Sediments are an important compartment for mercury since the most toxic form of mercury, methylmercury, is produced here. This toxic form is able to biomagnify in the food chain and has been implicated in the deaths of humans and the decline of many other species. The history of mercury use as a pesticide, with a substantial range of uses under many different conditions, is testimony to its potency as a biologically active metal. Assessing ecological consequences of mercury is complicated by the complex chemistry of this metal, with its propensity for biomethylation a substantial factor in its bioaccumulation in food webs. Aquatic sediments are substantial long term sinks for mercury and it is within such sediments that substantial bacterially mediated methylation occurs. Zinc is a major contaminant in highway and road runoff. Zinc oxide is used in large quantities as an accelerant in the vulcanizing process in making tires; wearing of tires in use is a major contributor to environmental contamination by zinc, particularly by road-runoff to aquatic ecosystems. Zinc may negatively impact individual organisms in populations, especially those in contact with contaminated benthic sediments. Soil organisms may also be affected at contaminated sites. Runoff from roadways and soil to aquatic ecosystems; uptake to plants and animals from soil, sediment, or water containing excess quantities of zinc, all contribute to the potential toxicity of this metal.

Disturbance of wetland soils such as will occur during highway construction will increase solubility and exacerbate non-point source metal runoff. This has major implications for non-point source pollution, since wetlands are instrumental in sequestering pollutants, inhibiting their entry into the aquatic environment and mitigating ground water contamination. Wetlands are known to strongly affect the chemistry of metals. High organic matter content in the sediment and highly variable Eh and pH conditions all affect the speciation of metals, the amount and permanence of immobilization, and the forms in which they move through pore and surface waters. An increase in nitrate runoff to wetlands decreases sulfate reduction reactions and therefore metals immobilization as the reactive sulfide.

Wetlands are unlike other methods of pollutant remediation, in that different wetlands may differ widely in the characteristics most important in controlling the fate of metals. Most strikingly, wetlands differ in

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the composition of the plant community; a large number of herbaceous and woody species may be present in wetlands within even a small watershed. The composition of the plant community may strongly affect the chemical behavior of the metals. Plant species vary in the chemical quality of their litter, and thus of the organic matter that supplies the most prominent mechanism for metal immobilization. Plant species also vary widely in the depth and density of their root systems, which are likely to have a controlling influence on the redox and pH status of the sediments, again strongly affecting metal speciation. Plant species composition is important in determining the capacity of wetlands to adsorb and immobilize metals. For example the presence of Sphagnum moss increases the soluble fraction of lead in some swamps, and affects the ability of plants to take up lead and zinc, through its effect on sediment pH.

DVCC-4

According to the EIS, violations of the New Jersey Department of Environmental Protection regulations limiting the fill or reduction of floodplain volume below the 100_year flood to a maximum of 20 percent of the flood fringe area would occur within the right_of_way. Three of the proposed floodplain takings or net fills within the Proposed Route 92 Corridor exceed this 20 percent rule. The EIS indicates that the NJTA will request exemptions from the requirement
for these two areas when it submits a new Stream Encroachment Permit. Such negative impacts to the flood protection provided by the valuable aquatic floodplain and wetland habitats in the area are entirely unwarrented.

DVCC-5

Since the EIS is necessitated because wetlands would be filled and further impacted, it is distrubing that The EIS has virtually no information on the proposed mitigation to create wetlands, and certainly no evaluation at all of the likelihood that such creation would succeed. In light of the many studies showing how difficult wetlands creation is, that created wetlands lack the ecological diversity and habitat value of natural wetlands, it is troubling that the USACOE did not evaluate these aspects of the Rt 92 proposal in this EIS.

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Corps of Engineers
2004 MAY 20 PM 9: 36

New Jersey Chapter
139 West Hanover Street, Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraActivist.org

20 May 2004

CONTACT: Laura Lynch, 11 Lumar Rd., Lawrenceville, NJ, 08648; llynch@mail.med.upenn.edu

There is a lot of wishful thinking in this DEIS. There is a lot of proof by blatant assertion. That wetland mitigation works; that car and truck drivers will pay tolls when a free alternative exists; that enactment and enforcement of truck restrictions on Heathcote and Ridge roads will happen; that a 16-25% reduction in through traffic will be noticeable; that there has been a consensus among communities that Route 92 is the best alternative. Where is the proof for any of these assumptions?

SCLL1-1,2,3,4

The best available evidence – some provided by the NJDEP and NJTA – leaves little doubt that much of what is written in the DEIS is wrong. Wetlands mitigation does not work; the DEP says as much. Trucks crowd Route 1 and its vicinity because they are avoiding NJTP tolls; adding another toll road will not solve the problem. There is no proof in the DEIS that drivers will choose a toll road over several free alternatives. The Heathcote and Ridge Road communities would have to shoulder the burden of truck ban enforcement without any apparent financial aid from the NJTP. According to the DEIS, all but a few intersections will be at LOS F by 2028, no matter what gets built, even with Route 92. What is lacking from this DEIS is any proof of community involvement, any sense of discussions, suggestions, or compromises.

SCLL1-5,6

The goals of this DEIS seem to have been tailored to fit Route 92, as if the road had been planned long before the goals were written. The real problem is rampant overdevelopment along Route 1, coupled with a lack of mass transit. Because there are few east-west roads in the area, traffic congestion is exacerbated. But Route 522 is underused, and the recently designed Penns Neck area improvements to Route 1 will aid in smoother flow of traffic. Route 92, on the other hand, will, by the Army Corps's own admission, hasten development along Route 1.

SCLL1-7

The Sierra Club favors the DEIS option of Route 1 widening with signal removal. It builds on paved or disturbed areas rather than in wetlands, forests, and open space. It leaves the Plainsboro Preserve intact. It is almost as successful at congestion relief as Route 92 is, although no options truly solve the problem. Funds for Route 92 could be diverted towards road repairs and public transit, both of which are sorely needed. Route 1 signal removal continues the project that the DOT started along route 1 from I-95 to West Windsor.

SCLL1-8

But what is the most important issue at hand, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS, a document of 1313 pages, is just half a page. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise. Conflict mediation succeeded in West Windsor, and it can succeed here, too.

WC058A

Cronin, Koko NAN02

From: Joe Peters [jgpeters@comcast.net]
Sent: Saturday, April 26, 2003 10:50 AM
To: Route92eis, Nan
Subject: Route 92!

I hope in your wisdom that you see that the EPA is correct in it evaluation that Route 92 is a bane to the environment and will not serve as a cure for the area's transportation problems. If you want to know the truth about the roadway look at its history and the people that have played a major part in its development. Check on the lands that were in the original right of way and see what they are now and there timing. Check on developments that have been approved and begun construction along the EPA alternative route!

JPE2-1

The money that would be used for this roadway would be better used if it was to expand the Turnpike South of 8A and for intersections near it than for a private driveway for Princeton University interest.
Please conclude that Rt 92 is not needed.
Thanks
Joe Peters
277 Broadway Rd.
Cranbury, NJ 08512

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Ladies and gentlemen, members of the Corps, distinguished government officials, neighbors and friends.

We are here to discuss the merits of a roadway that has a long and checkered past. One that was at one point considered to be the gateway to the shore, a **free** ride from central jersey to the shore, now it is a lowly 6.7 mile **toll road** that could never pay for itself, while destroying over 13 acres of natural wetlands that can never be replaced and ravage the pristine farmlands of Southern Middlesex County in the process. The loss of the natural wetlands is the most devastating since I happen to live next to proof that wetlands can not be artificially created. Three years after NJ DOT tried to create them we have 50 mosquito infested acres of mud that used to be fertile farmland with very little active life in it. They would have been better off just digging a pit, fill it with water and stock some fish in it so outdoor sports enthusiasts could enjoy it unlike the Plainsboro Preserve across the street.

Having read the Draft EIS presented by the Corps I have many questions that must be answered because it left so many questions. Questions not to the feasibility of building the road but to its ability to meet the needs of the community and keep a balance with its' surrounding. As my old college of engineering professor once said, "Engineers can build anything but it's balancing the needs of the project with the needs of the community is the challenge". This is what we have here. A road that could be built but does it really fit within its surroundings and help the community? And even if it does at what cost and is it really worth the effort?

JPE1-1

Looking at the EIS, one thing stood out more than anything was the scope, purpose and need of the project. Why is it written so the only solution that would possibly fill the needs of it would be Rt92? Why was it written so narrowly that if you read it and had no information about the area, history of the road or other pertinent data Route 92 would be the perfect fit and would be the only solution that could fulfill it? The reasoning behind the scope and purpose of the road must be investigated more deeply and the people who wrote it for what were their intensions? Its current form it suggests the scope was written for the road, not that the road was designed for a purpose.

JPE1-2

However if you expand the scope of the project to include regional goals and local needs the alternates to Rt92 become a more desirable solution. We are not talking about the effect of one individual option that is listed and

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analyzed in the DEIS but what is the effect of enacting a combination of the alternatives and maybe one or two that have not even yet been considered?

JPE1-3

In reviewing the traffic section of the EIS I noticed some information that needs clarification. In the traffic flow charts in Appendix C, in which the number of cars and trucks traveling local roads that would be affected by the construction of this road are analyzed, I was wondering how "regional" traffic was defined? Was it travelers leaving the turnpike to continue trips into Southern NJ, Pennsylvania or further west or was it just commuter traffic from the turnpike into the employment centers of Princeton and Plainsboro? This is a major point of contention since if the purpose of the road is to move people through the area and not just a private driveway for Princeton University and Forestall Village employers the road makes more sense. However if it is just a convenient way to get people to and from the two employment centers, as is the case here, why not let Princeton University and the other land owners who would benefit from its construction take on the responsibility of building the roadway with their own funds? Why should the public fund the needs of private developers by making them more money at the expense of the citizen of New Jersey and all those who use the turnpike?

JPE1-4

Considering that the only local roads that would, according to the DEIS, receive relief from the construction of Rt92 would be Dey and Plainsboro Roads. It is interesting that these are the main feeder roads to the Plainsboro and Princeton employment centers from the turnpike. Again looking at the time of travel data only Plainsboro and Princeton University are the winners with Rt92 being built! Another flaw in the traffic study is if you look closely the traffic counts and projections in Section *3.0 in Appendix C - Screenline Volumes* the screenline used as the focal point of the traffic. Why is it placed where it is? Was this study done to analyze the effect of Rt92 or some other project? It seems to meander in a southerly direction missing some important east west arteries that would have an impact on any analysis of traffic flow in the region. Move it slightly to the east to include Broadway, Friendship, Rt133 (the Hightstown Bypass) and Rt522 beyond the 601 intersection so both Ridge Rd and Rt522 are included in the analysis and then what are the results? I am submitting a revised copy of the map for your review and consideration. Also it seems that Rt. 522 is not completed to Rt. 130 in the analysis nor is it shown on the map with the screenline.

JPE1-5

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JPE1-6

Now I know that this project could create a lot of jobs and with the economy the way it is we need to keep people working. My question to the labor community is this, what if the amount of money estimated to build the alternatives to Rt92 were equal to or greater than the monies you could receive from Rt92's construction? Would that meet your financial needs? If this was the case would you support our cause? Isn't it better to have a guarantee of many jobs over a longer span better than a single job that would last only a few years? Or should labor be identified as the spoiled kid who wants everything no matter who it hurts?

I believe the proponents of this roadway have sold labor a damaged bill of goods and are afraid that we could prevail in defeating this project and have made us out to be against labor. This is far from the truth and our support for the construction of the alternatives proves that! Supporting the building of the alternatives would keep labor working a lot longer and save the area from a gouge that will destroy the beauty and sensitivity of Southern Middlesex County.

JPE1-7

Another question that needs to be answered is that the traffic studies compare 2002 to 2028 traffic with only a no-build scenario. What we don't see is the analysis of what the difference would be between the construction of Rt92 verses the construction of all the alternates proposed?

JPE1-8

Has any cost/benefit analysis of building the alternatives vs. building Rt92 been done? If so, where is it and if not, why not? I believe it is critical to any project of this magnitude and impact to have a detailed cost benefit analysis completed to see if the construction is really worth the time and money spent on it!

JPE1-9

The alternatives to not building Rt92 individually are in themselves not an answer to the traffic problems that face the area. Combining them is something that needs to be addressed and taken into the mix before any decision can be made to see if this road should be built. This should include the widening of Rt1 with and without signals, the extension of Rt522 to Rt. 535, the improvement of Rt535 at the intersection of the turnpike underpass, the redesign of both Exit 8A and the Rt32 and Rt130 intersections, the widening of both Dey and Plainsboro Roads in areas with a possible Cranbury Bypass for Plainsboro Rd, and the modification of Scudder Mill / Dey Rds. intersection to add an additional left turn lane onto Dey from Scudder Mill (which should have been done when they last improved the

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road) and adding an additional lane from Dey to Scudder Mill to improve Dey Rd traffic.

JPE1-10

What is not apparent but is a very plausible solution is the extension of the truck/car lanes further south to Exit 7A and I-195 in Hamilton. This needed improvement would not only decrease the amount of regional traffic on local roads but also increase the capacity of the turnpike itself. For anyone who lives on or near Rt. 130 Friday afternoons, weekends or almost any time there is a problem on the turnpike the traffic spilling onto Rt130 and other local roads is devastating. It is common knowledge that the "Cranbury Squeeze" is the biggest hindrance to traffic staying on the turnpike besides its tolls. An extension of these lanes further south would allow for smoother traffic flow through the state, allow westbound traffic to exit at 7A and continue on I-195 to the shore or either I-295 south or I-295 north to I-95 and Philly. This project would enhance not only the turnpikes effort to move regional traffic but achieve one of the directive of Rt92 "Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway."[1] besides increasing the capacity of the turnpike to its logical exit of 7A which is the gateway to the shore and points west. If the turnpike does not look at this as a viable solution they have available to them they are doing the citizens of New Jersey as well as the citizens of Southern Middlesex and Mercer County an injustice. I appeal to you that Rt92 must not be built and that the alternates be examined in more detail and funded with the money available for Rt92.

Thank You

Joe Petros
Broadway Rd

[1] Executive summary – Corps of Engineers Draft EIS 2004 – Pg. ES-3

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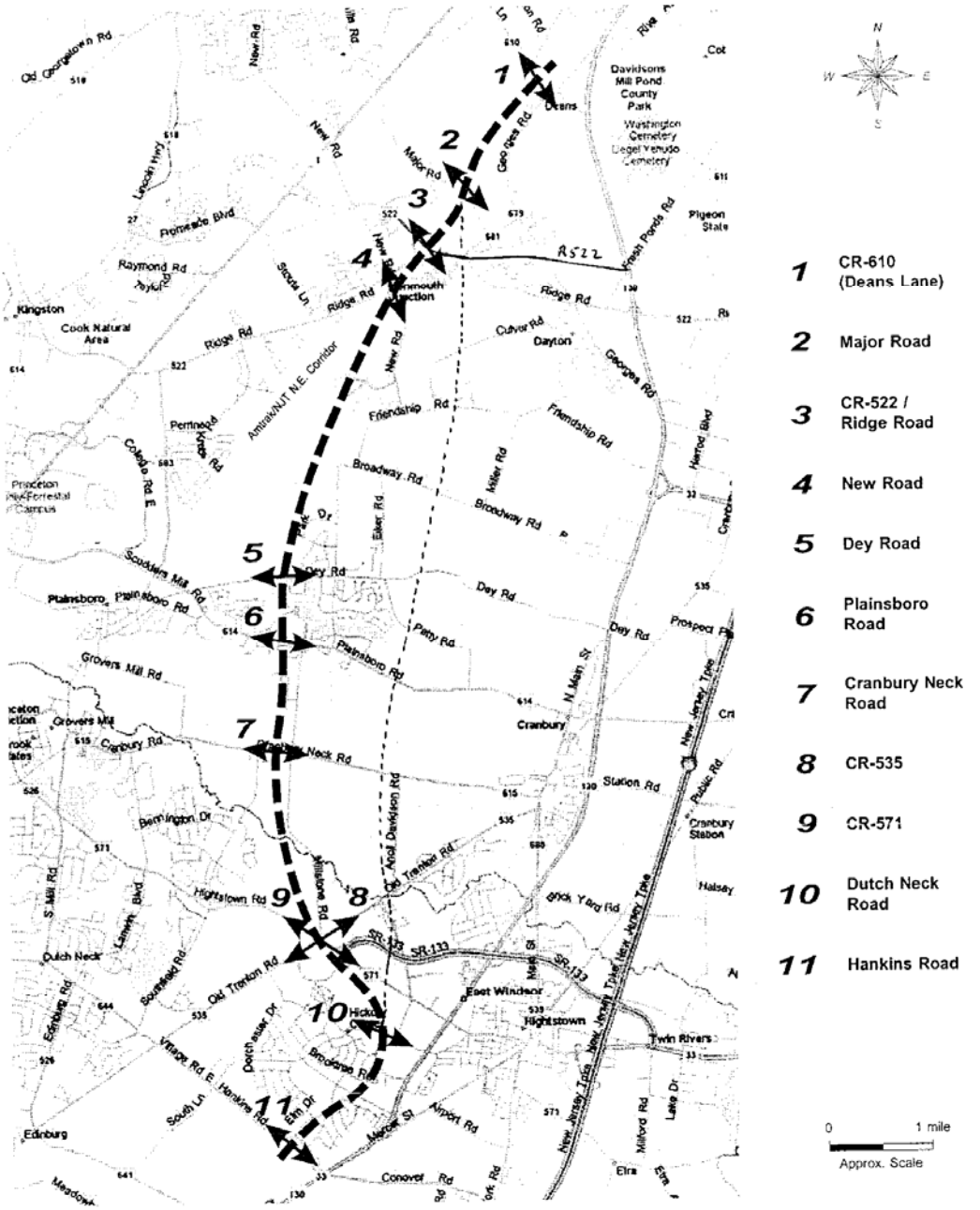

MAP

Screenline Intercepting East - West Roads

Urbitran/Garmen

WC059

05/19/04 15:20 FAX 212 505 0140 ENVIRONMENTAL DEFENSE

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environmental defense

finding the ways that work

FACSIMILE TRANSMITTAL SHEET

TO: Col. John O'Dowd

FROM: James Tripp

COMPANY: US Army Corps of Eng.

DATE: 5/19/04

FAX NUMBER: 212-264-5947

TOTAL NO. OF PAGES INCLUDING COVER: 6

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Attach is a letter regarding route 92 in NJ. We will send a hard copy regular mail.

257 PARK AVENUE SOUTH NEW YORK, NY 10010
PHONE: 212-505-2100 FAX: 212-505-0892

WC059

Environmental Defense
New Jersey PIRG Citizen Lobby
Sierra Club New Jersey Chapter
Tri-State Transportation Campaign

May 18, 2004

Colonel John B. O'Dowd
New York District, U.S. Army Corps of Engineers
Jacob Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Re: New Jersey Turnpike Authority Application for DA permit (Sect. 404, CWA)
Route 92, Public Notice No. 1999-00240-J1

Dear Col. O'Dowd:

We are writing on behalf of Environmental Defense, the Tri-State Transportation Campaign, the Sierra Club-New Jersey Chapter and the NJ PIRG Citizen Lobby with respect to information we expected to find—and cannot—in the April 2004 Draft Environmental Impact Statement for the route 92 permit application just released by the New York district. We had a meeting with you in February 2003 to discuss the application for route 92. We request an opportunity to meet with you again to discuss the specific concerns raised in this letter.

As you know, Route 92 is a controversial east-west 4-lane, 6.7 mile highway proposed to be constructed between Route 1 and Ridge Road in South Brunswick and the New Jersey Turnpike's Exit 8A in southern Middlesex County, requiring the fill of 11.58 acres of freshwater wetlands and 0.45 acres of open waters, plus temporary disturbance.

The project's purposes have changed over time. At this point, according to the DEIS at 1-7, there are two purposes, recited or summarized below:

- Provide an alternate route of travel for north-south regional traffic currently using Route 1 by improving access to the New Jersey Turnpike, thereby relieving congestion in the region and reducing the impacts to communities caused by increases in traffic using local roads to travel between Route 1 and the Turnpike; and
- Achieve a hierarchical east-west roadway system in southern Middlesex County and northeast Mercer County. *** An east-west connector highway would provide a new high-speed connection for through traffic (especially commercial truck traffic) moving between the major north-south corridors (US Route 1, US Route 130 and the N.J. Turnpike). An improved connection between US Route 1

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and the N.J. Turnpike also addresses the need for roadway network improvements to maintain mobility in this high-growth region.

These project purposes are restated, essentially, as three objectives by the Turnpike Authority on pages 1-8 and 1-10 of the DEIS. The objectives clarify that the Turnpike Authority's hopes to "reduce the presence of non-local truck traffic on the local roadway network and shifting such traffic to [Route 92]," and to "divert north-south traffic from US Route 1 to US Route 130 and the New Jersey Turnpike[.]" Since these are the project's purpose and objectives, which relate directly to the need for the project, one would think that the DEIS would address in direct fashion the stated purposes and objectives. It does not.

We write to urge that you request from the Turnpike Authority additional information, clearly presented in writing. There is precedent for this request. Col. Pearce requested additional information of the Turnpike Authority respecting its deficient January 1999 application, which was supplied by the Turnpike Authority in November 1999. Such additional information will help local elected officials, environmental and transportation reform groups, planners, and others better understand and thus assess the impacts of the highway under NEPA regulations and standards.

Our requests are stated *seriatim*.

1. **The peak periods and peak hours analyzed are nowhere defined in the DEIS.** If the CNJ model developed for the Penns Neck Area Improvements Roundtable was used, we assume the peak AM hour to be the same, i.e. 7:45 to 8:45 am, and the peak PM period to be the same, i.e., 4-7 pm. This should be clarified. We do not know what the AM peak period is (only that it is 2.5 hours), nor the PM peak hour. The information on page 4-41 of the DEIS is not helpful to this inquiry. Please request that the Turnpike's traffic consultant supply this information at the hearing, and formally in writing, well before the close of the comment period on June 14th. This is important because, in the Traffic Modeling and Analysis Appendix, Part 2.0, the charts from pp. C-177 through to C-292 are titled, in hand-writing, "peak hour" or "peak period" or just "AM" or "PM," without defining those terms. This is also true of the screenline volumes in Part 3.0, travel time summaries in part 4, and in Part 5 (AM and PM Network Volumes). The Appendix is the only place where projected trips with and without Route 92 can be found. The definition of peak periods and hours is an important piece of basic information.

2. The impacts of Rt. 92 on Rt. 1 north and south during peak hour and peak period are important to know so that the project's ability to meet its stated purpose and objective of diverting north-south trips from Route 1 thereby relieving congestion in the region may be judged. However, unlike the 1999 application and supplement by the Turnpike Authority, **this DEIS contains no information about the trips (traffic volume) that will be added to Route 1 by Route 92's construction, south of Ridge Road, in either the AM or PM peak hour or**

period. Nor is any intersection on Route 1, south of Ridge Road, analyzed in terms of level of service or any other criteria in this DEIS. In 1999, The Turnpike admitted that, while Route 92 would reduce traffic on Route 1 north of Ridge Road significantly, with traffic shifting to the Turnpike, "south of Ridge Road, traffic on Route US 1 increases." See Jan 6, 1999 Section 404 Permit Application, at 19. Indeed, as Figure 5 from that Application (page 21) makes clear, volume would increase south of Ridge Road from about 48,300 trips to 67,700 trips. The additional 19,400 trips (10,600 added trips south of Ridge Road according to Figure 6) can still be expected to be added by Route 92's construction, choking intersections along Route 1 south to Lawrenceville, where they mostly drop off. **The DEIS does not reveal what the projected added trips are south of Ridge Road onto Route 1, nor project the levels of service at these intersections, in both AM and PM peak hour and period, compared to the existing (2001) conditions and the trend (2028) no-build scenario.** Obviously, this is known information. We would request that this information be made public so that motorists who use Route 1, residents of West Windsor, the Princetons, investors in Route properties and developers, as well as local elected officials understand Route 92's increased traffic impact on the fast-growing Route 1 corridor.

3. **Similar to the request in item #2, would you be kind enough to request that the Turnpike Authority clarify the traffic volume on Route 1 south of Ridge Road, beyond the red or other colored lines in Figures 4-1 through 4-6 in the current DEIS, through to Franklin Corner Road in Lawrenceville?** It is standard practice for the preparer of a DEIS to actually identify volume or trips, perhaps in addition to a graphic representation, but not to exclude the volume numbers.

4. **The DEIS does not contain trunk line volume numbers or level of service on the Turnpike at present (2001) or in 2028 northbound and southbound, for AM peak hour or period, disaggregated by truck and auto, nor the existing number of autos and trucks entering and exiting at Interchange 8A (or 7, 7A, 8 or 9) during both the AM and PM peak hour and peak period.** Without this baseline information, it is difficult to judge how well Route 92 captures demand or meets the project's purpose or objectives. The volumes specified in the charts in the Appendix at C- 221 and 222 (auto and truck AM peak) and C-224 and C-225 (auto and truck PM peak) are interesting, but are limited to 8A interchange numbers, without more context.

5. The 1999 Application contained a great deal of information for annual traffic volumes or average daily traffic. **Most of the information presented in the current DEIS is presented in terms of peak period and peak volume, not annual or daily average traffic.** While we have suspected that Route 92 will be a very "peaking" highway in terms of use, at least initially, until induced development sets in, it would be helpful to relate the current projected peak volume numbers to the 1999 projections for average daily traffic (which were for 2015 (horizon year), not 2028). Those projections were that 31,700 daily (two-

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way) trips, on average, would use Route 92 (Figure 6, 1999), 2,560 of which would be trucks.

6. **The HCS2000 signalized intersection tables for volume in Part C of the Appendix do not, in many cases, seem to match the graphic maps with handwritten numbers later in Part C.** For instance, page C-96 (2028 PM no-build) shows a volume of 2,688 northbound on Route 1 at Ridge Road and 1,784 southbound at that intersection. Yet the corresponding maps at C-180 shows the volume at that intersection northbound as about 3,134 and 3,206 northbound and about 2,000 southbound (auto) plus 149 trucks northbound and 154 trucks southbound. Can you ask the Turnpike Authority to account for these differences, which are replete through the Part C? **Which volume numbers is the reader and commenter supposed to rely upon?** We further suggest that traffic volume, or trips, for the horizon year, compared to the no-build and other scenarios, and th4e baseline, is an elementary part of a DEIS for a highway project. Volumes should be clearing the text of the document, not buried in the Appendix.

7. **Vehicle miles of travel, another critical indicator of whether a highway project will induce travel (made up of added trips due to reduced delay and diverted trips from other routes, modes and peak shoulders) and induce growth (new development, and added population beyond trend, that will add yet more trips) should be explained in the DEIS.** VMT projections do not appear in the induced development or the transportation sections of chapter 4, but only the air quality section, and then without explanation. Moreover, the VMT figures that do appear in the air quality section, at Table 4-1 on page 4-3, are counter-intuitive. It shows that VMT under the no action scenario in 2028 would be 1,163,744, while, with Route 92, VMT would be slightly less (1,152,027). Although that result could be plausible if the preparer assumed that more circuitous routes were taken by travelers in the no-build scenario, and also that not much growth occurred (there being no Route 92 to induce it), it is unlikely that the construction of Route 92 would not divert trips (from other routes, other modes and from peak shoulders), would not add new trips (suppressed trips now attracted to the highway or the area) and would not induce development at a greater rate than if it were not built, thus adding even more new trips (i.e., generative trips). We refer you to the seminal study of induced development that has recently won an award from the American Planning Association (APA) by Robert Cervero of the University of California, on this very subject ("Road Expansion, Urban growth and Induced Travel: A Path Analysis," July 2001. It is unlikely that, over time, Route 92's construction and the trips generated by it (directly and indirectly) would not result in an increase in VMT over the no-build scenario. (This discussion also relates to the project's ability to reduce congestion over time, another project purpose.) If it is the Turnpike Authority's position that Route 92's construction and the trips generated by it (directly and indirectly) would not result in an increase in VMT over the no-build scenario, it should say that and justify it in text and with supporting technical work. We suspect that a serious VMT analysis accounting for induced travel and induced growth

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(development) was not performed. Of course, that would be a violation of CEQ regulations, at 40 C.F.R. 1508.8 (requiring an analysis of direct impacts and indirect impacts that are reasonably foreseeable).

8. Additional evidence that no induced growth analysis was done for this DEIS may be found at Trip Table 2-2 on page 2-37 of the DEIS. That trip table shows 2028 non-local ("through") trips for both the no-build scenario and Route 92 in 2028. The aggregate volume figure for all vehicles crossing the east-west screenline on local east-west roads in the no-build scenario for both AM and PM peak hour is 10,117 trips. This figure also comports with Table 1-4 on page 1-17. If the proposed Route 92 is built, however, the DEIS claims the vehicular volume crossing the east-west screenline local roads in both AM and PM peak in 2028 will be *less*, or 8,334 trips. All of the trips generated by induced growth caused by Route 92 will not be on Route 92, obviously. We request that you propound to the Turnpike Authority questions designed to elicit its induced growth and induced trip analyses pursuant to 40 C.F.R. 1508.8.

If you have questions about our requests, please call us or call Janine Bauer at the Tri-State Transportation Campaign at 212-268-7474. We look forward to meeting with you to discuss this request.

Sincerely,

James T.B. Tripp
General Counsel
Environmental Defense

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May 18, 2004

Colonel John B. O'Dowd
New York District, U.S. Army Corps of Engineers
Jacob Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Re: New Jersey Turnpike Authority Application for DA permit (Sect. 404, CWA)
Route 92, Public Notice No. 1999-00240-J1

Dear Col. O'Dowd:

We are writing on behalf of Environmental Defense, the Tri-State Transportation Campaign, the Sierra Club-New Jersey chapter, the NJ PIRG Citizen Lobby, X and Y with respect to information we expected to find—and cannot—in the April 2004 Draft Environmental Impact Statement just released by the New York district.

As you know, Route 92 is a controversial east-west 4-lane, 6.7 mile highway proposed to be constructed between Route 1 and Ridge Road in South Brunswick and the New Jersey Turnpike's Exit 8A in southern Middlesex County, requiring the fill of 11.58 acres of freshwater wetlands and 0.45 acres of open waters, plus temporary disturbance.

The project's purposes have changed over time. At this point, according to the DEIS at 1-7, there are two purposes, recited or summarized below:

- Provide an alternate route of travel for north-south regional traffic currently using Route 1 by improving access to the New Jersey Turnpike, thereby relieving congestion in the region and reducing the impacts to communities caused by increases in traffic using local roads to travel between Route 1 and the Turnpike; and
- Achieve a hierarchical east-west roadway system in southern Middlesex County and northeast Mercer County. *** An east-west connector highway would provide a new high-speed connection for through traffic (especially commercial truck traffic) moving between the major north-south corridors (US Route 1, US Route 130 and the N.J. Turnpike). An improved connection between US Route 1 and the N.J. Turnpike also addresses the need for roadway network improvements to maintain mobility in this high-growth region.

These project purposes are restated, essentially, as three objectives by the Turnpike Authority on pages 1-8 and 1-10 of the DEIS. The objectives clarify that the Turnpike Authority's hopes to "reduce the presence of non-local truck traffic on the local roadway network and shifting such traffic to [Route 92]," and to "divert north-south traffic from US Route 1 to US Route 130 and the New Jersey Turnpike[.]"

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Since these are the project's purpose and objectives, which relate directly to the need for the project, one would think that the DEIS would address in direct fashion the stated purposes and objectives. It does not.

We write to request that you request from the Turnpike Authority additional information, clearly presented in writing. There is precedent for this request. Col. Pearce requested additional information of the Turnpike Authority respecting its deficient January 1999 application, which was supplied by the Turnpike Authority in November 1999. Such additional information will help local elected officials, environmental and transportation reform groups, planners, and others better understand and thus assess the impacts of the highway under NEPA regulations and standards.

Our requests are stated *seriatim*.

EDTST-1

1. **The peak periods and peak hours analyzed are nowhere defined in the DEIS.** If the CNJ model developed for the Penns Neck Area Improvements Roundtable was used, we assume the peak AM hour to be the same, i.e. 7:45 to 8:45 am, and the peak PM period to be the same, i.e., 4-7 pm. This should be clarified. We do not know what the AM peak period is (only that it is 2.5 hours), nor the PM peak hour. The information on page 4-41 of the DEIS is not helpful to this inquiry. Please request that the Turnpike's traffic consultant supply this information at the hearing, and formally in writing, well before the close of the comment period on June 14th. This is important because in the Traffic Modeling and Analysis Appendix, Part 2.0, the charts from pp. C-177 through to C-292 are titled, in hand-writing, "peak hour" or "peak period" or just "AM" or "PM," without defining those terms. This is also true of the screenline volumes in Part 3.0, travel time summaries in part 4, and in Part 5 (AM and PM Network Volumes). The Appendix is the only place where projected trips with and without Route 92 can be found. The definition of peak periods and hours is an important piece of basic information.

EDTST-2

2. The impacts of Rt. 92 on Rt. 1 north and south during peak hour and peak period are important to know so that the project's ability to meet its stated purpose and objective of diverting north-south trips from Route 1 thereby relieving congestion in the region may be judged. However, unlike the 1999 application and supplement by the Turnpike Authority, **this DEIS contains no information about the trips (traffic volume) that will be added to Route 1 by Route 92's construction, south of Ridge Road, in either the AM or PM peak hour or period.** Nor is any intersection on Route 1, south of Ridge Road, analyzed in terms of level of service or any other criteria in this DEIS. In 1999, The Turnpike admitted that, while Route 92 would reduce traffic on Route 1 north of Ridge Road significantly, with traffic shifting to the Turnpike, "south of Ridge Road, traffic on Route US 1 increases." See Jan 6, 1999 Section 404 Permit Application, at 19. Indeed, as Figure 5 from that Application (page 21) makes clear, volume would increase south of Ridge Road from about 48,300 trips to 67,700 trips. The additional 19,400 trips (10,600 added trips south of Ridge Road according to

WC059

Figure 6) can still be expected to be added by Route 92's construction, choking intersections along Route 1 south to Lawrenceville, where they mostly drop off. **The DEIS does not reveal what the projected added trips are south of Ridge Road onto Route 1, nor project the levels of service at these intersections, in both AM and PM peak hour and period, compared to the existing (2001) conditions and the trend (2028) no-build scenario.** Obviously, this is known information. We would request that this information be made public so that motorists who use Route 1, residents of West Windsor, the Princetons, investors in Route properties and developers, as well as local elected officials understand Route 92's increased traffic impact on the fast-growing Route 1 corridor.

3. **Similar to the request in item #2, would you be kind enough to request that the Turnpike Authority clarify the traffic volume on Route 1 south of Ridge Road, beyond the red or other colored lines in Figures 4-1 through 4-6 in the current DEIS, through to Franklin Corner Road in Lawrenceville?** It is standard practice for the preparer of a DEIS to actually identify volume or trips, perhaps in addition to a graphic representation, but not to exclude the volume numbers.

EDTST-3

4. **The DEIS does not contain trunk line volume numbers or level of service on the Turnpike at present (2001) or in 2028 northbound and southbound, for AM peak hour or period, disaggregated by truck and auto, nor the existing number of autos and trucks entering and exiting at Interchange 8A (or 7, 7A, 8 or 9) during both the AM and PM peak hour and peak period.** Without this baseline information, it is difficult to judge how well Route 92 captures demand or meets the project's purpose or objectives. The volumes specified in the charts in the Appendix at C- 221 and 222 (auto and truck AM peak) and C-224 and C-225 (auto and truck PM peak) are interesting, but are limited to 8A interchange numbers, without more context.

EDTST-4

5. The 1999 Application contained a great deal of information for annual traffic volumes or average daily traffic. **Most of the information presented in the current DEIS is presented in terms of peak period and peak volume, not annual or daily average traffic.** While we have suspected that Route 92 will be a very "peaking" highway in terms of use, at least initially, until induced development sets in, it would be helpful to relate the current projected peak volume numbers to the 1999 projections for average daily traffic (which were for 2015 (horizon year), not 2028). Those projections were that 31,700 daily (two-way) trips, on average, would use Route 92 (Figure 6, 1999), 2,560 of which would be trucks.

EDTST-5

6. **The HCS2000 signalized intersection tables for volume in Part C of the Appendix do not, in many cases, seem to match the graphic maps with handwritten numbers later in Part C.** For instance, page C-96 (2028 PM no-build) shows a volume of 2,688 northbound on Route 1 at Ridge Road and 1,784 southbound at that intersection. Yet the corresponding maps at C-180 shows the

EDTST-6

WC059

volume at that intersection northbound as about 3,134 and 3,206 northbound and about 2,000 southbound (auto) plus 149 trucks northbound and 154 trucks southbound. Can you ask the Turnpike Authority to account for these differences, which are replete through the Part C? **Which volume numbers is the reader and commenter supposed to rely upon?** We further suggest that traffic volume, or trips, for the horizon year, compared to the no-build and other scenarios, and th4e baseline, is an elementary part of a DEIS for a highway project. Volumes should be clearing the text of the document, not buried in the Appendix.

EDTST-7

7. **Vehicle miles of travel, another critical indicator of whether a highway project will induce travel (made up of added trips due to reduced delay and diverted trips from other routes, modes and peak shoulders) and induce growth (new development, and added population beyond trend, that will add yet more trips) should be explained in the DEIS**. VMT projections do not appear in the induced development or the transportation sections of chapter 4, but only the air quality section, and then without explanation. Moreover, the VMT figures that do appear in the air quality section, at Table 4-1 on page 4-3, are counter-intuitive. It shows that VMT under the no action scenario in 2028 would be 1,163,744, while with Route 92, VMT would be slightly less (1,152,027). Although that result could be plausible if the preparer assumed that more circuitous routes were taken by travelers in the no-build scenario, and also that not much growth occurred (there being no Route 92 to induce it), it is unlikely that the construction of Route 92 would not divert trips (from other routes, other modes and from peak shoulders), would not add new trips (suppressed trips now attracted to the highway or the area) and would not induce development at a greater rate than if it were not built, thus adding even more new trips (i.e., generative trips). We refer you to the seminal study of induced development that has recently won an award from the American Planning Association (APA) by Robert Cervero of the University of California, on this very subject ("Road Expansion, Urban growth and Induced Travel: A Path Analysis," July 2001. It is unlikely that, over time, Route 92's construction and the trips generated by it (directly and indirectly) would not result in an increase in VMT over the no-build scenario. (This discussion also relates to the project's ability to reduce congestion over time, another project purpose.) If it is the Turnpike Authority's position that Route 92's construction and the trips generated by it (directly and indirectly) would not result in an increase in VMT over the no-build scenario, it should say that and justify it in text and with supporting technical work. We suspect that a serious VMT analysis accounting for induced travel and induced growth (development) was not performed. Of course, that would be a violation of CEQ regulations, at 40 C.F.R. 1508.8 (requiring an analysis of direct impacts and indirect impacts that are reasonably foreseeable).

EDTST-8

8. Additional evidence that no induced growth analysis was done for this DEIS may be found at Trip Table 2-2 on page 2-37 of the DEIS. That trip table shows 2028 non-local ("through") trips for both the no-build scenario and Route 92 in 2028. The aggregate volume figure for all vehicles crossing the east-west screenline on

WC059

EDTST-8

local east-west roads in the no-build scenario for both AM and PM peak hour is 10,117 trips. This figure also comports with Table 1-4 on page 1-17. If the proposed Route 92 is built, however, the DEIS claims the vehicular volume crossing the east-west screenline local roads in both AM and PM peak in 2028 will be *less*, or 8,334 trips. All of the trips generated by induced growth caused by Route 92 will not be on Route 92, obviously. We request that you propound to the Turnpike Authority questions designed to elicit its induced growth and induced trip analyses pursuant to 40 C.F.R. 1508.8.

If you have questions about our requests, please call us or call Janine Bauer at the Tri-State Transportation Campaign at 212-268-7474.

Sincerely,

James T.B. Tripp
General Counsel
Environmental Defense

Edward Lloyd
Professor of Clinical Environmental Law
Columbia University School of Law

WC060

May 20, 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

I am Lincoln Hollister and I represent the organization "Sensible Transportation Options Partnership", otherwise known as "STOP". STOP was created to develop an alternate sensible option to the former Millstone Bypass. The Millstone Bypass would have destroyed the Washington Road Elm Allee, and other environmentally sensitive resources. We participated in the Penns Neck area EIS Partners Roundtable process. This process led to a road design that not only protected the environment but also significantly reduced present and projected congestion in the Penns Neck area. It was a win-win solution.

The environment we protected is spectacular; it was even found suitable for a pair of American bald eagles to build a nest in Plainsboro, where one or more eaglets are now being raised. I have read that American bald eagles have a foraging radius of about 5 miles from their nest. The Plainsboro Preserve, with its bass-laden lake, is well within this range. The Plainsboro Preserve is a place worthy of its name: a preserve in the midst of NJ sprawl.

STOP-1

Route 92 will pass through this preserve. Will anyone, including the nesting pair of American bald eagles, want to continue to seek tranquility in a place where there is the constant roar of traffic?

My first question for the Army Corps of Engineers is whether the impact on the habitat of the nesting pair of American bald eagles was considered in drafting the DEIS and, if so, what were the findings? On reading through the DEIS, I could not find an answer to this question.

STOP-2

My second question regarding the environment concerns noise. In the DEIS, I could not find the values for noise measurements at the Audubon nature center at Plainsboro Preserve. Are they in the DEIS? Given the short distance from Route 92 and given the traffic levels expected on Route 92, how much added noise will there be at the Audubon nature center?

STOP-3

I was very confused by the **traffic analyses**. I did not see in the maps and discussion that the new Route 522 was taken account of. Some widening of Route 1, improvement of a couple interchanges, and completion of the planned extension of Route 522 seem to me would accomplish the stated goals of Route 92. What am I missing here? My question is: has the traffic analysis considered the traffic flow on the new Route 522?

STOP-4

I am also puzzled by statements to the effect that traffic numbers in the models incorporate the Penns Neck roadway. In the appendix of the Route 92 DEIS, where this roadway is described, I see that what is described is the 4-year old preferred alternative of the EA. This alternative was rejected in the Penns Neck EIS. Is it really true that the rejected roadway system was the one used in the regional traffic analyses of the Route 92 DEIS?

STOP-5

Finally, the NJ DOT came up with a bold and successful structure for bringing all concerned citizens and stakeholders into one room to come up with a reasonable plan. This was done at our **Roundtable** meetings that were superbly managed by a professional conflict resolution team. Surely such a successful process can be done again. The result is jobs, preserved environment, improved traffic mobility, and satisfied residents who would have had to live with the consequences of badly designed and irreversible road construction. What am I missing here? My question is, please, why not have a similar process for Route 92, or its functional equivalent?

Lincoln S. Hollister
(Sensible Transportation Options Partnership)
437 Ridgeview Road
Princeton, NJ 08540
Phone (evening) 609-921-8523
Email: sarahhollister@mindspring.com

WC061

PUBLIC HEARING
U.S. ARMY CORPS OF ENGINEERS

20 May 2004

My Name is Frank Chrinko and I have been a resident of South Brunswick for 45 years. Prior to building my home in South Brunswick I had property in East Brunswick with plans to settle there. The N.J. Turnpike thwarted those plans by announcing it's proposal to build the Turnpike a few hundred feet from my property. As a lifelong resident of Middlesex County, I'm here to express my opposition to another intrusion by the N.J. Turnpike to build in my hometown.

Historically, Route 92 is a planners nightmare. More than 60 years ago it was proposed as the "Princeton Bypass". Intended to connect Route 206 in the West and Route 33 in the East, the road was praised by the Princetons, Plainsboro, West Windsor plus many other towns that were trying to keep traffic out of their communities. The "Bypass" was never built. Then, about 20-25 years ago, the same Princeton Coalition succeeded in having an Interstate link de-designated by Governor Kean. Once again, to keep the traffic out of their towns. That decision had the effect of making Route #1 what it is today. That de-designation of the Interstate link was one of only two such de-designations in the history of the Interstate highway system.

I have served as Mayor, Township Committeeman, Industrial Commission Chairman and Member of the Route #1 Study Commission during my years in South Brunswick Township. My 20 years of public service tell me what is going on here is wrong.

FCH-1

The U.S. Army Corps of Engineer's Environmental Study is grievously flawed. It deals far less with the road's impact on the environment than with the effect on traffic and other non-environmental matters. It could not have been better written by the N.J. Turnpike publicist.

For the record, I will state we do not need Route 92. It is a 20th Century antiquity. We already have an East-West roadway. It's called Route 522. It is a completed 4-Lane, limited-access, non-toll road and it now is able to take you from Route 27 in the West to Route 130 in the East, with a committment to extend it to the Turnpike. Why do we need another East-West highway?

WC061

Some questions are appropriate and should be answered.....

* Why was Route 522, an existing road, largely ignored by the study? Even the maps in the study make Route 522 almost imperceptible. Is this a cover-up? FCH-2

* What will happen to the existing Route 32, formerly known as Forsgate Drive? Will it be co-opted by the proposed Route 92? FCH-3

* How will properties along Route 32(between Route 130 and Jamesburg) obtain access without being required to pay a toll?

* Why wasn't the use of Route 522 explored in order to have it connect to the toll gates at the N.J. Turnpike? FCH-4

* Should a non-biased commission be appointed to determine if there really is a need for Route 92? FCH-5

* How will the proposed Route 92 effect the quality of life on Route #1, Kingston, Little Rocky Hill, Rocky Hill, Kendall Park, Monmouth Junction and all the existing local roads in the area? FCH-6

Frank J. Chrinko
90 Henderson Road
Kendall Park, N.J. 08824

732 297 9447

WC062

NANCY CARRINGER

Comments on Route 92

Carringer
144 Kingsland Circle
Monmouth Jct.
NJ 08852

I appreciate this opportunity to share my reactions to the DEIS, and to share my thoughts about Rt. 92. I am a lifelong resident of South Brunswick Township. I went to elementary school here, and I followed my career in education here in South Brunswick. I have watched the area change from a farming community which surrounded four historic villages, to a suburban district of over 33,000 residents, and a high school of 2,000 students.

Discussion of Rt. 92 has been around for longer than I can remember. When SB was a farming community, Rt. 92 was laughed at—who needed it? Now, with the suburban sprawl and the accompanying development of the Rt. 1 corridor, traffic congestion is tremendous. In the early nineties it was "rush hours", when people were going to and from work. Now it is constant, from 7 in the morning to 10 o'clock at night, though rush hours are still the heaviest. There is no "good" time to drive Rt. 1, except perhaps Midnight to 6 am ! And, yes, there is demand for East / West access roads; Ridge Road, Deans Lane, Friendship Road weren't built to handle the volume of current conditions.

So why do I oppose Rt. 92? There are several reasons:

1. There is a relatively new 4 lane road traveling East / West, Rt. 522, which provides rapid access to Rt 1, Rt. 130, and, when completed, will provide 4 lane access to Cranbury/South River Road and the TPK. Construction on the last phase of Rt. 522 will begin in Sept of this year. NC-1

2. Rt. 522 will be completed long before proposed Rt. 92 will be off the drawing board, and will provide E / W relief without the environmental damage the current plans for 92 would incur.

3. Any E / W roadway would dd to the volume which travels Rt. 1. Rt. 1 is not able to handle the numbers, especially in SB, where it is only 2 lanes north and 2 lanes south. Rt. 1 needs to be widened, and signals need to be removed. NC-2

4. The projected cost of proposed Rt. 92 in 1993 was $400 million to build a 6.7 mile piece of roadway. The 2004 cost would be much greater. That amount of money would be far better spent on improvements to Rt. 1. NC-3

That something needs to be done gets no argument from this community member. I support the Sierra Club's views of this DEIS, and their conclusion that conflict mediation which includes public participation would not only be helpful to all the stakeholders, but also would result in a far superior solution to traffic congestion in Central Jersey. As proposed, Route 92 is not the right answer.

A question from the DEIS which I would like considered is why Rt. 522 is defined as a 6 lane highway alternative, when Rt. 92 is only proposed as a 4 lane roadway? NC-4

I would also like to know the source of information on traffic studies showing the need to relieve E / W congestion. And what studies have been done on North/South traffic flow on Rt. 1? And what is meant by "local" traffic? NC-5

Thank you for hearing my concerns

WC063

Received-NY District
Corps of Engineers

2004 MAY 20 PM 4: 13

11 Brentwood Lane
Cranbury New Jersey 08512

May 20, 2004

US Army Corps of Engineers

I am writing in support of the NJ Turnpike Authority's application to the US Army Corps for authorization to discharge fill into 12.03 acres of wet lands as part of the proposed route 92 project (application number 1999 –00240-J1).

My wife and I moved to South Brunswick in ~~1988~~ 1988. We purchased a home in Dayton Center where we started a family and lived for 15 years. In 2003 we moved to Cranbury, where my wife, two children and I currently reside. During this time we watched as the area underwent significant development. All of the townships in the area – South Brunswick, Plainsboro, Cranbury, West Windsor, Princeton, Franklin and others – approved zoning that allowed the building of large residential tracks, businesses and warehouse space in and around our communities. These townships made these zoning approvals with the full knowledge and understanding that the supporting infrastructure would be required – including roadways appropriate for the volume and nature of anticipated traffic. Everyone knew that the existing roadways were inadequate for the growth they were approving.

In addition to the local growth, many passenger cars, commercial vehicles and heavy trucks, including large dump trucks and tractor-trailers hauling municipal waste from the New York area, are cutting through our suburban neighborhoods because of the lack of an adequate East-West connector route between the NJ Turnpike and Route 1.

Need for an East-West Connector

WW-1

Anyone that travels on or lives near the roads that are used as a cut-through knows we are long past the point of deciding whether appropriate infrastructure is needed. That decision was made by the townships when they approved the rezoning.

WW-2

I am not criticizing the zoning decisions. Some residential building is appropriate and there are benefits to approving businesses and warehouse space. For example, while living in South Brunswick, I benefited from the property taxes generated when South Brunswick encouraged the building of warehouse space along route 130. That may have been a good decision. But these decisions have other consequences – namely the need for appropriate roads to support the traffic generated from these zoning decisions.

Ignoring the need that is created by these local zoning decisions simply deteriorates the quality of life we are trying to maintain. For example, in my neighborhood, we have bermed hills and sidewalks to enhance the quality of life in the community. Unfortunately, Dey Road is being used as a cut-through by tractor-trailers hauling municipal sludge from New York, tractor-trailers hauling goods to and from the Route 130 distribution facilities, dump trucks traveling to the quarries and building sites, and commuters cutting through to the NJ

WC063

Turnpike and Route 1. This creates dangerous traffic conditions in our neighborhood, not to mention the noise and congestion. As a result, I do not allow our children to use the walkways near the heavy traffic. Ignoring the situation is a decision that clearly negatively impacts our quality of life and safety.

So the need for an East-West connector between the NJ Turnpike and Route 1, appropriate for the existing traffic, is clear and unmistakable. The only question is what should be built and where should it be built.

Evaluating the Alternatives

I took the time to read through the draft report from the Army Corps of Engineers. I compliment the Army for their thoroughness and objectivity in preparing this draft report. It is a very thorough analysis.

As I understand the report, there is no option that has all positive and no negative impact. However, there are alternatives where the positive outweighs the negatives.

No action is not an option, as I mentioned earlier. The decision to do nothing has negative consequences for the quality of life and simply delays action for later.

WW-3

Trying to reduce demand with flex hours and ridesharing may be a good idea, but is inadequate on its own. Adequate and appropriate roadways are still needed.

When I look at options for simply widening local roads such as Route 522 in South Brunswick, Dey Road in Cranbury and Plainsboro Road in Plainsboro, the report accurately concluded that these alternatives would have significant negative consequences for the residents of these communities. I have to say that's obvious.

Widening Route 1 to six lanes also does not solve the East-West problem. In fact it may exacerbate the problem by potentially funneling more traffic into the East-West bottleneck.

The proposed Route 92 is, in my opinion, the only alternative that adequately addresses the needs and minimizes the negative impact.

I see two potential negative impacts to this alternative:

1) **12 acres of wetlands are filled.** However, as part of the plan, 57 acres of wetlands will be created and 202 acres of mostly forested acres will be preserved. Twelve acres in exchange for 57 acres and a bonus of 202 acres. Anyone that cares about environment will take that deal in a heartbeat!

WW-4

2) **The Northern end of the Plainsboro Preserve is affected (12 acres).** However, one of the reasons this land was preserved was to prevent the spread of new developments in the areas of the proposed Route 92. Moreover, design features have been incorporated into the proposed design to minimize environmental impact. As the Army Corps of Engineers notes, Route 92 will not significantly affect the wildlife and esthetic quality of the entire property.

WW-5

WC063

WW-6

In reading report I also noticed a benefit to South Brunswick that I had not recognized before. According to the report, building Route 92 may stimulate industrial and commercial development in exactly the area South Brunswick has zoned for this development. Yet, because it is a limited access road, unlike Route 1 and Route 522, Route 92 will not stimulate development along the length of the road, where development is not encouraged. *So more tax money for South Brunswick and development where they want it but not where they don't want it.*

Do the Right Thing – Approve NJ Turnpike's Application

On balance, we are all trying to do the same thing – maintain and improve the quality of life in our Central New Jersey communities. I do care about the environment. And I care about the safety of my family when crossing and traveling on local roads.

Route 92 is the best alternative. It addresses the need that is undeniably already here. It provides significant benefits to the community, mitigates negative impact and in fact ultimately preserves more forested acres and more wetlands.

Approval of the NJ Turnpike's application enabling building of Route 92 is the right thing to do for environment and people that live in the surrounding communities. Route 92 is "Smart Growth".

Sincerely,

William Wymer

WC063

RECEIVED
MAY 24 2004
By

11 Brentwood Lane
Cranbury New Jersey 08512

May 20, 2004

US Army Corps of Engineers regulatiory Branch
ATTN: Route 92 DEIS
26 Federal Plaza Room 1937
New York, NY 10278-0090

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Need for an East-West Connector

Anyone that travels on or lives near the roads that are used as a cut-through knows we are long past the point of deciding whether appropriate infrastructure is needed. That decision was made by the townships when they approved the rezoning.

I am not criticizing the zoning decisions. Some residential building is appropriate and there are benefits to approving businesses and warehouse space. For example, while living in South Brunswick, I benefited from the property taxes generated when South Brunswick encouraged the building of warehouse space along route 130. That may have been a good decision. But these decisions have other consequences – namely the need for appropriate roads to support the traffic generated from these zoning decisions.

Ignoring the need that is created by these local zoning decisions simply deteriorates the quality of life we are trying to maintain. For example, in my neighborhood, we have bermed hills and sidewalks to enhance the quality of life in the community. Unfortunately, Dey Road is being used as a cut-through by tractor-trailers hauling municipal sludge from New York, tractor-trailers hauling goods to and from the Route 130 distribution facilities, dump trucks traveling to the quarries and building sites, and commuters cutting through to the NJ

Turnpike and Route 1. This creates dangerous traffic conditions in our neighborhood, not to mention the noise and congestion. As a result, I do not allow our children to use the walkways near the heavy traffic. Ignoring the situation is a decision that clearly negatively impacts our quality of life and safety.

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No action is not an option, as I mentioned earlier. The decision to do nothing has negative consequences for the quality of life and simply delays action for later.

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Widening Route 1 to six lanes also does not solve the East-West problem. In fact it may exacerbate the problem by potentially funneling more traffic into the East-West bottleneck.

The proposed 4-lane Route 92 is, in my opinion, the only alternative among the options presented that adequately addresses the needs and minimizes the negative impact.

I see two potential negative impacts to this alternative:

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In reading report I also noticed a benefit to South Brunswick that I had not recognized before. According to the report, building Route 92 may stimulate industrial and commercial development in exactly the area South Brunswick has zoned for this development. Yet, because it is a limited access road, unlike Route 1 and Route 522, Route 92 will not stimulate development along the length of the road, where development is not encouraged. *So more tax money for South Brunswick and development where they want it but not where they don't want it.*

Do the Right Thing – Approve NJ Turnpike's Application

On balance, we are all trying to do the same thing – maintain and improve the quality of life in our Central New Jersey communities. I do care about the environment. And I care about the safety of my family when crossing and traveling on local roads.

Route 92 is the best alternative among the alternatives presented. It addresses the need that is undeniably already here. It provides significant benefits to the community, mitigates negative impact and in fact ultimately preserves more forested acres and more wetlands.

Although I view Route 92 as the best single option presented, I also believes that combinations of options may have advantages. For example, widening the NJT south of exit 8A, widening Route 1 in South Brunswick and a narrower Route 92 may be the best combination of solutions. This was not presented as an alternative and should be discussed.

If we are limited to the options presented, approval of the NJ Turnpike's application enabling building of Route 92 is the right thing to do for environment and people that live in the surrounding communities.

Sincerely,

William Wymer

WC064

Good day / evening, 1

My name is Mark Halmo, and I've been a resident of South Brunswick for nearly nine years. I am here to express my opposition to the construction of route 92.

I have lived all of my life in neighboring towns, born and raised in East Brunswick, 16 years in North Brunswick, and now, with my family I reside in Dayton.

I have seen this area grow in leaps and bounds, witnessed the expansion of highways,

the onslaught of single family and condominium projects

and sadly the encroachment of ever-dwindling areas of natural reserves.

2

But I have also seen things that encourage me to believe it's not too late to re affirm our responsibility for the land and skies.

As I enjoy the great outdoors, I have been graced with the sights of several endangered species struggling to make a comeback right here in area of the proposed highway.

The red shoulder hawk, the piping plover. Just to name two.

I have also seen wood ducks nesting as nature had intended, in a hollow tree.

And most recently a bird I thought I would never see in this area

3

On Tuesday April 27th, 2004 at approximately 5:45 PM, my son and I were walking our dog at Sondek Park,

which lies very near the intersection of New and Friendship roads

and in very close proximity of the suggested path of route 92.

While we walked along the treeline at the park's southern border, I took note of a rather large bird flying toward us.

As the bird approached I was taken aback at what I was seeing.

And what I was seeing was a Bald Eagle.

WC064

4

With a white head , white tail and leggings, and a wing span 5 to 6 feet across, this was an adult to be sure.

The eagle flew about 15 feet above tree top level, and passed within 60 feet of my now stationary position.

To further add to this remarkable sight, in it's talons it clutched a rabbit.

I am doubtless as to the identity of this magnificent creature, as I have had several other experiences with Eagles in flight,

namely at Merrill Creek Reservoir and preserve in Sussex County.

I have also had the good fortune to photograph eagles in the wild during a recent trip to Florida.

5

As this bird continued it's flight due southwest, I marveled at how lucky we are as a community to have such a creature,

an icon of this great nation,

a symbol recognized as America throughout the world, right here in South Brunswick.

My euphoria, however, was short lived as I remembered route 92,

and the noise, the pollution,

and the everlasting destruction of environmentally sensitive habitat it would bring.

6

Eagles, are non migratory, territorial, and in need of solitude,

any chance of expanding their numbers would surely be lost.

The call for serving the needs of the many has been bandied about,

how it's imperative this roadway be built for economic growth,

and the convenience of the motoring public.

MH-1

WC064

As for convenience,

I say there lies a viable alternative route just north of this not really needed tollroad, as route 522 currently supports the east west flow of traffic.

MH-2

And which, at considerably less cost, 7

both in dollars and environmental impact,

could be extended through a section of town that is home to many warehouses,

a short distance from Exit 8A via routes 130 and 32 or Cranbury Road.

Or if the Turnpike Authority is so set on building something,

MH-3

perhaps a new interchange
where 522 passes over the Turnpike
should be their agenda.

As for serving the needs of the many, consider this.

8

Consider the generations of Americans of today and tomorrow.

We are in a most admirable position.

We have at our finger tips,

an opportunity to provide a truly unique,

a truly American experience,
to all citizens, of all ages, of all walks of life.

By declining the permits for 92 ,

you are electing to support stewardship of the land,

the quality of life of this town's residents,

and the wildlife that depends us to do the right thing.

9

I urge you that this assault by asphalt be put to rest once and for all.

WC064

Thank you for your time and consideration.

Mark S. Halmo
9 Julia Way
Dayton, NJ

5.20.04

732 329 8298 H
609 655 8880 W
HOME MTPOKETS@ECLIPSE.NET
WORK MHALMO@HVACNJ.COM

WC064

Cronin, Koko NAN02

From: Mark Halmo [markhalmo@comcast.net]
Sent: Thursday, May 20, 2004 5:42 PM
To: Route92EIS, NAN NAN02
Subject: Rt 92

Ay name is Mark Halmo, and I've been a resident of South Brunswick for nearly nine years. I am here to express my pposition to the construction of route 92. I have lived all of my life in neighboring towns, born and raised in East Brunswick, 16 years in North Brunswick, and now, with my family I reside in Dayton.

have seen this area grow in leaps and bounds, witnessed the expansion of highways, the onslaught of single family nd condominium projects and sadly the encroachment of ever-dwindling areas of natural reserves.

But I have also seen things that encourage me to believe it's not too late

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/1/2004

WC064

Thank you for your time and consideration.

Mark S. Halmo
Julia Way
Dayton NJ 08810
732 329 8298 H
609 655 8880 W
ntpokets@eclipse.net H

nhalmo@hvacnj.com W

/1/2004

WC065

Received-NY District
Corps of Engineers

2004 JUN -4 PM 12: 18

Sierra Club of New Jersey
New Jersey PIRG
New Jersey Environmental Lobby
New Jersey Environmental Federation
The Tri-State Transportation Campaign

May 26, 2004

The Honorable James E. McGreevey
The State House
P.O. Box 001
Trenton, NJ 08625-0402

Colonel John B. O'Dowd
US Army Corps of Engineers
26 Federal Plaza
New York, NY 10278-0090

Re: Route 92

Dear Governor McGreevey and Colonel O'Dowd:

As you know, the Army Corps of Engineers has released its Draft Environmental Impact Statement (DEIS) on Route 92, the proposed limited access connector between exit 8a of the Turnpike and Route 1. While it has taken a long time for this report to be issued, there still has not been enough involvement by the community, the people who will be directly affected by this road.

During the hearing on the DEIS, only ten people testified in favor of Route 92, and upwards of 70 testified against it. Residents, elected officials, and others filled a ballroom to near capacity and responded in unison that they did not feel that their concerns were addressed by the Army Corps of Engineers or the Turnpike Authority. In fact, data in the DEIS presents more reasons against moving forward with construction of Route 92 than it does in favor of it. In particular:

- **Rt. 92 won't improve gridlock.** Out of 14 local intersections studied, 11 will still fail during the morning rush in 2028 if Rt. 92 is built. 10 would fail in the evening rush. TSTC-1
- **Few drivers would use Rt. 92.** Less than 20% of west-bound through trips in the area in the morning rush would use Rt. 92; less than one-third of evening east-bound through trips would use it. TSTC-2
- **Less than 250 trucks would use Rt. 92 during both the a.m. and p.m. peak hours,** in both directions, though diverting trucks from local roads has been a big justification for the highway. TSTC-3
- **Route 92 will promote sprawl.** The Turnpike Authority admits Route 92's interchanges will "possibly" result in sprawl development in some of Middlesex County's last open spaces. TSTC-4

WC065

TSTC-5

Route 92 will cost upwards of $350 million at a time when the state is borrowing hundreds of millions just to fix existing roads and bridges.

We don't want this destructive, environmentally dangerous and expensive highway forced on the people of Middlesex County. Please, end the process of trying to justify Route 92, when all evidence says the road should not be built. Follow the precedent of the disputes over the Penn's Neck Bypass, and bring leaders and residents from the area together to solve their traffic problems.

If you have any questions, please contact the Tri-State Transportation Campaign at 212-268-7474 or by mail at 350 W. 31st Street, New York, NY; 10001.

Sincerely,

Jon Orcutt
Executive Director
Tri-State Transportation Campaign

Dena Mottola
Director
New Jersey PIRG

Jeff Titel
Director
Sierra Club

Laura Lynch
Conservation Chair
Sierra Club

Marie Curtis
Director
New Jersey Environmental Lobby

Dave Pringle
Campaign Director
New Jersey Environmental Federation

WC066

Received-NY District
Corps of Engineers
2004 MAY 20 PM 3: 25

958, Ridge Road,
Monmouth Junction
NJ 08852

May 20 2004

New York District
U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26, Federal Plaza, Room 1937
New York, New York 10278-0090

Presentation at the public DEIS hearing, Radisson Hotel, Princeton

My name is David Southgate and I live on Ridge Road, between Route 1 and Kingston.

I have read substantial parts of the DEIS. It is an impressive document which presents accurate research on many of the issues involved in the proposed construction of Route 92. However there are a number of features of the document with which I am not impressed, in which it is incomplete, incorrect, misleading and wrong-headed. I will deal with these in turn, as they affect our particular situation on Ridge Road.

1. Incomplete

Nowhere can I find comments on light pollution. Our current situation on Ridge Road is pleasantly dark and quiet at night, despite our nearness to Route 1. I suspect that if the interchange is built with tall light poles on an elevated road structure, as is often the case, our nighttime peacefulness will be severely disrupted. The issue should be addressed in the EIS. DSO-1

2. Incorrect

This is one of the more egregious distortions of the DEIS. It states that route 92 will reduce traffic on local roads and quotes an average value. But these local roads have been selected to include only those on which the traffic study shows a reduction. Roads west of Route 1, such as our part of Ridge Road, are not on the chosen so-called "screenline crossing" even though they are in the traffic study area. These excluded roads have an increase of traffic due to Route 92 and they are as much local roads as are those on the screenline crossing. To exclude these from consideration is just plain cooking the books. DSO-2

3. Misleading

A number of alternative road development scenarios have been determined not to have the capability of dealing with the anticipated traffic situation. However, one which is quoted as being a "partial" solution has not been considered seriously enough; that is, the widening of Route 1, removal of lights and the extension and combined with the improvement of Route 522. Discussion of Route 522 considers only widening to three lanes, which may not be needed, but does not consider combination with Route 1 improvements. The environmental impact of widening route 522 is I believe exaggerated. Similarly, the environmental impact of improving Route 1 has been misrepresented. Not that there is not an environmental impact; but such DSO-3,4

WC066

construction will be needed in any case, in significant part, to bring Route 1 up to the current standards for such items as stormwater handling and for safety.

I do of course notice that this Route 1 & 522 combined improvement alternative would result in substantial drop in traffic through Kingston and on Ridge Road. I therefore believe I speak for many in the Kingston area in deploring what appears to be a bias in the DEIS in preferring the construction of 92 to this alternative, which may well be lower-cost, less destructive and more effective. DSO-5

4 Wrong-headed

The DEIS deals with many issues large and small. But one issue which may be bigger than all the others is that 92 is a vital part of regional overdevelopment. There is bowing to the need to "collaborate closely with local communities to ensure development occurs in sustainable patterns". But nowhere in the document do we see a decrying of a situation of overdevelopment, of wall-to-wall blacktopped suburbia in NJ with just little patches of open space. Surely this is the major environmental impact, that 92 is part of a general overdevelopment system. DSO-6

I wish to point out that simply allocating money for 92 does not automatically guarantee that it is spent on 92. I would maintain that the money should not be spent on 92; it should be spent on environmental preservation so that 92 (or other major roadbuilding) is not needed. This alternative, I believe, should be forcefully posited in the EIS, so that the public can see the true choice that exists. DSO-7

Card
Cronin

WC067

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:57

11 Euclid Ave., Box 224
Kingston, NJ 08528
May 20, 2004

Corrected copy
read May 20
at the hearing

US Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Dear Corps Members:

We've noticed some items overlooked by the study and would like to know if you will takes these into account:

1. Alternates to 92 have already been built-such as Route 522 which can handle high-speed traffic. DR-1
2. 92 would increase pollution of our air because it drops off traffic right at Ridge Rd., which leads to our town and several others. (Acrolein is one of the toxins from gasoline emissions that causes cancer and the town already has a higher than average incident of cancer.) DR-2
3. 92 will cause toxic runoff into our underground aquifiers that supply our drinking water, thus it will pollute our water as well. DR-3
4. 92 destroys our wetlands, our township wetlands and we were promised by politicians all the way up to the governors office that wetlands would be preserved. DR-4
5. We basically will now and in the future flit the bill for 92, a road which we would not like to see built. How can you let this happen? DR-5
6. We have to ask how a study that addresses none of our, our towns or our township concerns be fair in determining whether or not 92 should be built? Please say **no** to 92 and work on bettering the quality of life in our towns and our townships. Thank you. DR-6

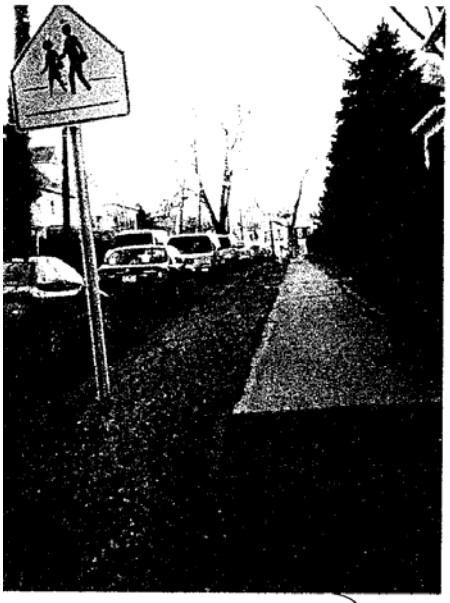
Sincerely,

Dorothy Renk Ronald Renk

Dorothy and Ronald Renk

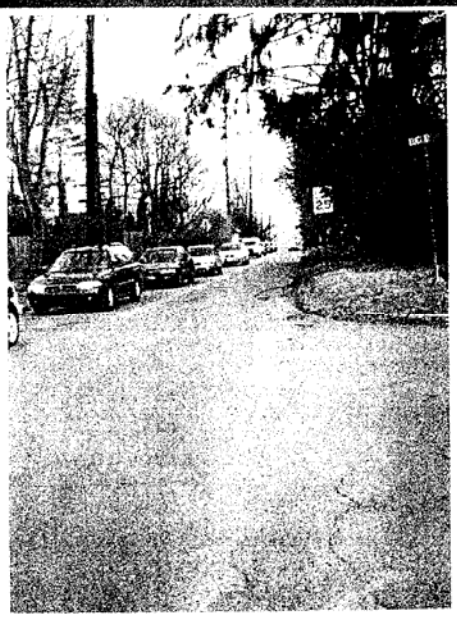
PS Picures of our traffic problems will accompany this letter.

WC067



(Mapleton Ave becomes Academy St-traffic between Rt 1 & Rt 27 Rank 92 attachment ①)

WC067



(River Rd becomes Heathcote Rd
- traffic between Rt 1 + Rt 27
- Rook - 92
attachment 2)

WC068

Jeremy Pollack
PO Box 103
Kingston
NJ 08528

Comments & questions to the Army Corps of Engineers
Re: Route 92 Public Meeting 05/20/04

During the period Robert Moses was plowing roadways in and around New York, William Vickrey was to have said, "We thought we were making more room for cars... but we ended up making room for more cars!" It seems some people are determined to do the same in this area too!

Least it not be clear, I am in opposition to the proposed Route 92, be it as part of the NJ Turnpike, or otherwise.

JPO2-1 1) Route 92 would be a limited access toll road, with tolls separate from those at Exit 8A... I ask, would the tolls be adequate to even service the potential debt on the roughly $600 million dollars expected to be needed?

JPO2-2 2) Given that the tolls collected above would not be adequate to service this debt, wouldn't the tolls along the entire length of the NJ Turnpike have to be raised (again) to pay for the construction of Route 92?

JPO2-3 3) Given that trucks already avoid using the NJ Turnpike on account of the high tolls, wouldn't even higher tolls mean even more trucks would avoid using the NJ Turnpike or the NJ Turnpike Route 92 extension?

JPO2-4 4) Tolls typically cost more to collect than the receipts collected, e.g., the NJ Garden State Parkway has been said to spend 30 cents to collect 25 cents. Years ago, the State of Connecticut came to a similar conclusion, and summarily stopped collecting any tolls on their portion of Route 95. So, how does the NJ Turnpike Authority expect to repay the bond holders necessary to fund construction of Route 92? Would these funds have to come out of an already deficit State Highway or other Tax Revenue fund?

JPO2-5 5) Alternatives to Route 92 already exist within a couple of miles of the proposed Route 92 (i.e., Route 522 and Dey Road). Are these alternatives being given adequate consideration?

JPO2-6 6) Being mostly elevated, Route 92 would require thousands of truckloads of fill, in turn cutting across all sorts of local roads, rendering many of these local roads dead ends... so crippling all sorts of local access, to say nothing of crippling numerous farmlands in Middlesex County. How are local road and farm operations being considered in Route 92 plans?

JPO2-7 7) How would the inevitable run off from Route 92 (e.g., salts, petroleum products and other highway chemicals) be controlled? How would these all to prevalent pollutants be prevented from entering the local acquifer?

JPO2-8 8) If the local aquifer becomes polluted, or if it's general water table drops as a consequence of changed runoff patterns, what plan is in place that will accommodate existing users of this aquifer?

9) According to the NJ Turnpike's own studies, traffic on Route 1 South would increase as a consequence of Route 92. At times, Route 1 South is already at completely choked levels. How then would adding more traffic to Route 1 South be dealt with? Likewise, what plan is in place to deal with choking levels of traffic similarly added to local roadways?

Jeremy Pollack

Card Crowin

WC069

Received-NY District
Corps of Engineers

2004 JUN -3 PM 3:02

6/1/04

VDA-1

SIRS.

I AM WRITING IN SUPPORT OF RT 92.
I BELEIVE RT 92 WILL NOT TAKE MORE THAN
TEN PER CENT OF THE LAND THAT THE DELEIOPERS
WILL DESTROY WITH ALL TYPES OF HOUSEING.
ALL ONE HAS TO DO IS RIDE IN MIDDLESEX COUNTY
AND SEE THE DESTRUCTION THAT IS BEING DONE.
NO ONE IS GOING TO STOP THIS DISTRUCTION OF
LAND BY THE BUILDERS AND INSIDE FRIENDS.
BUILD THE ROAD ITS ALLMOST TOLATE ALLREADY!

THANK YOU.

Vernon D. Appleby
160 MAIN ST
EAST BRUNSWICK NJ 08816

Cronin card

WC070

Received-NY District
Corps of Engineers

2004 JUN -1 PM 1:51

36 Whitman Road
North Brunswick NJ 08902
May 24, 2004

New York District
U.S. Army Corps of Engineers
Regulatory Branch
ATTN: Route 92 DEIS
26 Federal Plaza Room 1937
New York, NY10278

Dar Sirs,

The Army Corps of Engineers has always had a strong reputation for environmental protection. You seem to have lost your zeal for this position when advocating the destruction of wetlands in building route 92 through South Brunswick. I urge you to return to your position of sanity on environmental protection.

PR-1

The truth is that route 92 is not only an environmental disaster but also an expensive and illogical plan for a road that is not needed.

Yours truly,
Phyllis Richardson
Phyllis Richardson

Carl Cronin

Received-NY District
Corps of Engineers

2004 JUN -3 PM 3:02

WC071

3 Adams Drive
Cranbury, New Jersey 08512
(609) 395-8104

May 31, 2004

New York District
U.S. Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Attn: Route 92 DEIS

Gentlemen;

I am in favor of building Route 92 for these reasons:

1. Local governments may not always make the optimum choice for the region

KRJ-1

Allowing local towns and communities to make decisions that impact areas and regions consistently yields less than optimum regional solutions. Witness, as an example, the results of local NJ towns defeating the construction of Interstate 95 through their boundaries. Such action may have stopped the roadway, but did nothing to reduce traffic in the region. An argument can be made that local traffic has actually increased because the needed arteries were denied. The same towns now complain about truck traffic on local highways like NJ31, US1 and US206, but much of that increase can be traced to not having built the required infrastructure. These same towns now oppose the construction of another necessary artery - Rte 92.

Local towns and communities, in fact, are primarily responsible for the increase in traffic, yet bear little responsibility for the solution to problems which they helped to create. In approving large warehouses, new businesses, and numerous housing developments, these communities generate tax ratables and thus revenues to fund their own budgets. But they do not share in the task, nor in the infrastructure cost, of dealing with the traffic that result from their actions.

2. Failing to build the arteries does not decrease traffic

KRJ-2

The warehouses and business construction is well along. Some say that the build-out Rt 1 corridor, for example, is ahead of schedule, and will be essentially complete within a few years. Traffic, during some periods of the day, has already grown beyond the capacity of current roadways. This effect can be seen in several areas of the region; Rte 1, and exit 8A of the

WC071

problem doesn't exist, or that it isn't getting worse, or that the existing roadways can handle it. Such a position is sophomoric, at best.

Rte 92 has been "on the books" in different forms for many years. The design and routing have been tweaked and reworked many times. It is time to get on with it.

Thank you,

Kenneth R. Johnson

WC072

Cronin, Koko NAN02

From: Anto Thokkadam [avarkey@comcast.net]
Sent: Friday, January 23, 2004 7:45 PM
To: Route92eis, Nan
Subject: Preserve Plainsboro

AT-1

Please cancel Route 92 construction project to preserve the open space in Plaisboro in Middlesex county.

Anto Thokkadam
Plainsboro

6/1/2004

WC073

Cronin, Koko NAN02

From: Jdt19@aol.com
Sent: Tuesday, May 25, 2004 3:48 PM
To: Route92EIS, NAN NAN02
Subject: Route 92

JTE-1

To the Corps of Engineers,

I do not want route 92 built. It will be another construction blemish on our state. It is based on spiral planning of predict and provide that only encourages an exponential growth in traffic. Large roads destroy any existing or potential communities. Give our waterways, wetlands, farms, properties and the citizens of New Jersey a break!
NO TO ROUTE 92!
Thank you

Jennifer Terhaar

WC074

Cronin, Koko NAN02

From: Mike Reilly [mreilly@us.ibm.com]
Sent: Thursday, May 20, 2004 1:14 PM
To: Route92EIS, NAN NAN02
Subject: Route 92

To Whom It May Concern,

MRE-1

I believe the Route 92 proposal to be a horrible idea. The current traffic is already destroying the area and it will keep getting worse because developers are determined to turn NJ into a parking lot. At the current rate of development there will be almost no open space left in NJ by 2030. Development is the problem and building more byways and highways is not the solution.

Act now to stop the destruction of NJ farmlands and woodlands. These are unrenewable resources!!!

If the current motorists do not like the traffic during their morning commute from Piscataway to Hightstown or Plainsboro to Plainfield then maybe they should look for a job closer to their home. Then they can do the environment a favor and ride their bicycles to work!

Thank you for your consideration.

1

WC075

New Jersey
ALLIANCE for ACTION INC.

PHILIP K. BEACHEM
President

GERALD T. KEENAN
Executive Vice President

CLIFFORD HEATH
Senior Vice President

P.O. Box 6438 • Raritan Plaza II • Edison, New Jersey 08818-6438
(732) 225-4180 • FAX (732) 225-4694
www.allianceforaction.com

Received by District
Corps of Engineers
2004 MAY 20 PM 4: 09

TESTIMONY IN SUPPORT OF THE ROUTE 92 PROJECT

PRESENTED BY
CLIFFORD J. HEATH, SENIOR VICE PRES.
New Jersey Alliance for Action

Public Hearing conducted by the
United States Army Corps of Engineers
at the
Radisson Hotel Princeton
4355 U.S. Route One South
Princeton, New Jersey

May 20, 2004

COUNTY ALLIANCES
Atlantic • Bergen • Burlington • Camden • Essex • Gloucester • Hudson • Mercer • Middlesex • Monmouth • Morris • Ocean • Somerset

WC075

THE FORESIGHT OF THE NEW JERSEY STATE LEGISLATURE IN 1948 EMPOWERING THE FORMATION OF THE NEW JERSEY TURNPIKE AUTHORITY SHOULD BE HERALDED REPEATEDLY BY THE CITIZENS OF NEW JERSEY. THE ABUNDANT PROSPERITY OF OUR STATE SURELY HAD ITS GENESIS IN THE BUILDING OF THE WORLD'S BUSIEIST TOLL ROAD. NO SOONER THAN THE CUTTING OF THE RIBBON IN LATE 1950 (LESS THAN TWO YEARS AFTER INITIAL GROUND-BRAKING) IT WAS ALREADY APPARENT THAT THE FIRST IN A SERIES OF WIDENINGS WOULD SOON BE REQUIRED. THE RAPID GROWTH OF TRAFFIC DEMANDED NO LESS OF A RESPONSE FROM THE TURNPIKE'S ENGINEERS, WHO WERE GUIDED BY THE PRINCIPLE OF DESIGNING AND CONSTRUCTING IN ANTICIPATION OF TRAFFIC GROWTH, NOT JUST IN RESPONSE TO THAT GROWTH. THE HISTORY OF THE TURNPIKE'S MANY WIDENINGS DURING THE 1950'S, 60'S, 70'S AND 80'S IS A REFLECTION OF THAT GUIDING PRINCIPLE.

WITH THE PROPOSED ROUTE 92 PROJECT, ONCE AGAIN THE NEW JERSEY TURNPIKE CAN BENEFICIALLY SERVE NEW JERSEY BY ACCOMODATING THE TRAFFIC GROWTH IN MIDDLESEX COUNTY. IN CONTRAST TO THE TWO YEAR CONSTRUCTION TIME TABLE IN 1950. THE ROUTE 92 EXTENSION, ALREADY MANY YEARS IN THE DELIBERATION, WAS AUTHORIZED BY THE STATE LEGISLATURE IN 1992 TO BE TRANSFERRED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO THE NEW JERSEY TURNPIKE. THAT WAS TWELVE YEARS AGO.

NJAA-1

THE NEW JERSEY ALLIANCE FOR ACTION SUPPORTS THE ROUTE 92 PROJECT,AND COMMENDS THE ARMY CORPS OF ENGINEERS FOR THEIR COMPREHENSIVELY BALANCED AND SUPPORTIVE - DRAFT ENVIRONMENTAL IMPACT STATEMENT.

WC076

GLE2-1

Received-NY District
Corps of Engineers

2004 MAY 20 PM 7:29

To Whom It May Concern:

My name is Richard Leandro and I own a home at 49 Friendship Rd. in South Brunswick. I do not support the building of Route 92 in South Brunswick because the tool booth for the proposed road seems to be located in my front yard approximately 150 feet from my fireplace. I do however support the building of the highway if it is realigned through Plainsboro and the tool booth is relocated in front of the residence of Mayor Cantu.

Respectfully yours,
Richard and Geri Leandro

WC077

while retaining roadway size at a level that is within the scale and character of Princeton. It is recognized that some improvements can be accomplished more easily than others. The suggested improvements are grouped as State and Regional proposals and local proposals.

STATE AND REGIONAL PROPOSALS

Princeton By-Pass/Route 92 - This roadway was originally proposed by the New Jersey Department of Transportation to be a four-lane divided highway connecting the New Jersey Turnpike with Route 206, just north of Princeton. Currently, the New Jersey Turnpike Authority has taken over the project and is beginning the design work to construct Route 92 from the New Jersey Turnpike, Exit 8A, to Route 1. The Board supports the construction of this first phase, including its extension to Route 27, and supports the continuation of Route 92, as a two lane roadway to Route 206.

PCMP-1

Routes 27 and 206 - These roadways should be maintained as two-lane roadways and additional curb cuts discouraged wherever practical. Any plans to widen either of these roads in adjoining communities must be carefully reviewed for their impact on Princeton. Routes 27 and 206 can not be widened in Princeton and should not be allowed to empty four lanes of traffic onto a two lane road.

Historic Bridges and Culverts - The communities historic bridges and culverts should be rehabilitated and preserved rather than replaced with new structures. New structures should be compatible with the historic area in which they are located.

Route 1 Improvements - Improvements to Route 1 such as widening and construction of grade separated interchanges at Alexander Road, the Millstone By-pass, and Scudders Mill Road are necessary to meet current traffic demand. Pedestrian and bicycle access over these interchanges should be provided. The size and scale of the overpasses and any new roads serving them should be consistent with the Board's policy of two lane tree lined roadways. Any road design which negatively impacts Carnegie Lake or the D & R Canal should be discouraged.

LOCAL ROAD IMPROVEMENTS

Cherry Valley Road System

Cherry Valley Road Improvement - With the expected increase of traffic volume, Cherry Valley Road will require safety improvements: such as adequate shoulder on each side, straightening of several sharp curves, regrading of a few sharp vertical curves, improved sight distance on some of the curves, and drainage improvements to eliminate dangerous ditches and sheet ice in winter. The intersection of Route 206 and Cherry Valley Road should be examined for possible improvement. This road should remain as a two-lane roadway.

Hillside Avenue and Route 206 Study Area - Circulation improvements will be needed in this area to service Griggs Farm, several new office buildings, and development in Montgomery

WC078

Please refer to comment set WC065 for comment codes.

Route 92: WHO DECIDES ?

Although today's hearing has been convened by the Army Corps of Engineers, and it is Army Corps staff sitting at the front of the room, you should know that that is simply a formality of the environmental process.

Route 92 is a proposal of the **NJ Turnpike Authority.** The Chair and top staff of the Turnpike Authority are appointed by and answer to **Governor James McGreevey.** The project and policy decisions the Turnpike Authority makes are decisions of the **McGreevey Administration.**

According to the Route 92 draft EIS:

Rt. 92 won't improve gridlock. Out of 14 local intersections studied, 11 will still **fail** during the morning rush in 2028 if Rt. 92 is built. 10 would fail in the evening rush.

Few drivers would use Rt. 92. Less than 20% of west-bound through trips in the morning rush would use Rt. 92; less than one-third of evening east-bound through trips would use it.

Less than 250 trucks would use Rt. 92 during both the a.m. and p.m. peak hours, in both directions, though diverting trucks from local roads has been a big justification for the highway.

Rt. 92 will promote sprawl. The Turnpike Authority admits Route 92's interchanges will "possibly" result in sprawl development in some of Middlesex County's last open spaces.

Route 92 will cost upwards of $350 million at a time when the state is borrowing hundreds of millions just to fix existing roads and bridges.

If you're against Route 92,
call or contact Governor McGreevey now !

609-292-6000

E-mail at www.state.nj.us/governor/govmail.html

Tri-State Transportation Campaign • 609-396-2923 • 212-268-7474 • www.tstc.org

WC078

NO 292

WC079

VAR-1

RECEIVED
MAY 24 2004
By

YES 92

1. G. H. Tate Jr.
2. C. P Tate
3. G. H. Tate Sr.
4. Candy Tate
5. James Lim
6. Cabe b Lim
7. Darleen Lum

WC079

Yes 92

1. Vigan Shan
2. Bush Lin
3. Dana Ling
4. Jong J Shan
5. Jo Ling Liang
6. ViVi E. HAR
7. James J. HAR

WC079

3.B

4345 U.S. Highway #1
Monmouth Jct. N.J. 08852

Yes 92

(1) Ming Ling HAH

(2) Christine C. HAH

(3) Delilah D HAH

(4) Ming Kow HAH

(5) HUA YEN Ching

(6) yen Kow Han

WC080

Vanessa Sandom
mayor
Hopewell Township

Rec'd-NY District AFO
Corps of Engineers

2004 MAY 20 PM 3:11

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

RESOLUTION #04-157

A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE #92

WHEREAS, the New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1, known as "Route 92"; and

WHEREAS, the United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92; and

HOTWP-1

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits; and

HOTWP-2,3

WHEREAS, the NJDEP wetlands permits to construct Route 92 have now expired; and

WHEREAS, the United States Army Corps of Engineers (USACE) has completed and publicly released a draft environmental impact study (DEIS or draft EIS), but it does not include the potential damage that Route 92 would cause to all the communities to the west of Route 27, including communities within Hopewell Township. The DEIS statement of purpose and need excludes all possible and viable alternatives to Route 92 for relieving regional traffic; and

HOTWP-4

WHEREAS, the DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and particularly the historic communities of Hopewell Borough and Kingston; and

HOTWP-5

WHEREAS, with or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS); and

HOTWP-6

WHEREAS, Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water, and Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey; and

HOTWP-7

WHEREAS, Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat; and

HOTWP-8,9

WHEREAS, Route 92 would potentially cause a degradation of service on Route 518; and

WHEREAS, alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic; and

HOTWP-10

WC080

WHEREAS, a study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address; and HOTWP-11

WHEREAS, Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them. The United States Environmental Protection Agency has found that all counties of New Jersey have higher levels of air pollution than are permitted by Federal law; and HOTWP-12

WHEREAS, Route 92 would therefore induce additional traffic in the regional road system, and would therefore further add to air pollution by inducing traffic, rather than helping to reduce air pollution; and HOTWP-13

WHEREAS, tolls charged on Route 92 would not pay for the interest on the bonds, let alone the principal, with the result that Route 92 would effectively increase taxes or result in increased tolls on the Turnpike; and HOTWP-14

WHEREAS, the Regional Planning Partnership (RPP) has already expressed an interest in extending Route 92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would further exacerbate all the problems to Hopewell Township which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life; and HOTWP-15

WHEREAS, Route 92 contradicts Governor James E. McGreevey's strong support of both smart growth and fiscal responsibility. The New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, and the Governor's Office of Smart Growth have had a period of six months to review the DEIS in substantially completed form, an opportunity which Hopewell Township has not had; and HOTWP-16

WHEREAS, Hopewell Township was not offered the opportunity to participate in the decision process leading to the proposal for the current alignment of Route 92, and is still not offered any such opportunity. Route 92 does not benefit the interests of Hopewell Township, or other communities to the west of its western terminus. HOTWP-17

NOW, THEREFORE, BE IT RESOLVED on this 10th day of May 2004, by the Township Committee, of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. Hopewell Township renews its opposition to the construction of Route 92 in its present alignment (we refer to Hopewell Township Resolutions #99-96 and #00-32),
2. Hopewell Township urges NJDEP not to reissue wetlands permits to construct Route 92,
3. Hopewell Township urges the State Legislature and the Governor to speedily enact the Baroni/Inverso bill to de-authorize the Turnpike's construction of Route 92,
4. Hopewell Township will cooperate with the municipalities of the No 92 Coalition to oppose Route 92,

WC080

5. Hopewell Township urges its citizens to also attend the USACE DEIS Hearing this Thursday, May 20, 2004, 2-5 PM and 7 PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
6. Hopewell Township urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,
7. Hopewell Township urges Governor James E. McGreevey to cancel Route 92 now, and to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region and thereby:
    a. Use the money allocated for Route 92 to fund transportation projects which will reduce sprawl, traffic, and smog, rather than exacerbating these problems;
    b. Involve all municipalities in the No 92 Coalition in a fair and constructive process to relieve traffic congestion in the region, similar to the successful process used in the case of the Penn's Neck Bypass;
    c. Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;
    d. Fund transportation projects that will protect Hopewell Township's, and the region's historic communities.
    e. The Township Clerk's Office shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor James McGreevey, Congressman Rush Holt, Senator Peter Inverso, and Assemblyman Bill Baroni.
    f. The Township Clerk shall also forward certified copies of this resolution to the Mayors of Woodbridge, Edison, New Brunswick, North Brunswick, South Brunswick, Plainsboro, West Windsor, Lawrence Township, Lambertville, Montgomery Township, Franklin Township, Borough of Rocky Hill, Hillsborough Township, Borough of Princeton, Princeton Township, the Boroughs of Hopewell and Pennington, and the Delaware Valley Regional Planning Commission.

Date Adopted: May 10, 2004

WC081

card.
cronin

Borough of Rocky Hill
New Jersey

Received-NY District
Corps of Engineers

2004 JUN -3 PM 6:46

May 28, 2004

Mayor
Brian A. Nolan

Council President
Peggy Harris

Council Members
Richard D. Batchelder
Martin Engelbrecht
Connie Hallman
George E. B. Morren
Ed Zimmerman

Chief Financial Officer – Treasurer
G. Ross Bobal
Tax Collector
Donna Griffiths
Assessor
George Sopko
Engineer
Neil I. Van Cleef
Borough Magistrate
Eric Perkins
Borough Clerk
Raymond E. Whitlock, Jr.
Borough Attorney
John D. Rankin
Prosecutor
Christopher "Kip" Bateman

US Army Corps of Engineers
New York District – Regulatory Branch
Attn: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Re: Borough of Rocky Hill, NJ – A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE 92

By receipt of the enclosed resolution, please accept it and make it part of the record at the public hearing on a Draft Environmental Impact Statement for the Route 92 project proposed by the New Jersey Turnpike Authority held on May 20, 2004 at the Radisson Hotel, Princeton. I understand that our Council President Peggy Harris presented a copy of this resolution at the public hearing.

The Resolution was adopted by the Borough Council of Rocky Hill at its regularly scheduled meeting of May 17, 2004.

Sincerely yours,

Raymond E. Whitlock, Jr.

Raymond E. Whitlock, Jr.
Borough Clerk

Enclosure

All bills and communications should be sent to
Raymond E. Whitlock, Jr. - Borough Clerk
P.O. Box 188, Rocky Hill, New Jersey 08553
Tel (609) 924-7445
FAX (609) 924-2274

Printed on recycled paper

WC081

Borough of Rocky Hill

New Jersey

A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE #92

Mayor
Brian A. Nolan

Council President
Peggy Harris

Council Members
Richard D. Batchelder
Martin Engelbrecht
Connie Hallman
George E. B. Morren
Ed Zimmerman

Chief Financial Officer – Treasurer
G. Ross Bobal

Tax Collector
Donna Griffiths

Assessor
George Sopko

Engineer
Neil I. Van Cleef

Borough Magistrate
Eric Perkins

Borough Clerk
Raymond E. Whitlock, Jr.

Borough Attorney
John D. Rankin

Prosecutor
Christopher "Kip" Bateman

RHBOR-1,2

WHEREAS, the New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1, known as "Route 92"; and

WHEREAS, the United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92; and

RHBOR-3,4

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits; and

WHEREAS, the NJDEP wetlands permits to construct Route 92 have now expired; and

WHEREAS, the United States Army Corps of Engineers (USACE) has completed and publicly released a draft environmental impact study (DEIS or draft EIS), but it does not include the potential damage that Route 92 would cause to all the communities to the west of Route 27, including communities such as Rocky Hill Borough. The DEIS statement of purpose and need excludes all possible and viable alternatives to Route 92 for relieving regional traffic; and

RHBOR-5,6

WHEREAS, the DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and the historic communities of Rocky Hill, Hopewell and Kingston Boroughs; and

RHBOR-7,8

WHEREAS, with or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS); and

WHEREAS, Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water, and Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey; and

WHEREAS, Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat; and

WHEREAS, Route 92 would potentially cause a degradation of service on Route 518; and

RHBOR-9,10

WHEREAS, alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic; and

RHBOR-11

WHEREAS, a study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address; and

RHBOR-12

WHEREAS, Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them. The United States Environmental Protection Agency has found that all counties of New Jersey have higher levels of air pollution than are permitted by Federal law; and

WHEREAS, Route 92 would therefore induce additional traffic in the regional road system, and would therefore further add to air pollution by inducing traffic, rather than helping to reduce air pollution; and

RHBOR-13,14

WHEREAS, tolls charged on Route 92 would not pay for the interest on the bonds, let alone the principal, with the result that Route 92 would effectively increase taxes or result in increased tolls on the Turnpike; and

WHEREAS, the Regional Planning Partnership (RPP) has already expressed an interest in extending Route 92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would further exacerbate

RHBOR-15

All bills and communications should be sent to

Raymond E. Whitlock, Jr. - Borough Clerk
P.O. Box 188, Rocky Hill, New Jersey 08553
Tel (609) 924-7445
FAX (609) 924-2274

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WC081

RHBOR-16

RHBOR-17

all the problems to Rocky Hill Borough which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life; and

WHEREAS, Route 92 contradicts Governor James E. McGreevey's strong support of both smart growth and fiscal responsibility. The New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, and the Governor's Office of Smart Growth have had a period of six months to review the DEIS in substantially completed form, an opportunity which Rocky Hill has not had; and

WHEREAS, Rocky Hill Borough was not offered the opportunity to participate in the decision process leading to the proposal for the current alignment of Route 92, and is still not offered any such opportunity. Route 92 does not benefit the interests of Borough of Rocky Hill, or other communities to the west of its western terminus.

NOW, THEREFORE, BE IT RESOLVED on this 17th day of May 2004, by the Borough Council, of the Borough of Rocky Hill, County of Somerset, State of New Jersey that:

1. Rocky Hill Borough renews its opposition to the construction of Route 92 in its present alignment,
2. Rocky Hill Borough urges NJDEP not to reissue wetlands permits to construct Route 92,
3. Rocky Hill Borough urges the State Legislature and the Governor to speedily enact the Baroni / Inverso bill to de-authorize the Turnpike's construction of Route 92,
4. Rocky Hill Borough will cooperate with the municipalities of the No 92 Coalition to oppose Route 92,
5. Rocky Hill Borough urges its citizens to also attend the USACE DEIS Hearing this Thursday, May 20, 2004, 2-5 PM and 7 PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
6. Rocky Hill Borough urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,
7. Rocky Hill Borough urges Governor James E. McGreevey to cancel Route 92 now, and to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region and thereby:
   a. Use the money allocated for Route 92 to fund transportation projects that will reduce sprawl, traffic, and smog, rather than exacerbating these problems;
   b. Involve all municipalities in the No 92 Coalition in a fair and constructive process to relieve traffic congestion in the region, similar to the successful process used in the case of the Penn's Neck Bypass;
   c. Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;
   d. Fund transportation projects that will protect Rocky Hill Borough, and the region's historic communities.
   e. The Borough Clerk shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor James McGreevey, Congressman Mike Ferguson, Senator Walter Kavanaugh, and Assemblyman Pete Biondi and Christopher "Kip" Bateman.
   f. The Borough Clerk shall also forward certified copies of this resolution to the Mayors of Woodbridge, Edison, New Brunswick, North Brunswick, South Brunswick, Plainsboro, West Windsor, Lawrence Township, Lambertville, Montgomery Township, Franklin Township, Hillsborough Township, Borough of Princeton, Princeton Township, Hopewell Township, the Boroughs of Hopewell and Pennington, and the Delaware Valley Regional Planning Commission.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF ROCKY HILL, SOMERSET COUNTY, ANS STATE OF NEW JERSEY AT A REGULAR MEETING ON MAY 17, 2004

RAYMOND E. WHITLOCK, JR.,
BOROUGH CLERK

BRIAN A. NOLAN,
MAYOR

WC082

Franklin Township

Received-NY District
Corps of Engineers
2004 MAY 17 PM 3:33

A Proud Somerset County Community

MUNICIPAL CLERK

MUNICIPAL BUILDING
475 DEMOTT LANE
P.O. BOX 6704
SOMERSET, N.J. 08875-6704

TEL. (732) 873-2500
FAX (732) 873-1059

May 13, 2004

US Army Corps of Engineers
New York District - Regulatory Branch
ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

RE: Resolution Renewing Franklin Township's Opposition to the Construction of Route 92 in its Present Alignment

By receipt of the enclosed resolution, please accept it and make it part of the record at the public hearing on a Draft Environmental Impact Statement for the Route 92 project proposed by the New Jersey Turnpike Authority to be held on May 20, 2004 at the Radisson Hotel, Princeton.

Resolution #04-221 entitled, "Resolution Renewing Franklin Township's Opposition to the Construction of Route 92 in its Present Alignment" was adopted by the Franklin Township Council at their regularly scheduled meeting held on May 11, 2004.

Sincerely yours,

Ann Marie McCarthy

Ann Marie McCarthy, RMC, CMC
Township Clerk

Enclosure
cc: Governor James E. McGreevey
New Jersey State Senator Bob Smith
New Jersey Assemblyman Joseph Egan
New Jersey Assemblyman Upendra Chivukula
New Jersey Turnpike Authority
New Jersey Department of Environmental Protection
Mayor Louise Wilson, Montgomery Township
Mayor Frank Gambatese, South Brunswick Township
Mayor Brian Nolan, Rocky Hill Borough
Mayor Vanessa Sandom, Hopewell Township
Mayor David R. Nettles, Hopewell Borough
Mayor Steven N. Sireci, Jr., Hillsborough Township
Mayor Angelo Corradino, Manville Borough
Mayor Kurt Hoffman, East Amwell Township
No 92 Coalition
Franklin Township Council
Kenneth W. Daly, Township Manager

A HISTORIC PAST – A GROWING FUTURE UNDER COUNCIL MANAGER GOVERNMENT

WC082

Resolution #04-221
May 11, 2004

RESOLUTION RENEWING FRANKLIN TOWNSHIP'S OPPOSITION TO THE CONSTRUCTION OF ROUTE 92 IN ITS PRESENT ALIGNMENT

WHEREAS, the following:

FRTWP-1,2,3,4

- The New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1 near the Village of Kingston, known as "Route 92,"
- The United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92,
- The New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits,
- The NJDEP wetlands permits to construct Route 92 have now expired,
- The NJTA has applied to the United States Army Corps of Engineers (USACE) to arbitrate this dispute and issue permits, effectively overriding the USEPA,
- The USACE has completed and publicly released a draft environmental impact study (DEIS or draft EIS),

FRTWP-
5 THRU 11

- The Route 92 DEIS study area stops at the Middlesex County border, and does not study the damage that 92 would cause to all the communities to the west of Route 27, including communities within Franklin Township,
- Camp Dresser McKee, the contractor that the USACE hired to do the Route 92 EIS, has done substantial business with the New Jersey Turnpike Authority, raising a strong question of serious conflicts of interest in the preparation of the EIS,
- The Army Corps of Engineers itself was censured in 2001 by the United States Department of Defense for systematically favoring the issuing of construction permits over protection of the environment,
- The DEIS does not adequately address the impacts that Route 92 would have upon the region, and particularly the historic communities of Kingston, Griggstown, Blackwells Mills, and East Millstone,
- The DEIS statement of purpose and need has been crafted to exclude all possible and viable alternatives to Route 92 for relieving regional traffic,
- Route 92 would worsen, rather than relieve, the local traffic congestion problems in Franklin Township,
- Route 92 would stimulate extra traffic, sprawl, and pollution in the region to the west of its western terminus,
- Traffic, sprawl and pollution from Route 92 would particularly impact the historic communities of Kingston, Griggstown, Blackwells Mills, and East Millstone, in which the homes typically have short setbacks,

FRTWP-
12 THRU 14

- Route 92 traffic would increase congestion on the roads in Franklin Township, make local travel more difficult, discourage walking and bicycling, and reduce the quality of life in Franklin Township's communities and neighborhoods,
- With or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps' latest study in the DEIS),
- Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water,
- Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey,
- Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat,

FRTWP-
15 THRU 17

- Alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and is a free, multi-access highway that can handle high-speed traffic,
- Bus Rapid Transit (BRT), a viable system now being used throughout the United States, could solve the congestion problems 92 is supposed to solve, at a much smaller price tag, and without all the traffic and sprawl that 92 would cause,
- A study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address,

WC082

FRTWP-18 THRU 22

FRTWP-23 THRU 32

- Route 92 would waste scarce New Jersey public funds for transport in a manner which would worsen the problems of sprawl and traffi relieving them,
- The United States Environmental Protection Agency has found that Jersey have higher levels of air pollution than are permitted by Fed
- The State of New Jersey would lose Federal transportation funding brought substantially into compliance with these Federally mandat pollution,
- Multiple scientific studies have established the fact that adding high induces traffic in regional road systems, beyond the capacity that w phenomenon known as "induced demand,"
- Route 92 would therefore induce additional traffic in the regional rc
- Route 92 would therefore further add to air pollution by inducing tr helping to reduce air pollution,
- Route 92 would send a signal to the USEPA that New Jersey is not s addressing the major cause of air pollution in New Jersey, i.e., autor
- Route 92 would therefore add to the risk of the State's losing Federa funding,
- Projects such as BRT, light rail, or the Intelligent Transportation Sys been adequately studied as alternatives to Route 92,
- Tolls charged on Route 92 would not pay for the interest on the bon principal, with the result that Route 92 would effectively impose tax increased tolls on the Turnpike,
- Franklin Township would be required to provide fire and EMT serv vehicles, thus adding to local taxes,
- The Regional Planning Partnership (RPP) has already expressed an i Route 92 through property owned by NJDOT through Franklin and
- Such an extension of Route 92 would be a "segmentation" process, a Federal environmental law,
- Such an extension of Route 92 would further exacerbate all the prob Township which Route 92 in its present alignment would cause, incl sprawl, pollution, noise, loss of open space, and loss of quality of life
- Route 92 contradicts Governor James E. McGreevey's strong suppor growth and fiscal responsibility,
- The New Jersey Turnpike Authority, the New Jersey Department of Protection, and the Governor's Office of Smart Growth have had a p to review the DEIS in substantially completed form, an opportunity Township has not had,
- Franklin Township was not offered the opportunity to participate in leading to the proposal for the current alignment of Route 92, and is such opportunity,
- Route 92 does not benefit the interests of Franklin Township, or othe the west of its western terminus, but instead benefits only a few very corporations who hope to profit from the traffic Route 92 would brir

BE IT RESOLVED by the Township Council of the Township of Fra Somerset, State of New Jersey as follows:

- Franklin Township renews its opposition to the construction of Rout alignment,
- Franklin Township urges Governor James E. McGreevey to cancel R instead to:
    - Use the money allocated for Route 92 to fund transportation reduce sprawl, traffic, and smog, rather than exacerbating the
    - Involve all municipalities in the No 92 Coalition in a fair and process to relieve traffic congestion in the region, similar to th process used in the case of the Penn's Neck Bypass;

WC082

- Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;
- Fund transportation projects that will protect Franklin's, and the region's, historic communities;

- Franklin Township finds that the process under which Route 92 has been promulgated has been both unfair and biased against the interests of its citizens,
- Franklin Township urges Governor McGreevey to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region,
- Franklin Township urges NJDEP not to reissue wetlands permits to construct Route 92,
- Franklin Township urges the State Legislature and the Governor to speedily enact the Baroni/Inverso bill to deauthorize the Turnpike's construction of Route 92,
- Franklin Township will cooperate with the municipalities of the No 92 Coalition, and will contribute funding and other resources to the No 92 Coalition to fight 92,
- Franklin Township urges its citizens to also attend the USACE DEIS Hearing on May 20, 2004, 2-5 PM and 7PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
- Franklin Township urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,
- Franklin Township will publicize these messages to its citizens through newspapers, mailings, electronic communication, and such other means as it has available,
- Franklin Township will join with the No 92 Coalition in making an extensive study of the DEIS, and in presenting comments verbally at the DEIS hearing and in writing to USACE within the comment period,
- Franklin Township will join in any efforts by the municipalities of the No 92 Coalition to defeat Route 92 in the courts,
- Franklin Township will join in any efforts by the municipalities of the No 92 Coalition to defeat Route 92 by all means necessary.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AT A REGULAR MEETING HELD ON MAY 11, 2004.

Ann Marie McCarthy

ANN MARIE McCARTHY, RMC, CMC
TOWNSHIP CLERK

Converted By
Magic Converter

WC083

CRONO

Resolution

RECEIVED MAY 28 2004 By

Township of South Brunswick, New Jersey

IN SUPPORT OF THE WIDENING OF ROUTE 1 IN SOUTH BRUNSWICK TOWNSHIP

SBTWP-1

WHEREAS, Route 1 in North Brunswick and Route 1 in Plainsboro is three (3) lanes wide, but in South Brunswick is only two (2) lanes wide; and

WHEREAS, as a result, traffic conditions on Route 1 in South Brunswick continue to worsen because of the narrowness of Route 1 in South Brunswick; and

WHEREAS, for many years, South Brunswick has repeatedly communicated to the State of New Jersey that Route 1 in South Brunswick should be widened; and

SBTWP-2

WHEREAS, instead of constructing Route 92, the widening of Route 1 and other transportation elements instead would considerably alleviate the traffic congestion within South Brunswick as well as in North Brunswick and Plainsboro; and

SBTWP-3

WHEREAS, the widening of Route 1 instead of the construction of Route 92 would be the most beneficial use of funds for efforts to address traffic conditions in this part of the State; and

SBTWP-4

WHEREAS, improving Route 1 instead of constructing Route 92 would still provide ample job opportunities for residents of this State seeking such jobs; and

SBTWP-5

WHEREAS, the widening of Route 1 as opposed to the construction of Route 92 is a much better alternative for relieving traffic congestion, providing jobs and preserving the environment as well as a much better use of taxpayer funds in this State;

NOW THEREFORE BE IT RESOLVED on this 18th day of May, 2004, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. South Brunswick strongly supports the widening of Route 1 in South Brunswick instead of the construction of Route 92.
2. The widening of Route 1 and improvements to other existing transportation elements in Central New Jersey should be done immediately, with the specific details of such projects to be planned and executed in consultation with all of the affected governing bodies and stakeholders.
3. A certified copy of this resolution be forwarded immediately to Governor James E. McGreevey, our Federal representatives in the U.S. Senate and Congress, our State representatives in the Senate and Assembly, the Middlesex, Somerset and Mercer County Board of Chosen Freeholders, all municipalities in Middlesex, Somerset and Mercer Counties, the New Jersey State Department of Transportation and the U.S. Army Corps of Engineers.

I do hereby certify that the foregoing is a true copy of a Resolution passed by the Township Council of South Brunswick at a meeting duly held on the 18th day of May, 2004.

Barbara Burt
Township Clerk

WC084

Please refer to comment set WC080 for comment codes.

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

RESOLUTION #04-157

A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE #92

WHEREAS, the New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1, known as "Route 92"; and

WHEREAS, the United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits; and

WHEREAS, the NJDEP wetlands permits to construct Route 92 have now expired; and

WHEREAS, the United States Army Corps of Engineers (USACE) has completed and publicly released a draft environmental impact study (DEIS or draft EIS), but it does not include the potential damage that Route 92 would cause to all the communities to the west of Route 27, including communities within Hopewell Township. The DEIS statement of purpose and need excludes all possible and viable alternatives to Route 92 for relieving regional traffic; and

WHEREAS, the DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and particularly the historic communities of Hopewell Borough and Kingston; and

WHEREAS, with or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS); and

WHEREAS, Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water, and Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey; and

WHEREAS, Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat; and

WHEREAS, Route 92 would potentially cause a degradation of service on Route 518; and

WHEREAS, alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic; and

WHEREAS, a study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address; and

WC084

WHEREAS, Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them. The United States Environmental Protection Agency has found that all counties of New Jersey have higher levels of air pollution than are permitted by Federal law; and

WHEREAS, Route 92 would therefore induce additional traffic in the regional road system, and would therefore further add to air pollution by inducing traffic, rather than helping to reduce air pollution; and

WHEREAS, tolls charged on Route 92 would not pay for the interest on the bonds, let alone the principal, with the result that Route 92 would effectively increase taxes or result in increased tolls on the Turnpike; and

WHEREAS, the Regional Planning Partnership (RPP) has already expressed an interest in extending Route 92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would further exacerbate all the problems to Hopewell Township which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life; and

WHEREAS, Route 92 contradicts Governor James E. McGreevey's strong support of both smart growth and fiscal responsibility. The New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, and the Governor's Office of Smart Growth have had a period of six months to review the DEIS in substantially completed form, an opportunity which Hopewell Township has not had; and

WHEREAS, Hopewell Township was not offered the opportunity to participate in the decision process leading to the proposal for the current alignment of Route 92, and is still not offered any such opportunity. Route 92 does not benefit the interests of Hopewell Township, or other communities to the west of its western terminus.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of May 2004, by the Township Committee, of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. Hopewell Township renews its opposition to the construction of Route 92 in its present alignment (we refer to Hopewell Township Resolutions #99-96 and #00-32),
2. Hopewell Township urges NJDEP not to reissue wetlands permits to construct Route 92,
3. Hopewell Township urges the State Legislature and the Governor to speedily enact the Baroni/Inverso bill to de-authorize the Turnpike's construction of Route 92,
4. Hopewell Township will cooperate with the municipalities of the No 92 Coalition to oppose Route 92,
5. Hopewell Township urges its citizens to also attend the USACE DEIS Hearing this Thursday, May 20, 2004, 2-5 PM and 7 PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
6. Hopewell Township urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,

WC084

7. Hopewell Township urges Governor James E. McGreevey to cancel Route 92 now, and to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region and thereby:

   a. Use the money allocated for Route 92 to fund transportation projects which will reduce sprawl, traffic, and smog, rather than exacerbating these problems;

   b. Involve all municipalities in the No 92 Coalition in a fair and constructive process to relieve traffic congestion in the region, similar to the successful process used in the case of the Penn's Neck Bypass;

   c. Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;

   d. Fund transportation projects that will protect Hopewell Township's, and the region's historic communities.

   e. The Township Clerk's Office shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor James McGreevey, Congressman Rush Holt, Senator Peter Inverso, and Assemblyman Bill Baroni.

   f. The Township Clerk shall also forward certified copies of this resolution to the Mayors of Woodbridge, Edison, New Brunswick, North Brunswick, South Brunswick, Plainsboro, West Windsor, Lawrence Township, Lambertville, Montgomery Township, Franklin Township, Borough of Rocky Hill, Hillsborough Township, Borough of Princeton, Princeton Township, the Boroughs of Hopewell and Pennington, and the Delaware Valley Regional Planning Commission.

Date Adopted: May 10, 2004

CERTIFICATION
I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A Resolution ADOPTED BY THE HOPEWELL TOWNSHIP COMMITTEE AT A MEETING HELD

May 10, 2004
DATE

Annette C. Bielawski
ANNETTE C. BIELAWSKI, MUNICIPAL CLERK

WC085

Received-NY District
Corps of Engineers
2004 JUN -1 PM 1:22

Township of Plainsboro
641 Plainsboro Road, Plainsboro, New Jersey 08536 (609) 799-0909

Patricia F. Hullfish
Township Clerk
email: PHullfish@plainsboronj.com

June W. Merritt
Deputy Township Clerk
email: JMerritt@plainsboronj.com

May 17, 2004

New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Enclosed is a resolution, adopted by the Plainsboro Township Committee, in support of the construction of Route 92. Please enter this resolution into the hearing file to become part of the administrative record.

Sincerely,

Patricia F. Hullfish
Township Clerk

PH/jwm

Enclosures

WC085

Township of Plainsboro
County of Middlesex

RESOLUTION SUPPORTING
THE CONSTRUCTION OF ROUTE 92

WHEREAS, the New Jersey Turnpike Authority has requested the Department of the Army for authorization to discharge fill material into waters of the United States to facilitate construction of a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 to Interchange 8A of the New Jersey Turnpike known as Route 92; and

WHEREAS, the U.S. Army Corps of Engineers New York District on April 20, 2004 released the Draft Environmental Impact Statement (DEIS) for the Route 92 project for the purpose of public comment prior to releasing a Final EIS; and

WHEREAS, the stated objectives for the project are to (1) Establish a road system that acts to reserve local streets for local traffic and circulation, while providing a separate limited access high-speed route for traffic moving between US Route 1 and the New Jersey Turnpike; and (2) Provide a connection to alternative routes for north-south traffic that is currently using US Route 1, to relieve congestion and improve mobility while minimizing impacts on the abutting communities; and (3) Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway; and

PLTWP-1

WHEREAS, the DEIS comprehensively addresses the advantages and disadvantages of all the transportation alternatives for this area, including a no-build option, widening local streets and intersections, connecting County Route 522 to the Turnpike, widening Route 1 and many others; and

PLTWP-2

WHEREAS, the DEIS also looked at all transportation alternatives and how they conform to the Smart Growth policies of the State, the County and the Townships that are affected; and

WC085

Township of Plainsboro
County of Middlesex

WHEREAS, the Central New Jersey Transportation Forum has consistently stated that this project is the most important transportation improvement that is needed for the area to provide congestion relief; and PLTWP-3

WHEREAS, the Township of Plainsboro has consistently supported a solution to this area's transportation problems that would be sensitive to both the manmade and natural environments; and PLTWP-4

WHEREAS, the increasing truck traffic on local roads is an on-going concern throughout all of Central New Jersey that cannot be addressed without an appropriate limited access transportation route; and PLTWP-5

WHEREAS, the New Jersey Turnpike Authority has proposed construction of an approximately 57-acre wetland north and south of the proposed highway alignment as mitigation for the permanently filled 12.03 acres of wetlands; and PLTWP-6

WHEREAS, the New Jersey Turnpike Authority additionally proposes further mitigation in the form of a permanent preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads; and

WHEREAS, Without an additional east-west highway connecting US Route 1 and the New Jersey Turnpike in this area, traffic modeling conducted for this DEIS shows that by 2028, about 25 percent of the traffic on the local east-west roads will be through traffic which will exacerbate the heavy congestion on local roads, impeding the local traffic circulation and roadway access needed by the communities, their emergency services and their residents and businesses; and PLTWP-7

WC085

PLTWP-8

Township of Plainsboro
County of Middlesex

WHEREAS, the DEIS makes clear that the alternative that best meets the transportation, community, environmental and smart growth needs of this area is a four lane 6.7-mile limited access highway between exit 8A of the New Jersey Turnpike and Route 1.

NOW, THEREFORE, BE IT RESOLVED that the Township of Plainsboro Committee recommends that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 as a four lane limited access highway; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to submit a certified copy of this Resolution to the U.S. Army Corps of Engineers New York District to be included in the formal public hearing record, which closes June 14, 2004.

I certify the above to be a true copy of a Resolution adopted by the Township Committee of the Township of Plainsboro at a meeting held on May 12, 2004

Patricia F. Hullfish, Township Clerk

Card. Cronin

WC086

Please refer to comment set WC081 for comment codes.

Borough of Rocky Hill
New Jersey

Received-NY District
Corps of Engineers

2004 JUN -3 PM 6:46

Mayor
Brian A. Nolan

Council President
Peggy Harris

Council Members
Richard D. Batchelder
Martin Engelbrecht
Connie Hallman
George E. B. Morren
Ed Zimmerman

Chief Financial Officer – Treasurer
G. Ross Bobal
Tax Collector
Donna Griffiths
Assessor
George Sopko
Engineer
Neil I. Van Cleef
Borough Magistrate
Eric Perkins
Borough Clerk
Raymond E. Whitlock, Jr.
Borough Attorney
John D. Rankin
Prosecutor
Christopher "Kip" Bateman

May 28, 2004

US Army Corps of Engineers
New York District – Regulatory Branch
Attn: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Re: Borough of Rocky Hill, NJ – A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE 92

By receipt of the enclosed resolution, please accept it and make it part of the record at the public hearing on a Draft Environmental Impact Statement for the Route 92 project proposed by the New Jersey Turnpike Authority held on May 20, 2004 at the Radisson Hotel, Princeton. I understand that our Council President Peggy Harris presented a copy of this resolution at the public hearing.

The Resolution was adopted by the Borough Council of Rocky Hill at its regularly scheduled meeting of May 17, 2004.

Sincerely yours,

Raymond E. Whitlock, Jr.

Raymond E. Whitlock, Jr.
Borough Clerk

Enclosure

All bills and communications should be sent to

Raymond E. Whitlock, Jr. - Borough Clerk
P.O. Box 188, Rocky Hill, New Jersey 08553
Tel (609) 924-7445
FAX (609) 924-2274

Printed on recycled paper

WC086

Borough of Rocky Hill

New Jersey

A RESOLUTION IN OPPOSITION TO THE CONSTRUCTION OF ROUTE #92

Mayor
Brian A. Nolan

Council President
Peggy Harris

Council Members
Richard D. Batchelder
Martin Engelbrecht
Connie Hallman
George E. B. Morren
Ed Zimmerman

Chief Financial Officer – Treasurer
G. Ross Bobal
Tax Collector
Donna Griffiths
Assessor
George Sopko
Engineer
Neil I. Van Cleef
Borough Magistrate
Eric Perkins
Borough Clerk
Raymond E. Whitlock, Jr.
Borough Attorney
John D. Rankin
Prosecutor
Christopher "Kip" Bateman

WHEREAS, the New Jersey Turnpike Authority (NJTA) has proposed an extension of the Turnpike to Route 1, known as "Route 92"; and

WHEREAS, the United States Environmental Protection Agency has three times rejected wetlands permits required to construct Route 92; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) issued wetlands permits to construct Route 92, contradicting the USEPA decision not to issue permits; and

WHEREAS, the NJDEP wetlands permits to construct Route 92 have now expired; and

WHEREAS, the United States Army Corps of Engineers (USACE) has completed and publicly released a draft environmental impact study (DEIS or draft EIS), but it does not include the potential damage that Route 92 would cause to all the communities to the west of Route 27, including communities such as Rocky Hill Borough. The DEIS statement of purpose and need excludes all possible and viable alternatives to Route 92 for relieving regional traffic; and

WHEREAS, the DEIS does not adequately address the impacts of traffic, sprawl and pollution that Route 92 would have upon the region, and the historic communities of Rocky Hill, Hopewell and Kingston Boroughs; and

WHEREAS, with or without Route 92, all but two local intersections in the DEIS study area still fail (according to the Army Corps latest study in the DEIS); and

WHEREAS, Route 92 will cause toxic runoff to leach into our underground aquifers which supply our drinking water, and Route 92 would be built on top of the smallest (and therefore the most vulnerable) aquifer in the State of New Jersey; and

WHEREAS, Route 92 would fragment one of the largest remaining contiguous open spaces in the region, disrupting wildlife habitat; and

WHEREAS, Route 92 would potentially cause a degradation of service on Route 518; and

WHEREAS, alternatives to Route 92 are already built, including Route 522, which is within one mile of 92, runs parallel to it, and I-195 are free, multi-access highway that can handle high-speed traffic; and

WHEREAS, a study by the Delaware Valley Regional Planning Commission concluded that bus rapid transit with feeder service, rather than Route 92, was the most viable alternative to solve the serious congestion problems along Route 1 which Route 92 purports to address; and

WHEREAS, Route 92 would waste scarce New Jersey public funds for transportation improvement, in a manner which would worsen the problems of sprawl and traffic, rather than relieving them. The United States Environmental Protection Agency has found that all counties of New Jersey have higher levels of air pollution than are permitted by Federal law; and

WHEREAS, Route 92 would therefore induce additional traffic in the regional road system, and would therefore further add to air pollution by inducing traffic, rather than helping to reduce air pollution; and

WHEREAS, tolls charged on Route 92 would not pay for the interest on the bonds, let alone the principal, with the result that Route 92 would effectively increase taxes or result in increased tolls on the Turnpike; and

WHEREAS, the Regional Planning Partnership (RPP) has already expressed an interest in extending Route 92 through property owned by NJDOT to Montgomery Township. Such an extension of Route 92 would further exacerbate

All bills and communications should be sent to

Raymond E. Whitlock, Jr. - Borough Clerk
P.O. Box 188, Rocky Hill, New Jersey 08553
Tel (609) 924-7445
FAX (609) 924-2274

Printed on recycled paper

WC086

all the problems to Rocky Hill Borough which Route 92 in its present alignment would cause, including traffic, sprawl, pollution, noise, loss of open space, and loss of quality of life; and

WHEREAS, Route 92 contradicts Governor James E. McGreevey's strong support of both smart growth and fiscal responsibility. The New Jersey Turnpike Authority, the New Jersey Department of Environmental Protection, and the Governor's Office of Smart Growth have had a period of six months to review the DEIS in substantially completed form, an opportunity which Rocky Hill has not had; and

WHEREAS, Rocky Hill Borough was not offered the opportunity to participate in the decision process leading to the proposal for the current alignment of Route 92, and is still not offered any such opportunity. Route 92 does not benefit the interests of Borough of Rocky Hill, or other communities to the west of its western terminus.

NOW, THEREFORE, BE IT RESOLVED on this 17th day of May 2004, by the Borough Council, of the Borough of Rocky Hill, County of Somerset, State of New Jersey that:

1. Rocky Hill Borough renews its opposition to the construction of Route 92 in its present alignment,
2. Rocky Hill Borough urges NJDEP not to reissue wetlands permits to construct Route 92,
3. Rocky Hill Borough urges the State Legislature and the Governor to speedily enact the Baroni / Inverso bill to de-authorize the Turnpike's construction of Route 92,
4. Rocky Hill Borough will cooperate with the municipalities of the No 92 Coalition to oppose Route 92,
5. Rocky Hill Borough urges its citizens to also attend the USACE DEIS Hearing this Thursday, May 20, 2004, 2-5 PM and 7 PM-midnight, at the Radisson Hotel at Route 1 on Ridge Road,
6. Rocky Hill Borough urges its citizens to contact Governor McGreevey and ask him to cancel plans to construct Route 92,
7. Rocky Hill Borough urges Governor James E. McGreevey to cancel Route 92 now, and to stop the present EIS process and institute a more fair and participatory process to find a rational solution to traffic congestion in the region and thereby:
   a. Use the money allocated for Route 92 to fund transportation projects that will reduce sprawl, traffic, and smog, rather than exacerbating these problems;
   b. Involve all municipalities in the No 92 Coalition in a fair and constructive process to relieve traffic congestion in the region, similar to the successful process used in the case of the Penn's Neck Bypass;
   c. Seriously investigate the possibility of using less polluting modes of transportation, such as BRT, light rail, or ITS, to relieve traffic along the Route 1 corridor and throughout the region;
   d. Fund transportation projects that will protect Rocky Hill Borough, and the region's historic communities.
   e. The Borough Clerk shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor James McGreevey, Congressman Mike Ferguson, Senator Walter Kavanaugh, and Assemblyman Pete Biondi and Christopher "Kip" Bateman.
   f. The Borough Clerk shall also forward certified copies of this resolution to the Mayors of Woodbridge, Edison, New Brunswick, North Brunswick, South Brunswick, Plainsboro, West Windsor, Lawrence Township, Lambertville, Montgomery Township, Franklin Township, Hillsborough Township, Borough of Princeton, Princeton Township, Hopewell Township, the Boroughs of Hopewell and Pennington, and the Delaware Valley Regional Planning Commission.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF ROCKY HILL, SOMERSET COUNTY, ANS STATE OF NEW JERSEY AT A REGULAR MEETING ON MAY 17 2004

RAYMOND E. WHITLOCK, JR.,
BOROUGH CLERK

BRIAN A. NOLAN,
MAYOR

WC087

Carol Cramer

MAY 20 2004

Township of Princeton
400 Witherspoon Street
Princeton, NJ 08540
Office of the Township Clerk, Linda S. McDermott, RMC, CMC
Telephone: (609) 924-5704
Fax: (609) 688-2031

May 14, 2004

TO: U.S. Army Corps of Engineers New York District

FROM: Linda S. McDermott, Township Clerk

RE: Resolution: Supporting the Construction of Route 92

Attached please find a copy of a certified resolution as adopted by Township Committee at their regular meeting held May 10, 2004 for your records and appropriate use to be included in the formal public hearing record.

Please do not hesitate to contact me if you have any further questions.

Attachments

WC087

OF THE MAYOR AND TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF PRINCETON
SUPPORTING THE CONSTRUCTION OF ROUTE 92

WHEREAS, the New Jersey Turnpike Authority has requested the Department of the Army for authorization to discharge fill material into waters of the United States to facilitate construction of a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 to Interchange 8A of the New Jersey Turnpike known as Route 92; and

WHEREAS, the U.S. Army Corps of Engineers New York District on April 20, 2004 released the Draft Environmental Impact Statement (DEIS) for the Route 92 project for the purpose of public comment prior to releasing a Final EIS; and

WHEREAS, the stated objectives for the project are to (1) Establish a road system that acts to reserve local streets for local traffic and circulation, while providing a separate limited access high-speed route for traffic moving between US Route 1 and the New Jersey Turnpike; and (2) Provide a connection to alternative routes for north-south traffic that is currently using US Route 1, to relieve congestion and improve mobility while minimizing impacts on the abutting communities; and (3) Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway; and

WHEREAS, the DEIS comprehensively addresses the advantages and disadvantages of all the transportation alternatives for this area, including a no-build option, widening local streets and intersections, connecting County Route 522 to the Turnpike, widening Route 1 and many others; and

PRTWP-1

WHEREAS, the DEIS also looked at all transportation alternatives and how they conform to the Smart Growth policies of the State, the County and the Municipalities that are affected; and

PRTWP-2

WC087

WHEREAS, the Central New Jersey Transportation Forum has consistently stated that this project is the most important transportation improvement that is needed for the area to provide congestion relief; and

PRTWP-3

WHEREAS, the Township of Princeton has consistently supported a solution to this area's transportation problems that would be sensitive to both the manmade and natural environments; and

PRTWP-4

WHEREAS, the increasing truck traffic on local roads is an on-going concern throughout all of Central New Jersey that cannot be addressed without an appropriate limited access transportation route; and

PRTWP-5

WHEREAS, the New Jersey Turnpike Authority has proposed construction of an approximately 57-acre wetland north and south of the proposed highway alignment as mitigation for the permanently filled 12.03 acres of wetlands; and

PRTWP-6

WHEREAS, the New Jersey Turnpike Authority additionally proposes further mitigation in the form of a permanent preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads; and

WHEREAS, Without an additional east-west highway connecting US Route 1 and the New Jersey Turnpike in this area, traffic modeling conducted for this DEIS shows that by 2028, about 25 percent of the traffic on the local east-west roads will be through traffic which will exacerbate the heavy congestion on local roads, impeding the local traffic circulation and roadway access needed by the communities, their emergency services and their residents and businesses; and

PRTWP-7

WHEREAS, the DEIS makes clear that the alternative that best meets the transportation, community, environmental and smart growth needs of this area is a four lane 6.7-mile limited access highway between exit 8A of the New Jersey Turnpike and Route 1.

PRTWP-8

WC087

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Princeton recommends that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 as a four lane limited access highway; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to submit a certified copy of this Resolution to the U.S. Army Corps of Engineers New York District to be included in the formal public hearing record, which closes June 14, 2004.

CERTIFICATION

I, Linda S. McDermott, Clerk of the Township of Princeton, hereby certify that the foregoing resolution was adopted by the Township Committee of the Township of Princeton at its meeting held the 10th day of May, 2004.

Linda S. McDermott

Linda S. McDermott, Clerk
Township of Princeton

WC088

SOUTH BRUNSWICK SENIOR ADVISORY COUNCIL
540 RIDGE ROAD, MUNICIPAL COMPLEX, MONMOUTH JUNCTION, NJ 08852
732-329-4000, EXT. 870

401 copies of this letter

OUNCIL MEMBERS

eputy Mayor,
arol Barrett
ownship Council,
iaison

nthony O'Rane
Chairman

avid Alexander

andra Behrend

lary Clark

dmund Farris

earl Goldman

eil Jones

lizabeth Kelton

arold Marr

hakorbhai Patel

hilip Post

everly Quinn

ving Stein

May 6, 2004

New York District, U.S. Army Corp of Engineers
Regulatory Branch, ATTN: Route 92DEIS
26 Federal Plaza, Room 1937

SBSAC-1

The South Brunswick Senior Advisory Council opposes the construction of Route 92, on the grounds that it is detrimental to the needs and welfare of the families of South Brunswick. It is designed to run from Exit 8A of the New Jersey Turnpike across the southern part of our Township to the intersection of Ridge Road and Route 1.

SBSAC-2 THRU 5

Those of us who live in South Brunswick know that the sections of Route 92 that are elevated will destroy one of the most beautiful natural areas in our Township. In addition Route 92 will generate an enormous increase in traffic on the existing two lane roads in the historic village of Kingston as well as polluting the air across South Brunswick's entire southern border. But perhaps most important of all, Route 92 will destroy or be harmful to many of our homes, some of which belong to senior citizens.

Those advocating the construction of Route 92 say it will aid commuters going to Princeton University, Forrestal Village, and the corporations on Route 1. Government must decide therefore, whom it will serve: commuters in their cars or South Brunswick families in their homes.

We urge you to serve our South Brunswick families.

Decide "NO on Route 92.

John C. Kuhn
Resident

53 Hannah Drive
Street Address

Dayton
Town

South Brunswick Township, NJ
08810

WC089

You replied on 6/14/2004 11:03 PM.
This message was sent with high importance.
The sender of this message has requested a read receipt. Click here to send a receipt.

Route92EIS, NAN NAN02

From: Steve Masticola [steve.masticola@mindspring.com] **Sent:** Sat 6/5/2004 9:43 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Public Notice No. 1999-00240-J1 (Route 92) Draft EIS Comments and Questions
Attachments:

PO Box 357
Kingston, NJ 08528
June 5, 2004

ty Avenue • Madison, WI 53705

Citizen letters against 36 ish

US Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin
(Sent by email to nan.route92eis@usace.army.mil)

Subject: Public Notice No. 1999-00240-J1 (Route 92) Draft EIS Comments and Questions

Dear Ms. Cronin:

I have reviewed the draft Environmental Impact Statement for Route 92. I request that the following questions be answered in the final EIS.

SM-1

* What was the statement of work that the Army Corps gave to Camp Dresser McKee?

* Why did the Army Corps fail to specify the geographical boundaries of the EIS in the statement of work to Camp Dresser McKee?

* Why did the Army Corps fail to specify the scope and purpose and need of the DEIS in the statement of work to CDM?

* What specific individuals wrote and approved the purpose and need statement in the DEIS?

* What specific statute(s) of Federal or State law gives that person or persons the legal authority to establish purpose and need in the EIS?

SM-2,3

* Why does the purpose and need statement narrowly define the purpose and need to be building a road between Route 1 and the Turnpike, rather than to use all available transportation modes to relieve traffic problems in the area?

* Why does the purpose and need statement not include regional

WC089

transportation issues to the west of the western terminus of 92?

* Why did the study area not include the municipalities to the west of the western terminus, specificaly Franklin Township, Rocky Hill Borough, Montgomery Township, Princeton Township, Princeton Borough, Hopewell Township, Hopewell Borough, Hillsborough Township, and Manville Township, as was requested in the public input in the EIS scoping hearing?

SM-4

* Who and what agency were the originators for the statement of work and the geographical boundaries that actually appears in the DEIS?

* How much did the Turnpike Authority pay the Army Corps, CDM, and any other subcontractors, for the DEIS?

SM-5

* What are the dates, dollar amounts, and titles of all business done by CDM, and any of its subcontractors for the EIS, for the New Jersey Turnpike Authority since 1990?

SM-6

* We are aware that CDM has done a substantial amount of business with the Turnpike Authority, and in all likelihood is still be doing business with them. What specific measures did the Army Corps take to detect or prevent such egregious conflicts of interest? Why did these measures fail to the extent that the Army Corps hired a long-term partner of the Turnpike Authority to guard against environmental damage by the Turnpike Authority?

* The estimated traffic flows and other projections in the EIS are utterly worthless as decision-making tools unless some statistical error measure is known, such as their limits of error or standard deviations. Furthermore, measured values are worthless for decision making unless similar error analysis is done. For each measured or estimated numerical value in the DEIS, what are its error bounds or standard deviation?

SM-7

* In section 2, the DEIS rejected several alternatives to Route 92, such as the EPA alternatives and Route 522. No objective, numerical criteria for rejecting these alternatives are given. What are the objective, numerical criteria under which each of the alternatives was rejected?

SM-8

* Certain combinations of the rejected alternatives were considered, but many more potentially effective combinations were not. For each possible combination of alternatives, what were the objective, numerical criteria for considering or not considering that combination?

* The DEIS states that public input was collected for the EIS in several ways. However, the DEIS does not state that any such input was actually factored into the process, and the Army Corps' statement of work for the EIS reflected no consideration of any public input. Why did the Army Corps summarily dispense with all public input on the EIS scope of work? If it did not, in fact, throw out all public input, then what public input was used in which specific parts of the statement of work, the DEIS, and the final EIS?

SM-9

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* Why do the traffic studies not study the local roads and intersections which would be worst hit by east-west traffic induced by Route 92: Ridge, Heathcote, and Laurel Avenues in Kingston, Canal Road in Franklin Township, Routes 603 518, and 206 in Rocky Hill and Hopewell, and Nassau Street/Route 27 in Princeton? SM-10

* A designated New Jersey Scenic Byway connects directly to the Route 92 study area. NJDOT is also seeking Federal designation of this Scenic Byway. What is the name and location of this Scenic Byway? SM-11

* What impacts would Route 92 have on this Scenic Byway?

* And where will these impacts to this Scenic Byway be included in the EIS?

* Have you made arrangements with Microsoft to publish their copyrighted material in the DEIS? SM-12

* Princeton Township and the Regional Planning Partnership have long sought to extend 92 to Route 206 to build the road in its original alignment. According to Michael Gerrard, Esq. of Arnold and Porter, this would be an illegal "segmentation" of the road, for the purpose of evading NEPA wetlands impact rules. NJDOT owns the land now to extend 92 through to Montgomery Township. We requested that the EIS address measures to avoid this segmentation. Why is there no discussion in the DEIS of methods to avoid segmentation that would violate NEPA? SM-13

* Regarding the above question, what methods might be taken to mitigate such a segmentation and a violation of NEPA?

* Prior to the DEIS, there had been no proposal to widen 522 to three lanes without extending it to the Turnpike. This absurd alternative was apparently created out of thin air purely for the purpose of creating a strawman and terrorizing the residents along 522. With what specific individual(s) and organization(s) did that proposal to widen 522 originate? SM-14

* Why was an extension of 522 to the Turnpike not considered as an alternative in the EIS? SM-15

* Numerous people requested in the EIS scoping hearing that this be considered in the EIS. Who made the decision to not consider an extension of 522 to the Turnpike as an alternative in the EIS?

* The DEIS undoes and contradicts work that the USEPA has already done in evaluating and mitigating the impacts of Route 92. Was the USEPA contacted at all regarding the preparation of the DEIS? If so, who were the specific individuals in the USEPA who were involved, and what documents were exchanged between the USEPA, USACE, CDM, and subcontractors of CDM regarding the EIS preparation? SM-16

* Along which specific roads will nonlocal traffic going to and from 92 from the west side of Route 1 get to the western terminus? SM-17

WC089

* County Road 522 is a high-speed, high-volume arterial. Why does the DEIS take the position that traffic on 522 should be minimized?

SM-18

* On page 48, NJTA's objective 1 is to "reserve streets for local traffic." On the following page, objective 3 is to "reduce the presence of non-local truck traffic on the local roadway network." It is prima facie obvious that 92 would draw nonlocal traffic, including truck traffic, to many local roads to the west of the western terminus. Would this not result in the failure of 92 to meet objectives 1 and 3?

SM-19

* Why does the DEIS not address the issue of drawing nonlocal traffic to local roads?

SM-20

* In Table 1-2: Why are 27 at Laurel/Heathcote and Church/Academy in Kingston not included?

SM-21

* In Figure 1-5: Why was an additional screenline not done to the west of 92's western terminus?

SM-22

* Studies by the Delaware Valley Regional Planning Authority have cited Bus Rapid Transit (BRT) as the only viable means to remediate traffic on Route 1. Why are BRT and similar non-automobile public transportation options such as light rail, The Middlesex-Ocean-Mercer (MOM) rail line, and Intelligent Transportation Systems (ITS) not included in the alternatives examined in Section 2?

* What specific person or persons made the decision(s) to exclude BRT, light rail, MOM, ITS, and similar non-automobile public transportation alternatives in the list of alternatives studied?

SM-23

* Why are the alternatives to 92 considered singly and not in combination in the DEIS, when combinations of alternatives could be more effective and less environmentally harmful than 92?

SM-24

* What specific new studies were done as part of the EIS process to eliminate the possibility of Turnpike Authority bias?

SM-25

* Section 2: Subjective, qualitative elimination of thresholds is subject to bias and tampering. Therefore it is imperative that specific quantitative thresholds for eliminating alternatives be used instead. Why were these thresholds not used in the DEIS, and what specific person made the decision to use subjective, unscientific standards instead?

SM-26

Page 2-4: "The prior [New Jersey Turnpike Authority] material forms the basis for much of the evaluation presented below, with updating as needed." This material clearly reflects the bias of the NJTA. What specific persons made this decision to base the alternatives study in the DEIS on biased material?

SM-27

Page 2-4: "The No Action Alternative assumes that the studied area's existing transportation network remains as it currently exists. It also assumes that the HIGHWAY system improvements (as discussed below)

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... will be implemented." What specific person(s) decided to exclude transportation improvements other than highways in the no-build alternative?

Page 2-5: ...the No Action alternative exhibits... among the greatest increase in Vehicle Miles Traveled in the year 2028. It exhibits the lowest average network speed..." Increases in Vehicle Miles Traveled are logically inconsistent with low average network speed. What is the technical cause of this discrepancy, and how do you plan to assure that it will be corrected in the EIS? SM-28

Page 2-9, Public Transportation Operational Improvements: "Further analysis of these potential service improvements is recommended." Does this not imply that the analysis of these alternatives in the DEIS is inadequate to determine if they can be utilized to create better alternatives to 92? SM-29

Page 2-10: "...aggressive implementation of the above-described TDM strategies is estimated to be in the 5-10% range." How can the DEIS conclude this, when it admits that it has not completely evaluated (or even identified) all TDM alternatives? SM-30

Page 2-15: "...widening Dey Road would require acquisition or displacement of approximately 18 single-family residences..." As opposed to how many single-family residences for 92? SM-31

Page 2-15: "...widening Dey Road increases... non-local peak hour trips using local roads..." This is inconsistent. Would not 92 induce non-local peak hour trips using local roads to the west of its western terminus? SM-32

Page 2-16: "Widening plainsboro-Cranbury Road would draw traffic from other unimproved local east-west roads" This is inconsistent. Would not 92 also draw traffic from other unimproved local east-west roads to the west of its western terminus? SM-33

Page 2-16: again regarding widening Plainsboro-Cranbury Road: "However there are significant... adverse impacts to the historic setting of Cranbury Village..." This is inconsistent. Would not 92 also create significant adverse impacts to the historic setting of Kingston Village and the Borough of Rocky Hill? SM-34

Page 2-23: "Three of these businesses may not be able to function on a smaller lot." What are these specific businesses and their present setbacks? Also, would not a wider Route 1 facilitate easier access to these businesses, thus improving their ability to function? SM-35

Page 2-24: "The proposed Route 92 project is projected to reduce non-local peak hour truck trips using local roads in the morning in a westbound direction by 46 percent." In Somerset County, which was excluded from the scope, would not 92 increase the same truck trips it is supposed to reduce? SM-36

Page 2-25: "...restrictions on turning movements..." What specific person(s) decided on these restrictions, and what was the specific SM-37

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purpose(s) for making this restriction?

Page 2-27: "...the removal of signalized intersections and replacement with interchanges would require the acquisition of new rights-of-way and would dislocate many existing businesses." Which specific existing businesses would be dislocated? And are not these same intersection improvements already planned by NJDOT?

SM-38

Page 2-28: "...It is anticipated that the ramps required for a new US Route 1-Route 522 interchange... would remove up to 12 acres of land from agricultural use." Why did the DEIS fail to acknowledge that exactly these ramps are already under construction?

SM-39

Page 2-31, History of the Western Terminus of Route 92: This history omits some history that has a bearing on the legality of the Route 92 project. Does not the Regional Planning Partnership, formerly known as MSM, continue to support and encourage extension of Route 92 to Route 206 in Montgomery, on land that NJDOT owns for this purpose? If so, then would the two-phase construction of Route 92 be an illegal segmentation inder NEPA?

SM-13

Page 2-31: "...Route 92 would help maintain mobility in the region." Would 92 not harm mobility in the region to the west of its western terminus by attracting nonlocal traffic to local roads there?

SM-40

Page 2-31: "Traffic using local east-west connector roads, such as... Route 522, would be reduced..." Is not Route 522 an arterial roadway, not a local east-west connector road, by AASHTO definitions? And would it not be less damaging to the environment to let the existing 522 absorb more load, rather than building 92?

SM-18

Page 2-33: "...Route 92 would not impact Agricultural Development Areas (ADAs) or Farmland Preservation Areas." On how much lof the land planned for 92 has South Brunswick Township applied for ADA and/or FPA status?

SM-41

Page 2-33: "Induced demand impacts could potentially occur at the interchanges of proposed Route 92..." What specific person rejected citizen requests made during the EIS scoping process that these induced demand impacts be quantitatively modeled? Also, could not induced demand impacts also logically occur on local roads that connect the western terminus to other major highways to the west?

SM-42

Page 2-37, Tables 2-2 through 2-4: The maximum difference in number of vehicles per hour is on the order of 500. Is this difference within the limits of error? Why are the limits of error not reported in the DEIS? How can the DEIS be useful at all if the accuracy of any of the projected numbers is a total mystery?

SM-7

Page 2-38: "...reduction in peak-hour noise levels (with a two-lane 92) would be 'perceptible' to 'substantial'..." Would not a substantial reduction in noise levels be worthwhile, particularly considering 92's bisection of the Plainsboro Preserve and close proximity to much housing? Also, would not half the traffic mean half

SM-43

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the noise? Thirdly, would not visual line of sight restrictions discourage speeding, thus leading to further noise reduction?

Page 2-39: "Therefore, runoff from a two-lane Route 92 would be somewhat less than from the proposed four-lane roadway." Would not the runoff be a simple function of paved travel lane area, and therefore about half that of the four-lane roadway?

SM-44

Page 2-39: However, a two-lane Route 92 would still pass through active farmland..." And therefore, would not 92 impact farmland, regardless of how wide it is?

SM-45

Page 2-49, regarding the South Brunswick Alignment - Modified: "It would also cut directly across Plainsboro Preserve..." Does not the NJTA alignment also cut directly across the Plainsboro Preserve?

SM-46

Table 2-7: What is the quantitative boundary for "Yes," "Partial," and "No" in this table?

SM-47

Page 2-53: "The two-lane Route 92 sub-alternative reduces wetland impacts by 2 acres and SLIGHTLY reduces other environmental impacts." Would not toxic runoff from 92 into the aquifer recharge area be proportional to the number of travel lanes, and therefore cut in half?

SM-44

Page 2-55: "...the majority of projects involving capacity increases on local roadways were eliminated from further consideration, because: (1) they did not meet the project purpose because they did not separate local traffic from regional through traffic;" Would local traffic be separated from regional through traffic bound for 92 on the local roads to the west of the western terminus of 92?

SM-48

Page 3-30: "...no threatened or endangered species are known to occur in this area." Bald eagles have been reported near both the eastern and western terminus of Route 92, and have nested at Carnegie Lake near the western terminus. Why are these endangered species not considered in the DEIS?

SM-49

Table 4-16: US1 at Ridge Road would be the intersection most badly impacted by 92 traffic. Why was this intersection not shown in this table?

SM-50

Section 5: Mitigation Actions: Why is mitigation of the traffic impacts of Route 92 to the west of the western terminus not even mentioned? What specific person(s) made the decision to eliminate mitigation of these impacts from th EIS, when it was specifically requested by citizens of the impacted communities in the scoping hearing?

SM-51

Section 6.1, "Public Coordination" What specific person in the Army Corps of Engineers made the decision to pay no attention to any public input provided during the scoping hearing? What specific person in the Army Corps of Engineers is now endorsing this decision by failing to reverse it?

SM-52

I reserve the right to send additional comments and questions before the

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close of the DEIS comment period.

Sincerely,
- Stephen P. Masticola

WC90

James E. McGreevey
Governor

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June 14, 2004

RECEIVED
JUN 21 2004
Director of Engineering
Turnpike Division

Mr. Richard L. Tomer, Chief
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

RE: **Route 92 DEIS Comments**

Dear Mr. Tomer:

The New Jersey Department of Environmental Protection (NJDEP) has completed its coordinated review of the Draft Environmental Impact Statement (DEIS) for the Route 92 project of the New Jersey Turnpike Authority (NJTA) in the Townships of Monroe, South Brunswick and Plainsboro, Middlesex County. We offer the following comments for your consideration.

As you are aware, DEP issued an individual wetlands permit # 1200-95-0001.6 for this project on March 29, 1999. Issuance of the permit reflected DEP's position that the project could move forward in a manner that is consistent with statutory and regulatory requirements, and that adverse impacts can be fully mitigated. The DEIS offers fuller information to that end, and our comments here identify areas where NJTA should consider further analysis and additional mitigation measures to ensure that implementation of the project is consistent with the additional information generated by the DEIS. These comments also identify measures to ensure that the significant environmental benefits of the project in reducing regional traffic congestion – and reducing associated idling times and vehicle emissions - are truly achieved. We anticipate that new permit applications which may be submitted to the Department for this project will demonstrate that potential impacts to sensitive resources have been minimized.

Our comments are presented below by program area within DEP:

GREEN ACRES PROGRAM

NJDEP-1

The NJDEP's Green Acres Program reviewed the DEIS for compliance with their regulations. It appears that Route 92 would impact Plainsboro Township parkland (Block

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6 Lots 6.03 and 7.02) that is encumbered with Green Acres restrictions. Also, the proposed right of way will divert approximately 12 acres of the Plainsboro Preserve. Middlesex County Open Space Funds were used in the acquisition of this property which is also subject to Green Acres restrictions. Plainsboro Preserve is owned by Middlesex County, who has entered into a management agreement with Plainsboro and the Audobon Society to operate and maintain the preserve. Replacement land of at least equal or greater market value and of equivalent size, quality, location, and usefulness is required. Additionally, a portion of the Plainsboro Preserve will be separated from the larger open space parcel as a result of the Route 92 alignment. The DEIS discusses the fragmentation of the Plainsboro Preserve by the Route 92 alignment and generally indicates that the design of the highway will allow for both surface water and wildlife to cross under the highway. It is recommended that the final EIS also provide a more detailed description of the Preserve's facilities (roadways, trails, environmental center, etc.) and to what extent, if any, they may be impacted by the project.

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NJDEP-2

NATURAL RESOURCES

Endangered and Nongame Species Program Issues

The NJDEP's Division of Fish and Wildlife's (DFW) identified the potential presence of endangered or threatened species that would require additional studies to determine if suitable habitats were present along or near the proposed alignment. Species that the DFW's Endangered and Nongame Species Program (ENSP) focused upon were wood turtles and grassland bird species. Landscape Mapping (Version 2.0) does not value the Route 92 project area as wood turtle habitat. The nearest occurrence is approximately 3.5 miles away. It does not appear that the wood turtle will be an issue in this case. However, a clarification of the locations and dates of the surveys is needed to determine the acceptability of the surveys in eliminating wood turtle presence as a factor along the proposed alignment. Should it be determined that additional survey data is needed, the Department offers to provide the Turnpike Authority with technical assistance in survey design and implementation.

NJDEP-3

Relative to state-threatened grassland birds, the grassland habitat that lies just to the east of McCormack Lake is documented habitat for bobolink and Savannah sparrow. The proposed Route 92 alignment will bisect a portion of this grassland and result in further fragmentation of the habitat. The applicant is proposing to re-plant grass adjacent to Route 92 to maintain the appearance of "openness". An option for consideration would be to mitigate for the lost value of the area to the north of the proposed roadway by increasing the size of the grassland parcel that remains in the south. If the proposed Route 92 alignment is selected, then impacts to grassland birds are expected and details for grassland bird mitigation will be needed.

NJDEP-4

A pair of bald eagles has recently (January 2004) established a nest in Plainsboro and is currently raising young. The bald eagle foraging model used in the Landscape Project classifies McCormack Lake and the surrounding emergent wetlands as foraging habitat. The proposed Route 92 alignment will pass either directly adjacent to or bisect

NJDEP-5

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the emergent wetlands at the northern end of McCormack Lake. Due to the proximity of the roadway to eagle foraging habitat, the Turnpike Authority must evaluate potential impacts of the roadway and, should potential impacts be identified, propose mitigating measures in the context of the DEP permitting process.

NJDEP-6

Concerns for vernal pools have surfaced in recent years due to their recognition as a valuable habitat type and their inclusion in new freshwater wetland regulations. Potentially certifiable vernal habitats exist in the project area. To date, the vernal pools on and immediately adjacent to the site have not been certified. However, similar vernal pools that exist north of the project site are certified based upon the presence of obligate and facultative vernal pool breeders, including spotted salamander, wood frog, New Jersey chorus frog, northern spring peeper and four-toed salamander. Surveys of the wetlands for the project were not performed during a period when obligate vernal pool species could have been observed. If the proposed Route 92 alignment is selected, the Department would like the opportunity to attempt to certify many of the vernal habitats in this area. If certified pools are found, in-kind mitigation would be required. In addition, since the project will transect an area with a very high density of vernal pools, the ENSP would like to see culverts installed for herptile passage along those portions of the roadway that are not proposing to bridge suitable habitat. During years when some pools are not suitable for breeding, herptiles will migrate in search of new breeding pools. Culverts, particularly natural bottom culverts, would provide a means for these species to access habitats north and south of the proposed roadway. This is especially important in the areas where the applicant is proposing to minimize wetland impacts by replacing slopes with retaining walls.

NJDEP-7

Wildlife Corridors / Connectivity Concerns

In general, wildlife passageways under the proposed Route 92 roadway are issues that need to be addressed in more detail. Pathways for wildlife species (i.e. small mammals and herptiles) should be installed under the proposed roadway at locations where wildlife movement corridors are present. This would provide the means to minimize unnecessary wildlife mortality that would occur when they attempt to cross the roadway itself. The DEP offers to work with the Turnpike Authority to ensure that the maximum reasonable number of corridors are integrated within the project design to ensure that connectivity is suitably maintained.

NJDEP-8

AIR QUALITY

The NJDEP's Bureau of Air Quality Planning has completed its review of the DEIS. As for general conformity, which is covered in the Appendix Section B of the EIS, we have determined that general conformity does not apply. According to the general conformity requirements:

"A conformity determination is not required for the following Federal actions (or portions thereof): A conformity determination is not required if the action is included under a

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conforming transportation plan and transportation improvement program part 51.853(a), 93.153(a)."

This project is already included in the Metropolitan Planning Organization's (MPO) transportation plan, and so would fall under transportation conformity, and not general conformity. The MPO for this section is the NJTPA (North Jersey Transportation Planning Agency).

REGULATORY REQUIREMENTS

The NJDEP's Land Use Regulation Program (LURP) has completed its review of the DEIS. The LURP issued a Freshwater Wetlands Individual Permit for the project in March of 1999. Since that time there have been a number of regulatory changes that may affect the project. The LURP has the following comments and concerns (a number of which already have been expressed in the Natural Resources section of this letter):

1. Proposed Route 92 will impact an area with a high concentration of potential vernal pool habitats. Recently, the Freshwater Wetlands Protection Act Rules were amended to restrict activities in and around vernal pools due to their status as unique and important habitats for reptiles and amphibians. The NJTA should identify and address any vernal pool habitats within the project limits. Attempts to avoid vernal pools should be made and in the event that impacts are unavoidable, mitigation should be provided to compensate for any lost habitat. NJDEP-6

2. The Department of Environmental Protection has adopted new Stormwater Management Rules at N.J.A.C. 7:8 to address adverse impacts associated with stormwater runoff quantity and quality. The highway must be designed to comply with the standards established by these Rules and the "New Jersey Stormwater Best Management Practices Manual". NJDEP-9

3. The DEIS has identified the potential for habitat for the following bird species, Barred owls, Savannah sparrows, Bobolinks. In addition, a State endangered plant, the Southern arrowhead is also present. Measures should be implemented to minimize impacts to these resources and where impacts are unavoidable, mitigation should be provided to compensate for the adverse impacts. NJDEP-10

LAND USE / SMART GROWTH

The DEIS states (Section 4.2.13.3, page 4-68) that "traffic modeling indicates that proposed Route 92 would provide only the transportation capacity needed to accommodate growth that has already occurred or is in the process of occurring". We would urge NJTA to develop, in coordination with affected municipalities, a land use plan to limit induced secondary development. In particular, additional land preservation efforts and a regional growth management plan could limit induced secondary development and help ensure that the project achieves its purposes of relieving regional congestion over the long term. NJDEP-11

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Thank you for the opportunity to comment on the Route 92 DEIS. Your consideration of these comments will help ensure timely review of future permit applications submitted to the DEP.

Sincerely,

Gary Sondermeyer
Chief of Staff

C: Koko Cronin, USACE
Ken Koschek, NJDEP

WC91

U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for

THE ROUTE 92 PROJECT, PROPOSED BY
THE NEW JERSEY TURNPIKE AUTHORITY

COMMENTS ON BEHALF OF SOUTH BRUNSWICK TOWNSHIP:

MICHAEL B. GERRARD, Special Counsel

MICHAEL W. KLEMENS, Ph.D., Ecology Consultant

NORMAN MARSHALL, Traffic Consultant

June 14, 2004

Rec'd-NY District AFQ
Corps of Engineers
2004 JUN 14 PM 4: 41

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STATEMENT OF MICHAEL B. GERRARD
ON BEHALF OF SOUTH BRUNSWICK TOWNSHIP
CONCERNING
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Introduction

This statement is submitted to the U.S. Army Corps of Engineers, New York District ("USACE") on behalf of South Brunswick Township by its special environmental counsel, Michael B. Gerrard.[1] It concerns USACE's April 2004 Draft Environmental Impact Statement for the Route 92 Project (the "2004 DEIS"), a project proposed and supported by the New Jersey Turnpike Authority ("NJTA"). USACE acted properly when it decided that NJTA's proposal required a full environmental impact statement. Although the 2004 DEIS attempts to address a number of concerns, it does not adequately consider the full picture of the project, its functions, and its impacts:

(1) By considering only the proposed 6.7-mile stretch from Exit 8A of the New Jersey Turnpike to Route 1, the 2004 DEIS addresses only a segment of a much larger project. Such impermissible segmentation would not adequately address the proposal's long term, overall impacts. SBTWP2-1

(2) Even building Route 92 out to Route 1 would cause numerous ecological impacts that have not been adequately analyzed. In particular, the 2004 DEIS fails to consider effects on both biodiversity and the migratory patterns of key species along the corridor's habitat mosaic. It also ignores potential effects of eliminating mature wetlands and compensating for the loss by creating only immature mitigation wetlands. SBTWP2-2 SBTWP2-3

[1] A copy of Michael Gerrard's June 2000 scoping comments on the New Jersey Turnpike Authority's Route 92 project is attached as Exhibit C.

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(3) The 2004 DEIS distorts how much Route 92 would mitigate traffic congestion, and it fails to acknowledge that implementing Travel Demand Management alternatives would much more likely be effective than constructing the freeway. SBTWP2-4,5

(4) The Clean Water Act forbids USACE from allowing wetlands destruction if there are practicable alternatives that do not have significant adverse impacts. The 2004 DEIS falls woefully short of considering such alternatives. Moreover, Route 92 might lead to significant water degradation, which is forbidden by federal regulation.[2] SBTWP2-6

To supplement the documents available to us, on May 4, 2004 we sent Freedom of Information Act requests to a number of agencies, including USACE, the U.S. Fish and Wildlife Service ("USFWS"), and Region 2 of the United States Environmental Protection Agency ("EPA"). We have not yet received all of the requested documents. South Brunswick therefore reserves the right to supplement this statement in light of any new information that the requested materials may provide.

I. Improper Segmentation

The 2004 DEIS's scope is too narrow because it conceptualizes the Route 92 project as merely a 6.7-mile road from Exit 8A of the Turnpike to Route 1. The project should instead be understood as the first segment of a longer roadway, whose purpose is linked to a longstanding, broad objective. SBTWP2-1

[2] In a letter commenting on an earlier version of the 2004 DEIS, EPA stated that "[it] believes that the proposed [Route 92] project will have a substantial and unacceptable impact on an aquatic resource of national importance." Letter from Robert W. Hargrove of EPA Region 2 to Richard Tomer of USACE, dated 3/31/2003, at 9.

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SBTWP2-1

The original plan for Route 92 took the road all the way west to Route 206, to be a major east-west artery for central New Jersey allowing connections to I-287 and I-78. The currently proposed 6.7-mile segment results directly from the New Jersey Department of Transportation's ("NJDOT's") decision to de-designate I-95 in 1982. Route 92 represents one step in the extended process of building I-95 alternatives, a process that NJDOT might not consider complete until the connector extends at least to Route 206, providing the utility sacrificed by de-designating I-95. The NJDOT has long viewed Route 92 and Route 206 as interrelated projects. A memo[3] dated December 11, 1978 from Frank Winters to J. F. Andrews stated:

> The Princeton Bypass section of Route 92 has become an integral part of the future traffic flow for the Princeton area once Route 206 is completed. It would not be beneficial both environmentally and transportation wise for the proposed four lane section of Route 206 to have its traffic empty into the section of Route 206 that will remain in two lanes. This traffic will not be able to travel through Princeton without congestion and detrimental impacts. The Princeton Bypass would be a solution to this problem . . . . It will be important that the Route 92 study begin as soon as possible in order to coordinate with the Route 206 study and to make sure the construction for the two projects is completed reasonably close together. This would avoid the traffic problems that would result if Route 206 were completed without Route 92.

Leo Laaksonen, Planning Director of Mercer County, in a June 23, 1982 letter to F. Howard Zahn wrote:

> A significant amount of the traffic on Route 206 would utilize Route 92 as a bypass of Princeton, thus relieving much of the congestion on Route 206 in Princeton and Lawrence Townships. Therefore, the construction of Route 92 is a necessary step for an overall solution to the congestion problems on Route 206.

[3] The author and recipient of this document and of the quoted documents immediately following were NJDOT officials, unless otherwise noted.

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SBTWP2-1

A memo dated October 19, 1982 from Charles Carmalt to Alfred H. Harf concerning Route 92 and Route 206 said:

> Combined, these roadways will provide a north-south primary highway as well as a bypass of Princeton. The corridor analysis completed for Route 206 indicated that 52% to 63% of the traffic on Route 206 would be destined for Route 92.

Thus, for over 25 years, the state has intended to create a major east-west artery for central New Jersey. Approval of the 6.7-mile Route 1 connector is only one segment of this larger vision.

Moreover, if Route 92 is constructed to Route 1, the pressure will build to extend it west from there—the traffic brought to Route 1 from Route 92 will seek the pathways of least resistance westward and northward. Even proponents of Route 92 recognize the potential for continued westward expansion of the road. Turnpike Authority Executive Director Edward Gross conceded that "the present alignment for Route 92 doesn't foreclose extending it to Route 27." Similarly, Dianne R. Brake, president of Regional Planning Partnership (formerly the Middlesex-Somerset-Mercer Regional Planning Council), has reported plans to lobby for an extension once the initial segment is built, noting that the 6.7-mile section is merely a first step.[4]

Thus, the westward scope of the 2004 DEIS should not have stopped at Route 1. Route 1 is not a logical terminus, for a road that goes only to Route 1 does not have the functional utility of one going further west. In addition to considering the effects of building Route 92 to Route 1, USACE should consider the scenario where Route 92 extends west through all of the corridors needed to compensate for de-designating I-95. Under this

[4] *See* Steve Bates, *A Longer Rt. 92 on the Horizon?* THE CENTRAL POST, Mar. 11, 1999, at 7A.

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scenario, the westward extension would go through wetlands and farms and across rivers and streams, which should be identified and the impacts analyzed. Basic planning principles require this ultimate westward penetration to be examined.

Indeed, such comprehensive analysis is mandated by the President's Council on Environmental Quality, whose National Environmental Policy Act regulations require consideration of both connected actions and cumulative impacts. Connected actions are those "[a]ctions which trigger other actions."[5] Cumulative impacts include those "impact[s] on the environment which result[ ] from the incremental impact of the action when added to other past, present, and *reasonably foreseeable future actions*."[6] Constructing the 6.7-mile segment of Route 92 will very likely trigger continued development, for the "commitment of resources to one highway segment makes additional construction more likely."[7] Such a comprehensive approach is consistent with Congress's intent to "instill in the environmental decisionmaking process a more comprehensive approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided, mitigated, or accepted as the price to be paid for the major federal action under consideration."[8]

While USACE need not consider every conceivable future development in the Midatlantic region, it "may not go to the opposite extreme of treating a project as an isolated 'single-shot' venture in the face of persuasive evidence that it is but one of

[5] 40 C.F.R. § 1508.25(a)(1)(i).

[6] 40 C.F.R. § 1508.7 (emphasis added).

[7] *Patterson v. Exon*, 415 F. Supp. 1276, 1282 (D. Neb. 1976).

[8] *Natural Resources Defense Council v. Callaway*, 524 F.2d 79, 88 (2d Cir. 1975) (citations omitted).

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several substantially similar projects."[9] The long history of road development in this part of New Jersey, stimulated more than twenty years ago with the 1982 decision to de-designate I-95, demonstrates that this 6.7-mile proposal is not a "'single-shot' venture." To the contrary, the proposal should be perceived as the first segment of a much larger plan for a longer highway, traveling through Kingston to Route 27 and, potentially, as far as Route 206 in Somerset or Mercer county.

II. Adverse Ecological Impacts

The Council on Environmental Quality's regulations require the USACE, as lead agency, to analyze:

> [i]ndirect effects, which are caused by the [proposed construction] and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.[10]

The 2004 DEIS does not address a number of issues raised on behalf of South Brunswick during the USACE's June 2000 scoping process by Michael Klemens.[11] Dr. Klemens, a conservation zoologist, holds a doctorate in ecology and conservation biology from the University of Kent at Canterbury. He has authored papers and books on herpetology, wetlands ecology, land use management, and conserving biological diversity, and he has logged more than two decades of field experience concerning wetlands and wildlife in the northeastern United States.

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[9] *Id.*, 524 F.2d at 88 (citations omitted).

[10] 40 C.F.R. § 1508.8(b).

[11] A copy of Dr. Klemens's scoping comments is appended to his review of the 2004 DEIS, which is attached as Exhibit A. Also appended (separately bound) is Dr. Klemens's and A. J. K. Calhoun's *Best Development Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States*, Metropolitan Conservation Alliance (2002).

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As Dr. Klemens pointed out, when NJTA drafted a 1994 DEIS for Route 92, it did not provide adequate scientific data concerning the route's impacts on wildlife. Similarly, the 2004 DEIS does not address several of Dr. Klemens's scoping comments concerning potential wildlife impacts. For instance, it does not consider data on Route 92 impacts on a significant species, the river otter. The river otter's presence evinces the current lack of pollution and disturbance, the abundance of prey wildlife, and the large, unfragmented nature of the ecosystem to be affected—values that Route 92 could destroy. The 2004 DEIS also does not focus on the ecological balance among the types of species that will exist in the post-construction landscape. NJTA's 1994 DEIS indicated that species requiring specific niches and various forest species may be eliminated near the proposed connector but that species that tend to overrun areas, such as deer, woodchucks, rabbits, and field mice, would flourish. This tendency would be exacerbated, as predators that flourish in disturbed areas, such as skunks, raccoons, opossums, and crows, increase and penetrate outward from the disturbance into the adjacent ecosystem.

To address this concern, USACE should require lists of species identified within one mile—not just 100 meters—on each side of the corridor and assess which are likely to decline or disappear and which are likely to increase. USACE should then consider the impacts of such fauna changes on the overall ecosystem, especially on at risk species and on species richness, as opposed to potential increases in sheer biomass. For example, NJTA's 1994 DEIS referenced the potential presence of the federally listed bog turtle along Lawrence Brook. Recently, USFWS has also indicated that "an area identified as potential habitat for the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) is

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located within 1.0 mile of the proposed Route 92 alignment."[12] USACE should conduct a survey by a qualified bog turtle surveyor to determine whether the bog turtle is in fact present along the construction corridor. If "bog turtles are found in the area and direct or indirect adverse effects cannot be avoided,"[13] then USACE should complete a formal "Section 7" consultation with the U.S. Fish and Wildlife Service ("USFWS").[14] In addition to the bog turtle, several species listed by the state as threatened—the Cooper's hawk, savanna sparrow, and wood turtle—are known to appear in the vicinity. Any searches for such species should be conducted by experienced surveyors.

Especially sensitive, and adversely affected, is the Devil's Brook wetland complex.[15] Route 92 would bisect not only this 1,650-acre forested system—a "unique and irreplaceable wildlife resource"[16]—but also the Plainsboro Preserve—both habitat areas would become fragmented. Additionally, because the site of the proposed roadway encompasses the transition zone between Coastal Plain and Piedmont ecosystems, USACE would need to recognize the biogeographical affinities of various key species. Wood turtles and longtail salamanders would most likely inhabit the Piedmont portion of

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[12] Letter from Clifford G. Day of USFWS to Richard L. Tomer of USACE, dated 3/31/2003, at 2.

[13] *Id.* at 3.

[14] "Each Federal agency shall, in consultation with and with the assistance of [USFWS], insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by [USFWS], after consultation as appropriate with affected States, to be critical." 16 U.S.C. § 1536(a)(2).

[15] USFWS recently "reiterate[d] [its] May 4, 1999 finding that the Devil's Brook and Broadway Swamp wetland complexes constitute aquatic resources of national importance." Letter from Clifford G. Day of USFWS to Richard L. Tomer of USACE, dated 3/31/2003, at 5.

[16] *Id.* at 5.

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the site, whereas the Pine Barrens tree frog is a Coastal Plain species. And in the transition zone it is likely that wide-ranging species would be found in both ecosystems.

Also, the 2004 DEIS did not fully explore project impacts on species with complex habitat needs, requiring both wetlands and uplands. Many species of amphibians, for example, live most of their lives in woodlands but migrate into swamps and vernal pools for brief, but crucial, mating periods. Turtles rotate their use of different wetlands, moving between small pools and wet areas to optimize feeding and thermo-regulatory opportunities, and they migrate to meadows and other dry areas to nest.[17] Much of Route 92 is proposed to be built on elevated berms, which will affect the movement of fauna, not to mention stormwater flow, visual impacts of the landscape, and noise levels.

Overall, the 2004 DEIS does not avoid pigeonholing species into habitat types without regard to seasonal movements within the landscape mosaic. As Dr. Klemens commented, he has observed newly constructed highways that dissect habitat mosaics at or within ten feet of grade. Within the first decade of construction the mortality rate for many small vertebrates is high. The rate gradually lessens as a kill zone is established along the highway, where the density of small vertebrate population is reduced. Some technologies, which the 2004 DEIS does not consider, can mitigate such loss. For example, the New York State DOT has recently implemented such technology in a project built at the base of the Helderberg Escarpment in Albany County.

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[17] *See* Michael W. Klemens, *Ephemeral wetlands-ephemeral protection?, in* OUR HIDDEN WETLANDS: THE PROCEEDINGS OF A SYMPOSIUM ON VERNAL POOLS IN CONNECTICUT 15 (B. Fellman, ed., New Haven: Yale University Press 1998)

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In addition, the 2004 DEIS fails to consider certain wildlife issues left unaddressed merely by creating mitigation wetlands to compensate for wetlands taken by the Route 92 project. For example, what are the impacts of compensating for the loss of mature forested systems with young forested systems? The creation of mitigation wetlands often does little but hasten the penetration of weedy and invasive biota into formerly intact, undisturbed ecosystems. USACE should not only address the function of mitigation wetlands but should also determine which species are expected to use the newly created wetlands and which are not. Then, it should extrapolate from those expectations over 30 years, as the wetland matures.

III. Inadequate Resolution of Traffic Issues

SBTWP2-4

Attached as Exhibit B is a review of the 2004 DEIS prepared on behalf of South Brunswick by traffic consultant Norman Marshall. Mr. Marshall is president of Smart Mobility, Inc., a consulting firm that integrates transportation and land use modeling, engineering, and planning. He specializes in developing tools and techniques for travel demand modeling, regional air quality modeling, and analysis of land use and transportation systems. Before co-founding Smart Mobility, Mr. Marshall worked for fourteen years at Resource Systems Group, Inc., where he managed many transportation modeling and planning projects for governments at all levels and for non-profit public interest groups.

As Mr. Marshall's report makes clear, Route 92 would not relieve congestion in the study area. The 2004 DEIS fails to directly compare projected Route 92 traffic congestion information for 2028 with the information for the 2001 base year. Instead, the traffic data for these two time frames are located in different sections of the 2004 DEIS.

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When the data are brought together, it becomes clear that the 2028 traffic conditions, which assume that Route 92 has been constructed, are consistently worse than the 2001 conditions without Route 92. Furthermore, the 2004 DEIS's 2028 Route 92 scenario indicates that both the New Jersey Turnpike and the new Route 92 would provide unacceptable levels of service, which undermines the project's assumption that there is excess roadway capacity on the New Jersey Turnpike.

SBTWP2-4

In addition, the 2004 DEIS's projected levels of traffic congestion in 2028, both with and without Route 92, are similar, and congestion levels on the New Jersey Turnpike in 2028 are modeled as worse with Route 92 than in the No Build scenario. Therefore, any east-west benefits of Route 92 would be small and would probably not alleviate bottlenecks. The 2004 DEIS's models also exaggerate traffic benefits to be provided by Route 92 by focusing inordinately on the negative aspects of "through trips," as opposed to considering the consequences of all traffic types.

SBTWP2-5

As Mr. Marshall explains, moreover, the 2004 DEIS inappropriately rejects the Travel Demand Management (TDM) alternative without considering a full analysis of this option. TDM measures include ridesharing, alternative work hours, parking management, park-and-ride facilities, and bicycle and pedestrian facilities. The TDM alternative was given short shrift because it supposedly would reduce vehicle miles of travel (VMT) by only 5-10 percent. But the Route 92 scenario probably increases VMT, and a reduction of 5-10 percent in traffic would have a more positive impact on traffic congestion than Route 92 would. So the 2004 DEIS lacks any basis for failing to analyze the TDM alternative fully. This is particularly striking in light of EPA Region 2's comment responding to an earlier version of the 2004 DEIS that:

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> We have consistently stated in our comment letters dating back to our May 6, 1999 comments on the Public Notice for the Clean Water Act Section 404 permit to as recently as our letter on the scoping notice that we sent in June 2000, and our comment letter on the purpose and need that Transportation System Management (TSM) and Transportation Demand Management (TDM) strategies should be examined. . . .[18]

Furthermore, the 2004 DEIS defines Route 92's purpose and need as providing better access to the New Jersey Turnpike as a north-south alternative to Route 1 and providing a new high-speed connection between Route 1 and the Turnpike. As Mr. Marshall points out, these are not needs but just alternative ways of describing Route 92. Commenting on an earlier version of the 2004 DEIS, EPA Region 2 recently depicted the characterization of the project's purpose to achieve an east-west system that "promotes the use of local streets for local access and circulation, and that promotes the use of regional highways and limited access roads for regional through traffic"[19] as "verg[ing] on a description of the applicant's preferred alternative, and potentially presuppos[ing] the alternatives [sic] analysis so that only a regional limited access highway alternative could meet the purpose."[20] If there is a real need in the study area, it is to relieve traffic congestion, and the TDM alternative would meet that need better than constructing Route 92.

SBTWP2-7

The 2004 DEIS is also flawed because it unrealistically assumes an enormous rate of future traffic growth, driven by a stupendous increase in area employment. Such socioeconomic growth would require an increase in net in-commuting in the study area

[18] Letter from Robert W. Hargrove of EPA Region 2 to Richard Tomer of USACE, dated 3/31/2003, at 3.

[19] 2004 DEIS at 1-7.

[20] Letter from Robert W. Hargrove of EPA Region 2 to Richard Tomer of USACE, dated 3/31/2003, at 1.

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from about 17,000 in 2001 to about 63,000 in 2028. Such in-commuting could not be accomplished without significant changes in travel behavior or major changes in the area's transportation infrastructure. Route 92 would not be up to such a task. By loading unrealistic future traffic volumes into its models, the 2004 DEIS unrealistically inflates the advantage of building Route 92 over building nothing. Since traffic delays and associated air emissions increase exponentially with traffic, even the small reduction in traffic provided by Route 92 misleadingly appears to have significant impacts because of the 2004 DEIS's unrealistic assumptions.

SBTWP2-8

Overall, Mr. Marshall's review establishes that any benefits that Route 92 might offer are at best questionable. And even if the new freeway did benefit the already existing roadways, such benefits would likely be diminished because of the need to finance the multi-million dollar development. The 2004 DEIS does not adequately address the proposed funding mechanism. If an additional toll is required or if existing tolls are increased, projected use may actually decline—again, decreasing the need for the expansion. If vehicle use declines, funding projections must be adjusted accordingly. Toll plaza delays will also increase travel times and air pollution. It is unclear whether these factors were considered in the 2004 DEIS, and the USACE must consider such collateral consequences and determine whether these actions would deter vehicle use. If, instead, the NJTA plans to finance construction through state tax revenues, the USACE should consider any projected necessary tax increases.

SBTWP2-6

IV. <u>Failure to Consider Practicable Alternatives and Possible Degradation of Waters</u>

NJTA cannot proceed with the Route 92 project, as proposed, without discharging fill into New Jersey wetlands. The EPA has authorized the New Jersey Department of

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Environmental Protection ("NJDEP") to issue CWA § 404 permits in New Jersey.[21] But EPA objected to NJDEP's issuing a permit to NJTA to construct Route 92, and NJDEP did not resubmit the permit application to EPA to address EPA's objections. Therefore, the freeway project can only proceed if USACE grants NJTA a CWA § 404 permit.[22]

"The precept [is fundamental] that dredged or fill material should not be discharged into [an] aquatic ecosystem, unless it can be demonstrated that such a discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern."[23] Indeed, NJTA must show that there is no "practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."[24] An alternative is "practicable" if "it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."[25]

Federal courts have frequently overturned CWA § 404 permits when the USACE has failed to adequately consider all impacts of and practicable alternative to issuing the

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[21] *See* 40 C.F.R. § 233.71.

[22] *See* 33 U.S.C. §§ 1311, 1344(a), 1344(j).

[23] 40 C.F.R. § 230.1(c).

[24] 40 C.F.R. § 230.10(a). *See also* Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines (February 6, 1990) *at* http://www.usace.army.mil/inet/functions/cw/cecwo/reg/mitigate.htm.

[25] 40 C.F.R. § 230.10 (a)(2). When a project that would disturb wetlands, such as the Route 92 proposal, could be revamped not to disturb wetlands, federal guidelines *presume* that practicable alternatives to disturbing the wetlands exist and that such alternatives would have less adverse environmental impacts. *See* 40 C.F.R. § 230.10 (a)(3).

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permit. For example, in the well-known Westway case, the Southern District of New York ruled that a decision by the Army Corps of Engineers to grant a permit under CWA § 404 was based on an inadequate environmental impact statement and was in violation of law when the Corps failed to give adequate consideration to environmental issues. "When an agency decision is based upon conclusions in an EIS which are not arrived at . . . in a rational and reasoned manner, that decision is necessarily arbitrary."[26] As recently as May 2004, a federal district court ordered federal and state agencies to stop a highway construction project because they had violated NEPA. The court emphasized that the agencies failed to adequately consider impacts of and alternatives to the project. The court noted that "[t]here is no discussion whatsoever in the FEIS of the potential cumulative impact of [the] road construction projects or the other major development projects in the area that may have similar impacts on environmental resources, such as agricultural lands, water quality and air quality."[27] And it emphasized that "[i]t [was] impossible to tell from the environmental documents or the administrative record whether the [agencies] reasonably believed that there [were] no feasible or prudent alternatives or that alternatives have unique problems or unusual factors."[28]

The 2004 DEIS does not adequately consider all practicable alternatives. As previously discussed, it fails to fully analyze various Travel Demand Management

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[26] *Sierra Club v. U.S. Army Corps of Eng'rs*, 614 F. Supp. 1475, 1516 (S.D.N.Y. 1985) (citing *Sierra Club v. U.S. Army Corps of Eng'rs*, 701 F.2d 1011, 1033 (2nd Cir. 1983)). *See also Friends of the Earth v. Hall*, 693 F. Supp. 904 (W.D. Wa. 1988) (holding that environmental impact statements prepared by the Navy and the Corps did not permit informed decision making and informed public participation and that the Corps's decision to issue a 404 permit was arbitrary and capricious, in part for failing to adequately consider alternatives).

[27] *Senville v. Peters*, Case No. 2:03-cv-279 at 22 (D. Vt. May 10, 2004).

[28] *Id.* at 25.

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alternatives, despite such alternatives' potential to reduce traffic by a substantial percentage. It also fails to adequately consider taking no action at all or widening Route 1. The latter is an action that could yield many of the supposed benefits of Route 92 (facilitating north-south traffic) but without the adverse environmental impacts.

In addition to forbidding USACE from issuing a CWA § 404 permit to construct Route 92 if alternatives are not adequately considered, federal regulations stipulate that "no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States."[29] Furthermore, CWA § 401 provides that "[a]ny applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate . . . that any such discharge will comply with the applicable [water quality standards]." The 2004 DEIS does not sufficiently address the possibility that permitting the construction of Route 92 could significantly contribute to degradation of the waters in the corridor area or cause violations of water quality standards. For example, it does not consider traffic accident scenarios in which a tanker truck ruptures and large amounts of hazardous material are spilled into nearby waters. While the proposal includes several bridges to reduce direct wetland and surface water impacts, their utility may be limited in the event of an accident or major storm.

The 2004 DEIS leaves ample room to doubt that water quality standards will be complied with if USACE grants NJTA the permit, even in the absence of a spill. The

[29] 40 C.F.R. § 230.20(c).

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2004 DEIS reveals that "[a] majority of the Proposed Route 92 Corridor lies within the Coastal Plain sole source aquifer, while the western portion of the corridor encroaches into the Northwestern New Jersey Aquifer."[30] This feature of the highway is of particular concern, since it will be necessary to use of large amounts of salt to maintain the 6.7-mile stretch of asphalt. The Safe Drinking Water Act is implicated in the proposal for federally permitted action in a sole source aquifer.

[30] 2004 DEIS at 3-21.

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Conclusion

The 2004 DEIS is inadequate for a number of reasons. The 2004 DEIS improperly segments a large project by focusing exclusively on that project's initial stage; it does not adequately address the enormous ecological impacts of the proposed roadway; it distorts information to make it seem that the new auto route will relieve traffic congestion, even though the road will not do so; and it fails to adequately consider practicable alternatives to Route 92 and the degradation of waters that Route 92 might cause.

Respectfully submitted,

ARNOLD & PORTER LLP
Counsel to South Brunswick Township
399 Park Avenue
New York, New York 10022

By: _____
Michael B. Gerrard

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Exhibit A

WC152

Michael W. Klemens, LLC
68 Purchase Street Third Floor Suite 2
Rye, NY 10580

June 11, 2004

U. S. Army Corps of Engineers
New York District, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear Sir/Madam:

I have reviewed the Draft Environmental Impact Statement for the Rte. 92 Project proposed by the New Jersey Turnpike Authority, dated April 2004, in light of the written comments and testimony that I submitted into the public record on 12 June 2000, which are attached to this letter.

SBTMWK-1

My comments that were placed into the record four years ago are still relevant at this time because the Applicant has failed to address them. Specifically, in my letter of 12 June 2000, I made frequent reference to the lack of biological data in the record, and provided numerous references to specific species that had been reported from the site, or were likely to be found on the site, and the Applicant's duty to gather site-specific *denovo* information on these taxa in order to evaluate potential impacts to these species.

From my review of the April 2004 document, I note that while some effort was made to address the issues I raised by reworking the text, no new field work was conducted to address the potential impacts to an entire range of species, including federally-listed species such as the bog turtle, area-sensitive meso-carnivores such as the river otter, or other wide-ranging landscape species such as the black bear. No *denovo* fieldwork was conducted to address the issues of habitat fragmentation, connectivity, or the extensive interactions between the mosaic of wetlands that occur in the project corridor, and their interaction with one another and the upland habitat, both hydrologically and biologically.

SBTMWK-2

The Applicant should now be aware that Federal law requires that the potential presence of the bog turtle and its habitat be fully addressed with a series of performance standards contained within the Bog Turtle (*Clemmys muhlenbergii*)—Northern Population Recovery Plan. (USFWS 2001). As the author of this plan for the USFWS, I would like to direct your attention to the legal requirement to conduct at minimum a full Phase 1 Assessment to detect the presence of bog turtle habitat. This Phase 1 Assessment must be conducted by an expert recognized by the USFWS. If the Phase 1 Assessment detects potential bog turtle habitat, the Applicant then proceeds to either a Phase 2 Assessment to determine actual bog turtle presence/absence or designs the project assuming bog turtle

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presence in the wetland identified as positive in the Phase 1 Assessment. None of these assessment protocols, as mandated by Federal law, has been undertaken by the Applicant. This is especially distressing as the Applicant has been advised by the USFWS that there is potentially suitable habitat in the vicinity of the proposed Rte. 92 project (see page 3-40, Section 3.3.5.1 of the DEIS). SBTMWK-2

Some additional comments on the quality of the DEIS include Table 3-8. The study lists only five mammals confirmed at the site, striped skunk, whitetail deer, raccoon, eastern gray squirrel, and eastern cottontail. These are the most ubiquitous mammal species and point to an overall lack of mammal field work. The list of amphibians and reptiles lacks site-specific data, and is replete with mis-spellings and mis-classifications, pointing to an overall sloppiness and lack of attention to both detail and original field investigation. For example, eastern spadefoot is a frog, but it is included in the list of salamanders. The "common toad" is listed as *Bufo woodhousei*, but more likely is *Bufo americanus*. Only a few species of amphibians and reptiles were actually confirmed from the corridor site, again pointing to a lack of *denovo* field investigation. A project of this scope and magnitude requires that detailed site-specific field investigations be undertaken. List of probable species cannot serve as an adequate substitution for rigorous site investigations. SBTMWK-3

My letter of 12 June 2000 discussed the need for comprehensive biological surveys of the Rte. 92 corridor. The Applicant has had four years to rectify the deficiencies in biodiversity data and their discussion and analysis of fragmentation. Rather than conducting the additional fieldwork that was requested, the Applicant has reworked the original submission, but still has not addressed the basic lack of baseline data that continues to plague this application. Absent a solid foundation of baseline information, conclusions as to impacts and efficacy of mitigation are unsupported by the facts, and therefore relatively meaningless except in the most abstract and theoretical terms.

Although there has not been new biological data gathered and incorporated into this project since 2000, there have been advances in the management of impacts to wetland-dependent wildlife. Calhoun and Klemens (2002) [Best development practices: Conserving pool breeding amphibians in residential and commercial developments in the northeastern United States] have developed a manual that addresses how to assess the value of vernal pools, and how to design development projects in a manner that will protect wetland-dependent biodiversity. A copy this publication is appended to my letter. SBTMWK-4

In conclusion, the DEIS has failed to incorporate the comments and suggestions for improvement made in my testimony of June 2000. In addition, new standards have been developed for the protection of the bog turtle and vernal pool wildlife that need to be considered by the Applicant and permitting agencies as part of the review process.

Sincerely,

Michael W. Klemens, PhD

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Enclosures: Letter of 12 June 2000
Calhoun and Klemens 2002

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9 Charlotte Street
Rye, New York 10580
June 12, 2000

U.S. Army Corps of Engineers
New York District, Regulatory Branch
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Dear Sir/Madam:

I have been retained by South Brunswick Township to advise them on wildlife and habitat issues as they relate to the proposed Rte. 92 project. For the record, my qualifications are a masters degree in zoology and doctorate in ecology. I am the author of scientific papers and books on herpetology, wetlands, land use management, and conservation of biological diversity. I have logged over two decades of field experience concerning wetlands and wildlife in the northeastern United States.

Presently, I hold the post of Conservation Zoologist at the Wildlife Conservation Society (formerly the New York Zoological Society). I have also been a member of the scientific staff of the American Museum of Natural History since 1979, and a research associate at Columbia University since 1995. My experience extends to issues of governance and decision-making to protect environmental values while recognizing the need to balance appropriately located development projects to ensure economic viability of our cities, towns, and villages. I am the current chairman (in my third term) of the City of Rye (NY) Planning Commission. However, I reiterate that I represent the Township of South Brunswick as a private consultant, not as a representative or on behalf of any of the institutions, organizations and agencies referred to in this or the following paragraph.

I have consulted and advised a number of municipalities and government agencies, including the EPA (CT Rte. 6 highway project), Army Corps of Engineers (CT Rte. 6 highway project and New York City watershed issues) and the US Fish and Wildlife Service (CT Rte. 6 highway project, Houston Toad Recovery Team, Bog Turtle listing and recovery planning). The CT Rte. 6 project was so controversial that an internal scientific review team from the Army Corps was sent up from Vicksburg to review the scientific data that I and others had collected. They concluded that our research design, analysis, and conclusions were both sound and defensible. In fact, there are parallels between these two projects. Both CT 6 and NJ 92 have federal agencies (USFWS, EPA) advocating an approach that stresses improving existing transportation corridors and roadways, with the state agencies (CT DEP, CTDOT, NJTA, NJDEP) advocating for the new highway. There is, however, one crucial distinction between these projects--SCIENTIFIC DATA.

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Despite the huge volume of documents displayed by NJTA at the public hearing on June 8th, there is a lack of scientific data, especially in regards to wildlife, on the proposed Rte. 92 project. Absent such data, I respectfully suggest that it is impossible for you to reach a defensible conclusion, either pro or con, the Rte. 92 highway project, with the information that is currently available. Additional studies are required to enable a critical evaluation of the conclusions reached in the NJTA DEIS.

The proposed alignment of Rte. 92 has the distinct potential to impact wildlife a considerable distance from the actual roadway itself, as it will sever and fragment several large and important habitat blocks that presently are characterized by low intensity human uses. It is conceivable that in certain large, diverse, and un-fragmented blocks of habitat, such as in the vicinity of Turkey Island, these impacts could extend a mile or more on each side of the proposed highway. I consider this large central block of habitat to be the most important for wildlife in the proposed Rte. 92 corridor (using the criteria that this highway will extend from Exit 8-A on the NJ Turnpike and terminate at US 1).

The biological data for the proposed corridor are quite uneven in their collection and coverage and the discussion in the project documents understates wildlife values of the ecosystem and the impacts that could occur as the result of constructing Rte. 92 as proposed. For example, repeated statements are made in the NJTA DEIS (and restated on page 6-13 of the Army Corps analysis for the 404 permit application) that "the wetland system does not contain any documented large mammals which may require a large habitat size to maintain a stable population." This statement in the Army Corps analysis illustrates the inherent risks of taking the NJTA DEIS data as the sole basis for your decision-making and provides justification for additional, independent studies to complete a EIS. The report entitled "Ecological Resources Inventory" prepared by John Fishback for the Walker-Gordon Laboratory Complex directly counters the statement made on 6-13 of your analysis by reporting that river otter were sighted repeatedly during his study in a variety of wetland habitats in the area, and that black bear have been recorded in the Turkey Island tract.

The presence of the river otter in this ecosystem is testament to the lack of pollution and disturbance, abundance of prey wildlife, and the large, un-fragmented nature of this ecosystem. The EIS should call for a detailed inventory of the presence of river otter in the system, using visual observation of otters, slides, and scat piles. These should be mapped, and determination made as to areas of otter concentration, use, and travel. These data should then be evaluated to determine how the proposed roadway may impact this species, and appropriate remedial strategies provided. Such strategies might include avoidance of disturbance to areas that are intensively used by river otters and the design of stream corridor crossings that will allow otters to move through the riverine systems.

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There is a lack of comprehensive inventory of this proposed roadway or its alternatives, with most of the attention being given to a small group of protected or rare species, and little attention being paid to overall ecosystem health and values. Thus, while the project area may not necessarily support rare, threatened, or endangered species, it may nonetheless provide valuable habitat for overall system diversity. With the exception of the Fishback study, there are no data available on overall ecosystem species diversity. The present high levels of diversity (see Fishback's study) account for the populations of top level predators such as otters and raptors in the Turkey Island area. Are such ecological conditions present at other sites along the corridor? We just don't know with the present data set presented by the NJTA. And, by the NJTA's own admission (4-92) "losses of individuals and perhaps entire species from the area is unavoidable." The final EIS should focus on species assemblages, rather than only on a few sensitive species.

Continuing on page 4-92 there is a discussion of expected wildlife mortality due to road mortality and chemical pollution, and then a statement that highway rights-of-way do provide habitat for wildlife, though the species listed (e.g., whitetail deer) are those able to flourish in disturbed edge areas, even being attracted by elevated salinity along the ROW caused by road salting. Page 4-93 continues that expectations are that species that require very specific niches may be eliminated, as will certain forest species, concluding that such weedy species including deer, woodchuck, rabbits, and field mice will flourish. These impacts may extend far beyond the ROW if predators that flourish in disturbed edge areas (e.g., skunks, raccoons, opossums, and crows) increase, which they almost certainly will, and begin to penetrate outward from the area of disturbance, into the adjacent ecosystem. The EIS should focus on the types, not merely the number of individuals, that will persist in the post-construction landscape.

The EIS should require complete species lists within one mile on each side of the corridor, and an assessment of which species are likely to be impacted and disappear, as well as those weedy species that are likely to increase. The EIS should then analyze what these changes in fauna will have on the overall ecosystem, and especially on those species considered endangered, rare, threatened, special concern, or national trust. These aforementioned species do not exist in an ecological vacuum, and it is important to understand the overall anticipated species impacts, both on species richness and the potential for increase in biomass of weedy species. With these data, a much fuller understanding of potential impacts to sensitive and listed species will be achieved.

It is also critical that EIS document the levels of effort and methodologies used to document the absence of a species. Inventories that search for target species often fail to detect their presence because they are conducted by inexperienced personnel, conducted at a sub-optimal time of year or time of day, and/or are conducted under

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sub-optimal weather conditions, as well as failing to use an array of detection techniques, failing to encompass the species' primary habitat, and expending too few person hours per landscape unit.

Fragmentation of intact blocks of habitat in excess of 1,000 acres is a major cause of the decline and local extinction of a variety of area-sensitive vertebrate species. Typically these large habitat blocks are made up of a mosaic of wetlands and uplands, and the wildlife inhabiting these areas requires this diversity of habitat types for foraging, reproduction, and other aspects of their life cycles. Although the NJTA discusses the 100-acre threshold for intact blocks for "neotropical migrants" they fail to discuss the need of a subset of birds referred to as "forest interior species". Such species require large tracts of forested woodland and swamp and must be addressed in the EIS.

The following ecosystem-species issues need to be explored in the EIS:

1. Reduction in wetland diversity and structure, with a concomitant decrease in number of ecological niches available to wildlife.

2. Reduction in forest cover and the concomitant increase in weedy, invasive and exotic plant species.

3. Increases in numbers of animal species that flourish in disturbed and altered habitats, as well as those that further disrupt the ecosystem by preying on other species or in some other way shift the balance of nature away from species richness (biodiversity) to a ecosystem that supports much larger numbers (biomass) of a small guild of weedy, adaptable species.

4. Increases in light and noise and their impacts on wildlife.

References to the potential presence of the bog turtle, *Clemmys muhlenbergii*, are contained in the NJTA DEIS 4-96. However, a letter from Clifford Day of the USFWS dated May 4, 1999 to Colonel Pearce makes no mention of the potential presence of this federally threatened species. The northern population of the bog turtle, which includes those turtles found in New Jersey, was listed in 1997 as threatened under the provisions of the Federal Endangered Species Act, and the Technical Draft of the recovery plan for this species lists Middlesex County as an area of extant occurrence. The EIS needs to address the following issues in regard to this species.

1. The apparent discrepancy between the USFWS letter of May 4, 1999 and the potential occurrence of this species as stated in the NJTA DEIS page 4-96.

2. If bog turtles have been documented within the drainage basin then conduct an inventory as per the protocols extracted from the Technical Draft of the Recovery Plan and appended to this letter.

3. If bog turtles are documented by such inventory, conduct a Section 7 consultation with the USFWS.

Page 4-96 of the NJTA DEIS also mentions the potential presence of several state listed species, the wood turtle (*Clemmys insculpta*), longtail salamander (*Eurcyea longicauda*) and the pine barrens tree frog (*Hyla andersonni*). For each of these species, the EIS should include a detailed search methodology such as discussed above, and a complete log of time expended, days, person-hours, and weather conditions. Protocols for audio strip transects to determine the presence of pine barrens tree frogs during their spring breeding season are attached. Additional protocols to inventory longtail salamanders can be found in Heyer et al. (1994) Measuring and Monitoring Biological Diversity: Standard Methods for Amphibians Smithsonian Institution Press.

All searches for these target species should be conducted by a person(s) with experience in herpetological survey work. Inexperienced observers will often miss these species in areas where they are quite common. As the site is at the transition zone between Coastal Plain and Piedmont ecosystems, it would be important to recognize the biogeographical affinities of these species. Wood turtles and longtail salamanders are most likely to be found in the Piedmont portion of the site (above the Fall Line) whereas the pine barrens tree frog is a Coastal Plain species. However, in a transition zone it is quite likely, especially in the case of wide ranging species such as the wood turtle, that they could be found in both ecoregions.

The EIS must consider the impacts to wildlife and appropriate strategies to attempt to avoid species loss and extirpation (localized extinction) within the project corridor. The only specific wildlife mitigation proposed/discussed by the NJTA DEIS (page 5-10), other than a general statement "to minimize habitat disturbance and enhance disturbed areas" deals with methods to avoid deer-auto collisions. Despite evidence of rich and varied wildlife assemblage, no specific mitigation and enhancement measures are discussed. This a very serious deficiency that must be fully addressed and explored in the EIS.

The EIS needs to fully explore impacts of species that have complex habitat requirements, specifically those species that use both wetlands and uplands. Many species of amphibians which live in woodlands migrate into swamps and vernal pools for a brief annual breeding period, but spend the remainder of their life stages outside of wetlands. Turtles use different wetlands on a rotational basis, moving between small pools and wet areas to optimize feeding and thermoregulatory opportunities, and into meadows and other dry areas to nest (See Klemens, 1998: Ephemeral Wetlands:

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Ephemeral Protection--copy attached). The NJTA DEIS fails to adequately address complex habitat usage by various vertebrates (including amphibians and reptiles) by "pigeonholing" species into habitat types without regard for the seasonal movements of species within a landscape mosaic. My personal observations on newly constructed highways that dissect habitat mosaics at or within 10 feet of grade is that within the first decade of construction, road mortality of many small vertebrates is high. This gradually lessens as a kill zone is established along the highway, where densities of small vertebrates are reduced. There are technologies to mitigate some of this loss, and these should be explored in the EIS. One such project has recently been built by NY State DOT at the base of the Helderberg Escarpment in Albany County (along the Black Creek swamp system in the towns of Guilderland and New Scotland).

My final scoping comments deal with wetlands losses and especially mitigation. It is very difficult to mitigate complex, wetland ecosystems. The creation of mitigation wetlands often does little but hasten the penetration of weedy and invasive plants and animals into formerly intact and undisturbed ecosystems. The recognition of the functional quality of differing systems is the justification why the Army Corps sets a differential standard of replacement ranging 1:1 for swales to a 2:1 for complex forested systems. However, functional analysis only encompasses a portion of wildlife issues--there are other issues that are not met solely by replacing wetland function and these should be explored within the EIS. For example, what are the impacts of the loss of mature forested systems versus creation of young forested systems? The USFWS (see Mr. Day's letter to Colonel Pearce, May 4, 1999) discusses the difficulties of creating forested wetlands, and the options to restore wetlands rather than create *de novo* wetlands. The EIS should not only address the function of mitigation wetlands, but which species will be expected to use the newly created wetlands, and which species will not, and then to extend that extrapolation out over 30 years (as the wetland matures).

Thank you for the opportunity to convey my concerns to the Army Corps. If I can be of further assistance, please do not hesitate to contact me at 914-925-9175.

Sincerely,

Michael W. Klemens, PhD

Attachments (3)

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KEYNOTE ADDRESS

Ephemeral Wetlands—Ephemeral Protection?

by Michael W. Klemens, Ph.D.

Abstract

Current regulations have not protected vernal pools. To reverse the trend toward simplified wetlands and reduced biodiversity spreading throughout our region, it is essential that we promote the biological concept that the uplands surrounding vernal pools are integral parts of the wetland system. A more creative application of biological information and land use planning is needed, and a new approach, cooperative stewardship of wetland resources, is proposed as the best hope we have to protect vernal pool ecosystems.

In the last decade, public interest in vernal pools, intermittent woodland pools, and other types of seasonal and ephemeral wetlands has mushroomed. Scientific and applied research on vernal pool systems has also increased tremendously. And yet, despite public concern and a large body of technical knowledge, we have had minimal success at protecting the biological integrity of these wetlands. This is the greatest challenge for all of us who share a concern for these unique places.

I have been fortunate, or unfortunate, depending on your viewpoint, to have devoted over two decades to the study of the distributions, variations, and abundance of the amphibians and reptiles of the northeastern United States. This work culminated in my doctoral dissertation, which, using multivariate statistical analyses, closely examined the landscape-scale processes that governed the presence, absence, and relative abundance of amphibians and reptiles in Connecticut, western Massachusetts, and southeastern New York (Klemens, 1990).

Portions of this work formed the foundation for my book, *The Amphibians and Reptiles of Connecticut and Adjacent Regions* (Klemens, 1993). An outgrowth of this project has been a focus on amphibians and reptiles that inhabit small, often shallow, wetlands and seepage areas on the fringes of larger wetland systems, as well as on disjunct, discrete vernal pools and wetlands. Many of New England and New York's endangered, threatened, rare, and declining amphibians and reptiles are tied to these types of wetlands. Declines of certain species, such as the bog turtle, are well documented (US Fish and Wildlife Service, 1997). Other declines, such as those observed in ribbon snakes, dusky salamanders, and leopard frogs (Klemens, 1993) are just beginning to receive wider recognition.

Today, I am calling your attention to the Jefferson salamander, a vernal pool obligate species that is undergoing a rangewide decline. Causes of this decline are two-fold: 1) local extinction through loss of habitat, both wetland and forested upland, and 2) genome replacement via gynogenetic and hybridogenetic pathways involving sympatric blue-spotted salamanders. The decline of the Jefferson salamander is not limited to our region; in Ohio and Indiana this species is being genetically subsumed by blue-spotted, narrow-mouthed, and tiger salamanders (Selander, 1994). Habitat disturbance and fragmentation appears to set the stage for, or at very least, greatly accelerate, these processes (Bogart and Klemens, 1997).

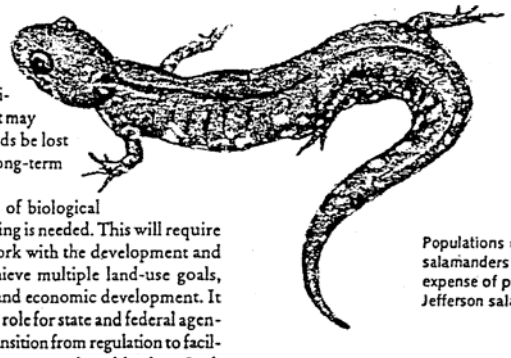
Our assumptions are based on an 18-year study that examined the genetic profiles of Jefferson and blue-spotted salamander populations in landscapes of varying levels of disturbance and fragmentation in New England and New York. Decline of the Jefferson salamander has been obscured because of: 1) the difficulty in assigning the correct genome and ploidy to salamanders, and 2) the mistaken assumption that the so-called hybrids were rare, and the diploid, bisexual parental forms were common. In fact, the very reverse is true.

Studies conducted in New York's Great Swamp (M. W. Klemens and D. Murphy, unpublished data) further illustrate the landscape scale problems of wetland dependent species. The Great Swamp spans over 4,200 acres of wetland within a 63,000 acre catchment, located in eastern New York and southwestern Connecticut. This is one of the most rapidly developing regions of the New York Metropolitan Region. In order to better inform land-use planning, we examined seven landscape blocs that included replicates of wetland and upland habitat. These seven blocs were characterized as having low levels of disturbance and fragmentation (n=3); moderate levels of disturbance and fragmentation (n=2); and high levels of disturbance and fragmentation (n=2). The presence/absence data on amphibians and reptiles within these blocs demonstrates the landscape sensitivity of vernal pool species when compared to riverine and floodplain species.

Table 1 illustrates that species dependent upon intermittent woodland pools and adjoining forested upland are almost totally confined to large, unfragmented landscape blocs, whereas those that are dependent upon riverine and flood plain swamp systems are able to persist in moderately, and in some instances, severely disturbed and fragmented sites. This may be

spreading throughout our region? Scientific knowledge of the requirements of wetland-dependent species is far ahead of regulatory mandates. And, blanket regulation of small wetlands with greatly expanded areas of contiguous upland habitat protection is not likely, at least, not in the short term. Therefore, a concept we call the "cooperative stewardship" of wetland resources, which is the goal of the Great Swamp study, may be the best hope we have to protect vernal pool systems that are on private land. This will require identifying exemplary, intact systems, and working with private landowners and local municipalities to protect these habitats through a more creative application of the subdivision and development process. It may also require that certain wetlands be lost in exchange for substantive, long-term conservation of other sites.

A more creative application of biological information and land use planning is needed. This will require scientists who are willing to work with the development and municipal communities to achieve multiple land-use goals, including resource protection and economic development. It also defines a new, and exciting, role for state and federal agencies, as they begin to make the transition from regulation to facilitation of partnerships to achieve conservation objectives. Such efforts are already well underway in New York, where the DEC, through its Hudson River Estuary Biodiversity Initiative, is casting a new role for the agency, as a broker, enabler, and facilitator, bringing together a diverse group of stakeholders to create an inter-municipal, cooperative biodiversity stewardship plan for the lower Hudson Valley. It is my belief, that the future of vernal pools and their fauna will be tied to the effectiveness of these and similar efforts.



Populations of the blue-spotted salamanders are expanding at the expense of populations of Jefferson salamanders.

Literature Cited

Bogart, J. P. and M. W. Klemens. 1997. *Hybrids and genetic interactions of mole salamanders (Ambystoma jeffersonianum* and *A. laterale)* (Amphibia:Caudata) *in New York and New England. Am. Mus. Novitates* 3218, 78 pp., 8 figures, 16 tables.

Klemens, M. W. 1990. *The herpetofauna of southwestern New England.* Ph.D. diss., Univ. Kent, Canterbury, U.K.

Klemens, M. W. 1993. *Amphibians and Reptiles of Connecticut and Adjacent Regions.* State Geological and Natural History Survey of Connecticut Bulletin 112, xii+318 pp.

Selander, T. C. 1994. *Reproduction of unisexual hybrid Ambystoma* (Urodela: Ambystomatidae) *in the absence of parental species.* M.Sc. thesis, Univ. Dayton, Dayton, Ohio, 119pp.

United States Fish and Wildlife Service. 1997. "Final rule to list the northern population of the bog turtle as threatened and the southern population as threatened by similarity of appearance." *Federal Register* 62 (213—Tuesday, November 4, 1997): 59605-59623.

Born in Australia, Michael Klemens was educated in the US and Europe, and he received his doctorate in conservation biology and ecology at the University of Kent at Canterbury in the United Kingdom. Klemens has worn many hats at the Wildlife Conservation Society, which is headquartered at the Bronx Zoo, and he was recently named director of a new Society program, funded by a grant from the Surdna Foundation, to implement public policy, land-use, and conservation strategies for the Tristate Metro New York region. Klemens has also been responsible for the strategic development of the Society's international field conservation program of some 270 projects in 52 countries.

On the research staff of the American Museum of Natural History since 1979, Klemens was instrumental in the creation of the Museum's Center for Biodiversity and Conservation. He holds adjunct faculty research positions at Columbia, the University of Massachusetts, and the Durrell Institute of Conservation and Ecology in the UK. His work has resulted in many scientific papers, as well as several books dealing with amphibian and reptile conservation and natural history, most notably, *The Amphibians and Reptiles of Connecticut and Adjacent Regions.*

Klemens's work in East Africa recently received multiyear support from the MacArthur Foundation, and he also has ongoing projects in the lower Hudson Valley. An advocate of scientists getting involved in government and their local communities for conservation work, Klemens is a member of the World Conservation Union's Species Survival Commission and of the Scientific Advisory Board of American Rivers, and technical advisor to the Army Corps of Engineers, the US EPA, and the US Fish and Wildlife Service. He has also served on the Conservation Commission of his local community, Rye, New York, where he helped write that city's wetlands and watercourses ordinance. At present, Klemens is chairman of the Rye Planning Commission.

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Exhibit B

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Review of Draft Environmental Statement for the Route 92 Project

Norman L. Marshall

Prepared for South Brunswick Township, New Jersey

June 2004

Executive Summary

This report reviews the *Draft Environmental Impact for the Route 92 Project proposed by the New Jersey Turnpike Authority*. The major findings of this review are organized within seven areas:

1) Route 92 does not relieve congestion in the study area – The DEIS never presents traffic congestion information for the 2028 Route 92 scenario next to information for the 2001 base year. When these data are brought together from different sections of the DEIS it is clear that the 2028 future traffic conditions with Route 92 are consistently worse than the 2001 conditions. Furthermore, in the future 2028 Route 92 scenario, both the New Jersey Turnpike and the new Route 92 are modeled with unacceptable levels of service. This undermines a central rationale for the project that there is excess roadway capacity on the New Jersey Turnpike.

2) All 2028 scenarios show similar levels of congestion, and Route 92 worsens congestion on the N.J. Turnpike – Congestion levels on the New Jersey Turnpike in 2028 are modeled as worse with Route 92 than in the No Build scenario. Benefits of Route 92 to east-west routes are small and do not remove bottlenecks in the roadway system.

3) The DEIS uses "through trips" as bogeyman to exaggerate benefits – The small benefits are exaggerated by focusing attention on "through trips", also called "non-local." The trips labeled in this way are indistinguishable by the public. Reporting results only for these non-local trips exaggerates any benefits of Route 92.

4) The TDM alternative was rejected inappropriately – The Travel Demand Management (TDM) alternative was rejected before full analysis because it only would reduce vehicle miles of travel (VMT) by "5-10" percent. In contrast, the Route 92 scenario probably increases VMT. A reduction of 5-10 percent in traffic would have a greater impact on traffic congestion in the study area than Route 92, so there was no basis for not fully analyzing this alternative.

5) The Purpose and Need improperly defined to require new roadway – The DEIS defines *Purpose and Need* as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike. These are not needs but just alternative ways of describing Route 92.

6) The 2028 No Action scenario is an unrealistic "straw man." – The huge amount of future traffic growth is predicated on a huge increase in study area employment. This would require an increase in net in-commuting in the study area in 2001 of about 17,000 to about 63,000 in 2028. This could not be accomplished without significant changes in travel behavior and/or major changes in transportation infrastructure.

7) The unrealistic "Straw Man" future exaggerates any Route 92 benefits – Loading unrealistic traffic volumes onto the No Build network produces extreme levels of future congestion. Because traffic delays and associate air emissions increase exponentially with

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traffic, even small reductions in traffic can have significant impacts. Therefore, the benefits of any diversion of traffic onto Route 92 are exaggerated.

This entire Route 92 effort is misdirecting attention away from addressing actual traffic congestion issues. Residents of the study area would be much better served by transportation planning efforts that addressed real needs with real solutions. These planning efforts should include realistic estimates of and planning for growth in housing and job centers, thorough consideration of Transportation Demand Management (TDM) strategies and transit, and targeted local roadway improvements, including improved local connectivity and intersection improvements.

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Summary of Findings

This report reviews the *Draft Environmental Impact for the Route 92 Project proposed by the New Jersey Turnpike Authority*, dated April 2004. This review relies on information presented in the DEIS, standard transportation planning and engineering reference materials, and 2000 Census data. The major findings of this review are:

1) Route 92 does not relieve congestion in the study area.
2) All 2028 scenarios show similar levels of congestion, and Route 92 worsens congestion on the N.J. Turnpike.
3) The DEIS uses "through trips" as bogeyman to exaggerate benefits.
4) The TDM alternative was rejected inappropriately.
5) The Purpose and Need improperly defined to require new roadway.
6) The 2028 No Action scenario is an unrealistic "straw man."
7) An unrealistic "Straw Man" future exaggerates any Route 92 benefits.

Route 92 does not relieve congestion in the study area

SBTNLM-1

The DEIS defines *Purpose and Need* narrowly as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike (DEIS, p. 1-7). These needs are abstract unless they result in tangible benefits to New Jersey's citizens.

While relieving congestion in the study area is not an explicit need, much of the argument supporting Route 92 is presented in terms of congestion – maps showing congested roadways, modeled travel time between points, intersection levels of service and intersection levels of delay.

Without closely examining the information presented, it might appear that the proposed project reduces congestion in the study area. Instead, the material in the DEIS forecasts that congestion in the study area, including travel of east-west local roads will be much worse in the future with Route 92 than it is today. The graphics on the following two pages, taken from the DEIS, demonstrate this for the morning and afternoon weekday peak travel periods.

The graphics show volume-to-capacity (V/C) ratios for four ranges (green: <0.75, yellow: 0.75-0.9, blue: 0.9 - 1.2, and red: >1.2. The DEIS identifies roadways with V/C > 0.9 as "substandard" (p. 1-17). Therefore, the level of service is modeled as adequate for the green and yellow links, and poor for the blue and red links. In both the morning and afternoon peak periods, traffic congestion is much worse in the future with Route 92 than in the base year.

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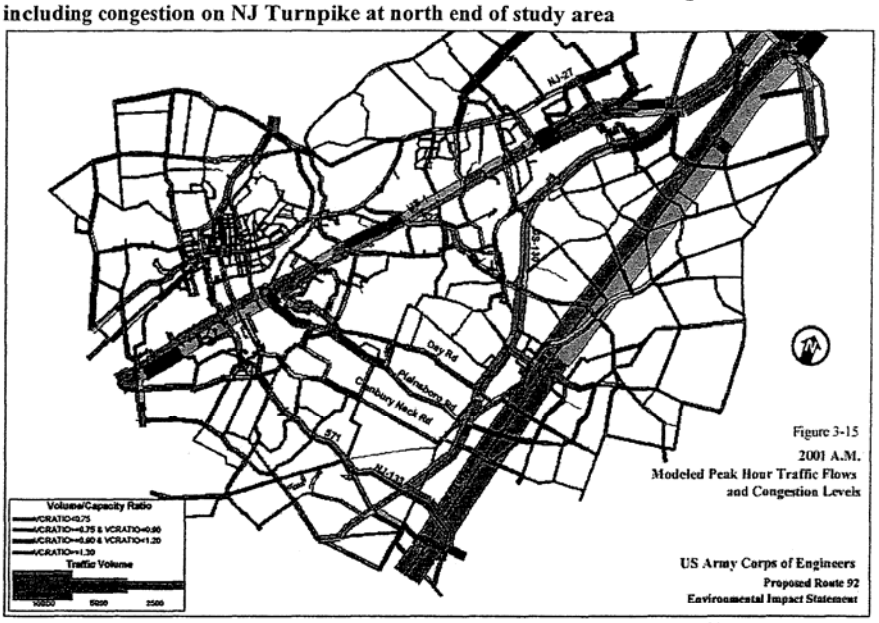
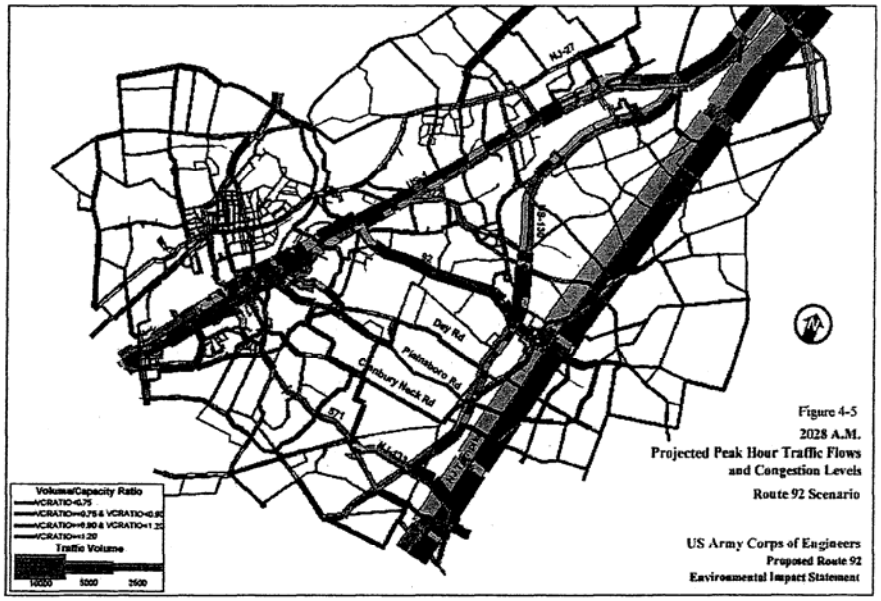
SBTNLM-1

2028 A.M. with Route 92 vs. 2001 A.M. – congestion much worse throughout study area including congestion on NJ Turnpike at north end of study area





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SBTNLM-1

2028 P.M. with Route 92 vs. 2001 A.M. – congestion much worse throughout study area including congestion on significant congestion on NJ Turnpike

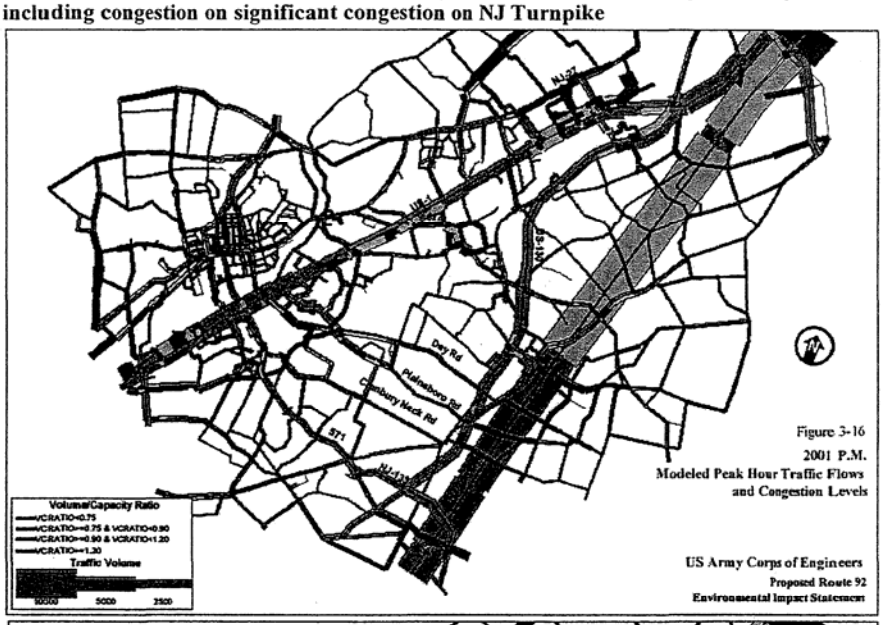

Figure 3-16
2001 P.M.
Modeled Peak Hour Traffic Flows
and Congestion Levels

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

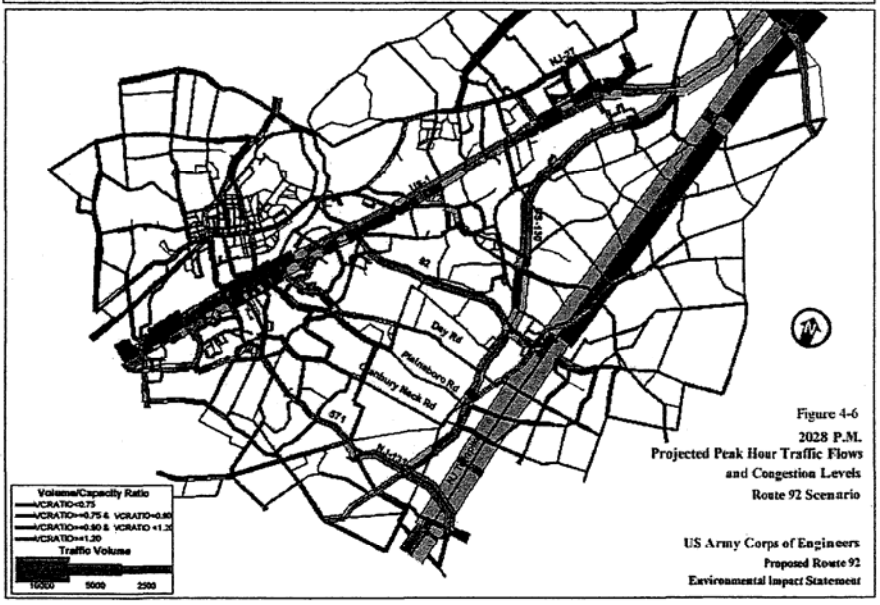

Figure 4-6
2028 P.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
Route 92 Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

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SBTNLM-1

The DEIS appears to make a special effort to never compare base conditions directly to future Route 92 conditions. Comparisons are always between base 2001 and future no action, or future Route 92 vs. future no action. These three cases never appear in the same table or graphic, or even in the same section of the DEIS. The table below combines DEIS information provided in tables separated by over 200 pages of text.

Intersection Level of Service – 2001 vs. 2028 with Route 92

	Intersection Level of Service			
	2001		2028 Route 92	
Intersection	**A.M.**	**P.M.**	**A.M.**	**P.M.**
US-1 @ Cozzens Lane				
US-1 @ Major Road (Sandhill)		D		E
US-1 @ New Road		E		E
NJ-27 @ Raymond Road	A	B		
NJ-27 @ CR-522	D	D	D	D
Scudders Mill Rd @ Schalk's Crossing Rd	D	C		
Scudders Mill Road & Dey Road	F	D		
Plainsboro Road & CR-535	C	B	D	B
US-130 @ Dey Road				
Dey Road & CR-535	D	C		
NJ-32 @ CR-535	F	F	*	*
NJ-32 @ Herrod Blvd.	F	F	**	**
US-130 @ Friendship Road				
George's Road & Kingston Road	B	B	C	B
CR-522 & Kingston Road				
US-1 @ CR-522				
US-1 @ Ridge Road	F	F	**	**

* replaced with two new intersections in Route 92 scenario, level of service not determined
** intersection omitted from Table 4-16
Table constructed from DEIS Tables Tables 1-3 (p. 1-15) and 4-16 (p. 4-53).

In the table above, no intersection is shown with a better level of service in 2028 with Route 92 than for base 2001 conditions. In addition to the intersections operating at level-of-service "F" or failing today (shown in red), four additional intersections fail in the 2028 with Route 92 scenario, during the morning or afternoon weekday peak periods, or both.

The cells colored yellow in the table are ones in which no direct comparison can be made. Two of the intersections are omitted from Table 4-16. For the other intersection, NJ-32 @ Herrod Blvd., the note to table 4-16 says that this intersection will be replaced with two new intersections, "planned such that the peak-hour level-of-service would be at least "D". However, the total delay of passing through two level-of-service "D" intersections could be comparable or even greater than the delay of passing through one level-of-service "F" intersection.

As demonstrated in the traffic flow diagrams, traffic congestion in the 2028 Route 92 scenarios is modeled as considerably worse than for 2001 base conditions.

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SBTNLM-2

All 2028 scenarios show similar levels of congestion, and Route 92 actually worsens congestion on the N.J. Turnpike

While traffic congestion modeled in the 2028 Route 92 scenario is much worse than for 2001, conditions modeled for the 2028 No Build and Route 92 scenarios are quite similar. (See graphics on following pages.) Comparing 2028 No Action) and 2028 Route 92 for the morning peak hour, the delay maps are very similar except for the new Route 92. Remarkably, Route 92 is shown in blue for both the east-bound and west-bound directions. It is modeled with a poor level of service in 2028! Similarly the Turnpike northbound is blue in both scenarios. The DEIS repeatedly refers to "adequate" capacity on the Turnpike (including on p. ES-1), but this appears to mean today, and not necessarily in the future. The DEIS forecasts show an inadequate level of service on the Turnpike, which contradicts one of the central rationales for the project.

Few links change color between the two scenarios – either on the east-west roadways or on Route 1. When one or two links on a route do show an improvement, there generally continues to be red and/or blue links elsewhere on the same route, so that bottlenecks are not removed.

The comparison for the afternoon peak hour is even more striking because the Turnpike north of Route 92 has a poor level of service northbound in the Route 92 scenario but not in the No Action scenario. In this case, the shift of traffic to the Turnpike causes congestion on the Turnpike. Otherwise, as in the morning peak hour, most roadway links have the same V/C class in both future scenarios.

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2028 P.M. – NJ Turnpike congested in Route 92 scenario only, little noticeable improvement in congestion relative to No Action

SBTNLM-2

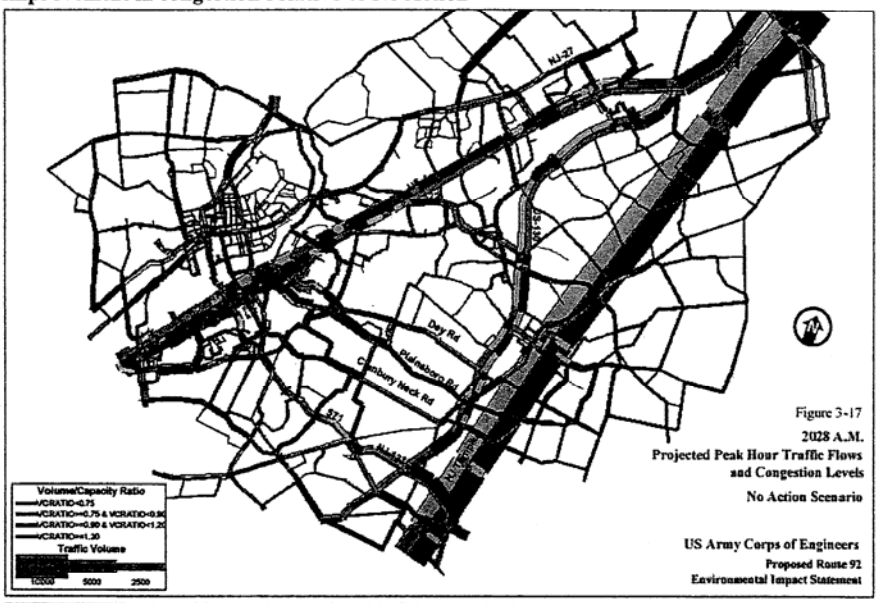

Figure 3-17
2028 A.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
No Action Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

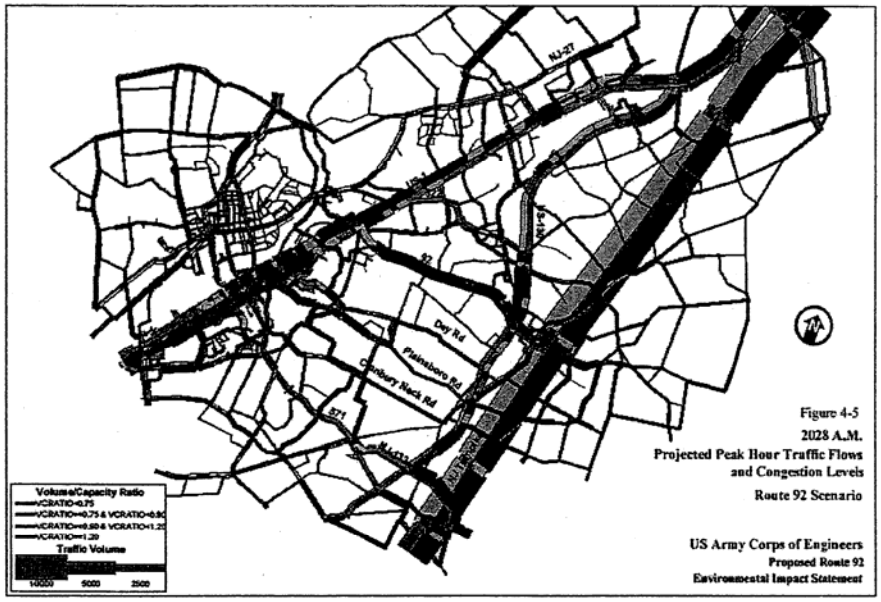

Figure 4-5
2028 A.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
Route 92 Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

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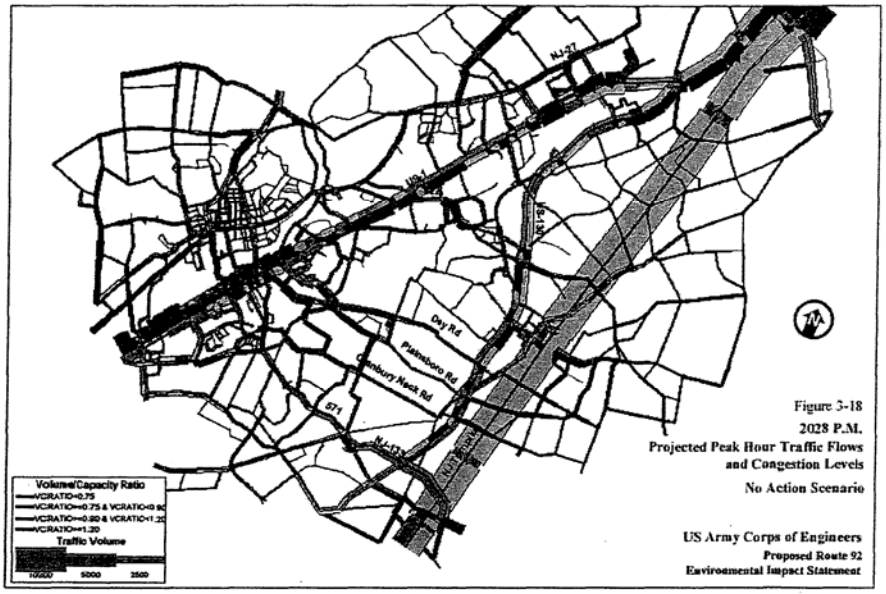
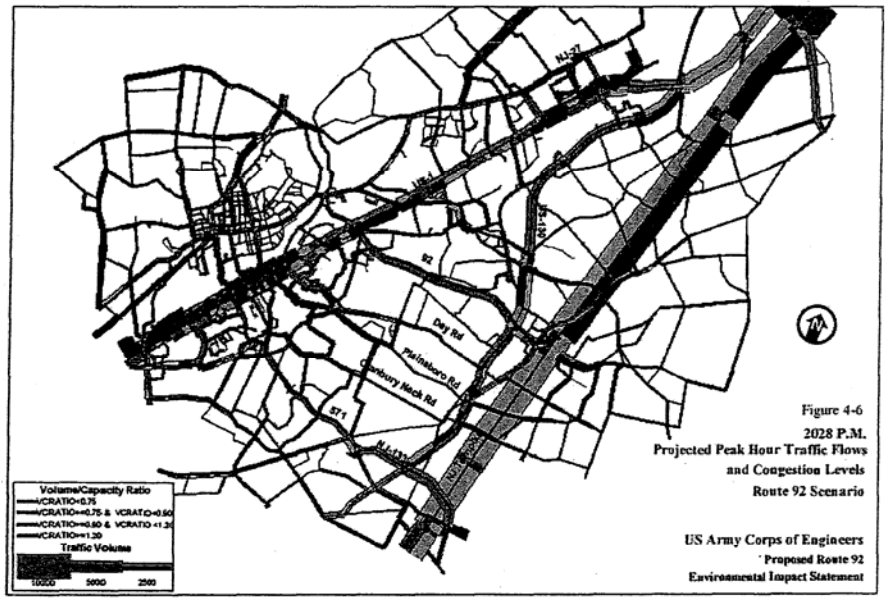
2028 P.M. – Route 92 congested westbound in Route 92 scenario only, little noticeable improvement in congestion relative to No Action scenario





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DEIS uses "through trips" as bogeyman to exaggerate benefits

As documented above, 2028 traffic congestion with Route 92 is modeled as much worse than congestion in 2001. The 2028 with Route 92 scenario is very similar to the Route 92 No Build scenario. In order to exaggerate the differences between the 2028 scenarios, the DEIS manipulates analysis results. Many of the results are reported for "through traffic" only (also called "non-local"), instead of reporting information concerning all traffic.

"Through traffic" and "non-local" appear in the DEIS dozens of times, often coupled with a negative adjective such "adverse through traffic." Despite the apparent importance of this concept to the DEIS, it does not appear to be defined explicitly in the document. "Through traffic" sounds like long distance travel such as on the N.J. Turnpike. In the DEIS, "through" appears to refer rather to east-west travel that extends completely between the Turnpike and Route 1. As the study area extends to both the west of Route 1 and the east of the N.J. Turnpike, many "though" trips have both their origin and destination within the study areas. Most other "through" trips will have either their origin or destination within the study area, e.g. workers commuting into the assumed future job locations.

There is no clear line between "non-local" and other traffic, and residents would not be able to tell the difference between the two. Given the reality of the composition of "through traffic" as defined in the DEIS, it seems somewhat silly to focus on through traffic as having adverse impacts on communities as different from the impacts of other traffic. It seems to be using "non-local" as some sort of bogeyman as is illustrated in the excerpt below.

> Removal of through traffic from neighborhood centers would improve quality of life and would tend to strengthen the identification of residents with their communities while allowing more efficient development designs (such as interconnected developments, which are not desirable at present because they become routes for through traffic (ES-14)

SBTNLM-4

In addition to using "through traffic" as a bogeyman to scare the public, the major function of this focus is to make the impacts of Route 92 look larger than they are. In the present, "through traffic" represents about 1/6 of total traffic on the east-west roadways.

> The most serious congestion in the Traffic Study Area, however, occurs on the two-lane east-west roads, such as Ridge Road, Dey Road, and Plainsboro Road. Currently, approximately 16 percent of traffic on these roads is through traffic. (p. ES-11)

The 2028 modeling indicates that "through" traffic will represent about 25 percent of east-west traffic (p. 1.1). This increase from 16 percent to 25 percent is highly unlikely. As is discussed below in this review, the DEIS assume unrealistic increases in study area employment which forces new traffic into the study area. Maintaining the current 16 percent fraction of "non-local traffic" is much more likely, particularly if congestion worsens which will discourage long east-west trips.

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Rather than reporting overall reductions in traffic, the DEIS reports decreases in "through traffic."

> NJTA proposed Route 92 would *decrease* westbound non-local peak hour trips using local east-west roads by 18 percent in the morning and would *decrease* eastbound non-local trips using local roads by 28 percent in the evening. (p. 2-11)

Considering 25 percent of total traffic as through traffic, this suggests that the overall reductions in future east-west traffic claimed are approximately 4.5 percent and 7 percent in the morning and afternoon peak hours, respectively. With the more likely 16 percent factor, the decreases are only 2.9 percent and 4.5 percent. These numbers are much less dramatic than 18 and 28 percent, and are not reported in the DEIS. Furthermore, these are decreases relative to the future No Build scenario – not reductions from the present. In general, they represent increases in traffic relative to the present. As will be discussed below, the 2028 No Build scenario has been developed as an unrealistic "straw man" against which maximum benefits can be illustrated.

TDM alternative rejected inappropriately

SBTNLM-5

The DEIS rejects the Travel Demand Management (TDM) alternative because it estimates that it could only reduce vehicle miles traveled by 5-10 percent.

> In the project study area, the potential cumulative reduction in vehicle miles traveled after aggressive implementation of the above-described TDM strategies is estimated to be in the 5-10% range. These strategies, while not sufficient by themselves to eliminate the need for the proposed project, as evidenced by existing and projected congestion levels, are nonetheless important components of a coordinated transportation system. (p. 2-10)

A 5-10 percent potential reduction in vehicle miles traveled actually is very significant. In contrast, the Route 92 alternative most likely increases VMT. The 5-10 percent reduction is similar to, and possibly greater than the reductions on the local east-west roads other than Route 92 (2.9 to 7 percent as discussed above). It certainly would have a greater impact on the north south routes, including both Route 1 and the Turnpike.

Furthermore, the 5-10 percent figure may be low, as it is presented without supporting evidence. For example, the DEIS suggests that flex time and telecommuting could reduce traffic (presumably peak hour) by 1-1.5 percent but gives no support for this estimate. (p. 2-7)

The DEIS briefly mentioned that "bus rapid transit … is recommended for further study" (p. 2-10) but does not seriously consider its potential.

The DEIS makes a strange statement about parking management, "This strategy would not significantly reduce the need for additional travel capacity in the study area because most of the major parking demands are north of the study area in the metropolitan employment centers of New York City, Newark, etc." (p. 2-8) The DEIS documents many thousands of parking spaces at special generators including Princeton University and transit stations that are managed now or could be (p. 3-18). There is no reason parking management cannot be extended to private

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businesses. The Greater Mercer Transportation Management Association (GMTMA), based in Princeton, was founded in 1984. Its website includes 22 separate references to parking, including information for employers about parking cash out programs.

With additional analysis, it probably would be found that TDM scenario traffic reductions would be greatest along the most congested east-west segments in the study area, i.e. westbound towards Princeton in the morning peak hour and eastbound away from Princeton in the afternoon peak hour. This would likely reduce traffic congestion in the study area much more than constructing Route 92.

Purpose and Need improperly defined to require new roadway

SBTNLM-6

If the TDM alternative achieves the 5-10 percent reduction in vehicle miles traveled (VMT) suggested in the DEIS, it would have much greater impacts on traffic congestion in the study area than the construction of Route 92. It probably would not have been eliminated from consideration of alternatives except that the Purpose and Need in the DEIS is defined in such a way that it can only be satisfied by a new roadway.

The DEIS defines *Purpose and Need* as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike. These are not needs but just alternative ways of describing Route 92.

a) *North-South connection to Turnpike* – The modeling results discussed above show congestion on Route 1 to be localized in 2028 in the morning and afternoon peak periods and congestion on the Turnpike to be systemic. Therefore, the entire premise of shifting traffic from Route 1 to the Turnpike appears to be flawed.

b) *New high-speed east-west connection* – This is simply a project masquerading as a need unless there are quantifiable benefits. As discussed above, any benefits are minor.

If the Purpose and Need properly identified real needs, such as congestion relief, the TDM alternative would satisfy the needs better than Route 92.

The 2028 No Action scenario is an unrealistic "straw man"

SBTNLM-7

The huge amount of traffic growth in the study area in all scenarios is predicated on assumptions about growth in population, households, and employment. These assumptions may be based on past trends, but nevertheless are unrealistic for the future. Very high growth in employment is assumed, 67 percent between 2001 and 2028. In contrast, population growth is assumed to be moderate, only 19 percent over the period. The table below is copied from Appendix C of the DEIS.

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Table 4

MUNICIPAL POPULATION AND EMPLOYMENT GROWTH

	2001	2028
HOUSEHOLDS:		
Plainsboro Township	9,438	9,893
Princeton Borough	3,465	3,502
Princeton Township	6,018	6,106
South Brunswick Township	13,981	18,089
West Windsor Township	7,443	10,988
STUDY AREA TOTAL	40,345	48,578
POPULATION:		
Plainsboro Township	21,865	23,070
Princeton Borough	15,054	15,137
Princeton Township	16,947	17,143
South Brunswick Township	38,214	51,186
West Windsor Township	22,911	30,343
STUDY AREA TOTAL	114,991	136,879
EMPLOYMENT:		
Plainsboro Township	27,266	40,530
Princeton Borough	5,561	5,680
Princeton Township	5,854	6,917
South Brunswick Township	31,121	51,048
West Windsor Township	18,991	43,915
STUDY AREA TOTAL	88,793	148,090

DEIS, p. C-29

Employment growth rates in the study area have exceeded population growth in the recent past, but these trends are unsustainable. A primary factor in the past has been an increase in overall labor force participation, due to large numbers of women entering the labor force. This trend has run its course; it is not expected that female labor force participation will continue to increase. Instead, male labor force participation rates are expected to decline due to the aging population.

With increased labor force participation in the past, only a moderate portion of the job growth in the subarea has required an increase in net in-commuting. As presented in the table below, the employment forecasts used in the DEIS would require a huge increase in net in-commuting into the study area.

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Implications of DEIS socioeconomic forecasts

	2001	2028	notes
population	114,991	136,879	DEIS, App. C, Table 4
employment	88,793	148,090	DEIS, App. C, Table 4
workers in population	65,221	77,636	57% of population from 2000 Census
jobs worked by population	71,743	85,399	assuming 10% work 2 jobs (typical value)
net in-commuting	17,050	62,691	study area emp. - jobs worked by pop.
difference		45,641	**growth is 267% of 2001**

In 2000, 57 percent of the study area population was in the labor force. (The majority of the other 43 percent are children and seniors.) As noted above, this factor may decline in the future, but to be conservative, it will be held constant. Factoring the 2001 and 2028 populations by 57 percent results in study area workforces of 65,211 in 2001 and 77,636 in 2028. Assuming that 10 percent of the workforce works 2 jobs (a typical value), the study area workforce can hold 71,743 jobs in 2001 and 85,399 jobs in 2028. Given 88,793 jobs in the study area in 2001, this requires net in-commuting of 17,050 workers. This is a large number that is a cause of significant congestion in the study area. For 2028, however, the DEIS assumptions require that this net in-commuting increase to 62,691 workers, with the growth of 45,641 alone being 267 percent of the current value. Assuming that this could happen without major changes in travel behavior and/or transportation infrastructure is absurd.

Without the large increases in employment assumed, the DEIS suggests that population growth could be even less than the 19 percent assumed. The 19 percent growth represents full buildout of available remaining land.

> Consequently, the available labor force within the four-town study area will be insufficient to supply even a part of the new job demand. Therefore, it is suggested that the pressures of high job growth and limited labor force will pressure the housing market within the study area. As a result, it is estimated that all the Committed and Uncommitted population and household development will occur by 2028. (p. C-28)

The effect of the assumed excess jobs is necessarily a large increase in subarea vehicle miles of travel, for both work trips and non-work trips. The only way that this amount of employment could be supported would be through aggressive transit and TDM strategies of the types that were rejected in the DEIS.

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Unrealistic "Straw Man" future exaggerates any Route 92 benefits

The "straw man" employment forecast translates into unrealistically high future traffic congestion which exaggerates the benefits of any action, including Route 92, that reduces the trumped up problem at all.

The DEIS includes a table that shows the extent that the assumed growth in employment and population will overload the local roads.

Additional Lanes Needed	Miles of Roadway	
	No Action	With 92
1	413.8	380.5
2	60.3	48.9
3	1.3	0.4
4	0.3	0.3
TOTAL	475.7	430.2

DEIS, p. 4-49

The DEIS text states:

> Out of a total of 1,253 miles of roadways (counting each direction as a separate roadway) represented in the Traffic Study Area model, 476 miles are predicted to operate at substandard conditions (volume-to-capacity ratio of greater than 0.9) during at least on the peak hours if Route 92 is not built. (DEIS, p. 4-49)

Combining the numbers in the table with the 1,253 miles figure in the text, the DEIS states that 37.96 percent of the roadways need to be widened in the No Build scenario, but that only 34.36 percent of roadways need to be widened in the Route 92 scenario. The authors of the DEIS imply that the difference of 3.6 percent is extremely important. However, what is really important is that the table is telling us that more than 30 percent of the roadways need to be widened in either scenario. This confirms the argument made earlier in this review that the employment projections used are unrealistic without significant changes in travel behavior and/or the transportation system.

If the 2028 scenarios had been modeled with changes in travel behavior and/or the transportation system, the calculated benefits of Route 92 would be much less. Traffic delay increases exponentially with traffic volume. These exponential functions are built into the transportation model used in the DEIS. Therefore, any "improvement" will have the greatest apparent benefit when considered against the worst possible scenario.

This point is illustrated below with data from the DEIS. In the intersection delay analysis presented in Table 4-17, p. 4-54, the longest delays are modeled at the Scudders Mill Road and Dey Road intersection for morning peak conditions. These delays are modeled as averaging 697 seconds for the 2028 No Build scenario and 556 seconds for the 2028 Route 92 scenario. In Appendix C, results for two other scenarios are reported: 364 seconds for 2001 and 595 seconds for the 2028 Route 1 No Signals scenario.

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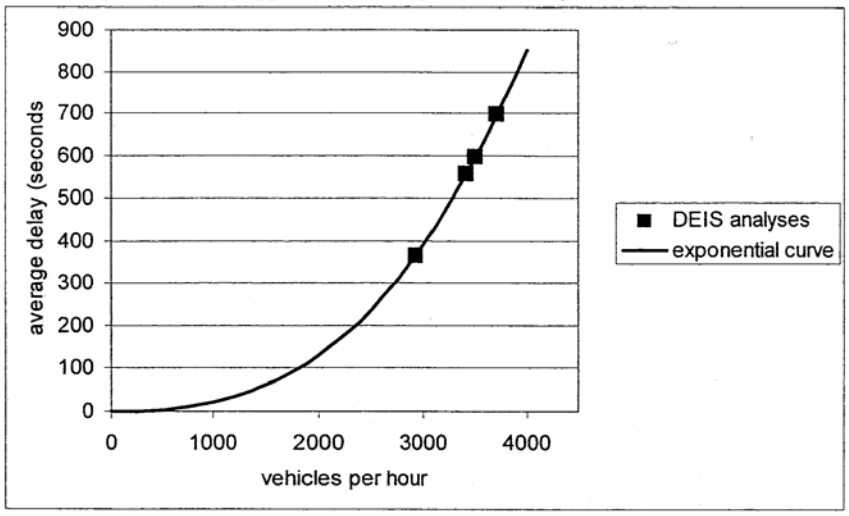
Again, it is necessary to point out that the 2028 results are unrealistic. The traffic volumes modeled are simply too high. Either employment growth would be less than assumed, other transportation improvements would be made, travel behavior would change (e.g. more telecommuting), or there would be some combination of all three factors. This becomes even more apparent when one looks closely at the analysis results in Appendix 4. To achieve the relatively good result for a delay of 556 seconds average (9.3 minutes), the analysis assumes that eastbound and westbound traffic will progress at levels-of-service "B" and "C" respectively, with delays of less than 1 minute while relegating the northbound and southbound approaches to severe level-of-service "F" conditions. The northbound approach is modeled with an average delay of 25 minutes (1527 seconds)! Clearly such unbearably long delays in combination with almost free-moving traffic eastbound and westbound would be unacceptable to the public.

Even though the scenarios are not realistic, they can be used to explore the effects of exponential delay. The graphic below plots delay as a function of intersection volume for the four scenarios along with an exponential curve fitted to the four data points. While highway capacity analysis is more complicated than a simple volume-to-delay function, the fit is quite good for a single intersection with unchanged geometry for the same time period.

A.M. peak hour traffic volume vs. average delay at Scudders Mill Rd. and Dey Rd - four scenarios reported in DEIS Appendix C and exponential curve fitted to DEIS results



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EIS results in Appendix C. From left to right, results are for 2001, 2028 Route 92, 2028 Rt. 1 no signals, and 2028 No Build scenarios. Exponential curve: $y = 1.576*10^{-7} * \text{volume}^{2.702}$.

The 2028 Route 92 scenario is modeled at 7.8 percent less traffic than the 2028 No Build scenario but this translates into 20.2 percent less delay. A difference of 288 vehicles per hour makes a difference of 141 seconds of delay on average. This large decrease in delay results from

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being on the steep part of the delay curve. In contrast, if the 2001 intersection volume were reduced by 288 vehicles, the reduction in delay would be only 89 seconds.

The effects of the exponential delay curves run through all of the transportation and air quality analyses:

- The point-to-point travel time statistics all assume an unreasonable amount of 2028 No Build traffic, and therefore overestimate the time savings from small reductions from these "straw man" traffic volumes.
- The microscale air pollution analyses (Table 4-12, p. 4-40) are based on the number of vehicles queuing at intersections; if the volumes and delays are overestimated, the emissions are overestimated.
- The mesoscale air pollution analyses (Table 4-3, p. 4-4) are based on traffic volumes and speeds. Again, if the volumes and delays are overestimated; the emissions are overestimated.

Summary

The Route 92 Draft Environmental Impact Statement begins with a Purpose and Need that could only be met by a new roadway. The DEIS then documents that Route 92 fails to reduce congestion in the study area. The DEIS indicates Route 92 actually worsens congestion on the New Jersey Turnpike in 2028, and also would itself be congested in 2028. This undermines a central rationale of the project as using excess Turnpike capacity. Any benefits of Route 92 are exaggerated through creating an unrealistic "straw man" future employment scenario that translates into unrealistic future traffic congestion in the 2028 No Build scenario, in combination with reporting results only for the bogeyman of "non-local" traffic.

This entire Route 92 effort is misdirecting attention away from addressing actual traffic congestion issues. Residents of the study area would be much better served by transportation planning efforts that addressed real needs with real solutions. These planning efforts should include realistic estimates of and planning for growth in housing and job centers, thorough consideration of Transportation Demand Management (TDM) strategies and transit, and targeted local roadway improvements, including improved local connectivity and intersection improvements.

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EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982

Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE:

Mr. Marshall helped found Smart Mobility, Inc. in 2001 and is its President. Prior to this, he was employed for 14 years at Resource Systems Group, Inc. where he developed a national practice in travel demand modeling and related transportation planning work. Most of his work is in the areas of developing regional transportation models and regional transportation planning, applying regional transportation models in project development analyses, and critiquing regional transportation models and studies based on regional transportation models.

Developing Regional Transportation Models and Regional Transportation Planning

Mr. Marshall led teams that developed regional transportation models for five Metropolitan Planning Commissions (MPOs) and also one statewide model. State-of-the-art features include integrated land use allocation models, non-motorized trip models, auto ownership models, advanced mode choice models, linked air emission models, and geographic information systems (GIS) interfaces. Mr. Marshall also has made significant enhancements to models in other regions.

Chicago Metropolis 2020—made further enhancements to the model developed for the Route 53 and I-355 Alternatives Studies (described below). These enhancements included implementation of a non-motorized trip mode based

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on urban form variables, and a truck freight model with multi-class assignment (truck restrictions, and truck-only routes).

Envision Central Texas—implemented many enhancements in MPO model including multiple time periods, feedback from congestion to trip distribution and mode choice, new life style trip production rates, auto availability model sensitive to urban design variables, non-motorized trip model sensitive to urban design variables, and mode choice model sensitive to urban design variables and with higher values of time (more accurate for "choice" riders).

Baltimore Vision 2030—working with the Baltimore Metropolitan Council and the Baltimore Regional Partnership, increased regional travel demand model's sensitivity to land use and transportation infrastructure. Enhanced model is being used to test alternative land use and transportation scenarios.

Route 53 and I-355 Alternatives Studies—with assistance from University of Illinois at Chicago staff, developed advanced transportation modeling capability of the Chicago. The model includes simultaneous selection of destination, mode, route, and time of day, and is being used to test alternative highway, transit, land use, and TDM scenarios.

Georgia Intercity Rail Plan—developed statewide travel demand model for the Georgia Department of Transportation including auto, air, bus and rail modes. Work included estimating travel demand and mode split models, and building the Departments ARC/INFO database for a model running with a GIS user interface.

Trip Generation Characteristics of Multi-Use Developments—estimated internal vehicle trips, internal pedestrian trips, and trip-making characteristics of residents at large multi-use developments in Fort Lauderdale, Florida.

Pease Area Transportation and Air Quality Planning—developed an integrated land use allocation, transportation, and air quality model for a three-county New Hampshire and Maine seacoast region

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Improved Transportation Models for the Future—assisted Sandia National Laboratories in developing a prototype model of the future linking ARC/INFO to the EMME/2 Albuquerque model and adding a land use allocation model and auto ownership model including alternative vehicle types.

The Future of Transportation Modeling—Member of Advisory Board on project for State of New Jersey researching trends and directions, and making recommendations for future practice.

Applying Regional Transportation Models in Project Development Analyses

Mr. Marshall has applied regional transportation models developed by his own team and by others in highway and transit planning projects at the project, corridor, and regional levels.

Essex (VT) Commuter Rail Environmental Assessment—estimated transit ridership for commuter rail and enhanced bus scenarios, as well as traffic volumes.

State Routes 5 & 92 Scoping Phase—evaluated TSM, TDM, transit and highway widening alternatives for the New York State Department of Transportation using local and national data, and a linkage between a regional network model and a detailed subarea CORSIM model.

Conformity Analyses - Applied models for three New Hampshire MPOs in calculating air emissions in the conformity process.

Twin Cities Area and Corridor Studies—improved regional demand model to better match observed traffic volumes, particularly in suburban growth areas. Applied enhanced model in a series of subarea and corridor studies.

Ohio 3-C Corridor Rail Estimation—re-calibrated a previously-developed demand model and produced ridership and revenue estimates for a proposed Cleveland-Columbus-Cincinnati high-speed rail service.

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Highway Investments and Induced Demand Travel—under contract with the Environmental Protection Agency, determined the extent to which the overall transportation planning and 4-step modeling processes account for induced demand, and the extent to which the individual components of different transportation planning and modeling methodologies account for induced demand

Reviewing Regional Transportation Models and Studies Based on Them

Mr. Marshall draws on his experience in developing and applying regional transportation models to review the work of others.

Stillwater Minnesota bridge – Part of expert panel convened by Minnesota DOT to review modeling of land use impacts of proposed new bridge and of tolling and transit alternatives (Twin Cities model).

Ohio River Bridges Projects– Reviewed Environmental Impact Statement for proposed new freeway bridge east of Louisville Kentucky for River Fields, a local land trust and historic preservation not-for-profit organization.

Indiana I-69 – Reviewed model analyses from Indiana statewide travel demand model of proposed new Interstate highway for coalition, including the Environmental Law and Policy Center of the Midwest.

Washington, DC region – Reviewed modeling of Potomac River bridge crossings.

Phoenix, Arizona – Reviewing conformity analyses and long-term transportation plan under contract to Tempe, a municipality in the Phoenix region.

Atlanta, Georgia – Critiqued conformity analyses and long-term transportation plan for an environmental coalition.

Philadelphia region – Reviewed regional modeling analysis of two proposed roadway projects.

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Daniel Island (Charleston, South Carolina) – Reviewed Draft Environmental Impact Statement for large proposed Port expansion (the "Global Gateway") for an environmental coalition.

Houston, Texas– Analyzed conformity analyses and long-term transportation plan for an environmental coalition.

MEMBERSHIPS/AFFILIATIONS

Associate Member, Institute of Transportation Engineers
Individual Affiliate, Transportation Research Board
Member, American Planning Association
Member, Congress for New Urbanism
Technical Advisory Committee, Vital Communities

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RECENT PUBLICATIONS AND PRESENTATIONS

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Brian Grady, Frank Beal and John Fregonese, presented at the Transportation Research Board's Conference on Planning Applications, Baton Rouge LA, April 2003.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Lucinda Gibson, P.E., Frank Beal and John Fregonese, presented at the ITE Conference on Livable Communities, Fort Lauderdale Florida, March 2003.

Evidence of Induced Travel with Bill Cowart, presented in association with the Ninth Session of the Commission on Sustainable Development, United Nations, New York City, April 2001.

Induced Demand at the Metropolitan Level - Regulatory Disputes in Conformity Determinations and Environmental Impact Statement Approvals, Transportation Research Forum, Annapolis November 2000.

Evidence of Induced Demand in the Texas Transportation Institute's Urban Roadway Congestion Study Data Set, Transportation Research Board Annual Meeting, Washington D. C: January 2000.

Subarea Modeling with a Regional Model and CORSIM with K. Kaliski, presented at *Seventh National Transportation Research Board Conference on the Application of Transportation, Boston MA: March 1999*

New Distribution and Mode Choice Models for Chicago with K. Ballard, *Transportation Research Board Annual Meeting*, Washington D. C: January 1998.

Land Use Allocation Modeling in Uni-Centric and Multi-Centric Regions with S. Lawe, *Transportation Research Board Annual Meeting,* Washington, D. C: January 1996.

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Multimodal Statewide Travel Demand Modeling Within a GIS with S. Lawe, *Transportation Research Board Annual Meeting,* Washington, D. C: January 1996.

Forecasting Land Use Changes for Transportation Alternatives with S. Lawe, *Fifth National Conference on the Application of Transportation Planning Methods*, Seattle, WA, April 1995.

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Exhibit C

WC091

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June 15, 2000

U.S. Army Corps of Engineers
New York District
Regulatory Branch
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Re: Department of the Army Permit Application Number 1999-00240-J1 (Route 92)

Dear Sir/ Madam:

These comments on the proposed scope of the environmental impact statement ("EIS") for Route 92 are submitted on behalf of my client, South Brunswick Township, New Jersey.

South Brunswick is grateful to the Corps of Engineers for deciding that this project requires a full environmental impact statement. That was the correct ruling and it will allow all governmental decision-makers to have before them a much fuller picture of the proposal, its functions and its impacts.

The scope of the environmental impact statement for Route 92 will depend in large part on how the project is conceptualized. Is it a 6.7-mile road from Exit 8A of the Turnpike to Route 1, period? Or is it the first segment of a longer roadway? We believe it is the latter, and that the EIS scope should be framed accordingly.

The origins and evolution of Route 92 show that the current proposal just represents a fraction of the overall idea. The original plan was to take Route 92 all the way west to Route 206, to be a major east-west artery for central New Jersey and to allow connections to I-287 and I-78. Montgomery Township successfully fought the extension to Route 206 (at least for now), and Route 92 was cut back to a road to Route 27. That was the subject of the 1994 draft EIS by the New Jersey Turnpike Authority. Now we see a proposal that only goes so far as Route 1.

Though the idea for building Route 92 has been under consideration since 1938, the proposed 6.7-mile segment is a direct consequence of the state's decision to de-designate I-95 in 1982. In fact, a February 1982 NJDOT report titled "Why We Are De-Designating I-95" stated, "[i]nstead of I-95's construction, NJDOT feels that the existing transportation network in the study corridor should be substantially strengthened to handle the needs which the studies demonstrate do exist." Route 92 represents one step in the extended process of building I-95 alternatives. The state may

not consider this process complete until the connector extends at least to Route 206, providing the utility that New Jersey sacrificed by de-designating the interstate highway.

The NJDOT has long viewed Route 92 and Route 206 as inter-related projects. A 1978 letter from Frank Winters to J.F. Andrews notes:

> It will be important that the Route 92 study begin as soon as possible in order to coordinate with the Route 206 study and to make sure the construction for the two projects is completed reasonably close together. This would avoid the traffic problems that would result if Route 206 were completed without Route 92.

Thus, for over twenty years, the state has intended to create a major east-west artery for central New Jersey. Approval of the 6.7-mile Route 1 connector is only one segment of this larger vision.

While the present Route 92 proposal no longer extends to Route 206, the pressures for traffic to make its way up to I-287 and I-78 continue. If Route 92 is built to Route 1, the pressure will build to extend it west from there. Meanwhile, the traffic that is brought to Route 1 from Route 92 will search for the pathways of least resistance to continue on west and north. Proponents of Route 92 recognize the potential for continued westward expansion of the road. Turnpike Authority Executive Director Edward Gross has conceded that "the present alignment for Route 92 doesn't foreclose extending it to Route 27." Similarly, Dianne R. Brake, president of MSM, has reported plans to lobby for an extension once the initial segment is built, noting that the 6.7-mile section is merely a first step. See Steve Bates, *A Longer Rt. 92 on the Horizon?* THE CENTRAL POST, MAR. 11, 1999, AT 7A (copy attached).

For these reasons, the westward scope of this DEIS should not stop at Route 1. Route 1 is not a logical terminus, and a road that goes only to Route 1 does not have the functional utility of one that goes further west. The EIS should consider two future scenarios:

1) Route 92 is extended further west, through corridors that can be conceptually identified now; and

2) Route 92 is not extended further west, and its traffic takes the existing roads toward their final destinations. Included would be Routes 518, 206, 202, 31 and 22.

Under the first scenario, the westward extension would go through wetlands and farms, and across rivers and streams. These should be identified and the impacts analyzed in the EIS. Since the extension has not been completely designed, the level of detail will necessarily be less than it will be for the segment of Route 92 that has been proposed. But that is no reason to ignore it. Basic planning principles require this ultimate westward penetration to be examined now.

This comprehensive analysis is further mandated by the regulations of the President's Council on Environmental Quality under the National Environmental Policy Act, the law under which this DEIS is being prepared. The regulations require consideration of both connected actions and cumulative effects. Connected actions are those "[a]ctions which trigger other actions." 40 C.F.R. § 1508.25(a)(1)(i). Cumulative impacts include those "impact[s] on the environment

which result[ ] from the incremental impact of the action when added to other past, present, and *reasonably foreseeable future actions*." 40 C.F.R. § 1508.7 (emphasis added). Certainly, construction of this 6.7-mile segment of Route 92 will trigger continued development, for the "commitment of resources to one highway segment makes additional construction more likely." Patterson v. Exon, 415 F. Supp. 1276, 1282 (D. Neb. 1976).

In light of the federal regulations, the DEIS should consider the environmental impacts of the 6.7-mile segment along with any reasonably foreseeable expansions. This comprehensive approach is consistent with Congress's intent to "instill in the environmental decisionmaking process a more comprehensive approach so that long term and cumulative effects of small and unrelated decisions could be recognized, evaluated and either avoided, mitigated, or accepted as the price to be paid for the major federal action under consideration." Natural Resources Defense Council v. Callaway, 524 F.2d 79, 88 (2d Cir. 1975) (citations omitted). While Army Corps need not consider every conceivable future development in the Midatlantic region, the "agency may not go to the opposite extreme of treating a project as an isolated 'single-shot' venture in the face of persuasive evidence that it is but one of several substantially similar projects." Id. The long history of road development in this part of New Jersey, stimulated nearly twenty years ago with the 1982 decision to "de-designate" I-95, demonstrates that this 6.7-mile proposal is not a "'single-shot' venture." To the contrary, the instant proposal can be perceived as the first segment of a much larger plan for a longer highway, traveling through Kingston to Route 27 and, potentially, as far as Route 206 in Somerset or Mercer county.

Even if the 6.7-mile proposal is viewed as an isolated project – i.e., that it will not go further west than Route 1 -- the pathways that the traffic will take to I-287 and I-78 should be identified, and the impacts along each of these pathways should be analyzed. Along the way are numerous historic villages and hamlets -- Kingston, Rocky Hill, Griggstown, Blackwells Mill, East Millstone, Hopewell, Manville, East Amwell, Pennington, and others. Once again basic planning and legal principles mandate that the impacts on each of these places be analyzed.

Council on Environmental Quality regulations further require analysis of:

> "Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 C.F.R. § 1508.8(b).

The Turnpike Authority may take the position that it will erect signs that direct traffic, especially trucks, to particular routes to avoid some of these villages and hamlets. If that is so, the DEIS should not assume that all traffic will follow these signs. It would be useful to include a discussion of the effectiveness of signs of this sort in actually diverting traffic to governmentally desired routes.

Closely related to the question of how far west will the road go is whether it is needed. In making its determinations under Clean Water Act Section 404, the Corps of Engineers must examine the

need for the project, because the law prohibits the destruction of wetlands in the service of unneeded projects.

Here the Turnpike Authority is on the horns of a dilemma of its own making. Its 1994 DEIS seemed to take the position that the road (even the road going all the way west to Route 27) would not generate any new traffic. Instead, previously existing traffic would just be redistributed and some of it would use this new road. This assumption underlay the DEIS's conclusion -- axiom, really -- that the road would not lead to any more air pollution, and would in fact lower air pollution and lower traffic congestion by allowing speeds to increase.

If the road in fact generated no new traffic -- in other words, no additional trips were taken because it is there -- that would be a remarkable achievement, one met by few if any roads of its size. Indeed, the tendency of new roadways to stimulate traffic by generating "induced demand" has been well documented in transportation planning literature.[1] It would also be an eloquent testament to the lack of need for the road. If the road's promised speed increases and convenient path do not induce any more trips, then one can question whether this road is really necessary.

The question of the necessity of the proposed road is particularly relevant in view of the construction of the improved Route 522 and of the Hightstown Bypass -- roads that will serve many of the purported east-west travel needs of Route 92, rendering Route 92 unnecessary.

Even if Route 92 is seen to offer additional benefits to the already existing roadways, these benefits will likely be diminished because of the need to finance the multi-million dollar development. The 1994 DEIS does not adequately address the proposed funding mechanism. If an additional toll is required or if existing tolls are increased, projected use may actually decline – again, decreasing the need for the expansion. If vehicle use declines, funding projections must be adjusted accordingly. Toll plaza delays will also increase travel times and air pollution. It is unclear whether these factors are considered in the 1994 DEIS. The final impact statement must consider such collateral consequences of an additional toll plaza or toll increase and determine whether these actions would deter vehicle use. If, instead, the NJTA plans to finance construction through state tax revenues, the DEIS should make projections about the necessary tax increases.

---

[1] See, e.g., Kevin Heanue, "Highway Capacity and Induced Travel: Issues, Evidence and Implications," Presented at the Transportation Research Board Annual Meeting, Jan. 1997; Robert Johnston and Raju Ceerla, "Travel Modeling with and without Feedback to Trip Distribution," Journal of Transportation Engineering, Jan./Feb. 1996, at 83-86; Harry Cohen, "Review of Empirical Studies of Induced Traffic," Appendix B *Expanding Metropolitan Highways: Implications for Air Quality and Energy Use,* Special Report 245, Transportation Research Board, 1995; Mark Hansen, "Do New Highways Generate Traffic?" *Access,* University of California Transportation Center, Fall 1995; and U.K. Department of Transport, Trunk Roads and the Generation of Traffic, 1994.

On the other hand, if the new road leads to an increase in traffic, that increase will have its own environmental impacts that should be analyzed in the DEIS. These include air pollution, noise, runoff, and the other effects of highways that are related to traffic volume.

Now that I have addressed the overall question of the geographic scope of the EIS, let me now turn to several particular kinds of environmental impacts that should be analyzed.

Historic -- The 6.7 mile road will pass through or near several historic properties. A further western extension of the road will pass through or near several more. The traffic if there is no extension will affect yet others. Even if there is no physical displacement, there will be impacts on the historic setting of the properties, and the vibration from continual truck traffic could cause damage. All of this should be analyzed in the context of a consultation with other relevant agencies pursuant to the National Historic Preservation Act.

Farmland -- According to the 1994 DEIS (p. 4-75), approximately 30% of the project impact corridor is in agricultural land. The proposal runs right through prime farmland. (DEIS Fig. 18.) These impacts should be analyzed, and should be put in the context of what is happening overall to agricultural lands in the region, and of state efforts to preserve productive farmlands. The consistency of the project with the U.S. Department of Agricultural Farmland Protection Policy Act, 7 U.S.C. § 4201, should be addressed; this statute requires the federal government to avoid farmland destruction absent an overriding public interest.

Wildlife – The separate statement of Dr. Michael Klemens addresses the issue of the project's impacts on wildlife, especially species that are considered either endangered or threatened (either under the federal Endangered Species Act or under New Jersey environmental law), as well as species that are declining and of regional concern. Dr. Klemens further addresses the need to consider overall ecosystem viability, rather than exclusively focusing on a few discrete species. He discusses the direct and indirect effects of habitat fragmentation as they relate to this project, particularly highlighting the need to protect large core habitat areas and the need to minimize forest edges. Where appropriate, Dr. Klemens highlights appropriate survey methodology. The DEIS should be based on the most advanced survey techniques. The chosen techniques should be explicitly described in the DEIS to facilitate public comment.

Surface Water -- The EIS should analyze the surface water runoff from the highway -- what will be the chemical composition of this runoff, where will it go, how it will affect aquatic organisms, and its effect on total maximum daily loads (TMDLs). This should include accident scenarios in which tanker trucks rupture and their contents are spilled into nearby waters. While the proposal includes several bridges to reduce direct wetland and surface water impacts, their utility may be limited in the event of an accident or major storm.

Groundwater -- Portions of the corridor overlie the Coastal Plain Sole Source Aquifer. As such, the Safe Drinking Water Act requires close analysis of the highway's potential impacts on this aquifer, which, again, relate primarily to runoff and accidents. Moreover, as indicated in the Fish & Wildlife Service letter of May 4, 1999, the subsurface water flow would be affected by fill material that would be deposited at depth; the hydrological effects of this fill material could drain nearby wetlands. This should be analyzed.

Wetlands -- The EIS should, of course, thoroughly analyze the effects of the roadway on wetlands. This includes not only physical intrusion, but also the effects of spanning some of the wetlands with bridges; bridges can cause shading effects, and their footers can help establish invasive plants. Dr. Klemens discusses the ecological relationships between upland habitats and wetlands that may be impacted by this project, as well as the likely reduction in wetland diversity and micro-topographic structure. As Dr. Klemens notes, any proposed mitigation plans should receive careful scrutiny as complex wetland systems, such as those in the proposed project area, are extraordinarily difficult to recreate. The DEIS must address the complexities inherent in such a mitigation scheme and consider the long-term implications if the proposed mitigation plans are not successful.

Hazardous wastes -- The road will pass near several hazardous waste sites, and also near a number of groundwater monitoring wells (such as that at Stauffer Chemical). The impacts of the road's construction on these sites should be analyzed.

Land-use plans -- The proposed road would be inconsistent with the long-term goals, objectives, plans and aspirations of South Brunswick Township as described in its Municipal Master Plan. The EIS should examine the compatibility of the project with the land-use plans of other affected municipalities as well.

Sprawl -- Part of the impetus for Route 92 is to service major office complexes. The EIS should examine the indirect impacts of expansion of these complexes, and the effect on urban sprawl. The NJTA's conclusion that Route 92 will not stimulate sprawl because it is a limited-access highway is dubious. See NJTA, Route 92 Compilation of Information Requested by the United States Army Corps of Engineers at A-12. While cars may only access the highway at one of its few interchanges, these additional interchanges may nonetheless encourage residential development, negatively affecting the rural character of the surrounding communities. Even if, as the state insists, development is restricted to already developed centers, there will necessarily be increased demand for area infrastructure, including medical facilities and emergency assistance. These impacts should be addressed in the EIS. Even if development is restricted to preexisting centers, open-space per capita will nonetheless be reduced. In this way, Route 92 will have some of the same effects as sprawl, even if the rural communities seem to be unaffected. The EIS should include population projections and determine how open-space ratios will be affected.

Visual -- Much of the road is proposed to be built on elevated berms. These berms will affect stormwater flow and animal movement, which should be analyzed. The berms will also have visual impacts; they will become prominent features of the landscape, and have significant noise impacts as well. The regulations of the Delaware and Raritan Canal Commission, N.J. Admin. Code tit. 7, § 45-7.1, require particular attention to visual impacts. A thorough visual study should be performed, perhaps using ladders, cranes, balloons or other devices to simulate the location of these berms and allow observers to see the distances from which they will be visible.

Noise -- The road will bring large volumes of truck traffic to areas that do not have it. Trucks have particularly significant noise impacts because of their sporadic nature and their frequent late night

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operations. A full noise study is warranted. This should include a baseline study with receptors along the perimeter of the proposed right-of-way.

As a final remark, we urge that, in keeping with the spirit of independent inquiry encouraged by NEPA, the Corps of Engineers not rely on the Turnpike Authority's consultants, but should hire their own. In all projects the applicant's consultants carry an institutional tendency to favor the applicant's case. For this EIS to be truly objective, truly independent consultants should be utilized. This is required by the Council on Environmental Quality's implementing regulations which require the responsible Federal agency to "furnish guidance[,] *participate in the preparation*[,] independently evaluate the statement prior to its approval and take responsibility for its scope and contents." 40 C.F.R. § 1506.5(c) (emphasis added). Courts have similarly required the federal government to "make its own independent evaluation" of the final EIS. Sierra Club v. U.S. Army Corps of Engineers, 701 F.2d 1011, 1031 (2d Cir. 1983) (citing NEPA §102(2)(D)(i)-(iii), 42 U.S.C. § 4332(2)(D)(i)-(iii)).

The 1994 DEIS was prepared exclusively by the state agency. The above-cited federal regulations mean that such post hoc ratification by the federal government is inappropriate. Rather, the federal agency must be involved in the drafting process throughout. The Army Corp ultimately remains accountable "for the scope, objectivity, and content of the entire statement." NEPA § 102(2)(D), 42 U.S.C. § 4332. Having federal contractors prepare the analysis from the inception will reduce applicant influence and facilitate federal supervision and control, as required by federal law.

Some neighboring communities have proposed that the DEIS rely on preexisting scientific analysis. While such studies may be consulted as a starting point in the DEIS, the federal government may not simply "rubber stamp" these reports absent independent consideration. Save Our Wetlands, Inc. v. Sands, 711 F.2d 634, 642 (5th Cir. 1983). Many of these reports do not incorporate the proper methodologies, as highlighted by Dr. Klemens, and are otherwise inadequate. Since the Corps did not "participate in the preparation" of these old documents, they may not become part of the new EIS, but may merely be consulted as background references.

Sincerely,

Michael B. Gerrard

cc: Jeanne Fox, Regional Administrator, U.S. EPA Region 2
Mami Parker, Acting Regional Director, U.S FWS Region 5

Enclosures

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PROPOSED ROUTE 92
UNITED STATES ARMY CORPS OF ENGINEERS
PUBLIC SCOPING MEETING
JUNE 8, 2000

Comments by: Joseph S. Augustyn, PP, AICP
Senior Planner/Associate
Alaimo Associates

Proposed Route 92 has not been proven to have an overall compelling need for its construction based on comprehensive strategic and functional planning standards. The Draft Environmental Impact Statement (DEIS) is incomplete through its lack of addressing or insufficiently examining specific issues and topics of critical environmental and social/land planning concerns:

1. The adverse regional and local planning impacts, as well as the severely detrimental environmental impacts of proposed Route 92 heavily outweigh the limited and segmented benefits of the proposed Route 92 alignments. As the Army Corps of Engineers is well aware, the proposed loss of freshwater wetlands for Route 92 will degrade water quality, create a loss of migratory bird habitat, and have negative air quality and geologic/aquifer impacts as well. In addition, proposed Route 92 will cause regional displacement of area and migratory wildlife, the loss of productive farmlands, and the loss of mature upland species. The DEIS inadequately examines the loss of freshwater wetlands as a critical resource which benefits not only New Jersey residents, but the nation as part of migratory bird habitat. Route 92 will only serve a limited segment of people. The American Institute of Certified Planners (AICP) Ethics requires examination of long range consequences of present planning actions, the need to understand the interrelatedness of planning decisions, and to protect the integrity of the natural environment. Route 92 DEIS does not meet this basic planning protocol.

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2. Proposed Route 92 is in conflict with specific elements in the New Jersey State Development and Redevelopment Plan, the nationally recognized and award winning State plan for a Sustainable Future. Inconsistencies can be found in the State plan sections involving air resources, water resources, open lands and natural systems, agriculture, housing and historic cultural and scenic resources. This State plan is consistent with federal air quality and water quality goals, objectives and standards, as well as the President's Policy for a Sustainable Future. The Route 92 proposal does not address the state plan nor these conflicts.

3. The DEIS fails to examine proposed Route 92 relative to New Jersey State Watershed Management Planning Efforts. Watershed Management in New Jersey is based on Federal Clean Water Act goals, objectives and requirements, and is part of the National Estuary Program. Specific National Estuary Program efforts include the development of Comprehensive Conservation and Management Plans. Polluted runoff from Route 92 is inconsistent with Total Maximum Daily Load (TMDL) objectives which are being determined for this watershed as part of this national and statewide effort. TMDL for all watersheds in New Jersey are currently being developed through efforts provided by the New Jersey Department of Environmental Protection and broad-based volunteer efforts by professionals and residents throughout the State. TMDL efforts are also assisted by the Federal Environmental Protection Agency and the Army Corps of Engineers.

4. The impact to area municipalities include the loss of established businesses, and the loss of or impact to historic and archeological sites. Communities will be physically split by Route 92. The DEIS fails to fully examine the families which will be displaced, neighborhoods which will be disrupted, and traditional local movement patterns which will be re-routed or eliminated. The long term community ripple effect of Route 92 will cause permanent disruption and loss of traditional community planning design.

5.Proposed Route 92 is inconsistent with New Jersey State Farmland Preservation efforts and New Jersey State Open Space Acquisition and preservation goals. Goals of these initiatives include the control of new road expansion which would encourage sprawl and loss of even more open space and farmland. Once again, the DEIS fails to address these specific issues.

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6. The secondary and tertiary affects of proposed Route 92 to the ecosystem and social system have not been quantified or even estimated in the DEIS and related documents. As the result, the scope of the DEIS and other supporting documents are incomplete because the full environmental and social/land impacts of Route 92 have not been addressed. To consider only the primary, direct impacts to the environment and area social structure by simply counting wetland acres destroyed or businesses lost is short-sighted, incomplete and inaccurate. Please note that the DEIS included Land Use, Zoning, Social Setting, Economic Setting and Agricultural Setting as being impacted; however, the DEIS provided no mitigation measures to address these impacts. All mitigation with regard to these issues was ignored in the DEIS.

7. The scope of the DEIS and related documents for Route 92 is also incomplete because the continued westward extension of Route 92 has not been presented, examined or addressed. The westward penetration of Route 92 will be the next push if the initial segment of Route 92 is constructed. Upon examining the history of Route 92, it is clear that prior long term objectives for Route 92 were to have it continue beyond Route 1, beyond Route 27 and at least to Route 206. This continued westward extension of Route 92 will be supported simply by the existence of the first phase of the project from the New Jersey Turnpike to Route 1. Standard EIS planning rationale demands that the full scope of the project be examined. This Route 92 scheme fails to examine and present the full New Jersey Turnpike/NJDOT regional expectations and long range plans for the westward roll of Route 92. The westward momentum generated by this initial phase of Route 92 has been overlooked in the DEIS. This westward momentum will encourage sprawl, an effect which is inconsistent with the New Jersey State Development and Redevelopment Plan, the National Estuary Program, and State Open Space and Agricultural Preservation efforts.

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To our Army Corps of Engineers representatives, thank you for holding the Scoping Meeting, and for accepting comments. This opportunity allows officials, professionals and the general public to provide meaningful input to this Route 92 scheme.

Respectfully submitted,

Joseph S. Augustyn /pjn

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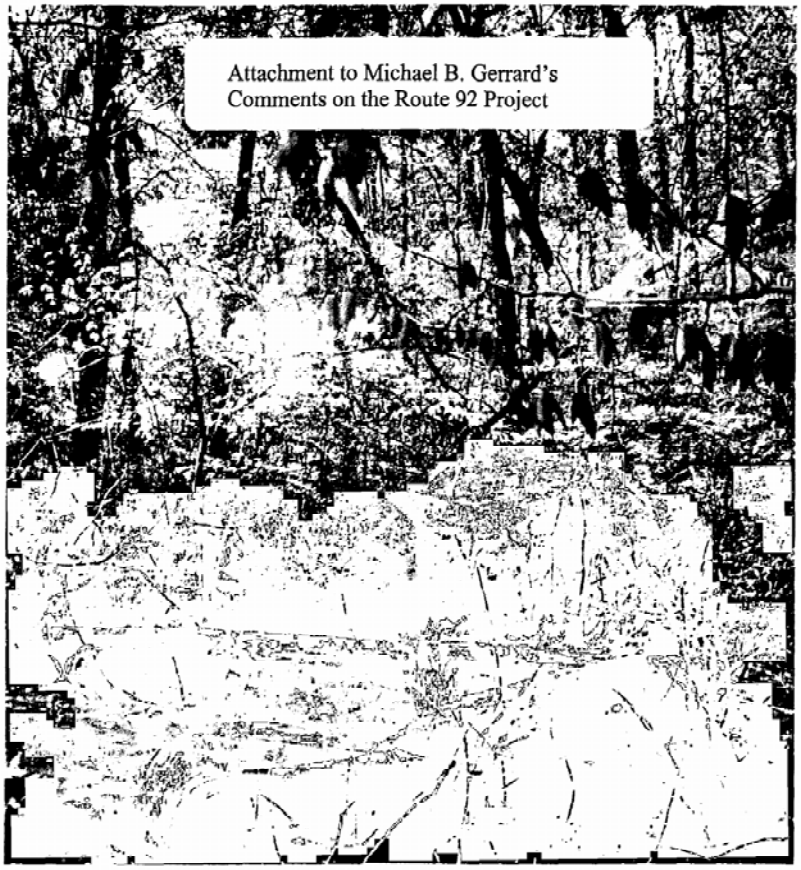
Best Development Practices



Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States

METROPOLITAN CONSERVATION ALLIANCE

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WILDLIFE CONSERVATION SOCIETY

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Best Development Practices

Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States

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PREFACE

Vernal pools and adjacent upland habitats contribute a vast amount of biodiversity to landscapes of the northeastern United States. However, due to their small size, and a variety of other issues, these habitats are disproportionately impacted by development trends associated with regional urban and economic growth. As a result, vernal pools—and the species that depend on them—are disappearing at a rapid rate. We must come to terms with the complexities that surround the protection of vernal pools. The Best Development Practices (BDPs) in this publication present a new approach to accomplish this goal. This document also outlines steps to identify those vernal pools worthy of protection. These BDPs are not, and we repeat ***not***, new layers of regulation. They provide a decision-making pathway that builds upon the strong tradition of home rule within our region; they add value to that home rule by enabling municipalities to become more effective stewards of their natural resources. We consider this a win-win solution—one that should eliminate costly delays in project approval by giving local decision-makers the ability to reliably identify wetlands worthy of protection and, by default, other areas where a community can plan for additional growth and development.

As conservationists with real-world experience working in communities throughout New England and New York, we realize our dual obligation. We need to help those communities plan for their conservation needs. However, for conservation planning to be truly effective, we must also provide information to help those communities plan for their infrastructure and development needs. Ultimately, we view these BDPs as an exercise in empowering local decision-makers to make better, scientifically credible, and consistent decisions. In short, we seek to replace site-by-site reactive decision-making with a framework for making multiple decisions. This is, in essence, planning. We are thankful to the many people who contributed their time and efforts in the development of these guidelines, including our colleagues in academia, resource management, municipal government, and the development community. This is a work in progress. We look forward to receiving feedback from users of these BDPs as to their effectiveness, and we welcome suggestions for improvement.

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I. INTRODUCTION

Vernal pools, and the adjacent critical terrestrial habitat used by vernal pool amphibians during the non-breeding season, often overlap with land slated for residential or commercial development. These Best Development Practices (BDPs) provide a pragmatic approach to stewardship that encourages communities to attain a more complete knowledge of their vernal pool resources, gather the information that enables them to designate pools that are exemplary and worthy of protection, and then develop strategies to protect them. Implementing these BDPs will better balance the needs of vernal pool wildlife with human activities.

Best Development Practices for vernal pools are recommended conservation strategies for residential and commercial development that minimize disturbance to vernal pools and the surrounding critical terrestrial habitat. These BDPs:

- provide a framework for decision makers to assess the quality of individual pool habitats;
- have positive effects, or minimize negative effects, of development on natural resources;
- provide standards based on the best available science;
- were developed with the participation of state agencies, scientists, resource managers, and developers in the New York-New England region (the Region); and
- are offered under the premise that voluntary compliance, reinforced with education, is an effective strategy for protecting natural resources.

CAUTION This document addresses only one element of the vernal pool conservation equation. Specifically, it targets pools located on privately owned, relatively small parcels of land (usually less than several hundred acres) at the suburban-rural frontier, which have been slated for development. We recognize that a comprehensive protection strategy for vernal pools must also include large tracts of unfragmented habitat (thousands of acres) with multiple pools. In New England and New York, these lands are primarily held by Federal and state government, and by the timber industry. To address management of these large habitat blocks in a working forest landscape, see *Forest habitat management guidelines for vernal pool wildlife in Maine* (Calhoun and deMaynadier 2001). Owners of small woodlots may also apply the harvest principles outlined in that document.

What is a Vernal Pool?

Vernal pools are wetlands of great interest to ecologists because, despite their small size, they are characterized by high productivity and a unique assemblage of species adapted to breeding in seasonally flooded wetlands (Skelly et al. 1999, Semlitsch 2000). Within the last decade, interest in vernal pools has increased dramatically because of well-publicized declines of amphibians, many of which breed in vernal pools and other small wetlands (Pechmann et al. 1991, Lannoo 1998).

Plants and animals dependent upon vernal pools vary from state to state, as does the definition of a vernal pool. The following is an operational definition based on those common ecological functions identified by all states in the Region:

> *Vernal pools are seasonal bodies of water that attain maximum depths in spring or fall, and lack permanent surface water connections with other wetlands or water bodies. Pools fill with snowmelt or runoff in the spring, although some may be fed primarily by groundwater sources. The duration of surface flooding, known as hydroperiod, varies depending upon the pool and the year; vernal pool hydroperiods range along a continuum from less than 30 days to more than one year (Semlitsch 2000). Pools are generally small in size (< 2 acres), with the extent of vegetation varying widely. They lack established fish populations, usually as a result of periodic drying, and support communities dominated by animals adapted to living in temporary, fishless pools. In the Region, they provide essential breeding habitat for one or more wildlife species including Ambystomatid salamanders (Ambystoma spp., called "mole salamanders" because they live in burrows), wood frogs (Rana sylvatica), and fairy shrimp (Eubranchipus spp.).*

A review of vernal pool definitions either adopted or developed by each state in the Region is provided in *Appendix 1*; despite varying definitions, all pools share a unique ecology. Where available, vernal pool-associated amphibian species are listed for each state. Some states have not yet developed a definition for vernal pools, while others have extremely specific definitions. Some definitions focus on physical characteristics of pools while others are defined by the species of amphibians and invertebrates breeding in the pools. Vernal pool identification guides are available to help citizens recognize these habitats. Information about these guides is provided in *Appendix 3*. See Figures 1, 2, and 3 for images of vernal pools and associated amphibian breeding habitats.

What is Critical Terrestrial Habitat?

Pool-breeding amphibians depend upon both aquatic *and* terrestrial habitats for survival. Most adult vernal pool amphibians in the Region spend less than one month in breeding pools; the rest of their annual cycle is spent in adjacent uplands and wetlands (Semlitsch 1981, 2000). The surrounding forest provides critical terrestrial habitat for adult amphibians and newly emerged juveniles throughout the year (Semlitsch 1998). In their upland habitats, both young and adults need areas of uncompacted, deep organic litter; coarse woody debris; and shade. These elements provide a suitable forest floor environment for amphibians as they move through the forest, feed, and hibernate (deMaynadier and Hunter 1995, DiMauro 1998). This dependence on the surrounding landscape for survival has prompted one researcher (Semlitsch 1998) to refer to this critical terrestrial habitat around pools as a "life zone," instead of a "buffer zone." Conservation strategies that focus only on protecting breeding pools and associated wetlands will most likely fail to maintain healthy amphibian populations. Protection of critical terrestrial habitat must also be a priority (Marsh and Trenham 2001).

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SIX REASONS TO CONSERVE VERNAL POOL LANDSCAPES

(1) UNIQUENESS

Fish-free pools provide optimal breeding habitat for a specialized group of amphibians that have evolved to use these wetlands. Vernal pool amphibian eggs and larvae are extremely vulnerable to fish predation. Even though vernal pool amphibians may breed in wetlands where fish are present, survival of eggs and larvae in such environments is limited (Petranka 1998).

Many vernal pool amphibians return to breed in the pools where they developed (Duellman and Trueb 1986, Berven and Grudzin 1990, Sinsch 1990) and show little tendency to relocate if their breeding habitat is disturbed (Petranka et al. 1994). Protecting vernal pools is a critical first step in conserving vernal pool amphibians.

(2) HABITAT

Small wetlands and vernal pools contribute significantly to local biodiversity by supporting an abundance of plants, invertebrates, and vertebrates that would otherwise not occur in the landscape (Semlitsch and Brodie 1998, Gibbs 2000). Many small mammals, birds, amphibians, and reptiles use these wetlands for resting and feeding. The average travel distance for frogs, salamanders, and small mammals is less than 0.3 km (Gibbs 1993, Semlitsch 1998, Semlitsch and Bodie 1998). The destruction of small wetlands in the landscape increases the distances between remaining wetlands. Often, these distances are greater than these animals can travel. Large mammals (e.g., bear, moose) use these small wetlands as a food source. Rare wildlife, including state-listed species, may use pools (see Tables 1 and 2).

(3) WEB OF LIFE

Vernal pools contribute a significant amount of food (e.g. amphibians and insects) to adjacent habitats (Semlitsch et al. 1996, Skelly et al. 1999). This food production is fueled by decaying leaves (organic matter) that are deposited in these pools each fall. After emerging from the vernal pool, wood frogs and salamanders may be eaten by a wide variety of forest animals including snakes, turtles, birds, and small mammals (Wilbur 1980, Pough 1983, Ernst and Barbour 1989). For example, in one Massachusetts vernal pool, Windmiller (1990) found that the weight of all the vernal-pool breeding amphibians exceeded the weight of all breeding birds and small mammals in the 50-acre upland forest surrounding his study pool. He concluded that vernal pool amphibians exert a powerful influence on the ecology of surrounding forests, up to 0.25 miles from the edge of the pool.

(4) SAFETY NET

Vernal pools are so small that they frequently fall through the regulatory cracks. Because vernal pools are often small in size and hard to identify, they are inadequately protected by state or local wetland regulations. An overview of state regulations for vernal pools is presented in *Appendix 1*.

(5) EDUCATIONAL RESOURCE

A vernal pool is a small ecosystem, easy to "wrap your arms around." As such, it makes an ideal outdoor laboratory for school children and adults. Often, a local pool can be visited or people discover that they have a vernal pool on their own property. These pools are often rich with life and easier to become intimate with than lakes or rivers.

(6) AESTHETICS

The rich array of moss-covered logs, delicate shades of greens and browns through dappled sunlight, and the beauty of the vividly marked or masked amphibians that breed in these sylvan gems, are all inspirations.

Amphibians, reptiles, and small mammals also need suitable upland habitat *connecting* wetlands. These animals live in small populations or small units that, together, make a larger population. These small populations often mix through dispersal of juveniles. For example, small populations may replenish one another with new breeding stock when natural catastrophes (e.g., drought or freezing) eliminate breeding adults or cause larval failures in certain pools.

The average distance that a spotted salamander moves from a pool into the surrounding forest is 386 feet; Jefferson salamanders may travel 477 feet (see Figure 4; Windmiller 1996; Semlitsch 1998; Faccio, *in prep.*) with as much as half the population, in some instances, travelling even greater distances. Wood frog juveniles, on average, disperse approximately 1,550 feet from a breeding pool (Berven and Grudzien 1990). *Therefore, long-term persistence of vernal pool amphibian populations depends on the availability of habitat that connects local populations and enables dispersal among them* (Semlitsch and Bodie 1998).

Other animals (including reptiles, birds, and small mammals) also depend on these small wetlands. Beetles and water bugs, for example, that overwinter in permanent water migrate to vernal pools to breed and feed during the spring and summer. Medium- to large-sized mammals, including raccoon, skunk, fox, deer, moose, and bear, visit pools to feed on amphibian eggs and fresh green shoots emerging in spring or, later in the season, on amphibians and insects. Therefore, the loss of individual vernal pools may weaken the health of entire wildlife communities.

The bottom line: Connections between pools, through the upland landscape, must be maintained to accommodate population movements—dispersal to and from pools for breeding, foraging (feeding), resting, and replenishing locally extinct populations.

Vernal Pool Animals

Many definitions of vernal pools contain language referring to "obligate" or "indicator" species. Obligate species depend upon vernal pools for successful breeding. However, many so-called obligate species, such as wood frogs and spotted salamanders, breed in other wetlands, including roadside ditches, artificial wetlands, and small ponds. However, in many of these breeding sites, the survival of the eggs and production of juveniles may be greatly diminished. We suggest using the term "indicator" species as a more ecologically accurate term. A list of vernal pool indicator species of the Region, with state conservation status information, is provided in Table 1; images of representative indicator species are provided in Figure 5.

The term "facultative" species commonly refers to animals that use the pools for resting and foraging; they might reproduce in vernal pools, but use other habitats for reproduction as well. A list of vernal pool facultative species in the Region, with state conservation status information, is provided in Table 2; images of representative facultative species are provided in Figure 6.

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Table 1. Vernal pool indicator species and state conservation status
(E = endangered, T = threatened, SC = special concern, P = present, A = absent).

INDICATOR SPECIES	RI	CT	MA	NH	VT	ME	NY
Blue-spotted salamander	A[1]	T/SC[2]	SC	P	SC	P	SC
Jefferson salamander	A	SC	SC	SC	SC	A	SC
Spotted salamander	P	P	P	P	P	P	P
Marbled salamander	P	P	T	SC	A[3]	A	SC
Tiger salamander	A	A	A	A	A	A	E
Wood frog	P	P	P	P	P	P	P
Spadefoot toad	T	E	T	A	A	A	SC
Fairy shrimp[4]	P	P	SC[5]	P	P	P	P
Featherfoil	SC	SC	P	P	A	T	T

[1]The blue-spotted salamander is extirpated in Rhode Island.
[2]Blue-spotted pure diploid populations are listed as Threatened; the blue-spotted hybrid complex is listed as Special Concern.
[3]Unsubstantiated historic records; no populations have been located (Andrews 2001).
[4]Fairy shrimp comprise a group of several related crustaceans throughout the region; "P" indicates presence of one or more species.
[5]In Massachusetts, the Intricate Fairy Shrimp is listed as Special Concern.

Table 2. Vernal pool facultative species and state conservation status[1]
(E = endangered, T = threatened, SC = special concern, P = present, H = historical record only, A = absent).

FACULTATIVE SPECIES	RI[1]	CT	MA	NH	VT	ME	NY
Northern cricket frog	A	A	A	A	A	A	E
Western chorus frog	A	A	A	A	E	A	P
Four-toed salamander	P	P	SC	P	SC	SC	P
Spotted turtle	P	P	SC	SC	E	T	SC
Wood turtle	SC	SC	SC	P	SC	SC	SC
Blanding's turtle	A	A	T	SC	A	E	T
Eastern box turtle	P	SC	SC	A	A	E	SC
Eastern ribbon snake	SC	SC	P	P	SC	SC	P
Eastern hognose snake	SC	SC	P	P	A	H	SC
Ringed boghaunter dragonfly	SC	E	E	E	A	E	H

[1]For the purposes of this table, we have combined RI's categories of SI (State Interest) and C (Concern) to equal Special Concern (SC).

In-depth natural history accounts of pool-breeding amphibians and other species can be found in *Amphibians and Reptiles of Connecticut and Adjacent Regions* (Klemens 1993), *Amphibians and Reptiles in Connecticut: A Checklist with Notes on Conservation Status and Distribution* (Klemens 2000), *Maine Amphibians and Reptiles* (Hunter et al. 1999), *A Field Guide to the Animals of Vernal Pools* (Kenney and Burne 2000), *A Guide to Amphibians and Reptiles* (Tyning 1990), and *Salamanders of the United States and Canada* (Petranka 1998). See Figure 7 for examples of various stages within a mole salamander (*Ambystoma*) life cycle.

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II. PLANNING AND ASSESSMENT

This section complements Section III; Management Goals and Recommendations, by providing step-by-step guidelines to develop a locally based conservation plan for vernal pools. Conservation of vernal pool-breeding amphibian habitat is often most effective at the local level where neighbors, planners, and other concerned citizens play an active stewardship role. The planning process will take time and many hands to develop and implement, and should not take the place of, or delay, the application of management recommendations to individual projects as they arise.

Effective planning for vernal pool conservation at the municipal level requires long-term vision instead of short-term crisis reaction. This enables communities to plan for the protection of vernal pool resources as a subset of their overall master planning process. Therefore, it is not viewed as inconsistent or discretionary, but rather as a legitimate part of the jurisdiction's accepted and approved development goals. Three sequential steps for local conservation are presented: (1) vernal pool mapping and inventory, (2) vernal pool ecological assessment, and (3) developing conservation actions.

NOTE: Clustering development away from vernal pools and other key resources is an important planning tool. It not only conserves open space, but also reduces impervious surfaces and accessory infrastructures.

CAUTION The absence of a local vernal pool inventory and assessment should ***not*** forestall implementation of Management Recommendations for individual projects and small scale conservation initiatives. To address development and conservation concerns at individual vernal pools, proceed to Section III: Management Goals and Recommendations.

The goal of municipal-wide inventory and mapping exercises is to identify exemplary pools or pool clusters in each community. This enables decision-makers, developers, and citizens to understand which sites are considered to be of special significance as a community resource.

Step 1. Vernal Pool Mapping and Inventory

Identifying vernal pools in your town might at first seem like a daunting task. In this section we present some simple steps to get you started. Further tips and details for identifying and mapping vernal pools are provided in *Appendices 2* and *3*.

Some vernal pools can be located by using aerial photography and National Wetland Inventory (NWI) maps (see *Appendix 2* for details). Inventory methods will vary according to the availability of resources, the region of interest, and level of expertise. A primer on identifying and mapping vernal pools using aerial photography and Geographic

Information Systems is available in the publication *Massachusetts Aerial Photo Survey of Potential Vernal Pools* (Burne 2001).

Pre-inventory checklist:

Towns should consider the following issues *before* beginning the inventory process:

- Assess the status of wetland and vernal pool mapping in your town. It is possible that outside contractors or researchers have already located vernal pools for various projects.
- Is aerial photography available for your town? Is it appropriate for the mapping project? (See *Appendix 3* for aerial photo resources.)
- Do you have skilled volunteers for photo-interpretation and field identification of vernal pools (using whatever criteria are applicable to your State or town)?
- What is the availability of funding (Federal or State) for conducting an inventory or for contracting professionals to photo-interpret vernal pool resources?
- Is there a local university, land trust, or non-profit environmental organization willing to offer guidance or other support?

Conducting the inventory:

1. Locate vernal pools through mapping, ground surveys, or a combination of both. If possible, use a Geographic Positioning System (GPS) to obtain coordinates, so that a vernal pool data layer can be created in a Geographic Information System (GIS).
2. Mark locations of pools on tax maps, topographic maps, and, if available, in GIS.
3. Identify clusters of pools.
4. Conduct a biological inventory/field verification of as many pools as possible (see Ecological Assessment steps, below).
5. Identify pools or pool complexes of conservation interest and work to develop a protection strategy (see details provided later in this document).

Step 2. Ecological Assessment: Prioritizing Conservation Targets

Towns will not be able to protect every vernal pool. Therefore, it is important to know which pools have the greatest ecological significance, and thus merit greater protection. This can be accomplished by examining pools in the field and collecting biological data to determine each pool's relative local importance. The following "Vernal Pool Assessment Sheet" provides a means for doing this. Issues associated with such assessments are described in the text below.

Vernal pools, or clusters of pools within a town, may vary tremendously in quality or ecological significance. In general, towns should focus their conservation efforts on:

1. ecologically significant pools along size and hydroperiod (length of time the pool holds water) gradients in order to protect a wide diversity of pool-breeding invertebrates and amphibians;
2. pools with intact critical terrestrial habitat;
3. pools with long-term conservation opportunities (e.g., pools on public land, not-for-profit lands, or in large tracts of relatively undisturbed private ownership); and
4. maintaining or restoring the adjacent terrestrial habitat for pools in agricultural or suburban lawn/landscaped settings where the amount of forest cover is limited. (Note: Although forested landscapes are preferred habitat, unfragmented agricultural lands support dispersal of many amphibians and have the potential to become even more valuable following old field succession or reforestation.)

Rating the ecological significance of an individual vernal pool is not a simple process. For this reason, we provide general guidance for assessment of vernal pool ecological significance based on two parameters: (1) biological value of the vernal pool, and (2) condition of the critical terrestrial habitat. Assessment of a pool's biological value factors in species abundance, species diversity, and pool vulnerability. Assessment of the critical terrestrial habitat includes the integrity of the vernal pool's envelope (land within 100 feet from the pool's edge) and critical terrestrial habitat (land from 100 to 750 feet from the pool's edge).

Note: The egg mass thresholds and critical thresholds of development around the pool are based on current available science. Egg mass numbers may vary regionally (Calhoun et al., unpub. data). We urge you to complete your own biological inventory and assess egg mass densities that indicate important breeding pools in your area. These numbers may be influenced by whether pools occur in clusters or are isolated. Low numbers in clustered pools do not make the pool less valuable; instead, they may indicate that the population has dispersed its breeding among all the pools.

We identify pools with 25% or less developed area in the critical terrestrial habitat as having high priority. The few studies that have been conducted on this topic suggest that development pressures (buildings, impermeable surfaces, roads, lawns) higher than 25-30% cause declines in breeding populations (see "Translating Science into Conservation," below). See Figure 8 for examples of vernal pools and critical terrestrial habitats under varying development scenarios.

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VERNAL POOL ASSESSMENT SHEET

A. Biological Value of the Vernal Pool

(1) Are there *any* state-listed species (Endangered, Threatened, or Special Concern) present or breeding in the pool?
Yes_____ No_____

(2) Are there two or more vernal pool indicator species breeding (i.e., evidence of egg masses, spermatophores [sperm packets], mating, larvae) in the pool?
Yes_____ No_____

(3) Are there 25 or more egg masses (regardless of species) present in the pool by the conclusion of the breeding season?
Yes_____ No_____

B. Condition of the Critical Terrestrial Habitat

(1) Is at least 75% of the vernal pool envelope (100 feet from pool) undeveloped?
Yes_____ No_____

(2) Is at least 50% of the critical terrestrial habitat (100-750 feet) undeveloped?
Yes_____ No_____

NOTE: For these purposes, "undeveloped" means open land largely free of roads, structures, and other infrastructure. It can be forested, partially forested, or open agricultural land.

Cumulative Assessment

Number of questions answered YES in category A	Number of questions answered YES in category B	Tier Rating
1-3	2	Tier I
1-3	1	Tier II
0	1-2	Tier III
1-3	0	Tier III

CAUTION *This rating system is designed strictly as a planning tool, not as an official assessment tool.* It will enable you to determine the relative ecological value of pools within your community. A Tier I rating—which will most likely apply to only a minority of sites—denotes exemplary pools; Management Recommendations should be applied at these sites. For pools rated as Tier II, proceed with care; you need more information! Tier II pools will probably constitute the majority of your vernal pool resources; Management Recommendations should be applied at these sites to the maximum extent practicable. Tier II pools might also be likely candidates for restoration efforts (e.g., reforestation of the critical terrestrial habitat).

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TRANSLATING SCIENCE INTO CONSERVATION

Very little published research has addressed conservation concerns as they relate to vernal pool habitats and wildlife. Therefore, the recommendations made in this document are based primarily upon decades of field observations made by the authors. Those observations have repeatedly demonstrated that pool-breeding wildlife populations experience precipitous declines in response to developments within vernal pool envelopes and critical terrestrial habitats.

Vernal pool research conducted in Massachusetts by Bryan Windmiller (unpub. data) corroborates the authors' conclusions. In one study, 25 acres (10 hectares) of upland forest adjacent to a vernal pool in an urban setting was almost completely cleared. Within two years, the pool's wood frog population was extirpated (i.e., wood frogs became locally extinct). This occurred despite the maintenance of an untouched 150-foot wide buffer of forested upland around the pool and a forested wetland corridor adjacent to the pool. These findings underscore the fact that narrow buffers alone—which are usually less than 150 feet—are insufficient to protect wildlife populations.

In a second study, Windmiller tracked large populations of spotted salamanders, blue-spotted salamanders, and wood frogs over a five-year period at two vernal pool breeding sites located in close proximity. The land surrounding one of the pools remained largely intact throughout the five years. At the second pool, approximately 25% of the existing forested upland within about 1,000 feet (300 meters) was cleared for residential development after the first year of the study. That development also greatly fragmented the remaining forested upland, although a 100-foot wide buffer was left untouched.

Within four years of the beginning of construction, spotted salamander numbers declined by 53%; the wood frog population was reduced by 40%. Blue-spotted salamander numbers also declined over a two-year period following initial construction but subsequently recovered to pre-development levels. In contrast, there was no reduction in amphibian breeding population sizes at the undeveloped pool.

This study demonstrated that even a relatively small degree of development—covering approximately 25% of the surrounding critical terrestrial habitat—can negatively impact vernal pool wildlife. As in the first study, these impacts occurred despite the maintenance of a forested buffer.

The recommendations in this document would limit the footprint of development to <25% of the area surrounding productive vernal pools. This is a relatively conservative recommendation, given the results of the second study. However, this threshold may be less detrimental to resident amphibians if impacts are further reduced by following site-specific recommendations made in Section III of this document.

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Step 3. Putting a Conservation Plan into Action

From Awareness to Action

Informed with the results of a town-wide vernal pool survey and assessment, local decision-makers can begin targeting for protection those significant vernal pools and vernal pool clusters identified by their inventory and assessment. The advantage of such a proactive planning exercise is that it replaces the site-by-site debate, which is focused on individual pools, with an objective, scientifically informed process that can be applied to all of a town's vernal pool resources. From a developer's perspective, it provides certainty as to where locally important or significant resources are located. This should replace the *status quo* of vocal opposition to almost every development near a vernal pool, regardless of the relative ecological viability of the pool.

Why is it important to simplify the presently confused process? Concern for vernal pools has risen dramatically over the last decade. However, unless clarity and fairness become integral parts of the decision-making process, we risk creating a backlash that could undo all that has been achieved in heightening public awareness of these vital resources. With increased knowledge and authority comes a responsibility to act in a consistent and fair manner.

The most difficult task will be to determine from the Assessment and Mapping Exercise where a community should focus their efforts. We recognize that it is impossible to protect every vernal pool and its critical terrestrial habitat. Therefore, each community should prioritize its efforts based on the results of its inventory and assessment. The driving impetus for this priority-setting exercise is that a smaller number of well-protected vernal pools (ideally those with intact envelopes and 75% undeveloped critical terrestrial habitat) is far preferable, from a conservation standpoint, to a greater number of pools "protected" in name only but lacking a sufficient envelope and critical terrestrial habitat to sustain populations of vernal pool species. Once conservation priorities are established, there are a variety of mechanisms local jurisdictions can employ to achieve these goals.

CAUTION! The priority-setting exercise will focus conservation efforts on certain parcels of property, and de-emphasize the importance of others. Because of the political and emotional nature of such decisions, this priority-setting should be conducted with maximum public input, so that the community understands the reasoning behind this exercise. Priorities set by a small group, in the absence of broader public involvement and understanding, are likely to be challenged, and will ultimately be ineffective.

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Incorporation into Comprehensive, Development, or Master Plans

Community Master Plans should incorporate the goals of these vernal pool protection strategies, justification for those goals, and locations of exemplary pools that have been targeted for stewardship. There are two primary reasons for doing this.

- Clarity: It is very important that all stakeholders (property owners, citizens, developers, and local decision-makers) are aware of the goals of vernal pool protection and which properties are considered essential to achieving those goals. This provides some level of certainty in what is now a chaotic case-by-case debate.
- Security: If a community clearly articulates its goals and objectives in a written, publicly adopted document, and then consistently follows those guidelines, it is less susceptible to legal challenges. Legal challenges against municipal decisions are most successful if it can be demonstrated that those decisions are capricious, without reasoned basis, and therefore inconsistent with a community's articulated goals and policies.

Acquisition

Acquisition is expensive and therefore not often feasible for communities. It is important to spend limited acquisition dollars wisely. However, under certain circumstances it might be possible for a community or land trust to acquire key properties. We recommend acquisition measures for individual vernal pools only if they receive a Tier I rating during the Vernal Pool Assessment Exercise; this acquisition should include at least 750 feet of land from the vernal pool depression in all directions. In addition, acquisition efforts are appropriate for large blocks of open space with clusters of pools of any Tier.

Easements

Easements provide another mechanism to protect pools and their contiguous critical terrestrial critical habitat. On subdivision projects where open space with vernal pools is reserved we recommend that the developer convey a conservation easement to a local land trust, the municipality, or a conservation or scientific not-for-profit organization. In our experience this conservation strategy is far superior to reliance on a homeowner's association to protect these resources. The holder of the easement would be responsible for ensuring that the terms of the easement are being met, and for informing the neighbors about the stewardship needs of the property.

Overlay Zones

A resource overlay zone specifically designed to protect vernal pools can be adopted by the town. This would be particularly effective where clusters of Tier I and Tier II pools occur. While leaving town zoning in place, additional standards, requirements, and

incentives are applied in the overlay zone. It is recommended that a town adopt a resource overlay zone to encompass those vernal pools and critical terrestrial habitats that have been designated as protection priorities. The zone could provide a mix of regulations and incentives to conserve vernal pools and preserve economic equity including (but no limited to):

- minimal lot-clearing restrictions within the zone, allowing for more dense clustering of development;
- density bonuses for tightly clustered, conservation-oriented subdivisions;
- reductions in road width standards including cul-de-sac radii, and prohibiting hard 90 degree, vertical curbing;
- establishment of a transfer of development rights (TDR) program where a landowner gets credits in a developable portion of town in exchange for giving up development credits in the overlay zone. TDRs are complicated to set up, because one needs a sending district (the overlay zone) as well as a receiving district (an area where development can be intensified). Therefore, this may not be an appropriate strategy for many towns. However, towns could incorporate some, if not all, of the practices recommended in this document as standards to guide development in an overlay zone.

Vernal Pool Ordinances

Some municipalities have developed ordinances specifically to protect vernal pools and their associated terrestrial habitat. Some of these use rating systems that place undue emphasis on number of species present or on larger vernal pools. A better approach would be to develop a local ordinance that incorporates ***both*** the assessment and best development practices presented herein.

Recognition and Voluntary Stewardship Programs

Programs that encourage vernal pool stewardship could be set up to provide technical advice and recognition to landowners who voluntarily protect and manage these resources. Similar programs to register natural areas on private property have been successful both as conservation strategies and in raising public awareness. Another approach would be to publicly recognize those developments that incorporate vernal pool Best Development Practices. Apart from demonstrating that it is possible to develop responsibly, such recognition may be an important marketing tool. In Farmington, Connecticut, a small development has been created that has turned a vernal pool and its resources into the centerpiece of the development and its marketing (see Case Study: Jefferson Crossing—Innovative Conservation Design for a Subdivision, page 14).

For other ideas for forming local partnerships for vernal pool conservation, see *Vernal Pool Conservation in Connecticut: An Assessment and Recommendations* (Pressier et al. 2001).

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CASE STUDY

Jefferson Crossing

Innovative Conservation Design for a Subdivision

On Talcott Mountain—a trap-rock ridge lying west of Hartford, Connecticut—a unique conservation subdivision was created, incorporating many of the design principles contained in this manual. Unlike most subdivisions, where natural resources are expected to "fit" around a pre-conceived development pattern, Jefferson Crossing was designed with great sensitivity to the site's natural features. The subdivision is named for the rarest vernal pool breeding amphibian found on the site, the state-listed Jefferson salamander, *and* for the fact that the salamanders will be able to cross freely through the site to their breeding pool. To accomplish this, all structures and infrastructure were placed outside of the vernal pool envelope. In addition, the design of the site maximized protection of the critical upland habitat zone through a combination of conservation easements and lot-clearing restrictions. Finally, the design allows for unimpeded movement of amphibians and other wildlife throughout the forested site.

The execution of this novel design required a commitment from the developer to engage a team of professionals to simultaneously integrate design, engineering, and natural resource protection. For example, the proposed entrance road (using an existing access from a demolished single family house) was determined to be too close to the vernal pool. The developer acquired an additional lot of land specifically to enable relocation of the entrance road well beyond the vernal pool envelope. The houses were clustered several hundred feet away from the vernal pool; this, combined with lot clearing restrictions (no more than 50% per lot) and conservation easements, resulted in 75% of the site being protected in its natural state.

The roadways internal to the site have "Cape Cod curbing" to allow salamanders to move freely. Stormwater is handled through swales and a single catch basin. To minimize mortality of amphibians and other wildlife caught in the catch basin system, the water moves through a grassy swale and into an open, biofiltration wetland. By using low gradient curbing and eliminating the need for hydrodynamic separators, amphibian mortality is minimized. Additional restrictions govern the design of individual driveways; the use of pesticides, herbicides, and salts; and exterior lighting.

Jefferson Crossing will incorporate its unique conservation design as part of its marketing strategy. The location of the homes tucked amongst the hemlock trees and nestled between trap rock outcrops will attract a distinctive type of buyer, one that is looking to live in greater harmony with the natural world. Ms. Anitra Powers, who developed this property on the site of her family homestead, rejected conventional development patterns. Her vision has turned what many would consider a liability into an asset.

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III. MANAGEMENT GOALS AND RECOMMENDATIONS

Management goals are described below for each of three vernal pool management areas: the vernal pool depression, the vernal pool envelope (100 ft. from spring high water), and the critical terrestrial habitat (100 to 750 ft from spring high water). See Figures 8 and 9 for schematics of vernal pool management areas and recommendations.

Management Areas and General Recommendations

Vernal Pool Depression

Description and Function:
This area includes the entire vernal pool depression up to the spring high water mark. Due to seasonal fluctuations in water levels, the vernal pool depression may or may not be wet during the period when a development review is initiated. During the dry season, the high-water mark generally can be determined by the presence of blackened leaves stained by water or silt, aquatic debris along pool edges, water marks on surrounding trees or rocks, or a clear change in topography from the pool depression to the adjacent upland. The pool basin is the breeding habitat and nursery for pool-dependent amphibians and invertebrates.

Desired Management:
For all Tiers, maintain the pool basin, associated vegetation and the pool water quality in an undisturbed state.

Rationale:
Creating ruts or otherwise compacting substrates in and around the pool can alter the pool's water-holding capacity, disturb eggs or larvae buried in the organic layer, and alter the aquatic environment. Excess slash, construction debris, or channeled stormwater in the pool basin can hinder amphibian movement and alter water quality. Removal of pool vegetation reduces the availability of egg-attachment sites.

Vernal Pool Envelope
(area within 100 feet of the pool's edge)

Description and Function:
The envelope consists of a 100-foot area around the pool, measured from the spring high water mark. In the spring, high densities of adult salamanders and frogs occupy the habitat immediately surrounding the pool. Similarly, in early summer and early fall, large numbers of recently emerged salamanders and frogs occupy this same habitat. This zone also maintains the water quality of the pool depression and provides a source of leaves, which constitute the base of the pool food web.

Desired Management:

- Maintain an undeveloped forested habitat around the pool, including both canopy and understory (e.g., shrubs and herbaceous vegetation).
- Avoid barriers to amphibian dispersal (emigration, immigration).
- Protect and maintain pool hydrology and water quality.
- Maintain a pesticide-free environment.

Rationale:
The integrity of the forest immediately surrounding the pool depression is critical for maintaining water quality, providing shade and litter for the pool ecosystem, and providing suitable terrestrial habitat for pool-breeding amphibian populations. Juvenile salamanders are especially vulnerable to drying during the first months after emergence (Semlitsch 1981). Such desiccation is much more likely where habitat elements described above (e.g., leaf litter, shade) are lacking.

Critical Terrestrial Habitat
(area within 100-750 feet of the pool's edge)

Description and Function:
The critical terrestrial habitat extends 650 feet beyond the upland edge of the vernal pool envelope (i.e., 750 feet beyond the edge of the pool). This area provides habitat for amphibians during the non-breeding season for foraging, dispersing, and hibernating. During the breeding season, adults migrate to pools through this zone.

Desired Management:

- Maintain or restore a minimum of 75% of the zone in contiguous (i.e., unfragmented) forest with undisturbed ground cover.
- Maintain or restore forested corridors connecting wetlands or vernal pools.
- Provide suitable terrestrial habitat for pool-breeding amphibian populations by maintaining or encouraging at least a partially closed-canopy stand that will provide shade, deep litter, and woody debris.
- Minimize disturbance to the forest floor.
- Where possible, maintain native understory vegetation (e.g., shrubs and herbs).

Rationale:
This area is needed to support upland populations of amphibians that breed in vernal pools. Juvenile and adult wood frogs and mole salamanders select closed-canopy forests during emigration and dispersal in managed forest landscapes (deMaynadier and Hunter 1998, 1999). Spotted salamanders often occur under, or closely associated with, woody debris on the forest floor (Windmiller 1996). Other mole salamanders in the Region have similar habitat needs. Rutting and scarification of the forest floor may prevent

salamanders from traveling to breeding pools by creating barriers along travel routes (Means et al. 1996). Furthermore, if shallow ruts fill with water, vernal pool amphibians may deposit eggs in ruts that do not hold water long enough to produce juveniles. Created treatment wetlands (e.g., detention ponds) that are located near to vernal pools often cause similar problems.

Roads (and associated development) within this zone limit the amount of terrestrial habitat available to amphibian populations, fragment and isolate remaining pieces of habitat, facilitate further development, and directly result in mortality of individuals. Recent research conducted within Rhode Island has demonstrated that vernal pool-breeding amphibians may be extremely sensitive to roads constructed within 0.62 miles (1 km) of the vernal pools in which they breed (Egan 2001; Egan and Paton, *in prep.*). Within this area, a mere 16 linear feet of road per acre (12 m/ha) was linked to significant declines in numbers of wood frog egg masses; only 25 feet of road per acre (19 m/ha) appeared to cause significant declines in numbers of spotted salamander egg masses. Beyond these thresholds, even slight increases in road density severely limited the potential of the areas surrounding pools to serve as nonbreeding habitat. Research by Klemens (1990) has suggested that actual road configuration and pattern (i.e., "roads to nowhere" and cul-de-sacs servicing subdivisions vs. linear roads connecting urban centers), as well as road density, likely factors into amphibian population declines.

Although much of amphibian terrestrial life history is still unknown, researchers have documented travel distances from breeding pools of juvenile wood frogs and adult mole salamanders (see Figure 4 and reviews by Windmiller 1996, Semlitsch 1998). These distances, along with all of the other factors discussed above, demonstrate that pond-breeding amphibians require significant habitat surrounding pools.

Summary of Management Areas

To ensure successful breeding, vernal pool depressions must be left intact and undisturbed. Excluding development and minimizing disturbances to the area immediately surrounding the vernal pool (i.e., the pool's envelope) will provide breeding amphibians with a staging ground and will also help to maintain pool water quality. Additional upland habitats are required during the nonbreeding season; such "critical terrestrial habitats" can be maintained by limiting development and by applying Management Recommendations (discussed in the following section). By carefully considering the recommendations made for each of these three management areas, viable populations of pool-breeding amphibians may be maintained. A summary of management areas and desired outcomes is presented in Table 3.

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Table 3. Recommended guidelines for vernal pools and surrounding management areas in developing landscapes

Management Area (distance from pool edge)	Area of Managed Zone (acres)[1]	Primary Wildlife Habitat Values	Desired Management	Recommended Guidelines
Vernal Pool Depression (0 ft)	0.2	Breeding pool; egg attachment sites.	Good water quality and water-holding capacity; undisturbed basin with native vegetation along the margin.	No disturbance.
Vernal Pool Envelope (100 ft)	1.4	Shade and organic inputs to pool; upland staging habitat for juvenile amphibians.	Maintain forested envelope around pool; avoid barriers to amphibian movement; prevent alteration of water quality or pool hydrology.	No development and implementation of Management Recommendations for this zone.
Critical Terrestrial Habitat (750 ft)	40	Upland habitat for pool-breeding adult amphibians (for foraging, dispersing, and hibernation).	Partially shaded forest floor with deep, moist uncompacted litter and abundant coarse woody debris.	Less than 25% developed area; implementation of Management Recommendations for this zone.

[1] Approximate area, based on a 100-ft. diameter pool.

Specific Issues and Recommendations

In the following section management recommendations and standards for specific development issues (e.g., road construction, stormwater management, and locations of outbuildings) are provided. We encourage application of relevant recommendations.

Roads and Driveways

Conservation Issues:

- Road mortality is a major contributing factor in amphibian declines. This occurs by direct mortality from vehicular traffic as well as increased vulnerability to depredation and desiccation when amphibians cross roads.

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- A number of studies have shown that roads (and urbanization) limit amphibian dispersal and abundance (Gibbs 1998; Lehtinen et al. 1999; deMaynadier and Hunter 2000; Egan and Paton, *in prep.*). Certain species are reluctant to cross open, unvegetated areas, including roads. Roads create barriers to amphibian dispersal. Curbs and catch basins act as traps that funnel and collect amphibians and other small animals as they attempt to cross roads.
- Roads are sources of chemicals and pollutants that degrade adjacent aquatic and terrestrial habitats. These pollutants include, but are not limited to, salts, particulate matter, and heavy metals. Eggs and larval amphibians are especially sensitive to changes in water quality. Influxes of sediment can smother eggs, while salts and heavy metals are toxic to larvae (Turtle 2000).
- Roads create zones of disturbance characterized by noise and light pollution. Both of these pollutants interfere with the ability of amphibians to disperse across the landscape. Noise pollution can also interfere with frog calling activity, which is an essential part of their reproductive ecology.
- Roads can change hydrology (thus changing vernal pool quality and hydroperiod).

Management Recommendations:

- Roads and driveways should be excluded from the vernal pool depression and vernal pool envelope.
- Roads and driveways with projected traffic volumes in excess of 5-10 cars per hour should not be sited within 750 feet of a vernal pool (Windmiller 1996). Regardless of traffic volumes, the total length of roads within the critical terrestrial habitat should be limited to the greatest extent possible (Egan and Paton, *in prep.*).
- Use Cape Cod-style curbing (see Figure 10) or no-curb alternatives on low capacity roads.
- Use oversize square box culverts (2 feet wide x 3 feet high) near wetlands and known amphibian migration routes to facilitate amphibian movement under roads. These should be spaced at 20-foot intervals *and* use curbing to deflect amphibians toward the box culverts.
- Use cantilevered roadways (i.e., elevated roads that maximize light and space underneath) to cross low areas, streams, and ravines that may be important amphibian migratory routes.
- Cluster development to reduce the amount of roadway needed and place housing as far from vernal pools as possible.

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Site Clearing, Grading, and Construction Activities

Conservation Issues:

- Site clearing may result in crushing large numbers of amphibians and other animals.
- Site clearing and subsequent construction activities reduce terrestrial habitat available to amphibians by decreasing the extent of the habitat, compacting soil, removing downed woody debris, diminishing invertebrate food supplies, and decreasing the number of small mammal burrows used for refuge by salamanders.
- Site clearing removes shade trees, which alters local climate, resulting in elevated vernal pool water temperatures and increased drying of the forest floor. Amphibians are sensitive to alterations in temperature and are highly subject to desiccation. Elevated temperatures in vernal pools can increase algal productivity, thereby reducing oxygen available to developing amphibian larvae and increasing the likelihood of larval die-offs.
- Site clearing and grading increase erosion rates, which may result in sedimentation of vernal pools. Increased sediment loads stress and kill both amphibian eggs and developing larvae and can alter the structure and composition of in-pool vegetation
- Site clearing and grading create barriers to amphibian dispersal by stockpiling mounds of soil, altering topographic contours, and creating open areas which amphibians may be reluctant to cross because of increased vulnerability to predation and desiccation.
- Use of silt fencing to control erosion creates major obstacles to movement of amphibians and other small animals. Removal of silt fencing is rarely addressed, or often overlooked in sedimentation and erosion control plans. The prevailing belief is that more fencing, for longer periods, provides better environmental protection. Therefore, fences are often left in place indefinitely, impeding the migratory patterns of tens of thousands of animals. Erosion control structures should be removed within 30 days of final site stabilization. Erosion control berms—a sediment control measure accepted in some states—are effective sediment barriers when properly installed and provide less of an obstacle for amphibians and reptiles. Installation of sediment control barriers to control erosion and sedimentation should be limited to the down-gradient edge of any disturbed area and adjacent to any drainage channels within the disturbed area.
- Site clearing and grading can de-water vernal pools by altering surface-water drainage patterns associated with the pool.
- Site clearing can create water-filled ruts. These ruts intercept amphibians moving toward the vernal pool and may induce egg deposition. Often the ruts do not hold water long enough to allow development of the amphibians and therefore act as "sinks" that result in population declines.

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- Perc test holes act as pitfall traps, collecting large numbers of amphibians, turtles, and other animals. Unable to climb the vertical walls of the perc scrape, these animals perish.
- Site clearing and grading creates habitat for the establishment of invasive plants and facilitates the movement of amphibian predators (edge species) into the forest interior.

Management Recommendations:

- Minimize disturbed areas and protect down-gradient buffer areas to the extent practicable.
- Site clearing, grading, and construction activities should be excluded from the vernal pool depression *and* the vernal pool envelope.
- Site clearing, grading, and construction activities should be limited to less than 25% of the entire vernal pool habitat (i.e., the pool depression, envelope, and critical terrestrial habitat).
- Limit the area of clearing, grading, and construction by clustering development.
- Minimize erosion by maintaining vegetation cover on steep slopes.
- Avoid creating ruts and other artificial depressions that hold water. If ruts are created, refill to grade before leaving the site.
- Refill perc test holes to grade.
- Use erosion and sediment control best management practices to reduce erosion. Stagger silt fencing with 20 foot breaks to avoid disrupting amphibian movements or consider using erosion control berms. Use combinations of silt fencing and hay bales to reduce barrier effects. Re-seed and stabilize disturbed areas immediately; permanent stabilization for revegetated areas means that each area maintains at least 85% cover. Remove silt fencing as quickly as possible and no later than 30 days following final stabilization. Minimize use of silt fencing within 750 feet of vernal pools. Erosion control berms can be leveled and used as mulch or removed upon final stabilization.
- Limit forest clearing on individual house lots within the developed sections of the vernal pool management zones to no more than 50% of lots that are two or more acres in size. Encourage landscaping with natural woodland, containing native understory and groundlayer vegetation, as opposed to lawn.
- Silt fencing *should* be used to exclude amphibians from active construction areas. At Jefferson Crossing (see Case Study), each house construction site was encircled by a silt fence barrier to keep salamanders away from heavy machinery, excavation, and stockpiling. However, construction activities should, ideally, occur outside of peak amphibian movement periods (which include early spring breeding and late summer dispersal).

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Stormwater Management

Stormwater management provides an excellent example of how addressing one set of environmental issues can result in creation of other environmental impacts, as follows.

Conservation Issues:

- Systems of curbs, catch basins, and hydrodynamic separators—designed to capture and treat road runoff—intercept, trap, and kill amphibians and other small animals crossing roads. These systems can also de-water vernal pools by releasing water into another watershed, or downslope of a vernal pool. Hydrodynamic separators are especially problematic because they remove particulate matter from stormwater via swirl chambers. These devices cannot distinguish between sediments and small vertebrates; thus, thousands of amphibians can be killed in one unit.
- Systems of gutters, leaders, and infiltration systems designed to capture and manage roof runoff can drain wetlands if the roof water is captured and released in another watershed, or below the vernal pool area.
- Systems designed to capture road and roof runoff can alter how long pools hold water by transporting additional water into the vernal pool watershed. This is especially critical in short hydroperiod pools that support fairy shrimp.
- Vernal pools and other small wetlands have been inappropriately used as stormwater detention pools and biofiltration basins. These practices create a degraded aquatic environment subject to sediment loading, pollutants, and rapid changes in water quantity, quality, and temperature.
- Stormwater detention basins and biofiltration ponds can serve as decoy wetlands, intercepting breeding amphibians moving toward vernal pools. If amphibians deposit their eggs in these artificial wetlands, they rarely survive due to the sediment and pollutant loads, as well as fluctuations in water quality, quantity, and temperature.

Management Recommendations:

- Vernal pool depressions should never be used, either temporarily or permanently, for stormwater detention or biofiltration.
- Detention and biofiltration ponds should be located at least 750 feet from a vernal pool; they should never be sited between vernal pools or in areas that are primary amphibian overland migration routes, if known.
- Treat stormwater runoff using grassy swales with less than 1:4 sloping edges. If curbing is required, use Cape Cod curbing. Maximize open drainage treatment of stormwater.
- Use hydrodynamic separators only in conjunction with Cape Cod curbing or swales to avoid funneling amphibians into treatment chambers, where they are killed.
- Maintain inputs to the vernal pool watershed at pre-construction levels. Avoid causing increases or decreases in water levels.

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- Minimize impervious surfaces (i.e., surfaces that do not absorb water) to reduce runoff problems and resulting stormwater management needs. Use of grass pavers (concrete or stone that allows grass to grow) on emergency access roads and in low use parking areas is recommended. Use of phantom parking is also recommended. Zoning formulae often require more parking spaces than are actually needed. Under a phantom parking strategy, sufficient land is reserved for projected parking requirements, but only a portion of the parking area is constructed at the outset. Additional areas are paved on an as-needed basis.
- Examine the feasibility (which varies by location) of reducing the road width standard to achieve conservation goals (i.e., minimize the footprints of roads). This is often done in tandem with development clustering, to reduce impervious surfaces and disturbance areas.

Accessory Infrastructure

Conservation Issues:

- In many communities, a different standard is employed when evaluating impacts of accessory structures and functions (e.g., outbuildings, pools), as compared to homes and other buildings. There appears to be no legal basis for this distinction, but rather a discretionary sense that, for example, the construction of a swimming pool in a regulated area surrounding a wetland is different (i.e., less harmful) than construction of a house within the same area. For pool-breeding amphibians, there is no distinction; the siting of accessory structures near vernal pools is a major conservation issue resulting in the loss of millions of amphibians and other small creatures each year.
- Below-ground swimming pools may function as large animal traps, capturing salamanders, frogs, small mammals, snakes, and turtles. Trapped animals either drown or are killed by chlorinated water.

Management Recommendations:

- Accessory structures should be excluded from the vernal pool depression and vernal pool envelope.
- Below-ground swimming pools located within the critical terrestrial habitat of a vernal pool should be surrounded by some sort of barrier. A fine mesh wire at the base of a picket fence or a one-foot high, 90-degree, curb or barrier would deter amphibians from travelling into the pool.

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Lighting

Conservation Issues:

- Light spillage in wetlands and woodlands affects a diversity of wildlife species (e.g., see www.urbanwildlands.org). Recent increases in the use of security and garden lighting have intensified problems associated with light spillage. Scientific experiments and anecdotal evidence suggest that changes in lighting may affect frog reproduction, foraging, predator avoidance, and social interactions (Buchanan 2002). Buchanan demonstrated in laboratory experiments that dark-adapted frogs exposed to rapid increases in illumination may be temporarily 'blinded', unable to see prey or predators until their eyes adapt to the new illumination. Similarly, there is evidence that salamanders are strongly attracted to light (S. Jackson, University of Massachusetts, pers. comm.). This behavioral response could divert salamanders away from breeding sites; it could also make them more vulnerable to predation or road mortality during migrations. Artificial lights that emit unusual spectra may especially disrupt these migration patterns (Wise and Buchanan 2002). Research on the effects of lighting on amphibian behavior and larval development is ongoing.

Management Recommendations:

- Exterior and road lighting within 750 feet of a vernal pool should use low spillage lights—those that reflect light directly downward onto the area to be illuminated. A variety of products to accomplish this goal are now on the market. Avoid using fluorescent and mercury vapor lighting.

Wetland Creation and Alteration

Conservation Issues:

- Extensive structural complexity (i.e., the arrangement of different layers of trees, shrubs, and plants in a small wetland) supports a diversity of small vertebrates and invertebrates. When wetlands are altered through clearing of vegetation, impoundment of water, or dredging, the microhabitats used by many species of wildlife are changed or lost. This results in unsuitable breeding habitat for many amphibians, including vernal pool species.
- Wetland creation is another byproduct of development and landscape alteration. Created wetlands are often mandated as replacement for other wetlands lost during development; sometimes, they are also incorporated as design features in a subdivision. Similar to altered wetlands, created wetlands usually lack the structural diversity, microhabitats, and hydrology to support vernal pool breeding amphibians.

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- Altered and created wetlands often support highly adaptable, widespread, "weedy" species (e.g., bullfrogs or green frogs). These species prey upon, or successfully outcompete, vernal pool-breeding amphibians, which reduces or locally eliminates populations of these habitat specialists.
- Created wetlands that do not have the appropriate habitat often attract breeding amphibians. Eggs laid in these "decoy" pools often do not survive. Such pools serve to trap breeding amphibians and might result in local population declines.

Management Recommendations:

- Alteration of existing conditions within vernal pools and other small wetlands should be avoided.
- Creation of ponds and similar wetlands should be avoided within 750 feet of a vernal pool.
- Redirect efforts from *creating* low value, generalized wetlands to *enhancing* terrestrial habitat around vernal pools. These enhancements could include reforestation of post-agricultural lands within 750 feet of a vernal pool, restoration of forest, importing additional cover objects (e.g., logs, stumps), and removal of invasive plants and animals.

Post-Construction Activities

After a construction project has been completed, there are long-term development issues that continue to affect vernal pools. Even projects that are designed with ecological sensitivity can cause problems over time, due to the day-to-day activities of humans. Many of these longer-term problems can be anticipated and avoided during the overall design and approval process of the project.

Conservation Issues:

- Pest animals are those species that humans encourage by subsidizing food resources and fragmenting habitats. Raccoons, foxes, and skunks fall into this category. These artificially inflated mammal populations often prey heavily on vernal pool amphibians during the breeding season.
- Domestic animals, including pets, can threaten pool wildlife through predation or physical disturbance of habitats.
- Protected areas around wetlands, over time, are intruded upon by humans. Impacts include dumping, forest clearing, dirt biking, introduction of free-ranging dogs and cats, favoring of invasive plant species, fires, collection of native wildlife, and other activities that degrade the vernal pool and its envelope.

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- Increased pesticide use is usually associated with suburban landscaping. These toxins often enter into the vernal pool watershed and compromise the pool's ability to serve as a breeding site and nursery for vernal pool species.

Management Recommendations:

- Discourage predators by making garbage and other supplemental food sources unavailable.
- *Consider keeping cats indoors at all times.* This would reduce predation on a wide variety of species, ranging from pool-breeding amphibians to ground-nesting birds. Attaching bells to cat collars does *not* significantly reduce the ability of cats to prey on small vertebrates.
- Mark the edge of a protected area (e.g. the critical terrestrial habitat) with permanent markers. Well-marked boundaries make enforcement of restricted areas clear to both homeowners and the local wetlands enforcement agency. For example, granite monuments or stone cairns could be placed every 10 feet around a protected area. In cases where intrusion is a concern, small sections of stone wall could be erected; these walls should be discontinuous, so that they do not impede amphibian dispersal.
- Use covenants or deed restrictions to assure that the vernal pool and its envelope are conserved and that pesticide use, lot clearing, and other degrading activities are kept out of associated areas. Assign the homeowner or homeowner's association with responsibility for ensuring that conditions of the covenant or deed restriction are met. Provisions should also be included to allow a third-party, such as the town or local land trust, with adequate notice, to enter the property and conduct appropriate management and remediation, charging the homeowner for these services.
- In the case of a homeowner's association or other type of multiple tenant arrangement, a stewardship manual could be prepared that would educate each purchaser, or lessee, as to the unique nature of the property they are purchasing or renting, what their collective obligations to protect the resource entail, and where to obtain additional assistance or information.
- A conservation easement, covering at minimum the vernal pool depression and vernal pool envelope (and, preferably, including land within the "critical terrestrial habitat"), could be held by a municipality, land trust, or other non-governmental organization.

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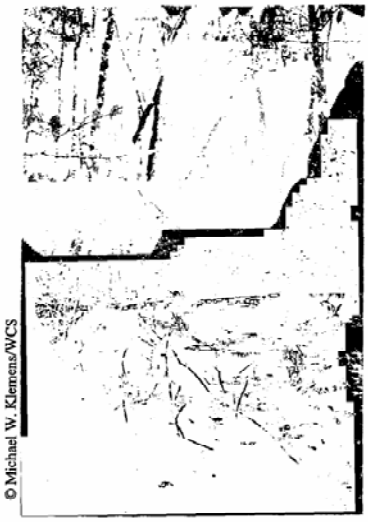
A "classic" vernal pool lying in a basin, or depression, in deciduous woodland.
Although these habitats are important for vernal pool-breeding species, only a small percentage of pools within the Region have this distinctive signature. Many cryptic (i.e., non-classic) vernal pools are found within larger wetland systems. Figure 3 provides some examples of the wide diversity of these cryptic vernal pools.

© Anam J. K. Calhoun

Large vernal pool.
Although vernal pools average considerably less than one acre in size, some are as large as two acres. Large vernal pools are not uncommon in the northern part of the Region.



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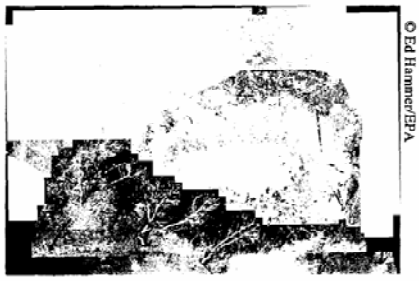
Small vernal pool.
Most vernal pools are quite small, as typified by this 0.25-acre pool. This photograph depicts two important components of vernal pools: ***microtopographic complexity*** *(as illustrated by a patchwork of hummocks, moss, and logs) and* ***vertical stratification*** *(which consists of a variety of layers of herbaceous plants, low shrubs, tall shrubs, and trees). Collectively, these elements provide a tremendous variety of microhabitats, which support the rich diversity of life in and around vernal pools.*



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Aerial view of vernal pool.
Many pools exhibit this concentric, ring-like pattern of habitat zones.

Figure 1. Vernal Pool Size and Structure

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Snowbound vernal pool in late March.
Vernal pool levels are generally highest during winter and spring. This pool contains breeding populations of Jefferson salamanders, spotted salamanders, and wood frogs.

Drying vernal pool in late June.
Low water levels—and resulting low oxygen levels—exclude fish from vernal pools, which would otherwise decimate larval amphibian populations. This site provides breeding habitat for Jefferson salamanders, spotted salamanders, and wood frogs. Blanding's turtles, wood turtles, and box turtles also use this pool.

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Dry vernal pool in August.
Most vernal pools will begin to refill in the autumn, when plants become dormant and use less water. Spotted salamanders and wood frogs breed at this site. The pool is also used by spotted turtles and box turtles.

Figure 2. Vernal Pool Seasonality

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Semi-permanent pool.
Jefferson and spotted salamanders breed in this wetland. This pool rarely dries up completely, as opposed to classic vernal pools, which dry up annually.

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Floodplain swamp.
Blue-spotted salamanders and wood frogs breed in depressions and oxbows within river floodplains. When floodwaters recede, these pools become isolated; therefore, they do not provide breeding habitat for fish. Four-toed salamanders, spotted salamanders, and wood turtles also use this habitat.

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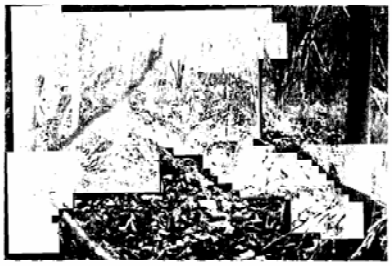
Pool with seasonally flooded wet meadow.
Larval amphibians exploit the rich food resources and warmer water of the meadow. As the meadow dries, the larvae retreat into the deeper pool to complete their development. Tiger salamanders breed here; the site also provides habitat for box turtles and ribbon snakes.



© Laura Tessler

Red maple swamp with carpet of *Sphagnum* moss.
Spotted and four-toed salamanders, as well as wood frogs, breed in deeper pools of forested wetlands. These water-filled pockets are often created when trees are uprooted during severe storms.

Figure 3. Cryptic Vernal Pools

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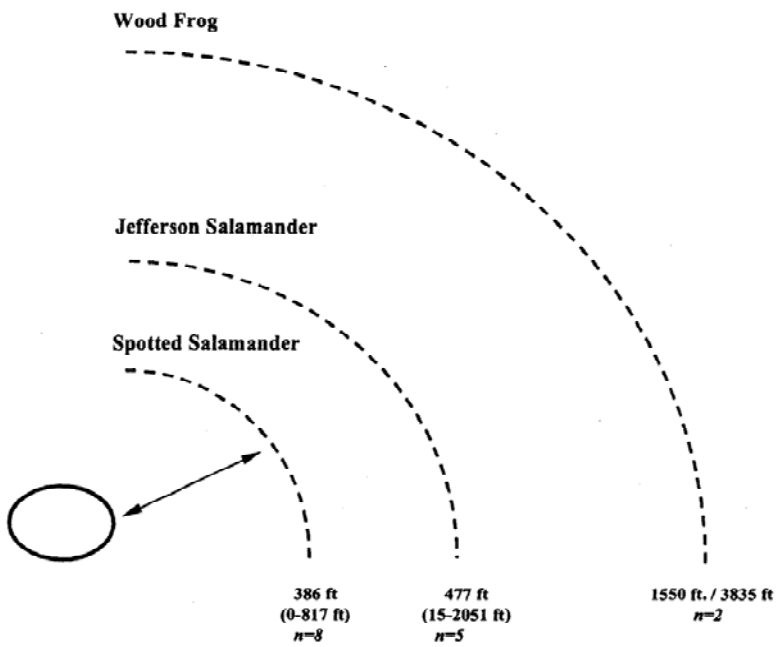

Figure 4. Migration Distances for Vernal Pool Amphibian Indicator Species*

Adult salamander migration distances are provided as means (and ranges). Two values are reported for wood frogs (*Rana sylvatica*)—mean juvenile dispersal distance and maximum adult migration distance. The number of studies contributing data *(n)* is listed for each species (sources include: Windmiller 1996; Semlitsch 1998; Berven and Grudzien 1990; Faccio, *in prep.*).

*Distances are not to scale.

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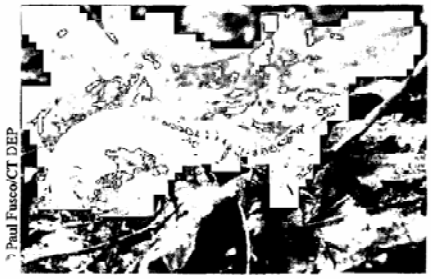


© Paul Fusco/CT DEP

Jefferson Salamander *(Ambystoma jeffersonianum)*

© Richard G. Zweifel/AMNH

Spotted Salamander *(Ambystoma maculatum)*

© Richard G. Zweifel/AMNH

Wood Frog *(Rana sylvatica)*

© Richard G. Zweifel/AMNH

Eastern Spadefoot Toad *(Scaphiopus holbrookii)*

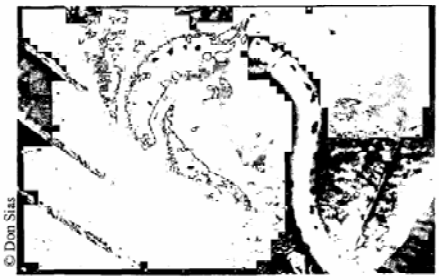
© Leo P. Kenney

Fairy Shrimp *(Eubranchipus* sp.)

© Maine Natural Areas Program

Featherfoil *(Huttonia inflata)*

Figure 5: Examples of Vernal Pool Indicator Species of the Region

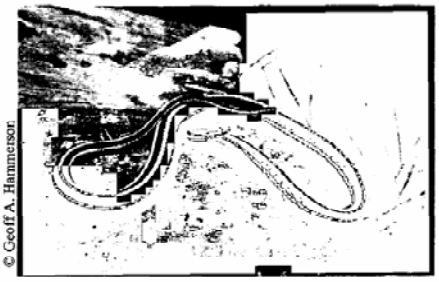


Four-toed Salamander *(Hemidactylium scutatum)*

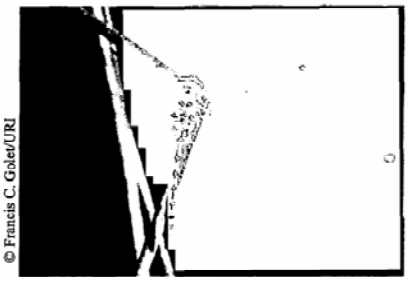
Spotted Turtle *(Clemmys guttata)*

Blanding's Turtle *(Emydoidea blandingi)*

Eastern Box Turtle *(Terrapene c. carolina)*



Eastern Ribbon Snake *(Thamnophis s. sauritus)*



Ringed Boghaunter *(Williamsonia lintneri)*

Figure 6: Examples of Vernal Pool Facultative Species of the Region

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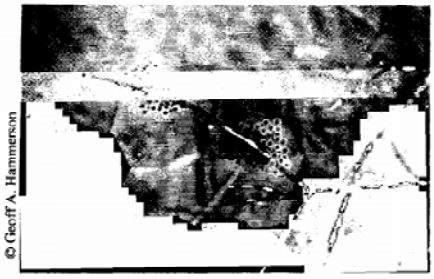
Male salamanders migrate to vernal pools under the cover of darkness and deposit spermatophores on the pool bottoms.



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Females enter the pond during nightime rains, engage in courtship, and are fertilized by picking up the spermatophores. They then deposit clumps of jelly-coated eggs.

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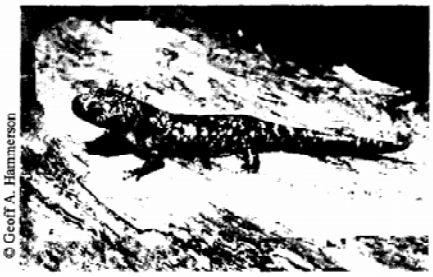
Bushy-gilled larvae hatch. They are voracious feeders and develop rapidly for several months.



© Geoff A. Hammerson

Larvae metamorphose. The pattern of this newly-transformed marbled salamander metamorph differs markedly from an adult.

© Chris Raithel

Adult patterns appear several weeks to months after metamorphosis, as seen here in the adult marbled salamander (Ambystoma opacum).

Figure 7: Mole Salamander *(Ambystoma)* Life Cycle*

*Source: Klemens 2000. Text reprinted by permission of the author and the Connecticut Department of Environmental Protection.

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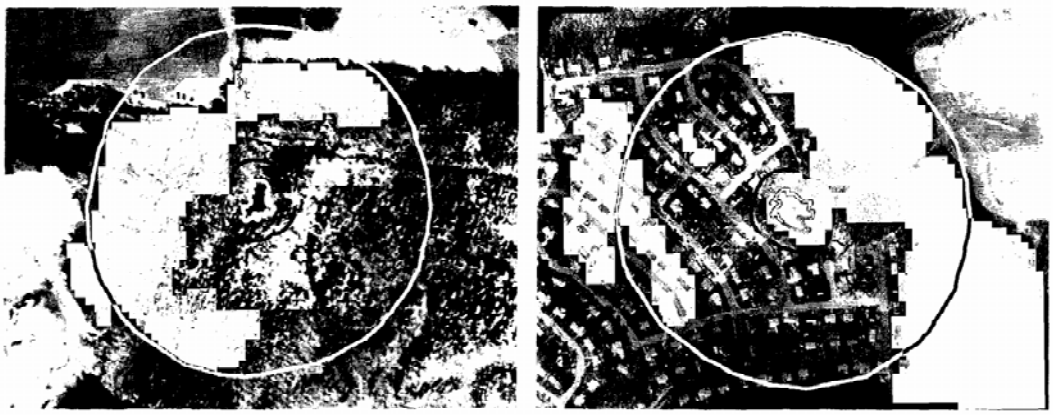

a. Vernal pool (blue) with undisturbed envelope (red) and < 25% of the critical terrestrial habitat (yellow) developed. Existing amphibian populations will likely remain viable in this pool.

b. Vernal pool (blue) with some disturbance in the envelope (red) and > 25% of the critical terrestrial habitat (yellow) developed. It is highly unlikely that this pool will be able to support viable amphibian populations.

Figure 8. Aerial Photography Depicting Vernal Pools and Management Areas in Varying Development Settings*

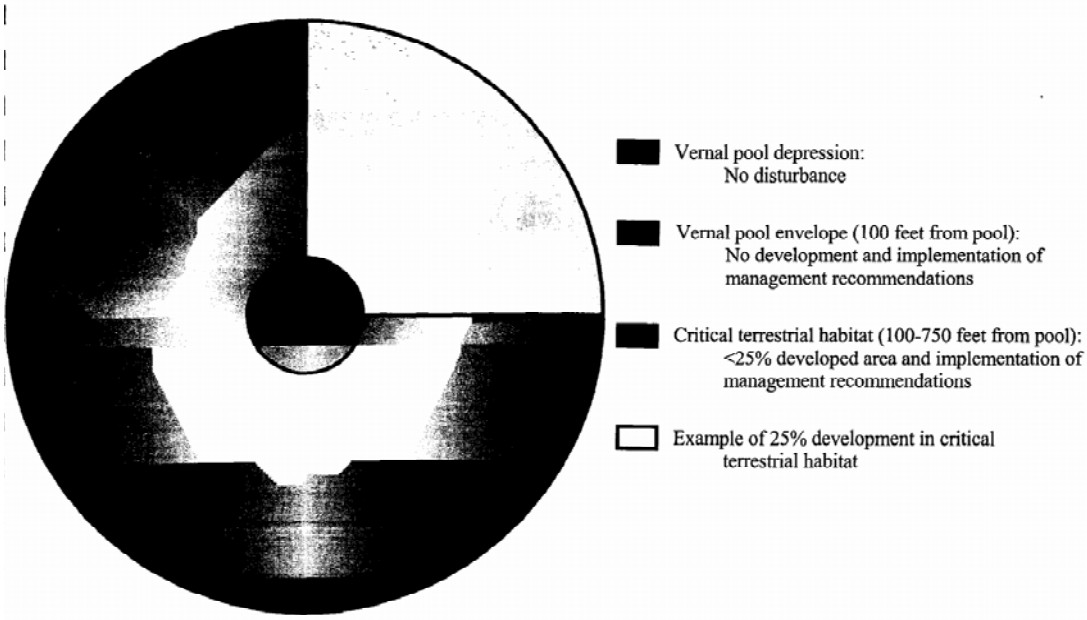

Figure 9. Vernal Pool Management Areas and Recommendations

*Digital orthophotography, Rhode Island Geographic Information System

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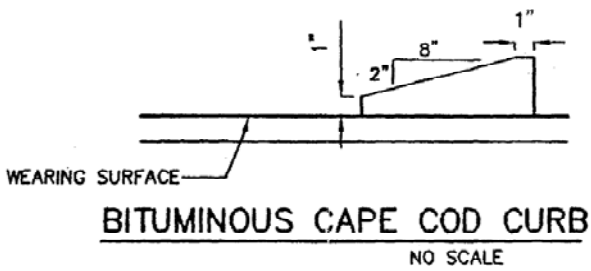

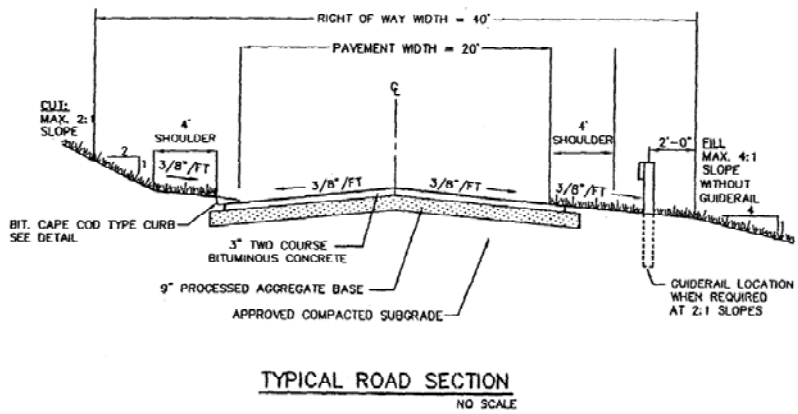

Source: Jefferson Crossing, Farmington, CT; Buck and Buck Engineers, Hartford, CT.

Figure 10: Design Schematics for Road and Driveway Construction to Reduce Impacts on Pool-Breeding Amphibians

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Appendix 1

Vernal Pool Regulation and Definitions

Introduction

Wetlands are more extensively regulated than any other habitat or landscape unit within our Region, due in large part to their ecological sensitivity and the number of ecological services they provide (e.g., flood abatement, water quality improvement, groundwater recharge). However, despite the vast amount of resources devoted to wetlands—at Federal, state, and local levels—regulations addressing vernal pools are, for the most part, ineffective or nonexistent. Most wetland regulations contain lower size thresholds; therefore, impacts to small wetlands such as vernal pools often "slip under the radar" of regulatory agencies. In addition, although many regulatory agencies have jurisdiction over upland "buffers" or "setbacks" surrounding wetlands, such jurisdiction rarely extends beyond 150 feet from wetland edge—a distance that is insufficient for maintaining vernal pool wildlife populations. Another hurdle lies in the establishment of a standardized definition of "vernal pool;" numerous, widely varying definitions exist within the Region. The following text discusses the details and limitations of wetland regulations within the Region, as they pertain to vernal pools.

Federal Regulation

Dredge and fill activities in freshwater wetlands are regulated at the federal level through Section 404 of the Clean Water Act (CWA). The Army Corps of Engineers (the Corps) oversees this program. However, regulation does not necessarily equal protection. Keep in mind that the CWA was created to protect water quality, not wildlife habitat. Often, permits are issued for relatively small impacts; however, vernal pools often fall within the exempted size threshold. Most states in the Region have Programmatic General Permits (PGP), which currently replace all Nationwide Permits. PGP's are intended to expedite the review of "minimal" impact work in coastal and inland waters and wetlands. General permits are also supposed to be authorized for activities that are "substantially similar in nature." Any proposed project that does not qualify for the PGP must then go through the individual permit review process. A PGP is designed to work in concert with a State's wetland regulatory program. Ideally, the Corps allows the State regulatory agency to take the lead on permitting of smaller impact projects. Any of the Federal resource agencies can "kick out" a project for screening as an individual permit if the agency can document that the wetland or water body impacts would be more than "minimal," which really isn't difficult to do. The level of scrutiny and review is generally less for a PGP project than for an individual permit project. For example, all applicants have to demonstrate that they have first avoided and then minimized the amount of wetland impact, but the amount of documentation required by a PGP application is generally quite a bit less than for an individual permit.

Maine—Maine has a "kick out" for vernal pools from Category I of the Programmatic General Permit.

Connecticut, Vermont and Massachusetts—PGPs require screening reviews for fill in vernal pools. A vernal pool is defined in the PGP as an "…often temporary body of water occurring in a shallow depression that fills during spring rains and snow melt and typically dries up during summer months. Vernal pools support populations of specialized species, which may include wood frogs, mole salamanders *(Ambystoma)*, fairy shrimp, fingernail clams and other invertebrates. A feature common to vernal pools is the lack of breeding populations of fish. Some shallow portions of permanent waterbodies also provide vernal pool function by supporting breeding populations of vernal pool species. Old, abandoned, artificial depressions may provide these necessary breeding habitats."

Another administrative tool is known as the "pre-construction notification" process; this process allows so-called minor wetland fillings to be reported to the Corps after the fact, so that the Corps can track acreage lost. The Corps is aware of the limitations of these approaches, and recently has begun to curtail the use of these programs in areas of ecological concern, such as the New York City Watershed. However, in many sections of the Northeast, filling of small wetlands continues; among the hardest hit are those wetlands supporting vernal pool-dependent species.

Because of a recent Supreme Court decision (SWANCC; January 9, 2001), the Corps no longer regulates isolated wetlands by invoking the Migratory Bird Act. This ruling puts even more pressure on individual states to take the lead in protection of these resources.

Other federal agencies involved in wetland permitting include the US Fish and Wildlife Service, which serves in an advisory capacity on projects that may affect wildlife resources, and the Environmental Protection Agency, which has veto power over Corps decisions.

State Regulation

Each state in the Region has a wetland protection statute that regulates activities in jurisdictional wetlands. The specifics of the regulatory program and permit process vary from state to state, but small wetlands, including vernal pools, receive the least protection under most state regulatory programs. For example, New York has a regulatory minimum-size threshold of 12.4 acres, considerably larger than the majority of vernal pools. The only vernal pools protected at the state level in New York are those that: 1) contain a State-listed endangered or threatened species *and* 2) have been added, through a public hearing process, to the official map of State-regulated wetlands. Even Massachusetts, which has led the region with its program of volunteer-driven vernal pool certification, is unable to protect sufficient critical terrestrial habitat to sustain the amphibians that breed within those certified pools. In fact, most states do not include the terrestrial habitat associated with isolated wetlands in their wetland regulations.

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Note: Under all Federal and state regulations, even where vernal pools are regulated, the critical terrestrial habitat around them is not. Sometimes a small buffer around the wetland is maintained, but this does not provide the necessary upland habitat for pool-breeding amphibians.

Connecticut

Overview:
Legislation passed in 1995 (P.A. 95-313) and included in the Inland Wetlands and Watercourses Act (originally passed in 1972) expanded the definition of "watercourse" to include, "all other bodies of water, natural or artificial, vernal or intermittent." Regulation occurs at the municipal level via town Inland Wetlands Commissions. While not specifically defining "vernal pools" this amendment promoted their inclusion in municipal inland wetland regulations. However, no towns have developed regulations regarding vernal pools specifically. The Connecticut Department of Environmental Protection has model regulation and guidance documents.

Definition:
There is no official definition for a vernal pool. The University of Connecticut and the Forest Stewardship Program (Donahue 1995) have issued guidance for identification and protection of vernal pools. They recommend the following physical features and the presence of one or more obligate species:

a. water for approximately 2 months during the growing season,

b. a confined depression that lacks a permanent outlet stream,

c. no fish, and

d. dries out in most years.

The following definition of a vernal pool was prepared by the Connecticut Vernal Pool Working Group: "seasonal or permanent watercourse in a defined depression or basin, that lacks a fish population and in most years supports breeding and development of amphibian or invertebrate species recognized as obligate to such watercourses.

Proposed obligate species:
fairy shrimp, spotted salamander, eastern spadefoot toad, Jefferson salamander, marbled salamander, wood frog.

Maine

Overview:
In organized towns, wetlands are regulated by the Department of Environmental Protection (DEP) through the Maine Natural Resources Protection Act (NRPA

1996). Vernal pools generally meet Federal and State wetland definitions and are subject to regulation. However, the degree of environmental review in Maine depends upon the size of the *impact* to the wetland. Impacts to wetlands that are less than 4,300 ft^2 (approximately 0.1 acres) require no reporting. Impacts between 4,300 ft^2 and 15,000 ft^2 (approximately 0.3 acres) require the lowest level of review, Tier 1, and have an expedited 30-day review process with no requirement of compensation for wetland loss. Tier II (impacts >15,000 ft^2 to 1 acre) and Tier III (impacts > 1 acre) require greater documentation and require input from professional delineators.

In the unorganized towns and plantations, the Land Use Regulation Commission (LURC) regulates activities in wetlands. LURC's language on vernal pools is consistent with the statutory provisions in NRPA. However, LURC's regulatory authority over vernal pools is tied to the Maine Department of Inland Fisheries and Wildlife's (MDIFW) ability to define and identify vernal pools. In unorganized towns, MDIFW is relying on a voluntary, cooperative strategy for protecting vernal pools.

"Significant vernal pools" (SVPs) were listed as "Significant Wildlife Habitat" in Maine's 1995 revision of the NRPA. Designation of SVP's is pending formal adoption of a definition of "significant vernal pools" and development of a system to pre-identify vernal pools.

Proposed definition:
The following definition has been approved by the Maine Vernal Pool Working Group, and will be incorporated into the Natural Resources Protection Act.

"Vernal pools are naturally-occurring, temporary to permanent bodies of water occurring in shallow depressions that typically fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders and fairy shrimp, and often provide habitat for other wildlife including several endangered and threatened species. Vernal pools intentionally created for the purposes of compensatory mitigation are included in this definition."

Indicator species:
wood frog, spotted salamander, blue-spotted salamander, fairy shrimp

Massachusetts

Overview:
The Massachusetts Wetlands Protection Act Regulations (310CMR 10.00, 1996) include measures for the regulation of vernal pool habitat, as long as it is located within another category of wetland regulated by the Act, and as long as it has

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been certified by the Massachusetts Division of Fisheries and Wildlife (MDFW) prior to the filing of a Notice of Intent by an applicant. A vernal pool must be certified and mapped by the Natural Heritage and Endangered Species Program (NHESP) prior to permitting of a wetland impact. Criteria are available through NHESP.

Definition:
The Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00,1996) define vernal pools as "confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area within 100 feet of the mean annual boundaries of such depressions."

Obligate species:
fairy shrimp, spotted salamander, blue-spotted salamander, Jefferson salamander, silvery salamander, Tremblay's salamander, marbled salamander, wood frog

New Hampshire

Overview:
In New Hampshire, there is no minimum size limit to projects that require a wetland permit. Vernal pools are regulated in New Hampshire only if they are located within other regulated wetlands (Wetlands Board Code of Administrative Rules 1993); they have traditionally been assessed as low-value wetlands.

New Hampshire Fish and Game (NHFG) developed a vernal pool identification manual (Tappen 1997) to initiate local conservation efforts. Following documentation, the information is supposed to be forwarded to NHFG and the local conservation commission for informational purposes. However, there are no state or local regulations that give added protection to documented vernal pools.

Definition:
There is no official regulatory definition of a vernal pool. New Hampshire Fish and Game defines a vernal pool as "A temporary body of water providing essential breeding habitat for certain amphibians and invertebrates and does not support fish." For a pool to be documented, it must be demonstrated that:

a. the pool occupies a confined depression without a permanently flowing outlet;
b. the pool contains water for at least two months in the spring/summer;
c. the pool dries up and therefore does not support fish;
d. indicator species are present (i.e., there is evidence of amphibian breeding or the presence of certain invertebrates in a flooded pool)

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Indicator species:
fairy shrimp, spotted salamander, blue-spotted salamander, Jefferson salamander, marbled salamander, wood frog

New York

Overview:
Vernal pools are not specifically recognized and would only be subject to regulation under the following conditions (NYS DEC Article 24 Freshwater Wetlands law):

1. greater than 12.4 acres,
2. demonstrating unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105,
3. contain a State-listed endangered or threatened species *and* have been added, through a public hearing process, to the official map of State-regulated wetlands, or
4. located within Adirondack park (minimum regulated size 1 acre).

An act to amend the environmental conservation law was introduced in February 2000 (A9561) that specifically describes vernal pools and recommends lowering the State regulated wetland size from 12.4 acres to 3 acres.

Definition:
There is no regulatory definition of a vernal pool. Ecological Communities of New York State (Reschke 1990) describe the natural vernal pool community as follows:

"...a wetland in a small, shallow depression within an upland forest. Vernal pools are flooded in spring or after a heavy rainfall, but are usually dry during summer. Many vernal pools are filled again in autumn. This community includes a diverse group of invertebrates and amphibians that depend upon temporary pools as breeding ponds. Since vernal pools cannot support fish populations, there is no threat of fish predation on amphibian eggs or invertebrate larvae. Characteristic amphibians include wood frog (*Rana sylvatica*), mole salamanders (*Ambystoma* spp.), American toad *(Bufo americanus*), green frog (*Rana clamitans*), and red-spotted newt (*Notophthalmus viridescens*)."

Indicator species:
The New York Natural Heritage Program is reviewing the literature and will produce a list of obligate species, most likely matching those listed in Massachusetts.

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Rhode Island

Overview:
The Rhode Island Fresh Water Wetlands Act (RIFWWA) does not specifically regulate vernal pools but defines *pond* as a place not less than one-quarter (1/4) of an acre in extent, natural or manmade, wholly or partly within the state of Rhode Island, where open standing or slowly moving water shall be present for at least six (6) months a year.

To ensure enhanced protection for vernal pools, the 1994 rules included a new wetland category, *special aquatic site* defined as a body of open standing water, either natural or manmade which does not meet the definition of 'pond' but which is capable of supporting and providing habitat for aquatic life forms as documented by:

a) presence of standing water during most years as documented on site or by aerial photographs; and

b) presence of habitat features necessary to support aquatic life forms of obligate wildlife species, or the presence, documented use, or evidence of aquatic life forms of obligate wildlife species (except biting flies).

There is no size minimum but, because most are smaller than 1/4 acre, they do not meet the definition of "pond"; therefore, there is no protection of the adjacent upland. DEM can regulate land use within 50 feet of the edge of ponds but not smaller water bodies. The applicant is expected to recognize special aquatic sites—based on the presence of aquatic life forms of obligate wetland species or their habitats—and to put them on plans for proposed development. DEM checks those sites, and other wetlands, in the field during the project review.

Definition:
None (but see definition of "special aquatic site," above).

Indicator species:
fairy shrimp, spotted salamander, blue-spotted salamander, Jefferson salamander, marbled salamander, wood frog

Vermont

Overview:
Vernal pools can be protected under Vermont's wetland rules only if they are part of a Class II wetland or better (i.e., show up on Vermont Significant Wetland Inventory maps derived from National Wetland Inventory maps). If a Class II wetland is protected under the wildlife habitat section or any other section, the maximum protection would be for the wetland and a 50-foot buffer. Class 1 wetlands can be protected with a 100-foot buffer, but there are few Class 1

wetlands at this time. Vernal pools are potentially protected under this rule only if they are within a mapped wetland or are contiguous to such a wetland. Again, only up to 50 feet of the adjacent land around such a pool could be protected for a Class II wetlands

Vermont Wetland Rules (Water Resources Board 1990) do not specifically address vernal pools. Under the rules, Vermont evaluates wetlands based on 10 functions and values, wildlife habitat being one of those. The likely impact of a project on those functions is then assessed. If it is determined that a pool provides significant amphibian breeding habitat, this could trigger a larger buffer requirement or a potential denial of a project.

According to Rule 5.4 c (1), the following considerations are made in designating *wetlands significant for wildlife*:

a. The wetland provides habitat that supports the reproduction of uncommon Vermont amphibian species including: Jefferson salamander, blue-spotted salamander, spotted salamander, and others found in Vermont of similar significance;

b. The wetland supports or based on its habitat, is likely to support, breeding populations of any uncommon Vermont amphibian species including: mountain dusky salamander, four-toed salamander, Fowler's toad and others found in Vermont of similar significance.

Definition:
None.

Local Regulation

Building upon a long tradition of home rule in New York and New England, towns may adopt more stringent protective wetland regulations than those mandated at the state and federal levels. There are two specific aspects of vernal pool protection where local ordinances add considerable value to conservation efforts. First, local laws are able to extend protection to very small wetlands, including vernal pools that fall beneath the regulatory threshold of state or federal governments. Second, local laws are able to protect upland habitat surrounding a vernal pool. The Connecticut towns of Guilford and Redding have proposed statutory protection of vernal pools by maintaining large areas of critical upland habitat surrounding vernal pools and the upland connections between pools.

The downside to this approach is the creation of a patchwork pattern of wetland protection, varying from town to town. It is not unusual for a wetland that spans two political jurisdictions to be conserved in one town, and be totally unprotected in the other. The level of diligence and expertise in enforcing and interpreting local wetland ordinances also varies from town to town. Even the most comprehensive wetland

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ordinance is vulnerable to the lack of political will and due diligence by local decision-makers in its application. Another downside to vernal pool regulation is that groups opposing development are beginning to use vernal pools indiscriminately—regardless of their relative biological value—as a tool to thwart applications in the local review process.

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Appendix 2

Using Aerial Photography to Locate Vernal Pools

The practicality of using aerial photography to identify vernal pools varies with predominant forest cover-type, scale, timing, and type of photography. A primer on identifying vernal pools through aerial photography and using Geographic Information Systems to create a database is available in *Massachusetts Aerial Photo Survey of Potential Vernal Pools* (Burne 2001). Aerial photo coverage can provide a landscape overview to aid during reconnaissance-level (i.e., field) surveys. From aerial photographs one can identify areas most likely to have pools. For example, topography and breaks in the forest canopy give clues to vernal pool location.

Use of aerial photography must be followed with ground-truthing. *In fact, finding existing vernal pools in the field and then characterizing the way they appear on aerial photography (i.e., defining the* ***signature*** *of vernal pools) may help in picking out other potential pools on photography.* NOTE: Even with good aerial photography and experienced photo-interpreters, many vernal pools are easily missed; this may be due to pool size, forest cover type, the presence of tree shadows, or because the pools are embedded in other wetlands). It is critical to ground-truth!

Below are some common challenges and solutions for using photography for pre-identification of pools based on work done in Maine, Massachusetts, and Rhode Island.

What do I use?

- **Stereo coverage:** Try to obtain aerial photographs in stereo pairs and view them with a stereoscope. Subtle changes in relief can provide clues to potential vernal pool sites.
- **Season and ground conditions:** Photos taken when the leaves are off the trees, the ground is free of snow, and water levels are high provide the best opportunity for identifying vernal pools. Early spring (March-May) is generally the best period for capturing these conditions, but late fall (November-December) may also provide good visibility for aerial coverage. Identification of vernal pools is least reliable on photos taken during very dry years or in the middle of summer when tree canopies obscure ground conditions.
- **Scale and film type:**

  Scale

  The larger the scale (e.g., 1:4,800 is a larger scale than 1:12,000), the easier it is to identify small ground features. Generally, scales at least 1:4,800 to 1:12,000 should be obtained to identify small pools. However, scales as small as 1:31,680 (2 inches per mile) have been used successfully to identify vernal pools that are 0.25 acre in size (L. Alverson, Forest Resource Consultant, pers. comm.). Ultimately, the scale of photography needed to successfully pre-identify vernal pools will depend on the type of film, time of year photos were flown, forest cover type, and size of the pool.

Film Type

Color Infrared—CIR is the most reliable photography for picking out vernal pools because water absorbs color infrared light and appears black in contrast to the lighter colored (pink, magenta, orange, yellow) vegetation. A study conducted at the University of Massachusetts, Amherst (MacConnell et al. 1992) found that large-scale CIR (1:4,800 or 1:12,000) was the best tool for delineating wetlands, particularly forested wetlands. Specifically, they found that CIR is very sensitive to water and chlorophyll—key features for wetland identification. Photo interpretation was faster, more consistent, more accurate and required less corollary information and field work to maintain a high level of accuracy. CIR had much finer resolution than black and white film at the same scale, permitting the use of smaller scale photography. Tiner (1990) and Stone (1992) discuss the advantages of CIR film in photo-interpreting wetlands. The disadvantage of using CIR photography is that it is considerably more expensive than black and white photography.

Black-and-White—A pilot project in York and Penobscot counties evaluating the use of black-and-white aerial photography at 1:4,800 or 1:12,000-scale found it to be an effective pre-identification tool in deciduous forests in southern Maine. Pre-identification using 1:4,800-scale photography resulted in both a higher percentage of correct predictions and less omissions than did 1:12,000-scale photography. However, in lower Penobscot valley, pre-identification of vernal pools less than 0.5 acre was not effective in mixed and evergreen forests (both wetland and upland). In some cases, known pools could not be identified on the photography (K. Huggins, Champion International, pers. comm.).

True Color—An evaluation of true color photography and vernal pool pre-identification has not been conducted. Fall true color photography is effective in picking out red maple swamps in softwood mosaics. These forested wetlands potentially harbor vernal pools. True color photography taken under leaf-off conditions, especially in early spring, may reveal considerable detail of the forest floor. Small waterbodies such as vernal pools may appear as dark spots, or occasionally as white patches if light is reflected off the water surface. Spring leaf-off true color at 1:9000-scale is available for much of southern and central Maine at Maine Forest Service District offices and USDA Natural Resource Conservation Service offices.

What do I look for?

1. Vernal pools may appear as small openings in the forest canopy on winter or spring photos; in deciduous forests they can be detected through the canopy.
2. In forests that have not been harvested for 15-20 years, look for a hole or gap in the canopy that seems larger than the typical shadows caused by individual trees. If the gap is black with no visible vegetation, it may be a vernal pool.
3. Use signature color and relief when attempting to distinguish vegetated vernal pools dominated by ferns, sedges, or grasses. Vegetation growing in water or in very wet soils

imparts gray shades to black and white photos, grayish green tones in color photographs, and grayish pink colors in color infrared photos (CIR).

4. Identifying subtle pockets of variation in relief can be especially helpful when distinguishing vegetated vernal pools in larger wetland complexes. Uneven ground and shallow depressions can be seen through a stereoscope on aerial photographs.
5. Vernal pools might occur in clusters due to uneven topography and the composition of the bedrock or soil type (particularly soils with shallow confining layers or shallow to bedrock). It is often possible to pick out clusters on topographic maps or aerial photography.
6. In central and southern Maine, vernal pools are commonly associated with red maple swamps or mixed evergreen-deciduous swamps. Because pools may be included within larger wetlands, identification can be difficult. If a wetland is in the southern portion of a photo, there might be enough reflection of light off of water surfaces to highlight vernal pools. When viewing stands dominated by softwood, a cluster of red maple is sometimes an indicator of a potential vernal pool (particularly when working with fall true color photography). Conversely, patches of softwoods in hardwood uplands may indicate small areas of wet soils that could include vernal pools.

Common problems with photo-interpreting vernal pools

Many features can mimic vernal pools, including:

- overstory or superstory trees with large crowns that cast shadows over the top of the surrounding canopy and appear to be black spots. (This is particularly true of photos flown in spring or fall when solar angles are low. Looking at photos in stereo may eliminate some of these tree shadows);
- shadows created by narrow pockets in bedrock or streams with deep narrow gorges;
- gaps and openings in the canopy from recent forest harvesting operations; or
- tree shadows along skid trails and near large openings.

Vernal pools might be difficult to see because:

- they are small (often less than 2,000 ft^2);
- tree species typically associated with depressional pools in upland settings (particularly red maple and hemlock) often extend their branches into the pool opening, or the pool itself may be forested by flood-tolerant species.
- pools associated with forested wetland complexes, particularly in mixed and softwood stands, may be obscured by canopy cover or hard to distinguish from the overall wetland complex.

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Are National Wetlands Inventory (NWI) maps useful for finding potential pools?

Vernal pools range widely in the types and amount of vegetation they contain and the duration of inundation (i.e., flooding); for that reason, individual pools might be classified as ponds (POW* or PUB), marshes (PEM, PAB), wet meadows (PEM), shrub swamps (PSS), or forested wetlands (PFO).

A 1997 pilot study in southern and central Maine was conducted to test the effectiveness of NWI maps in identifying potential vernal pools. Results from this study suggest:

- NWI maps can be used to locate many of the larger natural pools (isolated wetlands with PUB, PSS and PFO status are often good candidates), but keep in mind that the resolution of NWI maps is often limited to wetlands ≥ 15,000 ft^2 (~0.3 acres). Many of the PUB or POW classifications are likely to be permanent ponds (average mapping unit for NWI is 1-3 acres).
- Effectiveness of NWI maps for locating potential vernal pools depends on local knowledge of types of wetlands in which pools occur. For example, in this pilot study, vernal pool species occurred in some wetlands with temporary inlets and outlets and in forested wetland complexes associated with other wetland types. Therefore, NWI categories of PFO, even with outlets, were considered potential sites.

Ideally, NWI maps are used as one of a number of interpretive tools, including aerial photography.

* National Wetland Inventory classification codes (Cowardin et al., 1979).

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Appendix 3

Resources for Identifying Vernal Pools

Note: This is a listing of potential resources; it is not an endorsement of these products or suppliers.

Vernal Pool Manuals

Calhoun, A. J. K. 1999. Maine citizen's guide to locating and documenting vernal pools. Maine Audubon Society, Falmouth, ME.

Maine Audubon Society
20 Gilsland Farm Road
Falmouth, ME 04105

Colburn, E. A. (ed.) 1997. Certified: A citizen's step-by-step guide to protecting vernal pools. Massachusetts Audubon Society, Lincoln, MA.

Massachusetts Audubon Society
Educational Resources Office
208 South Great Road
Lincoln, MA 01773
tel: (781) 259-9506 ext. 7255

Kenney, L. P. 1995. Wicked big puddles. Vernal Pool Association. Reading Memorial High School, Reading, MA.

Reading Memorial High School
Vernal Pool Association
62 Oakland Road
Reading, MA 01867
http://www.vernalpool.org

Tappan, A. (ed.) 1997. Identification and documentation of vernal pools in New Hampshire. New Hampshire Fish and Game Department, Concord, NH.

New Hampshire Fish and Game Department
2 Hazen Drive
Concord, NH 03301

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Sources for Aerial Photography

Government Sources

- U.S. Geological Survey (USGS)

  U.S. Geological Survey
  Customer Services
  EROS Data Center
  47914 252nd Street
  Sioux Falls, SD 57198-0001
  tel. (800) 252-4547
  custserv@usgs.gov
  http://edcwww.cr.usgs.gov/

- U.S. Geological Survey (USGS) Business Partners

  http://mapping.usgs.gov

- U.S. Department of Agriculture (USDA)
  Natural Resources Conservation Service (NRCS)

  USDA Natural Resources Conservation Service
  East Regional Office
  5601 Sunnyside Avenue
  Mailstop 5410, Room 1-1290A
  Beltsville MD 20705-5410
  tel. (301) 504-2300
  eastregion@ea.nrcs.usda.gov
  http://www.nrcs.usda.gov

- "Inventory of Aerial Photography and other Remotely Sensed Imagery of New York State"

  a publication available from:

  Center for Geographic Information
  NYS Office for Technology
  State Capitol ESP
  PO Box 2062
  Albany, NY 12220-0062
  tel. (518) 443-2042

- *County planning departments* are also potential sources for aerial photos.

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Private Sources

- James W. Sewall Company

  147 Center Street
  P.O. Box 433
  Old Town, ME 04468-0433
  tel. (207) 827-4456
  info@jws.com
  http://www.jws.com

- Aerial Survey and Photo, Inc.

  Airport Road
  P.O. Box 657
  Norridgewock, ME 04957
  tel. (207) 634-2006
  rod@aerialsurveyandphoto.com
  http://www.aerialsurveyandphoto.com

- Col-East, Inc.

  P.O. Box 347
  North Adams, MA 01247
  tel. (800) 359-8676
  http://www.coleast.com

- ADR Associates, Inc.

  9285 Commerce Highway
  P.O. Box 557
  Pennsauken, NJ 08110
  tel. (800) 257-7960
  rhickey@adrinc.com
  http://www.adrinc.com

- AirPhotoUSA, LLC

  7122 N. 27th Avenue
  Suite 500
  Phoenix, AZ 85051
  tel. (866) 278-2378
  http://www.airphotousa.com

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Sources for Digital Orthophotography

Note: Small vernal pools are very difficult to detect consistently on digital orthophotography, due to pixel resolution issues.

- Rhode Island Geographic Information System (RIGIS)

  http://www.edc.uri.edu/rigis/

- Massachusetts Geographic Information System (MassGIS)

  MassGIS
  Executive Office of Environmental Affairs
  251 Causeway Street, Suite 900
  Boston, MA 02114
  tel. (617) 626-1000
  http://www.state.ma.us\mgis

- NYS Statewide Digital Orthoimagery Program

  http://www.nysgis.state.ny.us/orthoprogram.htm

National Wetlands Inventory Maps

- U.S. Fish and Wildlife Service (USFWS)

  http://www.nwi.fws.gov/

  for hard copies, contact:

  USGS/ESIC
  National Headquarters
  507 National Center
  Reston, Virginia 20192
  tel. (703) 648-5920 or (888) 275-8747

Field and Lab Equipment

- Forestry Suppliers, Inc.

  P.O. Box 8397
  Jackson, MS 39284
  tel. (800) 543-4203

- Ben Meadows Company

  P.O. Box 20200
  Canton, GA 30114
  tel. (800) 241-6401

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TOWNSHIP OF SOUTH BRUNSWICK
ENVIRONMENTAL COMMISSION
MUNICIPAL BUILDING
MONMOUTH JUNCTION, NJ 08852

Received-NY District
Corps of Engineers
2004 JUN 15 PM 12: 11

The comments on the first two pages of this letter are essentially the same as comments SBTAZ-7 through SBTAZ-13 in comment group PH-39. Please refer to the responses to those comments.

June 10, 2004

Army Corps of Engineers, New York District
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear Army Corps of Engineers:

I am writing to you on behalf of the Environmental Commission of South Brunswick Township. We urge the Army Corps of Engineers to refuse to issue a permit to discharge fill material into wetlands for the construction of Route 92.

The Environmental Commission, who's mission it is to monitor all matters related to environmental quality of the townslhip, feels that the DEIS minimizes the disastrous effects that the proposed Rt. 92 would have on the region's environment. Route 92 would bisect through one of Middlesex County's largest and most fragile pieces of remaining open land; 14 acres of wetlands and 300 acres of farmland would be destroyed. Rt. 92 would also cut through a nature preserve, endangered species habitat, and preserved open space. It would also pollute an aquifer recharge area with roadway contaminants and salt.

Route 92 bisects an area around Devil's Brook designated in the New Jersey State Development and Redevelopment Plan as PA5, the status New Jersey applies to its most environmentally sensitive areas. A PA5 category is meant to have the greatest degree of protection from development. The 1600-acre site is the second largest PA5 area in Middlesex County and comprises fully one-third of all its PA5 land. Why would the New Jersey Transit Authority and the state of New Jersey want to compromise this land when the State Plan directs that

> [quote]"infrastructure investment decisions should encourage growth in areas that are already developed or are currently developing, and should discourage development sprawl into undeveloped areas." [end quote] (also quoted in EIS, p 3-93)

<u>Wetlands and Mitigation</u>

The destruction of nearly 15 acres of wetlands discussed in the DEIS contains almost no information on the proposed mitigation to create wetlands, and no evaluation that this mitigation would succeed. There are numerous studies showing how difficult wetlands creation is, that created wetlands lack the ecological diversity and habitat value of natural wetlands. Bradley Campbell, commissioner of the state Department of Environmental Protection, said himself that wetlands mitigation is "always a last resort" and has been a "dismal" failure in the past. Why was mitigation not evaluated and is this included in the estimated cost of $400 million?

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Contaminated Sites
In Section 3.10 of DEIS, Known Contaminated Sites, contains a listing at 24 Friendship Road classified as a level C-1, which means it has the potential for ground water contamination. The DEIS states that "no information was available from the SRP Southern Field Office regarding this", which is unacceptable. How will this plume be addressed and how will this contamination impact groundwater?

Air Quality
The DEIS states that the proposed Route 92 is expected to meet EPA regulations in air quality emissions. However, the Environmental Commission questions why the EIS designated the area "Suburban" and thus, meets the EPA regulations. Since 3.9 miles of the 6.7 total mileage--or 58%-- is zoned "rural residential" and is all farmland, why wasn't this evaluated as "Rural" for these emissions? Use of the more accurate "Rural" would show that emissions for air quality would NOT meet the EPA emissions.

Stormwater impact of Route 92
A major concern in South Brunswick is the recent increase in impervious cover over the whole area of the Township. A report of May 2002, "Impervious Surface Control in South Brunswick" by the South Brunswick Environmental Commission detailed the extent of this concern and explained why future construction of impervious surface should be restricted. In particular, the purchase of more land as impervious-surface-free open space was encouraged.

The proposed Route 92 would add at least 103 acres of impervious surface, a large enough area to be of significant concern. It should be noted that the alternate examined by the EIS, the widening of Route 1, would result in a much lower increase of impervious surface.

Construction of the road would represent a real setback to the efforts to limit impervious surface in the South Brunswick area; in effect, it would negate the advantage of previous acquisition of about 140 acres of open space.

The more recent State Stormwater regulations now mandate special stormwater recharge requirements in new construction which help alleviate some of the more serious effects of uncontrolled runoff. Yet, the EIS is completely inadequate in that it does not explain how the new State Stormwater Regulation requirements will be met. The system of detention basins described is unlikely to produce the recharge required by the regulations. The EIS must be augmented with a full accounting of how the regulations will be complied with, if indeed they can. This is a vital requirement in view of the fact that the roadway lies for almost its whole length on a prime aquifer recharge area.

The Environmental Commission maintains that the extra impervious surface introduced by Route 92 would be undesirably high, that this negative impact has not been adequately dealt with in the EIS, and that an alternative to 92 should be chosen.

Given the increases in populaltion, water demand will also increase and the likelihood of additional water supply would come from the aquifer. Was the NJDEP Watershed Management and Water Allocation consulted for this? The

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DEIS gives no indication that it was and we recommend that it do so before going forward.

Chemical pollution

SBTEC-1

A further negative impact of the proposed Route 92 would be the chemical pollution caused by salt run-off. Again, this would be much greater than that consequent on Route 1 widening. There is no discussion in the EIS on how this may impact the local ecology, the water supply wells or the stream quality.

As pointed out in the EIS, soluble contaminants such as nitrate are not removed by settling basins and over fertilize the surrounding surface waters, causing the harmful buildup of algae (eutrophication). Fine particulates, with heavy metal contaminants such as platinum from automotive catalytic converters, also contribute to the burden of non-point source pollution of adjacent aquatic ecosystems

SBTEC-2

We are also greatly concerned about salt intrusion into the aquifer and potable wells in the Rt. 92 corridor. In 1999, the New Jersey Department of Environmental Protection notified the Monroe Township Municipal Utility Authority that salt water intrusion was indicated in the region from monitoring wells. Monroe Township MUA responded that this chloride was "due to the road salting practices of the NJTurnpike Authority and the County Road Department." (letter date June 1, 1999 from Ex. Dir, MTMUA to NJDEP), which was incorporated into the NJDEP Report of July 6, 1999. As a result, the NJDEP has requested Monroe to provide chlorides data to monitor the situation, but Monroe Township indicates nothing has been done to alter the NJTA's salting practices and chlorides continue to be increased. Why was this not addressed in the DEIS and what will the NJTA do to alleviate this problem for Rt. 92?

SBTEC-3

The Environmental Commission of SBT urges the U.S. Army Corps of Engineers to refuse to issue a permit to discharge fill material into wetlands for the construction of Route 92. The federal Environmental Protection Agency refused to issue permits in 1998, saying there were less environmentally disruptive alternatives and we agree. We urge the state of New Jersey to widen Rt. 1 and extend 522 to the NJTurnpike.This alternative would prove less detrimental to the environmental quality of South Brunswick Township and the state of New Jersey.

Sincerely,

Richard Pollard
Co-Chair

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TRI-STATE TRANSPORTATION CAMPAIGN

Mobilizing the Region

RECEIVED
JUN 15 2004
By

June 14, 2004

Kurt Hoffman, Acting District Engineer
New York District, U.S. Army Corps of Engineers
Jacob Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Re: New Jersey Turnpike Authority Application for DA permit (Sect. 404, CWA)
Route 92, Public Notice No. 1999-00240-J1

Dear Acting District Engineer Hoffman:

Thank you for the opportunity to submit comments on the above-referenced Dept. of the Army permit application. The Tri-State Transportation Campaign is the region's leading non-profit consortium of experts, planning organizations, activist and environmental groups concerned with transportation investments and projects. Our mission is to achieve an environmentally sound, economically efficient and socially just transportation network and system in the 32 counties in and surrounding New York City, including central New Jersey and its communities.

Toward that end, we have participated in numerous panel discussions, project participation processes, planning sessions, permit hearings and roundtables designed to help central New Jersey make decisions about how to shape land use to reduce trips and traffic, and what transportation projects are worth investing in, and which are not worth investing in. We have testified and submitted comments on Route 92 before, several times, in fact.

TSTC2-1

This is a rather old project. Planning for some version of this project began in 1938, when it was proposed to lie between Rt. 33 and Rt. 206. To its proponents, this means that Route 92 has been delayed too long. To us, it proves that Route 92 comes from the past, and that it belongs in the past— a replica of the old way of thinking about how to get from one place to another, or how to solve traffic congestion. Unfortunately, as William Faulkner wrote in Requiem for a Nun, "The past is never dead. It is not even past." Truer words could not be spoken of Route 92. While each successive state transportation department or gubernatorial administration has found reason to avoid its construction, delay its permitting, redefine its objectives, and then finally hand it off to the Turnpike Authority, despite even a legislative enactment, N.J.S.A. 27:23-23.8, urging

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tstc@tstc.org
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the Turnpike Authority, despite even a legislative enactment, N.J.S.A. 27:23-23.8, urging its completion and defining— unlawfully— its alignment and termini, Route 92 has not advanced at all. TSTC2-1

Prior environmental impact studies of the project occurred in 1986, 1994 and 1999 along with several intervening traffic studies. Costing as much as $350 million for just 6.7 miles of highway—or $52 million a mile— it is the second most expensive highway New Jersey has ever, actually never, built.

Route 92 is nothing less than a hot potato. Most elected officials above the level of mayor don't want responsibility for approving it—hence the Army Corps' involvement. Let's look at why this is so. Before going into a lot of detail, here are the five principal findings of the DEIS: TSTC2-2

- Rt. 92 won't improve gridlock. Out of 14 local intersections studied, 11 will still fail during the morning rush in 2028 if Rt. 92 is built. 10 would fail in the evening rush. TSTC-1
- Few drivers would use Rt. 92. Less than 20% of west-bound through trips in the morning rush would use Rt. 92in 2028; less than one-third of evening east-bound through trips would use it in 2028. TSTC-2
- Less than 250 trucks would use Rt. 92 during both the a.m. and p.m. peak hours, in both directions, in 2028 though diverting trucks from local roads has been a big justification for the highway. TSTC-3
- Route 92 will promote sprawl. The Turnpike Authority admits Route 92's interchanges will "possibly" result in sprawl development in southern Middlesex County's last open space. TSTC-4
- Route 92 will cost upwards of $350 million at a time when the state is borrowing hundreds of millions just to fix existing roads and bridges. TSTC-5

Clearly, this is a highway that requires a lot of scrutiny.

The Standard for a Wetlands Fill Permit. Route 92 requires the filling of 11.58 acres of wetlands and .45 acres of open waters, plus 2.9 acres of temporary disturbance and 1.16 acres of permanent shading by elevated sections of the roadway. The project was not permitted in the usual fashion by the state Department of Environmental Protection (DEP), which has full authority under the state Freshwater Wetlands Protection Act, to permit this highway. The United States Environmental Protection Agency (USEPA) objected to Route 92 more than once on the grounds that there are practical alternatives. It has even suggested some. The Corps now has jurisdiction. TSTC2-3

Route 92 does not meet the standard for filling wetlands under either the state Freshwater Wetlands Protection Act, or the federal Clean Water Act, which require a non-water-dependent activity to show that there are no practicable alternatives. "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." 40 C.F.R. 230.10(a)(2). See also N.J.A.C. 7:7A-3.3a1 and 2. To determine whether the TSTC2-4

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TSTC2-4

applicant Turnpike Authority may avoid the destruction of wetlands, the Tumpike Authority must persuasively demonstrate that the project, as designed, is the only practicable alternative, and there is no other alternative that would not involve a freshwater wetland, or would have a less adverse impact on the aquatic ecosystem. The Turnpike Authority has made no such demonstration in this draft EIS.

The Turnpike Authority admits that siting Route 92 through the forested wetland tract, will result in fragmentation of the wetlands. "The issue of fragmentation includes several concerns related to the wetlands system, including the connection of the hydrologic system, movement of wildlife throughout the system and the potential division of the larger system into distinct fragments." DEIS at 4-5. However, despite the fact that it plans to construct culverts and bridges to minimize the fragmentation and disruption the hydrological flow of the wetlands area, the Turnpike Authority cannot ignore the fact that building Route 92 through the wetlands tract will permanently alter this wetlands system.

> [R]oad networks can affect wetlands on a broader landscape scale by altering the hydrology and nutrient flows of a watershed or by altering movement patterns of wildlife. … Often, the most important role that wetlands play is unrelated to any single wetland but, rather, derives from the cumulative function of many wetlands. In other words, they operate together as *wetland complexes* in a functionally interdependent manner, so that the loss of one affects the others as the whole. Forman, et al., *Road Ecology: Science and Solutions,* 217-8 (2003 Island Press).

There is a presumption that practicable alternatives exist to filling wetlands for any non-water-dependent project such as a highway and that such alternative will have a lesser impact on the environment. See N.J.A.C. 7:7A-3.3b. In order to rebut this presumption, the applicant must demonstrate that no alternatives exist which are available and capable of being carried out after taking into consideration cost, existing technology and logistics in light of overall project purposes. The federal regulation, at 40 C.F.R. 230.10(a)(2), concludes that if an alternative is otherwise a practical alternative, an area not presently owned by an applicant which could reasonably be obtained, utilized, expanded or managed I order to fulfill the basic purpose of the proposed activity may be considered. See also N.J.A.C. 7:7A-3.3c2.

The Turnpike Authority has not overcome the presumption that there are practicable alternatives that fulfill the basic purpose of the project (flawed as they are). It has not even considered some of the most obvious alternatives. Rt. 92 does not solve congestion at most local intersections— so that project purpose is unfulfilled. Clearly, after reading the DEIS either the no-build option or the fixes to the existing local roadway network can do as well or better than Rt. 92 to improve delay at most local intersections.

TSTC2-5

The Permit Should Be Denied. Why should the permit be denied? To answer this question, it is well to begin by examining the Turnpike Authority's stated purposes for Rt. 92. These purposes have changed over time, to accommodate the fact that Rt. 92

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TSTC2-5

does not meet the stated purposes very well. Therefore, the purposes have been rewritten. The two purposes that appear in this draft EIS are at least the third iteration of Route 92's purpose— a bit like a child fishing for an excuse to get permission to do something he really oughtn't do.

Project Purpose. At this point in time, according to the DEIS at 1-7, there are two purposes of Rt. 92, recited or summarized below:

- Provide an alternate route of travel for north-south regional traffic currently using Route 1 by improving access to the New Jersey Turnpike, thereby relieving congestion in the region and reducing the impacts to communities caused by increases in traffic using local roads to travel between Route 1 and the Turnpike; and
- Achieve a hierarchical east-west roadway system in southern Middlesex County and northeast Mercer County. *** An east-west connector highway would provide a new high-speed connection for through traffic (especially commercial truck traffic) moving between the major north-south corridors (US Route 1, US Route 130 and the N.J. Turnpike). An improved connection between US Route 1 and the N.J. Turnpike also addresses the need for roadway network improvements to maintain mobility in this high-growth region.

These two project purposes are restated, essentially, as three objectives by the Turnpike Authority on pages 1-8 and 1-10 of the DEIS. The objectives also clarify and add that the Turnpike Authority's hopes to "reduce the presence of non-local truck traffic on the local roadway network and shifting such traffic to [Route 92]," and to "divert north-south traffic from US Route 1 to US Route 130 and the New Jersey Turnpike[.]"

North-South Travel. The first itemized purpose— "[p]rovide an alternate route of travel for **north-south** regional traffic currently using Route 1 by improving access to the Turnpike"— is an *interesting* purpose for a proposed **east-west** highway, to say the least. Generally speaking, alternatives for both highway and transit projects that do not operate in the same general corridor and in the same general peak direction as the proposed project under scrutiny are rejected in the early stages of analysis in NEPA forums.

The DEIS, however, attempts to validate this project purpose by then considering widening of Route 1 itself (with and without traffic control signals) as the principal serious alternative to Route 92 studied. See DEIS, at 2-20 through 2-25. In fact, other than the no-build scenario, transportation demand management (TDM) scenario, and existing local and county roadway improvements (which are dismissed out of hand because they would not separate through-traffic from local traffic), the widening of Route 1 (with or without signals) is actually the *only* alternative to Route 92 studied in the DEIS, except for the throw-away sop of Route 92 without the Perrine Road interchange (which saves no wetlands, and is therefore largely irrelevant to the inquiry at hand). This fact, i.e., that the Route 1 widening was the principal alternative to Rt. 92, was reiterated in oral comments by the traffic engineer consultant for the Turnpike Authority who

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TSTC2-5

delivered the summary of the DEIS findings at the outset of the public hearing on May 20, 2004.

Oddly, the improvement of Rt. 130, the north-south travel route lying directly between Rt. 1 and the Turnpike was not studied. Of course, that is because of the flaw in the statement of the purpose of the project, i.e., to siphon traffic off Rt. 1. In other words, any north-south route that could be improved to accomplish the same purpose—to give drivers a choice between Rt. 1 and the other route(s), does not meet the too-narrowly-drawn purpose because that purpose could not be met by building Rt. 92. Hence, we see the artistry in drawing up the purpose statement.

If the purpose of the project has, indeed, morphed to providing better north-south travel conditions, then the project itself should morph to the obvious ways to achieve that, i.e., widen Rt. 1, create alternative travel modes along Rt. 1, such as bus rapid transit, feeder buses to the Northeast Rail Corridor, land use and demand management strategies that reduce trip-making, and the like. It is absolutely illogical to define the purpose of the construction of Rt. 92—an east-west alignment—by stating that its purpose is to "[p]rovide an alternate route of travel for north-south regional traffic currently using Route 1[.]" The "alternative route" of travel to be provided in this stated definition *is the Turnpike itself*, and therefore it cannot be an "alternative," in NEPA parlance, to Rt. 92, nor an alternative in the ordinary sense. Once the semantic sophistry in the first phrase of the stated purpose is dismissed, we are left with the real project purpose, which must be to "improve[e] access to the New Jersey Turnpike[.]" As a north-south travel route, access to the Turnpike must, almost by necessity, be by way of east-roads roads. The fact that improving access to the Turnpike will, to some extent, siphon traffic off a segment of Rt. 1 north of the site of the east-west access road's joinder with Rt. 1 is a *consequence*, not a *purpose* of the project.

Before addressing the actual project purpose— improving access to the Turnpike— it is well to address the subject of north-south travel on the Turnpike itself as part of these comments related to the north-south traffic "purpose."

First, as noted, improvements to Rt. 130 as a north-south travel route, and east-west access improvements to it, were not studied. East-west access improvements to and improved signal timing along Rt. 1 as well as carpool park-n-rides were not studied as part of the Rt. 1 widening, either with our without signals. Bus service along Rt. 1 and jitney service to corporate headquarters, which could capture some of the demand, was not studied. Land use changes along Rt. 1 to reduce trip-making and make destinations along Rt. 1 transit-friendly were not studied. Finally, east-west access improvements (both roadway, transit, cycling and walking) to the Northeast Rail Corridor (NJ Transit service) rail stations of Hamilton, Princeton Jct., and Jersey Avenue, including an additional station either in South Brunswick or Plainsboro to capture more demand and provide more parking, were also not studied. These alternatives would have been true alternatives in the NEPA sense, in that they would have positively impacted travel on north-south corridors directly and also indirectly by making east-west access improvements to them. The use of the Northeast Rail Corridor was not studied at all. To

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have ignored these obvious alternatives, especially when the newspapers are replete with studies and stories about such work, i.e., the Bus Rapid Transit study to improve travel along and to the Rt. 1 corridor in Mercer County and northward, Rt. 130 improvements, sister agencies' work to reduce trip-making, is illogical and points up a serious inadequacy of the DEIS to seriously study any alternative other than the preferred alternative.

Second, just below Exit 8A—where Rt. 92 is proposed to join the Turnpike—the divided truck and car lanes of the Turnpike merge from several lanes in each direction to just three lanes in each direction. The merge point is a notorious bottleneck, well-known to motorists and truckers throughout the Northeast. Yet, despite that the DEIS defines improved traffic flow on north-south routes as the purpose of the Rt. 92 project, the Turnpike Authority is proposing to spend upwards of $350 million to "[p]rovide an alternate route of travel for north-south regional traffic currently using Route 1" without addressing the obvious alternative of widening the Turnpike itself below Exit 8A.

To have omitted this scenario for improving north-south travel conditions *on Rt. 1 and the Turnpike* is simply not plausible. The Turnpike Authority has refused to correct—or even study in this DEIS—its own poor travel conditions, its dangerous merge and lack of lane capacity where there is obvious demand, while pursuing this access project (Rt. 92) for which there is relatively little demand and great opposition, allegedly to correct travel conditions on a *different* north-south corridor.

East-West Travel. The second purpose stated for Rt. 92 is to "[a]chieve a hierarchical east-west roadway system in southern Middlesex County and northeast Mercer County." "Hierarchical roadway system" is code for building a freeway-type bypass to the local, county and state highway system that currently exists within this area. Defining a project purpose so narrowly as to dismiss legitimate alternatives except for the preferred project and alignment is impermissible under NEPA.

The project purpose, as stated, amounts to a "Catch-22." If the purpose of Rt. 92 is to attract *through-traffic* away from local east-west roads (not relieve traffic from Route 1) by *separating* through trips from local trips, then *only* a new-alignment highway can suffice. The Turnpike Authority studied no alternatives to the freeway-type new alignment highway in this DEIS in any detail. Any such alternative was rejected out-of-hand. That is why the USEPA Modified No-Build Alternative is also dismissed, despite that it would reduce delay at existing traffic bottlenecks—which Route 92 does not. And that is why all of the existing roadway network improvements that are new alignments also are rejected.

The purpose of "achieving an hierarchical east-west roadway system" is another way of stating that only a new-alignment freeway will suffice. The rest of the roadway network consists of signalized county roads and local streets, as well as major land service highways and principal arterials like US Route 1 and US Route 130, and County Routes 522, 535 and so forth. The Turnpike does not advocate a Turnpike spur for north-

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south travel to achieve a hierarchical road system for north-south corridors, nor even a widening of the Turnpike below Exit 9, where there is notorious congestion.

Many counties in New Jersey do not have an "hierarchical" east-west or north-south roadway network, and they are content to live with the land service state highways, principal and minor arterial and collector county roads and local streets, such as they have. There is nothing unique about southern Middlesex County and northern Mercer County that would justify a spur from the Turnpike running through them as a freeway-type bypass.

As noted, according to the case law developed under NEPA, the definition of the purpose of a project cannot be so narrow as to restrict the alternatives to it that are studied. Yet that is what the Turnpike Authority has done here. By stating the project purpose as attracting through trips away from local roads, only a new alignment freeway will suffice, regardless of how few through trips it will actually attract—thereby also defeating rational comparison amongst alternatives. This is an impermissible statement of purpose; moreover, the DEIS did not examine any true alignment alternatives to the freeway-type bypass.

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Need. Route 92 is not needed as a limited access freeway. Demand for it is quite weak, as prior studies have shown. A series of official studies over the past 10 years have consistently found that traffic demand for the NJ Turnpike's proposed Route 92 will be weak, and will capture fewer cars and trucks. The Army Corps should also examine, and we herewith place into the record the following studies:

- A 1997 report by Environmental Partners, a consulting firm engaged to study Route 92 by the NJ Dept. of Environmental Protection.
- A 1998 report prepared by Hagler Bailly, Inc., a consulting firm hired by the U.S. Environmental Protection Agency to study Route 92.

The Environmental Partners/NJ DEP report found that the NJ Turnpike Authority did not demonstrate that there was sufficient demand for the construction of Route 92. "Current demand for traffic flow between US 1 and Interchange 8A of the Turnpike is not clearly established by the submitted data." Conclusions Section, 4.0, at page 10. The traffic data the DEP's consultant relied on was that submitted by the Turnpike Authority in its Freshwater Wetlands Individual Permit Application in 1999. The Whitman Administration's DEP did not release that consultant's report, and instead issued environmental permits to allow it to proceed. We herewith submit this report formally to the Corps, for inclusion in the record of this proceeding.

The Hagler Bailly/US EPA report made two similar determinations: "Route 92 will only divert less than 5% of the internal-internal traffic in year 2015 off of existing local roads. This is a minimal level of diversion and will not significantly [a]ffect the performance of local roads. The largest market for Route 92 in the study area is the internal-external and external-internal trips, and the level of diversion is approximately 9% of the local travel market for these movements." And this study concluded that Rt. 92 would induce many

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more trips into the region than would otherwise come—which the local roadway network cannot handle once these trips leave Rt. 92: "Route 92 is estimated to carry in year 2015 31,676 vehicles per day without the Dey Road and US Route 1 widenings [less if they were made]. Of this total daily traffic volume, 11,800 vehicles per day represent diverted external-external traffic that will use Route 92 over other routes not in the internal study area." Finally, the Hagler Bailly/EPA study notes that, "Subtracting these 11,800 diverted trips leaves less than 20,000 daily trips that would be using other local routes if Route 92 were not built. At the 20,000 vehicles per day usage level, Route 92, as a limited access facility, is over designed to accommodate this traffic." Needs Analysis, Sect. 3.6, at page 3-11. We herewith submit this report formally to the Corps, for inclusion in the record of this proceeding.

Data in the DEIS Appendix confirm these findings regarding the low level of diversion of internal-internal and internal-external/external-internal trips, although the DEIS does not spell out this conclusion, or even present a coherent overview of the traffic data it contains. Nor does it draw attention to the fact that Route 92 will attract trips to the area, that are not there now and will not come. It certainly does not draw attention to the fact that these trips will overwhelm the local roadway system, thereby contributing greatly to the congestion, which it will make permanent. Instead, we were required to comb through the traffic numbers in appendices to compile the projected Route 92 traffic demand. A highway whose demand is in question for diverting local trips but which will bring non-local trips to the area, and which is over-designed, should not receive a wetlands fill permit.

TSTC2-7

Truck Traffic Demand. One of the objectives that the Turnpike adds to its two stated purposes is to "reduce the presence of non-local truck traffic on the local roadway network and shifting such traffic to [Route 92]." DEIS 1-8. Yet Route 92 would do a poor job of reducing non-local truck traffic and shifting such traffic to Route 92. By 2028, 24 years from now, in the AM peak hour, Route 92 is projected to attract just 176 trucks eastbound and 59 trucks westbound. In the PM peak hour in 2028, Route 92 would attract just 72 trucks eastbound and 129 trucks westbound. Presumably, the numbers in the near-term years are even lower, since truck traffic is expected to increase significantly in New Jersey over the next two decades. These truck use figures are so low that it is surprising that the Turnpike Authority continued to include this objective in its DEIS. Truck diversions to Route 92, then, according to the DEIS, do not justify the highway's construction. Diverting through truck trips from local roads has been a prime justification for building the highway, which will be tolled. The Army Corps should clearly find that this truck use objective is not met by Route 92.

TSTC2-8

Auto Volume Demand. The results are not different for autos. Despite that one of the stated objectives of Route 92 is to "divert north-south traffic from US Route 1 to US Route 130 and the New Jersey Turnpike[,]" DEIS 1-10, Route 92 will *increase* traffic in the AM peak hour southbound on Route 1— which is already choking on traffic since that is the peak direction of the highway. In the 1999 application by the Turnpike Authority, the Turnpike Authority revealed that 10,600 trips would be added to Route 1 south of Ridge Road, south bound.

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The DEIS, based on updated traffic counts, shows that about 3,378 autos would use Rt. 92 in the morning peak hour westbound (369 eastbound) by 2028. During the evening peak hour, about 2,252 autos would use the highway eastbound (551 westbound) in 2028. Compared to overall east-west traffic the DEIS projects for the southern Middlesex County area, Route 92 will capture just 18%, or less than one-fifth of the peak hour morning westbound through-trips. It would also attract less than one-third of such trips in the evening peak eastbound, relative to the "no-build" option analyzed in the DEIS. Again, near term figures are expected to be less than horizon-year figures.

TSTC2-9

The Impact of Added Traffic on Route 1. The impact of Rt. 92 on Rt. 1 north and south during peak hour and peak period are important to know so that the project's ability to meet its stated purpose and objective of diverting north-south trips from Route 1, thereby relieving congestion in the region, may be judged. However, unlike the January 1999 application and supplement by the Turnpike Authority dated November 1999, **this DEIS contains no information about the trips (traffic volume) that will be added to Route 1 by Route 92's construction, south of Ridge Road, in either the AM or PM peak hour or period.** Nor is any intersection on Route 1, south of Ridge Road, analyzed in terms of level of service or any other criteria in this DEIS. Our request by letter in mid-May 2004 to the Army Corps of Engineers for such information from either the Corps or the Turnpike Authority, in a supplemental document, has thus far been ignored despite repeated telephone calls to the Corps about progress by James Tripp, and Ed Lloyd, our counsel. This lack of pertinent data directly related to a principal purpose of the project is a prime example of the inadequacy of the DEIS.

In 1999, the Turnpike admitted that, while Route 92 would reduce traffic on Route 1 north of Ridge Road significantly, with traffic shifting to the Turnpike, "south of Ridge Road, traffic on Route US 1 increases." See Jan 6, 1999 Section 404 Permit Application, at 19. Indeed, as Figure 5 from that Application (page 21) makes clear, volume would increase south of Ridge Road from about 48,300 trips to 67,700 trips. The additional 19,400 trips (10,600 added trips south of Ridge Road alone according to Figure 6) can still be expected to be added by Route 92's construction, choking intersections along Route 1 south to Lawrenceville, where the effect of the added trips mostly drops off. **The 2004 DEIS does not reveal what the projected added trips are onto Rt. 1 south of Ridge Road, nor does it project the levels of service at these intersections, in both AM and PM peak hour and period, compared to the existing (2001) conditions and the trend (2028) no-build scenario.** Obviously, this is known information. We request that this information be made public with an additional comment period so that motorists who use Route 1, residents of West Windsor, the Princetons, investors in Route properties and developers, as well as local elected officials understand that Route 92 will significantly increase traffic conditions on the fast-growing Route 1 corridor during peak hours, and may comment on that fact.

The Turnpike Authority should also clarify the actual traffic volume on Route 1 south of Ridge Road, beyond the red or other colored lines in Figures 4-1 through 4-6 in the current DEIS, through to Franklin Corner Road in

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Lawrenceville. It is standard practice for the preparer of a DEIS to actually identify any traffic volume increase by number of trips, perhaps in addition to a graphic representation, but not to exclude the volume numbers. Of course, if the number of trips added to Route 1 in this DEIS does not comport with the numbers in the 1999 application and supplement and prior studies, this disparity should be explained. We herewith submit for the record copies of the January 1999 application and the November supplement.

TSTC2-10

The Impact of Added Traffic West of Route 1. The traffic impact to the local roadway network west of Rt. 1 and to the quality of life, the environment and historic properties, sites and context of Kingston and surrounding communities, were among the major reasons why a full EIS was ordered by the Army Corps of Engineers after the hearing on the environmental assessment and permit application in 1999. In fact, municipalities west of Rt. 1 were promised by the Corps that the study area, scope and method would be expanded to include their concerns. Yet that has not occurred. In the Turnpike Authority's supplemental information supplied to the Army Corps in November 1999 in response to the Corps' requests for additional information, an additional 3,500 vehicles would have been added to Heathcote Rd. west of Rt. 1 and just below Rt. 92 where it would join Rt. 1. Figure C-3 (Nov. 1999). Heathcote Rd., Laurel Road and other similar roads in Rocky Hill, Montgomery and the historic communities of Blackwells Mills, East Millstone, the Amwells, and Millstone are narrow, two-lane roads that date back two centuries. They cannot handle any significant level of increase in traffic, especially truck traffic. They are similar to many of the roads in Kingston, Franklin Township and beyond, i.e., 20 feet wide, with two 10 feet wide travel lanes. The spectacle of thousands of added cars and especially heavy, wide tractor trailers negotiating such narrow roadways, and attempting turning movements, should have been studied in the DEIS.

Commenters at the public hearing on May 20, 2004 and on March 29, 1999 noted specific local experiences that were frightening: that additional traffic brought by other roadway extensions, such as CR 603 into Griggstown, resulted in pedestrian and bicyclists injuries because of its speed as well as lack of lane and shoulder capacity to accommodate additional vehicular traffic, and that people can be expected to veer off into the Delaware and Raritan Canal, which can be particularly treacherous for non-locals ("through trips") as this 18th century, narrow, roadway runs adjacent to the dark canal. This road is regularly flooded and is a common home for "black ice. Rt. 92 can be expected to exacerbate these kind of problems. In many of these historic communities, there is no lawn or sidewalk between the road and clapboard style colonial-era houses, leaving greater chance for the passing traffic, especially trucks, to damage these historic structures through vibration, crashes, and other forms of property damage. Canal and River Road in Montgomery Township, two-lane country roads that reinforce a bucolic quality of life, will be forced to take traffic heading west from Ridge Road. While we have elsewhere complained that truck traffic is too low to satisfy the objectoive of attracting trucks from local roads in the study area (east of Rt. 1), an additional several dozen trucks traversing this west-of-Rt.1 historic area and narrow roadways and intersections would be a very significant impact, and should have been studied. The DEIS

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contains none of the detail we expected to see based upon the Corps' representations that the communities west of Rt. 1 would have their concerns addressed in the full EIS.

Nor will Rt. 92's construction improve congestion west of Rt. 27. Many intersections are failing now, and will remain so in the 2028 build scenario. Traffic impacts at intersections west of Rt. 1 during peak hour and peak period are important to know so that the project's impacts beyond the immediate (and too small) study area can b assessed and compared. Particularly if Rt. 92 causes congestion beyond the immediate study area, its claims of congestion relief would be further compromised.

Five intersections west of Rt. 1 were studied; three of them were intersections on Rt. 27. They were: Rt. 27 and CR 55, Raymond Rd., and Laurel Ave.; Rt. 522 and Kingston Ln.; and George Rd. and Kingston Ln. Only a handful of these intersections would be improved over current levels of traffic delay (many are "failing" now) for just one turning movement in one direction if Rt. 92 were built, and they would see a very minor improvement that could be achieved merely by making some improvement to the intersection itself. These were CR 522 at Kingston Ln., which would improve to C from F westbound; George Rd. and Kingston Ln., which would improve from F to E eastbound in the AM peak only; Rt. 27 and Raymond Rd., which would improve from a D to a C southbound in the PM peak only; CR 522 and Kingston Ln., which would improve from F to E southbound in the PM peak; and George Rd. and Kingston Rd., which would improve from an E to a C eastbound in the PM peak. These improvements are small and quite unimpressive.

No intersections west of Rt. 27 were studied, despite that traffic will sheet over from Rt. 92 toward Rt. 518 and Rt. 206 on its way to points west and to I-287 and Rt. 206. While the ultimate traffic increases at west-of-Rt. 27 intersections may be small, in proportion to the lane capacity and existing congestion at these local intersections, both delay and quality of life—to say nothing of noise, pollution and impact to historic structures and sites— will be significantly and negatively affected. This is a prime example of the inadequacy of the DEIS to study both direct and indirect traffic and other impacts.

Rt. 92 as a Bypass to Rt. 206. Considering that the original route for Rt. 92 included a link to Rt. 206, and that link still has important supporters, the Turnpike Authority should be made to detail the impacts of traffic heading from Rt. 92 into the west of Rt. 27 area. The link to Rt. 206 is still is still the reason why Princeton Borough and Township support it—to create a bypass around their towns for traffic heading to Rt. 206. What they know is not something the Turnpike Authority should refuse to study.

Route 92 would terminate at US 1 and Ridge Road, thus providing a high-speed link from the Turnpike to points closer to Routes 518, 206, 31, 202, and 22, and to I-78 and I-287, by way of the villages of Kingston and Rocky Hill and the Townships of Montgomery, Hillsborough, and Franklin. Similar "shortcutting" or avoidance of the Turnpike, especially for truckers heading toward I-287, has recently brought major congestion and dangerous driving conditions to the Route 31-Route 202 corridor.

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We refer the Army Corps to comments submitted by the Tri-State Transportation Campaign on this project in April 1999 (herewith submitted for the record) in toto. Among other things, it includes a section of Rt. 92 expected impacts to southern Somerset County, at pp. 26-28.

Traffic Congestion in the Study Area.

Route 92 will not solve congestion, either. It is important to understand and set forth in this record exactly how badly Route 92 performs in terms of relieving congestion—one of the stated purposes.

TSTC2-11

A. The Study Area Was Too Small.

The traffic study area is bounded by the New Jersey Turnpike (east), NJ 27 and the D&R Canal to the west, County Route 610 to the North, and County Route 571 to the South. (DEIS, 3-61) This area excludes any effects Rt. 92 will have on the communities of Rocky Hill, Franklin Township, Hillsborough, Princeton Township, Montgomery, Hopewell, Manville, most of which communities have publicly questioned Route 92's impact on their roadway network. The DEIS includes no intersection analysis south of CR 571 (Princeton-Hightstown Rd./ Washington Rd.), only a handful of intersections immediately west of Rt. 1, no intersections west of Rt. 27 and no intersections south on Rt. 1 below Ridge Rd. The prior traffic study to support the 1999 permit application studied 31 intersections; this one studied just 18, quite selectively. There is some information on the Historic District of Kingston, but no mention of the total additional traffic to be added except that Route 92 would "slightly increase traffic in the Kingston Historic District." (DEIS, 4-38)

We again refer the Corps to our April 22, 1999 comments, at pp. 26-28, which we incorporate herein, discussing the impacts of Rt. 92 on southern Somerset County and requesting that such impacts be studied in detail.

B. Delay Measured by Levels of Service (LOS) at Intersections.

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Even if Route 92 is built, most of the intersections will continue to operate at level of service "F" during the morning and evening rush hours. Local intersections—like Scudders Mill Road at Schalk's Crossing in Plainsboro—will become virtual parking lots. In highway parlance, the delay at intersections is graded— A , B, C, D, E or F—based on the average wait time for drivers sitting at the intersection. This is a measure of delay. An LOS of "A" indicates a delay up to five seconds per vehicle, while an "F" means a delay of more than a minute. According to the DEIS, an "F" intersection is filled to capacity, with drivers severely limited in their ability to advance through the intersection.

According to the DEIS, out of fourteen local intersections studied, 11 would still be failing (LOS F) during the morning rush hour in 2028, if Route 92 is built, and ten would fail during the evening rush. The intersection of NJ-27 and Raymond Road would worsen from a "B" to an "E" during the evening rush. The Turnpike Authority had

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included written objectives for the project in the past that included reducing delay. Now that studies have consistently shown that intersections that are failing now will still be failing after Route 92 is built, the Turnpike Authority has dropped such statements in this DEIS.[1] Route 92 simply does not help congestion on local roads. Simpler, cheaper improvements to the intersections themselves should be made, like additional turn-lanes and better signal timing to help eliminate choke points and reduce delay, without the expense and impacts of another highway. Rt. 92 will have some benefit on Rt. 1 northbound, north of Ridge Road, however, that is not where most of the problem is and is, in any event, more than outweighed by Rt. 92's deleterious impact on traffic conditions and delay southbound, south of Ridge Road.

C. Delay As Measured By Travel Times.

TSTC2-13

Just as Route 92 would not improve the traffic performance at individual intersections, it has no significant impact on the total travel times between various locations in the vicinity. The consultant for this project conducted an analysis of travel times on 30 routes in 2001, in 2028 under a no-action alternative, and in 2028 with proposed Rt. 92. On average, Rt. 92 would save only 4.5 minutes in the am peak hour over the no-build alternative and 2.8 minutes in the pm peak hour over the no-build. In a significant proportion of cases, Rt. 92 cuts travel times by only a few minutes. During the am peak period, Rt. 92 saves 3.2 minutes or less over the no-action travel time in one-third (10 out of 30) of cases. During the pm peak hour, Rt. 92 saves 3 minutes or less over the no-build in almost half (14 of 30) of cases.

In a number of cases, Route 92 performs worse than the no-action alternative. In the am peak period, the addition of Rt. 92 would add 4.4 minutes over the no-build alternative to the drive from Princeton Junction to NJ Turnpike Interchange 8A, and 4.9 minutes over the no-build alternative to the drive from Hightstown to the exit. In the pm peak period, 5 out of 30 trips would take longer with Rt. 92 than under the no-build alternative.

TSTC2-14

Induced Travel and Future Congestion. The effect of added vehicle miles of travel, another critical indicator of whether a highway project will induce travel (and more congestion) and induce growth should be explained in the DEIS. Induced travel is made up of added trips due to reduced delay and diverted trips from other routes, modes and peak shoulders. Induced growth means new development, and added population beyond trend, that will add yet more trips. Neither VMT baseline numbers or future projections appear in the induced development or the transportation sections of chapter 4 of the DEIS. Baseline VMT numbers appear in the air quality section, and then without explanation.

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[1] We note, for the project purpose suggesting that Rt. 92 is an alternative for north-south traffic, that the DEIS states: "Provide an alternate route of travel for north-south regional traffic currently using Route 1 by improving access to the New Jersey Turnpike, **thereby relieving congestion in the region…** ." (Emphasis added.) Of course, this statement in the project purpose is not only at odds with the data and analysis in the DEIS, since Rt. 92 will not relieve congestion, but it is impermissible to include such a conclusionary phrase like "thereby relieving congestion" in the project purpose.

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The VMT figures that do appear in the air quality section, at Table 4-1 on page 4-3, are counter-intuitive. The table shows that VMT under the no-build scenario in 2028 would be 1,163,744, while with Route 92, VMT would be less (1,152,027). Although the no-build VMT result could be theoretically possible if the preparer assumed that more circuitous routes were taken by travelers in the no-build scenario, and also that no growth occurred (there being no Route 92 to induce it), it is unlikely that the construction of Route 92 would result in lower VMT than the no-build scenario. This would mean that Route 92 is not projected to divert trips (from other routes, other modes and from peak shoulders), would not add new trips (now-suppressed trips that would be attracted to the highway or to the area) and that Route 92 would not induce development at a greater rate than if it were not built, thus adding even more new trips (i.e., growth-generated trips). This is not plausible under any circumstances.

The Campaign refers the Army Corps and the Turnpike Authority to the seminal study of induced travel and induced development by Robert Cervero of the University of California, on this very subject ("Road Expansion, Urban growth and Induced Travel: A Path Analysis," July 2001). The study has recently won an award from the American Planning Association (APA).

If it is the Turnpike Authority's position that Route 92's construction and the trips generated by it (directly and indirectly) would not result in an increase in VMT over the no-build scenario, it should say that and justify it in text and with supporting technical work. Rather, we suspect that a serious VMT analysis accounting for induced travel and induced growth (development) was not performed in this DEIS. Of course, that would be a violation of CEQ regulations, at 40 C.F.R. 1508.8 (requiring an analysis of direct impacts and indirect impacts that are reasonably foreseeable).

Additional evidence that no induced growth analysis was done for this DEIS may be found at Trip Table 2-2 on page 2-37 of the DEIS. That trip table shows 2028 non-local ("through") trips for both the no-build scenario and with Route 92 in 2028. The aggregate volume figure for all vehicles crossing the east-west screenline on local east-west roads in the no-build scenario for both AM and PM peak hour is 10,117 trips. This figure also comports with Table 1-4 on page 1-17. If the proposed Route 92 is built, however, the DEIS claims the vehicular volume crossing the east-west screenline local roads in both AM and PM peak in 2028 will be *less*, or 8,334 trips. All of the trips generated by induced growth caused by Route 92 will not be on Route 92, obviously. Some of the trips would occur on other roads. A lesser vehicular volume crossing the east-west screenline during peak hour in 2028 with Route 92 is simply not plausible, unless the DEIS preparer assumed no induced travel and no induced growth whatsoever.

It is not only unfortunate, but unlawful, that the DEIS does not appear to provide sufficient data to allow a comprehensive analysis of the induced travel effects of the Route 92 addition. We request of the Army Corps that it propound to the Turnpike Authority questions designed to elicit its induced growth and induced travel and growth analyses pursuant to 40 C.F.R. 1508.8, as it did in 1999.

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However, using the elasticities found in Professor Robert Cervero's study, we can make some "back-of-the-envelope" calculations to estimate the induced travel which will occur in the study region.

Professor Cervero's study disaggregated short-term and longer-term effects of adding highway lane capacity. He found a short-term elasticity of 0.238 and a long-term (long-term being between 7 and 8 years, rather than the 24-year horizon employed here) elasticity of 0.637, after examining in detail the effects of 14 lane additions or nw freeway projects between 1980 and 1994 in California. His results are more conservative than several other recent studies. Prof. Cervero's elasticities indicate that for every 1 percent addition in regional highway capacity, daily VMT will grow by 0.238 percent in the short-term, and 0.637 percent in the long-term. Thus, assuming that Route 92 will add approximately 10 percent additional regional highway capacity, counting the centerline times the number of lanes and length of the freeways and principal arterials in the area (Route 92, US 130, US 1 and CR 522), and using the baseline of daily VMT found at Appendix B-16 (864,883 in 2001), induced travel can be estimated at 20,584 daily VMT in the short-term and 55,093 daily VMT in the long-term (again, that is 7-8 years after construction). These figures would be over and above the increase in travel due to population or job growth in the region.

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Induced Growth. At the same time, the Turnpike Authority recognizes in Section 4.2.1.4, page 4-11 of the DEIS that "[NJTA] recognizes that new highway development can be a significant factor in the rate and shape of growth" and acknowledges that "[i]nduced development impacts could potentially occur at the interchanges of proposed Route 92 with US Route 1, Perrine Road, US Route 130 and New Jersey Turnpike Interchange 8A." DEIS at 4-11. Of course, induced growth will not be limited to the interchanges, and municipal master plans, which already call for growth, can change.

As Prof. Cervero's study points, out, "The hypothesis of 'induced growth' – i.e., road improvements and the resulting swifter travel speeds spur real-estate construction along a corridor—was substantially confirmed. … The model, which explained around two-thirds of variation in total building activity as a share of countywide totals, reveals the presence of institutional delays, as postulated. Notably, the share of countywide building square footage and valuations along a corridor increased with the share of countywide freeway lane-mileage added three years earlier. Building activities were also highly responsive to average operating speeds two years earlier." Id. at 18. Clearly, adding freeway-type lane mileage, such as Route 92, has a causal and co-dependent relationship with increased building activity. The fact that there are "few" interchanges on Route 92— it is a very short highway, after all— does not preclude such development at the interchanges and beyond them, access by county and local roads, as well as Route 1 and Route 130, which have major interchanges. For the Turnpike Authority to continue to be in denial about the induced growth effect of Route 92 is absurd.

Despite the ability to study and to quantify the effects of induced growth and travel generated by induced growth, the Turnpike Authority first admits the existence of,

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then chooses to ignore, such effects. This is not permissible. 40 C.F.R. 1508.8 specifically requires EIS project sponsors to study and report on, in the EIS, "Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects elated to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." The Turnpike Authority has not complied with this legal standard for examining indirect and cumulative impacts in this DEIS.

Moreover, case law and other sections of the CEQ regulation, to wit, 40 C.F.R. 1502.22, require additional analysis or a justification of why none appears in the DEIS. In Sierra Club v. U.S. Dept. of Transportation, 962 F. Supp. 1037 (D. Ill. 1997), the Sierra Club, in challenging a toll road like Route 92, pointed out that the toll road authority had elide on a single population forecast and that the forecast was used to analyze both the build and the no-build scenarios, and that there was no rational basis for analyzing the impact of alternatives. The Court found:

> The Plaintiff's argument is persuasive. Highways create demand for travel and expansion by their very existence. Swain v. Brinegar, 517 F. 2d 766, 777 (7th Cir. 1975) *** . However, the final impact statement in this case relies on the implausible assumption that the same level of transportation needs will exist whether or not the toll road is constructed. In particular, the final impact statement contains a socioeconomic forecast that assumes the construction of a highway such as the toll road and then applies that forecast to both the build and no-build alternatives. The result is a forecast of future needs that only the proposed toll road can satisfy. As a result, the final impact statement creates a self-fulfilling prophecy that makes a reasoned analysis of how different alternatives satisfy future needs impossible. Id.

In the instant case, it appears that the Turnpike Authority did not merely use the *same* forecast for the build and no-build scenarios, but in fact, *suppressed* the scenario that would detail the highway's creation of "demand for travel and expansion," recognized by the Illinois federal district court, in the build Route 92 scenario.

Beyond scientific studies and court decisions, it would be appropriate for the Corps and the Turnpike Authority to examine state of the art draft environmental impact statements with respect to the subject of induced growth. For the proposed widening of I-93 in New Hampshire, the Federal Highway Administration and New Hampshire Dept. of Transportation agreed, with the natural resource agencies there and EPA Region 1, to use a Delphi/expert panel process that resulted in reasonable and credible estimates of both the population and employment increases the widening is like to induce in a 29-town area in southern NH and northern Massachusetts. That expert panel predicted that the I-93 widening would attract 40,626 people and 21,527 more jobs by 2020 above and beyond the growth expected. EPA Region 1 commended FHWA and NHDOT on its use of the Delphi/expert panel to estimate induced growth. (Dec. 16, 2002 correspondence to Carol Murray, NHDOT Com'r from Robert Varney, EPA Regional Adm'r)

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Of course, once these induced growth estimates are settled for the Middlesex/Mercer County region, then the additional acres of land to be paved to accommodate that growth in people and jobs must be estimated and accounted for, as well, in the DEIS. For the I-93 project, for instance, EPA opined, based on US Census data and Natural Resources Inventory for New England, over the last 15 years in that area, that for every new person, 1.31 to 2.33 more acres would be paved. No such analysis was done for Rt. 92's induced growth and induced travel impacts in the DEIS.

For many years, federal regulations have required that, in determining whether a Clean Water Act section 404 permit can be issued to authorize discharges to waters of the United States, the Army Corps of Engineers must consider not only the direct aquatic impacts, but also secondary and cumulative aquatic impacts. See 40 C.F.R. 230.11(g) and (h). All of these impacts must be considered when determining, among other things, whether the project would cause *or contribute to* significant degradation of the aquatic environment. Where the combined effect of direct, secondary and cumulative impacts would cause or contribute to significant degradation, the permit must be denied, see 40 C.F.R. 230.10c, unless measures are employed to reduce the impacts, through avoidance or compensatory mitigation, to below the significance threshold. This DEIS does not have the kind of discussion of indirect and cumulative impacts required for the DEIS to be found adequate under current law.

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Direct Impact of Road Salt. De-icing chemicals such as sodium chloride (road salt, the ionized form of chlorine) can be a dangerous substance, harmful to the environment, water quality and aquatic life. If exposure is excessive, chloride affects the osmotic regulation processes of sensitive macro-invertebrates and fish. Chloride is not like phosphorous or other roadside pollutants. It follows the conservation of mass principle, a fundamental concept of physics that within a particular domain, the amount of mass remains constant—mass is neither created nor destroyed. The mass of the object, therefore, remains a constant between A and B. Essentially, chloride can't be treated or absorbed. It goes where the water goes, and in fact, it accumulates. The only way to reduce the impact of chloride is to reduce its load, i.e. the amount applied to the highway.

Fortunately, chloride levels are easy to measure, often through specific conductivity, a measure of the substance's ability to conduct electrical current. Conductivity can be measured with a hand held meter for grab samples or with a continuous in-stream data-logger. Both have been used in other places to establish baseline levels of chloride to assess projected highway project impacts. Of course, continuous monitoring is important to capture peaks, since acute levels are more important than average levels reported on a monthly, or annual basis. The fish care about the highest level they are exposed to at any time, not the average. See, e.g., Project Work/Quality Assurance Plan, I-93 Specific Conductance Assessment (USEPA, OEP, OEME, Dec. 14, 2003) (submitted herewith for the record).

The federal and state drinking water maximum for chloride is 250 mg/l. N.J.A.C. § 7:9B-1.14c. Surface water quality regulations for FW-2 streams have established acute

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and chronic aquatic life toxicity maximums for both macro-invertebrates and fish. The acute limit is stated as: the one hour average chloride concentration will not exceed 860 mg/l more than once every three years. The chronic limit is stated as: the four-day concentration of chloride, when associated with sodium, will not exceed 230 mg/l more than once every three years on average. N.J.A.C. § 7:9B-1.14c. New Jersey does consider chloride a toxic substance.

The key questions for the chloride parameter and all other pollutants discussed in section 4 of the DEIS are four-fold: 1) what is the background or baseline level in surface waters and drinking water? 2) what are the discharges expected from Rt. 92 and what direct effect will such pollutants have on surface waters and drinking water and the environment generally? 3) what are the indirect and cumulative impacts for each pollutant, such as chloride, where additional loading from the municipal, county and state highway network and private actors (institutions, shopping centers, schools etc.) can be expected, and 4) can the Turnpike Authority make a reasonable assurance under federal law that neither surface water quality standards nor drinking water standards will be exceeded after Rt. 92 is built, and if exceedances are expected, what will the Turnpike Authority do to avoid such exceedances, or mitigate them if avoidance is not possible.

Most of the foregoing information does not appear in the 2004 DEIS. There are no baseline data for chloride or other relevant pollutants in the DEIS. It does not appear that the Turnpike Authority did any monitoring of water quality, either surface or ground, prior to releasing the DEIS. Certainly, none was revealed. Without background levels, we do not see how the Turnpike Authority could reasonably assure NJ DEP nor the Army Corp that drinking and surface water quality standards will not be exceeded, nor that New Jersey's anti-degradation regulation will be satisfied. The anti-degradation policy, at N.J.A.C. 7:9-6.8 (a) states that: "The Department shall protect from significant degradation ground water which is of better quality than the criteria in N.J.A.C. 7:9-6.7. Anti-degradation limits shall be used as the basis for the development of constituent standards applicable to discharges, as modified by N.J.A.C. 7:9-6.9(a) and (b). Where the concentration of a constituent at background water quality currently contravenes the criteria in N.J.A.C. 7:9-6.7, no further degradation of ground water quality shall be allowed for that constituent." See also N.J.A.C. 7:9-6.9.

Rt. 92's discharges to the three sub-basins—Heathcote Brook, Devil's Brook and Shallow Brook—of various pollutants, including total solids to run off the highway and its associated paved surfaces, is given at section 4 of the DEIS, including both best case and worst case models. The best case assumes that no solids are present on the highway, and the worst case assumes that solids have collected for 20 days prior to a storm. Average rainfall was calculated over a ten year period (1985 to 1995) and amounts were calibrated to year 1977, which constituted the best fit to "average."

For chloride, the Turnpike Authority assumed a pollutant load of 13.6 tons discharged per year in the best case (278 lbs. per event times 98 storm events per year), and 15.3 tons discharged per year in the worst case (312 lbs per event times 98 storm events per year). See DEIS, 4-21 through 4-30. It is important to note that chloride

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makes up the lion's share of all solids to be discharged by Rt. 92. The Turnpike Authority does not state what the basis is for its assumptions, despite the fact that it presumably knows how much road salt it applies each winter.

Chloride Discharge Per 2004 DEIS for Rt. 92:

	Total Solids Discharged in Average Year	Road Salt Discharged in Average Year	Percentage of Total Solids Discharged That is Road Salt	Salt Discharged per Lane Mile per Year
Best Case Model	39,788 pounds (19.9 tons)	27,249 pounds (13.6 tons)	68.49%	1,106.75 lbs.
Worst Case Model	119,266 pounds (59.6 tons)	30,587 pounds (15.3 tons)	25.64%	1,141.30 lbs.

All values in the DEIS are based on modeling. Yet there is no data or text given that the reader of the DEIS can use calibrate or verify the model results. Nor does the DEIS contain any information about upstream or downstream quality, baseline or projected. And, there is actually no discussion whatsoever about the effects of the discharge of these pollutants on the surface or groundwater, or the habitat, the environment generally or specific sensitive fauna. The DEIS cannot simply list the estimated pollutants to be discharged by the project; it has to actually study the direct and indirect and cumulative effects of same. These effects have to be specified.

Although the DEIS is inadequate in these respects, it is obvious from an environmental perspective that either the no-build or the local roadway improvements alternatives would result in a lesser amount of pollution being discharged to the environment, compared to Rt. 92.

A poignant example of the effects of stormwater runoff and its serious degradation of water quality is found in the Year 2 Report, May 2002, Manchester Urban Ponds report of I-93, published by the Urban Pond Restoration Program. The report concentrated on Stevens Pond in New Hampshire, and showed that eutrophication is being accelerated by highway runoff. Chloride and sodium levels are among the highest ever recorded in a freshwater body of water in New Hampshire. The pond is becoming more salty over time; the average conductivity for NH lakes is 56.8 uS/cm but Stevens Pond had a mean in 2001 of 1,148.8 uS/cm.

Because today's conditions in the Rt. 92 area are not known (or revealed), it is difficult to compare the estimated pollutant discharge loads with mitigation impacts from future treatment measures or strategies. Nevertheless, that is all the more reason to insist on a monitoring program now. We strongly recommend that the NJ DEP and the Army Corps require the Turnpike Authority to put into place a stringent and state of the art

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monitoring program forthwith, well before any permits are considered that would advance this project, including background levels at wells, open waters and aquifers.

In 2000, Canada declared chloride a toxic compound. Much could probably be learned from that nation's experience. A five year comprehensive science assessment conducted by the Canadian government found that "[a]lmost all chloride ions from road salts find their way eventually into waterways, whether by direct runoff into surface water or by moving through the soil and groundwater. In surface water, road salts can harm freshwater plants, fish and other organisms that are not adapted to living in saline waters." See Environment Canada, News Release: Road Salts: Reducing the risk of road salts to the environment, while keeping our roads safe available at http://www.ec.gc.ca/Press/2001/011130-2_b_e.htm. The DEIS does not address any of these issues and is therefore inadequate under law.

US EPA issued guidance on chloride as early as 1988. Massachusetts has declared low-salt applications zones for its highways, through signage to alert applicators. New Hampshire has measured specific conductance by placing data-loggers in stream for continuous monitoring, to obtain peaks, and which also record the chloride load continuously. None of the gathered information of the effects of chloride on the environment by other jurisdictions appear to have been used or even accounted for in the DEIS.

The Turnpike Authority does readily admit that road salt used for de-icing purposes could be especially damaging to the study area and region. Specifically, the DEIS says:

> The influx of sodium chloride into freshwater systems like the Millstone River watershed, if not controlled and mitigated, can produce widespread damage to the aquatic environment. Plants and animals living in this environment cannot tolerate the elevated salt levels and eventually die off. Influx of stormwater runoff containing high concentrations of sodium chloride into a lake or pond can inhibit the natural mixing of a lake, vital to lake oxygenation and survival of organisms. These effects can be most intensive in the summer when evaporation rates are high and there is less water in the lake to dilute any sodium chloride that has not yet been flushed from the lake.
>
> In addition to contaminating surface water resources, sodium chloride at high levels can kill roadside vegetation and tends to corrode bridges, roads, and stormwater management devices. [DEIS at 4-21.]

The Turnpike Authority, after admitting how dangerous chloride can be, then does not explain in the DEIS how it will reduce the threat other than to claim that the impacts will be reduced through the use of storm-water Best Management Practices (BMP). Storm-water best management practices **do not** mitigate salt impacts. Best management practices for other types of pollutants, including attenuation of roadside

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soils, grassy swales, detention basins and the like, have no effect on chloride or de-icing contamination. This is because other pollutants are likely to "settle out," evaporate, get treated, etc., unlike chloride.

Indirect Effects and Cumulative Impacts of Pollutants. Nor does the DEIS contain any analysis of the indirect and cumulative impacts of the pollutants to be discharged by Rt. 92 in section 4. The DEIS does not have any on-site water quality monitoring data for the Millstone River, the Delaware and Raritan Canal—both drinking water sources—or other important area waterways. The DEIS should have the upstream and downstream chloride levels in all relevant waterways especially following the spring melt period. What are the current impacts of de-icing practices upon these waterways from secondary roads, Rt. 1, Rt. 27 and the like, as well as from residential, industrial, institutional and commercial land uses? The DEIS does not predict that Rt. 92 will not cause these waterways to exceed the maximum acute and chronic levels or the national drinking water standard, nor does it make any reference to the anti-degradation rule. It simply provides best case and worst case scenarios, without reference to current and background levels. Also, because today's conditions are not defined as a baseline, no future assessment or comparison of alternatives is possible, although it is intuitive that for road salt, the no build or a n alternative that focuses on fixes to the existing roadway network would be less damaging to the aquatic ecosystem.

Various studies indicate that road salt accumulates in bodies of water; thus, the impact will be felt for years. For example, a study of Mirror Lake in New Hampshire demonstrates that salt does not break down to become harmless in the environment. Rather, it accumulates and contaminates public and private water supplies. The study found that groundwater in New Hampshire generally moves slowly, from a few feet to a few hundred feet per year, as a consequence wells in the vicinity of roads were often found to be contaminated by salt that was spread on the roads several years earlier. Rosenberry, N.J., et al., Movement of road salt to a small New Hampshire lake, Water, Air, and Soil Pollution, 109: 179-206 (1999) as cited in Forman, et al., *Road Ecology: Science and Solutions,* 219 (2003 Island Press). In addition, the migration of road salts as well as other pollutants from other roads and current development as well as anticipated future development in the study area must be factored into the analysis.

Under NEPA, direct effects of a project and its pollutants "are caused by the action and occur at the same time and place." Indirect effects "are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8. Cumulative impacts are impacts on the environment that result from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." 40 C.F.R. § 1508.7. The Turnpike Authority was required to study the direct and indirect effects of Rt. 92. Whether considered direct, indirect or cumulative, the impacts of chloride and other roadway de-icing materials on the aquatic environment was not studied in the DEIS. In section 4 of the DEIS (Direct, Indirect, and Cumulative Impacts of the Proposed Project and Alternatives), the Turnpike Authority merely describes the types of pollutants that are likely to be discharged to the waterways as a result of the construction of Route 92 and gives estimates for the amount of

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pollutants to be discharged during rain storm events. Discharge estimates do not amount to an actual impact study and are inadequate under the law.

As the Turnpike Authority points out in the DEIS, road salt "tends to corrode bridges, roads, and stormwater management devices." DEIS at 4-21. This can cause heavy metals as well as salt to enter a wetland or stream. Transportation Research Board, *Highway Deicing: Comparing Salt and Calcium Magnesium Acetate,* Special Report 235 (Washington, D.C.; National Research Council 1991). The proposed Route 92 project would involve the construction of two bridges, 535 and 525 feet long, over the wetlands. DEIS at 4-6. It is not at all clear that the use of stormwater detention basins could mitigate this impact, not to mention the fact that highway runoff is expected to flow directly into the wetlands in the Devil's Brook floodplain east of the Amtrak Northeast Corridor. DEIS at 4-8.

Road salt cannot only kill the surrounding vegetation, but also make it more difficult for an area to re-vegetate. Road salt can cause soil compaction, which greatly reduces soil permeability along roadsides. As a result, runoff occurs at a higher rate and there is less infiltration of rainwater into the ground to support adjacent plant life. The gradual buildup of salt in the soil along the roadside, together with lowered moisture conditions, can make it more difficult to maintain natural vegetation on roadsides. Also, if plants die, it can be more difficult to re-vegetate roadsides to reduce erosion. *See*, Goldman, C.R., and G.J. Malyj, *The Environmental Impact of Highway Deicing,* Institute of Ecology Publication 33 (1990 Davis: University of California); Transportation Research Board, *Highway Deicing: Comparing Salt and Calcium Magnesium Acetate*, Special Report 235, Washington, D.C.; National Research Council (1991); Thompson, J.R., A.J. Rutter, and P.S. Ridout, The salinity of motorway soils. 2. Distance from the carriageway and other local sources of variation in salinity, *Journal of Applied Ecology,* 23: 269-80 (1986) as cited in Forman, et al., *Road Ecology: Science and Solutions,* 217-8 (2003 Island Press).

The DEIS is also silent on the potential damage caused by road salt splash, which is considered to be a noticeable and obvious impact on roadside vegetation, and the impact to birds and other wildlife. Environment Canada, News Release: Road Salts: Reducing the risk of road salts to the environment, while keeping our roads safe *available at* http://www.ec.gc.ca/Press/2001/011130-2_b_e.htm.

A wetlands fill permit should not be considered by the Army Corps until and unless a monitoring program is put in place first. Studies have shown that only real-time continuous monitoring of runoff quality can adequately capture and represent the large fluctuations of conductivity and provide the context needed to interpret analyses of water quality samples. A recent U.S. Geological Survey detailed study of road salt pollution impacts of a four-lane highway in Wareham, Mass. It showed a wide range in specific conductance of highway runoff, fro 37 to 51,000 microsiemens (uS)/cm in 233 discrete samples over a 8 year period, and from 2.69 to 63, 275 uS/cm over the same period using continuous data-loggers. An important conclusion of the study was that only continuous recordation or runoff quality can adequately represent the large fluctuations of

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conductivity and provide the context needed to interpret analyses of water quality samples.

As for mitigation and best management practices, the DEIS contains no discussion of best management practices for the application of chloride in either the sections on Direct, Indirect, and Cumulative Impacts or elsewhere that we could find. Best management practices for chloride are not the same as for other pollutants. Best management practices for the application of road salt may include plans and designs for roadways that avoid areas with salt sensitive vegetation and agricultural uses, which are found in the Rt. 92 vicinity, the application of salt at optimal rates in manner that will prevent ice from bonding with the pavement, and the use of liquid anti-icing to minimize the amount of salt that will be blown or bounce. Ultimately, the goal of road salt Best Management Practices is to implement procedures that result in the least amount of road salt as possible being applied to the roads. See Transportation Association of Canada, *Syntheses of Best Practices Road Salt Management* (September 2003). Such practices are not addressed at all in the DEIS.

In summary, there is a high potential for road salt applications of Rt. 92 to have serious negative impacts on drinking water quality, to impair drinking water supplies, and to impair sensitive aquatic life along the corridor and in the area. The DEIS discusses nether this, nor what to do about it.

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Air Quality. The Turnpike Authority's examination of the effect on air quality in the region from Route 92's construction also ignores the fact that increasing highway capacity is likely to induce trips and result in an increase in vehicle miles traveled (VMT). According to the DEIS at 4-4, VMT will increase under every 2028 scenario because the area will undergo an increase in "population, employment, and vehicular use." Yet, contrary to conventional wisdom, many empirical studies, and the Federal Highway Administration's own model for estimating induced travel, the Turnpike Authority claims that the project that will result in the greatest increase in highway capacity (Route 92), as compared to the alternatives, including the no-build, will lead to the smallest increase in VMT.

There is simply no support in the record and no empirical basis for the Turnpike Authority's claim that building Rt. 92 will lead to the smallest comparative increase in VMT over other alternatives and scenarios. In fact, as noted earlier, the Turnpike Authority claims in the DEIS that the no-build scenario will cause greater VMT than Route 92's construction and addition to the highway network. VMT under the no action scenario in 2028 would be 1,163,744, while with Route 92, VMT would be only slightly less (1,152,027).

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We also notice that, in the Air Quality section, Appendix at B-23 to B-168, the Mobile 6.2 vehicle emission model section of the Appendix, that eight VMT fraction figures are supplied by the modeler/applicant to obtain CO, NOx and VOC results, and that they are virtually the same throughout. The modeler supplied the VMT mix and assigned 100% of the VMT to a fixed combination of freeways and freeway ramps for all

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hours of the day and all vehicle types. Is this appropriate, and if so, why? This uniform application and, presumably, resulting higher speed (from freeway travel), might have resulted in an emissions calculation that suppresses both the CO and NOx levels and perhaps other parameters that relate to, or emanate from, continuing gridlock congestion conditions at most of the traffic intersections not improved by Route 92 but studied in this DEIS.

Conclusion. Again, we thank you for the opportunity to testify at the public hearing and to submit written comments for the record. We urge you to reject Route 92 and relegate it to the past, where it belongs, because of its poor performance in meeting any of its stated objectives.

Respectfully submitted,

Janine Bauer
General Counsel

Nancy Christensen
Staff Attorney

Jon Orcutt
Executive Director

Damien Newton
New Jersey Coordinator

Encl.

c. Koko Cronin (hand delivery, with attachments)

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TRI-STATE TRANSPORTATION CAMPAIGN

Mobilizing the Region

April 22, 1999

James Haggerty
U.S. Army Corps of Engineers
New York District, Eastern Permits Section
Jacob K. Javits Bldg., Room 1937
26 Federal Plaza
New York, New York 10278-0090

Re: Comments on Route 92 Section 404 Permit Application from the New Jersey Turnpike Authority, Public Notice No. 1999-00240-J1

Dear Mr. Haggerty:

Introduction

The Tri-State Transportation Campaign is a consortium of thirteen of the region's leading environmental, transit advocacy, planning and citizen groups. Our mission is to create an environmentally benign, socially just and economically efficient transportation network to serve our region. Doing so requires investment in 1) travel demand and trip reduction measures to manage peak hour traffic congestion, 2) enhanced investment in transit, broadly defined, to create new demand-responsive services and more frequent, convenient and better existing bus, jitney and rail service; 3) compact, mixed-use land uses, emphasizing in-fill development and revitalization of our cities and transit-served suburbs; and 4) appropriate pricing of car and truck trips to more efficiently use scarce roadway capacity during peak hours and to capture more of the wear and tear trucks cause to roadways which, especially in New Jersey, is mostly borne by municipal property taxpayers.

One of the most important points of our comments is that traffic in central New Jersey is mostly a peak-hour problem. Twenty or more hours/day, the existing roadway network has plenty of available capacity. As a new highway capacity project, Route 92 attempts to address peak-hour demand by adding to the supply of roadway capacity. Adding to supply creates more demand; limiting supply will reduce demand. Many transportation planning agencies across the country are focusing their investments on managing travel demand and reducing demand through measures designed to avoid trips altogether, shift trips to alternative modes, shift trips to non-peak hours and to manage peak flow by technological means (intelligent transportation systems) and other roadway

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system/network operational improvements (addition of turn lanes, acceleration and deceleration lanes especially for trucks, synchronization of traffic signals to manage intersection queues, etc.). We have enclosed a chart of a hierarchy of congestion management strategies prepared by the N.J. Department of Transportation for its congestion management system regulation compliance (adopted in slightly truncated form) to assist the Army Corps in understanding that the nature and evolution of transportation planning focuses much more now in metropolitan areas on demand management and operational and technological fixes rather than adding to supply.

In an era of fiscal constraint for transportation planning (we recognize that the Turnpike's projects are not subject to the federal fiscal constraint rule, but its coffers are not boundless, and it has conceded in published news reports that it would have to raise tolls to build this and other new capacity projects), management of existing infrastructure and investments in trip-reducing and shifting strategies is a more environmentally responsible way to approach peak-hour travel demand.

A second important point is that the study done by EPA's consultant Hagler-Bailly, "Transportation Review of Proposed New Jersey Turnpike Authority Route 92" (Sept 18, 1998), relies upon and accepts the numbers and data from the New Jersey Turnpike Authority. The Turnpike application does not present a situation which calls for a third (or fourth, counting the NJDEP study of the need for Route 92, conducted by Environmental Partners) study by the Army Corps of Engineers. The Hagler-Bailly review specifically states that its analysis was "performed based on the select link analysis and the intersection and roadway segment level of service with and without proposed Route 92. All of the numbers used in the analysis were provided by the New Jersey Turnpike Authority (NJTA) from previous submissions." Review at 3.1. (The Tri-State Transportation Campaign also has done no new independent research; we have performed an objective analysis of the existing study results, all of which flow from the Turnpike's own data and projections.) The Hagler-Bailly review ultimately resulted in EPA's partial-build alternative (an example of the more conservative operations-and-management approach just described). EPA took virtually the same set of results and conditions and asked itself how the wetlands impact could be avoided while gaining the same level of traffic relief.

The question presented does not, for the most part, stem from the studies' or agencies' disagreement as to the traffic projections and level of service at intersections now or in 2015. Rather, the question is what conditions are acceptable, what costs are acceptable, what environmental impacts should be tolerated to bring about what levels of service and, to put it bluntly, whether building Route 92 really makes much of a difference in local traffic conditions. If not, hundreds of millions of dollars can be saved, and wetlands will be preserved, while operational improvements and minor capacity additions may be added to the existing roadway network to produce the same or similar traffic conditions.

The only need for further study of Route 92 is the need to study the direct and indirect impacts that Route 92 will bring to the Millstone River watershed, and the towns and historic areas in Somerset and Mercer Counties, and towns in Middlesex County not included in the small area the Turnpike and its consultants studied. The indirect and direct effects of constructing Route 92 to the area outside the Turnpike study area should be examined with a full federal EIS. This would cure the inadequacy of the present study area and the Turnpike's refusal to look at certain direct effects including induced and latent travel demand (added traffic that would be attracted to the facility and area), and indirect effects including growth inducing effects, other effects related to induced changes in the pattern of land use and development, population density or growth rates under different scenarios, and environmental, historic, cultural and social impacts resulting from construction of Route 92, specially if extended to Route 27 and then to 206. See 40 C.F.R. 1508.8(a), (b); 1502.16 (a-h). The Roue 92 project is an appropriate candidate for a full EIS because the proposed action is one that normally requires the preparation of an EIS. See 40 C.F.R. 1501.4(a)(1). A cost-benefit analysis of the various alternatives, including the Hagler-Bailly alternative, should also be prepared. See 40 C.F.R.1502.23.

A final issue of importance is whether the project can be segmented at Route 1. The only thing the proponents and opponents of Route 92 agree upon is that it is planned to be extended to Route 27 and then to Route 206. In fact, proponents such as the Middlesex Somerset Mercer Regional Council claim they will work vigorously to pursue this link, and have so stated in the record. Therefore, it seems axiomatic that the study area must include this link, under all applicable law, regulations and case law.

Recommendation

The Tri-State Transportation Campaign urges the U. S. Army Corps of Engineers (hereafter "Corps") to deny the Turnpike Authority's request for a Section 404 permit for Route 92, based on the application (hereafter "Application") submitted in January 1999, and to require a full and complete Environmental Impact Statement that encompasses a broader range of concerns, including the link of Route 92 to Route 206.

I. The Purpose of and Need for Rt. 92 Has Not Been Established

A. The Regulatory Standard for Issuance of a Non-Water Dependent Wetlands Permit

An environmental impact statement should be subjected to some simple tests— whether the applicant has made out a case for construction of the project by identifying the specific problem the proposed action resolves and has demonstrated precisely how it does so. A second test— assuming the proposed action does solve a legitimate problem that is properly described and quantitatively demonstrated— to be applied by the regulatory agency under the freshwater wetlands protection (section 404) of the Clean Water Act is whether practicable alternatives exist that must be pursued in lieu of the proposed action to avoid destruction of wetlands.

Simply put, in neither the EIS nor the Response document has the Turnpike proven the need to build Route. 92. The Turnpike has not adequately addressed in either its original 1994 EIS or in the Application the problems it seeks to correct, nor has it described in any detail how Route 92 will solve the problems.

There is a clear hierarchy in the federal law, section 404(b) of the Clean Water Act, 33 U.S.C. 1344 et seq. under which the State of New Jersey has assumed permit issuance authority pursuant to the Freshwater Wetlands Projection Act, N.J.S.A. 13: 9B et seq., and accompanying regulations, N.J.A.C. 7:7A-3.3, regarding whether a freshwater wetlands permit shall issue for a non-water dependent activity. **The regulatory standard for the issuance or denial of a permit is an objective substantive standard.** The first goal is avoidance of wetlands. The next goal is minimization of impact to wetlands. A distant third is mitigation or compensation for wetlands destroyed or otherwise impacted.

The Turnpike's application is for a non-water dependent activity (a limited access highway, see 1902 Atlantic Ltd. v. Hudson and Army Corps of Engineers, 574 F. Supp. 1381,1398 (E.D.Va. 1983)) to fill a special aquatic site, i.e., wetlands. Where the proposed action is for a non-water dependent activity for a special aquatic site, the only question is whether there are practicable alternatives. "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." 40 C.F.R. 230.10(a)(2). The range of alternatives do not have to fall under the applicant's jurisdiction, particularly in a case where improvements to the existing state, county and local roadway network, technological improvements, and travel demand management strategies provide a suitable alternative. The federal regulation states that "If it is otherwise a practicable alternative, an area not presently owned by the applicant which could be reasonable obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

Under (a)(3) of the same regulation, it is clear that for non-water-dependent activities, "practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise." The regulation goes on to say that, "In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge [filling of wetlands] which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise." Id.

To determine whether the applicant has avoided destruction of wetlands, **the applicant must persuasively demonstrate that the project, as designed, is the only practicable alternative**, and that there is no other practicable alternative which would not involve a freshwater wetland, or would have a less adverse impact on the aquatic ecosystem, if it involves a freshwater wetland. Practicable alternatives include but are not limited to activities that do not involve filling wetlands. Under the state regulation, an alternative is practicable if it is available and capable of being done after taking into

consideration cost, existing technology, and logistics in light of overall project purposes. See N.J.A.C. 7: 7A-3.3a1 and 2. Both the federal and the state regulations presume that there is a practicable alternative to any non-water dependent regulated activity, and that such alternative will have a lesser impact on the aquatic ecosystem. See N.J.A.C. 7: 7A-3.3b. This is the avoidance standard.

In order to rebut the presumption that alternatives exist, the applicant must demonstrate that no alternatives exist which are available and capable of being carried out after taking into consideration cost, existing technology and logistics in light of the overall project purposes. The federal regulation, at 40 C.F.R. 230.10(a) (2), concludes that if an alternative is otherwise a practical alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfil the basic purpose of the proposed activity may be considered. See also N.J.A.C. 7: 7A-3.3c1. An otherwise practicable alternative cannot be dismissed merely because the area is not owned by the applicant or the area could not have been expanded, obtained or otherwise managed in order to fulfill the basic purpose of the proposed activity, or because the area is not properly zoned. See 40 C.F.R. 230.10 (a)(2); N.J.A.C. 7:7A-3.3c2. Even if the applicant rebuts the presumption that there are practicable alternatives, the applicant must minimize destruction of the affected wetlands. As such, the Turnpike must persuasively demonstrate, under federal law, that it has overcome the presumption that there are practicable alternatives that fulfill the basic purpose of the proposed activity. It has not done so. It has barely even responded to EPA's proposed alternative, having ejected it for improper reasons, as discussed infra. Similarly, under the state regulation, the Turnpike has the burden to show:

- that the basic project purpose cannot reasonably be accomplished using one or more sites in the general region that would avoid or reduce the adverse impact to the ecosystem;
- that the basic project purpose cannot reasonably be accomplished if there is a reduction in size, scope, configuration or density of the project as proposed;
- that the basic project purpose cannot reasonably be accomplished by any alternative designs that would avoid or result in less adverse impact to the ecosystem; and
- that in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints. [Id.]

The key to the regulator's judgment is the project purpose, the lack of available, practicable alternatives, and, if practicable alternatives do not exist, whether the applicant has made reasonable attempts to eliminate obstacles to pursuit of practicable alternatives.

The Turnpike has not rebutted the presumption that there is no practicable alternative to the permanent destruction of 14.4 acres of wetlands. The Turnpike has not demonstrated that it has made reasonable attempts to eliminate obstacles to other alternatives, such as improvement of the existing road network or improvements to Route

22 or 32. Most of the Turnpike's reasoning for rejecting improvement of local roadway networks in lieu of building Rte. 92 is disallowed under the law and applicable regulation.

The EIS and the Application are woefully insufficient to serve as the basis for the reviewing agency to grant the permit requested.

B. Developers' "Reliance" on Route 92 and Assumption of the Risk

The Turnpike and several developers have argued that the alleged benefits of the highway spur outweigh the detriment to the wetlands, both those permanently destroyed and those in the project's sphere of influence. Some have cited their reliance on construction of the road in siting and building their office parks or other facilities. Such "reliance" is not identified in the EIS or Application as a need or reason for the highway to be built. The "reliance" itself is rather vague and undocumented; it is certainly not persuasive evidence that the state or the Turnpike Authority committed themselves in a way that caused loss or damage to the developers who "relied" on the plan. In fact, many of those developers have been quite handsomely rewarded for locating in the Princeton Forrestal area despite its peak hour traffic problems. Vacancy is not a problem. The Turnpike cites more development pressure as one of the reasons to build the road. This would seem to rebut the idea that reliance on the road's construction was necessary to the developers' own projects. There is no evidence in the record about the reliance- what the developers knew, were told, by whom, or when and how it affected (or didn't affect) their decisions to build or lease at Forrestal Center or the environs. Route 92 has been nothing more than an idea, not a plan, for many decades.

And if the developers did rely on proposed construction of Route 92, that reliance was misplaced and should not now be rewarded. They assumed the risk of whether this project went forward or not. If they relied at all, they apparently "relied" on a "project" that was not in a Transportation Improvement Program (TIP), not in a state capital construction plan, not funded in any sense. In fact, there was always a very large and real risk that the road would never be constructed. The risk was due to many factors, not just the need for a wetlands permit. Other salient factors include the fact that every NJ Legislature since the 1930s has refused to fund construction of this road, despite the "rubber stamp" approach the Legislature takes toward most of the NJ Department of Transportation's capital construction plan. Another factor is that NJDOT itself never prioritized it for construction, and abandoned the highway link in or about 1991. The "reliance" argument is not part of any test adopted or implicit in any regulatory scheme, and we urge the Corps not to invent it for this proposed activity. It would become a very slippery slope. A simple "earmark" or "demonstration project" description of a project inserted in state or federal transportation laws for a project that had not proven its worth (need), complied with NEPA nor obtained any regulatory or permits would suddenly become a project on which developers could say they "relied" to urge that it be permitted and built. The developers assumed the risk of whether the highway should be built. They have argued their case, but the Corps should give no weight to it.

C. The Turnpike's EIS and Application, Including Traffic Studies

Unless the need for a project is proven, and the project as designed actually solves the problem, the regulatory agency has no basis for weighing the destruction of wetlands against the project's alleged economic or other benefits. If the need for the project is proven, then the Corps may weigh the benefits and impacts of the project according to the factors listed in the Public Notice. But otherwise, weighing project impacts versus benefits would be a violation of the rule enunciated under both the state statute and the federal Clean Water Act. The compromises to be weighed have already been hashed out, and the appear in the law and federal regulations. **As such, the first test is whether the need, or justification, has been stated and quantitatively demonstrated.** Without a demonstrated need that the project purpose adequately addresses, there is no need to engage in further analysis.

1. Purpose and Need: A Description of the Project is Not an Appropriate Purpose or Need Statement

The Turnpike's documents do not clearly delineate the problems in the central New Jersey area it is trying to solve by building Rte. 92. There is no section of the EIS or Application that appropriately describes the exact nature and scope of the problem. The Turnpike discusses in general terms the development pressure the region has experienced over the last several years, which has increased traffic. Since one or another transportation agency has planned to build Rte. 92 since the 1930s, it can hardly be said that very recent development pressure in the central New Jersey region is the basis for constructing the link.

The Turnpike's hypothesis is that the north-south corridors of Rtes. 1 and 130 and the Turnpike dominate land use and have attracted development along their routes, but that these same roads are "barriers" to east-west movements. The barrier concept is not defined. While these routes have become congested, such congestion could be controlled by other means, discussed herein in Section II, Alternatives Analysis.

Aside from stating that the north-south corridors have become barriers, the Turnpike does nothing to prove its other main theory that "[t]he area's inefficient and limited capacity east-west roadway network further exacerbates the problem by restricting access between Route US 1 and the other north-south corridors, such as the Turnpike and Route US 130." (Application, at 5-3). In fact, few if any of the problems allegedly due to the inefficiency of the east-west local roads in the central New Jersey area as described by the Turnpike at pp. 5-3 and 5-4 of the Application will, the Turnpike's analyses later proves, be ameliorated by construction of Rte. 92.

2. Project Purpose and Need

CEQ's regulation dealing with purpose and need, at 40 C.F.R. 1502.13, state that "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." It is axiomatic

that the statement of purpose and need can be a description of the project itself, and alternatives cannot be rejected on the basis that the purpose and need is not met except by building the project. In the case of highway capacity project proposals, the problem statement should clearly specify the nature of the traffic problem sought to be resolved, and the purpose and need should state clearly the levels of service to which the agency aspires (or other measurable performance objectives). As such, a proper purpose and need statement might say "improve traffic flow between east-west points" but it cannot say " build an east-west connector between A and B." A more appropriate purpose or need statement than what the Turnpike has written would describe the need to decrease auto travel time, reduce queue delays, increase person share of transit, reduce auto trips and vehicle miles of travel (VMT), and so forth. Such descriptions attack the traffic problem and achieve desired levels of service on roadways and at intersections without predisposing the agency or the reviewer to a particular solution. Moreover, even where a vehicular solution is called for, the solution is not always to add capacity to highways, or to build brand new highway capacity. The Federal highway Administration, in its recent discussion draft options paper for implementing the Major Investment Study regulation into the NEPA and transportation planning processes, and NEPA coordination guidance, specifically noted:

> Operation and management of the transportation system requires greater attention in planning processes. Capital investment, especially for new capacity but also for system preservation has dominated traditional transportation planning analyses and decisions. Continuing fiscal constraint, growing sensitivity to environmental impacts of infrastructure and the need for prudent management of infrastructure all dictate a closer consideration of systems management and operational strategies as part of systems planning. … Options for incorporating Operations and Management in the planning process could also include establishing committees of operators as task force s advising the MPO [metropolitan planning organization], or developing a strategy for coordinating and integrating system operations across modes and jurisdictions. FHWA Discussion Draft at 2-3.

In its freshwater wetlands permit application to the Corps, the Turnpike establishes four objectives to be achieved through construction of Route 92. These objectives are:

1. Improve east-west traffic flow throughout southern Middlesex County by providing a direct connection between the major north-south corridors (Route US 1, Route US 130, and the New Jersey Turnpike.
2. Improve north-south traffic flow on Route US 1 and appropriately divert through traffic to Route US 130 and the New Jersey Turnpike.
3. Reduce truck traffic on the local roadway network by diverting through traffic via Route 92 to the major north-south corridors.
4. Reduce traffic congestion on the local roadway network, including at key local intersections, by diverting regional traffic from the local roadway network. (pp. 5-1 & 5-2)

Rather than quantitatively demonstrate the nature and scope of the problem the Turnpike hopes to resolve, the Turnpike's objectives mix its two concepts (problem and proposed solution). Three of the four objectives (numbers 1, 3, and 4) inappropriately make reference to a particular alternative. The goals are listed as construction of a "direct connection" (objective 1), "Route 92" (objective 3) and "diverting traffic from the local roadway network" (thus presuming creation of a new, "non-local" alignment; objective 4) rather than more general objectives with a variety of alternatives considered. Such circular reasoning predisposes the alternatives analysis towards construction of Route 92.

3. Changing project objectives

The Turnpike claims the objectives of the Route 92 project "have always remained the same." (Application, p. 5-1) In fact, the objectives have changed considerably over time and "evolved" toward an increasingly vague and self-referential statement of purpose. As first proposed in 1938, Route 92 would have extended from Route 206 in Somerset County to the New Jersey Shore. The Turnpike and other project proponents invariably point out that plans for the project date back some 60 years, apparently in the belief that this lessens their burden to explain and demonstrate the need for the project. What constitutes an adequate justification for a highway has evolved considerably in this period, however. The scope of the proposed Route 92 has changed so significantly over the past two decades that a complete reevaluation of its purpose and need is in order.

Until the 1990s, Route 92 was proposed to extend to Route 206 on the western end and to include the Hightstown Bypass, which is now under construction as an independent project in the vicinity of Turnpike Interchange 8. The segments of Route 92 west of Route 1 are presently abandoned in deference to the wishes of affected municipalities. The 1986 DEIS for the original project states:

> As with any highway project of this magnitude, construction of Rt. NJ 92 will involve a series of construction contracts. This phasing of construction will be staged so that those sections having the greatest utility are completed first. In all probability, for both [alternatives advanced for further study], the order of priority would be, first the Hightstown Bypass, then the Princeton Bypass (Rt. US 206 to Rt. US 1), and finally the section of Rt. NJ 92 east of Rt. US 1. (Emphasis added.) NJDOT DEIS, October 1986 at 39.

This not only makes clear that the segment of Route 92 that is currently proposed for construction was regarded as of lesser importance than the segment that has

since been dropped, but also raises the question of whether the remaining segment (Route 1 to the Turnpike) has sufficient utility in itself[1] to proceed.

The 1996 FWIP submitted to EPA contained seven goals for Route 92, only four of which survive in the revised permit application submitted to the Corps. The three goals which were dropped are as follows:

- create an east-west link connecting US Rte. 1 to the Turnpike at Interchange 8A;
- improve the intersection of US Rte. 1 and Ridge Road in South Brunswick by diverting through traffic to the grade-separated interchange at US Rte. 1 and Rte. 92;
- reduce traffic congestion at the intersection of Schalks Crossing Road and Ridge Road in South Brunswick by diverting through traffic to Rte. 92.

This latest revisions in goals constitutes not only a shift towards vague self-justification but an admission of the problems Route 92 would not solve.

For example, the intersection of Ridge Road and US Route 1 would see no gross improvement in level-of-service and would in fact *worsen* from LOS C to D in the year 2015 A.M. peak period with Route 92 in place. (See Table A.) Such ambivalent performance is possibly the reason for the more vague project objectives as found in the application under the Corps' review.

Table A: Intersection LOS, 2015

Intersection Name	2015 No-Build LOS		2015 Rt. 92 Build LOS	
	AM	PM	AM	PM
US Route 1/Ridge Road	C	D	D	C
Ridge Road/Schalks Crossing Road	F	F	A	D

Source: Route 92: USACE Section 404 Permit Application, Appendix B, Tables 23 & 24.

The objective of reducing traffic congestion at the intersection of Schalks Crossing Road and Ridge Road also disappeared without a trace in the present Application. As shown in Table A above, LOS at this intersection would significantly improve with construction of Route 92, from LOS F to LOS A in the AM peak hour and from LOS F to LOS D in the PM peak hour. However, this is a highly localized traffic problem that could be solved without fully constructing Route 92. A more modest and

[1] Another cause for doubt on this point is the display of "most congested roads" and "problem intersections" in Figure I-2 of the 1994 DEIS. The only road segments and intersections among the many shown here that could be positively affected by the construction of Route 92 as currently proposed are those on Plainsboro Road. Yet the major traffic reductions claimed for Route 92 occur on Route 522, which allegedly will see a reduction of 51%, not on Plainsboro Road, where traffic is projected to decline by only 13%. (FWIP, NJTA Response to NJDEP, February 14, 1997 at 9.)

practicable solution to congestion at the Ridge Road/Schalks Crossing Road intersection was proposed by Hagler-Bailly in its 1998 report to the US Environmental Protection Agency on Route 92.[2]

It is therefore misleading to claim the objectives of Route 92 have remained static. Route 92 itself has been defined and redefined numerous times over the years, including major revisions since the 1996 FWIP. After such major changes in Route 92's declared function over time, the resulting project purpose and need, as described in Section 5 of the permit application, has evolved to a point of circularity and vagueness that demands reformulation. We request that before it engages in analysis of Route 92's projected performance, the Corps should reexamine the objectives by which that performance shall be judged. The present project objectives are unlawfully narrow and preclusive of a true alternatives analysis.

4. Vague Problem Statements—The Local Road Network

With respect to those objectives described in the Project Purpose and Need statement in the Application that might be interpreted to constitute appropriate problem statements or needs, some are overly vague and thus do not permit reasoned analysis and judgment between the alternatives studied (as well as those not studied). One such example is the objective "Reduce traffic congestion on the local roadway network by diverting through traffic." **The "local roadway network" is referred to throughout the submission, but is not adequately defined or analyzed in terms of existing and future traffic projections— including the improvements presently occurring on the local roadway network or scheduled to occur thereon prior to year 2015— to allow the reviewing agency to judge the appropriateness of the need statement itself.** This is a key flaw in both the 1994 DEIS and the Application.

Moreover, the Turnpike uses the local roadway network as both a shield and a sword. USEPA recommended by letter dated January 6, 1997 that NJDEP more carefully examine whether improvements to the local roadway system could accomplish the same objectives as building Rte. 92. On January 27, 1997, NJDEP requested that the Turnpike supplement its application do so. **In its response to NJDEP and in the Application, the Turnpike essentially concluded that since the project's purpose is to relieve the local roadway network of traffic congestion, improving those roads to accommodate the traffic that would otherwise be attracted to Rt. 92 would not serve the project purpose.**

Extending Route 522 (already undergoing realignment and dualization) is dismissed out of hand because "shifts from parallel east-west roads to the extended Route 522 would not be as great as the shifts from local roads to the NJTA Preferred Alternative." (Application p. 5-8) The real issue, congestion on local roads, is ignored.

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[2] Hagler-Bailly, Inc., *Transportation Review of Proposed New Jersey Turnpike Authority Route 92*, prepared for US Environmental Protection Agency, September 18, 1998, page 4-2.

This is a Catch-22. By defining the project purpose as "taking traffic off the local roadway network," the Turnpike assures that its preferred alternative— a new highway— will be selected because it refuses to consider diversions to other existing routes as a permissible way to reduce demand on the roads it hopes to relieve. The Turnpike has thus impermissibly defined the project purpose to preclude improvement of the existing roadway network to accomplish improvement of various traffic flows. The EPA alternative does focus on improving the existing local roadway network and making operational improvements, and more could be achieved in this direction. Narrowly defining the project purpose so to exclude obvious practicable alternatives violates freshwater wetlands protection policy and law.

The Corps here should be careful to follow its policy to not give too much deference to an applicant in defining the project purpose. (See Guidance Memorandum, ACOE Director of Civil Works, "Permit Elevation, Plantation Landing, Inc.," at 4, (April 21, 1989)). The Memorandum makes it clear that the Corps is responsible for defining and controlling every aspect of the federal freshwater wetland analysis under the Clean Water Act, section 404(b)1. That includes project purpose.

Moreover, absent Rte. 92, the local road network is already servicing through trips as well as local trips. It is these through trips that the Turnpike expects to capture away from the local roads. That is made obvious by reference to Table 3 in the Turnpike's Response Report to USEPA, which shows that 51% of the 2015 trips on Rte. 522 would be diverted to Rte. 92.[3] Clearly, then, the Turnpike has not shown that these roads, if improved, could not serve both types of trips in a compatible manner, and would not handle the traffic growth projected for the region.

5. Traffic Congestion Rte. 92 Will Not Resolve

Among the "goals and objectives" itemized for Rte. 92 is the improvement of both east-west and north-south traffic, and the improvement of key intersections. Each is an objective cited by the Turnpike and is measured against the result in the traffic study undertaken by the Turnpike.

a. Improve East-West Traffic Flow

The EIS and Application for Route 92 contain a projection of level-of-service (LOS)[4] for certain roads in the central New Jersey area, which purports to show that east-west traffic flow will improve after Route 92 is constructed. In fact, the Turnpike's results are quite unimpressive. Appendix B, Table 30 of the Application demonstrates that east-west traffic flow as measured by level of service would not significantly improve on local roads in the year 2015. Only Plainsboro Road, west of US Rte. 130,

[3] Route 92 Freshwater Wetlands Individual Permit Application – Response Report to US EPA's October 23, 1997 Letter, Frederic R. Harris, Inc., Feb, 20, 1998 Appendix B.

[4] Level of service is rated on a scale from A to F, with A being the "best" service (free-flowing vehicular movement) and F being the "worst" service (heavily congested, stop-and-go traffic conditions). [1985 Highway Capacity Manual.]

would improve. Worse, the Turnpike's traffic analysis in Appendix B demonstrates that if Route. 92 is built, level of service on many other local roads will deteriorate, including portions of County Rte. 522 (Ridge Road) and Dey Road. The tables in Appendix B are more illuminating than the text in the main document.

Importantly, levels of service for most local roads will not be affected one way or the other by the construction of Rte 92, according to the Turnpike's own traffic analysis. Since the improvement of traffic on existing east-west local roads is a major element of the project purpose, the Turnpike's own traffic analysis must be seen as debunking that justification altogether. At a minimum, the permit cannot be issued based upon this analysis, and the Turnpike, if it intends to pursue the application, should return to the drawing board.

b. Improve North-South Traffic Flow

Similarly, the Turnpike's projections as to LOS on certain north-south roadways, notably Routes 1 and 130, do not demonstrate that the construction of Rte. 92 will significantly improve traffic flow on these north-south roads. Table 30 of the Application demonstrates that year 2015 traffic conditions on Routes 1 and 130 would differ only slightly with construction of Route 92. Only three of eight North-South roadway segments would have a level of service improvement, and only one is projected to have experienced unacceptable level-of-service under "no-build" conditions. That one exception is limited to the area of Route 1, north of Ridge Road, only in the northbound direction, and only in the peak evening rush hour. In that direction and at that time, LOS is projected to improve from D to C after Rt. 92 is built (see table below; improvement in **boldface**). **This is such a marginal improvement in traffic flow, for such a short span of time, and for such a small area, that it does not justify issuance of the permit.**

Roadway Segment	**2015 No-Build LOS**		**2015 92 Build LOS**	
	AM	**PM**	**AM**	**PM**
US 1 (North of Ridge Rd. – NB)	B	**D**	B	**C**
US 1 (North of Ridge Rd. – SB)	C	B	C	B
US 1 (South of Ridge Rd. – NB)	A	C	A	B
US 1 (South of Ridge Rd. – SB)	C	B	B	A
US 130 (North of Friendship/32 – NB)	D	B	D	B
US 130 (North of Friendship/32 – SB)	B	D	B	D
US 130 (Btwn Dey/Broadway – NB)	C	B	C	B
US 130 (Btwn Dey/Broadway – SB)	B	D	B	D

Source: Route 92 Section 404 Permit Application, Appendix B, Table 30.

While NJDOT plans to widen Route 1 south of the proposed Route 92 interchange, **the Turnpike should acknowledge that Route 92 will cause North-South**

traffic on Route 1 increase by of 29,700 net trips per day.[5] Such an increase belies the Turnpike's aim of alleviating congestion on north-south corridors.

The east-west and north-south traffic flow analyses demonstrate that Rte. 92 fails to accomplish the project purposes set forth in the Turnpike's Application.

c. Other Local Intersections

With respect to other local intersections, construction of Rte. 92 will not do much to improve traffic flow. In the 1994 EIS Appendix B Traffic Study, twelve LOS "F" intersections were analyzed. Of those analyzed, the alternatives fared at least as well as proposed Route 92. If various alternative improvements are pursued, four intersections will improve in LOS by the year 2015. Four intersections would not improve under either scenario. If Route 92 is built, four intersections will see an improvement in their LOS.

Even this modest improvement in LOS at four intersections requires greater scrutiny, however. One of the intersections showing improvement is Ridge Road and Schalks Crossing Road. That intersection would improve only marginally (LOS D to C), and only in the evening peak hour. The Rte. 32/Rte 535 intersection will be replaced, and even with the replacement, will function at LOS D. The Rt. 32/Herrod Blvd./Commerce Drive intersection will be eliminated. In fact, the only intersection that will significantly improve is the Friendship Rd./Rte 130/Rte 32 intersection, which will also be replaced, and then will function at LOS B. As such, only one intersection will be improved significantly if Rte. 92 is built.

Four intersections will remain at LOS F in both the morning and evening peak rush hour, regardless of whether Rte. 92 is built.

Table 27 in the EIS (which assumed that the project was built prior to 1997) is evidence that the level of improvement for intersections will not be great enough to justify the cost and permanent destruction of wetlands if the project is built. As may be seen from that table, few intersections are significantly improved in the year 2015 over the base year. The rate of deterioration is very rapid. In the 18 short years between 1997 and 2015, many intersections return to LOS D or F. (**in bold**).

Comparison of LOS at Intersections, Pre- and Post Rte. 92
Turnpike EIS Traffic Study, Table 27

Locations		1992	1997 w/92	2015
Rte. 35/Turnpike 8A	AM	D	C	**D**
	PM	C	C	**D**
Rte. 32/Rte. 130	AM	F	C	**C**
	PM	F	C	**D**
Rte. 32/Rte.535	AM	F	C	**D**

[5] Hagler-Bailly, Inc., Ibid., Appendix H.

	PM	E	D	**D**
Mon.Jct./George's-	AM	F	D	**F-**
Culver Rd.	PM	D	D	**F-**
Rte. 522/Kingston Ln.	AM	E	F	**F-**
	PM	E	F-	**F-**
Ridge Rd./New Rd.	AM	F	A	**A**
	PM	F	A	**B**
Rte. 1/Rte.522	AM	F	D	**F-**
	PM	F	F	**F-**
Ridge Rd/Schalks Cr.	AM	F	D	**D**
	PM	F	C	**D**
Ridge Rd./Perrine Rd.	AM	C	A	C
	PM	B	A	**D**
Schalks Cr./Perrine Rd.	AM	C	C	**D**
	PM	D	C	**D**
Rte. 130/Dey Rd.	AM	D	F-	**F-**
	PM	D	F-	**F-**
Rte. 27/Raymond Rd.	AM	C	C	**D**
	PM	D	D	**D**
Rte. 27/Laurel Ave.	AM	F-	F-	**F-**
	PM	F-	F-	**F-**
Rte. 1/Raymond Rd.	AM	D	F	**F-**
	PM	O	F	**F-**

Intersections were again studied in 1997 and are reported in Appendix B of the Application:

Comparison of Intersection LOS
Existing, No-Build and Post- Rte. 92
(Tables 19, 23, 24, Appendix B, Application)

Locations		**1997**	**2015 No-Build**	**2015 92 Build**
Rte. 27/Raymond Rd.	AM	E	F	F same as no-b
	PM	B	A	B worse than no-b
Rte. 27/Laurel Ave.	AM	F	F	F same
	PM	F	F	F same
Rte. 1/Prom.-Stouts	AM	B	F	**C***
	PM	D	B	B same as no-b
Rte. 1/Raymond Rd.	AM	F	C	B minor
	PM	F	D	**B**
Rte. 1/Ridge Rd.	AM	F	C	D worse
	PM	F	D	C minor
Ridge Rd/Schalks Cr.	AM	D	F	**A**
	PM	F	F	**D minor**
Schalks Cr./Perrine	AM	A	A	C worse
	PM	A	A	B worse
Ridge Rd/Perrine Rd.	AM	A	A	A same
	PM	A	A	A same
Ridge Rd./New Rd.	AM	F	C	B minor
	PM	A	B	A minor

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Monm Jct/Kingston	AM	C	C	B minor
	PM	B	B	C worse
Georges/Monm Jct	AM	F	C	B minor
	PM	F	D	C minor
Rte. 130/Rte.32	AM	F	F	N/A
	PM	D	F	N/A
Rte. 130/Rt. 32 Park-Ride				
	AM	B	B	N/A
	PM	D	D	N/A
Rte. 32/Commerce	AM	F	F	N/A
	PM	F	F	N/A
Rte. 32/Rte. 535	AM	D	F	N/A
	PM	F	F	N/A
Rte. 535/Commerce	AM	A	F	F same
	PM	F	F	F same
Rte. 32 EB/Tpke 8A	AM	B	N/A	N/A
	PM	C	N/A	N/A
Rte. 130/Dey Rd.	AM	F	C	B minor
	PM	F	D	D same
Rte. 1/Adams-Cozz.	AM	F	F	F same
	PM	F	F	F same
Rte. 1/Sand Hls-Maj.	AM	D	F	**C**
	PM	D	C	C same
Georges/Kingston Ln	AM	F	F	F same
	PM	F	F	F same
Rte. 130/Stults Rd.	AM	F	F	F same
	PM	F	F	F same
Rte. 130-Georges	AM	F	N/A	N/A
	PM	F	N/A	N/A
Scudders/Schalks	AM	F	F	F same
	PM	F	F	F same
Scotts Cor/Dey Rd.	AM	C	B	B same
	PM	C	C	B minor
Scotts Cor/Plainsboro	AM	C	F	**C**
	PM	B	F	F same
Main St./Plainsboro	AM	B	B	B same
	PM	B	F	F same
Scudders/Dey-Plainsbro				
	AM	F	F	**B**
	PM	C	F	**B**
Scudders/College Rd.	AM	C	D	C minor
	PM	C	C	C same
Scudders/Merril Lnch	AM	B	N/A	N/A
	PM	B	N/A	N/A
Scudders/Plainsboro	AM	B	N/A	N/A
	PM	B	N/A	N/A

*Improved LOS due to revised geometry and signal timing, independent of Route 92.

The foregoing table demonstrates that only six of 31 intersections studied most recently by the Turnpike show a major improvement (**in boldface**) after Rte. 92 is built in the year 2015, compared to predicted levels of congestion in 2015 under the no-build scenario.

One of the six improves due to geometry and signalization changes independent of Route 92's construction. **Only two of the six intersections show improvement in *both* the AM and PM peak rush hour. Of those intersections improved, most show only minor improvement (one grade) compared to the 2015 no-build scenario. Finally, four of the 31 intersections show *worse* congestion levels than the no-build alternative. This means the project's congestion-busting benefits are both unimpressive and short-lived.** Level-of-service impacts are corroborated by the average speed on local roads: Route 92 would accelerate east-west travel by *0.6 miles per hour* on local roads, from 27.8 MPH to28.4 MPH. (Application Appendix B, Table 5) For such a meager improvement, one of Middlesex County's last remaining rural areas would be destroyed forever.

The Turnpike's own traffic analysis demonstrates that Rte. 92 fails the project purposes number 1 and 4 associated with improving east-west traffic flow and local intersections.

6. *Reduce Truck Traffic on Local Roads*

The analysis of the impact of Route 92 on truck traffic is inadequate and inconclusive. The analysis suffers from the same defects that the general traffic analysis displays, and others as well. As with other goals, the Turnpike casts its project purpose in terms of the preferred alternative: "Reduce truck traffic on the local roadway network by diversion via Rte. 92 to the major north-south corridors."

The Application, Appendix B page 54 indicates that truck traffic projections were based on results from the New Jersey Statewide Transportation Model. No explanation is provided, however, as to how the model analyzes truck traffic, as distinct from general traffic. Trucks' travel patterns are quite different from auto travel patterns, and questions of diversions to other routes and new trip generation must be studied with care. It is not possible to understand the nature of the Turnpike's analysis of this key point on the basis of the information given.

As is the case for the discussion of traffic in general, the treatment of trucks in Application Appendix B (page 13) fails to consider the impacts of Rte. 92 on local roads outside the envelope of Rte. 1 and the Turnpike. The analysis considers how many trucks would be diverted to Rte. 92 from local roads lying between Rte. 1 and the Turnpike, but does not consider how many trucks would be diverted to local roads, to the west of Route 1 for example, to gain access to the west end of Rte. 92.

In 1998 the Turnpike undertook a highly localized study of truck movements through the Village of Kingston, which lies directly west of Route 92's western terminus. The Turnpike's consultant found that

> heavy trucks are subject to diversion; however, as indicated in Figure 21, there are currently very few heavy trucks on Route 27 and the other roads passing through the Village of Kingston, on both County Route 603 (Kingston-Rocky Hill Road)

> and County Route 518 (Georgetown-Franklin Turnpike Road) indicates that total traffic would remain unchanged with the implementation of proposed Route 92.
> (Appendix B, p 83)

The presumption that currently traffic volumes will determine future volumes after construction of Route 92 ignores the fact that the area west of Route 92 – including the Route 206 corridor and by extension Interstate 287 – would be made significantly more accessible to regional traffic, and thus could spur a change in traffic patterns as has occurred on nearby Route 31 with the completion of I-287. Given that the truck study area was bounded on the west by Route US 1, it remains unsubstantiated how the Turnpike Authority was able to estimate truck diversions on Routes 603 and 518.

In general, the Turnpike's analysis of truck diversions west of the study area lacks depth and fails to acknowledge the new North-South traffic pressures created by the completion of I-287 in Bergen County, New Jersey. (See "Impacts on southern Somerset County," Section III below) Serious concern over this issue has led the municipalities of Franklin Township, Hillsborough Township, Hopewell Township, Montgomery Township, and South Brunswick Township to oppose Route 92. Hopewell Borough and Rocky Hill Borough, while not formally opposing Route 92, have passed resolutions voicing concern over these impacts. The Corps should require that the study area be broadened to encompass the area west of Route US 1 and be analyzed in the form of an Environmental Impact Statement.

The Turnpike's entire discussion of the growth in truck traffic in the project area is distorted to support the claim of relief for local roads. This leads to some extraordinary claims, some of which are implausible and others of which illustrate why construction of Route 92 will aggravate traffic problems in the area. First, the estimated rate of growth of 3.4 percent per year in truck volumes (Appendix B, p. 54) between 1996 and 2015 is unsubstantiated and out of line with projections of growth in general traffic, typically estimated at under half this rate in New Jersey for the same period. As a result, the table "Estimated Truck Traffic Diverted to Proposed Route 92" (Appendix B, Table 16) shows figures for daily truck trips in the year 2015 <u>nearly double</u> what the model actually predicts (using a methodology that is not explained) on the basis of current volumes. There is no discussion of the fact that this rate of growth in truck traffic, in addition to being very high, would probably not materialize if Rte. 92 were not constructed.

Second, the analysis refers to "new traffic either induced by the presence of the new facility or generated by new development in the study area," which is then added to the above estimate of the traffic "diverted" to Rte. 92. There is no hint of how this new traffic is calculated. More importantly, however, this acknowledgement that Rte. 92 will attract traffic to the area is inexplicably offered as evidence in support of the project, since these new trips are added to the projection of "diverted traffic using Rte. 92." This is in fact one of the principal reasons that the road should not be built.

Finally, the Turnpike skews the profile of trucks on the local roadway network by automatically assuming trucks counted at Exit 8A constitute traffic on local roadways and create quality-of-life impacts on those roadways. (Appendix B, Table 17) In reality, the bulk of built and planned truck-served warehousing in the area is centered around Exit 8A, where trucks already have easy access to the North-South corridor of the Turnpike. The roads there are built with sufficient capacity for trucks – they are not abutted by "large frame dwellings set close to the roadway." (Application at 5-4) Exit 8A thus should not be considered an "other local road." Removing Exit 8A from the local road category shows that the truck traffic potentially diverted from local roads constitutes only 44% of existing truck traffic on those roads. (Appendix B, Table 15). This is very poor performance against the Turnpike's objective, and combined with potential truck traffic growth west of Route 1 should lead to reconsideration of the project.

II. The Turnpike's Practicable Alternatives Analysis Is Inadequate

The review at hand must focus on the minimization of impacts to the aquatic ecosystem, as measured by acreage of wetlands destroyed and impacted. The Response document is not helpful to determination of whether the preferred alternative is in fact the best alternative to meet those needs, or whether other alternatives, analyzed and rejected, would better meet those needs without unnecessary disruption of wetlands, or whether the analysis of alternatives is lacking altogether.

A. Lack of Analysis of Expected Improvements

The Turnpike has inadequately analyzed the impact of the Hightstown Bypass and the Millstone Bypass on the travel market it hopes to capture for east-west trips linking the Turnpike to other points. Despite that the Hightstown Bypass was determined to have separate utility from Route 92, the combination of the bypasses being erected in that area, which lead directly or near-directly from the Turnpike at exits 8 and 8A, should be studied as part of the EIS and alternatives analysis.

NJDOT and So. Brunswick Township are apparently moving forward to widen Rte. 1 north of Ridge Road. (See Trenton Times, May 30, 1997). This widening is perceived to eliminate the "bottleneck" that occurs when traffic is constricted on Route 1 in that area because the roadway goes from six lanes to four. The EIS does not appear to analyze or take into account this widening. It is likely that this "local road improvement" will result in some improvement in the LOS on Route 1 north of Ridge Road, which must be compared to the construction of Route 92, singly and in combination with other improvements.

B. Demand Management

Reducing traffic congestion on the local roadway network is a project purpose advanced by the Turnpike. The Turnpike has attempted to define the project's purpose in light of broad projected traffic growth by ignoring as an alternative the implementation of sustainable trip reduction and demand management alternatives.

The Turnpike has failed to consider appropriate non-build demand management strategies to maximize efficiency of existing roadway space, especially during peak hours. The Tri-State Transportation Campaign strongly urges the Corps to require that the Turnpike explore non-build alternatives to Rte. 92. Instead of construction of Rte. 92, the applicant should pursue alternatives that do not attract the maximum number of trips to the area to maximize revenue for the Turnpike and to speed motorists' and truckers' trips by just a few moments, while forever changing the character of central New Jersey.

Among the alternatives not discussed relating to improvement of the existing roadway network are

- an appropriate signalization policy
- limiting access (curb cuts) to Routes 1, 130, and 522 under a highway access management plan that is stringent and enforced
- selected widenings, some of which are being undertaken[6]
- operational improvements
- intersection improvements, and
- sustainable alternatives, including use of rail to carry freight, provision for more extensive transit of all kinds, carpooling, park-n-ride opportunities and denser, more compact land uses to reduce trips.

Such alternatives and operational improvements would particularly well serve the travel market, as the Turnpike notes that "[m]uch of the through traffic on Route US 1 is associated with destinations in Princeton or points south, or New Brunswick and points north." The Turnpike has failed to set forth a credible analysis of whether practicable alternatives to Rte. 92 exist, in violation of the governing regulation.

C. Hagler-Bailly/USEPA "Modified No-Build Alternative"

After two years of study on behalf of EPA, the consultant Hagler-Bailly proposed an alternative to Route 92 that would result in no wetlands takings, equivalent relief to local intersections, and no additional demand on Route 1. Hagler-Bailly premised its "modified no-build alternative" on its interpretation of the stated objectives for Route 92, i.e. to improve local east-west traffic flow and north-south traffic flow on Route 1. Under implementation of the modified no-build alternative, each of the six intersections to be improved under Route 92 would also be improved.

The Turnpike's "analysis" of this alternative (Application at 6-40, and Appendix B at 41) better illuminates the shortcomings of Route 92's stated project purpose than the alternative's strengths and weaknesses. The alternative is dismissed in two paragraphs without explanation, except that the objectives (presumably, construction of a limited-access highway rather than improved traffic flow) were not met. The dismissal does not

[6] Rte. 522 is currently being widened and improved. South Brunswick Tp. and NJDOT have agreed to widen Rte. 1 north of Ridge Road, from four to six lanes. See Trenton Times, May 30, 1997. Other improvements have been part of town or county master plans for several years.

reference the full Hagler-Bailly study but only the press conference at which it was announced. It is an inadmissible alternatives analysis.

D. Reasonable Attempts to Remove Constraints to Alternatives

Moreover, the Turnpike has not demonstrated "reasonable attempts to remove or accommodate such constraints" where it has rejected other "build" alternatives, such as improvement of the local roadway network. Some of the reasons the Turnpike advances for not utilizing local roadway improvements are impermissible under the governing law and regulation —

- The Turnpike cites the fact that the Turnpike does not control these roads, or that some roads have 40-foot rights of way (which can be widened), and that they are discontinuous or "meandering." Obviously, such ROW matters would be corrected if these roads were designed to act as substitute east-west links for Rte. 92.
- The Turnpike has also merely reiterated that these roads are "land service highways" that presently serve the dual purpose of local and through trips. If these roads are already serving the dual purpose, they may be improved to continue to do so.
- The Turnpike has also mentioned that the cumulative roadway improvement program would involve a host of jurisdictional agencies and multiple funding sources. Response, at 25. That is true of most road projects, and is certainly not a constraint that could be properly considered under the extant regulation.
- The fact that none of the improvements "would come under the jurisdiction of the ...Turnpike" is likewise not an obstacle that could be appropriately considered.
- As stated previously, the Turnpike has defined the project purpose as taking "traffic off the local roadway network" and has asserted that improving the local roadway network is "contrary to the stated purpose of Rte. 92." (Response to USEPA at 25.) This is likewise not a permissible obstacle to the finding that there are practicable alternatives to Rte. 92.
- The Turnpike's vague comment that local roadway improvements would bring travel lanes closer to remaining sensitive air and noise receptors, thus "potentially aggravating air and noise conditions for these receptors" requires further detail and study. Since most of the local road improvements are rejected by the Turnpike because their widening would "take" whole properties or frontage areas, it is not clear whether the widenings would aggravate conditions.
- The Turnpike has not appropriately identified (in text or on maps) the residential properties it claims would be taken or impacted by the local road improvements. Detail is necessary in order to compare the impacts of various alternatives.
- The Turnpike is reaching when it claims that travel time on local roads would not be comparable to Rte. 92 because traffic would be required to travel through stop-signs and traffic signals. A serious highway access management and signalization policy, as NJDOT is pursuing in several other corridors, could easily be undertaken on these roads to allow improvement that would approximate the travel time savings projected for Rte. 92.

All in all, the Turnpike spends much more time justifying its rejection of alternatives than it does in making reasonable attempts to eliminate constraints posed by more sustainable options.

N.J.A.C. 7: 7A-3.3(c) 1 and 2 describe the applicant's burden in rejecting alternatives as not practicable. Specifically, the regulation does not allow the Turnpike to reject the alternatives described above and local road improvements because the Turnpike does not own or control them. The regulation does not permit the rejection of alternatives which reasonably could have been expanded, managed or utilized to achieve the desired effect. Clearly, this language applies to the improvement of the existing roadway network, complemented by trip reduction strategies. The Turnpike has not demonstrated the four items that comprise N.J.A.C. 7: 7A-3.3(d)1-4 in its EIS or Response document. It is particularly wanting with respect to items 1 and 4. In fact, the Turnpike seems to go out of its way to explain why certain local road improvements would be harmful to the environment, or destructive of wetlands, without explaining why the road could not be redesigned or realigned (such as Rte. 92 was) to avoid such small, wet areas.

E. Avoidance and Minimization of Impacted Wetlands

While the diversion of the traffic from local roads to the Turnpike is synonymous with the Turnpike's objective to build a toll road, the diversion of traffic itself does not meet the standard under the permit law as to unavailability of practicable alternatives. By defining the project as a new road that will attract trips from the existing roads, the Turnpike seeks to avoid the legal standard of avoidance and/or minimization altogether. The Corps must resist the Turnpike's quest to define the issue in its terms, rather than the terms of the regulation and underlying statutes.

Table 6.2 of the Application makes it clear that the Turnpike's preferred alternative is not the alternative that avoids or minimizes wetlands destruction.

Comparison of Alignments, Total Wetland Impacts
(Table 6.2, Route 92 Application)[7]

Alternative	Permanent Wetlands Impacts (Acres)
NJTA Preferred Route 92	14.42
USEPA Suggested Alignment	12.98
Dey Road Parallel	3.6
Plainsboro-Cranbury Road/535	5.6
Plainsboro-Cranbury Road/130-Dey	10.1
Plainsboro-Cranbury Road/130	5.2
Dey Widening	7.5
Plainsboro-Cranbury Widening	0.6

[7] Does not include DOT Alignment No. V, which would result in 35 or 18 acres impacted, but which alternative has been abandoned.

Cranbury Neck Widening	4.3
Relocated Route 522 Widening	2
Relocated 522 Widening/Extension	3
Cumulative Local Roadway Improvemt	13
USEPA Modified No-Build	Not considered

The Turnpike has not only not minimized destruction of wetlands, but it has chosen the path of greatest destruction, even with the new design. Almost any combination of local road improvements, especially combined with slight movements or redesigns of the roadbed to avoid small areas of wetlands, would result in far fewer acres of wetlands destroyed than the Turnpike's preferred alternative. Table 6.2 in the Application should guide the Corps' view of the proposed project.

The Turnpike has failed to prove that it has met the following tests, enunciated in the governing regulation:

- that the basic project purpose cannot be reasonably accomplished using one or more sites in the general region that would avoid or reduce the adverse impact to the ecosystem;
- that the basic project purpose cannot be reasonably accomplished if there is a reduction in size, scope, configuration or density of the project as proposed;
- that the basic project purpose cannot reasonably be accomplished by any alternative designs that would avoid or result in less adverse impact to the ecosystem; *and*
- that in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints. [N.J.A.C. Id.]

III. Indirect Effects

Again we request that the Corps require a full federal EIS. In its prior submissions and studies, the Turnpike has not examined the environmental consequences of its proposal as would be required by CEQ regulations for a federal action (issuance of a DA permit). See 40 C.F.R. 1502.16. Specifically, the Turnpike has not considered the clear conflict between its proposal and the objectives of the State and local land use plans, policies, and controls as required by 40 C.F.R. 1502.16(c). We address the fact that Route 92 cuts right through State Development and Redevelopment Plan areas 4 (rural farmland) and 5 (environmentally sensitive), which are to be preserved. In particular, the Turnpike has not addressed the growth-inducing impacts of its proposal with four interchanges on environmentally sensitive lands under the New Jersey State Development and Redevelopment Plan. Nor has it considered the impacts of its proposal on the land use west of Route 1 in towns in Somerset County, including but not limited to impacts and pressure to extend the road to Route 27 and 206.

Furthermore, FHWA in a recent discussion draft incorporating the EIS and MIS requirements into the transportation planning process stated that CEQ

> Aplaced renewed emphasis on the evaluation of cumulative and indirect effects of Federal actions with the publication of its 1997 guidance on this subject. Some examples of these effects in the transportation arena include the water quality impact of numerous losses of very small wetland areas, the community disruption of secondary development associated with a transportation improvement, the flooding impact of the loss of absorbing vegetation and permeable surface area associated with multiple transportation improvements and secondary development, and wildlife habitat fragmentation.
>
> * * *
>
> With the elimination of the separate MIS requirement the most logical venue for the consideration of such effects may be in the systems planning process that supports the development of the metropolitan or statewide transportation plan. Among the seven planning factors that must be considered are the protection and enhancement of the environment and the improvement of the quality of life, factors that encompass cumulative and indirect effects. Id.

While Route 92 is not a federally-financed project, the issuance of a DA permit is, and therefore, the National Environmental Policy Act (NEPA) provides the guidelines about the nature of a proper analysis of both practicable alternatives and effects, direct and indirect, of a proposed major action such as construction of a highway on new alignment. "Indirect effects" means "effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." (40 CFR § 1508.8(b).) Indirect effects may include "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." (Id.) The Turnpike Authority has grossly understudied the indirect impacts of Route 92, especially induced growth in traffic, the flow of trucks and other traffic into southern Somerset County, land use impacts that are inconsistent with the State Development and Redevelopment Plan, and growth in overall vehicle-miles traveled (VMT). These four indirect effects will be discussed in this section.

In its 1994 DEIS for Route 92, the Turnpike's consultant Louis Berger & Associates made an effort to determine how the highway would affect the growth of population and employment in the vicinity of the project, and how this in turn would affect traffic levels. (NJTA Proposed Route 92 DEIS, April 1994, Appendix G Chapter 4.) That analysis is based however on the premise that the impacts of Route 92 would be strictly intraregional, i.e., that the extent of the effects would be a shift in location of residents and jobs within the project area. Furthermore, the study of traffic impacts is limited to the project area as well.

In its Freshwater Wetlands Individual Permit Application and subsequent supporting documents, the Turnpike has moved ever further away from analyzing indirect impacts of the project. Rather than building on the work begun in the DEIS, URS Consultants, a Turnpike consultant for the Freshwater Wetlands Individual Permit application (FWIP), apparently casts aside these results and ignores such indirect effects altogether. Claiming an "updated and more sophisticated modeling process," URS reports that its study "reflected the most recent (and more moderate) population and employment forecasts, by municipality, as currently envisioned by State and County planning agencies, resulting in traffic forecasts that showed lower growth on a daily basis for Route 92."[8] (FWIP, September 13, 1996, Appendix B at 3.)

The indirect effects of major highway system expansions on traffic patterns, and especially truck movements, has emerged in recent years as one of the most pressing transportation issues in New Jersey. With the completion of I-287 in northern New Jersey in 1993 came a surge in truck traffic on Routes 206 and 31, which in turn caused an outcry from municipalities in Hunterdon, Somerset, Mercer and Middlesex Counties. In recognition of the problem, NJDOT launched the *Effects of Interstate Completion and Other Major Roadway Improvements on Regional Trip Making and Goods Movement Study*, which was "to identify the impacts of large-scale roadway improvements, such as the completion of I-287 … and the 'Trenton Complex' … that can affect travel patterns throughout a wide geographic area." (FWIP Appendix B at 4.) The Turnpike's consultant URS states that it developed the model used for the DOT study and applied the model to its analysis of Route 92.[9] (Id.) It is therefore incomprehensible that the analysis conducted by URS for the Turnpike fails to shed any light on the crucial question of how the construction of Route 92 would affect communities to the west of Route 1.

A. Induced Growth in Traffic

According to the Turnpike, one of the main merits of the proposed highway is its ability to remove truck traffic from local roads. The Turnpike estimates that approximately one-half of the trucks travelling parallel local roads would be diverted to Route 92. (Application, Appendix B at 55.)

The price of this alleged benefit will be additional truck traffic *attracted* to the area by Route 92. The Turnpike predicts that 2560 trucks will use Route 92 daily, of which 840 would otherwise have used Route 1 south from Interchange 9 (New Brunswick) to some point south of Ridge Road (the proposed western terminus of Route

[8] URS does, however, find a much larger "potential" market for Route 92 than Louis Berger & Associates did when such a finding was perceived to support the Turnpike's statement of need; see "Project Purpose and Need," above.

[9] NJDOT did not complete/release the study and regards the accompanying model development as a work in progress.

92), and 500 are due to "induced and newly generated traffic."[10] Id. That is, **over half of the trucks projected to use Route 92 currently do not pass through this area of Middlesex County at all**. No explanation is offered of the method used to calculate the number of "induced and newly generated" trips, but it is likely that the Turnpike has underestimated them, given the unsubstantiated and questionable opinion expressed by the Turnpike's consultant in a Application attachment that "Route 92 would have minimal impact on the overall growth rate" in the area. (URS Greiner Memorandum to Goodkind & O'Dea, February 18, 1998 at 2.)

While the Turnpike does not examine the potential for Route 92 to induce auto travel, there can be no doubt that this will also occur. The fact that areas west of Route 1 would have easy access to the Turnpike if Route 92 were built will encourage relocations to these areas and additional traffic, not only between Route 1 and the Turnpike, but also on local roads used to gain entrance to Route 92 from the west.

B. Impacts on Southern Somerset County

The impact of Route 92 on Somerset County has been a matter of much discussion and concern among the County's municipalities for years. In 1994, the Somerset County Planning Board passed a resolution in opposition to the proposal construct Route 92 from the Turnpike west to Route 27, based in part on the belief that a highway terminating at Route 27 would adversely affect Franklin Township. The resolution goes on to say:

> a more thorough traffic analysis should be undertaken which extends the project impact corridor further north and south along Route 27 and the connecting local and county road net work; specific data should be presented on destinations of trips originating in Somerset County (expressed as percentage splits); and an analysis undertaken for intersections along the expanded study corridor to determine if levels of service would deteriorate if the extension was built…

The problems envisioned by Somerset County are not at all diminished by excision of the westernmost mile of the highway (from Route 27 to Route 1)—in fact, they may be exacerbated. Yet the Turnpike has not to our knowledge ever complied with the County's very reasonable request for an analysis of the highway's impacts there. Hillsborough, Franklin and Montgomery Townships and Rocky Hill Borough can all be expected to experience significant changes in patterns of truck movements, and, in some cases, dramatic increases in truck volume if Route 92 is constructed. This concern has led the above towns, as well as Hopewell Township in Mercer County, to unequivocally oppose Route 92 and request a more far-reaching investigation of regional traffic impacts. Impacts on

[10] The projections already reflect an annual growth rate of 3.4 percent, so the new traffic refers to traffic generated by Route 92.

Route 27, Canal Road, Route 518, Route 533 and Route 206, for example, and connecting roads all need to be evaluated. The Turnpike addresses this issue superficially and not to the satisfaction of affected communities (see "Reduce Truck Traffic," above). The Corps should require a more thorough regional analysis in the form of an broader-ranging EIS.

An egregious example of the Turnpike's failure to investigate properly the effects of Route 92 on Somerset County is provided by the Turnpike's response to concerns raised by the Village of Kingston regarding the impact of Route 92 on truck movements through the village. The Turnpike's consultant notes that, while trucks that currently travel through Kingston on Route 27 might turn off onto Heathcote Road (the continuation of Ridge Road) at the town center to gain access to Route 92, 1) some trucks would be discouraged from doing so by the tight turning radius required to make the turn; 2) the total number of trucks passing through the town would not increase; and 3) if the town does not want the extra truck traffic that might pass through town en route to Route 92, it could place limitations on truck traffic. (URS Greiner Memorandum to Goodkind & O'Dea, February 18, 1998.)

The first point offers little comfort for the village, which will presumably by subjected to the spectacle of trucks attempting to make a tight turn in its center. The second point suggests that there is no practical difference between trucks travelling down Route 27 and the same trucks travelling on Heathcote Road. The Turnpike's consultant's observation that there are virtually no trucks on Heathcote Road now, together with the village's statement that the houses on that road will not be able to tolerate truck traffic, makes clear that this change in travel pattern would create a major problem, even assuming that the number of trucks remained fixed. Moreover, that assumption is seriously flawed. The basis for the statement that truck traffic will remain constant is this: "The observed count data for heavy truck trips indicate that there is only a nominal demand for long distance east-west truck travel through Kingston." Kingston's fear, of course, is that Route 92 will create that demand, and there is every reason to believe that it will. Route 92 was originally proposed to extend to Route 206 in recognition of the fact that significant amounts of truck traffic on roads west of Route 1 would enter the Turnpike at Interchange 8A if a high-speed connector were in place.

The Turnpike's third point is also ill-founded. Municipalities' efforts to dedesignate roads as truck routes are extremely rarely, if ever, successful. In this case, where there is no obvious alternative east-west access route to Route 92, such a dedesignation may be prohibited under New Jersey law. Municipalities are allowed to exclude trucks from a county roadway only when there is "suitable connection with all State routes entering and leaving" the municipality. (N.J.S.A. 40:67-16.3.)

It is instructive to hear one project proponent's view of Kingston's concerns. Ms. Dianne Brake, President of MSM Regional Council, states in her letter of April 1, 1997 to DEP Commissioner Robert Shinn:

> Kingston was intended to be one of the places protected by Route 92, and will be completely protected if Route 92 is allowed to be extended to Route 206 as originally planned. The Turnpike Authority in its original 1994 agreement to build Route 92, committed to designing the interchange with Route 1 in such a way as to allow for the future extension to Route 27 and beyond. Recent conversations with the engineers at the Turnpike Authority have confirmed that such an extension will continue to be possible. MSM has every intention of pursuing those future links.

Even project supporters recognize the serious need to examine and thoroughly understand the impacts of building Route 92 on Somerset County. Somerset County should certainly not be left to rely for relief on the extension of Route 92, which is not only ill-advised but also unlikely to occur, given Montgomery Township's vigorous opposition to the portion of the highway between Route 206 and Route 1.

C. The State Development and Redevelopment Plan

Claims of the Turnpike notwithstanding, construction of Route 92 would be inconsistent with the New Jersey State Development and Redevelopment Plan. The State Plan divides New Jersey into five "planning areas": the Metropolitan Planning Area (PA1), the Suburban Planning Area (PA2), the Fringe Planning Area (PA3), the Rural Planning Area (PA 4), and the Environmentally Sensitive Planning Area (PA 5). Development and redevelopment projects are to be favored in Planning Areas 1 and 2, while open space and farmland preservation are to be favored in Planning Areas 3, 4 and 5. According to the State Plan,

> The Environmentally Sensitive Planning Area has large contiguous land areas with valuable ecosystems and wildlife habitats. … These resources are critically important not only for the residents of the Planning Area, but for all New Jersey citizens. The future environmental and economic integrity of the State rests in the protection of these irreplaceable resources. … The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis. Large contiguous areas of undisturbed habitat should be maintained to protect sensitive natural resources and wildlife, and they should capitalize and expand upon the inherent efficiencies of concentrated development patterns. (State Plan at 114-115.)

The proposed Route 92 bisects Middlesex County's second largest tract in the Environmentally Sensitive Planning Area, and the highway will lie in this tract for most of its 6.7-mile length.

The Turnpike Authority asserts, nonetheless, that the construction of Route 92 is consistent with the State Plan because it connects two "identified" (though not designated) centers through a limited access highway.[11] It also claims to have the support of "members of the State Planning Commission."

Casting Route 92 as a means of protecting an environmentally sensitive area and promoting center-oriented development makes a mockery of the State Plan. The tract through which the road is to pass constitutes about one-third of the total PA5 land in Middlesex County. Even disregarding whether the road promotes undesirable development, a 103.21-acre strip (FWIP at 1-2) of impervious surface across this area, to say nothing of fill caused by construction roads and so forth, is in itself highly destructive development. This does not constitute "careful protection" of PA5 as called for in the State Plan. Moreover, while Route 92 is proposed as a limited access highway, it has developable intersections at Route 1, Perrine Road, Route 130 and Exit 8A itself.

Furthermore, as evidenced in the Interim State Plan adopted by the State Planning Commission on March 31, 1999, only Forrestal Center is proposed as a "regional center" under the State Plan. Exit 8A receives no center designation or identification whatsoever. State Plan designation apart, connecting Princeton Forrestal Center and Exit 8A has nowhere been cited as a goal of the project. Nor could it be, since the Forrestal Center has no particular need of a direct connection to the industrial sites at 8A. Indeed, trips from the whole of Monroe Township (in which Exit 8A lies) to the whole of Plainsboro (in which Forrestal is located) make up just 2% of the trips in the study area.[12]

It is also mistaken to assume that Route 92, as a limited-access highway, would somehow not be culpable in perpetuating sprawl in the region. While Route 92 would not play host to roadside strip development, which is one form of sprawl, its frequent interchanges (one per 1.7 miles, more frequent than the Garden State Parkway in most places) would add the accessibility and value to surrounding lands that would encourage sprawl – i.e. "leapfrog," automobile-dependent, low-density, and single use development[13] – to materialize. One may simply look at the agglomeration of warehousing around Exit 8A to witness how a limited-access highway in the form of the Turnpike itself precipitates sprawl.

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[11] New Jersey Turnpike Authority, "Presentation for the US Army Corps of Engineering Public Hearing: Route 92," March 29, 1999 at 5.
[12] 1996 FWIP Table 1 at 2-4
[13] For a generally accepted definition of sprawl, see Transit Cooperative Research Program, *Report 39: The Costs of Sprawl—Revisited* (Washington, DC: National Academy Press, 1988) pp. 6-7.

It is also misleading for the Turnpike to claim that "members of the State Planning Commission have stated their support for Route 92." The Commission has never passed any resolution on Route 92, and the support of individual members should not be construed as the sentiments of the Commission.

E. Increasing Vehicle-Miles Traveled

Route 92 would generate a 5 percent increase in vehicle-miles traveled (VMT), the standard measure of roadway use, over the no-build alternative. (Application Appendix B, Table 5) The increase exceeds the statewide average annual growth in VMT by more than four times.[14] The statewide costs in air quality and congestion for a highway projected to carry 31,700 vehicles per day must be better accounted for and squared with the state's air quality and congestion management goals. Both federal TEA-21 transportation legislation[15] and the Clean Air Act Amendments[16] make an explicit goal of reducing VMT.

Rising VMT is related to degraded air quality. Unfortunately, the Turnpike's air quality analysis is circumscribed. (Application, Appendix B at p. 88) Its preliminary air quality analysis, presented at the Route 92 public hearing, shows that overall VOC, NOx, and CO emissions at local intersections would be reduced by 35% in the AM peak hour and 24% during the PM peak hour. *But only local intersections are examined;* increased emissions from high-speed traffic on Route 92 are not accounted for in the analysis. Its analysis neglects to mention that the high speeds anticipated on Route 92 – 59.5 mph, according to Table 5 – will in fact cause emissions to increase. According to the New York Metropolitan Transportation Council, VOC emissions rise at a 50 mph threshold, NOx at 20 mph, and CO at 50 mph.[17] That higher speeds plus increased VMT equal greater emissions is nowhere apparent in the Turnpike's analysis.

Rising VMT also contravenes the policies of the New Jersey State Plan. The State Plan's Transportation Policy number 4, "Integration of Land Use and Transportation Planning," recommends:

> Coordinate and harmonize local, State and regional infrastructure investment plans and programs with local land use plans to achieve the following objectives:
> - reduce consumption of land and increase the efficiency of infrastructure,

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[14] See USDOT, Bureau of Transportation Statistics, *Highway Statistics: Summary to 1995* and subsequent reports.
[15] Transportation Equity Act for the 21st Century, 21 U.S.C. § 149 (3).
[16] Clean Air Act Amendments 42 U.S.C. § 7511a(g) (4)(a).
[17] NYMTC, "CMAQ Emission Factors - 2000 to 2020."

- support public transportation systems and other alternatives to the automobile,
- reduce total vehicle miles of travel, and
- reduce the overall consumption of energy resources for transportation purposes. (State Plan at 116)

Transportation Policy number 7 also advocates "Encourage the reduction of the consumption of energy resources for transportation purposes by reducing the total vehicles miles traveled…"(State Plan at 117). Finally, the State Plan's policy for "Air Resources" explicitly lists "VMT reduction" as a strategy for improving air quality. Nowhere is adding highway capacity mentioned as a means of air quality mitigation. Route 92's propensity to increase VMT should be seriously considered in the Corps' review.

All of the State Plan's recommendations to reduce VMT depend upon dense and efficient land development patterns. The Plan also requires that "[b]efore programming for construction, evaluate the direct, indirect and cumulative impacts of installing transportation improvements, and of the development that these improvements may support or induce to ensure that they support or accommodate and protect sensitive environmental resources." (P. 116) By contrast, the Turnpike consciously accelerates VMT growth and abrogates its responsibility to consider induced development, and by extension induced traffic demand, in its Application. With regard to land use impacts induced by Route 92, the Turnpike disavows responsibility, stating in its testimony that "development along the right-of-way will remain within the "jurisdiction of the local municipalities." This conveys a naive view of land use dynamics in New Jersey and fails the State Plan.

Conclusion:

As has been demonstrated, Route 92 remains a poorly conceived, narrowly described project with questionable benefits to local communities and the Central New Jersey region. We request that the Army Corps deny the section 404 permit application or instead require that a full and complete environmental impact statement be performed. Thank you for the opportunity to submit these comments.

Respectfully submitted,

Janine G. Bauer
Executive Director

WC094

Kingston Village Advisory Committee
for the Joint Townships of Franklin and South Brunswick
P. O. Box 450
Kingston, NJ 08528

Received-NY District
Corps of Engineers
2004 JUN 15 AM 11: 54

June 11, 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Army Corps of Engineers:

I write on behalf of the Joint Township Advisory Committee for the Village of Kingston. This letter confirms and augments the comments made on behalf of the Committee at the hearing on May 20, 2004 at the hearing on the Draft Environmental Impact Statement for the Route 92 Project proposed by the New Jersey Turnpike Authority.

Kingston is a Designated Village* Center under the State Development and Redevelopment Plan and our committee was established in order to ensure that certain planning goals of Kingston are incorporated formally into the State Plan through a Planning Implementation agenda (PIA) for the village and its environs. The underlying central objectives** are the preservation of the historic character of the village, and the establishment of a permanent greenbelt of open space. In the Committee's view, the Army Corps of Engineers' Environmental Impact Statement (DEIS) fails to address the primary and secondary impact of proposed Route 92 and its construction on the historic village of Kingston, its environs, and other nearby historic communities of central NJ, particularly those west of the Route 1 terminus of the proposed highway. The flaws and inconsistencies in the EIS are substantial and grave. They call into question the authority and validity of the entire process.

The Joint Township Advisory Committee for the Village of Kingston serves as the advisory entity required by the New Jersey State Planning Commission for the Kingston Village Center and it Environs. The seven person committee is jointly appointed by Franklin and South Brunswick Townships. The function of the committee is to:

- ensure that the Planning and Implementation Agenda (PIA) for the Village Center (and its Environs) is actively pursued,
- recommend modifications or additions to the PIA when warranted by changing circumstances,
- maintain communication between the Village and the Office of State Planning (OSP), and keep the OSP informed of progress on the PIA and generally
- advise and assist the Townships on matters related to the Village of Kingston and its Environs.

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One of the Activities (5 under Transportation) in the PIA is:

"Track developments related to the possible construction of Route 92 and the widening of Route 1 for their potential impact on Kingston; study any potential adverse impacts to identify mitigation efforts that could preserve and protect the character of the Village Center and its environs and the quality of life of the community."

Our Committee has carefully reviewed the DEIS for the proposed Route 92 for its impact to the Village Center and its Environs.

In the EIS Scoping meeting of June 8, 2000, the Army Corps of Engineers requested input from the public about what to include in their study. Our predecessor organization, the Joint Citizens Advisory Task for the Village of Kingston***, sent representatives to this meeting and submitted a detailed memorandum to James Haggerty, at that time the lead Army officer for the Route 92 study. One week later, on June 15, after reviewing our memorandum and visiting Kingston, Mr. Haggerty wrote to the chair of Joint Citizens Advisory Task for the Village of Kingston,

[quote] "*Both Joe Seebode and I have toured the Kingston area... We are keenly aware of the historical significance of the Kingston community and are especially sensitive to the community's concerns regarding the Route 92 project. It is greatly because of the expression of these concerns that we are determined that an EIS is necessary for this project.*" [end quote]

Despite Col. Haggerty's assurance of sensitivity to Kingston's concerns and their being in great part a reason for an EIS, there is virtually nothing in the report about Kingston! Why was Kingston ignored when the ACE prepared the EIS ?

Kingston is barely mentioned in this 1,200 page report. The EIS provides no estimate of Route 92's impact on Kingston's traffic flow, pedestrian safety, roadway conditions or maintenance, noise levels, air quality, or water quality. It makes no assessment of the road's impact on the Cook Natural Area, a NJ Natural Lands Trust protected area less than a mile from the Route 92 terminus. It does not evaluate the highway's impact on the Delaware & Raritan Canal State Park, historic Rockingham, or the protected Canal Zone historic homes to the west in Franklin, Rocky Hill, and Griggstown. From our point of view, the EIS is incomplete and wholly inadequate as an instrument for decision-making. Proceeding with construction of Route 92 on the basis of this EIS is unthinkable and unconscionable.

The little mention that is made of Kingston in the EIS is superficial but the implications are nonetheless sobering and of grave.

The most expansive treatment of Kingston we were able to find occurs on page ES-13, which states that [quote] "the historic Village of Kingston has expressed concerns regarding the volume of traffic using Kingston's local roads ... particularly Ridge/Heathcote, a two-lane rural roadway without shoulders, bordered by residences constructed very close to the road ... which provides an east-west connection between Route 1 and Route 27."

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The report goes on to project that if Route 92 is built, traffic models show an additional 20 trucks will use Ridge-Heathcote Brookd Road during "peak times". The "trucks" are the kinds of vehicles so large, they can barely negotiate the turns from Heathcote onto Main Street. What is a "peak time" as far as trucks are concerned? Truck traffic doesn't behave the same way automobile traffic does: truckers don't have to be at their desks at 9:00 AM. Truck traffic is steady and continuous for the better part of the work day from 6:00 AM to 6:00 PM. Thus, homes along Ridge and Heathcote, according to this EIS, can expect to experience the noise, exhaust, and vibration of 20 additional trucks every hour, or one truck every three minutes, over and above the volume that currently exists or would exist without Route 92.

While the EIS predicts 20 additional trucks per hour, it is silent on the number of additional cars that will flow into and out of the village of Kingston if Route 92 is built. One must back into the figure by digging into the appendices and totaling up all the intersections. Do the math and it's easy to see why the EIS glosses over the figure: thousands of additional cars will clog Ridge and Heathcote Roads in and out of Kingston for several hours in the morning and again in the evening. Kingston's other principal streets of Academy Street, Church Street, and Laurel Avenue would also be flooded by new automobile traffic but they are omitted from the EIS. (In the New Jersey Turnpike Authority's Route 92 study, it estimated 12,000 car trips into and out of the village as the result of the highway; the EPA, in its study, estimated 15,000 cars.)

KVAC2-1

It's hard to reach any conclusion except that this EIS intentionally misleads its audience by minimizing the adverse impact of Route 92 on Kingston. Kingston will become the gateway for traffic generated by Route 92 heading to and from the west, and our nearby sister historic villages and hamlets of Rocky Hill, Griggstown, Blackwells Mills, East Millstone and Hopewell will suffer the same fate as Kingston if Route 92 is built.

The Joint Township Advisory Committee for the Village of Kingston is primarily concerned with Kingston and with realizing the goals set forth in our Planning Implementation Agenda. But we're not NIMBYs. We understand that the Village and its Environs do not exist alone, but rather as part of a larger whole. We are aware that the basis of the State Plan is the concept of regional planning; we are not isolated, but rather part of a larger region. We feel, however, that we are carrying a disproportionate amount of the burden for the unregulated development that's gone on in this area: this historic area should not be expected to take on a substantially greater amount.

KVAC2-2

Neither the Army Corps of Engineers nor NJTA have addressed the primary and secondary impacts of the constructing and operating Route 92 on the historic village of Kingston and other nearby historic communities, despite their avowed recognition that one of the primary reasons for conducting an EIS was to study its impact on Kingston. This EIS doesn't address this, nor does it address the concerns of the entire South Brunswick community that will bear the brunt of this roadway. Therefore, we request that a Roundtable for Conflict Resolution be formed to bring together all the stakeholders of the governmental agencies, environmental groups and people of the community to resolve the issues of Route 92 in a fair, unbiased format. This novel approach was recently

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concluded in the West Windsor area quite effectively (and with civility) for the Penns Neck Improvements (known formerly as Millstone Bypass) at Route 1. This format reviewed all options and included all the stakeholders.

We urge the Army Corps of Engineers and the Turnpike Authority to institute such a Roundtable for Conflict resolution instead of issuing a permit to fill wetlands.

Sincerely,

Anne M. Zeman, Chair,
Joint Township Advisory Committee for the Village of Kingston

Copies to:
Governor McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator William Baroni
Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Mayor Clyde Levine, Franklin Township
Mayors Frank Gambatese, South Brunswick Township
Joseph Simunovich, Chairman, New Jersey Turnpike Authority

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* In May 2001, the New Jersey State Planning Commission designated the Kingston Village Center ñ the historic crossroads area and nearby properties ñ and also designated its Environs area (as an Historic and Cultural (HCS)/ Critical Environmental Site (CES.) The approval of the Center Designation also included a Planning Implementation Agenda (PIA) for the village and its Environs. The central underlying issues□ embodied in the PIA are the preservation of the historic character of the Village and the establishment of a permanent surrounding greenbelt of open space. The State Planning Commission also required an advisory entity to assist in the pursuit the PIA and its underlying goals.

** While the PIA addresses each specific item under the general headings of land use, housing, economic development, transportation, natural resource conservation, recreation, historic preservation, public facilities and intergovernmental coordination, all are interrelated. All effect the quality of life of the residents of Kingston; many also are regional issues.

*** The work of the Joint Citizens Advisory Task Force for the Village of Kingston with local, county, and state planners over several years resulted in Designated Village Center status in the State Development and Redevelopment Plan in May 2001. Village Center status ensures that certain planning goals of Kingston are incorporated formally into the State Plan.

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You replied on 6/16/2004 3:05 PM.
This message was sent with high importance.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Route92EIS, NAN NAN02

From: Karen.Linder@bru.bracco.com [Karen.Linder@bru.bracco.com] **Sent:** Mon 6/14/2004 1:36 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Kingston Greenways Association comments on Rt. 92 and DEIS
Attachments: Questions for NJTA on Rt 92 -written comments from Kingston Greenways Association.rtf(61KB)

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Kingston Greenways Association
PO Box 391
Kingston, New Jersey 08528

June 14, 2004

Kingston Greenways Association
PO Box 391
Kingston, New Jersey 08528

New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090
By e-mail to: Nan.Route92@usace.army.mil

RE: Draft Environmental Impact Statement for the Route 92 Project
proposed by the New Jersey Turnpike Authority
South Brunswick/Plainsboro Townships
Middlesex County, New Jersey

Dear Ms Cronin:

With this letter, Kingston Greenways Association, a New Jersey Non-Profit Corporation (KGA) wishes to oppose the construction of Rt. 92 and record the following comments on the Draft Environmental Impact Statement (DEIS) concerning the proposal build an extension of the Turnpike known as Route 92 from Exit 8A in Jamesburg to Route 1 in South Brunswick.

Kingston Greenways Association is a local open-space preservation organization whose members are dedicated to the preservation of natural habitat, parks, and farmland surrounding the 325-year old village of Kingston. The historic village of Kingston lies 1.5 miles due west of the proposed terminus of the new highway. Our primary mission is to preserve and protect the Greenbelt around the Village of Kingston.

We oppose construction of Route 92 for the following reasons:

1) The project will have a very negative effect on the Kingston Greenbelt.

It is stated in the DEIS executive summary [ES-6] that "alternatives [to Route 92] with relatively significant impacts to parks and open space preserves were eliminated from further consideration." Kingston is rich in preserved land, including the Cook Natural Area and the most heavily used segment of the D&R Canal in all of New Jersey.

In addition, a new 200 acre tract of open space – a historic cultural landscape which used to be the core of the Princeton Nurseries Kingston Site – is about to be protected as a result of a complicated negotiation between Princeton University, South Brunswick Township, the Flemer family and the New Jersey Green Acres Program. This new preserve, which links the Cook Preserve and the D. & R. Canal

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State Park, will be bordered by Ridge Road and bisected by Mapleton Road, the two closest east/west roads to the proposed Rt. 92 terminus in Kingston.

Further to the west lies the Trap Rock Industries' Kingston Quarry which is bordered by Rt. 603 in Kingston [said road being the continuation of Laurel Avenue into Rocky Hill]. When the Kingston Quarry is eventually depleted, its "Mine Recovery Plan" calls for conversion of the quarry into a Reservoir (for use by the New Jersey Water Supply Authority) and the surrounding land into open space. The area is in Somerset Counties' Master Plan as a proposed new State Park.

It is our concern that westbound traffic that is fed onto Ridge Road by Route 92 will ultimately be funneled right through the middle of our Greenbelt. Traffic that continues further west on Laurel Avenue will drive between the Canal and the future reservoir, thus bisecting the acreage. This area contains a beautiful section of the D. & R. Canal State Park and also the site of the Rockingham State Historic Site, an important historical site. It is one of the twenty-five "essential sites" for the proposed Crossroads of the American Revolution National Heritage Area.

KGA3-1

The Kingston Greenways Association is very concerned about the effect Route 92 will have on these properties. Noise from vehicular traffic is expected to detract from the serenity of these properties. Polluting run-off from the traffic will have a negative impact on the Canal and Heathcote Brook and its tributaries' water quality [and hence on our drinking water.] Light pollution from the planned interchange at Ridge Road will have a negative impact on the rural character of this protected land.

Yet we see no mention or recognition of the negative impact of Route 92 traffic on Kingston's parks and open space preserves. Why was this not considered? We feel that this is an important oversight in the DEIS, especially since you yourselves chose to "eliminate" alternatives [to Route 92] with relatively significant impacts to parklands and preserves from further consideration.

2) The proposed project will have negative impacts on Species of Concern.

KGA3-2

United States Fish and Wildlife Service (USFWS) records described in the DEIS indicate potentially suitable habitat in the Route 92 corridor for so-called "Species of Concern" including Cooper's hawk, and Savannah Sparrow, both state listed as threatened.

The Kingston Greenways Association has many birders in our ranks. We have recorded sightings of 4 Species of Concern [namely Savannah sparrows, Osprey, Bald Eagle and Coopers hawk] in at least one of our Kingston counts between the year 2000 and now. In addition, a pair of bald eagles is confirmed to be nesting this year within a few miles of the proposed terminus of this proposed road. **Could you comment on the potential negative effect proposed Route 92 will have on these endangered species?**

3) The DEIS does not fully indicate the scope of the project.

KGA3-3

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KGA3-3

Section 4-9 (p. 258 of 386) of the DEIS states that "NJTA is enhancing the stormwater management design to ensure that its proposed project does not increase flooding impacts and complies with NJDEP's recently enacted stormwater management rules. In a letter of March 18, 2004, NJTA states that "the Authority will ? assure full compliance with the recent New Jersey [stormwater] regulations implemented earlier this year." However, it does not appear that these revised approaches are described in the Draft EIS. **When will these be available for review and comment? How can the public properly assess the environmental impact of the project, if we don't know what is actually going to be done?**

Protecting the project area from flooding impacts is laudable. Kingston Greenways Association is in favor of, and supports the State's new storm water regulations, but **could you please comment on the effect on the new storm water regulations on overall cost of the project?** We assume that such compliance has the potential to add millions of dollars to the proposed cost.

KGA3-4

4) Approval of Route 92 would undercut the federal and state of New Jersey commitment to protecting wetlands and subvert the public consensus embodied in the Clean Water Act. In addition the proposed mitigation plan would result in the loss of farmland. Yet you yourselves chose to "eliminate" alternatives [to Route 92] with farmland from further consideration.

In the view of EPA, NJTA's application fails to meet the standards required by The Clean Water Act (CWA) for disturbing freshwater wetlands. The standard CWA has established for the protection of wetlands is an objective standard and to many experts' view, the minimum acceptable level. CWA balances the interests of economic growth and environmental protection. Its provisions and regulations represent the product of thousands of compromises between advocates for a clean environment and business interests. These compromises are embodied in the standards set by CWA: they cannot be compromised any further. There is a clear set of rules that determine under what conditions sensitive wetlands may be disturbed. The NJTA's proposal for Route 92 does not meet these requirements.

Approval of this project over the objective evaluation of EPA would set a terrible precedent:

- it would undercut the public consensus embodied in the Clean Water Act;
- it would send a message to citizens who care about the environment that we cannot trust our government to carry out the law in the face of pressure from powerful development interests;
- and it will harden positions when future legislation and regulation is contemplated, when environmental advocates know that special interests cannot be trusted to abide by the rules.

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KGA3-5

In addition, we also note that the proposed Route 92 Corridor lies within the Coastal Plain aquifer [which is a sole source aquifer]. Sole source aquifers are aquifers that represent the sole or principal source of drinking water (more than 50 percent) for an area. Because such aquifers are a major source of potable drinking water supply, maintenance of water quality and adequate aquifer recharge is imperative. The federal government sponsors the Sole Source Aquifer Program, which enables the designation of sole or principal source aquifers. Upon designation of a sole source aquifer, federal agencies can be barred from granting financial assistance to projects that could endanger that aquifer (USEPA, 2003).

Are you expecting to receive any federal funds to build proposed Rt. 92? If so, what impact do you think it will have that the project is underlain by sole source aquifers? Can you please comment on how much this will affect the amount of money that will be carried by NJ taxpayers to pay for this road?

5) Route 92 violates the New Jersey State Plan.

KGA3-6

As noted above, Route 92 cuts through environmentally sensitive land designated PA5 in the State Plan. As advocates for the preservation and protection of natural lands, the Kingston Greenways Association believes that the State Plan offers an essential framework for environmentalists and developers alike to shape development to meet human needs while protecting natural, historical, and agricultural resources. The State Plan wasn't handed down from Trenton: it is the result of negotiation among municipalities and counties (and their planners) with considerable input from "stakeholders" (land owners, evelopers, and – a wide range of citizen groups) and individuals. Their consensus was that this area is environmentally sensitive and must be protected from development. If the State Plan is to have any relevance, it must be followed-especially when it comes to protecting threatened environments. Approval of NJTA's proposal for siting Route 92 in the heart of the Devil's Brook stream corridor and aquifer recharge area renders the State Plan a meaningless, hollow exercise in bureaucratic paper shuffling.

In May 2001, the New Jersey State Planning Commission designated the Kingston Village Center – the historic crossroads area and nearby properties – and also designated its Environs (as an Historic and Cultural (HCS)/ Critical Environmental Site (CES.) The approval of the Center Designation also included a Planning Implementation Agenda (PIA) for the village and its Environs. The central underlying issues embodied in the PIA are the preservation of the historic character of the Village and the establishment of a permanent surrounding greenbelt of open space. The terminus of the proposed Route 92 abuts the (CES/ HCS) Environs. Ridge Road/ Heathcote Brook Road and Laurel Avenue/ Route 603 both lie within both the Village Center and its (CES/ HCS) Environs; these roads would bear an incredible impact from the traffic generated by the proposed Route 92.

KGA3-7

6) The NJTA's proposal is not complete. It is merely the first phase of highway construction with further wetland impacts.

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KGA3-7

Completion of Route 92 will lead to pressure to continue the highway westward through additional wetlands and Kingston village. Indeed many proponents of Route 92 used a future Route 92 extension to Route 206 (the so called "Princeton Bypass") to gain support for the NJ Turnpike Authority's proposed alignment.

If Rt. 92 is built as planned, we feel that there will be subsequent pressure to extend the road to Route 206. If such an extension is built, it will slice through farmland recently preserved by Middlesex County, encroach upon the Heathcote and Carter Brook wetlands, including the Delaware & Raritan Canal State Park's Cook Natural Area and cut through woodlands and open fields that now provide much-needed open space for residents of Kingston developments off Route 27 and off Raymond Road. It will split Kingston in half, dividing two neighborhoods now connected by a series of wooded trails and walkways. Extension will not solve the problems, but merely encourage more poorly planned development, and destroy more wetlands and other communities west and north of Kingston.

KGA3-8

7) The proposed Route 92 DEIS did not include many potential alternatives and those included were not thoroughly analyzed. The DEIS process did not provide for adequate public input.

A similar project, the Environmental Impact Statement for the Penns Neck Area Improvements, incorporated a Roundtable Advisory Committee that brought together various stakeholders including citizens, civic groups, businesses, elected officials, and members of various county, state and federal transportation offices. The review process involved various state agencies, continued for 2 years and yet provided 35 open public forums with opportunities for discussion, evaluation and consensus to develop project goals and objectives; and to thoroughly evaluate 19 innovative roadway alternatives. These alternatives were formulated *with* local citizens, in contrast to the Route 92 DEIS process.

The Roundtable Advisory Committee for the Penns Neck Area Improvements was successful on many levels, and resulted in the selection of a $65 million roadway. Route 92 is likely to cost far more and deserves a similar comprehensive evaluation of alternatives and provisions for public input. We recommend that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for regional community input and more discussion of potential alternatives before issuing any permits for this project. Agency coordination and public outreach is essential to sound transportation planning.

Respectfully,

Charles Dieterich
president, Kingston Greenways Association

WC095

Kingston Greenways Association
PO Box 391
Kingston, New Jersey 08528

WC096

You replied on 6/16/2004 3:04 PM.

Route92EIS, NAN NAN02

From: Kingston Volunteer Fire Co [kingstonfireco@yahoo.com] **Sent:** Mon 6/14/2004 12:14 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: ATTN: Route 92 DEIS
Attachments:

New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

E-mail: Nan.Route92EIS@usace.army.mil

Dear Sirs:

On Monday, June 7, 2004 the officers and members of Kingston Volunteer Fire Company No. 1 instructed me to express our concerns in writing as follow-up to our comments in 2000 and 2004 at the Public Hearings held regarding the Environmental Impact of the proposed Route 92, specifically as it would affect emergency response times and the increase in volume of emergency calls.

First, we would like to reiterate that the information included in the DEIS regarding the coverage area of the Kingston Volunteer Fire Co. #1 is flawed and inaccurate. We ask you to answer the following questions in the EIS:

1. What organizations (police, fire, and EMS)will have jurisdictional response to emergencies on the proposed Route 92 and how/where will they gain access to the roadway?

KVFC2-1

2. What is the anticipated response times to emergencies during peak and off-peak times to the areas of the roadway furthest from the access points of the designated response units?

KVFC2-2

We also request the following concerns be addressed in the current evaluative study being conducted:

3. How will the ability of our volunteer firefighters and their response time to our firehouse on Heathcote Road in the village of Kingston be affected by the increase traffic loads during peak and off-peak times.

KVFC2-3

4. What measures are available to eliminate the

KVFC2-4

WC096

already heavy traffic flow during peak travel times that have caused traffic on Ridge Road East to back up from Route 1 into the village center of Kingston, preventing the fire department emergency access? KVFC2-4

5. What is the anticipated increase in emergency responses as a result of the additional traffic volume into and through the area created by the new Route 92? KVFC2-5

6. How will emergency response times be affected during the construction phase of Route 92, how much additional truck traffic will this bring into the area during construction, and how long will it take for the construction phase of the project to be completed? KVFC2-6

7. What type of financial support will be available to the volunteer fire department to provide for the increased expenses required in order to respond to the additional volume of emergency calls? KVFC2-7

8. What alternatives, other than "speed humps", are available to reduce/quiet traffic on Ridge Road that would not significantly and adversely affect the response times of emergency vehicles? KVFC2-8

Your inclusion of these concerns in the EIS will not only be appreciated by the volunteer members of The Kingston Volunteer Fire Company No. 1, but will also allow the citizens of the Kingston Community to rest easy, knowing their safety and protection is a priority to the governing bodies of this great land in which we live.

Sincerely,
David W. Luck
President

=====
Kingston Volunteer Fire Company No. 1
PO Box 222
Kingston, New Jersey 08528-0222

Visit us on the internet at:
http://go.quick.to/kingstonfireco

Do you Yahoo!?
Friends. Fun. Try the all-new Yahoo! Messenger.
http://messenger.yahoo.com/

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You replied on 6/16/2004 3:08 PM.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Route92EIS, NAN NAN02

From: Robert von Zumbusch [110616.164@compuserve.com] **Sent:** Mon 6/14/2004 4:36 PM
To: Route92EIS, NAN NAN02; Corrington Hwong; Robert von Zumbusch
Cc:
Subject: Route 92 EIS comments from KHS
Attachments: KHS 14 Jun 2004 ACE final.doc(47KB) Appendix 1.doc(64KB) Appendix 2.doc(30KB)

DATE: June 14, 2004

TO: Ms. Koko Cronin
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN : Route 92 EIS
26 Federal Plaza, Room 1937
New York, NY 10278 - 0090

RE: Draft Environmental Impact Statement for the Route 92 Project
(proposed by the New Jersey Turnpike Authority)
Middlesex County, New Jersey
(CENAN-OP-RE Public Notice # 1999-00240-J1)

Dear Ms. Cronin,

The Kingston Historical Society, a New Jersey Non-Profit Corporation (KHS) wishes to make the attached letter and appendices part of the record of the above referenced project.

A hard copy of the letter and appendices will follow.

Thank you very much.

Robert von Zumbusch, vice president
Kinston Historical Society

WC097

Kingston Historical Society
Box 323
Kingston, New Jersey 08528

June 14, 2004

Ms. Koko Cronin
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN : Route 92 EIS
26 Federal Plaza, Room 1937
New York, NY 10278 - 0090

RE: Draft Environmental Impact Statement for the Route 92 Project (proposed by the New Jersey Turnpike Authority)
Middlesex County, New Jersey
(CENAN-OP-RE Public Notice # 1999-00240-J1)

Dear Ms. Cronin,

I am writing on behalf of the Kingston Historical Society (KHS). Most of our members are from the historically known as Kingston (an area larger than the current Village Center and its Environs) which includes parts of South Brunswick, Franklin, Plainsboro, and Princeton Townships.

The historic Village of Kingston is unique in New Jersey in that it is the only New Jersey community which lies in three counties (Somerset, Middlesex and Mercer) as well as three townships: Franklin, South Brunswick, and Princeton.

The Society appreciates the opportunity to respond to your request for public input for your Draft Environmental Impact Study (DEIS), although we regret that the period for public comment was not extended. Had there been more time, we would have included an appendix with more details and additional comments on our review. In June 2000 KHS responded to your request for input at a scoping session and also submitted a letter requesting that various issues be addressed in your Environmental Impact Study (EIS.) A copy of the text of our earlier statement is attached as Appendix 1.

KHS-1

We have reviewed the DEIS. Unfortunately, most of these issues which we raised four years ago., have not been addressed, or not been addressed adequately. Indeed, we find the DEIS so basically flawed and biased that we believe that the NJTA's proposed Route 92 project should be rejected. **Instead we strongly urge the U. S. Army Corps of Engineers not to issue any permits for the project and the N. J. Turnpike Authority to initiate a "stakeholders roundtable" process similar to that so successfully used by NJDOT for the nearby Penns Neck Area Improvements.**

The following are a few concerns that are especially important to the Society.

(continued on P. 2/ 4)

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Kingston Historical Society
Rte 92 DEIS response 14 June 2004 (continued) P. 2/ 4

KHS-2

1. Degraded quality of life, increased air and water pollution, traffic and congestion all have a major impact on historic districts and sites. Historic communities can only survive if they remain livable. The USACE DEIS for the Route 92 Project does not address this issue. While the proposed Route 92 indicates reduction in traffic in some local roads, it indicates a substantial increase in traffic for Kingston and most other historic areas are not even mentioned. Given the narrow historic streets in Kingston and other historic villages and rural areas, the impact of the additional traffic that would be generated by the proposed Route 92 would greatly decrease the viability of such historic areas. Yet the DEIS summarily rejects alternatives which are far less constrained because they would make "local driving more difficult, discourage walking and bicycling, and reduce the quality of life in affected communities."[1] Why were these not valid concerns for the historic village of Kingston?

   The Society noted in its scoping comments that we were very concerned about the **charatcer of the historic villages and the roads** which run through these fragile communities. We asked the Army Corps of Engineers to be sensitive to the negative impact increased traffic would have on changing the rural character of these communities and roads. The reason these villages and roads have been identified as National Historic Districts, Landmarks, and Sites because of their unique character; that character needs to be protected. Once again the DEIS has not addressed our concerns.

   Traffic in the historic village of Kingston and on the historic rural roads of its Environs is already a major problem. The proposed Route 92 would not only aggravate the existing poor traffic conditions in Kingston, but also in the historic communities of Princeton, and many other communities west of Route 1. These include the historic communities of Hopewell (Township and Borough), the Amwells (East and West), and Rocky Hill along Washington's route to the Battle of Monmouth. They also include historic parts Montgomery , Franklin Township (including the hamlet Griggstown and village of East Millstone), Rocky Hill, Hillsborough, Millstone Borough, in the Millstone Valley through which Washington and his troops withdrew after the Battle Of Princeton and through which Rochambeau's army marched to and from the Battle of Yorktown.

KHS-3

2. Kingston and, indeed, the entire proposed Route 92 alignment lies within the proposed[2] The Crossroads of the American Revolution National Heritage Area. National Parks Service conducted the study for the proposed Area. Heritage Corridor study for an area linking the major American Revolutionary War sites in New Jersey. The Millstone River and Rockingham State Historic Site, in the designated Environs of Kingston, is one of the twenty-five "essential sites" for the proposed Crossroads of the American Revolution National Heritage Area.

   While the exact plans Corridors have not yet been determined, it is only logical that Washington's route in 1777, on the Kings Highway (Upper Road) and up the Millstone Valley, to Morristown as well as his route in 1778, from Coryell's Ferry (now Lambertville) through Hopewell, Blawenburg, Rocky Hill, Kingston, Ridge Road through Longbridge (now Monmouth Junction) and Crossroads (now Dayton) and over the Georges Road (formerly the King's Highway - Lower Road) to Cranbury and then through Englishtown, to Monmouth Courthouse (now Freehold) should be included in the project as well as any future Corridor. Ridge Road, the very road where the Continental troops passed is the road that would suffer the most from the E-W traffic and pollution generated by the proposed Route 92 interchange with Route One. In addition, Laurel Avenue/ Route 603 on which Rockingham is located will also suffer from increased traffic.

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[1] Draft Environmental Impact Statement (for the Route 92 Project proposed by the New Jersey Turnpike Authority), page 2-16.
[2] See: Crossroads of the American Revolution in New Jersey: Special Resource Study, National Heritage Area Feasibility Study and Environmental Assessment, National Parks Service, August 2002.

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KHS-4

3. In May 2001, the New Jersey State Planning Commission designated the Kingston Village Center – the historic crossroads area and nearby properties – and also designated its Environs (as an Historic and Cultural (HCS)/ Critical Environmental Site (CES.) The approval of the Center Designation also included a Planning Implementation Agenda (PIA) for the village and its Environs. The central underlying issues embodied in the PIA are the preservation of the historic character of the Village and the establishment of a permanent surrounding greenbelt of open space. The terminus of the proposed Route 92 abuts the (CES/ HCS) Environs. Ridge Road/ Heathcote Brook Road and Laurel Avenue/ Route 603 both lie within both the Village Center and its (CES/ HCS) Environs; these roads and the areas through which they pass would bear an incredible impact from the traffic generated by the proposed Route 92. The Village Center and the Environs are an integral part of the State Plan yet the DEIS does not address the potential impact on these areas.

   The preservation of the Kingston greenbelt is important preserve the historic context, of both the village and the canal area and as a means of protecting the quality of life in the village and the region. In addition, greenbelts provide a protective buffer for the village and the historic resources of its Environs. The traffic generated Route 92 would have a severe negative impact on the green belt.

   The Princeton Nurseries Kingston Site a unique historical cultural landscape[3] – is about to be protected as a result of a long and complex negotiations between Princeton University, South Brunswick Township, William Flemer's Sons (the Flemer family) and the New Jersey Green Acres Program. This new preserve, which links the Cook Preserve and the D. & R. Canal State Park, will be bordered by Ridge Road and bisected by Mapleton Road, the two closest east/west roads to the proposed terminus of Route 92 in Kingston. As with other portions of the green belt, the impact of traffic on this historical cultural landscape. The Princeton Nursery District was noted in the Middlesex County Cultural and Heritage Commission inventory in 1979[4]. The district, which also includes a considerable portion of the Cook Preserve, Ridge Road and other open space areas north of Ridge Road, was declared eligible for the National Register of Historic Places in an opinion by the NJ State Historic Preservation Officer (SHPO.)[5]

KHS-5

4. A portion of the Delaware & Raritan Canal State Park and its corridor is an essential part of the Environs of the village and furthermore connects Kingston with many other historical resources. The Delaware & Raritan Canal itself is on the National Register of Historic Places. The entire proposed alignment for Route 92 is within the D. & R. Canal Commission's "B" review zone (for storm drainage and water quality impact, stream corridor impact.) It should also be reviewed for traffic impact given the impact on the roads of Kingston. Yet the DEIS does not even mention the D. & R. Canal Commission in Section 6, Public Involvement[6].

KHS-6

5. The proposed Route 92 DEIS did not include many potential alternatives and those included were not thoroughly analyzed . The DEIS process did not provide for adequate public input.

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[3] The 1979 Inventory noted, on its [NJ] Office of Historic Preservation form, under Significance:
"The district is notable for the remarkably consistent picture it presents of a specialized agricultural practice, little changed in appearance and basic methodology since the early 20th century. Princeton Nurseries was founded in 1911, and has grown to be the largest wholesale nursery in the world. Combined with Carnegie Lake and the Delaware and Raritan Canal on the western boundary of the district, the nursery fields provide valuable green "breathing space" in an area rapidly undergoing transformation to multi-unit housing. At least three of the more significant houses are related to the 18th century development of the area, but the district's greatest significance lies in the rare environmental and aesthetic experience it creates."

[4] Middlesex County Cultural & Heritage Commission, Inventory of Historic, Cultural and Architectural Resources, 1979 [by Heritage Studies]. A map and Office of Historic Preservation inventory form is included in the Inventory.

[5] Letter of 20 December 1988 from Nancy Zerbe (Deputy SHPO) to Andras Fekete (NJDOT) and Letter of 14 February 1991 from Nancy Zerbe (Deputy SHPO) to Andras Fekete (NJDOT.

[6] It is mentioned in the Public Notice on page 4, but there is no indication of what aspects are involved.

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KHS-6

A similar project, the Environmental Impact Statement for the Penns Neck Area Improvements, incorporated a Roundtable Advisory Committee that brought together various stakeholders including citizens, civic groups, businesses, elected officials, and members of various county, state and federal transportation offices. The review process involved various state agencies, continued for 2 years and yet provided over 30 open public forums with opportunities for discussion, evaluation and consensus to develop project goals and objectives; and to thoroughly evaluate nearly 20 innovative roadway alternatives. These alternatives were formulated *with* local citizens, in contrast to the Route 92 DEIS process.

The Roundtable Advisory Committee for the Penns Neck Area Improvements was successful on many levels, and resulted in the selection of a $65 million roadway. Route 92 is likely to cost far more and deserves a similar comprehensive evaluation of alternatives and provisions for public input.

KHS strongly recommends that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for regional community input and more discussion of potential alternatives before issuing any permits for this project. Agency coordination and public outreach is essential to sound transportation planning.

Respectfully,

Corrington Hwong
President
Kingston Historical Society

Enclosures:
Appendix 1
Appendix 2

cc:
Governor James McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator Baroni
Senator Peter Inverso
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Assemblywoman Linda Greenstein
Joseph Simunovich, Chairman, New Jersey Turnpike Authority

WC097

Kingston Historical Society
Rte 92 DEIS response 14 June 2004
APPENDIX 1

Text of the KHS 8 June, 2000 statement follows:

WC097

Kingston Historical Society Box 323 Kingston, New Jersey 08528

June 8, 2000

Colonel William Pearce
U.S. Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Colonel Pearce:

RE Public Notice # 1999-00240-J1 (Scoping),
Preparation of an Environmental Impact Statement for the Construction of the Route 92 Highway in Middlesex County, New Jersey

The Kingston Historical Society (KHS) includes, as our members, not only residents of the Village of Kingston from South Brunswick, Franklin, and Princeton Townships, but friends of the Village and former residents who live as far away as Ohio to Florida.

The historic Village of Kingston is unique in New Jersey municipal, social and civic organization in that it is the only community which lies in three counties (Somerset, Mercer, and Middlesex) and three townships: South Brunswick, Franklin, and Princeton. The civic activism and assistance to the various townships by the Joint Mayors' Citizens Advisory Task Force for the Village of Kingston was recognized last spring by the New Jersey Planning Officers Association with their award to the Task Force. The Task Force is known as Kingston Initiative.

The Society is delighted and encouraged by the Corps' presence in Kingston and the Corps' request for public input for your Environmental Impact Study.

The succession of toll increases for using the New Jersey Turnpike Authority has effectively discouraged commercial truck traffic from using the Turnpike. Combined with the completion of Route 287 in its northernmost sections, trucks often use the path of Route 287 to Route 206 to Route 95, a toll-free alternative. Truck traffic and passenger vehicles, increasingly use local roads in the Princetons (Township and Borough), Kingston and surrounding communities to go from Route 206 to Routes 1 and 95. The State and federal Departments of Transportation has failed to consider the negative ramifications of a piecemeal roadway system in our region , let alone many other parts of America.

Kingston Historical Society senses the proposed Route 92 would not only aggravate the existing poor traffic conditions in Princeton, Kingston and other nearby communities, but extend this situation to more communities west of Route 1. I am specifically referring to communities as The Hopewells, Amwells, Montgomery, Franklin, Rocky Hill, Hillsborough, Millstone, Belle Meade, South Brunswick, and Lawrence.

Degraded quality of life, increased pollution, traffic and congestion, and the threat to fish and wildlife and historic districts and sites are all related in central New Jersey. Kingston Historical Society urges the Corps of Engineers to thoroughly study all aspects of your Environmental Impact Study Scope of Work and to particularly address the negative impact on historic districts and sites.

Historic

The Society especially encourages the Corps to vigorously and thoroughly study the immediately adjacent and regional historic communities and areas; numerous communities, most with districts and sites on the National Register of Historic Sites and Places, will be negatively impacted. To the north and west, this includes the villages of Kingston, Griggstown, and East Millstone and the River Road National Historic District in Montgomery Township. Nearby the Kingston Village National Historic District are the National Register Historic sites of Rockingham(the house where George Washington resided while the Continental Congress met at Nassau Hall, Princeton University), the Red Maple Farm, and the Withington Estate (Heathcote Farm), and several National Register Historic Districts: the Kingston Mill, the Delaware and Raritan Canal and Lake Carnegie.

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Part of the Kingston Village Historic District is the Jediah Higgins house, the oldest residence in Franklin Township; the Higgins family cemetery. The cemetery which dates to the early 1700's is nearby; 200 yards from the Higgins family cemetery is a slave cemetery. Both sites are under study by the Kingston Historical Society and the Higgins family, people who have inhabited Kingston since 1675.

Three other National Register Historic Districts and Sites that warrant special study for negative impact by additional traffic that may be generated by a Route 92 are the Princeton Historic District, the Princeton Battlefield/ Stony Settlement Historic District , and the Lawrence Township Historic District (which includesthe Lawrenceville School, a National historic Landmark). All three districts are located along what is known as the King's Highway, a candidate for nomination as a National Register Historic District as an evolved road. The Highway ties together and lies adjacent to the following thirteen (13) National Register Historic Districts and Sites :

The Lawrenceville School National Historic Landmark
Lawrence Township Historic District (thevillage of Lawrenceville)
Princeton Battlefield/ Stony Brook Settlement
Drumthwacket (Olden-Pyne Houses)
Morven (the home of Richard Stockton, a signer of the Declaration of Independence) National Historic Landmark
Princeton National Register Historic District
Nassau Hall (Princeton University) National Historic Landmark
Joseph Henry House (Princeton University) National Historic Landmark
Jugtown National Register Historic District
Lake Carnegie National Register Historic District
Kingston Mill National Register Historic District
Delaware and Raritan Canal
Kingston Village National Register Historic District

Additional National Register Districts and Sites in the Millstone Valley which warrant study for negative impact include:

Rockingham National Register Historic Site
Withington Estate National Register Historic Site
Red Maple Farm National Register Historic Site
Griggstown National Register Historic District
Rocky Hill National Register Historic DistrictRiver Road National Register Historic District
Millstone Valley Agricultural District National Register Historic District
East Millstone National Register Historic District
Millstone National Register Historic District

In addition several other significant districts and sites have been determined which should be studied for impact:

Princeton Nurseries Historic District (SHPO Opinion)
including Mapleton Road [which runs through it] and the Matthias Van Dyke House (Mapleton) and the Issac Van Dyke House
Aqueduct Mills Historic District (SHPO Opinion)
Camden and Amboy Railroad Branch Line (SHPO Opinion)
Abraham Applegate House, Ridge Road (SHPO Opinion)
Robert Bayles House, Raymond Road (SHPO Opinion)
Benjamin Bayles House, 266 Friendship Road (SHPO Opinion)
Issac Clark House, Ridge Road (SHPO Opinion)
Van Pelt-Clark House, Perrine Road (SHPO Opinion)
James Lake House, Ridge Road (SHPO Opinion)
James J. Lake House, Ridge Road (SHPO Opinion)
John W. Lott House, Friendship Road (SHPO Opinion)
Peter Shenk House, Ridge Road (SHPO Opinion)

In all instances, Kingston Historical Society is concerned that added noxious and acidic gases will contribute to the acceleration of the destruction of these National Historic Districts or Sites.

Witness in the Village of Kingston at the intersection of Main Street (Route 27) and Heathcote Brook Road, the soot covered walls of buildings which provide only a 20 foot wide road within which large trailer trucks and trucks carrying crushed stone travel daily through a purely residential area.

On June 25, 1778 the Continental Army marched their way through Kingston [in 100degree heat] chasing British General Sir William Howe's troops and engaging the English at the Battle of Monmouth. The previous year, the Continentals had defeated the English at the Battle of Princeton and camped in Kingston after the battle. At that time, Washington held his famous Conference on Horseback in the Kingston Presbyterian Church Cemetery. It was

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at the Cemetery that Washington and his generals decided to march north through the Millstone Valley (along what is now Laurel Avenue,Canal Road and River Road) and winter in Morristown rather than attack the English munitions depot and Paymaster
in New Brunswick.

The National Parks Service is currently conducting a National Heritage Corridor study for a proposed Corridor, or Corridors, called "Crossroads of the American Revolution", which would link the major American Revolutionary War battlefield sites in New Jersey. While the Corridor has not been determined, it is only logical that the route of Washington in 1777, over the Kings Highway (Upper Road) and up the Millstone Valley, to Morristown as well as his route in 1778, from Coryell's Ferry (now Lambertville) through Hopewell, Blawenburg, Rocky Hill Ridge Road through Longbridge (now Monmouth Junction) and Crossroads (now Dayton) and over the over Georges Road (formerly the King's Highway – Lower Road) to Cranbury and then through Englishtown, to Monmouth Courthouse (now Freehold) should be included in the project as well as any future Corridor. In any case the routes remain areas of considerable concern for historic preservation and archaeology.

Additional historic areas and sites in the area of the "Crossroads of the American Revolution" which warrant study for negative impact include:

Monmouth Junction Historic District (SHPO Opinion)
Dayton (Crossroads) historic district
Blawenburg National Register Historic District
Hopewell Village
Numerous Pre-Revolutionary and early 19th Century houses along Route 518

Traffic and Congestion

Wolfson's The Power Broker, the biography of road-builder Robert Moses, notes throughout the book the theme that additional roads DO NOT remove excessive traffic, but, rather attract more traffic to the newly constructed road. New roads are a MAGNET. The Kingston Historical Society encourages the Corps to thoroughly study potential additional traffic that would be attracted to and through communities north and west of the terminus of the proposed Route 92 and Route 1.

WC097

Pearce.....P 3

Specifically, I encourage the Corps to count traffic during all hours of the day and, particularly during the morning and evening rush hours at the following intersections :

Griggstown Causeway and Canal Road (Griggstown)
River Road and the Griggstown Bridge (Montgomery)
Route 518 (between Routes 603 and 206) (Rocky Hill)
Main Street and Heathcote Road + Laurel Avenue (Kingston)
Main Street and Academy + Church Street (Kingston)
River Road and Route 27 (Princeton and Franklin Townships)
Seminary Drive and Mapleton Road (Kingston and Plainsboro)

Increased traffic does not improve congestion or traffic movement or the quality of life for the residents of Griggstown, East Millstone, Montgomery, Kingston, Rocky Hill, Hillsborough, Millstone, Hopewell Borough, Hopewell Township, Pennington, Franklin, East Amwell or West Amwell.

Quality of Life

People have moved to the Millstone Valley, the Hopewells and Amwells because of the rural nature of the communities, the clean air and water, and constrained traffic. Increased passenger vehicular traffic, let alone the potential for substantially increased commercial/heavy truck traffic may threaten not only the safety of air and water quality, but children whose historic homes lie next to 19 foot-wide roads and the structural integrity of these historic homes. [Vibration from vehicles does negatively impact structures.]

Pollution : Water, Air, Noise

Increased traffic aggravates an already threatened water quality of the Delaware + Raritan Canal. The Canal is the water source for over 1.5 million residents in central New Jersey. Daily heavy and increasing traffic along Canal, River, and Mapleton Roads and Academy Street negatively impacts water quality with vehicular noxious gases and hydrocarbons from tires and oil leaks. KHS would appreciate special attention to the impact from additional traffic.

Please study the effects of traffic extant in the Villages of Kingston, Griggstown, East Millstone, and Rocky Hill and measure the pollution effects throughout the day (and night) and, particularly in the 5:30 am -9 am and 4 pm - 7 pm time period; and at the most heavily traveled intersections.

No Impact

If the Corps concludes 'No Impact" for any given factor, please provide supporting documentation or information from which a casual reader could also conclude that there would be 'no negative environmental impact.'

Other Concerns

Fish and Wildlife Department - The federal agency has already provided a negative opinion over a year ago. KHS would appreciate the Corps re-visit this negative opinion and incorporate these views in your EIS.

Visual Blight - increased traffic through the Village of Kingston (note soot on buildings at intersection of Main Street and Heathcote Road, e.g.), increased traffic on Canal, River, Ridge, Heathcote, and Mapleton Roads, Church + Academy Streets, increased traffic on Main Street (Kingston) all contribute to visual blight.

With regards,

Corrington Hwong, President
Kingston Historical Society

[end of Appendix 2]

WC097

Kingston Historical Society
Rte 92 DEIS response 14 June 2004
APPENDIX 2:

National Register Districts and Sites in the Millstone Valley which warrant study for negative impact include:

- King's Highway (Upper Road/ Lincoln Highway) Historic District
- Lake Carnegie National Register Historic District
- Kingston Mill National Register Historic District
- Delaware and Raritan Canal
- Kingston Village National Register Historic District
- Rockingham National Register Historic Site
- Griggstown National Register Historic District
- Rocky Hill National Register Historic District
- River Road National Register Historic District
- Millstone Valley Agricultural District National Register Historic District
- East Millstone National Register Historic District
- Millstone National Register Historic District

Additional significant districts and sites that have been determined by the New Jersey State Historic Preservation Office (SHPO) to be eligible for the National Register of Historic Places:

- Princeton Nurseries Historic District (SHPO Opinion) including Mapleton Road (which is an important element in the district)and the Matthias Van Dyke House (Mapleton) and the Issac Van Dyke House
- Aqueduct Mills Historic District (SHPO Opinion)
- Camden and Amboy Railroad Branch Line (SHPO Opinion)
- Abraham Applegate House, Ridge Road (SHPO Opinion)
- Robert Bayles House, Raymond Road (SHPO Opinion)
- Benjamin Bayles House, 266 Friendship Road (SHPO Opinion)
- Issac Clark House, Ridge Road (SHPO Opinion)
- Van Pelt-Clark House, Perrine Road (SHPO Opinion)
- James Lake House, Ridge Road (SHPO Opinion)
- James J. Lake House, Ridge Road (SHPO Opinion)
- John W. Lott House, Friendship Road (SHPO Opinion)
- Peter Shenk House, Ridge Road (SHPO Opinion)
- Fair Acres House (the only non-SHPO site listed; why is it listed here?)

[end of Appendix 2]

WC098

CARD

THE LEAGUE
OF WOMEN VOTERS
OF THE PRINCETON AREA

Received-NY District
Corps of Engineers

2004 JUN 15 PM 12: 12

May 20, 2004

U.S. Army Corps of Engineers
New York District
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 102780090

RE: New Jersey Turnpike Authority Route 92 Permit Application
South Brunswick/Plainsboro Townships
Middlesex County, New Jersey

The League of Women Voters of the Princeton Area urges the U.S. Army Corps of Engineers to **reject** the permit application by the NJ Turnpike Authority to fill in wetlands for the purpose of building a roadway known as Route 92.

The League of Women Voters of the Princeton Area represents seven municipalities in the greater Princeton Area, including both the borough and township of Princeton, Plainsboro, West Windsor, South Brunswick, Rocky Hill, and Montgomery. All of these townships will be affected by the proposal to grant a permit to fill in wetlands for the proposed Route 92.

The League of Women Voters has a longstanding position to "promote an environment beneficial to life through the protection and the wise management of natural resources in the public interest by recognizing the interrelationships of air quality, energy, land use, waste management and water resources". We endorse land-use policies and procedures and their relationship to human needs, population trends and ecological and socioeconomic factors. The League feels strongly that this permit to fill in wetlands and the impact it will have on the environment does not achieve optimum balance between human needs and environmental quality. Our reasons follow:

LWV-1

1. Route 92 would bisect through one of Middlesex County's largest and most fragile pieces of remaining open land; 13 acres of wetlands and 300 acres of farmland would be destroyed. Rt. 92 would also cut through a nature preserve, endangered species habitat, and preserved open space. The League strongly opposes any development that compromises natural habitats or degrades freshwater wetlands.

LWV-2

P.O. BOX 3043 PRINCETON, NJ 08543-3043

WC098

2. The New Jersey State Plan is compromised. Proposed Route 92 bisects an area around Devil's Brook designated in the New Jersey State Development and Redevelopment Plan as PA5, the status New Jersey applies to its most environmentally sensitive areas. According to the State Plan, this means that it should have the highest degree of protection from development. Destroying 13 acres of wetlands and devastating open space and farmland is inconsistent with the intent of the State Plan and Redevelopment Plan. The League supports the New Jersey State Plan and does not support its violation or compromise.

LWV-3

3. This area is the site of two aquifer recharges from which approximately 50% of South Brunswick Township's water supply depends. The groundwater flow of these aquifers could be radically altered by the 103 acres of impervious surface and wetlands fill. In addition, the Draft Environmental Impact Study (DEIS) fails to address the increased non-point source pollution, including road salt, to the watershed and water supply, which would be caused by the additional traffic this proposed roadway would generate.

LWV-4,5

4. The DEIS fails to adequately address the transportation issues for all the areas that will be affected. The League of Women Voters states in its Transportation position of 1977 that "the transportation planning process places a high priority on energy conservation and social and environmental costs and benefits." The DEIS does not address conservation issues fully, stating that "further analysis of public transit operational improvements is recommended" (section 2-9). Nor does it address the impacts on all communities within and surrounding the designated area, including abutting communities west of the terminus. Without conservation, social, or environmental benefits, we see little to offset the extremely high cost of an estimated $400 million for this plan.

LWV-6,7

Therefore, the League of Women Voters of the Princeton Area urges the Army Corps of Engineers to **reject** the application of the New Jersey Turnpike Authority and to continue to promote wetlands protection, open space preservation, and sound transportation planning.

Sincerely,

Edith Neimark
President

cc: Governor McGreevy

WC099

Received-NY District
Corps of Engineers

CARD

MILLSTONE VALLEY PRESERVATION COALITION

2004 JUN 14 AM 2:47

492 River Road
Belle Mead, NJ 08502

June 11, 2004

US Army Corps of Engineers – New York District
Regulatory Branch
26 Federal Plaza, Room 1937
Jacob K. Javits Federal Building
New York, NY 10278

RE: Route 92 DEIS

The Millstone Valley Preservation Coalition (MVPC) is a non-profit 501, c, (3) organization incorporated in the State of New Jersey. Its purpose is to preserve and enhance the historical, cultural, recreational, scenic and open spaces of the Millstone Valley. It monitors the work of government and private entities and seeks to foster public awareness in the valley corridor. The Coalition encourages and supports mutual cooperation with historical, natural environmental and civic organizations in the area. In addition the MVPC is the sponsor of the Millstone Valley Scenic Byway, one of only two scenic byways in the State of New Jersey, and is the recent recipient of a grant from the Federal Highway Administration to enhance and preserve the Byway. Proposed Route 92, if constructed, would have an unacceptable and negative impact on the existing Millstone Valley Scenic Byway -- one of the many things not considered in the DEIS.

After additional review of the DEIS for proposed Route 92 we would like to submit written comments to supplement our oral testimony given on May 20, 2004.

MVPC2-1

It would appear that the DEIS is entirely self-serving; those things looked at support the client's (NJ Turnpike Authority) desire to build – and aspects negative to the project were substantially ignored. The DEIS can hardly be regarded as an unbiased report. For an organization generally guided by a positive cost / benefit ratio it is amazing that the proposed Route 92 project was not summarily dismissed. It would seem that building, at enormous expense, 6.7 miles of partially elevated highway through wetlands that need mitigation for debatable benefit would be immediate cause for rejecting the project if the review was done without bias.

While, in theory, connecting the NJ Turnpike to Route 1 with a limited access highway might have merit, in this specific case the facts argue against it: Route 1 is already overused and in need of widening (for which there is no available funding); an east-west limited access road (route 522) connecting Route 130 to Route 1 –and soon to be extended to the turnpike - already exists; and truckers, who are motivated to minimize costs, are not likely to chose a toll road over a free one. Furthermore, since the path of proposed Route 92 goes through wetlands, we cannot imagine why so many dollars should be spent to destroy so much for so little reward.

Converted By Magic Converter

WC099

MVPC2-2

Closer review raises the question, is Route 92 an east-west facilitator or a north-south facilitator? If it is a north-south facilitator, traffic movement would be advanced by improving and widening Route 1 and the NJ Turnpike. If Route 92 is an east-west facilitator, ending at Route 1 is not effective because Route 1 cannot handle existing traffic forcing traffic westward. The east-west roads west of Route 1 are local, traversing historic districts and villages listed in the New Jersey and National Registers of historic places and part of a Scenic Byway designated by the NJ Department of Transportation, and therefore not candidates for widening. A plan to bring Route 92 past Route 27 to Route 206 crossing the Millstone River was rejected earlier by the EPA and NJDOT because of extraordinary wetlands constraints. Montgomery Township has always been opposed to the construction of Route 92 in any of its configurations. NJDOT and Montgomery Township have been partnering for over two years to develop and implement plans for small doable projects along Route 206 in Montgomery to correct a series of failed intersections. The first of these is scheduled for completion in June / July of this year. Bringing additional traffic to Montgomery by building Route 92 is unthinkable. Widening 206 in the Princetons is undoable.

MVPC2-3

In summary, proposed Route 92 is an exorbitantly expensive road segment with no foreseeable benefits. If the State of New Jersey has money to spend on road construction, we offer the following positive suggestions:

1. Widen and remove traffic lights on Route 1 as needed.
2. Widen the NJ Turnpike as needed to facilitate north-south traffic.
3. Protect existing wetlands; wetlands cannot be effectively recreated or mediated.
4. Be aware of the historic, scenic and recreational character of the area, i.e., the existing Millstone Valley Scenic Byway, the proposed Crossroads of the Revolution Historic Area (US Department of the Interior), the D&R Canal State Park, Rockingham National historic site and the more than the dozen historic districts on the National. and State Registers of Historic Places in the immediate vicinity of proposed Route 92
5. Spend money wisely, i.e., get the biggest "bang for the buck". In a tight economy put workers to work on the most needed projects – not those that serve only the special interests.
6. Establish a forum in which the affected municipalities can constructively discuss their traffic requirements and development plans so that a suitable solution can be achieve through discussion and mediation. This process has worked well in New Jersey in the recent past and one would assume it would be helpful in the current situation.

Elizabeth Ann Palius
President

Cc:
Senator Tom Daschle, re S.2188
Senator John McCain, re S.2188
Senator Russ Feingold, re S.2188

WC100

FRIENDS OF PRINCETON OPEN SPACE
Post Office Box 374, Princeton NJ 08542
(609) 921-2772 Fax (609) 921-1931
E-mail: info@FOPOS.org *www.FOPOS.org*

Corp

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JUN 16 2004
By

June 14, 2004

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New Jersey Conservation Foundation
Thomas C. Southerland
Princeton Nature Tours

Via e-mail to: Nan.Route92EIS@usace.army.mil and by regular mail

Ms. Koko Cronin
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278

RE: Draft Environmental Impact Statement (DEIS) for the 92 Project
(proposed by the New Jersey Turnpike Authority)

Dear Ms. Cronin:

Friends of Princeton Open Space ("FOPOS"), a not for profit 501 (c) 3 organization of nearly 1000 members, is dedicated to the preservation of open space. While Friends of Princeton Open Space is primarily focused on Princeton issues, we have always believed that open space is a regional issue that is not limited by municipal boundaries, and have long supported regional preservation efforts and environmental actions that have impacts broader than the borders of Princeton.

FOPOS, along with many other open space, environmental and historic groups, previously requested an EIS (Environmental Impact Statement) for the proposed Route 92. Later we spoke out at the scoping hearing in June 2000. At that time we took no stand specific to the New Jersey Turnpike Authority's proposed Route 92; however, we noted that all projects with a potential for significant impacts on cultural, historic, natural and recreational resources should be subjected to rigorous, comprehensive environmental impact studies. Furthermore, we requested that all projects should be reviewed in the context of the region, not just the immediate area; a project of the magnitude of this one would be certain to have a major impact far beyond the actual project area.

We expressed particular concern about the impact of the proposed road, and the traffic it would generate, on the historic and scenic Delaware and Raritan Canal State Park and the adjacent canal and river road corridors that closely parallel it, particularly in the Millstone River valley with its rural roads and

WC100

historic villages. These roads and the areas adjacent to them were already under intense pressure from traffic – especially the commuter traffic between the Route 1 corridor office development and the residential development west of Route 1, but also increased regional truck traffic – due to development in the region. That development has continued to increase, and the preservation of the valley's historic and natural resources has now become even more important to the quality of life in the region.

We applauded the Army Corps of Engineers' decision to require an Environmental Impact Study for the project. We noted the importance of decisions being made on the basis of the best and most extensive information available, and that a full assessment of the impact on the area of the proposed route and alternatives, including impacts on the area west of Route 1, was essential.

We had hoped that the project would provide an opportunity to demonstrate the commitment of the Corps to the highest standards of research and review of both local and regional environmental impact. To insure that the EIS is carried out fairly and objectively, we also urged the Corps to contract directly with independent consultants rather than allowing the New Jersey Turnpike Authority to hire its own consultants. We had expected that the process would be in accordance with the National Environmental Policy Act (NEPA), which requires a full and comprehensive evaluation of alternatives and their potential impacts for projects that would use federal funding.

We have now had a chance to review the DEIS (Draft Environmental Impact Statement) for the Route 92 Project proposed by the NJ Turnpike Authority. Sadly, we find that the DEIS is seriously flawed and has all the appearance of being extremely biased.

On May 20, 2004 several hundred people attended the public hearing (in two parts) hosted by the Army Corp of Engineers (USACE) for the proposed Route 92, and most in attendance who spoke expressed concerns that:

1. Additional viable alternatives had not been thoroughly evaluated.
2. Insufficient opportunities for public participation had been provided in this NEPA process.

WC100

employed in the Advisory Committee regarding the Penns Neck Area Route 1 improvements, to provide more opportunities for community input and more discussion of potential alternatives.

In conclusion, we strongly urge that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for community input and more discussion of potential alternatives.

FOPOS-1

Sincerely,

Wendy Mager, President
Friends of Princeton Open Space

Copies to:

Governor McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator Baroni
Senator Peter Inverso
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Assemblywoman Linda Greenstein
Joseph Simunovich, Chairman, New Jersey Turnpike Authority

Enclosure:
Letter of June 3, 2004 from George S. Hawkins (SBMWA) to Ms. Koko Cronin, USACE

WC100

June 3, 2004

Ms. Koko Cronin
U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Joseph Simunovich, Chairman
New Jersey Turnpike Authority
PO Box 5050
Woodbridge, NJ 07095

RE: Proposed Route 92 – Draft Environmental Impact Statement (DEIS)

Please refer to comment set WC103 for comment codes.

Dear Ms. Cronin:

The National Environmental Policy Act (NEPA) process requires a full and comprehensive evaluation of alternatives and their potential impacts for projects that would use federal funding. On May 20, 2004 over 150 people attended the public hearing hosted by the Army Corp of Engineers (ACOE) for the proposed Route 92, and most in attendance expressed concerns that:

1. Additional viable alternatives had not been thoroughly evaluated.
2. Insufficient opportunities for public participation had been provided in this NEPA process.
3. The proposed Rte 92 alignment causes significant impacts to environmental resources and communities that have not been fully evaluated.

Because public participation in this process has been limited, citizens are not assured that this proposed $350 million highway is the best alternative that would achieve important objectives and cause the least environmental impacts. Therefore, the Stony Brook-Millstone Watershed Association calls for an enhanced public process to review the purpose for the roadway and the various alternatives to achieve this purpose, focused on an effort to determine common goals and develop common strategies. Until this process is undertaken, we oppose the selection of any particular alignment for Route 92.

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The ultimate decisions in this review process for Rte 92 should reflect the cumulative interests expressed by citizens, as well as local, regional elected officials, open space groups, historic preservation groups, and environmental organizations who are working to protect the resources of New Jersey and quality of life from further impacts from traffic congestion and inappropriately designed roadways. The following paragraphs summarize our concerns.

1. Incomplete NEPA Analyses

The Draft Environmental Impact Statement (DEIS) for Route 92 did not include a thorough analysis of the potential alternatives.

- The DEIS identified 17 alternatives but most were not fully evaluated, and alternatives suggested by the public at the scoping session were not included in the assessment, such as the viability of connecting Rte 522 to the Turnpike Exit 8A.
- Traffic studies identified that 10 of the 14 traffic intersections would still be failing even if the recommended route for Route 92 were built.
- Route 92 will actually induce an additional 12,000 cars to use Route 1, increasing traffic congestion on this road.
- The Study failed to evaluate impacts of the highway on the State Designated Historic Village Center of Kingston or the Delaware and Raritan Canal Park. The D&R Canal Commission regulations require a thorough traffic analyses and potential noise impact to these areas.

The Route 92 project is estimated as a $350-$500 million project to provide high-speed access to the Turnpike that relies on both toll revenues and tax dollars for construction. Under Governor McGreevey's Administration there is a commitment to devote a greater percentage of funding to fix-it-first projects, rather than funding new roadways. The Governor should carefully review the viability and need for this project against the array of un-funded transportation and mass transit projects that have demonstrated a clear need.

2. Insufficient Public Participation Process

There have been insufficient opportunities for public participation in the DEIS review process, especially based on the magnitude, cost and potential impacts of the Rte 92 project. The public and especially the local residents should be at the table with the ACOE and the New Jersey Turnpike Authority (NJTA) to help with the decision process for traffic concerns in the area. There have been only two opportunities for public input – during the May 2000 scoping session prior to the DEIS, and at the most recent public hearing on May 20, 2004. No public forums to gain input, feedback or ideas were held in the intervening four-year period.

On a similar project, the Environmental Impact Statement for the Penns Neck Area Bypass incorporated a Roundtable Advisory Committee that brought together various stakeholders including citizens, civic groups, businesses, elected officials, and members of various county, state and federal transportation offices. The review process continued for 2 years and yet provided 35 open public forums with opportunities for discussion, evaluation and consensus to develop project goals and objectives; and to thoroughly evaluate 19 innovative roadway alternatives. These alternatives were formulated *with* local citizens, in contrast to the Route 92 DEIS process.

The Roundtable Advisory Committee for the Penns Neck Area Bypass was successful on many levels, and resulted in the selection of a $65 million roadway. Route 92 is likely to cost more than $350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input. The following paragraph characterizes the success of that Roundtable process. Additional comments are summarized in Attachment A.

"The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. ***One of the basic principles of transportation planning is agency coordination and public outreach."***

WC100

"NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work though complex and often controversial issues. The diversity of alternatives developed is a reflection of this process."

John J Coscia, Executive Director, Delaware Valley Regional Planning Commission, July 18, 2003

3. Insufficient evaluation of environmental impacts from Route 92

In 1997, the US Environmental Protection Agency (US EPA) recommended that the New Jersey Department of Environmental Protection (NJDEP) deny the Route 92 wetland permit application submitted by the NJ Turnpike Authority (NJTA) because the proposed highway would result in unacceptable adverse impacts to wildlife, resources, and their supporting ecosystems. Many of the concerns raised by the USEPA are still not fully addressed.

- **Threatened and Endangered Species**
  The DEIS identified suitable habitat here for bog turtle and wood turtle, which would classify these wetlands as "exceptional value wetlands" requiring a 150 foot transition area. Disturbance of these critical habitat areas was not supported by the USEPA or the US Fish and Wildlife, and should not be supported by the ACOE or NJTA.

- **Fragmentation**
  Route 92 will bisect a 1600-acre wetland complex and destroy 14 acres of wetlands. Studies conducted by the US Fish and Wildlife Service identified 24 species of neotropical migratory birds nesting in these wetlands and they are experiencing declining populations. The loss of wintering habitat to development is the primary contributor of this decline. Bisecting and fragmenting this wildlife habitat will diminish the quality of the habitat and reduce the diversity of species that rely upon it. Protecting migratory bird species is a federal responsibility.

- **Invasive Species**
  Studies conducted by Rutgers University confirm that disturbing wetlands often induces the spread of invasive species, such as phragmites and purple loosestrife into these critical habitats. These invasive species can become dominant over more vulnerable and diverse plant communities, thereby degrading the habitat.

- **Wetland Mitigation**
  The ACOE recommends that the NJ Turnpike Authority replace 14 acres of lost wetlands with 57 acres of created wetlands, and preserve an additional 200 acres. However, the US EPA stated in 1997 that creating forested wetland habitats can take decades to re-establish the hydrology, hydric soil conditions, plant community and wildlife. Avoiding wetland destruction is the preferred federal and state wetland policy.

- **Surface Water**
  Currently, over 70% of the streams in NJ are biologically impaired, and 50% of the impairments are attributed to non-point pollution sources (NPS) including roadway runoff. Roadway runoff contaminated with deicing salts, heavy metals, oils and grease, pesticides, and fertilizers account as a major contributor to this NPS pollution.

WC100

Specifically, the NJDEP has identified that Devils Brook at New Road in South Brunswick already demonstrates signs of aquatic impairments from benthic macroinvertebrate sampling. Heathcote Brook is impaired by fecal coliform and the Millstone River already exceeds state standards for phosphorus, fecal coliform, pH, temperature, arsenic, cadmium, chromium, lead, mercury and zinc.

Additional runoff from proposed Route 92 could further impair these streams from car emissions, road salt, engine and tire wear, etc.

In conclusion, we recommend that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for community input and more discussion of potential alternatives.

We sincerely hope that you will carefully consider the potential impacts to cultural features, loss of habitat, and degradation of our natural resources that could be caused by Route 92. If you have any questions please do not hesitate to contact me directly at 609-737-3735.

Sincerely,

George S. Hawkins, Executive Director
Stony Brook-Millstone Watershed Association

Copies to:

Governor McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator Baroni
Senator Peter Inverso
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Assemblywoman Linda Greenstein
Mayors South Brunswick, Franklin, Rocky Hill and Montgomery

Attachment A

Statements that Characterized the Success
of the Penns Neck Area Roundtable Advisory Committee

The Roundtable Advisory Committee for the Penns Neck Area Bypass provided 35 opportunities for public review and input during the two-year analyses of traffic alternatives. The result of this effort was the selection of Alternative D-2A, a $65 million alternative that satisfied the project goals, met transportation needs, and will minimize potential impacts to the communities and the environment. Route 92 is likely to cost more than $350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input.

"For two years, the Voorhees Transportation Institute at Rutgers University has brokered a thorough public examination and discussion of the alternatives for the Penns Neck Area Bypass...This painstaking process - not always collaborative but infinitely more cordial than the traditional top-down approach the DOT has taken to transportation planning - produced 19 possible roadway schemes.

WC100

The public was "heartened by the willingness of the DOT to try something new and different," and "was impressed by the openness of the roundtable process."

The open, participatory process in which all interested parties have been engaged for the past two years has been a welcome change from the DOT's business as usual. Whether it results in complete consensus or respectful disagreement, ***it should serve as a model for the agency's approach to regional transportation planning in the future.***
By: Packet Editorial 07/03/2003

"First I want to say how pleased I am that NJ DOT has made such an extraordinary effort to engage all segments of the community in the process of compiling the Draft EIS. The conveners of the Roundtable Advisory Committee did an excellent job of soliciting community input and arriving at common ground and some consensus among parties who began the process with seemingly conflicting agendas."

"The Draft EIS accurately reflects the two years of analyses and discussions."

Pam Hersh, Director, Community and State Government Affairs for Princeton University and a representative to the Penns Neck Area Partners' Roundtable Advisory Committee from her introductory remarks at the June 30, 2003 public hearing.

"The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. ***One of the basic principles of transportation planning is agency coordination and public outreach.***

NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work though complex and often controversial issues. The diversity of alternatives developed is a reflection of this process."

John J Coscia, Executive Director, July 18, 2003
Delaware Valley Regional Planning Commission

WC101

Received-NY District
Corps of Engineers
2004 JUN 14 PM 2:03

15 Wycombe Way
Princeton Junction, New Jersey 08550

June 10, 2004

CARD

New York District Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Re: Route 92 DEIS

Sirs:

SSH-1

As a member of West Windsor Citizens for Transportation Alternatives, I participated in the Penns Neck Area Partners' Roundtable for two years. After extensive study and testimony, the NJ Department of Transportation, in conjunction with the Voorhees Transportation Policy Institute of Rutgers University arrived at a solution to the traffic flow problems in the area, a solution which will not compromise the environment and will work to improve the quality of life for most of the citizens in the surrounding communities.

The Route 92 DEIS has not had the same public participation or scrutiny of its studies, some of which are old and out-of-date.

Too Costly

SSH-2

The New Jersey Turnpike Authority's proposed Route 92 extension from Exit 8A at Hightstown to Route 1 at Kingston would be very costly, in terms of both dollars and harm to the environment, as well as causing adverse impacts on historic and residential communities. At a cost of $350 million, it would clog the most congested part of Route 1, pollute the recharge area of the smallest aquifer in New Jersey, fragment the largest remaining contiguous open space in Middlesex County, and promote sprawl in and near historic villages in Mercer and Somerset Counties.

More Trips

SSH-3

According to N.J. Turnpike Authority documents, Route 92 would add 1,200 new truck trips in central New Jersey and 10,000 more car trips on Route 1 every day by 2015. This roadway would not meet pressing transportation needs. It would only remove 9% of trips from east-west roads. A study by the Environmental Protection Agency concluded that the road would remove only 5-7% of traffic on local roads.

Duplication of Roads

SSH-4

Transportation experts note that Route 92 is a fiscally wasteful duplication of existing roads. Route 522 has just been widened and it lies between one and two miles north of the proposed new roadway. A combination of roadway improvements to both Route 522 and Route 32, plus operations and system improvements like turn lanes, signal changes and expansion of the Exit 8A toll booth, would improve traffic flow east-west between Exit 8A and Route 1 at much less cost and no disruption to the environment.

While Route 522's current connection to the Turnpike is a one-lane overpass without exit ramps (adjacent to the emergency patrol overpass), the creation of a full set of ramps and a new bridge and alignment of Route 522 in that area would consume far less land and create far fewer impacts than the construction of Route 92.

WC101

Route 522 Would Concentrate Warehouses
Route 522 would also help concentrate warehousing operations rather than spreading them out across the farmlands proposed to be bifurcated by the Turnpike in South Brunswick Township if Route 92 were to be built. South Brunswick has already approved a realignment of Route 522 in the area of the Turnpike to better serve warehouse truck traffic that would benefit from a more direct connection to the Turnpike.

SSH-4

Route 32 Alternative
An early alternative, rejected by the Turnpike Authority, was making improvements to State Route 32. This alternative would destroy no wetlands, traverse fewer farms, and not induce added traffic to the area. It consists essentially of expanding Route 32 between Exit 8A and Route 130, including a partial cloverleaf interchange at Route 130; and improving two intersections at the western edge of the study area.

Destruction of Open Space and Wetlands
Route 92 would destroy the largest parcel of open space in southern Middlesex County. Federal environmental agencies have said that Route 92 would destroy irreplaceable wetlands along the Devil's Brook corridor. The runoff from the roadway would pollute the recharge area of the smallest (and most vulnerable) aquifer in the state And the road would destroy Green Acres land in Plainsboro, including the Perrine Tract, adjacent to the New Jersey Audubon Society preserve.

SSH-5,6,7

I have several times had the privilege of sighting a bald eagle near the Delaware and Raritan Canal in Plainsboro. The nest (this is not "an occasional transient" as your report suggests) is nearby (near Devil's Brook and the Millstone River) and is protected by the New Jersey Department of Environmental Protection. We can delight in the return of endangered and threatened species to central New Jersey and we must not fragment their habitat. How might such fragmentation affect the ability of the eagles and their offspring (there is now at least one confirmed eaglet) to continue to soar and thrive in central New Jersey? Are there other threatened or endangered species that your study has failed to document?

SSH-8

Traffic in Historic and Residential Areas
Route 92 would encourage traffic to flow into historic and residential areas, including Kingston, Rocky Hill, Griggstown, Blackwells Mills, East Millstone, Montgomery, Hopewell Borough, Hopewell Township, Hillsborough, Manville, and East Amwell. By encouraging trucks and cars to move from the Turnpike to Route 1, more traffic will also tend to flow into Princeton, Plainsboro, and West Windsor, as the drivers seek new ways to traverse the state.

SSH-9

Traffic Studies
The Delaware Valley Regional Planning Commission predicted that, by the year 2020, building Route 92 would only bring intersections below "problem" levels along two roads in Plainsboro and short segments of Route 35 (at least one of these roads has been improved since the DVRPC's study was done).

SSH-10

In 1998, the United States Environmental Protection Agency (EPA) concluded: "Of the 36 potential applications/times examined which compares the build and no-build alternatives, only six show an improvement of greater than one LOS [level of service] category for the build alternative."

After extensive analysis of the Army Corps of Engineer's DEIS for Route 92, the Tri-State Transportation Campaign reports that if Route 92 is built, levels of service at 11 out of 14 intersections studied would not improve at all in the morning peak hour over the 2028 no-build

WC101

SSH-10

scenario—in fact, all 11 intersections would remain at total failure. In fact, Route 92 would not improve any intersection with an F rating in the morning peak hour, and would only slightly improve three intersections in the evening peak, compared to the no-action alternative. Building Rourte 92 would also make no difference compared to the no-build scenario in the evening peak hour Eleven intersections would remain at service level F. Building Route 92 is projected to worsen evening congestion at Raymond Road. and Route 27. Only one intersection would dramatically improve in the evening—Plainsboro Rd. and CR 535.

The Turnpike Authority also chose thirty origin-destination pairs to analyze vehicle trip delay now (2001) and 20 years after the project is to be built (2028) and compared delay with a 2028 no-build "trend" condition. Princeton and West Windsor motorists traveling from Princeton Junction to Turnpike Exit 8A will experience more delay in the morning rush if Route 92 is built over the no-build option. Plainsboro residents in 2028 would also save very little time from their trips compared to the no-build option.

The Turnpike's 1999 wetland permit application also analyzed traffic delay. That study showed that only 6 of 31 intersections would improve if Route 92 were built, versus the no-build condition. Similarly, Route 92 was projected to increase east-west travel speed by a mere 0.6 mph.

SSH-11

Emergency Response Time
Local township police officers and firefighters say Route 92 would make traffic worse and delay emergency response time. At the intersection of Route 1 and Ridge Road, increased traffic would cause more accidents and block fire trucks and emergency vehicles from reporting to an emergency.

SSH-12

Part of a Highway Segmentation Plan
Route 92 could be part of a highway segmentation plan, possibly used as a way to evade federal environmental laws. The second part of the plan might be to extend Route 92 from Route 1 to Montgomery Township. The third part might be to expand Route 206 from Montgomery to Interstate 287. The NJDOT has advocated parts 2 and 3 as early as 1978.

SSH-13

Would Not Pay for Itself
Route 92 would not pay for itself from tolls. A one-way toll would have to be $3.50 to pay off a 30-year loan for Route 92 at 6% interest. Route 92 would be six miles in length, while there is a free road only a mile away that goes to the same place.

Governor McGreevey's Six-Point Transportation Plan
At the state's First Annual Transportation Conference, Governor McGreevey charged a new blue-ribbon transportation panel with implementing his six-point plan for transportation improvement:

- An expedited project delivery pipeline initiative that will take one to four years off the time to accomplish typical projects, reducing project cost and increasing the total number of projects that can be advanced in one year;
- A highway safety initiative designed to reduce accidents;
- A statewide rail plan to increase efficiency of freight movement and reduce the number of trucks on the highway;
- An improved access permit process that will expedite regulatory review and curtail sprawl by channeling development into urban and growth areas;
- An information and signage program that will provide "smart" information to the motoring public;
- An expanded Park & Ride initiative, with a goal of creating 20,000 new parking spaces within the next five years at mass transit facilities and transportation center.

WC101

Use Transportation Funds for Mass Transit and Existing Road Improvements
State Senator Peter Inverso has proposed using the Route 92 funds to help build a Bus Rapid Transit (BRT) system along Route 1. This would be an excellent use for our public money and would help relieve traffic on Route 1, instead of creating more of it.

SSH-14

Building more roads leads to more congestion. The state now has over $5 billion in needed transportation projects that we can't fund, including 2,000 crumbling bridges. Why should we fund harmful roads like Route 92 when the money can go toward much needed repairs?

We can take the money that's been earmarked for 92, and use it for transportation projects that will help New Jersey instead of hurting it. Such transfers have already been done to the Garden State Expressway, NJ Transit, and the E-ZPass Consortium. It can be done even more easily once the NJ Turnpike, Garden State Parkway, and the Atlantic City Expressway authorities are merged.

Reevaluate DEIS; Encourage Alternative Commute Options
I urge the Corps of Engineers, Governor McGreevey, and the New Jersey Turnpike Authority to reevaluate this project, to allow more input from affected communities. More planning ought to be done on alternative methods of travel (BRT, trains). We should encourage commute-options packages—encourage carpooling and impose parking fees in office complexes. There are ways to create a workable transportation environment without destroying the environment and ruining historic towns.

SSH-15

Sincerely,

Sandra Shapiro

cc:
Governor James McGreevey
Senator Jon Corzine
Senator Frank Lautenberg
Congressman Rush Holt
State Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Bill Baroni
New Jersey Turnpike Authority

WC101

You replied on 6/16/2004 2:45 PM.

Route92EIS, NAN NAN02

From: Sandra Shapiro [dwshapiro@att.net] **Sent:** Thu 6/10/2004 7:00 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Comments on Route 92 DEIS
Attachments:

Please note: The following comments have also been sent via U.S. Mail.

15 Wycombe Way
Princeton Junction, New Jersey 08550

June 10, 2004

New York District Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Re: Route 92 DEIS

Sirs:

As a member of West Windsor Citizens for Transportation Alternatives, I participated in the Penns Neck Area Partners' Roundtable for two years. After extensive study and testimony, the NJ Department of Transportation, in conjunction with the Voorhees Transportation Policy Institute of Rutgers University arrived at a solution to the traffic flow problems in the area, a solution which will not compromise the environment and will work to improve the quality of life for most of the citizens in the surrounding communities.

The Route 92 DEIS has not had the same public participation or scrutiny of its studies, some of which are old and out-of-date.

Too Costly
The New Jersey Turnpike Authority's proposed Route 92 extension from Exit 8A at Hightstown to Route 1 at Kingston would be very costly, in terms of both dollars and harm to the environment, as well as causing adverse impacts on historic and residential communities. At a cost of $350 million, it would clog the most congested part of Route 1, pollute the recharge area of the smallest aquifer in New Jersey, fragment the largest remaining contiguous open space in Middlesex County, and promote sprawl in and near historic villages in Mercer and Somerset Counties.

More Trips
According to N.J. Turnpike Authority documents, Route 92 would add 1,200 new truck trips in central New Jersey and 10,000 more car trips on Route 1 every day by 2015. This roadway would not meet pressing transportation needs. It would only remove 9% of trips from east-west roads. A study by the Environmental Protection Agency concluded that the road would remove only 5-7% of traffic on local roads.

WC101

Duplication of Roads
Transportation experts note that Route 92 is a fiscally wasteful duplication of existing roads. Route 522 has just been widened and it lies between one and two miles north of the proposed new roadway. A combination of roadway improvements to both Route 522 and Route 32, plus operations and system improvements like turn lanes, signal changes and expansion of the Exit 8A toll booth, would improve traffic flow east-west between Exit 8A and Route 1 at much less cost and no disruption to the environment.

While Route 522's current connection to the Turnpike is a one-lane overpass without exit ramps (adjacent to the emergency patrol overpass), the creation of a full set of ramps and a new bridge and alignment of Route 522 in that area would consume far less land and create far fewer impacts than the construction of Route 92.

Route 522 Would Concentrate Warehouses
Route 522 would also help concentrate warehousing operations rather than spreading them out across the farmlands proposed to be bifurcated by the Turnpike in South Brunswick Township if Route 92 were to be built. South Brunswick has already approved a realignment of Route 522 in the area of the Turnpike to better serve warehouse truck traffic that would benefit from a more direct connection to the Turnpike.

Route 32 Alternative
An early alternative, rejected by the Turnpike Authority, was making improvements to State Route 32. This alternative would destroy no wetlands, traverse fewer farms, and not induce added traffic to the area. It consists essentially of expanding Route 32 between Exit 8A and Route 130, including a partial cloverleaf interchange at Route 130; and improving two intersections at the western edge of the study area.

Destruction of Open Space and Wetlands
Route 92 would destroy the largest parcel of open space in southern Middlesex County. Federal environmental agencies have said that Route 92 would destroy irreplaceable wetlands along the Devil's Brook corridor. The runoff from the roadway would pollute the recharge area of the smallest (and most vulnerable) aquifer in the state And the road would destroy Green Acres land in Plainsboro, including the Perrine Tract, adjacent to the New Jersey Audubon Society preserve.

I have several times had the privilege of sighting a bald eagle near the Delaware and Raritan Canal in Plainsboro. The nest (this is not "an occasional transient" as your report suggests) is nearby (near Devil's Brook and the Millstone River) and is protected by the New Jersey Department of Environmental Protection. We can delight in the return of endangered and threatened species to central New Jersey and we must not fragment their habitat. How might such fragmentation affect the ability of the eagles and their offspring (there is now at least one confirmed eaglet) to continue to soar and thrive in central New Jersey? Are there other threatened or endangered species that your study has failed to document?

Traffic in Historic and Residential Areas

WC101

Route 92 would encourage traffic to flow into historic and residential areas, including Kingston, Rocky Hill, Griggstown, Blackwells Mills, East Millstone, Montgomery, Hopewell Borough, Hopewell Township, Hillsborough, Manville, and East Amwell. By encouraging trucks and cars to move from the Turnpike to Route 1, more traffic will also tend to flow into Princeton, Plainsboro, and West Windsor, as the drivers seek new ways to traverse the state.

Traffic Studies
The Delaware Valley Regional Planning Commission predicted that, by the year 2020, building Route 92 would only bring intersections below "problem" levels along two roads in Plainsboro and short segments of Route 35 (at least one of these roads has been improved since the DVRPC's study was done).

In 1998, the United States Environmental Protection Agency (EPA) concluded: "Of the 36 potential applications/times examined which compares the build and no-build alternatives, only six show an improvement of greater than one LOS [level of service] category for the build alternative."

After extensive analysis of the Army Corps of Engineer's DEIS for Route 92, the Tri-State Transportation Campaign reports that if Route 92 is built, levels of service at 11 out of 14 intersections studied would not improve at all in the morning peak hour over the 2028 no-build scenario—in fact, all 11 intersections would remain at total failure. In fact, Route 92 would not improve any intersection with an F rating in the morning peak hour, and would only slightly improve three intersections in the evening peak, compared to the no-action alternative. Building Rourte 92 would also make no difference compared to the no-build scenario in the evening peak hour Eleven intersections would remain at service level F. Building Route 92 is projected to worsen evening congestion at Raymond Road. and Route 27. Only one intersection would dramatically improve in the evening—Plainsboro Rd. and CR 535.

The Turnpike Authority also chose thirty origin-destination pairs to analyze vehicle trip delay now (2001) and 20 years after the project is to be built (2028) and compared delay with a 2028 no-build "trend" condition. Princeton and West Windsor motorists traveling from Princeton Junction to Turnpike Exit 8A will experience more delay in the morning rush if Route 92 is built over the no-build option. Plainsboro residents in 2028 would also save very little time from their trips compared to the no-build option.

The Turnpike's 1999 wetland permit application also analyzed traffic delay. That study showed that only 6 of 31 intersections would improve if Route 92 were built, versus the no-build condition. Similarly, Route 92 was projected to increase east-west travel speed by a mere 0.6 mph.

Emergency Response Time
Local township police officers and firefighters say Route 92 would make traffic worse and delay emergency response time. At the intersection of Route 1 and Ridge Road, increased traffic would cause more accidents

WC101

and block fire trucks and emergency vehicles from reporting to an emergency.

Part of a Highway Segmentation Plan
Route 92 could be part of a highway segmentation plan, possibly used as a way to evade federal environmental laws. The second part of the plan might be to extend Route 92 from Route 1 to Montgomery Township. The third part might be to expand Route 206 from Montgomery to Interstate 287. The NJDOT has advocated parts 2 and 3 as early as 1978.

Would Not Pay for Itself
Route 92 would not pay for itself from tolls. A one-way toll would have to be $3.50 to pay off a 30-year loan for Route 92 at 6% interest. Route 92 would be six miles in length, while there is a free road only a mile away that goes to the same place.

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WC101

Reevaluate DEIS; Encourage Alternative Commute Options
I urge the Corps of Engineers, Governor McGreevey, and the New Jersey Turnpike Authority to reevaluate this project, to allow more input from affected communities. More planning ought to be done on alternative methods of travel (BRT, trains). We should encourage commute-options packages—encourage carpooling and impose parking fees in office complexes. There are ways to create a workable transportation environment without destroying the environment and ruining historic towns.

Sincerely,

Sandra Shapiro

cc:
Governor James McGreevey
Senator Jon Corzine
Senator Frank Lautenberg
Congressman Rush Holt
State Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Bill Baroni
New Jersey Turnpike Authority

WC102

You replied on 6/16/2004 4:20 PM.

Route92EIS, NAN NAN02

DRCC2-1

From: Jim Amon [drcc@blast.net] **Sent:** Mon 6/14/2004 11:49 AM
To: Route92EIS, NAN NAN02
Cc:
Subject: Comment on Route 92 EIS
Attachments:

I am writing to clarify the position of the Delaware & Raritan Canal Commission regarding its review of the proposed Route 92. The Canal Commission issued a Certificate of Approval for this project on August 20, 1997. In accordance with N.J.A.C. 7:45-3.1(f)1, that approval has lapsed since construction was not started within three years of the date of the Certificate's issuance. The project, therefore does not have approval from the Commission and at present no application is pending. In revewing the project again the Commission will be concerned with storm drainage and water quality impact on the Canal Park (N.J.A.C.7:45-5), stream corridor impact (N.J.A.C. 7:45-6) and traffic impact (N.J.A.C. 7:45-8).
Yours sincerely,
James C. Amon
Executive Director, DRCC

Card-Cronin

WC103

Stony Brook Millstone Watershed Association

RARE TODAY . . . PRICELESS TOMORROW

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Chair

George S. Hawkins
Executive Director

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www.thewatershed.org

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June 3, 2004

Received-NY District
Corps of Engineers
2004 JUN 10 AM 7:31

Ms. Koko Cronin
U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Joseph Simunovich, Chairman
New Jersey Turnpike Authority
PO Box 5050
Woodbridge, NJ 07095

RE: Proposed Route 92 – Draft Environmental Impact Statement (DEIS)

Dear Ms. Cronin:

The National Environmental Policy Act (NEPA) process requires a full and comprehensive evaluation of alternatives and their potential impacts for projects that would use federal funding. On May 20, 2004 over 150 people attended the public hearing hosted by the Army Corp of Engineers (ACOE) for the proposed Route 92, and most in attendance expressed concerns that:

1. Additional viable alternatives had not been thoroughly evaluated.
2. Insufficient opportunities for public participation had been provided in this NEPA process.
3. The proposed Rte 92 alignment causes significant impacts to environmental resources and communities that have not been fully evaluated.

SBMWA2-1

Because public participation in this process has been limited, citizens are not assured that this proposed $350 million highway is the best alternative that would achieve important objectives and cause the least environmental impacts. Therefore, the Stony Brook-Millstone Watershed Association calls for an enhanced public process to review the purpose for the roadway and the various alternatives to achieve this purpose, focused on an effort to determine common goals and develop common strategies. Until this process is undertaken, we oppose the selection of any particular alignment for Route 92.

PROTECTING THE ENVIRONMENT SINCE 1949

WC103

The ultimate decisions in this review process for Rte 92 should reflect the cumulative interests expressed by citizens, as well as local, regional elected officials, open space groups, historic preservation groups, and environmental organizations who are working to protect the resources of New Jersey and quality of life from further impacts from traffic congestion and inappropriately designed roadways. The following paragraphs summarize our concerns.

1. Incomplete NEPA Analyses

The Draft Environmental Impact Statement (DEIS) for Route 92 did not include a thorough analysis of the potential alternatives.

- The DEIS identified 17 alternatives but most were not fully evaluated, and alternatives suggested by the public at the scoping session were not included in the assessment, such as the viability of connecting Rte 522 to the Turnpike Exit 8A. SBMWA2-2
- Traffic studies identified that 10 of the 14 traffic intersections would still be failing even if the recommended route for Route 92 were built. SBMWA2-3
- Route 92 will actually induce an additional 12,000 cars to use Route 1, increasing traffic congestion on this road.
- The Study failed to evaluate impacts of the highway on the State Designated Historic Village Center of Kingston or the Delaware and Raritan Canal Park. The D&R Canal Commission regulations require a thorough traffic analyses and potential noise impact to these areas. SBMWA2-4

The Route 92 project is estimated as a $350-$500 million project to provide high-speed access to the Turnpike that relies on both toll revenues and tax dollars for construction. Under Governor McGreevey's Administration there is a commitment to devote a greater percentage of funding to fix-it-first projects, rather than funding new roadways. The Governor should carefully review the viability and need for this project against the array of un-funded transportation and mass transit projects that have demonstrated a clear need. SBMWA2-5

2. Insufficient Public Participation Process

There have been insufficient opportunities for public participation in the DEIS review process, especially based on the magnitude, cost and potential impacts of the Rte 92 project. The public and especially the local residents should be at the table with the ACOE and the New Jersey Turnpike Authority (NJTA) to help with the decision process for traffic concerns in the area. There have been only two opportunities for public input – during the May 2000 scoping session prior to the DEIS, and at the most recent public hearing on May 20, 2004. No public forums to gain input, feedback or ideas were held in the intervening four-year period. SBMWA2-6

On a similar project, the Environmental Impact Statement for the Penns Neck Area Bypass incorporated a Roundtable Advisory Committee that brought together various stakeholders including citizens, civic groups, businesses, elected officials, and members of various county, state and federal transportation offices. The review process continued for 2 years and yet provided 35 open public forums with opportunities for discussion, evaluation and consensus to develop project goals and objectives; and to thoroughly evaluate 19 innovative roadway alternatives. These alternatives were formulated *with* local citizens, in contrast to the Route 92 DEIS process.

WC103

SBMWA2-6

The Roundtable Advisory Committee for the Penns Neck Area Bypass was successful on many levels, and resulted in the selection of a $65 million roadway. Route 92 is likely to cost more than $350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input. The following paragraph characterizes the success of that Roundtable process. Additional comments are summarized in Attachment A.

"The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. ***One of the basic principles of transportation planning is agency coordination and public outreach."***

"NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work though complex and often controversial issues. The diversity of alternatives developed is a reflection of this process."

John J Coscia, Executive Director, Delaware Valley Regional Planning Commission, July 18, 2003

SBMWA2-7

3. Insufficient evaluation of environmental impacts from Route 92

In 1997, the US Environmental Protection Agency (US EPA) recommended that the New Jersey Department of Environmental Protection (NJDEP) deny the Route 92 wetland permit application submitted by the NJ Turnpike Authority (NJTA) because the proposed highway would result in unacceptable adverse impacts to wildlife, resources, and their supporting ecosystems. Many of the concerns raised by the USEPA are still not fully addressed.

- **Threatened and Endangered Species**
  The DEIS identified suitable habitat here for bog turtle and wood turtle, which would classify these wetlands as "exceptional value wetlands" requiring a 150 foot transition area. Disturbance of these critical habitat areas was not supported by the USEPA or the US Fish and Wildlife, and should not be supported by the ACOE or NJTA.

- **Fragmentation**
  Route 92 will bisect a 1600-acre wetland complex and destroy 14 acres of wetlands. Studies conducted by the US Fish and Wildlife Service identified 24 species of neotropical migratory birds nesting in these wetlands and they are experiencing declining populations. The loss of wintering habitat to development is the primary contributor of this decline. Bisecting and fragmenting this wildlife habitat will diminish the quality of the habitat and reduce the diversity of species that rely upon it. Protecting migratory bird species is a federal responsibility.

- **Invasive Species**
  Studies conducted by Rutgers University confirm that disturbing wetlands often induces the spread of invasive species, such as phragmites and purple loosestrife into these critical habitats. These invasive species can become dominant over more vulnerable and diverse plant communities, thereby degrading the habitat.

WC103

SBMWA2-7

- **Wetland Mitigation**
  The ACOE recommends that the NJ Turnpike Authority replace 14 acres of lost wetlands with 57 acres of created wetlands, and preserve an additional 200 acres. However, the US EPA stated in 1997 that creating forested wetland habitats can take decades to re-establish the hydrology, hydric soil conditions, plant community and wildlife. Avoiding wetland destruction is the preferred federal and state wetland policy.

SBMWA2-8

- **Surface Water**
  Currently, over 70% of the streams in NJ are biologically impaired, and 50% of the impairments are attributed to non-point pollution sources (NPS) including roadway runoff. Roadway runoff contaminated with deicing salts, heavy metals, oils and grease, pesticides, and fertilizers account as a major contributor to this NPS pollution.

  Specifically, the NJDEP has identified that Devils Brook at New Road in South Brunswick already demonstrates signs of aquatic impairments from benthic macroinvertebrate sampling. Heathcote Brook is impaired by fecal coliform and the Millstone River already exceeds state standards for phosphorus, fecal coliform, pH, temperature, arsenic, cadmium, chromium, lead, mercury and zinc.

  Additional runoff from proposed Route 92 could further impair these streams from car emissions, road salt, engine and tire wear, etc.

In conclusion, we recommend that the NJ Turnpike Authority organize a Roundtable Advisory Committee similar to the Penns Neck Area Bypass to provide more opportunities for community input and more discussion of potential alternatives.

We sincerely hope that you will carefully consider the potential impacts to cultural features, loss of habitat, and degradation of our natural resources that could be caused by Route 92. If you have any questions please do not hesitate to contact me directly at 609-737-3735.

Sincerely,

George S. Hawkins, Executive Director
Stony Brook-Millstone Watershed Association

Copies to:

Governor McGreevey
Commissioner John F. Lettiere, Jr., NJ Department of Transportation
Commissioner Bradley Campbell, NJ Department of Environmental Protection
Congressman Rush Holt
Senator Baroni
Senator Peter Inverso
Assemblyman Reed Gusciora
Assemblywoman Bonnie Watson Coleman
Assemblywoman Linda Greenstein
Mayors South Brunswick, Franklin, Rocky Hill and Montgomery

WC103

Attachment A
Statements that Characterized the Success
of the Penns Neck Area Roundtable Advisory Committee

The Roundtable Advisory Committee for the Penns Neck Area Bypass provided 35 opportunities for public review and input during the two-year analyses of traffic alternatives. The result of this effort was the selection of Alternative D-2A, a $65 million alternative that satisfied the project goals, met transportation needs, and will minimize potential impacts to the communities and the environment. Route 92 is likely to cost more than $350 million, and deserves a similar comprehensive evaluation of alternatives and provisions for public input.

"For two years, the Voorhees Transportation Institute at Rutgers University has brokered a thorough public examination and discussion of the alternatives for the Penns Neck Area Bypass…This painstaking process - not always collaborative but infinitely more cordial than the traditional top-down approach the DOT has taken to transportation planning - produced 19 possible roadway schemes.

The public was "heartened by the willingness of the DOT to try something new and different," and "was impressed by the openness of the roundtable process."

The open, participatory process in which all interested parties have been engaged for the past two years has been a welcome change from the DOT's business as usual. Whether it results in complete consensus or respectful disagreement, ***it should serve as a model for the agency's approach to regional transportation planning in the future.***
By: Packet Editorial 07/03/2003

"First I want to say how pleased I am that NJ DOT has made such an extraordinary effort to engage all segments of the community in the process of compiling the Draft EIS. The conveners of the Roundtable Advisory Committee did an excellent job of soliciting community input and arriving at common ground and some consensus among parties who began the process with seemingly conflicting agendas."

"The Draft EIS accurately reflects the two years of analyses and discussions."

Pam Hersh, Director, Community and State Government Affairs for Princeton University and a representative to the Penns Neck Area Partners' Roundtable Advisory Committee from her introductory remarks at the June 30, 2003 public hearing.

"The DVRPC staff would like to commend the New Jersey Department of Transportation (NJDOT) for the outstanding manner in which they conducted the Penns Neck Area EIS. ***One of the basic principles of transportation planning is agency coordination and public outreach.***

WC103

NJDOT through the Partners' Roundtable Advisory Committee far exceeded any other EIS in this region in obtaining the involvement of state, regional, county, and local officials, as well as local advocacy groups and other interested parties. The 35 Roundtable meetings held since June 2001 demonstrated a sustained commitment by NJDOT and the committee members to work though complex and often controversial issues. The diversity of alternatives developed is a reflection of this process."

John J Coscia, Executive Director, July 18, 2003
Delaware Valley Regional Planning Commission

WC104

SIERRA CLUB
FOUNDED 1892

New Jersey Chapter
139 West Hanover Street, Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraActivist.org

Received-NY District Corps of Engineers
2004 JUN 15 AM 9: 58

CARD

9 June 2004

Laura Lynch
Conservation Chair
Sierra Club, New Jersey Chapter
11 Lumar Road
Lawrenceville, NJ 08648
(609) 882-4642
llynch@mail.med.upenn.edu

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

RE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE ROUTE 92 PROJECT PROPOSED BY THE NEW JERSEY TURNPIKE AUTHORITY, APRIL 2004

There is a lot of wishful thinking in this DEIS. There is a lot of proof by blatant assertion. That wetland mitigation works; that car and truck drivers will pay tolls when a free alternative exists; that enactment and enforcement of truck restrictions on Heathcote and Ridge roads will happen; that a 16-25% reduction in through traffic will be noticeable; that there has been a consensus among communities that Route 92 is the best alternative. Where is the proof for any of these assumptions?

The best available evidence – some provided by the NJDEP and NJTA – leaves little doubt that much of what is written in the DEIS is wrong. Wetlands mitigation does not work; the DEP states as much. Trucks crowd Route 1 and its vicinity because they are avoiding NJTP tolls; adding another toll road will not solve the problem. There is no proof in the DEIS that drivers will choose a toll road over several free alternatives. The Heathcote and Ridge Road communities would have to shoulder the burden of truck ban enforcement without any apparent financial aid from the NJTP. According to the DEIS, all but a few intersections will be at LOS F by 2028, no matter what gets built, even with Route 92. What is lacking from this DEIS is any proof of community involvement, any sense of discussions, suggestions, or compromises.

SCLL2-1

The real problem in the study area is rampant overdevelopment along Route 1, coupled with a lack of mass transit. Because there are few east-west roads in the area, traffic congestion is exacerbated. But Route 522 will be extended in the near future, and the recently designed Penns Neck area improvements to Route 1 will aid in smoother flow of traffic. Route 92, on the other hand, will, by the Army Corps's own admission, hasten development along Route 1. What is needed in central New Jersey is a regional solution to home rule-generated traffic congestion; this will be realized only through community participation and a statewide commitment to all forms of public transportation.

WC104

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New Jersey Chapter
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www.SierraActivist.org

SCLL2-2

The most important issue at hand, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS, a document of 1313 pages, is just half a page. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise.

According to NEPA, a DEIS should state the problem, objectives to solve the problem, and a variety of alternatives that would solve the problem. This DEIS, however, frames the problem as "There is no Route 92," creates objectives designed for the Route 92 alignment, and dismisses all other options save one. According to NEPA, no alternative in a DEIS should be presented as a preferred alternative. While this DEIS falls short of stating that Route 92 is preferred, a clear bias towards that alignment is obvious throughout the document. It is evident that alternatives to Route 92 in this DEIS were given short shrift; they were neither researched completely nor considered in full detail. Therefore, the NJTA should not be granted the permits it needs to complete the work. Rather, this project should be turned over to conflict mediators and NEPA experts who will guide the NJTA, citizens, and stakeholders properly through the EIS process.

SCLL2-3

Since this DEIS buried data comparisons between Route 92 and the Route 1 widening with signal removal alternative, it is necessary to compare them directly here. Route 1 widening with signal removal would require less wetland mitigation than would Route 92. Noise and aesthetic impacts for Route 1 widening with signal removal would be less severe than for those of Route 92: fewer residential properties and less open space would face intrusion from Route 1 improvements than Route 92 were constructed. Route 92 would destroy over 12 acres of wetlands, while Route 1 widening with signal removal would take 7.7 acres. The Route 1 option would remove 10.5 acres of upland, compared with 360 upland acres for proposed Route 92. Route 92 would contradict Smart Growth principles by destroying undeveloped land in PA5; conversely, Route 1 widening with signal removal would occur in PA1 and PA2 only. While the Route 1 improvement option has a low likelihood of disturbing endangered and threatened species, Route 92 would destroy 25% of the area's population of southern arrowhead.

The New Jersey Chapter of the Sierra Club prefers the option of Route 1 widening with signal removal for the following reasons: the project would be a roadway improvement rather than the creation of a new roadway; there are fewer environmental impacts, and the environmental impacts from this option are less severe; and improvements along Route 1 do more to solve the problem of local congestion than a link to the NJ Turnpike would, since the majority of the region's traffic is local. However, no alternative should be chosen without engaging in conflict mediation involving the affected communities, stakeholders, local civic and environmental groups, local governments, and state and federal agencies. Conflict mediation succeeded for the Penns Neck Area EIS, and it can succeed for the Route 92 EIS, too.

What follows is a detailed analysis of the Route 92 DEIS.

WC104

SIERRA CLUB
FOUNDED 1892

New Jersey Chapter
139 West Hanover Street, Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraActivist.org

SCLL2-4

ES-1:
"Only local and secondary (i.e., county) roads are available for east-west travel in this area and they are increasingly burdened with traffic traveling between US Route 1 and the New Jersey Turnpike in the area."

Without origin-destination studies of traffic between the New Jersey Turnpike and Route 1, how is the NJTA able to make this claim?

SCLL2-5

ES-3 and ES-4:
NJTA's objectives for the project consist of the following:

1. Establish a road system that acts to reserve local streets for local traffic and circulation, while providing a separate high-speed route for traffic moving between US Route 1, US Route 130, and the New Jersey Turnpike.

2. Provide a connection to alternative routes for north-south traffic that is currently using US Route 1, to relieve congestion and improve mobility while minimizing impacts on the abutting communities.

3. Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway.

4. Work with State agencies and local communities to ensure that the capacity created by proposed Route 92 is not eroded by unsustainable and uncoordinated development.

The stated objectives of Route 92 fail. How has the NJTA proven in this DEIS that local versus inter-highway travel will be segregated? Connections to north-south routes already exist near the proposed Route 92; Routes 522 and 133 already provide limited-access travel, and the proposed Penns Neck Area roadway improvements will aid east-west traffic as well. Why were these three routes not considered together in the DEIS? Where are the traffic studies that demonstrate that Route 522 cannot carry the necessary traffic load? How can the NJTA guarantee that truck drivers will not continue to avoid tolls by using local roads, regardless of the presence of Route 92? How can the NJTA mandate local development? Where in the DEIS is proof that the NJTA has worked with local communities? Were the objectives written before Route 92 was ever planned? If not, how are these objectives in any way not biased towards Route 92? Is the focus of Route 92 primarily truck traffic, car traffic, or both?

SCLL2-6

ES-4:
"Transportation Demand Management (TDM) Measures. TDM measures are focused on reducing the number of single occupancy vehicles that contribute to congestion on roadways, using measures such as ride-sharing, flex hours, and public transit."

TDM can be an option with any alternative, but it cannot be mandated. How does the NJTA justify considering TDM a separate option? Why is TDM not considered in conjunction with all options?

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SCLL2-7

ES-8:
The [Route 522 Widening] alternative does not meet the project purpose.

Was the planned extension of Route 522, to be completed in the summer of 2004, considered in this DEIS? How will that affect traffic? Were fewer lanes considered for Route 522 considered?

SCLL2-8

ES-9:
As a result of this screening analysis, four alternatives were selected for more detailed analysis in the DEIS, and are addressed further in Section 4:
- ☐ *No Action*
- ☐ *NJTA Proposed Route 92 (Terminus at Route 1)*
- ☐ *US Route 1 Widening in South Brunswick*
- ☐ *US Route 1 Widening in South Brunswick with Signal Removals*

Only one of these options is truly within NJTA's jurisdiction: Route 92. How has the NJTA justified the other options?

SCLL2-9

ES-10:
Two surveys were performed in the forested wetlands in the Devil's Brook area specifically for wood turtle and bog turtle; the surveys determined that there is in fact low potential for suitable wood turtle habitat and no potentially suitable bog turtle habitat in the project study area. According to USFWS, the project area is not designated as a "critical habitat" for threatened or endangered species under USFWS regulations.

When were the surveys performed? What time of year were they performed? What are the qualifications of those who performed the surveys? If no suitable habitat was found, why was the area listed by the USFWS as having potentially suitable habitat? What was lacking in the Route 92 corridor that would have made the habitat suitable for bog and wood turtles?

SCLL2-10

ES-11 and 3-64:
The most serious congestion in the Traffic Study Area, however, occurs on the two-lane east-west roads, such as Ridge Road, Dey Road, and Plainsboro Road. Currently, approximately 16 percent of traffic on these roads is through traffic.

If a mere 16% of traffic is through traffic, where is the other 84% of traffic going? How is "through traffic" defined? Where is local traffic going? Is Exit 8A on the NJTP considered local? Are local origins and destinations between Route 1 and Route 130? If so, how will Route 92 change driving patterns of local traffic and thus solve traffic problems? How can the NJTA justify spending upwards of $300,000,000 on 16% of the area's traffic?

ES-13 and 3-49:

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SCLL2-11

Plainsboro Preserve. The proposed Route 92 project would pass through the northern end of the Plainsboro Preserve. Approximately 12.5 acres of the preserve north of the proposed roadway would be separated from the rest of the preserve....The project would not significantly affect the wildlife and aesthetic value of the entire property.

A highway slicing through a preserve will have noise, visual, and aesthetic impacts, regardless of design and placement. How is aesthetic value determined by the NJTA? The study by Rich *et al.* (1994) took place in the New Jersey Pinelands, and did not investigate roadways as large as Route 92. How does the NJTA justify the comparison of Route 92 with the Pinelands? Has the NJTA considered noise affects on wildlife at the John Heinz National Wildlife Refuge at Tinicum, south of Philadelphia, which is bisected by a highway? Why, or why not?

SCLL2-12A

ES-14 and ES-15:
If restrictions on truck traffic and traffic calming measures such as speed humps were implemented on this road, the traffic impact of proposed Route 92 on Heathcote Road would be reduced.

Such restrictions are outside of the NJTA's jurisdiction. In light of the NJTA's stated objectives, how can the NJTA justify Route 92 if restrictions are not implemented? Will the NJTA contribute to the construction of speed humps and to the extra personnel required to enforce truck bans?

SCLL2-12B

Proposed Route 92 would draw regional through-traffic away from local roads. This is expected to make local driving more amenable and efficient and facilitate alternative forms of transportation, such as walking and bicycle riding.

How is "regional through traffic" defined? Is the NJTA aware that whether or not local roads are amenable to bicycles and pedestrians depends not on the amount of traffic but on the presence of sidewalks, shoulders, signalized crosswalks, and dedicated bicycle lanes? Does the NJTA plan to offer aid in the construction of these amenities? Given that such changes are outside of NJTA's jurisdiction, how can the NJTA justify improved pedestrian and bicycle access on local roads as a result of Route 92?

The areas in South Brunswick where proposed Route 92 might potentially stimulate development—the interchange areas--are areas the Township has designated for commercial and industrial development....

Maintaining this mobility in the road network could have the potential to make undeveloped properties in the area more attractive for development, because their accessibility would remain stable. New development creates the ability to accommodate increased population and economic activity in the local area and the region. Transportation modeling conducted for this EIS indicates that Route 92 would not provide transportation capacity beyond what is currently needed (i.e., no excess capacity is proposed). Rather, traffic modeling indicates that Route 92 would provide only the transportation capacity needed to accommodate growth that has already occurred or is already in the process of occurring.

SCLL2-12C

If Route 92 stimulates development, what will the resultant traffic effects be? Will increased traffic negate the claimed benefits of Route 92? Traffic problems in the region are a result of overdevelopment; would not

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SCLL2-12C

Route 92's hastening of permitted growth also hasten inevitable traffic congestion? How will increased congestion meet the stated objectives of Route 92? Will Route 92 accommodate growth that has not already been planned? If not, why not, and how, then would Route 92 meet its stated objectives?

SCLL2-12D

ES-16:
Because implementation of the US Route 1 Widening and Signal Removal alternative would do little to facilitate access to undeveloped areas, it would have little impact on "sprawl" development.

Given that the Township of Plainsboro has based its Master Plan on the presence of a non-existent Route 92 and has found itself with traffic congestion because of its wishful planning, how can the NJTA justify minor improvements in access as a deterrent to sprawl?

SCLL2-13

NJTA will request exemptions from the requirement for these two areas when it submits a new Stream Encroachment Permit Application to the NJDEP.

Given that the Central NJ region sustained severe flood damage from 1999's Hurricane Floyd and water restrictions during the drought of 2001-2002, how can the NJTA and the NJDEP justify encroachment into a floodplain? Given that the NJDEP has concluded that wetland mitigation has been a failure and that Route 92 will cause permanent damage to streams and wetlands, how can the NJTA and NJDEP justify stream encroachment in light of the Governor's stated goal of wetland and open space preservation and smart growth?

SCLL2-14

Pollutant levels will be reduced by the proposed BMPs, and, after discharge, would be taken up by plants, adsorbed by sediments and soil, or broken down by microorganisms in the soil before they reach the groundwater table.

What are current pollutant levels? When and where were they measured? Were any of the measurement instruments' pollutant detection levels above NJDEP allowable limits? How close are current pollutant levels to NJDEP allowable limits? Do BMP's ensure that all pollutants will be below NJDEP's acceptable levels?

SCLL2-15

ES-17:
As discussed in Section 4.2.3.4, 12.03 acres of wetlands would be permanently filled during construction of proposed Route 92, and an additional 1.16 acres would be permanently affected by shading from elevated sections of the roadway. To mitigate for the impact, NJTA proposes to create 57 acres of wetland extending north and south from the proposed Route 92 alignment east of Haypress Road (see Section 5.3.4).

NJDEP Commissioner Bradley Campbell stated in a press release of 11 April 2002,

> "This study confirms, however, that efforts to replace wetlands lost to development must be guided by better and more sound criteria and state oversight. The smart growth agenda led by Governor McGreevey will help us not only set but also reach this goal....This study also shows that certain types of wetlands are more difficult to create. For example, construction of forested wetlands was much less successful than the creation of emergent wetlands."

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In other words, wetlands mitigation does not work. How do the NJTA and the NJDEP justify the creation of 57 acres of forested wetlands, given the poor success rate of wetlands construction in NJ?

An additional 202 acres, mostly forested wetland with some forested upland, in the vicinity of Friendship Road and Miller Road will also be preserved by NJTA as part of project mitigation.

SCLL2-16

Would the NJTA build on these 202 acres if Route 92 were not to be built? Would the NJTA preserve this land regardless? Is the donation of 202 acres designed to appease those concerned with open space preservation, or is it designed to fool them? Since most of the 202 acres are forested wetlands, what would the NJTA build on these acres? Could anything be built, considering the amount of wetlands on the property? Is the NJTA considering donating this land because the property value is low anyway?

ES-14 and ES-20:

The network model used for this project estimates that during each peak hour, an additional 20 trucks would use Heathcote Road and the adjacent portion of Ridge Road.

SCLL2-17A

The model also indicates that the construction of Route 92 would result in a 17 percent reduction in peak-hour truck volume on the local and secondary east-west roads in the Traffic Study Area, and along NJ Route 27 in Kingston.

Which is more detrimental to Kingston, a 17% reduction in truck traffic on Route 27, or an additional 20 trucks on Heathcote Road? How many trucks is 17%? How can both of these DEIS statements be true?

Most of the new traffic attracted to US Route 1 would be rerouted away from US Route 130 and the New Jersey Turnpike, which would likely be left with spare capacity.

SCLL2-17B

Is the NJTA suggesting that Route 92 will clog Route 1, yet leave the Turnpike with more capacity? How does this fulfill the objectives stated in the DEIS? Does this statement mean to suggest that more drivers will leave the Turnpike in order to access the toll-free Route 1 now that Route 92 will allow them to do so? Why or why not?

Peak-hour truck volumes on the local and secondary east-west roads would be expected to drop by 8 percent, as compared with the No Action scenario.

SCLL2-17C

Is the NJTA suggesting that it will spend over $300,000,000 to remove a mere 8% of truck traffic? How can the NJTA prove that this 8% will choose a toll road over toll-free access? What is the cost of Route 92, per truck predicted to use it?

Peak hour travel times between representative points are projected to decrease by an average of 5 to 6 percent as a result of this alternative.

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What is the standard deviation in drive time for a daily driver using the same route each day at the same time each day? Is it less than 6%? What relief in drive time is Route 92 actually promising, considering the natural variability in drive time? For a 10-minute drive, a 5% decrease is 30 seconds. Given the variability in day-to-day drive times, how many drivers will notice a 5% decrease in drive time? SCLL2-17D

ES-21:
Route 92 would not increase the burden on local police departments, and could reduce that burden by reducing traffic and traffic-related incidents on roads for which the local police are responsible. SCLL2-18

Can the NJTA prove that more traffic will not be drawn to the area as a result of improved access?

ES-22:
This would increase the population and the level of economic activity that could be accommodated in the local area and the region. SCLL2-19A

How is this different from encouraging development and its concomitant traffic increase?

Because US Route 1 would not be a limited access highway, the tendency for growth to concentrate at the new interchanges would be relatively weak. SCLL2-19B

What is Route 1's designation in South Brunswick? Was it ever designated as a limited access highway? What are current trends of development on Route 1? Is development scattered or concentrated? Have local Master Plans restricted growth according to roadway access? Which developments would be allowed to build out fully if Route 92 were to be built?

ES-23:
The Freehold Soil Conservation District must certify the soil erosion and sediment control plan for proposed Route 92. SCLL2-20

How will soil erosion and sedimentation effect the flooding capacity of the region? Will the soil erosion and sediment control plan mitigate Route 92's effects entirely? If not, why not, and what will the effect be?

1-1:
While the New Jersey Turnpike continues to fulfill its role of serving regional transportation needs, US Route 1 remains a favored route for trips between northern New Jersey/New York and southwestern Middlesex County/northeastern Mercer County. SCLL2-21A

The Turnpike and Route 1 are two different kinds of road. Route 1 serves local commercial and residential needs. The Turnpike was designed for long-distance travel. Those who choose to drive on Route 1 for long-distance needs do so because Route 1 is toll-free. Will building Route 92 change those driving habits?

A frequently observed effect of high traffic volumes using US Route 1 and the east-west local and secondary roads is congestion; however, equally problematic is that local and secondary roads are carrying

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substantial and increasing volumes of "through" traffic (i.e., traffic that is unrelated to the towns and communities that these roads serve).

SCLL2-21B

Did the NJTA conduct origin/destination surveys to show this? If not, why not?

Without an additional east-west highway connecting US Route 1 and the New Jersey Turnpike in this area, traffic modeling conducted for this Environmental Impact Statement shows that by 2028, about 25 percent of the traffic on the local east-west roads will be through traffic.

SCLL2-21C

According to statements made on ES-11, current through traffic is 16%. Will an increase of 9% be significant when the majority of traffic is still local? If so, by how much will it be noticeable? Where will the through traffic be traveling? How will the planned link between I-95 and the PA Turnpike in Pennsylvania change traffic patterns on the NJ Turnpike and on Route 1?

1-5:

SCLL2-21D

A new limited-access east-west highway would provide an express link between the major north-south highways in central New Jersey. Further, it would improve east-west travel by accommodating regional east-west traffic on a high-speed limited-access roadway, thereby removing such regional traffic from local roads. An east-west highway would connect existing north-south high-speed roadways, and the effect would be to improve east-west mobility, provide an alternative for north-south traffic that now uses US Route 1, and reduce the adverse impacts of through traffic on local roads and communities.

How has the NJTA proven that drivers will use a toll road when a free alternative exists? If Route 92 provides a north-south alternative by connecting Route 1 to the NJ Turnpike, why would it not attract more drivers to the already congested Route 1? What would be the destination of those drivers? Would they then not use local roads?

While NJTA has no direct control or jurisdiction over the land development approval process, it will collaborate with the NJ Department of Environmental Protection, the NJ Office of Smart Growth, the NJ Department of Transportation, and local municipalities to help shape future growth into sustainable patterns.

SCLL2-22A

Unless changes can be mandated by the NJTA, isn't this a hollow promise? Why hasn't the NJTA worked with local residents to determine what those who must live with what is built would prefer? Has the NJTA conferred with municipalities who do not favor Route 1? If these discussions did occur, what was the substance of the discussions? If no such conversations took place, why did they not occur? Has the NJTA considered conflict mediation such as what took place for the Penns Neck Area EIS? If not, why not?

"The New Jersey Turnpike Authority is authorized to acquire, construct, maintain, repair and operate a project addition and extension to the New Jersey Turnpike consisting of a high speed limited-access superhighway beginning at or near Interchange 8A of the New Jersey Turnpike and thence in a general westerly direction through Middlesex County to an interchange with U.S. Route 1 in the general vicinity of

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the intersection of U.S. Route 1 and Ridge Road (County Road 522) or U.S. Route 27 as the authority, after study, deems appropriate."

SCLL2-22B

The key word here is "appropriate." How is "appropriate" defined? Cannot this public law be changed?

1-7:
An east-west connector highway would provide a new high-speed connection for through traffic (especially commercial truck traffic)...

SCLL2-22C

Of all the commercial trucks that use local roads, how many of them will switch to Route 92, given that the truckers would be forced to pay a toll? Has the NJTA considered adding truck lanes to the Turnpike south of Exit 8A? If not, why not? Has the NJTA considered lowering truck tolls on the NJTP in order to remove trucks from local roads? If not, why not? By how much could truck tolls be reduced before the cost of the reduction equals the final cost of Route 92 construction? Has the NJTA suggested that local municipalities institute truck bans on local roads? If not, why not? Would truck bans increase revenue on the NJTP?

1-8:
In order to provide an orderly land use and circulation plan, it is desirable to serve longer-distance traffic on facilities that are separated from community features such as residential areas, commercial centers, parks, and schools. By removing through traffic from the local roads serving these land uses, the character of a community can be enhanced and the quality of life improved, while local congestion is reduced.

SCLL2-23A

Is it not also true that Route 92 would provide additional access from distant points to these local roads, therefore adding congestion to an already congested corridor? If not, why not?

1-12:
The origins and destinations of trips using the east-west roads of southwestern Middlesex County and northeastern Mercer County under various future scenarios can be estimated using the peak-hour traffic network model.

SCLL2-23B

Were origin and destination studies conducted to confirm the model's predictions? If not, why not? How accurate is the model? Which alignment of the Penns Neck Area EIS alternatives was used to model traffic patterns? Was the alignment used the same as the one finally chosen by the NJDOT? If not, why not, and what effect on traffic would the DOT's final alignment have on traffic in the study area? Why is the screenline not Route 1? How was the screenline chosen? How would the model's results change if the screenline were to be moved to Route 1 or to another north-south alignment?

1-18:
Two recently constructed or planned NJDOT projects in the area - the Hightstown Bypass (State Route 133) and the Penns Neck Improvements (formerly the Millstone Bypass, located near the intersection of US Route 1 and County Route 571) - do not *provide the needed north-south and east-west mobility.*

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What is the "needed north-south and east-west mobility"? Which Penns Neck Improvement alignment was used for this model? The Route 92 DEIS demonstrates that most of the intersections studied will be at LOS "F" by 2028 no matter what gets built; does this not imply that Route 92 would not provide the needed mobility either? If it would, where is the proof? Is "needed north-south and east-west mobility" defined as "whatever Route 92 would bring"? If so, would the Route 1 improvements and signal removal also bring the needed mobility? Why did NJTA not consider segregated local and through traffic lanes on Route 1? SCLL2-23C

2-2:
Alternatives are assessed in this section with respect to their ability to meet purpose and need, their impacts, and their implementability. SCLL2-24A

What are the criteria for implementability by other state or local sponsors?

The National Environmental Policy Act requires a review be conducted of alternative approaches to meeting the need for and objectives of the project... SCLL2-24B

How can the NJTA legally consider (and then dismiss) alternatives they have no authority to implement? Does this violate NEPA regulations?

2-4:
Most of the alternatives discussed below were evaluated previously in NJTA documents (1994 Draft Environmental Impact Statement (Harris, 1994), 1999 USACE Section 404 Permit Application (Harris, 1999)). The prior material forms the basis for much of the evaluation presented below, with updating as needed. SCLL2-24C

Why were these documents not included in the 2004 Route 92 DEIS? Which data were updated? Is the NJTA aware that Harris (now DMJM + Harris) conducted at least three failed Environmental Assessments (EA's) in Mercer and Middlesex Counties: two for the Federal Aviation Administration, and one for the Millstone Bypass? Is the NJTA aware that in each of these cases, the EA's were rejected for poor work and insufficient data? Is the NJTA aware that, during the Penns Neck Area EIS process, EIS and traffic experts were hired to oversee and aid with DMJM + Harris' work? Is the NJTA aware that even with this oversight, members of the Penns Neck community and local environmental groups were needed to force DMJM + Harris to conduct proper environmental studies? Given these facts, how did the NJTA arrive at the conclusion to use data from DMJM + Harris? Is the NJTA at all concerned that the data presented here might be faulty? If not, why not?

2-5:
While the Penns Neck Improvements will improve traffic flow on US Route 1 (by eliminating signalized intersections) and provide localized east-west mobility in West Windsor, traffic modeling conducted for this EIS shows that these improvements alone do not address the regional traffic flow issues in southwestern Middlesex County and northeastern Mercer County because they do not provide connectivity between US Route 1 and the New Jersey Turnpike, or improve regional mobility. SCLL2-25

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SCLL2-25

Is the NJTA implying that all traffic flow issues in southwestern Middlesex County and northeastern Mercer County are a result of lack of connectivity between Route 1 and the NJ Turnpike? How did the NJTA arrive at this conclusion? How does this conclusion relate to the minor percentage of through traffic that Route 92 would remove?

SCLL2-26

2-6:
This section summarizes the analyses of Transportation Demand Management (TDM) measures as strategies to assist and complement capacity improvement alternatives in reducing traffic congestion.

If the objective of Route 92 is to remove through traffic from local roads, why is the NJTA concerned with TDM? Do any of the alternatives evaluated in this DEIS include TDM? How can the NJTA mandate TDM?

SCLL2-27

2-13 to 2-18:
Congestion, caused by regional traffic attempting to use local roads to reach destinations more quickly, tends to decrease the attractiveness of community centers and decrease the identification of local residents with their community.

How does congestion decrease the identification of local residents with their community?

SCLL2-28

Widening Route 522, with or without an extension to the New Jersey Turnpike, would cause significant adverse environmental, social, and traffic-related impacts.

The wetlands impact from Route 522 widening is 5 acres; the impact from Route 92 is 12.03 acres; why, then, does this DEIS touts Route 92 as the solution? Where is the proof that widening Route 522 would cause more social and traffic impacts than would Route 92?

SCLL2-29

The Route 522 Widening alternative would widen Route 522 from four lanes to six lanes.

Does the NJTA take into account the planned extension of Route 522 to Route 130? How will this extension change the effects of Route 522 widening? How have the Summerfield residents responded to a potential widening of Route 522? Can Route 522 be modified to include pedestrian overpasses, submerged roadways, or other improvements that would benefit the community? If not, why not? Were any other Route 522 improvements considered? What were they? NEPA requires that all impacts, be they environmental or socioeconomic, be weighed evenly. How does NJTA justify rejecting Route 522 widening on socioeconomic impacts yet accepting Route 92 with its environmental impacts? How does NJTA justify the rejection of all other options if all impacts must be considered equally?

SCLL2-30A

2-22:
Signalized intersections are preferred by South Brunswick and North Brunswick Townships over the construction of grade separated interchanges.

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According to South Brunswick Mayor Frank Gambatese, South Brunswick prefers Route 1 widening with signal removal to construction of Route 92 (personal communication). Where did NJTA get its information? SCLL2-30A

2-24:
Widening US Route 1 is responsive to the project purpose because it would provide improved linkage between US Route 1 in the Princeton area and the New Jersey Turnpike at Interchange 9. However, based on traffic modeling, proposed Route 92 would reduce non-local westbound peak hour auto traffic using local roads by 600 more trips than widening US Route 1, an improvement of 17 percent over widening US Route 1. SCLL2-30B

What percentage of the 17% reduction will be guaranteed to use Route 92, a toll road, over the free alternative? Is a difference of 600 trips worth the environmental destruction that Route 92 would bring? Is a difference of 600 trips worth upwards of $300,000,000?

2-25:
While improving the capacity of US Route 1 through widening is responsive to the project purpose of improving linkage of US Route 1 and the New Jersey Turnpike at Interchange 9, the traffic improvements resulting from a "widening only" project were not effective in improving regional mobility...For this reason, the widening alternative was expanded further to include: removal of six signalized intersections, replacement of the removed intersections with grade-separated interchanges, and additionally, restrictions on turning movements at remaining signalized intersections. SCLL2-30C

The New Jersey Chapter of the Sierra Club prefers the option of Route 1 widening with signal removal for the following reasons: the project would be a roadway improvement rather than the creation of a new roadway; there are fewer environmental impacts, and the environmental impacts from this option are less severe; and improvements along Route 1 do more to solve the problem of local congestion than a link to the NJ Turnpike would, since the majority of the region's traffic is local. However, no alternative should be chosen without engaging in conflict mediation involving the affected communities, stakeholders, local civic and environmental groups, local governments, and state and federal agencies.

2-27 to 2-28:
As described below, the additional land requirements for construction of six new interchanges greatly expands the land requirements of the US Route 1 Widening alternative, and increases the cost of the widening alternative to include acquisition of commercially valuable lands and the construction cost for such intersection improvements. SCLL2-30D

Has the NJTA considered mitigating the impacts at each of these interchanges by working with the local communities to design the most suitable structure? If not, why not?

2-32:
Although proposed Route 92 would be a toll facility, the reduction in travel time for commercial drivers, commuters, and other drivers is expected to outweigh the toll disincentive. The traffic modeling conducted SCLL2-32

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for this EIS, which predicts a high level of use for proposed Route 92, factors in the effects of the toll that will be collected.

SCLL2-32

How are the toll effects modeled? Where in the DEIS are toll effects explained? What are the toll effects? How did the NJTA determine what to input into the model? Has the model proven itself elsewhere? Why does the model predict a high level of use for Route 92?

2-33:
[Route 92] exhibits less environmental impact than most other alternatives.

SCLL2-33

The exception, of course, is the Route 1 widening with signal removal alternative, which has fewer natural environmental impacts and fewer impacts on the built environment. Has the NJTA addressed the induced decline in property value that would occur on any properties in the vicinity of Route 92? If not, why not? Will the value of the open space that Route 92 fragments also decline? Who owns the forests and wetlands that Route 92 fragments? Will NJTA compensate landowners for decreased property values?

3-3 and 3-4:
The soil samples were taken in March of 1996 and analyzed for pH and sulfate in the laboratory in October of 1996. Due to the time elapsed between sample collection and analysis, the results of the pH tests may not be reliable and should be considered in combination with the results of the sulfate tests, rather than alone....According to the Technical Manual for Land Use Regulation Program, Bureau of Inland and Coastal Regulation, Stream Encroachment Permits, a pH of 3 or less indicates the possible presence of ferrous sulfate. In such a case, the presence of acid-producing deposits is strongly suspected. A field-measured pH value between 3 and 4 also suggests the presence of acid-producing deposits....The pH tests indicated that none of the 29 soil samples had a pH less than 3.

SCLL2-34

What is the laboratory holding time for soil pH compared to the date at which these soil samples were actually analyzed? Why does the first paragraph state that the results "may not be reliable"? Laboratory results are either considered reliable and usable, or not; there is no "may be" recognized in data quality. If the results are not, in fact, reliable, they cannot be considered "in combination" with other results. Finally, the third paragraph (first sentence only shown) affirmatively states conclusions based on results for which the reliability is in question. Please explain how conclusions can be drawn based on questionable data. The New Jersey Chapter of the Sierra Club believes that it is critical to determine whether the formation to be excavated contains acid-producing deposits, since mitigation must be conducted in that case. The Chapter does not agree that the questionable soil pH data provides an adequate answer.

Is the NJTA aware that in wet soil, pH can be measured easily in the field with a portable pH meter? Why did Harris, an environmental consulting firm, have access to immediate measurement? Would Harris have found acidic soils had they measured pH in the field at the time of sampling?

3-11 and 3-12:
Section 3.0, Characterization of the Affected Environment, Section 3.3.1.1 Waterways, Streams, and Lakes

SCLL2-35

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Why did the discussion in this section not include any unique and/or sensitive characteristics for a given water body within the Project Study Area, in order to fully evaluate potential cumulative impacts of the project? SCLL2-35

3-33: SCLL2-36
The assessment indicated low values for general diversity of wildlife habitat; habitat for some waterfowl groups; downstream food-chain support; cold water, cold water riverine, and anadromous riverine fishery habitat; and swimming, power boating, and sailing.

The area is a swamp. What did NJTA expect to find, a marina? Salmon? A lifeguard, perhaps? Did NJTA use any assessment system other than the FHWA functional wetland assessment system, given that assessing a swamp for sailboat use is ridiculous?

Table 3-8 and page 4-34: SCLL2-37A

Why is there no mention of the bald eagle (*Haliaeetus leucocephalus*) pair and hatchling verified by the DEP to be nesting along Lake Carnegie, within five miles of the proposed path of Route 92? What restrictions would be imposed on Route 92 in the presence of bald eagles? Is the NJTA aware that one of those eagles has been sighted in Sondek Park, which is adjacent to the path of Route 92? Why are there no records of reptiles, amphibians, fish, or aquatic insects? Has the NJTA been made aware that ecosystem health depends and can be determined through its macroinvertebrates?

3-39: SCLL2-37B
Additional visits to the wetlands in the central portion of the site were made in early October 1995 to survey these areas for wood and bog turtles.

Given that the weather in October can be highly variable, when in October were the surveys performed? What were the temperatures prior to and during the surveys? How were the surveys conducted? What were the credentials of those conducting the search?

3-44: SCLL2-38
Based upon NJDEP criteria, the resource value classification of the study area's wetlands was determined to be ordinary and intermediate. None of the wetlands are of exceptional resource value, which indicates that no threatened or endangered species are known to occur in this area with the exception of the state endangered southern arrowhead plant...

What are the NJDEP criteria? Given the presence of an endangered plant, how can the resource not be considered "exceptional"? Are there methods to confirm the existence of SOC other than the Natural Heritage Database? What are the weaknesses of using only one approach to study an area? How many different methods could be used to assure complete confidence in the accuracy of SOC determination? Now that a nesting pair of American bald eagles has been confirmed within five miles of proposed Route 92, will NJTA conduct additional SOC studies? If not, why not?

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3-46:
ASGECI suggested that these sightings might have been due to yearly migration of bobolinks to established breeding locations, since no birds were observed during their 1996 surveys.

SCLL2-39A

If migratory birds are using this site as a food source or rest stop along a migratory route, the land should be preserved. Why does NJTA deem migratory routes unimportant? Why are there inconsistencies between the Fishback and ASGECI studies? How can NJTA reconcile these differences? Will NJTA conduct additional studies? If not, why not?

3-47:
...but given the long history of US Route 1 as a major travel route and the fragmentation of habitat caused by the extensive development along the corridor, the potential for suitable habitat for threatened and endangered species must be considered low.

SCLL2-39B

How can NJTA justify this assumption given that a nesting pair of bald eagles has been verified by the DEP to be living in the highly developed Route 1 corridor? Does the NJTA plan to perform additional wildlife surveys now that the eagle pair has been found? If not, why not? What is the definition of "critical habitat"?

3-48 and 3-50:
It may provide travel corridor habitat for animals moving between the forests...

SCLL2-39C

In conclusion, the two extensions of the northern forest towards McCormack Lake provide the best forest habitat that would be directly affected by NJTA's proposed highway project. These areas provide secluded travel corridor habitat as well as a limited area of interior forest habitat.

Why is the NJTA underestimating the importance of wildlife corridors in order to minimize the impact of Route 92?

3-56:
Approximately 3.9 miles of the 6.7 miles of proposed Route 92 would pass through land currently assessed as farmland for property tax purposes...

SCLL2-40

What are the economic, environmental, and aesthetic impacts of losing this much farmland?

3-84:
In passing through the northern end of the Plainsboro Preserve, Route 92 would pass through Plainsboro Township block 6, lots 6.03 and 7.02. According to Nancy Lawrence of the NJDEP Green Acres program, these lots are encumbered under Green Acres. This means the land in these lots may not be diverted to nonpark use unless the following three conditions are met (see NJAC 7:36-20.2 and 7:36-21.1(c)):

SCLL2-41A

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SCLL2-41A

☐ *The diversion to nonpark use "fulfills a compelling public need or yields a significant public benefit" (NJAC 7:36-21.1(c)).*
☐ *There are no feasible alternatives to the diversion.*
☐ *Replacement land is provided.*

Can NJTA prove that Route 92 is a compelling public need, or are the main beneficiaries private entities such as the Princeton Forrestal Center and the warehouses near NJ Turnpike exit 8A? Is Route 1 widening with signal removal not a feasible alternative? If not, why not? What replacement land would NJTP choose to justify removing a section of a public nature preserve?

SCLL2-41B

3-93:
The State Development and Redevelopment Plan designates the area a PA5Environmentally Sensitive Planning Area.

What are the justifications under Governor McGreevey's Smart Growth executive order for building a highway in PA5? Why not choose the Route 1 widening with signal removal, which passes through PA 1 and PA2 instead? Is not the Route 1 widening with signal removal option more in keeping with Smart Growth principles?

SCLL2-41C

3-94:
Later, an Office of Smart Growth was created in NJDCA. The web site of the Office of Smart Growth lists the following "smart growth principles":
☐ *Mixed land uses*
☐ *Compact, clustered community design*
☐ *Range of housing choices and opportunity*
☐ *Walkable neighborhoods*
☐ *Distinct, attractive communities offering a sense of place*
☐ *Open space, farmland and scenic resource preservation*
☐ *Future development strengthened and directed to existing communities using existing infrastructure*
☐ *Transportation option variety*
☐ *Predictable, fair and cost-effective development decisions*
☐ *Community and stakeholder collaboration in development decision-making*

Route 92 does not comply with Executive Order #4 because it destroys open space and farmlands, does not protect scenic resources such as the Plainsboro Preserve, does not use existing infrastructure to strengthen and direct development towards existing communities, does not offer a variety of transportation options, nor does the elevated highway create a sense of place. But most importantly, Route 92 violates the final principle: the community has had absolutely no collaboration in the development decision-making. How will the NJTA justify Route 92, given all of these deficiencies in meeting Executive Order #4?

SCLL2-42

Figure 3-4:

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Why are there no water sampling data at the planned river crossings, where water pollution potential is the greatest?

Figure 3-11:

SCLL2-43

How were these boundaries chosen? Do these boundaries minimize potential negative impacts by fragmenting the wetlands into convenient sections? If not, why not?

Table 4-1:

SCLL2-44

There is almost no difference in VMT and average speeds between Route 92 and Route 1 widening with signal removal; what is the standard deviation for average speed? Are the averages statistically significant? If statistical significance was not measured, why wasn't it measured? Is the difference in VMT between Route 92 and Route 1 widening with signal improvements statistically significant. Are any of these differences statistically significant from those of the No Action alternative?

4-4 :

SCLL2-45

Therefore, if no alternative were implemented (i.e., no action was taken), the air quality in the year 2028 would be expected to be worse than if some sort of regional transportation improvements were made."

What are "some sort of regional transportation improvements"? What improvements were used to arrive at this conclusion? Given that Route 92 would not alleviate congestion at most intersections in the study area, is the difference in air quality with and without Route 92 statistically significant?

4-5:

SCLL2-46

The No Action alternative would contribute to saturation of the existing roadway network, and significant declines in the level of service on existing roads. Increasing levels of regional through traffic, including heavy truck traffic, would be experienced on the local road system...

Given that Route 92 would not alleviate traffic congestion, how will Route 92 alleviate the conditions stated above?

4-6:

SCLL2-47A

Fill material has the potential to act as a dam, impeding the flow of subsurface water across the wetland complex. This could result in dehydration of the wetlands down gradient and ponding of the wetlands up gradient of the fill. These changes in subsurface hydrology could adversely affect wetland habitat.

Alteration of hydrology will have an impact on the wetlands; are these alterations factored into the 12.03 acres of lost wetlands mentioned elsewhere in the DEIS? If not, why not?

The wetland system does not contain documented large mammals that require a large habitat to maintain a stable population. Existing mammal populations (deer, raccoon, etc.) would be able to migrate to either

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side of proposed Route 92 by crossing beneath the spanned sections of the roadway at Devil's Brook and the Amtrak Northeast Corridor. In addition, sufficient habitat exists on either side of proposed Route 92 to support these animal populations.

SCLL2-47B

Are the environmental consultants unaware that habitat loss leads to species extirpation and eventually to extinction? While deer populations in the study area are overabundant, the logic that animals will continue to move elsewhere as their habitat dwindles is wrong. Is this DEIS claiming that all animal populations in the area are abundant enough to sustain extirpation? Is the NJTA aware that the Sierra Club has read several environmental studies carried out by DMJM+Harris, and that in at least two of them, the Sierra Club has pointed out the same flaw in logic? Is the NJTA aware that DMJM+Harris attempted the same logic for the Penns Neck Area DEIS, and that the Partners Roundtable denounced the claim, removing it from the DEIS? Has NJTA considered that highway noise might serve as an impediment to animals attempting to cross from one side of the fragmented preserve to the other? Has NJTA determined to what extent an elevated roadway acts as a de facto barrier to wildlife?

4-7:
As discussed above, several culverts under the highway would allow passage of surface water and small animals.

SCLL2-47C

Is the NJTA aware that some animals, such as snakes, do not seek out structures such as culverts, and choose roads instead?

In part because of the presence of neotropical migrant birds, USFWS considers the wetlands in the vicinity of proposed Route 92 an Aquatic Resource of National Importance (USFWS, 1999). It has been documented that forested plots with a minimum of about 100 acres are required for the maintenance of stable populations of neotropical migrants (Galli et al., 1976). Fingers of forested land in the vicinity of McCormack Lake would be divided into smaller fragments (approximately 35 and 50 acres) by proposed Route 92; neotropical bird populations could be adversely affected in this localized area. However, the Devil's Brook forested wetland complex, consisting of about 1150 acres north of proposed Route 92 and 500 acres south of proposed Route 92 would continue to support migratory birds. Therefore, suitable habitat for neotropical migratory birds would remain in the area. Because proposed Route 92 would not create a barrier to bird migration, species success or survival would not be affected.

SCLL2-47D

Why is the NJTA trying to hide the fact that migratory bird habitat will be lost? As stated in the above comment, species extinction is directly connected to habitat loss. Is NJTA aware that habitat loss for migratory birds is the primary reason that worldwide songbird populations are in decline? How will the undisturbed forest at Devil's Brook be impacted by highway noise, runoff, and air pollution? How will migratory birds respond?

4-8:
NJTA requested exemptions from the requirement for these two areas in the Stream Encroachment Permit Application submitted to the NJDEP, revised April 1999.

SCLL2-48

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Why did NJTA request exemptions and a Stream Encroachment Permit?

Impacts to surface and groundwater quality due to highway runoff are also a concern in the Devil's Brook watershed. In the Devil's Brook floodplain east of the Amtrak Northeast Corridor (Design Section 2), use of detention basins is not feasible due to the extent of wetlands in this area. Instead, water quality mitigation is proposed in the roadway design, which would limit the one-year flow at each of the twelve discharge locations within the floodplain to 1-to-2 cubic feet per second.

SCLL2-49

How will the velocity and composition of roadway runoff into the wetlands alter the hydrology, water chemistry, and biota? Will the BMP's be monitored? What will happen if the BMP's fail?

4-9:
Near the tracks, it is unlikely that noise from Route 92 would exceed the noise already experienced due to train activity.

SCLL2-50

Why has the NJTA not considered that traffic noise would be more frequent, indeed, almost constant, compared to the periodic sound of trains along the Northeast Corridor?

Because proposed Route 92 is at the northern edge of the Plainsboro Preserve, construction- and use-related impacts would be restricted to a relatively small portion of the preserve. The project will not significantly affect the wildlife and aesthetic value of the entire property.

SCLL2-51

How is aesthetic value judged? What will the edge effects be on the resulting fragments of the Plainsboro Preserve? What will the effect be on the 12.5-acre fragment?

4-10:
If restrictions on truck traffic and traffic calming measures such as speed humps were implemented on this road, however, the traffic impact of proposed Route 92 on Heathcote Road would be reduced.

SCLL2-52A

The key here is the word, "if," is it not? Who would pay for traffic calming measures? Who would pay for enforcement of truck restrictions? Does the NJTA guarantee success? Would Route 92 meet its objectives if truck restrictions and traffic calming on Heathcote Road were not to be implemented?

4-11:
While the four interchanges may accelerate existing development trends for nearby parcels, Proposed Route 92 is not expected to change the final amount of development anticipated in these areas.

SCLL2-52B

When were these projects approved? Are there any restrictions on the developments based on the presence or absence of Route 92 or its functional equivalent? If so, what are these restrictions?

4-12:
Plainsboro has fairly stringent land use controls that do not allow for development without adequate access to roadways and public facilities. Plainsboro officials have indicated that although the pace of new

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development could be accelerated if Route 92 were constructed, no new development or shift in development patterns is expected as a result of the proposed highway (Harris, 1994).

SCLL2-52C

According to Plainsboro Mayor Pete Cantu, Plainsboro Township has for many years based its master plan on the presence of Route 92 (personal communication, 1998). The result is traffic congestion because Route 92 does not exist. This cart-before-the-horse logic has locked Plainsboro into needing Route 92. But why should all NJ taxpayers pay for the bad planning of one municipality?

4-19:
In the revised Stream Encroachment Permit Application submitted to NJDEP in April 1999, NJTA requested exemptions from the 20-percent rule for design sections 2 and 3.

SCLL2-53

What are the grounds for exemption? What mitigation will occur?

4-25:
In addition to pollution carried by stormwater runoff, pollution of surface and groundwater resources by other means is possible. During highway construction and operation, accidental spills of fuel products and toxic materials would be possible.

SCLL2-54A

What is the implication of the above statement for surface and groundwater pollution? How will the NJTA mitigate polluted groundwater or polluted surface water? How will NJTA mitigate highway runoff if it pollutes surface and groundwater? How successful is groundwater and surface water pollution mitigation?

4-30:
The uppermost geologic units in the remainder of the Proposed Route 92 Corridor are characterized by fractured bedrock of low permeability. The proposed Route 92 project could represent a minor impact to aquifer recharge, as there would be a loss of 100 acres of land characterized by medium and slow permeability, although no loss of land characterized by high permeability. However, construction of the proposed SMBs is expected to at least partially mitigate this impact, as the detention basins will provide an opportunity for recharge of the stormwater.

SCLL2-54B

How effective is "partially" effective? Why does NJTA consider a 100-acre loss of recharge to be minor? Is the NJTA aware that the intent of a detention basin is simply to retain stormwater runoff for a long enough period of time to settle out particulates, followed by release to surface waters? How does NJTA justify recharge given that detention basins generally provide almost no recharge capability?

The construction of the proposed Route 92 project would generate stormwater runoff containing various pollutants as described in Section 4.2.3.1.3. These pollutants include nutrients, petroleum hydrocarbons, sediments, floatables, pathogens, pesticides, metals, and road salts....Many pollutants would be taken up by plants, adsorbed by sediments and soil, or broken down by microorganisms in the soil before they reach the groundwater table.

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Although not specifically discussed in this section, the proposed stormwater management system for the Route 92 project consists of detention basins, which are not designed to treat soluble pollutants, such as nutrients and pathogens. Furthermore, many of the surface waters in the Project Study Area are already impaired for nutrients. Thus, the detention basins would be releasing nutrient and pathogen polluted discharge into surface waters already impaired for these pollutants. How can this be considered environmentally acceptable? The statement regarding the fate of the pollutants to be generated by the Route 92 project is purely speculative. For example, very few pollutants are actually "taken up" by plants. This is a misleading and uninformative statement. What are the estimated concentrations of pollutants in runoff, and what is the attenuation by the soil and microorganisms within? SCLL2-54C

4-31:
As no active water supply wells are located within the Proposed Route 92 Corridor, construction of proposed Route 92 would not directly impact the public water supply. SCLL2-54D

How would Route 92 indirectly impact the public water supply?

Table 4-10:

Does combining these units mask high function of some of the wetland within each group of units? Why have the units been combined? SCLL2-55

4-34:
The proposed Route 92 project would impact approximately 25% of the known southern arrowhead population situated within the Devil's Brook study area identified in the USACE Section 404 Permit Application (Harris, 1999). SCLL2-56

Why does NJTA deem the decimation of 25% of a population of endangered plants acceptable?

4-38:
In a letter to NJTA dated December 11, 1996, NJDEP stated that noarchaeological resources have been identified within the area of potential impacts, and that the proposed project could adversely impact two historic architectural properties, the Van Pelt-Clark House and the Dey-Bayles House. As noted above, the cultural resources assessment conducted by Richard Grubb & Associates in 2002 found that these two houses no longer exist. SCLL2-57

It appears that the Van Pelt-Clark House and the Dey-Bayles House have conveniently disappeared. What are the circumstances surrounding the destruction of these two houses? When were they destroyed? Who owned them? Was the owner a proponent of Route 92? What is the degree of deterioration of the Ayres-Lane farmstead? Is it possible that NJTA might have missed other cultural resources? Did NJTA contact local historic preservation societies for further information? If not, why not? Were any archaeological investigations conducted along the path of proposed Route 92?

4-40: SCLL2-58

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Where are the corresponding maximum CO concentrations for the Route 1 widening with signal removal option? SCLL2-58

4-41:
The detailed local traffic model is "nested" within the 22-county regional model recently developed for the Penns Neck Improvements EIS. The regional model provides information relating to the orientation, mode choice, and route usage of relatively long trips. This regional model essentially provides the context within which travel in the Central Jersey study area is conducted. SCLL2-59A

The Penns Neck traffic model was based in part on origin-destination studies within the Penns Neck Area EIS study area. How did URS extrapolate to the Route 92 study area? What are the boundaries of the Route 92 EIS study area?

4-42 and 4-84:

Is the difference in through traffic between Route 1 widening with signal removal and Route 92 due to the assumption that all through traffic will use the toll road? If not, what percentage of through traffic will remain on the local roads? How did NJTA arrive at this conclusion? Is the difference between 18% and 8% statistically significant? SCLL2-59B

4-46 and 4-90:

Is the difference in truck traffic between Route 1 widening with signal removal and Route 92 due to the assumption that all trucks will use the toll road? If not, what percentage of trucks will remain on the local roads? How did NJTA arrive at this conclusion? Is the difference between 8% and 17% statistically significant? SCLL2-59C

4-46:
On Dey Road and Plainsboro Road, truck volumes are expected to be reduced by about 85 percent and 50 percent, respectively. These reductions are predicted despite the expected imposition of tolls on trucks using proposed Route 92. SCLL2-59D

What is the proof for the conclusion that trucks would choose a toll road over a free one? Would other methods of truck traffic reduction, such as truck lane widening on the NJ Turnpike and/or truck toll reduction reduce truck traffic on Dey or Plainsboro Roads more or less than Route 92 would?

4-49:

Where is the corresponding table for the Route 1 widening with signal removal alternative? SCLL2-59E

4-52 and 4-94:

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SCLL2-59F

Are the differences between travel times for Route 1 widening with signal removal and for Route 92 statistically significant? If so, how was statistical significance determined?

SCLL2-60A

4-59:
Neighborhood character and community cohesion are sometimes affected by aesthetic surroundings. Agricultural and other uninhabited open spaces would be less affected because there might only be occasional viewers.

How did NJTA reach this conclusion? How does the NJTA explain the fact that property values are higher near open space? Would not a decrease in aesthetics lead to a decrease in property values? Would not a highway through farmland and open space decrease the region's aesthetics?

SCLL2-60B

4-60:
The most significant potential for aesthetic impacts occur at the boundaries of the residential subdivisions along the proposed Route 92 alignment. These neighborhoods include the Princeton Collection, Drinking Brook Estates, Heather Knolls of South Brunswick and Friendship Road and Perrine Road residences.

If this is true, then why shouldn't residents of these communities have an active role in the decision of what gets built? Other than time-limited testimony at a handful of public hearings, have any of these communities played an active role in the development of Route 92's alignment? If not, why not?

SCLL2-61

4-63:
As a major construction project, proposed Route 92 would provide temporary employment, principally for people from outside the local area. The project would stimulate spending in the local area during the construction period.

Why would the construction employment not be drawn from the local area? What would the cost be for transport of non-local workers compared to the potential stimulated spending in the Route 92 area? What sorts of spending would the workers be stimulating?

SCLL2-62A

4-65:
Proposed Route 92 would draw regional through-traffic away from local roads. This would make local driving more amenable and efficient and facilitate alternative forms of transportation, such as walking and bicycle riding. Removal of through traffic from neighborhood centers would improve quality of life...

How likely is the removal of 16-25% of traffic to change neighborhood character, given that pedestrian and bicycle accessibility is dependent on sidewalks, bike lanes, and signalized intersections? What is the definition of "quality of life"?

4-66:
The 2000 [South Brunswick] Master Plan report stated that the Planning Board, Township Council and

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Environmental Commission strongly opposed the construction of proposed Route 92. The report endorsed the USEPA Modified No-Build Alternative (see Section 2.3.1), stating that it would achieve "essentially the same goal as Route 92" with less damage to the environment and at lower cost.

SCLL2-62B

Why does South Brunswick's conclusion differ from that of this DEIS? Are the differences in percentage changes in traffic volumes between the two studies statistically significant?

4-73:
The air quality and transportation analyses also include the projected effects of the proposed Penns Neck improvements, for which funds have been committed by the New Jersey Department of Transportation.

SCLL2-63

Is the NJTA aware that, although funds have been committed for the Penns Neck improvements, there has been no announcement of a start date for construction, and that the NJDOT cannot promise that anything will be built (NJDOT, at final Penns Neck Area DEIS Partners' Roundtable meeting, 28 January 2004)? Which alignment of the Penns Neck Area improvement was modeled for this DEIS? Will the final alignment yield different results from the alignment modeled in this DEIS?

As shown in sections 4.2 6 and 4.2.7, the air quality and transportation analyses indicate that proposed Route 92 would provide a cumulative environmental benefit as compared to the no action alternative and the other action alternatives considered in the EIS.

SCLL2-64

This is not true; at this point in the DEIS, the comparisons in Section 4.2 have been between Route 92 and the No Action alternative. How can the destruction of over 12 acres of wetlands, 360 acres of uplands, and the extirpation of 25% of an endangered plant be considered an environmental benefit?

4-74:
These requirements are a strong deterrent to construction of additional through-roads in the Plainsboro Preserve, and therefore a strong barrier to the development of cumulative road-related impacts to the preserve.

SCLL2-65

Why is NJTA implying that any roads but Route 92 would be a detriment to the Plainsboro Preserve?

4-77:
Implementation of the US Route 1 Widening and Signal Removal alternative could require construction in the floodplains of Heathcote Brook and Oakey Brook. NJDEP Stream Encroachment permits would be required for construction of the stream crossings of Heathcote Brook, Oakey Brook, and various smaller tributaries associated with these brooks.

SCLL2-66

How would these permits compare to the Stream Encroachment permits for Route 92? Which encroachment would cause more environmental damage?

4-87:

SCLL2-67

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Provide alternative routings for north-south traffic currently using US Route 1, to relieve congestion while minimizing impacts on the abutting communities. Appropriately divert regional traffic to US Route 130 and the New Jersey Turnpike.

SCLL2-67

Why wouldn't Route 92 attract drivers to Route 1? Not all objectives in an EIS must be met completely, Why does NJTA place less emphasis on environmental impacts than on traffic impacts when the structure of a DEIS dictates that no one parameter takes precedence?

Reduce truck traffic on the local roadway network

SCLL2-68

Would the Route 1 widening with signal removal option result in more truck traffic on Heathcote Road?

4-100:

SCLL2-69

Nineteen Known Contaminated Sites (KCS) listed by the NJDEP Site Remediation Program (SRP) could potentially be impacted by construction of the US Route 1 Widening and Signal Removal alternative. The location of these sites is shown on Figure 3-22 and listed in Table 3-16. The extent of impact to these sites would depend on whether fill or excavation was required....Consultation with NJDEP SRP would be required to determine exactly how the construction of this alternative would affect KCS within the Route 1 Corridor.

This section does not provide enough information to determine the potential effects of these contaminated sites on the Route 1 Widening and Signal Removal alternative. For example, if a site is in the investigation phase of a cleanup, and is nowhere near a remedy selection, then road construction through the site would be prohibited. How can this alternative be evaluated properly without NJTA providing status information for each contaminated site potentially affected? If contaminated sites along the Route 1 corridor are known, would they be remediated regardless of roadway construction? How does the presence of KCS influence the choice of alternatives?

4-102:

SCLL2-70

Because a widened, signal-free US Route 1 would draw traffic off local roads, it would reduce the time required to respond to emergencies on local roads. The improvement in average response time would not be as great as the reduction caused by construction of proposed Route 92.

According to an article in the South Brunswick Post ("Emergency Responders Raise Concerns," 28 May 2004),

> Township police officers and firefighters say Route 92 would make traffic worse and delay emergency response time. Though the Army Corps of Engineers' Environmental Impact Statement says Route 92 will alleviate some regional traffic, Police Chief Michael Paquette and Kingston Kingston Fire Company President David Luck said that since the proposed highway would end at the intersection of Route 1 and Ridge Road, increased traffic would cause more accidents and block fire trucks and cruisers reporting to an emergency....What the chief and fire president couldn't understand, is how the EIS can report that Route 92 will bring 12,000 to 15,000 additional cars to Route 1, but won't cause major traffic disturbances. Fire Company President David Luck said it's difficult in District 3 at times for fire trucks and volunteer firefighters to get to the station in enough time to report to the emergency. Route 92, he said, would

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> only make it worse....Chief George Luck said volunteer firefighters get about 20 emergency calls a month, or 240 a year, including residential, commercial and industrial and roadway. He said emergency calls would likely increase if Route 92 gets built, which could also mean an increased demand for volunteers. "We're concerned as far as the amount of traffic it will bring to the district and the increased delay in response time," Chief George Luck said.

SCLL2-70

How does NJTA justify its claims when compared with the statements of Michael Paquette, David Luck, and George Luck? What are the data for emergency vehicle response times? What is the record of problems involving response time?

SCLL2-71

4-104:
On the State Plan Policy Map, the South Brunswick portion of the US Route 1 corridor is in a Suburban Planning Area (PA2), while the North Brunswick portion is in a Metropolitan Planning Area (PA1).

Compared with the Route 92 corridor, which is through PA5, Route 1 widening with signal removal is more in line with Governor James McGreevey's Smart Growth initiative. How does NJTA justify construction through PA5 as adhering to "Smart Growth" when an alternative in PA1 and PA2 exists?

SCLL2-72

5-3:
Proposed Route 92 would be located in both residential and commercial areas, while the US Route 1 Widening and Signal Removal alternative would mainly affect commercial receptors.

Route 1 widening with signal removal would have noise impacts mainly on commercial properties, while Route 92 would have noise impacts on predominantly residential and recreational open space properties. Which impact is considered more severe, and why?

SCLL2-73

5-4:
Federal Executive Order 11988, Flood Plain Management (May 24, 1977), requires agencies to reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Floodplain concerns were considered in the design of the proposed Route 92 project, and that construction in floodplains, particularly the placement of fill material, has been minimized to the greatest amount feasible....Three of the floodplain fills proposed for Route 92 would exceed NJDEP's 20% net fill rule (N.J.A.C. 7:13-2.14(a)1, discussed in Section 4.2.3).

How does exceeding the 20% net fill rule for three floodplains in the Project Study Area constitute mitigation? Section 4.2.3.1.2 states, *"The placement of fill within a floodplain results in adverse impacts to the function of the floodplain including a reduction of the flood storage capacity of the stream, an increase in the flood height of the stream and an increase in flood hazards extending to areas beyond the disturbed area itself."* How will each of these adverse effects be mitigated for the three affected floodplains?

SCLL2-74A

5-6:
The 2004 Stormwater Management rules require that stormwater management measures shall be designed to reduce the post-construction load of TSS in stormwater runoff generated from the water quality design

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SCLL2-74A

storm by 80 percent, expressed as an annual average. NJDEP presumes extended detention basins to have a TSS removal rate of 40-60 percent (similar to the value listed above). Therefore, the design engineer may be required to add additional treatment or demonstrate that the proposed stormwater detention basins will in fact remove 80 percent of the TSS load.

The NJDEP TSS removal rate range for extended detention basins is based on research and monitoring data. In the face of actual data, how exactly can the design engineer "demonstrate that the proposed stormwater detention basins will in fact remove 80 percent of the TSS load"? Is NJTA aware that, as it stands, the proposed stormwater management for the Project Study Area will not meet NJDEP stormwater management regulations? Thus, there is inadequate mitigation, making it impossible for any entity to fully evaluate the Rte. 92 alternative; how does NJTA propose to get around this problem?

SCLL2-74B

5-10:
The 2004 Stormwater Management rules (N.J.A.C. 7:8-5.4) require that the design engineer demonstrate that post-construction groundwater recharge is equal to preconstruction recharge, or that the increase in stormwater runoff volume of the two-year storm from pre-construction to post-construction is infiltrated. This analysis is not provided in the Engineer's Reports included with the Stream Encroachment permit application.
Failure to demonstrate the required stormwater infiltration for the Project Study Area again renders the proposed stormwater management plan for the Project unacceptable. According to Section 4.2.3.1.1 (Waterways, Streams, and Lakes), approximately 100 acres of impervious surface would be created by the project, resulting in an equivalent loss of recharge area. This is a significant loss of recharge, for which the stormwater management plan must be re-designed. Is NJTA aware that the series of detention basins as planned will not achieve the NJDEP stormwater management rule infiltration requirement, and therefore there is inadequate mitigation, making it impossible for any entity to fully evaluate the Rte. 92 alternative? How does NJTA plan to solve this problem?

SCLL2-75

5-11:
The wetlands that would be temporarily altered during construction would be restored in place after construction is completed....To mitigate for the unavoidable direct permanent wetland impacts, NJTA proposes to construct an approximately 57-acre wetland north and south of the proposed highway alignment, east of Haypress Road.

The NJDEP has determined that wetlands mitigation and restoration have been a failure. In addition, the US Fish and Wildlife Service, in Appendix F, pages 16 and 17, states,

> "Since a substantial portion of the forested wetlands is a maturing closed-canopy red maple forest, no mitigation plan can adequately compensate for loss of this habitat and its associated federal trust species.... Successful construction of forested wetlands is difficult in this situation and would be made more difficult by the removal of substantial quantities of soil in attempting to provide appropriate hydrologic conditions."

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What will be the post-restoration and post-construction monitoring? What will be done if the restored or constructed wetlands fail?

In addition, in accordance with NJDEP FWIP Special Condition #1, the NJTA proposes further mitigation in the form of preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship Road and Miller Road. Therefore, a total of approximately 260 acres would be preserved as a result of the mitigation plan.

SCLL2-76

What will the development restrictions be on the newly preserved land? How is the land currently zoned? Would NJTA build on this land if it were not preserved? Is NJTA attempting to placate those with environmental concerns by declaring 260 acres preserved? Would the land be preserved by entities other than NJTA if NJTA were not to preserve it?

5-13:
Southern arrowhead plants can then be transplanted into the areas of created habitat. Restriction on the timing of transplanting, length of time the plants can be held before transplanting, and methods of holding plants must be developed in order to maximize transplant success.

SCLL2-77

What is the post-transplant monitoring plan for the southern arrowhead? What will be done if the transplanted population fails?

5-17:
Provision of emergency-only access to proposed Route 92 where it crosses Friendship Road would give the Monmouth Junction fire company and rescue squad access to Route 92 within two miles of their stations. This would reduce the difficulty of providing emergency services on the limited-access highway.

SCLL2-78

Is the above statement the sole provision for socioeconomics in the entire DEIS? Surely there would be more socioeconomic impacts than this: Who are the primary stakeholders in the study area? How would the primary stakeholders benefit from Route 92? Which groups would be most negatively impacted?

A possible mitigation measure, if the proper approvals were secured, would be to restrict truck traffic on this section of Ridge Road to those trucks making pickups and deliveries along Ridge Road. Assuming compliance with and enforcement of the truck restriction, other trucks would divert to a variety of alternate routes, such as Raymond Road from US Route 1 to NJ Route 27, together with NJ Route 27 between Raymond Road and Heathcote Road.

SCLL2-79

Who would pay for such measures? What would the effect on alternate routes be if truck traffic on Heathcote Road were restricted? Would truck traffic be worse on other routes in the vicinity of Heathcote Road if Route 92 were built? How does this effect the objectives of the DEIS?

6-1:

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The Public Coordination section of this DEIS is a mere three paragraphs. With a highway proposal as contentious as Route 92 and with disagreements that have spanned over half a century, what is NJTA's justification for ignoring public opposition to Route 92? Why has NJTA not considered conflict mediation, such as occurred for the Penns Neck Area EIS, for the Route 92 EIS? SCLL2-80

B-6 and B-15: SCLL2-81A
The Route 92 study area is representative of a suburban area; therefore, 3 ppm and 2.1 ppm were used to represent existing one-hour and eight-hour background CO concentrations, respectively.

Why did CDM consider the Route 92 study area to be suburban? According to South Brunswick Deputy Mayor Carol Barrett, the area is considered rural (personal communication); would the stricter CO standards for rural areas jeopardize construction of Route 92? If not, then why did CDM avoid using the proper CO standards?

Table 5 presents the background concentrations for 2001 and 2028 No Action and Build scenarios. SCLL2-81B

Why has CDM chosen to hide the fact that Route 92 exceeds CO standards if the proper, rural, standards are used? Would using different standards for different areas along the Route 92 corridor be more applicable? If not, why not? Why is CDM considering PA5 suburban?

B-12: SCLL2-82

Of 16 intersections, 13 attain LOS F by 2028 even if Route 92 is constructed; how does NJTA justify the objective of congestion relief given these predictions? How does NJTA justify the large expense of the Route 92 project if most intersections will fail regardless of what is constructed?

B-18: SCLL2-83A
The emissions loading data in Table 8 reveals that all 2028 scenarios produce a reduction of VOC, CO, and NOx loadings when compared to the Existing Year scenario of 2001. Route 92 produces a 70% VOC reduction compared to the 67% by the No Action scenario.

Is the difference between a 70% and a 67% VOC reduction statistically significant? Why is NJTA using these data to favor Route 92?

B-21: SCLL2-83B
Therefore, Route 92 has demonstrated to meet the conformity criterion of 93.119. In addition the results of CO microscale modeling analysis found that the Route 92 alternative would improve CO ambient concentrations when compared to the No Action alternative in Horizon Year 2028.

The above statement demonstrates obvious bias towards Route 92, therefore violating NEPA and the directive of this DEIS. Why did CDM compare Route 92 to No Action but not to Route 1 widening with signal removal? Does Route 1 widening with signal removal improve CO ambient concentrations when compared to the No Action alternative in Horizon Year 2028?

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C-1 and C-2:

SCLL2-84A

How is the Penns Neck Area EIS model appropriate for Route 92 unless origin/destination studies are performed for the Route 92 traffic study area? Why were origin/destination studies not conducted for this DEIS? Which Penns Neck Area EIS alignment is used to model traffic for the Route 92 DEIS?

C-11:

SCLL2-84B

Finally, a TRUCK "flag" variable is used to identify links that cannot be used by trucks. In the base year (2001) network, this variable is used only for the purpose of assessing the proper tolls to autos and trucks using the sections of the New Jersey Turnpike within the modeled area.

Is this what NJTA considers proof that URS modeled for trucks potentially avoiding tolls? If not, what is the proof? Where is the detail that indicates the percentage of trucks that would avoid tolls? Has URS or NJTA surveyed truck drivers in the Route 92 traffic study area to determine how many would use Route 92?

C-16:

SCLL2-84C

A.M. and P.M. peak hour traffic counts for 2000-2002 were obtained from numerous sources, including:....

Are these data valid for South Brunswick? If not, why were the data used?

C-27:

SCLL2-84D

Now that it is 2004, are we following the trend predicted when this graph was created? How has the current recession affected study area job growth? If the data were to change, so that the trend were not to significantly increase the number of jobs in the study area, how would that change the outcome of the Route 92 DEIS?

D-5:

SCLL2-85

Why wasn't noise measured within the Plainsboro Preserve? As an area set aside for tranquility, what noise standards would be used within the preserve? How far from Route 92 would a receptor be before it would not be adversely affected by traffic noise? How will construction noise affect the Plainsboro Preserve?

Appendix E:

SCLL2-86

Since this appendix was revised in 1999, before the new NJ stormwater regulations were implemented, how much of this appendix is even relevant to current conditions and regulations?

E-75:

SCLL2-87

This alternative ...does not appear to be cost effective...

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Why is cost considered an eliminating factor? Where else in this DEIS has cost been used to discard options? Why does NJTA allow this, considering that a DEIS is designed not to include cost as a deciding factor in any option? SCLL2-87

F-1:
Please see the attached 'cautions and restrictions on NHP data'. SCLL2-88A

Where are the attached cautions and restrictions?

F-4: SCLL2-88B

Were the surveys coordinated with the New Jersey Endangered and Nongame Species Program, as recommended by the Department of Fish and Wildlife? If not, why not?

F-14: SCLL2-88C
Except for an occasional transit [sic] *bald eagle...no other federally listed or proposed threatened or endangered species...are known to occur within the project area.*

How will NJTA reconsider this now that a pair of bald eagles, and at least one bald eagle chick, is nesting in the vicinity of the project?

An analysis of weaknesses associated with the NJTA traffic pattern presentation is detailed in our April 15, 1998 letter (enclosed) to the USEPA. SCLL2-88D

How were these weaknesses addressed?

F-16 and F-17: SCLL2-88E
Since forested wetlands at the proposed site provide high-quality habitat for a large number of declining federal trust species, the Service considers this wetland complex as an Aquatic Resource of National Importance.

How does the above designation by the US Fish and Wildlife Service affect the treatment of the wetlands in the path of Route 92? What is the consequence of destroying Aquatic Resources of National Importance? Why is this designation mentioned only once, in passing, elsewhere in the DEIS?

Since a substantial portion of the forested wetlands is a maturing closed-canopy red maple forest, no mitigation plan can adequately compensate for loss of this habitat and its associated federal trust species. SCLL2-88F

Successful construction of forested wetlands is difficult in this situation and would be made more difficult by the removal of substantial quantities of soil in attempting to provide appropriate hydrologic conditions.

Since no mitigation can adequately compensate for the loss of the forested wetlands that Route 92 would cause, why does the NJTA promise to construct 57 acres of wetlands, some of them forested? If no

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mitigation is possible, and if these wetlands are of national importance, what is the justification for constructing Route 92 in these wetlands?

F-17:
Additionally, the NJTA has not demonstrated that traffic on local east/west roads is unacceptable or that the proposed Route 92 alignment would result in substantial improvements in the Level of Service of local roads. Also, the NJTA has not demonstrated that the proposed project would substantially improve local intersections.

SCLL2-89A

How has the NJTA demonstrated and defined "unacceptable" in this DEIS? Since the majority of intersections would still fail were Route 92 to be built, how has NJTA demonstrated that the LOS on local roads would improve?

F-18:
Additionally, the Service concludes that the NJTA has not adequately demonstrated a need for the proposed project and recommends denial of a Department of the Army permit.

SCLL2-89B

Were the objectives of this DEIS written before or after the 4 May 1999 date of the US Fish and Wildlife Service letter? If the objectives were written after 4 May 1999, how can one not assume that the NJTA wrote the objectives to fit the Route 92 alignment and therefore present the appearance of need?

WC105

You replied on 6/16/2004 2:46 PM.

Route92EIS, NAN NAN02

From: LORI SINDER, BLOOMBERG/ NEWSROOM: [LSINDER@bloomberg.net]

Sent: Fri 6/11/2004 9:19 AM

To: Route92EIS, NAN NAN02

Cc:

Subject:

Attachments:

LM-1

LM-2

To whom it may concern,

I would like to express my opposition to the building of the proposed route 92 highway. After reading all of the information on the impact the road would have versus the benefits it seems there is not enough benefit to the people of New Jersey to justify ruining the environment and spending so much money. It seems its just a way for people to get to work faster. Maybe people should get jobs closer to their homes and not shoot across the state and into the Princeton area and leave us with the mess. Why would you want to fill in wetlands? that makes no sense. You cannot recreate nature once it is all gone from this planet. I think the state and the Army seriously needs to think about what havoc they could cause. Thanks for your consideration. Lori Miller, Bloomberg News

WC106

Route92EIS, NAN NAN02

From: swcooper@accentopto.com [swcooper@accentopto.com] **Sent:** Mon 6/14/2004 6:12 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Attention: Route 92 DEIS
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,

SC-1

'I have taken some pictures at approx 5.20pm to show what the current traffic along Mapleton Road from Route 1 (where 92 would deposit many more vehicles) is like. This line of traffic extends more than a mile into the village of Kingston, and can only get worse if 92 is built.

See the pictures on my webspace here:

http://mywebpages.comcast.net/swcooper/Mapleton_traffic1.jpg
http://mywebpages.comcast.net/swcooper/Mapleton_traffic2.jpg
http://mywebpages.comcast.net/swcooper/Mapleton_traffic3.jpg'

Sincerely,

Simon Cooper
34 Academy St
Kingston, New Jersey 08528

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC107

Route92EIS, NAN NAN02

From: chatwithme0@yahoo.com [chatwithme0@yahoo.com] **Sent:** Wed 6/2/2004 12:08 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Attention: Route 92 DEIS
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,

UNK3-1

'I"m so passionate about the beauty of princeton & kingston. so much of greenary everywhere, lotsa birds chirping... Please dont make it commercial through Route 92.

You may say traffic is going to increase in upcoming years and Route 92 would reduce it.

But, let"s please be pragmatic! as years go, traffic would increase with the population increase. you would build 92 to control traffic for next few decades, and then again traffic will increase and then proposing route 93 , route 94 - this would be endless...

route 92 after sometime might become a heavy traffic place thereby not solving the problem would bring in unsolvable problems for the residents in the beautiful neighbourhood of plainsboro, so.bruns, kingston and princeton!

do you want to destroy the beauty of princeton ? Please Don"t.'

Sincerely,

Princeton Passionate Anonymous
princeton
princeton, New Jersey 08540

cc:
Governor James McGreevey

WC108

Route92EIS, NAN NAN02

From: MGPstudio@aol.com [MGPstudio@aol.com] **Sent:** Mon 6/14/2004 4:43 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: ATTN: Route 92 DEIS
Attachments:

US Army Corps of Engineers
New York district
26 Federal Plaza, Rm. 1937
New York, NY 10278
Regulatory Branch, ATTN: Route 92 DEIS

Public Notice Number 1999-00240-J1

To whom it may concern:

MGP-1

The question to ask is what is the benefit of this road. A major project, such as this one, should be undertaken when there is need. This road would only connect 8A to Route 1. There are already numerous roads that fulfill this need, Dey Rd, Friendship Rd., Rt. 522. Having Route 92 end at Route 1, will only increase the congestion of the latter road. This section of Route 1 is only two lanes and cannot bear additional traffic dumped onto it. Nor can the local one lane roads, bear the additional traffic which will be dumped on them. The existing roads send traffic to their diverse destinations and create a better traffic flow for the community. These roads also keep truck traffic to a minimum on the local roads.

The initial purpose of Route 92 was to alleviate traffic from the Turnpike all the way to Rt. 206 - a worthy endevor. However, at this point this has become a truncated project, which only serves the truck industry on the exit 8A end and the developers on the Plainsboro/Princeton end. Note that Princeton has rejected the road to pass through its township, but still favors the expansion and building of this road. There is no benefit to the surrounding townships for this road to be built. The only thing it would bring is an increased volume of truck and vehicles. The original purpose of the road, to alleviate east to west traffic has been thoroughly lost. The only thing that remains now is expansion for greed sake only. Princeton wants to expand and build on their lands in Plainsboro. Trap Rock industries want to make money and build the road. The Turnpike wants to keep on expanding and the truck warehouses want to move their goods faster.

Because of its limited function of the proposed Route 92, I believe it would be a dereliction of duty on the part of the Army Corps of Engineers to grant its approval to this road. You are the last line of defense between the people and the developers. We do not have any money or lobby power. We do however cherish the towns' integrity to preserve their quality of life and not become an extension to the turnpike.

Thank you.

Sincerely,

Maria G. Pisano
6 Titus Lane

WC109

Route 92
Hearing – May 20, 2004
Radisson

Remarks – Debra Johnson, South Brunswick

Good Evening, my name is Debra Johnson and I grew up and currently reside in South Brunswick township.

For approximately 10 years I have been involved with the NO 92 initiative and this experience has been long and challenging.

My understanding is that the purpose of this hearing is to solicit comments from the public in order to consider and evaluate the impacts of the proposed 92.

In order to determine if proposed Rte 92 is in the overall public interest, and not just in the interest of institutional power brokers such as Princeton University it is my understanding that the benefits which reasonably may be expected to accrue from the construction of proposed Rte. 92 must be balanced against its reasonably foreseeable detriments.

An articulated benefit/objective of proposed Rte. 92 is to:

1. Establish a road system that acts to reserve local streets for local traffic , while providing a separate limited access high-speed route for traffic moving between US Route 1 and the New Jersey Turnpike.

In reality once Rte. 92 dumps its traffic onto Rte. 1 the traffic will have no place to go but through the local roads of South Bruns. including Kingston, and Princeton, Rocky Hill, Griggstown, Montgomery, and Hopewell, an entire chain of unique and special historic communities.

In addition, the Turnpike's own studies have shown that proposed rte. 92 will increase traffic southbound on Rte. 1, the loss of historic villages, the astronomical cost of construction (some estimates up to ½ billion current dollars) and the reality of worsening traffic in some areas, tips the scale heavily against Rte. 92.

2. Another articulated objective of Rte. 92 is to provide a connection to alternative routes to north-south traffic that is currently using US Route 1, to relieve congestion and improve mobility while minimizing impacts on the abutting communities,

A town that hosts Rtes, 1, 27, 130 and the Turnpike can reasonably articulate it has its fair share of regional traffic roadways, yet South Bruns. has contributed to the east-west

WC109

connector, 522. So. Bruns. has, like other communities in the region, done more than its part to attempt to relieve congestion and improve mobility and circulation of the area road-way system. We have even endeavored to work with the State to widen route 1 in order to alleviate congestion.

In return for these efforts we as a community for many many years have had to live with the very real concern that the State will yet and still build a roadway, rte.92, that will clearly destroy the character of our community and considerably damage our quality of life, in order to create a driveway for large corporate interests in Plainsboro.

The scale again here tips heavily against the construction of Rte. 92.

3. The third stated objective of proposed Rte. 92 is to reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway.

Trucks will not leave free roads to pay tolls on a turnpike spur, they will continue to use the routes they are currently using, for when they do a cost/benefit analysis they find the 3 minutes they may possibly save under the best circumstances on proposed Rte. 92 is not worth yet another toll.

However, proposed Rte. 92 will destroy pristine wetlands, cause toxic runoff to leach into South Bruns. aquifers which would effect the drinking water at a minimum on the west side of town, and would be built on the smallest and vulnerable aquifer in the State of New Jersey. These are the very real concerns that the communities involved have lived with for years.

Not to mention those among us who would lose homes, and business. The loss of pristine wetlands, the poisoning of our drinking waters, the economic burden on taxpayers to build this costly toxin, the fear for our children, our families our way of life, this is what we have been living with for over a decade. The scale tips sharply against Rte. 92.

In conclusion:

When I was priviledged to serve the township of South Bruns. in an elected capacity there were many challenges to be faced. Dangerous fires at areas such as Iron Mountain, financial challenges, the anthrax scare and our losses during 9-11 tragedy. Yet and still South Bruns., like many of its neighbors stayed strong and pulled together, and moved on.

In 1997 when the EPAs EIS came out we thought that at last we could also move on from the Rte. 92 threat as well. But no such luck, large corporate institutions needing to make even more money continue to press their cause. So we, those living in the effected areas, continue to daily face the ever present threat of the loss of the quality of life we have worked for and built for ourselves. It is amazing that we still stand with such strength in the face of our daily terror.

WC109

But we will because we have to. To be destroyed because of the greed of the few is not an option. I hope today that the ACE will listen to us an offer us the ability to have a inclusive community process such as the one in place for the Penn's Neck Bypass, which would include among others the community, expert consultants, unions, and various government and civic representatives. Once such an inclusive roundtable is established I am sure it will be clear to all that there are better alternatives than Route 92.

Thank you for your time.

Questions:

DJ2-1

Can we engage in a public roundtable to further address this issue?

DJ2-2

If the Army Corp and the EPA ultimately draw different conclusions, is there a final decision maker that picks one opinion over the other since both agencies are equal to each other?

WC110

You replied on 6/16/2004 2:51 PM.

Route92EIS, NAN NAN02

From: WPMCGUIRE@aol.com [WPMCGUIRE@aol.com] **Sent:** Sat 6/12/2004 12:13 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Comments on Route 92 EIS
Attachments:

Dear Sirs:

PMC-1

I was privileged to sit at the recent Penns Neck Area Partners' Roundtable as a member of West Windsor Citizens for Transportation Alternatives. We heard testimony and studied many alternatives under the direction of the NJ Department of Transportation and the Voorhees Transportation Policy Institute of Rutgers University. The discussion and questioning was open, vigorous, and enlightening, and together—state, county and town officials, engineers, environmental consultants, local associations and neighborhood representatives—we were able to arrive at a solution to the traffic problems in the area. This solution will not compromise the environment and will improve conditions for most people in the surrounding communities. The Route 92 DEIS has not provided this kind of public participation and needs to be reconsidered before a fair and workable solution can be found for the traffic problems it attempts to solve. I urge the formation of a roundtable based on the valuable experience of the Penns Neck example.

There are several other problems with the DEIS that I would like to mention:

PMC-2

1. Since cars and trucks are crowding Route 1 and the vicinity to avoid paying tolls on the Turnpike, why is it assumed that building Rt. 92, another toll road, is a solution?

PMC-3

2. Studies show that, if built, Rt. 92 would decrease traffic on east-west and local roads by 9% or less only. Why wouldn't the already over-extended transportation monies available be better spent on fixing existing crumbling bridges and roads?

PMC-4

3. The effect on the environment has not been properly studied in the DEIS. There are no noise studies of the effect of Rt. 92 on the Plainsboro Preserve and no evidence of a count of endangered or threatened species in the area. Nesting eagles are known to be in the area, perhaps there are other important species to be found. There are important wetlands in the area. The DEP has stated that wetland mitigation doesn't work. Is there some implied exception in this DEIS?

PMC-5

4. The DEIS does not provide enough evidence for the need for Rt.92 over the widening of Route 1 and the elimination of a traffic signal. And an alternative for a smooth connection between Route 522 and the Turnpike was not even considered. I can find no rationale for Rt. 92 that is not based on an assertion only that future development will require it.

PMC-6

5. Building Rt. 92 would encourage traffic to move from the Turnpike to Route 1, inviting traffic into many historic towns in the region and clogging the already congested part of Route 1 in Somerset, Middlesex, and Mercer Counties. There are better, less harmful and less costly ways to improve traffic conditions, including alternative modes of travel (BRT, train) , carpooling, and parking fees in office complexes, just to name a few. More thought and discussion need to be given to ways to avoid destroying our precious environment and

WC110

preserving our historic towns.

Paula McGuire

219 Washington Rd.
Princeton, NJ 08540

Tel: 609-452-8035
Email: wpmcguire@aol.com

WC111

You replied on 6/16/2004 2:53 PM.

Route92EIS, NAN NAN02

From: David Mikkelsen [david.mikkelsen@verizon.net] **Sent:** Sun 6/13/2004 9:12 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Comments on Rte. 92 Draft Environmental Impact Statement
Attachments:

To whom it may concern,

We hereby submit our comments on the "Draft Environmental Impact Statement for the Route 92 Project proposed by the New Jersey Turnpike Authority". While there are many shortcomings in the DEIS, we comment only on a few of them here.

DSM-1

We feel that the basis for the study of Alternatives is quite unsound, and the methodology guarantees that only construction of a new east-west highway will "meet the project purpose."

In Section ES.1.2 and elsewhere one of the key objectives of the proposed Rte. 92 is to

"Establish a road system that acts to reserve local streets for local traffic and circulation, while providing a separate high-speed route for traffic moving between US Route 1, US Route 130, and the New Jersey Turnpike."

As noted in Section 3.7.1 there are already three east-west roads that entirely traverse the Traffic Study area. In spite of the fact that two of them, Rtes. 571 and 522, are four lane highways throughout virtually their entire lengths, these roads are said to provide "local circulation". This designation enables the authors of the DEIS to dismiss each alternative to Rte. 92 that enhances the carrying capacity through existing east-west corridors because it "does not meet the project purpose."

Instead of constructing a perfect "Catch 22" argument, the DEIS should examine how to reduce the environmental impact of providing additional east-west carrying capacity without an a-priori restriction that implicitly requires the construction of new highways.

DSM-2A

The traffic modeling reported in the DEIS produces results that are nothing short of incredible. For instance, widening Rte. 1 is said to enhance congestion on Rte. 1 by attracting more traffic, but enhancing the connection between Rte. 1 and the New Jersey Turnpike is said to reduce traffic on Rte. 1. It seems to us to be transparently inconsistent to imagine that making it easier to connect traffic between the Rte. 1 and the Turnpike will not "attract more traffic" to Rte. 1. If the carrying capacity of Rte. 1 is not increased how could its congestion decrease?

DSM-2B

Another glaringly nonsensical result of the modeling concerns the impact of Rte. 92 on Dey Rd. and Rte. 522 traffic. In Section 3.7.2 we find

WC111

"The most serious congestion in the Traffic Study Area, however, occurs on the two-lane east-west roads, such as Ridge Road, Dey Road, and Plainsboro Road. Currently, approximately 16 percent of traffic on these roads is through traffic."

DSM-2B

In view of its peak hour congestion, one could plausibly expect that the provision of a nearby free regional highway might relieve Dey Rd of most of this modest level of through traffic. However, in Table 4-13 we find that peak traffic would be reduced more than 60% if Rte. 92 is built. Why does modeled through traffic increase from 16% now to more than 60% in 2028 in the no Rte. 92 case, when the road is projected to be even more crowded than it is now?

DSM-2C

Likewise, the traffic modeling projects that more than 60% of the 2028 peak traffic on Rte. 522 would move to Rte. 92 if it were built. Why in the world would people choose to travel on a toll road when a free highway, Rte. 522, exists parallel to the proposed Rte. 92? I assure you that the drivers of this region know that Rte. 522 is a regional highway, not a road for "local circulation", as it is described in Section 3.7.1.

Another stated objective of the Rte. 92 project is to

DSM-2D

"Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway."

Everyone who lives in Mercer, Somerset, and Hunterdon counties is well aware from daily experience that truck drivers prefer to travel on free highways (I-287, Rte. 202, Rte. 31, Rte. 206) rather than toll roads such as the Turnpike. The existence of Rte. 522 so near the proposed path of Rte. 92 suggests that the only way to reduce truck traffic on "local roads" (after all, the DEIS considers Rte. 522 to be a local road) is to charge no toll on Rte. 92. Not recognizing this reality is one of the more breathtaking fantasies of the DEIS.

DSM-4

The most undesirable environmental impact of the Rte. 92 project would be the destruction of wetlands in the Plainsboro Preserve. The proposed 'mitigation' involves the 'creation' of wetlands elsewhere, but the history of such mitigation activities is generally disappointing. It is possible to construct a highway or parking lot, but real wetlands are seldom constructable. Experience demonstrates that it is much wiser to leave wetlands intact, and thereby preserve a demonstrably successful ecosystem rather than gamble that a replacement can be created elsewhere. Mitigation reduces the environmental impact only in our intentions and dreams, the reality is sadder. Truly reducing the impact of Rte. 92 necessarily involves re-routing it away from precious areas such as wetlands.

DSM-5

Additional environmental impacts of Rte. 92 caused by traffic accidents involving toxic materials and common petroleum products are dealt with by stating

"During highway construction and operation, accidental spills of fuel

WC111

products and toxic materials would be possible."

DSM-5

That's the entire discussion! There is no assessment of the effect of a tanker load of gasoline or fuel oil flowing into the Plainsboro Preserve, for instance. The only toxic substances considered in the DEIS are agricultural pesticides previously applied to local farmland and naturally occurring substances. Are the authors of the DEIS ignorant of the contents of chemical tanker trucks? How can anyone take the DEIS seriously when it has such omissions?

DSM-6

We urge the Corps to begin seriously to involve the stakeholders of this region in a round table process that would address the real traffic concerns in a realistic fashion. This process should not be rigged to produce a pre-determined outcome; in particular, it should be open to alternatives that do not involve the construction of new highways. The DEIS is very disappointing and does not enhance the reputation of the Corps; surely it is possible to do much, much better in developing the final EIS.

Sincerely,
David Mikkelsen
Sally Mikkelsen
281 Jefferson Rd.
Princeton, NJ 08540

WC112

You replied on 6/16/2004 3:01 PM.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Route92EIS, NAN NAN02

From: Mark Peel [civres@comcast.net] **Sent:** Mon 6/14/2004 11:12 AM
To: Route92EIS, NAN NAN02
Cc:
Subject: Reject Route 92 DEIS
Attachments: Route 92 Letter to USACE and Gov McGreevey.DOC(39KB)

June 14, 2004

Governor James E. McGreevey
The State House
PO Box 001
Trenton NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York NY 10278
Attn: Koko Cronin

Subject: Reject Route 92

MPE2-1

On page 4-52 of the Draft EIS is a chart that summarizes the benefits of Route 92: the road will shave an average of 2.5 minutes off the average area commute by the year 2028. With this document, we have taken transportation and land use planning to new levels of Orwellian absurdity: a proposal to fill critical wetlands and dump thousands of vehicles into the village of Kingston, at a cost of $400 million, in order to save commuters two-and-a-half minutes.

Let's get one fact out that is missing from this EIS: all but the most naive know that this road is not being built to relieve congestion. The notion that we can relieve congestion by building additional roads is now so thoroughly discredited that it's impossible to attend a transportation forum without hearing a chorus of planners intone that "we can't build our way out of this problem." There hasn't been a highway project built in this country that hasn't increased traffic volume. That's what highways do. Route 92 is no different. This road is being build to serve the development goals of Princeton University and its Princeton Forrestal land development arm. This is, purely and simply, a diversion of scarce resources away from mass transportation and necessary repairs to benefit the office developments Princeton has on the drawing boards for a section of Route 1 and central New Jersey that is already at the bursting point.

The Army Corps' EIS is extremely timid in projecting any benefits for Route 92, but my guess is that even the 2-½ minute savings are vastly overstated. We need only look a few miles north to see what effect Route 92 will have on central New Jersey. In his biography of Robert Moses, *The Power Broker*, historian Robert Caro traces the pattern of sprawl and congestion repeatedly induced by Moses's gargantuan highway projects. At the ribbon cutting for the Grand Central Parkway, politicians and the press praised the new highway saying "it would solve the problem of access to Long Island 'for generations'. But the Grand Central Parkway only solved the problem for about three weeks: then it was the site of what The Herald Tribune called the greatest traffic tie-up in the history of the metropolitan area. This was in 1936, and one can argue that this cross-country jam has

WC112

MPE2-1

persisted as the daily routine for the intervening sixty-eight years. Moses's answer to this fiasco was that more highways and bridges were needed: and so a succession of parkways and freeways encircled New York and Long Island like choking vines, all of them jammed to capacity within months of opening

One of Robert Moses' worst projects is eerily like the Turnpike Authority's Route 92 short-cut to Route 1: the Bronx-Whitestone Bridge was supposed to relieve congestion by allowing motorists to get to Long Island from the Bronx, Westchester, and Connecticut without using the Triborough, which had become impossibly clogged within months of completion. In its first year of operation, the Bronx-Whitestone Bridge carried 6,300,00 vehicles. But experts calculated that it had only reduced traffic on the Triborough by 122,000 vehicles. Somehow the bridge had generated 6 million additional new motor trips: it had not improved the traffic situation at all—it had made it worse.

Environmentally, Route 92 is a disaster; its path will bulldoze through the center of an open space and wetlands area designated by the State Plan as environmentally sensitive, including two "sole source" aquifer recharge areas. This is the very kind of space the state's open space preservation plans are seeking to protect! If built, Route 92 will be an embarrassing failure for all public officials associated with it. It is doomed to fail because 1) its toll structure means trucks won't use it; 2) its truncated route does not address real east-west congestion: it dumps traffic from the Turnpike onto perhaps the most congested stretch of Route 1, which will force traffic to bleed off onto local roads like the narrow two-lane road that runs through my village, Kingston. Route 92 will increase traffic congestion, not decrease it. That's because it cuts through some of the least congested communities in central NJ—a solution in search of a problem—but will provide the enabling infrastructure to encourage more sprawl. Your administration has encouraged NJ Builders to turn to the cities for development opportunities, instead of gobbling up open space. But Route 92 is a suburban developer's dream and an open space lover's nightmare!

This EIS was clearly prepared with the assumption that our traffic problems are the result of inadequate roads. This is insanity. New Jersey needs transportation solutions, not more roads. Automobiles are choking the life out of our state. Get out on any New Jersey highway at virtually any time of day and you'll see an endless parade of single occupant vehicles. The "one car family" is a distant memory: the average New Jersey household now owns 2.4 motor vehicles—highest in the nation! Even high school seniors drive to school. The costs are enormous. Kids aren't safe on the streets—not because of pedophiles, but from cars whizzing through neighborhoods at ridiculous speeds.

Route 92 is emblematic of the worst of this car culture. Traffic in central New Jersey is impossible because there are too many cars making too many trips that cover too many miles. When Route 92 was resuscitated back in 1998, the number one selling car in America was the Toyota Camry: it averaged 22 miles to the gallon and emitted 8.6 tons of greenhouse gas in an average year. Today, the best selling vehicle is the Ford Explorer: it consumes 33% more fuel than the Camry and produces 28% more greenhouse emissions—11 tons per vehicle per year. A transportation strategy that fails to come to terms with the impact of bigger, greedier, dirtier, more dangerous personal vehicles making longer and longer daily commutes is not a transportation strategy at all: it is a suicide pact. Under what concept of "sound regional planning" do we pave over wetlands and sacrifice historic villages so that commuters in gas-guzzling SUVs don't have to be inconvenienced in their 50-mile commutes? A sane transportation policy would discourage people from living so far away from where they work and would help localities recover the true cost of single-occupant automobiles in the form of commuter taxes and fees on fuel consumption, emissions, distance traveled, and vehicle size and type. The real solutions, though, would take imagination, courage, and wisdom. There isn't

WC112

MPE2-1

much of that in evidence in the plans for Route 92. Spending $350 or $400 or $500 million to make it easier to pursue our present self-destructive course is like handing an alcoholic a bottle of booze. Or perhaps more accurately, like a parent who can't control an unruly child. We, the driving public—who whine about gas prices and send young soldiers to war to keep the flow of oil coming—we are that spoiled brat. And instead of pandering to us, like a craven parent who tries to buy his kid's compliance, this EIS should present the real facts about what we are doing to our environment and our communities.

Sincerely,

Mark Peel
By Email

WC113

You replied on 6/16/2004 2:41 PM.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Route92EIS, NAN NAN02

From: Michael Chunko [mchunko@csonka.com] **Sent:** Mon 6/7/2004 10:22 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Residents Against Route 92: Far Outweigh Those For It
Attachments: Pasted Graphic.tiff(40KB) ATT1382428.txt(134B)

To all concerned,

MC-1

Be it known that proposed Route 92 permits should not be issued, nor the roadway built, for one main reason, among others. Primarily, it is critical to understand if alternative roads currently exist. If proposed Route 92 was critical for the region (not proven) and if proposed Route 92 had no alternatives, then other considerations would come into focus. However, there are many alternatives which would make the financially costly and environmentally devistating proposed Route 92 100% wrong for this region. Alternatives include Route 522, Arterial Way, the Princeton-Hightstown Bypass, and the required improvements to Route 1. All of these alternatives exist, and are much more viable to handlethe east-west traffic flow that the proposed Route 92. Issuing permits for this roadway, and construction would be seen as both fiscally and environmentally irresponsible.

MC-2

In addition, I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5.

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant.

MC-3

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike.

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused.

MC-4

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise.

Stay well,

WC114

You replied on 6/16/2004 4:22 PM.

Route92EIS, NAN NAN02

From: Ed Collins [edcollinshome@comcast.net] **Sent:** Mon 6/14/2004 9:44 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: route 92
Attachments:

Dear Sirs;

I must voice my opposition to route 92. The proposed highway will negatively impact Plainsboro's efforts to preserve its remaining open space. The highway will dump additional trafffic onto an already congested stretch of Route 1 and will result in an "easier" route to route 1. This can only increase traffic through the neighboring communities. EC-1

Will a toll road get people of the surface streets? Trucks will continue to try and bypass toll roads and use local streets. EC-2A

Is Kingston prepared for the extra traffic that will be funneled into the area? Where are the upgrades for ridge ave? Where will all the cars go? EC-2B

This is simply a bad idea and there are much better ways to spend the money. EC-2C

Regards,
Ed Collins

WC115

You replied on 6/16/2004 2:48 PM.

Route92EIS, NAN NAN02

From: gaborcz [gaborcz@comcast.net] **Sent:** Fri 6/11/2004 5:15 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92
Attachments:

GC-1

This is to add one more resounding NO vote to the construction of Rt 92, for all the reasons that were spelled out at the recent public hearing.

Gabor Czako
22 Shelley Road
Kendall Park, NJ 08824

WC116

You replied on 6/16/2004 3:04 PM.

Route92EIS, NAN NAN02

From: Lorraine Jackson [ljackson@lmxac.org] **Sent:** Mon 6/14/2004 1:04 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92
Attachments:

To Whom It May Concern:

I recently attended the public hearing held by the Army Corps of Engineers regarding Route 92, but was unable to stay to make any comments. I do want to officially register my concern and opposition to the building of Route 92 in New Jersey. It is too costly a road. It will do irreparable damage to the environment. And will relieve the traffic and congestion only minimally. Please, please do re-consider NOT BUILDING RT. 92!! LJ-1

I am particularly concerned about what it will do to the environment, and am NOT at all reassured by the reports that it will not be a major distrubance. I cannot image that there would be no impact without the creation of 57 new acres of wetlands; and I cannot imagine that that would be economically practical! The impact on the flora and fauna will be devastating. Again, Please re-consider this project, and DO NOT PERMIT IT. LJ-2

Thank you,

Lorraine Jackson
18 Petty Road
Cranbury, NJ 08852

WC117

Route92EIS, NAN NAN02

From: Jay Shah [jayeshs@comcast.net] **Sent:** Tue 6/15/2004 11:43 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92 - Sacrificing so much for what?
Attachments:

JSH-1

Dear Mr Koko Cronin,

I am one of the people living in Monmouth Walk, South Brunswick off Rte. 522. Unfortunately I heard about the project on Comcast Newsmakers only tonight. After studying the relevant details on the web, I think the Route 92 project is sacrificing a lot for a non-existent gain.

Please register my vote against the Route 92 project. The residents of South Brunswick will never view the Army Corps of Engineers in a favorable light if they make such a wrong decision.

Regards
- Jay Shah

WC118

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June 10, 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

Dear Sir/Madam:

I have read the DEIS and find several areas of concern regarding the purposes and effects of building Route 92.

SH-1

The first regards the traffic analyses. Route 92 does not solve the stated traffic need to "provide an alternate travel route for north-south regional traffic currently using US Route 1...". It appears from Figures 4-1 and 4-2 that congestion and mobility along Route 1, especially south of Ridge Road, will be made worse by building Route 92. I tried to find how Route 92 would decrease the length of trips along Route 1 and could not find supporting data. From Tables 4-15 and 4-23, the best approximations are given as total time from between South Brunswick Center and Princeton Junction; the difference between Route 92 and just Route 1 widening and signal removal is marginal. To make a valid comparison, we need numbers on Route 1 for between the intersection of Route 1 and Route 522 (new) to the intersection of Route 1 and Dey Road. I ask that the final EIS explicitly provide this information on mobility along Route 1 for the several alternatives. I am sure the data exist.

SH-2

One alternative that was not considered in the DEIS is for a smooth linkage between Route 522 and the Turnpike, combined with widening of Route 1 and signal removal. I understand the linkage between Route 522 and the Turnpike will be completed within two or three years. Why have you not included this as an alternative? This roadway will be built and therefore the traffic modeling must take it into account.

SH-3

I read on page 2-15 that Route 522 "would carry a projected 61,900 vehicles per day (based on traffic modeling conducted for this EIS)." Where in the DEIS is there a table of data supporting this statement? Are these vehicles those that would have been on Route 92? Or are they vehicles that would find Route 522 handy even if Route 92 is not built? Yet, the traffic numbers do not include the combined effects of widening Route 1 with signal removal AND the planned extension of Route 522. Please note that I am not including in this discussion any widening of Route 522. Much of the dismissal of this alternative is based on environmental impacts of a proposed widening.

In summary for my first concern, I could find no rationale in the traffic analyses in the DEIS for a need to build Route 92.

SH-4

My second concern is for the effect of noise from Route 92 on the tranquility at Plainsboro Preserve and Sondek Park. Route 92 passes between these two parks. Route 92 will be at the same distance from the Audubon Nature Center as it will be from sound receptor R-9. The modeled noise for R-9, given in Table 4-19, far exceeds what is appropriate for a park where one seeks tranquility. I request that noise levels be determined near the nature center now and that they be modeled for the noise coming from traffic on the nearby proposed Route 92.

SH-5

Third, a corridor of woods and wetlands along Devils Brook will be destroyed if Route 92 crosses where it is planned to cross. If Route 92 is to be built, why can't it turn south at a point east of Devils Brook and connect to roads already there, presumably accompanied with some road improvements and widening? However, because the new Route 522 will serve the function of improving the east-west mobility that Route 92 would be built to serve, there is no need to destroy the

WC118

pristine Devils Brook wild corridor by building Route 92.

SH-6

Fourth, the discussions on water quality, page 3-12 to 3-14, seem to link the quality of water in Devils Brook to that measured at a few scattered localities in the Millstone Basin but not measured on Devils Brook. Your data and discussion do not discount the possibility that Devils Brook should be classified as a Category 1 stream. I ask that the appropriate data be collected and that Devils Brook be classified according to these data, and according to data that do not come from Devils Brook. I also ask that changes in the quality of water in Devils Brook be modeled for the effects of the proposed crossing of Devils Brook by Route 92.

SH-7

Fifth, there is an eagle nest near the intersection of Devils Brook and the Millstone River. The eagles are now foraging for food for their young and have been reported carrying food towards the nest from Sondek Park. Surely, by cutting across the Devils Brook corridor, Route 92 will compromise the habitat necessary for survival of the nesting eagles. I request that the EIS respond to the question of whether Route 92 will negatively impact the ability of eagles to survive in this region. The existence of the nesting American Bald Eagle was not considered in the DEIS. We know the habitat is suitable for nesting bald eagles, yet there is no mention of bald eagles in Table 3-9 nor in the discussions pertaining to this table.

Sarah Hollister
Member of the former Penns Neck Area EIS Roundtable as a representative of the Washington Road Elms Preservation Trust.

Phone: 609-921-8523
Email: sarahhollister@mindspring.com

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WC119

You replied on 6/16/2004 4:20 PM.

Route92EIS, NAN NAN02

From: Amzeman@aol.com [Amzeman@aol.com] **Sent:** Mon 6/14/2004 4:56 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Rte. 92
Attachments:

TO: Army Corps of Engineers, Regulatory Branch
New York, NY

AZ-1

Dear Army Corps,
Please say NO to a permit to fill wetland for Route 92. It destroys wetlands, worsens traffic and will devastate the historic village of Kingston. It's not worth the environment, traffic and most certainly not the cost.

Anne Zeman
P.O. Box 450
Kingston, NJ 08528

WC120

You replied on 6/16/2004 3:06 PM.

Route92EIS, NAN NAN02

From: Dbovarn@att.net [Dbovarn@att.net] **Sent:** Mon 6/14/2004 2:03 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: 'Please reject Route 92'
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,

'Dear Governor McGreevey and Ms. Cronin:

I am writing to ask you to reject the Turnpike Authority’s proposed Route 92 extension to Route 1 near Princeton and Kingston.

DBO-1,2,3

Route 92 is supposed to remove through traffic from local roads, but it’s common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers’ DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn’t likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

DBO-4,5,6

Route 92 violates the McGreevey administration"s policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

DBO-7

Route 92 is a solution looking for a problem. The DEIS indicates that congestion would require 30 years to reach significant levels.

DBO-6 (CONT)

The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

DBO-8

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the

WC120

DBO-8

whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

The last thing New Jersey needs is another toll road for trucks to avoid.

Please reject the Turnpike’s proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely,

Daniel Bovarnick 41 Krebs Rd.
Plainsboro, NJ 08536'

Sincerely,

Daniel Bovarnick
41 Krebs Rd.
Plainsboro, New Jersey 08536

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC121

You replied on 6/16/2004 2:48 PM.

Route92EIS, NAN NAN02

From: J LaRosa [bluehonda@worldnet.att.net] **Sent:** Fri 6/11/2004 3:22 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92 Draft Environmental Impact Statement
Attachments:

New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

To whom it may concern:

I am writing to comment on the Route 92 Draft Environmental Impact Statement. It did not appear that the impact of Route 92 induced traffic on local roads immediately to the west of Route 92's western terminus at Route 1 was considered in any detail in the preparation of the DEIS.

JLA-1

As a resident of Kingston, I am very familiar with the traffic delays existing during the morning rush hour around the intersection of Laurel Avenue and Route 27 in Kingston. Traffic approaching this intersection from the west on Laurel Avenue is sometimes backed up as far as the Rockingham site during the peak of the morning rush hour, a distance of nearly a mile. I sit in this traffic every morning and it frequently takes five minutes to travel the two blocks from the Laurel Avenue and Church Street intersection to the Laurel Avenue and Route 27 intersection due to the backup of cars at the traffic signal at this intersection. Pedestrians walking into Kingston village to get their morning coffee make better time going through town than cars do. Traffic approaching this intersection from the north on Route 27 is often backed up as far as Raymond Road (.7 miles away), and sometimes as far as the Kingston Mall, during the heaviest morning rush traffic. The Laurel Avenue/Route 27 intersection is already a failed intersection, at least during peak periods. It would undoubtedly be impacted by additional traffic approaching Route 92 from the west, taking Laurel Avenue to Ridge Road, and from the north, taking Route 27 to Ridge Road.

I have the following questions regarding traffic data used in preparing the Route 92 DEIS.
Were traffic studies performed that assessed the impact of Route 92 induced traffic on the Laurel Avenue and Route 27 approaches to the western terminus of Route 92 at Route 1? If so, how recent are they? Given the rapid rate of growth in the surrounding communities, a study that was performed several years ago cannot be used to accurately project conditions that may exist several years from now when the road would be complete. If studies of this area were performed, on what dates and at what time of the day were they performed? The traffic on these roads is significantly less during school holidays and vacations, so it is important that any traffic studies used for reference were performed under conditions reflecting normal rush hour conditions on days when the local schools were in session.

Sincerely,

Jeanette LaRosa
32 Church St.
Kingston NJ 08528

WC122

Route92EIS, NAN NAN02

From: hpesari@hotmail.com [hpesari@hotmail.com] **Sent:** Mon 6/14/2004 9:45 AM
To: Route92EIS, NAN NAN02
Cc:
Subject: Attention: Route 92 DEIS
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,

'I am writing to ask you to reject the Turnpike Authority?s proposed Route 92 extension to Route 1 near Princeton and Kingston.

Route 92 is supposed to remove through traffic from local roads, but it?s common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers? DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn?t likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

HP-1

Route 92 violates the McGreevey administration"s policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400 million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

HP-2

The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

HP-3

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

HP-4

Please reject the Turnpike?s proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey.

WC122

Thank you.

Sincerely,

Harish Pesari
5 Black Gum Drive
Monmouth Jct., New Jersey 08852

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC123

Larry Siegel
2113 Fox Run Drive
Plainsboro, NJ 08536

RECEIVED
JUN 1 5 2004
By

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear Sir or Madam:

I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5. LSI-1

I am opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant.

Route will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. LSI-2

Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike.

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved since it is now underused. LSI-3

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penn Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and work towards a compromise. LSI-4

Thank you,

Sincerely,

Larry Siegel

WC124

JUN 17 2004

Dana Wall
15 Fresh Ponds Road , Monroe Township, New Jersey 08831

June 14, 2004 02:29 PM

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Subject: Attention: Route 92 DEIS

Dear USACE Cronin:

'I am writing to comment on the Route 92 DEIS. The proposed road does not fulfill the goals set out in the Draft Environmental Impact Statement, and will fragment open space in environmentally sensitive NJ Planning Area 5. DWA-1

I am EXTREMELY opposed to the Route 92 alignment because it will destroy over 12 acres of pristine wetland, pave over farmland, and disrupt the habitat of the endangered southern arrowhead plant.

Route 92 will bring more trucks to the historic village of Kingston, and there is no guarantee that trucks will choose to use a toll road when there is free access nearby. Indeed, the overwhelming number of trucks on local roads between the NJ Turnpike and Route 1 is due to high tolls on the Turnpike. DWA-2

Rather than build Route 92, please choose the option of widening Route 1 and removing the traffic signals there. Route 522 can also be improved, since it is now underused. DWA-3

But most important, and what has been left out of the DEIS, is community involvement. The public participation section of the DEIS is a mere paragraph. Public outcry that has lasted over 50 years certainly deserves more than a fraction of a page. Please consider conflict mediation such as what occurred for the Penns Neck Area DEIS. The only workable solution to this problem is to listen to what those affected by Route 92 have to say and to work towards a compromise.' DWA-4

Sincerely,
Dana Wall

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC125

Cronin

rec'd 6/18/04

Governor James E McGreevey,
The State House
PO Box 001
Trenton, NJ 08625

US Army Corps of Engineers,
New York District
26 Federal Plaza
New York, NY 10278
ATTN: Koko Cronin

SUBJECT: Rejection of Proposed Route 92

Dear Governor McGreevey and Ms. Cronin,

I am writing to urge you to reject the NJ Turnpike Authority's proposed Rte. 92 extension to Rte.1 near Kingston Village.

GS-1

The traffic studies cited by the Turnpike Authority claim that the construction of Rte 92 will achieve its stated goal: to reduce traffic congestion on local highways. What gets very little mention is the fact that Rte 92 is predicted to lead to increases in traffic on East-West roads west of Rte.1. In particular, this means an increase in truck traffic on Ridge Road between Rte 1 and Rte 27. Anyone familiar with this narrow, windy, shoulder-less road knows that it is particularly ill suited even for the current level of traffic, especially truck traffic.

GS-2

Furthermore Ridge Road terminates in the narrow roads at the center of the Village of Kingston, roads which are even less suited to an increase in truck traffic. The Army Corps of Engineers' DEIS acknowledges the effect of Rte. 92 on villages such as Kingston in its statement that the historic communities in the area will get more truck traffic if Rte. 92 is built.

There is a very simple solution to this dilemma. The Turnpike Authority raised capital for the construction of Rte. 92 when it raised toll rates a few years ago. ***If, instead of constructing a road that brings with it so many problems, the money was used to reduce tolls on the Turnpike, this would immediately reduce traffic, especially truck traffic, on all local roads throughout the entire region of NJ that is close to the Turnpike***. I say this with confidence, based on the increase in traffic, especially truck traffic, that I saw as a regular commuter on Rte.1 when the tolls were raised.

I suggest that many more people would benefit from a rollback in tolls than from the construction of Rte. 92.

GS-3

But if reducing tolls is anathema to the Turnpike Authority, how about using the money to extend the new Route 522 to the Turnpike? This four-lane divided highway runs approximately parallel to proposed Rte. 92, less than a mile north of it. In addition Rte. 522 has the added benefit of continuing west to Rte. 27, instead of stopping at Rte. 1 like proposed Rte. 92, thus removing even more East-West traffic from congested local roads.

Please reject the Turnpike's proposed Rte. 92 and, instead, use the money on transportation projects that make more sense for the community, the environment and the taxpayers of New Jersey

Sincerely,

Gwen Southgate

Gwen Southgate,
958 Ridge Rd
Monmouth Jct
NJ 08852

Tele: 609 - 924 - 3399

6/14/04

WC126

LGE-1

A note from... June 11, 2004

Leona Geraghty

NO

RECEIVED
JUN 15 2004
By

92

PLEASE!

L. Geraghty
19 Taylor Rd. RD#4
Princeton, N.J.
08540

2-31-220

WC127

Card

Dr. Barbara D. Hayes, P.E.
45 Perrine Rd.
Plainsboro, NJ 08536

June 14, 2004

by email, facsimile (1-212-264-4260) and U.S. Mail

RECEIVED
JUN 16 2004
By

U.S. Army Corps of Engineers- New York District
Regulatory Branch
26 Federal Plaza - Room 1937
New York, NY 10278-0090

ATTN: Koko Cronin

SUBJECT: Comments on Draft EIS for Route 92

Dear Ms. Cronin,

As a professional engineer and a long term resident, I disagree with the conclusions of the Draft EIS and urge the Corps of Engineers to reject the Turnpike Authority's proposed Route 92.

BDH-1

I have reviewed portions of the EIS and am greatly concerned by what appears to be a traffic analysis that has overlooked the important issue of induced traffic effects. Though the traffic consultant has clearly developed a sophisticated model to estimate traffic flows using traditional methods, the choice of boundaries, the limited depiction of sources based upon the regional model and special internal sources, the limited collection of interviews regarding potential driver behavior, and the avoidance of the issue of induced traffic makes the model fundamentally flawed. Traditional traffic models do not address the more complicated issue of induced traffic. Numerous refereed journal articles (Noland 2001[1], Noland and Cowart 2000[2], Hansen and Huang 1997[3], Fulton, Noland, Meszler and Thomas 2000[4], Noland and Lemi 2002[5]) and other academic references (Goodwin and Noland 2003[6], Surface Transporation

[1] Noland, Robert B., "Relationships Between Highway Capacity and Induced Vehicle Travel" due for publication, **Transportation Research A**, 35 (2001) 47-72.

[2] Noland, Robert B. and Cowart, William A. ,"Analysis of Metropolitan Highway Capacity and the Growth in Vehicle Miles of Travel", **Transportation** 27: 363-390, 2000, Kluwer Academic Publishers.

[3] Hansen, Mark and Huang, Yuanlin, "Road Supply and Traffic in California Urban Areas", **Transportation Research A**, Vol 31, No 3, pp 205-218, 1997.

[4] Fulton, Lewis M., Robert B. Noland, Daniel J. Meszler and John V. Thomas, A Statistical Analysis of Induced Travel Effects in the U.S. Mid-Atlantic Region", **Journal of Transportation and Statistics**, April 2000.

[5] Noland, Robert B., and Lewison L. Lem, "A Review of the Evidence for Induced Travel and Changes in Transportation and Environmental Policy in the US and the UK", **Transportation Part D**, 7 (2002) 1-26.

[6] Goodwin, Phil and Noland, Robert B., "Building New Roads Really Does Crate Extra Traffic: a Response to Prakash et al.", **Applied Economics**, 2003, 35, 1451-1457.

WC127

BDH-1

Policy Project, 1999[7]) have described the phenomenon of induced traffic based primarily on statistical analysis. Once a road has been constructed and traffic has increased, it is a far more complicated question to decipher the multiple potential causes (better schools? better shopping?, better employment opportunities?, better housing?). None the less, induced traffic has been clearly observed in numerous studies referenced in the literature.

I'm greatly concerned about the local traffic effects on rural routes west of Route 1. The model does not appear to include the potential effect of induced east-west traffic through rural and neighborhood roads. Vehicle trip generation at the boundaries of the "Central Jersey" model appears to be based upon a regional model that presumably assumes constant/steady state conditions. Having lived most of my life in the Princeton area and made personal trip generation and trip route decisions on these and other roads that will be impacted by the project for almost 30 years, I know that there will be increased traffic. Having to travel the slower rural roads to get from the Turnpike to Lambertville, New Hope PA, and new development along route 206 has always been a deterrent that ultimately affects the route choices and go/no-go choices of the driving public. Providing a high speed conduit part way will reduce this effect and increase trips that are high speed as far as Route 1 and then rural for the section west of Route 1. This will particularly impact the Townships of Kingston and Rocky Hill that will have increased traffic that have only rural or neighborhood roads to carry the traffic. The current alignment of Route 92 is designed to provide traffic flow to route 1 but completely ignores induced east-west flow towards route 206 and other westerly parts.

There does not appear to be any reflection of the potential induced east-west traffic in the regional model. If induced traffic is modeled, it is unclear how it has been incorporated and what data was collected in order to make the induced traffic realistic. How can the regional model be revised to better reflect induced east-west traffic through the local system and onto rural and neighborhood roads to the west of Route 1? What is the estimated error associated with the current choice of the model boundary of the "Central Jersey" model? What increase would there be to truck and car traffic flow on Ridge Road, Heathcote Road, Kingston-Rocky Hill Road, Washington Street and Canal Road if east-west induced traffic were to be accounted for? What plans are included to protect rural roads from increased use as an east-west conduit for traffic towards route 206? What are the costs to those communities for handling the additional traffic in terms of highway improvements that may be needed for better lighting and in response to greater wear and tear? What are the costs in terms of quality of life for those homes on rural roads that will undoubtedly experience greater traffic?

As a long term resident, I have a lot of personal experience that clearly was not captured in the typical engineering methods that appear to be used to make the traffic projections used in this study. For example, my last major employment decision was primarily due to my preference to avoid traveling 1 hour on rural roads from my home in Plainsboro to my employment in Eatontown. Some of these roads are ones that would be avoided by the proposed Route 92, e.g. Ridge Road, New Road, and Friendship Road through South Brunswick and Plainsboro. Clearly, Route 92 will have an effect on the decisions of the driving public with regards to trip generation and route. As well as increasing traffic on rural roads to the west of Route 1, it is also likely to increase traffic on rural roads to the east of the Turnpike by inducing east-west

[7] Surface Transporation Policy Project, "Why are the Roads So Congested? A Companion Analysis of the Texas Transportation Institute's Data on Metropolitan Congestion", **Surface Transporation Policy Project**, Washington DC, 1999.

WC127

traffic towards westerly points such as Eatontown and shore points. The proposed Route 92 is in complete contrast to smart growth that encourages local employment, local shopping, and reduced reliance on vehicular transportation.

BDH-1

Modeling that does not include induced traffic is fundamentally flawed. In light of the environmental costs, the proposed alignment should be rejected. The true environmental costs additionally do not appear to be properly evaluated. These environmental costs specifically include the separation of Plainsboro Preserve into two discrete parcels, quality of life impacts, direct impacts on habitat associated with disruption, and fragmentation impacts on habitat. With regards to quality of life impacts, there are 1) direct impacts to numerous families that live on the rural and neighborhood roads impacted by the project, 2) direct impacts to bicycle and pedestrian traffic. It exacerbates the general trend against smart growth by further fragmenting residential developments and increasing the population's dependence on vehicular traffic rather than bicycle and foot traffic. I live on Perrine Road which would be severed under the project and I can attest to the continuous foot and bicycle traffic of the Princeton Collection that would be terminated and short circuited by the project. I myself bike this road weekly. How has interference in bicycling and pedestrian traffic for Princeton Collection and other existing residential developments and homes been reflected in the Draft EIS?

In addition, I would like to address other issues presented in the draft EIS as follows:

BDH-2

The cost for Route 92, as estimated in 1993-94 dollars, was around $300-$400 million; an enormous sum, and probably much higher in today's dollars. This money would be better spent on repairing and improving the roads and bridges we already have, on increasing public transit around Route 1, and on widening Route 1 and removing superfluous traffic signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic while having much smaller impacts than Route 92.

BDH-3

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, Route 92 would fragment open space and cut through a nature preserve, wetlands, endangered species habitat, and rural farmland. My home is directly across from the farmland where the extension would go through. It is a peaceful, quiet, beautiful setting, and putting the Route 92 extension through there would be a disaster for me and my neighbors.

BDH-4

What has been left out of this whole process is community involvement. We should have a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the communities that must live with whatever is built.

Therefore, I urge you to please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense for the community, the environment, and to the taxpayers of New Jersey. Thank you.

Sincerely,

Barbara D. Hayes

Barbara D. Hayes, Ph.D., P.E.

WC128

1113 PRINCETON - KINGSTON ROAD, PRINCETON, NEW JERSEY 08540

June 14, 2004

Ms. Koko Cronin
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN : Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278 – 0090

Fax to 1-212-264-4260

RE: Draft Environmental Impact Statement for the Route 92 Project (proposed by the New Jersey Turnpike Authority)
Middlesex County, New Jersey
(CENAN-OP-RE Public Notice # 1999-00240-J1)

Attached are my personal comments and an appendix rebutting a letter to the editor in the 25 May 3004 Princeton Packet. A copy of the letter and appendices will follow by mail.

Respectfully,

Robert von Zumbusch

WC128

RvZ 12 May comments

The current USACE (Army Corps of Engineers) DEIS (Draft Environmental Impact Statement) is seriously flawed and inconsistent. The following possible approach, for which there is considerable support by many groups and communities, is as follows:

RVZ-1

1. Proceeding as soon as possible with the widening and removal of signals on Route 1 in South Brunswick . [This is one of only 3 Alternates assessed in the DEIS – the others were "no-built" and the NJTA (New Jersey Turnpike Authority) proposed Route 92 alignment.]

   Already there is broad consensus for Route 1 improvements (widening of the road and reduction of signals); these improvements are already needed and would be even more necessary should the proposed Route 92 be built. [The section of Route 1 in South Brunswick, unlike the sections north and south of it, has 2, rather than 3, lanes in either direction.]

RVZ-2

2. A roundtable (or conflict resolution) process, similar to that set up for the "Millstone Bypass" (and a process with which most, particularly the environmental groups and those in the Princeton community, were pleased) should be instituted to address, in more regional manner, the issue of proposed Rte 92.

   Given the many divergent opinions among different communities and groups, the "roundtable" approach, recently used so successfully in the case of the Penns Neck Area Study area, would be a good approach to more fully (and fairly,) explore more alternatives and build a consensus.

The Route 1 corridor is a linear element. The proposed "hierarchal" Route 92 would funnel traffic to a single point in the Route 1 corridor (and at the point in which that corridor's infrastructure is narrowest and least able to handle it) use of existing roads (especially Route 522) with relatively minor improvements would reduce traffic congestion at substantially less cost. A network system, rather than a hierarchal east-west road is best able to handle the nature of the traffic.

RVZ-3

Given the western terminus, on Route 1 just north of Ridge Road, of the proposed Route 92, the impact of traffic, already severe, on the historic[1] Village of Kingston and its Environs[2] would be disastrous. Its narrow roads were never meant to accommodate modern traffic.[3]

The preservation of historical Kingston is dependant its ability to remain a community in which people want to live. Kingston's viability as a community, already under stress by traffic will be negatively impacted by the additional traffic attracted by the proposed Route 92.

NB: Princeton (Township, Borough and "Regional" Planning Board) still prefer to believe that Rte 92 will eventually lead to a connection to Route 206 [a "Princeton Bypass"] despite the (moderate and low income and very dense) housing built in Montgomery Twp in the path of the former Rte 92 alignment. In the unlikely event that Montgomery, Franklin and Somerset County (all of which have removed Rte 92 from their master plans) would allow an alignment within their borders, that alignment would more logically connect (in the path of the currently private quarry road) to Route 522. In the meantime Route 92 would draw considerable traffic through Princeton, and of course Kingston, on its way to and from the Turnpike.

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[1] A considerable portion of the village is a Historic District on the National Register of Historic Places. Furthermore there are numerous other historic sites and districts in the Village Center or its Environs are either on the National Register or have been determined by the NJ Historic preservation Office to be eligible for the National Register of Historic Places. The entire Kingston area, and indeed all of the proposed Route 92 corridor is in the proposed Crossroads of the American Revolution National Heritage Area.

[2] Kingston was designated a Village Center and its surrounding Environs were designated CES/ HCS (Critical Environmental Site/ Historic and Cultural Site) in the New Jersey State Development and Redevelopment Plan by the New Jersey State Planning Commission in May 2001.

[3] Many of these roads are historic. The section of Route 27 in Kingston (and Princeton) is part of the King's Highway National Register District. Several of them, including Church St, Laurel Avenue, Academy St., part of Mapleton Road and almost all of Ridge Road (even east of Kingston) were part of the Route taken by Gen'l George Washington and his Continental Army troops on their way to the Battle of Monmouth.

No municipality has a perfect record in planning; few take regional concerns seriously. Municipal officials, of course and rightly so, are responsible to their own electorates, not those of other towns. Never the less, A plan that relieves conditions in one municipality, at the expense of others, is not fair. We strongly support regional planning and the State Plan. The State Plan is voluntary, but it does provide a framework for cooperation.

Middlesex County has yet to address its "Strategic Planning Area III (SPA –III,) which includes the area of the NJTA's proposed Route 92; however, the area that should be addressed – the Route 1 corridor and its adjacent areas – is greater than one county. The impact area includes parts of Mercer and Somerset Counties as well as Middlesex County. What is really needed is a Special Area – similar to that of the Hackensack Meadowlands – that would bring all the impacted municipalities together to address the problems of the region on a regional basis. Such an area would extend from Trenton to New Brunswick and should include those two Urban Centers in the process as well.

Those Mayors who support a regional approach to solving the traffic problems of the region should support the roundtable approach.

As a first step toward regional cooperation and a resolution of the problems created by Route 92, a process of "conflict mitigation" such as the "roundtable of stakeholders" utilized so successfully in the Penns Neck Area Improvements should be instituted. All reasonable alternatives should be studied. Not only roads, but also mass transportation (including the controversial proposed "MOM" rail connection and bus systems as well as associated "park-and-ride lots.") A "Princeton Bypass" (connecting Route 206 with Route 1 should also be studied.) Although use of such alternative systems such as pedestrian walkways and bicycle routes are unlikely to provide much real traffic reduction, they should also be included for the "quality of life" benefits they provide. The DEIS took four years, the Penns Neck Area "roundtable" process took two years.

The "roundtable" process also would remove the decision from pressures due to the current election cycles.

In the meantime, the widening of Route 1 (largely in South Brunswick) should be pursued on a fast track basis. The widening of Route 1 (together with the removal of signals) is one of the three Alternatives studied in the DEIS (the others being Route 92 and the required "no-built" Alternative.) It is an improvement for which there is broad consensus. Furthermore, it is needed now and would certainly be needed even more if Route 92 were to be built. It should be built before Route 92 in any case. In October 2003 NJDOT Commissioner Lattiere held a meeting in South Brunswick in which he indicated that NJDOT supported the widening (together with the removal of signal) of Route 1 and that construction, if "fast tracked" could begin in three years, but that funding remains a problem.

Peter Cantu
Mayor of Plainsboro

That Mayor Peter Cantu of Plainsboro supports Route 92 is to be expected. In the many years in which he has been Mayor he has carefully guided the planning of Plainsboro. Much of what he has accomplished is truly commendable, but in the planning of Plainsboro regional traffic was not taken into account. Farmland and open space was preserved and housing located, but any means of accommodating east-west regional traffic was put in the next municipality.

Shing-Fu Hsueh
Mayor of West Windsor

It is also understandable that the Mayor of West Windsor might support Route 92. Route 92 might reduce some of the traffic from NJ Turnpike Exit 8 and using Route 571.

Joseph O'Neill
Mayor of Princeton Borough
Phyllis Marchand
Mayor of Princeton Township

It is totally incomprehensible that Princeton Township and Borough should support Route 92. Frequently, we have been told that once Route 92 is built, it will then be extended to Route 206. This is most unlikely. Traffic will worsen in Princeton, not just in the Northeastern part of town, but also in Princeton Borough. It may have made sense when Route 92 was a "Princeton Bypass," but the current alignment of Route 92 extends only to Route 1. The NJTA was given the option of an extension to Route 27 (which would have done little to help Princeton), but, largely due to extensive wetlands, even the NJTA decided that section was not cost effective. The further extension through Franklin and Montgomery Townships is no longer on the master plans of those townships or that of Somerset County. In Montgomery Township dense low and moderate income housing has been built where once Route 92 was to go. In the unlikely event that a road were built from Route 206 through the housing and over the D&R Canal and Millstone River, a connection on the alignment of the existing private quarry road which connects directly to Route 522 would be more logical and far less expensive to built.

Inconsistencies in the position taken by Princeton Township and Borough on the Penns Neck area improvements (popularly called the "Millstone Bypass") with their stand on Route 92.

The lack of discussion, particularly public discussion, prior to passing a resolution of support for Route 92 is astounding. There seems to have been little review of the DEIS.

Robert Patten
Mayor of Hightstown

Route 92 really has little effect on way or the other on Hightstown which already has its "Hightstown Bypass" the only part of earlier Route 92 schemes to have been built.

Just how Route 92, which lies east of Route 1 will remove traffic from Princeton's streets defies logic. To reach this new road traffic from the west on will have to use the streets of Princeton and Kingston.

" It's time to get past unfounded fears and look at the facts. We have lived in the region and seen the explosion of development. Each town is able to make decisions about zoning and land use that reflect the nature of our individual communities and how we choose to balance development with open space. Now we can look forward to a NJ Turnpike project that will make our region more livable by taking through traffic off local roads and putting it onto a direct link to the turnpike."

" This is what smart growth is really about."

Indeed, it may be "smart growth" for Plainsboro, but it is not "smart growth" for the region. Placing one town's traffic in the next town is not smart growth; It is "not-in-my-backyard" planning. Both South Brunswick and Plainsboro have large amounts of office space (built or approved), but South Brunswick has built an east-west road (in South Brunswick) to serve its development whereas Plainsboro wants to have the NJTA build an east-west road (also in South Brunswick.

"The draft EIS provides an independent review of the facts and in the end, it is clear that Route 92 is desperately needed."

The review, by a firm with a long established relationship with the NJTA does not qualify as " an independent review."

"We urge local residents to review the draft EIS at the local library and learn more about this project."

Residents should, indeed, review the DEIS. If they do so, they will find how seriously flawed the document is. They may also wonder why there was not more review and public discussion of this major project.

"We urge the Army Corps of Engineers and state agencies to issue the necessary permits to get Route 92 built now for central New Jersey."

The road is not for central New Jersey, but rather for a few interests. It is certainly not for the benefit of Princeton and many other communities. It is a major investment at a time when funds are limited. It would be irresponsible. Any project of this size, let alone one with serious impacts on many local communities in the region, deserves a thorough and unbiased study similar to the Penns Neck "roundtable" which Princeton so enthusiastically supported. Other communities also deserve a similar process. Although the original Penns Neck improvement preferred alignment" was not in Princeton, the Borough and Township rightly pushed for the Penns Neck area "roundtable" process because of the impact the project would have on Princeton. Certainly, the communities that would be impacted by Route 92 should have the same opportunity.

[The letter is signed by various mayors]

" Central New Jersey has long lacked an east-west connector. The absence of such a road has resulted in significant traffic congestion and a threat to local safety and quality of life, as local roads bear the ever-increasing traffic. Studies by the NJ Turnpike Authority, local municipalities and many credible traffic engineers have demonstrated that traffic congestion on many local roads will be significantly reduced if Route 92 is built. Now, the draft EIS confirms this fact."

While, indeed, the DEIS indicates that traffic would be reduced on <u>some</u> local roads, it also indicates it would be increased on many other local roads. Those include roads which are far less able to handle the increase.

"Those who oppose the road have presented arguments that are not supported by any legitimate studies."

The earlier EPA study is hardly not legitimate. Those opposing the Route 92, or its current alignment, have not had access to the funds that the NJTA has. One of the principle arguments of the opponents to Route 92 is that there have been no unbiased studies to support Route 92, none to address the issues of traffic on a truly regional basis and none that assess all the reasonable alternatives. An impartial study of all alternatives is one reason why a roundtable approach such as was sought for the Penns Neck area Route 1 improvements is so important

"The widening of Route 522 does not solve the problem of getting 18-wheelers away from the front yards where our children play."

How does Route 92 get " 18-wheelers away from the front yards where our children play"? Certainly it does not in Princeton or Kingston. Route 522 is not a toll Route and was built as a truck route. Improvements to the intersection at Route 1 (now under construction) and its extension will make it even more attractive to truckers.

Given the narrow streets and the small building setbacks from the streets[1] in the historic Kingston Village Center (and the National Register Historic District) the impact of the increased traffic is far greater than that on Dey Road in Plainsboro where most houses do not face the road and have far substantial setbacks from Dey Road.

One of the alternates, albeit one rather summarily rejected in the DEIS, is the widening of Route 522 (with and without an extension to NJ Turnpike Exit 8A), which is rejected because of environmental impacts. In fact there is no need to widen Route 522; it is serving its purpose quite well as it is.

"Alternative alignments have been evaluated and most would have greater environmental or socioeconomic impact. Despite the fears of communities as far to the west of Route 1 as Hopewell, the draft EIS demonstrates that the new road will not increase traffic on local roads, and in fact will generally reduce peak hour traffic volumes on local and secondary east-west roads. Building this roadway will not bring additional traffic to the area, it will merely channel the through traffic directly to the Turnpike without first weaving through local streets."

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[1] On Heathcote Brook Road the distance between the <u>buildings</u> (on either side of the road at the King's Highway) is less than 24 feet and there are no sidewalks. The turning radii at the intersection do not permit large trucks to make turns.

1113 PRINCETON - KINGSTON ROAD, PRINCETON, NEW JERSEY 08540

DATE: 30 May 2004

FROM: Robert von Zumbusch

RE: Draft Environmental Impact Statement for the Route 92 Project (proposed by the New Jersey Turnpike Authority)
Middlesex County, New Jersey
(CENAN-OP-RE Public Notice # 1999-00240-J1)

APPENDIX 1: A response to a letter by five mayors in the 25 May 2004 Princeton Packet

The following, in *italics* and in quotation marks is a letter to the editor as published in the 25 May 2004 Princeton Packet; the same letter also appeared in the Princeton Town Topics. A paragraph by paragraph response is inserted in **bold**. The letter is an example of the misinformation that has been spread.

"Local mayors express support for Route 92"

To the editor:

"As mayors of municipalities near the Route 1 corridor in central New Jersey, we are pleased to see that the U.S. Army Corps of Engineers has issued an Environmental Impact Statement that should put to rest any questions about the need for Route 92."

Unfortunately, the draft EIS issued by the USACE raises far more questions than it answers. Furthermore, not all the mayors on, let alone near, the Route 1 corridor support Route 92. Most importantly, South Brunswick, the municipality most effected and in which most of the proposed Route 92 is located, strongly opposes the NJTA's proposed project.

" The 400-page document, "Draft Environmental Impact Statement for the Route 92 Project Proposed by the NJ Turnpike Authority," and its accompanying appendices, which total over 1,000 pages, thoroughly study the project and its potential impacts and find that the road alignment proposed by the Turnpike Authority not only meets the project's stated need and purpose, but also does so with the least harm to the environment or local communities."

The DEIS is, indeed, a large document, but it does not "thoroughly study the project and its potential impacts." It may meet the "project's stated need", but it does so by defining the need as the NJTA's desired result. It certainly does not meet the needs of the region. Indeed, it is in its "stated need" that it is flawed from the very beginning; It states the need as an "hierarchal road ... " There is no real justification for such an assumption. What is needed is a network Such a definition of need obviously produces the answer sought.

The proposed road does not connect two centers as has been stated, but rather ... The Route 1 development area is a corridor – not a center. A net work system is what is required not an "hierarchal road."

NB: Princeton Borough and Township rightly understood the advantages of three roads connecting Princeton with Route 1

Route 130 is also developing into office/ research/ warehouse corridor.

(continued on Page A.2/ 5)

WC129

CARD

June 8, 2004

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, NY 10278

RECEIVED
JUN 15 2004
By

Subject: Please Reject Route 92

Dear Ms. Cronin,

I am writing to ask you to reject the Turnpike Authority's proposed Route 92 extension to Route 1 near Princeton and Kingston. I am a resident of South Brunswick Township and feel this road will have a great impact on my family and our town. My home will be 100 feet from the proposed Route 92! How would you feel if a road was being built that close to you and your family? I bet you would try to stop it. Do you think it is real healthy that children get raised next to a major road that would create more pollution and loud noise? We are a hard working family and if this road gets built what will happen to our property value of our home, will we be able to sell it in the future? Probably not. South Brunswick already has Route 522, why do we need this road? Why do we have to pay the price for other towns who haven't structured their towns to alleviate their own traffic and the big corporate companies who just think they can get anything they want with the money they throw around?

CMD-1

CMD-2

CMD-3

Route 92 is supposed to remove through traffic from local roads, but it's common sense that 92 would just attract through traffic to the local roads to the west of Route 1. The Army Corps of Engineers' DEIS even states that the historic communities in the area will get more trucks if 92 is built. Also, truck drivers wouldn't likely use a toll road when they can drive for free on nearby local roads like 522. In fact, a lot of the traffic problems caused by trucks on local roads are because truck drivers avoid the high tolls on the New Jersey Turnpike.

CMD-4,5

Route 92 violates the McGreevey administration's policy of fiscal responsibility and smart growth. Rather than improving the roads we already have, 92 would cut through a nature preserve, wetlands, endangered species habitat, open space, and farmland. The cost is enormous: $400

CMD-6

WC129

million, estimated in 1993, and probably much higher in reality now. This money would be better spent on repairing and improving the roads and bridges we already have, and on increasing public transit around Route 1.

CMD-7

The money for Route 92 would be better spent to widen and remove signals from Route 1. Extending Route 522 to the Turnpike will also improve the flow of east-west traffic with much smaller impacts than 92.

We can do better than Route 92. We need to start with a fair, community-based conflict resolution process that works for the whole region, similar to the Penns Neck Area EIS Partners Roundtable in West Windsor. The Route 92 DEIS makes no mention of community involvement in the decision process, yet it is the community that must live with whatever is built.

CMD-8

Please reject the Turnpike's proposed alignment of Route 92, and instead use our money on transportation projects that make sense to the community, the environment, and to the taxpayers of New Jersey. Enclosed is also a letter that was written as an editorial assignment for school that my daughter wrote which tells how she feels about Route 92 being built. This road is in my prayers everyday asking for it not to be built, I just hope my prayers are answered. Please drive through South Brunswick and see what a beautiful town we have and what would be lost if this road is built. We need you help and a solution for this problem that will save South Brunswick Township from this devastating Route 92. Thank you.

Sincerely,

Cecilia M. Dye
Mailing address: (live in South Brunswick Twp.)
82 Friendship Road
Cranbury, NJ 08512

WC129

"Zzzzzzzzzzzzzz!" Ashley snored. All of a sudden she heard a big ruckus. "What is that?" she wondered to herself. She looks out the window and saw cars honking and crashing into each other on the new road 100 feet from her house. This is what's going to happen if they put a road by my house. I believe they should not build the proposed Route 92 in South Brunswick. This road would ruin wetlands, create air and noise pollution and many wild animals will have to find new homes.

In the first place, if they build the proposed Route 92 they will be ruining wetlands. Imagine seeing rain sprinkled on to trees and birds singing songs just as the sun is coming up. Also, seeing a pond that is still and you hear crickets playing songs all around you. What if it was all gone in a wink of an eye and then you see cars honking and crashing into each other. Also, you smell gasoline in the air and cars are hitting into animals because you ruined their home. If I asked you which one sounds better I probably know which one you would pick.

Also, all the cars and trucks will be creating air pollution. If there is too much pollution it might lead to smog, which is an exhaust gas that mixes with sunlight. Smog is unhealthy to breathe, eyes water so you can't see well enough to drive, kids can get asthma, and it is especially bad for people with lung problems. Also, carbon dioxide from cars can cause a global warming. To much carbon dioxide helps trap the sun heat on Earth heating up the whole plant. Global warming may cause shortages of food and water, polar icecaps melt, and sea levels rise.

In addition, Route 92 will be disturbing the peace and quite of others. If there is so much noise from the cars, people who live by the road are going to hear the noise. They hear the noise and they can't fall back to sleep at night or enjoy a peaceful afternoon with your family. Honk! Honk! Beep! Beep! As the cars and trucks zoomed franticly in a hurry by their house. The next morning everyone wakes up and they are too tired from all the noise. What if they had a test in school today or they had to present a presentation at work? Do you think they would do very well? I don't! Everyone needs a good night sleep to function properly in the morning.

To conclude, I believe that they should not build Route 92 because they will be ruining the wetlands, creating pollution, and disturbing the peace and quite of others. They should just leave what little land we have left and go build their roads somewhere else. Keep South Brunswick free of pollution and stop making new roads where we don't need them and then you will hear the birds singing songs just as the sun is coming up.

By Ashley Dye

WC130

Card

Governor James E. McGreevey
The State House
P.O. Box 001
Trenton NJ 08625

U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York NY 10278
Attn: Koko Cronin

RECEIVED
JUN 16 2004
By

May 24, 2004

Dear Governor McGreevey and Ms. Cronin,

Following are two questions I raised in the Route 92 hearings on 5/20/04, to which I have added a third that no one else asked at the evening session.

"My name is Tari Pantaleo, and I have been a Plainsboro resident for seventeen years. One of the finest achievements of that span of time has been the creation of the Plainsboro Preserve. The DEIS notes that the Route 92 project would pass through the Preserve, separating approximately twelve and a half acres of the property from the rest of the Preserve, by virtue of an elevated roadway over the Preserve. It is stated [on p. ES-13] that 'the project would not significantly affect the wildlife and aesthetic value of the entire property.' I can't fathom how ANY desecration of this preserved open space can even be contemplated. To raise just one question, if I am birding in the vicinity of the roadway (assuming that bird population in the area will not be affected by this road (a VERY dubious supposition in my book), exactly what decibel level will that section of the Plainsboro Preserve experience? Will I be able to detect birdsong in the presence of traffic noise on a road that is estimated to carry more than 40,000 vehicles per day?

WC130

"My second question I put to you as one who has worked in the village of Kingston for the last 25 years. I have deep concerns about the consequences Route 92 will have in this area. To address just one of these, one of the primary goals of proposed Route 92 is to reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway. However, the DEIS then goes on to estimate that at peak, an additional twenty trucks per hour will pass through Kingston on Ridge Road as a result of the construction of this road. Exactly how is this in keeping with your stated goals?"

Last, I believe two crucial factors have been overlooked in traffic studies projecting figures to 2028. First, how will the availability and the rising cost of fuel affect the way goods are conveyed over the next quarter century? Might we not see, for example, increasing use of rail transport as an economically and ecologically superior alternative to truck transport? And second, in light of the way the internet—in a very short span of time—has revolutionized our working and recreational lives, why hasn't the rise of telecommuting been taken into account? Couldn't we see a drastic reduction of all kinds of traffic on all roads in the years ahead?

TP3-1

TP3-2

Also, what about the promising potential of BRT (Bus Rapid Transit)

TP3-3

Thank you for answering these and the many other questions raised at the hearings.

cc: Commissioner Bradley, DEP
Richard L. Tomer, US Army Corps of Engineers
Senator Peter Inverso
Assemblywoman Linda Greenstein
Assemblyman Bill Baroni
Senator Jon Corzine
Senator Frank Lautenberg
Representative Rush Holt
S. Brunswick Mayor Frank Gambatese

Sincerely,

Tari Pantaleo
311 Plainsboro Road
Plainsboro NJ
08536-1905

WC131

Route92EIS, NAN NAN02

From: Ira J. Cohen [icohen@rci.rutgers.edu] **Sent:** Wed 6/9/2004 9:58 AM
To: Route92EIS, NAN NAN02; asmbaroni@njleg.org; AswGreenstein@njleg.org; SenInverso@njleg.org
Cc:
Subject: Attention: Route 92 DEIS
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,Governor McGreevey, Assemblymembers Baroni and Greenstein,

I am writing to comment on the Route 92 DEIS. I cannot understand why you have chosen not to reject this project before you are politically embarrassed. Route 92 contradicts all goals to prevent suburban sprawl. It will impose more traffic problems than it solves on Route 1 and the smaller roads to the West. The fact that one of only four exits runs straight into an office park (Forrestal Center) and another runs into a large set of corporately owned warehouses makes you look as if you are willing to sacrifice the interests of residents for the interests of rich industries. The charade that the DEIS is an impartial report must be seen in this light. Someone has to stand up and say that this road does not solve our long term traffic problems. It certainly does some damage to the environment, the only question is how much.

IJC-1

In the name of integrity and democracy I urge you to withdraw support for this short-sighted, ill-conceived project now.

Sincerely,

Ira J. Cohen 3 Gulick Lane Plainsboro NJ 08536

Sincerely,

Ira Cohen
3 Gulick Lane
Plainsboro, New Jersey 08536-1119

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC131

Route92EIS, NAN NAN02

From: Ira J. Cohen [icohen@rci.rutgers.edu] **Sent:** Wed 6/9/2004 9:58 AM
To: Route92EIS, NAN NAN02; asmbaroni@njleg.org; AswGreenstein@njleg.org; SenInverso@njleg.org
Cc:
Subject: Attention: Route 92 DEIS
Attachments:

USACE Koko Cronin
NY District Army Corps of Engineers, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear USACE Cronin,Governor McGreevey, Assemblymembers Baroni and Greenstein,

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In the name of integrity and democracy I urge you to withdraw support for this short-sighted, ill-conceived project now.

Sincerely,

Ira J. Cohen 3 Gulick Lane Plainsboro NJ 08536

Sincerely,

Ira Cohen
3 Gulick Lane
Plainsboro, New Jersey 08536-1119

cc:
Assembly Member Linda Greenstein
Senator Peter Inverso
Assembly Member Bill Baroni
Governor James McGreevey

WC132

Received-NY District
Corps of Engineers

2004 JUN 10 PM 3:07

Allograft Resources • 3553 Universi

162 of
this support letter

June 7, 2004

To Whom It May Concern:

PRO92-1

As a resident of the State of New Jersey I support and welcome the building of Route 92 for several reasons. We must continue to make improvements and additions to our road connections and transit systems or in the future we will face worse traffic conditions and possible gridlock. Any individual or family that travels Route 1 on a regular basis understands the unquestionable necessity for this fundamental improvement.

Necessary improvements like Route 92 reduce air pollution, reduce traffic and traffic congestion, increase motoring and pedestrian safety and help to bolster New Jersey's economy. Please advance the Route 92 project towards construction. The people need it, businesses need it and the State needs it!

Bart Scan

74 EDGAR Rd

MATAWAN N.J. 07747

WC133

Card

Township of Plainsboro
641 Plainsboro Road, Plainsboro, New Jersey 08536 • (609) 799-0909 • Fax (609) 799-9204

June 14, 2004

New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

RECEIVED
JUN 16 2004
By

Re: Route 92 DEIS

To Whom It May Concern:

Over the years Plainsboro's Planning Board has given careful consideration to the need for this critical east-west limited access transportation route. As the record shows, Route 92 is a road that has been planned and studied for over 50 years.

Our master plan has taken a comprehensive view of transportation and land-use planning. A major accomplishment has been open space preservation, where we have been able to preserve over 50% of the entire community through such methods as farmland preservation, clustering, and outright purchases. Our community is served by mass transit, and we have planned for and built a comprehensive bicycle and pedestrian network throughout the entire community.

PLTRS2-1

Critics of Route 92 have stated that the existing roads with minor changes can handle the projected regional traffic. The no-build scenario and other scenarios that increase the use of Dey Road, Plainsboro Road and Cranbury Neck Road run counter to all the good planning that has been accomplished and implemented. The increase in volume that is projected on these corridors and in the other scenarios that don't include Route 92 would completely destroy and bifurcate the community.

Currently, Dey Road is being turned into the defacto Route 92. Garbage trucks from New York City use this route everyday, all day, to get to their destination in Pennsylvania. The speed and volume of vehicles along Dey Road are steadily increasing, and divide the community. Cranbury Neck Road, which goes through the southern part of Plainsboro, is our farmland preservation zone, any increase in interstate traffic will do damage to this sensitive area. And Plainsboro Road has recently been redesigned to make it pedestrian and bicycle friendly. All three of these roads are inappropriate for carrying regional traffic; it would NOT be smart planning.

WC133

PLTRS2-1

Route 522 is being listed as the alternative by critics of Route 92. Route 522, as shown in the DEIS, cannot meet the project purpose and need. In its current configuration of four lanes with signalized intersections it cannot handle the increase in volumes necessary for it to be a true alternative. Also, Route 522 is north of Exit 8A, which makes it very unlikely that drivers will drive north to get to a road that has many intersections to eventually drive south. This type of movement is counter intuitive to all driving behavior witnessed on the roads.

Route 92 will connect the NJ Turnpike, Route 130 and Route 1. Hierarchy of roads is essential to ensuring that our existing infrastructure is used for the types and volumes of traffic for which it was designed and planned. Dey Road, Plainsboro Road and Cranbury Neck Road were never planned or designed to have the increasing volume they receive as a result of Route 92 not being built.

PLTRS2-2

For the sake of good transportation planning and thoughtful land use decisions, it is imperative that this permit is approved and that this critical east-west road connection finally is built. This will empower the communities of Central New Jersey to be able to address the local transportation needs and problems that have been put off because of the delay of this decision.

Attached to this letter are copies of the testimony that the Township of Plainsboro provided at the public hearing on May 20th 2004 in support of Route 92. Should you have any questions on this please feel free to contact me at this office.

Sincerely,

Robert O. Sheehan

Robert O. Sheehan
Township Administrator

Attachments

cc: file

WC133

TESTIMONY OF PETER A. CANTU
MAYOR OF PLAINSBORO TOWNSHIP
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Peter Cantu and I am the Mayor of Plainsboro Township. I have served as Mayor for 24 of the last 30 years. Few, if any, public officials have been part of the Route 92 issues and other regional transportation issues as long as I have. I recognize clearly the challenges presented by the construction of a new highway and the important responsibilities carried by the state and federal environmental agencies in protecting important environmental resources. In Plainsboro Township we take these issues very seriously and our long record of open space, farmland and woodland preservation speaks for itself. In fact, not far from here is Plainsboro's new preserve, which encompasses over 1,000 acres of permanently preserved woodland with a new environmental education center managed by the Audubon Society. This is land that we preserved to ensure that the eventual Route 92 would not encourage unwanted growth in this part of Plainsboro.

We believe that Route 92 is a roadway essential not just to Plainsboro's future but also to that of the region. This is a position that has not been arrived at casually or emotionally, but one borne out of careful, independent evaluation. It is clear from all the studies that have been done, including the recently completed Draft EIS, that Route 92 is not only needed but also critical to the transportation circulation system of the region. Without Route 92 most of the major local intersections would fail in the not too distant future. In fact it seems that the future traffic scenarios are already here. It is this sobering evaluation and observations of the existing and future conditions that has led our Township Committee to vote consistently over the years to support the construction of Route 92. This region cannot afford to wait any longer for this critical transportation element to be built. The construction of a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 to Interchange 8A of the New Jersey Turnpike known as Route 92 must move forward as presently planned.

The Draft Environmental Impact Statement comprehensively addresses the advantages and disadvantages of all the transportation alternatives for this area, including a no-build option. It

looked at all transportation alternatives and how they conform to the Smart Growth policies of the State, the County and the Townships that are affected. The study found that the Route 92 alternative is the alternative that most effectively meets smart growth principals when compared to other alternatives, including no-build.

One of the most frequently supported alternatives advocated by opponents to Route 92 is the expansion of Route 522 through South Brunswick. The DEIS tells us that expanding Route 522 to six lanes will have a much greater human impact by necessitating the destruction of 58 homes, making local travel more difficult, discouraging walking and bicycling, and reducing the quality of life in adjacent neighborhoods. There are also wetland impacts and direct impact on Pigeon Swamp State Park. Add to that the fact that making Route 522 into a six-lane road will not reduce regional through-traffic on the east-west road system, and it is clear this is not a viable alternative.

The Township of Plainsboro has consistently supported a solution to this area's transportation problems that would be sensitive to both the manmade and natural environments. With that in mind, the New Jersey Turnpike Authority has proposed construction of an approximately 57-acre wetland north and south of the proposed highway alignment as mitigation for the proposed filling of only 12.03 acres of wetlands. In addition, the New Jersey Turnpike Authority proposes further mitigation in the form of the permanent preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads. The DEIS is clear in stating that the construction of Route 92 will have the most benefit with the least amount of impact.

As Mayor it is my responsibility to safeguard Plainsboro's quality of life. We pride ourselves on the fact that through successful long-term planning we have created a key balance between development, the preservation of open space and the creation of a strong economic base. We have adhered to the principles of smart growth and the guidelines in the State Plan. But smart growth cannot be accomplished solely by local municipalities. The Route 92 project has been key to many of the land use decisions that have been made and implemented during the past 25 years. It is time for the State to move forward by providing the appropriate missing link in the regional and state transportation system.

WC133

There is only so much a community can do alone, and Plainsboro works with its neighbors to find common ground and solutions to regional transportation problems. We are an active participant and member of the Central Jersey Transportation Forum. This regional body has consistently supported the construction of Route 92. This forum has been held up in New Jersey as THE example of how to accomplish comprehensive transportation planning in a multi-jurisdictional region. It shows that regional cooperation and planning brings about reasonable solutions.

It is important that we do not make the mistake of avoiding a decision that, while difficult, is critical to the future of the region and its residents.

Therefore, based on the findings of the Draft EIS, the Township of Plainsboro recommends that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 as a four-lane, limited access highway as soon as possible.

WC133

TESTIMONY OF ROBERT O. SHEEHAN
TOWNSHIP ADMINSTRATOR, PLAINSBORO TOWNSHIP
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Robert Sheehan, and I am the Township Administrator for Plainsboro Township. Prior to being appointed Administrator I served as the Community Development Director from 1993 to 2000, which has given me the perspective of the history and the facts from the many studies done to evaluate Route 92. From the standpoint of good planning, Route 92 is needed. For the overall fiscal health of Plainsboro Township and the region, Route 92 is needed.

In the early 1980s, the New Jersey Department of Transportation undertook the State's first comprehensive corridor study to determine how best to invest in this area. The study had an innovative and extensive public involvement process, with over 200 representatives from the public and private sectors and was completed in 1986. It recommended construction to improve Route 1, and a variety of other measures to better manage the region's transportation infrastructure. The study concluded that Route 92 was so essential to the region that its construction was taken as a given in every analysis that the New Jersey Department of Transportation conducted.

Plainsboro Township embraced the study and implemented many of the study's recommendations. In fact, Route 1 in Plainsboro is the only portion of Route 1 in Central New Jersey that does not have an at-grade intersection. Plainsboro has made sure that all development that has been built along Route 1 paid their fair share for the needed improvements in the transportation infrastructure, and these improvements were built prior to the roads becoming impassable. Plainsboro has faithfully followed good planning in this corridor and now asks that the State be allowed to do their part.

Plainsboro did not just stop at the New Jersey Department of Transportation study, the Township also had three independent professional evaluations conducted; one in 1992, another in 1994 and a third one in 1996. All three came to the same conclusion, which is that the construction of Route 92 would not only be beneficial, but that it is absolutely essential for Plainsboro from both a transportation and financial viewpoint. The studies showed that absent Route 92 the extent of road construction required at the local level, just to maintain a minimum level of service, would be financially impossible. In addition, the resultant local roadway network of four and six-lane roads would destroy our community.

Any deterioration in Plainsboro's quality of life would adversely impact our existing municipal business base. This business base is a major contributor to the regional job base and a major reason why people move to this area. Plainsboro has been able to maintain it's tax base and keep its property taxes low because of the careful and thoughtful planning that has been accomplished over the past 20 years. The Route 92 project has been key to many of the land use decisions that Plainsboro has made.

There have been a number of alternatives that have been proposed and studied. The Draft EIS is very clear on the impacts of these alternatives. The Dey Road Parallel Alignment and the Plainsboro/Cranbury Road Alignment may have less wetland impacts, but they would have substantial impacts on preserved farmlands, and in the case of the Dey Road Parallel Alignment would cause the removal of over 60 homes. Ironically, the USEPA Suggested Alignment has greater wetland impacts than most of the alternatives and has substantial direct parkland impacts, especially to our Community Park, while only partially meeting the project purpose. The Dey Road Widening Alternative will have wetland impacts and loss of homes, but most significantly it would continue to use our local roads to carry regional traffic, and does not provide an efficient connection to the New Jersey Turnpike. It also increases the burden on already-stressed local intersections.

In conclusion, Plainsboro has actively pursued regional solutions to transportation problems. All studies that have been done to date have endorsed Route 92. It is now time to build the last piece of our regional transportation puzzle. The review process for this project has been exhaustive, but as a result, we have a design that meets the region's transportation needs, while minimizing environmental impacts. It's time to act. It's time to build this road.

Plainsboro Township requests that the U.S. Army Corps of Engineers New York District issue a permit to allow the construction of Route 92 to proceed.

WC133

TESTIMONY OF ARTHUR LEHRHAUPT,
CHAIRPERSON OF THE PLAINSBORO PLANNING BOARD,
PLAINSBORO TOWNSHIP, NJ
PUBLIC HEARING ON ROUTE 92 DEIS – MAY 20, 2004

Good evening, my name is Arthur Lehrhaupt and I am the Chairperson of the Planning Board for the Township of Plainsboro, and have served in this capacity for over 15 years. Over the years Plainsboro's Planning Board has given careful consideration to the need for this critical east-west limited access transportation route. As the record shows, Route 92 is a road that has been planned and studied for over 50 years.

Plainsboro is becoming known throughout New Jersey as the "Smart Growth" township. Our master plan has taken a comprehensive view of transportation and land-use planning. A major accomplishment has been open space preservation, where we have been able to preserve over 50% of the entire community through such methods as farmland preservation, clustering, and outright purchases. Through aggressive planning and preservation we have concentrated our residential and commercial areas along major transportation corridors, and have limited growth in areas that do not have good access.

Our community is served by mass transit, and we have planned for and built a comprehensive bicycle and pedestrian network throughout the entire community. This year we had the groundbreaking on our new Village Center, a mixed-use development in a walkable environment. Familiar features of downtown such as angled parking and a town green, all adjacent to existing transit, will be part of the Plainsboro Village Center.

Critics of Route 92 have stated that the existing roads with minor changes can handle the projected regional traffic. The no-build scenario and other scenarios that increase the use of Dey Road, Plainsboro Road and Cranbury Neck Road run counter to all the good planning that has been accomplished and implemented. The increase in volume that is projected on these corridors and in the other scenarios that don't include Route 92 would completely destroy and bifurcate the community.

WC133

Dey Road is being turned into the defacto Route 92. Garbage trucks from New York City use this route everyday, all day, to get to their destination in Pennsylvania. The speed and volume of vehicles along Dey Road are steadily increasing, and divide the community. In order for our children to get to our community park, their new elementary school, or to our new Environmental Education Center in the Plainsboro Preserve, they need to cross Dey Road.

Cranbury Neck Road, which goes through the southern part of Plainsboro, is our farmland preservation zone where we have been very successful in ensuring that it will be farmed for generations to come, and any increase in interstate traffic will do damage to this sensitive area. And Plainsboro Road has recently been redesigned to make it pedestrian and bicycle friendly. All three of these roads are inappropriate for carrying regional traffic; it would NOT be smart planning.

The fact is that Route 92 IS consistent with the overall planning goals of Plainsboro Township, the County of Middlesex and the State Plan. Route 92 will connect the NJ Turnpike, Route 130 and Route 1. Hierarchy of roads is essential to ensuring that our existing infrastructure is used for the types and volumes of traffic for which it was designed and planned. Dey Road, Plainsboro Road and Cranbury Neck Road were never planned or designed to have the increasing volume they receive as a result of Route 92 not being built.

For the sake of 20 years of good planning and thoughtful land use decisions, it is imperative that this permit is approved and that this critical east-west road connection finally is built. This will empower the communities of Central New Jersey to be able to address the local transportation needs and problems that have been put off because of the delay of this decision.

Please act now for the sake of transportation mobility and good planning, and approve this permit and allow this road to be built.

WC134

THE TOWNSHIP OF CRANBURY

RICHARD STANNARD
Mayor

23-A NORTH MAIN STREET
CRANBURY, NEW JERSEY 08512

609-395-0900 FAX 609-395-8861

FREDERICK C. CARR
Township Administrator

KATHLEEN KOVACH, Chief Financial Officer
KATHLEEN R. CUNNINGHAM, R.M.C., Clerk
THOMAS C. WITT, Director of Public Works

Members of the Township Committee
BECKY BEAUREGARD
MICHAEL T. MAYES
THOMAS F. PANCONI, JR.
RICHARD STANNARD
PARI STAVE

RECEIVED
JUN 14 2004
By

11 June 2004

New York District
U.S. Army Corps of Engineers
ATTN: Richard L. Tomer, Chief, Regulatory Branch
Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Re: Route 92 - Draft Environmental Impact Statement

Dear Richard L. Tomer:

The Township of Cranbury has reviewed the Draft Environmental Impact Statement (Route 92 - DEIS) for the proposed Route 92 project under application No. 1999-00240-J1 submitted by the New Jersey Turnpike Authority.

CRTWP-1

The Township finds no fault with the Route 92 - DEIS in respect to its methodology or findings and continues to support the Route 92 project. Moreover, our Environmental Commission has advised us that the proposals to mitigate environmental impacts outside of Cranbury appear reasonable. These proposals include replacing wetlands impacted by Route 92 at a ratio of approximately 4 to 1, and providing for migration of wildlife between wetlands areas separated by Route 92 by incorporating passageways under the road.

CRTWP-2

Lastly, the Township Committee wishes to restate its position in favor of the construction of Route 92 as an effective means of providing a much-needed high-speed link between the major north-south routes in central New Jersey.

Thank you again for your interest. I look forward to hearing from you.
Very truly yours.

Richard Stannard

Richard Stannard, Mayor
Township of Cranbury

WC135

92 NOW

[redacted] individuals
[redacted]es dedicated
[redacted]the quality of
[redacted] New Jersey

RECEIVED
JUN 14 2004
By

June 11, 2004

Colonel Richard J. Polo, Jr.
Commander and District Engineer
New York District, U. S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

RE: Route 92 DEIS

Dear Colonel Polo:

The enclosed testimony is submitted in support of the findings of the Army Corps of Engineers' Draft Environmental Impact Statement regarding the construction of Route 92 – a limited access highway linking Route 1 with the New Jersey Turnpike.

These submissions attest to the overwhelming support of business, government and the Central New Jersey community for this desperately needed improvement in access to and from the Turnpike. The construction of Route 92 is the optimal solution in the resolution of multiple, complex problems in environmental protection, traffic flow and safety, and economic development.

On behalf of the coalition of interested members, I urge you to approve the individual wetlands permit and allow the construction of Route 92 to proceed.

Very truly yours,

Anthony E. Pizzutillo

92 NOW ■ c/o Issues Management LLC
101 Poor Farm Road ■ Princeton NJ 08540

92 NOW

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New Jersey

Route 92 Supporters

Government/public officials:

- Mercer County Board of Chosen Freeholders
- Middlesex Board of Chosen Freeholders
- Middlesex County Conference of Mayors
- Middlesex County Transportation Coordinating Committee
- Cranbury Borough
- Monroe Township
- North Brunswick Township
- Plainsboro Township
- Princeton Borough
- Princeton Township
- West Windsor Township

Business:

- A-1 Limo Service
- American Re-Insurance Company
- Bellemead Development Corporation
- Bohren's
- Bristol-Myers Squibb Company
- Centre Pointe Properties
- The Gale Company
- George Harms Construction Co.
- Matrix Development Group
- Merrill Lynch and Company
- National Business Parks
- Princeton Forrestal Center
- Siemens

Organizations:

- Alliance for Action
- Central Jersey Transportation Forum
- Mercer County Chamber of Commerce
- Middlesex Chamber of Commerce
- National Association of Industrial and Office Properties, NJ Chapter
- New Jersey Business and Industry Association
- New Jersey Society for Environmental, Economic Development (NJ SEED)
- Princeton University
- Regional Planning Partnership (Middlesex, Somerset, Mercer Regional Council)
- Utility and Transportation Contractors

Labor Unions:

- Associated General Contractors of New Jersey
- International Association of Bridge, Structural and Ornamental Ironworkers Local 373
- Ironworkers Local 373
- Laborer's International Union of North America
- Middlesex County Building and Trades Council
- New Jersey AFL-CIO
- New Jersey Bricklayers and Allied Craftsmen Local Union #5
- New Jersey State Council of Carpenters
- Operating Engineers Local 825
- United Brotherhood of Carpenters and Joiners of America Local 1006

92 NOW ■ c/o Issues Management LLC
101 Poor Farm Road ■ Princeton NJ 08540

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Princeton Forrestal Center
Testimony of Robert J. Wolfe, General Manager

Princeton University

The Regional Planning Partnership

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Testimony of Robert O. Sheehan, Township Administrator
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Area mayors support Route 92

To the editor:

As mayors of municipalities near the Route 1 corridor in Central New Jersey, we are pleased to see that the U.S. Army Corps of Engineers has issued an environmental impact statement which should put to rest any questions about the need for Route 92. The 400 page document, "Draft Environmental Impact Statement for the Route 92 Project Proposed by the NJ Turnpike Authority," and its accompanying appendices which total over 1,000 pages, thoroughly studies the project and its potential impacts and finds that the road alignment proposed by the Turnpike Authority not only meets the project's stated need and purpose, but also does so with the least harm to the environment or local communities. 92NOW-1

Central New Jersey has long lacked an east-west connector. The absence of such a road has resulted in significant traffic congestion and a threat to local safety and quality of life, as local roads bear the ever-increasing traffic. Studies by the NJ Turnpike Authority, local municipalities and many credible traffic engineers have demonstrated that traffic congestion on many local roads will be significantly reduced if Route 92 is built. Now, the draft EIS confirms this fact. 92NOW-2

Those who oppose the road have presented arguments that are not supported by any legitimate studies. The widening of Route 522 does not solve the problem of getting 18-wheelers away from the front yards where our children play. Alternative alignments have been evaluated and most would have greater environmental or socio-economic impact. Despite the fears of communities as far to the west of Route 1 as Hopewell, the DEIS demonstrates that the new road will not increase traffic on local roads, and in fact will generally reduce peak hour traffic volumes on local and secondary east-west roads. Building this roadway will not bring additional traffic to the area, it will merely channel the through traffic directly to the Turnpike without first weaving through local streets. 92NOW-3 92NOW-4

It's time to get past unfounded fears and look at the facts. We have lived in the region and seen the explosion of development. Each town is able to 92NOW-5

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101 Poor Farm Road ■ Princeton NJ 08540

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92NOW-5

make decisions about zoning and land use that reflect the nature of our individual communities and how we choose to balance development with open space. Now we can look forward to a NJ Turnpike project that will make our region more livable by taking through traffic off local roads and putting it onto a direct link to the Turnpike.

This is what smart growth is really about. The Draft EIS provides an independent review of the facts and in the end, it is clear that Route 92 is desperately needed. We urge local residents to review the DEIS at the local library and learn more about this project. We urge the Army Corps of Engineers and state agencies to issue the necessary permits to get Route 92 built NOW for Central New Jersey.

Peter Cantu
Mayor of Plainsboro
609-799-0909
Shing-Fu Hsueh
Mayor of West Windsor
609-799-2400
Joseph O'Neill
Mayor of Princeton Borough
609-924-3118
Phyllis Marchand
Mayor of Princeton Township
609-924-5704
Robert Patten
Mayor of Hightstown Borough
609-490-5100

Note to editor:
92 NOW has received permission from these mayors to add their names to this letter. Phone numbers for each of the mayors is included for verification.

WC135

TOWN TOPICS, PRINCETON, N.J., WEDNESDAY, MAY 26, 2004 • 14

MAILBOX

Area Mayors Voice Their Support For Building Route 92 Immediately

To the Editor:

As mayors of municipalities near the Route 1 corridor in central New Jersey, we are pleased to see that the U.S. Army Corps of Engineers has issued an environmental impact statement which should put to rest any questions about the need for Route 92. The 400-page document, "Draft Environmental Impact Statement for the Route 92 Project Proposed by the NJ Turnpike Authority," and its accompanying appendices totaling over 1,000 pages, thoroughly studies the project and its potential impacts and finds that the road alignment proposed by the Turnpike Authority not only meets the project's stated need and purpose, but does so with the least harm to the environment or local communities.

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JOSEPH O'NEILL
Mayor of Princeton Borough
PHYLLIS MARCHAND
Mayor of Princeton Township
PETER CANTU
Mayor of Plainsboro
SHING-FU HSUEH
Mayor of West Windsor
ROBERT PATTEN
Mayor of Hightstown Borough

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MAY 28, 2004

WEST WINDSOR & PLAINSBORO NEWS

Mayors For 92

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Peter Cantu
Mayor of Plainsboro

Shing-Fu Hsueh
Mayor of West Windsor

Joseph O'Neill
Mayor of Princeton Borough

Phyllis Marchand
Mayor of Princeton Township

Robert Patten
Mayor of Hightstown Borough

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CenterPoint AT 8A

CenterPoint Properties
One Rossmoor Drive • Suite 201B
Monroe Township, New Jersey 08831-1596
609-409-0800 • Fax 609-409-1088

June 11, 2004

Colonel Richard J. Polo, Jr.
Commander and District Engineer
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

RE: Route 92DEIS

Dear Colonel Polo:

CP8A-1

We support the findings of the Army Corps of Engineers' Draft Environmental Impact Statement regarding the construction of Route 92 - a limited access highway linking Route 1 with the New Jersey Turnpike.

Businesses in this area are desperately in need of improved access to and from the Turnpike. Route 92 provides a reasonable means of both relieving traffic congestion on Route 1 and providing a much needed east-west corridor. The highway has won the overwhelming support of municipalities, county government, planning agencies and business in the Central New Jersey area.

The current alignment of Route 92 links two identified regional centers - the area near Turnpike Exit 8A and the Greater Princeton corridor. It provides better traffic flow while improving traffic safety and concentrated air pollution in residential neighborhoods.

The construction of Route 92 provides the best, balanced solution to the multiple public policy goals of environmental protection, mobility, economic development and community enhancement. We urge you to approve the individual wetlands permit and allow construction to proceed.

Sincerely,

Doris Ebeid

Doris Ebeid
Office Manager

WC137

CENTRAL JERSEY TRANSPORTATION FORUM

Delaware Valley Regional Planning Commission

February 24, 2004

The Honorable James E. McGreevey
Governor State of New Jersey
The State House
125 West State Street
Trenton, New Jersey 08625

RE: Senator Peter Inverso Proposed Bill S854 and Assemblyman Bill Baroni Proposed Bill A1957

Dear Governor McGreevey:

CJTF-1

This letter is to inform you that the Central Jersey Transportation Forum believes that the introduction of any bill at this time to repeal the New Jersey Turnpike Authority's authorization to build Route 92 is premature.

The purpose of the Forum since its inception in 1999 has been to identify and review transportation issues in the Route 1 region and make recommendations as to actions and investments. The lack of east-west access in the area has been one of the major transportation issues the Forum has addressed. These recommendations have now been summarized in a report, dated July 2002, published by Delaware Valley Region Planning Commission (DVRPC) on behalf of the Forum. The report documents that transportation modeling undertaken by the Forum shows additional east-west access provided by the proposed highway will improve mobility and have a positive impact on traffic congestion in the region.

The Forum urges that no action be taken until the Army Corps of Engineers has released its Draft Environmental Impact Statement. Our studies have shown that Route 92 is a critically needed improvement to the region's transportation system, and that it is completely consistent with Smart Growth objectives. Route 92 is a needed east-west connection between the NJ Turnpike and Route 1. The proposed roadway would provide a connection between two regional centers – the Exit 8A warehouse and office district and Princeton Forrestal Center and other large employment and residential centers in this area of the Route 1 Corridor. Without the proposed highway, more congestion will be added to local residential communities. Therefore it is imperative that all decisions be made after the results of the Draft Environmental Impact Statement is made public. New Jersey residents deserve the opportunity to examine the recommendations of that comprehensive analysis.

The Central Jersey Transportation Forum came to its conclusions after several years of analysis and discussions. We are in step with your goals for New Jersey. If you require any further information, please do not hesitate to contact me.

Yours sincerely,

John J. Coscia
Chairman, Central Jersey Transportation Forum
Executive Director,
Delaware Valley Regional Planning Commission

c: Members of the New Jersey State Legislature
Commissioner Jack Lettiere, NJDOT

WC138

New Jersey Concrete and Aggregate Association

142 West State Street • 2nd Floor • Trenton • New Jersey 08608

(609) 393-3352
FAX (609) 393-3354
www.njconcrete.com
www.njaggregate.com

William F. Layton
Executive Director

June 10, 2004

Re: Route 92DEIS

Dear Colonel Polo:

NJCAA-1

We support the findings of the Army Corps of Engineers' Draft Environmental Impact Statement regarding the construction of Route 92 – a limited access highway linking Route 1 with the New Jersey Turnpike.

Businesses in this area are desperately in need of improved access to and from the Turnpike. Route 92 provides a reasonable means of both relieving traffic congestion on Route 1 and providing a much needed east-west corridor. The highway has won the overwhelming support of municipalities, county government, planning agencies and business in the Central New Jersey area.

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The construction of Route 92 provides the best, balanced solution to the multiple public policy goals of environmental protection, mobility, economic development and community enhancement. We urge you to approve the individual wetlands permit and allow construction to proceed.

Very truly yours,

Bill Layton

Printed on recycled paper.

Jun 11 04 11:09a p.2

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Fax: 609-452-2321
www.planningpartners.org

April 1, 2003

Hon. James McGreevey
Governor of New Jersey
The State House
Trenton, NJ 08625

RE: Smart Growth Support for Route 92

Dear Governor McGreevey:

It has come to my attention that you may be under pressure from those who say that if the Administration supports Route 92, it would be in conflict with your support for Smart Growth and the State Plan. On behalf of the Board, members and staff of the Regional Planning Partnership, a non-profit organization dedicated to protecting the quality of community life through sound land use planning and regional cooperation, I am writing to give you the facts to demonstrate that there is no such conflict. Once you have reviewed these facts, I ask you to use your influence to ensure that Route 92 is constructed as soon as possible.

RPP has advocated Smart Growth for over 35 years. As you will see from the enclosed summary of our accomplishments over that time, we have growth management credentials second to none in New Jersey. These credits demonstrate RPP's long-term commitment to reduce land and resource consumption, protect water resources and reduce auto-dependency – Smart Growth.

We have learned that a position against *any* new capacity in the road network will not lead to Smart Growth any more than a position in favor of *all* new capacity. To judge whether a project is "smart" or not, a project must be judged on its purpose, design and function in the overall plan for growth and conservation in a region. Our 35 years of experience in this region, has given us the qualifications to determine that Route 92 meets those criteria and deserves your support.

RPP2-1

RPP has supported Route 92 for over 25 years – ever since the 1970s when we opposed the extension of Interstate 95 through the Hopewell Valley and the Sourland Mountains, an area that RPP has long sought to protect. Instead of having the money being spent on that project, we supported the use of the money in the Route 1 Corridor, including the construction of Route 92.

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RPP2-1

We supported these improvements for two reasons. First, the Route 1 Corridor, even then, had considerable development, infrastructure and the potential of providing transit options. Route 1 was – and remains – a more suitable focus for development. Second, when the Hopewell valley section of I-95 was "de-designated" the Turnpike became the designated I-95 corridor. The Route 92 connection between the Turnpike and Route 1 was clearly needed as an east/west connection between these two important facilities.

In the early 1980s, NJDOT undertook the State's first comprehensive corridor study to determine how best to invest the newly released funding. The study had an innovative and extensive public involvement process, managed by RPP, involving over 200 representatives from both the public and private sectors in the region. Completed in 1986, the study recommended construction to improve Route 1, aggressive demand management measures, impact fees, land use controls, local connectors and stronger highway access management. Route 92 was considered so important in the region, that its construction was taken as given in every analysis NJDOT conducted. Today, Route 1 and the Turnpike remain powerful economic engines in New Jersey's future. Route 92, along with the other recommendations in the study, remains essential to region's future.

RPP2-2

Besides having been developed as a result of a regional plan, Route 92 has other "smart" credentials. First, it is designed as a limited-access highway with only a few key interchages – essential to reducing the possibility of "induced development." The few interchanges were selected because they serve existing development. Where the road traverses undeveloped land, there is no access.

Second, as underlined in the 1986 Route 1 Corridor Study and more recently in the Central Jersey Transportation Forum recommendations, Route 92 is a needed east-west connection between the Turnpike and Route 1, between two regional centers identified in the State Development and Redevelopment Plan. Although these centers are not currently mixed-use, or as dense as the State Plan envisions, investing in Route 92 will add the value necessary to encourage future development within them, rather than outside them. It will also provide the opportunity for providing transit options at some time in the future. These incentives, *plus the right land use regulations both inside and outside these centers*, are exactly what is needed to implement the Plan and reduce the sprawl.

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And last, although by no means least, Route 92 has an alignment and design that minimizes impact on wetlands. The environmental review process, to which the Turnpike Authority's plans for Route 92 have been subjected over the last 10 years, has already caused the design to be revised and the impact on wetlands minimized from the original 32.9 acres to the current 12 acres. In addition, the Turnpike Authority will be providing over 50 acres of wetlands mitigation and an additional 202 acres of existing forested wetlands and uplands preserved in the vicinity of Friendship and Miller Roads in South Brunswick Township. Relying on widening local roads to handle regional traffic will have an equal impact on wetlands, none of the mitigation or preservation and a devastating impact on local residential areas.

RPP2-3

Opponents to Route 92 have a passionate commitment to oppose growth-inducing new road capacity. We agree with them in principle, but Route 92 is not a growth-inducing road. It is designed to solve existing traffic congestion on local and county roads that are ill-equipped to handle the traffic that is already here. The new development, much of which already has permits to be constructed, is oriented to the Turnpike or Route 1 and will not disappear if Route 92 is not built. Without Route 92, that traffic will only add danger and misery to the local residential streets. The opponents' passion is misplaced here and does not serve the public's interest.

RPP2-4

The claim that Route 92 will induce more development also implies that if Route 92 is not built, the land that is going to be traversed by Route 92 will be protected. This is also incorrect. Any open land that remains in South Brunswick is zoned for development. South Brunswick has taken few steps to preserve it. In fact, From 1997 to 2000, there was more than 2 million square feet of non-residential development completed in South Brunswick and another 10 million square feet was either under construction or approved. That was more than half of all such approved non-residential development in the four towns near Exit 8A (see enclosed table). Plainsboro, on the other hand, has understood both the advantages of Route 92 for its residents, and has been aggressively saving open space through farmland preservation and parkland purchases, easements, and density transfers in order to minimize any opportunity for development other than in the existing center. Opposing Route 92 will not prevent development in South Brunswick.

What you may not know is that there is an enormous amount of long-held public support for Route 92 that is not reflected in recent press. A professional public opinion poll, drawn from households throughout the

RPP2-5

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region, concluded that the vast majority of residents, even a majority of those polled in South Brunswick, felt an urgent need for an east/west connection in this area to improve the safety and quality of life in their communities.

RPP2-5

That widespread recognition of the need and a renewal of the support for Route 92 is seen in the on-going Central Jersey Transportation Forum, a group whose accomplishments you have praised and that you visited last December. The Forum was established to provide the regional review and factual analysis that should precede the construction of any new project if it is to be considered "smart." I have enclosed a section of the Forum's 2002 recommendations, highlighting how widening Route 1 and constructing Route 92 will provide significant relief for local neighborhoods.

RPP2-6

In spite of these compelling reasons to support Route 92, you may still have concerns about the environmental impact. RPP agrees with you and other environmentalists that filling wetlands and converting open land to development should be avoided if at all possible. That is why, once we determined that Route 92 was needed, we supported the alignment selected by NJDOT in the 1980s and proposed as the preferred alignment by the Turnpike Authority because it had the least impact on wetlands.

RPP2-7

RPP also supports DEP's new mapping of environmental constraints. We agree that such constraints should be one of the primary sources to inform the location of development. As is the case for Route 92, however, there are going to be instances in which "red" zones will need to be traversed by pipes, transportation facilities and other infrastructure in order to make the development in "green" zones functional. That means that there should be a distinction made between permits for infrastructure and for development in the red zones. If needed to support green zones, infrastructure must be permitted.

DEP's map, however, has not yet been integrated with the State Plan Policy Map, which is reflective of more than the goal of environmental protection. Please remember that Smart Growth is determined by a public reckoning of *multiple* goals. RPP feels strongly that important public decisions, such as whether or not to build Route 92, should be based on environmental constraints, *and* on the needs of the economy *and* on the opportunities for public transit. Smart Growth is about optimizing a range of goals, not maximizing any one.

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It is our intention to provide you with the information you need to make the decision to support Route 92. If you require any further information, please do not hesitate to contact me. I know that RPP's Board, members and staff support your successful pursuit of truly Smart Growth.

Yours sincerely,

Dianne R. Brake
President

Enc. RPP Accomplishments
RPP Current Development Survey (8A municipalities)
CJTF recommendations supporting Route 92

Copies: NJDEP Commissioner Bradley Campbell
NJDOT Commissioner Jack Lettiere
NJ Turnpike Executive Director Michael LaPolla

WC140

UTCA

UTILITY and TRANSPORTATION CONTRACTORS ASSOCIATION OF NEW JERSEY

Street Address: 2310 Highway 34 North, Wall, NJ 07719
Mailing Address: P.O. Box 726, Allenwood, NJ 08720
732-292-4300 FAX: 732-292-4310 www.utcanj.org

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E.E. Cruz & Company

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GEORGE HARMS

June 10, 2004

Colonel Richard J. Polo, Jr.
Commander and District Engineer
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DAIS
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Re: Route 92 DAIS

Dear Colonel Polo:

UTCA-1

The Utility & Transportation Contractors Association numbers approximately 1,100 member firms active in all phase of heavy, highway, utility and environmental remediation construction through out New Jersey. **Our organization wishes to express our <u>strong support</u> for the above referenced project!**

This project is greatly needed in this region of the State and it is supported by the majority of businesses, local entities, and commuters in this area of New Jersey. This project will relieve traffic and congestion on local roads in the greater Princeton area while creating a more direct route to access on the New Jersey Turnpike. In addition, pedestrian and local transportation safety will be greatly enhanced by removing heavy commuter and truck traffic on these local roadways.

In closing, we wish to reiterate UTCA's staunch support for the Route 92 DAIS report!

Sincerely,

Robert A. Briant, Jr.

Robert A. Briant, Jr.
Executive Director

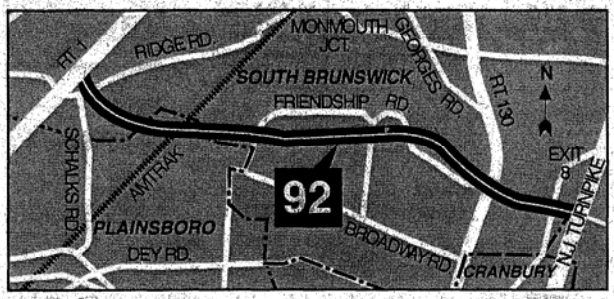
AFFILIATIONS —
American Road & Transportation Builders Association
National Utility Contractors Association

WC140

South Brunswick Post

Thursday, May 20, 2004

ARGUING ROUTE 92



Graphic by Tom Lederer

Route 92 is a proposed 6.7-mile, four-lane toll road that would link the N.J. Turnpike at Exit 8A with Route 1 near Ridge Road. Environmental permits for the highway are being reviewed by the U.S. Army Corps of Engineers, which has released a draft Environmental Impact Statement in preparation for a public hearing today (Thursday) at 2 p.m. at the Radisson Hotel on Route 1 in South Brunswick. The South Brunswick Post invited members of 92 Now, a coalition that supports construction, and No 92, a coalition opposed to the highway, to offer their thoughts on the need for the highway.

WC141

92NOW2-1 THRU 5

South Brunswick Post Thursday, May 20, 2004

Why we need it 92 Now

Highway would provide a better quality of life

92 Now

Cindy Gordon

Central New Jersey is a rich and vibrant part of the state, filled with business and commerce, acclaimed educational facilities, culture, fine restaurants, places to shop, green space and good residential neighborhoods. Since 1980, growth in population and employment has been extremely strong in this attractive area.

But this growth has brought with it the traffic and congestion that now clog Route 1 and local side streets. Residents have learned to allow inordinate amounts of time to go from point A to point B and commercial traffic has become evermore creative in seeking shortcuts to its destination. For decades this area has been evaluated and studied in an effort to improve traffic flow in this critical part of the state.

Route 92 is needed to ease the problem. It cannot solve every woe, but it will take a big step toward easing traffic on Route 1 and putting through traffic — much of it big trucks and commercial vehicles — where it belongs, on a direct connection to the N.J. Turnpike.

For too many years the local roads like Scudders Mill, Dey, Route 522 and Route 571 have served as inappropriate surrogates for this direct connection. Even smaller roads in residential communities adjacent to these east-west roads have borne the burden of the cars and trucks seeking the quickest way to the Turnpike.

Over the years, Route 92 has been studied and evaluated by planning groups, government agencies and the public. Along the way, changes have been made in response to public comment. Now, with the publication of a draft Environmental Impact Statement by the U.S. Army Corps of Engineers, yet another set of comprehensive studies has confirmed that the current proposed Route 92 project meets the regional need for an east-west connector road, while having the least amount of impact on the environment and the community when compared to a number of alternatives.

There is a small but vocal minority of people who oppose this road. Those who take the time to review the voluminous document will find the answers to all their questions in the DEIS. For example:

Will the road "dump" traffic in local communities?

The DEIS cites traffic studies that show peak hour traffic on local and secondary roads will actually decrease.

Will the road increase development and sprawl?

The DEIS states that development will take place with or without the construction of the highway and points out that the character of the development near the road has been predetermined by zoning decisions made in the two communities through which it passes, Plainsboro and South Brunswick. There may well be development in areas where South Brunswick has planned (and permitted) for commercial and industrial development to occur. In Plainsboro, much of the land along the proposed alignment has been designated for farmland preservation.

Why not just improve existing roads?

Options such as widening Route 1 and widening Route 522 were evaluated in the DEIS and found to provide only partial solutions to the problem, as they will not take through traffic (the trucks and cars trying to get to the Turnpike) off Route 1 or Route 522. For South Brunswick, the widening of Route 522 will have significant impact on local residences, eliminating many of them and causing increased noise for many more.

They may not speak quite as loudly, but there are indeed public supporters for Route 92. In a telephone poll several years ago, over 60 percent of residents of the municipalities most directly affected by the road said that traffic and congestion is a major issue for the region and the proposed new highway would help solve New Jersey's long-term traffic problems. There is support from local businesses, which want better access for their employees and their customers. Government agencies support the road because it is a good project which meets all standards necessary to protect the environment and the community. Senior citizens have commented that direct east-west access will improve their access to medical facilities.

If you live or work in central New Jersey, Route 92 will improve your quality of life. It is the best solution for central New Jersey.

Cindy Gordon is spokeswoman for 92 Now.

WC142

CD2-
1 THRU 9

South Brunswick Post
Thursday, May 20, 2004

Why it's unnecessary | No 92

The rich will get richer, rest of us get the traffic

No 92
Cathy Dowgin

Route 92 would increase traffic on local roads, not reduce it.

Route 1 is now a commuter's nightmare. According to the N.J. Turnpike's own traffic studies, Route 92 would make Route 1 worse, not better. Route 92 will terminate at the narrowest part of Route 1 in the vicinity of Ridge Road. Traffic continuing south will exit onto Route 1, causing jams of titanic proportions.

Heathcote Road, the shortest westerly route to Routes 518 and 206, can not bear the traffic that Route 92 will send its way. The historic communities of Kingston, Rocky Hill, Griggstown, Blackwells Mills, East Millstone, Montgomery Township, Hopewell Township, Hopewell Borough, Princeton Borough and Princeton Township, will be devastated by the increased numbers of vehicles trying to make their way through extremely narrow roads to routes west.

The Army Corps DEIS shows us a grid with 15 intersections that are at D or F levels without Route 92. The number of failing intersections does not change with the construction of Route 92.

Route 92 is not needed to facilitate east-west traffic.

There are many alternatives to Route 92 that will satisfy the need for better east-west traffic circulation. Route 522, a major 4-lane artery, currently runs from Route 27 to Route 130 and is slated to terminate at Route 535 within the next year. Route 522 is less than two miles north of the proposed Route 92. Route 522 is free, so more truckers are likely to use it than Route 92. Route 522 has enough access points to make it useful to local residents as well as transients.

A few relatively minor adjustments to other intersections — Route 130 at Friendship Road, Dey Road at Scudders Mill Road, Route 130 at Dey Road (already completed) to name but a few — as well as some more extensive improvements to major highways (widening Route 1 in South Brunswick and adding a lane on the N.J. Turnpike from Exit 8A to 7A so that southbound traffic stays on the Turnpike where it belongs rather than exiting to Route 130) will make huge improvements in our local traffic issues.

Route 92 will devastate our environment.

Over 14 acres of wetlands will be filled, and many thousands more will be irreparably damaged, from construction, from the toxic runoff from chemicals used to maintain the road and from accidental spills and leaks. Additionally, just because a bridge is planned to span the environmentally sensitive McCormack Lake, this won't protect the wildlife and the ecosystem. The footprint of a road is all that matters — bridges create shadows and temperature changes to waters below. Salts, chemicals and other toxins will ultimately run off the bridge into the water, doing permanent harm to our environment. An underground aquifer that provides much of the drinking water in our area runs under the current alignment of proposed Route 92. Toxic highway runoff will hurt this source of drinking water.

Route 92 would split the Plainsboro Audubon Preserve in two and fill the remaining pieces with traffic noise, degrading both the wildlife habitat and the experience for the visitors. A bald eagle, nesting near Carnegie Lake, has been sighted in Sondek Park, which is within shouting distance of proposed Route 92. Nesting bald eagles are federally endangered and should not be disturbed, especially by an unneeded superhighway.

Route 92 is fiscally irresponsible.

Gov. James pledged fiscal responsibility and an end to subsidized sprawl. Route 92 does exactly the opposite. Proposed Route 92 is 6.7 miles in length and is expected to cost over $500 million — almost $75 million dollars per mile, not including wetland mitigation or highway maintenance. The bill for Route 92 would very likely be even higher when all is said and done. Some money to build Route 92 has already been bonded — but is it still there or has it been used for other projects? When the N.J. Turnpike has trouble paying on the bonds, who will bail them out? The already-overburdened taxpayers and tollpayers — as usual.

According to the Army Corps DEIS, 92 would save, at most, four minutes of travel time in the year 2028. 92 would cost over $100 million dollars a minute, not including the damage it would do. Are four minutes really worth ruining so much and wasting so much? Instead of Route 92, we need to have a roundtable process like the Penn's Neck Bypass, to create solutions that work for the whole region, not just the greedy few who are pushing 92.

Public funds should never be used to pay for a private driveway into a private corporate park. Route 92 has an exit into Forrestal Center, owned by Princeton University and part of Plainsboro's tax base. There is no question why certain entities are looking for this toll road to be built and there is also no question as to why Route 92 is not needed.

Cathy Dowgin is a member of No 92.

WC143

PRPAC-1,2,3

The Princeton Packet Tuesday, April 27, 2004

EDITORIAL

Construction of Route 92 is long overdue

With the release last week of a draft environmental impact statement prepared by the U.S. Army Corps of Engineers, the long-delayed Route 92 project, which would link the New Jersey Turnpike at Interchange 8A with Route 1 near Ridge Road, is back on the front burner — where it is destined to generate a lot of heat.

Already, proponents of the 6.7-mile limited-access highway are characterizing the draft EIS as a powerful argument for building the controversial roadway, while opponents claim the ecological damage the road would cause is manifest even to disciples of the Army Corps' usual gung-ho let's-build-it mentality.

We continue to believe that a limited-access east-west road is critically needed in central New Jersey. It is needed to ease traffic congestion on other east-west roadways, such as Route 522 in South Brunswick, Dey Road in Plainsboro and Route 571 in West Windsor. It is needed to relieve pressure on Route 1 by providing an alternative for traffic bound from the greater Princeton area and points south to northern New Jersey, New York City and beyond.

And we believe a thorough analysis of the environmental impact of Route 92 can produce an alignment that will have minimal impact on the environment and maximum impact on relieving traffic congestion in the region.

In the meantime, we'd be remiss if we didn't respond to the knee-jerk reaction to release of the draft EIS on the part of some of Route 92's more doctrinaire opponents. Those who are determined to oppose the roadway no matter what the alignment have raised a couple of arguments that are so tired — and so contrary to common sense — that they deserve to be put to permanent rest.

The first is that building the road will encourage more traffic. Build a road, this argument goes, and people will just want to drive more — and to places where they wouldn't otherwise go. Don't build the road and people will look for alternatives, like carpooling and mass transportation, and they won't be tempted to waste gasoline by traveling on these new, unnecessary roads.

This is nonsense, of course. The number of cars on the road doesn't increase because there are more roads. It increases because there are more people working and living here than there used to be. And most of them are going from one suburban location to another, where neither carpooling nor mass transportation is a viable option. And they don't take roads to places where they don't want to go; they take them to places where they *do* want to go — and that's what causes congestion on streets and roads that were never meant to carry the volume of traffic they now carry. And that's why Route 92, which should have been built 20 years ago, is even more necessary today.

The second bogus argument is that Route 92 will promote sprawl. Build the road and development will surely follow. That's what happened when highways like I-287 were built. And this conflicts directly with Gov. James E. McGreevey's commitment to smart growth.

This, too, is nonsense. The lesson New Jerseyans learned from I-287 and similar experiences is to plan for growth before it is thrust upon them — to let public-sector zoning, not private-sector investment, drive development decisions. If a town doesn't want to see strip malls or office buildings sprout up along new highways, it can zone the land for residential use. If the town doesn't want any development at all along a highway, it can zone it for farmland or dedicate it as open space. That is smart growth.

There's no rule that says a new highway has to mean new development. Take a ride along Route 55 through Gloucester and Cumberland counties and soak up about 40 miles of living proof that an unspoiled landscape can flank both sides of an efficient limited-access highway. With proper planning and careful attention to the surrounding environment, there's no reason Route 92 can't offer the same attraction to motorists in our region of the state.

WC143

editorial

The Times

Richard Bilotti/Publisher

Brian S. Malone/Editor
Arnold C. Ropeik/Senior Editor
George Amick/Editorial Page Editor
Sandra L. Lohr/Advertising Director
Martin Stewart/Controller
Edgar W. Hippo/Circulation Director
Robert D. Jarrach/VP/Production

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Approve Route 92

Isaac Newton's third law of motion tells us that for every action there's an equal and opposite reaction. That principle applies as much to public policy and popular attitudes as it does to physical movement.

A case in point is the environmental concerns that have kept the New Jersey Turnpike Authority from obtaining a wetlands permit to construct Route 92, the long-envisioned link between the Turnpike and Route 1. The U.S. Environmental Protection Agency, which has virtual veto authority over major wetlands permits, has informed the state Department of Environmental Protection that the loss of 33 acres of Devil's Brook wetlands is too high a price to pay for Route 92.

Not many years ago the epitome of a sensible use of public funds would have been to "reclaim" the wetland area across which the Turnpike Authority proposes to build Route 92. From colonial times until recently, draining swamps was, like national defense or public schools, an accepted duty of government. Today the public better understands the wondrous capacity of wetlands to purify water, contain floods and provide irreplaceable habitat for plants and animals, and the duty of government has changed to one of conserving these areas. Prudent conservation doesn't mean, however, that no wetlands ever can be filled if it's necessary to accomplish important public benefits.

The EPA did its job by questioning whether the benefits of Route 92 were worth the sacrifice of 33 acres of wetlands. The Turnpike Authority has offered two constructive responses. One is a $21 million redesign that would reduce the wetland loss to 18.4 acres, including some acres that would be affected by nothing more than the shadow of the bridge arching overhead. The other response is an analysis of traffic patterns in South Brunswick, Plainsboro and Monroe that strongly backs up the authority's case for the highway.

WC143

editorial

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Route 92: Still waiting

The state Department of Environmental Protection, instead of deciding once and for all whether to grant a permit to the Turnpike Authority to build Route 92, has punted the ball to the federal Environmental Protection Administration. DEP asked EPA to hold a public hearing on the authority's revised proposal for keeping wetlands encroachment to a minimum.

After more than 50 years — which is how long state transportation planners have sought the construction of this link — we suppose no great harm will be done by a further delay, as long as it isn't prolonged. Holding another hearing certainly ought to ensure that the road's opponents get a full, fair opportunity to air their concerns. But the subject has been studied and re-studied and a public hearing was held a little over two years ago. It seems to us DEP already has enough information to justify issuing the permit.

Route 92 would be a 6.7-mile limited-access toll road between the Turnpike and Route 1, most of it in South Brunswick. It would supply a presently missing Turnpike connection in the Mercer-Middlesex region and help in the ongoing effort to shift "through" traffic to the Turnpike. EPA informed DEP in January that the benefits of the new road were insufficient to justify the loss of 32.9 acres of wetlands. So the authority went back to the drawing board and produced a revision of its plan that would reduce wetland losses to 18.4 acres. The authority also analyzed traffic patterns and other information, to reinforce its case that none of the alternative proposals for handling the expected doubling of east-west traffic in the next quarter-century would be as effective as Route 92. Also, each of the alternatives would adversely affect the environment, whether through the taking of large numbers of homes, encroachment on high-priority wetlands or spurring development in presently undeveloped areas. And none of them, of course, would have Route 92's special advantage of being self-financing.

A spokeswoman for EPA Region 2 said the agency would grant the state's request for a hearing. Once it's held, EPA will have 30 days to either reaffirm, modify or withdraw its objections to granting a wetlands permit for Route 92. The hearing should be held as soon as possible. This road is needed and the need for it will only grow in intensity.

WC144

92NOW3-1 THRU 6

APRIL 30, 2004

WEST WINDSOR & PLAINSBORO NEWS

Route 92 Advocacy Group responds to DEIS

92 NOW, an advocacy group supporting the construction of Route 92 in Central New Jersey, has stated its support for the Draft Environmental Impact Statement (DEIS) for Route 92 released last week by the Army Corps of Engineers. In a statement, the group noted that the DEIS answers many of the questions and "myths" that have been circulated about the road.

The DEIS shows the "preferred alignment" submitted by the New Jersey Turnpike Authority (NJTA) to be the option that best accomplishes the purpose and need for the road with the least amount of environmental and socio-economic disruption. The Army Corps review is part of the application process for a Section 404 Federal Clean Water Act permit to construct the 6.7 mile east-west connector road. The Army Corps reviewed the application and a number of alternatives to determine if the alignment proposed by NJTA is the most environmentally appropriate approach that meets the project's goals.

The frequently asked questions below are answered with excerpts from the DEIS.

Why is Route 92 needed? As the DEIS notes, currently there is no high speed roadway connecting Route 1 and the NJ Turnpike in the study area. Only local and secondary roads are available for east-west travel in this area and they are increasingly burdened with traffic traveling between Route 1 and the NJ Turnpike in the area.

A new east-west highway would provide a high-speed link between the major north-south highways in central New Jersey, improving east-west mobility, providing access to an alternative route for north-south traffic that now uses Route 1, and reducing the adverse impacts of through traffic on local communities. The proposed Route 92 will also reduce the presence of non-local truck traffic on the local roadway and shift it to a connector highway.

What about alternative solutions? In evaluating alternatives to Route 92, the Army Corps eliminated those alternatives with comparatively high permanent wetlands impacts, with impacts to large areas subject to farmland preservation easements, with relatively significant impacts to parkland and preserves, which cause very substantial residential, commercial and public dislocation, and which did not substantially meet the stated purpose and need of the project.

One frequently discussed alternative, the widening of Route 522 from four lanes to six lanes without an extension to the Turnpike, was eliminated from consideration. It would not effectively address the mobility requirements of this region, because it uses the local road network to carry regional through traffic.

According to the report, the US EPA-suggested alignment has greater wetlands impacts than most of the alternatives and most substantial direct and indirect parkland impacts while only partially meeting the project purpose. Widening Route 1 from four lanes to six lanes was also evaluated. The report notes that this option provides limited improvement in mobility.

Traffic modeling shows that a high-speed limited access east-west link between Route 1 and the NJ Turnpike would be much more effective than widening Route 1 in reducing the presence of non-local traffic and relieving local congestion.

What is the impact on local communities? According to the traffic studies/modeling conducted by the Army Corps, construction of Route 92 is expected to reduce the amount of peak hour through traffic on the local and secondary east-west roads by 18 percent in 2028, compared to no action. Through traffic may decrease by more than 60 percent on several of these roads. Modeling indicates that Route 92 would generally reduce peak hour traffic volumes along the most constricted portion of Route 1 in South Brunswick and North Brunswick. It would also result in a 17 percent reduction in peak hour truck volume on the local and secondary east west road in the traffic study area and along Route 27 in Kingston. Travel times are expected to decrease an average of 10 percent, and travel from Route 1 to the NJ Turnpike would improve by about 30 percent.

Route 92 is expected to draw traffic off local roads and would be patrolled by NJ State Police, thus it would not increase the burden on local police departments. And it could reduce that burden by reducing traffic and traffic-related incidents on local roads.

Will Route 92 induce development? The DEIS notes that growth and development pressures exist independent of the development of Route 92 and much of the development that is proposed would likely occur with or without proposed Route 92.

Because it is a limited access highway, Route 92 would not enable linear development along its route. The lands surrounding the interchange areas are already extensively developed, approved, or zoned for development. Control of future development in this location is up to the municipal development review process.

Route 92 is designed to accommodate growth that has already occurred or is in the process of occurring. Without improvements such as Route 92, traffic growth will continue and the gap between traffic and capacity will become larger. The effect of widening this gap is to decrease the quality of life for existing residents as a result of significant congestion.

In South Brunswick, areas with a Route 92 interchange are areas the township has already designated for commercial and industrial development. Proposed Route 92 could stimulate development in areas where South Brunswick has planned (and permitted) for commercial and industrial development to occur. In Plainsboro, much of the land along the proposed alignment has been designated for farmland preservation.

How will Route 92 affect quality of life? It would draw regional through-traffic away from local roads. This is expected to make driving more amenable and efficient and facilitate alternative forms of transportation, such as walking and bicycle riding. Removal of through traffic from neighborhood centers would improve quality of life and tend to strengthen the identification of residents with their communities while allowing more efficient development designs which are not desirable at present because they become routes for through traffic.

More information on these and other topics can be found in the DEIS, which is available in local libraries.

Card - crown

WC145

Local 472

Heavy and General Construction Laborers' Union

Received-NY District
Corps of Engineers
2004 JUN 10 AM 7:31

JOSEPH P. MADDEN BUILDING
700 RAYMOND BOULEVARD
NEWARK, NEW JERSEY 07105

PHONE: (973) 589-5050

FAX: (973) 589-0582

PARENT ORGANIZATION:
LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

AFFILIATED WITH:
NEW JERSEY STATE AFL-CIO
NEW JERSEY STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

25

June 7, 2004

To Whom It May Concern:

I am writing this letter in support of the construction of Route 92 in Middlesex County. For many reasons this long needed long overdue roadway is truly in the best interests of New Jersey and its citizens.

The design of this vital artery has considered and reconsidered every environmental concern to truly minimize the impact on the surrounding environment. The ever increasing volume of traffic on the Route 1 corridor and surrounding roads within the neighboring towns must be addressed. Building Route 92 makes for a much safer handling of area traffic in general and it takes volumes of traffic off of the local roads. There is also the very basic and important economic consideration that must be measured. Businesses in the area and the corporate hub that Route 1 has become need this roadway to remain competitive. They must have the potential to grow their enterprises here in New Jersey, not out of State or overseas. Without Route 92, jobs will be lost and New Jersey's economic base will shrink.

LO472-1

Route 92 must be built. The public in general and the great silent majority are wanting this road and waiting for it to be built. They are expecting that this long delayed lifeline will now be advanced by the powers that be. It is common sense to act now and better the life and circumstances of many thousands and thousands of area residents and regional commuters.

Delaying this project endangers the safety and lives of many. Further delays unnecessarily increase the costs of the project and undermines the economic potential in the region. Route 92 has been studied and restudied, designed and redesigned, heard and re-heard. It is the only answer to the overall traffic needs in that area. Any further delay is irresponsible. Not building this roadway presents an unnecessary and most unwelcome black eye for New Jersey!

Build Route 92 now!!

Sincerely,

John Hibbs

John Hibbs
President-Business Manager

JH/bc

WORK JURISDICTION: ROCK DRILLING, BLASTING, ROADS, SEWERS, BRIDGES, TUNNELS, DAMS, FOUNDATIONS, EXCAVATIONS, CONCRETE WORK ON HEAVY AND GENERAL CONSTRUCTION.

TERRITORIAL JURISDICTION. *COUNTIES:* BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MONMOUTH, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN.

WC146

COLLEGE PARK
AT PRINCETON FORRESTAL CENTER

Received-NY District
Corps of Engineers

CARD

2004 JUN 15 AM 11: 39

June 10, 2004

Colonel Richard J. Polo, Jr.
Commander and District Engineer
New York District, U.S. Army Corps of Engineers
Regulatory Branch, ATTN: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Re: Route92DEIS

Dear Colonel Polo:

CPPFC-1

We support the findings of the Army Corps of Engineers' Draft Environmental Impact Statement regarding the construction of Route 92 – a limited access highway linking Route 1 with the New Jersey Turnpike.

Businesses in this area are desperately in need of improved access to and from the Turnpike. Route 92 provides a reasonable means of both relieving traffic congestion on Route 1 and providing a much needed east-west corridor. The highway has won the overwhelming support of municipalities, county government, planning agencies and business in the Central New Jersey area.

The current alignment of Route 92 links two identified regional centers – the area near Turnpike Exit 8A and the Greater Princeton corridor. It provides better traffic flow while improving traffic safety and concentrated air pollution in residential neighborhoods.

The construction of Route 92 provides the best, balanced solution to the multiple public policy goals of environmental protection, mobility, economic development and community enhancement. We urge you to approve the individual wetlands permit and allow construction to proceed.

Very truly yours,

Vincent Marano
V.P. and Chief Operating Officer

H:\Users\Shared\Route 92 ltr to Colonel Polo-06-10-04.doc

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WC147

You replied on 6/16/2004 2:39 PM.

Route92EIS, NAN NAN02

From: Mr Harry C [witdads@yahoo.com] **Sent:** Sat 6/5/2004 7:58 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92
Attachments:

Route 92 DEIS:

HS-1

As a Plainsboro resident for eight years I have seen the truck and car traffic increase substantially in the last several years in our community. Traffic on Dey road and Plainsboro Road will continue to increase yearly in volume. More and more license plates are from PA and NY as the cars cut through to get from Central Jersey to Bucks County across Plainsboro. Once the lights are eliminated on Route 1 from Scudders Mills to I-95, volume will increase even more. The only solution is to complete the proposed Route 92 so that there will be no lights from Exit 8-A on the NJ TNPK to Bucks county via 92, Route 1 and I-95.

Regards,

Harry Senopoulos
Plainsboro

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http://messenger.yahoo.com/

WC148

You replied on 6/16/2004 2:52 PM.

Route92EIS, NAN NAN02

From: photofin [photofin@erols.com] **Sent:** Sat 6/12/2004 3:29 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Support for Route 92
Attachments:

REJ-1

We have downloaded PDFs for □Draft Environmental Impact for the Route 92 Project□ dated April 2004. After reviewing the documents, we have concluded that Route 92 as proposed will be far superior to any of the alternatives in coping with the ever increasing volume of traffic. Therefore, we support the construction of Route 92 as proposed.

Roger & Elizabeth Jones
125 Dey Road, Cranbury, NJ 08512

6/12/04

WC149

You replied on 6/16/2004 2:38 PM.

Route92EIS, NAN NAN02

From: AJHeron2@aol.com [AJHeron2@aol.com] **Sent:** Thu 6/3/2004 8:37 PM
To: Route92EIS, NAN NAN02
Cc:
Subject: Route 92 discussions
Attachments:

FMH-1

Our family lives at 79 Franklin Drive, Plainsboro, which is on the corner of Franklin Drive and Dey Road in the Gentry development. Since we moved into the house in 1997 the volume of traffic on Dey Road has increased considerably. Particularly noticeable are the tractor-trailors, which have recently taken to engine braking around the time they pass our house! Traffic drives at speeds far in excess of local speed limits with no regard for the fact that it is in a residential area. The object is to get to Route 1, or the NJ Turnpike as soon as possible! Improvements made to the junction with Route 130 have not really helped - they have just encouraged more trucks to use Dey Road now the turn is easier. We had hoped that the introduction of new state laws concerning the use of out-of-state trucks on county roads and width restrictions would make a difference, but the laws have never been enforced and had no impact on traffic volume at all. On a recent workday morning between 8:00 a.m. and 8:10 a.m. 252 cars and trucks and 22 tractor trailors or buses went past our house. Research of traffic patterns has shown that most of the traffic on Dey Road is not going into Plainsboro, apparently about 60% of it goes out to Route 1 or the Turnpike, which is the intent and purpose of a road such as Route 92. The traffic in the morning has got so bad further down the road, that it can take me 20 minutes to drive 1.3 miles to work if I leave at the wrong time.

Our house vibrates and the china in our dining room rattles when a lot of the trucks go by. The noise from the traffic during the week really puts you off sitting outside for any length of time. The speed at which the traffic travels can sometimes be frightening, and it's very difficult to make left turns out of the development at busy times. Obviously objectors to Route 92 will say that the road was here before us, but Dey Road was never intended to be the main thoroughfare that it is now, and consideration must be given to the fact that residential developments were built along the road, with a certain quality of life expected in this area. We are not living on the side of the NJ Turnpike, or what is supposed to be a major highway, but most days it feels like we are. New developments are still being built along Dey Road which further increases local traffic and the risk of accidents as more vehicles use the already congested roads. An elementary school was opened in 2002 on Wyndhurst Drive which crosses Dey Road, putting even more traffic on the road, together with the school buses.

FMH-2

I cannot emphasise enough what a positive impact Route 92 would have on the Township of Plainsboro, and my family particularly. As I sit here writing this letter at 8:15 at night, the traffic is still whizzing by at high speeds. All our neighbors at this end of the Gentry would love to be able to use our back yards in relative peace, and certainly be able to leave the windows open for fresh air, without being unable to sleep because of the noise.

I would support this road based solely on the safety and quality of life issues for the residents of Plainsboro, but for the impact it would have on our lives, I would implore you to return a positive report and recommendation.

Please feel free to contact us if you have any comments or questions.

Frank and Mandy Heron
79 Franklin Drive
Plainsboro, NJ 08536

Tel: (609) 936-0723 (home)
(609) 580-6501 (work)

E-mail: AJHeron2@aol.com

WC150

You replied on 6/16/2004 2:59 PM.

Route92EIS, NAN NAN02

From: Luanne Arico [larico@comcast.net] **Sent:** Mon 6/14/2004 11:12 AM
To: Route92EIS, NAN NAN02
Cc:
Subject: Comment on Route 92
Attachments:

To the US Army Corps of Engineers:

LA-1

I am a resident of Plainsboro, NJ and my property abuts Dey Road. All day and night the big trucks roar by and my house shudders. I would really benefit from the building of Rte. 92 IF IT WILL DIVERT TRUCKS AND CARS from Dey Rd. But just building a new road won't make it happen unless the truckers and other drivers are given incentives to take the new Rte. 92 like easy on/off access, additional toll booths so traffic does not back up at the toll plaza as it does currently at Exit 8A, and low or even no additional tolls. Also, imposing weight limits on Dey Road traffic would be helpful but I don't know if that comes under your scope of responsibility. As much as I hate the traffic on Dey Road now (and knowing that it will only get worse if nothing is done) I would hate it even more if wetlands were disturbed and taxpayers dollars were spent on a multi-million dollar roadway that wasn't used. So my comment to you is, before you move one shovel of dirt for Rte. 92, please make sure that all of the incentives and supports are in place to encourage drivers to use it.

Thank you.

Sincerely,
Luanne Arico
7 Webster Court
Plainsboro, NJ 08536

WC151

You replied on 6/16/2004 2:50 PM.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Route92EIS, NAN NAN02

From: David [dmackie@verizon.net] **Sent:** Sat 6/12/2004 8:52 AM
To: Route92EIS, NAN NAN02
Cc: hen3@aol.com; david.mackie@amec.com
Subject: Public Comments on DEIS - Proposed Route 92 Alignment
Attachments: Turkey Island Corp DEIS Comments.pdf(1MB)

To whom it may concern:

On behalf of our client, Turkey Island Corporation[1], the attached comments are offered in support of the US Route 1 Widening in South Brunswick with Signal Removals Alternative (U.S. Route 1 Widening Alternative) described in the "Draft Environmental Impact Statement for Department of The Army Application No. 1999-00240-J1 for Route 92 Proposed by the New Jersey Turnpike Authority" (DEIS) dated April 2004 and prepared by the United States Army Corps of Engineers New York District (USACE-NYD) and cooperating agencies.

Thank you for your consideration in this matter.

David Mackie

Senior Project Manager

AMEC Earth & Environmental, Inc.

---

[1] Turkey Island Corporation, P.O. Box 426, IRL Building, Schalks Crossing Road, Plainsboro, New Jersey.

WC151

amec

Transmitted Via E-Mail

June 12, 2004

NY District Army Corps of Engineers, Regulatory Branch
Attention: Route 92 DEIS
26 Federal Plaza, Room 1937
New York, NY 10278-0090
nan.Route92eis@usace.army.mil

Re. Public Comments Regarding the Draft Environmental Impact Statement for Department of The Army Application No. 1999-00240-J1 for Route 92 Proposed by the New Jersey Turnpike Authority

To whom it may concern:

On behalf of our client, Turkey Island Corporation[1], the following comments are offered in support of the US Route 1 Widening in South Brunswick with Signal Removals Alternative (U.S. Route 1 Widening Alternative) described in the "Draft Environmental Impact Statement for Department of The Army Application No. 1999-00240-J1 for Route 92 Proposed by the New Jersey Turnpike Authority" (DEIS) dated April 2004 and prepared by the United States Army Corps of Engineers New York District (USACE-NYD) and cooperating agencies:

AMEC-1

1. The NJTA proposed Route 92 alignment would result in the discharge contaminated surface water into the Devil's Brook Watershed and the Plainsboro Preserve.

Referring to the alignment of Route 92 proposed by the New Jersey Turnpike Authority (proposed Route 92 alignment), page p. 4-15 of the DEIS (Section 4.2.3.1.1 - Waterways, Streams, and Lakes) acknowledges that:

[1] Turkey Island Corporation, P.O. Box 426, IRL Building, Schalks Crossing Road, Plainsboro, New Jersey.

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285 Davidson Avenue
Suite 100
Somerset, NJ 08873
Tel (732) 302-9500
Fax (732) 302-9504 www.amec.com

WC151

AMEC-1

If uncontrolled, the stormwater from proposed Route 92 could carry significant amounts of vehicle-related contaminants from the roadway into surface and groundwater resources.

Section 5.3.3 of the DEIS (Water Quality) outlines a stormwater management plan to control runoff and treat stormwater from the proposed Route 92 alignment prior to discharge into the receiving water bodies. The pollution removal mechanisms outlined in the proposed stormwater management plan rely principally upon stormwater management basins (SMBs), for which typical pollutant removal rates are provided. However, no SMBs are proposed in the area where the proposed Route 92 alignment crosses the Devil's Brook floodplain[2] (Attachment A). Instead, the flow from this (elevated) portion of the roadway would flow directly onto the floodplain from 12 discharge locations. Page 5-6 of the DEIS states that "The water quality requirement for these low runoff volumes would be achieved by sheet flow into the forested wetlands". However, however no other information is provided to support this claim. Thus, it appears that under proposed Route 92 alignment, untreated highway runoff (in particular, chloride from road de-icing operations) would be discharged directly onto the Devil's Brook watershed and the Plainsboro Preserve. Given the projected pollutant loadings for the Devil's Brook Basin (Table 4-8 of the DEIS), this is likely to have negative impact on surface-water quality within the Plainsboro Preserve. These negative impacts would not occur under either the U.S. Route 1 Widening or the No Action Alternatives.

[2] The DEIS states that SMBs were not provided "so as to minimize fill in wetlands", p. 5-6.

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2. The NJTA proposed Route 92 alignment would render the Devil's Brook Watershed and the Plainsboro Preserve vulnerable to environmental contamination from hazardous materials spills.

AMEC-2

As noted above and described Section 5.3.3 of the DEIS (Water Quality), the surface water discharge from the elevated portion of the proposed roadway would flow directly onto the Devil's Brook floodplain from 12 discharge locations (Attachment A). No engineered structures (e.g., SMBs) or other possible countermeasures are specified to prevent or mitigate the release of contaminants into the Devil's Brook watershed in the event of a hazardous materials spill on the roadway. Given that the stated purpose of the proposed Route 92 alignment is to serve as an east-west link between two major highways (New Jersey Turnpike and U.S. Route 1), it is reasonable to expect that the roadway will be heavily utilized by commercial and industrial haulers, including those carrying bulk shipments of hazardous materials (e.g., gasoline, industrial chemicals). A major hazardous materials spill within the span crossing the Devil's Brook floodplain could result in a release of hazardous materials directly into Devil's Brook and (or) the surrounding wetlands (all of which drain into McCormack Lake). The proposed Route 92 alignment, as described in the DEIS does not include measures to prevent such a release. These risks would not occur under either the U.S. Route 1 Widening or the No Action Alternatives.

3. The aesthetic value of the Plainsboro preserve would be significantly diminished by the presence of the proposed NJTA Route 92 Alignment

AMEC-3

Page 4-9 of Section 4.2.1.2 (Plainsboro Preserve) of the DEIS states that:

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AMEC-3

Adverse aesthetic impacts of proposed Route 92 would be diminished by the existing forest present over much of the preserve. Trees would act as a natural vegetative screen and reduce both noise and visual impacts of the highway, especially near McCormack Lake, where most human activity is centered.

..The project will not significantly affect the wildlife and aesthetic value of the entire property.

These statements are inconsistent with existing site conditions and patterns of public use within the Plainsboro Preserve. As shown in Attachment A, the total length of that portion of the proposed Route 92 Alignment located within the limits of the Plainsboro Preserve and immediately adjacent to its northern boundary is approximately 5,000 feet. Of this interval, the total length that is surrounded by existing forest amounts to approximately 2,100 feet (42% of the total length), with the remainder being exposed in open fields. Moreover, the region located immediately between McCormack Lake and the proposed Route 92 Alignment, which consists of a cleared field, provides a direct line of sight between McCormack Lake and the proposed Route 92 Alignment. Additionally, while the Nature Center (Appendix A) is a focal point for visitors to the Plainsboro Preserve, the program activities organized by the Audubon Society typically include hikes on over 5 miles of trails within the Preserve, and use "use the forests, fields and streams that grace the property as an outdoor classroom for learning"[3] In light of these circumstances, the proposed Route 92 Alignment would undoubtedly have a significant negative aesthetic impact on the entire 690-acre preserve, (which would not occur in connection with the U.S. Route 1 Widening or No Action Alternatives).

[3] See Audubon Society website: http://www.njaudubon.org/Centers/Plainsboro/

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AMEC-4

In conclusion, of the alternatives presented in the DEIS, the U.S. Route 1 Widening Alternative best satisfies the dual concerns of providing roadway network improvements without significant negative environmental impacts on parkland, wetlands, and aquatic ecosystems. On behalf of Turkey Island Corporation, we urge you to implement the U.S. Route 1 Widening Alternative.

Thank you your consideration in this matter.

Sincerely,

AMEC
Earth & Environmental, Inc.

David Mackie

David Mackie, P.G.
Senior Project Manager

cc. Henry W. Jeffers III
James W. Jeffers

Attachment

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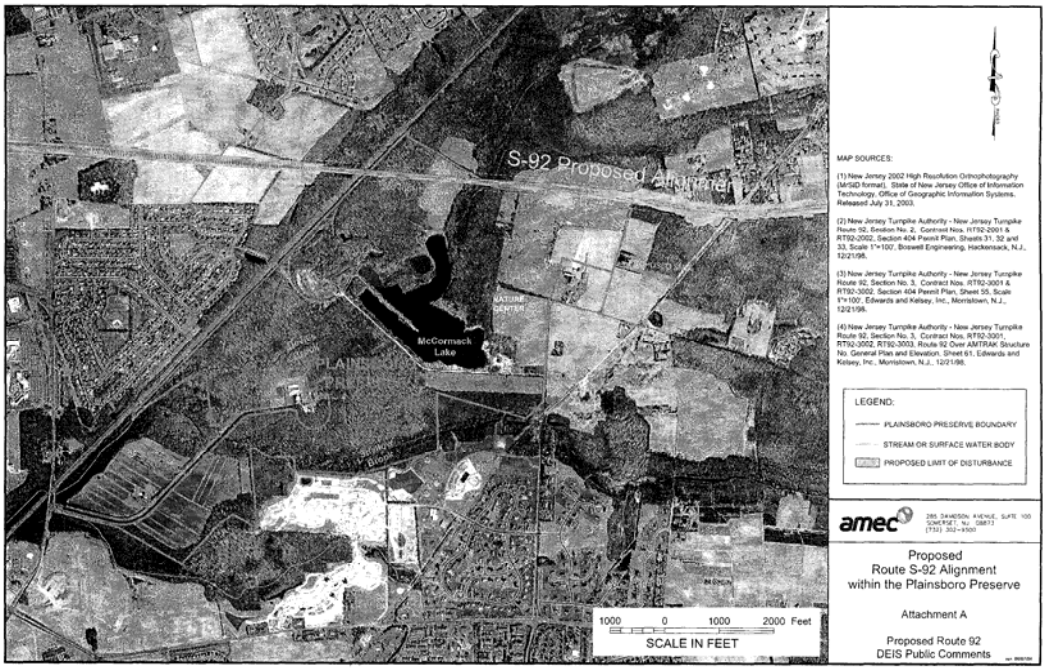

MAP SOURCES:

(1) New Jersey 2002 High Resolution Orthophotography (MrSID format). State of New Jersey Office of Information Technology, Office of Geographic Information Systems. Released July 31, 2003.

(2) New Jersey Turnpike Authority - New Jersey Turnpike Route 92, Section No. 2, Contract Nos. RT92-2001 & RT92-2002, Section 404 Permit Plan, Sheets 31, 32 and 33, Scale 1"=100', Boswell Engineering, Hackensack, N.J., 12/21/98.

(3) New Jersey Turnpike Authority - New Jersey Turnpike Route 92, Section No. 3, Contract Nos. RT92-3001 & RT92-3002, Section 404 Permit Plan, Sheet 55, Scale 1"=100', Edwards and Kelsey, Inc., Morristown, N.J., 12/21/98.

(4) New Jersey Turnpike Authority - New Jersey Turnpike Route 92, Section No. 3, Contract Nos. RT92-3001, RT92-3002, RT92-3003, Route 92 Over AMTRAK Structure No. General Plan and Elevation, Sheet 61, Edwards and Kelsey, Inc., Morristown, N.J., 12/21/98.

LEGEND:

- PLAINSBORO PRESERVE BOUNDARY
- STREAM OR SURFACE WATER BODY
- PROPOSED LIMIT OF DISTURBANCE

amec

285 DAWSON AVENUE, SUITE 100
SOMERSET, NJ 08873
(732) 302-9300

Proposed
Route S-92 Alignment
within the Plainsboro Preserve

Attachment A

Proposed Route 92
DEIS Public Comments

WC152

Michael W. Klemens, LLC
68 Purchase Street Third Floor Suite 2
Rye, NY 10580

June 11, 2004

U. S. Army Corps of Engineers
New York District, Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090

Dear Sir/Madam:

I have reviewed the Draft Environmental Impact Statement for the Rte. 92 Project proposed by the New Jersey Turnpike Authority, dated April 2004, in light of the written comments and testimony that I submitted into the public record on 12 June 2000, which are attached to this letter.

SBTMWK-1

My comments that were placed into the record four years ago are still relevant at this time because the Applicant has failed to address them. Specifically, in my letter of 12 June 2000, I made frequent reference to the lack of biological data in the record, and provided numerous references to specific species that had been reported from the site, or were likely to be found on the site, and the Applicant's duty to gather site-specific *denovo* information on these taxa in order to evaluate potential impacts to these species.

From my review of the April 2004 document, I note that while some effort was made to address the issues I raised by reworking the text, no new field work was conducted to address the potential impacts to an entire range of species, including federally-listed species such as the bog turtle, area-sensitive meso-carnivores such as the river otter, or other wide-ranging landscape species such as the black bear. No *denovo* fieldwork was conducted to address the issues of habitat fragmentation, connectivity, or the extensive interactions between the mosaic of wetlands that occur in the project corridor, and their interaction with one another and the upland habitat, both hydrologically and biologically.

SBTMWK-2

The Applicant should now be aware that Federal law requires that the potential presence of the bog turtle and its habitat be fully addressed with a series of performance standards contained within the Bog Turtle (*Clemmys muhlenbergii*)—Northern Population Recovery Plan. (USFWS 2001). As the author of this plan for the USFWS, I would like to direct your attention to the legal requirement to conduct at minimum a full Phase 1 Assessment to detect the presence of bog turtle habitat. This Phase 1 Assessment must be conducted by an expert recognized by the USFWS. If the Phase 1 Assessment detects potential bog turtle habitat, the Applicant then proceeds to either a Phase 2 Assessment to determine actual bog turtle presence/absence or designs the project assuming bog turtle

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presence in the wetland identified as positive in the Phase 1 Assessment. None of these assessment protocols, as mandated by Federal law, has been undertaken by the Applicant. This is especially distressing as the Applicant has been advised by the USFWS that there is potentially suitable habitat in the vicinity of the proposed Rte. 92 project (see page 3-40, Section 3.3.5.1 of the DEIS). SBTMWK-2

Some additional comments on the quality of the DEIS include Table 3-8. The study lists only five mammals confirmed at the site, striped skunk, whitetail deer, raccoon, eastern gray squirrel, and eastern cottontail. These are the most ubiquitous mammal species and point to an overall lack of mammal field work. The list of amphibians and reptiles lacks site-specific data, and is replete with mis-spellings and mis-classifications, pointing to an overall sloppiness and lack of attention to both detail and original field investigation. For example, eastern spadefoot is a frog, but it is included in the list of salamanders. The "common toad" is listed as *Bufo woodhousei*, but more likely is *Bufo americanus*. Only a few species of amphibians and reptiles were actually confirmed from the corridor site, again pointing to a lack of *denovo* field investigation. A project of this scope and magnitude requires that detailed site-specific field investigations be undertaken. List of probable species cannot serve as an adequate substitution for rigorous site investigations. SBTMWK-3

My letter of 12 June 2000 discussed the need for comprehensive biological surveys of the Rte. 92 corridor. The Applicant has had four years to rectify the deficiencies in biodiversity data and their discussion and analysis of fragmentation. Rather than conducting the additional fieldwork that was requested, the Applicant has reworked the original submission, but still has not addressed the basic lack of baseline data that continues to plague this application. Absent a solid foundation of baseline information, conclusions as to impacts and efficacy of mitigation are unsupported by the facts, and therefore relatively meaningless except in the most abstract and theoretical terms.

Although there has not been new biological data gathered and incorporated into this project since 2000, there have been advances in the management of impacts to wetland-dependent wildlife. Calhoun and Klemens (2002) [Best development practices: Conserving pool breeding amphibians in residential and commercial developments in the northeastern United States] have developed a manual that addresses how to assess the value of vernal pools, and how to design development projects in a manner that will protect wetland-dependent biodiversity. A copy this publication is appended to my letter. SBTMWK-4

In conclusion, the DEIS has failed to incorporate the comments and suggestions for improvement made in my testimony of June 2000. In addition, new standards have been developed for the protection of the bog turtle and vernal pool wildlife that need to be considered by the Applicant and permitting agencies as part of the review process.

Sincerely,

Michael W. Klemens, PhD

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Enclosures: Letter of 12 June 2000
Calhoun and Klemens 2002

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9 Charlotte Street
Rye, New York 10580
June 12, 2000

U.S. Army Corps of Engineers
New York District, Regulatory Branch
26 Federal Plaza, Room 1937
New York, New York 10278-0090

Dear Sir/Madam:

I have been retained by South Brunswick Township to advise them on wildlife and habitat issues as they relate to the proposed Rte. 92 project. For the record, my qualifications are a masters degree in zoology and doctorate in ecology. I am the author of scientific papers and books on herpetology, wetlands, land use management, and conservation of biological diversity. I have logged over two decades of field experience concerning wetlands and wildlife in the northeastern United States.

Presently, I hold the post of Conservation Zoologist at the Wildlife Conservation Society (formerly the New York Zoological Society). I have also been a member of the scientific staff of the American Museum of Natural History since 1979, and a research associate at Columbia University since 1995. My experience extends to issues of governance and decision-making to protect environmental values while recognizing the need to balance appropriately located development projects to ensure economic viability of our cities, towns, and villages. I am the current chairman (in my third term) of the City of Rye (NY) Planning Commission. However, I reiterate that I represent the Township of South Brunswick as a private consultant, not as a representative or on behalf of any of the institutions, organizations and agencies referred to in this or the following paragraph.

I have consulted and advised a number of municipalities and government agencies, including the EPA (CT Rte. 6 highway project), Army Corps of Engineers (CT Rte. 6 highway project and New York City watershed issues) and the US Fish and Wildlife Service (CT Rte. 6 highway project, Houston Toad Recovery Team, Bog Turtle listing and recovery planning). The CT Rte. 6 project was so controversial that an internal scientific review team from the Army Corps was sent up from Vicksburg to review the scientific data that I and others had collected. They concluded that our research design, analysis, and conclusions were both sound and defensible. In fact, there are parallels between these two projects. Both CT 6 and NJ 92 have federal agencies (USFWS, EPA) advocating an approach that stresses improving existing transportation corridors and roadways, with the state agencies (CT DEP, CTDOT, NJTA, NJDEP) advocating for the new highway. There is, however, one crucial distinction between these projects--SCIENTIFIC DATA.

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Despite the huge volume of documents displayed by NJTA at the public hearing on June 8th, there is a lack of scientific data, especially in regards to wildlife, on the proposed Rte. 92 project. Absent such data, I respectfully suggest that it is impossible for you to reach a defensible conclusion, either pro or con, the Rte. 92 highway project, with the information that is currently available. Additional studies are required to enable a critical evaluation of the conclusions reached in the NJTA DEIS.

The proposed alignment of Rte. 92 has the distinct potential to impact wildlife a considerable distance from the actual roadway itself, as it will sever and fragment several large and important habitat blocks that presently are characterized by low intensity human uses. It is conceivable that in certain large, diverse, and un-fragmented blocks of habitat, such as in the vicinity of Turkey Island, these impacts could extend a mile or more on each side of the proposed highway. I consider this large central block of habitat to be the most important for wildlife in the proposed Rte. 92 corridor (using the criteria that this highway will extend from Exit 8-A on the NJ Turnpike and terminate at US 1).

The biological data for the proposed corridor are quite uneven in their collection and coverage and the discussion in the project documents understates wildlife values of the ecosystem and the impacts that could occur as the result of constructing Rte. 92 as proposed. For example, repeated statements are made in the NJTA DEIS (and restated on page 6-13 of the Army Corps analysis for the 404 permit application) that "the wetland system does not contain any documented large mammals which may require a large habitat size to maintain a stable population." This statement in the Army Corps analysis illustrates the inherent risks of taking the NJTA DEIS data as the sole basis for your decision-making and provides justification for additional, independent studies to complete a EIS. The report entitled "Ecological Resources Inventory" prepared by John Fishback for the Walker-Gordon Laboratory Complex directly counters the statement made on 6-13 of your analysis by reporting that river otter were sighted repeatedly during his study in a variety of wetland habitats in the area, and that black bear have been recorded in the Turkey Island tract.

The presence of the river otter in this ecosystem is testament to the lack of pollution and disturbance, abundance of prey wildlife, and the large, un-fragmented nature of this ecosystem. The EIS should call for a detailed inventory of the presence of river otter in the system, using visual observation of otters, slides, and scat piles. These should be mapped, and determination made as to areas of otter concentration, use, and travel. These data should then be evaluated to determine how the proposed roadway may impact this species, and appropriate remedial strategies provided. Such strategies might include avoidance of disturbance to areas that are intensively used by river otters and the design of stream corridor crossings that will allow otters to move through the riverine systems.

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There is a lack of comprehensive inventory of this proposed roadway or its alternatives, with most of the attention being given to a small group of protected or rare species, and little attention being paid to overall ecosystem health and values. Thus, while the project area may not necessarily support rare, threatened, or endangered species, it may nonetheless provide valuable habitat for overall system diversity. With the exception of the Fishback study, there are no data available on overall ecosystem species diversity. The present high levels of diversity (see Fishback's study) account for the populations of top level predators such as otters and raptors in the Turkey Island area. Are such ecological conditions present at other sites along the corridor? We just don't know with the present data set presented by the NJTA. And, by the NJTA's own admission (4-92) "losses of individuals and perhaps entire species from the area is unavoidable." The final EIS should focus on species assemblages, rather than only on a few sensitive species.

Continuing on page 4-92 there is a discussion of expected wildlife mortality due to road mortality and chemical pollution, and then a statement that highway rights-of-way do provide habitat for wildlife, though the species listed (e.g., whitetail deer) are those able to flourish in disturbed edge areas, even being attracted by elevated salinity along the ROW caused by road salting. Page 4-93 continues that expectations are that species that require very specific niches may be eliminated, as will certain forest species, concluding that such weedy species including deer, woodchuck, rabbits, and field mice will flourish. These impacts may extend far beyond the ROW if predators that flourish in disturbed edge areas (e.g., skunks, raccoons, opossums, and crows) increase, which they almost certainly will, and begin to penetrate outward from the area of disturbance, into the adjacent ecosystem. The EIS should focus on the types, not merely the number of individuals, that will persist in the post-construction landscape.

The EIS should require complete species lists within one mile on each side of the corridor, and an assessment of which species are likely to be impacted and disappear, as well as those weedy species that are likely to increase. The EIS should then analyze what these changes in fauna will have on the overall ecosystem, and especially on those species considered endangered, rare, threatened, special concern, or national trust. These aforementioned species do not exist in an ecological vacuum, and it is important to understand the overall anticipated species impacts, both on species richness and the potential for increase in biomass of weedy species. With these data, a much fuller understanding of potential impacts to sensitive and listed species will be achieved.

It is also critical that EIS document the levels of effort and methodologies used to document the absence of a species. Inventories that search for target species often fail to detect their presence because they are conducted by inexperienced personnel, conducted at a sub-optimal time of year or time of day, and/or are conducted under

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sub-optimal weather conditions, as well as failing to use an array of detection techniques, failing to encompass the species' primary habitat, and expending too few person hours per landscape unit.

Fragmentation of intact blocks of habitat in excess of 1,000 acres is a major cause of the decline and local extinction of a variety of area-sensitive vertebrate species. Typically these large habitat blocks are made up of a mosaic of wetlands and uplands, and the wildlife inhabiting these areas requires this diversity of habitat types for foraging, reproduction, and other aspects of their life cycles. Although the NJTA discusses the 100-acre threshold for intact blocks for "neotropical migrants" they fail to discuss the need of a subset of birds referred to as "forest interior species". Such species require large tracts of forested woodland and swamp and must be addressed in the EIS.

The following ecosystem-species issues need to be explored in the EIS:

1. Reduction in wetland diversity and structure, with a concomitant decrease in number of ecological niches available to wildlife.

2. Reduction in forest cover and the concomitant increase in weedy, invasive and exotic plant species.

3. Increases in numbers of animal species that flourish in disturbed and altered habitats, as well as those that further disrupt the ecosystem by preying on other species or in some other way shift the balance of nature away from species richness (biodiversity) to a ecosystem that supports much larger numbers (biomass) of a small guild of weedy, adaptable species.

4. Increases in light and noise and their impacts on wildlife.

References to the potential presence of the bog turtle, *Clemmys muhlenbergii*, are contained in the NJTA DEIS 4-96. However, a letter from Clifford Day of the USFWS dated May 4, 1999 to Colonel Pearce makes no mention of the potential presence of this federally threatened species. The northern population of the bog turtle, which includes those turtles found in New Jersey, was listed in 1997 as threatened under the provisions of the Federal Endangered Species Act, and the Technical Draft of the recovery plan for this species lists Middlesex County as an area of extant occurrence. The EIS needs to address the following issues in regard to this species.

1. The apparent discrepancy between the USFWS letter of May 4, 1999 and the potential occurrence of this species as stated in the NJTA DEIS page 4-96.

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2. If bog turtles have been documented within the drainage basin then conduct an inventory as per the protocols extracted from the Technical Draft of the Recovery Plan and appended to this letter.

3. If bog turtles are documented by such inventory, conduct a Section 7 consultation with the USFWS.

Page 4-96 of the NJTA DEIS also mentions the potential presence of several state listed species, the wood turtle (*Clemmys insculpta*), longtail salamander (*Eurcyea longicauda*) and the pine barrens tree frog (*Hyla andersonni*). For each of these species, the EIS should include a detailed search methodology such as discussed above, and a complete log of time expended, days, person-hours, and weather conditions. Protocols for audio strip transects to determine the presence of pine barrens tree frogs during their spring breeding season are attached. Additional protocols to inventory longtail salamanders can be found in Heyer et al. (1994) Measuring and Monitoring Biological Diversity: Standard Methods for Amphibians Smithsonian Institution Press.

All searches for these target species should be conducted by a person(s) with experience in herpetological survey work. Inexperienced observers will often miss these species in areas where they are quite common. As the site is at the transition zone between Coastal Plain and Piedmont ecosystems, it would be important to recognize the biogeographical affinities of these species. Wood turtles and longtail salamanders are most likely to be found in the Piedmont portion of the site (above the Fall Line) whereas the pine barrens tree frog is a Coastal Plain species. However, in a transition zone it is quite likely, especially in the case of wide ranging species such as the wood turtle, that they could be found in both ecoregions.

The EIS must consider the impacts to wildlife and appropriate strategies to attempt to avoid species loss and extirpation (localized extinction) within the project corridor. The only specific wildlife mitigation proposed/discussed by the NJTA DEIS (page 5-10), other than a general statement "to minimize habitat disturbance and enhance disturbed areas" deals with methods to avoid deer-auto collisions. Despite evidence of rich and varied wildlife assemblage, no specific mitigation and enhancement measures are discussed. This a very serious deficiency that must be fully addressed and explored in the EIS.

The EIS needs to fully explore impacts of species that have complex habitat requirements, specifically those species that use both wetlands and uplands. Many species of amphibians which live in woodlands migrate into swamps and vernal pools for a brief annual breeding period, but spend the remainder of their life stages outside of wetlands. Turtles use different wetlands on a rotational basis, moving between small pools and wet areas to optimize feeding and thermoregulatory opportunities, and into meadows and other dry areas to nest (See Klemens, 1998: Ephemeral Wetlands:

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Ephemeral Protection--copy attached). The NJTA DEIS fails to adequately address complex habitat usage by various vertebrates (including amphibians and reptiles) by "pigeonholing" species into habitat types without regard for the seasonal movements of species within a landscape mosaic. My personal observations on newly constructed highways that dissect habitat mosaics at or within 10 feet of grade is that within the first decade of construction, road mortality of many small vertebrates is high. This gradually lessens as a kill zone is established along the highway, where densities of small vertebrates are reduced. There are technologies to mitigate some of this loss, and these should be explored in the EIS. One such project has recently been built by NY State DOT at the base of the Helderberg Escarpment in Albany County (along the Black Creek swamp system in the towns of Guilderland and New Scotland).

My final scoping comments deal with wetlands losses and especially mitigation. It is very difficult to mitigate complex, wetland ecosystems. The creation of mitigation wetlands often does little but hasten the penetration of weedy and invasive plants and animals into formerly intact and undisturbed ecosystems. The recognition of the functional quality of differing systems is the justification why the Army Corps sets a differential standard of replacement ranging 1:1 for swales to a 2:1 for complex forested systems. However, functional analysis only encompasses a portion of wildlife issues--there are other issues that are not met solely by replacing wetland function and these should be explored within the EIS. For example, what are the impacts of the loss of mature forested systems versus creation of young forested systems? The USFWS (see Mr. Day's letter to Colonel Pearce, May 4, 1999) discusses the difficulties of creating forested wetlands, and the options to restore wetlands rather than create *de novo* wetlands. The EIS should not only address the function of mitigation wetlands, but which species will be expected to use the newly created wetlands, and which species will not, and then to extend that extrapolation out over 30 years (as the wetland matures).

Thank you for the opportunity to convey my concerns to the Army Corps. If I can be of further assistance, please do not hesitate to contact me at 914-925-9175.

Sincerely,

Michael W. Klemens, PhD

Attachments (3)

WC152

KEYNOTE ADDRESS

Ephemeral Wetlands—Ephemeral Protection?

by Michael W. Klemens, Ph.D.

Abstract

Current regulations have not protected vernal pools. To reverse the trend toward simplified wetlands and reduced biodiversity spreading throughout our region, it is essential that we promote the biological concept that the uplands surrounding vernal pools are integral parts of the wetland system. A more creative application of biological information and land use planning is needed, and a new approach, cooperative stewardship of wetland resources, is proposed as the best hope we have to protect vernal pool ecosystems.

In the last decade, public interest in vernal pools, intermittent woodland pools, and other types of seasonal and ephemeral wetlands has mushroomed. Scientific and applied research on vernal pool systems has also increased tremendously. And yet, despite public concern and a large body of technical knowledge, we have had minimal success at protecting the biological integrity of these wetlands. This is the greatest challenge for all of us who share a concern for these unique places.

I have been fortunate, or unfortunate, depending on your viewpoint, to have devoted over two decades to the study of the distributions, variations, and abundance of the amphibians and reptiles of the northeastern United States. This work culminated in my doctoral dissertation, which, using multivariate statistical analyses, closely examined the landscape-scale processes that governed the presence, absence, and relative abundance of amphibians and reptiles in Connecticut, western Massachusetts, and southeastern New York (Klemens, 1990).

Portions of this work formed the foundation for my book, *The Amphibians and Reptiles of Connecticut and Adjacent Regions* (Klemens, 1993). An outgrowth of this project has been a focus on amphibians and reptiles that inhabit small, often shallow, wetlands and seepage areas on the fringes of larger wetland systems, as well as on disjunct, discrete vernal pools and wetlands. Many of New England and New York's endangered, threatened, rare, and declining amphibians and reptiles are tied to these types of wetlands. Declines of certain species, such as the bog turtle, are well documented (US Fish and Wildlife Service, 1997). Other declines, such as those observed in ribbon snakes, dusky salamanders, and leopard frogs (Klemens, 1993) are just beginning to receive wider recognition.

Illustrations by April Hobart

Today, I am calling your attention to the Jefferson salamander, a vernal pool obligate species that is undergoing a rangewide decline. Causes of this decline are two-fold: 1) local extinction through loss of habitat, both wetland and forested upland, and 2) genome replacement via gynogenetic and hybridogenetic pathways involving sympatric blue-spotted salamanders. The decline of the Jefferson salamander is not limited to our region; in Ohio and Indiana this species is being genetically subsumed by blue-spotted, narrow-mouthed, and tiger salamanders (Selander, 1994). Habitat disturbance and fragmentation appears to set the stage for, or at very least, greatly accelerate, these processes (Bogart and Klemens, 1997).

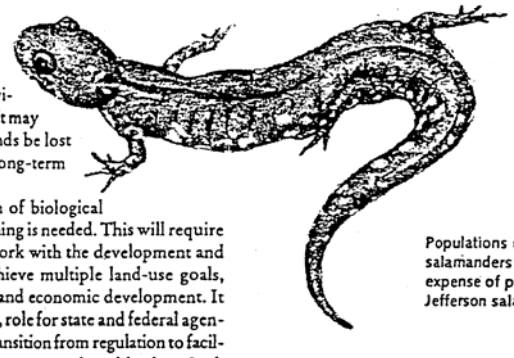
Our assumptions are based on an 18-year study that examined the genetic profiles of Jefferson and blue-spotted salamander populations in landscapes of varying levels of disturbance and fragmentation in New England and New York. Decline of the Jefferson salamander has been obscured because of: 1) the difficulty in assigning the correct genome and ploidy to salamanders, and 2) the mistaken assumption that the so-called hybrids were rare, and the diploid, bisexual parental forms were common. In fact, the very reverse is true.

Studies conducted in New York's Great Swamp (M. W. Klemens and D. Murphy, unpublished data) further illustrate the landscape scale problems of wetland dependent species. The Great Swamp spans over 4,200 acres of wetland within a 63,000 acre catchment, located in eastern New York and southwestern Connecticut. This is one of the most rapidly developing regions of the New York Metropolitan Region. In order to better inform land-use planning, we examined seven landscape blocs that included replicates of wetland and upland habitat. These seven blocs were characterized as having low levels of disturbance and fragmentation (n=3); moderate levels of disturbance and fragmentation (n=2); and high levels of disturbance and fragmentation (n=2). The presence/absence data on amphibians and reptiles within these blocs demonstrates the landscape sensitivity of vernal pool species when compared to riverine and floodplain species.

Table 1 illustrates that species dependent upon intermittent woodland pools and adjoining forested upland are almost totally confined to large, unfragmented landscape blocs, whereas those that are dependent upon riverine and flood plain swamp systems are able to persist in moderately, and in some instances, severely disturbed and fragmented sites. This may be

spreading throughout our region? Scientific knowledge of the requirements of wetland-dependent species is far ahead of regulatory mandates. And, blanket regulation of small wetlands with greatly expanded areas of contiguous upland habitat protection is not likely, at least, not in the short term. Therefore, a concept we call the "cooperative stewardship" of wetland resources, which is the goal of the Great Swamp study, may be the best hope we have to protect vernal pool systems that are on private land. This will require identifying exemplary, intact systems, and working with private landowners and local municipalities to protect these habitats through a more creative application of the subdivision and development process. It may also require that certain wetlands be lost in exchange for substantive, long-term conservation of other sites.

A more creative application of biological information and land use planning is needed. This will require scientists who are willing to work with the development and municipal communities to achieve multiple land-use goals, including resource protection and economic development. It also defines a new, and exciting, role for state and federal agencies, as they begin to make the transition from regulation to facilitation of partnerships to achieve conservation objectives. Such efforts are already well underway in New York, where the DEC, through its Hudson River Estuary Biodiversity Initiative, is casting a new role for the agency, as a broker, enabler, and facilitator, bringing together a diverse group of stakeholders to create an inter-municipal, cooperative biodiversity stewardship plan for the lower Hudson Valley. It is my belief, that the future of vernal pools and their fauna will be tied to the effectiveness of these and similar efforts.



Populations of the blue-spotted salamanders are expanding at the expense of populations of Jefferson salamanders.

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Selander, T. C. 1994. *Reproduction of unisexual hybrid Ambystoma* (Urodela: Ambystomatidae) *in the absence of parental species.* M.Sc. thesis, Univ. Dayton, Dayton, Ohio, 119pp.

United States Fish and Wildlife Service. 1997. "Final rule to list the northern population of the bog turtle as threatened and the southern population as threatened by similarity of appearance." *Federal Register* 62 (213—Tuesday, November 4, 1997): 59605-59623.

Born in Australia, Michael Klemens was educated in the US and Europe, and he received his doctorate in conservation biology and ecology at the University of Kent at Canterbury in the United Kingdom. Klemens has worn many hats at the Wildlife Conservation Society, which is headquartered at the Bronx Zoo, and he was recently named director of a new Society program, funded by a grant from the Surdna Foundation, to implement public policy, land-use, and conservation strategies for the Tristate Metro New York region. Klemens has also been responsible for the strategic development of the Society's international field conservation program of some 270 projects in 52 countries.

On the research staff of the American Museum of Natural History since 1979, Klemens was instrumental in the creation of the Museum's Center for Biodiversity and Conservation. He holds adjunct faculty research positions at Columbia, the University of Massachusetts, and the Durrell Institute of Conservation and Ecology in the UK. His work has resulted in many scientific papers, as well as several books dealing with amphibian and reptile conservation and natural history, most notably, *The Amphibians and Reptiles of Connecticut and Adjacent Regions.*

Klemens's work in East Africa recently received multiyear support from the MacArthur Foundation, and he also has ongoing projects in the lower Hudson Valley. An advocate of scientists getting involved in government and their local communities for conservation work, Klemens is a member of the World Conservation Union's Species Survival Commission and of the Scientific Advisory Board of American Rivers, and technical advisor to the Army Corps of Engineers, the US EPA, and the US Fish and Wildlife Service. He has also served on the Conservation Commission of his local community, Rye, New York, where he helped write that city's wetlands and watercourses ordinance. At present, Klemens is chairman of the Rye Planning Commission.

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Review of Draft Environmental Statement for the Route 92 Project

Norman L. Marshall

Prepared for South Brunswick Township, New Jersey

June 2004

Executive Summary

This report reviews the *Draft Environmental Impact for the Route 92 Project proposed by the New Jersey Turnpike Authority*. The major findings of this review are organized within seven areas:

1) Route 92 does not relieve congestion in the study area – The DEIS never presents traffic congestion information for the 2028 Route 92 scenario next to information for the 2001 base year. When these data are brought together from different sections of the DEIS it is clear that the 2028 future traffic conditions with Route 92 are consistently worse than the 2001 conditions. Furthermore, in the future 2028 Route 92 scenario, both the New Jersey Turnpike and the new Route 92 are modeled with unacceptable levels of service. This undermines a central rationale for the project that there is excess roadway capacity on the New Jersey Turnpike.

2) All 2028 scenarios show similar levels of congestion, and Route 92 worsens congestion on the N.J. Turnpike – Congestion levels on the New Jersey Turnpike in 2028 are modeled as worse with Route 92 than in the No Build scenario. Benefits of Route 92 to east-west routes are small and do not remove bottlenecks in the roadway system.

3) The DEIS uses "through trips" as bogeyman to exaggerate benefits – The small benefits are exaggerated by focusing attention on "through trips", also called "non-local." The trips labeled in this way are indistinguishable by the public. Reporting results only for these non-local trips exaggerates any benefits of Route 92.

4) The TDM alternative was rejected inappropriately – The Travel Demand Management (TDM) alternative was rejected before full analysis because it only would reduce vehicle miles of travel (VMT) by "5-10" percent. In contrast, the Route 92 scenario probably increases VMT. A reduction of 5-10 percent in traffic would have a greater impact on traffic congestion in the study area than Route 92, so there was no basis for not fully analyzing this alternative.

5) The Purpose and Need improperly defined to require new roadway – The DEIS defines *Purpose and Need* as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike. These are not needs but just alternative ways of describing Route 92.

6) The 2028 No Action scenario is an unrealistic "straw man." – The huge amount of future traffic growth is predicated on a huge increase in study area employment. This would require an increase in net in-commuting in the study area in 2001 of about 17,000 to about 63,000 in 2028. This could not be accomplished without significant changes in travel behavior and/or major changes in transportation infrastructure.

7) The unrealistic "Straw Man" future exaggerates any Route 92 benefits – Loading unrealistic traffic volumes onto the No Build network produces extreme levels of future congestion. Because traffic delays and associate air emissions increase exponentially with

traffic, even small reductions in traffic can have significant impacts. Therefore, the benefits of any diversion of traffic onto Route 92 are exaggerated.

This entire Route 92 effort is misdirecting attention away from addressing actual traffic congestion issues. Residents of the study area would be much better served by transportation planning efforts that addressed real needs with real solutions. These planning efforts should include realistic estimates of and planning for growth in housing and job centers, thorough consideration of Transportation Demand Management (TDM) strategies and transit, and targeted local roadway improvements, including improved local connectivity and intersection improvements.

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Summary of Findings

This report reviews the *Draft Environmental Impact for the Route 92 Project proposed by the New Jersey Turnpike Authority*, dated April 2004. This review relies on information presented in the DEIS, standard transportation planning and engineering reference materials, and 2000 Census data. The major findings of this review are:

1) Route 92 does not relieve congestion in the study area.
2) All 2028 scenarios show similar levels of congestion, and Route 92 worsens congestion on the N.J. Turnpike.
3) The DEIS uses "through trips" as bogeyman to exaggerate benefits.
4) The TDM alternative was rejected inappropriately.
5) The Purpose and Need improperly defined to require new roadway.
6) The 2028 No Action scenario is an unrealistic "straw man."
7) An unrealistic "Straw Man" future exaggerates any Route 92 benefits.

Route 92 does not relieve congestion in the study area

SBTNLM-1

The DEIS defines *Purpose and Need* narrowly as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike (DEIS, p. 1-7). These needs are abstract unless they result in tangible benefits to New Jersey's citizens.

While relieving congestion in the study area is not an explicit need, much of the argument supporting Route 92 is presented in terms of congestion – maps showing congested roadways, modeled travel time between points, intersection levels of service and intersection levels of delay.

Without closely examining the information presented, it might appear that the proposed project reduces congestion in the study area. Instead, the material in the DEIS forecasts that congestion in the study area, including travel of east-west local roads will be much worse in the future with Route 92 than it is today. The graphics on the following two pages, taken from the DEIS, demonstrate this for the morning and afternoon weekday peak travel periods.

The graphics show volume-to-capacity (V/C) ratios for four ranges (green: <0.75, yellow: 0.75-0.9, blue: 0.9 - 1.2, and red: >1.2. The DEIS identifies roadways with V/C > 0.9 as "substandard" (p. 1-17). Therefore, the level of service is modeled as adequate for the green and yellow links, and poor for the blue and red links. In both the morning and afternoon peak periods, traffic congestion is much worse in the future with Route 92 than in the base year.

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SBTNLM-1

2028 A.M. with Route 92 vs. 2001 A.M. – congestion much worse throughout study area including congestion on NJ Turnpike at north end of study area

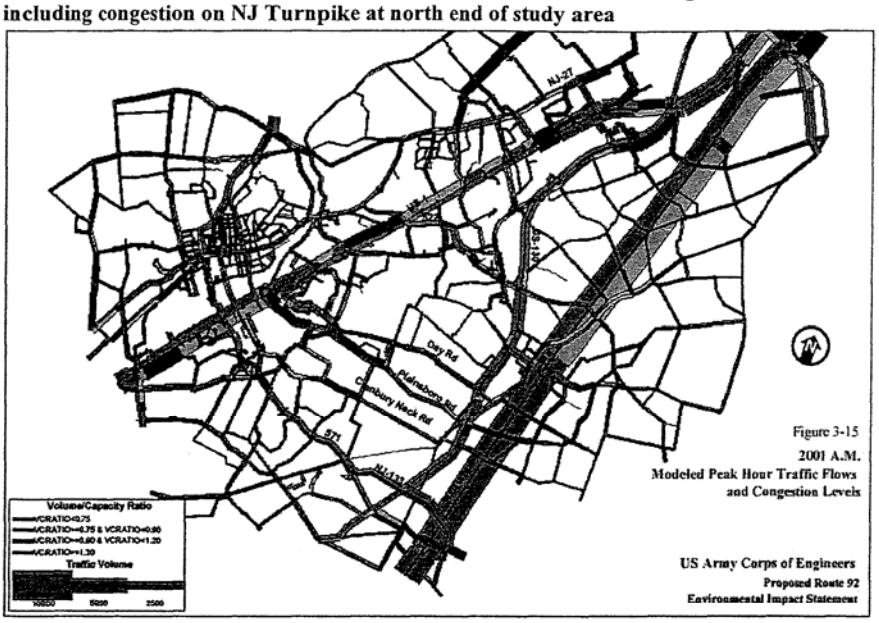

Figure 3-15
2001 A.M.
Modeled Peak Hour Traffic Flows
and Congestion Levels

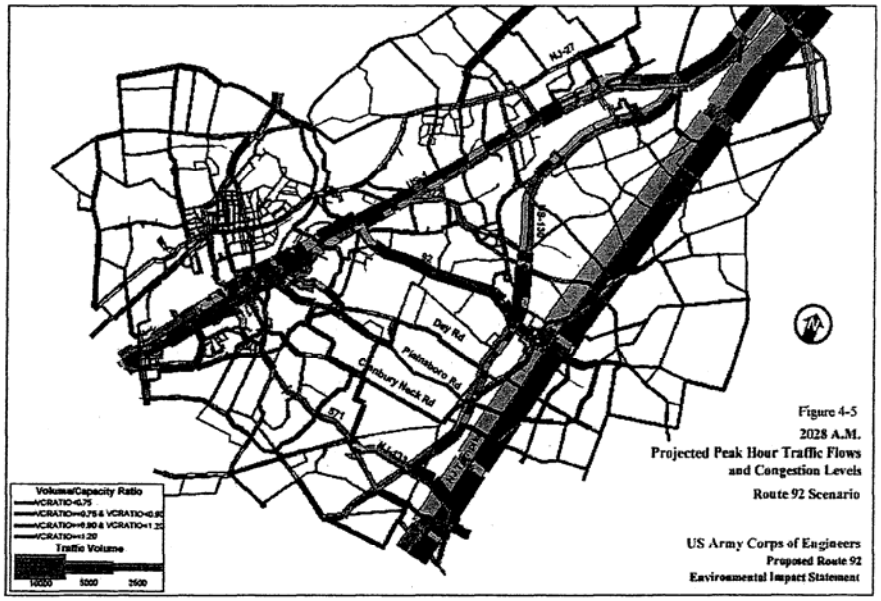

Figure 4-5
2028 A.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
Route 92 Scenario

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SBTNLM-1

2028 P.M. with Route 92 vs. 2001 A.M. – congestion much worse throughout study area including congestion on significant congestion on NJ Turnpike

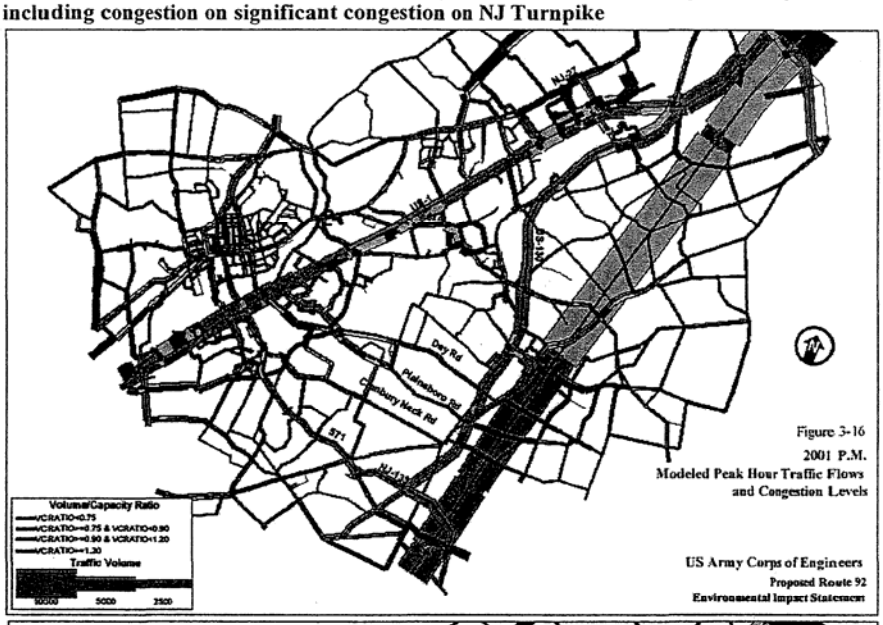

Figure 3-16
2001 P.M.
Modeled Peak Hour Traffic Flows
and Congestion Levels

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

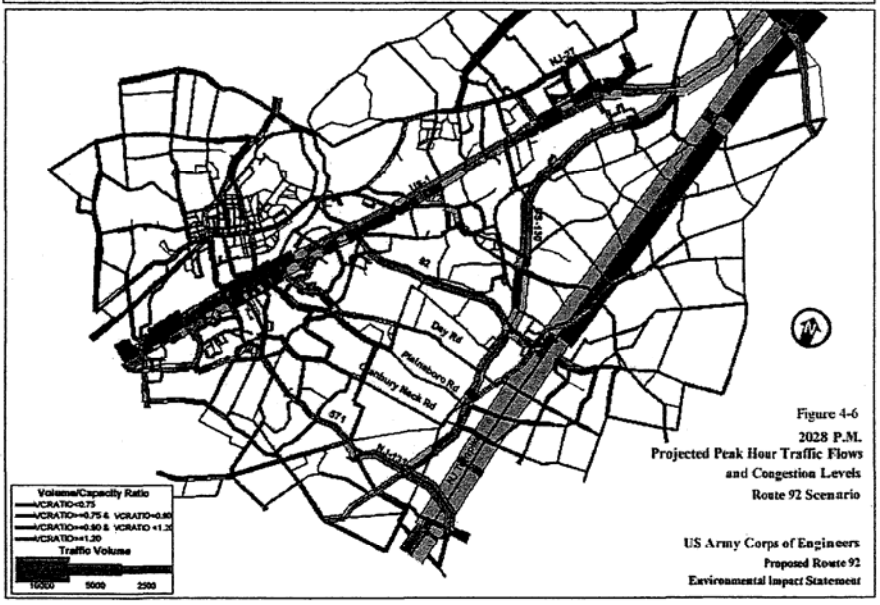

Figure 4-6
2028 P.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
Route 92 Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

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SBTNLM-1

The DEIS appears to make a special effort to never compare base conditions directly to future Route 92 conditions. Comparisons are always between base 2001 and future no action, or future Route 92 vs. future no action. These three cases never appear in the same table or graphic, or even in the same section of the DEIS. The table below combines DEIS information provided in tables separated by over 200 pages of text.

Intersection Level of Service – 2001 vs. 2028 with Route 92

	Intersection Level of Service			
	2001		2028 Route 92	
Intersection	**A.M.**	**P.M.**	**A.M.**	**P.M.**
US-1 @ Cozzens Lane				
US-1 @ Major Road (Sandhill)		D		E
US-1 @ New Road		E		E
NJ-27 @ Raymond Road	A	B		
NJ-27 @ CR-522	D	D	D	D
Scudders Mill Rd @ Schalk's Crossing Rd	D	C		
Scudders Mill Road & Dey Road	F	D		
Plainsboro Road & CR-535	C	B	D	B
US-130 @ Dey Road				
Dey Road & CR-535	D	C		
NJ-32 @ CR-535	F	F	*	*
NJ-32 @ Herrod Blvd.	F	F	**	**
US-130 @ Friendship Road				
George's Road & Kingston Road	B	B	C	B
CR-522 & Kingston Road				
US-1 @ CR-522				
US-1 @ Ridge Road	F	F	**	**

* replaced with two new intersections in Route 92 scenario, level of service not determined
** intersection omitted from Table 4-16
Table constructed from DEIS Tables Tables 1-3 (p. 1-15) and 4-16 (p. 4-53).

In the table above, no intersection is shown with a better level of service in 2028 with Route 92 than for base 2001 conditions. In addition to the intersections operating at level-of-service "F" or failing today (shown in red), four additional intersections fail in the 2028 with Route 92 scenario, during the morning or afternoon weekday peak periods, or both.

The cells colored yellow in the table are ones in which no direct comparison can be made. Two of the intersections are omitted from Table 4-16. For the other intersection, NJ-32 @ Herrod Blvd., the note to table 4-16 says that this intersection will be replaced with two new intersections, "planned such that the peak-hour level-of-service would be at least "D". However, the total delay of passing through two level-of-service "D" intersections could be comparable or even greater than the delay of passing through one level-of-service "F" intersection.

As demonstrated in the traffic flow diagrams, traffic congestion in the 2028 Route 92 scenarios is modeled as considerably worse than for 2001 base conditions.

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SBTNLM-2

All 2028 scenarios show similar levels of congestion, and Route 92 actually worsens congestion on the N.J. Turnpike

While traffic congestion modeled in the 2028 Route 92 scenario is much worse than for 2001, conditions modeled for the 2028 No Build and Route 92 scenarios are quite similar. (See graphics on following pages.) Comparing 2028 No Action) and 2028 Route 92 for the morning peak hour, the delay maps are very similar except for the new Route 92. Remarkably, Route 92 is shown in blue for both the east-bound and west-bound directions. It is modeled with a poor level of service in 2028! Similarly the Turnpike northbound is blue in both scenarios. The DEIS repeatedly refers to "adequate" capacity on the Turnpike (including on p. ES-1), but this appears to mean today, and not necessarily in the future. The DEIS forecasts show an inadequate level of service on the Turnpike, which contradicts one of the central rationales for the project.

Few links change color between the two scenarios – either on the east-west roadways or on Route 1. When one or two links on a route do show an improvement, there generally continues to be red and/or blue links elsewhere on the same route, so that bottlenecks are not removed.

The comparison for the afternoon peak hour is even more striking because the Turnpike north of Route 92 has a poor level of service northbound in the Route 92 scenario but not in the No Action scenario. In this case, the shift of traffic to the Turnpike causes congestion on the Turnpike. Otherwise, as in the morning peak hour, most roadway links have the same V/C class in both future scenarios.

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SBTNLM-2

2028 P.M. – NJ Turnpike congested in Route 92 scenario only, little noticeable improvement in congestion relative to No Action

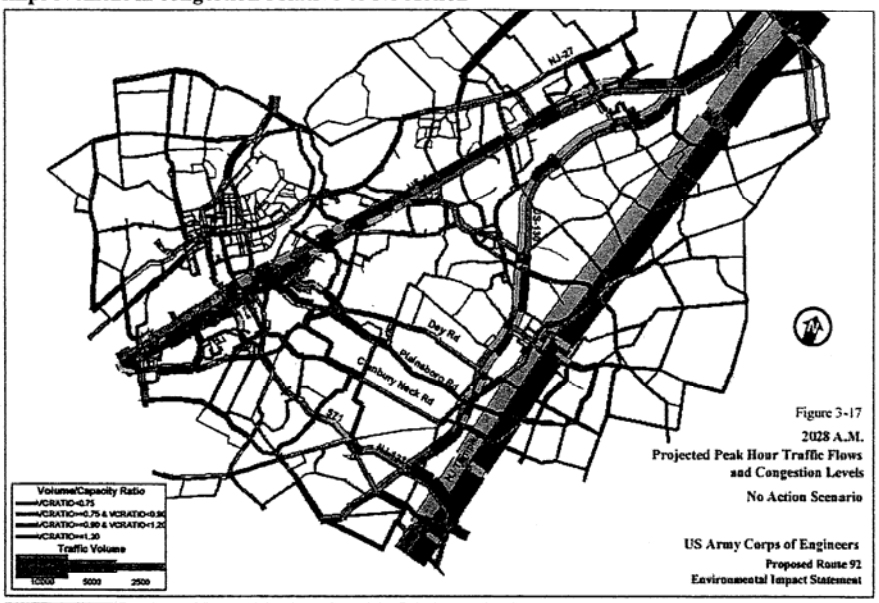

Figure 3-17
2028 A.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
No Action Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

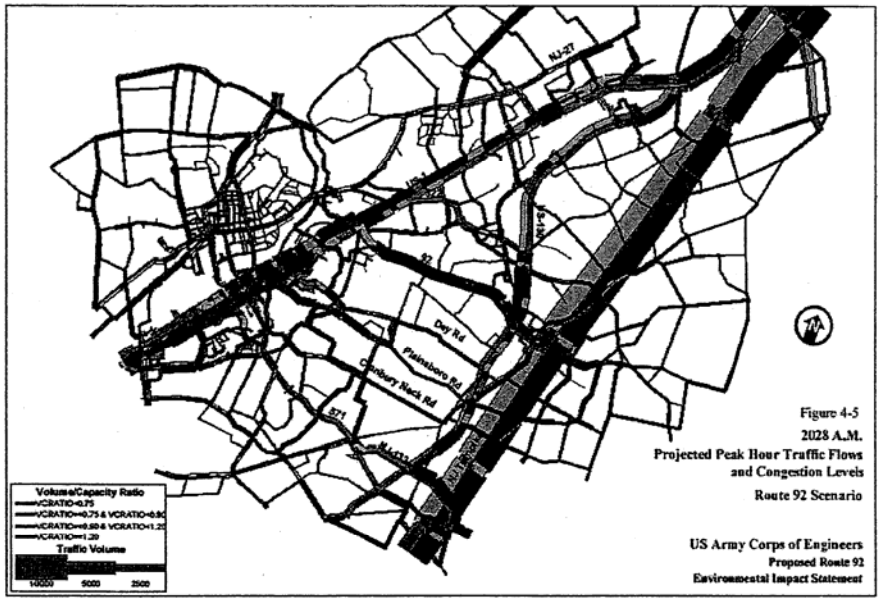

Figure 4-5
2028 A.M.
Projected Peak Hour Traffic Flows
and Congestion Levels
Route 92 Scenario

US Army Corps of Engineers
Proposed Route 92
Environmental Impact Statement

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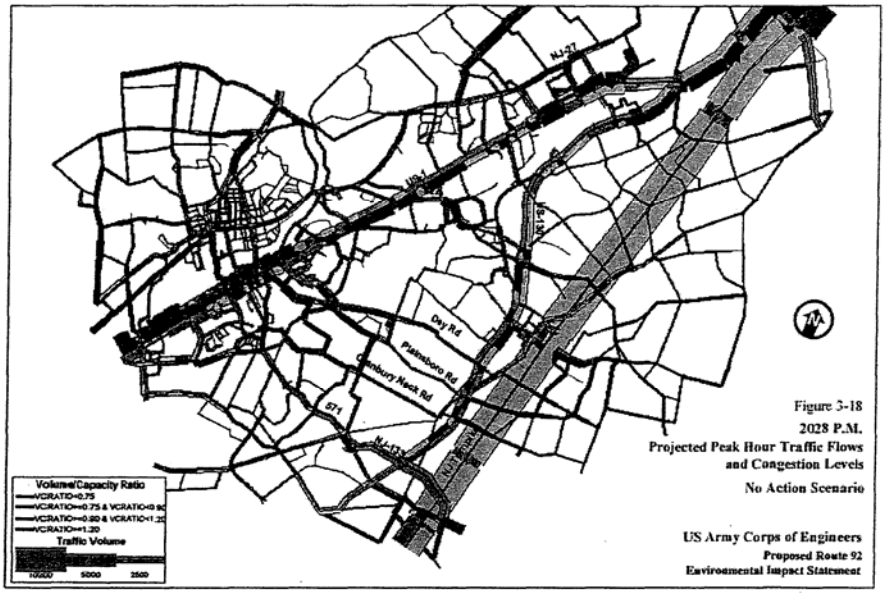
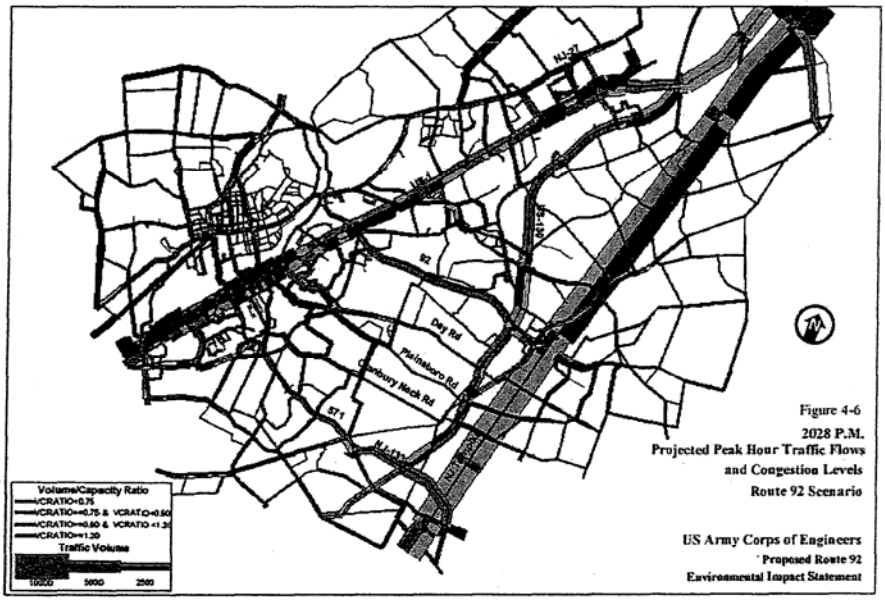
SBTNLM-2

2028 P.M. – Route 92 congested westbound in Route 92 scenario only, little noticeable improvement in congestion relative to No Action scenario





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SBTNLM-3

DEIS uses "through trips" as bogeyman to exaggerate benefits

As documented above, 2028 traffic congestion with Route 92 is modeled as much worse than congestion in 2001. The 2028 with Route 92 scenario is very similar to the Route 92 No Build scenario. In order to exaggerate the differences between the 2028 scenarios, the DEIS manipulates analysis results. Many of the results are reported for "through traffic" only (also called "non-local"), instead of reporting information concerning all traffic.

"Through traffic" and "non-local" appear in the DEIS dozens of times, often coupled with a negative adjective such "adverse through traffic." Despite the apparent importance of this concept to the DEIS, it does not appear to be defined explicitly in the document. "Through traffic" sounds like long distance travel such as on the N.J. Turnpike. In the DEIS, "through" appears to refer rather to east-west travel that extends completely between the Turnpike and Route 1. As the study area extends to both the west of Route 1 and the east of the N.J. Turnpike, many "though" trips have both their origin and destination within the study areas. Most other "through" trips will have either their origin or destination within the study area, e.g. workers commuting into the assumed future job locations.

There is no clear line between "non-local" and other traffic, and residents would not be able to tell the difference between the two. Given the reality of the composition of "through traffic" as defined in the DEIS, it seems somewhat silly to focus on through traffic as having adverse impacts on communities as different from the impacts of other traffic. It seems to be using "non-local" as some sort of bogeyman as is illustrated in the excerpt below.

> Removal of through traffic from neighborhood centers would improve quality of life and would tend to strengthen the identification of residents with their communities while allowing more efficient development designs (such as interconnected developments, which are not desirable at present because they become routes for through traffic (ES-14)

SBTNLM-4

In addition to using "through traffic" as a bogeyman to scare the public, the major function of this focus is to make the impacts of Route 92 look larger than they are. In the present, "through traffic" represents about 1/6 of total traffic on the east-west roadways.

> The most serious congestion in the Traffic Study Area, however, occurs on the two-lane east-west roads, such as Ridge Road, Dey Road, and Plainsboro Road. Currently, approximately 16 percent of traffic on these roads is through traffic. (p. ES-11)

The 2028 modeling indicates that "through" traffic will represent about 25 percent of east-west traffic (p. 1.1). This increase from 16 percent to 25 percent is highly unlikely. As is discussed below in this review, the DEIS assume unrealistic increases in study area employment which forces new traffic into the study area. Maintaining the current 16 percent fraction of "non-local traffic" is much more likely, particularly if congestion worsens which will discourage long east-west trips.

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Rather than reporting overall reductions in traffic, the DEIS reports decreases in "through traffic."

SBTNLM-4

> NJTA proposed Route 92 would *decrease* westbound non-local peak hour trips using local east-west roads by 18 percent in the morning and would *decrease* eastbound non-local trips using local roads by 28 percent in the evening. (p. 2-11)

Considering 25 percent of total traffic as through traffic, this suggests that the overall reductions in future east-west traffic claimed are approximately 4.5 percent and 7 percent in the morning and afternoon peak hours, respectively. With the more likely 16 percent factor, the decreases are only 2.9 percent and 4.5 percent. These numbers are much less dramatic than 18 and 28 percent, and are not reported in the DEIS. Furthermore, these are decreases relative to the future No Build scenario – not reductions from the present. In general, they represent increases in traffic relative to the present. As will be discussed below, the 2028 No Build scenario has been developed as an unrealistic "straw man" against which maximum benefits can be illustrated.

TDM alternative rejected inappropriately

SBTNLM-5

The DEIS rejects the Travel Demand Management (TDM) alternative because it estimates that it could only reduce vehicle miles traveled by 5-10 percent.

> In the project study area, the potential cumulative reduction in vehicle miles traveled after aggressive implementation of the above-described TDM strategies is estimated to be in the 5-10% range. These strategies, while not sufficient by themselves to eliminate the need for the proposed project, as evidenced by existing and projected congestion levels, are nonetheless important components of a coordinated transportation system. (p. 2-10)

A 5-10 percent potential reduction in vehicle miles traveled actually is very significant. In contrast, the Route 92 alternative most likely increases VMT. The 5-10 percent reduction is similar to, and possibly greater than the reductions on the local east-west roads other than Route 92 (2.9 to 7 percent as discussed above). It certainly would have a greater impact on the north south routes, including both Route 1 and the Turnpike.

Furthermore, the 5-10 percent figure may be low, as it is presented without supporting evidence. For example, the DEIS suggests that flex time and telecommuting could reduce traffic (presumably peak hour) by 1-1.5 percent but gives no support for this estimate. (p. 2-7)

The DEIS briefly mentioned that "bus rapid transit … is recommended for further study" (p. 2-10) but does not seriously consider its potential.

The DEIS makes a strange statement about parking management, "This strategy would not significantly reduce the need for additional travel capacity in the study area because most of the major parking demands are north of the study area in the metropolitan employment centers of New York City, Newark, etc." (p. 2-8) The DEIS documents many thousands of parking spaces at special generators including Princeton University and transit stations that are managed now or could be (p. 3-18). There is no reason parking management cannot be extended to private

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SBTNLM-5

businesses. The Greater Mercer Transportation Management Association (GMTMA), based in Princeton, was founded in 1984. Its website includes 22 separate references to parking, including information for employers about parking cash out programs.

With additional analysis, it probably would be found that TDM scenario traffic reductions would be greatest along the most congested east-west segments in the study area, i.e. westbound towards Princeton in the morning peak hour and eastbound away from Princeton in the afternoon peak hour. This would likely reduce traffic congestion in the study area much more than constructing Route 92.

Purpose and Need improperly defined to require new roadway

SBTNLM-6

If the TDM alternative achieves the 5-10 percent reduction in vehicle miles traveled (VMT) suggested in the DEIS, it would have much greater impacts on traffic congestion in the study area than the construction of Route 92. It probably would not have been eliminated from consideration of alternatives except that the Purpose and Need in the DEIS is defined in such a way that it can only be satisfied by a new roadway.

The DEIS defines *Purpose and Need* as a) providing better access to Turnpike as north-south alternative to Route 1, and b) providing a new high-speed connection between Route 1 and the Turnpike. These are not needs but just alternative ways of describing Route 92.

a) *North-South connection to Turnpike* – The modeling results discussed above show congestion on Route 1 to be localized in 2028 in the morning and afternoon peak periods and congestion on the Turnpike to be systemic. Therefore, the entire premise of shifting traffic from Route 1 to the Turnpike appears to be flawed.

b) *New high-speed east-west connection* – This is simply a project masquerading as a need unless there are quantifiable benefits. As discussed above, any benefits are minor.

If the Purpose and Need properly identified real needs, such as congestion relief, the TDM alternative would satisfy the needs better than Route 92.

The 2028 No Action scenario is an unrealistic "straw man"

SBTNLM-7

The huge amount of traffic growth in the study area in all scenarios is predicated on assumptions about growth in population, households, and employment. These assumptions may be based on past trends, but nevertheless are unrealistic for the future. Very high growth in employment is assumed, 67 percent between 2001 and 2028. In contrast, population growth is assumed to be moderate, only 19 percent over the period. The table below is copied from Appendix C of the DEIS.

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Table 4

MUNICIPAL POPULATION AND EMPLOYMENT GROWTH

	2001	2028
HOUSEHOLDS:		
Plainsboro Township	9,438	9,893
Princeton Borough	3,465	3,502
Princeton Township	6,018	6,106
South Brunswick Township	13,981	18,089
West Windsor Township	7,443	10,988
STUDY AREA TOTAL	40,345	48,578
POPULATION:		
Plainsboro Township	21,865	23,070
Princeton Borough	15,054	15,137
Princeton Township	16,947	17,143
South Brunswick Township	38,214	51,186
West Windsor Township	22,911	30,343
STUDY AREA TOTAL	114,991	136,879
EMPLOYMENT:		
Plainsboro Township	27,266	40,530
Princeton Borough	5,561	5,680
Princeton Township	5,854	6,917
South Brunswick Township	31,121	51,048
West Windsor Township	18,991	43,915
STUDY AREA TOTAL	88,793	148,090

DEIS, p. C-29

Employment growth rates in the study area have exceeded population growth in the recent past, but these trends are unsustainable. A primary factor in the past has been an increase in overall labor force participation, due to large numbers of women entering the labor force. This trend has run its course; it is not expected that female labor force participation will continue to increase. Instead, male labor force participation rates are expected to decline due to the aging population.

With increased labor force participation in the past, only a moderate portion of the job growth in the subarea has required an increase in net in-commuting. As presented in the table below, the employment forecasts used in the DEIS would require a huge increase in net in-commuting into the study area.

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Implications of DEIS socioeconomic forecasts

	2001	2028	notes
population	114,991	136,879	DEIS, App. C, Table 4
employment	88,793	148,090	DEIS, App. C, Table 4
workers in population	65,221	77,636	57% of population from 2000 Census
jobs worked by population	71,743	85,399	assuming 10% work 2 jobs (typical value)
net in-commuting	17,050	62,691	study area emp. - jobs worked by pop.
difference		45,641	**growth is 267% of 2001**

In 2000, 57 percent of the study area population was in the labor force. (The majority of the other 43 percent are children and seniors.) As noted above, this factor may decline in the future, but to be conservative, it will be held constant. Factoring the 2001 and 2028 populations by 57 percent results in study area workforces of 65,211 in 2001 and 77,636 in 2028. Assuming that 10 percent of the workforce works 2 jobs (a typical value), the study area workforce can hold 71,743 jobs in 2001 and 85,399 jobs in 2028. Given 88,793 jobs in the study area in 2001, this requires net in-commuting of 17,050 workers. This is a large number that is a cause of significant congestion in the study area. For 2028, however, the DEIS assumptions require that this net in-commuting increase to 62,691 workers, with the growth of 45,641 alone being 267 percent of the current value. Assuming that this could happen without major changes in travel behavior and/or transportation infrastructure is absurd.

Without the large increases in employment assumed, the DEIS suggests that population growth could be even less than the 19 percent assumed. The 19 percent growth represents full buildout of available remaining land.

> Consequently, the available labor force within the four-town study area will be insufficient to supply even a part of the new job demand. Therefore, it is suggested that the pressures of high job growth and limited labor force will pressure the housing market within the study area. As a result, it is estimated that all the Committed and Uncommitted population and household development will occur by 2028. (p. C-28)

The effect of the assumed excess jobs is necessarily a large increase in subarea vehicle miles of travel, for both work trips and non-work trips. The only way that this amount of employment could be supported would be through aggressive transit and TDM strategies of the types that were rejected in the DEIS.

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Unrealistic "Straw Man" future exaggerates any Route 92 benefits

The "straw man" employment forecast translates into unrealistically high future traffic congestion which exaggerates the benefits of any action, including Route 92, that reduces the trumped up problem at all.

The DEIS includes a table that shows the extent that the assumed growth in employment and population will overload the local roads.

Additional Lanes Needed	Miles of Roadway	
	No Action	With 92
1	413.8	380.5
2	60.3	48.9
3	1.3	0.4
4	0.3	0.3
TOTAL	475.7	430.2

DEIS, p. 4-49

The DEIS text states:

> Out of a total of 1,253 miles of roadways (counting each direction as a separate roadway) represented in the Traffic Study Area model, 476 miles are predicted to operate at substandard conditions (volume-to-capacity ratio of greater than 0.9) during at least on the peak hours if Route 92 is not built. (DEIS, p. 4-49)

Combining the numbers in the table with the 1,253 miles figure in the text, the DEIS states that 37.96 percent of the roadways need to be widened in the No Build scenario, but that only 34.36 percent of roadways need to be widened in the Route 92 scenario. The authors of the DEIS imply that the difference of 3.6 percent is extremely important. However, what is really important is that the table is telling us that more than 30 percent of the roadways need to be widened in either scenario. This confirms the argument made earlier in this review that the employment projections used are unrealistic without significant changes in travel behavior and/or the transportation system.

If the 2028 scenarios had been modeled with changes in travel behavior and/or the transportation system, the calculated benefits of Route 92 would be much less. Traffic delay increases exponentially with traffic volume. These exponential functions are built into the transportation model used in the DEIS. Therefore, any "improvement" will have the greatest apparent benefit when considered against the worst possible scenario.

This point is illustrated below with data from the DEIS. In the intersection delay analysis presented in Table 4-17, p. 4-54, the longest delays are modeled at the Scudders Mill Road and Dey Road intersection for morning peak conditions. These delays are modeled as averaging 697 seconds for the 2028 No Build scenario and 556 seconds for the 2028 Route 92 scenario. In Appendix C, results for two other scenarios are reported: 364 seconds for 2001 and 595 seconds for the 2028 Route 1 No Signals scenario.

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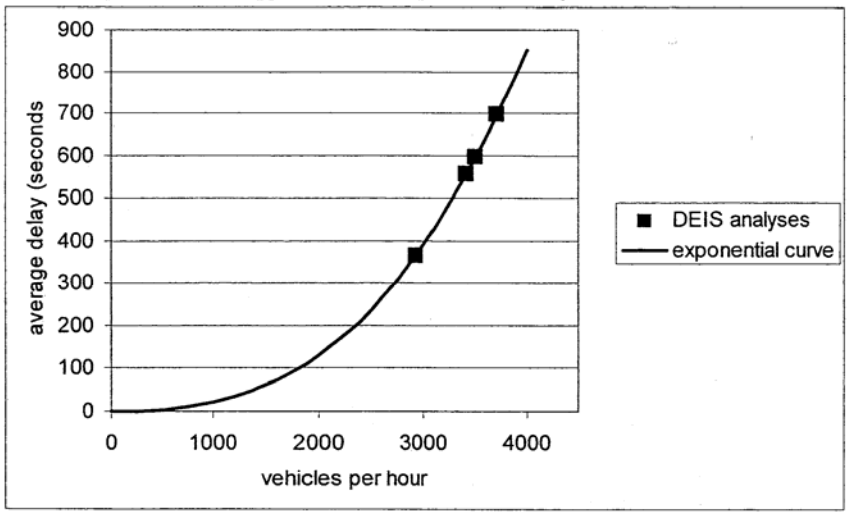
Again, it is necessary to point out that the 2028 results are unrealistic. The traffic volumes modeled are simply too high. Either employment growth would be less than assumed, other transportation improvements would be made, travel behavior would change (e.g. more telecommuting), or there would be some combination of all three factors. This becomes even more apparent when one looks closely at the analysis results in Appendix 4. To achieve the relatively good result for a delay of 556 seconds average (9.3 minutes), the analysis assumes that eastbound and westbound traffic will progress at levels-of-service "B" and "C" respectively, with delays of less than 1 minute while relegating the northbound and southbound approaches to severe level-of-service "F" conditions. The northbound approach is modeled with an average delay of 25 minutes (1527 seconds)! Clearly such unbearably long delays in combination with almost free-moving traffic eastbound and westbound would be unacceptable to the public.

Even though the scenarios are not realistic, they can be used to explore the effects of exponential delay. The graphic below plots delay as a function of intersection volume for the four scenarios along with an exponential curve fitted to the four data points. While highway capacity analysis is more complicated than a simple volume-to-delay function, the fit is quite good for a single intersection with unchanged geometry for the same time period.

A.M. peak hour traffic volume vs. average delay at Scudders Mill Rd. and Dey Rd - four scenarios reported in DEIS Appendix C and exponential curve fitted to DEIS results



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EIS results in Appendix C. From left to right, results are for 2001, 2028 Route 92, 2028 Rt. 1 no signals, and 2028 No Build scenarios. Exponential curve: $y = 1.576*10^{-7} * \text{volume}^{2.702}$.

The 2028 Route 92 scenario is modeled at 7.8 percent less traffic than the 2028 No Build scenario but this translates into 20.2 percent less delay. A difference of 288 vehicles per hour makes a difference of 141 seconds of delay on average. This large decrease in delay results from

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being on the steep part of the delay curve. In contrast, if the 2001 intersection volume were reduced by 288 vehicles, the reduction in delay would be only 89 seconds.

The effects of the exponential delay curves run through all of the transportation and air quality analyses:

- The point-to-point travel time statistics all assume an unreasonable amount of 2028 No Build traffic, and therefore overestimate the time savings from small reductions from these "straw man" traffic volumes.
- The microscale air pollution analyses (Table 4-12, p. 4-40) are based on the number of vehicles queuing at intersections; if the volumes and delays are overestimated, the emissions are overestimated.
- The mesoscale air pollution analyses (Table 4-3, p. 4-4) are based on traffic volumes and speeds. Again, if the volumes and delays are overestimated; the emissions are overestimated.

Summary

The Route 92 Draft Environmental Impact Statement begins with a Purpose and Need that could only be met by a new roadway. The DEIS then documents that Route 92 fails to reduce congestion in the study area. The DEIS indicates Route 92 actually worsens congestion on the New Jersey Turnpike in 2028, and also would itself be congested in 2028. This undermines a central rationale of the project as using excess Turnpike capacity. Any benefits of Route 92 are exaggerated through creating an unrealistic "straw man" future employment scenario that translates into unrealistic future traffic congestion in the 2028 No Build scenario, in combination with reporting results only for the bogeyman of "non-local" traffic.

This entire Route 92 effort is misdirecting attention away from addressing actual traffic congestion issues. Residents of the study area would be much better served by transportation planning efforts that addressed real needs with real solutions. These planning efforts should include realistic estimates of and planning for growth in housing and job centers, thorough consideration of Transportation Demand Management (TDM) strategies and transit, and targeted local roadway improvements, including improved local connectivity and intersection improvements.

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NORMAN L. MARSHALL, PRESIDENT
nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982

Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE:

Mr. Marshall helped found Smart Mobility, Inc. in 2001 and is its President. Prior to this, he was employed for 14 years at Resource Systems Group, Inc. where he developed a national practice in travel demand modeling and related transportation planning work. Most of his work is in the areas of developing regional transportation models and regional transportation planning, applying regional transportation models in project development analyses, and critiquing regional transportation models and studies based on regional transportation models.

Developing Regional Transportation Models and Regional Transportation Planning

Mr. Marshall led teams that developed regional transportation models for five Metropolitan Planning Commissions (MPOs) and also one statewide model. State-of-the-art features include integrated land use allocation models, non-motorized trip models, auto ownership models, advanced mode choice models, linked air emission models, and geographic information systems (GIS) interfaces. Mr. Marshall also has made significant enhancements to models in other regions.

Chicago Metropolis 2020—made further enhancements to the model developed for the Route 53 and I-355 Alternatives Studies (described below). These enhancements included implementation of a non-motorized trip mode based

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on urban form variables, and a truck freight model with multi-class assignment (truck restrictions, and truck-only routes).

Envision Central Texas—implemented many enhancements in MPO model including multiple time periods, feedback from congestion to trip distribution and mode choice, new life style trip production rates, auto availability model sensitive to urban design variables, non-motorized trip model sensitive to urban design variables, and mode choice model sensitive to urban design variables and with higher values of time (more accurate for "choice" riders).

Baltimore Vision 2030—working with the Baltimore Metropolitan Council and the Baltimore Regional Partnership, increased regional travel demand model's sensitivity to land use and transportation infrastructure. Enhanced model is being used to test alternative land use and transportation scenarios.

Route 53 and I-355 Alternatives Studies—with assistance from University of Illinois at Chicago staff, developed advanced transportation modeling capability of the Chicago. The model includes simultaneous selection of destination, mode, route, and time of day, and is being used to test alternative highway, transit, land use, and TDM scenarios.

Georgia Intercity Rail Plan—developed statewide travel demand model for the Georgia Department of Transportation including auto, air, bus and rail modes. Work included estimating travel demand and mode split models, and building the Departments ARC/INFO database for a model running with a GIS user interface.

Trip Generation Characteristics of Multi-Use Developments—estimated internal vehicle trips, internal pedestrian trips, and trip-making characteristics of residents at large multi-use developments in Fort Lauderdale, Florida.

Pease Area Transportation and Air Quality Planning—developed an integrated land use allocation, transportation, and air quality model for a three-county New Hampshire and Maine seacoast region

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Improved Transportation Models for the Future—assisted Sandia National Laboratories in developing a prototype model of the future linking ARC/INFO to the EMME/2 Albuquerque model and adding a land use allocation model and auto ownership model including alternative vehicle types.

The Future of Transportation Modeling—Member of Advisory Board on project for State of New Jersey researching trends and directions, and making recommendations for future practice.

Applying Regional Transportation Models in Project Development Analyses

Mr. Marshall has applied regional transportation models developed by his own team and by others in highway and transit planning projects at the project, corridor, and regional levels.

Essex (VT) Commuter Rail Environmental Assessment—estimated transit ridership for commuter rail and enhanced bus scenarios, as well as traffic volumes.

State Routes 5 & 92 Scoping Phase—evaluated TSM, TDM, transit and highway widening alternatives for the New York State Department of Transportation using local and national data, and a linkage between a regional network model and a detailed subarea CORSIM model.

Conformity Analyses - Applied models for three New Hampshire MPOs in calculating air emissions in the conformity process.

Twin Cities Area and Corridor Studies—improved regional demand model to better match observed traffic volumes, particularly in suburban growth areas. Applied enhanced model in a series of subarea and corridor studies.

Ohio 3-C Corridor Rail Estimation—re-calibrated a previously-developed demand model and produced ridership and revenue estimates for a proposed Cleveland-Columbus-Cincinnati high-speed rail service.

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Highway Investments and Induced Demand Travel—under contract with the Environmental Protection Agency, determined the extent to which the overall transportation planning and 4-step modeling processes account for induced demand, and the extent to which the individual components of different transportation planning and modeling methodologies account for induced demand

Reviewing Regional Transportation Models and Studies Based on Them

Mr. Marshall draws on his experience in developing and applying regional transportation models to review the work of others.

Stillwater Minnesota bridge – Part of expert panel convened by Minnesota DOT to review modeling of land use impacts of proposed new bridge and of tolling and transit alternatives (Twin Cities model).

Ohio River Bridges Projects– Reviewed Environmental Impact Statement for proposed new freeway bridge east of Louisville Kentucky for River Fields, a local land trust and historic preservation not-for-profit organization.

Indiana I-69 – Reviewed model analyses from Indiana statewide travel demand model of proposed new Interstate highway for coalition, including the Environmental Law and Policy Center of the Midwest.

Washington, DC region – Reviewed modeling of Potomac River bridge crossings.

Phoenix, Arizona – Reviewing conformity analyses and long-term transportation plan under contract to Tempe, a municipality in the Phoenix region.

Atlanta, Georgia – Critiqued conformity analyses and long-term transportation plan for an environmental coalition.

Philadelphia region – Reviewed regional modeling analysis of two proposed roadway projects.

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Daniel Island (Charleston, South Carolina) – Reviewed Draft Environmental Impact Statement for large proposed Port expansion (the "Global Gateway") for an environmental coalition.

Houston, Texas– Analyzed conformity analyses and long-term transportation plan for an environmental coalition.

MEMBERSHIPS/AFFILIATIONS

Associate Member, Institute of Transportation Engineers
Individual Affiliate, Transportation Research Board
Member, American Planning Association
Member, Congress for New Urbanism
Technical Advisory Committee, Vital Communities

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RECENT PUBLICATIONS AND PRESENTATIONS

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Brian Grady, Frank Beal and John Fregonese, presented at the Transportation Research Board's Conference on Planning Applications, Baton Rouge LA, April 2003.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Lucinda Gibson, P.E., Frank Beal and John Fregonese, presented at the ITE Conference on Livable Communities, Fort Lauderdale Florida, March 2003.

Evidence of Induced Travel with Bill Cowart, presented in association with the Ninth Session of the Commission on Sustainable Development, United Nations, New York City, April 2001.

Induced Demand at the Metropolitan Level - Regulatory Disputes in Conformity Determinations and Environmental Impact Statement Approvals, Transportation Research Forum, Annapolis November 2000.

Evidence of Induced Demand in the Texas Transportation Institute's Urban Roadway Congestion Study Data Set, Transportation Research Board Annual Meeting, Washington D. C: January 2000.

Subarea Modeling with a Regional Model and CORSIM with K. Kaliski, presented at *Seventh National Transportation Research Board Conference on the Application of Transportation, Boston MA: March 1999*

New Distribution and Mode Choice Models for Chicago with K. Ballard, *Transportation Research Board Annual Meeting*, Washington D. C: January 1998.

Land Use Allocation Modeling in Uni-Centric and Multi-Centric Regions with S. Lawe, *Transportation Research Board Annual Meeting,* Washington, D. C: January 1996.

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Multimodal Statewide Travel Demand Modeling Within a GIS with S. Lawe, *Transportation Research Board Annual Meeting,* Washington, D. C: January 1996.

Forecasting Land Use Changes for Transportation Alternatives with S. Lawe, *Fifth National Conference on the Application of Transportation Planning Methods*, Seattle, WA, April 1995.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 1 2 2004

Richard Tomer, Chief
Regulatory Branch
U.S. Army Corps of Engineers
New York District, Room 1937
26 Federal Plaza
New York, New York 10278-0090

Class: EO-2

Dear Mr. Tomer:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (EIS) for the proposed Route 92 Highway project, Middlesex County, New Jersey. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA). In addition to our major concerns regarding wetland impacts, we have a number of comments regarding air quality and traffic, which are provided in detail as an enclosure.

We would first like to note that earlier this year, the New Jersey Department of Environmental Protection (NJDEP) freshwater wetlands permit, which also served as the Clean Water Act Section 401 Water Quality Certification for the Route 92 project, expired. It is our understanding that the New Jersey Turnpike Authority has not re-applied for NJDEP approval. If the State is still committed to this project, we assume the Turnpike Authority will apply to the NJDEP for a new wetlands permit. The Corps may wish to solicit an indication of New Jersey's intentions regarding this proposed project.

The project purpose is to provide a high-speed connection for through traffic moving between the major north-south corridors (US Route 1, US Route 130, and the New Jersey Turnpike). The preferred alternative, Proposed Route 92, would be a 6.7-mile limited access toll highway that would serve as an east-west highway link connecting Route 1 in South Brunswick Township to the New Jersey Turnpike at Interchange 8A in Monroe Township. Proposed Route 92 would be a four-lane roadway, providing two travel lanes in each direction. The proposed project includes connections with existing local roadways at new interchanges with US Route 1, Perrine Road, US Route 130, and Interchange 8A. A proposed toll plaza facility would be constructed within the proposed alignment west of US Route 130.

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The Route 92 alternative would permanently impact 13.19 acres, and temporarily impact an additional 2.92 acres of waters of the U.S. within Millstone River watershed. The permanent impacts would include 12.03 acres of fill and 1.16 acres of shading. A total of 10.16 acres of palustrine forested wetlands would be impacted by the project. Palustrine forested wetlands are considered by EPA to be an important habitat type and one which has come under increasing development pressure in New Jersey. USEPA-1

In addition to direct wetland losses, the proposed project would also result in a number of other substantial environmental impacts, including the fragmentation of a 1,650 acre wetlands area contiguous to Devil's Brook. If the habitat is fragmented or becomes more divided, some sensitive species such as certain migratory songbirds may be eliminated from the area because they cannot tolerate the disturbances. Fragmenting habitat with barriers also eliminates the ability of other species with more limited mobility, such as reptile and amphibians, to migrate, and often reduces their success or eliminates them completely. In addition, a population of Southern Arrowhead (*Sagittaria australis*), a State endangered plant species located within wetlands along the Route 92 alignment, would also be affected. Finally, we believe the proposed Route 92 roadway bed within Devil's Brook has the potential to interrupt surface flow within the wetlands both up-slope and down-slope of the proposed road, despite the placement of culverts proposed beneath the road. USEPA-2 USEPA-3

EPA has invested substantially in the protection and restoration of the Raritan River watershed. The Stony Brook- Millstone Watershed Association was one of the 20 grantees funded in 2003 under the National Watershed Initiative. This Initiative is providing $1,000,000 to demonstrate approaches for watershed protection within the Raritan basin, and in particular, efforts within the Millstone River watershed that will examine various protection strategies geared toward this rapidly developing suburban corridor. The majority of the wetland impacts associated with Route 92 would be concentrated within a large contiguous forested area adjacent to the Devil's Brook sub-drainage. The wetlands impacted by the proposed project, and particularly those associated with Devil's Brook, provide a range of important functions and values such as habitat for fish and wildlife, flood protection, water quality improvement, and opportunities for recreation, education, and research. USEPA-4

The Clean Water Act Section 404(b)(1) guidelines prohibit the discharge of dredged or fill material into wetlands, if there is a less environmentally damaging, practicable alternative that meets the basic purpose of the project. In this case, we are concerned that the draft EIS has not clearly demonstrated that there are no other practicable alternatives that meet the basic project purpose that are less environmentally damaging. The basic project purpose is defined as the fundamental, essential, or irreducible purpose of the proposed project. The draft EIS frames the project purpose in terms of a specific Route 92 project, by promoting the use of regional highways with a high speed connection for regional through and commercial traffic by creating a hierarchical network of east-west roadway system. Framing the project purpose in terms of achieving an east-west roadway system that "...promotes the use of local streets for local access USEPA-5

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and circulation, and promotes the use of regional highways and limited access roads for regional through traffic..." verges on a description of the applicant's preferred alternative, and potentially presupposes the alternatives analysis so that only a regional limited access highway alternative could meet that purpose. We believe that the basic project purpose for use in the CWA Section 404(b)(1) evaluation would be an East-West connection for traffic moving between the major north-south corridors (US Route 1, US Route 130, and the New Jersey Turnpike).

USEPA-5

We continue to believe that Transportation System Management (TSM) and Transportation Demand Management (TDM) strategies should be examined in conjunction with capacity improvement options to enhance and benefit these alternatives. Although the draft EIS states that such measures can be used in conjunction with the alternatives presented to improve traffic congestion, there is no indication that such strategies have been incorporated and seriously considered in the evaluation of each of the alternatives presented.

USEPA-6

The Modified No-Build Alternative, which incorporates certain aspects of the proposed Route 92, consists of three components: (1) a major interchange between Route 32 and Route 130, (2) a right-turn lane from southwest-bound Dey Road onto northwest-bound Scudders Mill Road, and (3) improvements to rush hour signal timing at the Schalks Crossing Road/ Ridge Road intersection. Construction of the Modified No-Build Alternative would avoid the loss of the majority and most valuable of the wetlands within the proposed project corridor. Equally important, the Modified No-Build would also achieve transportation improvements at the same six intersections that would be improved by the proposed Route 92, thereby providing needed benefits to local traffic.

USEPA-7

EPA's concerns regarding the nature and extent of adverse environmental impacts associated with the proposed highway project are heightened by information that suggests that these impacts resulting from the Route 92 alternative are avoidable. We believe that the "Modified No-Build Alternative" identified in the draft EIS or another alternative may be practicable and may meet the basic project purpose as identified by EPA as an East-West Transportation corridor. EPA Region 2 is available to assist the Corps in identifying a least environmentally damaging practicable alternative for this project.

In addition, the CWA Section 404(b)(1) Guidelines require mitigation for all unavoidable impacts. To compensate for the wetland losses, the NJTA proposes to construct approximately 57 acres of wetlands north and south of the proposed highway alignment, and preserve 202 acres of existing forested wetlands and uplands within the vicinity of the project. The draft EIS directs the reader to Appendix D of the Section 404 permit application dated January 6, 1999 for additional details regarding the creation plan. Although we find the areal extent of the proposed mitigation to be extensive, we cannot at this time assess whether the creation plan would adequately compensate for the proposed impacts. The wetlands creation plan, cited above, is based on a December 6, 1996 plan prepared by the NJTA. However, this plan is only conceptual and does not provide sufficient detail to support an assessment of its ability to replace the wetland functions and values lost as a result of the project. The conceptual creation plan

USEPA-8

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provides for the construction of mostly forested wetlands from existing farmed uplands. These uplands would also serve as a borrow area to provide fill for the proposed roadway. Previous attempts to create forested wetlands out of uplands in New Jersey have been shown to have an extremely low success rate. Specific details of this type of creation are therefore necessary for EPA to conclude that project related impacts would be offset. For example, specific information regarding the proposed grading plan, planting plan, and the expected hydroperiod would need to be accessed. The mitigation plan should also provide clear and precise performance standards and identify potential remedial measures in the event that the mitigation does not meet those performance standards in a timely manner.

USEPA-8

Based on these concerns and consistent with our previous findings, the proposed project will have substantial and unacceptable adverse effects to palustrine forested wetlands, an aquatic resource of national importance. Furthermore, we are concerned that the least environmentally damaging practicable alternative may not have been selected and therefore, we believe that the project as proposed may not comply with the Section 404(b)(1) Guidelines. Lastly, we are concerned about the insufficient level of detail presented in the proposed mitigation plan, and request that the additional information identified above to evaluate the proposed mitigation for determining the likelihood of successfully mitigating for unavoidable impacts to wetlands be provided.

USEPA-9

Based on our review, we believe that there is a potential for significant environmental impacts should the project be implemented as proposed, and that all reasonable alternatives have not been fully evaluated. Alternatives that are viable have been dismissed and other reasonable combinations of alternatives, that would meet the project's purpose and need with fewer environmental impacts, have not been analyzed. We have therefore assigned the proposed project and draft EIS a rating of EO-2, Environmental Objections - Insufficient Information.

Thank you for the opportunity to comment. Rajini Ramakrishnan, of my staff, at (212) 637-3731 will be contacting you to set up a meeting to discuss these issues.

Sincerely yours,

Robert W. Hargrove, Chief
Strategic Planning and Multi Media Programs Branch

Enclosure

cc: Michael Lapolla, NJTA
Robert Grimm, NJTA

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bcc: G. Musumeci, DEPP-SPMMPB
D. Carlson, DEPP-SPMMPB
R. Mongometic, DEPP-WPB
D. Montella, DEPP-WPB
M. Moltzen, DEPP-APB
A. Bascue, DEPP-APB

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ENCLOSURE

Air Quality/Traffic

Regarding the Route 92 project alternative, we note that the traffic tables demonstrate that though the length of delay in the area appears to diminish with the Route 92 project, the project does not significantly solve much of the local congestion problem at roads and intersections. USEPA-10

We are concerned that the draft EIS does not make a definitive statement regarding the extension of Route 92 further west of Route 1. Though the project history in the draft EIS discussed that alignments to the west of Route 1 were looked at in previous studies, the draft EIS did not state that those segments of this project are not intended to be built at some future date. We are concerned that future traffic conditions and congestion in the area of Route 1 and Route 92 and to the west to Route 206 would develop to create a need to complete the project to its originally planned terminus with Route 206. Given that these segments between Routes 1 and 27 and on to Route 206 could have significant impacts, which was a rationale for their elimination from the project, we believe that the final EIS should conclusively state that no further traffic improvements will be necessary to the west of Route 1 that are related to the Route 92 traffic and the Routes 1 and 92 interchange. USEPA-11

The draft EIS states that approximately five percent of the total traffic currently on the local roads are truck traffic, and that one in five of those trucks represent through traffic. Since Section 2 identifies the reduction of non-local truck traffic on the local roadway as an objective, the draft EIS should establish whether this level of traffic is atypical as compared to other areas of the state, particularly those areas located within the vicinity of a NJTP exit. USEPA-12

Of further concern are the basic traffic assumptions used for the document. We do not believe that the "No-Build" assumption as described in Section 2.2 is realistic for comparison to the other alternatives described (i.e., no improvements assumed over the next 20 years, other than those currently funded or permitted). Because the "No-Build" is used throughout the document to project changes in traffic volume, this one assumption, if inaccurate, has the potential to skew many of the conclusions reached under the draft EIS for most of the alternatives described. USEPA-13

Similarly, the draft EIS should discuss why the traffic model used assumes that the construction of Route 92 will not induce additional traffic to the region. Specifically, the document should provide data to explain why the capacity of a 4-lane limited access highway added to the regional road network will not affect the number of thru-trips in the region or add to congestion on the local roadway. Additional traffic volumes induced through excess road capacity has the potential to provide greater impacts than what is currently described in the draft EIS. USEPA-14

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USEPA-14

With respect to Route 92, we are also concerned with induced traffic. We believe that adding a regional high-speed facility to the area has great potential to attract and induce more traffic and that the Route 92 project will provide a strong incentive for other regional through trips to use the facility that would not pass through the area otherwise. According to our study, "Transportation Review of Proposed New Jersey Turnpike Authority Route 92" dated September 18, 1998, approximately 11,000 vehicles per day of through regional trips would be attracted to Route 92 from other regional facilities outside the traffic study area.

We have reviewed the cumulative impacts on transportation in the Traffic Study Area. The final EIS should mention that the project meets the requirements of Transportation Conformity because it is included in the North Jersey Transportation Planning Authority (NJTPA) 2004 Transportation Improvement Plan (TIP). The draft EIS contains information on how growth is accounted for in the traffic modeling, however it is unclear whether the traffic modeling includes an assessment of induced growth and induced travel demand that would result from proposed Route 92. The traffic model is coupled to a comprehensive land use database which is based on forecasts of population and employment growth out to 2028. However, the population and employment growth forecasts do not seem to include induced growth expected from proposed Route 92.

While it is unclear whether the induced effects of proposed Route 92 are included in the population and employment growth statistics, the draft EIS includes information that highlights the potential for these effects. The Anticipated Municipal Growth Potentials (Table 1, page C-29) show that projected uncommitted growth in population is double the committed growth but only assumes that the committed growth would take place by 2028. Similarly, the draft EIS only assumes that 60 percent of the potential (committed plus uncommitted) employment growth would take place by 2028. The draft EIS indicates (page C-28) that this uncommitted growth in population and employment could occur more rapidly as a result of development and marketing conditions. Proposed Route 92 would force changes in development and marketing conditions due to the increased east-west mobility and modeled (page B-16) increased travel speed. It is likely that these travel improvements could induce both committed and uncommitted growth to occur more rapidly before 2028. This induced growth should be accounted for in the land use database that the traffic modeling is based upon.

The core municipalities included in the population and employment growth forecasts are bounded by County Route 535 on the east and New Jersey Route 27 on the west - approximately the eastern and western terminuses of proposed Route 92. However, the growth analysis does not consider the potential effects on growth in the municipalities that lie beyond the eastern and western terminuses of proposed Route 92; such as those municipalities in southeastern Somerset County, west of Route 27 and southeastern Middlesex County, east of County Route 535. It is possible that these municipalities would experience induced growth as a result of regional east-west mobility and increased travel speed afforded by proposed Route 92. The population and employment growth forecasts for these municipalities should ideally be included among the core municipalities in the land use database as well.

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USEPA-14

Other key factors which tend to lead to high levels of induced travel are also present in this case. The best estimate is that for any increase in capacity an average increase in vehicle miles traveled (VMT) of 50-90 percent of added capacity will occur in 5-10 years. Some studies have concluded that levels can reach or exceed 100 percent. However, this project is likely to be higher than average because:

1. There is a high level of congestion now, which increases induced travel (TRB Special Report 245, p. 221)

2. The location is conducive to increasing sprawl development by increasing access to jobs (Forestall Center, Princeton University, research facilities in Middlesex and Somerset County), shopping (Route 1 corridor) and developable land at relatively low prices (TRB 245, p. 222, 223, 225 ("The greatest probability of large development and travel impacts occurs where major highway capacity additions provide access to developable land in outlying suburban areas."), 226, 227, 230,231). Increased residential development is likely in the Traffic Study Area as well as in Middlesex and Somerset Counties to the east and west of the terminuses of proposed Route 92 (Transportation Research Board, Expanding Metropolitan Highways: Implications for Air Quality and Energy Use – Special Report 245 (1995)).

We strongly recommend the six components of induced travel identified at www.fhwa.dot.gov/stean/doc.htm be individually addressed, with a discussion of whether and how well modeling used to make travel projections accounts for each of the six factors. This might require changing the land use database to reflect a higher total growth (i.e. full development of both committed and uncommitted growth) in the area by 2028 and including the municipalities which are east and west of the terminuses of proposed Route 92. Traffic data for the Traffic Study Area should be re-modeled using the Central Jersey Travel Demand Model developed for this project. The model should be supplied with the updated land use database and air quality impacts should be estimated as well. The analysis of the Build and No Build cases should reflect changes in travel times and travel speeds caused by induced travel demand. To the extent that the analysis does not include this information, the EIS should disclose that and how the lack of that information affects the cumulative impacts analysis.

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June 25, 2004

ER 04/326

Richard L. Tomer, Chief
Regulatory Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, Jacob K. Javits Federal Building
New York, New York 10278-0090
ATTN: Ms. Koko Cronin

Re: Application No. 1999-00240-J1, New Jersey Turnpike Authority, Route 92

Dear Mr. Tomer:

This responds to your April 20, 2004, request to the U.S. Department of the Interior (Department) for review of the Draft Environmental Impact Statement (DEIS) regarding the proposed Route 92 to be located in South Brunswick and Plainsboro Townships, Middlesex County, New Jersey. Route 92 would be a new 6.7-mile, 4-lane, limited access highway connecting U.S. Route 1 and the New Jersey Turnpike at Interchange 8A in southern Middlesex County. The Department is concerned that the project as proposed may cause significant and unacceptable adverse effects to aquatic resources of national importance.

In 1999, the New Jersey Turnpike Authority (NJTA) applied to the U.S. Army Corps of Engineers, New York District (Corps) for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*) to fill approximately 15 acres (now reduced to approximately 12 acres) of freshwater wetlands and open waters in order to construct the proposed highway. The federal permit application came after transfer of Section 404 permitting authority from the New Jersey Department of Environmental Protection (NJDEP) to the Corps in October 1998. The transfer was based on the U.S. Environmental Protection Agency's (EPA) objection to issuance of a State permit, and pursuant to regulations regarding State assumption of Section 404 permitting authority (Section 404(j) of the Clean Water Act and 40 CFR Section 233.50(j)). On April 8, 2000, the Corps announced that the proposed project is a major federal action, requiring preparation of an Environmental Impact Statement. The DEIS underwent an agency review in March 2003, and is now undergoing a public review. On June 10, 2004, the Corps granted the Department a 2-week extension of the comment period, to June 28, 2004.

A copy of the U.S. Fish and Wildlife Service's (FWS) March 31, 2003, comments on the DEIS is enclosed. With those previous comments, the FWS transmitted copies of previous correspondence on this project dated December 6, 1996; March 28, 1997; April 15, 1998; May 4, 1999; June 9, 2000; August 3, 2000; and November 13, 2002.

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AUTHORITY

The following comments on the proposed activity have been prepared under the authority of the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA), the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*), the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA), and the Migratory Bird Treaty Act (40 Stat. 755 as amended; 16 U.S.C. 703-712), and are consistent with the intent of the FWS Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981).

ESA CONSULTATION

USFWS-1

In letter of August 3, 2000, and November 13, 2002, the FWS indicated that an area identified as potential habitat for the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) is located within 1.0 mile of the proposed Route 92 alignment. The potential habitat is an emergent-scrub/shrub wetland along Lawrence Brook, a tributary to Devil's Brook. The proposed highway would cross Devil's Brook downstream of its confluence with Lawrence Brook. Based on potential direct and indirect effects to any bog turtles that may occupy the Devil's Brook/Lawrence Brook wetland complex, the Service previously requested that a recognized, qualified surveyor conduct a bog turtle habitat survey within the project area. The FWS provided survey guidance and a list of recognized, qualified bog turtle surveyors with its previous correspondence.

In the DEIS, the applicant states that a bog turtle survey was performed in the forested wetlands along Devil's Brook, and no potential bog turtle habitat was found in the study area. As indicated in previous correspondence, all survey results for federally listed species must be submitted to FWS New Jersey Field Office (NJFO) at 927 North Main Street, Pleasantville, New Jersey 08232. Please include the survey date(s) and methodology, site photographs, and qualifications of the surveyor.

Section 7 of the ESA requires that federal agencies address indirect as well as direct effects of their actions on federally listed species. Therefore, the FWS requests that the Corps also submit an assessment of potential indirect effects of the proposed project to the identified area of potential habitat along Lawrence Brook, including anticipated changes in hydrology and water quality, and isolation of any bog turtles in this wetland from other areas of suitable habitat in the area. If this potential habitat may be indirectly affected by the project, the FWS will recommend that a recognized, qualified bog turtle surveyor conduct a visual survey to determine presence or absence of bog turtles at this site. This NJFO may be contacted for the specific location of the identified area of potential habitat.

The Corps must submit both the results of the habitat survey along the project route, and the assessment of indirect effects to the identified potential habitat along Lawrence Brook, in order to fulfill its consultation requirements under Section 7(a)(2) of the ESA. Through the informal consultation process, the FWS will make recommendations to avoid adverse effects to federally listed species. However, if bog turtles are found in the area and direct or indirect adverse effects

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cannot be avoided, formal consultation must be completed prior to insurance of any federal permits.

On page 3-44 of the DEIS, the applicant states that a survey for the federally listed (threatened) plant swamp pink (*Helonias bullata*) was also previously conducted. These results must also be forwarded to the NJFO in order to fulfill Section 7 requirements. USFWS-2

GENERAL COMMENTS

The DEIS has been revised little since the FWS last reviewed the document in 2003. The FWS previous comments and recommendation generally have not been incorporated. The Department reiterates the 13 summary recommendations contained in the FWS March 31, 2003, letter (re-stated below). The Department recommends adding comments provided during the 2003 review by the FWS, EPA, and other agencies in full to Appendix F of the DEIS. Likewise, agency and public comments from the current review should be summarized and fully addressed in the final or revised draft EIS.

The Department reiterates the FWS' previous comments that the purposes and objectives of the project as defined in the DEIS are too numerous and specific. In its March 31, 2003, letter, the EPA found that the NJTA's statement of purpose "verges on a description of the applicant's preferred alternative, and potentially presupposes the alternatives analysis so that only a regional limited access highway alternative could meet that purpose." The Department concurs with the EPA's assessment. USFWS-3

The Department reiterates the FWS' previous comments that no consistent criteria were applied to screen project alternatives. Numerous alternatives were rejected for failing to meet stated purposes or objectives. However, Route 1 improvements, which was the only action alternative carried forward for full analysis other than the preferred project, also substantially fails to meet these stated goals. For example, Route 1 improvements fail to "provide an alternative travel route for north-south regional traffic currently using US Route 1" and to "achieve a hierarchical east-west roadway system." The DEIS provides no justification for fully evaluating this alternative while rejecting other alternatives that meet the stated purposes to an equal or greater extent. USFWS-4

The spirit and implementing regulations of NEPA (40 CFR Parts 1500-1508), require project sponsors to adopt a broad, succinct statement of purpose based on a documented need, and present and apply explicit and consistent criteria for screening, comparing, and evaluating alternatives that are related to the project purpose(s) and to impacts to the human environment. These comments were previously expressed by the FWS and the EPA in their respective letter of March 31, 2003. USFWS-5

Many alternatives were rejected for failing to segregate local from regional ("through") traffic. The Department recognizes that separation of local and through traffic may be an appropriate project purpose. However, the DEIS does not address the possibility of designating an existing east-west road for through traffic, while restricting through traffic on other local roads through ordinances and signage. Possibilities for partially segregating local and through traffic on the USFWS-6

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USFWS-6

selected local connector road may exist, such as through lanes, service roads, and grade-separated interchanges. Such an alternative would separate local from through traffic over most of the local road network, and has potential to meet project goals with fewer impacts to wetlands and other natural resources. In particular, the Department reiterates the previous FWS recommendations to carry Scudders Mill Road-Plainsboro Road and Route 522 alternatives forward in the DEIS for full evaluation.

USFWS-7

The Department reiterates the FWS' May 4, 1999, finding that the Devil's Brook and Broadway Swamp wetland complexes constitute aquatic resources of national importance. This finding is based upon the large number of State-listed and State species of concern documented in this area by the NJDEP's Natural Heritage Program (NHP) and Endangered and Nongame Species Program (ENSP), and on the large number of migratory birds known to breed in this area, including several species that are declining State-wide or regionally. This determination is also based on the size and connectivity of these habitats, which are surrounded by extensive residential and commercial development. The DEIS contains a statement that the Devil's Brook complex of upland forest and wetlands is approximately 1,650 acres. The Service estimates that the Broadway Swamp complex is at least an additional 1,800 acres, based on aerial photography. Largely undeveloped lands of this size within the high-growth central portion of New Jersey already constitute a unique and irreplaceable wildlife resource. The importance of these lands to wildlife, flood control, pollution filtering, recreation, and agriculture will only grow as development of Middlesex and Mercer Counties proceeds at a rapid pace.

USFWS-8

The proposed project would involve filling 12.03 acres of jurisdictional wetlands and open waters, including 7.42 acres of forested wetlands. Additional forested wetlands impacts would include 1.16 acres to be permanently shaded, an unspecified additional acreage of tree clearing, and fragmentation of 85 acres within the Devil's Brook watershed. In Section 5 of the DEIS, the NJTA proposes compensatory mitigation including construction of 57 acres of wetlands, for a 4.5 to 1 mitigation ratio. The NJTA also proposes preservation of an additional 202 acres of forested wetlands. The Department reiterates the FWS' previous comment that the proposed compensatory mitigation is not adequate to replace lost resource values. First, the created wetlands would not offset the permanent loss of connectivity within the Devil's Brook wetland complex, or between these wetlands and Broadway Swamp (see FWS March 2003 letter). Second, creation of forested wetlands (36.7 of the 57 acres proposed) is prone to high failure rates. In a recent study of compensatory mitigation projects in New Jersey, the NJDEP found that only 1 percent of forested wetland mitigation acreage was successfully achieved (*i.e.*, only 0.1 acre of forested wetland was successfully created for every 1 acre of proposed mitigation). In contrast, 92 percent of proposed emergent wetland acreage was achieved, and 45 percent of total proposed freshwater wetland mitigation was achieved (Balzano *et al.*, 2002). Finally, preservation is generally the least preferable form of mitigation. Although the Department recognizes the substantial acreage proposed, preservation of these existing wetlands would not offset net wetland losses associated with the project.

SPECIFIC COMMENTS

In its letter of March 31, 2003 (enclosed), the FWS provided, detailed recommendations for clarifying and improving the information contained in the DEIS. Those recommendations are

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generally not reflected in the version of the DEIS currently under public review. The Department reiterates the March 31, 2003, FWS recommendations (summarized below), and offers additional new or updated comments, as follow.

Page 1: The FWS is listed on the cover of the document as a Cooperating Agency. The NJFO does not have documentation on file reflecting agreement of the FWS to become a Cooperating Agency. We request that you forward any such documentation to the NJFO, submit a request for the FWS to become a Cooperating Agency, or delete the FWS from the list of Cooperating Agencies. USFWS-9

Pages ES-3, 4, and 6: The purposes and objectives are stated differently in this Executive Summary than on pages 1-7 through 1-10 of the main DEIS. Most significantly, the Executive Summary lists a fourth objective regarding sustainable development that is not included in the main DEIS. In addition, the screening criteria used to evaluate various alternatives in the Executive Summary (page ES-6) are inconsistent with the main DEIS (page 2-2). USFWS-10

Pages 1-7 to 1-10: The purposes and objectives as stated on these pages are unchanged from the previous version of the DEIS reviewed by the FWS in March 2003, despite FWS and EPA objections to the project's stated purpose and need as being too narrowly defined. USFWS-3

Page 2-2: The "summary" purpose and need statement on this page and elsewhere is the DEIS ("generally, to maintain mobility and reduce congestion on the road network") captures only a portion of the numerous components of the purpose statements given on page 1-7 of the DEIS. If these summary purposes are the most important, the purpose statements on page 1-7 should be revised accordingly. USFWS-11

Pages 2-6 through 2-10: The Department concurs with the EPA's March 31, 2003, recommendation that the applicant consider Transportation Demand management (TDM) strategies *in conjunction with* capacity improvement options to enhance and benefit these alternatives. USFWS-12

Page 2-10: Regarding TDM, the applicant states that "the combined effect of these measures can offset the potential for additional highway-capacity-induced SOV [single occupancy vehicle] trips." This seems to support the EPA's March 31, 2003, statement that "the Route 92 project has the potential to attract quite a bit of local traffic," based on traffic data. USFWS-13

Page 2-13 through 2-15: The Department reiterates that Route 522 should be carried forward in the DEIS for full analysis, including thorough efforts to avoid and minimize impacts to natural resources and local communities. Recently widened, Route 522 already connects Route 1 with Route 130 via a large, four-lane, divided highway with sound walls. This recommendation is supported by the EPA (pages 4 and 5 of its March 31, 2003 letter) and by South Brunswick Township, whose 2000 Master Plan Reexamination Report asserted, "with the completion of Route 522, the Township will have adequately contributed a much needed arterial road, significantly meeting the east/west circulation goal of many decades." USFWS-14

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Page 2-16 through 2-17: The Department reiterates that the Plainsboro Road alternative should be carried forward in the DEIS for full analysis, including thorough efforts to avoid and minimize impacts to natural resources and local communities, in part by connecting to Scudders Mill Road. USFWS-15

Page 2-33: The applicant states that the four proposed interchanges may accelerate existing development trends for nearby parcels, but the project is not expected to change the final amount of development anticipated in these areas. Justification should be provided for this conclusion. USFWS-16

The applicant notes that the area surrounding the proposed Perrine Road interchange is zoned for development. However, the DEIS should also indicate that the area is currently undeveloped agricultural land, and present an assessment of how the proposed interchange will impact this local area in the short and long term.

Page 4-46: The Department recommends investigating modifications to Scudders Mill Road, such as reconfiguring currently signalized intersections, to enhance the Dey Road parallel alignment alternative. USFWS-17

Page 2-51: The three screening criteria in Table 2-7 are not consistent with those on pages ES-6 or 2-2, or with the stated purposes and objectives on pages 1-7 through 1-10. No explanations are provided regarding the rating system (yes, no, partial) that is used to screen each alternative against these three criteria. Without an explanation, the rating system appears to have been applied subjectively. USFWS-4

Page 3-44: As indicated above, swamp pink survey results should be forwarded to the NJFO. The Department reiterates the FWS' previous recommendations regarding rare plants:

- The DEIS should provide a summary of the 1996 rare plant habitat evaluation, explaining why the nine plant species are not likely to occur along the project route, despite past and current NJDEP NHP records. USFWS-18
- The DEIS should address the potential for tall boneset (*Eupatorium altissimum*) to occur in the project area. USFWS-19,20
- The DEIS should provide input from the NHP, indicating which rare plants that agency currently considers extant in the project area, including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway.
- Any further rare plant surveys recommended by the NHP should be carried out by the applicant and summarized in the DEIS. USFWS-21

Page 3-44 through 3-47: The DEIS was revised to explain inconsistencies between 1994 and 1996 wildlife surveys, as previously recommended by the FWS. However, the Department reiterates other recommendations by the FWS regarding State-listed and State wildlife species of concern:

- The DEIS should address the potential for comet darner (*Anax longpipesi*) to occur in the project area. USFWS-22
- The DEIS should provide input from the NJDEP ENSP indicating which State-listed and State species of concern, if any, that agency currently considers extant in the project area,

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including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway. [The NJDEP Landscape Project Mapping (Niles *et al.*, 2001) Version 2, released in February 2004, still shows habitat for the bobolink (*Dolichonyx oryzivorus*) (breeding population State-listed as threatened) and the savannah sparrow (*Passerculus sandwichensis*) (breeding population State-listed as threatened) along the project route.] USFWS-23

- Any further wildlife surveys recommended by the ENSP should be carried out by the applicant and summarized in the DEIS. USFWS-21

The Department also reiterates the FWS recommendation for a detailed breeding bird survey to document the values of the project area for breeding neotropical migrants.

Page 3-85: The applicant states that federal moneys from Land and Water Conservation Fund (LWCF) were used to help purchase the Plainsboro Preserve, which would be fragmented by the proposed project (12 acres directly impacted, 12.5 acres cut off from the rest of the preserve). As noted in the DEIS, land encumbered under the LWCF may not be converted to a use other than public outdoor recreation without approval from the Secretary of Interior. The Secretary may approve the conversion only if it is consistent with the statewide outdoor recreation plan and if the converted land is replaced with recreational land that has equal market value and reasonably equivalent usefulness and location. (Section 6(f)(3) of the LWCF Act, 16 U.S.C. 4601-8(f)(3)). USFWS-24

However, the applicant also suggests that a representative of New Jersey's Green Acres Program was unable to confirm that lots in the Plainsboro Preserve are in fact encumbered under the LWCF. This discrepancy must be resolved, and the finding confirmed in Appendix F and referenced in a revised DEIS or the FEIS. If it is found that funds from the LWCF have been expended for the Plainsboro Reserve, particularly in the road work area, then consultation with the National Park Service must take place for a determination regarding the proposed conversion of use. Please contact the Grants Division of the National Park Service, Northeast Regional Office, at (215) 597-5134.

Page 4-6: The Department reiterates the FWS previous comment that more documentation is needed to support the applicant's finding that only minor hydrologic impacts would occur to wetlands impacted by the proposed highway. The EPA provided the same comment on page 8 of its March 31, 2003 letter. USFWS-25

Page 4-7: The applicant indicates that fragmentation of forested wetlands in the Devil's Brook watershed would not create a barrier to bird migration; however, the DEIS does not contain an assessment of impacts to nesting birds. USFWS-26

Page 4-8: The applicant states that bridges would require modification of the stream channels they cross. The DEIS should be revised to provide a detailed description of the nature and extent of proposed modifications. USFWS-27

Pages 4-25 through 4-29: The Department reiterates the FWS previous recommendations regarding surface water quality:

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- The DEIS should include an assessment of how the proposed highway will affect ambient surface water quality, not just pollutant loadings.
- The NJTA should indicate if the project will cause or worsen water quality impairments, or hinder the ability of these water bodies to attain their designated uses.
- Both pollutant loadings and the assessment of effects to ambient surface water quality should be given *with* the proposed storm water management plan, as it is unlikely the project would be built without storm water treatment facilities, which are required by State law.

USFWS-28,29,30

In addition, the DEIS should include an assessment of likely impacts to surface water quality from accidental spills of fuels and toxic materials (mentioned on page 4-26), based on typical spill rates for similar New Jersey highways.

USFWS-31

Page 4-30: The applicant states that proposed stormwater management basins would partially mitigate the loss of groundwater recharge area from the creation of 100 acres of new impervious surface. The DEIS should indicate if the proposed basins are specifically designed for infiltration, or whether infiltration would occur only incidentally to detention. In addition, the DEIS should present a quantitative assessment of the likely changes to groundwater recharge from the proposed project.

USFWS-32

Page 4-33: Impacts to forested wetlands will occur from vegetation (tree) removal for the construction of bridge spans in places where fill is not to be placed. The DEIS should give the total acreage of forested wetlands to be cleared, in addition to filled.

USFWS-33

Page 4-34: As indicated above, bog turtle survey results must be forwarded to the FWS, NJFO for purposes of Section 7 consultation.

USFWS-1

The Department reiterates the FWS' previous recommendation that the DEIS should present an assessment of indirect effects to the southern arrowhead (*Sagittaria australis*) population, including input from the NHP regarding the project's likelihood to jeopardize this population of a State-listed (endangered) plant.

USFWS-34

Pages 4-34 through 4-37: The Department reiterates the FWS' previous comments regarding fragmentation of wildlife habitats:

- The DEIS states that some forest interior habitat will be lost, but does not indicate the acreage, or how this loss will impact forest interior species.
- The DEIS assesses project impacts on three bird species of concern and four common mammals, but none of the evaluation species are neotropical migrants. This section should be revised to specifically address effects of interior habitat loss and fragmentation on neotropical migratory passerine birds.
- The DEIS does not address how edge effects of the new highway would impact forest interior habitats.

USFWS-35,36,37

The DEIS contains statements that the primary habitat function of the forested wetlands to be fragmented is provision of a secluded travel corridor. However, this assessment does not account for the use of these areas by forest interior birds.

USFWS-38

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The applicant states that the project would not significantly reduce the usable habitat along the Route 92 Corridor. However, along Devil's Brook alone, over 10 acres of forested wetlands would be filled, over 1.5 acres would be shaded, additional unspecified acres would be cleared, and 85 acres would be fragmented. Additional impacts would occur to adjacent grassland habitats. The Department concludes that these are significant reductions in habitat and, based on high development pressure, these habitats are not replaceable in the area. USFWS-39

Pages 4-41 through 4-54: The Department reiterates the FWS' previous comments that the proposed Route 92 would produce only minor improvements to local roadway congestion and truck traffic. These points were discussed in detail in the FWS' letter of March 31, 2003, and in the EPA's letter of the same date. USFWS-40

Page 4-68: Regarding induced development, the applicant states, "If construction of Proposed Route 92 were combined with effective control of development, however, traffic conditions would be maintained, and perhaps improved. The NJTA has no direct control over the land development review and approval process, which is principally the jurisdiction of municipalities and counties, but it notes that new highway development can be a significant factor in the rate and shape of growth. State agencies have affirmed their interest in collaborating closely with local communities to ensure that future development occur in sustainable patterns." USFWS-41

First, this statement appears contradictory to other statements in the DEIS that the proposed Route 92 is not expected to change land use patterns, only accelerate previously planned development near proposed interchanges. Secondly, the above statements are too general; the DEIS should describe specific actions that particular State agencies would commit to take in order to stem induced development if the proposed project were built.

The Department reiterates the FWS' previous recommendation to address the potential for the proposed highway to induce residential and commercial development despite the absence of interchanges along the central portion of the alignment. For example, development may spread from proposed interchanges, municipalities may be pressured to change zoning rules, and the NJTA may be pressured to add new interchanges in the future.

Page 5-5: The number of stormwater basins is listed as 23, but as 25 elsewhere in the DEIS. USFWS-42, 43

Page 5-6: The Department reiterates the FWS' previous objection to the discharge of untreated stormwater runoff into the forested wetlands along Devil's Brook.

Page 5-10: As previously designed, the proposed stormwater treatment plan relied on exemptions from the State's stormwater management rules. The applicant does not indicate how the proposed stormwater management system will be modified to comply with the NJDEP's stricter 2004 revisions to State stormwater regulations. Stormwater treatment should be brought up to current State standards, without exemptions. USFWS-44

Pages 5-10 through 5-11: The Department reiterates the FWS' previous objections to the proposed compensatory mitigation for wetland impacts. USFWS-8

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USFWS-45

Page 5-13: The memorandum from the NJDEP Division of Parks and Forestry regarding proposed southern arrowhead mitigation actions should be added to Appendix F of the DEIS.

USFWS-46

Page 5-17: The DEIS should indicate how impacts to the Plainsboro Preserve would be compensated, as required by the NJDEP Green Acres Program.

CONCLUSION AND RECOMMENDATIONS

The Corps or its designated representative must complete bog turtle consultation with the FWS prior to issuance of a final EIS or any federal permit in order to comply with Section 7 ESA requirements. Please submit bog turtle survey results, an assessment of indirect impacts to known bog turtle habitat, and swamp pink survey results to the FWS NJFO for review.

The Department reiterates the previous FWS' summary recommendations for improving the DEIS, which were generally not incorporated into the document and are therefore also the Department's key recommendations for the current review.

1. Clarify presence or absence of State-listed species and State species of concern in the project area, including the right-of-way as well as the larger Devil's Brook-Broadway Swamp complex. Include input from the NHP and the ENSP regarding which species these agencies consider extant in the project area.

2. Conduct any rare species surveys recommended by the NHP and the ENSP, and a breeding bird survey of the project impact areas.

3. Adopt a broad, succinct statement of purpose based on a documented need. If multiple purposes are selected, prioritize according to the urgency of the documented needs.

4. Present explicit and consistent criteria for screening, comparing, and evaluating alternatives. Relate the criteria to the project purpose(s) and impacts to the human environment. Include appropriate, but not central, consideration of project benefits that are incidental to the stated purposes.

5. Expand the alternatives analysis to include serious consideration of one or more east-west alternatives to Route 92, based on the objective application of explicit screening criteria. In particular, the Scudders Mill Road-Plainsboro Road and Route 522 warrant development as full alternatives. Options to avoid impacts to Pigeon State Park should be investigated.

6. Append or otherwise make available current project plans showing the locations and extent of wetland impacts, and bridge, culvert, and detention basin locations and configurations.

7. Clarify the acreage of forested wetlands to be cleared, in addition to the acreage to be filled.

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8. Characterize the type and magnitude of anticipated changes to surface and ground water flows.

9. Present mitigative measures as firm commitments, rather than tentative proposals, to allow reviewers to understand clearly net impacts. Address the limited success of past efforts to create forested wetlands as mitigation.

10. Assess pollutant loadings *with* the proposed storm water management plan, and assess anticipated effects of storm water on ambient surface water quality and on wetlands, including sediment build-up. Provide an assessment of whether the proposed project would impact the attainment of State water quality standards in the receiving surface waters.

11. Clarify the assessment of expected fragmentation of forest interior habitats and subsequent impacts on neotropical migratory birds, and address fragmentation at the landscape scale.

12. Address the potential for the proposed highway to induce residential and commercial development despite the absence of interchanges along the central portion of the alignment (*i.e.*, development spreading from proposed interchanges, changes to zoning rules, and addition of new interchanges in the future).

13. Address indirect impacts on rare plants, and request the NHP's assessment of impacts to the State-listed (endangered) southern arrowhead population.

We request that the Corps hold the subject permit in abeyance until the applicant has addressed the concerns of the Department and other agencies regarding the DEIS. Based on the project as currently proposed in the DEIS, the FWS concludes that Route 92 may have substantial and unacceptable impacts on aquatic resources of national importance. If the Corps decides to proceed with authorization of the project as proposed, the FWS will request further coordination pursuant to part IV, Paragraph 3(a) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement with the Corps. Please contact Clifford G. Day, Supervisor of the FWS, NJFO, at (609) 646-9310, extension 31, if you have any questions regarding these comments.

The Department appreciates the opportunity to comment on the Route 92 DEIS. Please contact me at (617) 223-8565 if I can provide any assistance in this matter.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

Enclosure

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REFERENCES

Balzano, S., A. Ertman, L. Brancheau, and W. Smejkal. 2002. Creating indicators of wetland status (Quantity and Quality) of freshwater wetland mitigation in New Jersey. New Jersey Department of Environmental Protection, Division of Science, Research and Technology. Trenton, New Jersey.

Niles, L.J., M Valent, J. Tash and J. Myers. 2001. New Jersey's The Landscape Project: wildlife habitat mapping for community land-use planning and endangered species conservation. Project Report. Endangered and Nongame Species Program, New Jersey Division of Fish and Wildlife, New Jersey Department of Environmental Protection. pp. 20.

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AUTHORITY

The following comments on the proposed activity have been prepared under the authority of the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA), the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*), the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA), and the Migratory Bird Treaty Act (40 Stat. 755 as amended; 16 U.S.C. 703-712), and are consistent with the intent of the FWS Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981).

ESA CONSULTATION

In letter of August 3, 2000, and November 13, 2002, the FWS indicated that an area identified as potential habitat for the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) is located within 1.0 mile of the proposed Route 92 alignment. The potential habitat is an emergent-scrub/shrub wetland along Lawrence Brook, a tributary to Devil's Brook. The proposed highway would cross Devil's Brook downstream of its confluence with Lawrence Brook. Based on potential direct and indirect effects to any bog turtles that may occupy the Devil's Brook/Lawrence Brook wetland complex, the Service previously requested that a recognized, qualified surveyor conduct a bog turtle habitat survey within the project area. The FWS provided survey guidance and a list of recognized, qualified bog turtle surveyors with its previous correspondence.

In the DEIS, the applicant states that a bog turtle survey was performed in the forested wetlands along Devil's Brook, and no potential bog turtle habitat was found in the study area. As indicated in previous correspondence, all survey results for federally listed species must be submitted to FWS New Jersey Field Office (NJFO) at 927 North Main Street, Pleasantville, New Jersey 08232. Please include the survey date(s) and methodology, site photographs, and qualifications of the surveyor.

Section 7 of the ESA requires that federal agencies address indirect as well as direct effects of their actions on federally listed species. Therefore, the FWS requests that the Corps also submit an assessment of potential indirect effects of the proposed project to the identified area of potential habitat along Lawrence Brook, including anticipated changes in hydrology and water quality, and isolation of any bog turtles in this wetland from other areas of suitable habitat in the area. If this potential habitat may be indirectly affected by the project, the FWS will recommend that a recognized, qualified bog turtle surveyor conduct a visual survey to determine presence or absence of bog turtles at this site. This NJFO may be contacted for the specific location of the identified area of potential habitat.

The Corps must submit both the results of the habitat survey along the project route, and the assessment of indirect effects to the identified potential habitat along Lawrence Brook, in order to fulfill its consultation requirements under Section 7(a)(2) of the ESA. Through the informal consultation process, the FWS will make recommendations to avoid adverse effects to federally listed species. However, if bog turtles are found in the area and direct or indirect adverse effects

cannot be avoided, formal consultation must be completed prior to insurance of any federal permits.

On page 3-44 of the DEIS, the applicant states that a survey for the federally listed (threatened) plant swamp pink (*Helonias bullata*) was also previously conducted. These results must also be forwarded to the NJFO in order to fulfill Section 7 requirements.

GENERAL COMMENTS

The DEIS has been revised little since the FWS last reviewed the document in 2003. The FWS previous comments and recommendation generally have not been incorporated. The Department reiterates the 13 summary recommendations contained in the FWS March 31, 2003, letter (re-stated below). The Department recommends adding comments provided during the 2003 review by the FWS, EPA, and other agencies in full to Appendix F of the DEIS. Likewise, agency and public comments from the current review should be summarized and fully addressed in the final or revised draft EIS.

The Department reiterates the FWS' previous comments that the purposes and objectives of the project as defined in the DEIS are too numerous and specific. In its March 31, 2003, letter, the EPA found that the NJTA's statement of purpose "verges on a description of the applicant's preferred alternative, and potentially presupposes the alternatives analysis so that only a regional limited access highway alternative could meet that purpose." The Department concurs with the EPA's assessment.

The Department reiterates the FWS' previous comments that no consistent criteria were applied to screen project alternatives. Numerous alternatives were rejected for failing to meet stated purposes or objectives. However, Route 1 improvements, which was the only action alternative carried forward for full analysis other than the preferred project, also substantially fails to meet these stated goals. For example, Route 1 improvements fail to "provide an alternative travel route for north-south regional traffic currently using US Route 1" and to "achieve a hierarchical east-west roadway system." The DEIS provides no justification for fully evaluating this alternative while rejecting other alternatives that meet the stated purposes to an equal or greater extent.

The spirit and implementing regulations of NEPA (40 CFR Parts 1500-1508), require project sponsors to adopt a broad, succinct statement of purpose based on a documented need, and present and apply explicit and consistent criteria for screening, comparing, and evaluating alternatives that are related to the project purpose(s) and to impacts to the human environment. These comments were previously expressed by the FWS and the EPA in their respective letter of March 31, 2003.

Many alternatives were rejected for failing to segregate local from regional ("through") traffic. The Department recognizes that separation of local and through traffic may be an appropriate project purpose. However, the DEIS does not address the possibility of designating an existing east-west road for through traffic, while restricting through traffic on other local roads through ordinances and signage. Possibilities for partially segregating local and through traffic on the

selected local connector road may exist, such as through lanes, service roads, and grade-separated interchanges. Such an alternative would separate local from through traffic over most of the local road network, and has potential to meet project goals with fewer impacts to wetlands and other natural resources. In particular, the Department reiterates the previous FWS recommendations to carry Scudders Mill Road-Plainsboro Road and Route 522 alternatives forward in the DEIS for full evaluation.

The Department reiterates the FWS' May 4, 1999, finding that the Devil's Brook and Broadway Swamp wetland complexes constitute aquatic resources of national importance. This finding is based upon the large number of State-listed and State species of concern documented in this area by the NJDEP's Natural Heritage Program (NHP) and Endangered and Nongame Species Program (ENSP), and on the large number of migratory birds known to breed in this area, including several species that are declining State-wide or regionally. This determination is also based on the size and connectivity of these habitats, which are surrounded by extensive residential and commercial development. The DEIS contains a statement that the Devil's Brook complex of upland forest and wetlands is approximately 1,650 acres. The Service estimates that the Broadway Swamp complex is at least an additional 1,800 acres, based on aerial photography. Largely undeveloped lands of this size within the high-growth central portion of New Jersey already constitute a unique and irreplaceable wildlife resource. The importance of these lands to wildlife, flood control, pollution filtering, recreation, and agriculture will only grow as development of Middlesex and Mercer Counties proceeds at a rapid pace.

The proposed project would involve filling 12.03 acres of jurisdictional wetlands and open waters, including 7.42 acres of forested wetlands. Additional forested wetlands impacts would include 1.16 acres to be permanently shaded, an unspecified additional acreage of tree clearing, and fragmentation of 85 acres within the Devil's Brook watershed. In Section 5 of the DEIS, the NJTA proposes compensatory mitigation including construction of 57 acres of wetlands, for a 4.5 to 1 mitigation ratio. The NJTA also proposes preservation of an additional 202 acres of forested wetlands. The Department reiterates the FWS' previous comment that the proposed compensatory mitigation is not adequate to replace lost resource values. First, the created wetlands would not offset the permanent loss of connectivity within the Devil's Brook wetland complex, or between these wetlands and Broadway Swamp (see FWS March 2003 letter). Second, creation of forested wetlands (36.7 of the 57 acres proposed) is prone to high failure rates. In a recent study of compensatory mitigation projects in New Jersey, the NJDEP found that only 1 percent of forested wetland mitigation acreage was successfully achieved (*i.e.*, only 0.1 acre of forested wetland was successfully created for every 1 acre of proposed mitigation). In contrast, 92 percent of proposed emergent wetland acreage was achieved, and 45 percent of total proposed freshwater wetland mitigation was achieved (Balzano *et al.*, 2002). Finally, preservation is generally the least preferable form of mitigation. Although the Department recognizes the substantial acreage proposed, preservation of these existing wetlands would not offset net wetland losses associated with the project.

SPECIFIC COMMENTS

In its letter of March 31, 2003 (enclosed), the FWS provided, detailed recommendations for clarifying and improving the information contained in the DEIS. Those recommendations are

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generally not reflected in the version of the DEIS currently under public review. The Department reiterates the March 31, 2003, FWS recommendations (summarized below), and offers additional new or updated comments, as follow.

Page 1: The FWS is listed on the cover of the document as a Cooperating Agency. The NJFO does not have documentation on file reflecting agreement of the FWS to become a Cooperating Agency. We request that you forward any such documentation to the NJFO, submit a request for the FWS to become a Cooperating Agency, or delete the FWS from the list of Cooperating Agencies.

Pages ES-3, 4, and 6: The purposes and objectives are stated differently in this Executive Summary than on pages 1-7 through 1-10 of the main DEIS. Most significantly, the Executive Summary lists a fourth objective regarding sustainable development that is not included in the main DEIS. In addition, the screening criteria used to evaluate various alternatives in the Executive Summary (page ES-6) are inconsistent with the main DEIS (page 2-2).

Pages 1-7 to 1-10: The purposes and objectives as stated on these pages are unchanged from the previous version of the DEIS reviewed by the FWS in March 2003, despite FWS and EPA objections to the project's stated purpose and need as being too narrowly defined.

Page 2-2: The "summary" purpose and need statement on this page and elsewhere is the DEIS ("generally, to maintain mobility and reduce congestion on the road network") captures only a portion of the numerous components of the purpose statements given on page 1-7 of the DEIS. If these summary purposes are the most important, the purpose statements on page 1-7 should be revised accordingly.

Pages 2-6 through 2-10: The Department concurs with the EPA's March 31, 2003, recommendation that the applicant consider Transportation Demand management (TDM) strategies *in conjunction with* capacity improvement options to enhance and benefit these alternatives.

Page 2-10: Regarding TDM, the applicant states that "the combined effect of these measures can offset the potential for additional highway-capacity-induced SOV [single occupancy vehicle] trips." This seems to support the EPA's March 31, 2003, statement that "the Route 92 project has the potential to attract quite a bit of local traffic," based on traffic data.

Page 2-13 through 2-15: The Department reiterates that Route 522 should be carried forward in the DEIS for full analysis, including thorough efforts to avoid and minimize impacts to natural resources and local communities. Recently widened, Route 522 already connects Route 1 with Route 130 via a large, four-lane, divided highway with sound walls. This recommendation is supported by the EPA (pages 4 and 5 of its March 31, 2003 letter) and by South Brunswick Township, whose 2000 Master Plan Reexamination Report asserted, "with the completion of Route 522, the Township will have adequately contributed a much needed arterial road, significantly meeting the east/west circulation goal of many decades."

Page 2-16 through 2-17: The Department reiterates that the Plainsboro Road alternative should be carried forward in the DEIS for full analysis, including thorough efforts to avoid and minimize impacts to natural resources and local communities, in part by connecting to Scudders Mill Road.

Page 2-33: The applicant states that the four proposed interchanges may accelerate existing development trends for nearby parcels, but the project is not expected to change the final amount of development anticipated in these areas. Justification should be provided for this conclusion.

The applicant notes that the area surrounding the proposed Perrine Road interchange is zoned for development. However, the DEIS should also indicate that the area is currently undeveloped agricultural land, and present an assessment of how the proposed interchange will impact this local area in the short and long term.

Page 4-46: The Department recommends investigating modifications to Scudders Mill Road, such as reconfiguring currently signalized intersections, to enhance the Dey Road parallel alignment alternative.

Page 2-51: The three screening criteria in Table 2-7 are not consistent with those on pages ES-6 or 2-2, or with the stated purposes and objectives on pages 1-7 through 1-10. No explanations are provided regarding the rating system (yes, no, partial) that is used to screen each alternative against these three criteria. Without an explanation, the rating system appears to have been applied subjectively.

Page 3-44: As indicated above, swamp pink survey results should be forwarded to the NJFO. The Department reiterates the FWS' previous recommendations regarding rare plants:

- The DEIS should provide a summary of the 1996 rare plant habitat evaluation, explaining why the nine plant species are not likely to occur along the project route, despite past and current NJDEP NHP records.
- The DEIS should address the potential for tall boneset (*Eupatorium altissimum*) to occur in the project area.
- The DEIS should provide input from the NHP, indicating which rare plants that agency currently considers extant in the project area, including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway.
- Any further rare plant surveys recommended by the NHP should be carried out by the applicant and summarized in the DEIS.

Page 3-44 through 3-47: The DEIS was revised to explain inconsistencies between 1994 and 1996 wildlife surveys, as previously recommended by the FWS. However, the Department reiterates other recommendations by the FWS regarding State-listed and State wildlife species of concern:

- The DEIS should address the potential for comet darner (*Anax longpipesi*) to occur in the project area.
- The DEIS should provide input from the NJDEP ENSP indicating which State-listed and State species of concern, if any, that agency currently considers extant in the project area,

including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway. [The NJDEP Landscape Project Mapping (Niles *et al.*, 2001) Version 2, released in February 2004, still shows habitat for the bobolink (*Dolichonyx oryzivorus*) (breeding population State-listed as threatened) and the savannah sparrow (*Passerculus sandwichensis*) (breeding population State-listed as threatened) along the project route.]

- Any further wildlife surveys recommended by the ENSP should be carried out by the applicant and summarized in the DEIS.

The Department also reiterates the FWS recommendation for a detailed breeding bird survey to document the values of the project area for breeding neotropical migrants.

Page 3-85: The applicant states that federal moneys from Land and Water Conservation Fund (LWCF) were used to help purchase the Plainsboro Preserve, which would be fragmented by the proposed project (12 acres directly impacted, 12.5 acres cut off from the rest of the preserve). As noted in the DEIS, land encumbered under the LWCF may not be converted to a use other than public outdoor recreation without approval from the Secretary of Interior. The Secretary may approve the conversion only if it is consistent with the statewide outdoor recreation plan and if the converted land is replaced with recreational land that has equal market value and reasonably equivalent usefulness and location. (Section 6(f)(3) of the LWCF Act, 16 U.S.C. 4601-8(f)(3)).

However, the applicant also suggests that a representative of New Jersey's Green Acres Program was unable to confirm that lots in the Plainsboro Preserve are in fact encumbered under the LWCF. This discrepancy must be resolved, and the finding confirmed in Appendix F and referenced in a revised DEIS or the FEIS. If it is found that funds from the LWCF have been expended for the Plainsboro Reserve, particularly in the road work area, then consultation with the National Park Service must take place for a determination regarding the proposed conversion of use. Please contact the Grants Division of the National Park Service, Northeast Regional Office, at (215) 597-5134.

Page 4-6: The Department reiterates the FWS previous comment that more documentation is needed to support the applicant's finding that only minor hydrologic impacts would occur to wetlands impacted by the proposed highway. The EPA provided the same comment on page 8 of its March 31, 2003 letter.

Page 4-7: The applicant indicates that fragmentation of forested wetlands in the Devil's Brook watershed would not create a barrier to bird migration; however, the DEIS does not contain an assessment of impacts to nesting birds.

Page 4-8: The applicant states that bridges would require modification of the stream channels they cross. The DEIS should be revised to provide a detailed description of the nature and extent of proposed modifications.

Pages 4-25 through 4-29: The Department reiterates the FWS previous recommendations regarding surface water quality:

- The DEIS should include an assessment of how the proposed highway will affect ambient surface water quality, not just pollutant loadings.
- The NJTA should indicate if the project will cause or worsen water quality impairments, or hinder the ability of these water bodies to attain their designated uses.
- Both pollutant loadings and the assessment of effects to ambient surface water quality should be given *with* the proposed storm water management plan, as it is unlikely the project would be built without storm water treatment facilities, which are required by State law.

In addition, the DEIS should include an assessment of likely impacts to surface water quality from accidental spills of fuels and toxic materials (mentioned on page 4-26), based on typical spill rates for similar New Jersey highways.

Page 4-30: The applicant states that proposed stormwater management basins would partially mitigate the loss of groundwater recharge area from the creation of 100 acres of new impervious surface. The DEIS should indicate if the proposed basins are specifically designed for infiltration, or whether infiltration would occur only incidentally to detention. In addition, the DEIS should present a quantitative assessment of the likely changes to groundwater recharge from the proposed project.

Page 4-33: Impacts to forested wetlands will occur from vegetation (tree) removal for the construction of bridge spans in places where fill is not to be placed. The DEIS should give the total acreage of forested wetlands to be cleared, in addition to filled.

Page 4-34: As indicated above, bog turtle survey results must be forwarded to the FWS, NJFO for purposes of Section 7 consultation.

The Department reiterates the FWS' previous recommendation that the DEIS should present an assessment of indirect effects to the southern arrowhead (*Sagittaria australis*) population, including input from the NHP regarding the project's likelihood to jeopardize this population of a State-listed (endangered) plant.

Pages 4-34 through 4-37: The Department reiterates the FWS' previous comments regarding fragmentation of wildlife habitats:

- The DEIS states that some forest interior habitat will be lost, but does not indicate the acreage, or how this loss will impact forest interior species.
- The DEIS assesses project impacts on three bird species of concern and four common mammals, but none of the evaluation species are neotropical migrants. This section should be revised to specifically address effects of interior habitat loss and fragmentation on neotropical migratory passerine birds.
- The DEIS does not address how edge effects of the new highway would impact forest interior habitats.

The DEIS contains statements that the primary habitat function of the forested wetlands to be fragmented is provision of a secluded travel corridor. However, this assessment does not account for the use of these areas by forest interior birds.

The applicant states that the project would not significantly reduce the usable habitat along the Route 92 Corridor. However, along Devil's Brook alone, over 10 acres of forested wetlands would be filled, over 1.5 acres would be shaded, additional unspecified acres would be cleared, and 85 acres would be fragmented. Additional impacts would occur to adjacent grassland habitats. The Department concludes that these are significant reductions in habitat and, based on high development pressure, these habitats are not replaceable in the area.

Pages 4-41 through 4-54: The Department reiterates the FWS' previous comments that the proposed Route 92 would produce only minor improvements to local roadway congestion and truck traffic. These points were discussed in detail in the FWS' letter of March 31, 2003, and in the EPA's letter of the same date.

Page 4-68: Regarding induced development, the applicant states, "If construction of Proposed Route 92 were combined with effective control of development, however, traffic conditions would be maintained, and perhaps improved. The NJTA has no direct control over the land development review and approval process, which is principally the jurisdiction of municipalities and counties, but it notes that new highway development can be a significant factor in the rate and shape of growth. State agencies have affirmed their interest in collaborating closely with local communities to ensure that future development occur in sustainable patterns."

First, this statement appears contradictory to other statements in the DEIS that the proposed Route 92 is not expected to change land use patterns, only accelerate previously planned development near proposed interchanges. Secondly, the above statements are too general; the DEIS should describe specific actions that particular State agencies would commit to take in order to stem induced development if the proposed project were built.

The Department reiterates the FWS' previous recommendation to address the potential for the proposed highway to induce residential and commercial development despite the absence of interchanges along the central portion of the alignment. For example, development may spread from proposed interchanges, municipalities may be pressured to change zoning rules, and the NJTA may be pressured to add new interchanges in the future.

Page 5-5: The number of stormwater basins is listed as 23, but as 25 elsewhere in the DEIS.

Page 5-6: The Department reiterates the FWS' previous objection to the discharge of untreated stormwater runoff into the forested wetlands along Devil's Brook.

Page 5-10: As previously designed, the proposed stormwater treatment plan relied on exemptions from the State's stormwater management rules. The applicant does not indicate how the proposed stormwater management system will be modified to comply with the NJDEP's stricter 2004 revisions to State stormwater regulations. Stormwater treatment should be brought up to current State standards, without exemptions.

Pages 5-10 through 5-11: The Department reiterates the FWS' previous objections to the proposed compensatory mitigation for wetland impacts.

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Page 5-13: The memorandum from the NJDEP Division of Parks and Forestry regarding proposed southern arrowhead mitigation actions should be added to Appendix F of the DEIS.

Page 5-17: The DEIS should indicate how impacts to the Plainsboro Preserve would be compensated, as required by the NJDEP Green Acres Program.

CONCLUSION AND RECOMMENDATIONS

The Corps or its designated representative must complete bog turtle consultation with the FWS prior to issuance of a final EIS or any federal permit in order to comply with Section 7 ESA requirements. Please submit bog turtle survey results, an assessment of indirect impacts to known bog turtle habitat, and swamp pink survey results to the FWS NJFO for review.

The Department reiterates the previous FWS' summary recommendations for improving the DEIS, which were generally not incorporated into the document and are therefore also the Department's key recommendations for the current review.

1. Clarify presence or absence of State-listed species and State species of concern in the project area, including the right-of-way as well as the larger Devil's Brook-Broadway Swamp complex. Include input from the NHP and the ENSP regarding which species these agencies consider extant in the project area.

2. Conduct any rare species surveys recommended by the NHP and the ENSP, and a breeding bird survey of the project impact areas.

3. Adopt a broad, succinct statement of purpose based on a documented need. If multiple purposes are selected, prioritize according to the urgency of the documented needs.

4. Present explicit and consistent criteria for screening, comparing, and evaluating alternatives. Relate the criteria to the project purpose(s) and impacts to the human environment. Include appropriate, but not central, consideration of project benefits that are incidental to the stated purposes.

5. Expand the alternatives analysis to include serious consideration of one or more east-west alternatives to Route 92, based on the objective application of explicit screening criteria. In particular, the Scudders Mill Road-Plainsboro Road and Route 522 warrant development as full alternatives. Options to avoid impacts to Pigeon State Park should be investigated.

6. Append or otherwise make available current project plans showing the locations and extent of wetland impacts, and bridge, culvert, and detention basin locations and configurations.

7. Clarify the acreage of forested wetlands to be cleared, in addition to the acreage to be filled.

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8. Characterize the type and magnitude of anticipated changes to surface and ground water flows.

9. Present mitigative measures as firm commitments, rather than tentative proposals, to allow reviewers to understand clearly net impacts. Address the limited success of past efforts to create forested wetlands as mitigation.

10. Assess pollutant loadings *with* the proposed storm water management plan, and assess anticipated effects of storm water on ambient surface water quality and on wetlands, including sediment build-up. Provide an assessment of whether the proposed project would impact the attainment of State water quality standards in the receiving surface waters.

11. Clarify the assessment of expected fragmentation of forest interior habitats and subsequent impacts on neotropical migratory birds, and address fragmentation at the landscape scale.

12. Address the potential for the proposed highway to induce residential and commercial development despite the absence of interchanges along the central portion of the alignment (*i.e.*, development spreading from proposed interchanges, changes to zoning rules, and addition of new interchanges in the future).

13. Address indirect impacts on rare plants, and request the NHP's assessment of impacts to the State-listed (endangered) southern arrowhead population.

We request that the Corps hold the subject permit in abeyance until the applicant has addressed the concerns of the Department and other agencies regarding the DEIS. Based on the project as currently proposed in the DEIS, the FWS concludes that Route 92 may have substantial and unacceptable impacts on aquatic resources of national importance. If the Corps decides to proceed with authorization of the project as proposed, the FWS will request further coordination pursuant to part IV, Paragraph 3(a) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement with the Corps. Please contact Clifford G. Day, Supervisor of the FWS, NJFO, at (609) 646-9310, extension 31, if you have any questions regarding these comments.

The Department appreciates the opportunity to comment on the Route 92 DEIS. Please contact me at (617) 223-8565 if I can provide any assistance in this matter.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

Enclosure

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REFERENCES

Balzano, S., A. Ertman, L. Brancheau, and W. Smejkal. 2002. Creating indicators of wetland status (Quantity and Quality) of freshwater wetland mitigation in New Jersey. New Jersey Department of Environmental Protection, Division of Science, Research and Technology. Trenton, New Jersey.

Niles, L.J., M Valent, J. Tash and J. Myers. 2001. New Jersey's The Landscape Project: wildlife habitat mapping for community land-use planning and endangered species conservation. Project Report. Endangered and Nongame Species Program, New Jersey Division of Fish and Wildlife, New Jersey Department of Environmental Protection. pp. 20.

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PL-NY-03/93

Richard L. Tomer, Chief
Regulatory Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, Jacob K. Javits Federal Building
New York, New York 10278-0090
ATTN: Ms. Koko Cronin

Re: Application No. 1999-00240-J1, New Jersey Turnpike Authority, Route 92

Dear Mr. Tomer:

This responds to your February 20, 2003 request to the U.S. Fish and Wildlife Service (Service) for review of the Draft Environmental Impact Statement (DEIS) regarding the proposed Route 92 to be located in South Brunswick and Plainsboro Townships, Middlesex County, New Jersey. Route 92 would be a new 6.7-mile, 4-lane, limited access highway connecting U.S. Route 1 and the New Jersey Turnpike at Interchange 8A in southern Middlesex County. The Service is concerned that the project as proposed may cause significant and unacceptable adverse effects to aquatic resources of national importance.

In 1999, the New Jersey Turnpike Authority (NJTA) applied to the U.S. Army Corps of Engineers, New York District (Corps) for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*) to fill almost 15 acres (now reduced to approximately 12 acres) of freshwater wetlands in order to construct the proposed highway. The federal permit application came after transfer of Section 404 permitting authority from the New Jersey Department of Environmental Protection (NJDEP) to the Corps in October 1998. The transfer was based on the U.S. Environmental Protection Agency's (EPA) objection to issuance of a State permit, and pursuant to regulations regarding State assumption of Section 404 permitting authority (Section 404(j) of the Clean Water Act and 40 CFR Section 233.50(j)). On April 8, 2000, the Corps announced that the proposed project is a major federal action, requiring preparation of an Environmental Impact Statement. The DEIS is now undergoing agency review; a public comment period will also be required.

Copies of previous Service correspondence on this project are enclosed, dated December 6, 1996; March 28, 1997; April 15, 1998; May 4, 1999; June 9, 2000; August 3, 2000; and November 13, 2002. On March 17, 2003, the Service requested a 2-week extension for commenting on the DEIS, to March 31, 2003.

AUTHORITY

The following comments on the proposed activity have been prepared under the authority of the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA), the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*), the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA), and the Migratory Bird Treaty Act (40 Stat. 755 as amended; 16 U.S.C. 703-712), and are consistent with the intent of the Service's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981).

ESA CONSULTATION

In our August 3, 2000 and November 13, 2002 letters, the Service indicated that an area identified as potential habitat for the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*) is located within 1.0 mile of the proposed Route 92 alignment. The potential habitat is an emergent-scrub/shrub wetland along Lawrence Brook, a tributary to Devil's Brook. The proposed highway would cross Devil's Brook downstream of its confluence with Lawrence Brook. Based on potential direct and indirect effects to any bog turtles that may occupy the Devil's Brook/Lawrence Brook wetland complex, the Service previously requested that a recognized, qualified surveyor conduct a bog turtle habitat survey within the project area. The Service provided survey guidance and a list of recognized, qualified bog turtle surveyors with our previous correspondence.

On page 3-45 of the DEIS, the NJTA states that a bog turtle survey was performed in the forested wetlands along Devil's Brook, and no potential bog turtle habitat was found in the study area. As indicated in our previous correspondence, all survey results for federally listed species must be submitted to this office for review. Please include the survey date(s) and methodology, site photographs, and qualifications of the surveyor.

Section 7 of the ESA requires that federal agencies address indirect as well as direct effects of their actions on federally listed species. Therefore, the Service requests that the Corps also submit an assessment of potential indirect effects of the proposed project to the identified area of potential habitat along Lawrence Brook, including anticipated changes in hydrology and water quality, and isolation of any bog turtles in this wetland from other areas of suitable habitat in the area. If this potential habitat may be indirectly affected by the project, the Service will recommend that a recognized, qualified bog turtle surveyor conduct a visual survey to determine presence or absence of bog turtles. This office may be contacted for the specific location of the identified area of potential habitat.

The Corps must submit both the results of the habitat survey along the project route, and the assessment of indirect effects to the identified potential habitat along Lawrence Brook, in order to fulfill its consultation requirements under Section 7(a)(2) of the ESA. Through the informal consultation process, the Service will make recommendations to avoid adverse effects to federally listed species. However, if bog turtles are found in the area and direct or indirect adverse effects cannot be avoided, formal consultation must be completed prior to insurance of any federal permits.

NATURAL RESOURCE VALUES

Section 3 of the DEIS provides an adequate overview of natural resource values in the project area, including characterizations of surface water, ground water, wetland, and wildlife resources. The Service offers the following recommendations to update and improve this section of the DEIS.

Wetlands

Section 3.3.4 of the DEIS presents the results of a wetland delineation performed by Frederic R. Harris, Inc. in 1995, and approved by NJDEP in a 1997 Letter of Interpretation. With transfer of Section 404 permitting authority from NJDEP to the Corps in 1998, the delineation of jurisdictional wetlands was reconsidered due to differences between NJDEP and Corps methodologies. As a result, two of three questionable parcels were classified as "prior converted cropland," and therefore are not under Corps jurisdiction. A total of 1.63 acres of permanent impacts from fill, and 0.41 acre of temporary impacts, were subtracted from project totals due to this wetland reclassification. The acreage of reclassified wetlands that was deducted from project totals should be made explicit in the body of the DEIS; these numbers are currently available only in letter in Appendix F.

Rare Plants

In 1996, Amy S. Greene Environmental Consultants, Inc. (ASGECI), prepared an *Evaluation of the Proposed Right-of-Way for Potential Habitat for Rare Plants*. The evaluation included all 10 plant species listed at the time in the New Jersey Natural Heritage Program's (Heritage Program) database as occurring in the immediate vicinity of the proposed right-of-way. Based on ASGECI's evaluation, only the State-listed (endangered) southern arrowhead (*Sagittaria australis*) was determined to be likely in the right-of-way. Field surveys confirmed the presence of southern arrowhead in the project route. According to the DEIS, ASGECI conducted an additional rare plant survey in 1996, but the methodology, species surveyed, areas searched, and results of the survey are not described. This information should be summarized in the DEIS.

In 2002, the Heritage Program provided updated information on State-listed species and State species of concern in the project area. In their December 2002 letter, the Heritage Program reported 8 of the 10 species evaluated in 1996 as occurring in the immediate vicinity of the

project corridor. The DEIS should provide a summary of the 1996 rare plant habitat evaluation, explaining why these plants are not likely to occur along the project route, despite past and current Heritage Program records. In their 2002 letter, the Heritage Program also reported an additional plant species of concern that had not been included in the previous habitat evaluation or survey effort: tall boneset (*Eupatorium altissimum*). The DEIS should address the potential for tall boneset to occur in the project area. The DEIS should also provide input from the Heritage Program, indicating which rare plants the NJDEP currently considers extant in the project area, including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway. Any further rare plant surveys recommended by the Heritage Program should be carried out by the applicant and summarized in the DEIS.

Wildlife

In 1995, ASGECI performed a wildlife inventory of the project area, including searches for State-listed and State species of concern. In coordination with the NJDEP's Division of Fish and Wildlife (DFW), ASGECI conducted further surveys in 1996 for wood turtle (*Clemmys insculpta*) (State-listed as threatened), barred owl (*Strix varia*) (State-listed as threatened), and grassland birds including grasshopper sparrow (*Ammodramus savannarum*) (breeding population State-listed as threatened), vesper sparrow (*Pooecetes gramineus*) (non-breeding population State-listed as threatened), savannah sparrow (*Passerculus sandwichensis*) (breeding population State-listed as threatened), upland sandpiper (*Batramia longicauda*) (State-listed as endangered), and bobolink (*Dolichonyx oryzivorus*) (breeding population State-listed as threatened). None of these species were documented in the vicinity of the project area during the 1996 surveys, despite sitings of four of these species (barred owl, upland sandpiper, savannah sparrow, and bobolink) two years earlier by Fishback (1994). The NJDEP's Landscape Project mapping, released in late 2001, still shows habitat for bobolink and savannah sparrow along the project route.

The DEIS should explain differences in survey results between the 1994 and 1996 surveys (*e.g.*, differences in methodology, survey area, survey effort, time of year, or habitat conditions). In its December 2002 letter, the Heritage Program reported a rare insect species that had not been included in the previous survey efforts: comet darner (*Anax longpipesi*). This species was documented in the project area by Fishback (1994). The DEIS should address the potential for comet darner to occur in the project area. The DEIS should also provide input from the DFW indicating which State-listed and State species of concern, if any, the NJDEP currently considers extant in the project area, including the proposed right-of-way as well as the larger wetland and grassland complexes that would be bisected by the proposed highway. Any further wildlife surveys recommended by the DFW should be carried out by the applicant and summarized in the DEIS.

In our 1996 letter, the Service provided a list of birds known to breed in the vicinity of the project site. Enclosed is an updated list of 78 bird species known to breed within the two survey blocks that include most of the project route. This information is from the New Jersey Audubon

Society Breeding Bird Atlas, 1993-1997. The list includes seven species considered by the Service to be of concern within the Bird Conservation Region or the State. The Service reiterates our August 3, 2000 recommendation for a detailed breeding bird survey to document the value of the project route for breeding neotropical migrants.

Aquatic Resources of National Importance

The Service reiterates our May 4, 1999 finding that the Devil's Brook and Broadway Swamp wetland complexes constitute aquatic resources of national importance. This finding is based upon the large number of State-listed and State species of concern documented in this area by the NJDEP's DFW and Heritage Program, and on the large number of migratory birds known to breed in this area, including several species that are declining State-wide or regionally. This determination is also based on the size and connectivity of these habitats, which are surrounded by extensive residential and commercial development (see enclosed aerial photograph). The DEIS states that the Devil's Brook complex of upland forest and wetlands is approximately 1,650 acres. The Service estimates that the Broadway Swamp complex is at least an additional 1,800 acres, based on aerial photography. Largely undeveloped lands of this size within the high-growth central portion of New Jersey already constitute a unique and irreplaceable wildlife resource. The importance of these lands to wildlife, flood control, pollution filtering, recreation, and agriculture will only grow as development of Middlesex and Mercer Counties proceeds at a rapid pace.

PURPOSE AND NEED

Project Purpose

According to the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, project proponents must define a purpose based upon a demonstrated need (40 CFR 1502.13), then rigorously explore and objectively evaluate all reasonable alternatives (40 CFR 1502.14). Noteworthy reductions in wetland impacts notwithstanding, the proposed Route 92 project has remained essentially the same since 1996, while stated project purposes, goals, and objectives have changed. This pattern suggests that project proponents are attempting to justify a pre-conceived project, rather than attempting to find the least environmentally-damaging feasible solution to a well-documented problem, as required under NEPA.

In NJTA's 1996 application to NJDEP, the applicant stated that the project purpose was to "alleviate traffic problems associated with regional growth," and outlined three project goals: (1) reduce traffic on local east/west roads; (2) improve traffic flow on U.S. Route 1; and (3) improve local intersections. In the 1997 response document, the NJTA cited seven "goals and objectives." In our March 28, 1997 letter, the Service challenged several of these goals and objectives, contending that many were actually alternative means of achieving a specified project goal (*e.g.*, "create an east-west link").

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The two project purposes given in the DEIS are a major departure from previous documents. These current stated purposes are:

1. Provide an alternative travel route for north-south regional traffic currently using U.S. Route 1 by improving access to the New Jersey Turnpike, thereby relieving congestion in the region and reducing the impacts on communities caused by increases in traffic using local roads to travel between U.S. Route 1 and the New Jersey Turnpike.

2. Achieve a hierarchical east-west roadway system in southwestern Middlesex County and northeast Mercer County. A hierarchical east-west roadway system is defined as a system that promotes the use of local streets for local access and circulation, and that promotes the use of regional highways and limited access roads for regional through traffic and commercial traffic. An east-west connector highway would provide a new high-speed connection for through traffic (especially commercial truck traffic) moving between the major north-south corridors (U.S. Route 1, U.S. Route 130, and the New Jersey Turnpike). An improved connection between U.S. Route 1 and the New Jersey Turnpike also addresses the need for roadway network improvements to maintain mobility in this high-growth region.

These stated project purposes are both too numerous and too specific. For example, the first purpose contains four components (*i.e.*, provide an alternative to Route 1, improve access to the New Jersey Turnpike, relieve congestion, and reduce impacts on communities from through traffic). These components are not necessarily all best satisfied by the same means. In addition, the stated purposes include several components and modifiers that are actually alternatives (*e.g.*, an east-west connector highway).

The Service recommends the NJTA adopt a broad and succinct purpose statement that is based upon a clearly demonstrated need. The Service notes that not all possible purposes (*e.g.*, reduce congestion on local roads, improve regional mobility) would necessarily be best achieved by the same solution. If more than one purpose is selected, any necessary trade-offs in meeting contradictory or divergent purposes should be made explicit (*i.e.*, purposes should be prioritized based on the urgency of each documented need).

Once a clear purpose is defined to address a specific documented need, a thorough and objective alternatives analysis will produce a solution that balances environmental and other considerations. The alternatives analysis should differentiate measures of how well each option meets the stated project purpose(s) from incidental project benefits. For example, if the stated purpose is to improve regional mobility, reductions in local road congestion should be considered but should not be a central factor in selecting an alternative.

Much of the DEIS focuses on reducing congestion on local roads. If this is the project's purpose, it is unlikely that an objective comparison of alternatives would find Route 92 to be the most appropriate solution. Most local road congestion is caused by local, not through, traffic.

According to the DEIS, only 16 percent of traffic on local roads is currently through traffic.

Without Route 92, through traffic is projected to increase to 25 percent of total local road traffic by 2028. The remaining 75 percent of traffic is not expected to use Route 92, due to the local nature of these trips. Furthermore, it is unlikely that the full 25 percent of through traffic would use Route 92, as some through drivers would continue to opt for local roads. Clearly, the majority (>75 percent) of projected traffic on the local road network in 2028 would not be affected by the proposed project.

Because most congestion of local roads is due to local traffic, an east-west connector to carry through traffic has limited potential to reduce local road congestion. Although an east-west connector would reduce local road congestion somewhat, traffic analyses in the DEIS indicate these changes would be minimal. Comparing proposed Route 92 with the no-action alternative for the year 2028, peak hour travel times between representative points in the study area are expected to decrease only 10 percent on average. Levels of service would improve at only 4 of 15 intersections examined, and would actually worsen at one intersection. Volume-to-capacity ratios show improvements on many local roadway segments but generally improve by only one level (on a scale of four). Many segments show no change in volume-to-capacity ratios. Route 1 north through Plainsboro actually shows more congestion, as increased volumes of through traffic would utilize Route 1 to access Route 92.

The Service recognizes that Route 92 would provide some reductions in traffic congestion on local roads. However, the degree of the projected traffic improvements described in the DEIS is modest, while the level of environmental impacts associated with the proposed highway is high. Since adverse impacts far outweigh project benefits, the proposed project is not the optimal solution to this identified need. If reducing congestion on local roads is the NJTA's purpose, the Service suggests that this need would be better addressed by other means, such as a combination of zoning, local road improvements, and regional transportation planning including mass transit and other efforts to reduce private vehicle use.

Likewise, if reducing truck traffic on local roads is the project purpose, the Service doubts Route 92 would be the optimal solution. According to the DEIS, trucks currently comprise more than 5 percent of total traffic using east-west local and secondary roads. However, only one in five of these trucks is through traffic.[4] Assuming all through trucks would use Route 92, the project would remove only 20 percent of trucks from local roadways. The truck traffic removed would only constitute approximately 1 percent of total traffic on local roads. Furthermore, it is doubtful that all through trucks would pay the estimated $3.75 toll for a connection under 7 miles, leaving even more than 80 percent of trucks on the local road network. If reducing truck traffic on local roads is the project's purpose, the Service suggests that other alternatives are more appropriate, including land use controls to prevent large increases in local truck traffic, and traffic controls such as designating certain through truck routes while prohibiting through trucks on other local roads.

Project Objectives

The NJTA states three project objectives in Section 2 of the DEIS:

1. Establish a road system that acts to reserve local streets for local traffic and circulation while providing linkage for through traffic moving between U.S. Route 1, U.S. Route 130, and the New Jersey Turnpike, minimizing adverse impacts on existing communities from through traffic and truck traffic using local streets.

2. Provide alternative routes for north-south traffic currently using U.S. Route 1, to relieve congestion while minimizing impacts on the abutting communities. Divert north-south traffic from U.S. Route 1 to U.S. Route 130 and the New Jersey Turnpike, improving mobility in southern Middlesex County and northeast Mercer County.

3. Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway.

These objectives largely duplicate the project purposes. The Service questions the need to include objectives in the DEIS, because it is not clear how the objectives relate to the purpose, and because overly specific objectives may unduly narrow the alternatives analysis. Instead, the Service suggests using explicit and consistent criteria for screening, evaluating, and comparing various alternatives. These criteria would include objective measures of how well each alternative would fulfill the stated project purpose, as well as various measures of impacts on the human environment.

The project objectives are repeated with different wording in Section 4. Statements of project purposes and objectives (or alternative evaluation criteria, as suggested above) should be consistent throughout the DEIS.

ALTERNATIVES

Alternative Screening and Evaluation Criteria

The Service objects to the way in which alternatives were screened and rejected for further analysis. The screening criteria are not explicit, and were not applied consistently.

Eleven of 14 alternatives were rejected in Section 2 of the DEIS, including all alternative Route 92 alignments, and all east-west roadways other than the proposed project. All existing east-west roads, including Route 522, Dey Road, Plainsboro Road, and Cranbury Neck Road, were eliminated from serious consideration, primarily based on their failure to separate local from through traffic. The Service recognizes that separation of local and through traffic may be an appropriate project purpose, if a genuine need to do so can be demonstrated. However, it is disingenuous to apply a screening criterion that eliminates all east-west alternatives other than the proposed project from serious consideration. Full consideration of alternative east-west routes is particularly important given the project purposes as currently stated, which (in the

Service's view, inappropriately) emphasize an east-west connector from Route 1 to the New Jersey Turnpike.

If the NJTA persists in applying this screening criterion, the applicant must demonstrate that separation of local and through traffic is an essential *need*, not merely desirable; the Service contends that the need has not been documented in the DEIS. Further, the NJTA should address the option of designating an existing local roadway for through traffic, while restricting through traffic on other local roads. This alternative would separate local from through traffic over most of the local road network. Possibilities for partially segregating local and through traffic on the selected local connector road may exist, such as through lanes, service roads, and grade-separated interchanges.

A clear contradiction exists in how the two project purposes were applied to screening alternatives. As described above, the second purpose (separating local and through traffic) was used to reject all east-west alternatives other than Route 92. However, the first purpose (providing an alternate route for north-south regional traffic currently using Route 1) was ignored in evaluating the option of widening Route 1. Other than no action and the proposed Route 92, improving Route 1 is the only alternative considered in full detail in the DEIS. Improvements considered include widening Route 1 to six lanes, with and without signal removal. Either of these alternatives would substantially *increase* use of Route 1 by regional (through) traffic, essentially the opposite of the first stated project purpose. In deciding to include the Route 1 improvements in the full alternatives assessment, the NJTA cites projected reductions in truck traffic and through traffic on local and secondary east-west roads. The NJTA also cites projected benefits to Route 27 in Kingston, which was not mentioned previously as a screening criterion. The NJTA recognizes that Route 1 improvements only *partially* meet the stated project purposes. However, this is also true of improvements to various local east-west roadways, such as Route 522, which were rejected from full consideration. This discrepancy is not explained. Therefore, the Service reiterates our suggestion for explicit and consistent criteria for screening, evaluating, and comparing alternatives.

Finally, the alternatives analysis includes as baseline conditions all road projects for which funding has already been committed. The DEIS should also include a discussion of which additional projects are likely. Although these do not need to be included as baseline conditions, they may be important considerations. For example, the DEIS should discuss the likelihood that Route 1 will be widened, with or without Route 92, or that local roads will be improved.

Wetland Protections

For non-water-dependent projects, the Section 404(b)(1) Guidelines state that discharge of fill material into waters of the United States is prohibited unless it is clearly demonstrated that there are no practicable alternatives that would have fewer adverse impacts to the aquatic environment. Section 404 and its implementing regulations, NEPA and the CEQ implementing regulations, and the Service's Mitigation Policy all make clear that *avoidance* of impacts must precede

minimization and compensatory mitigation. The NJTA should consider these mandates when developing explicit and consistent criteria for screening, evaluating, and comparing alternatives, as recommended above.

Alternatives with lesser impacts to aquatic resources should not be immediately rejected because of potentially greater impacts to residential, commercial, recreational, agricultural, or other non-aquatic resources. Rather, the applicant should make earnest efforts to avoid or reduce impacts to non-aquatic resources. The Service recognizes the need to balance impacts to aquatic and other resources; however, other resources should not be given a higher priority without an earnest trade-off comparison. Instead, alternatives with minimal aquatic resources should be rejected only after efforts to minimize other impacts have failed to produce a feasible project. For example, the justifications to reject several east-west alternatives included impacts to farm land, recreational land, and residential and commercial developments. Some of the residential impacts included exposure to elevated noise and air pollution levels. The DEIS does not indicate if any efforts to avoid or minimize these impacts were made, nor does the DEIS indicate how serious the impacts would be (*e.g.*, the degree of elevated noise or pollution levels). With such vague information, it is not possible to evaluate the true feasibility of the rejected alternatives.

Recommendations for Expanded Alternatives Analysis

Based on a March 18, 2003 site visit, the Service recognizes that legitimate constraints exist to widening several local roads. Much of Dey Road, for example, is bordered by wetlands on both sides. Plainsboro Road passes through downtown areas of Plainsboro and Cranbury, the latter of which features several historic resources. However, the Service contends that other feasible alternatives exist, including at least two that involve local roads, which appear to offer significant potential to carry through traffic: Scudders Mill Road and the newly widened Route 522. The Service recognizes that constraints exist for both of these options but finds that they warrant full consideration in the alternatives analysis. Currently, in Section 2 of the DEIS, Route 522 is rejected, and Scudders Mill Road is considered only as part of the EPA-Proposed Alignment for Route 92.

<u>Scudders Mill Road-Plainsboro Road</u>

Scudders Mill Road seems a viable option to support through traffic. This is a large, wide road flanked by office and residential developments with wide setbacks. Scudders Mill Road only serves the eastern portion of the study area. In the west, Scudders Mill Road would have to connect to a new road, or to a widened local road (either Dey Road or Plainsboro Road). Based on wetlands and other constraints, a connection to Plainsboro Road seems to be a preferable option.

The Service recommends that the NJTA include an assessment of Scudders Mill Road-Plainsboro Road in the full alternatives analysis. Widening Plainsboro Road to Route 1 was

considered in Section 2 of the DEIS. Wetland impacts from this alternative were minimal (0.6 acre). Impacts to the built environment represent real constraints: 41 residential, 5 commercial, and 2 public facilities, including several historic properties in Cranbury. However, these figures are for widening Plainsboro Road for its entire length to Route 1. The Service instead recommends routing through traffic to Route 1 via Scudders Mill Road, which may eliminate residential and commercial impacts in downtown Plainsboro. Further reductions in impacts to residential, commercial, and historic impacts may be possible with full development of this alternative.

Route 522

Route 522 is perhaps the most suitable local road to carry through traffic. Recently widened, Route 522 already connects Route 1 with Route 130 via a large, four-lane, divided highway with sound walls. The Service strongly urges the NJTA to include an assessment of Route 522 in the full alternatives analysis.

Constraints to widening Route 522 include wetland impacts (2-7 acres), potential impacts to Pigeon State Park, and residential development in close proximity to the existing roadway. The Service suggests that the NJTA investigate creative approaches to these constraints. For example, perhaps local and through traffic can be segregated by use of through lanes, service roads, and modified interchanges. In addition, perhaps local residential traffic can be re-routed *off* Route 522, providing further segregation from through traffic and reducing congestion sufficiently that some areas may not require widening. Additional sound walls could buffer residences from noise, pollution, and visual effects. Options to avoid or minimize impacts to Pigeon State Park should also be explored in the DEIS.

PROJECT IMPACTS

Wetlands

The Service acknowledges that the NJTA has produced noteworthy reductions in the acreage of wetlands that would be impacted from the proposed project. As originally proposed in the 1996 application to NJDEP, the project included over 32 acres of permanent impacts. In the 1999 application to the Corps, the extent of fill had been reduced to less than 15 acres. Page 4-29 of the DEIS lists current wetland impacts at 2.87 acres of temporary impacts, 11.58 acres of permanent impacts from filling, and 1.16 acres of impacts from shading. Page 4-29 lists an additional 0.05 acre of temporary impacts and 0.45 acre of permanent impacts to open waters. Table 4-11 gives only 1 set of totals (*i.e.*, for temporary impacts, fill, and shading) that includes open water impacts. To improve clarity and consistency with page 4-29, Table 4-11 should be revised to provide separate sub-totals of wetland and open water impacts. This is particularly important because the 0.45-acre permanent open water impact is not included in calculation of the mitigation ratio in Section 5. As modifications to the proposed roadway have been made since the 1999 federal permit application, the Service requests that updated project plans be

forwarded to this office for review, and referenced in the DEIS.

According to the DEIS, much of the acreage reduction was accomplished by reducing median widths, replacing slopes with retaining walls, and bridging rather than filling wetlands in some locations. It is unclear if bridges will be constructed over or through the tree canopy of forested wetlands. The DEIS should specify the number of upland and wetland acres proposed for tree clearing. The DEIS should also indicate if forested wetlands to be cleared are included in the acreage totals of wetland impacts, or if tree clearing represents *additional* impacts beyond the acres to be filled or shaded. The Service also notes that 1.63 acres of the reduction in permanent impacts was due to loss of Corps jurisdiction based on reclassification of two wetland parcels.

The Service commends the NJTA for its efforts to minimize wetland impacts, but reminds the applicant that avoidance must precede minimization according to CEQ-NEPA and the Section 404 regulations. To comply with these mandates, the NJTA must demonstrate that all other alternatives that would avoid wetland impacts to a greater degree than Route 92 have received full consideration and shown to be infeasible. This is not adequately documented in the DEIS.

In Section 5 of the DEIS, the NJTA proposes compensatory mitigation including construction of 57 acres of wetlands, for a 4.5 to 1 mitigation ratio. The NJTA also proposes preservation of an additional 202 acres of forested wetlands. The Service finds the proposed compensatory mitigation unacceptable. First, the created wetlands would not offset the permanent loss of connectivity within the Devil's Brook wetland complex, or between these wetlands and Broadway Swamp (discussed below). Second, creation of forested wetlands (36.7 of the 57 acres proposed) is prone to high failure rates. In a recent study of compensatory mitigation projects in New Jersey, the NJDEP found that only 1 percent of forested wetland mitigation acreage was successfully achieved (*i.e.*, only 0.1 acre of forested wetland was successfully created for every 1 acre of proposed mitigation). In contrast, 92 percent of proposed emergent wetland acreage was achieved, and 45 percent of total proposed freshwater wetland mitigation was achieved (Balzano *et al.*, 2002). Finally, preservation is generally the least preferable form of mitigation. Although the Service recognizes the substantial acreage proposed, preservation of these existing wetlands would not offset net wetland losses associated with the project.

Hydrology

In Section 4 of the DEIS, the NJTA indicates that hydrologic impacts to the Devil's Brook wetlands have been minimized by project features such as culverts and bridges. The proposed project design may, in fact, minimize impacts to surface water flows, but that does not necessarily mean there will be no impacts. The type and magnitude of anticipated changes to surface water flows through the study area, both in-stream and sheet flows, should be described in the DEIS. The NJTA suggests that the roadbed is not expected to impact horizontal flow of subsurface water in the wetland complex, based on limited subsurface flows and higher permeability of fill material than native soils. However, the DEIS does not provide or refer to

any hydrologic data to support this finding. If hydrologic data in Appendix E are relevant to these points, the data should be summarized in the body of the DEIS. Given the size of the roadway (1,000-foot-wide right-of-way) and extent of the area potentially affected by hydrologic changes, a full hydrologic study and model may be required to address these omissions in the DEIS regarding expected changes to surface and ground water flows.

Many of the proposed mitigative measures are tentatively stated, using "should" or "may." This is particularly true of Section 5.3.2, mitigation for streams and floodplains, but it also applies throughout the mitigation section. If the NJTA proceeds with a final EIS, proposed mitigation should be written as firm commitments to allow reviewers clearly to understand the magnitude of net impacts.

Water Quality

According to the DEIS, the project would create 100 acres of impervious surface, with corresponding effects on water quality. The DEIS provides loadings of 17 pollutants that would be expected from the proposed highway without treatment. The NJTA proposes to mitigate these effects with 23 or 25 storm water basins (different figures are given in Sections 4 and 5). No basin is proposed in the Devil's Brook floodplain due to wetland constraints. In the Devil's Brook floodplain, the NJTA states that runoff volumes at each of 12 proposed discharge locations would be low, and that water quality requirements for these low runoff volumes would be achieved by sheet flow into the forested wetlands. Pollutant reductions via flows through wetlands are also cited as further improving the quality of water discharged from storm water basins. The NJTA states that the basins would reduce sediment build-up in wetlands compared to a drainage system with no basins.

The DEIS should include an assessment of how the proposed highway will affect ambient surface water quality, not just pollutant loadings. The NJTA should indicate if the project will cause or worsen water quality impairments, or hinder the ability of these water bodies to attain their designated uses. Both pollutant loadings and the assessment of effects to ambient surface water quality should be given *with* the proposed storm water management plan, as it is unlikely the project would be built without storm water treatment facilities, which are required by State law.

The Service objects to the NJTA's reliance on forested wetlands to filter polluted storm water. Directing polluted storm water to these wetlands degrades their natural resource values, and taxes their ability to absorb future increases in pollutant loads from surrounding development. The DEIS should include a specific assessment of anticipated effects to wetland quality from polluted storm water discharges and sheetflow, including sediment build-up.

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Fragmentation

In the DEIS, the NJTA recognizes that the proposed highway would fragment forest and grasslands. The lands to be crossed by Route 92 include two forested parcels large enough to provide habitats for forest interior birds. Forest fragmentation seriously affects nesting success of obligate forest interior birds (Robbins, 1988) and highway corridors are thought to have cumulatively significant impacts on abundances of forest interior bird species (Rich *et al.*, 1994). The affected parcels are both in the Devil's Brook floodplain, between Friendship Road and the railroad corridor. The NJTA proposes bridges in these areas to minimize impacts. In some places, the DEIS suggests that tree clearing will be minimal, while in other places it suggests that the two forested corridors will be fragmented, with loss of forest interior habitat. The height and length of the proposed spans, and the extent of required tree clearing, should be described in the DEIS.

The Service concurs that the bridges will likely enable the north-south passage of reptiles, amphibians, and mammals. However, the Service disagrees with the applicant's conclusion on page 4-7 that migratory neotropical bird populations would not be affected. The NJTA bases this conclusion on the fact that the smallest fragment created by the project would be 500 acres, while neotropical migrant populations can be supported on 100 acres. This minimum fragment size is contradicted on page 4-34, which indicates that forested parcels remaining south of the alignment would be 50 and 35 acres, not 500 acres. These smaller fragment sizes are apparently based on the possibility that birds may perceive forests north and south of the bridges as distinct woodlots; it is unclear if this is due to visual effects only or to proposed tree clearing as well. Page 4-35 of the DEIS states that some forest interior habitat will be lost, but does not indicate the acreage, or how this loss will impact forest interior species. Section 4.2.3.5.3 of the DEIS assesses project impacts on three bird species of concern and four common mammals; none of the evaluation species are neotropical migrants. This section should be revised to specifically address effects of interior habitat loss and fragmentation on neotropical migratory birds. Finally, Section 3.3.5.3 extensively considers the limited availability of forest interior habitat due to "edge effects" from existing land uses (*e.g.*, fields, railroad and utility lines, local and dirt roads). In contrast, Section 4 of the DEIS does not address how edge effects of the new highway would impact forest interior habitats.

Lands to be crossed by Route 92 also include grassland habitats. The NJTA acknowledges that, in at least one case, fragmentation will eliminate certain grassland species from a parcel that would be reduced below minimum size requirements. This is particularly important since most grassland bird species are State-listed or State species of concern.

In the DEIS, the applicant attempts to address fragmentation of individual forest and grassland parcels. However, the DEIS fails to address landscape-level fragmentation. Although agricultural land uses along Friendship Road have historically fragmented the Devil's Brook wetland complex from Broadway Swamp, these agricultural lands currently provide valuable grassland habitats. Higher density residential development along Friendship Road has recently

started to fragment this area more severely. However, significant north-south connectivity still exists within the Devil's Brook complex, and to a lesser degree, between the Devil's Brook and Broadway Swamp systems. Three forested wetland corridors are still present (two just east of the railroad and one just west of Route 130). Agricultural lands and grasslands, much of which are wetlands, offer further connectivity between the Devil's Brook and Broadway Swamp systems. Connectivity via forested and agricultural lands is particularly intact between Friendship Road and the railroad, where no paved roadways currently divide the area into northern and southern parcels. Construction of the proposed 4-lane, high speed highway within a 1,000-foot-wide right-of-way will significantly and irretrievably fragment this area into distinct northern and southern portions. The proposed roadway represents a far more substantial and impermeable barrier than the existing dirt and local roads, farm lands, and residential developments. This substantial and unavoidable consequence of the proposed Route 92 should be addressed in the DEIS.

Land Use

The NJTA addresses the potential for the proposed highway to induce growth. This is of particular concern in the central part of the corridor, which is largely undeveloped, in sharp contrast to surrounding areas. This central area was recently prioritized for open space preservation by the NJDEP's smart growth initiative (the "Big Map").

The Service concurs with the NJTA that a limited-access highway has less potential to induce development than a secondary roadway with full access to adjacent lands. However, development pressures in this high-growth region are intense. The Service noted numerous subdivisions in progress throughout the study area, and many recently completed facilities. Even without planned interchanges along the central portion, Route 92 may affect land uses and increase sprawl. Commercial development such as trucking and warehousing may spread west from the proposed Route 130 interchange into currently undeveloped areas. Although outside the central portion of the alignment, the proposed Perrine Road interchange is in a largely undeveloped area, and would likely induce growth in this vicinity. Presence of a large highway may cause pressure on local governments to change zoning to accommodate higher density residential and commercial land uses. Future growth in the area may also produce pressure on the NJTA to add interchanges along the central part of the highway. The DEIS offers no assurances that interchanges will not be added in the future. Indirect effects of an action must be adequately presented in the DEIS (40 CFR 1502.16(b)).

Rare Plants

The DEIS should address indirect effects such as fragmentation, water quality, and hydrologic changes on rare plants outside the immediate project corridor. The proposed project would directly impact 25 percent of the documented southern arrowhead population. Indirect effects of fragmenting this population have not been addressed. Based on direct and indirect impacts, and the untested measures proposed for mitigation, the Service questions the NJTA's conclusion that Route 92 would not jeopardize this population of a State-listed (endangered) plant. The Service recommends that the applicant request the NJDEP to provide an independent assessment of project effects to the southern arrowhead population, and to summarize the results in the DEIS.

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CONCLUSION AND RECOMMENDATIONS

The Corps or its designated representative must complete bog turtle consultation prior to issuance of a final EIS or any federal permit. Please submit the above-requested information to this office for review.

Prior to the public comment period required by NEPA, the Service recommends that the NJTA revise the DEIS to address the concerns detailed above. The Service offers the following summary recommendations for improving the DEIS.

1. Clarify presence or absence of State-listed species and State species of concern in the project area, including the right-of-way as well as the larger Devil's Brook-Broadway Swamp complex. Include input from appropriate State agencies regarding which species the NJDEP considers extant in the project area.

2. Conduct any rare species surveys recommended by the NJDEP, and a breeding bird survey of the project impact areas.

3. Adopt a broad, succinct statement of purpose based on a documented need. If multiple purposes are selected, prioritize according to the urgency of the documented needs.

4. Present explicit and consistent criteria for screening, comparing, and evaluating alternatives. Relate the criteria to the project purpose(s) and impacts to the human environment. Include appropriate, but not central, consideration of project benefits that are incidental to the stated purposes.

5. Expand the alternatives analysis to include serious consideration of one or more east-west alternatives to Route 92, based on the objective application of explicit screening criteria. In particular, the Service contends that Scudders Mill Road-Plainsboro Road and Route 522 warrant development as full alternatives. Options to avoid impacts to Pigeon State Park should be investigated.

6. Append or otherwise make available current project plans showing the locations and extent of wetland impacts, and bridge, culvert, and detention basin locations and configurations. Revise Table 4-11 to give separate sub-totals for wetland and open water impacts.

7. Clarify whether forested wetlands would be cleared for bridge construction.

8. Characterize the type and magnitude of anticipated changes to surface and ground water flows.

9. Present mitigative measures as firm commitments, rather than tentative proposals, to allow reviewers to understand clearly net impacts.

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10. Assess pollutant loadings *with* the proposed storm water management plan, and assess anticipated effects of storm water on ambient surface water quality and on wetlands, including sediment build-up.

11. Clarify the assessment of expected fragmentation of forest interior habitats and subsequent impacts on neotropical migratory birds, and address fragmentation at the landscape scale.

12. Address the potential for the proposed highway to induce residential and commercial development despite the absence of interchanges along the central portion of the alignment (*i.e.*, development spreading from proposed interchanges, changes to zoning rules, and addition of new interchanges in the future).

13. Address indirect impacts on rare plants, and request the NJDEP's assessment of impacts to the State-listed (endangered) southern arrowhead population.

The Service requests that the Corps hold the subject permit in abeyance until the applicant has addressed the concerns of the Service and other agencies regarding the DEIS. Based on the project as currently proposed in the DEIS, the Service concludes that Route 92 may have substantial and unacceptable impacts on aquatic resources of national importance. If the Corps decides to proceed with authorization of the project as proposed, the Service will request further coordination pursuant to part IV, Paragraph 3(a) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement between our agencies.

Please contact John Staples or Wendy Walsh of my staff at (609) 646-9310, extensions 18 and 48 respectively, if you wish to discuss the Service's comments.

Sincerely,

Clifford G. Day
Supervisor

Enclosures

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REFERENCES

Balzano, S., A. Ertman, L. Brancheau, and W. Smejkal. 2002. Creating indicators of wetland status (Quantity and Quality) of freshwater wetland mitigation in New Jersey. New Jersey Department of Environmental Protection, Division of Science, Research and Technology. Trenton, New Jersey.

Fishback, J.P. 1994. Ecological resources inventory, Turkey Island Property, Walker Gordon Laboratory Company, Plainsboro Township, Middlesex County, New Jersey. Effort, Pennsylvania. 12 pp. + Appendices.

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Robbins, C.S. 1988. Forest fragmentation and its effects on birds. In Johnson, J.E. (ed.) 1988. Managing North Central forests for non-timber values. Publication 88-4, Society of American Foresters, Bethesda, Maryland. 156 pp.

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cc: NJFO (2)
ARD/ES, Marjorie Snyder + Sue Essig
NY Corps, Koko Cronin
NJDEP, DPF, Office of Natural Lands Management, Tom Breeden + David Snyder
NJDEP, DFW, Andy Didun
NJDEP, ENSP, Mike Valent + Jason Tesauro
NJDEP, Larry Schmidt
NJDEP, LURP, Christopher Jones
USEPA, Dan Montella + David Carlson
NJDOT, Pamela Garrett

ES:NJFO:WWalsh:wlw:3/21/03 J:\Wwalsh\plny03093.wlw.wpd
Final: jg 3/31/03

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Enclosure 1

Species Common Name	Grid Block	Species of Concern*
American Crow	both	
American Goldfinch	both	
American Kestrel	west	
American Redstart	west	
American Robin	both	
American Woodcock	east	
Barn Swallow	both	
Belted Kingfisher	west	
Black-and-white Warbler	both	
Black-billed Cuckoo	east	NJ
Blue Jay	both	
Blue-winged Warbler	west	BCR
Brown Thrasher	both	NJ
Brown-headed Cowbird	both	
Canada Goose	both	
Carolina Chickadee	east	
Carolina Wren	both	
Cedar Waxwing	both	
Chimney Swift	both	
Chipping Sparrow	both	
Common Grackle	both	
Common Yellowthroat	both	
Cooper's Hawk	west	
Downy Woodpecker	both	
Eastern Bluebird	west	
Eastern Kingbird	both	NJ
Eastern Meadowlark	both	NJ
Eastern Phoebe	both	
Eastern Screech-Owl	both	
Eastern Wood-Pewee	both	
European Starling	both	
Field Sparrow	both	
Fish Crow	both	
Gray Catbird	both	
Great Crested Flycatcher	east	
Great Horned Owl	both	
Green Heron	both	
Hairy Woodpecker	both	
House Finch	both	

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House Sparrow	both	
House Wren	both	
Indigo Bunting	both	
Killdeer	both	
Mallard	both	
Mourning Dove	both	
N. Rough-winged Swallow	west	
Northern Bobwhite	both	
Northern Cardinal	both	
Northern Flicker	both	
Northern Mockingbird	both	
Northern Oriole	both	
Orchard Oriole	both	
Ovenbird	both	
Purple Martin	west	
Red-bellied Woodpecker	both	
Red-eyed Vireo	both	
Red-tailed Hawk	both	
Red-winged Blackbird	both	
Rock Dove	both	
Rose-breasted Grosbeak	both	
Ruby-thr. Hummingbird	west	
Rufous-sided Towhee	east	
Scarlet Tanager	both	
Song Sparrow	both	
Swamp Sparrow	both	NJ
Tree Swallow	both	
Tufted Titmouse	both	
Veery	both	
Warbling Vireo	both	
White-breasted Nuthatch	both	
White-eyed Vireo	east	
Willow Flycatcher	west	
Wood Duck	both	
Wood Thrush	both	BCR
Yellow Warbler	both	
Yellow-billed Cuckoo	east	NJ
Yellow-throated Vireo	east	

* Species considered by the Service to be declining in the Piedmont or Southern New England Bird Conservation Regions (BCR), or in New Jersey (NJ).