



PUBLIC NOTICE

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

In replying refer to:
Public Notice Number 1999-00240-J1
Issue Date: October 16, 2006
Expiration Date: November 16, 2006

**NOTICE OF AVAILABILITY OF
A FINAL ENVIRONMENTAL IMPACT STATEMENT REGARDING APPLICATION FOR A
DEPARTMENT OF THE ARMY PERMIT FOR THE ROUTE 92 PROJECT PROPOSED BY
THE NEW JERSEY TURNPIKE AUTHORITY**

To Whom It May Concern:

In accordance with National Environmental Policy Act (NEPA), (42 U.S.C. Part 4321 *et seq.*) and U.S. Army Corps of Engineers regulations (Title 33 of the Code of Federal Regulations (CFR)), Part 325, Appendix B), the New York District of the U.S. Army Corps of Engineers, acting as lead agency pursuant to 40 CFR Part 1501.5, has prepared a Final Environmental Impact Statement (FEIS) to assist in the review of a permit application submitted by the New Jersey Turnpike Authority for the Route 92 project. Formal notice of the availability of the FEIS is to be published in the October 13, 2006 *Federal Register*.

The project involves the construction of a 6.7-mile limited-access toll highway (Route 92) that would provide express east-west travel capacity for through traffic, and connect U.S. Route 1 in South Brunswick Township to U.S. Route 130 and the New Jersey Turnpike at Interchange 8A in Monroe Township.

The New Jersey Turnpike Authority seeks authorization to discharge fill material into waters of the United States, including wetlands, to create dry land to facilitate the construction of Route 92, and perform mitigation activities. The work would take place within wetlands and waters in and adjacent to the Devil's Brook, Shallow Brook and unnamed tributaries within the Raritan River Watershed, located within the Townships of South Brunswick, Plainsboro, and Monroe, Middlesex County, New Jersey. The applicant proposes to compensate for the permanent wetland impacts by establishing 56 acres of wetlands and 0.85 acres of open water. The proposed mitigation area would extend north and south from the proposed Route 92 alignment east of Haypress Road in the Township of South Brunswick.

An application for a Department of the Army permit was submitted in January 1999, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). A public notice was issued by the Corps of Engineers on February 26, 1999 which described the proposal of the New Jersey Turnpike Authority, as set forth in the permit application. Based upon a review of the information submitted with the application, and consideration of the responses provided to the public notice, and at the public hearing, the Corps of Engineers determined that the issuance of a permit for the application by the New Jersey Turnpike Authority would be a major federal action significantly affecting the quality of the human environment, and that preparation of a federal Environmental Impact Statement (EIS) was necessary to evaluate the permit application. A Notice of Intent to prepare an Environmental Impact Statement was published in the *Federal Register* on April 28, 2000 and a public Scoping Meeting was held on June 8, 2000. A final scope of work

was issued on April 30, 2001. A Draft Environmental Impact Statement (DEIS) was made available for public comment in April 2004. A public hearing was held on May 20, 2004 for comment on the DEIS. Responses to the DEIS comments are included in the FEIS.

The FEIS evaluates existing site conditions and potential impacts, including indirect and cumulative impacts of the applicant's proposed action, and other alternative actions that were identified through the public scoping process and the Corps of Engineers analysis of the project to date. The United States Environmental Protection Agency (EPA), the Fish and Wildlife Service (FWS) of the United States Department of the Interior, and the New Jersey Department of Transportation (NJDOT), have all served as cooperating agencies under the National Environmental Policy Act (NEPA) in the preparation of the FEIS.

FEIS AVAILABILITY

The FEIS is available for public review at the following locations:

U.S. Army Corps of Engineers
New York District
26 Federal Plaza, Room 1937
New York, New York 10278-0090
(917) 790-8412

U.S Environmental Protection Agency
Region 2 Library, 16th Floor
290 Broadway
New York , New York 10017
(212) 637-3185

South Brunswick Public Library
110 Kingston Lane
Monmouth Junction, New Jersey 08852
732-274-7280

Plainsboro Public Library
641 Plainsboro Road
Plainsboro, NJ 08536
609-275-2899

New Jersey Department of Environmental
Protection
Information Resource Center
401 East State Street
Trenton, New Jersey 08608
(609) 984-2249

Monroe Township Municipal Building
Dept. of Planning and Environmental Protection
One Municipal Plaza, Lower Level
Monroe Twp., New Jersey 08831
732-521-4400

The Corps of Engineers neither favors nor opposes the proposed project. The purpose of this public notice is to afford the Corps of Engineers the opportunity to hear from the general public on the FEIS, in order to acquire information which will be considered in evaluating the permit application. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments will be considered by the Corps of Engineers in determining whether to issue, condition, or deny a permit for this proposal.

All interested individuals, groups, and agencies are invited to furnish specific data on aspects of the proposed activity. All comment letters will be made part of the permit application record, and will also be considered in the permit decision-making process.

ALL WRITTEN COMMENTS REGARDING THE FEIS MUST BE MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE. Absence of comments will be presumed to mean that there are no objections to the activity.

All written statements, charts, tabulations, and similar data offered in evidence shall be received in evidence and will become part of the administrative record for this permit action. For filing purposes it is requested that the material not exceed 8 1/2" x 14", if possible.

The comment period will remain open until **5 PM on Thursday, November 16, 2006**. All comments should be sent to the following address, or by fax to (212) 264-4260, in order to be received prior to the close of the record:

New York District, U.S. Army Corps of Engineers
Regulatory Branch
Jacob K. Javits Federal Building, Room 1937
New York, New York 10278-0090
or
Email: NAN.Route92EIS@usace.army.mil

Any comments submitted by email must contain the commenter's name and postal address, so we can verify who sent the email and clarify comments, if necessary.

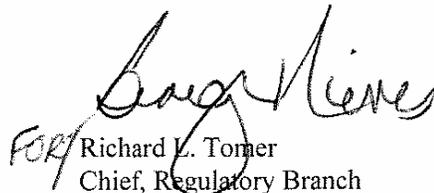
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act. The applicant must obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act for the project, prior to issuance of a permit. In addition to the required water quality certification, the applicant has requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection Freshwater Wetlands Individual Permit/Stream Encroachment Permit
- Delaware & Raritan Canal Commission Certification
- Freehold Soil Conservation District Soil, Erosion and Sediment Control Plan Certification

It is requested that you communicate the foregoing information concerning the availability of this public notice and the FEIS, to any persons known by you to be interested and who may not have received a copy of this notice.

Following the close of the FEIS comment period, and review of the comments that are provided, the Corps of Engineers will prepare a Record of Decision at which time a decision on the application will be made.

If you have any questions concerning this application, or need more information, you may contact this office at (917) 790-8412 and ask for Mr. James Cannon. The FEIS, and Appendices are available for viewing on the District's website at <http://www.nan.usace.army.mil/business/buslinks/regulat/eis/index.htm> and at the repositories listed above.


FOR Richard L. Tomer
Chief, Regulatory Branch