



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

PUBLIC NOTICE

In replying refer to:

Public Notice Number: 1999-00240-J1
Issue Date: April 20, 2004
Expiration Date: June 14, 2004

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT

AND

ANNOUNCEMENT OF A PUBLIC HEARING

In accordance with the National Environmental Policy Act (42 U.S.C. Section 4321 *et seq.*) and regulations at 40 C.F.R. Part 1501.5 and 33 C.F.R. Part 325, Appendix B, the U.S. Army Corps of Engineers New York District, as lead agency, has prepared a Draft Environmental Impact Statement (EIS) to assist in the review of Permit Application No. 1999-00240-J1, submitted by the New Jersey Turnpike Authority for its proposed Route 92 project. Notice of the availability of the Draft EIS is to be published in the April 30, 2004 *Federal Register*.

New York District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA, 33 U.S.C. Section 1344).

- APPLICANT:** New Jersey Turnpike Authority
P.O. Box 5050
Woodbridge, New Jersey 07095
- ACTIVITY:** Discharge fill material into waters of the United States to facilitate construction of Route 92 and perform mitigation activities
- WATERWAYS:** Devil's Brook, Shallow Brook and unnamed tributaries, Raritan River basin
- LOCATION:** South Brunswick, Plainsboro and Monroe Townships, Middlesex County, NJ

A description of the applicant's proposed work is enclosed to assist in your review. New York District will conduct a **PUBLIC HEARING** to gather information to assist in completion of the EIS and review of the permit application. The details of the hearing are as follows:

- DATE:** Thursday, May 20, 2004
- TIME:** Afternoon Session - 2:00 PM to 5:00 PM*
(dinner break)
Evening Session - 7:00 PM to Midnight*

* The Public Hearing session may end before the closing time noted above if all parties wishing to speak have done so.

- LOCATION:** Radisson Hotel Princeton - Princeton Ballroom
4355 US Route 1 South at Ridge Road
Princeton, New Jersey (see attached location map on page 7)

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Authority to issue or deny authorization for this proposal pursuant to CWA Section 404 was originally vested in the New Jersey Department of Environmental Protection (NJDEP) after NJDEP assumption of the CWA permit program in 1994. However, in a September 25, 1998 letter, the U.S. Environmental Protection Agency (USEPA) Region 2 stated objection to issuance of a permit. This action set in motion a 30-day period during which NJDEP was required either to address EPA's objection, or provide notification of intent to deny the permit. When NJDEP took neither action within the 30-day period, processing of permit application was transferred to the New York District.

The New York District neither favors nor opposes the applicant's proposed work. The purpose of this public notice and the public hearing is to afford the New York District the opportunity to hear from the general public on the Draft EIS and the application before the agency, in order to acquire information which will be considered in evaluating the proposal. The New York District 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 the proposed activity. Written and oral comments shall be used by the New York District in the preparation of a Final EIS, and to determine whether to issue, condition or deny a permit for this proposal. Comments are used to assess impacts on endangered species, historic properties, water quality, environmental concerns, and other public interest factors. Comments are also used to determine whether the proposal is in the overall public interest.

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

The PUBLIC HEARING is open to everyone. All interested individuals, groups, and agencies are invited to be present or be represented at the hearing. Everyone will be given an opportunity to express his or her views, and to furnish specific data on aspects of the Draft EIS and the proposed activity. At the public hearing, any person may appear on his or her own behalf, or may be represented by counsel or by other representatives.

Should commentors choose to write, all comment letters received in regard to this public notice will be made part of the administrative record of the permit application. INFORMATION SUBMITTED IN WRITING IS CONSIDERED JUST AS CAREFULLY IN THE DECISION-MAKING PROCESS AND BEARS THE SAME WEIGHT AS THAT FURNISHED ORALLY AT THE PUBLIC HEARING. ALL WRITTEN COMMENTS REGARDING THIS PUBLIC NOTICE, NOT PRESENTED AT THE PUBLIC HEARING, MUST BE MAILED TO REACH THE NEW YORK DISTRICT OFFICE IN NEW YORK CITY BEFORE THE EXPIRATION DATE OF THIS NOTICE. Otherwise, it will be presumed that there are no objections to the Draft EIS or the proposed activity. Comments may be submitted electronically; comments sent via electronic mail should include the sender's name and address and be sent to: Nan.Route92EIS@usace.army.mil

The public hearing will be conducted in accordance with the procedures outlined in 33 C.F.R. Part 327. Any person will be permitted to submit oral or written statements concerning the subject matter of the hearing that is new information not already part of the administrative record; to call witnesses who may present oral statements; or to present recommendations as to an appropriate decision. Any person may

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present written statements or other additional information prior to the time the comment period is closed to public submission, and may present proposed findings and recommendations. Depending on the hour, opportunity for rebuttal during the public hearing will be afforded, but reasonable limits upon the number of rebuttals will be established.

Commentors will be requested to limit their oral presentations to **five minutes** to ensure that all parties have an opportunity to speak. Lengthier written presentations may be submitted, but the speaker will be requested to summarize the presentation in the allotted five minutes. Cross-examination of speakers will **not** be permitted.

After opening remarks of the New York District hearing officer, and a brief presentation on the project, the following speaker sequence will be adhered to:

1. Applicant's description of the proposed work;
2. Federal elected officials or their representatives;
3. Federal agencies' representatives and appointed federal officials;
4. State elected officials or their representatives;
5. State agencies' representatives and appointed state officials;
6. County elected officials;
7. County agencies' representatives and appointed county officials;
8. Local Government officials;
9. Organized environmental groups' representatives;
10. Organized citizen groups' representatives; and
11. Individual private citizens.

Speakers not having an opportunity to present their statements during the afternoon session of the hearing will be permitted to present their statements in the sequence set forth above, during the evening session.

The public hearing will be reported verbatim. Copies of the hearing transcript will be available for public inspection at the New York District office after the close of the comment period, and may be purchased from the New York District by any person or group. The cost of a copy will correspond directly to the number of pages enclosed in the transcript. All attendees of the public hearing that complete a hearing registration form will be contacted by mail after the close of the comment period as to the exact addresses where the transcript may be inspected and/or purchased.

All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, subject to exclusion for reasons of redundancy, be received into evidence and will constitute a part of the hearing file which 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". **The record will remain open until 5:00 p.m. on Monday, June 14, 2004 for the receipt of written comments. All comments should be sent to the following address to be received prior to the close of the record:**

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

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Pursuant to Section 7 of the Endangered Species Act (16 USC 1531) and based upon information provided by the U.S. Fish & Wildlife Service (FWS), a preliminary determination is that except for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other Federally listed or proposed threatened or endangered flora or fauna under the jurisdiction of FWS are known or expected to occur in the proposed project area. However, the New York District will continue to consult with FWS to determine if additional information on listed species has become available.

Based upon prior coordination between the State Historic Preservation Officer (SHPO) and the NJTA, the New York District is aware that two sites, listed or eligible for inclusion in the National Register of Historic Places, may be indirectly impacted by the proposed construction. These are known as the Van Pelt-Clark House and the Dey-Benjamin Bayles House; neither structure remains standing at this time. The New York District will be performing coordination required pursuant to Section 106 of the National Historic Preservation Act to determine whether additional requirements are necessary to ensure compliance with the Act. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost by work accomplished under a DA permit, if issued.

Reviews of activities pursuant to Section 404 of the CWA will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404 (b) of the CWA. The applicant will be required to obtain a water quality certificate or waiver from the NJDEP in accordance with Section 401 of the CWA prior to any permit decision.

In addition to the required water quality certification, the applicant has received, or has requested, the following governmental authorizations 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

You are asked to communicate the foregoing information to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, need more information, or would like to receive a copy of the DEIS, you may contact Ms. Koko Cronin at (212) 264-3813. Note that the DEIS consists of over 400 pages and is supplemented by appendices consisting of an additional 800 pages. For reasons of printing economy, the New York District encourages the public to view copies of the DEIS at the repositories listed on page 7 of this notice and looks to provide requesting parties with copies of the DEIS in electronic format.



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

- 1) Work Description - page 5
- 2) Location of proposed activity - page 6
- 3) Repositories - page 7
- 4) Directions to the Public Hearing - page 7

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WORK DESCRIPTION

The New Jersey Turnpike Authority (NJTA) has requested Department of the Army (DA) authorization to discharge fill material into waters of the United States to facilitate construction of Route 92. The applicant also proposes to perform compensatory mitigation work, to include limited additional wetland disturbance and creation of a new freshwater wetland complex at an existing upland site. The construction and mitigation sites are adjacent to Devil's Brook, Shallow Brook and unnamed tributaries in the Raritan River basin in the Townships of South Brunswick, Plainsboro and Monroe, Middlesex County, New Jersey.

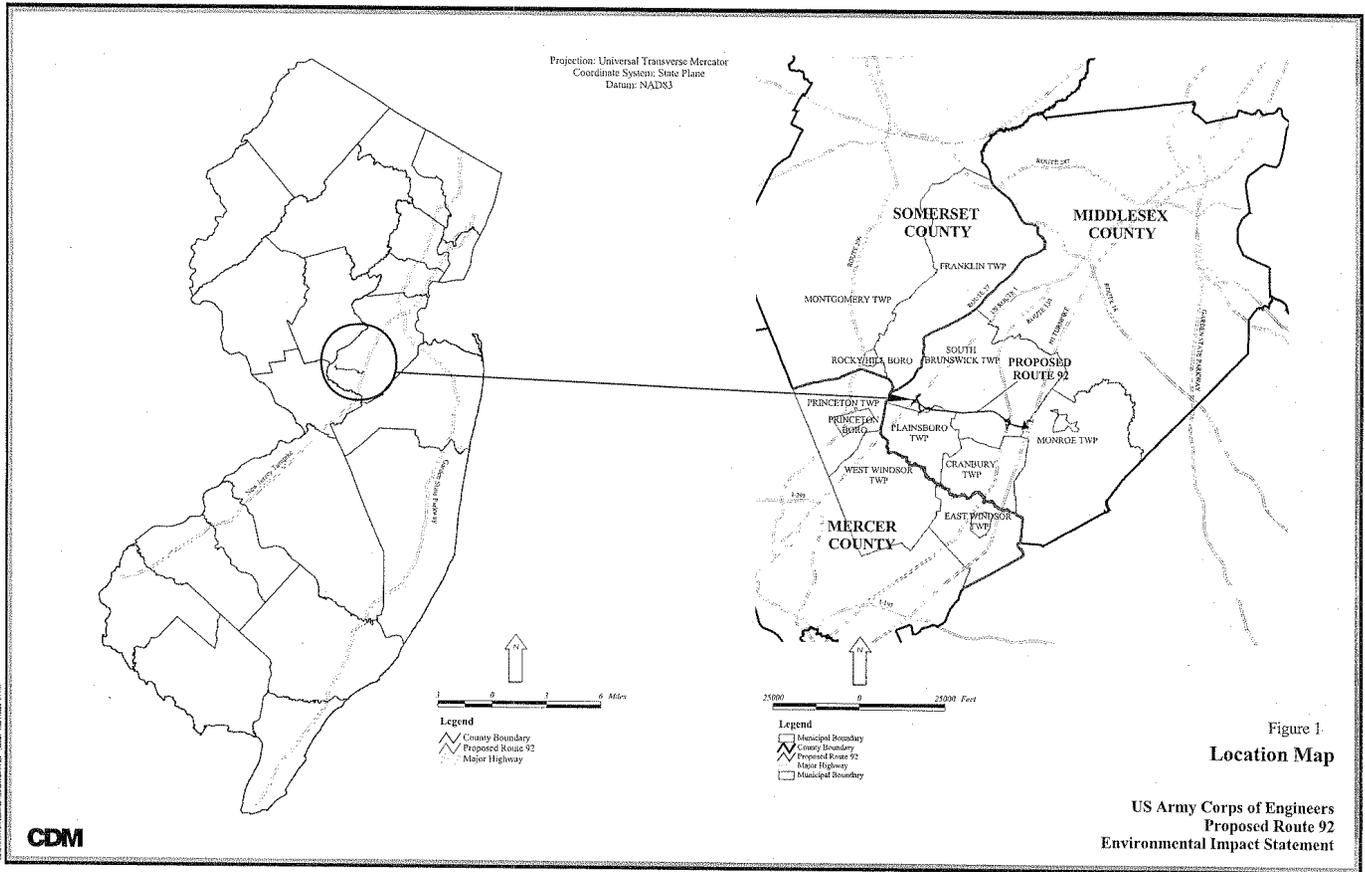
The proposed Route 92 would be a 6.7-mile limited access highway to serve as an east-west transportation link connecting U.S. Route 1 in South Brunswick Township to Interchange 8A of the New Jersey Turnpike in Monroe Township. Anticipated impacts within DA jurisdiction would include the permanent filling of approximately 11.58 acres of palustrine freshwater wetlands and 0.45 acres of open waters. Temporary disturbance of approximately 2.87 acres of wetlands and 0.05 acres of open waters within DA jurisdiction are proposed. In addition to these impacts, approximately 1.16 acres of palustrine forested wetlands would be affected by shading as a result of construction. The composition of the 12.03 acres of wetlands to be permanently filled would include approximately 7.42 acres of forested, 1.54 acres of emergent, and 2.62 acres of scrub-shrub wetlands. The composition of the 2.92 acres of waters to be temporarily disturbed would include 1.58 acres of forested, 0.63 acres of emergent and 0.66 acres of scrub-shrub wetlands, and 0.05 of open waters.

As mitigation for the impacts to waters of the United States, the applicant proposes the construction of an approximately 57-acre wetland north and south of the proposed highway alignment, east of Haypress Road. The constructed wetland would have a hydrologic connection to the wetland bordering Devil's Brook. Specific planned creation acreage figures are as follows: 36.7 acres of forested wetland, 8.2 acres of scrub/shrub wetlands, 12.24 acres of emergent wetlands and wet meadow, and 0.85 acres of open water. The site itself would be excavated to elevations suitable to allow the predominant source of hydrology within the wetland complex to be groundwater, with surface runoff and precipitation relied upon to a limited extent. Additionally, the NJTA proposes further mitigation in the form of preservation of 202 acres of existing forested wetland and upland in the vicinity of Friendship and Miller Roads.

The proposal originally called for the loss of 32.9 acres of permanently impacted freshwater wetlands (inclusive of permanent fills and shading), 16.99 acres of permanently impacted transition area, 0.85 acres of open waters, and 3.36 acres of temporary wetland impacts. In early 1997, the applicant modified the proposal to reduce the amount of wetland loss from 32.9 to an estimated 18.4 acres, through a series of highway design modifications. The current proposal was submitted to the New York District in December 1998.

The stated objectives for the project are:

- 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;
- 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
- Reduce the presence of non-local truck traffic on the local roadway network and shift such traffic to a connector highway.



DEIS AVAILABILITY

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

New York District Army Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278

U.S. Environmental Protection Agency
Region 2 Library, 16th Floor
290 Broadway
New York, NY 10017

South Brunswick Public Library
110 Kingston Lane
Monmouth Junction, NJ 08852

Plainsboro Public Library
641 Plainsboro Road
Plainsboro, NJ 08536

New Jersey Department of Environmental Protection
Information Resource Center*
401 West State Street, Trenton, NJ 08625
* By appointment only, 609-633-2151

Monroe Township Municipal Building
Dept. of Planning and Environmental Protection
One Municipal Plaza, Lower Level
Monroe Twp., NJ 08831

PUBLIC HEARING LOCATION

RADISSON HOTEL PRINCETON
4355 US Route 1 South at Ridge Road
Princeton, New Jersey 08540
609-452-2400

Directions:

From the north:
Take US Route 1 South to Ridge Road.
Entrances are on Ridge Road and US
Route 1 South.

From the south:
Take US Route 1 North and take the
Ridge Road jug handle. Cross Ridge
Road and enter from Ridge Road or
US Route 1 South.

The hotel is located at the southwest
corner of the Ridge Road/US Route 1
South intersection. For directions from
another location, please call the Radisson
directly.

For questions regarding the Public
Hearing, please call Ms. Koko Cronin
at 212-264-3813.

