



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: 2003-00549-RS
Issue Date: July 27, 2004
Expiration Date: September 7, 2004

To Whom It May Concern:

REQUEST FOR PUBLIC COMMENT

AND

ANNOUNCEMENT OF A PUBLIC HEARING

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

APPLICANT: Meadowlands Mills/Mack-Cali Limited Partnership
1300 Wilson Boulevard, Suite 400
Arlington, VA 22209-2307

ACTIVITY: Discharge clean fill material into approximately 7.69 acres of waters of the United States, including wetlands, to facilitate the construction of the Meadowlands Xanadu Redevelopment Project

WATERWAY: Cedar Creek and adjacent wetlands, a tributary of the Hackensack River

LOCATION: Borough of East Rutherford, Bergen County, New Jersey.

The New York District Corps of Engineers will conduct a **PUBLIC HEARING** to gather information on this proposal to assist in the review of the permit application. The details of the hearing are as follows:

DATE: Thursday, August 26, 2004

TIME: Afternoon Session - 2:00 p.m. to 5:00 p.m.*
(dinner break)
Evening Session - 7:00 p.m. to end of hearing*

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

LOCATION: The Stadium Club at Giants Stadium
50 State Route 120
East Rutherford, NJ 07073

DIRECTIONS: See attached map and written directions

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

**CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS**

The Corps of Engineers neither favors nor opposes the proposed work. The purpose of this public notice and the public hearing is to afford the Corps of Engineers the opportunity to hear from the general public on the proposal before the agency, in order to acquire information which will be considered in the permit application review process. 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the activity, on the public interest. That decision will reflect the national concern for both the protection and utilization of important public resources. The benefit 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, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The 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 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 commenters choose to write, all comment letters received in regard to this public notice shall be made part of the Corps of Engineers administrative record for the case. All written comments will be considered in the evaluation of whether to grant a permit for the work within the Corps of Engineers jurisdiction.

ALL WRITTEN COMMENTS REGARDING THE PERMIT APPLICATION SHOULD BE MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THE NOTICE; otherwise, it will be presumed that there are no objections to the activity. **IT SHOULD BE NOTED THAT INFORMATION SUBMITTED BY MAIL IS CONSIDERED JUST AS CAREFULLY IN THE PERMIT DECISION PROCESS AND BEARS THE SAME WEIGHT AS THAT FURNISHED AT A PUBLIC HEARING.**

Oral and written comments shall be used by the Corps of Engineers to assist in the determination of whether to issue, condition or deny a permit for this proposal. To make this determination, comments are used to assess impacts on endangered species, historic properties, water quality, environmental concerns, and the other public interest factors listed above. This information, together with any supplemental information submitted by the applicant and comments submitted by federal, state, and local agencies and officials and other interested parties, will be used by the Corps of Engineers in the preparation of environmental documentation pursuant to the National Environmental Policy Act. Comments are also used to determine whether the proposed activity is in the overall public interest.

The public hearing will be conducted in accordance with the procedures set forth at Title 33 of the Code of Federal Regulations, Part 327. Any person shall be permitted to submit oral or written statements concerning the subject matter of the hearing, to call witnesses who may present oral statements; or to present recommendations as to an appropriate decision. Any person may 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. Time permitting, the presiding officer shall afford participants a reasonable opportunity for rebuttal.

**CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS**

After a presentation by the applicant, speakers will be requested to limit oral presentations to 5 minutes. Lengthier written presentations may be submitted but the speaker will be requested to summarize the presentation in the allotted 5 minutes. Cross-examination of speakers will not be permitted.

To ensure order during the hearing, the following speaker sequence will be adhered to following the opening remarks of the Corps of Engineers hearing officer:

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

Speakers in the above groups not having an opportunity to present their statements during the 2:00 p.m. to 5:00 p.m. session will be permitted to present their statements during the evening session.

The public hearing will be reported verbatim. A copy of the transcript of the proceedings may be purchased from the Corps of Engineers by any person or group. Copies will be available for public inspection at the Corps of Engineers New York District office after the close of the comment period. The cost of a copy will correspond directly to the number of pages in the transcript. All attendees at the public hearing will be contacted by mail after the close of the comment period as to the addresses where the transcript can 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 in 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 hearing record will remain open until **5:00 p.m.** on **September 7, 2004** for the receipt of written comments. All comments should be sent to the following address so as to be received prior to the close of the record:

New York District Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, New York 10278-0090

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

**CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The District Engineer has made a preliminary determination that site-specific adverse effects are not likely to be substantial. Further coordination with NMFS regarding EFH recommendations is being conducted and will be concluded prior to a final decision on the permit application.

Based upon a review of the latest published version of the National Register of Historic Places, the District Engineer has concluded that there are no known sites eligible for, or included in, the Register within the project area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit. The applicant has obtained written confirmation from the New Jersey State Historic Preservation Officer (SHPO) that there are no historic properties within the proposed area of potential effect and, pursuant to 36 CFR 800.4(d)(1), that no further consultation is required under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Review 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 is required to obtain a water quality certificate or waiver from the New Jersey Department of Environmental Protection in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, the Corps of Engineers is requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

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

- Federal Aviation Administration Notice of Objects Affecting Navigable Airspace
- New Jersey Department of Environmental Protection Waterfront Development Permit
- New Jersey Department of Environmental Protection Stream Encroachment Permit
- New Jersey Department of Environmental Protection Treatment Works Approval
- New Jersey Department of Environmental Protection Water Main Extension Certification
- Consultation between the New Jersey Sports and Exposition Authority, the New Jersey Department of Environmental Protection, and the New Jersey Meadowlands Commission
- New Jersey Department of Transportation Major Access Permit
- Bergen County Soil Conservation District Soil Erosion and Sediment Plan Certification

**CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS**

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-0183 and ask for Steven A. Schumach.

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

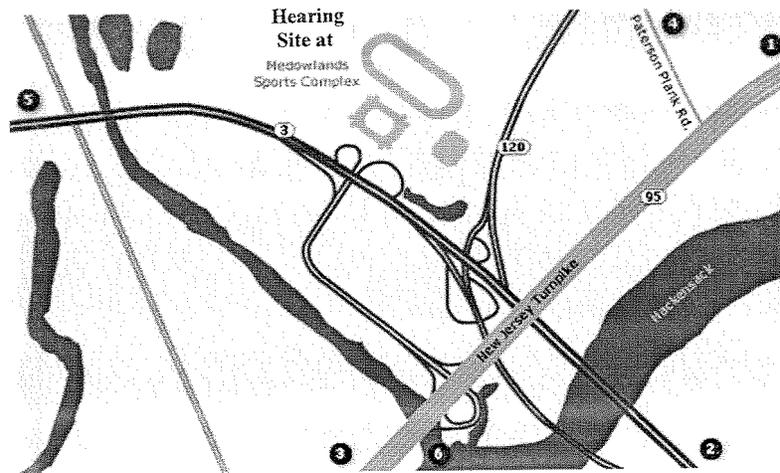


Richard L. Tomer
Chief, Regulatory Branch

- 3 Enclosures:
1. Map and Directions to Hearing Site
 2. Description of Work
 3. Project Drawings

CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS

DIRECTIONS AND MAP TO HEARING SITE



1. From the George Washington Bridge

Follow Interstate 95 South signs to the New Jersey Turnpike south western spur (Sports Complex to exit 16W), which provides direct access to the Sports Complex parking areas.

2. From the Lincoln Tunnel

Take Route 3 West and follow the signs to the Sports Complex and Racetrack.

3. Traveling North on the New Jersey Turnpike

Follow the Western Spur (Sports Complex to Exit 16W), which provides direct access to Sports Complex parking areas. If congested, use eastern spur (Lincoln Tunnel) to exit 16E to Route 3 West, follow directions above.

4. Traveling South on the Garden State Parkway

Garden State Parkway South to exit 163 (Route 17). Follow Route 17 to Paterson Plank Road. Take Paterson Plank Road east to the Sports Complex.

5. Traveling North on the Garden State Parkway

Garden State Parkway North to exit 153A (Route 3). Follow Route 3 East to the Sports Complex.

6. From Holland Tunnel or Brooklyn-Staten Island Bridge Crossings

Take New Jersey Turnpike extension to the Turnpike North. Follow directions above.

From Port Authority's 41st Street Bus Terminal in Manhattan

For more information call (800) 772-2222

WORK DESCRIPTION

The applicant, Meadowlands Mills/Mack-Cali Limited Partnership, has requested Department of the Army authorization to discharge clean fill into approximately 7.69 acres of waters of the United States, consisting of 6.24 acres of wetlands and 1.45 acres of open waters, to facilitate the construction of the Meadowlands Xanadu Redevelopment Project on the Continental Airlines Arena Site, and project related transportation and infrastructure improvements on adjacent rights-of-way and other lands. Of the 7.69 acres of wetlands/waters, approximately 7.05 acres of impacts would occur to tidal emergent wetlands/waters and 0.64 acres to non-tidal emergent wetlands. The redevelopment project is located on the Continental Airlines Arena Site in the Meadowlands Sports Complex, which is owned and operated by the New Jersey Sports and Exposition Authority (NJSEA), and is in the Borough of East Rutherford, Bergen County, New Jersey.

The proposed work would involve the discharge of approximately 230,000 cubic yards of clean fill into six wetlands/waters located on the Continental Airlines Arena Site for project construction, and four wetlands/waters located on lands adjacent to the Arena Site for project-related roadway improvements and stormwater outfalls. The wetlands to be impacted are mostly emergent tidal wetlands that connect to the Hackensack River through a series of culverts along the eastern and northern portions of the Arena Site and drain under the New Jersey Turnpike Western Spur. Cedar Creek and its adjacent wetlands have been heavily impacted and channelized from historic activities including the original construction of the Meadowlands Sports Complex in the 1970s and the first phase of the Route 120 Relocation Project in the mid-1990s.

Wetland impacts for transportation improvements include a flyover roadway to Route 120 from Route 3, including drainage. Stormwater infrastructure improvements associated with the project include routing stormwater from filled areas of Cedar Creek by culvert to the lower portion of Cedar Creek that connect to an existing culvert underneath the New Jersey Turnpike. A new headwall with riprap would be placed at both ends of an existing culvert at Cedar Creek to protect the shoreline from increased water flow. Some small, non-tidal emergent wetlands that were created as part of roadway drainage systems are also proposed to be filled. Wetland and open water areas impacts are shown on the attached drawings and are listed below, as follows:

Wetland Area	Wetland Impacts (Acres)	Open Water Impacts (Acres)	Total Impacts (Acres)
Wetland A	0.91	0.61	1.52
Wetland B	0	0.09	0.09
Wetland C	4.61	0.72	5.33
Wetland C-A	0.03	0	0.03
Wetland C-B	0.08	0	0.08
Wetland D	0.24	0	0.24
Wetland D-A	0.11	0	0.11
Wetland D-B	0.04	0	0.04
Wetland E	0.22	0	0.22
Wetland U	0	0.03	0.03
Total	6.24	1.45	7.69

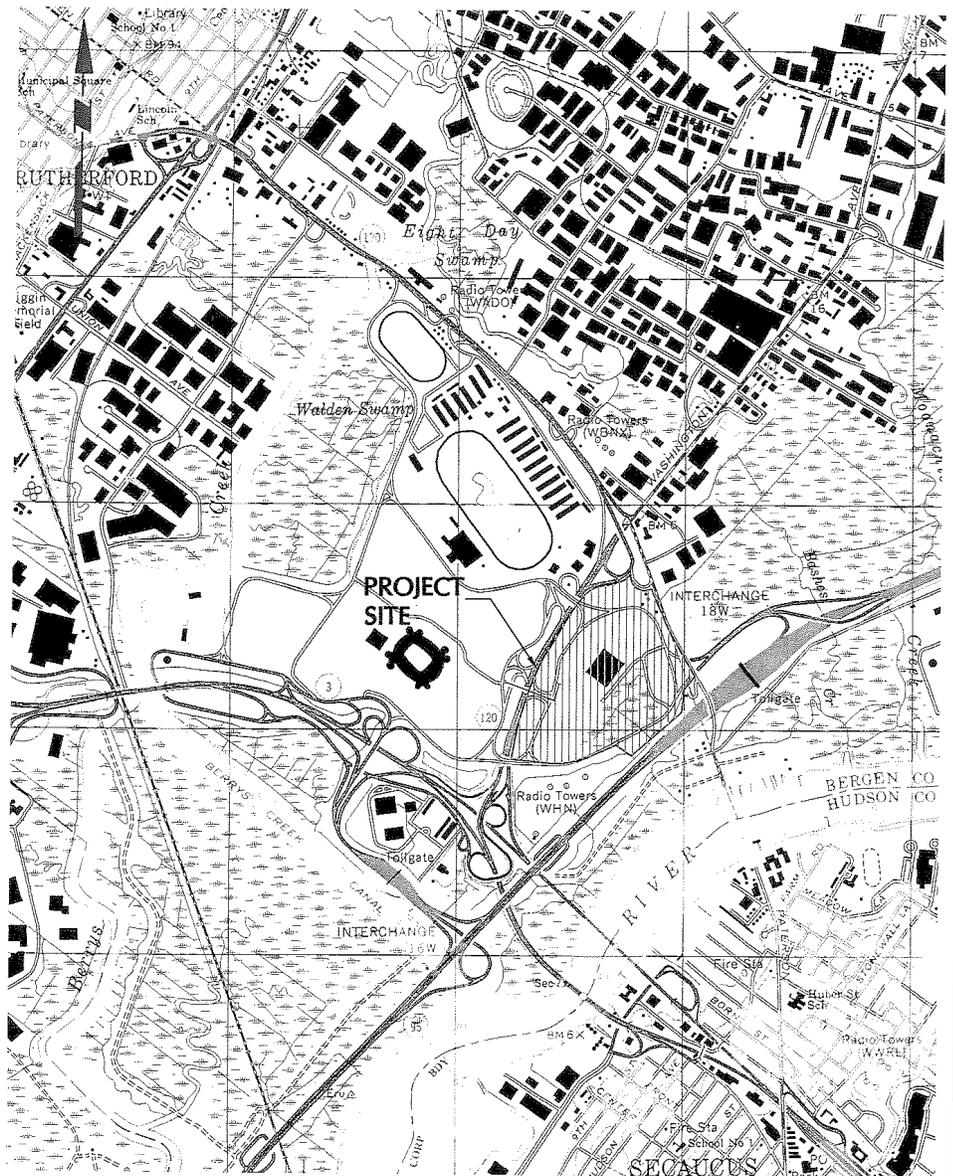
**CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00549-RS**

The stated purpose of the project is to redevelop the Continental Airlines Arena Site at the Meadowlands Sports Complex, as envisioned and authorized by NJSEA and in conformance with the NJSEA's strategic planning objectives, with an economically viable and integrated world-class, mixed-use commercial development that emphasizes sports, recreational and entertainment facilities, and would also consist of a 520-room hotel with conference facilities, four Class A office buildings, minor league baseball stadium, restaurants and ancillary retail, as well as improvements to the transportation network at the Meadowlands Sports Complex. To achieve the stated purpose, the applicant proposes to create a multi-faceted entertainment destination that introduces new, related and complementary uses to the Arena Site, allowing for the continued use of the Arena building by the existing sports franchises and as a premier entertainment venue, with flexibility to allow redevelopment of the Arena building in the future.

The Meadowlands Xanadu Redevelopment Project consists primarily of entertainment/retail, office and hotel uses, with an emphasis on participatory sports, entertainment and recreation venues. The project would provide a multi-use attraction with diverse components of sports and entertainment that complement and enhance the NJSEA's existing Meadowlands Sports Complex attractions. The project concept combines new uses with existing Sports Complex venues to provide an international family entertainment destination. The concept utilizes under-building and structured parking, in an overall shared parking arrangement, to meet the needs of the project, the Arena and a portion of Giants Stadium patrons. The project components total approximately 4.96 million square feet of gross building space and have a total construction cost of over \$1.3 billion. Roadway and related transportation improvements to the Arena Site, as well as to the overall Meadowlands Sports Complex roadway network and nearby regional roadways, are proposed as part of the project.

On another portion of the Meadowlands Sports Complex, the State of New Jersey has been considering the construction of a light rail facility and station. The light rail facility is a separate project that will be the subject of a separate application for a Department of the Army permit, if the State decides to proceed with that project. The proposed Meadowlands Xanadu Redevelopment Project, although unrelated, will be designed to be compatible with any future light rail facility.

As mitigation to compensate for adverse impacts from the proposed filling of wetlands/waters, as described in the permit application, the applicant proposes to preserve a 235-acre portion of an adjacent site known as the Empire Tract. Preservation will take the form of conveying the property, with the authority of the Tract owner and for conservation purposes, to an entity designated by the New Jersey Sports and Exposition Authority or the New Jersey Department of Environmental Protection. The applicant has agreed with the NJSEA to convey all of the 587-acre Empire Tract in similar fashion at a later time.



STATE PLANE COORDINATES: NAD 1983 N 720354 FEET, E 611769 FEET
 REFERENCE: USGS WEEHAWKEN QUADRANGLE NEW JERSEY-NEW YORK 2000
 APPLICANT: MEADOWLANDS MILLS/MACK-CALI LIMITED PARTNERSHIP
 WATERBODY: CEDAR CREEK/HACKENSACK RIVER

0 1000 2000
SCALE IN FEET



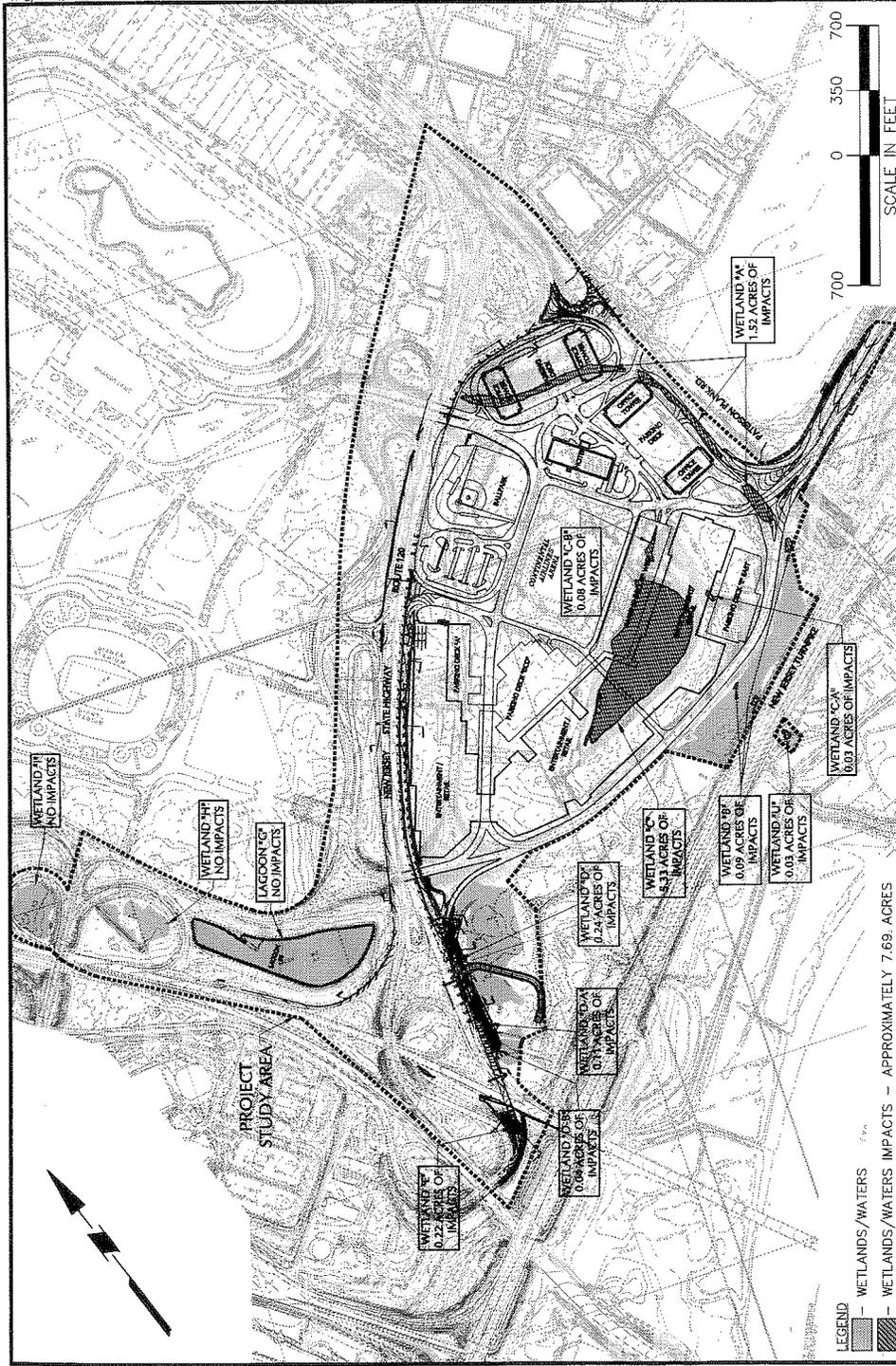
River Drive Center 1
 Elmwood Park, NJ 07407-1338
 (201) 794-6900

NJ Certificate of Authorization No: 24GA27968400
 Elmwood Park, NJ • New York, NY • Philadelphia, PA
 • Doylestown, PA • Miami, FL

Project **MEADOWLANDS XANADU
 SITE LOCATION MAP**

EAST RUTHERFORD/CARLSTADT		NEW JERSEY	
Job No.	Date	Scale	Figure No.
1860001	07-09-04	1"=2000'	1 of 4

Map data: © 2004 ESRI, Inc. All rights reserved. Map data: © 2004 ESRI, Inc. All rights reserved. Map data: © 2004 ESRI, Inc. All rights reserved.



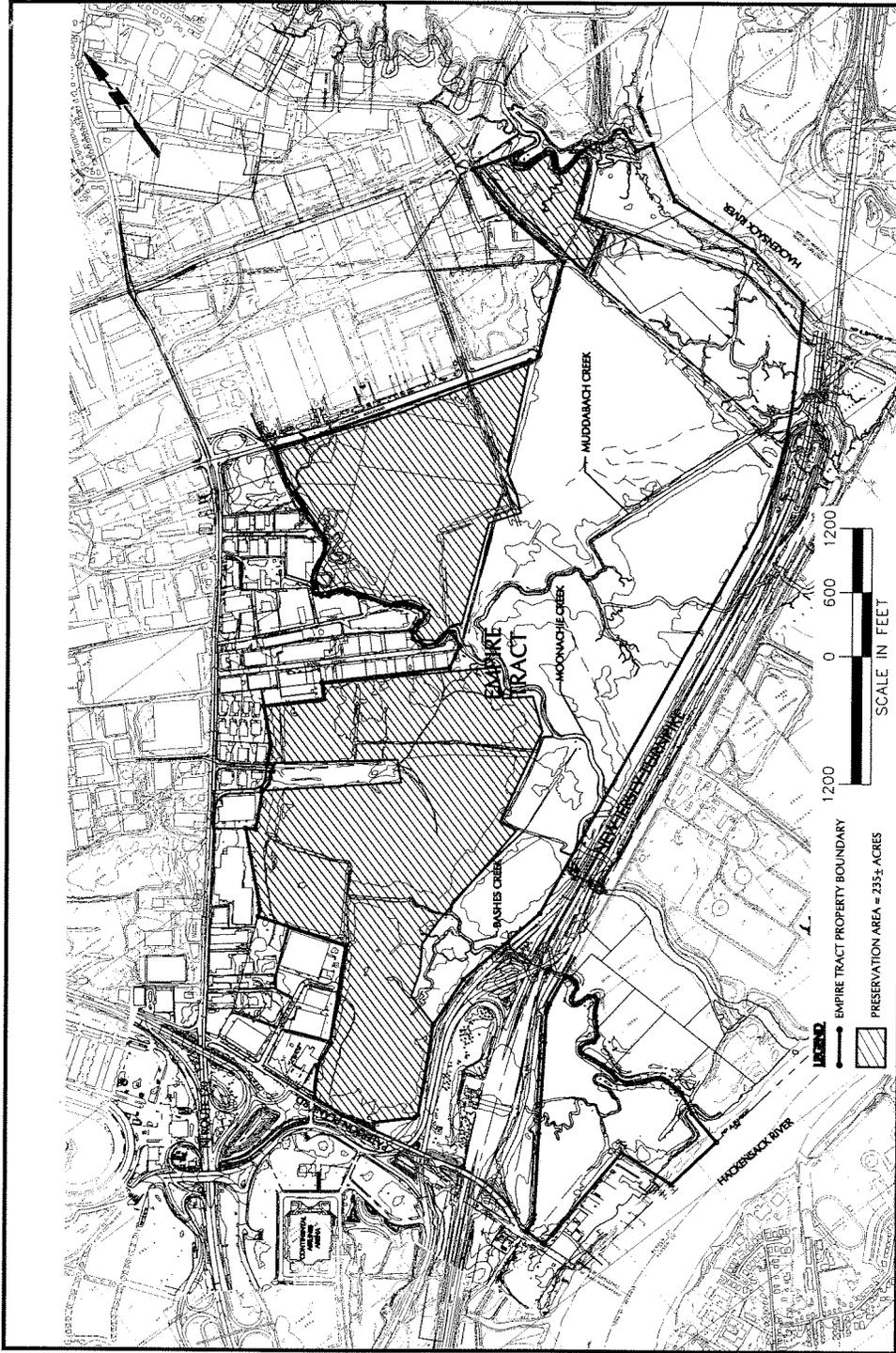
**APPLICANT: MEADOWLANDS MILLS/
MACK-CALI LIMITED PARTNERSHIP
WATERBODY: CEDAR CREEK/
HACKENSACK RIVER**

Langan Engineering and Environmental Services
 • Elmwood Park, NJ • New York, NY • Philadelphia, PA
 • Doylestown, PA • Miami, FL • Philadelphia, PA

Project: MEADOWLANDS XANADU
ESTIMATED WETLAND IMPACT AREA MAP
 EAST RUTHERFORD/CARLSTADT NEW JERSEY

Job No. 1860001 Date 07-09-04 Scale 1" = 700' 3 of 4

36: 6: 1860001\dwg\GIS\odd figures\proj\figure 0 - Wet Impact.dwg Date: 7/12/2004 Time: 16:34 User: pitch Style Table: Langan_OCE.dwg Layout: A Size Sheet: Bottom



**APPLICANT: MEADOWLANDS MILLS/
MACK-CALI LIMITED PARTNERSHIP
WATERBODY: CEDAR CREEK/
HACKENSACK RIVER**

Langan
Engineering and
Environmental Services
• Elmwood Park, NJ • NJ Certificate of Authorization No. 260207000400
• Doylestown, PA • Philadelphia, PA
• Miami, FL

Project
MEADOWLANDS XANADU PROJECT
CONCEPTUAL WETLAND MITIGATION PLAN
EAST RUTHERFORD/CARLSTADT NEW JERSEY

Job No. 1860001
Scale 1" = 1200'
Date 07-13-04
Sheet 4 of 4

File name: G:\data\1860001\Cadd Data - 1860001.Dwg \1860001SK-EX008.DWG Date: 7/13/2004 Time: 15:33 User: szentob Style Table: Langan_CDE.dtb Layout: A Size Sheet (Bottom)