



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: 2004-00792-J2
Issue Date: January 24, 2005
Expiration Date: February 24, 2005

To Whom It May Concern:

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

APPLICANT: Group @ Route 3, LLC
16 Microlab Road, Suite A
Livingston, New Jersey 07039

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction and installation of a 183,000 square foot residential apartment complex.

WATERWAY: Berry's Creek Canal (Hackensack River Basin)

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

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

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

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

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

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, that are either permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States," issued by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, the EFH for several aquatic species and their life stages in the proposed project area could potentially be impacted by the proposed work. Further consultation with National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No 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 any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: New Jersey Department of Environmental Protection Waterfront Development Permit

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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) 264-0185 and ask for James H. Cannon.

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

FR/ 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

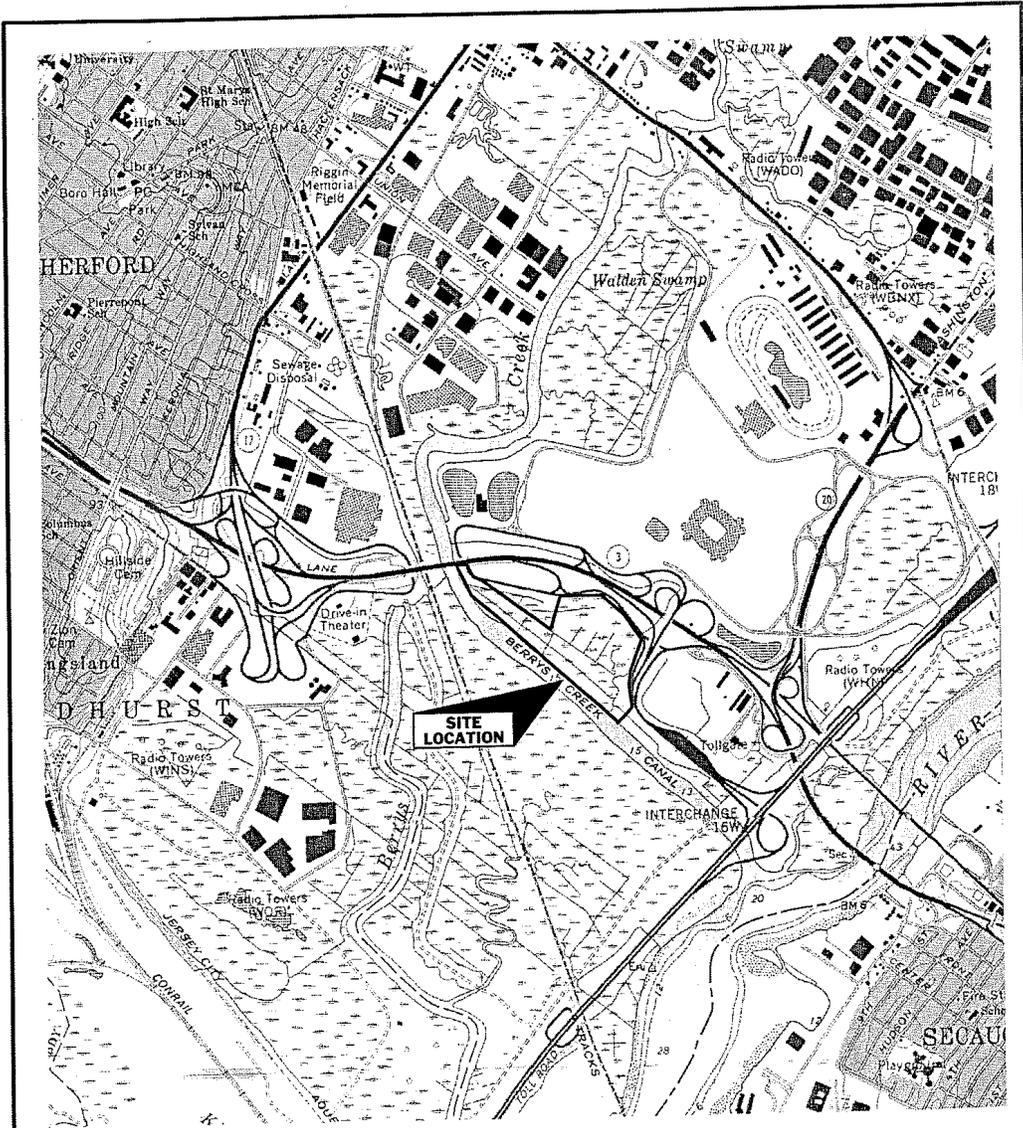
The applicant, the Group @ Route 3, LLC, has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction and installation of a 183,000 square foot residential apartment complex within an existing 42.3 acre site. The site is located within the Hackensack River Basin, in the Borough of East Rutherford, Bergen County, New Jersey. The site has been identified as the Route 3 East Service Road redevelopment area in the New Jersey Meadowlands Commission Master Plan (adopted January 2004).

The proposed work would involve the discharge of approximately 29,500 cubic yards of fill material into approximately 0.89 acres of estuarine intertidal emergent wetlands to facilitate the construction of a 20-story, 614 unit, residential apartment complex. The proposed apartment complex would consist of two apartment towers connected by a central atrium, with a five story garage located beneath each tower. An associated paved emergency fire lane would extend around the perimeter of the site. Additional activities would include the construction and installation of a retaining wall around the perimeter of the fill, a stormwater management system, and an associated outfall structure.

The existing estuarine intertidal emergent wetlands located onsite are associated with Berry's Creek Canal (a tidal tributary the Hackensack River) and are dominated by common reed (Phragmites australis). Several openwater tidal channels extend throughout the site which contain wetland fringes of saltmarsh cordgrass (Spartina alterniflora).

To compensate for the 0.89 acres of permanent tidal emergent wetland impacts associated with the proposed project, the applicant proposes to purchase wetland mitigation credits at a 3:1 ratio at an approved wetland mitigation bank located within the Hackensack Meadowlands District.

The stated purpose of this project would be to meet the need for residential housing within the Meadowlands District.



LOCATION
 State Plane Coordinates:
 720,160' N 2,161,410' E



FIGURE 1: USGS SITE LOCATION	
Block 108.04, Lots 1 and 5 Borough of East Rutherford Bergen County, New Jersey	
Source: USGS, 1981 Weehawkin New Jersey Quadrangle	
EcolSciences, Inc. Environmental Management & Regulatory Compliance	DATE : 6/12/03 SCALE : 1" = 2,000' (:\jobs03\en03-039\en03-039.vsd)

Figure 1 of 4

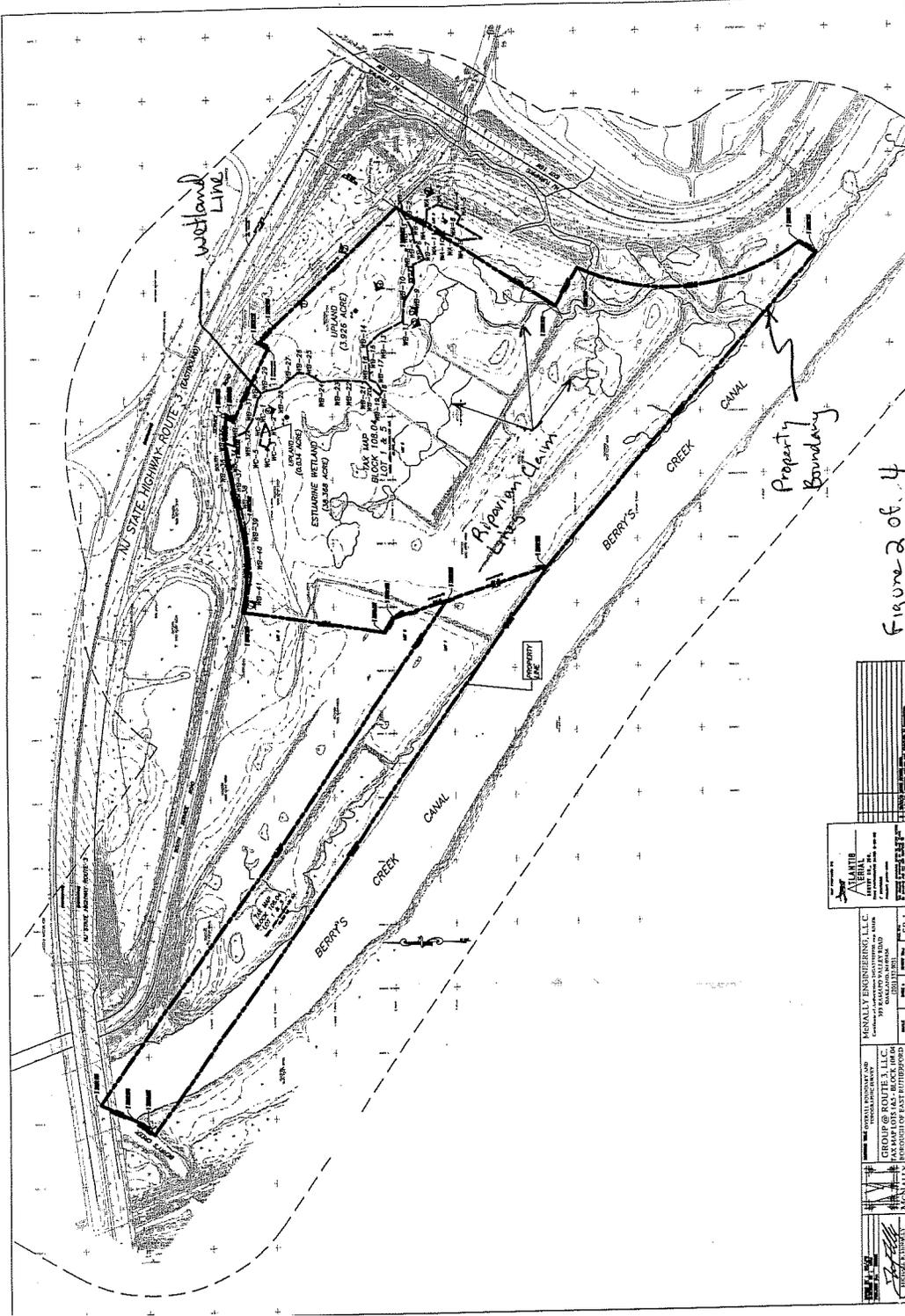
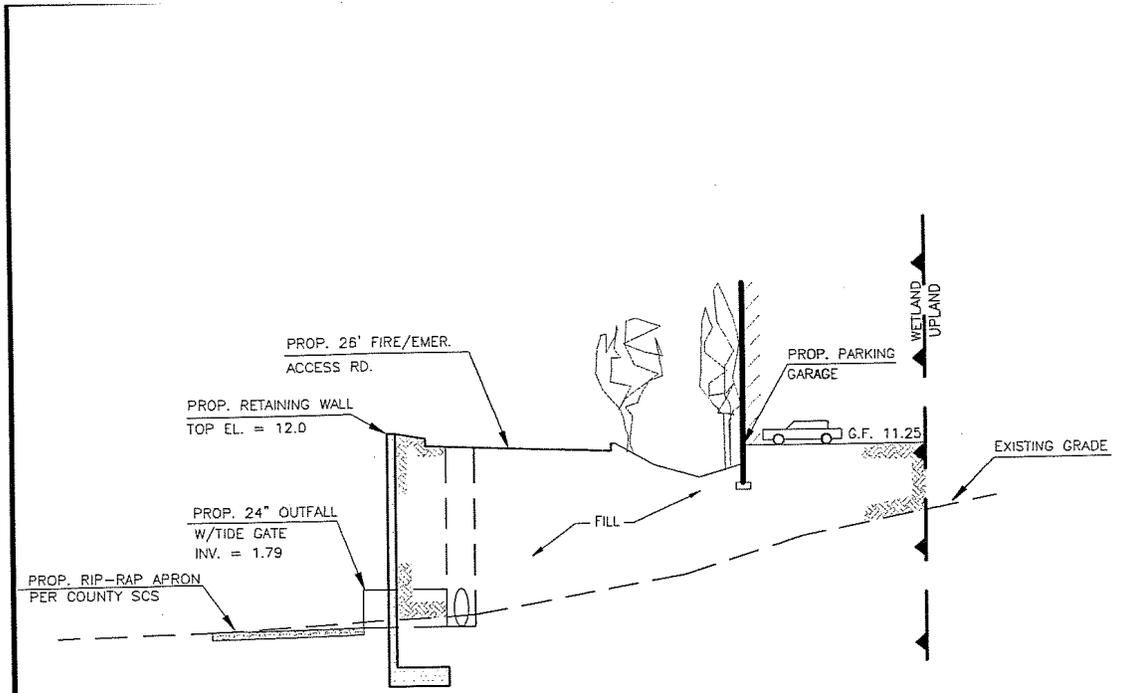
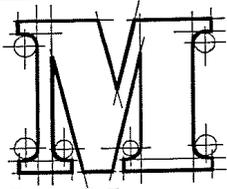


Figure 2 of 4

<p>GROUP & ROUTE 3, LLC PROFESSIONAL ENGINEERING 1000 ROUTE 3, EAST HATFIELD HUNTINGDON COUNTY, NEW JERSEY</p>	<p>MENALLY ENGINEERS, LLC PROFESSIONAL ENGINEERING 1000 ROUTE 3, EAST HATFIELD HUNTINGDON COUNTY, NEW JERSEY</p>	<p>AERIAL 1000 ROUTE 3, EAST HATFIELD HUNTINGDON COUNTY, NEW JERSEY</p>	DATE	SCALE	PROJECT
			7-2-20	AS SHOWN	LOT 1 & 5, LOT 2 & 4, LOT 3, LOT 6, LOT 7, LOT 8, LOT 9, LOT 10, LOT 11, LOT 12, LOT 13, LOT 14, LOT 15, LOT 16, LOT 17, LOT 18, LOT 19, LOT 20, LOT 21, LOT 22, LOT 23, LOT 24, LOT 25, LOT 26, LOT 27, LOT 28, LOT 29, LOT 30, LOT 31, LOT 32, LOT 33, LOT 34, LOT 35, LOT 36, LOT 37, LOT 38, LOT 39, LOT 40, LOT 41, LOT 42, LOT 43, LOT 44, LOT 45, LOT 46, LOT 47, LOT 48, LOT 49, LOT 50, LOT 51, LOT 52, LOT 53, LOT 54, LOT 55, LOT 56, LOT 57, LOT 58, LOT 59, LOT 60, LOT 61, LOT 62, LOT 63, LOT 64, LOT 65, LOT 66, LOT 67, LOT 68, LOT 69, LOT 70, LOT 71, LOT 72, LOT 73, LOT 74, LOT 75, LOT 76, LOT 77, LOT 78, LOT 79, LOT 80, LOT 81, LOT 82, LOT 83, LOT 84, LOT 85, LOT 86, LOT 87, LOT 88, LOT 89, LOT 90, LOT 91, LOT 92, LOT 93, LOT 94, LOT 95, LOT 96, LOT 97, LOT 98, LOT 99, LOT 100



SECTION THROUGH STORM OUTFALL

PROJECT NO.: #03032	
 <p>McNALLY ENGINEERING, LLC</p>	<p>GROUP @ ROUTE 3, LLC. TAX MAP LOTS 1&5 - BLOCK 108.04 BOROUGH OF EAST RUTHERFORD BERGEN COUNTY, NEW JERSEY</p>
	<p>Mc NALLY ENGINEERING, L.L.C. Certificate of Authorization 24GA27928700, exp. 8/31/06 393 RAMAPO VALLEY ROAD OAKLAND, NJ 07436 (201) 337-9051</p> <p style="text-align: right;"><i>Figure 4 of 4</i></p>
S:\Cad\Projects\140114\140114.dwg (04/04 03:24:10 PM) 240516xpand.dwg (04/04 03:24:10 PM)	DATE: 4/20/04 SHEET NO.: DWG. No.:

AS SHOWN