



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: NAN-2007-263-EJE
Issue Date: August 3, 2007
Expiration Date: September 3, 2007

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 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: ProLogis
One Capital Drive, Suite 103
Cranbury, NJ 08512

ACTIVITY: Creation of a wetland mitigation bank.

WATERWAY: Arthur Kill

LOCATION: Town of Woodbridge, Middlesex 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 benefit 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, historic properties, fish and wildlife values, flood hazards, 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, considerations 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.

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

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permit decision process and bears the same weight as that furnished at a public hearing.

The activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. Pursuant to Section 7 of the Endangered Species Act (ESA; 16 U.S.C. 1531), the District Engineer consulted with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat. On November 24, 2003, the U.S. Fish and Wildlife Service (USFWS) stated that no endangered or threatened species were known to occur within the vicinity of the proposed project, and therefore, no further consultation pursuant to Section 7 of the ESA would be necessary. Also, in a letter dated May 22, 2006, the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) stated that no further coordination on the impacts of the proposed project on species listed under jurisdiction of NOAA/FS would be necessary. Furthermore, the USFWS and NOAA/FS have been participating members on the Mitigation Banking Review Team (MBRT) for this project.

According to the New Jersey State Museum's Archaeology/Ethnology Bureau, there are no registered archaeological resources identified within the project boundaries of the project area. Additionally, the site has been historically disturbed and any intact prehistoric artifacts are unlikely. The McMyler coal dumper located on the pier and a wooden harbor open-deck scow were identified as potentially eligible for the National Register; however, these features are not within the project area of the scope of this mitigation bank. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

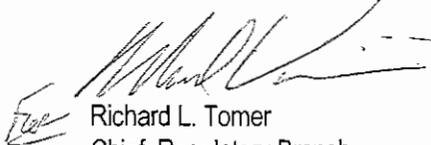
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision. The applicant received a permit from the New Jersey Department of Environmental Protection (NJDEP) on January 7, 2004 and February 8, 2006. Furthermore, NJDEP is a participating member of the MBRT for this project.

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 letter dated February 8, 2006, NJDEP has determined this proposal meets the Department's general consistency concurrence criteria and, therefore, further review of the proposed activity by the NJDEP is not required. Furthermore, NJDEP is a participating member of the MBRT for this project.

The construction of the tidal wetland habitat to be maintained by the Bank has been previously authorized under a separate U.S. Army Corps of Engineers permit (NAN-2007-263-EJE).

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 (917) 790-8420 and ask for Stacey M. Jensen.

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

Enclosures

WORK DESCRIPTION

The applicant and Bank Sponsor, ProLogis, has requested Department of the Army authorization to establish a mitigation bank. The Bank would establish and maintain 11.13 acres of wetland habitat that would be contiguous with an established 1.76-acre wetland mitigation site and a 1.26-acre mitigation site to be constructed as compensation for impacts associated with the Port Reading Business Park. The area currently consists of an undeveloped area of filled tidal marsh. The Sponsor will establish and maintain the created and restored intertidal wetland and open water channels in accordance with the provisions of the Mitigation Banking Instrument (MBI), as well as the Corps' Nationwide Permit 27 (NAN-2007-263-EJE) and the NJDEP General Permit 16. The project occurs in tidal wetlands adjacent to the Arthur Kill, Town of Woodbridge, Middlesex County, New Jersey.

The construction of the Bank entails the following: creation of a meandering channel and the replacement of monotypic stands of *Phragmites australis* with an estuarine wetland system comprising of several distinct community types; primary elements of the proposed system include meandering stream channel, mudflats, high and low salt marsh comprised of *Spartina*-dominated communities and maritime grassland/shrubland. After the initial five-year monitoring period (beginning upon completion of construction and planting), the Sponsor shall continue to provide annual monitoring reports to the Corps and NJDEP on the long-term success of the Bank and to identify any problems requiring remedial action. The long-term monitoring will begin after the initial five-year period, until all Bank credits have been sold or for up to 10 years after the date of completion of construction and initial planting, whichever comes last. Prior to credit release, the Sponsor will provide a Performance Surety Bond acceptable to the Corps equal to 115 percent of the estimated cost of construction. A Maintenance Surety Bond will also be provided by the Sponsor immediately upon the release of the Performance Bond to insure the successful maintenance of the mitigation bank equal to 30 percent of the estimated cost of maintenance for the five-year monitoring period. The Sponsor shall also obtain a Conservation Restriction/Easement that shall be recorded with the Middlesex County Registrar of Deeds at the time of the MBI execution and run in perpetuity.

The Service Area of the proposed Bank would include the following Hydrologic Unit Codes: 02030104050, 02030104030, 02030104020, 02030104010, 02030105160. Impacted tidally-influenced wetlands and other aquatic resources suitable for compensation are those waters of the United States, including wetlands (or waters subject to NJDEP jurisdiction), located within the Service Area.

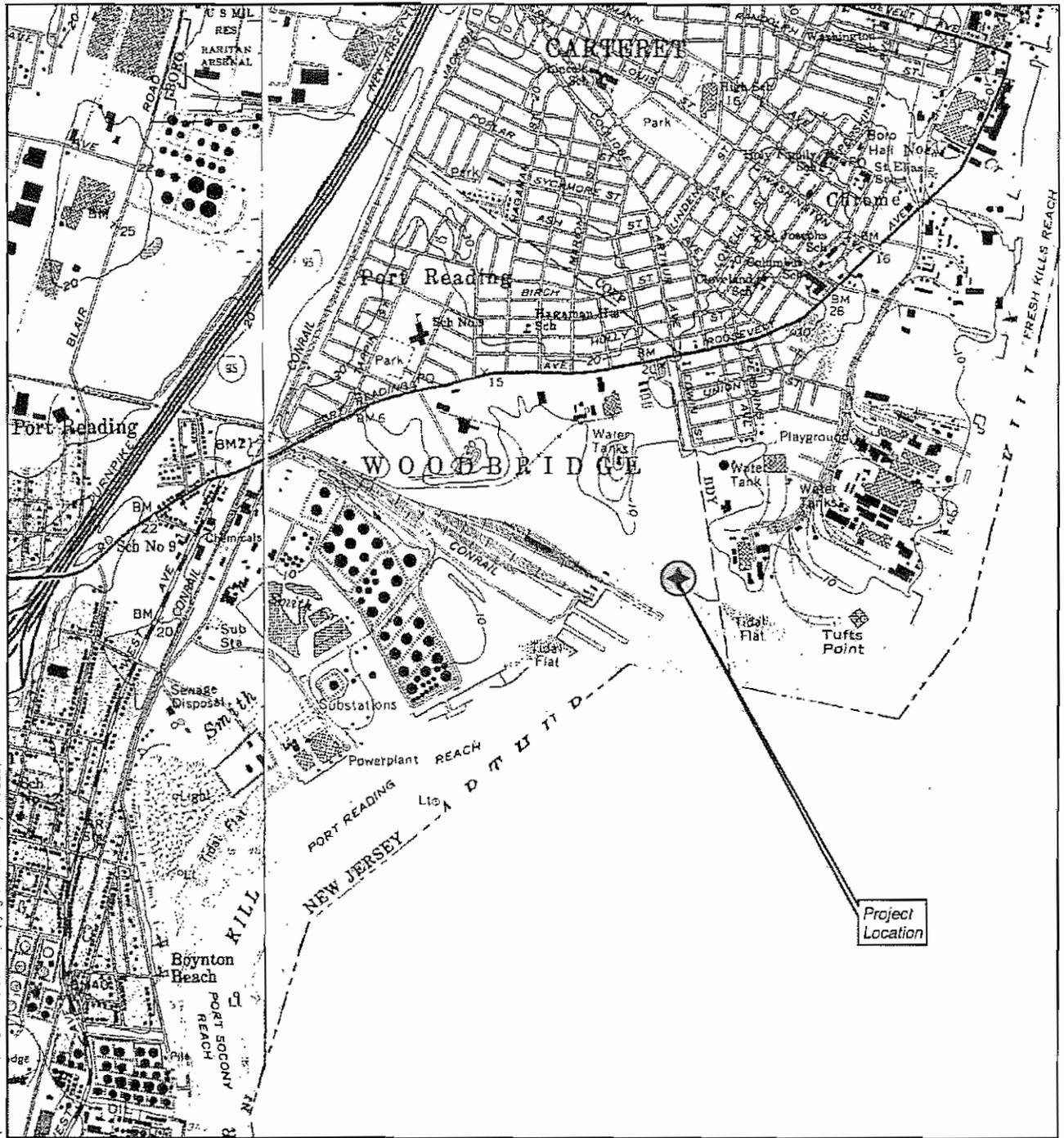
The acres of habitat produced by the establishment of the Bank will be categorized as creation and enhancement/restoration. A ratio of acres of habitat by type to mitigation credits generation will be a 2:1 ratio for creation and a 1:1 ratio for enhancement/restoration. The 1:1 ratio for enhancement is based on the understanding that release of the credits will be contingent on the 5.81 acres of restored/enhanced wetland being deemed successful by the Corps and NJDEP, which will result in a delay in the release of these credits. It is proposed that an approximate total of 8.47 credits will be available to be used as mitigation in accordance with applicable requirements. One (1) credit from the Bank would mitigate for one (1) typical acre of authorized wetland impact.

The Mitigation Banking Review Team (MBRT) consists of representatives of the following agencies: U.S. Army Corps of Engineers, New York District (Chair), U.S. Environmental Protection Agency,

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U.S. Fish and Wildlife Service, National Marine Fisheries Service, New Jersey Department of Environmental Protection. Project proposed for utilization of acre credits will be submitted to the Corps and/or NJDEP for consideration in conjunction with the permitting for such projects. The Sponsor will submit a statement to the MBRT each time credits are debited or additional credits are approved.

The stated purpose of this project is to provide, through the Bank, economically, efficient and flexible compensatory mitigation opportunities for both public and private entities seeking to comply with compensatory mitigation requirements for unavoidable impacts to waters of the United States, including wetlands, which result from activities authorized under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, or the New Jersey Freshwater Wetlands Protection Act of 1987 within the mitigation bank service area. The use of the proposed mitigation bank would contribute to the long-term ecological functioning of the Hudson Raritan Estuary and Arthur Kill Watershed Management Area, with an immediate goal of no-net-loss and a long-term goal of a net gain in wetland functions and values.

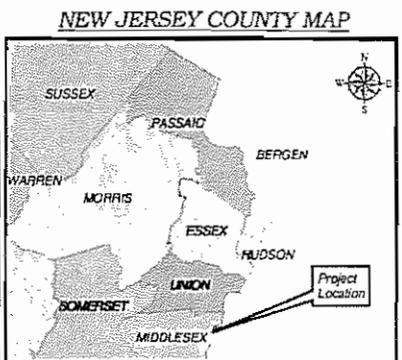


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Figure 1: SITE LOCATION MAP
 PORT READING WETLAND MITIGATION BANK
 CARTERET BOROUGH AND
 WOODBRIDGE TOWNSHIP
 MIDDLESEX COUNTY, NEW JERSEY

PRINCETON HYDRO, LLC.
 1108 OLD YORK ROAD
 P.O. BOX 720
 RINGOES, NJ 08551



Legend

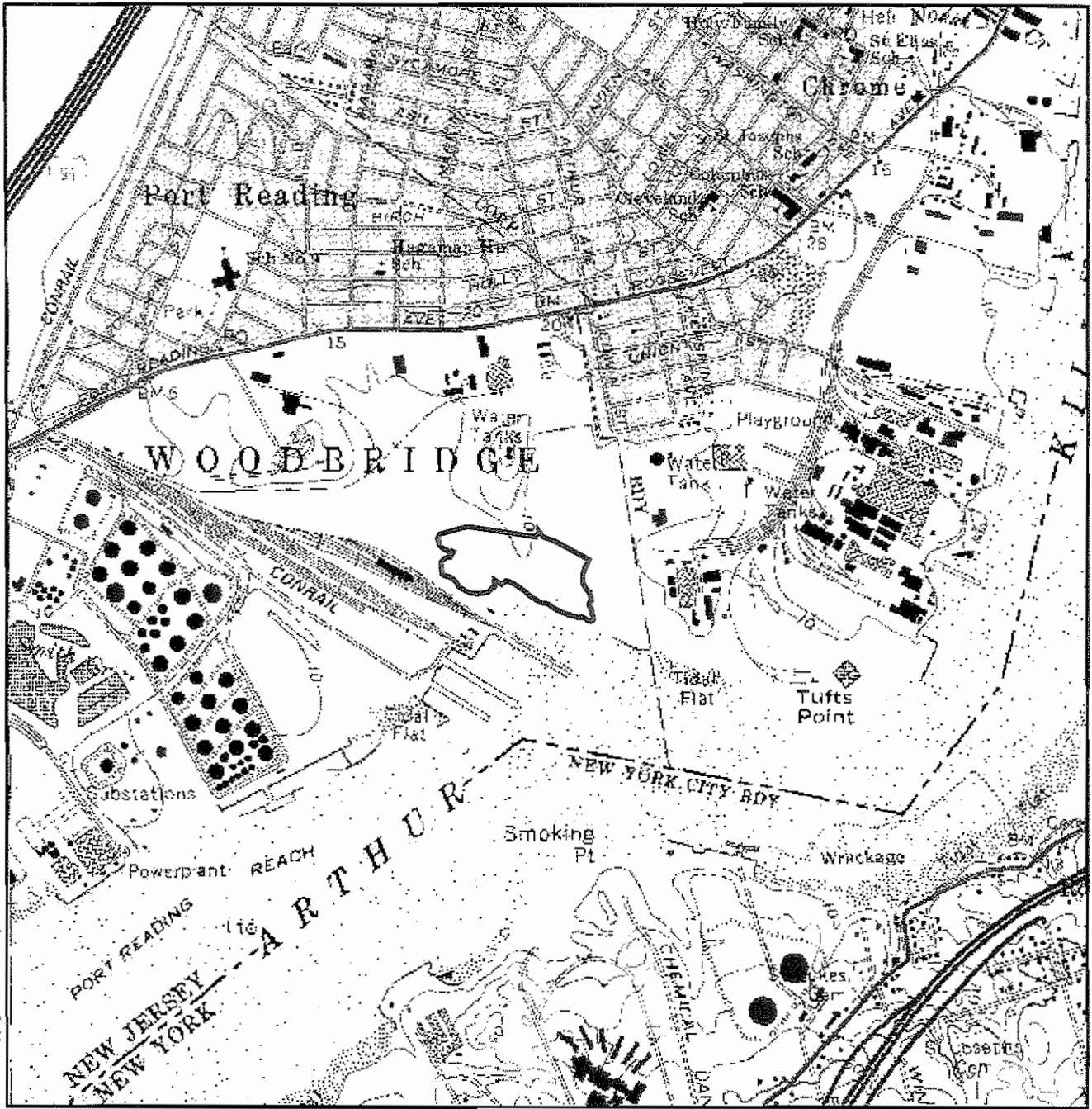
 Site Location



1 inch equals 2,000 feet

- SOURCES:**
1. Site location digitized by Princeton Hydro personnel.
 2. USGS Quadrangle for Arthur Kill NY-NJ as obtained from NJDEP GIS website.

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Princeton Hydro



USGS TOPOGRAPHIC BASEMAP

PORT READING MITIGATION BANK
WOODBRIDGE TOWNSHIP

MIDDLESEX COUNTY, NEW JERSEY

LEGEND



0 375 750 1,500
Feet

1 inch equals 1,500 feet

PRINCETON HYDRO, LLC.
1108 OLD YORK ROAD
P.O. BOX 720
RINGOES, NJ 08551

SOURCES:

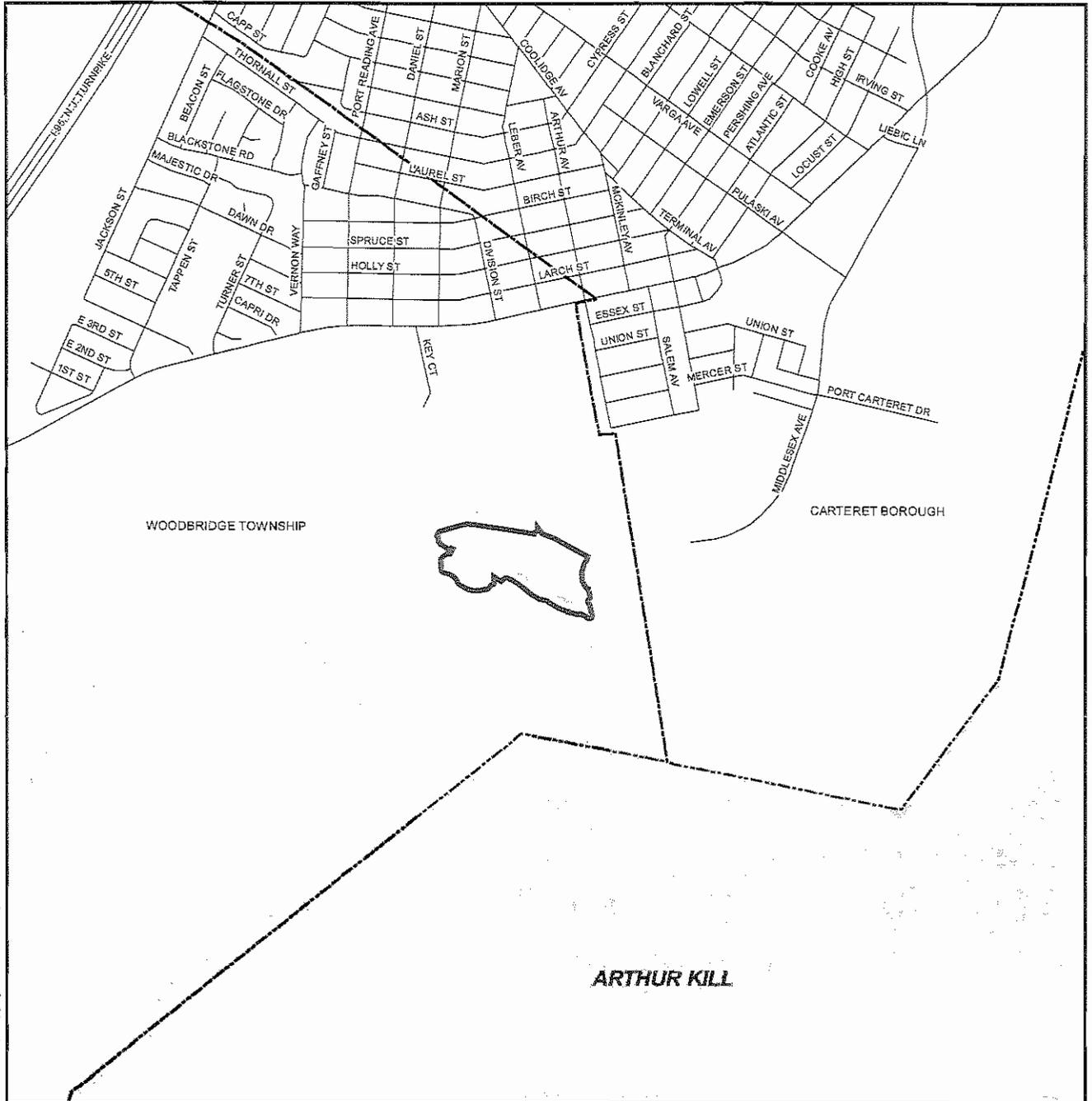
1. Project site boundaries are not an official PLS survey. Inaccuracies may exist.
2. Digital USGS 7.5 Minute Series quadrangle map for Arthur Kill, NJ obtained from the New Jersey Geological Survey.

NEW JERSEY COUNTY MAP



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File: P:\0652\p\proj\c\0652\01\GIS\MAX\RoadMap.mxd Jul 13, 2006 8:38:00 AM, Copyright Princeton Hydro, LLC.

Princeton Hydro



COUNTY ROAD MAP
 PORT READING MITIGATION BANK
 WOODBRIDGE TOWNSHIP
 MIDDLESEX COUNTY, NEW JERSEY

PRINCETON HYDRO, LLC.
 1108 OLD YORK ROAD
 P.O. BOX 720
 RINGOES, NJ 08551

NEW JERSEY COUNTY MAP

LEGEND

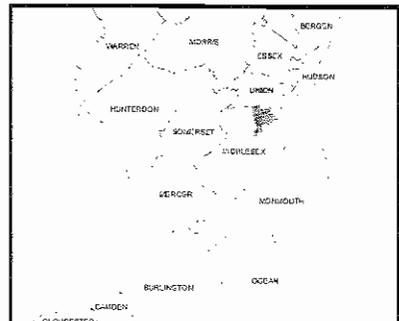
- Project Site
- Streams
- Lakes
- Roads
- Municipal Boundaries
- County Boundaries

0 375 750 1,500
 Feet

1 inch equals 1,500 feet

SOURCES:

- Project site boundaries are not an official PLS survey. Inaccuracies may exist.
- Municipal boundaries, county boundaries, streams, lakes, and roads as obtained from the NJDEP GIS website.



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NEW JERSEY COUNTY MAP

SOURCES:
 1. Final data obtained from the NJ DOT (2005)
 2. County boundaries obtained from the NJ State Office of Information Services

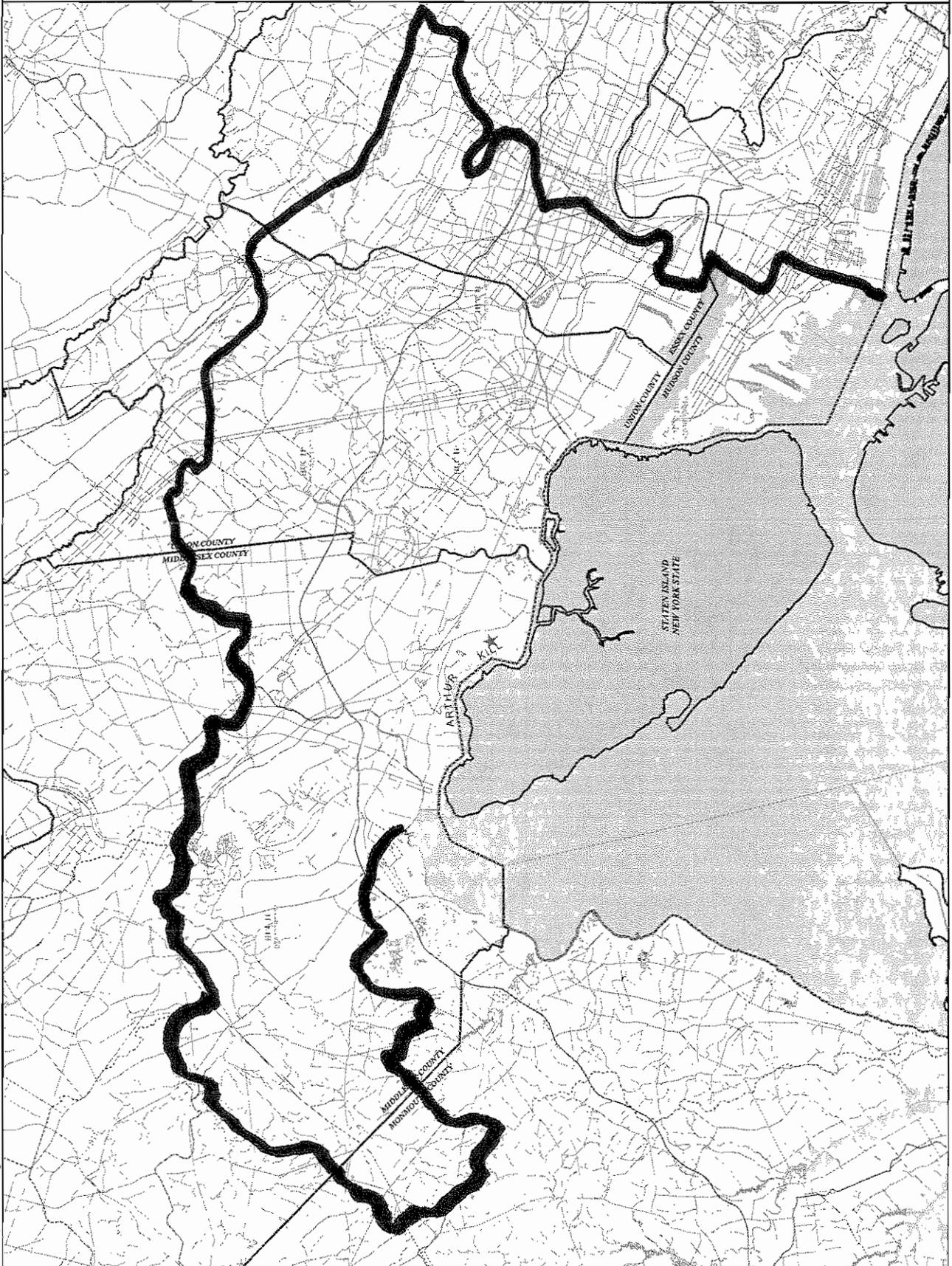
PROLOGIS
 The Global Infrastructure Services Company

PRINCETON HYDRO, LLC
 CIVIL AND SANITARY ENGINEERS
 1100 BRIDGE STREET, SUITE 1
 PRINCETON, NJ 08542
 PHONE: 908 233 2660
 FAX: 908 233 2660
 OFFICES IN: PHOENIX, AZ AND ESTON, PA

PROJECT NAME/LOCATION:
 FORT HENNING MITIGATION BANK
 WOODBRIDGE TOWNSHIP AND
 BOROUGHS OF CARTERET
 MIDDLESEX COUNTY, NEW JERSEY

SERVICE AREA MAP

Legend
 * Mitigation Bank Location
 --- County Boundary
 --- Township Boundary
 --- Borough Boundary
 --- City Boundary
 --- State Boundary
 --- Water Body



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Table 1: Wetland Mitigation Credit Totals

Wetland Mitigation Credit Totals			
Mitigation Category	Acre/Credit	Acres	Credits
Wetland Creation	2:1	5.32	2.66
Wetland Enhancement/Restoration*	1:1	5.81	5.81
TOTAL		11.13	8.47

* Release of credits to be delayed until the site deemed successful by Corps and NJDEP.

Table 2: Debiting Schedule of Available Credits for wetland creation aspect of the mitigation project

Task Completed	Percent Acre Credits Available (% of 2.66 acres)	Acre Credits Available
Execution of Banking Instrument and Permit Approvals	20%	0.532
Establishment of Hydrological Regime	20%	0.532
Completion of Planting	20%	0.532
After 1 st Year of Meeting Performance Standards ⁽¹⁾	20%	0.532
After 3 rd Year of Meeting Performance Standards ⁽²⁾	15%	0.399
After 5 th Year of Meeting Performance Standards ⁽³⁾	5%	0.133
TOTAL	100%	2.66 acre credits

- (1) Year 1:
Demonstrate that wetlands and uplands have been created in the ratios approved by the MBRT. Report percent survival and areal coverage of planted areas and document any planting and remediation plans.
- (2) Year 3:
Demonstrate 80-85 percent survival of the target mitigation vegetative species target density or 80-85 percent of the target mitigation vegetative species areal coverage in the wetlands.
- (3) Year 5:
The year 5 monitoring standards include the following;

- a. Documentation that the goals of the wetland mitigation project including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also included a field delineation of the wetland mitigation project based on the techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
- b. Documentation that the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The permittee must also document that all plant species are healthy and thriving and if the plant community contains trees that the trees are at least five feet in height;
- c. Documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifloia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);
- d. Documentation that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site, is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period; and
- e. Documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil throughout the delineated wetlands.

V. MAINTENANCE AND MONITORING OF THE BANK

A. Maintenance Provisions

The Sponsor agrees to perform all necessary work to maintain the Bank consistent with the maintenance criteria established in the Banking Instrument Report and Mitigation Bank Design Plans. The Sponsor shall continue with such maintenance activities until closure of the Bank. Upon closure of the Bank, the Sponsor shall implement the management requirements established in the Closure Plan (Exhibit H). Deviation from the approved maintenance plan is subject to review and written approval by the MBRT.

B. Monitoring Provisions

The Sponsor agrees to perform all necessary work to monitor the Bank to demonstrate compliance with the success criteria established in this MBI and any regulatory permits. Monitoring will be performed in accordance with Federal and State standards and