

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
Environmental Compliance Correspondence

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
April 16, 2020 Conditional Federal Consistency Determination  
and  
Water Quality Certification



## State of New Jersey

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

CATHERINE R. McCABE  
Commissioner

April 16, 2020

Mr. Peter Wepler, Chief  
Environmental Analysis Branch  
U.S. Army Corps of Engineers, New York District  
26 Federal Plaza  
New York, New York 10278-0090

RE: Rahway River Basin Coastal Storm Risk Management Project

Dear Mr. Wepler:

The NJDEP Division of Land Use Regulation (Division) is writing in regard to the U.S. Army Corps of Engineers (ACOE), New York District's Final Integrated Feasibility Report and Environmental Assessment (FIFR/EA) for the Rahway River Basin, New Jersey, Coastal Storm Risk Management Feasibility Study and, more specifically, the Clean Water Act, Section 401 Water Quality Certification (WQC) and the Coastal Zone Management Act, Section 307 Federal Consistency decisions for the Project.

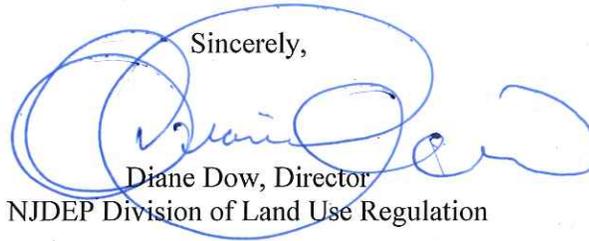
The FIFR/EA recommends Alternative 4a: 10% ACE Non-Structural Plan+ Levee Segment, and identified it as the National Economic Development (NED) Plan. The principle features of the plan include:

- a) Non-structural measures for 110 structures (106 residential, 4 non-residential) in the 10% ACE (10-yr) floodplain. Nonstructural measures were designed to the future conditions 1% ACE (100-yr) water surface elevation plus one foot to account for water surface perturbations in the "intermediate" relative sea level change scenario; and
- b) A 2,520 feet long levee and 1,968 feet long floodwall designed to an elevation of 14.2 feet North American Vertical Datum of 1988 (NAVD88). The levee/floodwall is located next to the right bank of the Rahway River, approximately 1.2 miles downstream of the confluence with the South Branch. The upstream end is located at the industrial/commercial area in Woodbridge Township, and the structure continues downstream to Joseph Medwick Park in the Borough of Carteret.

The Division has no significant issues or major concerns with the ACOE moving forward with further design of this important project. The Division does not foresee any problems that would preclude issuance of a Federal Consistency determination/WQC for the Rahway Coastal Storm Risk Management Project, provided that the ACOE submits a Federal Consistency/WQC request for the final selected project design and the Division can confirm that the proposed project is consistent with its Coastal Zone Management rules.

The Division looks forward to coordinating with the ACOE during the next phase of the project and to receiving the ACOE request for the WQC and Federal Consistency decisions. If you have any questions, please contact me at (609) 984-3444.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Dow", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the beginning and end.

Diane Dow, Director  
NJDEP Division of Land Use Regulation

cc: Virginia Kopkash, Assistant Commissioner  
Dave Rosenblatt, Assistant Commissioner  
William Dixon & John Moyle, NJDEP Engineer and Construction

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
January 17, 2020 New Jersey State Historic  
Preservation Letter to USACE



**State of New Jersey**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

MAIL CODE 501-04B

P.O. BOX 420

TRENTON, NJ 08625-0420

TEL: # 609-984-0176 FAX: # 609-984-0578

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CATHERINE R. McCABE  
*Commissioner*

January 17, 2020

Peter M. Weppler  
Chief, Environmental Analysis Branch  
Department of the Army  
Corps of Engineers, New York District  
26 Federal Plaza  
Jacob K. Javits Federal Building  
New York, NY 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing consultation comments for the following proposed undertaking:

**Union County, Rahway City  
Programmatic Agreement  
Rahway River Coastal Storm Risk Management Project  
United States Department of the Army, Corps of Engineers**

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Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the case report and draft Programmatic Agreement for the Rahway River Coastal Storm Risk Management Project, received at our office on December 20, 2019, for the above-referenced undertaking. Based on our review, the HPO finds the draft Programmatic Agreement generally acceptable with the following comments:

- Stipulations IV.C.2.D and E
  - These two stipulations are duplicates of each other. Please remove the duplicate.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

**Additional Comments**

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology or Lindsay Thivierge (609) 292-4091 with questions regarding historic architecture. Please reference the HPO project number 17-1302, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

A handwritten signature in cursive script that reads "Katherine J. Marcopul".

Katherine J. Marcopul  
Deputy State Historic  
Preservation Officer

Cc: Carissa Scarpa, USACE (via e-mail)

KJM/MMB/JWR

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
December 16, 2019 USACE Letter to  
Middlesex County Office of Culture and Heritage



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

December 16, 2019

Reply to the Attention of  
Environmental Analysis Branch

Mr. Mark Nonestied, Division Director  
Middlesex County Office of Culture and Heritage  
Division of Historic Sites and History Services  
1050 River Road  
Piscataway, NJ 08854

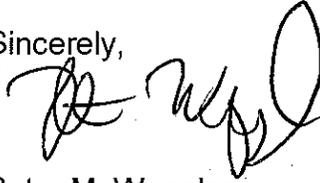
Dear Mr. Nonestied:

The U.S. Army Corps of Engineers, New York District (District) and the New Jersey Department of Environmental Protection (NJDEP) are preparing to release the Final Rahway River Coastal Storm Risk Management Integrated Feasibility Report and Environmental Assessment. The District has been working to advance the design of the Tentatively Selected Plan (TSP), which is now being referred to as the Recommended Plan. The Recommended Plan consists of 3,780 linear feet of combination levee and floodwall, 1,308 feet of road raising along Englehardt Avenue, and nonstructural treatments to 112 structures. Please note that the refinements to the design resulted in slight modifications to the APE including adding 472 feet of levee/floodwall at the western end of the alignment, the road raising at Englehardt Avenue, and reducing the number of treated structures to 112 from the 136 originally proposed as the TSP.

The District prepared a draft case report and Programmatic Agreement in accordance with NEPA, Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to identify significant historic and cultural resources in the Area of Potential Effect (APE) that may be effected by the proposed undertaking and to address the potential for adverse effects. In addition to your office, the case report and PA were provided to the New Jersey State Historic Preservation Office (NJSHPO), federally recognized tribes, and historical groups in April of 2017 for review and comment. The enclosed case report and PA has been updated to include the Recommended Plan and to incorporate any comments received (Enclosure 1). This final draft is being provided once again to all the consulting parties for a final review prior to execution of the agreement.

Thank you for your interest in consulting with us on this project. Please review the case report and PA and provide any additional comments within 30 days of receipt of this letter. If you or your staff require additional information or have any questions, please contact Ms. Carissa Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large loop at the end.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
December 16, 2019 USACE Letter to  
Carteret Historical Committee/Blazing Star Cultural Resource Arts  
Center



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

December 16, 2019

Reply to the Attention of  
Environmental Analysis Branch

Ms. Susan Wentzel  
Carteret Historical Committee/ Blazing Star Cultural Arts Center  
63 Carteret Ave  
Carteret, NJ 07008

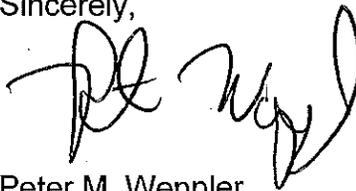
Dear Ms. Wentzel:

The U.S. Army Corps of Engineers, New York District (District) and the New Jersey Department of Environmental Protection (NJDEP) are preparing to release the Final Rahway River Coastal Storm Risk Management Integrated Feasibility Report and Environmental Assessment. The District has been working to advance the design of the Tentatively Selected Plan (TSP), which is now being referred to as the Recommended Plan. The Recommended Plan consists of 3,780 linear feet of combination levee and floodwall, 1,308 feet of road raising along Englehardt Avenue, and nonstructural treatments to 112 structures. Please note that the refinements to the design resulted in slight modifications to the APE including adding 472 feet of levee/floodwall at the western end of the alignment, the road raising at Englehardt Avenue, and reducing the number of treated structures to 112 from the 136 originally proposed as the TSP.

The District prepared a case report and draft Programmatic Agreement in accordance with NEPA, Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to identify significant historic and cultural resources in the Area of Potential Effect (APE) that may be effected by the proposed undertaking and to address the potential for adverse effects. The case report and PA were provided to the New Jersey State Historic Preservation Office (NJSHP), federally recognized tribes, and historical groups, including the Carteret Historical Committee, in April of 2017 for review and comment. The enclosed case report and PA has been updated to include the Recommended Plan and to incorporate any comments received from your office, interested parties, and the public (Enclosure 1). This final draft is being provided once again to interested parties for a final review prior to execution of the agreement.

Thank you for your interest in this project. Please review the updated case report and PA and provide any additional comments within 30 days of receipt of this letter. If you require additional information or have any questions, please contact Ms. Carissa Scarpa at (917) 790-8612. Thank you for your assistance with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with the first name "Peter" and last name "Wepler" clearly distinguishable.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
December 16, 2019 USACE Letter to  
Delaware Nation



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

December 16, 2019

Reply to the Attention of  
Environmental Analysis Branch

Ms. Kim Penrod  
Cultural Preservation Director  
Delaware Nation  
P.O. Box 825  
Anadarko, OK 73005

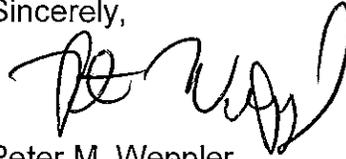
Dear Ms. Penrod:

The U.S. Army Corps of Engineers, New York District (District) and the New Jersey Department of Environmental Protection (NJDEP) are preparing to release the Final Rahway River Coastal Storm Risk Management Integrated Feasibility Report and Environmental Assessment. The District has been working to advance the design of the Tentatively Selected Plan (TSP), which is now being referred to as the Recommended Plan. The Recommended Plan consists of 3,780 linear feet of combination levee and floodwall, 1,308 feet of road raising along Englehardt Avenue, and nonstructural treatments to 112 structures. Please note that the refinements to the design resulted in slight modifications to the APE including adding 472 feet of levee/floodwall at the western end of the alignment, the road raising at Englehardt Avenue, and reducing the number of treated structures to 112 from the 136 originally proposed as the TSP.

The District prepared a draft case report and Programmatic Agreement in accordance with NEPA, Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to identify significant historic and cultural resources in the Area of Potential Effect (APE) that may be effected by the proposed undertaking and to address the potential for adverse effects to historic and cultural resources. The case report and PA were provided to the New Jersey State Historic Preservation Office as well as the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, your tribe, and other interested parties, in April of 2017 for review and comment. The enclosed case report and PA has been updated to include the "Recommended Plan" and to incorporate any comments received (Enclosure 1). This final draft is being provided once again for review and comment prior to execution of the agreement.

Thank you for your interest in consulting with the District on this project. Please review the case report and PA and provide any additional comments within 30 days of receipt of this letter. If you or your staff require additional information or have any questions, please contact Ms. Carissa Scarpa at (917) 790-8612. Thank you for your assistance with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Weppeler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter M. Weppeler  
Chief, Environmental Analysis Branch

Enclosure

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
December 16, 2019 USACE Letter to  
Delaware Tribe



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

December 16, 2019

Reply to the Attention of  
Environmental Analysis Branch

Ms. Susan Bachor  
Delaware Tribe  
Historic Preservation Representative  
P.O. Box 64  
Pocono Lake, PA 18347

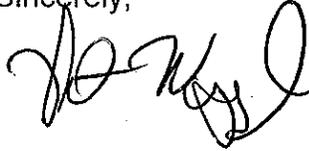
Dear Ms. Bachor:

The U.S. Army Corps of Engineers, New York District (District) and the New Jersey Department of Environmental Protection (NJDEP) are preparing to release the Final Rahway River Coastal Storm Risk Management Integrated Feasibility Report and Environmental Assessment. The District has been working to advance the design of the Tentatively Selected Plan (TSP), which is now being referred to as the Recommended Plan. The Recommended Plan consists of 3,780 linear feet of combination levee and floodwall, 1,308 feet of road raising along Englehardt Avenue, and nonstructural treatments to 112 structures. Please note that the refinements to the design resulted in slight modifications to the APE including adding 472 feet of levee/floodwall at the western end of the alignment, the road raising at Englehardt Avenue, and reducing the number of treated structures to 112 from the 136 originally proposed as the TSP.

The District prepared a draft case report and Programmatic Agreement in accordance with NEPA, Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to identify significant historic and cultural resources in the Area of Potential Effect (APE) that may be effected by the proposed undertaking and to address the potential for adverse effects to historic and cultural resources. The case report and PA were provided to the New Jersey State Historic Preservation Office as well as the Delaware Nation, the Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, your tribe, and other interested parties, in April of 2017 for review and comment. The enclosed case report and PA has been updated to include the Recommended Plan and to incorporate any comments received (Enclosure 1). This final draft is being provided once again for review and comment prior to execution of the agreement.

Thank you for your interest in this project. The District is in receipt of your letter of June 5, 2017 requesting additional information regarding the depth of disturbance and plans for constructing the levee (Enclosure 2). While many of the design details are still in development at this time, enclosed is a set of typical designs for levees and floodwalls that may help to estimate the limits of disturbance for these measures (Enclosure 3). Please review the case report, PA, and other materials provided and provide any additional comments within 30 days of receipt of this letter. If you or your staff would like to schedule a conference call to discuss the project further please contact Ms. Carissa Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
December 16, 2019 USACE Letter to  
State of New Jersey Department of Environmental  
Protection Historic Preservation Office



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

December 16, 2019

Reply to the Attention of  
Environmental Analysis Branch

Ms. Katherine Marcopul  
Deputy State Historic Preservation Officer  
State of New Jersey Department of Environmental Protection  
Historic Preservation Office  
PO Box 420  
Trenton, NJ 08625-0420

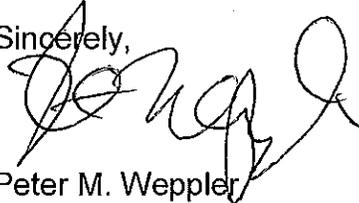
Dear Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (District) and the New Jersey Department of Environmental Protection (NJDEP) are preparing to release the Final Rahway River Coastal Storm Risk Management Integrated Feasibility Report and Environmental Assessment. The District has been working to advance the design of the Tentatively Selected Plan (TSP), which is now being referred to as the Recommended Plan. The Recommended Plan consists of 3,780 linear feet of combination levee and floodwall, 1,308 feet of road raising along Englehardt Avenue, and nonstructural treatments to 112 structures. Please note that the refinements to the design resulted in slight modifications to the APE including adding 472 feet of levee/floodwall at the western end of the alignment, the road raising at Englehardt Avenue, and reducing the number of treated structures to 112 from the 136 originally proposed as the TSP.

The District prepared a draft case report and Programmatic Agreement in accordance with NEPA, Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to identify significant historic and cultural resources in the Area of Potential Effect (APE) that may be effected by the proposed undertaking and to address the potential for adverse effects. The case report and PA were provided to your office, the Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee of Oklahoma, the Shawnee Tribe of Oklahoma, and historical groups in April of 2017 for review and comment. The enclosed case report and PA has been updated to include the revised plan, the "Recommended Plan," and to incorporate any comments received from your office, interested parties, and the public (Enclosure 1). This final draft is being provided once again to all the consulting parties for a final review prior to execution of the agreement.

Please review the case report and PA and provide any additional comments within 30 days of receipt of this letter. If you or your staff require additional information or have any questions, please contact Ms. Carissa Scarpa at (917) 790-8612. Thank you for your assistance with this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Weppler', written in a cursive style.

Peter M. Weppler  
Chief, Environmental Analysis Branch

Enclosure

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
October 23, 2019 USACE Letter to  
State of New Jersey Department of Environmental Protection  
Division of Land Use Regulation



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278-0090

Environmental Analysis Branch

October 23, 2019

Diane Dow  
Director  
New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625

Dear Ms. Dow:

The U.S. Army Corps of Engineers (Corps), New York District (District), in cooperation with the New Jersey Department of Environmental Protection (NJDEP) is conducting a feasibility study to examine coastal flood risk management measures along the within the tidal portion of the Rahway River Basin.

Your office reviewed and provided comments to the Draft Integrated Feasibility Report/Environmental Assessment (DIFR/EA) via a letter dated August 19, 2019 (Enclosure 1). The District is requesting an acceptable process by which to achieve and sustain compliance with statutes and regulations under your jurisdiction. Please note that the DIFR/EA was developed in adherence to the Corps' SMART Planning Civil Works Planning processes and schedules for Feasibility level studies. As such, the level of detail of some of the information (e.g. final designs, final compensatory mitigation plan) requested by your agency in your letter will not be developed until the Preconstruction Engineering Design Phase (PED) which occurs once a study has been authorized and appropriated for construction. Project permits are applied for and obtained during the PED Phase. Therefore, the District will be requesting the Federal Consistency Determination and Section 401 Water Quality Certificate in the PED Phase.

However, as part of the finalization of the FR/EA, the District needs documentation from your agency stating that it does not foresee any problems that would preclude issuance of the Federal Consistency Determination/Water Quality Certificate. This letter serves as a request for such documentation.

The District will continue to coordinate with your office. Should any questions arise during your review of the report, or if additional information is required, please contact Ms. Kimberly Rightler, Project Biologist at (917) 790-8722 or via email at [kimberly.a.rightler@usace.army.mil](mailto:kimberly.a.rightler@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Wepler".

Peter Wepler  
Chief, Environmental Analysis Branch

Enclosure  
cc: Moyle, Dam Safety/Flood Engineering

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
August 19, 2019 NJDEP Division of Land Use Letter to  
USACE



## State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

Ms. Rifat Silam  
Project Manager  
Programs and Projects Management Division  
New York District U.S. Army Corps of Engineers  
26 Federal Plaza, Room 2151  
New York, New York 10278

AUG 19 2019

RE: Division of Land Use Regulation File No. 0000-19-0019.1, CDT190001  
Draft Integrated Feasibility Report & Environmental Assessment Rahway River  
Basin, New Jersey Coastal Storm Risk Management Feasibility Study  
Request for Federal Consistency Determination and  
Section 401 Water Quality Certification

Dear Ms. Silam:

The New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation, acting under Section 307 of the Federal Coastal Zone Management Act (P.L. 92-583) as amended, has reviewed the "Draft Integrated Feasibility Report & Environmental Assessment Rahway River Basin, New Jersey Coastal Storm Risk Management Feasibility Study", (Study) dated May 2017, for consistency with New Jersey's Coastal Zone Management Program.

### **Project Description**

The U.S. Army Corps of Engineers (USACE), New York District, and the non-federal sponsor, the New Jersey Department of Environmental Protection, prepared the Draft Integrated Feasibility Report and Environmental Assessment (DIFR/EA), which presents the Tentatively Selected Plan (TSP) for managing coastal storm risk within the Rahway River Basin. The DIFR/EA is being released for concurrent public and agency technical review. The DIFR/EA does not present design plans or hydraulic studies for the TSP. The TSP will be refined based on comments from public and agency review and will contain additional feasibility level optimization for the Final Integrated Feasibility Report and Environmental Assessment. The purpose of the study is to determine if there is a technically feasible, economically justified and

environmentally acceptable recommendation for Federal participation in coastal storm risk management for the Rahway River Basin study area.

Among the coastal storm risk management alternatives considered, the Tentatively Selected Plan (TSP) has been identified as Alternative 4a and consists of nonstructural treatment for 136 structures (125 residential, 11 non-residential) of the 577 structures in the 10-year flood plain. The nonstructural treatments include elevating 127 existing structures, dry flood proofing 2 structures, wet flood proofing 4 structures and demolish and rebuild 3 structures. In addition, Alternative 4a also includes the proposed Segment D levee, which is a 3,360-foot long, 7.5-foot high levee spanning the Township of Woodbridge and the Borough of Carteret.

The proposed levee will span Casey's Creek, a tidally influenced tributary. Approximately 200 feet of Casey's Creek will be placed in a culvert that will contain a gate that will remain open during normal flows but will be closed prior to storm events. The Segment D levee will impact approximately 5 acres of wetlands consisting of 1.8 acres of phragmites dominated high marsh, 2.3 acres of low marsh, 0.50 acres of scrub-shrub deciduous wetland and 0.40 acres of modified wetlands. In addition, the Casey's Creek culvert will impact 0.14 acres of intertidal/subtidal shallows.

The other alternatives considered in the DFIR/EA included more extensive levee and floodwalls systems and/or surge barriers across the Rahway River, and/or channel modification of the Rahway River.

## **Analysis**

### **7:7-9.15 Intertidal and subtidal shallows**

*(a) Intertidal and subtidal shallows means all permanently or temporarily submerged areas from the spring high water line to a depth of four feet below mean low water. (b) Development, filling, new dredging, or other disturbance is discouraged but may be permitted in accordance with (c), (d), (e), (f), (g), and (h) below and with N.J.A.C. 7:7-12.2 through 12.24.*

The Casey's Creek culvert will impact 0.14 acres of intertidal/subtidal shallows. The Final Integrated Feasibility Report and Environmental Assessment must demonstrate compliance with the Intertidal and Subtidal Shallows Rule and provide for compensatory mitigation if required by Rule. Consistency with this Rule will be met provided compliance with the Intertidal and Subtidal Shallows Rule is demonstrated in the Final Integrated Feasibility Report and Environmental Assessment.

### **N.J.A.C. 7:7-9.25 Flood hazard areas**

*(a) Flood hazard areas are areas subject to flooding from the flood hazard area design flood, as defined by the Department under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. Flood hazard areas include those areas mapped as such by the Department, areas defined or delineated as an A or a V zone by FEMA, and any unmapped areas subject to flooding by the flood hazard area design flood. Flood hazard areas are subject to either tidal or fluvial flooding*

*and the extent of flood hazard areas shall be determined or calculated in accordance with the procedures at N.J.A.C. 7:13-3.*

*(f) Development in flood hazard areas shall conform with the applicable design and construction standards of the following: 1. The Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and implementing rules at N.J.A.C. 7:13, except in lands regulated under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., pursuant to N.J.S.A. 58:16A-60.*

The Segment D levee will be located within the tidal flood hazard area of the Rahway River. The levee will span Casey's Creek and a drainage structure will be installed in the creek. The drainage structure will contain a flap gate that will remain open during normal flows but will be closed prior to storm events. The DIFR/EA does not present design plans or hydraulic studies for the Segment D levee or the Casey's Creek drainage structure.

Consistency with this Rule will be demonstrated when the design for the Segment D levee and the Casey's Creek drainage structure are developed for the Final Integrated Feasibility Report and Environmental Assessment and are submitted to the Division of Land Use Regulation for review and concurrence that the project complies with the Flood Hazard Area Control Act Rules.

#### **N.J.A.C. 7:7-9.26 Riparian Zones**

The Segment D levee will be located within the tidal flood hazard area of the Rahway River. The levee will span Casey's Creek and a drainage structure will be installed in the creek. The drainage structure will contain a flap gate that will remain open during normal flows but will be closed prior to storm events. Because the drainage structure crosses Casey's Creek, and because design plans have not been developed, it will result in a yet to be determined amount of riparian zone vegetation disturbance.

The Final Integrated Feasibility Report and environmental analysis must demonstrate compliance with the Riparian Zone Rule and provide for compensatory mitigation if required by Rule. Consistency with this Rule will be met provided compliance with the Riparian Zone Rule is demonstrated in the Final Integrated Feasibility Report and Environmental Assessment.

#### **N.J.A.C. - 7:7-9.27 Wetlands**

*(b) Development in wetlands defined under the Freshwater Wetlands Protection Act is prohibited unless the development is found to be acceptable under the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.*

The Segment D levee will impact approximately 5 acres of wetlands consisting of 1.8 acres of phragmites dominated high marsh, 2.3 acres of low marsh, 0.50 acres of scrub-shrub deciduous wetland and 0.40 acres of modified wetlands. Consistency with this Rule will be demonstrated provided a Freshwater Wetlands Individual Permit is obtained prior to the commencement of any activities in wetlands and provided a wetland mitigation project is completed to offset impacts to freshwater and tidal wetlands.

### **7:7-9.38 Public open space**

*(a) Public open space constitutes land areas owned or maintained by State, Federal, county and municipal agencies or private groups (such as conservation organizations and homeowner's associations) and used for or dedicated to conservation of natural resources, public recreation, visual or physical public access or, wildlife protection or management. Public open space also includes, but is not limited to, State Forests, State Parks, and State Fish and Wildlife Management Areas, lands held by the New Jersey Natural Lands Trust (N.J.S.A. 13:1B-15.119 et seq.), lands held by the New Jersey Water Supply Authority (N.J.S.A. 58:1B-1 et seq.) and designated Natural Areas (N.J.S.A. 13:1B-15.12a et seq.) within DEP-owned and managed lands. (b) New or expanded public or private open space development is encouraged at locations compatible or supportive of adjacent and surrounding land uses.*

*(c) Development that adversely affects existing public open space is discouraged.*

The Segment D levee is located within Joseph Medwick Park, a public open space area. Consistency with this rule will be met provided approval from the NJDEP Green Acres Program is obtained prior to project construction.

### **7:7-9.34 Historic and archaeological resources**

*(a) Historic and archaeological resources include objects, structures, shipwrecks, buildings, neighborhoods, districts, and man-made or man-modified features of the landscape and seascape, including historic and prehistoric archaeological sites, which either are on or are eligible for inclusion on the New Jersey or National Register of Historic Places. (b) Development that detracts from, encroaches upon, damages, or destroys the value of historic and archaeological resources is discouraged.*

According to the DIFR/EA, there are existing previously identified National Register of Historic Places listed or eligible historic properties within the study area. A Programmatic Agreement will be prepared to identify mitigation for adverse impacts, in consultation with the New Jersey Historic Preservation Office and other interested parties.

Consistency with this Rule will be demonstrated provided the United States Army Corps of Engineers enters into a Programmatic Agreement with the New Jersey State Historic Preservation Office and provided the requirements of the Programmatic Agreement are implemented.

### **N.J.A.C. 7:7-9.36 - Endangered or threatened wildlife or plant species habitat**

*(a) Endangered or threatened wildlife or plant species habitats are terrestrial and aquatic (marine, estuarine, or freshwater) areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as "endangered" or "threatened" species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing.*

The Segment D levee is located within suitable habitat for endangered or threatened species. The proposed location of the levee, set back from the river and closer to existing development, will not result in adverse impacts to State threatened and endangered species or their habitat. Therefore, the project is not anticipated to have an adverse impacts to endangered or threatened species.

Consistency with this Rule will be demonstrated.

### **Conclusion**

Based upon the preceding analysis, the Division has determined that the Tentatively Selected Plan appears to be consistent with the State's Coastal Zone Management policies. However, the NJDEP withholds final coastal consistency determination until the Final Integrated Feasibility Report and Environmental Assessment are submitted to the Division of Land Use Regulation for coastal consistency concurrence.

To demonstrate consistency with New Jersey's Coastal Zone Management Program, the United States Army Corps of Engineers shall:

1. The United States Army Corps of Engineers shall submit the Final Integrated Feasibility Report and final Environmental Assessment to the New Jersey Department of Environmental Protection, Division of Land Use Regulation, for coastal consistency concurrence.
2. Prior to construction, the United States Army Corps of Engineers shall enter into a Programmatic Agreement with the New Jersey State Historic Preservation Office and the Section 106 consulting parties to complete investigations that identify historic properties and evaluate effects of the recommended plans on historic properties to ensure that any adverse effects are managed in accordance with Section 106 of the National Historic Preservation Act.
3. The United States Army Corps of Engineers shall obtain a Freshwater Wetlands Permit pursuant to the New Jersey Freshwater Wetlands Protection Act prior to commencing any activity within wetlands.
4. The United States Army Corps of Engineers shall develop a mitigation plan for the disturbance of wetlands as a result of the Segment D levee as the project continues through design and presented in the Final Integrated Feasibility Report and final Environmental Assessment. As part of any future Federal Consistency or Freshwater Wetlands Individual Permit request, the United States Army Corps of Engineers shall submit for review and approval the final wetland mitigation plan to the Division of Land Use Regulation and the mitigation plan shall be implemented prior to or concurrent with the construction of the Segment D levee.
5. The United States Army Corps of Engineers shall develop a mitigation plan for the disturbance of intertidal and subtidal shallows as a result of the Segment D levee as the

project continues through design and presented in the Final Integrated Feasibility Report and final Environmental Assessment.

Thank you for your attention to and cooperation with New Jersey's Coastal Zone Management Program. If you have any questions regarding this determination, please do not hesitate to contact Christopher.Jones@dep.nj.gov, at the above address or at 609-984-6216. Be sure to indicate the Department's file number in all communication.

Sincerely,



Colleen Keller, Assistant Director  
Division of Land Use Regulation

8/19/19

Date

cc. Kim Springer, Office of Policy Implementation

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
April 10, 2019 NOAA Fisheries Letter to USACE



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

April 10, 2019

Peter Weppler, Chief  
Environmental Analysis Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza  
New York, NY 10278-0900

RE: Coastal Storm Risk Management Feasibility Study, Rahway River Basin, New Jersey  
Essential Fish Habitat Assessment

Dear Mr. Weppler:

Thank you for the update on the status of the Rahway River Basin Coastal Storm Risk Management Study, responses to our August 17, 2017, letter and the revised essential fish habitat (EFH) assessment for the Tentatively Selected Plan (TSP) for the project. The TSP includes a number of structural and non-structural measures to reduce the risk of storm damages within the Rahway River Basin in Essex, Union and Middlesex Counties in New Jersey. Structural measures include the construction of a 3,360 ft. long levee located on the right bank of the Rahway River approximately 1.2 miles downstream of its confluence with the South Branch. Approximately 1.8 acres of *Phragmites* dominated high marsh, 2.3 acres of low marsh, 0.50 acres of scrub-shrub deciduous wetlands, and 0.40 acres of managed wetlands will be impacted by the construction of the levee. Approximately 200 linear feet of Casey's Creek will be modified through the installation of the levee and associated drainage structure. The drainage structure will consist of a concrete culvert containing a flap gate. The flap gate will remain open during normal flows and will only be closed prior to storm events.

#### **Magnuson Stevens Fishery Management and Conservation Act (MSA)**

As discussed in our previous letter, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies such as the Corps to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. The EFH regulations, 50 CFR Section 600.920, outline that consultation procedure. We have reviewed the revised EFH assessment and your responses to our Fish and Wildlife Coordination Act (FWCA) comments provided in our August 17, 2018, letter. In our previous letter, we recommended:

- Provide us with a complete EFH assessment to initiate consultation.
- Avoid in-water work within the Rahway River and its tributaries from March 1 to June 30 of any year.
- Consider and document measures taken to avoid and minimize impacts to wetlands, mudflats and Casey's Creek as a result of the levee construction.



- Develop a compensatory mitigation plan in accordance with the 2008 federal mitigation rules and the New York District's mitigation checklist. Input from the state and federal resources agencies should be sought during plan development.
- Develop a monitoring and management plan for the gate across Casey's Creek to ensure fish access is maintained.

The revised EFH assessment provided to us evaluates the project's impacts to EFH. Based upon the information in the assessment and in your agreement to include our recommendations in your project plans, we have no additional EFH conservation recommendations or FWCA recommendations to provide. We look forward to continued coordination on this project as you develop the compensatory mitigation plan. If you have any questions or would like to discuss this matter further, please contact me at 732 872-3023 or [karen.greene@noaa.gov](mailto:karen.greene@noaa.gov).

Sincerely,



Karen Greene  
Mid-Atlantic Field Offices Supervisor  
Habitat Conservation Division

cc: FWS- Pleasantville- S. Mars  
EPA – Region II – D. Montella  
GARFO PRD –E. Carson  
ACOE – K. Rightler, R. Salim

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
March 28, 2019 USACE Letter to NOAA-Fisheries



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

Environmental Analysis Branch

March 28, 2019

Karen M. Greene  
Mid-Atlantic Field Offices Supervisor  
National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930-2278

Dear Ms. Greene,

This letter serves as a status update regarding the Rahway River Basin Coastal Storm Risk Management Study being conducted by the U.S. Army Corps of Engineers (USACE), New York District (District), and as a response to your August 17, 2017 letter regarding the Essential Fish Habitat Assessment (Encl.1) prepared for the Tentatively Selected Plan described in the *Draft Integrated Feasibility Report/Environmental Assessment Rahway River Basin, New Jersey, Coastal Storm Risk Management, Feasibility Study* (DIFR/EA).

The public/agency review of the DIFR/EA occurred from May 31 through June 30, 2017. During this time, the District became aware of contamination issues within the Joseph Medwick Park, where the TSP and associated compensatory mitigation, is located. Although remediation activities within the park were completed in 2012, some of the remediation techniques used within the TSP project area include capping and/or access exclusion (e.g. fencing).

Per U.S. Army Corps of Engineers (USACE) regulations, the New Jersey Department of Environmental Protection (NJDEP), as the non-federal sponsor for the project, is responsible for providing all lands and easements required to construct, operate and maintain the project. The USACE regulations further stipulate that the lands must be free from contamination and that the non-federal sponsor is responsible for costs for the cleanup and response should contamination be discovered and the non-federal sponsor wishes to proceed with the project.

The study was paused while the District coordinated with NJDEP and USACE Headquarters (HQ) to determine the path forward. Based on the coordination, the NJDEP has agreed to fully remediate the area within the TSP and associated compensatory mitigation prior to the District initiating construction of the TSP. As part of the remediation effort, the NJDEP will be responsible for preparing any required environmental assessments and acquiring the necessary permits for the remediation work. This decision has been coordinated with the USACE HQ, and the study has resumed.

The District has revised the EFH Assessment (Encl. 2) to include the species listed in your August 17, 2017 letter which were confirmed in a December 3 email (personal comm. between the Districts Regional Technical Specialist, Jenine Gallo and Karen Greene) and species listed within the updated EFH Mapper system (Included as attachments in Enclosure 2). In addition, Enclosure 3 responds to specific comments in your letter.

Through close collaboration and agreement between our agencies, NFMS has concurred with USACE's SMART Planning process as an acceptable process by which to achieve and sustain compliance with statutes and regulations under your jurisdiction. Please note that the DIFR/EA was developed in adherence to our mandated SMART Planning processes and schedules for Feasibility level studies. As such, the level of detail of some of the information (e.g. Operations and Monitoring Plan, final compensatory mitigation plan) requested by your agency in your letter will not be developed until the Preconstruction Engineering Design Phase (PED) which occurs once a study has been authorized and appropriated for construction.

Additionally, in support of NMFS feedback to the District regarding appropriate, efficient and effective coordination, the District has synchronized with NMFS to streamline analyses, as justified, on those studies less likely to accrue significant adverse impacts to resources under NMFS jurisdiction.

The District will continue to coordinate with your agency closely to assist in your review of the Essential Fish Habitat Assessment. Should any questions arise, or additional information is needed, please contact Ms. Kimberly Rightler at (917) 790-8722.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Weppeler', written in a cursive style.

Peter Weppeler  
Chief, Environmental Analysis Branch

Enclosures

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
August 17, 2019 NOAA-Fisheries Letter to USACE



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

AUG 17 2017

Peter Wepler, Chief  
Environmental Analysis Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza  
New York, NY 10278-0900

RE: Draft Integrated Feasibility Report and Environmental Assessment  
Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Dear Mr. Wepler:

We have reviewed the draft feasibility report and environmental assessment (DEA) for the Rahway River Basin Coastal Storm Risk Management Study, as well as the essential fish habitat assessment included as part of the DEA. The feasibility study evaluated a number of structural and non-structural measures to reduce the risk of storm damages within the Rahway River Basin in Essex, Union and Middlesex Counties in New Jersey. The tentatively selected plan (TSP), also known as Alternative 4a in the DEA, includes non-structural treatment for approximately 136 structures and the construction of a 3,360 ft. long levee located on the right bank of the Rahway River approximately 1.2 miles downstream of its confluence with the South Branch. According to the DEA, a delineation has not yet been completed to accurately quantify wetland impacts, but it is assumed that five acres of wetlands will be impacted by the levee construction and the implementation of the required 15 ft. vegetation free zone. Wetland types impacted include approximately 1.8 acres of *Phragmites* dominated high marsh, 2.3 acres of low marsh, 0.50 acres of scrub-shrub deciduous wetlands, and 0.40 acres of managed wetlands. Formal wetland delineation surveys will be conducted in a later project phase to determine actual impacts.

The proposed levee also extends over Casey's Creek, a tidally influenced tributary of the Rahway River near where the creek transitions from a drainage ditch to a more typical tidal creek. Approximately 200 linear feet of Casey's Creek will be modified through the installation of the levee and associated drainage structure. The drainage structure will consist of a concrete culvert containing a flap gate. The flap gate will remain open during normal flows and will only be closed prior to storm events.

From the information provided, it appears that the Corps has evaluated a wide range of options to reduce storm damages in the project area and that the TSP selected minimizes adverse effects to aquatic resources when compared to many of the alternatives considered. However, the DEA does not appear to evaluate fully options to minimize the adverse effects of the TSP on wetlands, the compensatory mitigation proposal lacks detail and the EFH assessment is not complete. All



of these items can be addressed in later phases of project development. Our comments are intended to assist you as the design of this project progresses.

### **Magnuson Stevens Fishery Management and Conservation Act (MSA)**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies such as the Corps to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. The EFH regulations, 50 CFR Section 600.920, outline that consultation procedure and also enable federal agencies to use existing consultation/environmental review procedures to satisfy the MSA consultation requirements when appropriate. Included in this consultation process is the preparation of a complete and appropriate EFH assessment to provide necessary information on which to consult.

The EFH assessment provided for this project is not complete and does not consider the effects of the project on all of the species that have EFH designated within the project area. Only long-fin squid (*Loligo pealeii*) and summer flounder (*Paralichthys dentatus*) were considered in the assessment. It appears that the location query function of our EFH mapper was used to determine the presence of EFH in the project area. When the location query function of this tool is activated, the following warning appears:

**EFH Data Notice:** Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data cannot fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert.

In this case, the location query tool incorrectly included long-fin squid EFH, which has not been designated in the Rahway River and omitted a number of species for which EFH has been designated including red hake (*Urophycis chuss*), windowpane (*Scophthalmus aquosus*), winter flounder (*Pseudopleuronectes americanus*), Atlantic herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), butterfish (*Peprilus triacanthus*), summer flounder, black sea bass (*Centropristis striata*), cobia (*Rachycentron canadum*), Spanish mackerel (*Scomberomorus maculatus*) and king mackerel (*Scomberomorus cavalla*).

Also, under the data quality tab of the EFH Mapper help box there are several caveats regarding the quality of the data in inshore areas such as Rahway River. These caveats include warnings that the EFH data may have been clipped to a shoreline and that this may limit the inland extent of aquatic species to the open water and falsely exclude what might actually be important habitat areas. In the case of the Rahway River, the EFH for a number of species has been incorrectly excluded from the mapper due to this GIS error. While we are working to resolve these issues, the EFH data notice warning above is intended to encourage federal agencies to contact us before completing the EFH assessment to ensure the assessment is complete. We also encourage agencies to use our EFH assessment worksheet on our website at:

<https://www.greateratlantic.fisheries.noaa.gov/habitat/efh/efhassessment.html>.

Because the EFH assessment included in with the DEA does not include all of the species for which EFH has been designated in the project area, we cannot consider it to be complete and consultation pursuant to the requirements of the MSA cannot be initiated. As the Corps moves forward with this project, a full and complete EFH assessment should be provided to us. This assessment can be provided separately or as part of another document provided it is clearly identified as an EFH assessment in a separate section or an appendix of the document.

### **Fish and Wildlife Coordination Act**

The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, requires that all federal agencies consult with us when proposed actions might result in modifications to a natural stream or body of water. Federal agencies must consider effects that these projects would have on fish and wildlife and must also provide for improvement of these resources.

The Rahway River, its tributaries and the adjacent wetlands provide resident and transient fish populations with spawning, nursery, over wintering and foraging habitats. Anadromous fish species including alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*) use the area as forage and nursery habitat. In the Mid-Atlantic, landings of alewife and blueback herring, collectively known as river herring, have declined dramatically since the mid-1960s and have remained very low in recent years. Because the number of fish observed in historical annual spawning runs show a drastic decline in alewife and blueback herring populations throughout much of their range since the mid-1960's, they have been designated as Species of Concern by NOAA in a Federal Register Notice dated October 17, 2006 (71 FRN 610220). Species of Concern are those species about which we have concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the Endangered Species Act.

Juvenile river herring and other *Alosa* species such American shad (*Alosa sapidissima*) have all been identified as prey species for federally managed fishes such as bluefish, windowpane, and summer flounder. Mummichog, killifish, anchovies and other small fish and benthic organisms found in estuarine wetlands provide a valuable food source for many of the commercially and recreationally valuable species mentioned above, as well as striped bass (*Morone saxatilis*), weakfish (*Cynoscion regalis*), and scup (*Stenotomus chrysops*).

The TSP includes the construction of levee and control structures across Casey's Creek; it is unclear from the information in the DEA if in-water work is planned in the Rahway River or if this element of the project will affect anadromous fish adversely. Increases in turbidity due to the resuspension of sediments into the water column during construction can degrade water quality, lower dissolved oxygen levels, and potentially release chemical contaminants bound to the fine-grained estuarine/marine sediments. Suspended sediment can also mask pheromones used by migratory fishes to reach their spawning grounds and impede their migration and can smother immobile benthic organisms and demersal newly-settled juvenile fishes. Noise from the construction activities may also result in adverse effects such as (a) non-life threatening damage to body tissues, (b) physiological effects including changes in stress hormones or hearing capabilities, or (c) changes in behavior. In order to minimize the adverse effects of suspended

sediment and noise on migrating anadromous fish, we recommend in-water work be avoided from March 1 to June 30 during the upstream migration to their spawning grounds

Approximately five acres of wetlands will be impacted by the construction of the TSP. The DEA does not discuss what options have been considered to reduce this impact. It is also not clear if these impacts are all conversion to uplands or changes in wetland type. As the project plans are developed more fully, you should evaluate options to reduce the footprint of the levee and provide additional information to demonstrate that the alignment of the levee has been designed to avoid and to minimize impact to wetlands to the maximum extent practicable. A wetland delineation should be completed to more accurately quantify the project impacts and the term "managed wetlands" used in the DEA should be defined. From the information provided it is not clear if these areas are tidal wetlands or if they will be isolated once the levee is constructed.

Compensatory mitigation should be provided for all unavoidable impacts to aquatic habitat including wetlands, mudflats and open waters. According to the DEA, you are evaluating on-site restoration of wetland habitat to compensate for the permanent loss of the five acres of wetland resulting from the levee construction. The Evaluation of Planned Wetlands (EPW) model will be used to assess the functions and values of the wetlands impacted and conduct a cost analysis to determine the appropriate level of mitigation required. At this point, it is premature for us to determine if the use of the EPW is an appropriate means of assessing compensatory mitigation requirements. Typically, we recommend early involvement by the federal resources agencies including NMFS, the US Fish and Wildlife Service, and the US Environmental Protection Agency, as well as the New Jersey Department of Environmental Protection's Mitigation Unit to assist in the development mitigation plans. We also recommend interagency involvement in the implementation of any functional assessment such as the EPW to ensure consensus in its use and how it is undertaken.

You should also be aware that typical compensatory mitigation ratios used in New Jersey are based upon the type of mitigation proposed and range from 1:1 on an acreage basis for the reestablishment of salt marshes in areas where the likelihood of success is high and the time lag between impact and successful reestablishment is short to 3:1 or higher for rehabilitation or enhancement of degraded wetlands. In general, a ratio of less than 1:1 on an acreage basis is not acceptable. We expect that you will follow the same compensatory mitigation guidelines for this project.

The mitigation plan should be developed in accordance with the federal final mitigation rules published in the Federal Register on April 10, 2008 (33 CFR Chapter 2 Part 332.4 (b)) and provided to us for review. The plan should explain how the proposed compensatory mitigation will offset the impacts to estuarine wetlands, open waters and EFH. It should also include performance measures, success criteria, and a long-term monitoring and maintenance plan. The site protection mechanism and long-term land steward should also be identified. In addition, the Regulatory Branch has a mitigation checklist that was published as a Public Notice on January 10, 2015, that lists the baseline data that is needed as part of a complete mitigation plan, including the requirement to undertake contaminant sampling at the proposed mitigation site.

We understand that you are considering on-site mitigation options. Due to the urbanized nature of the project area, elevated levels of contaminants are possible. Contaminant screening is necessary to ensure that any habitat enhancements made as part of the compensatory mitigation do not increase the ecological risk of contaminant exposure to aquatic and avian resources.

We understand from the DEA that additional hydraulic analysis will be undertaken to evaluate the levee segment at various flood levels. It is unclear if this analysis will also revisit the location of the levee and the gate across Casey's Creek. Specific details on the proposed gate are unavailable at this stage in the project planning. As plans are developed for this gate, you should consider the frequency and timing of expected gate closures and alternatives that would reduce their frequency and length. A maintenance and management plan should also be developed for the gate to ensure that the gate is maintained in working order and remains open and fish access is unimpeded unless storm elevations are reached.

In summary, we recommend the following:

- To initiate the required EFH consultation, provide a complete EFH assessment to us.
- Avoid in-water work within the Rahway River and its tributaries from March 1 to June 30 of any year.
- Consider and document measures taken to avoid and minimize impacts to wetlands, mudflats and Casey's Creek as a result of the levee construction.
- Develop a compensatory mitigation plan in accordance with the 2008 federal mitigation rules and the New York District's mitigation checklist. Input from the state and federal resources agencies should be sought during plan development.
- Develop a monitoring and management plan for the gate across Casey's Creek to ensure fish access is maintained.

Thank you for the opportunity to comment on the DEA. We look forward to continued coordination on this project during the upcoming design phases. We encourage you to coordinate with us as you prepare a complete EFH assessment and the compensatory mitigation plan for this project. If you have any questions or would like to discuss this matter further, please contact me at 732 872-3023 or [karen.greene@noaa.gov](mailto:karen.greene@noaa.gov).

Sincerely,



Karen M. Greene  
Mid-Atlantic Field Offices Supervisor  
Habitat Conservation Division

cc: FWS- Pleasantville- S. Mars  
EPA - Region II - D. Montella  
GARFO PRD - E. Carson  
ACOE - K. Rightler, R. Salim

**Enclosure 3: District Response to 17 August 2017 Letter regarding EFH Assessment for Draft Integrated Feasibility Report/Environmental Assessment Rahway River Basin, New Jersey, Coastal Storm Risk Management**

1. *Avoid in-water work within the Rahway River and its tributaries from March 1 to June 30 of any year.*

The District concurs with adhering to an in-water work restriction within the Rahway River and tributaries from March 1 through June 30.

2. *Consider and document measures taken to avoid and minimize impacts to wetlands and Casey's Creek as a result of the levee construction.*

The levee is cited in a manner that minimizes water resource impacts to the greatest extent practicable while maintaining the objectives of coastal storm risk management. The Draft FR/EA and EFH Assessment outline measures such as erosion and sediment control best management, in-water restriction windows and compensatory mitigation measures that will be taken to avoid, minimize and compensate for impacts to EFH species. The in-water restriction of May 1 through June 30 in the DIFR/EA will be revised for the Final FR/EA to expand the restriction to March 1 through June 30 per your comment listed as #1 above.

Your letter requested clarity on whether any in-water work is planned in the Rahway River. The District does not anticipate any work to be conducted directly in the Rahway River as the levee is set back from the river by approximately 400 ft and construction will be performed with land based equipment. In addition, any compensatory wetland mitigation work will not take place directly within the Rahway River. Best management practices such as cofferdams, silt fence and turbidity curtains will be employed to minimize sedimentation to the Rahway River and tributaries such as Casey's Creek.

3. *Develop a compensatory mitigation plan in accordance with the 2008 federal mitigation rules and the New York District's mitigation checklist. Input from the state and federal resource agencies should be sought during plan development.*

As described in Appendix A.9 of the DIFR/EA, the Corps Civil Works Planning Policy requires that the appropriate level of compensatory mitigation be determined through a functional value assessment utilizing an ecological model approved by the USACE Headquarters Ecosystem Restoration panel and an incremental cost analysis, not through the use of ratios. The Civil Works Planning Policy complies with the 2008 Federal Mitigation Rules (Rules) as the Rules require compensatory mitigation to be determined through a functional value analysis.

Please note that the mitigation checklist referred to in your letter was developed by the New York District Regulatory Division, which is separate from the New York District Civil Works mission. However, the checklist does require the use of a functional assessment to determine compensatory mitigation amount.

**Enclosure 3: District Response to 17 August 2017 Letter regarding EFH Assessment for Draft Integrated Feasibility Report/Environmental Assessment Rahway River Basin, New Jersey, Coastal Storm Risk Management**

A conceptual mitigation plan based on a functional value assessment and incremental cost analysis will be presented in the Final FR/EA with formal plan development and associated field investigations occurring in the Preconstruction Engineering Design (PED) Phase. The District will coordinate any compensatory mitigation plan development in the PED Phase with your agency.

Regarding your concerns about contamination, as noted in the cover letter, the NJDEP will be fully remediating the site prior to the District initiating construction of the TSP. The NJDEP will be responsible for all environmental permitting and compliance procedures for their remediation action.

- 4. Develop a monitoring and management plan for the gate across Casey's Creek to ensure fish access is maintained.*

The District will prepare an Operations and Maintenance Plan for the project during the Construction Phase. It will be at this time that instructions on monitoring and managing the gate will be provided to the non-federal sponsor. In general, the gate will be opened during all normal flow events and will only be closed during high flow flood events.

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11

August 4, 2019 NJDEP Office of Permit  
Coordination and Environmental Review Letter to  
USACE



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW  
P.O. Box 420 Mail Code 401-07J Trenton, New Jersey 08625-0420  
Phone Number (609) 292-3600  
FAX NUMBER (609) 292-1921

CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

August 4, 2017

Ms. Rifat Salim, Project Manager  
US Army Corp of Engineers  
26 Federal Plaza, Room 2151  
New York City, New York 10278

**RE: Rahway River Basin  
Coastal Storm Risk Management Feasibility Study  
Draft Integrated Feasibility Report/Environmental Assessment**

Dear Ms. Salim:

The New Jersey Department of Environmental Protection's (Department) Office of Permit Coordination and Environmental Review (PCER) distributed, for review and comment, the Draft Integrated Feasibility Report/Environmental Assessment for the Rahway River Basin Coastal Storm Risk Management Feasibility Study.

Based on the information provided for review, the Department offers the following comments for your consideration:

### Natural and Historic Resources

#### **New Jersey Division of Fish and Wildlife**

##### Concerns with TSP:

The installation of the drainage structure and construction of the portion of levee extending over Casey's Creek in dry conditions utilizing cofferdams or a temporary diversion culvert would likely alleviate the need for timing restriction, provided they were in place prior to March 1. Section 6.5.1 Fish refers to an in-water work restriction from 1 May through 30 June. Also, stating, "there may be a loss of any egg deposits or larvae that may be present in the construction area in the months prior to the in water work restriction window." earlier in the section it states, "Fish species that would be most impacted by the construction of the levee and open water and marsh wetland restoration would be alewife, American eel, bluefish, mummichog, and striped bass ...". Alewife are one of the species of greatest concern in this area and the restricted period for migration and spawning runs from March 1 to June 30. EFH section adds additional species to the species which may be present. NJDFW feels Winter Flounder should also be addressed.

The area where the levee would be installed includes habitat valued for Cattle Egret (S-T), Black-crowned Night-heron (S-T), Little Blue Heron, Glossy Ibis and Snowy Egret, all special concern, but NJDFW would agree with conclusions drawn in section 6.5.4 Birds.

NJDFW would also agree that non-structural measures are unlikely to adversely impact.

Please note and provide clarification: In the description of Proposed Action/Plan Components, the drainage structure within levee will consist of a concrete culvert containing a "flap gate". Flap gates generally open only on the outgoing tide when pressure reverses. Will it be a tide gate?

If you have any additional questions, please contact Kelly Davis at (908) 236-2118.

### **Historic and Cultural Resources**

Based on the current documentation provided, it appears that the proposed undertaking will require consultation under Section 106 of the National Historic Preservation Act for the identification, evaluation and treatment of historic properties within the project's area of potential effects. Through consultation pursuant to Section 106 of the National Historic Preservation Act, as amended, the United States Department of the Army, Corps of Engineers (Corps) has recommended the development of a Programmatic Agreement (PA) to address the identification, evaluation and treatment of historic properties, as specific project elements are unknown at this time. As a result, the HPO looks forward to further consultation with the Corps, pursuant to their obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. The HPO will notify the Office of Permit Coordination of any developments as consultation moves forward.

If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 17-1302 in any future calls, emails, submissions or written correspondence to help expedite your review and response.

If you have any additional questions, please contact Jesse West-Rosenthal at (609) 984-6019.

### **Green Acres**

Medwick Park is a Green Acres funded park and as such is encumbered with Green Acres restrictions.

Any activities on encumbered parkland that are not in direct support of conservation or recreational uses are highly discouraged. Such uses will be considered a diversion and will require prior approval from Green Acres, the Commissioner of the Department of Environmental Protection and the State House Commission. (please see N.J.A.C 7:36-26 for more information). Please note that Green Acres relies on the information provided by the local unit(s) in maintaining the accuracy of our database. Since it is the responsibility of the local unit(s) to ensure compliance with Green Acres rules, it is strongly recommended that the local unit (Middlesex County) involved be contacted.

If you have any additional questions, please contact Nancy Lawrence at (609) 341-2054.

### **Land Use Regulation Program**

In addition to the permits that are required for the proposed activities, mitigation will be required for impacts to wetlands and riparian zones.

If you have questions regarding land use permitting, please contact Dennis Contois at (609) 292-1236. If you have questions regarding mitigation, please contact Susan Lockwood at (609) 984-0580.

### **Air Permitting and Planning**

#### **Bureau of Evaluation and Planning**

The Bureau of Evaluation and Planning (BEP) has reviewed the Draft Integrated Feasibility Report/Environmental Assessment (Draft EA) for the Rahway River Coastal Storm Risk Management Study and has the following comments:

#### **1. Pertinent Data**

The Draft EA states, "Revisions and optimization of the TSP will take place prior to finalization of the report... Optimization determines the scale of the TSP that provides the greatest economic net benefits in terms of flood risk management. This would involve formulating different TSP sizes and analyzing those plans. The version of the plan where net benefits are maximized would become the plan recommended for implementation, if warranted."

#### **Comment #1**

Section 93.157 (d) (Reevaluation of conformity) in the Federal General Conformity regulations states, "If the Federal agency originally determined through the applicability analysis that a conformity determination was not necessary because the emissions for the action were below the limits in Section 93.153 (b) and changes to the action would result in the total emissions from the action being above the limits in Section 93.153 (b), then the Federal agency must make a conformity determination." If revisions and optimization of the tentatively selected plan (TSP) cause the air emissions to be above the de minimis levels in the Federal General Conformity regulation, then a conformity determination will be required for this project.

#### **2. 6.2.2 Soils**

The Draft EA states, "However, in-situ soils frequently do not meet the geotechnical specifications for the impermeable clay core and/or the fill material for the exterior levee construction, requiring the appropriate material to be imported from an approved, permitted, off-site source."

#### **Comment #2**

Are the air emissions associated with transporting material for the impermeable clay core and/or the fill within the nonattainment/maintenance area for the exterior levee included in the Summary of Emissions Table in Section 6.15 Air Quality and in Appendix A.7 -

General Conformity Analysis? The air emissions associated with the transportation of material for the levee are direct emissions as a result of the project and should be included in the Summary of Emissions Table and in Appendix A.7. If the air emissions have not been included in the Summary of Emissions Table and in Appendix A.7, then please revise them to include these air emissions.

**3. Appendix A.6 Statement of Compliance with Coastal Zone Management Rules – 7:7 – 12.7 New Dredging**

The Draft EA states, “Approximately 200 cubic yards of sediment will be removed from within the channel of Casey’s Creek as part of the construction of the proposed levee.”

**Comment #3**

Are the air emissions associated with the dredging of 200 cubic yards of sediment from Casey’s Creek included in the Summary of Emissions Table in Section 6.15 Air Quality and in Appendix A.7 – General Conformity Analysis? The air emissions associated with the dredging of Casey’s Creek are direct emissions as a result of the project and should be included in the Summary of Emissions Table and in Appendix A.7. If the air emissions have not been included in the Summary of Emissions Table and in Appendix A.7, then please revise them to include these air emissions.

**4. Appendix A.6 Statement of Compliance with Coastal Zone Management Rules – 7:7-12.9 Dredged Material Disposal**

The Draft EA states, “The construction contractor will dispose of the sediments in a suitable authorized upland facility in accordance with NJDEP regulations.”

**Comment #4**

Are the air emissions associated with the disposal of sediments within the nonattainment/maintenance area included in the Summary of Emissions Table in Section 6.15 Air Quality and in Appendix A.7 – General Conformity Analysis? The air emissions associated with the disposal of sediments are direct emissions as a result of the project and should be included in the Summary of Emissions Table and in Appendix A.7. If the air emissions have not been included in the Summary of Emissions Table and in Appendix A.7, then please revise them to include these air emissions.

If you have any additional questions, please contact Angela Skowronek at (609) 984-0337.

**Air Mobile Sources**

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey and is a major source of NOx within the state. Therefore, NJ DEP recommends that construction projects involving non-road diesel construction equipment operating in a small geographic area over an extended period of time implement the following measures to minimize the impact of diesel exhaust:

1. All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing “No Idling” signs to post at the site to remind contractors to comply with the

idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or <http://www.stophesoot.org/sts-no-idle-sign.htm>.

2. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.
3. All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

If you have any additional questions, please contact Alina Nagtalon at (609) 633-2007.

### **Stormwater Management**

Construction projects that disturb 1 acre or more of land, or less than 1 acre but are part of a larger common plan of development that is greater than 1 acre, are required to obtain coverage under the Stormwater construction general permit (5G3). Applicants must first obtain certification of their soil erosion and sediment control plan (251 plan) from their local soil conservation district office. Upon certification, the district office will provide the applicant with two codes process (SCD certification code and 251 identification code) for use in the DEPonline portal system application. Applicants must then become a registered user for the DEPonline system and complete the application for the Stormwater Construction General Authorization. Upon completion of the application the applicant will receive a temporary authorization which can be used to start construction immediately, if necessary. Within 3-5 business days the permittee contact identified in the application will receive an email including the application summary and final authorization.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the Draft Integrated Feasibility Report/Environmental Assessment for the proposed project. Please contact Megan Brunatti at (609) 292-3600 if you have any additional questions or concerns.

Sincerely,



Ruth W. Foster, PhD., P.G., Acting Director  
Permit Coordination and Environmental Review

CC:

Kelly Davis, New Jersey Division of Fish and Wildlife  
Jesse West-Rosenthal, NJDEP Historic Preservation Office  
Angela Skowronek, NJDEP Air Planning  
Alina Nagtalon, NJDEP Bureau of Mobile Sources  
Nancy Lawrence, NJDEP Green Acres Program  
Eleanor Krukowski, NJDEP Stormwater

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
July 17 2017 EPA Letter to USACE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUL 17 2017

Ms. Kimberly Rightler  
U.S. Army Corps of Engineers  
New York District  
Planning Division-Environmental Analysis Branch  
26 Federal Plaza  
New York, NY 10278-0090

RE: Draft Integrated Feasibility Report and Environmental Assessment (EA) Rahway River Basin Coastal Storm Risk Management Feasibility Study

Dear Ms. Rightler:

The U.S. Environmental Protection Agency has reviewed and is providing comments for the Rahway River Basin Coastal Storm Risk Management Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment. The 83.3-square-mile Rahway River Basin is located in northeastern New Jersey. It occupies approximately 15 percent of Essex County, 35 percent of Union County, and 10 percent of Middlesex County. The focus of this coastal storm risk management study is the area within the Rahway River Basin affected by coastal storm surge. The primary problem encountered in the study area is flooding from elevated water levels associated with coastal storm surge on the Rahway River and tributaries within the study area. The tentatively selected plan (TSP) consists of a levee segment located next to the right bank of the Rahway River, approximately 1.2 mile downstream of the confluence with the South Branch and providing flood risk management to approximately 136 structures within the study area. It also includes some nonstructural elements.

There may be sustainability opportunities for recycling, renewable energy and energy-efficient technologies to be incorporated into the design, construction, and operation during this project. EPA recommends including a separate sustainability section in your report that addresses this issue. During any phase of construction, project managers are encouraged to utilize local and recycled materials; to recycle materials generated onsite; and to utilize technologies and fuels that minimize emissions. During removal of existing structures and when various aggregate or sand is used, recycling and/or reuse of construction and demolition (C&D) material or beneficial reuse of dredged materials should be considered in order to lessen the impacts of increasing disposal at solid waste facilities. If this is the case, EPA recommends applying these practices and identifying them in your future reports. You may find more detailed information about recycling of C&D waste at:

<http://www.epa.gov/osw/consERVE/imr/cdm/recycle.htm>.

EPA recommends implementing diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil/sand movement, or other construction activities, including:

- Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
- Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

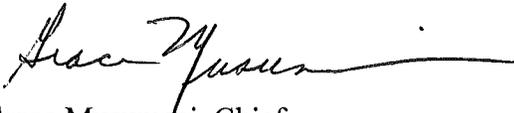
For more information on diesel emission controls in construction projects, please see:

<http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf>

<http://www.epa.gov/cleandiesel/technologies/index.htm>

Thank you for the opportunity to comment on the EA prepared for the Rahway River Basin. Our comments contained in this letter are intended to help provide useful information that will ultimately inform local, state and federal decision-making related to land and water resource use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Michael Poetzsch of my staff at 212-637-4147.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Musumeci", with a long horizontal flourish extending to the right.

Grace Musumeci, Chief  
Environmental Review Section

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
March 22, 2017 USACE Email to NJDEP

**From:** Rightler, Kimberly CIV USARMY CENAN (US)  
**To:** ["Ritchey, John"](#); ["McGee, Fawn"](#); ["Appelget, Kevin"](#); ["Jandoli, Steve"](#); ["Moyle, John"](#); ["Clark, Crystal"](#)  
**Cc:** [Salim, Rifat CIV CENAN CENAD \(US\)](#); [Brighton, Nancy J CIV USARMY CENAN \(US\)](#)  
**Subject:** Memorandum for Record: 15 March 2017 USACE and NJDEP Green Acres Meeting Regarding Rahway Tidal Coastal Storm Risk Management Study  
**Date:** Wednesday, March 22, 2017 10:56:00 AM  
**Attachments:** [15 March 2017 USACE NJDEP Green Acres Mtg Memorandum for Record.pdf](#)

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Good Morning,

Attached, please find the subject MFR which includes a copy of the presentation that was given. If you feel anything that was discussed was omitted or not captured accurately, please let me know by Friday 31 March and I will make the necessary revisions.

Thank you,  
Kim

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix A.11  
2017 Section 106 Coordination Letters



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Kim Penrod  
Cultural Preservation Director  
Delaware Nation  
P.O. Box 825  
Anadarko, OK 73005

Dear Ms. Penrod:

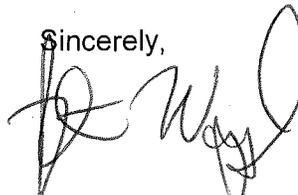
The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

The study is progressing and a Tentatively Selected Plan (TSP) has recently been identified. The TSP consists of a 3,360 foot long levee along the right bank of the Rahway River in the Township of Woodbridge and Borough of Carteret, in Middlesex County, New Jersey and nonstructural measures for 136 structures within select areas in the Cities of Rahway and Linden and Boroughs of Carteret and Woodbridge in Union and Middlesex Counties, New Jersey. Because the details of the plan are not finalized at this time and additional investigations are required the District has elected to develop a Programmatic Agreement (PA) for the project that would outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. The enclosed preliminary case report includes a summary of the project and the investigations undertaken to date as well as a discussion of known affected resources, documented archaeological sites and the potential for adverse effects. The draft PA is appended to the preliminary case report. The preliminary case report and draft Programmatic Agreement will be included in the draft Feasibility Report and Environmental Assessment for the project which is scheduled to be released for public review in the coming weeks.

As a tribe with significant cultural heritage in the region, I would like to invite you to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is intended to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. We would also like invite the Delaware Nation to participate in the PA as a signatory, or if signatory is not preferred, as a concurring party which would provide the Delaware Nation with the opportunity to consult on the project and receive status updates as it proceeds. Please provide a written response within 30

days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Wepler', written in a cursive style.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Susan Bachor  
Delaware Tribe  
Historic Preservation Representative  
P.P. Box 64  
Pocono Lake, PA 18347

Dear Ms. Bachor:

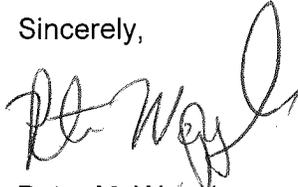
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The study is progressing and a Tentatively Selected Plan (TSP) has recently been identified. The TSP consists of a 3,360 foot long levee along the right bank of the Rahway River in the Township of Woodbridge and Borough of Carteret, in Middlesex County, New Jersey and nonstructural measures for 136 structures within select areas in the Cities of Rahway and Linden, the Borough of Carteret and Woodbridge Township in Union and Middlesex Counties, New Jersey. Because the details of the plan are not finalized at this time and additional investigations are required the District has elected to develop a Programmatic Agreement (PA) for the project that would outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. The enclosed preliminary case report includes a summary of the project and the investigations undertaken to date as well as a discussion of known resources, documented archaeological sites and the potential for adverse effects. The draft PA is appended to the preliminary case report. The preliminary case report and draft Programmatic Agreement will be included in the draft Feasibility Report and Environmental Assessment for the project which is scheduled to be released for public review in the coming weeks.

As a tribe with significant cultural heritage in the region, I would like to invite you to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is intended to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. We would also like invite the Delaware Tribe to participate in the PA as a signatory, or if signatory is not preferred, as a concurring party which would provide the Delaware Tribe with the opportunity to consult on the project and receive status updates as it proceeds. Please provide a written response within 30

days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Mr. Robin Dushane  
Tribal Historic Preservation Officer  
Eastern Shawnee Tribe of Oklahoma  
7050 East 128 Road  
Wyandote, OK 74370

Dear Mr. Dushane:

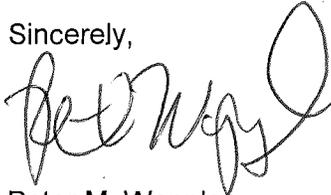
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As a tribe with significant cultural heritage in the region, I would like to invite you to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. We would also like invite the Eastern Shawnee Tribe to participate in the PA as a signatory, or if signatory is not preferred, as a concurring party, which would provide the Eastern Shawnee Tribe with the opportunity to

consult on the project and receive status updates as it proceeds. Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large loop at the end.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Dolores Capraro Gioffre  
Woodbridge Township Historic Preservation Commission  
582 Rahway Avenue  
Woodbridge, NJ 07095

Dear Ms. Capraro Gioffre:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

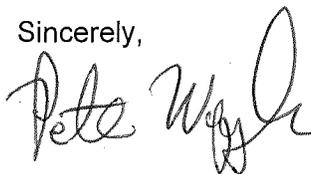
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As a party with significant interest in the preservation of historic resources in the project area I would like to take this opportunity to invite the Woodbridge Township Historic Preservation Commission to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document has been coordinated with a number of Federally Recognized Tribes who have extensive cultural heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In

additional to yourselves and the Tribes, the District is coordinating with the Union County Department of Parks and Heritage Affairs, the Middlesex County Division of Historic Sites and History Services, the Carteret Historical Committee, and the Linden Society for Historic Preservation. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

If you have comments on the materials presented here please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with the first name "Peter" being the most prominent.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Linden Society for Historic Preservation  
301 North Wood Avenue  
Linden, NJ 07036

To Whom it May Concern:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

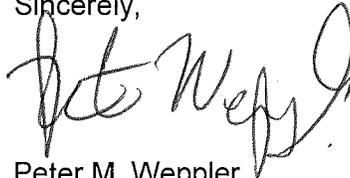
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As a party with significant interest in the preservation of historic resources in the project area I would like to take this opportunity to invite the Linden Society for Historic Preservation to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document has been coordinated with a number of Federally Recognized Tribes who have extensive cultural heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In addition to yourselves and the Tribes, the District is coordinating with the Union County Department of Parks and Heritage

Affairs, the Middlesex County Division of Historic Sites and History Services, the Merchants and Drivers Tavern Museum Association, the Woodbridge Township Historic Preservation Commission, and the Carteret Historical Committee. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

If you have comments on the materials presented here please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Mr. John Prescott  
Union County Department of Parks and Heritage Affairs  
Office of Culture and Heritage  
633 Pearl Street  
Elizabeth, NJ 07202

Dear Mr. Prescott:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

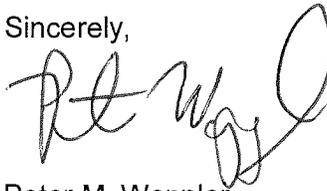
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As a party with significant interest in the preservation of historic resources in the project area I would like to take this opportunity to invite the Department of Cultural and Heritage Affairs to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document has been coordinated with a number of Federally Recognized Tribes who have extensive cultural heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, the

Eastern Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In addition to yourselves and the Tribes, the District is coordinating with the Middlesex County Division of Historic Sites and History Services, the Linden Society for Historic Preservation, the Merchants and Drovers Tavern Museum Association, the Woodbridge Township Historic Preservation Commission, and the Carteret Historical Committee. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

If you have comments on the materials presented here please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large loop at the end.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Kim Jumper  
Tribal Historic Preservation Officer  
Shawnee Tribe of Oklahoma  
29S HWY69A  
Miami, OK 74355

Dear Ms. Jumper:

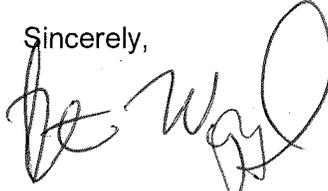
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As a tribe with significant cultural heritage in the region, I would like to invite you to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is intended to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. We would also like invite the Shawnee Tribe to participate in the PA as a signatory, or if signatory is not preferred, as a concurring party which would provide the Shawnee Tribe with the opportunity to consult on the

project and receive status updates as it proceeds. Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is fluid and cursive, with a large loop at the end.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 26, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Mr. Alex Shipley  
Director of Museum Operations  
Merchants and Drovers Tavern Museum Association  
P.O. Box 1842  
1632 St. George Avenue  
Rahway, NJ 07065

Dear Mr. Shipley:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure 1).

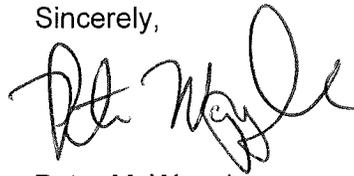
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As a party with significant interest in the preservation of historic resources in the project area I would like to take this opportunity to invite the Merchants and Drovers Tavern Museum Association to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document has been coordinated with a number of Federally Recognized Tribes who have extensive cultural

heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In addition to yourselves and the Tribes, the District is coordinating with the Union County Department of Parks and Heritage Affairs, the Middlesex County Division of Historic Sites and History Services, the Woodbridge Township Historic Preservation Commission, the Carteret Historical Committee, and the Linden Society for Historic Preservation. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

If you have comments on the materials presented here please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Weppler". The signature is fluid and cursive, with a large initial "P" and "W".

Peter M. Weppler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 26, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Katherine Marcopul  
Deputy State Historic Preservation Officer  
State of New Jersey Department of Environmental Protection  
Historic Preservation Office  
PO Box 420  
Trenton, NJ 08625-0420

Dear Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (District) is currently undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has recently prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

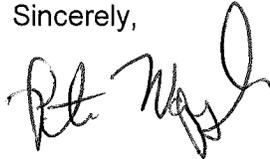
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I would like to take this opportunity to invite the New Jersey State Historic Preservation Office to comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document is also being coordinated with a number of Federally Recognized Tribes who have extensive cultural heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, the Eastern

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Please review the case report and draft PA and provide any comments within 30 days of your receipt of this letter. If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Carissa Scarpa at (917) 790-8612. We look forward to working with you on the Rahway River Coastal Storm Risk Management Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is stylized and cursive, with a large loop at the end.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Isha Vyas, Division Director  
Union County Department of Parks and Heritage Affairs  
Office of Culture and Heritage  
1050 River Road  
Piscataway, NJ 08854

Dear Ms. Vyas:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

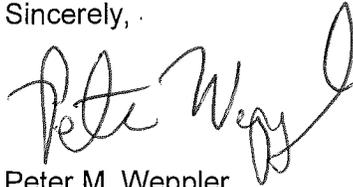
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Eastern Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In addition to yourselves and the Tribes, the District is coordinating with the Middlesex County Division of Historic Sites and History Services, the Linden Society for Historic Preservation, the Merchants and Drovers Tavern Museum Association, the Woodbridge Township Historic Preservation Commission, and the Carteret Historical Committee. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

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Sincerely,

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Peter M. Weppler  
Chief, Environmental Analysis Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

April 24, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Ms. Susan Wentzel  
Carteret Historical Committee  
61 Cooke Avenue  
Carteret, NJ 07008

Dear Ms. Wentzel:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Rahway River Coastal Storm Risk Management Feasibility Study. The District has prepared a preliminary case report in accordance with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation Guidelines for the Protection of Cultural and Historic Properties (36 CFR Part 800) to initiate identification of historic properties within the study area and to address potential adverse effects resulting from the proposed project (Enclosure).

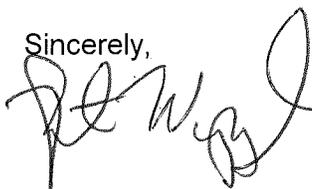
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As a party with significant interest in the preservation of historic resources in the project area I would like to take this opportunity to invite the Carteret Historical Committee to review and comment upon the draft PA for the Rahway River Coastal Storm Risk Management Feasibility Study. At a minimum, the PA is to be entered into by the U.S. Army Corps of Engineers and the New Jersey State Historic Preservation Office. The document has been coordinated with a number of Federally Recognized Tribes who have extensive cultural heritage in the region. These are the Delaware Nation, the Shawnee Tribe of Oklahoma, and the Delaware Tribe of Indians. In addition to yourselves and the Tribes, the District is coordinating

with the Union County Department of Parks and Heritage Affairs, the Middlesex County Division of Historic Sites and History Services, the Merchants and Drovers Tavern Museum Association, the Woodbridge Township Historic Preservation Commission, and the Linden Society for Historic Preservation. Should there be any other groups who your organization feels should participate in this process please include that information with your comments.

If you have comments on the materials presented here please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil). If you feel it would be beneficial to schedule a meeting or conference call amongst the consulting parties, please include that with your comments. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Wepler', written in a cursive style.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosure



Preserving America's Heritage

July 23, 2019

Mr. Peter Wepler  
Chief, Environmental Analysis Branch  
Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-00910

Ref: *Proposed Rahway River Coastal Storm Risk Management Project  
Middlesex and Union Counties, New Jersey*

Dear Mr. Wepler:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the New Jersey State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov).

Sincerely,

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

**State of New Jersey**

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL &amp; HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE

*Governor*

BOB MARTIN

*Commissioner*

KIM GUADAGNO

*Lt. Governor*

June 8, 2017

Peter M. Wepler  
Chief, Environmental Analysis Branch  
Department of the Army  
Corps of Engineers, New York District  
Jacob K. Javits Federal Building  
New York, NY 10278-0090

Dear Mr. Wepler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing consultation comments for the following proposed undertaking:

**Union County, Rahway City  
Programmatic Agreement  
Rahway River Coastal Storm Risk Management Project  
United States Department of the Army, Corps of Engineers**

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the case report and draft Programmatic Agreement for the Rahway River Coastal Storm Risk Management Project, received at our office on May 9, 2017, for the above-referenced undertaking. Based on our review, the HPO finds the draft Programmatic Agreement generally acceptable with the following comments:

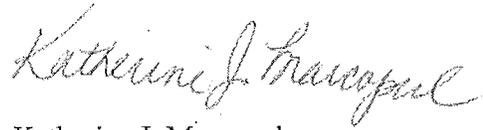
- General Comments
  - The Whereas clauses should be updated to reflect who has been invited to participate as signatories, as well as the results of these invitations.
  - The title block should be updated to be reflective of the final list of signatories.
  - Are the interested parties outlined in the eleventh Whereas clause being provided the opportunity to be parties of this agreement? Or are these interested parties only being consulted for their local expertise as part of the Section 106 process? This should be clarified.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

**Additional Comments**

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology or Jenna Solomon (609) 984-0176 with questions regarding historic architecture. Please reference the HPO project number 17-1302, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,



Katherine J. Marcopul  
Deputy State Historic  
Preservation Officer

Cc: Carissa Scarpa, USACE

KJM/MMB/JWR



Delaware Tribe Historic Preservation Representatives  
P.O. Box 64  
Pocono Lake, PA 18347  
[sbachor@delawaretribe.org](mailto:sbachor@delawaretribe.org)

June 5, 2017

U.S. Army Corps of Engineers, NY District  
Planning Division  
26 Federal Plaza  
New York, NY 10278  
ATT: Carissa Scarpa

**Re: Rahway River Coastal Storm Risk Management Study**

Mr. Wepler:

Thank you for sending the Delaware Tribe the information regarding the above referenced project. The Rahway River and its tributaries are important cultural areas for the Delaware Tribe.

We would specifically like to discuss:

- plans for constructing levee
- depth of disturbance by project throughout the flood basin

We do ask that in the event a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the project that all work is halted until the Delaware Tribe of Indians is informed of the inadvertent discovery and a qualified archaeologist can evaluate the find. We have enclosed a copy of the Delaware Tribe's Inadvertent Discovery Plan for incorporation into draft documents.

If you have any questions, feel free to contact me by phone at (610) 761-7452 or by e-mail at [sbachor@delawaretribe.org](mailto:sbachor@delawaretribe.org).

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature appears to be "Susan Bachor" written in a cursive style.

Susan Bachor  
Delaware Tribe Historic Preservation Representative

## Delaware Tribe of Indians Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities

### Purpose

The purpose of this policy is to describe the procedures that will be followed by all federal agencies, in the event there is an inadvertent discovery of human remains.

### Treatment and Disposition of Human Remains and Cultural Items

1. The federal agency shall contact the Delaware Tribe of Indians' headquarters at 918-337-6590 or the Delaware Tribe Historic Preservation Representatives at 610-761-7452, as soon as possible, but no later than three (3) days, after the discovery.
2. Place tobacco with the remains and funeral objects.
3. Cover remains and funeral objects with a natural fiber cloth such as cotton or muslin when possible.
4. No photographs are to be taken.
5. The preferred treatment of inadvertently discovered human remains and cultural items is to leave human remains and cultural items in-situ and protect them from further disturbance.
6. No destructive "in-field" documentation of the remains and cultural items will be carried out in consultation with the Tribe, who may stipulate the appropriateness of certain methods of documentation.
7. If the remains and cultural items are left in-situ, no disposition takes place and the requirements of 43 CFR 10 Section 10.4-10.6 will have been fulfilled.
8. The specific locations of discovery shall be withheld from disclosure (with exception of local law officials and tribal officials as described above) and protected to the fullest extent by federal law.
9. If remains and funeral objects are to be removed from the site consultation will begin between the Delaware Tribe of Indians and the federal agency.

May 11, 2017

To Whom It May Concern:

The Delaware Nation Cultural Resources/106 Department received correspondence regarding the following referenced project(s).

**US Army Corps of Engineers Rahway River (Tidal) Coastal Storm Risk Management Project**

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects. We are requesting to be included as a consulting party and act as signatory on the PA for this project.

The Lenape people occupied the area indicated in your letter during, or prior to, European contact until their eventual removal to our present locations. According to the information provided by your office, the location of the proposed project does not appear to endanger cultural or religious sites of interest to the Delaware Nation.

We can concur at present but keeping in mind during construction should an archaeological site or artifacts inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 48 hours), and a proper archaeological assessment can be made.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Resources Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices.

*Respectfully,*

*Kim Penrod*  
*Delaware Nation*  
*Director, Cultural Resources/106*  
*Archives, Library and Museum*  
*31064 State Highway 281*  
*PO Box 825*  
*Anadarko, OK 73005*  
*(405)-247-2448 Ext. 1403 Office*  
*(405)-924-9485 Cell*  
[\*kpenrod@delawarenation.com\*](mailto:kpenrod@delawarenation.com)

**From:** [Carteret Historical Committee](#)  
**To:** [Scarpa, Carissa A CIV USARMY USACE \(US\)](#)  
**Subject:** [Non-DoD Source] Rahway River Project  
**Date:** Wednesday, May 17, 2017 4:58:51 PM

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Carissa,

This email is in response to the packet “Cultural Resources Summary and Preliminary Case Report Rahway River Basin, New Jersey Coastal Storm Risk Management Project” that was received by the Carteret Historical Committee.

The Committee is pleased to be included in the review and comment of the draft.

The Committee recognizes that the history of Carteret includes:

- Native American people coming to hunt and fish in the area
- documented Revolutionary War encampments
- the development of the current day Borough was profoundly impacted by industry
- the Rahway River waterfront (now Medwick Park) area was used for recreation by residents

Given this history, the Committee is not aware of any documented above ground archaeological or historical sites within the proposed levee area.

Please continue to keep the Committee abreast of the development of this project.

Our correct contact information is:

Carteret Historical Committee/ Blazing Star Cultural Arts Center

63 Carteret Ave.

Carteret, NJ 07008

Email: [carterethistoricalcommittee@carteret.net](mailto:carterethistoricalcommittee@carteret.net)

Regards,

Susan Wentzel

Carteret Historical Committee

**From:** [Salim, Rifat CIV CENAN CENAD \(US\)](#)  
**To:** [Brighton, Nancy J CIV USARMY CENAN \(US\)](#); [Scarpa, Carissa A CIV USARMY USACE \(US\)](#)  
**Subject:** FW: 30 Day Public Review - Public Availability of the Draft Integrated Feasibility Report/Environmental Assessment for the Rahway River Coastal Storm Risk Management Study  
**Date:** Tuesday, June 27, 2017 11:40:53 AM

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Please see email below. Thank you.

Rifat

Rifat Salim  
Project Manager  
Programs and Projects Management Division, New York District  
U.S. Army Corps of Engineers  
Phone: (917) 790-8215  
Fax: (212) 264-2924  
BlackBerry: (917) 514-7343

-----Original Message-----

From: Mark Nonestied [<mailto:mark.nonestied@co.middlesex.nj.us>]  
Sent: Tuesday, June 27, 2017 11:12 AM  
To: RahwayRiverTidal <[RahwayRiverTidal@usace.army.mil](mailto:RahwayRiverTidal@usace.army.mil)>  
Cc: Salim, Rifat CIV CENAN CENAD (US) <[Rifat.Salim@usace.army.mil](mailto:Rifat.Salim@usace.army.mil)>; Douglas Aumack <[douglas.aumack@co.middlesex.nj.us](mailto:douglas.aumack@co.middlesex.nj.us)>  
Subject: [Non-DoD Source] 30 Day Public Review - Public Availability of the Draft Integrated Feasibility Report/Environmental Assessment for the Rahway River Coastal Storm Risk Management Study

To whom it may concern,

We are in receipt of the 30 Day Public Review - Public Availability of the Draft Integrated Feasibility Report/Environmental Assessment for the Rahway River Coastal Storm Risk Management Study.

On page xii of the Draft Integrated Feasibility Report & Environmental Assessment, Dated May 2017, it states under Cultural Resources that “the project is expected to have an adverse impact on historic properties, however, additional investigation is required to determine what properties will be impacted.”

Please consider my office an interested party and please keep us informed on the mitigation process for any adverse impact on potential historic resources.

Thank you.

Sincerely,

Mark

Mark Nonestied

Division Head

Middlesex County Office of Culture and Heritage

Division of Historic Sites and History Services

1050 River Road

Piscataway, NJ 08854

732.745.3030 ext 312

mark.nonestied@co.middlesex.nj.us <<mailto:mark.nonestied@co.middlesex.nj.us>>

Blocked<http://www.middlesexcountynj.gov/> <Blocked<http://www.middlesexcountynj.gov/>>

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