



PASSAIC RIVER TIDAL ENVIRONMENTAL ASSESSMENT

SITE LOCATION

FIGURE 1



# United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

New Jersey Ecological Services Field Office 4 E. Jimmie Leeds Road, Suite 4 Galloway, NJ 08205

Phone: (609) 646-9310 Fax: (609) 646-0352

http://www.fws.gov/northeast/nifieldoffice/Endangered/consultation.html



In Reply Refer To: August 22, 2017

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

#### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species that may occur in your proposed action area and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.)

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <a href="http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html">http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html</a>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the ECOS-IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using ECOS-IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change,

chemical exposure, reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably forseeable future that would not occur without ("but for") the project that is currently being proposed.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

#### Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

# **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

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## **Project Summary**

Consultation Code: 05E2NJ00-2017-SLI-1402

Event Code: 05E2NJ00-2017-E-02889

Project Name: Passaic River Tidal General Reevaluation

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Description: Project involves the construction of a series of floodwalls with closure

gates.

#### **Project Location:**

Approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/place/40.72240644869562N74.14562478951565W">https://www.google.com/maps/place/40.72240644869562N74.14562478951565W</a>



Counties: Essex, NJ | Hudson, NJ

### **Endangered Species Act Species**

There is a total of 0 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

#### **Critical habitats**

There are no critical habitats within your project area under this office's jurisdiction.

# **USFWS National Wildlife Refuges And Fish Hatcheries**

Any activity proposed on <u>National Wildlife Refuge</u> lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges or fish hatcheries within your project area.

# **Migratory Birds**

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service<sup>3</sup>. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The <u>Bald and Golden Eagle Protection Act</u> of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The migratory birds species listed below are species of particular conservation concern (e.g. <u>Birds of Conservation Concern</u>) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the <u>AKN Histogram Tools</u> and <u>Other Bird Data Resources</u>. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME SEASON(S)

Cerulean Warbler Dendroica cerulea On Land: Breeding

https://ecos.fws.gov/ecp/species/2974

Least Bittern *Ixobrychus exilis* On Land: Breeding

https://ecos.fws.gov/ecp/species/6175

Rusty Blackbird *Euphagus carolinus* On Land: Wintering

Wood Thrush *Hylocichla mustelina* On Land: Breeding

Worm Eating Warbler Helmitheros vermivorum On Land: Breeding

Golden-winged Warbler Vermivora chrysoptera On Land: Breeding

https://ecos.fws.gov/ecp/species/8745

Black-billed Cuckoo Coccyzus erythropthalmus On Land: Breeding

#### https://ecos.fws.gov/ecp/species/9399

Purple Sandpiper Calidris maritima	On Land: Wintering
American Bittern <i>Botaurus lentiginosus</i> <a href="https://ecos.fws.gov/ecp/species/6582">https://ecos.fws.gov/ecp/species/6582</a>	On Land: Breeding
American Oystercatcher <i>Haematopus palliatus</i> <a href="https://ecos.fws.gov/ecp/species/8935">https://ecos.fws.gov/ecp/species/8935</a>	On Land: Year-round
Pied-billed Grebe Podilymbus podiceps	On Land: Year-round
Snowy Egret Egretta thula	On Land: Breeding
Blue-winged Warbler Vermivora pinus	On Land: Breeding
Saltmarsh Sparrow Ammodramus caudacutus	On Land: Breeding
Canada Warbler Wilsonia canadensis	On Land: Breeding
Seaside Sparrow Ammodramus maritimus	On Land: Year-round
Kentucky Warbler Oporornis formosus	On Land: Breeding
Prairie Warbler Dendroica discolor	On Land: Breeding
Fox Sparrow Passerella iliaca	On Land: Wintering
Upland Sandpiper <i>Bartramia longicauda</i> https://ecos.fws.gov/ecp/species/9294	On Land: Breeding
Bald Eagle <i>Haliaeetus leucocephalus</i> https://ecos.fws.gov/ecp/species/1626	On Land: Year-round
Black Skimmer Rynchops niger https://ecos.fws.gov/ecp/species/5234	On Land: Breeding
Gull-billed Tern <i>Gelochelidon nilotica</i> <a href="https://ecos.fws.gov/ecp/species/9501">https://ecos.fws.gov/ecp/species/9501</a>	On Land: Breeding
Loggerhead Shrike Lanius ludovicianus https://ecos.fws.gov/ecp/species/8833	On Land: Year-round
Peregrine Falcon Falco peregrinus https://ecos.fws.gov/ecp/species/8831	On Land: Wintering
Short-eared Owl <i>Asio flammeus</i> <a href="https://ecos.fws.gov/ecp/species/9295">https://ecos.fws.gov/ecp/species/9295</a>	On Land: Wintering
Willow Flycatcher Empidonax traillii	On Land: Breeding

Event Code: 05E2NJ00-2017-E-02889

https://ecos.fws.gov/ecp/species/3482

Hudsonian Godwit *Limosa haemastica* At Sea: Migrating

Least Tern Sterna antillarum On Land: Breeding

Additional information can be found using the following links:

- Birds of Conservation Concern <a href="http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php">http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php</a>
- Conservation measures for birds
   http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

# Wetlands

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers District</u>.

#### ESTUARINE AND MARINE DEEPWATER

- E1UBLx
- E1UBL6x
- E1UBL

#### **ESTUARINE AND MARINE WETLAND**

- <u>E2EM1N</u>
- <u>E2EM5P</u>
- <u>E2EM5P6</u>
- <u>E2EM1P</u>
- E2EM1P6
- E2USN

#### FRESHWATER EMERGENT WETLAND

- PEM5R
- PEM1Fx
- **■** <u>PEM5E</u>
- **■ PEM1E**
- PEM1Eh
- PEM5Fh
- PEM1C
- PEM5Eh

#### FRESHWATER FORESTED/SHRUB WETLAND

PSS1R

#### FRESHWATER POND

- PUBF
- PUBHh
- PUBVx
- PUBHx
- PUBFh

#### RIVERINE

- R4SBCx
- R1UBVx
- R2UBHx



August 24, 2017

#### SENT VIA EMAIL

State of New Jersey - Department of Environmental Protection
The New Jersey Natural Heritage Program
DEP - Office of Natural Lands Management
Mail Code 501-04
P.O. Box 420
501 E. State Street
Station Plaza #5, 4th Floor
Trenton, New Jersey 08625-0420

RE: Threatened and Endangered Species Information Request
Passaic River Tidal Protection Area General Reevaluation Study EA
City of Newark, Essex County, New Jersey

To whom it may concern,

The U.S. Army Corps of Engineers USACE is preparing an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) for the Passaic River Tidal Protection Area General Reevaluation Study. The proposed project is located in the City of Newark, Essex County, New Jersey (Figure 1). The Proposed Action consists of construction and operation of a series of floodwalls and closure gates with integrated interior drainage systems and pump stations. A total of seven floodwall segments would be constructed within low lying flood prone areas of the City of Newark to reduce the risk of flooding during coastal storm events.

The Passaic River Tidal Protection project is part of the larger Passaic River Main Stem project, which was authorized for construction by Section 101(a)(18) of the Water Resources Development Act (WRDA) of 1990, as amended by Section 101(a)(18)(ii) of WRDA 1992, Section 102(p) of WRDA 1992, and Section 327(i) of WRDA 2000. Pre-engineering design work for the Passaic River Main Stem project was underway until the sponsor withdrew support for the project in 1995. Work was halted until March 2011, when the non-Federal sponsor, the New Jersey Department of Environmental Protection (NJDEP), requested a reevaluation of the Passaic River Main Stem project; a Feasibility Cost Sharing Agreement was executed in June 2012 between the USACF and NIDEP.

The reevaulation study was underway when Hurricane Sandy severely impacted the study area in October 2012. The storm's tidal surge inundated the southern portion of the Main Stem project area. The Tidal Protection Area was included in the Second Interim Report to Congress in response to P.L. 113-2, listing it as eligible to be managed as its own separate project. The reevaluation study is funded for completion via P.L. 113-2. This general reevaluation study will present updated projects costs, benefits, and NEPA documentation to determine if the project is still economically justifiable, technically feasible, and environmentally acceptable.

On behalf of USACE, HDR requests any available data on significant habitat, threatened and endangered species and species of special concern in the vicinity of the proposed project. The results of the file search

will be used to support the development of the EA. Specific information on the location of sensitive species or habitats provided by the New York Natural Heritage Program will not be published in any document unless permission is granted.

Please feel free to contact me at (201) 335-9443 or via email at <a href="Margaret.wellins@hdrinc.com">Margaret.wellins@hdrinc.com</a> should you have any questions regarding this request. I look forward to hearing from you, and would greatly appreciate any help you can provide.

Sincerely, HDR

Margaret Wellins
Environmental Scientist

Cc: Matthew Voisine, USACE

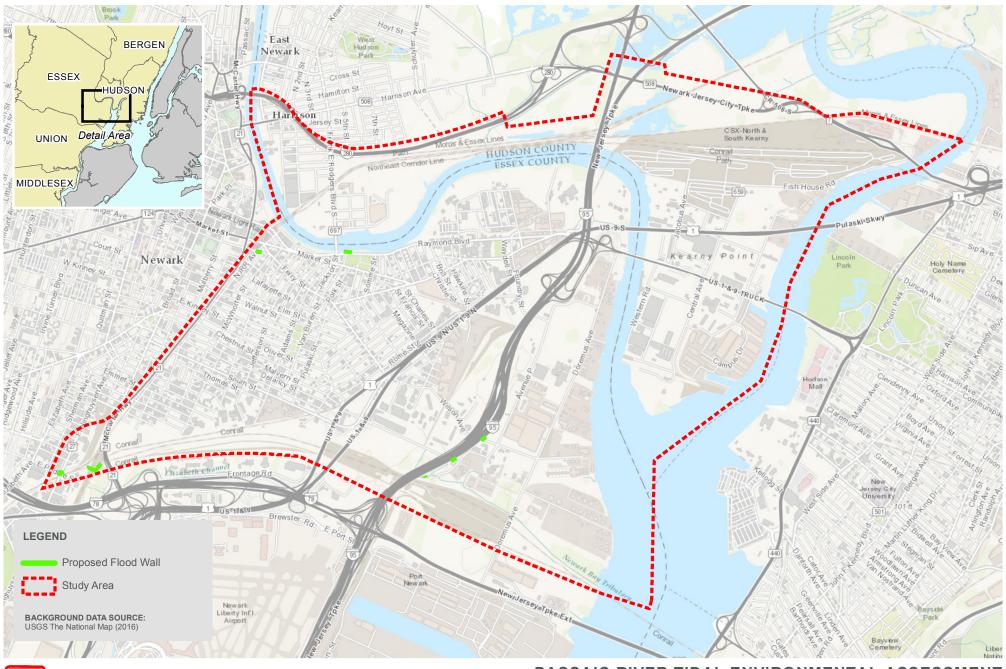
**Enclosures:** 

Figure 1 – Site Location Map

Attachment 1 – Natural Heritage Data Request Form

Margaret Wellin

Attachment 2 – Tax Block and Lots within the Proposed Floodwall Alignment





0 Feet 4,000 SCALE: 1:40,000 PASSAIC RIVER TIDAL ENVIRONMENTAL ASSESSMENT

**SITE LOCATION** 

FIGURE 1

# State of New Jersey Mail Code 501-04



#### Department of Environmental Protection Natural Heritage Data Request Form

The New Jersey Natural Heritage Program DEP-Office of Natural Lands Management P.O. Box 420, Trenton, New Jersey 08625-0420 (609) 984-1339
Fax No.: (609) 984-1427



# PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE (Fields shown in bold font must be completed in order for data request to be processed.)

Margaret Wellins Agency/Company: HDR, Inc. Name: 1 International Blvd. City: Mahwah State: Email: Margaret.Wellins@hdrinc.com Cell Phone: 973.934.9813 Passaic River Tidal General Reevaluation Study EA Project Name: Newark County(ies): Essex Municipality(ies): See Attachment 2 Lot(s): See Attachment 2 Block(s): E (x): 586,671 N (y): 689,417 N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: The U.S. Army Corps of Engineers proposes to construct seven floodwall segment in Project Description: \_\_ low lying flood prone areas of the City of Newark, Essex County (See Figure 1). **USGS Quad:** x A copy of a USGS guad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): (USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.) Flood Hazard Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) Control Act Use: application? Yes\_\_\_\_ No \_x\_ 6. Acknowledgement Any material supplied by the Office of Natural Lands Management will not be published without & Signature: crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management." Signed Margaret Wellin Date 08/25/2017 Time Frame for Response: Data requests are processed in the order in which they are received; please allow 30 days for response. If you would like to send in your data request via email, you may do so by sending it to <a href="Matlands@dep.nj.gov">Natlands@dep.nj.gov</a>. Due to the number of attachments, we cannot fax results. Unless you specifically request that your response be mailed or the response is unusually large, your response will be emailed to the address you provide. FOR OFFICE USE ONLY DATE RECEIVED \_\_\_\_\_ Item Code: REG \_\_\_\_\_ ST \_\_\_\_ RTC \_\_\_\_ NC \_\_\_\_ REGEO \_\_\_\_ STEO \_\_\_\_ RTCEO \_\_\_\_ NCEO \_\_\_\_ Project Code: \_\_\_\_\_ Inv. #: \_\_\_\_\_

Attachment 2 – List of Tax Block and Lots within the Proposed Floodwall Alignment in the City of Newark

Block	Lot
182	1
2028	1
2027	2
2755	54
	60
	62
5024	18
5048	1
5050	40
5056	80
5056.01	24
5088	67
	70
	123
	124
	160

Notes: Tax Block and Lot information obtained from the NJ Office of Information Technology.



# United States Department of the Interior

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Consultation Code: 05E2NJ00-2017-SLI-1402

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#### Attachment(s):

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- Wetlands

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Pied-billed Grebe Podilymbus podiceps	On Land: Year-round
Snowy Egret Egretta thula	On Land: Breeding
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#### ESTUARINE AND MARINE DEEPWATER

- E1UBLx
- E1UBL6x
- E1UBL

#### **ESTUARINE AND MARINE WETLAND**

- <u>E2EM1N</u>
- <u>E2EM5P</u>
- <u>E2EM5P6</u>
- <u>E2EM1P</u>
- E2EM1P6
- E2USN

#### FRESHWATER EMERGENT WETLAND

- PEM5R
- PEM1Fx
- **■** <u>PEM5E</u>
- **■ PEM1E**
- PEM1Eh
- PEM5Fh
- PEM1C
- PEM5Eh

#### FRESHWATER FORESTED/SHRUB WETLAND

PSS1R

#### FRESHWATER POND

- PUBF
- PUBHh
- PUBVx
- PUBHx
- PUBFh

#### RIVERINE

- R4SBCx
- R1UBVx
- R2UBHx



#### **DEPARTMENT OF THE ARMY**

NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Ms. Katherine J. Marcopul
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dears. Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined (Enclosure 1). Additional maps and proposed plans are contained in the enclosed Case Report (Enclosure 2).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by your office on NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

#### <u>Undertaking</u>

The TSP consists of eight segments (See Enclosure 1, Figures 1 - 9). Segment 1, at the intersection of Frelinghuysen Avenue and East Peddie Street, as proposed, consists of two closure gates and wall segments tied into railroad embankments. This segment is 290 feet long and at the maximum will be three feet in height. Segment 2, just west of McCarter Highway (Rt. 21), as currently proposed, crosses nine sets of railroad tracks and includes five swing gates across the rail lines. This segment is 710 feet in length and up to six feet in height. In order to provide for comprehensive flood risk

management, three additional wall segments would be required to address additional flow pathways: Segment 3 at the drainage ditch under I-95 (New Jersey Turnpike) just south of Delancy Street, Segment 4 at Delancy Street, and Segment 5 at Wilson Avenue. These wall and closure gate segments are 125, 225, and 200 feet in length, respectively and all are located immediately east of the NJ Turnpike. Maximum heights as presently proposed are 9 feet above ground surface for Segment 3 across the drainage ditch, and 4 feet above ground surface for both Segments 4 and 5. Segment 6 runs along Edison Place for 200 feet to a maximum height of 3 feet and includes one roadway crossing of NJRR Avenue and ties into Newark Penn Station. Segment 7, as proposed, extends along Raymond Boulevard for 690 feet west of the Jackson Street Bridge to a maximum height of 5 feet above ground surface. Segment 8 runs along the roadway, east of the Jackson Street Bridge, for 290 feet to a maximum height 3 feet. Interior drainage measures will be determined during a detailed interior drainage analysis.

#### **Area of Potential Effect (APE)**

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Below Ground: Sections of the NRHP-eligible Newark City Sewer System, as mapped by NJHPO, appear to be adjacent to and possibly within Segments 1, 7 and 8. The

Morris Canal HD, is within, or immediately adjacent to, Segments 7 and 8. Portions of the Balbach & Sons Smelting and Refining Works archaeological site (28-Ex-129) may be located within Segment 8. Additional below ground resources that may be encountered include railroad-related features such as embankments (Segments 1 and 2), Peddie's Ditch (Segment 1) and the remains of the Robinson & Roders Company factory (segment 6). Due to the highly disturbed urban and industrial landscape it is unlikely that evidence of Native American occupation will be encountered.

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The Corps has prepared a draft Programmatic Agreement (PA) which stipulates the work the Corps will undertake to address further identification of historic properties, NRHP-evaluation, and development of mitigation measures should avoidance of impacts to significant properties not prove feasible (see Enclosure 2, Appendix B). The Corps will coordinate the draft PA with the Advisory Council on Historic Preservation, Federally Recognized Tribes, City of Newark Landmarks & Preservation Commission and other interested parties (Enclosure 4). The draft PA will be available for public review in the Draft Environmental Assessment which will serve as the USACE's Section 106 public coordination.

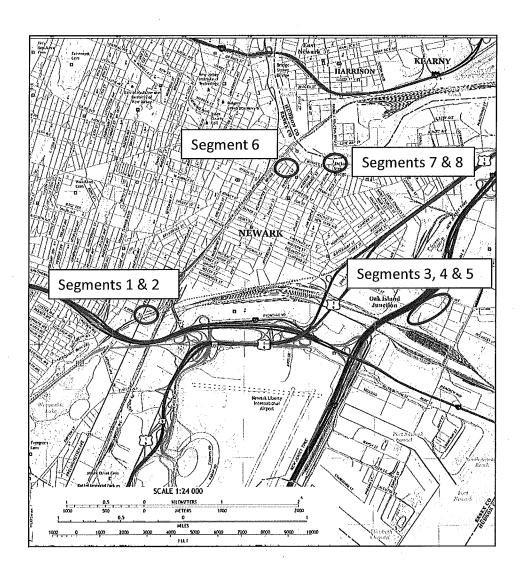
Please review the enclosed documents and provide Section 106 comments, pursuant to 36 CFR 800.5. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Peter M. Weppler

Chief, Environmental Analysis Branch

**Enclosures** 



Enclosure 1. USGS <u>Elizabeth, NJ-NY</u> 7.5 minute quadrangle 2016. Location of proposed project segments circled.

# Enclosure 2: Identified and Potential Historic Properties within the APE and Need for Further Study (detailed in text below)

Segment	Above Ground	Further Study	Below Ground	Further Study
	a. LVRR HD (NAE)	a. no	a. Newark City Sewer System	a. yes
		5 0.0 20 0.0 1 0.0 m	b. Peddie's Ditch	b. yes
1			c. LVRR-related resources	c. yes
	a. LVRR HD (NAE)	a. no		
	b. PRR HD (NAE)	b. yes		
2	c. PRR NYBB (NAE)	c. no	None	no
	a. LVRR HD (NE)	a. no		
	b. LVRR Oak Is. Yard (NE)	b. no		
3	c. PVSCNBOSW (NE)	c. no	None	no
	a. 106 Rutherford Pl. (NE)	a. yes		no
4	b. PVCNBOSW (NE)	b. no	None	
5	PVSCNBOSW (NE)	no	None	no
	a. PRR HD (NAE)	a. yes	Robinson & Roders Company Factory site	yes
	b. Newark Penn Sta. (NAE w/ TP)	b. yes		
	c. Second Reformed Dutch	c, no		
n de la composition della comp	Church & Rectory (NE)	d. no		
6	d. Ironbound Trust Co. (NE)	STATE OF THE STATE OF THE		
7	Jackson Street Bridge (NE)	no	a. Morris Canal HD	a. yes
			b. Newark City Sewer System	b. yes
	a. Jackson Street Bridge (NE)	a. no	a. Morris Canal HD	a. yes
	b. Riverbank Park &	b. no	b. Site 28-Ex-129	b. yes
8	Fieldhouse (NE)		c. Newark City Sewer System	c. yes
Interior			e de come productivo de come d	
Drainage	TBD	yes	TBD	yes
Other				
Features	TBD	yes	TBD	yes

#### Enclosure 3

Newark Landmarks & Historic Preservation Commission Attn: William Mikesell, Chair Newark City Hall 920 Broad Street Newark. N.J. 07102

Ironbound Community Corporation Attn: Mr. David Robinson, President 317 Elm Street Newark, N.J. 07105

Ironbound Community Corporation Attn: Ms. Nancy Zak 317 Elm Street Newark, N.J. 07105

Newark Preservation & Landmarks Committee Elizabeth Del Tufo, President 69 Washington Street, Newark. N.J. 07102

Trust for Public Land Attn: Scott Dvorak 60 Park Place, Suite 203 Newark, NJ 07102

Joseph Macasek, President Canal Society of New Jersey P.O. Box 737 Morristown, New Jersey 07963-0737

Sandy Needham, President Roebling Chapter, Society for Industrial Archeology RCSIAPrez@aol.com



NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

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

Dear Ms. Penrod:

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As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Mr. Chester Brooks Chief Delaware Tribe 5100 Tuxedo Blvd. Bartlesville, OK 74006

Dear Mr. Brooks:

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Sincerely,

Peter M. Weppler

Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Ms. Kim Jumper Tribal Historic Preservation Officer Shawnee Tribe of Oklahoma 29 S Highway 69A Miami, OK 74355

Dear Ms. Jumper:

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Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the Ironbound Trust Company. There is limited potential for further above ground resources to be identified. A survey of the rail lines may identify contributing elements to the railroad HDs such as catenary in Segment 2. A large Quonset hut-like building at 106 Rutherford Place, in Segment 4, is possibly an early example of a prefab metal frame structure manufactured by the Butler Manufacturing Company and is potentially NRHP-eligible.

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Above-Ground: It is the Corps opinion that the Undertaking will have no effect on the LVRR Oak Island Yard HD, Jackson Street Bridge, Second Reformed Church, Ironbound Trust Company, Riverbank Park and Field House and the Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works.

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The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

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Sincerely.

Peter M. Weppler

Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

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:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by the New Jersey Historic Preservation Office (NJHPO) on NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

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# **Area of Potential Effect (APE)**

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The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

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Sincerely,

Peter M. Weppler

Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Newark Landmarks & Historic Preservation Commission Attn: William Mikesell, Chair Newark City Hall 920 Broad Street Newark, N.J. 07102

Dear Mr. Mikesell:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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# <u>Undertaking</u>

The TSP consists of eight segments (See Enclosure 1, Figures 1 - 9). Segment 1, at the intersection of Frelinghuysen Avenue and East Peddie Street, as proposed, consists of two closure gates and wall segments tied into railroad embankments. This segment is 290 feet long and at the maximum will be three feet in height. Segment 2, just west of McCarter Highway (Rt. 21), as currently proposed, crosses nine sets of railroad tracks and includes five swing gates across the rail lines. This segment is 710 feet in length In order to provide for comprehensive flood risk and up to six feet in height. management, three additional wall segments would be required to address additional flow pathways: Segment 3 at the drainage ditch under I-95 (New Jersey Turnpike) just south of Delancy Street, Segment 4 at Delancy Street, and Segment 5 at Wilson Avenue. These wall and closure gate segments are 125, 225, and 200 feet in length, respectively and all are located immediately east of the NJ Turnpike. Maximum heights as presently proposed are 9 feet above ground surface for Segment 3 across the drainage ditch, and 4 feet above ground surface for both Segments 4 and 5. Segment 6 runs along Edison Place for 200 feet to a maximum height of 3 feet and includes one roadway crossing of NJRR Avenue and ties into Newark Penn Station. Segment 7, as proposed, extends along Raymond Boulevard for 690 feet west of the Jackson Street Bridge to a maximum height of 5 feet above ground surface. Segment 8 runs along the roadway, east of the Jackson Street Bridge, for 290 feet to a maximum height 3 feet. Interior drainage measures will be determined during a detailed interior drainage analysis.

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Sincerely,

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Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Ironbound Community Corporation Attn: Mr. David Robinson, President 317 Elm Street Newark, N.J. 07105

Dear Mr. Robinson:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

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Sincerely,

Peter M. Weppler

Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Ironbound Community Corporation Attn: Ms. Nancy Zak 317 Elm Street Newark, N.J. 07105

Dear Ms. Zak:

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As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

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NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Trust for Public Land Attn: Scott Dvorak 60 Park Place, Suite 203 Newark, NJ 07102

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NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Newark Preservation & Landmarks Committee Elizabeth Del Tufo, President 69 Washington Street, Newark, N.J. 07102

Dears. Del Tufo

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# REPLY TO ATTENTION OF

#### **DEPARTMENT OF THE ARMY**

NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Joseph Macasek, President Canal Society of New Jersey P.O. Box 737 Morristown, New Jersey 07963-0737

Dear Mr. Macasek:

The U.S. Army Corps of Engineers, New York District (Corps) is preparing a General Reevaluation Report and Environmental Assessment for the Passaic Tidal Coastal Storm Risk Management study. The project will provide flood risk management to the several locations in the City of Newark, Essex County, New Jersey by cutting off inland storm surge flow paths. The Tentatively Selected Plan (TSP) consists of flood walls, closure gates and interior drainage features, which may include modifications to existing sewers or pump stations, as well as other associated features such as staging areas. The locations of some of these features have yet to be determined. Maps and proposed plans are contained in the enclosed Case Report (Enclosure 1).

As a federal agency the USACE has certain responsibilities for the identification, protection and preservation of cultural resources that may be located within the area of potential project effect (APE) associated with the proposed Passaic Tidal Project. Present statutes and regulations governing the identification, protection and preservation of these resources include the National Historic Preservation Act of 1966 (NHPA), as amended through 2006; the National Environmental Policy Act of 1969; Executive Order 11593; and the regulations implementing Section 106 of the NHPA (36 CFR Part 800, Protection of Historic Properties, August 2004). Significant cultural resources include any material remains of human activity eligible for inclusion on the National Register of Historic Places (NRHP).

The cultural resources investigation for Passaic Tidal has been limited to documentary research, a review of field conditions using on-line imagery and a pedestrian survey in locations that are publically accessible. Documentary research consisted of gathering existing data from previous cultural resource studies and an examination of existing digital databases held by the New Jersey Historic Preservation Office (NJHPO) on

NJgeoweb. Historic map research was undertaken but few published works on county and local histories were consulted at this time. Enclosure 1 contains the results, recommendations and effects of this investigation which are summarized below.

# <u>Undertaking</u>

The TSP consists of eight segments (See Enclosure 1, Figures 1 - 9). Segment 1, at the intersection of Frelinghuysen Avenue and East Peddie Street, as proposed, consists of two closure gates and wall segments tied into railroad embankments. This segment is 290 feet long

and at the maximum will be three feet in height. Segment 2, just west of McCarter Highway (Rt. 21), as currently proposed, crosses nine sets of railroad tracks and includes five swing gates across the rail lines. This segment is 710 feet in length and up to six feet in height. In order to provide for comprehensive flood risk management, three additional wall segments would be required to address additional flow pathways: Segment 3 at the drainage ditch under I-95 (New Jersey Turnpike) just south of Delancy Street, Segment 4 at Delancy Street, and Segment 5 at Wilson Avenue. These wall and closure gate segments are 125, 225, and 200 feet in length, respectively and all are located immediately east of the NJ Turnpike. Maximum heights as presently proposed are 9 feet above ground surface for Segment 3 across the drainage ditch. and 4 feet above ground surface for both Segments 4 and 5. Segment 6 runs along Edison Place for 200 feet to a maximum height of 3 feet and includes one roadway crossing of NJRR Avenue and ties into Newark Penn Station. Segment 7, as proposed, extends along Raymond Boulevard for 690 feet west of the Jackson Street Bridge to a maximum height of 5 feet above ground surface. Segment 8 runs along the roadway, east of the Jackson Street Bridge, for 290 feet to a maximum height 3 feet. Interior drainage measures will be determined during a detailed interior drainage analysis.

## **Area of Potential Effect (APE)**

The APE is considered to be located along the alignment of the Line of Protection (LOP) in Segments 1-8, as currently proposed for the Undertaking. At this time, there are no staging areas, access roads or other ancillary features defined for the study but these areas will be considered within the APE once they are defined. The APE for archaeology, historic structures and historic landscapes has been defined as those areas along the proposed LOP that would likely be directly impacted by project construction. The APE for historic structures and historic landscapes includes also those locations that would be anticipated to have impacts visually from the completed project. Once the location and design of the interior drainage measures are better defined they will become part of the APE.

# **Identification and Evaluation**

Above-Ground: Several NRHP-listed or eligible historic districts and individual properties are located within the APE. These consist of: Lehigh Valley Railroad Historic District (LVRR HD) and contributing elements, Pennsylvania Railroad (PRR) New York to Philadelphia HD (now Amtrak's Northeast Corridor), PRR New York Bay Branch HD, LVRR Oak Island Yard HD; Newark Penn Station, Jackson Street Bridge; Riverbank Park and Fieldhouse; Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works; Second Reformed Dutch Church and Rectory and the Ironbound Trust Company. There is limited potential for further above ground resources to be identified. A survey of the rail lines may identify contributing elements to the railroad HDs such as catenary in Segment 2. A large Quonset hut-like building at 106 Rutherford Place, in Segment 4, is possibly an early example of a prefab metal frame structure manufactured by the Butler Manufacturing Company and is potentially NRHP-eligible.

Below Ground: Sections of the NRHP-eligible Newark City Sewer System, as mapped by NJHPO, appear to be adjacent to and possibly within Segments 1, 7 and 8. The Morris Canal HD, is within, or immediately adjacent to, Segments 7 and 8. Portions of the Balbach & Sons Smelting and Refining Works archaeological site (28-Ex-129) may be located within Segment 8. Additional below ground resources that may be encountered include railroad-related features such as embankments (Segments 1 and 2), Peddie's Ditch (Segment 1) and the remains of the

Robinson & Roders Company factory (segment 6). Due to the highly disturbed urban and industrial landscape it is unlikely that evidence of Native American occupation will be encountered.

# Assessment of Effects (See Enclosure 1, page 52, Table 1)

Above-Ground: It is the Corps opinion that the Undertaking will have no effect on the LVRR Oak Island Yard HD, Jackson Street Bridge, Second Reformed Church, Ironbound Trust Company, Riverbank Park and Field House and the Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works.

It is the Corps opinion that the Undertaking will have an effect on the LVRR HD, the PRR HD and the PRR New York Bay Branch HD but the effect will not be adverse on any of these lengthy rail corridors. There may be ancillary historic railroad features extant such as catenary, lamps, etc., within the Segment 2 vicinity. As plans are developed an access to the railroad corridor is obtained a survey may be conducted to identify any such historic features.

The Quonset hut-like "Butler Building" located at 106 Rutherford Place in Segment 4 may be eligible for the NRHP but additional study is required to make a determination. The construction of an adjacent wall and closure gate to a height of 4 feet above ground surface will have no direct effect on the structure and its setting has been modified largely by the looming presence of the New Jersey Turnpike. It is the Corps' opinion that the Undertaking will have no effect on this property.

The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible train station. It is the Corps opinion that this impact will not be adverse if project plans are developed to minimize direct effects to the historic fabric of the property, as feasible, and treatment plans are developed and implemented.

Below Ground: Project plans, as they are developed, will be compared with detailed maps of the historic City of Newark sewers to ensure that that the historic sewer is not impacted by the measures proposed for Segments 1, 7 and 8. If impacts are anticipated, measures to minimize or mitigate them will be developed. Additional research on Peddie's Ditch will be undertaken to confirm it will not be impacted by construction of Segment 1. Pending final design, archaeological monitoring during construction for remains of railroad gate mechanism and railroad embankment may be undertaken in Segment 1. Archaeological evidence of the Robinson & Roders Company plant are likely to be encountered in Segment 6. Additional research will determine the need for, and direction of, archeological investigations. Segments 7 and 8 are considered sensitive for remains from the industrial development of the Passaic River waterfront and in particular evidence of the Morris Canal may be encountered. As project plans are developed the need for, and extent of, archaeological investigations will be coordinated with NJHPO and other interested parties. As project plans are developed, and locations for interior drainage measures and ancillary features are proposed, the need for associated investigations will be determined.

The Corps has prepared a Draft Programmatic Agreement (PA) which stipulates further studies the Corps will undertake. The draft PA, for your review and comment, is included as Appendix B in the enclosed Case Report. This document is being coordinated with the New Jersey Historic Preservation Office, Advisory Council on Historic Preservation, Federally Recognized

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We invite you to participate in this project as an interested party. If you would like to comment on this project's cultural resource studies or receive further information about this work please contact the project archaeologist:

Ms. Lynn Rakos Project Archaeologist US Army Corps of Engineers CENAN-PL-EA 26 Federal Plaza New York, NY 10278

Comments provided will become part of the public record for this action. Comments submitted in response to this letter will be fully considered during the public interest review for the Environmental Assessment. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act (FOIA). The Administrative Record, or portions thereof, may also be posted on a Corps internet web site.

Should you require additional information or have any questions, please contact Ms. Rakos at (917) 790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

Peter M. Weppler

Chief, Environmental Analysis Branch



NEW YORK DISTRICT, CORPS OF ENGINEERS JACOB K. JAVITS FEDERAL BUILDING NEW YORK, N.Y. 10278-0090

28 July 2017

Environmental Assessment Section Environmental Analysis Branch

Sandy Needham, President Roebling Chapter, Society for Industrial Archeology 35-35 75th Street – Apt 602 Jackson Heights NY 11372

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Sincerely.

Peter M. Weppler

Chief, Environmental Analysis Branch